



MOWER COUNTY

AUSTIN, MINNESOTA

55912

Minutes Mower County Planning Commission

Members Present: Gary Braaten, Duane Hanson, Oliver Hillier, Greta Kraushaar, Don Olson, Keith Voorhees.

Members Absent: Meri Jo Lonergan.

Others Present: Daryl Franklin.

Chair Duane Hanson called the regular meeting to order at 7:00 p.m. on Tuesday, August 30, 1994, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the July 26, 1994; meeting were approved as mailed on a motion by Greta Kraushaar, seconded by Keith Voorhees. The motion passed unanimously.

Discussion of Amendment to Zoning Ordinance Concerning EAW's and EIS's - Background information was presented to the Planning Commission on the definitions of EAW and EIS and the section of the Zoning Ordinance to be changed to include EAW and EIS. After some discussion, a motion was made by Don Olson, seconded by Gary Braaten, to recommend that the County Board proceed with amending the Mower County Zoning Ordinance as follows:

Section 14-7 be amended to include a definition for:

Environmental Assessment Worksheet - "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

EIS Environmental Impact Statement - "Environmental impact statement" means a detailed written statement as required by Minnesota Statutes, section 116D.04, subd 2a.

Create a new section:

14-18.1 Environmental Review. The Mower County Planning Commission or Board of Commissioners may require during the consideration of activities under this ordinance the completion of EAW and EIS pursuant to MN Statutes, section 116D.04, subd 2a, item (a), and the rules promulgated thereunder. The County requires that the developers provide all the data for the completion of the EAW or EIS as requested by the County and the developer shall reimburse the County for the total cost of the EAW or EIS consistent with the provisions of MN Statute Section 116D.045 and Minn. Rules, parts 4410.6000 to 4410.6500.

The motion passed unanimously.

Discussion of Amendment to Zoning Ordinance to Allow the Planning Commission to have Final Approval of Conditional Use Permits - Discussion took place with Duane Skov (Dexter Township representative), Ron Skjevland, Dan & Glen Goodsell, felt that the amendment was a good idea but were concerned that if the Planning Commission approved permits and the appeal was to District Court it would be a burden. They felt that it that it would be more appropriate to appeal to the Board of Commissioners. The Planning Commission instructed the staff prepare a proposed amendment which would be sent to the Townships and reviewed at a subsequent Planning Commission meeting.

Conditional Use Permit #481 - Greenwood Cemetery Association - Conditional use permit to expand the cemetery in Section 16, Red Rock Township. Staff report was presented. Reference was made to the on-site visit conducted by the investigating committee (Don Olson and Oliver Hillier) on August 24, 1994. Duane Skov, representing the cemetery's association, presented information on the proposed expansion. After some discussion, a motion was made by Don Olson, seconded by Oliver Hillier, to recommend approval of CUP #481 for expanding the cemetery for Greenwood Cemetery Association because it was in accordance with Section 14-31 of the Mower County Code with the following condition:

1. Permit will be permanent.

Motion passed unanimously.

Duane Skov raised a concern: he felt that non-profit organizations should be exempt from paying the fee for a conditional use permit application. The Planning Commission will discuss this item at its October meeting.

Conditional Use Permit #482 - James Christian - Conditional use permit for a gravel pit in Section 13, Red Rock Township. Staff report was presented. Reference was made to the on-site visit by the investigating committee. Mr. Christian explained the operation and the site drawing. After some discussion, a motion was made by Gary Braaten, seconded by Oliver Hillier, to recommend approval of CUP #482 for a gravel for James Christian because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Permit will expire on December 31, 1999.
2. A \$3,500.00 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre) must be posted with the county Auditor valid through June 30, 2000.
3. A "No Trespassing" sign shall be posted at the entrance.
4. The gravel pit sides, when completed will have a slope no greater than 3:1 (horizontal:vertical).
5. Comply with Article IV Excavation of Earth Products of the Mower County Code
6. Extraction of materials shall be limited to areas as delineated on the site plan.

7. Extraction of gravel/sand shall remain at least ten (10) feet from all adjoining property lines and forty (40) feet from the road right-of-way.

Motion passed unanimously.

Conditional Use Permit #483 - Goodsell, Inc. and Dan & Glen Goodsell - Conditional use permit for a temporary fluorescent tube handling facility in Section 23, Frankford Township. Staff report was presented. Reference was made to the on-site visit by the investigating committee. Citizens in the audience expressed appreciation that Goodsell's were involved in this type of recycling. Dan & Glen Goodsell reported about their proposed recycling operation. After some discussion, a motion was made by Oliver Hillier, seconded by Gary Braaten, to recommend approval of CUP #483 for a temporary fluorescent tube handling facility for Goodsell, Inc. and Dan & Glen Goodsell because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Storage limited to Compliance Agreement with MPCA.
2. Permit will expire August 31, 1999.

Motion passed unanimously.

OTHER BUSINESS -

Royal Manor - Michael & Debra Schuster were concerned about the issuance of a zoning permit to Glen Medgaarden in Royal Manor Addition, Lansing Township, for a storage shed. They felt that the zoning permit should not have been issued due to the building being in violation of their deed restrictions. They felt that the County had an obligation to enforce the deed restrictions. It was explained that the County does not enforce deed restrictions. The County enforces ordinances established by the County.

Proposed Amendment to the Sign Code - was discussed by the Planning Commission. The amendment will make the sign code more enforceable and was recommended by the County Attorney's office. After some discussion, a motion was made by Greta Kraushaar, seconded by Keith Voorhees, to recommend that the County Board proceed with amending the Mower County Zoning Ordinance as follows:

Delete current Section 14-147(e) and replace with:

- e) Sign Maintenance.
 - 1) All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts, and other necessary acts.
 - 2) Any sign which is found in a dangerous or defective condition, shall be removed or repaired by the owner of the sign or the owner of the premise on which the sign is located.

Motion passed unanimously.

Oliver Hillier discussed a concern that he had about zoning permit and conditional use permit. He felt that individuals who apply for a zoning permit after building has started or a conditional use permit after the operation has started should have to pay double the fee. Staff was instructed to contact the County Attorney to find out the legality of this type of fee.

There being no further business, the meeting adjourned at 8:20 p.m. on motion by Don Olson, seconded by Keith Voorhees. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Daryl W. Franklin".

Daryl W. Franklin
Planning Director