

PLANNING COMMISSION

SEPTEMBER 13, 2021

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – August 9, 2021
3. PUBLIC HEARING – Conditional Use Permit for fence on Property Line
4. PUBLIC HEARING – Variance – To Rebuild garage on existing slab 2 feet from property line
5. Vail Property – Update/Discussion
6. 4th Ave NE Apartments – Update/Discussion
7. Information on Byron Solar
8. Other
9. Adjourn

MINUTES OF PLANNING COMMISSION MEETING

August 9, 2021

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of August, 2021 at 6:30 PM

THE FOLLOWING WERE PRESENT: Chairman Ferris, Commissioner Burton, Commissioner Thompson, Commissioner Torkelson, Commissioner Tinsley, Commissioner Egler and Commissioner Fitch

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: City Administrator Ibisch, Clerk Rappe, Laura Chamberlain – HKGi, Mike Marti and Tim O'Morro

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETING – July 12, 2021 - Motion to Approve the Minutes as Submitted made by Commissioner Thompson, second by Commissioner Torkelson With All Voting Aye.

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR FILL IN FLOOD FRINGE – Planning Consultant Laura Chamberlain stated that within the flood fringe (100 year flood plain) to fill more than 1000 cubic yards it requires a conditional use permit. The applicant is proposing to fill this now so in the future it would be ready for a building. One of the conditions of this would be a site plan review before a building permit would be issued. There are a few items that aren't tied to this CUP but need to be addressed. One issue is the row access of 33 feet to extend the road and this will need to be dedicated. We want to make sure that the flood plain is protected and water flow will not be impeded. Staff recommends that the trail easement be shown outside the floodway and a 20 foot width.

Public hearing opened

No comments

Public Hearing closed

Administrator Ibisch went through the staff recommendations. Mike Marti was in attendance and is concerned with his having to obtain an utility access easement to the SW property, that he does not own, to allow for a water main loop that is needed to meet the water supply needs of the site. Another concern Mr. Marti has is the 20 feet of easement.

Motion to Recommend Approval made by Commissioner Thompson, second by Commissioner Tinsley with All Voting Aye.

PUBLIC HEARING – FENCE ORDINANCE UPDATE – Ms. Chamberlain went through changes including fences will continue to not be permitted via building permits and if someone wants to put the fence on the property line they need a conditional use permit. A front yard fence would be allowed only at 36 inches or a 6 foot fence would be allowed if it was 50% see through. If they want to be on the property line and go through the CUP process they would need an access agreement with neighbor.

Public Hearing Opened

NO Comments

Public Hearing Closed

Discussion – Commissioner Burton stated that if we are making decisions based on aesthetics then we need to do a better job of enforcement. Ibisch stated that most enforcement is complaint driven. His second point is #5 and would like to add “of non-living material”.

Commissioner Egger asked about the access easement and thought it should be reworded to access agreement. All were in agreement. Ms. Chamberlain stated that the access agreement would be recorded. Chairman Ferris stated that this is a step in the right direction.

Motion to Recommend Approval with the Change of “easement” to “agreement” and add to #6 the wording of “non-living material”, made by Commissioner Fitch, second by Commissioner Egger with All Voting Aye.

UPDATE ON PLAZA 57 COFFEE – Ms. Chamberlain updated the commission on the Plaza 57 coffee request. This is permitted with standards by the new code. The coffee stand itself is a mobile truck but since they are planning on making it a drive thru that is what triggers review by the staff on circulation plans.

UPDATE ON TRANSPORTATION MAP/PLAN – Engineer Theobald is still updating and should probably come back next month.

OTHER – Chairman Ferris asked about the project that is proposed for the old school. Administrator Ibisch stated that Paul Waushauer has a purchase agreement with KARE for the old school and this would be a senior living. He is coming to council on Wednesday night with a presentation.

ADJOURN – 7:23pm

Respectfully Submitted,

Linda Rappe, City Clerk

[Addendum CUP Request Letter]

Mary Pennington

901 5th Ave NW, Kasson, MN
Phone: 507-923-1000
Email: pennington.mary1@mayo.edu

August 25, 2021

► **City of Kasson, MN**

401 5th St SE, Kasson, MN
Phone: 507-634-7071

Greetings:

Please accept this letter as an addendum to our CUP application submitted on August 23, 2021 to provide additional information in support of my request.

The attached photograph shows a fence installation started on August 24, 2021 at a neighboring property. The property is adjacent to the bike path being built along the south edge of the Stone Ridge Developments, similar to my property. As shown in the picture, this fence is being placed on the property line instead of 3 feet from the property line as mandated in the new city fence ordinance. The location of this fence on the property line is the same location requested for my fence in my CUP application. The fence in the picture sets a precedent in the neighborhood for allowing fences to be placed on the property line. Please take this information into consideration when reviewing my CUP application.

Sincerely,

Mary Pennington
Property Owner
901 5th Ave NW, Kasson, MN



901 5th Ave NW,
Kasson, MN 55944

SECTION 154336 CONDITIONAL USE PERMITS

PURPOSE. The purpose of a conditional use permit is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT. In making the determination whether or not the conditional use is to be allowed, the city shall consider (1) the effects of the proposed use on the Comprehensive Plan, (2) and the effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other thing, the City shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities Which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use.
5. The use is consistent with the purpose of this ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Comprehensive Plan of the City.
7. The use will not cause traffic hazards or congestion.
8. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the City in order to handle the additional traffic generated by the use.
9. Adequate measures have been taken or are proposed to prevent or control offensive order, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property.
10. Adequate utilities, parking, drainage and other necessary facilities will be provided.
11. The proposed use will not impede the normal and orderly development or improvements of the surrounding property.
12. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property.
13. The use will not disrupt the character of the neighborhood.

REQUIRED EXHIBITS FOR CONDITIONAL USE PERMITS

The following items shall be required:

Y _____ N _____
 Y _____ N _____
 Y _____ N _____
 Y _____ N _____

Y _____ N _____
 Y _____ N _____

1. A completed application form.
2. An accurate boundary description of the property.
3. Evidence of ownership or enforceable option on the property.
4. A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs.
5. Landscaping and screening plans.
6. Any additional information deemed necessary by the City to determine the suitability of the pallicular site for the proposed use.

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A CONDITIONAL USE PERMIT. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A CONDITIONAL USE PERMIT.

**APPLICATION FOR
CONDITIONAL USE PERMIT**

Fee Paid \$ _____

Date Filed _____

Street Address of Property 901 5th Ave NW, Kasson, MN

Legal Description of Property Lot 1, Block 1, Stone Ridge Subdivision

Owner's Name Ryan & Mary Pennington

Phone 507-923-1000 (Mary)

Address 901 5th Ave NW, Kasson, MN

Description of Request Installation of a 6-foot white vinyl privacy fence (finished on both sides) beginning at the SW corner of the property and running approximately 58 feet along the south property line. The fence will extend from the SW corner approximately 12 feet on the west property line transitioning into existing landscaping. Please see attachments for additional information & related images.

Reason(s) for Request A bike path will be installed along the southern edge of the property, connecting 5th and 8th. The purpose of the fence is to maintain privacy on the property and encourage bike path users to stay within the boundaries of the path and not enter private property. A recent fence ordinance was passed that requires fences to be placed 3 feet from the property line. However, due to an existing retaining wall placed by the builder, this location is not possible at this property. Please see attachments for additional information and related images.

Present Zoning Classification Residential

Existing Use of Property Residential

Signature of Applicant _____ Date _____

FOR OFFICE USE ONLY

Recommended _____ Denied _____ by the Planning Commission on _____

Approved _____ Denied _____ by the City Council on _____

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s): _____



City of Kasson
 401 Fifth Street S.E.
 Kasson, MN 55944-2204
 507.634.7071
 (Fax) 507.634.4737
www.cityofkasson.com

Conditional Use Permit Application – Supplemental Information

This form provides information related to the procedures and requirements for a Conditional Use Permit (CUP) Application with the City of Kasson. For full information on CUPs, please refer to § 154.067 of the City Code.

Date Submitted: 8/23/2021

Planning Case Number: _____
(City will fill out)

Pre-Application Meeting Date: _____

A pre-application meeting with the City of Kasson Zoning Administrator pursuant to § 154.065(D) is required prior to submitting a CUP application.

