

Mower County Planning Commission

Minutes of the Mower County Planning Commission – June 24, 2003

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

Members Absent: Diane Benson

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, June 24, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 27, 2003, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Brian McAlister. The motion passed unanimously.

CUP #631 – Jason Hoerter (Petitioner) and Wallace Bustad (Owner):

Conditional Use Permit #631 to store vehicles and have a shop and office for the Triple JJJ Disposal Business on property pursuant to Section 14-56 & 14-51(j) of the Mower County Zoning Ordinance on property located at: 3 Acre tract in NW Corner, Section 15, Lansing Township (PIN #08-015-0365) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 17, 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: Jason Hoerter, owner of the Triple JJJ Disposal Business, spoke about the proposal. He stated he has looked at several other areas before selecting this site.

Statements from the Public: Myles Bendtsen, Planning Commission Member, spoke and is concerned about taking agricultural land out of production. Margaret Kirchner, Planning Commission Member, spoke and felt the site was an appropriate area.

Harold Boverhuis, Planning Commission Member, suggested three additional conditions, including:

1. Comply with Minnesota Department of Transportation regulations.
2. No more than three commercial vehicles stored outside, excluding customer or employee vehicles.

3. Comply with Lansing Township requirements.

Brian McAlister, maker of the motion stated he would add the first and second suggestion, but not the third. He stated the County is not required to enforce Lansing Township regulations.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Barb Hovde to recommend approval of CUP #631 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:

**JASON HOERTER (PETITIONER)
AND WALLACE BUSTAD (OWNER) – CUP #622**

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 Jason Hoerter for an office and truck storage for the Triple JJJ Disposal Business will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted considering the repair will be conducted inside an existing structure.

- (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 normal and orderly development of property in the area is mixed land use. This usage is compatible with the surrounding land use. Therefore, it will not impede the normal and orderly development and improvement of vacant property for uses predominant in the area.

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

There is a large area for working, maneuvering and storage of vehicles and drainage will be provided.

- (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 and 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 the office and truck storage business will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties since Mr. Hoerter will be following State and Federal guidelines. There will not be lighted signs on the property.

The following are conditions of the CUP:

1. Secure a Zoning Permit and ISTS Permit for the building within two years.
2. Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal System" dated November, 2000.
3. Comply with MPCA Rules and Regulations for this type of facility.

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. Comply with Minnesota Department of Transportation regulations.
6. No more than three commercial vehicles can be stored outside, except for customer or employee vehicles.

The following was the vote: 4 Yeas; 2 Nays. Motion passed on a 4-2 vote with Myles Bendtsen and Harold Boverhuis voting "nay". Chair Dave Hillier does not vote.

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

CUP #635 – Sharon Irene Haarstad – CUP to construct a home in a wooded area on property in Section 25 of Sargeant Township.

Ms. Haarstad has withdrawn her request for a conditional use permit for the above location. This request has been removed from the meeting agenda.

CUP #636 – Mrs. Judy Schwartz (Petitioner) and Jerry, Judith & Ronald Mayzlik (Owners): CUP to construct a home in a wooded area with healthy and mature trees and not currently used for agricultural purposes or suitable for economical agricultural use because of poor soils on property located at: W ½ SE ¼ Exc. W 650 ft. S 450 ft. & S ½ SW ¼ Exc. S ½ SW ¼ SW ¼ , Section 17, Lansing Township pursuant to Section 14-18.4 of the Mower County Zoning Ordinance.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 17, 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 Department of Transportation was notified of this request and responded by email that they do not have a problem with the request.

Applicant's Presentation: Mrs. Schwartz explained their proposal. She stated the land is too small for farming and is in the CRP Program.

Statement from the Public: Edward Engen, spoke and wanted to know why this was a CUP request and not a variance request.

John Beckel, Isaak Walton League, spoke and was concerned about open hunting on their land in the area.

Harold Boverhuis, Planning Commission Member, said this is a low or minimum maintenance road or cartway.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Brian McAlister to recommend approval of CUP #636 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:

**MRS. JUDY SCHWARTZ (PETITIONER) AND
JERRY, JUDITH & RONALD MAYZLIK (OWNER)
CUP #624**

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 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 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 the CUP:

1. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
2. The lot shall contain 150 feet along the publicly dedicated road.
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. Petitioner must apply for and receive a “No Loss Exemption Application for Wetland Conservation Act” from the Mower County SWCD and submit it to Mower County Environmental Services.

The following was the vote: 5 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, June 3, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #637 – Dixie & Shawn Bakken (Petitioner) and Donald & Dawn Cooper (Owner): Conditional Use Permit #633 to construct a home on property not currently used for agricultural purposes or suitable for economical agricultural use pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: S ½ SE ¼ , Section 36, Racine Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 17, 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: Shawn & Dixie Bakken spoke and talked about the proposal. Part of the site is in the CRP Program and the other part is uneconomical for farming.

Statement from the Public: Aldean & Mark Thorson spoke and were concerned it would develop into a subdivision. The Bakken's stated no they were not. Dave Hillier stated to develop a subdivision, another hearing would have to be held.

Myles Bendtsen and Margaret Kirchner, Planning Commission Members, felt this was a good building site.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Myles Bendtsen to recommend approval of CUP #637 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.

**DIXIE & SHAWN BAKKEN (PETITIONER) AND
DONALD & DAWN COOPER (OWNER) - CUP #637**

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 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 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 #626:

1. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
2. The lot shall contain 150 feet along the publicly dedicated road.
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. Petitioner must apply for and receive a “No Loss Exemption Application for Wetland Conservation Act” from the Mower County SWCD and submit it to Mower County Environmental Services.

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, July 1, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

Informational Meeting on CUP #638 – Michael Olson (Petitioner) and Laverne Kehret (Owner): Conditional Use Permit #638 to plat property into residential lots on property pursuant to Section 14-67(f) of the Mower County Zoning Ordinance on property located at: OL 9 Exc. North Meadow 2nd & 3rd, Exc. 4 Ac. SW Cor & Exc. 3.56 Ac. in NE ¼, Section 23, Lansing Township; Mower County, Minnesota.

It was explained that this is just an informational meeting and that this CUP request will be heard at the July 22, 2003, Planning Commission meeting.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 17, 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: Michael Olson spoke and talked about the proposal.

Statement from the Public: There were concerns expressed about shallow wells and how the area would be impacted from deep wells being drilled. Concerns were also shared regarding two ponds included in the plans and problems with mosquitos in the area.

There being no further business, the meeting adjourned at 8:40 p.m. on a motion by Brian McAlister, seconded by Margaret Kirchner. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Environmental Services Director