

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – April 24, 2007

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

Members Absent: Harlen Peck

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

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, April 24, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the March 27, 2007, regular meeting were approved as mailed on a motion made by Barb Hovde and seconded by Margaret Kirchner. The motion passed unanimously.

**Amendment of CUP #534 – Dayton Kehret (Petitioner) and Laverne & Virginia Kehret (Property Owner):** Amendment of Conditional Use Permit #534 to include a U-Haul and Trailer Rental Business to the existing Mini-Storage Business pursuant to Section 14-61 of the Mower County Zoning Ordinance on property located at: W 12 Ac. SW ¼ N of I-90, Exc. N 375 ft. W 175 ft., Section 5, Austin Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on April 18, 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:** Dayton Kehret was present at the meeting and spoke about the CUP amendment. Margaret Kirchner and Jim Risius, Planning Commission Members, spoke and both thought it was a good 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:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend approval of the amendment of CUP #534 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.

**DAYTON KEHRET (PETITIONER) AND LAVERNE &  
VIRGINIA KEHRET (OWNER) - AMENDMENT OF  
CUP #534**

**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 addition of the truck and trailer rental business to the already developed mini-storage units 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 addition of the truck and trailer rental business will not impede the normal and orderly development. The property in the area is a mixed usage of commercial, 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 the recommended conditions of the Amendment of Conditional Use Permit #534:**

1. There may be no more than four (4) units for rent on the north side of the facility.
2. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, May 1, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #719 – Philip J. Wagner (Petitioner) and Jerome H. Lee Construction Company (Property Owner):** Conditional Use Permit #719 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: NW ¼ & N ½ SW ¼ , Section 6, Grand Meadow Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on April 18, 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:** The Lee's were present at the meeting 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.

**Conclude the Public Hearing:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Myles Bendtsen to recommend approval of CUP #719 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.

**PHILIP J. WAGNER (PETITIONER) AND JEROME LEE CONSTRUCTION CO. (OWNER) - CUP #719**

**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 #719:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 04/31/09 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.
7. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, May 1, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #720 – Roger Jax, Jax Dairy Farms, Inc.:** Conditional Use Permit #720 to move a mobile home on the property for the dairy operation pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: W 290.4 ft. N 403.9 ft. S 800.4 ft. SW ¼ NW ¼ , Section 30, Adams Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on April 18, 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:** Roger Jax was present at the meeting and spoke about the CUP request. Margaret Kirchner and Jim Risius, Planning Commission Members, spoke and both felt it was a good operation.

**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 Jim Risius and seconded by Myles Bendtsen to recommend approval of CUP #720 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.

## **ROGER JAX, JAX DAIRY FARMS, INC. - CUP #720**

### **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 #720:**

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 04/31/09 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. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, May 1, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #721 – Renewable Energy Systems Americas, Inc. (Petitioner) and Richard Rieken & Wallace Bustad (Property Owners):** Conditional Use Permit #721 to construct a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: All that part of the Old Chicago & Northwestern Railroad right-of-way across the NW ¼ and E of Railroad right-of-way, Section 32, Sargeant Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on April 18, 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:** Jeff Broberg, Kaya and Joe, Renewable Energy Systems Americas, Inc., were present at the meeting and spoke about the CUP request. They requested the County defer to the FAA about the lighting on the tower. The Planning Commission Members agreed to defer this to the FAA (Federal Aviation Administration).

**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 Jim Risius and seconded by Margaret Kirchner to recommend approval of CUP #721 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.

**Renewable Energy Systems Americas, Inc. (Petitioner)  
and Richard Rieken & Wallace Bustad (Owners) –  
CUP #721**

**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 installation of the meteorological tower in Section 32 of Sargeant Township will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish and impair property values. It will simply be a tower installed to gather data.**

- (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 meteorological tower will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area which will primarily be used for agricultural activities. The vacant property can still be used for farm land or other uses and this will not adversely impact it.***

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

***The tower location is off a township road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.***

- (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 of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.***

- (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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.**

**The following are conditions of Conditional Use Permit #721:**

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. 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. 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.
4. Petitioner 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. The Permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, May 1, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**Other Business:** The Planning Commission Members discussed two proposed amendments to the Mower County Zoning Ordinance. The two items relate to additional dwellings and platting.

After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend to the Mower County Board of Commissioners the following amendments to the Mower County Zoning Ordinance:

- 1) "Additional Dwellings" will not be allowed on land that is currently under cultivation or in any farm set-aside program.
- 2) All new subdivisions in Mower County must be connected to a municipal sewer system from the communities of Austin, Adams, Brownsdale, Dexter, Elkton, Grand Meadow, LeRoy, Lyle, Mapleview, Racine, Rose Creek, Sargeant, Taopi or Waltham.

There being no further business, the meeting adjourned at 7:45 p.m. on a motion by Jim Risius, seconded by Barb Hovde. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director