Criteria for a Complete Submittal:

Submit one (1) printed Full-Size copy, one (1) printed 8 ½ X 11 copy, and one (1) digital (PDF or Similar) copy to the Zoning Administrator of the following:

<input type="checkbox"/>	Completed Application Form
<input type="checkbox"/>	Accurate Boundary Description
<input type="checkbox"/>	Evidence of ownership or enforceable option on the property
<input type="checkbox"/>	A development plan of the property drawn to scale showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs
<input type="checkbox"/>	Landscaping and screening plans
<input type="checkbox"/>	Any submittal materials pertaining to a Site Plan Review, as may be required at the discretion of the Zoning Administrator <i>Attach a Site Plan Review Application Supplemental Information form to this application</i>
<input type="checkbox"/>	Any additional information deemed necessary by the Zoning Administrator to determine the suitability of the particular site for the proposed use

Conditional Use Information:

Zoning District: Residential

Proposed Use: Fence on property line

Use-Specific Standards (Section Number): Lot 1, Block 1, Stone Ridge Subdivision

Use-Specific Standards (List or Attach): _____

Criteria for Review:

In making the determination, whether or not the conditional use is to be allowed, the City Council shall consider:

- *The effects of the proposed use on the Comprehensive Plan; and*
- *The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.*

Among other things, the City Council shall make the following findings where applicable:

- *The proposed conditional use meets all of the applicable use-specific standards listed within Sections 154.175 through 154.257 of Chapter 154 Zoning of the City Code.*
- *The use is not in conflict with the Comprehensive Plan of the City.*
- *The use is consistent with the purpose of Chapter 154 Zoning of the City Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.*
- *The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the City in order to handle the additional traffic generated by the use.*
- *Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property.*
- *Adequate utilities, parking, drainage and other necessary facilities will be provided.*
- *The proposed use will not impede the normal and orderly development or improvements of the surrounding property.*
- *The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property.*
- *The use will not disrupt the character of the neighborhood.*
- *The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.*

Additional conditions. *In permitting a new conditional use or in the amendment of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by Chapter 154 Zoning of the City Code, additional conditions which the City considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:*

- *Increasing the required yard setback dimension;*
- *Limiting the height, size or location of the buildings;*
- *Controlling the location and number of vehicle access points;*
- *Increasing the street width;*
- *Increasing the number of required off-street parking spaces;*
- *Limiting the number, size, location or lighting of signs;*
- *Requiring diking, fencing, screening, berming, landscaping or other facilities to protect adjacent or nearby property;*
- *Designating sites for open space; and*
- *Limiting the hours of operation.*

Mary Pennington

901 5th Ave NW, Kasson, MN
Phone: 507-923-1000
Email: pennington.mary1@mayo.edu

August 23, 2021

► **City of Kasson, MN**

401 5th St SE, Kasson, MN
Phone: 507-634-7071

Greetings:

I am requesting a conditional use permit (CUP) to install a fence on my property at 901 5th Ave NW. The city will begin construction of a bike path along the southern edge of my property. Please see [ATTM 2 Bike Path]. The purpose of the fence is to maintain privacy of my home given there is a bedroom window belonging to a child at ground-level facing the bike path. Additionally, my fence will serve to encourage bike path users to stay within the boundaries of the path and not enter my property.

The city's recently updated fence ordinance states that "screening or fencing shall not be erected any closer than three (3) feet from the property line, except as allowed with a conditional use permit." Installation of the fence on the property line is necessary due to an existing retaining wall placed by the original builder that would interfere with fence placement 3 feet from the property line, thus necessitating a CUP. Please see [ATTM 3 Side View] showing the retaining wall and approximate location of property line as shown in red.

As outlined in this letter and additional attachments, all other aspects of the fence will comply with city ordinances and subdivision covenants.

City Ordinance Compliance (Chapter 154, Section 154.312)

- The fence will be placed on my property and will not obstruct the easement directly to the south of my property. It will not extend beyond my property line nor will it extend into the front yard. Please see [ATTM 4 Aerial View] showing the proposed fence location in white, the existing retaining wall in red, and the bike path to be constructed in gray.
- The fence will be constructed from 6-foot tall x 8-foot wide vinyl privacy fence panels as shown in [ATTM 5 Fence Panels]. If these specific panels are unavailable at the time of construction, panels of similar quality and style will be used. The appearance of fence panels complies with the city ordinance in that:
 - Both sides are finished, so adjoining properties as well as my property have finished (decorative) sides facing each
 - No component of the fence will have barbed wire or electricity
 - Fence will not exceed 6 feet in height
 - Fence will be constructed of solid vinyl material, therefore transparency is more than 50%

A small portion of my fence on the west property line will be adjacent to my neighbor's property. I have discussed the fence plans in detail and provided a copy of this letter and accompanying materials for their review. They are in agreement with the plan and will allow access to their property in case of fence maintenance. Please see [ATTM 6

Neighbor Approval] as evidence of their agreement to this plan. No other residential neighboring properties will be affected by the installation of this fence.

My property is located in the Stone Ridge Subdivision and is governed by the covenants set on 7/26/2007. Per the covenants, I have submitted my fence proposal to the Architectural Control Committee (ACC). My proposed fence is in compliance with all covenants related to appearance and was approved by the ARC (as represented by Tony Bigelow) on 8/19/2021 (please see ATTM 7 Bigelow Approval of Fence].

When planning the fence project, I have taken into consideration the city code on Conditional Use Permits (Chapter 154, Section 154.067). By allowing the fence to be constructed on the property line versus 3 feet from the property line, I feel there will be no conflict with the considerations listed in D.4. To summarize:

- My fence and its location will not interfere with the overall city plan nor have a negative effect on neighbors and adjacent property
- My fence and its location will not require re-zoning of my property, cause any traffic hazards, or any disturbances to neighboring property
- My fence and its location will not impede any developments or improvements of surrounding properties, including the city bike path
- My fence and its location will not disrupt the character of the neighborhood or adversely effect adjacent residential properties as evidenced by the approval of the Stone Ridge ACC

I look forward to the response from the city pertaining to my fence proposal. Please contact me with further questions via email or phone.

