

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

January 27, 1987

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING:

Members Present: Joe Monsen, Jen Ulwelling, John Hill, Gary Braaten, Bob Finbraaten

Members Absent: Ray Capelle, Bob Werner

Others Present: Daryl W. Franklin, Craig Eliason

Vice-Chairman Monsen called the meeting to order at 8:00 p.m. on Tuesday, January 27, 1987 in Conference Room I of the Mower County Courthouse in Austin, Minnesota. The minutes of the December 30, 1986 meeting were approved as mailed on a motion made by Mrs. Ulwelling, seconded by Mr. Hill and passed unanimously.

CUP 362 - Gravel Pit in the Rural Zone - Bustad Crane Service:
Mr. Franklin read the petition, history and staff report. The petitioner is requesting a conditional use permit to allow a gravel pit in the rural zone and to allow grading and filling in the shoreland area. The petitioner is proposing to expand his gravel pit into this property located on the south 254.3 feet of the North 487.3 feet in the SW 1/4 of the NE 1/4, East of the River, Section 15, Austin Township - 6.27 acres. This request previously came before the Planning Commission in July of 1986. Many residents of the area were at the hearing and voiced their opposition to the request. Their main concerns were regarding the use of the existing gravel pit and its violations. At that time the Planning Commission recommended denial of the request, the reason being that expanding the pit was not compatible with the existing uses in the area. The request was withdrawn by Bustad Crane Service before the County Board acted on it.

The existing land use is pasture and the existing zoning is rural. The surrounding land use and zoning: there are several single-family homes to the north and east of this property. To the south is the existing gravel pit and demolition landfill. West of the property is the Cedar River and across that is a field. The area is all zoned rural. Consideration of this request should be kept separate from the operation of the existing gravel pit.

If the Planning Commissioner recommends approval of this permit staff suggests the following conditions:

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- 1) Access shall be from the blacktop road on the south side of the property only.
- 2) A gate will be located at the entrance and closed and locked when the pit is not in operation.
- 3) A reflectorized "No Trespassing" sign will be posted at the entrance.
- 4) Soil erosion and run-off will be controlled in an acceptable fashion.
- 5) A \$2,000.00 performance bond must be posted with the County Auditor.
- 6) All extraction shall remain at least ten feet from adjoining property lines.
- 7) All extraction shall remain at least forty feet from the township road.
- 8) The size of the gravel pit shall be no steeper than 3:1 (horizontal:vertical).
- 9) The gravel extraction shall go no lower than five feet below the low water mark.
- 10) A plan of operation shall be submitted, including the following maps, plans and specifications before operation can begin:
 - a. location of premises, lands immediately surrounding and amount of material to be excavated.
 - b. grading plan showing existing contours in the area to be excavated as well as the surrounding area within 500 feet of the excavation and be drawn to a scale not less than fifty feet to the inch and with contour lines with intervals of not more than two feet.
 - c. existing and proposed drainage to the site.
 - d. proposed truck access to the excavation.
 - e. details of regrading and revegetation of the site at the conclusion of operations.
11. The permit shall be reviewed in January of 1990.

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Mr. Bustad was present to speak in favor of the petition. He stated that he would like to have the additional gravel pit area in order to sell more gravel should the need arise. He stated that to the north of the proposed site was an abandoned gravel pit in which gravel had been taken out of before.

Louise Lingbeck, who lives just east of the proposed area, was present to speak in opposition of the petition. She stated that Mr. Bustad had not met the conditions on the existing pit and feared he would not follow the conditions on the proposed pit if the permit were granted. She also stated that the area was residential in nature and the proposed gravel pit would detract from that.

Nancy Heimsness was present to speak in opposition of the petition. She stated that Mr. Bustad's operation of the existing gravel pit was poor and, therefore, should not be expanded.

Clint Hertle was present to speak in opposition of the petition. He presented three pictures of the existing gravel pit to the Planning Commission. He stated he was concerned about the landfill contaminating the wells in the area.

Stanley Voss was present to also state his concern of the possibility of the groundwater being contaminated.

Mr. Bustad stated that he was not in violation of the conditions put on his original pit.

Nancy Heimsness then presented a survey of the area to the Planning Commission. She stated that Mr. Bustad had not remained at least 10 feet from adjoining property lines because he had undercut a pasture fence.

Ruby Klingfus was present to state that she had concerns about trees dying on her property due to the water run-off from the existing pit.

Mrs. Ulwelling asked Mr. Bustad how long the proposed gravel pit would be in operation. Mr. Bustad replied he would extract gravel from the pit when he needed it and could not say how long that would be.

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Mr. Braaten asked how much gravel was in the proposed area. Mr. Bustad replied that he thought about 10,000 cubic yards was in the area.

Louise Lingbeck stated that realtors have informed her that property values in the area have dropped because of the gravel pits in the area.

Mr. Monsen stated that he was very cautious about land devaluation and he thought the homes would have priority to an extension of a gravel pit.

Oliver Hillier, Austin Townboard, was present to state that he felt a workable solution could have been reached in July of 1986 and there would be no need for the Planning Commission to be meeting on the same petition.

Mr. Franklin announced that the petition would go before the County Board at their February 3 meeting at 3:00 p.m.

Following further discussion a motion to recommend denial of a gravel pit in the rural zone was made by Mrs. Ulwelling for the following reasons:

- 1) The presence of the pit would devalue property in the area.
- 2) The existing gravel pit is sufficient.
- 3) The proposed gravel pit would not be compatible with the surrounding neighborhood.

The motion was seconded by Mr. Braaten and passed on a 4-1 vote with Mr. Hill voting nay.

Proposed New Zoning Ordinance: Mr. Franklin explained the purpose of the proposed new zoning ordinance and presented background information. He stated that previous meetings have been held with Township officials and any public input was appreciated. He then went on to summarize the new zoning ordinance.

David Morse asked if a permit was needed to fill in the floodplain or shoreland area. Mr. Franklin answered that yes, a permit was needed for that type of activity.

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Grace Dooley was present and voiced her concern that the public was not given sufficient time in order to investigate and comment on the proposed zoning ordinance. She asked how much notice had been given to the public. Mr. Eliason replied that a legal notice was placed in the Austin Daily Herald ten days in advance of the meeting. Mrs. Dooley then asked who initiated the changes to the zoning ordinance. Mr. Monsen answered that the Planning Commission had run into previous problems concerning the present ordinance and felt an update was needed.

Nancy Heimsness asked what differences would be made concerning the extraction of earth products. Mr. Franklin replied that a more detailed report would be required under the proposed new zoning ordinance.

Following further discussion a motion was made by Mrs. Ulwelling to continue the hearing on the proposed new zoning ordinance for two months and that a recommendation be made at the March, 1987 meeting. The motion was seconded by Gary Braaten and passed unanimously.

There being no further business, the meeting adjourned at 9:35 p.m. on a motion by Mr. Hill, seconded by Mr. Braaten and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason
Secretary