

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, JULY 13, 2010, 7:00 P.M., COMMISSIONER'S ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Thooft, Buesing, Vroman, Ludeman, Nelson, Ritter, Zimmer and Biren

MEMBERS ABSENT: Nassif

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA –Motion by Thooft, seconded by Vroman to approve agenda. All moved in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE JUNE 8 AND JUNE 16, 2010 MEETINGS - Motion by Buesing, seconded by Vroman to approve minutes as presented. All voted in favor. Motion carried.

PLANNING COMMISSION:

Public Hearing to Consider Proposed Lyon County All Hazard Mitigation Plan. Minnesota Homeland Security and Emergency Management and U.S. FEMA have approved the plan pending adoption. The plan consists of six chapters and an appendix:

1. Introduction
2. Prerequisites
3. Planning Process
4. Risk Assessment
5. Mitigation Strategy
6. Plan Maintenance

Hear public comment, make recommendation to County Board to adopt plan. Tammy VanOverbeke from Lyon County Emergency Management and John Shepard, SRDC were present to answer any questions/comments during the public hearing. Biren – Shepard wrote plan, approved by FEMA. Shepard – fulfill FEMA requirements. Reduce risk future losses; protect people and property. Limit costs, prepare for disasters ahead of time. FEMA funding, eligible for funding once adopted. Relate to Comp Plan, useful tool. Cities all participated/approval, they need to adopt and do resolution. 19 township support. Rules changed in middle of game; don't need townships approval, townships will be dealing with counties if a disaster. Went through work schedule to get to this point. Identified top hazards as: ice and ice storms, public health and infectious disease and transportation infrastructure. Identification and analysis of mitigation actions: prevention, property & natural resources protection, public education & awareness, structural projects and emergency services. Strategies: bury utility lines, living fence road design, consider safe rooms at mobile home parks. This plan is policy for guidance not regulatory or an ordinance. Incorporate into comp plan when review policies. Purpose: do today; prevent in future. Satisfactory recommend to County Board for adoption. Nelson- 19 out of 20 township, status on one township? Shepard – changed during process, had required formal participate for funding, softened stance, now deferred to county. VanOverbeke – living document, 5 year review. Consider plan, funding available when done. Funding received in past for projects: tower by Russell, NOAA weather; siren grant, cities studied sirens if adequate, choose new sirens or add additional sirens, 50% match; County Park, Twin Lakes

consider tornado shelter, this was done in Jackson County; siren in Garvin Park. Also looking at the Wadena school building, possibly build better school to protect children. Mitigation saves lives and money. Ludeman – review every 5 years. Shepard – to continue funding. Nobles Rural Electric – funding to bury power lines. Emphasis on safe rooms (public parks and mobile home parks) FEMA 75/25 matching grant. Thooft – who has access to plan? Shepard – on website, and City clerks and others that participated. Vroman – nothing controversial, natural. Nelson – safe room mobile homes, county would require CUP. Shepard – not individual mobile home, mobile home park. Housing code difficult to implement. VanOverbeke – no one to oversee. Shepard – if CUP Biren’s responsibility. Have been told that there is private individual funding available, need to find wording that does allow for this. Safe rooms in city halls, school, library FEMA 75% cost share. Not mandatory, consider it, funding available. Vroman – individual’s basement with cement cover? Shepard – provision for private, technical guidelines on website. VanOverbeke – one public building in the State of Minnesota, Kandiyohi Sheriff Department Building withstand F5 tornado. Ludeman – a lot of good information for public. Biren – comprehensive plan update use as a working document. A copy of the Plan will be kept at the Zoning Office.

Motion by Thooft seconded by Ludeman to recommend to the Lyon County Board of Commissioners to consider for adoption the Lyon County All Hazard Mitigation Plan prepared by Southwest Regional Development Commission and Lyon County Emergency Management.

VOTING FOR: Thooft, Ludeman, Buesing, Vroman

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

Motion carried.

BOARD OF ADJUSTMENT:

Public Hearing, Brent Walz for Kenneth Walz, density variance to construct a new home. Density within the agricultural district is 80 acres. The tract of land is approximately 7 acres more or less. The affected property is described as all that part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section 20, Clifton Township. Darrel Hoyle was present on behalf of Walz. Biren – explained request. 7 acre tract, 1/80 acres, does not meet density. Oakland read township’s comments. Attached is a copy. Biren – showed location, other residences in area and a township hall. E-911 address for machine shed, parcel split many years ago. 1988 variance applied for and granted, not acted on as far a building house. Hoyle – long time friend of Walz, he is having medical problems. Some information, 1988 ability to build before purchasing tract. Rural water 10 years ago, county said could build on, water rights. Agricultural district. Wanting to build don’t know if that will happen. Better than some requests. No more expense to township for snow plowing. Tax base. Road going past site now. Very little expense. Buesing – Brent Walz? Hoyle – one of his sons, out of state, was home so was doing some talking with John how he got involved. Vroman – township meeting discussed issue. Bottom line ordinance preserve farm land. Not much can happen. Density transfer 7-8 available in section. Could have a small city, very little way to control. Thooft – density available? Biren – one entity owns land, remaining eligibilities, 520 acres. Vroman – 3-4 years ago denied density variance for 6 acres, two homes. Got density transfer. Township consistent with ordinance. Hoyle – could not get a hold of Altman (property owner). Farm management did, no interest in transferring density. Board reviewed Findings of Fact. 1). Vroman - 7 available density transfers, would be a “yes”. Intent preserve ag land, variance would