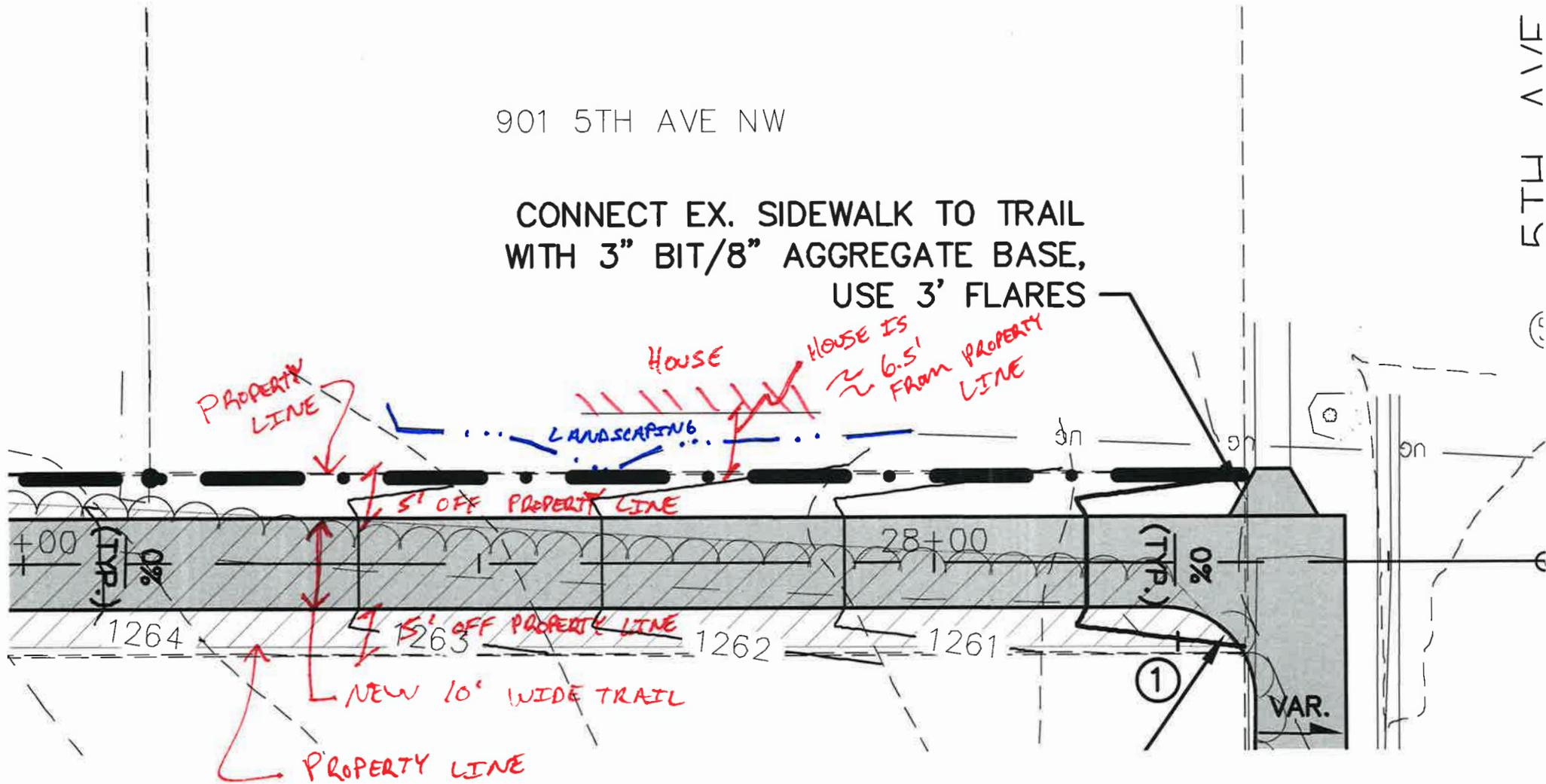
Sincerely,

Mary Pennington
Property Owner
901 5th Ave NW, Kasson, MN
8/19/2021

[ATTM 2 Bike Path]

901 5TH AVE NW

CONNECT EX. SIDEWALK TO TRAIL
WITH 3" BIT/8" AGGREGATE BASE,
USE 3' FLARES



CHURCH PROPERTY

5TH AVE

[ATTM 3 Side View]



[ATTM 4 Aerial View]

An aerial photograph of a residential property. The main house has a grey shingled roof and a dark-colored garage. To the left, there is a detached structure, possibly a shed or pool house, with a white roof. The property is surrounded by green grass and a concrete driveway on the right. A red location pin is placed on the main house, with the address text overlaid. A white L-shaped line is drawn on the bottom left of the image, and a thick black horizontal bar is at the very bottom.

901 5th Ave NW,
Kasson, MN 55944

Yardworks® Richmond 6 x 8 White Privacy Vinyl Fence Panel

[ATTM 5 Fence Panels]

(Actual Size 69-1/2"H x 89-3/8"W)

Model Number: CMCFWL1118 | Menards® SKU: 1728651



EVERYDAY LOW PRICE

\$119.99

11% MAIL-IN REBATE Good Through 8/21/21

\$13.20

FINAL PRICE

\$106⁷⁹
each

You Save \$13.20 with Mail-In Rebate

* Mail-in Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®.



Pick Up At Store

Get it as soon as **08/30/2021**

[Check Another Store for Availability](#)



Delivery

Available

Description & Documents

This low-maintenance vinyl fence panel features a unique design that securely locks pickets into place providing strength and complete privacy. Its fastener-free connection between pickets and rails provides a clean and stylish neighbor-friendly appearance that is the same on both sides. The routed post design allows fence rails to securely lock into place without brackets or hardware. To complete your fence project you will also need the 5 x 5 - 8' Routed Post (#1728652).

Shipping Dimensions: 92.10 H x 14.50 W x 8.00 D

Shipping Weight: 50.0 lbs

Brand Name: **Yardworks**

Features

- Designed for use with the 5" x 5" - 96" Richmond Routed Post (#1728652).
- Coordinating Gate Kit: Richmond Gate Kit (SKU #1728653) will transform a panel into a custom walk-through gate. Panel and Gate kit sold separately.
- Features a neighbor-friendly design that is the same on both sides.
- Made of durable, low-maintenance vinyl
- Post and post caps are sold separately.
- Limited Lifetime Warranty

Specifications

Product Type	Vinyl Privacy Fence Panel	Material	Vinyl
Thickness	1-1/2 inch	Special Features	UV Resistant
Overall Height	69-1/2 inch	Weight	48 pound
Overall Width	89-3/8 inch	Color/Finish	White
Top Style	Flat	Installed Height	72 inch
Return Policy	Regular Return (view Return Policy)		

Please Note: Prices, promotions, styles and availability may vary by store and online. Inventory is sold and received continuously throughout the day; therefore, the quantity shown may not be available when you get to the store. This inventory may include a store display unit. Online orders and products purchased in-store qualify for rebate redemption. Mail-in Rebate is in the form of merchandise credit check, valid in-store only. Merchandise credit check is not valid towards purchases made on MENARDS.COM®. By submitting this rebate form, you agree to resolve any disputes related to rebate redemption by binding arbitration and you waive any right to file or participate in a class action. Terms and conditions available at www.rebateinternational.com®

[ATTM 6 Neighbor Approval]

[EXTERNAL] Approved - Proposed Fence Plans



Ryan Hinrichs <ryan.hinrichs24@gmail.com>

To  Pennington, Mary A. [RO TRAN]

 You replied to this message on 8/19/2021 8:50 PM.



Thu 8/19/2021 8:41 PM

Hi Mary,

We have reviewed the proposed fencing plans and are in agreement with the proposed plans. In addition, we are ok with you accessing our property as needed for any fence maintenance.

Sincerely,

Ryan Hinrichs and Ashley Gomez
600 10th St NW, Kasson, MN 55944

[ATTM 7 Bigelow Approval of Fence]

[EXTERNAL] RE: Stone Ridge Subdivision, Kasson, MN



Tony Bigelow <tony@bigelowhomes.net>
To ● Pennington, Mary A. [RO TRAN]

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)

Thu 8/19/2021 9:30 AM

Mary,

This all looks great to us and we approve this fence. Thanks for being so thorough in your description.

Just make sure the fence is on your property, and you should be good to go.

Tony





STAFF REPORT

TO: Planning and Zoning Commission
FROM: Linda Rappe, City Clerk
DATE: September 8, 2021
SUBJECT: Consider Conditional Use Permit for Fence on the Property Line
APPLICANT: Ryan/Mary Pennington
OWNER: Ryan/Mary Pennington
LOCATION: 901 5th Ave NW; PID No. 24.574.1001
MEETING DATE: September 13, 2021
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single Family Residential

BACKGROUND

The applicant, Ryan and Mary Pennington, have applied for a conditional use permit to place the fence on the south side of their property on the property line. [A conditional use permit is required to allow the fence to be placed closer than 3 feet from the property line.](#)

REVIEW PROCEDURE

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the conditional use permit application was determined to be August 23, 2021. The City's deadline for action is on Oct 23, 2021.

Public Hearing

City Code § 154.312(B)(3) requires a public hearing for review of a conditional use permit to be held by the Planning and Zoning Commission. The public hearing notice for the CUP was published in the Dodge County Independent and mailed to all affected property owners located within 350 feet of the subject properties.

As the application is for a CUP to put the fence on the south side closer than 3 feet from the property line.

APPLICATION REVIEW

Existing Site Character

See attached pictures.

- This parcel borders a bike/walking path for the City of Kasson
- The structure was built to setback standards with a side yard of 6'6"
- There is not an easement on the south property line.
- The owners are aware that the landscaping on the south side would be affected and are willing to change it

Conditional Use Permit Review

As described in Section 154.067(D)(4), the following should be considered during review of a conditional use permit application:

- (1) The effects of the proposed use on the comprehensive plan; and
- (2) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.

Additionally, the following findings should be made, when applicable:

- (1) This property has a 5 foot utility easement along the south border in its entirety;
- (2) The use is not in conflict with the comprehensive plan of the city;
- (3) The property owner acknowledges that they are putting a fence in a utility easement and would be the property owner's expense if this easement needs to be utilized and the fence is dismantled;
- (4) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (5) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property;
- (6) The use will not disrupt the character of the neighborhood; and
- (7) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

Finally, after consideration and discussion of the proposal, the Planning and Zoning Commission may recommend additional conditions as may be appropriate to facilitate the use on the site.

RECOMMENDATION

Planning staff recommends that the Planning and Zoning Commission make recommendation to the City Council to approve the application for a CUP for to allow a fence on the south side of the property to be put on the property line, with the following conditions:

- (1) The fence will not encroach beyond the front of the house.
- (2) The fence will not exceed 6 feet in height

- (3) The fence not be placed on the property line but three feet in on the west to stay off the property to the west.
- (4) The property owner at 901 5th Ave NW acknowledges that this fence is in a utility easement and can be dismantled at owner's expense if this easement is utilized.

