

AUSTIN MOWER COUNTY PLANNING DEPARTMENT

August 29, 1989

Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Gary Braaten, Donald Olson, Herb Hanson, Bob Werner, Steve Wieland, Oliver Hillier, Dick Cummings, Keith Vorhees, Meri Jo Lonergan

Members Absent: None

Others Present: John Grindeland, Nancy Evans, Katie Losness

Chair Hanson called the meeting to order at 8:00 p.m. on Tuesday, August 29, 1989, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the July 25, 1989, meeting were approved as mailed on a motion by Mr. Wieland, seconded by Mr. Braaten and passed unanimously.

Petition for Platting Fairway Lane Addition - Joseph Wagner: Ms. Losness read the staff report. Joseph Wagner is requesting approval of a replat of Lots 4, 5, 6, Block 1, Country Club 1st Addition into Lots 1, 2, 3, Block 1, Fairway Lane Addition. Copies of the plat were sent to Red Rock Town Board, County Engineer, US West and Austin Utilities with no objections noted.

Mr. Wagner spoke in favor of the petition noting that the original plat had been for twin homes which the market did not support. The replat is to allow for a single family home to be built.

After further discussion and review of the plat, Mr. Werner made a motion to recommend approval of the plat as presented. The motion was seconded by Mr. Braaten and passed unanimously. Ms. Losness announced that the County Board hearing would be September 5, 1989, at 2:15 p.m.

CUP 401 - Conditional Use Permit for an Agriculturally-Oriented Business in the Agricultural District - LeRoy Cooperative Creamery: Ms. Losness read the staff report. The LeRoy Cooperative Creamery is requesting a permit which would allow them to commercially store farm chemicals in the NW 1/4 NW 1/4 exc E 445 ft & SW 1/4 NW 1/4 exc. E 50 ft. & exc. 2 acres. The existing and surrounding land use and zoning is Agricultural.

Corliss Jacobson of the Creamery explained that they currently have an anhydrous site which requires a rinse pad per state regulations. They are requesting a conditional use permit for this property which is adjacent to their current site to

build the rinse pad which will be self-contained and cement-diked. There will be no drainage or well. A building of approximately 36' x 40' will be over the rinse pad which may also be used for chemical storage. The rinse pad must be approved the the state. They felt it would be more appropriate to locate these operations outside of the city limits of LeRoy. William McCloud of the Town Board and Creamery Board stated that he had received no complaints regarding the proposal.

Chair Hanson told the Commission that he and Mr. Vorhees had visited the site and could foresee no problems with the request. After further discussion Mr. Braaten made a motion to recommend approval of the conditional use permit to allow commercial storage of farm chemicals. The motion was seconded by Mr. Hillier and passed unanimously. Ms. Losness announced that the County Board hearing would be September 5, 1989, at 2:15 p.m.

CUP 402 - Conditional Use Permit for Additional Farm Dwellings in the Agricultural District - Oakwood Hutterian Brethren: Ms. Losness read the staff report. The Hutterites are requesting a conditional use permit to allow up to five multi-family dwellings for family members who will live and work on the farm in the NW 1/4 of Section 13 in Sargaent Township. The existing and surrounding land use and zoning is Agricultural.

Jeff Sveen, attorney for the Hutterites in South Dakota for the past ten years, was present to answer any questions regarding the Hutterites. Also present was David Decker from the Starland Colony and Harold and Simon Wipf of Oakwood. Mr. Sveen explained that the Hutterites are a religious group who believe in communal living. They have incorporated as a family farm currently owning 460 acres and possible up to 1000-1500 acres in the future. The biggest a colony is ever allowed to grow is up to 100 people which usually consists of six to ten families. A drawing showing the proposed buildings and locations was passed around to the Commission members. Mr. Sveen explained that they would like to build one of the dwellings this fall but the completion of all of the requested dwellings could take five to ten years depending on how fast the colony grows. They plan to raise turkies and crops; they don't anticipate raising hogs.

Mrs. Melvin Jones, area resident, asked if the plan was for public review. Chair Hanson stated that anyone wishing to look at the drawing was welcome to come to the front to view it. Another area resident questioned whether they buy products locally. Mr. Sveen responded that they buy their products locally such as their farm machinery and will most likely store their grain in local bins. He stressed that they are very active in their communities and an asset to the areas they reside.

There was some concern over the septic system for this operation. Ms. Losness stated that they have thus far worked very closely with Bill Buckley of the Environmental Health Department and the State for a special septic system. Any building would require a building permit and part of the permit includes an approved septic system.

Chair Hanson related the on-site investigation conducted by he and Mr. Vorhees noting the proposed site is far off any road in the area. Mr. Vorhees stated that he could see no problem with the request. There was some discussion about the Hutterites conforming to the proposed site drawing whenever a dwelling was built. The people were assured that if the Hutterites had any desire to change the plan they would need to come back before the Planning Commission for approval.

