

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – October 28, 2003

Members Present: Garry Ellingson, Myles Bendtsen, Brian McAlister, Diane Benson, Sheldon Lukes, Barb Hovde

Members Absent: Margaret Kirchner, Harold Boverhuis

Others Present: Daryl W. Franklin, Citizens

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, October 28, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the September 30, 2003, meeting were approved as mailed on a motion made by Diane Benson and seconded by Sheldon Lukes. The motion passed unanimously.

**Renewal and Expansion of CUP #405 – Rondell Peck-Eilertson (Petitioner) and Harlen & Shirley Peck (Owner):** Renewal and Expansion of Service of Conditional Use Permit #405 to operate a dog kennel on property pursuant to Section 14-51(e) of the Mower County Zoning Ordinance on property located at: NE ¼ SE ¼ S & E of River Exc. E 200 ft. , Section 33; and the SW Cor of the N ½ SW ¼, Section 34, Austin Township; Mower County, Minnesota (Parcels #02-030-0110 and 02-031-0030).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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:** Rondell Peck-Eilertson spoke and talked about the proposal and her expansion need for a lobby, reception area, office, bathroom, indoor playroom and cattery.

**Statement from the Public:** Julie Rye, neighbor and employee of the kennel, spoke in favor of the CUP.

Art Nelson, neighbor, spoke about his concern about barking dogs. Harlen Peck stated there are other dogs in the area West of the Cedar River.

Myles Bendtsen and Barb Hovde, Planning Commissioner Members, spoke and stated they thought this is a good facility.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by

Barb Hovde to recommend approval of the renewal and expansion of CUP #405 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.

## **RONDELL PECK-EILERTSON – RENEWAL AND EXPANSION OF CUP #405**

### **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 establishment of the small sized boarding kennel will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor substantially diminish and impair property values. Considering the distance back from the house, any noise from the dogs would not be a problem to adjoining property owners.**

- (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 establishment will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area. The property can still be used as agricultural land or residential homes.***

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

***There is currently adequate access at the farmstead off of the township road.***

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

***There are adequate measures for sufficient off-street parking and loading space to the proposed kennel.***

- (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.

**Considering the location of the kennel, any noise that the dogs make should not be a disturbance to neighboring property owners. There will not be odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties.**

**The following are conditions of Conditional Use Permit #405:**

1. The CUP will be permanent.
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.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #649 – Jeffrey & Susan Zwiener:** Conditional Use Permit #649 to construct a home in a wooded area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: 70 Ac. Woodland in S ½ SE ¼ & in E ½ SW ¼ as described in Doc. 514485 , Section 4, Udolpho Township (PIN #18-004-0010) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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:** Jeffrey & Susan Zwiener spoke and talked about the proposal. The property is very close to theirs and they want to build a home. No additional dwellings will be constructed.

**Statement from the Public:** Bonnie Matthes , neighbor, spoke and wanted to know if this would include a farming operation. Mr. Zwiener said it would just be the construction of a home.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Diane Benson to recommend approval of CUP #649 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.

## **JEFFREY & SUSAN ZWIENER – CUP #649**

### **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 #649:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
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 Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #646 – Wallace Bustad:** Conditional Use Permit #646 to construct an additional dwelling and transfer the building right from the S ½ of the NE ¼ to the NW ¼ on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: NE ¼ , Section 15, Lansing 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 October 21, 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:** Wallace Bustad spoke and talked about the proposal.

**Statement from the Public:** Chuck Akkerman spoke and wanted to know if the property is in the floodplain. It was explained that adjacent to the drainage area there is floodplain property, however, the home would need to be located outside the floodplain.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Myles Bendtsen to recommend approval of CUP #646 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.

## **WALLACE BUSTAD – CUP #646**

### **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 these two single parcels 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 these residential parcels 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 #646:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.

2. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
3. If any homes are moved on to these lots, they must be secured to a permanent foundation within six months of moving.
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.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #648 – Terry Plath (Petitioner) and Terry, Norma & Brian Plath (Owner):** Conditional Use Permit #648 to operate a compost facility on property pursuant to Section 14-51(j) of the Mower County Zoning Ordinance on property located at: S 165 W 660 SW ¼ NW ¼ SW ¼ Bk 165-637 and N 165 S 330 W 660 SW ¼ NW ¼ SW ¼ Bk 373-382, Section 13, Austin Township, Mower County, Minnesota (Parcels 02-010-0070 and 02-010-0050).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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:** Terry Plath was not present to talk about the proposal.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Barb Hovde to recommend approval of CUP #648 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.

**TERRY PLATH (PETITIONER) AND TERRY, NORMA  
& BRIAN PLATH (OWNER) – CUP #648**

**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 a compost facility 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 project will not impede the normal and orderly development of the neighborhood. 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 #648:**

1. The operation must comply with all applicable rules of the Minnesota Pollution Control Agency (MPCA) and Mower County Ordinances.
2. Surface water drainage must be controlled to prevent run-off and must be diverted from the compost and storage areas.
3. The hours of operation shall be 8:00 a.m. to sunset daily.
4. Establish a controlled access to the compost site.
5. Materials to be composted will be limited to those allowed by MPCA permit.
6. 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.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #650 – Dan Noterman (Petitioner) and Helen Noterman (Owner)**

**Benedict & Mary Thome:** Conditional Use Permit #650 to construct up to six wind turbines pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: E ½ E ½ & W ½ SE ¼ , Section 23, Adams Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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:** Dan Noterman spoke and talked about the proposal. He wants to start with one 40 kilowatt turbine.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Sheldon Lukes to recommend approval of CUP #650 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.

**DAN NOTERMAN (PETITIONER) and HELEN  
NOTERMAN (OWNER) – CUP #650**

**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 turbines in Section 23 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 may actually enhance the property values because if these wind turbines are successful, additional property may be acquired for more 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 turbines 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 turbine location is off a township 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 #650:**

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. Petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower site to the Environmental Services Office.
4. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
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 Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #651 – Garwin McNeilus (Petitioner) and Benedict & Mary Thome (Owner):** Conditional Use Permit #651 to construct up to seven wind turbines on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: NE ¼ , Section 15, Adams Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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. He hopes to start in November. He stated if there are problems with television interference, microwave ovens, etc. he will take care of it.

**Statement from the Public:** None

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Sheldon Lukes and seconded by Brian McAlister to recommend approval of CUP #651 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 BENEDICT AND MARY THOME (OWNER) – CUP #651**

### **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 turbines in Section 15 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 may actually enhance the property values because if these wind turbines are successful, additional property may be acquired for more 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 turbines 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 turbine location is off a township 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 #651:**

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. Petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower site to the Environmental Services Office.
4. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
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 Garry Ellingson does not vote. It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #652 – Bruce & Danielle Heiny:** Conditional Use Permit #652 to construct a home in a wooded area on property and do grading and filling in the shoreland area pursuant to Section 14-18.4 and Section 14-127 of the Mower

County Zoning Ordinance on property located at: E 4 Ac. NE ¼ SE ¼ , Section 15, Austin Township (PIN #02-012-0200) Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on October 21, 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:** Bruce & Danielle Heiny spoke and talked about the proposal. They have owned the property for ten years and have not experienced any water at this location.

**Statement from the Public:** Dick Epley, Austin Township, spoke and was concerned about the location for the home and wanted to be sure it is out of the floodplain and is constructed to all State and local standards.

**Conclude the Public Hearing:** Garry Ellingson closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Diane Benson to recommend approval of CUP #652 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.

## **BRUCE & DANIELLE HEINY – CUP #652**

### **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.
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- (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 and by following the floodplain and shoreland regulations, 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 #652:**

1. Comply with all State and local laws regarding placement of fill in the shoreland and general floodplain district specified in Section 14-127 (a) 1-3 and (b) 1-3.
2. Fill for building shall be completed by November 30, 2005 or the CUP is void.
3. Comply with the Erosion/Sediment Control Plan prepared by the Mower County Soil & Water Conservation District.
4. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.
5. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
6. 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.
7. 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.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:17 p.m. on a motion by Barb Hovde, seconded by Diane Benson. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director