In recommending approval of the conditional use permit, staff offers the following findings of fact:

- (1) The use is not in conflict with the comprehensive plan of the city;
- (2) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the city in order to handle the additional traffic generated by the use;
- (3) The proposed use will not impede the normal and orderly development or improvements of the surrounding property;
- (4) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property; and
- (5) The use will not disrupt the character of the neighborhood.

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning and Zoning Commission, it will be forwarded to the City Council for action at the September 22nd, 2021 meeting.

**CITY OF KASSON
RESOLUTION # 9.X-21**

**RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD
SETBACK FOR 609 2nd STREET SOUTHWEST PID #24.100.4041 IN THE CITY
OF KASSON, MINNESOTA**

WHEREAS, the applicant and owner, Roger and Renee Horsman, submitted a request to the City of Kasson to grant a variance from the side yard setback for the west side yard for the property at 609 2nd St SW; and

WHEREAS, the property is zoned R-1 Single Family Residential; and

WHEREAS, the applicant contacted the City of Kasson and applied for a variance from the side yard setback to allow for a setback of two feet on the west side to rebuild on the current foundation; and

WHEREAS, a planning staff report dated September 8, 2021 documented the application request and evaluated the application relative to the city zoning code including relevant findings of fact; and

WHEREAS, a public hearing was properly noticed and conducted by the Planning and Zoning Commission held on September 13, 2021; and

WHEREAS, the Planning and Zoning Commission recommended Council approval with conditions with the findings as stipulate in the planning report

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Kasson does hereby incorporate and restate the recitals set forth above and approve a variance of a side yard setback in the R-1 district of 2.0 feet on the west side for a detached garage the property at 609 2nd St SW.

BE IT FURTHER RESOLVED, in granting approval of the variance, the City Council makes the following findings of fact:

- (1) The proposed use, a detached garage, is an allowed use in the R-1 zoning district in which the subject property is located.
- (2) The applicant is using this property as a residential use as permitted by the zoning ordinance, therefore the request is in harmony with the intent of the zoning ordinance and is a reasonable use of the property.
- (3) The use of the property as a single-family detached dwelling is consistent with the land use guidance from the Comprehensive Plan.
- (4) The existing character of the neighborhood has a number of buildings that do not meet yard setback standards due to the older nature of the neighborhood. The historical plat and

development of the neighborhood creates a unique circumstance and the variance would not alter the essential character of the locality.

Conditioned on a survey being done to verify setbacks and property lines.

- (1) ~~The proposed use, a detached garage, is an allowed use in the R-1 zoning district in which the subject property is located.~~
- (2) ~~The applicant is using this property in a way that is permitted by the zoning ordinance, therefore the request is in harmony with the intent of the zoning ordinance.~~
- (3) ~~The use of the property as a single family detached dwelling is consistent with the land use guidance from the Comprehensive Plan.~~
- (4) ~~The existing character of the neighborhood has a number of buildings that do not meet yard setback standards; therefore the variance would not alter the essential character of the locality.~~

Formatted: Font: 12 pt

Formatted: No bullets or numbering

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Adopted by the City Council this 22nd of September, 2021.

ATTEST:

Linda Rappe, City Clerk

Chris McKern, Mayor

The motion to approve the foregoing resolution was made by XX and duly seconded by Council Member XX. Upon a vote being taken, the following members voted in favor thereof: XX. Those against same: XX.

APPLICATION FOR VARIANCE

Fee Paid \$ 300

Date Filed 8-30-21

Street Address of Property 609 2nd St SW. Kasson Mn. 55944.

Legal Description of Property Block 25 Lot 22 original plat

Owner's Name Roger + Renee Horsman. Phone 567 208-5468

Address 609 2nd St SW. Kasson Mn. 55944.

Description of Request replace burnt garage with 2 foot set back

Reason(s) for Request garage burnt down.

Present Zoning Classification B1

Existing Use of Property residential

Signature of Applicant Renee Horsman Date 8/30/21

reneehorsman@yahoo.com.

FOR OFFICE USE ONLY

Recommended _____ Denied _____ by the Planning Commission on _____.

Approved _____ Denied _____ by the City Council on _____.

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s): _____

PROCEDURES.

The procedure for obtaining a variance from the regulations of the Zoning Ordinance are as follows:

1. The property owner or his agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application.
2. The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
3. The Zoning Administrator shall review the application and within ten (10) business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
4. The City shall take action to approve or deny the application within sixty (60) days of receiving a completed application. If the City cannot take action to approve or deny the application within sixty (60) days of receiving the completed application, the City may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.
5. When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in the legal newspaper, not less than ten (10) days nor more than thirty (30) days prior to the hearing.
6. The Zoning Administrator shall transmit the application to the Planning Commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
7. The Planning Commission shall hold the public hearing, and may table the application for further investigation if necessary, or the Commission shall recommend to the Council one of the three actions, - approval, conditional approval or denial.
8. The City Council shall act upon the application within thirty (30) days after receiving the recommendation from the Planning Commission.
9. No application for a variance shall be considered by the City within a one year period following a denial of such request, except that the Zoning Administrator may permit a new application if new evidence or a change in circumstances warrant it.

CRITERIA FOR GRANTING A VARIANCE.

- (1) The City Council, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of the zoning code in an instance where strict enforcement would cause practical difficulties to the individual property owner, and when it can be demonstrated that such action will be in keeping with the spirit and intent of the code.
- (2) The term **PRACTICAL DIFFICULTIES** means that the:
 - (a) Property owner proposes to use the property in a reasonable manner that is not otherwise not permitted; and
 - (b) The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and
 - (c) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute **PRACTICAL DIFFICULTIES**. For the purposes of this section, **PRACTICAL DIFFICULTIES** also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

- (3) Notwithstanding a finding that practical difficulties exist, the City Council may not permit as a variance any use that is not permitted under the provisions of the code for property in the zone where the land for which the variance is sought is located.
- (4) In its consideration of a variance request, the Planning Commission shall consider the following questions:
 - (a) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that results in practical difficulties for the owner?
 - (b) Whether or not the variance requested will alter the essential character of the locality?
 - (c) Whether or not granting the variance requested will:
 - (1) Impair an adequate supply of light and air to adjacent property?
 - (2) Substantially increase congestion in adjacent public streets?
 - (3) Endanger the public safety?
 - (4) Substantially diminish or impair property values within the vicinity?
 - (d) Whether the variance requested is the minimum variance that would alleviate the practical difficulties?
 - (e) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?
 - (f) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?
- (5) In granting the variance, the City Council may impose additional conditions to ensure compliance with its decision and to protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

REQUIRED EXHIBITS FOR VARIANCES

The following exhibits shall be required:

Y _____ N _____
 Y _____ N _____
 Y _____ N _____
 Y _____ N _____

1. A completed application form.
2. An accurate boundary description of the property.
3. Evidence of ownership or enforceable option on the property.
4. An accurate drawing, at scale, showing property lines, locations of existing buildings and proposed project.

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A VARIANCE. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A VARIANCE.

ArcGIS WebMap



August 30, 2021

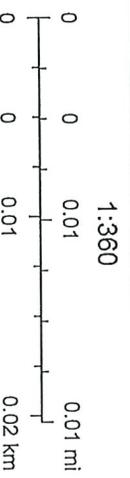
Roads

Address

PIN

Parcels

CITY





STAFF REPORT

TO: Planning and Zoning Commission
FROM: [Linda Rappe, City Clerk/Brad Scheib/Laura Chamberlain](#), Consulting Planner, HKGi
DATE: September 8, 2021
SUBJECT: Variance for 2' Side Yard in R-1 district
APPLICANT: Roger/Renee Horsman
OWNER: Roger/Renee Horsman
LOCATION: 609 2nd St SW; PID No. 241004041
MEETING DATE: September 13, 2021
COMPREHENSIVE PLAN: Low Density Residential
ZONING: R-1 Single Family Residential

BACKGROUND

The applicant and owner, Roger/Renee Horsman, have applied for a variance from the side yard setback on the property at 609 2nd St SW. The applicant's detached garage was recently destroyed in a fire. The building is a total loss and they would like to rebuild on the same cement slab. However, the slab and former garage were two feet from the property line and would require a variance of 4'6" to rebuild on that same footprint.