Mrs. Jones asked what this would do to their property values. Mr. Sveen told her that in South Dakota values have been raised on property surrounding colonies.

Mr. Werner expressed some concern over the Ordinance's intent to discourage communities from cropping up outside of the limits of established cities. Mr. Sveen responded that they are not a town, they are a family farm. They will not be building any stores and no one works off of the farm.

An area resident expressed some concern about the traffic that will be generated by people going to and from the Colony. Mr. Sveen assured her they are not a tourist attraction and will generate no more traffic than any other farm.

After further discussion Mr. Wieland made a motion to recommend approval of the conditional use permit for the additional farm dwellings as presented in their site plan. The motion was seconded by Mr. Olson and passed on an 8-1 vote with Mr. Werner voting nay.

Renewal of CUP 376 - Conditional Use Permit for Sand Extraction in the Agricultural District - Wallace Bustad: Ms. Losness read the staff report. Wallace Bustad, on behalf of Raymond Wheeler, is requesting renewal of CUP 376 for sand extraction on his property in Austin Township (N 1/2 NW 1/4 NE 1/4 & SW 1/4 NW 1/4 of Section 15).

Wallace Bustad explained that he has a few jobs coming up in the next month and figures that he will then have removed approximately three-quarters of the sand that needs to be removed for the track. Lee Hansen of Hansen Hauling also spoke in favor of the petition as he has projects in the area that require fill and there isn't much fill available in the area. If all of the conditions of the permit are met he feels that the permit ought to be renewed.

Mary Morgan, area resident, expressed concern over the safety of her five-year-old child since the trucks travel too fast on the township road. Nancy Heimsness said that their main concern is that they not have another gravel pit in the area. If the purpose is to build a training track she feels it would have been done faster.

Chair Hanson pointed out condition #6 of CUP #376 which states, "The removal of sand be limited to the excavation necessary to facilitate construction of the race track as proposed to the Commission." John Grindelund, Assistant County Engineer, stated that while there are areas where Bustad has dug too deep there are also areas which are too high and can replace the low spots to achieve the grade necessary. There is a grade plan which shows lines and grades for cross-sections which must be conformed to when the project is finished or the bond would be forfeited.

Tim Heimsness felt that the engineering plan that was submitted this summer is not accurate since they have been digging since 1988 and Article IV of the Code calls for the plans to be submitted prior to the permit being issued.

Kay Rudenske stated that Mr. Wheeler had approached her about selling the property which indicated to her that he had no intention of finishing the training track. Arthur Peck said that due to the previous problems of the bond not being posted, plans not submitted and that the house is being rented that the bond should be taken and the property restored. Jeff Moldenhauer asked what was going to be used to fill the holes that remain and Mr. Bustad assured him nothing has been hauled into the hole. Linda Skjeveland stated that the petitioners have not shown just cause to be granted renewal of the permit as noone is living on the property and she feels that Mr. Bustad is just interested in the sand.

It was pointed out that the bond is in place to assure that the grade is met not to assure that the track is built.

A concern was raised over the driveway which has been used for hauling out of the property. Mr. Grindelund pointed out that the driveway is part of the plan for the training track.

Chair Hanson stated that he felt they should have the opportunity to finish the track, therefore, he made a motion to recommend that the permit be renewed with the following conditions:

- 1) Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil & Water Conservation Office.
- 2) When excavation and removal of operations or either of them are completed, a layer of arable topsoil, of a quality approved by the Soil & Water Conservation District shall be spread over the excavated area, except exposed rock

- surfaces, to a minimum depth of 5 inches in accordance with the approved contour plans. The area shall be seeded with perennial grass and maintained until the area is stabilized and approved by the Soil & Water Conservation District.
- 3) The petitioner shall be responsible for maintaining and repairing any damage that is done to the township road during the operation of the sand pit to the satisfaction of the Austin Town Board
 - 4) A \$10,000 performance bond must be posted with the County Auditor.
 - 5) The removal of sand be limited to the excavation necessary to facilitate construction of the race track as proposed to the Commission.
 - 6) This permit shall expire on August 31, 1990, at which time a registered engineer will confirm that the final grade plan has been conformed to and restoration of the property is finished.
 - 7) This permit is non-renewable.

The motion was seconded by Mr. Olson and passed unanimously. Ms. Losness announced that the County Board hearing would be held on September 5, 1989, at 2:15 p.m.

There being no further business to discuss the meeting adjourned at 10:00 p.m. on a motion made by Mr. Braaten, seconded by Mr. Hillier and passed unanimously.

Respectfully submitted,

Katie Losness

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