

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Myles Bendtsen, Diane Benson, Sheldon Lukes, Leonard Miller and Beverly Weness

Members Absent: Harold Boverhuis, Vance Larson and Brian McAlister

Others Present: Citizens, Lee Bonorden (Austin Daily Herald), Lawrence Hanson, Glenda Hillman, Joel Johnson, Tom Finnegan, Dan Hodgman, Knud Jorgensen, John Grass, Bernard Howard, Randy Queensland, Brian Timmerson, Roy & Denise Freund, Jon Nesbitt, Jered Nesbitt, Gary Geottelman, Denise Mudra, Glen Jacobsen, Jeff Johnson and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:30 p.m., after a quorum had arrived, on Tuesday, July 25, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 27, 2000 meeting were approved as mailed on a motion by Diane Benson seconded by Sheldon Lukes. The motion passed unanimously. Motion was made by Bev Weness and seconded by Myles Bendtsen to approve the minutes as mailed of the June 28, 2000 Planning Commission meeting. Motion passed unanimously.

CUP #485 – John Grass. Re-new Conditional Use Permit #485 to continue operation of a feed and agronomic sales business at the site pursuant to 14-51(m) of the Mower County Zoning Ordinance, NW ¼ SE ¼, Exc. North 875', West 350', Section 22, LeRoy Township, T101N R14W, Mower County, Minnesota. PIN #09-022-0071.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on July 20, 2000. **Applicant's Presentation:** John Grass explained the operation and that he had been operating for six years with no complaints, in regard to the business. **Statement from the Public:** No comments from the public or township were expressed. **Conclude the Public Hearing:** Len Miller closed the public hearing. After some discussion a motion was made by Bev Weness and seconded by Sheldon Lukes to recommend approval of CUP #485 because it is in accordance with Section 14-31 of the Mower County Code based on the following findings of facts that the individual Planning Commission members prepared and will become part of the record.

JOHN GRASS – CUP #485

SECTION 14-31. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

- (a) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The continuation of the Grass's feed and agronomic sales business at this site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since we will be simply allowing an existing use to continue and it is on the Grass's farm dwelling.

- (b) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area.

Vacant property in the area will not be impacted by the continuation of this use since the operation will be continuing at an existing farmstead.

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

The Grass's currently have adequate utilities and access road. Other necessary utilities such as electricity are already at the site. No additional utilities are necessary for the continuation of this operation.

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

Considering the current operation there is ample room for all off-street parking and loading spaces. The business has been in operation for six years and there have been no problems.

- (e) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The operation of the Grass's has been functioning for six years and there have not been any complaints in regard to excessive odors, fumes, dust, noise and vibration and there were no nuisances to adjoining property owners.

A motion was made by Diane Benson and seconded by Sheldon Lukes to amend recommendation # 2. Instead of a permanent permit the CUP will need to be renewed by September 20, 2010. Vote on the amendment passed unanimously.

The following are conditions of Conditional Use Permit #485:

- 1.) Receive all County, State and Federal licenses that are required.
- 2.) Permit will expire September 20, 2010.
- 3.) Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Roll Call

Myles Bendtsen – Yes

Diane Benson - Yes

Sheldon Lukes – Yes

Beverly Weness - Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the August 1, 2000 meeting at 1:30 p.m.

CUP #564 – Knud Jorgensen. Conditional Use Permit #564 for an additional dwelling per farm operation pursuant to 14-51(g) of the Mower County Zoning Ordinance, NW ¼ & W ½ SW ¼, Section 9, Racine Township, T104N R14W, Mower County, PIN #15-009-0030.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on July 20, 2000. It was also explained that there is a well on this site and a road with good access to the two township roads. ***Applicant's Presentation:*** Mr. Jorgensen explained that he wanted to have his son operate the dairy farm yet still be on the farm if he were needed to help. ***Statement from the Public:*** No comments from the public or township were expressed. ***Conclude the public hearing.*** Len Miller closed the public hearing. A motion was made by Diane Benson and seconded by Myles

Bendtsen to recommend approval of CUP #564 because it is in accordance with Section 14-31 of the Mower County Code based on the following findings of facts that the individual Planning Commission members prepared and will become part of the record.