REVIEW PROCEDURE

Variance

City Code § 154.02.24 states that a variance may be granted to provide relief to a property owner where strict enforcement of the zoning code would cause a practical difficulty and where it can be demonstrated that such a variance will be in keeping with the spirit and intent of the code.

In its consideration for a variance request, the Planning and Zoning Commission shall consider the following questions when making their recommendation to the City Council:

- (1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that result in practical difficulties for the owner?
- (2) Whether or not the Variance requested will alter the essential character of the locality?
- (3) Whether or not granting the Variance requested will:

- (a) Impair an adequate supply of light and air to adjacent property?
 - (b) Substantially increase congestion in adjacent public streets?
 - (c) Endanger the public safety?
 - (d) Substantially diminish or impair property values within the vicinity?
- (4) Whether the Variance requested is the minimum variance that would alleviate the practical difficulties?
- (5) Whether or not the Variance requested is consistent with the intent of this Chapter and the City's Comprehensive Plan?
- (6) Whether or not the Variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

In its consideration of a variance request, the City Council shall make the following findings:

- (1) The proposed use is not prohibited in the zoning district in which the subject property is located.
- (2) The Variance must be in harmony with the general purposes and intent of this ordinance.
- (3) The terms of the Variance must be consistent with the Comprehensive Plan.
- (4) The landowner must show that the Variance is necessary to alleviate the practical difficulties in complying with the official control.

“Practical Difficulty” as used in connection with the granting of a Variance shall include all the following:

- (1) The property owner proposes to use the property in a reasonable manner that is not otherwise not permitted by an official control;
- (2) The plight of the property owner is due to circumstances unique to the property, not created by the property owner;
- (3) The Variance, if granted, will not alter the essential character of the locality;
- (4) The need for the Variance involves more than economic considerations.
- (5) “Practical Difficulties” also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems

60-Day Land Use Application Review Process

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, “Day 1” for the variance application was determined to be ~~May 5, 2021~~[August 30, 2021](#). The City's deadline for action is on ~~July 4~~[October 29](#), 2021.

Public Hearing

City Code § 154.068 requires a public hearing for review of the variance be held by the Planning and Zoning Commission. The public hearing notice for the variance was published in the Dodge County Independent and posted on the City website. The variance public hearing notice was mailed to all affected property owners located within 350 feet of the subject properties.

DISCUSSION

The former garage had been there for a significant amount of time, ~~and~~ was originally built to approved standards ~~and is considered— a legally non-conforming structure. The non-conformities section of the zoning code specifies that a non-conforming structure if damaged beyond 50% shall not be restored without bringing the property to current code standards. In order to reuse the foundation, the applicant is requesting a variance to the side yard setback.~~

~~The property is guided for low density residential and is zoned R-1 Single Family. The side yard setback in the R-1 district is 6.5 feet. A variance is needed to rebuild the structure closer than the 6.5 foot side yard setback.~~ This is an older part of town with other buildings that are encroached into the setbacks. There are no easements that would be impacted by this.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make recommendation to the City Council to approve the variance for the side yard setbacks for the garage at 609 2nd St SW to allow for setbacks of 2.0' on the west side of the garage in the R-1 district. In recommending approval of the variance, staff offers the following findings of fact:

- (1) The proposed use, a detached garage, is an allowed use in the R-1 zoning district in which the subject property is located.
- (2) The applicant is using this property ~~as a residential use in a way that is as~~ permitted by the zoning ordinance, therefore the request is in harmony with the intent of the zoning ordinance ~~and is a reasonable use of the property.~~
- (3) The use of the property as a single-family detached dwelling is consistent with the land use guidance from the Comprehensive Plan.
- (4) The existing character of the neighborhood has a number of buildings that do not meet yard setback standards ~~due to the older nature of the neighborhood. The historical plat and development of the neighborhood creates a unique circumstance and ; therefore~~ the variance would not alter the essential character of the locality.

Condition that a survey be done on the property to verify the setback.

Formatted: Font color: Auto

CITY COUNCIL REVIEW

In the event a recommendation is received from the Planning and Zoning Commission, it will be forwarded to the City Council for action at an upcoming meeting.

ATTACHMENTS

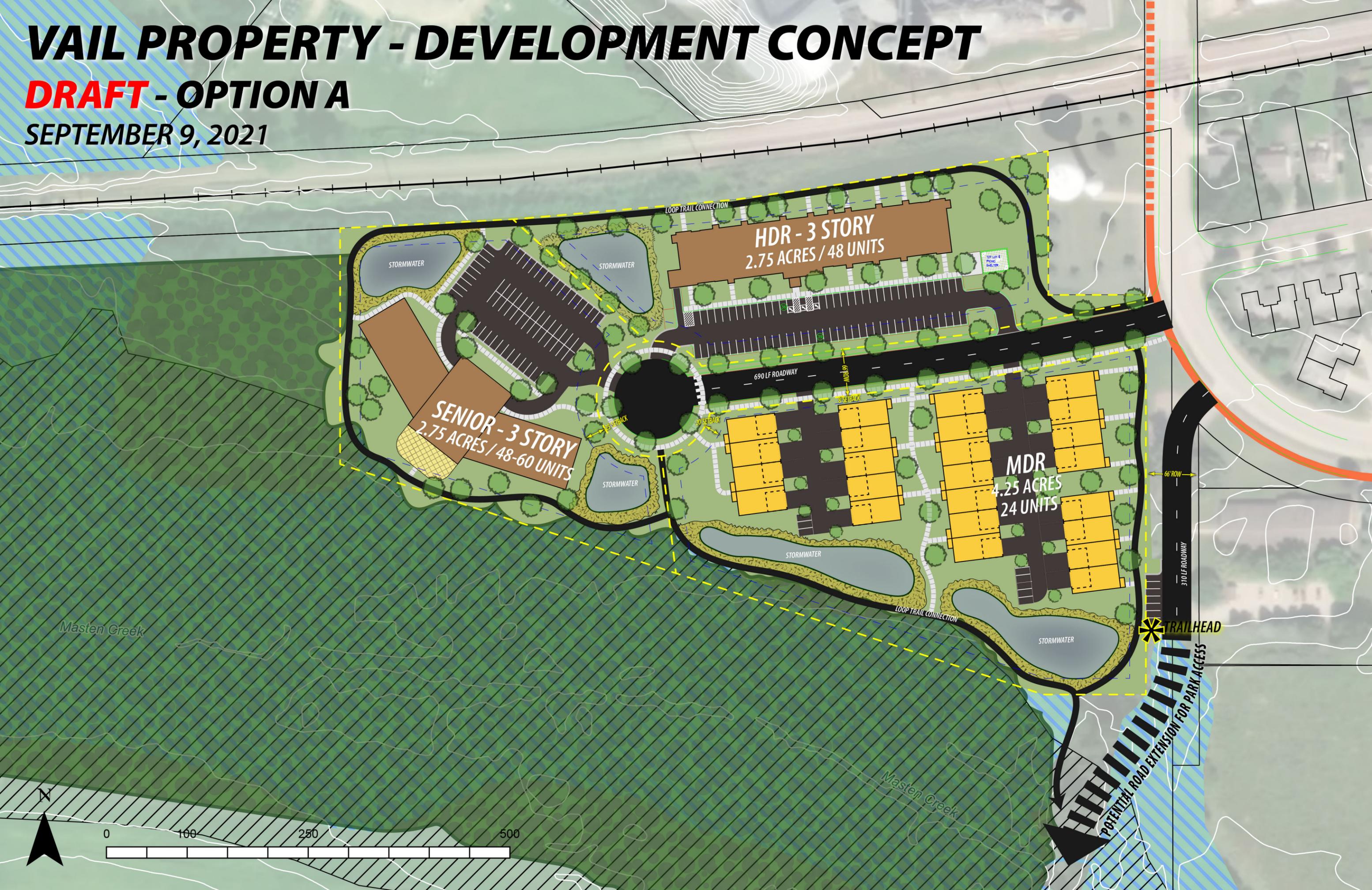
- A. Application for side yard variance and applicant narrative, dated August 30, 2021

- B. Variance Site Illustration, created by the City of Kasson for reference, from the Dodge County GIS

