

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – August 2, 2005

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

Members Absent: Margaret Kirchner

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

Dave Hillier called the special 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 June 28, 2005, meeting were approved as mailed on a motion made by Sheldon Lukes and seconded by Myles Bendtsen. The motion passed unanimously.

**CUP #684 – Roland & Lola Hanson:** Conditional Use Permit #684 to operate a dog kennel on property pursuant to Section 14-51(e) of the Mower County Zoning Ordinance on property located at: N 650 ft. E 565 ft. NE ¼, Section 15, Udolpho Township, Mower County, Minnesota (Parcel #18-015-0010).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on July 14, 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:** Roland & Lola Hanson was present and spoke about the CUP request and stated that Barb Wolfe, State Humane Society, will be helping them with the final design and recordkeeping requirements.

**Statements from the Public:** The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways. Myles Bendtsen and Jim Risius attended the site visit and both felt this was a good operation and didn't see any problems.

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Sheldon Lukes to recommend approval of CUP #684 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.

# ROLAND & LOLA HANSON - CUP #684

## 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 a dog kennel on 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 establishment of a dog kennel 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) 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 #684:**

1. The kennel would be limited to 25 dogs.
2. Comply with Minnesota Statute 325F.791, 346.39, 343.40 and any applicable MN Statute and amendments thereof.
3. The Mower County Sheriff's Department, Mower County Environmental Services Department or Minnesota Federated Humane Society agent has the right to make periodic inspections of the facility and of required recordkeeping.

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, August 9, 2005 meeting at 10:15 a.m. at the Mower County Courthouse.

**CUP #685 – Darin Drake (Petitioner) and Alan Tapp (Owner):** Conditional Use Permit #685 to construct an additional home in the quarter section on wooded property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: E ½ NW ¼ Exc. 2.8 Ac. RR & E ½ SW ¼ , Section 18, Dexter Township, Mower County, MN (Parcel #05-018-0080).

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen on August 2, 2005. Jim Risius stated he was familiar with the site. 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:** Dean Drake was present and spoke about the CUP request.

**Statements from the Public:** The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Duane Skov, Dexter Township, was present and stated this area has been a previous building site and he is in favor of the CUP request.

Les Tapp also stated this has been a building site in the past.

Myles Bendtsen commented that he feels this is a good location for a home.

**Conclude the Public Hearing:** Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Myles Bendtsen to recommend approval of CUP #685 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

## **DARIN DRAKE (PETITIONER) AND ALAN TAPP (OWNER) CUP #685**

### **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 #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.

The motion passed unanimously. Jim Risius abstained from voting on this CUP request. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, July 9, 2005 meeting at 10:15 a.m. at the Mower County Courthouse.

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

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director