

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – February 28, 2006

Members Present: Ray Tucker, Myles Bendtsen, Jim Risius, Barb Hovde, Margaret Kirchner & Harlen Peck

Members Absent: None

Others Present: Sheriff Terese amazi, Daryl W. Franklin, Citizens,

Ray Tucker called the regular meeting to order at 7:00 p.m. on Tuesday, February 28, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the January 24, 2006, special meeting were approved as mailed on a motion made by Jim Risius and seconded by Barb Hovde. The motion passed unanimously.

**Mower County Regulated Wild Animal Ordinance:** Daryl Franklin explained the need for the County to adopt a “Wild Animal Ordinance”. Sheriff Terese Amazi was present to briefly go over the draft ordinance. She stated that this ordinance was simply an extension of State regulations.

After some discussion, a motion was made by Margaret Kirchner and seconded by Harlan Peck to recommend that the Mower County Board of Commissioners hold a public hearing and establish a Mower County Regulated Wild Animal Ordinance. The motion passed unanimously.

### **CUP #695 – Mike Munson (Petitioner) and Gladys I. Nelson Living Trust:**

Conditional Use Permit #695 to construct an additional dwelling in a wooded area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: NW ¼ Exc. E 411 ft. W 1340 ft. S 529 ft., Section 12, Windom Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on February 22, 2006. Myles and Jim felt it was a good location for a home. 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:** Mike Munson was present at the meeting and spoke about the CUP request. They explained that the property had been in their family for many years and they now wanted to build a home on the location.

**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.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Harlan Peck and seconded by Jim Risius to recommend approval of CUP #695 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.

**MIKE MUNSON (PETITIONER) AND GLADYS I. NELSON  
LIVING TRUST (OWNER) - CUP #695**

**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 wooded 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 #695:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
3. 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.

4. 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.
5. 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.
6. Owner 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 Ray Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, March 7, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

**Amendment of CUP #555 – Loyd VanBuskirk:** Renewal of Conditional Use Permit #555 which was previously approved by the Mower County Board of Commissioners on March 7, 2000. This request is pursuant to Section 14-51 (m) & (u) of the Mower County Zoning Ordinance. Mr. VanBuskirk is proposing to operate an autobody and frame repair shop, paint operations, vehicle storage and auto sales less than ten vehicles on the property. These items are in addition to the previously approved items of the maintenance of farm machinery, the building of jigs and fixtures, maintenance of equipment used in a manufacturing business and the dynamic testing of automotive, industrial and agricultural engines on property located at: NE ¼ , Section 7, Dexter Township, Mower County, MN.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on February 22, 2006. 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:** Loyd VanBuskirk was present .

**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. DuWayne Skov representing Dexter Township

stated that the Township supported this proposal. He also said he is an adjoining property owner and doesn't have any concern with this proposal.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Myles Bendtsen to recommend approval of the amendment of CUP #555 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.

## **LOYD VANBUSKIRK – AMENDMENT OF CUP #555**

### **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 Loyd VanBuskirk for the operation of an auto body and frame repair shop, paint operations, vehicle storage and auto sales less than ten vehicles 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 VanBuskirk area is farmland. This is an existing farmstead and the previous CUP that was approved was for the maintenance of farm machinery, the building of jigs and fixtures, maintenance of equipment used in a manufacturing business and the dynamic testing of automotive, industrial and agricultural engines. 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.

***This is an existing farmstead. There is a large area for working, maneuvering and storage of vehicles.***

- (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 existing buildings and the large area of the farm, 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 requested uses will be in accessory buildings will not contribute any excessive odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties since Mr. VanBuskirk will be following State and Federal guidelines. There will not be lighted signs on the property.**

**The following are conditions of the Amendment of Conditional Use Permit #555:**

1. All testing will be in an enclosed building.
2. Noise levels shall not exceed MPCA standards.
3. Limit outside storage to no more than 40 pieces of equipment.
4. No more than ten vehicles may be on display for sale.
5. Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal

System” dated November, 2000.

The motion passed unanimously. Chair Ray Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, March 7, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:30 p.m. on a motion by Barb Hovde, seconded by Harlan Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director