

MOWER COUNTY BOARD OF ADJUSTMENT

Minutes of the Mower County Board of Adjustment

Members Present: Don Olson, Joan Roe

Members Absent: Gary Braaten

Others Present: Citizens, Daryl W. Franklin.

The special meeting of the Mower County Board of Adjustment was called to order by Chair Don Olson on Wednesday, October 16, 1996, at 2:15 p.m. in the County Office's, Mower County Office Building, 1105-1/2 NE 8th Avenue, Austin, Minnesota. Minutes of the August 28, 1996, meeting were approved as mailed on a motion by Joan Roe, seconded by Don Olson. The motion passed unanimously.

Variance #312 - George Wyland/Kathryn Bjerstedt Variance from Section 14-50(h)(1)(4) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land and land with a CER of over 60 in Section 12 of Pleasant Valley Township. A letter was presented from the Petitioners withdrawing their variance request.

Variance # 313 - Robert Newman/Vandlyn Newman - Variance from Section 14-50(h)(1) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land in Section 27, Red Rock Township. Staff report was presented. Reference was made to the on-site visit conducted by the Board of Adjustment on this day. Mr. Newman explained that he would like to move in a mobile home for his mother to live in. After some discussion, a motion was made by Joan Roe, seconded by Don Olson, to approve variance #313 because (1) the variance is in harmony with the spirit and intent of the ordinance because it will not be creating an additional building site; (2) the variance is consistent with the Comprehensive Plan because no agricultural land will be removed from production; (3) there are practical difficulties and particular hardships shown because his mother needed the assistance of her son; with the following conditions:

1. Upgrade individual sewage treatment system according to Individual Sewage Treatment Ordinance and MPCA 7080 for the addition of the mobile home. Acquire Individual Sewage Treatment Permit if necessary.
2. Apply for and receive a zoning permit from the Mower County Zoning Office for the mobile home.
3. When the mobile home is no longer needed by Vandlyn Newman, it be removed from the property.

The motion passed unanimously.

Variance # 315 - Donald Pedersen - Variance from Section 14-50(h)(1 & 4) of the Mower County Zoning Ordinance for an additional non-farm dwelling on agricultural land in Section 6, Red Rock Township. Staff report was presented. Reference was made to the on-site visit conducted by the Board of Adjustment on this day. Mr. Pedersen stated that he purchased the

land when the zoning ordinance allowed one non-farm per 40 acres. He wanted to place a house on this property. The Red Rock Township Board representative Francis Guiney stated that the township had no problem with this variance request. After some discussion, a motion was made by Joan Roe, seconded by Don Olson, to approve variance #315 because (1) the variance is in harmony with the spirit and intent of the ordinance because of the recent change in the Mower Co. Zoning Ordinance; (2) the variance is consistent with the Comprehensive Plan because of the recent change in the Mower Co. Zoning Ordinance; (3) there are practical difficulties and particular hardships shown because of the recent change in the Mower Co. Zoning Ordinance with the following conditions:

1. Apply for and receive individual sewage treatment permit from the Mower County Environmental Health Department for the septic system for the new home.
2. Apply for and receive a zoning permit from the Mower County Zoning Office for the new home.

The motion passed unanimously.

Variance #316 - J.O. Bigelow & Sons Enterprise, Inc. - Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to drill a cased and grouted Galena limestone well. Staff report was presented. A letter of approval from the Minnesota Department of Health was discussed. After some discussion, a motion was made by Joan Roe, seconded by Don Olson, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because by following the standards of the State Health Department it will insure an adequate and safe supply of water, (2) the variance is consistent with the Comprehensive Plan for the reasons stated above; (3) there are practical difficulties and particular hardships shown because going to the St. Peter Sandstone would not insure any better quality or quantity of water. The variance was approved with the following 11 conditions of the Minnesota Department of Health and a 12th condition added that the well must be conformance with the Mower County nitrate standard:

1. The variance is valid only with the written approval of Mower County (County). Approval must be given prior to construction and in accordance with the Mower County Water Well Ordinance (Article VII). All conditions from the granted state approval shall be included within the final variance decree of Mower County.
2. The Galena formation at the well location must be overlain by the Spillville, Maquoketa, and Dubuque formations.
3. The static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
4. The well must be cased and grouted to a minimum depth of 300 feet and at least 20 feet below the static water level in the well. If the gamma-log and geological cutting samples, analyzed by the Minnesota Geological Survey (MGS), indicate that the top of the Galena formation is at a shallower depth than the required minimum depth given in this condition, the well can be cased and grouted to a depth not less than 10 feet into the Galena formation.
5. The well must be constructed in a bore hole which is at least 3.25 inches larger than the outer diameter of the casing. If couplings are used, the bore hole must be at least 3.25 inches larger than the outer diameter of the couplings. The

annular space around the casing must be filled with neat cement grout in the rock portion of the well.

