

MOWER COUNTY

AUSTIN, MINNESOTA

55912



Minutes Mower County Planning Commission

Members Present: Duane Hanson, Oliver Hillier, Meri Jo Lonergan, Keith Voorhees.

Members Absent: Gary Braaten, Greta Kraushaar, Don Olson.

Others Present: Bob Baarsch, Bill Buckley, Dick Cappelle, Ken Luttner, Ray Sayles, Jon Voss, Wayne Ulrich, Dale Rossow, Mr. & Mrs. Richard Kanne, Robert Leighton, Mr. & Mrs. Earl Swenson, Dave Quinlan, Lowell Franzen, Pat Oman, Don Barnes, Roger Bhend, Daryl Franklin.

Chair Duane Hanson called the meeting to order at 2:00 p.m. on Tuesday, February 22, 1994, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the January 25, 1994, meeting were approved as mailed on a motion by Keith Voorhees, seconded by Oliver Hillier. The motion passed unanimously.

Proposed Amendment dealing with Feedlots -Background information was presented on the proposed amendment to the Zoning Ordinance. The amendment was reviewed. Input was received from citizens present. Questions were raised by Mr. Rossow and Roger Bhend. Answers were provided to their questions.

Amend Section 14-50 - Permitted Uses

(f) New feedlots must comply with the following standards:

1. All feedlots require county zoning permits and permits from the Minnesota Pollution Control Agency (MPCA) indicating conformance with Chapter 7020.
2. A map shall be submitted showing location of proposal and conditions of the area within 1/2 mile. It shall depict all existing topography all existing land uses as described herein and existing property lines.
3. Feedlots shall not be located within one-half (1/2) mile of a public park, shall not include trails on abandoned rail lines or DNR Wildlife Management Areas.

4. Feedlots shall not be located within one-half (1/2) mile of ten (10) or more homes or residential lots of record.
5. Feedlots shall not be located within one-half (1/2) mile of an incorporated city limit.
6. Feedlots shall not be located within 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources and the County Board.
7. Feedlots shall not be located within 75 feet of wetland which is defined as a surface water feature over ten (10) acres in size and classified as a 3, 4, or 5 wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition), contained in Appendix C, and as identified by State and Federal Regulations..

The setback requirements are to be measured from the outermost boundaries of the feedlot to the site of existing dwellings. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.

After some discussion, a motion was made by Oliver Hillier, seconded by Keith Voorhees, to recommend that the Mower County Board of Commissioners proceed with holding a hearing on the feedlot amendment and proceed with adoption after the public hearing. The motion passed unanimously.

Proposed Amendment dealing with the Subdivision of Agricultural Land - Commissioner Hanson explained that the County Board had authorized Fred Hoisington to proceed with the updating of the Comprehensive Plan to address this situation and prepare the draft amendment to the Zoning Ordinance dealing with it. The draft may be available by the March meeting.

Surface Water Management Ordinance - was continued to the March meeting.

Zoning Permit Approval - The current Zoning Permit approval process was discussed and the concerns of Harold Boverhuis. Oliver Hillier, representing Austin Township, said the current procedure is excellent from his perspective because it allows township officials to review zoning permits. The Planning Commission discussed the situation and decided to present it to the Association of Township meetings which is going to be held March 29, 1994, in Elkton.

Sewage Discharge to Agricultural Tile (Richard Kanne & Earl Swenson) - Bill Buckley gave background information on the sewage discharge to agricultural tile and road ditch of Richard Kanne and Earl Swenson. In addition to the packets, Mr. Buckley handed out diagrams showing St. Michaels Addition, the discharge point, as well as lab report from 1982. At that time, the Swenson's allowed Mr. Buckley to dye test their system but the Kanne's did not.

Mrs. Kanne proceeded to explain their system consisted of an approximately 750 gallon septic tank shared with the Swenson's and connected to a drywell and an overflow connected to the tile that ended up in the ditch. She also explained that Mr. Ray Willette offered to give them land where he is proposing to build his mound system for the Stardust Apartments so that the Kanne's could build a joint mound between them and Swensons. Mr. & Mrs. Kanne wanted a guarantee that the mound system would work. Mr. Buckley and Pat Oman, Mower County Attorney, explained that the County could not give guarantees like this. Mr. Robert Leighton, the attorney representing the Swenson's explained that because the Swensons and Kanne's tile traversed the property for 30 years they did have certain easement rights with that tile. He was concerned on the impact of the mound system on the tile. However, Mr. Buckley and Mr. Oman stated that a discharge of sewage was not "grandfathered" in and the easement question was between property owners. Duane Hanson stated that the most appropriate thing would be to have Mr. Leighton contact the property owner, Mr. Ray Willette, and discuss the situation.

When asked about a deadline for compliance by Mr. Buckley, since Mr. Willette intended to begin construction in May, Mr. Oman recommended that the Planning Commission impose a May 31, 1994, deadline by which the Swensons and Kannes must construct an approved system or present a viable option. The Kanne's and Swenson's were concerned that they needed to test their systems to determine whether they were in violation. Mr. Hanson asked if they would allow Bill Buckley on their property to do the dye testing. The Swensons stated that they would. Mrs. Kanne stated that they would not allow Mr. Buckley on their property to dye test their system, but since they were hooked up together they would accept

the results of the dye testing from the Swensons. After further discussion, a motion was made by Meri Jo Lonergan, seconded by Oliver Hillier, to continue the hearing on Swensons and Kannes to the March 30, 1994, meeting at 2:30 p.m.. The motion passed unanimously.

Other Business - Utility Line Placement Ordinance Memo - A memo had been sent to Pat Oman, Mower County Attorney, regarding a utility line placement ordinance. Mr. Oman stated that he agreed with the position in the memo that the only requirements dealing with utilities is Section 14-15(r) of the current Zoning Ordinance and if the County wants to have the requirements of the prior ordinance #1-78 it will have to re-enact the ordinance.

There being no further business, the meeting adjourned at 3:55 p.m. on motion by Oliver Hillier, seconded by Keith Voorhees. The motion passed unanimously.

Respectfully Submitted,


Daryl W. Franklin
Planning Director

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