

MOWER COUNTY

AUSTIN, MINNESOTA

55912



October 30, 1984

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Conrad Stenson, Joe Monsen, Richard Cummings, Jen Ulwelling,
Ray Capelle, Bob Werner, & John Hill

Members Absent: None

Others Present: Julie Lewon, Bill Buckley, & Craig Eliason

Since Chairman Capelle had not yet arrived Vice-Chairman Monsen called the meeting to order at 8:00 P. M., on Tuesday, October 30, 1984 in the Commissioners Conference Room of the Mower County Courthouse. Minutes of the September 25, 1984 meeting were approved as mailed on a motion by Mrs. Ulwelling, seconded by Mr. Stenson, and passed unanimously.

Petition for Conditional Use Permit for the extraction of lime rock - Martin Bustad:

Ms. Lewon reported to the planning commission that Mr. Bustad had informed the planning office that he was withdrawing his petition. Mr. Cummings stated that since no official written notice had been received he would make a motion that it be tabled until the next meeting. The motion was seconded by Mr. Stenson and passed unanimously. It was decided that notices of withdrawal be sent to Mr. Bustad's neighbors when the letter from Mr. Bustad was received.

At this time Chairman Capelle arrived and Vice-Chairman Monsen turned the meeting over to him.

Petition for a Conditional Use Permit for a salvage yard - Lester Bear:

Ms. Lewon read the staff report. Mr. Bear is requesting a Conditional Use Permit to operate a salvage yard on the south 102 feet of Outlot 6 and the south 60.38 feet of the north 162.38 feet of Outlot 6 in plat of Outlots in N $\frac{1}{2}$, SE $\frac{1}{4}$, Section 14, Austin Township. He has operated a salvage yard as a non-conforming use on the south 102 feet of Outlot 6. The planning office was notified that he was expanding the operation. Once a non-conforming use is expanded it must conform to the existing zoning ordinance. The county zoning ordinance states that salvage yards require a Conditional Use Permit to operate in the rural zone. Ms. Lewon read and passed around a petition signed by neighbors of Mr. Bear who wished to speak. Mr. Bear stepped forward and had chairman Capelle read the non-conforming use section of the county ordinance. He stated that he has stored lumber on the site since 1957 and no problems had arisen until the recent problem concerning the road easement through his property. Mr. Bear stated that some of his neighbors have said that this is a public road, and he felt that it was not. Mr. Cummings said that they were not there to decide that issue tonight.

Mr. Bear stated that he wants both the northern and southern portions of his land used as a salvage yard and asked why this north portion could not be used as such. Ms. Lewon responded by saying that it was not grandfathered in as a salvage yard, as was the southern portion of his land. Chairman Capelle

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asked Mr. Bear if vehicles are parked on the road easement. Mr. Bear did not answer this question and said he was upset because a neighbor was running semi trucks in and out of the property and running a horse ranch at the present time.

Robert Holvick, who owns property and lives right next door to Mr. Bear, presented a picture of the salvage yard. He said the picture clearly showed that trucks were parked on the easement. He stated further that Mr. Bear was not running a business since there was no record of a sales tax permit.

Dick Bremer, another of Mr. Bear's neighbors, said that he has not seen evidence of a salvage yard being run on the property in the eight or nine years which he has lived there.

Chairman Capelle again read the petition and asked a show of hands of how many people attending the meeting had signed the petition. Five of the twenty-one people who signed the petition were present at the meeting.

After some discussion on what constituted a salvage yard, Mr. Werner stated that the real business at hand was whether to grant a Conditional Use Permit for a salvage yard. Mrs. Donna Holvick stated that in four years she has never seen any salvage being moved on or off the property. Mr. Holvick presented an aerial picture taken several years ago of the property and said that it clearly showed that twenty-five to thirty vehicles and a couple of trailers had recently been added.

Sal Espe of the Austintown board said that Mr. Bear had visited him and showed him a permit to operate the salvage yard. Ms. Lewon clarified this by saying that it was just an application for the permit, not the permit itself.

Chairman Capelle asked the Austin town board members for their opinion. Oliver Hillier stated that he felt Mr. Bear had enough room on his south lot at the present time to operate his salvage yard. Dave Jackson of the Austin town board said that the consensus of the town board was that the Conditional Use Permit should be denied because it doesn't conform with the general use of the area.

Mrs. Bremer asked for comments from the commissioners who had visited the site. Mrs. Ulwelling thought the salvage yard would be detrimental to the neighborhood. Mr. Stenson said he had visited the site before some of the vehicles were moved in, but thought they should deny the permit. Mr. Monsen felt that they should deny the permit because it wasn't compatible with the neighborhood, and it looks as if it had been expanded. Mr. Cummings also felt the petition should be denied because there is quite a bit of room left on the south portion on which to run a salvage yard.

Mr. Werner made a motion that the Conditional Use Permit for a salvage yard be denied for the following reason:
It was not compatible with the existing land uses which are primarily residential.
The motion was seconded by Mrs. Ulwelling and passed unanimously.

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Ms. Lewon stated that the south 102 feet which was grandfathered in as a salvage yard will continue to be so. Mrs. Bremer asked when the petition would go before the county board. Ms. Lewon explained the hearing procedures and stated that notices would be sent as to the time and place of the meeting.

Mr. Bear filed a complaint stating that a plumbing shop was being run across the road. Ms. Lewon said she would look into it and get back to him.

Approval of a Building Permit - Darrel Armstrong:

Mr. Armstrong wishes to move a garage and office building on to the N $\frac{1}{2}$, NW $\frac{1}{4}$ Section 13, Austin Township. Section 14-30 of the Mower County zoning ordinance states that no building shall be erected in a commercial zone unless plans and specifications are filed with the county planning commission. Ms. Lewon stated that the planning office had no problems with the building permit. After further discussion a motion was made by Mr. Hill to recommend approval of the building permit. The motion was seconded by Mr. Cummings and passed unanimously.

Bill Buckley led a discussion on a model ground water ordinance for Mower County. Several township officials were present along with two individuals from Freeborn County.

It was decided that a meeting would be held the day of the regular planning commission meeting in January at 1:00 in the afternoon, to present slides and a film on ground water. Notices would be sent to the chairman and the clerk of all townships at the end of November. Reminders would be sent to them again closer to the meeting date. It was decided that each township should send a representative to this meeting.

Other Business:

Ms. Lewon passed out bulletins on a work shop being held in Owatonna concerning rural issues in Minnesota. She stated that anyone who was interested in attending the workshop should contact her.

There being no further business, the meeting adjourned at 10:00 p.m. on a motion by Mr. Hill, seconded by Mr. Monsen, and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason, Secretary