

Mower County Planning Commission

Minutes of the Mower County Planning Commission – March 27, 2007

Members Present: Tolly Tollefson, Myles Bendtsen, Jim Risius, Margaret Kirchner, Barb Hovde & Harlen Peck

Members Absent: None

Others Present: Daryl W. Franklin, Citizens,

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, March 27, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 22, 2007, special meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Margaret Kirchner. The motion passed unanimously.

CUP #717 – Lance Pogones, Turtle Creek Estates, Inc.: Conditional Use Permit #717 to allow platting of property into residential lots pursuant to Section 14-66(f) of the Mower County Zoning Ordinance on property located at: OL 2 in N ½ SE ¼ , Section 32, Lansing Township (21.39 Acres) and N ½ SE ¼ Exc. OL’s 1 & 2, Exc. 3.77 Ac., Exc. .58 Ac. (11.70 Acres), Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Myles Bendtsen on March 21, 2007. 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: Lance Pogones was present at the meeting and spoke about the CUP request for platting. He stated it was a continuation of the first Burke subdivision. Harlen Peck asked about the drainfield for the septic systems. Lance Pogones explained that the drainfields would be handled by the owner’s association. Margaret Kirchner asked about the wells on the property. The wells will be shared and will include seven homes on each well.

The homeowner’s agreement will have a statement which states that there will be no objection from property owner’s if and when the property is annexed into the City of Austin.

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: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Harlen Peck to recommend approval of CUP #717 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.

**LANCE POGONES, TURTLE CREEK ESTATES, INC.
CUP #717**

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 the plat by Mr. Pogones 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. The plat may actually enhance other property in the area which may also be used for residential purposes.

- (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 installation of the plat will not impede the normal and orderly development. The property in the area is mixed usage of single-family homes 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 Wetland Conservation Act, the NPDES Permit and Mower County Subdivision Regulations, there will be adequate access roads to serve the area. The floodplain issues will also be addressed.

- (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 access for off-street parking and development with the road system.

- (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 and MPCA, there will be adequate measures taken to limit any excessive odor, fumes, dust, noise or vibration so these will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #717:

1. Comply with Mower County Subdivision Ordinance.
2. Site evaluations will be conducted on the "primary" sewage treatment site for each lot. The site evaluations shall be submitted to the Mower County Environmental Services Department prior to selling any lots.
3. Easements as requested by local Utilities & others will be shown on the plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly onto 12th Avenue N.W. and 31st Street N.W. Access shall be off internal roads.

6. Developer will pay all costs associated with roads and driveway installations including culverts and fill.
7. Developer will install road according to Township specifications.
8. Complete wetland inventory and evaluation, according to the 1987 Army Corps of Engineers Wetland Delineation Manual of area and submit with preliminary plat to the Mower County Environmental Services Department.
9. The platting must be completed by April 1, 2009, if not the CUP is void.
10. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the County.
11. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity and secure NPDES Permit. Developer will be responsible for all costs.
12. Any costs for residential 911 signing for rural addressing of streets and homes shall be born by the developer.
13. The final plat must have a through street as opposed to the cul-de-sacs in the proposed plat to accommodate emergency vehicles access in and out of the subdivision.
14. All lots must be a minimum of 1 acre each, excluding right-of-way.

The motion passed unanimously. Chair Tolly Tollefson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, April 3, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #718 – Jamie Beck (Petitioner) and Donald & Carol Ulwelling (Owner):

Conditional Use Permit #718 to construct an additional dwelling in the quarter section of land on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: E ½ NW ¼ Doc #513055, Section 16, Red Rock Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner, Myles Bendtsen and Jim Risius on March 21, 2007. 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: Jamie Beck was present at the meeting and spoke about the CUP request. He stated he wants to purchase a building site from his father-in-law.

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 McGonigle, neighboring property owner, asked if he would be allowed to have horses on his property if the house were built. It was explained that he would be able to have horses on his property.

Margaret Kirchner and Myles Bentsen, Planning Commission members, both felt it was a good location for a home. Jim Risius, Planning Commission member, spoke and was concerned about taking agricultural land out of production.

Conclude the Public Hearing: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Margaret Kirchner to recommend approval of CUP #718 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.

**JAMIE BECK (PETITIONER) AND DONALD &
CAROL ULWELLING (OWNER) - CUP #718**

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 #718:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/09 if no construction has begun or the use has not been established. However, the County Board may extend the CUP for an additional twelve (12) months by a motion if the conditions are the same as the approved CUP.

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 on a 4-1 vote. Chair Tolly Tollefson does not vote.

Roll Call

Barb Hovda – Aye
Harlen Peck – Aye
Margaret Kirchner – Aye
Myles Bendtsen - Aye
Jim Risius - Nay

It was stated that the County Board would be acting on this petition at their Tuesday, April 3, 2007 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 Hovda, seconded by Harlen Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director