

Mower County Planning Commission

Minutes Mower County Planning Commission

Members Present: Diane Benson, Harold Boverhuis, Meri Jo Lonergan, Sheldon Lukes, Brian McAlister, Gary Nemitz, Don Olson, Keith Voorhees.

Members Absent: none

Others Present: Lee Bonorden (Austin Daily Herald), Citizens, Daryl W. Franklin.

Chair Gary Nemitz called the regular meeting to order at 7:00 p.m. on Tuesday, September 30, 1997, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Chair Nemitz welcomed everyone to the newly remodeled courthouse. Minutes of the July 29, 1997; meeting were approved as mailed on a motion by Harold Boverhuis, seconded by Brian McAlister. The motion passed unanimously. It was reported that the Mower County Board of Commissioners will hear the petition at their October 7, 1997, meeting at 1:15 p.m. at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota.

First item of business:

Conditional Use Permit #531 -Timothy Wiersma/Mark & Paul Meany. CUP applicable to Section 14-51(m) of the Mower County Zoning Ordinance for an agriculturally oriented business (seed sales and seed plot demonstration areas) in Section 27, Windom Township. *Presentation by Staff:* Reference was made to the site investigation performed by Don Olson on September 22, 1997. Staff report was presented. It was explained that MN DOT didn't have any special requirements regarding a new in-drive if needed by the petitioner. *Questions of the Staff from the Planning Commission:* None. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* None. *Presentation by the Applicant:* Mr. Wiersma explained that the business would be for seed sales and seed plot demonstration areas. *Questions for the Applicant from the Planning Commission:* Meri Jo Lonergan wanted to know if he would be selling chemicals. Mr. Wiersma stated that he would not be selling chemicals. *Questions for the Applicant from the Public:* Windom Township representative stated that the township didn't have any problem with the permit. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to the public. After some discussion, a motion was made by Don Olson, seconded by Sheldon Lukes, to approve Conditional Use Permit #531 for seed sales and seed demonstration areas because it was in accordance with Section

14-31 of the Mower County Code and recommend approval to the Board of Commissioners with the following conditions:

1. Permit will expire on September 30, 2007.
2. Contact MN Dot regarding the driveway.
3. A zoning permit must be obtained from the Mower County Planning Office for the building.
4. The building must be constructed and the business in operation by October 31, 1999, or this permit will be void.
5. A new business must be approved by the Mower County Board of Commissioners.
6. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.

The motion passed unanimously.

Conditional Use Permit #532 - Leonard & Charlotte Titus. CUP applicable to Section 14-97(d) of the Mower County Zoning Ordinance for filling in the shoreland area in Section 1, Lansing Township. *Presentation by Staff:* Reference was made to the site investigation performed by Don Olson on September 22, 1997. Staff report was presented. Harold Boverhuis explained that he was the contractor working with the Titus's on this project and wouldn't be voting on the permit. *Questions of the Staff from the Planning Commission:* None. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* Lansing Township representative Carlton Thompson stated that the township didn't have any concerns about the project. *Presentation by the Applicant:* Mr. & Mrs Titus explained that they were concerned about the erosion problem near a power pole. They feel that by filling in this gully it will prevent future problems. *Questions for the Applicant from the Planning Commission:* None. *Questions for the Applicant from the Public:* None. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to the public. After some discussion, a motion was made by Brian McAlister, seconded by Keith Voorhees, to approve Conditional Use Permit #532 for filling in the shoreland area because it was in accordance with Section 14-31 of the Mower County Code and recommend approval to the Board of Commissioners with the following conditions:

1. Secure "Permit-By-Rule" from Minnesota Pollution Control Agency (MPCA) if applicable or any other permit that may be required.
2. Fill shall be stabilized to prevent erosion.
3. Work must be completed by December 31, 1999.
4. Permit will expire on December 31, 1999.
5. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.

The motion passed by a vote of 6-0 with Harold Boverhuis abstaining.

Petition for Change of Zone - Joseph Wagner, Mark & Linda Goddard, David & Claudia Pilot. Petition for change of zone from Agricultural (A) to Rural Residential (R) in Section 31, Red Rock Township. *Presentation by Staff:* Reference was made to the site investigation performed by Don Olson on September 22, 1997. Staff report was presented. *Questions of the Staff from the Planning Commission:* None. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* Francis Guiney, clerk of Red Rock Township, inquired about the road. Mr. Wagner explained it was a dead-end road and that the new owner will be installing the road. *Presentation by the Applicant:* None. *Questions for the Applicant from the Planning Commission:* None. *Questions for the Applicant from the Public:* None. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to the public. After some discussion, a motion was made by Harold Boverhuis, seconded by Brian McAlister, to approve the change of zone from Agricultural (A) to Rural Residence (R) because it was compatible with surrounding land use and recommend approval to the Board of Commissioners. The motion passed unanimously.