VAIL PROPERTY - DEVELOPMENT CONCEPT

DRAFT - OPTION A

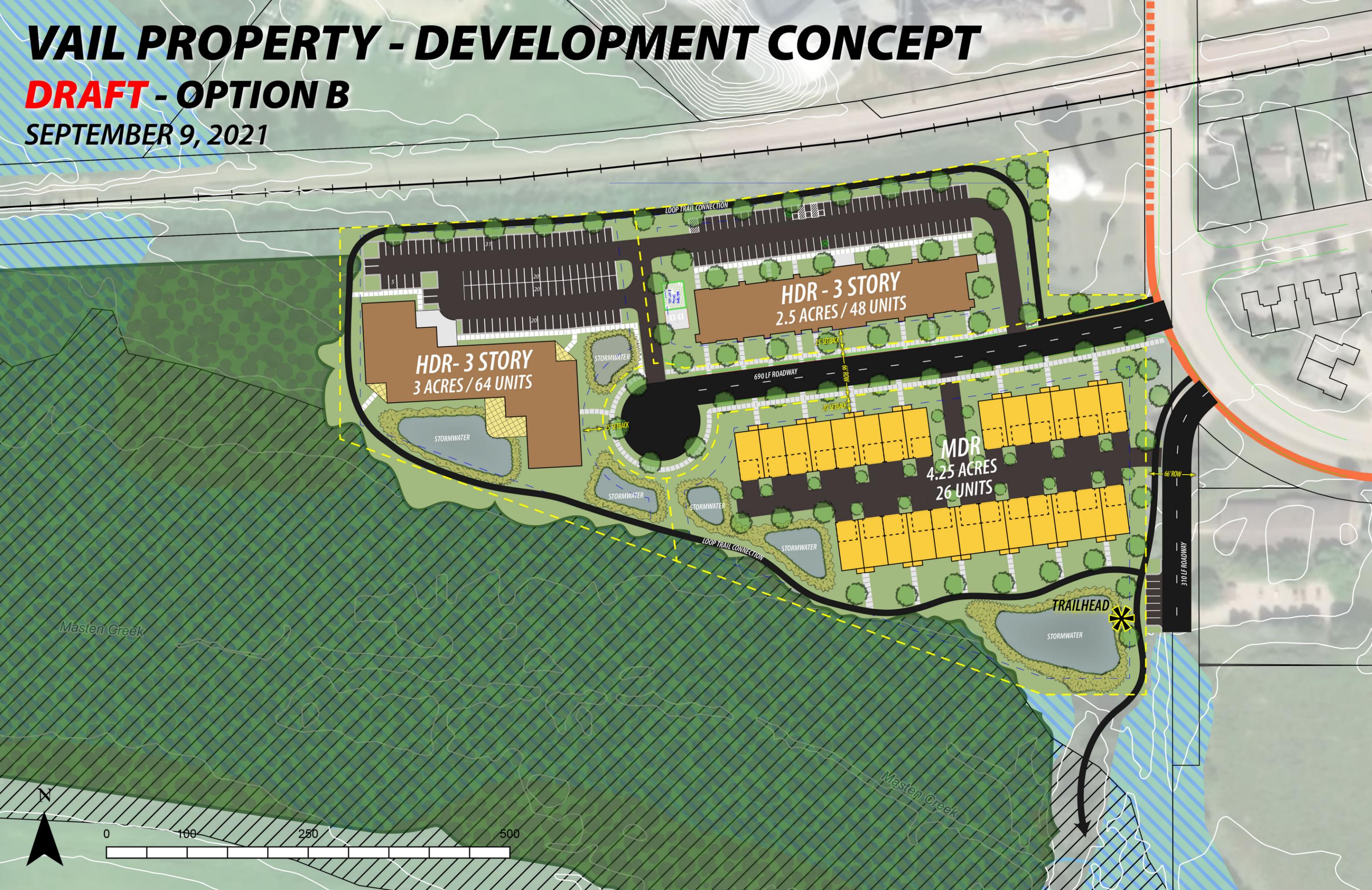
SEPTEMBER 9, 2021



VAIL PROPERTY - DEVELOPMENT CONCEPT

DRAFT - OPTION B

SEPTEMBER 9, 2021



4TH AVE LANE APARTMENTS

KASSON, MN



1647 16th Ave. NW
Rochester, MN 55901
PHONE (507) 286-7869
aaron@thedesignconnection.net
www.thedesignconnection.net

COPYRIGHT NOTICE
ALL DESIGNS, SPECIFICATIONS
AND PLANS ARE THE PROPERTY
OF THE DESIGN CONNECTION
THESE PLANS AND DESIGNS WERE
CREATED AND DEVELOPED IN
CONNECTION WITH THE SPECIFIC
PROJECT AND SHALL NOT BE
REPRODUCED FOR ANY PURPOSE
WHATSOEVER WITHOUT THE
EXPRESS WRITTEN PERMISSION OF
THE DESIGN CONNECTION AND
BUILDER

**PRELIMINARY
NOT FOR
CONSTRUCTION**

4TH AVE LANE APARTMENTS
3 STORY APARTMENT BUILDING
4th AVE LANE
KASSON
MINNESOTA

PROJECT #: 20150
DRAWN BY: GFN
CHECKED BY: AJT
PRELIM DATE: 8/20/2021
BID SET DATE: .
FINAL SET DATE: .
REVISION: .
PRINTED: Aug 23, 2021

TITLE SHEET

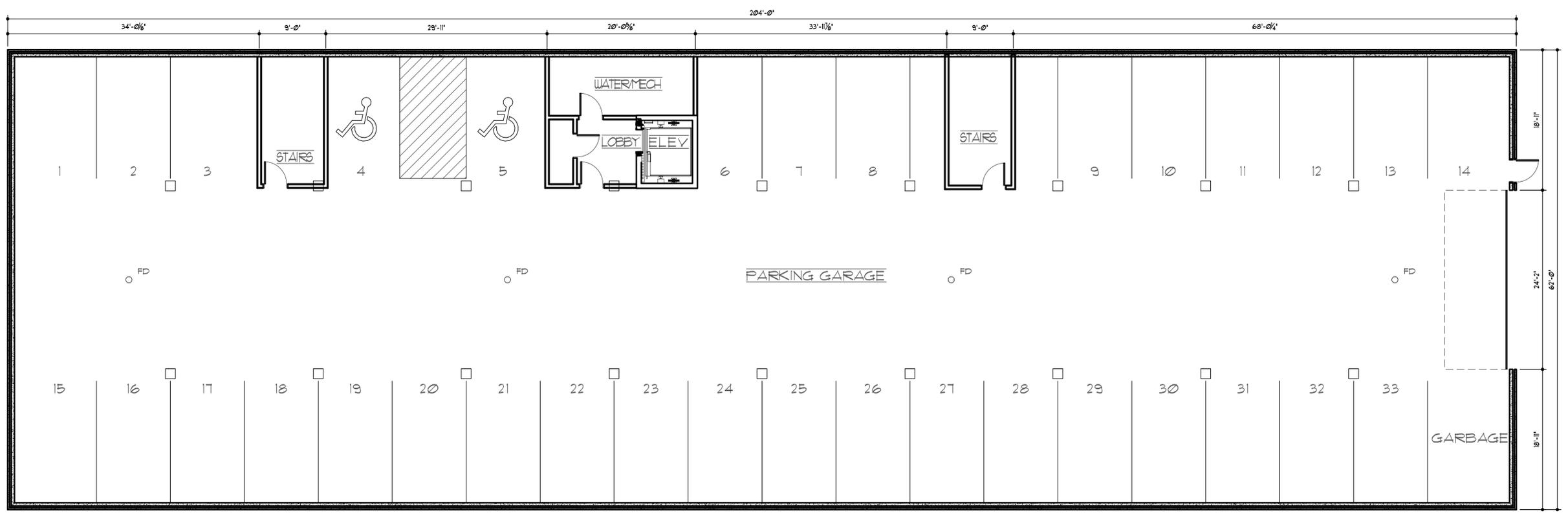
T1.0

COPYRIGHT - THE DESIGN CONNECTION 2021

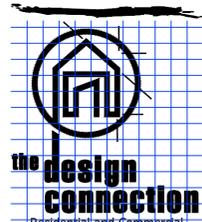




2 FIRST FLOOR LEVEL
SCALE: 1/8"=1'-0" (22" x 34")
SCALE: HALF SCALE (11" x 17")



1 PARKING LEVEL
SCALE: 1/8"=1'-0" (22" x 34")
SCALE: HALF SCALE (11" x 17")



the design connection
Residential and Commercial
Design • Planning
Serving Rochester and
Southern Minnesota

1647 16th Ave. NW
Rochester, MN 55901
PHONE (507) 286-7869
aron@thedesignconnection.net
www.thedesignconnection.net

COPYRIGHT NOTICE
ALL DESIGNS, SPECIFICATIONS
AND PLANS ARE THE PROPERTY
OF THE DESIGN CONNECTION.
THESE PLANS AND DESIGNS WERE
CREATED AND DEVELOPED IN
CONNECTION WITH THE SPECIFIC
PROJECT AND SHALL NOT BE
REPRODUCED FOR ANY PURPOSE
WHATSOEVER WITHOUT THE
EXPRESS WRITTEN PERMISSION OF
THE DESIGN CONNECTION AND
BUILDER.

