

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission

Members Present: Diane Benson, Harold Boverhuis, David Hillier, Meri Jo Lonergan, Sheldon Lukes, Don Olson.

Members Absent: Vance Larson, Brian McAlister.

Others Present: Citizens, Glen Jacobsen (Mower Co. Asst. Attorney), Lee Bonorden (Austin Daily Herald), Daryl W. Franklin.

Chair David Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, April 28, 1998, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 31, 1998, meeting were amended to list Diane Benson as absent. Minutes were approved with the amendment on a motion by Sheldon Lukes, seconded by Harold Boverhuis. The motion passed unanimously. It was reported that the Mower County Board of Commissioners will hear the petition at their May 5, 1998, meeting at 1:30 p.m. at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota.

**Conditional Use Permit #538 - Dennis Martin:** CUP applicable to Section 14-51(q & u) of the Mower County Zoning Ordinance for a small woodworking business and possibly retail sale in Section 13, Udolpho Township. *Staff Presentation:* Reference was made to the site investigation performed by Vance Larson and Don Olson on April 22, 1998. Staff report was presented. Don Olson stated that the site was well kept and that the site seemed very appropriate for this type of business. *Applicant's Presentation.* Mr. Martin explained he would be using an existing 44' x 90' building for the business. He stated that he has been a carpenter for +25 years and wants his own cabinet and carpentry shop. Some day he may have some retail sale of the products produced in this building. *Statements from the Public:* None. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Don Olson, seconded by Harold Boverhuis, to approve Conditional Use Permit #538 for a woodworking business and retail sale because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. If business is not started within one year of CUP approval, the permit is void.
2. Permit expires on June 1, 2003.

The motion passed unanimously.

**Conditional Use Permit #539 - Roger Larson/Kenneth Larson:** CUP applicable to Section 14-97(d) of the Mower County Zoning Ordinance for grading and filling in the shoreland area in Section 12, Sargeant Township. *Staff Presentation:* Reference was made to the site investigation performed by Vance Larson and Don Olson on April 22, 1998. Staff report was presented. A memo from Bob Bezek, Minnesota Department of Natural Resources (DNR), dated April 24, 1998, was presented to the Planning Commission. *Applicant's Presentation:* Mr. Roger Larson stated that that he will work with Tony Stegan, (DNR), John Voz (Mower SWCD), and the Corp of Engineers on this project. The pond is approximately .5 acre in size and has an estimated 1,200 cubic yards of fill to be removed from the pond and placed in the adjoining area. Mr. Larson stated that he has received a letter of approval from the Corp of Engineers. *Statements from the Public:* None. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Harold Boverhuis, seconded by Sheldon Lukes, to approve Conditional Use Permit #539 for grading and filling in the shoreland because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Comply with Wetland Conservation Act.
2. Comply with DNR memo dated April 24, 1998 (attached).
3. Work must be completed by October 31, 2000, or CUP is void.

The motion passed unanimously.

**Conditional Use Permit #540 - Robert Wilson/Kerry & Kim Wilson:** CUP applicable to Section 14-51(aa) of the Mower County Zoning Ordinance for used auto sales and repairable body shop of no more than ten vehicles in Section 18, Pleasant Valley Township. *Staff Presentation:* Reference was made to the site investigation performed by Vance Larson and Don Olson on April 22, 1998. Staff report was presented. *Applicant's Presentation:* Mr. Robert Wilson reported that he currently had a shop on his property and wanted to work on repairable automobiles. *Statements from the Public:* None. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Don Olson, seconded by Meri Jo Lonergan, to approve Conditional Use Permit #540 for used auto sales and repairable body shop because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. No more than ten (10) repairable vehicles or repaired vehicles shall be stored outside.
2. All parts shall be stored inside a building.
3. Petitioner/owner shall secure an MPCA Hazardous Waste Generator permit (i.e. for paint thinners or any other hydrocarbons) and/or EPA permit if required.

4. Permit will expire on June 1, 2003.
5. If business is not started within one year of CUP approval, the permit is void.

The motion passed unanimously.