Plat Amendment. Seven Springs Second Addition (James Burke, Kathryn Colestock-Burke, Russell Burke and Cleo Burke). Petition to plat in accordance with the Mower County Subdivision Ordinance in Section 32 of Lansing Township. *Presentation by Staff:* Reference was made to the preliminary plat already approved by the Planning Commission and Board of Commissioners. Staff report was presented. It was explained that the Burkes started the plat in 1996 and now are completing the second phase. These lots were actually proposed when the plat was originally approved. *Questions of the Staff from the Planning Commission:* None. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* Lansing Township stated that they were in support of the plat. *Presentation by the Applicant:* Dr. Burke explained that this was part 2 of the plat. *Questions for the Applicant from the Planning Commission:* None. *Questions for the Applicant from the Public:* None. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to the public. After some discussion, a motion was made by Brian McAlister, seconded by Harold Boverhuis, to approve the plat and recommend the County Board allow the petitioner to proceed with the final plat being prepared with the following conditions:

1. Comply with Mower County Subdivision Ordinance.
2. Owner/Petitioner is responsible for all roads, culverts and fill needed for access to the lots.
3. Floodway, the flood fringe, and shoreland shall be delineated on preliminary plat and final plat if present.
4. Site evaluations, including a minimum of two soil borings and two percolation tests will be conducted on the "primary"

sewage treatment site for each lot and report filed in the Mower County Environmental Health Department.

5. Easements as requested will be shown on plat.

Motion passed unanimously.

Amendment to the Mower County Zoning Ordinance regarding

Section 14-78. The Planning Commission discussed changes to Section 14-78. After some discussion, a motion was made by Keith Voorhees, seconded by Don Olson, that the Planning Commission recommend the following amendments of the Mower County Zoning Ordinance to the Mower County Board of Commissioners for adoption:

Current:

Section 14-78. Conditional Uses

- (g) Lawful use of land or building not elsewhere provided for and which by its nature does not through noise, dirt, soot, offensive odors or unsanitary conditions constitute either a public or private nuisance.

Change to:

- (g) Other uses of the same general character as those listed, provided they are deemed fitting or compatible to the District by the Planning Commission.

Add to Section 14-78:

- (k) Kennels

The motion passed unanimously.

Amendment to the Mower County Zoning Ordinance regarding

Section 14-50. The Planning Commission discussed the amendment recommendation from the Ordinance Committee. After some discussion, a motion was made by Harold Boverhuis, seconded by Keith Voorhees, that the Planning Commission recommend the following amendments of the Mower County Zoning Ordinance to the Mower County Board of Commissioners for adoption:

DELETE THE FOLLOWING DEFINITIONS:

Dwelling - A residential building or portion thereof intended for occupancy by a single family, includes: bed & breakfast, churches and schools, but not including hotels, motels, boarding or rooming houses or tourist homes.

Dwelling, Detached - A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Farm - A dwelling located on a farm which the resident of said dwelling either owns, operates or is employed thereon.

Dwelling, Non-Farm - A dwelling located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.

CHANGE THE FOLLOWING DEFINITION: (remove the word "unit")

Dwelling Unit - Any structure or portion of a structure, or other shelter designed as a short term or long term living quarters for one or more persons, including rental or timeshare accommodations, such a motel, hotel, and resort rooms and cabins. A structure, to be considered a "dwelling-unit" for the purpose of this definition, must also be in compliance with all applicable regulations, including the Mower County Individual Sewage Treatment Ordinance, or have had a residential real estate tax classification and assessed value within the last five (5) years. (6/24/97)

CHANGES:

current:

SECTION 14-50. PERMITTED USES

(b) Farm dwelling plus accessory building for such farm use.

change to:

SECTION 14-50. PERMITTED USES

(b) [blank]

current:

- (h) Non-farm single family dwellings, not included in subdivision, which meet the following conditions:
- 1) No more than one (1) non-farm dwelling per quarter (1/4) section (160 acres) of land shall be allowed provided the non-farm dwelling is at least 1,000 feet from an existing feedlot.
 - 2) No more than two (2) non-farm dwellings per mile length on a single side of a public road shall be allowed.
 - 3) No non-farm dwellings shall be permitted in areas classified as wetlands, floodways, and peat and muck areas.
 - 4) No non-farm dwellings shall be permitted on land which has been tilled within five (5) years of the date of the application for a zoning permit or has an agricultural crop rating of greater than sixty (60) as determined by the U.S.D.A. or NRCS soils rating or is in any state or federal conservation program.

- 5) No non-farm dwellings shall be permitted on lots which do not abut an existing public road or highway or privately dedicated 66 foot wide utility and driveway easement.
- 6) When an existing farm building site is split from the remainder of the farm, it shall be classified as a non-farm dwelling.

change to:

- (h) Dwellings in existence, under construction, permitted for building, or for which a zoning permit has been applied for but not yet granted as of November 1, 1997. Dwellings included above shall be allowed to be sold or separated from the remaining parcel of land without complying with the following condition. Dwellings, not included above, shall comply with following conditions:
 - 1) No more than one (1) dwelling per quarter (1/4) section (160 acres) of land shall be allowed provided the dwelling is at least 1,000 feet from an existing feedlot.
 - 2) No more than two (2) dwellings per mile length on a single side of a public road shall be allowed.
 - 3) No dwellings shall be permitted in areas classified as wetlands, floodways, and peat and muck areas.
 - 4) No dwellings shall be permitted on land which has been tilled within five (5) years of the date of the application for a zoning permit or has an agricultural crop rating of greater than sixty (60) as determined by the USDA or NRCS soils rating or is in any state or federal conservation program.
 - 5) No dwellings shall be permitted on lots which do not abut an existing public road or highway or privately dedicated 66 foot wide utility and driveway easement.

The motion passed unanimously.

OTHER BUSINESS:

There being no further business, the meeting adjourned at 8:00 p.m. on a motion by Brian McAlister, seconded by Diane Benson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director