

MOWER COUNTY

AUSTIN, MINNESOTA

55912



January 31, 1984

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Roger Peck, John Hill, Conrad Stemson, Jen Ulwelling, Ray Capelle, Joe Monson

Members Absent: Richard Cummings

Others Present: Julie Lewon, David Olson, Bill Buckley

Chairman Peck called the meeting to order at 8:00 p.m., Tuesday, January 31, 1984, in the Commissioners Conference Room of the Mower County Courthouse. Minutes of the December 20, 1983 meeting were approved as mailed on a motion by Mr. Monson, seconded by Mr. Stemson and passed unanimously.

Discussion of Pleasant View Addition: Chairman Peck introduced Mr. Buckley and Ms. Lewon of the staff to the residents of Pleasant View Addition, with them leading the discussion pertaining to county ordinances regarding zoning and sewage disposal. Mr. Buckley then reviewed a series of slides of the current conditions in Pleasant View Addition. The slides showed most of the lots and uses currently being conducted on these lots including campers, small buildings, outhouses, etc. Mr. Buckley reviewed the requirements or regulations as stated in the Mower County Code and also MPCA regulations regarding the installation of a standard septic system in a floodplain area, which states that the bottom of the trench should be at least as high as the elevation of the ten year flood and also that a sump pump be used to remove the effluent from the sewage tank to the drainfield and provisions be made to prevent the pump from operating when inundated with flood waters.

Another section of the ordinance discussed related to privies. This section states that privies shall not be used where the bottom of the pit is less than three feet above the water table, and vault privies shall be used in areas of high ground water. The vault of the vault privy shall be constructed in the same manner as the septic tank. Private privies shall be set back from surface waters the same distance as required for buildings and from property lines and water supply wells the same distance as required for soil treatment. All liquids and solids removed from the vault privy should be disposed of in accordance with the Agency's septage disposal guidelines. Several questions were asked of Mr. Buckley as to location and type of systems which would be allowed under these regulations.

Ms. Lewon then passed out floodway maps of the area in question to the property owners present. She went on to explain that most of the lots had the majority of their area located within the floodway. She said after contacting DNR, that they stated that campers or buildings on skids would not have to meet the 200 foot setback required in the shoreland portion of Shoreland Management Ordinance. Ms. Lewon went on to explain the proposal of amending the current ordinance to allow a special use district for Pleasant View Addition to allow the placement of campers, portable buildings or buildings on skids on the lots.

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A question was asked of Mr. Buckley as to whether the property owners in Pleasant View Addition could jointly apply for and receive a permit to operate a campground. Mr. Buckley stated that according to the Minnesota Department of Health, no area could be classified as a campground unless all the lots in the area would be under single ownership.

Ms. Lewon went on to explain the existing non-conforming uses in Pleasant View Addition and when the shoreland and flood plain management ordinances were adopted.

Mr. Peck then read the entire proposed amendment to the Mower County Zoning Ordinance to allow a special use district. Several questions were asked by property owners present. Mr. Buckley then again explained the types of privies and whether they could be located on the lots. Along with this, he gave examples of the current situation out there and whether they were in accordance with the county and state regulations. After further discussion, it was stated by Chairman Peck that the septic tank discussions and discussions regarding the amendment to the ordinance be tabled until the February meeting of the Planning Commission.

Zoning Ordinance Amendment Allowing Commercial Uses in Rural Zones: Ms. Lewon stated that the county board had requested a recommendation from the planning commission to amend the county ordinance to allow commercial uses as conditional uses in all zoning districts in the county. Mr. Capelle stated that they cannot have spot zoning all over the county, and he stated that he was against changing the ordinance. Mr. Monson also stated that he was against the amendment and stated that putting commercial uses in the country would pull businesses from the towns. Chairman Peck stated that if the ordinance were amended, there would be no need for an ordinance at all.

Ms. Lewon stated that trouble would arise allowing commercial uses as conditional uses and that specific standards would have to be listed for each conditional use. It would have to be stated in the ordinance. Mrs. Ulwelling stated that if the ordinance was amended to allow commercial uses as conditional use permits that the County Board of Commissioners and Planning Commission would also lose control of developments taking place out in the county.

Roy Hamilton, who owns land directly north of Elkton, stated that he had applied for rezoning of his property to operate a commercial used car lot and was turned down. He stated that he was not allowed to apply for a conditional use permit because of the zoning ordinance which does not allow for conditional use permits to operate commercial used car lots. He stated that he would put in writing that he would operate a clean business and that if he did not comply that the county could recall the permit and close his operation down.

Mr. Franklin stated that the planning commission would put themselves "between a rock and a hard place" and that amending the ordinance would allow Mr. Hamilton to have a good operation, but future conditional use permit applicants may not. Mr. Franklin went on to state that Mr. Hamilton was contiguous to the city of Elkton and that if he wished to operate his used car lot on his property, that possibly

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he should petition for annexation into the city of Elkton.

A motion was made by Mr. Capelle to reaffirm the previous motion by the planning commission not to amend the zoning ordinance to allow conditional use permits for commercial uses throughout the county. Mr. Monson seconded the motion and it passed unanimously on a roll call vote.

Review of Flood Plain Development Permit: Ms. Lewon explained that the planning staff had attended a meeting with the Flood Emergency Management Agency and DNR to review county flood plain management regulations and enforcement practices. At this meeting it was found that the county did not provide for centralized maintenance of the lowest floor elevations of new structures, the elevation of the 100 year flood, the elevation to which the structure would be flood proofed, and certification of these elevations. It was recommended that we revise the building permit to allow for maintenance of these elevations.

The permit would be attached to all building permits granted for new structures, additions to existing structures in flood plain districts. Ms. Lewon went on to explain that no action was required by the planning commission and that they just wanted to make them familiar with the change in the permit procedures.

Election of Officers: Mr. Monson moved to elect the present slate of officers of Mr Peck, Chairman; Mr. Capelle as Vice-Chairman until July 1, 1984. Mr. Hill seconded the nomination and Mrs. Ulwelling moved to cease all nominations. Mr. Monson seconded the motion and it passed unanimously. Mr. Hill then moved to cast a unanimous ballot for the nominated officers. Mrs. Ulwelling seconded the motion and it passed unanimously.

Other Business: Mr. Monson made a motion to request the County Board appoint an alternate board member to the planning commission to attend meetings in the absence of the regularly appointed county board members. Mr. Stenson seconded the motion and it passed unanimously.

There being no further business, Mr. Monson made a motion to adjourn. The motion was seconded by Mr. Hill and passed unanimously. The meeting adjourned at 9:55 p.m.

Respectfully submitted,



David L. Olson, Secretary