

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912

507-437-9527



AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

December 27, 1988

Minutes of the Mower County Planning Commission Meeting

Members Present: Jen Ulwelling, Oliver Hillier, Bob Shaw, Donald Olson, Keith Vorhees, Steve Wieland

Members Absent: Gary Braaten, Bob Werner, Herb Hanson

Others Present: Daryl Franklin, Katie Losness

Chair Ulwelling called the meeting to order at 2:00 p.m. on Tuesday, December 27, 1988, in the Commissioners Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the November 29, 1988, meeting were approved on a motion made by Mr. Shaw, seconded by Mr. Olson and passed unanimously.

Renewal of CUP #338 for a Gravel Pit and Demolition Landfill -

Ulland Brothers/Gerald Seavey: Ms. Losness read the staff report. Ulland Brothers are requesting a renewal of CUP 338 for a gravel pit and demolition landfill on property owned by Gerald Seavey (20 acres in the S 1/2 NE 1/4, Section 26, Lansing Township). The permit was initially granted in February, 1985, and renewed in January, 1987.

Ann Entorf of Ulland Brothers was present to answer any questions of the Commission. Mr. Shaw made a motion that the bond requirement be raised to \$10,000.00 since the Commission had previously made the decision to raise all bonds. The motion was seconded by Mr. Hillier and passed unanimously.

Mrs. Ulwelling and Mr. Hillier related their findings from the investigation. They both were pleased with the job being done so far at the site by Ullands. Therefore, Mr. Shaw made a motion to recommend approval of the renewal of CUP #338 with the following conditions:

Gravel Pit:

- 1) The extraction of materials shall remain 300 feet from the creek.
- 2) There shall be no temporary stockpiling of materials in the floodway.
- 3) A gate will be located at the entrance and be closed and locked when the pit is not in operation.
- 4) An approved, authorized, reflectorized "No Trespassing" sign will be posted at the entrance.
- 5) Soil erosion and runoff will be controlled in an acceptable fashion, approved by the Mower County Soil Conservation Office.

- 6) A \$10,000.00 performance bond must be posted with the County Auditor.
- 7) This site shall no longer be used as a gravel pit by August, 1990.

Demolition Landfill:

- 1) A gate will be located at the entrance and closed and locked when the landfill is not in operation.
- 2) An approved, authorized, reflectorized "No Trespassing" sign will be posted at the entrance.
- 3) There shall be no temporary stockpiling of demolition material in the floodway.
- 4) After the demolition material has been deposited, the site shall be landscaped properly and aesthetically with the minimum two feet of soil placed on top.
- 5) The site shall no longer be used as a demolition landfill and shall be covered and seeded down by August, 1990.
- 6) In case of possible damage to County Road #16, a \$25,000 performance bond must be posted with the County Auditor, if the State does not designate County Road #16 as a haul road.

The motion was seconded by Mr. Vorhees and passed unanimously. Ms. Losness announced that the petition would go before the County Board at 2:00 p.m. on January 3, 1989.

CUP #392 - Conditional Use Permit for an Agriculturally-Oriented Business in the Rural Zone - Steve Durst: Ms. Losness read the staff report. Steven Durst is requesting a conditional use permit for an ag-oriented business to allow him to lease property for storage of liquid fertilizer, anhydrous ammonia and grain, weighing trucks and other ag-oriented uses on property owned by him in Frankford Township (E 1045 ft., N 1860.11 ft., E 1/2 SE 1/4 exc tri pc in SE cor of Section 19). The existing land use is ag-oriented business and zoning is rural. Surrounding land use is all agricultural and zoning is rural.

Mr. Durst showed the Commission aerial maps of the site pointing to the site for the proposed anhydrous ammonia storage. He told them that the state requires storage to be 500 feet from any residence. The Commission asked him to specifically state what uses he wanted so that they could determine which would be appropriate and allowed. Jim Modine of Harvest States said he would be storing the anhydrous at the site and they were awaiting approval by the Minnesota Department of Agriculture. Mrs. Bob Skaran, who lives 500 feet from the proposed anhydrous tank, wanted the Commission to note that although Mr. Durst runs a clean business, they feel it would be less than desirable to have the anhydrous storage so close to their home. Mr. Durst agreed to place the anhydrous tank 600 feet from the Skarans.

After further discussion of the petition, Mr. Hillier made a motion to approve the conditional use permit for an agriculturally-oriented

business to allow storage of liquid fertilizers, anhydrous ammonia, grain drying and weighing, sales of seed chemicals and dry fertilizers with the following conditions:

- 1) A limit of 30,000 gallons of anhydrous ammonia storage;
- 2) Harvest Grain must file a certificate of insurance with the County Auditor;
- 3) Anhydrous storage must be at least 600 feet from the nearest residence;
- 4) Operations must be in compliance with all Department of Agriculture and Minnesota Pollution Control Agency regulations.

The motion was seconded by Mr. Wieland and passed on a 5-0 vote with Mr. Shaw abstaining. Ms. Losness announced that the petition would be heard by the County Board at 2:00 p.m. on January 3, 1989.

Hearing on New Zoning Ordinance: The Commission reviewed the revisions of Section 14-50 (h) 4) which added the restriction of no non-farm dwellings permitted on land which is in any state or federal conservation program. The soil rating was also changed to 60 per the suggestion of the Soil Conservation Service. The Commission was in agreement with the changes.

Art Peck was present to ask that the Planning Commission request an Attorney General's opinion on the constitutionality of Section 14-19 which provides for staff to enter on private property to investigate possible violations.

After further discussion, Mr. Shaw made a motion to recommend adoption of the new Ordinance to the County Board with the suggestion that they have the County Attorney review the Ordinance first. The motion was seconded by Mr. Wieland and passed unanimously.

There being no further business to discuss, the meeting adjourned on a motion made by Mr. Wieland, seconded by Mr. Olson and passed unanimously.

Respectfully submitted,

Katie Losness

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