**Conditional Use Permit #541 - Dean Skifter:** CUP applicable to Section 14-51(g) of the Mower County Zoning Ordinance for an additional far dwelling per farm operation in Section 5, Bennington Township. *Staff Presentation:* Reference was made to the site investigation performed by Vance Larson and Don Olson on April 22, 1998. The revised staff report was presented. Chair Hillier stated that representatives of Bennington Township contacted him and that they had no problem with the application. *Applicant's Presentation:* Mr. Dean Skifter stated that his daughter and son-in-law want to move onto the farm site to assist with the farm operations. *Statements from the Public:* None. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Diane Benson, seconded by Sheldon Lukes, to approve Conditional Use Permit #541 for an additional farm dwelling per farm operation because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. An evaluation be conducted by a licensed Designer I or Inspector, on any sewage treatment system serving the property. If the sewer system is found to be failing as defined in the Mower County Individual Sewage Treatment Ordinance, the system will have to be upgraded or replaced to MPCA 7080 standards as a condition of the variance within one (1) year of approval of the variance. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
2. A zoning permit and ISTS permit be issued for the new dwelling by December 31, 2000, or the CUP is void.

The motion passed unanimously.

**Hearing of Substandard Lot Waiver for Ophal Smith:** Waiving requirements of the subdivision regulations pursuant to Section 13-129 of the Mower County Subdivision Regulations for Out Lots 23 103 18, 1.5 ac NE cor OL 9, Section 23, Lansing Township. *Staff Presentation:* Staff report was presented. Lansing Township stated that they would like additional information. *Applicant's Presentation:* Ms. Bonnie Erickson explained that her parents had sold off lots and left a lot between other home that was disconnected from the owner's house lot. *Statements from the Public:* A letter from a property owner adjacent to the lot in question, Patrick and Pamela Retterath, was presented. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Harold

Boverhuis, seconded by Don Olson, to recommend approval to the Mower County Board of Commissioners to allow for the separation of the two lots because it was in accordance with Section 13-129 of the Mower County Code with the following condition:

1. The lot without the house will be classified a substandard lot and will not be buildable unless a variance is applied for and received.

The motion passed unanimously.

**REVIEW AMENDMENT OF SECTION 14-13 OF THE MOWER COUNTY ZONING ORDINANCE:** A proposed amendment of Section 14-13 was presented to the Planning Commission. It was noted that this amendment has been already reviewed by the Ordinance Committee and County Attorney. Meri Jo Lonergan and Diane Benson, both also active in townships, stated that they felt this ordinance change was appropriate. After some discussion a motion was made by Diane Benson, seconded by Meri Jo Lonergan, to recommend approval of the ordinance amendment as follows:

**SECTION 14-13. ZONING PERMIT**

- (a) No person in the county shall erect, alter, or move any building or any part thereof without first securing a zoning permit therefor. In all cases where an improvement will serve to change the exterior shape of the structure including enclosed porches, regardless of the cost of the improvement, a zoning permit must be secured. No permit shall be required for minor repairs, such as redecorating either the inside or the outside, decks, residing, or reshingling.
- (b) Application. Persons requesting a zoning permits shall fill out a zoning permit application available from the Zoning Administrator. Completed zoning permit applications and a fee as may be established by resolution of the County Board of Commissioners shall be submitted to the Zoning Administrator. A copy of the zoning permit application shall be sent to the affected Town Board for notification. The zoning permit can not be issued until the Town Board returns the notification form or thirty (30) days has lapsed. If the proposed development conforms in all respects to this Ordinance, a zoning permit shall be issued by the Zoning Administrator after a period of thirty (30) days or receipt of notification form from the town board. A zoning permit is valid for two (2) years from date of issuance. If substantial work hasn't been completed, i.e. spending at least 30% of estimated value, a

new zoning permit application and fee shall be submitted to the Zoning Administrator and it will be considered a new application and must comply with the Ordinance as of the new application date. However if there are unusual circumstances, the Mower County Board of Commissioners may waive these requirements and extend the permit for good cause shown, i.e. natural disasters, acts of war, or temporary disability of a permit holder/laborer.

- (c) If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a zoning permit, shall be submitted to either the Planning Commission or Board of Adjustment for review and appropriate action according to the procedures set forth in Divisions 5, 6, and 7 of this Article.

The motion passed unanimously.

**OTHER BUSINESS:**

There being no further business, the meeting adjourned at 8:20 p.m. on a motion by Meri Jo Lonergan, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Planning Director