

MOWER COUNTY

AUSTIN, MINNESOTA

55912



August 26, 1986

Minutes of the Mower County Planning Commission Regular Meeting:

Members Present: Ray Capelle, Bob Werner, Jen Ulwelling, Joe Monsen, John Hill, Gary Braaten, Bob Shaw (for Richard Cummings)

Members Absent: Richard Cummings

Others Present: Daryl W. Franklin, Craig Eliason

Chairman Capelle called the meeting to order at 8:05 p.m. on Tuesday, August 26, 1986 in Conference Room I in the Mower County Courthouse, Austin, MN. The minutes of the July 29, 1986 meeting were approved as mailed on a motion by Mr. Monsen, seconded by Mr. Braaten and passed unanimously.

Continued Hearing on CUP 361 - Grading and Filling in the Shoreland Area - Randy and Luane Overocker: Mr. Franklin read the staff report. This was a continued hearing where the petitioner is proposing to grade and fill in the shoreland area to the south of their house which is located on the south 480 feet of the west 250 feet in the SW 1/4 SW 14, Section 20, Windom Township. The area is low and wet with a small creek running through it. The petitioner is unable to keep up the area. Therefore, they are proposing to place fill up to the creek. Bill Huber, Department of Natural Resources, inspected the property with Daryl Franklin. Mr. Huber saw no problem with the filling. He suggested that all filling and grading remain twenty (20) feet from the creek itself.

At this time Mr. Franklin read the letter from Bill Huber of the DNR concerning the petition.

Mr. Overocker was present to speak in favor of the petition. He told the commission that he has moved the fill back twenty (20) feet from the bank of the creek.

Mrs. Ulwelling asked Mr. Overocker if the slope of the fill was 2:1. Mr. Overocker answered that he wasn't sure what the slope was but he had pretty much finished the grading of it.

Mr. Monsen said he felt that the knoll straight south of the house should be leveled off which would make the area easier to mow and would help to decrease the slope.

Page two
Mower County Planning Commission Minutes
August 26, 1986

After further discussion, a motion was made by Mrs. Ulwelling to recommend approval of the petition for grading and filling in the shoreland area with the following conditions:

- 1) all grading and filling shall remain at least twenty (20) feet from the ordinary high water mark of the creek;
- 2) the slope of the area should be no steeper than 2:1;

The motion was seconded by Mr. Monsen and passed unanimously.

Mr. Franklin informed the petitioners that the petition would go before the County Board of Commissioners at 3:30 p.m. on Tuesday, September 2, 1986.

Renewal of CUP 297 - Operation of a Auto Body Shop in a Rural Zone - Randy Miller: Mr. Franklin read the staff report. The petitioner was granted a conditional use permit to operate a auto body repair shop on his property located on Lot 5, Block 1, Bellemans Addition, Austin Township in May of 1982. The permit was reviewed in 1983 and approved with the following conditions:

- 1) no outside storage of cars waiting to be fixed;
- 2) no outside storage of junk cars or parts;
- 3) no heavy, noisy work be performed after 6:00 p.m. with the doors and windows open;
- 4) the permit shall be renewable in three (3) years, no expense each time it is renewed-for control;
- 5) the permit is non-transferable;
- 6) advertising signs shall be limited to a non-lighted sign on the garage.

Mr. Miller is operating the auto body repair shop in a detached garage on his property. The garage is a single stall garage in which all work is performed. No one other than Mr. Miller is working on the cars. The existing land use is residential and commercial, existing zoning is rural and the surrounding land use and zoning is residential zoned rural.

Mr. Miller was present to speak in favor of the petition and to answer any questions the Planning Commission might have. Nobody was present to speak against the petition.

A motion was made by Mr. Shaw recommending approval of the permit with the following conditions:

Page three
Mower County Planning Commission Minutes
August 26, 1986

- 1) no outside storage of cars waiting to be fixed;
- 2) no outside storage of junk cars or parts;
- 3) no heavy, noisy work be performed after 6:00 p.m. with the doors and windows open;
- 4) advertising signs shall be limited to a non-lighted sign on the garage.
- 5) the permit is non-transferable;
- 6) the permit be permanent.

The motion was seconded by Mr. Braaten and passed unanimously.

Mr. Franklin informed the petitioners that the petition would go before the County Board at 3:30 p.m. September 2, 1986.

Review of CUP 303 Conditions - Demolition Landfill - Wallace Bustad: Mr. Franklin explained that the County Board had approved a conditional use permit for a demolition landfill for Wallace Bustad with several conditions, one of them being that the demolition landfill shall operate only between the hours of 7:00 a.m. and 9:00 p.m. The County Board is now sending the condition back to the Planning Commission to review and see if it is fair and equitable.

Mr. Franklin made note of nineteen (19) permits for demolition landfills in the county and stated that the condition on hours of operation is placed on only two permits, both belonging to Mr. Bustad.

Mr. Shaw stated that he felt the hours should be kept as they are.

Mr. Bustad was present and stated that early hours as well as the late hours are needed because of the construction season.

Larry Hanson, President of Hill Heating and Roofing, was present and stated that the early morning hours are needed to dump material and he felt that 7:00 a.m. was too late in the morning to do so.

Mr. Monsen stated that perhaps making the condition that the hours of operation of the demolition landfill be daylight hours would be the best.

After further discussion, a motion was made by Mr. Hill to recommend approval of amending condition #12 to read "the demolition landfill shall operate only during daylight hours. The motion was seconded by Mr. Werner and passed unanimously.

Page four
Mower County Planning Commission Minutes
August 26, 1986

Mr. Franklin informed the petitioners that the matter would go before the County Board at 3:30 p.m. on September 2.

Mr. Shaw also informed the petitioner that the current hours of 7:00 a.m. to 9:00 p.m. would apply until the County Board acts upon the petition.

Reveiw of Junkyard Definition: Mr. Franklin explained the situation concerning the junkyard definition. The definition was reviewed by the County Planning Commission at their July 29 meeting and was sent to the County Attorney's office for an opinion. Mr. Franklin informed the Planning Commission that the County Attorney felt comfortable with the proposed definition.

Mrs. Ulwelling voiced her concern about the words "rubber" and "tires" in the junkyard definition.

After further discussion, a motion was made by Mr. Monsen to recommend to the County Board that the definition of junkyard and motor vehicles wrecking yard be incorporated into the Mower County Ordinance. The motion was seconded by Mrs. Ulwelling and passed unanimously.

Other Business:

Mr. Franklin made note of a letter from Mower County Sheriff Wayne Goodnature concerning regulations on large exhibitions or gatherings. He stated that the Planning Commission should study the proposed regulations in order to take further action at a later date.

There being no further business, the meeting adjourned at 9:20 p.m. on a motion by Mr. Hill, seconded by Mrs. Ulwelling and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason, Secretary