

Mower County Planning Commission

Minutes of the Mower County Planning Commission – June 25, 2002

Members Present: Dave Hillier, Myles Bendtsen, Sheldon Lukes, Vance Larson, Brian McAlister, Bev Weness, Diane Benson, Harold Boverhuis

Members Absent: None

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, June 25, 2002, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 28, 2002, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Vance Larson. The motion passed unanimously.

CUP #608 – John Bramwell: Conditional Use Permit #608 to plat property into residential lots pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: SW ¼, Exc. 22.07 Ac. SW Cor & Exc. 56.42 in SE Cor, Section 2, Lansing Township (PIN #08-002-0181) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on June 18, 2002. They both thought it was a reasonable area, the area has a low CER on the land and it was adjacent to a southern residential area. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site.

Applicant's Presentation: Mr. Bramwell spoke and talked about his hope to develop a subdivision in Lansing Township. However, he does not have an exact plan at the present time.

Statement from the Public: Joe Krebsbach, a neighbor, spoke and stated he is opposed to the taking of agricultural land out of production.

Gus & Ann Maxfield, located in the SE corner and east of the subdivision, were concerned about taking agricultural land out of production and the impact on their recently developed wetland. They were also concerned that they did not know the specific location of the lots and roads.

David Pyburn asked if the system would be connected to the Lansing sewer system. Harold Boverhuis, Chair of Lansing Township and Planning Commission member, stated the current system has a designed capacity and

there is not sufficient designed capacity for the proposed Bramwell subdivision. If it were included, there would have to be an expansion of the system. Mr. Boverhuis also spoke that Lansing Township has reviewed the proposal and they have gone on record supporting it, considering that directly south is the subdivision of Lansing.

Doug Bibus, representing Doug Balstorff, the property owner east of the area, spoke in opposition to it, stating they were concerned on the impact on land values and the impact of the subdivision on their property for hunting use.

Dave Hagen, Pheasants Forever, was also opposed to it and was concerned on the impact on the eco system and the wildlife area.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Vance Larson to recommend approval of CUP #608 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

JOHN BRAMWELL – CUP #608

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 development of the plat by Mr. Bramwell will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor will it substantially diminish or impair the property values in the immediate area. The plat may actually enhance other property in the area and may be used for residential purposes.

- (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.

The installation of the plat will not impede the normal and orderly development. The property in the area is a mixed usage of residential and agricultural and by going through the CUP process, there will be adequate safeguards for the area.

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

By complying with the Wetland Conservation Act and securing a NPDES Permit and following the Mower County conditions of the CUP, there will be adequate utilities, access roads, and drainage to serve the area.

- (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 location there is sufficient area for off-street parking and development with the road system.

- (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.

By following the requirements of the County and MPCA, there will be adequate measures taken to not contribute any excessive odor, fumes, dust, noise or vibration and this will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #608:

1. Comply with Mower County Subdivision Ordinance.
2. 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. The site evaluations shall be submitted to the Mower County Planning Department prior to selling any lots.
3. Easements as requested by Austin Utilities & others will be shown on plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly on CSAH 25 (540th Avenue). Access for lots shall be from internal roads.
6. Developer will pay all costs associated with roads and driveway installations including culverts and fill.
7. Developer will install road according to Township and County specifications.
8. Developer will pay all costs associated with installation of signing for 911 emergency numbers.
9. Complete wetland inventory and evaluation, according to the 1987 Army Corps. Of Engineers Wetland Delineation Manual (NPDES) of area and submit with preliminary plat to the Mower County Planning Department.
10. The platting must be completed by December 31, 2005, if not the CUP is void.
11. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to County.
12. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity. Developer will responsible for all costs.
13. Comply with setback requirements of the current Mower County Feedlot Ordinance as it exists on 10/30/01.
14. Comply with State and Local requirements in regard to wells.
15. Complete and submit NPDES Permit for subdivision.
16. Obtain a General Stormwater Permit for Construction Activity (#MNR 11000) from the Minnesota Pollution Control Agency and submit to Mower County Planning Department.

17. A replacement site for the sewage treatment system will be designated on each lot or for each cluster system on a common lot, if not connected to the Lansing Township central sewer system.
18. 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.

Summary of Roll Call: 7 Yeas; 0 Nays. Motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, July 9, 2002 meeting at 10:00 a.m. at the Mower County Courthouse.

Final Plat – Thomas Vavra: Final plat for property located at: S ½ NE ¼ & N ½ SE ¼ & 4 Ac. of NE ¼ SW ¼, Section 22, Udolpho Township pursuant to Section 14-51(y) of the Mower County Zoning Ordinance.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Brian McAlister on June 18, 2002. They both thought it was reasonable and they saw no problem with the proposal. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site .

Applicant's Presentation: Mr. Vavra explained his proposal and went through the items from the November 13, 2001, meeting and explained how they have complied with or are in the process of complying with all of the conditions.

Statement from the Public: Keith Sayles, representing Udolpho Township, was present and stated that they have recently adopted some standards for the road and he discussed this with Mr. Vavra.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Myles Bendtsen to recommend approval of the preliminary plat with the following conditions:

The following are conditions of the Plat:

- 1) Comply with all conditions of CUP #592 approved on November 13, 2001 by the Mower County Board of Commissioners.
- 2) Setbacks for lots adjacent to CSAH #25 should be at the level or distance that would be required when CSAH right-of-way is enlarged from its' current 66 feet to 120 feet.

Summary of Roll Call: 7 Yeas; 0 Nays. Motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, July 9, 2002 meeting at 10:00 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:15 p.m. on a motion by Brian McAlister, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daryl W. Franklin".

Daryl W. Franklin
Mower County Planning Director

DWF:km