

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission – August 28, 2001

Members Present: Raymond Tucker, Beverly Weness, Myles Bendtsen, Brian McAlister, Sheldon Lukes, Harold Boverhuis, Diane Benson, Vance Larson

Members Absent: None

Others Present: Daryl W. Franklin, Pat Oman

Chair Ray Tucker called the regular meeting to order at 7:00 p.m., on Tuesday, August 28, 2001, in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the July 24, 2001, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Brian McAlister. The motion passed unanimously.

**CUP #580 – D, F & M of Grand Meadow:** Conditional Use Permit #580 to operate a bulk plant facility the site pursuant to Section 14-51(m) of the Mower County Zoning Ordinance on property located at: Part of SE ¼ NE ¼, Section 24, Grand Meadow Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Bev Weness and Myles Bendtsen on August 22, 2001. The staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** David and Fran Baudoin explained their proposal and that they currently operate a bulk oil facility in the City limits of Grand Meadow and are very limited on what they should do considering the development that has taken place in the area. Therefore, they are interested in moving their facility to the location north. They explained that they will be securing all the MPCA permits that are necessary and they would be placing a liner at the location. Bev Weness and Myles Bendtsen stated they felt it was a very good location and were pleased they want to move outside the City limits of Grand Meadow.

**Statement from the Public:** There were no statements from the public.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Sheldon Lukes to recommend approval of CUP #580 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact:

## **D, F & M OF GRAND MEADOW – CUP #580**

### **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 D, F & M of Grand Meadow 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 a bulk storage facility in an area which is predominantly commercial in use.**

- (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 non-agricultural uses. This facility would not impede that development.***

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

***The access road is currently from Trunk Highway #16 and other electrical facilities are already present in the right-of-way.***

- (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 proposed building site, 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 bulk storage facility 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 #580:**

- 1) Secure the necessary State and Federal Permits.
- 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 for CUP #580**

Beverly Weness – Yes  
Harold Boverhuis – Yes  
Myles Bendtsen – Yes  
Diane Benson – Yes

Sheldon Lukes – Yes  
Brian McAlister – Yes  
Vance Larson – Yes

Summary: 7 Yeas; 0 Nays. Motion passed unanimously. Chair, Raymond Tucker does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, September 4, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

**CUP #581 – Woodbury Cemetery:** Conditional Use Permit #581 to expand the Woodbury Cemetery pursuant to Section 14-51(c) of the Mower County Zoning Ordinance on property located at: W 412.5 ft. N 580.6 ft. of the S 3,088.6 ft. in the W ½ of Section 33, Lyle Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Bev Weness and Myles Bendtsen on August 22, 2001. The staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Don Barnes, representing the Woodbury Cemetery, explained their proposal and stated their existing facility if reaching capacity and that there is a need for expansion. They were able to purchase the property to the north and want to incorporate it into their cemetery. He also explained that they would be following all necessary State rules in regard to platting. Myles Bendtsen stated that from his prospective, the cemetery expansion is very reasonable and that they had done a good job in maintaining the cemetery.

**Statement from the Public:** There were no statements from the public.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Vance Larson to recommend approval of CUP #581 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact:

## **WOODBURY CEMETERY – CUP #581**

### **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 Woodbury Cemetery 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 expansion of an existing usage 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 and this expansion would not impede that development.***

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

***The access road is currently from the township road and internal streets of the cemetery.***

- (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 proposed expansion, 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 cemetery expansion 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 #581:**

- 1) The CUP be permanent.
- 2) Platting, if required, be according to applicable Minnesota Statutes.

**Roll Call for CUP #581**

Beverly Weness – Yes	Sheldon Lukes – Yes
Harold Boverhuis – Yes	Brian McAlister – Yes
Myles Bendtsen – Yes	Vance Larson – Yes
Diane Benson – Yes	

Summary: 7 Yeas; 0 Nays. Motion passed unanimously. Chair, Raymond Tucker does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, September 4, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

**CUP #582 – Brian Wolfgram (Petitioner) and Marjorie Wolfgram (Owner):**

Conditional Use Permit #582 for an additional dwelling per farm operation pursuant to Section 14-51(g) of the Mower County Zoning Ordinance on property located at: NE ¼ Exc. 2.71 Ac. Hwy., Section 2, Racine Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Bev Weness and Myles Bendtsen on August 22, 2001. The staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Brian Wolfgram and Marjorie Wolfgram explained their intentions and that the current farm house is approximately 100 years old and has had some remodeling done in the 1950's. Marjorie wants to live there as long as able and Brian wants to build on the existing farmstead and be part of the farming operation. He explained that they would be putting in a new sewer system and would share the well. Bev Weness felt that this was an appropriate conditional use. Myles Bendtsen felt it was a good one since they are not taking any agricultural land out of production.

**Statement from the Public:** There were no statements from the public.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Harold Boverhuis to recommend approval of CUP #582 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact:

## **BRIAN WOLFGRAM – CUP #582**

### **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 Wolfgram's 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 Wolfgram's will be applying for an ISTS permit and must install a new septic system by December 1, 2004, which will be in accordance with County rules and regulations. The access road is currently from the County 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 proposed building site, 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 for Conditional Use Permit #582:**

1. Secure zoning permit from the Mower County Planning Department for new dwelling and Individual Sewage Treatment System permit from the Mower County Environmental Health Department prior to December 31, 2004.

**Roll Call for CUP #582**

Beverly Weness – Yes  
Harold Boverhuis – Yes  
Myles Bendtsen – Yes  
Diane Benson – Yes

Sheldon Lukes – Yes  
Brian McAlister – Yes  
Vance Larson – Yes

Summary: 7 Yeas; 0 Nays. Motion passed unanimously. Chair, Raymond Tucker does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, September 4, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:35 p.m. on a motion by Diane Benson, seconded by Vance Larson. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin  
Mower County Planning Director

DWF:km