not prevent this. Zimmer – staff meeting, reviewed Supreme Court case with Murray County. Variance denied, consistent with past action, what done previously not good enough. Specific for individual property, answer why or why not. General health, safety and welfare considered. Ludeman - skip #1 will come back. #2) no. Thooft – E911 address. #3) no. Thooft – area. Biren – 3 existing houses in area, no feedlot in close proximity. #4) Thooft – more talk with landowner, written statement for denial for density transfer. Biren – 6 density eligibilities. Thooft – more discussion between parties. Want in writing. Hearsay. Parties talk directly. Hoyle – open to that if necessary. Vroman – money change hands for density transfer? Biren – aware of, but CUP denied and money given back. Others have had promises attached between landowners. Nelson – money benefit density, every right to do. Vroman - Kerkaert density transfer money involved? Biren – no, stipulation existing house torn down, density goes back. Buesing – Evans/Pochard, none. Skip #4. #5) no. #6, #1, #4 - discussion.

Thooft moved, seconded by Vroman to continue public hearing for Kenneth Walz density variance to construct a new home. This giving applicant ample opportunity to discuss and receive a written response for density transfer from landowner having densities in same section
Ludeman – time line? Hoyle – due to health like to see move forward. 100% sure talked with landowner. Thooft – written statement. Nelson – affect value of 80 in future? Thooft – party has to make that decision. Ludeman – any “yes” in Findings deny. Zimmer – have on record ample explanation, concrete information pertaining to site. 60 days expires on August 22nd. Nelson – review: grove and building there, house to meet setback requirements, existing driveway and water system. Purpose law for zoning, protect farm land. Doubt grove will be knocked down to farm. Look at, consider and think about variance. Thooft – table for more information, receive written statement.

Thooft moved, seconded by Vroman to continue public hearing for Kenneth Walz for a density variance to construct a new home. This giving applicant ample opportunity to discuss and receive a written response for density transfer from landowner having densities in same section. Density within the agricultural district is 80 acres. The tract of land is approximately 7 acres more or less. The affected property is described as all that part of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section Twenty (20), Clifton Township.

VOTING FOR: Thooft and Vroman

OPPOSED: None

ABSTAINED: None

ABSENT: Nassif

NO VOTE: Ludeman and Buesing

Motion carried.

PLANNING COMMISSION:

Work session and presentation by Lucas Youngsma, DNR, requirements for adopting a new/amending the Floodplain Ordinance and Map Approval (effective date: November 26, 2010). Attached is a power point presentation given by Lucas Youngsma. Youngsma – Flooding largest financial cost, affects lives and property. National Flood Insurance Program. Started on project in 2007, 2010 finalizing. 2001 area photos used in mapping. Biren – maps are available on line on county website. Youngsma - had review, appeal process and comment period. Maps are what they are. Final determination. November 26, 2010 effective date. Enact ordinance and adopt maps. DNR assist federal and local entities. Maps have been mailed out to county. Zoning ordinance

minimum requirements by state. Incorporate in ordinance to protect residence of Lyon County. DNR help/support. Biren – items deal with. Building house outside flood fringe now want to add a walkout basement. Property owners required to get flood insurance when actually not in flood zone. Youngsma – bank is federally backed, look at maps, mandatory requirement for loan. Zoning office can go by best available data to make determination. Bank has to go by maps. Do LMA and work through, survey. Biren - FEMA, Corps, DNR preliminary maps overflow Redwood River to Cottonwood River increase floodplain CD 70, not answered why putting us in, Corps Project along Hwy 23. Will come up at hearing. Buesing – along County Road 7 can a dike be built? Biren – will be discussed when overpass planned. Youngsma – Corps, FEMA, DNR and County will address. Sandbag, clay dike down road not in floodway, short term flood protection measure allowed. If you have any specific questions, give me a call, will get you an answer.

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(I), FEEDLOT: None

RENEWAL - CONDITIONAL USE PERMITS – JULY:

Archer Daniels Midland Company, NE1/4NE1/4, Section 33, Fairview Township, Ground Piling Site for Agricultural Products. Issued: July 2007, recorded, review annually.

Patti Gertner, Mobile Home, W1/2, Section 26, Lake Marshall Township. Issued July 2007, recorded, inspect annually.

Biren – no issues. Recorded.

INSPECTIONS:

Joe Ektanitphong, Topographic Alterations/Grading and Filing and Excavation, Lot 28 & Part of Lot 27, Block 1, Kastjaga Subdivision, Rock Lake Township. Work complete except for seeding. Check seeding summer 2010. Biren – complete. Building house will see him back in the future.

DISCUSSION: Coon Creek Township Board correspondence (enclosed). Biren – concrete, rebar stockpiled. Township concerned make sure not left there and buried. CUP not address storage of concrete. Buesing – already there? Biren – want a written statement from Lawrence Rogge, recycle after gets so much stockpiled. Buesing – timeframe? Biren – an amount or both. Ritter – county attorney’s office write letter, don’t trust that. Biren – I can send a letter, cc: Attorney’s Office and landowner DeMuth. Ludeman – work with township board. Benz concern with closing it, not used for fill and buried. Ritter – landowner benefits from sale of gravel, part of solution.

Ludeman adjourned meeting at 8:40 p.m.

Next meeting to be held on Tuesday, August 10, 2010 at 8:01 in Conference Rooms 4&5, 3rd Floor of Government Center.

Respectfully submitted,

Sandy Ludeman, Chairman
Planning&Zoning/Board of Adjustments

Carol Oakland, Secretary
Planning&Zoning/Board of Adjustments