

Mower County Planning Commission

Minutes of the Mower County Planning Commission – April 26, 2005

Members Present: Dave Hillier, Myles Bendtsen, Barb Hovde, Jim Risius, Margaret Kirchner, Sheldon Lukes

Members Absent: None

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, April 26, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 20, 2005, and March 29, 2005, meetings were approved as mailed on a motion made by Barb Hovde and seconded by Sheldon Lukes. The motion passed unanimously.

CUP #678 – Scott Johnson (Petitioner) and Phyllis Foote-Milbrandt (Owner): Conditional Use Permit #678 to construct an additional dwelling and operate an antique business in a separate building on a portion of the property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: E ½ W ½ Sec. 35, S of Vil & E of RR, Exc. Strly .5 Ac., Section 35, Racine Township, Mower County, Minnesota (Parcel #15-035-0040).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 19, 2005. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

Applicant's Presentation: Scott Johnson spoke about the CUP request and stated this location would be closer to his work and stated that Racine is his home town. Phyllis Foote-Milbrandt, property owner, was present and stated she felt this was a good location, but doesn't want property values to be affected.

Statement from the Public: Phyllis Foote-Milbrandt, property owner, was present and stated she felt this was a good location, but doesn't want property values to be affected.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Barb

Hovde to recommend approval of CUP #678 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

SCOTT JOHNSON (PETITIONER) AND PHYLLIS FOOTE-MILBRANDT (OWNER) - CUP #678

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 residential development of this single parcel and the home occupation 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 and home occupation 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 #677:

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
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.
6. 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.
7. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A “No Loss Determination” (no wetlands on site).
 - b. A “Wetland Exemption” (the act does not apply).
 - c. A “Wetland Replacement Plan” approval.
8. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.

9. The petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

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 3, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #679 – John Hanson: Conditional Use Permit #679 to construct an additional dwelling on the property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: S 704 ft. N 2034 ft. W 1323 ft. SW ¼ NW ¼ Exc. S 234 ft. E 1142 ft., Section 22, Waltham Township, Mower County, Minnesota (Parcel #19-022-0045).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on April 19, 2005. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

Applicant's Presentation: John Hanson was present and spoke about the CUP request.

Statements from the Public: None

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Myles Bendtsen and seconded by Margaret Kirchner to recommend approval of the CUP request with the following conditions because it is in accordance with the Mower County Zoning Regulations.

JOHN HANSON - CUP #679

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 the CUP request:

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
5. The CUP shall become void on 12/31/07 if no construction has begun or the use has not been established.
6. 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.
7. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A “No Loss Determination” (no wetlands on site).
 - b. A “Wetland Exemption” (the act does not apply).
 - c. A “Wetland Replacement Plan” approval.
8. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
9. The petitioner must sign a “Rural and Agricultural Home Owners Assumption of Risk Assessment Form” and have it recorded at the Mower County Recorder’s Office.
10. The location of the home must comply with the Mower County Shoreland Ordinance.

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 3, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

Possible Amendments to the Mower County Zoning Ordinance: Discussion took place regarding the Mower County Zoning Ordinance and amendments in the following areas:

- 1) Add the requirement of the signing of a “Rural and Agricultural Home Owners Assumption of Risk Assessment” statement when constructing a home in Mower County.
- 2) Add statement about “911” signage.
- 3) Make Planned Unit Developments prohibited in the Agricultural zoned area.

A motion was made by Barb Hovde and seconded by Myles Bendtsen to recommend approval of the above changes to the Mower County Commissioners.

It was stated that the County Board would be acting on these items at their Tuesday, May 3, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:40 p.m. on a motion by Margaret Kirchner, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director