

Mower County Planning Commission

Minutes of the Mower County Planning Commission – April 27, 2006

Members Present: Dave Hillier, Myles Bendtsen, Jim Risius, Barb Hovde, Margaret Kirchner & Harlen Peck

Members Absent: None

Others Present: Daryl W. Franklin, Citizens,

Ray Tucker called the special meeting to order at 7:00 p.m. on Thursday, April 27, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 28, 2006, regular meeting were approved as mailed on a motion made by Barb Hovde and seconded by Harlan Peck. The motion passed unanimously.

CUP #698 – Larry & Jennifer Lee (Petitioner) and David & Patricia Warren

(Owner): Conditional Use Permit #698 to construct an additional dwelling as a replacement for an existing mobile home on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: E 1145 ft. S 1324 ft. SE ¼ NE ¼ Exc. E 473 ft. S 575 ft., Section 24, Frankford Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Harlen Peck on April 18, 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: Larry & Jennifer Lee and David & Patricia Warren were present at the meeting and spoke about the CUP request to construct a new home.

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.

Letters were received from Jerry & Susan Marr and Fillmore County regarding the CUP request. Daryl Franklin presented a copy of both letters to the Planning Commission members.

Mr. & Mrs. Marr were present at the meeting. They operate a feedlot directly across the road into Fillmore County. They believe each county should respect the other's feedlot setback requirements. They are concerned about their

feedlot and the noise from the crop dryer if a home were built so close. Dave Hillier explained the history of the feedlot ordinance and questions were raised concerning the county and state boundaries.

Brady Wolfgram, Grandson of the Marr's, was present and stated he was concerned about his ability to continue or expand his Grandparent's cattle operation.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Harlan Peck and seconded by Jim Risius to recommend approval of CUP #698 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.

LARRY & JENNIFER LEE (PETITIONER) AND DAVID & PATRICIA WARREN (OWNER) - CUP #698

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 pasture 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 #698:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The home must be located 650 feet from the west right-of-way of the Fillmore-Mower County road.
3. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established.
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. 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.
6. 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.
7. When the new home is occupied, the mobile home on the south end must be removed from the property.
8. 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 on a 4 – 0 vote with Myles Bendtsen abstaining from voting. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, May 2, 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 Harlan Peck, seconded by Jim Risius. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director