

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – April 29, 2003

Members Present: Dave Hillier, Myles Bendtsen, Brian McAlister, Diane Benson, Harold Boverhuis, Barb Hovde, Sheldon Lukes, Margaret Kirchner

Members Absent: None

Others Present: Eric Herendeen, Bill Buckley, Daryl W. Franklin, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, April 29, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 25, 2003, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Barb Hovde. The motion passed unanimously.

**CUP #625 – John Sheedy:** Conditional Use Permit #625 to allow the construction of a home in a wooded area with healthy and mature trees on land not currently used for agricultural purposes or suitable for economical agricultural use because of poor soils, rough or steep topography or other natural features on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: W ½ NE ¼ Exc. 4.75 Ac. NE Cor & Exc. .94 Ac. NW Cor, Section 32, Lansing Township (PIN #08-032-0070) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

**Applicant's Presentation:** John Sheedy spoke and talked about the proposal. There are currently homes on each side of this location (east and west). Myles Bendtsen and Barb Hovde, Planning Commission members, felt this was a good location.

**Statement from the Public:** Nolan McConnell spoke and thought this was also a good location.

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Margaret Kirchner to recommend approval of CUP #625 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 SHEEDY – CUP #625**

### **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 this single parcel 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.**

- (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 development of this single residential parcel 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 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 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.

**By following the requirements of the County 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 #625:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**Renewal and Expansion of CUP #521 – VEIT Demolition Debris Facility:**

Renewal and Expansion of Conditional Use Permit #521 to include 50 acres to the east for future expansion of demolition landfill on property pursuant to Section 14-51 (j) & (k) of the Mower County Zoning Ordinance on property located at: Part of the N ½ SW ¼ , Section 21, Lansing Township Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. 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:** Scott Vandeneuvel spoke for the applicant. He stated that Veit has been a good neighbor and they now need to renew their permit with the Minnesota Pollution Control Agency so this is why they are coming in with this application. They have looked at stormwater management and have talked with the Mower County SWCD about best management practices. They have contacted a certified real estate appraiser to get an opinion on land values being impacted by the landfill. They have given the MPCA financial assurances. They have done groundwater monitoring at the facility and no problems have arisen. Their goal is to have less water leaving the site than previously.

Harold Boverhuis asked if they are asking for a new landfill. Scott said no, that it is simply a renewal and expansion. It was stated that when the landfill expands to the east it will be at least 200 feet from Trunk Hwy. 218 because of the ponds in the area.

A question was asked regarding how will Austin and the County benefit? It was stated because of its' close proximity and that it provides a necessary facility for the area.

**Statements from the Public:** Cletus Ratigan spoke and is concerned about blowing debris on roads and in the ditches.

Dwight Ault spoke and felt it was not appropriate to have a concentration of demolition landfills. He feels the eastern part of the County should be looked at.

Bill Ryther spoke and raised concerns about dust. He feels the bond amount should be increased. He is also concerned about water management and thinks the permit was not proper with the County because of Lansing Township's interim ordinance. Eric Herendeen, Assistant County Attorney, answered that the County is properly hearing this and that the County does not enforce the Township Ordinance. Mr. Ryther stated we want to protect the environment and are concerned about groundwater contamination. He is concerned that the MPCA may change the rules and they would not be following the new rules with the permit. It was explained that if the MPCA changes the rules, they would have to follow the new rules. He also stated they have filed a petition with the EQB for an EAW. He stated that from his position, the permit does not meet the criteria for granting a CUP. The debris shows that it is harmful to adjoining property owners. A letter from Art Hollerud shows that it will impact on property values and that the dump will impede development

with water, noise and dust which are problems. Adequate parking is not provided for their dumpsters which have been parked outside the area. He wants his written comments included in the record (see attached handouts).

Bonnie Ryther spoke and is concerned that the soils are not appropriate for the landfill. She is concerned about Karst and water contamination.

Roger Levy, representing Lansing Township, spoke and is concerned that Lansing Township has an interim ordinance and feels the County should respect that ordinance. They are getting input from residents and want to protect our environment.

