

Mower County Planning Commission

Minutes of the Mower County Planning Commission – June 28, 2005

Members Present: Dick Lang, Myles Bendtsen, Barb Hovde, Jim Risius, Margaret Kirchner, Sheldon Lukes

Members Absent: None

Others Present: Daryl W. Franklin, Citizens, Lee Bonorden

Dick Lang called the regular meeting to order at 7:00 p.m. on Tuesday, June 28, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 31, 2005, meeting were approved as mailed on a motion made by Jim Risius and seconded by Sheldon Lukes. The motion passed unanimously.

CUP #682 – Dick DeGeus, Jr.: Conditional Use Permit #682 to construct an additional dwelling on property and operate a taxidermy business in an accessory building on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: N ½ N ½ SE ½ & S ½ S ½ NE ¼ , Section 35, Racine Township, Mower County, Minnesota (Parcel #15-035-0020).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on June 21, 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: Dick DeGeus, Jr. and Dawn Bakken spoke about the CUP request and stated he didn't have a problem with any of the recommended conditions.

Myles Bendtsen and Sheldon Lukes, Planning Commission Members who visited the site, felt the area was a good location for a home.

Statement from the Public: None

Conclude the Public Hearing: Dick Lang closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Barb Hovde to recommend approval of CUP #682 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.

DICK DEGEUS, JR. - CUP #682

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 #682:

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. The 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.
10. Regarding the Taxidermy Business, the owner must dispose of any animal residual waste in a legal and sanitary manner.

The motion passed unanimously. Chair Dick Lang does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, July 5, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #683 – Matthias & Viola Klassen: Conditional Use Permit #683 to construct an additional home on property that is uneconomical for agricultural use on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: N ½ E of Hwy. Exc. E 432 ft. n 661 ft. S 2290 ft., Section 26, Dexter Township, Mower County, Minnesota (Parcel #05-026-0021).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on June 21, 2005. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

Myles Bendtsen and Sheldon Lukes, Planning Commission Members who visited the site, didn't see the request as a problem.

Applicant's Presentation: Matthias & Viola Klassen were present and spoke about the CUP request. Viola stated that it was a relatively small area and is hard to farm with large equipment.

Statements from the Public: Duane Skov, Dexter Township, was present and spoke against the CUP request because it is removing agricultural land from production.

Ken Klaehn, previous owner of the site, spoke and stated this area is good farmland and feels there is a safety issue with the road as it turns and goes south.

Michael & Pat O'Connor, property owner to the east, spoke and feel there is a traffic concern.

Herman Frank spoke and is against having more than one home per 160 acres.
Conclude the Public Hearing: Dick Lang closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend denial of the CUP request because this would be taking good agricultural land out of production. They also felt there was a traffic hazard with the curve on County Road #7 as it turns and goes south.

The motion passed unanimously. Chair Dick Lang does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, July 5, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

Training in St. Paul – Myles Bendtsen and Margaret Kirchner attended a training session in St. Paul on June 1, 2005. Hand-outs from the meeting were mailed to Planning Commission members and they gave a brief update about the meeting.

There being no further business, the meeting adjourned at 7:30 p.m. on a motion by Jim Risius, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director