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Minutes Mower County Planning Commission

Members Present: Harold Boverhuis, Greta Kraushaar, Oliver Hillier, Meri Jo Lonergan, Len Miller, Don Olson, Keith Voorhees.

Members Absent: none.

Others Present: Daryl W. Franklin, Pat Oman.

Vice-Chair Don Olson called the special meeting to order at 7:00 p.m. on Tuesday, January 17, 1995, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the December 12, 1994; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Oliver Hillier. The motion passed unanimously.

Vice-Chair Olson called for the nomination for chair. A motion was made by Keith Voorhees, seconded by Greta Kraushaar, to nominate Len Miller for Chair and that nominations cease and the secretary be instructed to cast unanimous ballot. The motion passed unanimously. Len Miller took over as chair and called for the election of Vice-Chair. A motion was made by Oliver Hillier, seconded by Keith Voorhees, to nominate Don Olson for Vice-Chair and that nominations cease and the secretary be instructed to cast unanimous ballot. The motion passed unanimously.

Rehearing of Change of One Non-Conforming Use to Another - Daniel Rouse
- Change of non-conforming use to another to allow petitioner to build an addition to a building so that he can store other personal items and a semi-truck in Dinsmoor Acres, Austin Township. Staff report was presented. Reference was made to the on-site visit by the investigating committee consisting of the entire Planning Commission on November 23, 1994. A letter from Austin Township critical of the process was presented to the Planning Commission. Joy Rouse explained that all materials and the semi-truck would be stored inside the building. Scott Richardson stated that the Planning Commission should consider this the first meeting since the other meetings were defective because proper notice was not given. He stated that the Planning Commission should not consider that the building has been built. Mr. Richardson explained his hand-outs from the zoning

ordinance, map of the area, petition from neighbors. He said that the neighbors are concerned about the noise and vibration and that Rouse's do not have a home occupation. He stated that section 14-14(h) of the ordinance prohibits trucks over one ton being parked in a platted residential district. Mr. Richardson stated under 14-51 and 14-48 that if a use is not listed as permitted it would not be permitted. Mr. Srock said that he is one of the closest neighbors and has no problem with it. Mary Anne Lueders speaking in opposition stated that the pervious owner was not a nuisance with the property. She is concerned that the Rouse's violated the original Board order and cease & desist orders from the Sheriffs Dept. She stated Rouse's cleaned up the site for the Planning Commission visits and then would let it get dirty again. Mark Cochran felt that the use was appropriate in the area. He was not a resident but works with Mr. Rouse. Pat Oman stated that if the change were rescinded the County would be liable. Scott Richardson felt that this was irrelevant. Pat Oman said that the non-conforming use clause is vague and that the zoning questions is "Is the use being expanded not the question on the building size being expanded." Mr. Oman said that the use is not being expanded just the building size. Mr. Richardson responded that the proposed use is different. Greta Kraushaar asked what is being stored in the building and what is proposed to be stored in the building. Mrs. Rouse explained that they would store their personal van, equipment, semi-truck & trailer and other personal items. Meri Jo Lonergan asked if Mr. Rouse does work on trucks. Mrs. Rouse replied yes. Oliver Hillier asked Mrs. Rouse if they would be willing to give up the storage of one semi-truck since they have two there. Don Olson said that the original approval was for one semi-truck not two semi-trucks or a trailer. Pat Oman said that Section 14-16(c) concerns an unlawful taking if the permit is denied. Harold Boverhuis felt that we must follow the ordinance and not work around it. Don Olson made a motion, seconded by Harold Boverhuis, to deny the change of one non-conforming use to another since it did not meet the criteria of the ordinance. Motion passed unanimously.

Renewal of Conditional Use Permit #453 - David Hjelman. Renewal of conditional use permit for a gravel pit in Section 15 of Lansing Township. Reference was made to the on-site visit by the investigating committee of Don Olson and Oliver Hillier on January 11, 1995. Staff report was presented. Mr. Hjelman presented information. After some discussion, a motion was made by Greta Kraushaar, seconded by Keith Voorhees, to recommend approval of the renewal of conditional use permit #453 for a gravel pit because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Extraction of materials shall be limited to areas as delineated on the site plan.
2. Iron corner poles at least four (4) feet above the ground shall be placed by a registered land surveyor according to the approved site plan.
3. Extraction and stock pile of material shall remain outside of the delineated Floodplain District.
4. Hours of operations shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday.