Perry Byam was concerned about the appearance coming into Austin. Scott Vandenhuevel stated VEIT stated they have provided all written testimony showing that the Conditional Use Permit will not harm the area and that it will also comply with all MPCA regulations future and present. Financial assurance is voluntary and has been given to the MPCA. He stated that groundwater monitoring is present at some of their other facilities.

Harold Boverhuis stated we are considering a major issue that will impact on the County and that we want to make sure what is done is best for the County and the Township. He stated that so far VEIT has done a good job and are operating a quality facility.

Brian McAlister wanted to know what happens if the rules change from the MPCA and if the landfill would be grandfathered in or would they have to follow the new rules. Mr. Vandenhuevel stated they would have to follow the new rules. Jack Perry, Attorney with VEIT, also stated they would have to follow the new rules.

Barb Hovde and Myles Bendtsen, Planning Commission members, toured the site and were both impressed with what has been done. They feel that the area is seeded and they seem to be doing a good job in meeting all of the conditions.

It was stated that all of the material submitted by Mr. Ryther, letters, etc. would become part of the minutes.

**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 renewal and expansion of CUP #521 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.

## **VEIT DEMOLITION DEBRIS FACILITY – CUP #521**

**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 use and expansion of the Veit Demolition Landfill property 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, based on information received from appraisers.**

- (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.

**To the west of the site is currently the SKB Demolition Landfill. To the east is the 218 right-of-way and to the north is the agricultural property that has a conditional use permit for a demolition landfill. To the south is property that is zoned "Business" under the Mower County Zoning Ordinance. By following the MPCA demolition landfill rules and regulations, there will be adequate safeguards.**

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

**By complying with the conditions of the conditional use permit, there will be adequate utilities, access roads, and drainage to serve the proposed use.**

- (d)

serve the proposed use.

**Considering the proposed site, there will be sufficient area for off-street parking and loading spaces to serve the use.**

- (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 to not have offensive odors, fumes, dust, noise and vibration and will not constitute a nuisance to adjoining property owners.**

**The following are conditions of the Renewal and Expansion of Conditional Use Permit #521:**

1. The operator must secure the appropriate County, State and Federal permits and comply with all applicable provisions and requirements.
2. The applicant must provide the required Surety Bond on the site each year payable to Mower County.
3. The County has the right to inspect the facility when necessary for compliance with all solid waste regulations and conditions of the conditional use permit.
4. The entrance to the landfill shall be gated and the gate must remain closed and locked during non-operating hours.
5. Dust control shall be provided on the internal access road to TH 218 as needed.
6. Water management of the runoff from the facility so that it is no greater than the current runoff and has no adverse impact on surrounding properties or township roads.
7. Owner/developer must comply with the Wetland Conservation Act and submit to the Mower County Planning Department a wetland delineation. This delineation will be forwarded to the LGU for review and approval. The wetland delineation must be approved by the LGU before any work can be started.
8. Must obtain NPDES storm-water permit which includes stormwater pollution prevention plan (SWPPP) and submit to the Mower County Soil & Water Conservation District for review and approval.
9. Permit is permanent.

10. 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 as such remedies may be available to it under any applicable statute.

**Role Call**

Harold Boverhuis – No  
Margaret Kirchner – No  
Myles Bendtsen – Yes  
Sheldon Lukes - Abstained

Diane Benson - Yes  
Brian McAlister - Yes  
Barb Hovda – Yes

Chair David Hillier does not vote.

Summary: 4 Yeas; 2 Nays 1 Member Abstained

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #626 – Garwin McNeilus (Petitioner) and Lynn Sathre (Owner):**

Conditional Use Permit #626 to construct three wind towers on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: NW ¼ , Section 14, Adams Township (PIN #01-013-0040) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

**Applicant's Presentation:** Garwin McNeilus spoke and talked about the proposal.

**Statement from the Public:** Mike Adams wanted to know how much land would be taken out of production. Mr. McNeilus responded it would be very little or about one acre of land.

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Harold Boverhuis to recommend approval of CUP #626 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.

