

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – October 28, 2008

Members Present: Richard Cummings, Jim Risius, Harlen Peck, Barb Hovde, Margaret Kirchner & Jane Thome

Members Absent: None

Others Present: Angela M. Knish, Citizens, Lee Bonorden

Richard Cummings called the regular meeting to order at 7:00 p.m. on Tuesday, October 28, 2008, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 27, 2008, regular meeting were approved as mailed on a motion made by Barb Hovde and seconded by Margaret Kirchner. The motion passed unanimously.

**CUP #743 – David Lewison:** Conditional Use Permit #743 to repair small motorized vehicles, including but not limited to ATV's, motorcycles and snowmobiles on the property in an accessory structure as an extended home occupation pursuant to Section 14-51(p) of the Mower County Zoning Ordinance on property located at: W 310 ft. E 697 ft. S 398 ft. NW ¼ , Section 34, Marshall Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on October 22, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** David Lewison was present at the meeting and spoke about the CUP request. No new information was presented.

**Statements from the Public:** No one spoke in favor or in opposition to the CUP request or had any questions about the operation.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Jim Risius to recommend approval of CUP #743 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations.

### **The following are conditions of Conditional Use Permit #743:**

1. Comply with MPCA Rules and Regulations for this type of facility.
2. Any floor drain must:
  - a) Be discharged to a holding tank and not connected to an Individual Sewage Treatment System.

3. Batteries, used oil, antifreeze, etc. All business waste must be stored, recycled or disposed of in accordance with applicable MPCA solid and hazardous waste rules.
4. If construction of new buildings and gravel lots or driveways disturbs more than one acre of land, then the business must apply for a construction stormwater permit.
5. Comply with E.P.A. Pamphlet 816-R-00-018 "Class IV Auto Disposal System" dated November, 2000.
6. 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 Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

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**CUP #744 – Donald Zimmerman and Ronald Zimmerman:** Conditional Use Permit #744 to allow single-family dwellings by subdivision and platting of the property pursuant to Section 14-51(aa) of the Mower County Zoning Ordinance on property located at: SE ¼ SW ¼ Exc. 4 Ac. Roads, Section 2, Racine Township (Parcel #15-002-0010) **and** SW ¼ SW ¼ & S 45 Rds of W 102 Rds of N ½ SW ¼ , Section 2, Racine Township, Mower County, Minnesota (Parcel #15-002-0020).

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on October 22, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Donald Zimmerman and Ken (Relative) were present at the meeting and spoke about the CUP request to plat the property into a rural subdivision.

**Statements from the Public:** Comments were received from the public regarding the possibility of the site containing Indian burial grounds, the area being susceptible to flooding; concerns of road maintenance issues; how does the development benefit the county, township and school district? The attendee referenced a study from the MN Dept. of Agriculture that states small subdivisions do not add tax base, but actually consume more taxes than they generate.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing.

After some discussion, a motion was made by Harlen Peck to grant the CUP as requested with the 14-staff recommended plus one additional:

15. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

Barb Hovde Second. Motion Failed 3-2 vote.

**THEREFORE:** The Planning Commission makes no recommendation or findings of fact to present to the County Board. Just their record of a failed motion stands. (See further information below.)

Knish explained to the Planning Commission that a motion to approve that fails does not constitute or equal "a denial". Knish suggested the Planning Commission consider proposing another motion; such as one to deny or to modify a motion for approval until one was found to be adequate with appropriate conditions. No further motions were made.

Knish stated she would take this information forward as is and would recommend to the board to do one of the following.

1. The County Board has the option to hold whatever public hearing(s) they find necessary, create their own findings of fact, and make a decision on the CUP;  
OR
2. Extend the 60-day law and send the matter back to the Planning Commission for a findings and a recommendation.

It was stated that the County Board would be acting on this petition at their Tuesday, November 4, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:50 p.m. on a motion by Harlen Peck and seconded by Jim Risius. The motion passed unanimously.

Respectfully submitted,

Angela M. Knish, Director  
Mower County Environmental Services