

## MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

**Tuesday, October 10th, 2017 – 7:00 P.M. COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN.**

**MEMBERS PRESENT:** Steen, VanOverbeke, Williams, Chalmers

**OTHERS PRESENT:** Crowley, Ritter, Olson, Springstead

**ABSENT:** Decock

Chalmers opened the meeting at 7:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**IDENTIFY ANY CONFLICT OF INTEREST:** None

**AMEND/APPROVE AGENDA:** Williams moved, seconded by Steen to approve agenda. All in favor, motion carried.

**AMEND/APPROVE MINUTES:** VanOverbeke motions to amend September 12 minutes, changing “Chalmers facilitated the finding of faces” to “Chalmers facilitated the finding of facts.” Williams seconded, all in favor. Motion carried.

### **BOARD OF ADJUSTMENT:**

- A VARIANCE REQUEST has been received by the Lyon County Planning and Zoning Administrator by Ted Anderson, 703 South Bend Ave, Marshall, MN 56258 to construct a storage shed 30 feet from the road right of way. The required setback is 100 feet from the road right of way. This request represents a 70-foot variance. The land is zoned Rural Residential and is described as:

***All that part of the South Half of the Northwest Quarter (S 1/2 NW 1/4) and that part of the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section Twenty-seven (27), Township One Hundred Eleven (111), Range Forty-Three (42), Lynd Township, all located in Lyon County, Minnesota.***

Ted Anderson was present to explain project and reasoning behind the variance request.

**Public Comment** – None was received

**Township** – Township supports the variance

Chalmers facilitated the Finding of Facts.

VanOverbeke moved, seconded by Steen to recommend the County Board to grant the Variance request (with changes to agenda location “Range Forty-Three (42)” to “Range Forty-Three (43)”) for Ted Anderson. All in favor, motion carried.

**Mr. Anderson missed the 11% rebate at Menards**

**PLANNING COMMISSION:**

- **Buffer Ordinance:** A Public Hearing will be held by the Lyon County Planning Commission on October 10, 2017 at 7:15 p.m. in the Commissioner’s Room of the Lyon County Government Center, Marshall, MN.

**Summary:** The Lyon County Buffer Ordinance is proposed for adoption in order to meet the requirements of MN Statutes §103B.101, Subd. 12a and MN Statutes §103E.48. The Buffer Ordinance identifies the width of buffer areas required on public waters and on public ditches as shown on the buffer protection map, describes how to measure the buffer width, explains the uses allowed within the buffer area, allowed exemptions to the buffer requirements, alternative buffer practices, and how the County will handle complaints, noncompliance issues and enforcement.

Chalmers presents the proposed buffer ordinance:

- Planning Commission deliberated on the definition of ‘Landowner’. Springstead indicated that during her conversation with the County Attorney, Rick Maes, and a BWSR employee that the original definition of landowner that was proposed by BWSR in the model ordinance aligns better with Minnesota administrative rules and the original definition is more inclusive rather than exclusive. The planning commission disagreed and proceeded with the definition that only includes the holder or the fee title or the holder’s agents and excludes renters, leasers, and or land managers.
- Springstead brought forward suggested corrections stemming from a meeting with Olson, Biren, and a BWSR representative regarding 5.3.1 in the buffer ordinance. On line three,

VanOverbeke moved, Steen seconded o recommend to the county board to adopt to the Lyon County Buffer Ordinance as amended in this meeting. Steen and Vanoverbeke vote in favor, Williams opposed. Motion carried.

**Adjourn:** Williams moved, second by VanOverbeke to adjourn meeting. All in favor, motion carried.

Respectfully submitted,

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Jon Chalmers, Planning Commission/  
Board of Adjustments Chair

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Devin Ryan, Lyon County Planning &  
Zoning