## **GARWIN MCNEILUS (PETITIONER) and LYNN SATHRE (OWNER) – CUP #626**

### **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 installation of the wind towers in Section 14 of Adams Township will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish and impair property values. It will simply be a tower installed to gather data. It may actually enhance the property values because if there are sufficient results, property may be acquired for wind turbines.**

- (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 wind towers will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area which will primarily be used for agricultural activities. The vacant property can still be used for farm land or other uses and this will not adversely impact it.***

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

***The tower location is off a township or county road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.***

(d)

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

***Considering the location of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.***

(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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.***

**The following are conditions of Conditional Use Permit #626:**

1. Secure the necessary State, Federal or Local permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #627 – Grant McNeilus (Petitioner) and John Sathre (Owner):**  
Conditional Use Permit #627 to construct one wind tower on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: NE ¼ , Section 14, Adams Township (PIN #01-013-0020) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

**Applicant's Presentation:** Grant McNeilus spoke and talked about the proposal.

**Statement from the Public:** None

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Margaret Kirchner to recommend approval of CUP #627 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.

## **GRANT MCNEILUS (PETITIONER) and JOHN SATHRE (OWNER) – CUP #627**

### **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 installation of the wind tower in Section 14 of Adams Township will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish and impair property values. It will simply be a tower installed to gather data. It may actually enhance the property values because if there are sufficient results, property may be acquired for wind turbines.**

- (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 wind tower will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area which will primarily be used for agricultural activities. The vacant property can still be used for farm land or other uses and this will not adversely impact it.***

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

***The tower location is off a township or county road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.***

- (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 of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.***

- (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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.**

**The following are conditions of Conditional Use Permit #627:**

1. Secure the necessary State, Federal or Local permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #628 – Lee Hansen, Hansen Hauling (Petitioner) and George Dress**

**(Owner):** Conditional Use Permit #628 to operate a gravel pit on property pursuant to Section 14-51(h) of the Mower County Zoning Ordinance on property located at: E ½ SW ¼ Exc. W 243.5 ft. S 357.78 ft. & Exc. E 600 ft. W 843.5 ft. S 435.6 ft. , Section 24, Austin Township (PIN #02-021-0020) Mower County, Minnesota.

It was explained by staff that Mr. Hansen could not get the required maps or drawings completed on time for this meeting. Mr. Hansen has waived the State of Minnesota sixty day rule for acting upon a conditional use permit. He will have the maps prior to the May 27, 2003 Planning Commission meeting and this CUP request will be heard at the May meeting.

Brian McAlister made a motion to continue this hearing at the May meeting. The motion was seconded by Harold Boverhuis and passed unanimously.

**CUP #629 – Raymond & Janet Quandt:** Conditional Use Permit #629 to allow the construction of a home in a wooded area with healthy and mature trees on land not currently used for agricultural purposes or suitable for economical agricultural use because of poor soils, rough or steep topography or other

natural features and do grading and filling in the shoreland area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: SW ¼ SE ¼ , Section 11, Pleasant Valley Township (PIN #14-005-0021) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

**Applicant's Presentation:** Raymond Quandt spoke and talked about the proposal and that he needs to bring in fill for the house.

**Statement from the Public:** None

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Barb Hovde to recommend approval of CUP #629 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.

## **RAYMOND & JANET QUANDT – CUP #629**

### **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 this single parcel 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.**

- (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 development of this single residential parcel 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 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 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.

***By following the requirements of the County 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 #629:**

1. Secure a wetlands determination and submit copy to Mower County Planning Department.
2. Fill must be stabilized to prevent erosion.
3. A Zoning Permit and ISTS Permit must be obtained prior to construction.
4. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
5. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #630 – Carol Kline:** Conditional Use Permit #630 to move a mobile home on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: W 85 Ac. SW ¼ , Section 19, Lyle Township (PIN #11-019-0060) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 22, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

**Applicant's Presentation:** Carol Kline spoke and talked about the proposal.

**Statement from the Public:** None

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Margaret Kirchner to recommend approval of CUP #630 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.

## **CAROL KLINE – CUP #630**

## 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 this single parcel 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.**

- (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 development of this single residential parcel 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 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 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.

**By following the requirements of the County 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 #630:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. When the mobile home is no longer occupied by Mrs. Kline, the mobile home will be removed and the CUP will be void.
3. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 6, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 10:30 p.m. on a motion by Harold Boverhuis, seconded by Diane Benson. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director