**PRELIMINARY
NOT FOR
CONSTRUCTION**

4TH AVE LANE APARTMENTS
3 STORY APARTMENT BUILDING
4th AVE LANE
KASSON
MINNESOTA

PROJECT #: 20150
DRAWN BY: GFN
CHECKED BY: AJT
PRELIM DATE: 8/20/2021
BID SET DATE:
FINAL SET DATE:
REVISION:
PRINTED: Aug 23, 2021

SECOND AND THIRD
FLOOR PLANS

A1.3



2 THIRD FLOOR LEVEL
SCALE: 1/8"=1'-0" (22" x 34")
SCALE: HALF SCALE (11" x 17")



1 SECOND FLOOR LEVEL
SCALE: 1/8"=1'-0" (22" x 34")
SCALE: HALF SCALE (11" x 17")

COPYRIGHT - THE DESIGN CONNECTION 2021





Via Certified Mail

September 1, 2021

**Re: In the Matter of the Application of Byron Solar, LLC for a Certificate of Need for the up to 200 MW Byron Solar Project and 345 kV Transmission Line in Olmsted and Dodge Counties, Minnesota
MPUC Docket No. IP-7041/CN-20-764**

**In the Matter of the Application of Byron Solar, LLC for a Site Permit to construct the up to 200 MW Byron Solar Project in Dodge County, Minnesota
MPUC Docket No. IP-7041/GS-20-763**

**In the Matter of the Application of Byron Solar, LLC for a HVTL Route Permit for the 345 kV Transmission Line in Olmsted and Dodge Counties, Minnesota
MPUC Docket No. IP-7041/TL-20-765**

To Whom it May Concern:

On August 27, 2021, accepted on August 30, 2021, Byron Solar, LLC (Byron Solar), a wholly owned subsidiary of EDF Renewables, Inc., filed Certificate of Need, Site Permit, and Route Permit applications (Applications) with the Minnesota Public Utilities Commission (Commission) for a proposed up to 200 megawatt (MW) photovoltaic (PV) solar energy generating facility and associated systems (Solar Facility), and a 345 kilovolt (kV) high voltage transmission line and associated facilities (HVTL or Transmission Line) to interconnect the Solar Facility to the transmission grid and the Byron Substation, in Olmsted and Dodge Counties, Minnesota (Project).

As a local unit of government in the area of the Project, we are providing you with Byron Solar's notice of filing and a thumb drive containing and the Applications. Please retain them on file in your office for public review.

Should you require further information pertaining to the Project or the Applications, please contact Byron Solar's representative, Scott Wentzell, at scott.wentzell@edf-re.com or (612) 486-4523.

Sincerely,

/s/ Christina K. Brusven

Christina K. Brusven
Direct Dial: 612.492.7412
Email: cbrusven@fredlaw.com

Enclosures
73738897 v2

Attorneys & Advisors
Main 612.492.7000
Fax 612.492.7077

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425

USA / China / Mexico
Minnesota, Iowa, North Dakota
fredlaw.com

**NOTICE OF FILING OF CERTIFICATE OF NEED, SITE PERMIT, AND
ROUTE PERMIT APPLICATIONS FOR THE BYRON SOLAR PROJECT
WITH THE MINNESOTA PUBLIC UTILITIES COMMISSION**

TO: Persons interested in the proposed 200 MW Large Electric Generating Facility and accompanying 345 kV High Voltage Transmission Line in Olmsted and Dodge Counties, Minnesota; Local Officials; and Property Owners

RE: Notice of Byron Solar, LLC's Filing of Certificate of Need, Site Permit, and Route Permit applications with the Minnesota Public Utilities Commission (MPUC Docket Nos. IP-7041/CN-20-764, IP-7041/GS-20-763, and IP-7041/TL-20-765)

This notice provides formal notice that Byron Solar, LLC (Byron Solar), a wholly owned subsidiary of EDF Renewables, Inc., filed Certificate of Need, Site Permit, and Route Permit applications with the Minnesota Public Utilities Commission (Commission) on August 27, 2021, accepted on August 30, 2021, for a 200 megawatt (MW) photovoltaic (PV) solar energy generating facility and associated systems (Solar Facility), and a 345 kilovolt (kV) high voltage transmission line and associated facilities (HVTL or Transmission Line) to interconnect the Solar Facility to the transmission grid and the Byron Substation, in Olmsted and Dodge Counties, Minnesota (Project). This notice also provides information on the Project and the permitting processes, as well as information on how to register your name with the Commission on the Project contact list to ensure that you receive future notices.

PROJECT LOCATION

The Project footprint spans approximately 1,853.7 acres of land that includes the Solar Facility (1,801 acres) and Transmission Line (52.7 acres) in portions of Kalmar Township in Olmsted County, Minnesota, and Mantorville and Canisteo Townships in Dodge County, Minnesota (the Project Area).

The Project will include solar panels and racking, inverters, electrical cables, conduit, switchgear, step up transformers, supervisory control and data acquisition (SCADA) system, and metering equipment, security fence/gate, a Project substation, operations and maintenance facility, electrical collection and communication lines, stormwater basins, temporary laydown areas, gravel access roads, several weather stations, the 345 kV Transmission Line, and other infrastructure typical of a solar farm. The Solar Facility is located within Mantorville and Canisteo Townships in Dodge County.

The Transmission Line is needed to interconnect the Solar Facility to the transmission grid. The Transmission Line will consist of approximately 3 miles of 345 kV transmission line located within Mantorville Township in Dodge County, and Kalmar Township in Olmsted County. The Transmission Line will extend from the Project Substation to the existing Byron Substation.

The accompanying map outlines the location of the Project.

PROPERTY ACQUISITION

Byron Solar has, through voluntary agreements, secured 100 percent of the private real estate rights necessary to construct the Project. Accordingly, Byron Solar's current and future plans do not include the use of eminent domain. If additional property rights are required for the Project, Byron Solar will seek to negotiate a voluntary easement agreement with each affected landowner. If Byron Solar and the landowner are unable to negotiate an easement for the right-of-way, Byron Solar reserves the right

to evaluate whether the use of eminent domain is appropriate under Minn. Stat. Ch. 117, based on specific circumstances.

CERTIFICATE OF NEED

Minnesota Statutes Section 216B.243, subdivision 2, states that “no large energy facility” shall be sited or constructed in Minnesota without the issuance of a Certificate of Need (CN). Byron Solar filed its CN application with the Commission on August 27, 2021.

The Commission will consider the CN application pursuant to Minn. Stat. § 216B.243 and implementing rules, Minn. R. Ch. 7849. The statutes and rules also establish notice requirements for various stages of the process. Per statute, the Commission shall approve or deny the CN within twelve (12) months of the CN application.

The Commission will hold a public meeting on the CN application. The Commission will provide notice of this meeting to persons whose names are on the Project contact list, those listed on a general service list, local government officials in the area of the proposed Project, and those persons who own property adjacent to any site or within any route affected by the proposed Project. At this meeting, the public will be afforded an opportunity to ask questions and present comments and suggest alternative and possible impacts to be evaluated in the environmental report.

SITE PERMIT AND ROUTE PERMIT PROCESS

A Site Permit (SP) and Route Permit (RP) from the Commission is required before the Project can be constructed. The Power Plant Siting Act (Minn. Stat. Ch. 216E) and implementing rules in Minn. R. parts 7850.1000 to 7850.5600 establish the requirements for submitting and processing a permit application. The statutes and rules also establish notice requirements for various stages of the process.

The Commission will consider the joint application for a SP and RP pursuant to the alternative permitting process outlined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 through 7850.3900. The Commission has up to six months from the time the application is accepted as complete to process and make a decision on the permit according to Minn. Stat. § 216E.04, subd. 7 and Minnesota Rule 7850.3900, subp. 1, but that time period is extended up to 12 months from the time the application is accepted as complete because the Project also requires a CN before it can receive a SP and RP, and the process for a CN is up to 12 months.

