

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Myles Bendtsen, Vance Larson, Brian McAlister, Leonard Miller and Beverly Weness

Members Absent: Diane Benson, Harold Boverhuis and Sheldon Lukes

Others Present: Citizens, Glen Jacobsen, Francis & Marian Severson, Vincent Breese, Lee Bonorden, Jerry Hall and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m., on Tuesday, November 28, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the October 31st, 2000 meeting were approved as mailed on a motion by Vance Larson, seconded by Brian McAlister. The motion passed unanimously.

CUP #569 – Francis Severson. Conditional Use Permit #569 for an additional dwelling per farm operation pursuant to Section 14-51(g) of the Mower County Zoning Ordinance, W ½ SE ¼, Section 9, Pleasant Valley Township, T104N R15W, Mower County, Minnesota. PIN #14-003-0040.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Sheldon Lukes on November 22, 2000. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Francis Severson stated that when he originally applied for the zoning permit to build a new home, his intention was to tear down the old home. He should have stated that they were undecided and appropriate action could have been taken at that time. The old farmhouse has been saved and rented out. In the future it may be used by a grandchild. Brian McAlister, investigating committee member, stated that it would be an appropriate useage and have very limited impact on surrounding properties.

Statement from the Public: Vicent Breese was concerned about the timing of the application for the CUP. He felt that the application should have occurred before and not after the fact. He wanted to know what would happen if he were to take the same type of action. It was explained that a hearing would be held and Planning Commission and Mower County Board would make a decision. Bev Weness was concerned about limiting the number of dwellings. Jerry Hall, grandson of the Seversons, stated that he and his father are opposed to the granting of the Conditional Use Permit. He was concerned that the access is coming from property that they own. A letter from Duane Hall was entered stating that he is opposed to the granting of the CUP and listing the reasons for his opposition. Mr. Severson presented a petition signed by neighbors stating

that they are not opposed to this petition. Mrs. Severson also stated that the renters watch their farmstead when they are gone. **Conclude the Public Hearing:** Len Miller closed the public hearing. A motion was made by Vance Larson and seconded by Brian McAlister to recommend approval of CUP #569 because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopt the following findings of facts that the individual Planning Commission members prepared and will become part of the record. Conditions of CUP #569 were presented. The Planning Commission discussed leaving a good home vacant. Bev Weness stated that from her perspective, there is a need in Mower County for additional housing and to demolish or leave this home vacant would not be logical. Concerns were addressed that one occupant from each house should be required to be engaged in the farming operation. There was discussion about adding a condition that the water be tested for nitrates and coliform bacteria. Brian McAlister stated that from his perspective he did not think it was necessary to include these items as conditions of the CUP.

FRANCIS SEVERSON – CUP #569

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 Seversons 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.

- (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, this dwelling would not impede that development since it is part of an existing farmstead.

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

The Seversons will be applying for an ISTS permit and must install a new septic system by December 1, 2001, which will be in accordance with County rules and regulations. The access road is currently from the township road and other electrical facilities are already present.

- (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 size of the farm yard, there is ample room for off-street parking and loading space.

- (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 following are conditions of Conditional Use Permit #569:

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 conditional use permit within one (1) year of approval. Inspection form must be forwarded to the Mower County Planning Department upon completion of evaluation.
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.
3. No future subdivision of parcel without applying for and receiving a variance.

Roll Call

Myles Bendtsen – Yes

Brian McAlister - Yes

Vance Larson – 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 Thursday, December 7th, 2000 meeting at 1:30 p.m.

A motion was made by Brian McAlister that the Planning Commission send a letter to the County Board stating that there were concerns in granting this Conditional Use Permit relating to the requirement that the occupants of the home must be engaged in the farming operation, and also the condition that it can not be sold off. These items should be addressed as the update of the Mower County Ordinance takes place.

Summaries from local meetings held for the Comprehensive Plan update were distributed to Planning Commission members.

There being no further business, the meeting adjourned at 8:00 p.m. on a motion by Myles Bendtsen, seconded by Vance Larson. The motion passed unanimously.

The Planning Commission viewed a MCIT video presentation on Conditional Use Permits.

Respectfully Submitted,



Daryl W. Franklin
Mower Co. Planning Director

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