6. The well shall be test pumped and the well water sampled prior to grouting. The water sample taken from the well must meet water quality standards for coliform bacteria (less than 1.0 organism/100 milliliter [ml] MF method or less than 2.2 organisms/100 ml MPN method) and nitrate nitrogen (less than 10.0 milligrams/liter [mg/l]). If the water quality in the Galena formation is unsatisfactory, the well must be cased and grouted into an underlying safe aquifer or be sealed in accordance with Minnesota Rules, Chapter 4725.
7. Water from this well will be tested by the Minnesota Department of Health (MDH), upon completion of the well, for nitrate nitrogen. This sample is in addition to the sample that must be taken upon completion of the well, by the person constructing the well. The MDH may sample the well for nitrate nitrogen at future dates.
8. Representative samples of drill cuttings shall be collected for each 5-foot drilled interval. These samples shall be collected in bags which will be sent to the well contractor under separate cover. The MGS will pick up the bagged drill cuttings.
9. The MGS must be contacted at 612/627-4788 after the bore hole is drilled so that a gamma-log of the well may be obtained. The gamma log and cuttings will be used to determine the depth to the Galena limestone.
10. Mr. Chris De Mattos or Mr. Peter Zimmerman at the MDH (507/285-7289) and the County (507/437-9527) must be notified at least 24 hours prior to the construction of the well.
11. The well must be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.

One additional condition was stated by the Board of Adjustment:

12. The nitrate-nitrogen concentration of the finished well shall be less than 5 mg/l as required by Mower County Ordinance.

The motion passed unanimously.

Variance #317 - Larry Krell - Variance from Section 6-82 of the Mower County Well Code to allow the petitioner to drill a cased and grouted Galena limestone well. Staff report was presented. Gary Braaten and Bill Buckley had visited the site on September 30, 1996 to grant an emergency drilling variance since the Krell's were without water. It was stated that a verbal approval from Jim Nye of the Minnesota Department of Health (MDH) was received earlier in the day and that he said a letter of approval from the Minnesota Department of Health was in the mail. After some discussion, a motion was made by Joan Roe, seconded by Don Olson, to approve the variance because (1) the variance is in harmony with the spirit and intent of the ordinance because by following the standards of the State Health Department it will insure an adequate and safe supply of water, (2) the variance is consistent with the Comprehensive Plan for the reasons stated above; (3) there are practical difficulties and particular hardships shown because going to the St. Peter Sandstone would not insure any better quality or quantity of water. The variance was approved with the following 11 conditions of the Minnesota Department of Health and a 2 conditions added that the well must be conformance with the Mower County nitrate standard and the existing well be sealed:

1. The variance is valid only with the written approval of Mower County (County). Approval must be given prior to construction and in accordance with the Mower County Water Well Ordinance (Article VII). All conditions from the granted state approval shall be included within the final variance decree of Mower County.
2. The Galena formation at the well location must be overlain by the Spillville, Maquoketa, and Dubuque formations.
3. The static water level in the completed well must be no lower than the elevation of the top of the Maquoketa formation.
4. The well must be cased and grouted to a minimum depth of 300 feet and at least 20 feet below the static water level in the well. If the gamma-log and geological cutting samples, analyzed by the Minnesota Geological Survey (MGS), indicate that the top of the Galena formation is at a shallower depth than the required minimum depth given in this condition, the well can be cased and grouted to a depth not less than 10 feet into the Galena formation.
5. The well must be constructed in a bore hole which is at least 3.25 inches larger than the outer diameter of the casing. If couplings are used, the bore hole must be at least 3.25 inches larger than the outer diameter of the couplings. The annular space around the casing must be filled with neat cement grout in the rock portion of the well.
6. The well must be test pumped and the well water sampled prior to grouting. The water sample taken from the well must meet water quality standards for coliform bacteria (less than 1.0 organism/100 milliliter [ml] MF method or less than 2.2 organisms/100 ml MPN method) and nitrate nitrogen (less than 10.0 milligrams/liter [mg/l]). If the water quality in the Galena formation is unsatisfactory, the well must be cased and grouted into an underlying safe aquifer or be sealed in accordance with Minnesota Rules, Chapter 4725.
7. Water from this well must be tested by the Minnesota Department of Health (MDH), upon completion of the well, for nitrate nitrogen. This sample is in addition to the sample that must be taken upon completion of the well, by the person constructing the well. The MDH may sample the well for nitrate nitrogen at future dates.
8. Representative samples of drill cuttings shall be collected for each 5-foot drilled interval. These samples shall be collected in bags which will be sent to the well contractor under separate cover. The MGS will pick up the bagged drill cuttings.
9. The MGS must be contacted at 612/627-4788 after the bore hole is drilled so that a gamma-log of the well may be obtained. The gamma log and cuttings will be used to determine the depth to the Galena limestone.
10. Mr. Chris De Mattos or Mr. Peter Zimmerman at the MDH (507/285-7289) and the County (507/437-9527) must be notified at least 24 hours prior to the construction of the well.
11. The well must be constructed in accordance with all other provisions of Minnesota Rules, Chapter 4725.

Two additional conditions were stated by the Board of Adjustment:

12. The nitrate-nitrogen concentration of the finished well shall be less than 5 mg/l as required by County Ordinance.

13. The existing well is to be sealed according to MN Rules 4725 and Mower County Code.

The motion passed unanimously.

Variance # 314 - Robert & Judy Osmundson (Letter) A letter from Judy Osmundson was presented to the Board of Adjustment. The Board of Adjustment discussed the problem with the site evaluation of the sewer system at the Osmundson site. The Board felt that before they make any changes the Osmundson should obtain a second opinion from another site evaluator to determine the water table depth to the bottom of the trenches. The Board of Adjustment would then consider if changes should be made to the conditions of the variance.

Other Business:

None

There being no further business, the meeting adjourned at 2:50 p.m. on a motion by Joan Roe, seconded by Don Olson. The motion passed unanimously.

Respectfully submitted:



Daryl W. Franklin