Within sixty (60) days after the Commission accepts the joint application for a SP and RP as complete, the Commission will schedule a public meeting to provide information to the public about the Project and to afford the public an opportunity to present comments and ask questions. At this meeting, members of the public may comment on the scope of the draft Environmental Assessment (EA) that the Department of Commerce, Energy, Environmental Review and Analysis unit (EERA) will prepare. Once the public meeting is scheduled, notice of the meeting will be provided to persons whose names are on the Project contact list and will be published in a legal newspaper of general circulation in the Project area.

Once EERA completes the EA, EERA will make the document available for public review by placing a copy of the document in a public library or other governmental office in each county where the Project is proposed, and will hold an informational meeting to provide for the opportunity to comment on the EA. A period for written comments will also be provided.

After the EA has been completed, a public hearing (conducted by an administrative law judge from the Office of Administrative Hearings) will be held. Any person may speak at the public hearing, present documentary evidence, ask questions of Byron Solar representatives and EERA staff, and submit comments.

Byron Solar has requested that the Commission jointly process the applications.

Further details regarding upcoming meetings and comment periods on the applications will be provided by Byron Solar and the Commission in the future.

PUBLIC INFORMATION AND ENVIRONMENTAL ASSESSMENT SCOPING MEETING

The Commission and the Minnesota Department of Commerce (Department) will hold a public information and Environmental Assessment scoping meeting on the applications at a future date. Please look for future notices providing additional details regarding the meeting.

HOW TO LEARN MORE

Department of Commerce Project Website: <http://mn.gov/commerce/energyfacilities>

Full Case Record: All documents filed in these dockets are available on the Commission's website at <https://mn.gov/puc/>. Select "eDockets", and under the category of "Docket Number", enter the year (20) and docket number (764 for the CN, 763 for the SP, and 765 for the RP), then select "Search".

Subscribe to the Docket: The best way to stay informed is to "subscribe" to receive e-mail notifications when new documents are filed in the docket:

1. Follow the steps above to access the full case record.
2. Select box under Subscribe and click on Subscribe.
3. Type your e-mail address.
4. For Type of Subscription, select Docket Number.
5. For Docket Number, select 20 in the first box and type 764 for the CN, 763 for the SP, or 765 for the RP in the second box.
6. Select Add to List.
7. Select Save.

Project Mailing List: Contact the Public Advisor (see below)

Public Libraries: The CN, SP, and RP applications are available for review at the following public libraries:

- Rochester Public Library, 101 2nd Street SE, Rochester, MN 55904
- Kasson Public Library, 607 1st St NW, Kasson, MN 55944

Minnesota Statutes and Rules: The CN is being reviewed under Minn. Stat. § 216B.243 and Minn. R. Ch 7849. The SP and RP are eligible for consideration by the Commission under the alternative permitting process in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 through 7850.3900.

Minnesota Statutes and Rules are available at <https://www.revisor.mn.gov/>

PROJECT CONTACTS

Public Utilities Commission Public Advisor

Cezar Panait at cezar.panait@state.mn.us or (651) 201-2207 or 1 (800) 657-3782

Public Utilities Commission Staff Analyst

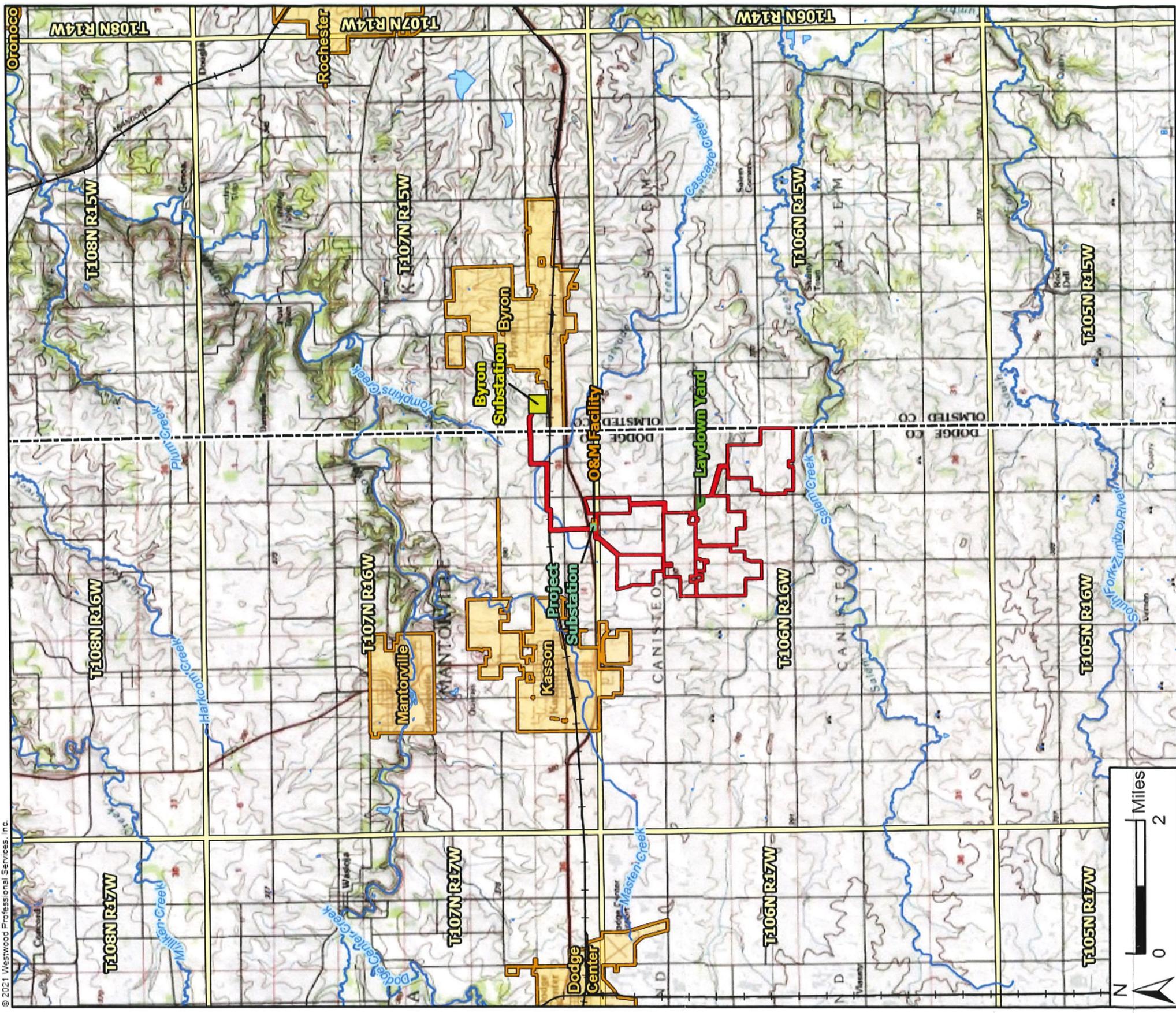
Michael Kaluzniak at mike.kaluzniak@state.mn.us or (651) 201-2257 or 1 (800) 657-3782

Department of Commerce Environmental Review Manager

Suzanne Steinhauer at suzanne.steinhauer@state.mn.us or (651) 539-1843

If you wish to receive written notices of the Project milestones regarding the environmental review process, including notice of the availability of the EA, please sign up for the Project contact list by contacting the Public Advisor indicated above.

Should you require further information pertaining to the Project, or to the CN, SP, or RP applications, please contact Byron Solar's representative, Scott Wentzell, at scott.wentzell@edf-re.com or (612) 486-4523.



Data Sources: Westwood (2021); MNDNR (Various Dates); US Census Bureau (2019); NED (2019); USGS NHD Dataset (2013); USFWS NWI (2017); Esri USGS Topo Base Map (Accessed 2021).

Westwood
 Phone (888) 257-5152
 Fax (888) 257-5822
 Toll Free (888) 257-5152
 www.westwood.com



Legend

- Project Area Boundary
- Existing Substation
- Laydown Yard
- O&M Facility
- NHD Flowline
- NHD Waterbody
- Railroad
- County Boundary
- Municipal Boundary
- PLS Township Boundary

Byron Solar Project

Dodge and Olmsted Counties, Minnesota

Project Location

MAP 1