

MOWER COUNTY

AUSTIN, MINNESOTA

55912



September 29, 1992

Minutes of the Mower County Planning Commission Meeting

Members Present: Herb Hanson, Oliver Hillier, Greta Kraushaar, Meri Jo Lonergan, Gary Nemitz, Don Olson, Keith Voorhees, Bob Werner, Gary Braaten.

Members Absent: None.

Others Present: Daryl W. Franklin.

Chair Hanson called the meeting to order at 7:00 p.m. on Tuesday, September 29, 1992, in the Conference Room of the Mower County Courthouse in Austin, Minnesota. Minutes of the September 1 & 22, 1992, meetings were approved as mailed on a motion made by Bob Werner, seconded by Greta Kraushaar and passed unanimously.

Conditional Use Permit #450 William & JoAnne Fuller for a Conditional Use Permit for a dog and cat kennel - Austin Township Section 33, N 1/2 S 1/2 E of Hwy & NW of River, exc N 10.3 Ac NW 1/4 SE 1/4, exc 7.7 Ac S 1/2 NE 1/4, SW 1/4, & exc 3.7 Ac NW 1/4, T102N, R18W, Mower County, Minnesota. Staff report was read. JoAnne Fuller presented background information and pictures to the Planning Commission. Also presented letters from Betty Leppen, Austin Veterinary Clinic, and Bob Nelson all in support of the petitioners. Dr. Stahl, the neighbor immediately to the north, spoke in favor of the petition. Bill Fuller also spoke in favor of the petition. Roberta Getman, neighbor, spoke in opposition to it. She stated that she has a driveway easement across the Fuller's property to get to her home. She stated that when they drive or bicycle by, the dogs bark at them. She was also concerned that the Cedar River acts as the noise tunnel and actually magnifies the sound of the barking dogs. After some discussion a motion was made by Don Olson and seconded by Gary Braaten to recommend approval of Conditional Use Permit #450 to the Mower County Board of Commissioners, based upon the fact that the Planning Commission had found that the permit was in compliance with section 14-31 of the Mower County Code. The following conditions were recommended and placed on the conditional use permit:

1. Be a permanent permit.
2. Limit of ten (10) dogs.
3. Limit of twenty-five (25) cats.

The motion passed unanimously.

Conditional Use Permit #452 Huntting Elevator - for a conditional use permit to do grading and filling in the shoreland area of unnamed tributary of Cedar River, Lansing Township, Section 3, 2.35 Ac SE 1/4 SE 1/4 E of RR, T103N, R18W, Mower County, Minnesota: The staff report was presented to the board. Doug Thompson, Lansing Township Clerk, and Harold Boverhuis, Lansing Township Chair were present and raised some questions. Mr. Thompson wanted to know if it was filling in a wetland. Lowell Franzen and Colin Williams from the Mower County SWCD were present and explain the drawing and the delineation that had been made, and they were not filling in a wetland area. Mr. Boverhuis was concerned as to how they were guaranteed that it was only clean earthen fill and not other contaminated soil going in the area. After some discussion, a motion was made by Gary Braaten and seconded by Oliver Hillier to recommend approval of conditional use permit #452 to the Mower County Board of Commissioners based upon the facts of the Mower County Planning Commission had found the permit was in compliance with Section 14-31 of the Mower County Code. The following conditions were recommended and placed on the conditional use permit:

1. Only clean earthen fill shall be brought on site for filling purposes;
2. Area of earthen fill shall be protected from erosion in an acceptable manner.
3. Comply with MN Department of Natural Resources and Soil & Water Conservation District letters on this petition.
4. No more than one (1) foot of fill can be placed over the existing drainfield and traffic must be kept off the drainfield area or a new drainfield must be established in accordance with Chapter 11 of the Mower County Code.
5. Lansing Township Board will monitor fill being deposited on site.

The motion passed unanimously.

Conditional Use Permit #453 David Hjelman - for a conditional use permit for gravel extraction. Lansing Township, Section 15, 40 Acres N 1/2 SE 1/4, exc 10.55 acres, T103N, R18W, Mower County, Minnesota: The staff report was read. Mr. Hjelman presented to the Planning Commission the two drawings: one showing the existing property, locations of the homes, contours and relationship to the road. He then presented a second drawing that showed the same information and the proposed location of the gravel pit, approximately 600 feet from the township road on the north, 150 feet from the property owners on the west and 170 feet from the property owners to the east. Nordeen Wilson, the farmer directly to the north, spoke in opposition. Kathleen and Harold Payne were concerned on access to the site. Mr. & Mrs. Orville Taylor were concerned on the gravel pit on the other side of the road and bring another gravel pit into the area.

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The Planning Commission complimented Mr. Hjelman on the preparation on of his plans. Harold Boverhuis and Doug Thompson were asked if the Lansing Township Board had taken a position on this. They stated that they had received the application but had not taken any formal action. Mr. Hjelman stated that he had taken this to the town board and they passed a motion. Mr. Thompson did not have the information available. There was also a concern that there should have been suggested restrictions such as of time limit, stockpiling the black dirt and bond. It was explained that these items could be added to the conditional use permit. Gary Nemitz requested that the town board review the situation and provide a written recommendation to the County as soon as possible in regard to the gravel pit. After some discussion a motion was made by Bob Werner and seconded by Gary Braaten to deny the conditional use permit because it is not in compliance with Section 14-31 item 1 of the Mower County Code because the proposed development would be injurious to the use and enjoyment of other property owners in the immediate vicinity for the purposes already permitted, and it would substantially diminish and impair property values within the immediate vicinity.

The motion passed unanimously.

It was announced that the County Board will be holding their hearings on these items on October 6, 1992 at 1:30 p.m.

There being no further business, a motion was made by Great Kraushaar and seconded by Meri Jo Lonergan to adjourn the meeting at 8:18 p.m. The motion passed unanimously.

Respectfully submitted,


Daryl W. Franklin
Planning Director