KNUD JORGENSEN – CUP #564

SECTION 14-31. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

- (a) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The issuing of the Conditional Use Permit to the Jorgensens will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since we will simply be allowing an additional farm dwelling in an area which is predominantly farm dwellings.

- (b) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area.

Vacant property in the area would be primarily used for agricultural dwellings, this would not impede that development since this would be an agricultural dwelling.

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

The Jorgensens will be applying for an ISTS permit and must install a new septic system which will be in accordance with County rules and regulations. The access road is currently from the township road. There is an existing well which can be used for the new dwelling.

- (d) That adequate measures have been or will be taken to provide sufficient

off-street parking and loading spaces to serve the proposed use.

When the new house is built and the driveway is extended there will be ample room for any off-street parking and loading spaces.

- (e) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The establishment of this additional dwelling per farm operation will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties. The closest property owner is the Jorgensens current dwelling.

The following are conditions of Conditional Use Permit #564:

1. Secure zoning permit from the Mower County Planning Department for new dwelling and Individual Sewage Treatment System permit from Mower County Environmental Health Department prior to December 31, 2003.
2. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Roll Call

Myles Bendtsen – Yes

Diane Benson - Yes

Sheldon Lukes – Yes

Beverly Weness - Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the August 1, 2000 meeting at 1:30 p.m.

CUP #565 – Daniel Hodgman. Conditional Use Permit #565 for platting subdivision and developing a golf course pursuant to 14-51(b) & (y) of the Mower County Zoning Ordinance, N ½ Exc. N ½ NE ¼ & Exc. Red Rock Estates, Section 32, Red Rock Township, T103N R17W, Mower County, Minnesota. PIN #16-032-0030.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on July 20, 2000. **Applicant's**

Presentation: Mr. Hodgman explained that the drawing shows a nine hole golf course, however, they actually hope to make it into an eighteen hole golf course. There would be a clubhouse and pro shop at the golf course. Myles Bendtsen asked questions about the size of the lots. Mr. Hodgman explained that the lots would be approximately 2 acres. Mr. Bendtsen was concerned about taking agricultural land out of production. A question was raised about the CER rating on the farm. The overall CER is approximately 62. **Statement from the Public:** Lawrence Hanson was concerned about using farmland for golf courses and housing. Within a short radius of his home there are three golf courses, Ramsey Golf Course, Austin Country Club and Meadow Greens Golf Course. He also felt that the homes would be exacerbating a traffic problem on CSAH 24. Glenda Hillman, an adjoining property owner to the west, was also concerned about taking farmland out of production. Tom Finnegan, feedlot operator and property owner directly west of the site, was concerned about the future of his feedlot. Joel Johnson expressed his concern regarding the traffic on CSAH 24 and this area should be maintained as farmland. Dan Hodgman explained that the meeting was to gather their comments and if the CUP is approved he would try to adjust some of the roads to address the traffic concerns on CSAH 24. **Conclude the Public Hearing:** Len Miller closed the public hearing. Bev Weness and Myles Bendtsen were concerned that the homes would be impacting on the permitted uses in the area. After some discussion a motion was made by Diane Benson and seconded by Myles Bendtsen to recommend denial of CUP #565 because the new homes and golf course would be injurious to the use and enjoyment of other permitted uses in the area. For example, the feedlot could be impacted by the housing development. In addition neighbors were concerned about increased traffic on the road because of the housing and golf course development.

Roll Call

Myles Bendtsen – Yes

Diane Benson - Yes

Sheldon Lukes – Yes

Beverly Weness - Yes

Summary to deny: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the August 1, 2000 meeting at 1:30 p.m.

