

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – December 18, 2007

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

Members Absent: Barb Hovde

Others Present: Daryl W. Franklin, Citizens,

Dave “Tolly” Tollefson called the special meeting to order at 7:00 p.m. on Tuesday, December 18, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the November 27, 2007, regular meeting were approved as mailed on a motion made by Margaret Kirchner and seconded by Harlan Peck. The motion passed unanimously.

**Renewal of CUP #679 – Preston & Kelly Walsh:** Renewal of Conditional Use Permit #679 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: S 704 ft. N 2034 ft. W 1323 ft. SW ¼ NW ¼ Exc. S 234 ft. E 1142 ft., Section 22, Waltham Township, Mower County, Minnesota.

**Staff Presentation:** 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:** Kelly Walsh was present at the meeting and spoke about the CUP request and the need for additional time.

**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 Harlan Peck and seconded by Myles Bendtsen to recommend approval of the Renewal of CUP #679 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.

**PRESTON & KELLY WALSH - RENEWAL OF CUP  
#679**

**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 a mixed usage of 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 conditions of the Renewal of Conditional Use Permit #679:**

1. The new dwelling is to retain a separate lot.

2. Each lot shall contain 150 feet along the publicly dedicated road.
3. A Zoning Permit and ISTS Permit must be obtained prior to construction.
4. 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.
5. 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.
6. 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.
7. 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.
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.
9. 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, January 8, 2008 meeting at 1:30 p.m. at the Mower County Courthouse.

**Presentation of Certificate of Recognition:** Commissioner Tollefson presented Myles Bendtsen with a Certificate of Recognition on behalf of the Mower County Board of Commissioners and Mower County Planning Commission for his years of service to the Planning Commission. Cake and coffee were enjoyed by those attending.

There being no further business, the meeting adjourned at 7:20 p.m. on a motion by Myles Bendtsen, seconded by Harlen Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director