

Mower County Planning Commission

Minutes of the Mower County Planning Commission – September 26, 2006

Members Present: Myles Bendtsen, Jim Risius, Barb Hovde, & Margaret Kirchner

Members Absent: Harlan Peck, Ray Tucker

Others Present: Daryl W. Franklin, Citizens,

Vice-Chair Bendtsen called the regular meeting to order at 7:00 p.m. on Tuesday, September 26, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 29, 2006, regular meeting were approved as mailed on a motion made by Margaret Kirchner and seconded by Barb Hovde. The motion passed unanimously.

CUP #710 – Mark & Amy Lee: Conditional Use Permit #709 to allow an additional dwelling (mobile home) on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: S 665 ft. W 327.52 ft. SE ¼ NW ¼ , Section 14, Racine Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on September 19, 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: Mark & Amy Lee were present at the meeting and spoke about the CUP request to move in a mobil home on the property.

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.

Ray & Deanna Fjetland, neighbors in the area, were concerned when they ran out of water when the Lee's filled their swimming pool. They were also concerned about property values and the burning of trash on the Lee property.

Conclude the Public Hearing: Myles Bendtsen closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend approval of CUP #710 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.

MARK & AMY LEE - CUP #710

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 #710:

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 sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.
5. The property cannot be subdivided in the future.
6. The mobile home will be occupied by relatives and not used as rental property.

The motion passed on a 4 – 0 vote.

It was stated that the County Board would be acting on this petition at their Tuesday, October 3, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:35 p.m. on a motion by Barb Hovde, seconded by Jim Risius. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director