CUP #566 – Bernard Howard. Conditional Use Permit #566 for platting an approximately 10-acre subdivision pursuant to 14-51(y) of the Mower County Zoning Ordinance, N ¼ NE ¼ SW ¼ , Section 14, Frankford Township, T103N R14W, Mower County, Minnesota. PIN #06-008-0070.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Bev Weness on July 20, 2000. Mr. Howard wants to develop a subdivision in a wooded area. Staff report was presented. A letter from Marnie Bringham, Minnesota Pollution Control Agency, was presented discussing the concern of the MPCA rules. A letter

from Michael Schubert, Deer Creek Speedway owner, was presented expressing his opposition to the development. Brian Timmerson from the MPCA presented a written statement on the proposed activity (see attachment A). He was concerned that the County, if they approve the CUP, would be creating a situation where the speedway would be violating the noise standards on the homes in the proposed subdivision. **Applicant's Presentation:** Randy Queensland, the agent representing Mr. Howard, stated that Mr. Howard has a 10-acre area out of a 30-acre parcel of solid wooded area that he would like to develop into a residential subdivision of up to 4 lots. **Statement from the Public:** Freund's, homeowners directly south of the wooded area, were present and stated that they purchased their home approximately 1½ years ago. They were aware of the racetrack and purchased their home at a reduced price. They do hear the noise if they are outside; however, if they are in the house it doesn't bother them. Jered & Jon Nesbitt live approximately ½ to ¾ miles away on property that abuts the area. They stated that they can hear the noise from the racetrack and that it is very loud. They were concerned about this creating a problem for property owners in the proposed subdivision. Gary Geottelman stated that since 1993 the noise levels have been a problem, however, he did not feel that it should have an impact on the new development. Jeff Johnson wanted to know what would be done if they received complaints after the proposed new homes were built. Mr. Timmerson explained that the MPCA have three courses of action:

1. Bring action against Mower County for allowing the CUP.
2. Bring action against the Deer Creek Speedway.
3. Refer all noise complaints to the County for action.

Noise monitoring and the 60 day rule were discussed for the parcel. Diane Benson stated that the proposed subdivision would be in violation of the CUP because it would be injurious to uses already permitted in the area. **Conclude the Public Hearing:** Len Miller closed the public hearing. Diane Benson moved to deny CUP #566 because it would be injurious to the uses and property already permitted in the area. Len Miller called for a second and after three requests the motion died for the lack of a second. Bev Weness stated that Mr. Howard could submit a letter, by August 1, 2000, waiving the 60 day rule until November 5, 2000. He could then secure the services of a licensed acoustical contractor who could monitor noise levels of the races at the site of the proposed subdivision. It was discussed that even with a waiver of the 60 day rule, Saturday, November 5th, would not be within the second 60 day time frame. Glen Jacobsen stated that a waiver couldn't be extended beyond the second 60 days. Bev Weness withdrew her motion. A motion was made by Diane Benson and seconded by Sheldon Lukes to recommend denial of CUP #566 because it would be injurious to the use and enjoyment of other permitted uses in the area.

Roll Call

Myles Bendtsen – Yes
Sheldon Lukes – Yes

Diane Benson - Yes
Beverly Weness - Yes

Summary to deny: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the August 1, 2000 meeting at 1:30 p.m.

The Planning Commission discussed an amendment to the Mower County Solid Waste Ordinance. A motion was made by Myles Bendtsen and seconded by Diane Benson that the County Board proceed with the amendments to the Solid Waste Ordinance relating to a disposal fee.

Roll Call

Myles Bendtsen – Yes

Diane Benson - Yes

Sheldon Lukes – Yes

Beverly Weness - Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

There being no further business, the meeting adjourned at 10:45 p.m. on a motion by Sheldon Lukes, seconded by Bev Weness. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Mower Co. Planning Director

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