5. Access shall be limited to southeast corner of the property into of the property onto CSAH #25.
6. Periodic inspections are to be performed by County Staff as deemed necessary and appropriate to determine compliance with the site plan as to size and depth of pit and compliance with the conditions of the conditional use permit.
7. Permittee shall comply with Article IV Excavation of Earth Products of the Mower County Code.
8. No demolition landfill shall be permitted on this site unless a conditional use permit is applied for and received under Mower County Code and there is compliance with all Mower County and MPCA Rules & Regulations in regard to demolition landfills.
9. Lowest elevation no greater than 1220 feet.
10. A \$8,750.00 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre. Total acreage=10 acres) must be posted with the county Auditor valid through June 30, 2001.
11. 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.
12. Permit will expire on December 31, 2000.
13. Failure to comply with any and all listed conditions shall result in revocation of this conditional use permit hereby resulting in closure of this gravel pit.

Motion passed unanimously.

Renewal of Conditional Use Permit #65 - Ulland Bros, Inc./Lawrence Grinstead. Renewal of conditional use permit for a gravel pit in Section 14 of Lansing Township. Reference was made to the on-site visit by the investigating committee of Don Olson and Oliver Hillier on January 11, 1995. Staff report was presented. Ken Johnson from Ulland Bros. was present to answer questions. After some discussion, a motion was made by Oliver Hillier, seconded by Harold Boverhuis, to recommend approval of the renewal of conditional use permit #65 for a gravel pit because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Gravel will be excavated no closer than 25 feet from the south property line at a 3:1 (horizontal:vertical) slope; and no closer than 100 feet from the flood bank on the east end.
2. Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil and Water Conservation District.
3. The reclaimed depth will be no more than 12 feet.
4. Signs will be posted at the entrance warning drivers of trucks hauling.
5. Access will be gained from the north driveway at the farmstead on said property.
6. Periodic inspections are to be performed by County Staff as deemed necessary and appropriate to determine compliance with

- the site plan as to size and depth of pit and compliance with the conditions of the conditional use permit.
7. Comply with Article IV Excavation of Earth Products of the Mower County Code.
 8. When the gavel pit is completed, suitable topsoil be spread on the area which would be capable of growing a vegetative cover.
 9. A \$5,000.00 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre. Total acreage=5 acres.) must be posted with the county Auditor valid through June 30, 2001.
 10. 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.
 11. Permit will expire on December 31, 2000.
 12. Failure to comply with any and all listed conditions shall result in revocation of this conditional use permit.

Motion passed unanimously.

Conditional Use Permit #488 - Gary Harrington. Conditional use permit for storage and recycling of cement and asphalt with site crushing and sale of the crushed material in Section 31 of Lansing Township. Reference was made to the on-site visit by the investigating committee of Don Olson and Oliver Hillier on January 11, 1995. Staff report was presented. Gary Harrington was present and stated that he has been working with the MPCA to secure all necessary permits. He stated one of the changes the MPCA required is that a pile of concrete can not stay on one location for more than one year without being moved. Mr. Harrington stated that he is looking at 500 tons per year. Harley Flink spoke in opposition because of dust and odor. DuWayne Harrington was concerned about the operation and how it would impact on other proposed development. Lance Pogones was concerned about the run-off and the illegal dumping that has taken place in the past. Mr. Pogones was also concerned about the impact on wildlife, children, dust problems and property values. Kathy Hyland, resident north of the site, is concerned about dust and wildlife. Ted Hendricks, property owner south of the site, was concerned about what impact it would have on expansion opportunities in the area. He was concerned about property values and road degradation. He stated he has an option to purchase some property south of the area and he would not exercise his option to purchase if the CUP were approved. Thompson was concerned about taxes. Don Olson and Oliver Hillier felt that this type of activity is needed in the County. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis, to recommend approval of conditional use permit #488 for the storage and recycling of concrete and asphalt with on-site crushing and sale of crushed material because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Must maintain a low water mist during crushing operation.
2. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed of by Mr. Harrington.
3. Hours of operation will be from 7:00 a.m. to 7:00 p.m. Monday

- through Saturday.
4. Crushing and storage will be conducted East of existing building and at least 200 feet West from Turtle Creek.
 5. When crushing begins, Gary Harrington shall notify the Planning & Zoning Office in writing.
 6. Secure MPCA facility permit and comply with MPCA stipulations and regulations.
 7. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit
 8. This permit shall expire on December 31, 2000.

Motion passed unanimously.

Other Business - Chair Voting: A discussion took place regarding the chair voting. Pat Oman stated that the Chair as a commissioner does not have to vote unless there is a tie.

Meidl Correspondence - Correspondence from Walter Meidl concerning complaints of a neighboring mound sewer system was discussed. The following letter from Mr. Meidl was introduced as testimony:

1-16/95

Mower County Environmental Health Dept.

Mr. Bill Buckley

In short our Blue Jays are back - even the deer.

The repairs did the job.

We are now sold on mounds. We are very pleased that the odor is gone and the birds must think that this air is clean.

Best Regards

Walt Meidl

RR 4 Box 26

Austin

Based on this letter, no other action is necessary.

Investigation Schedule - The investigation schedule for 1995 was distributed to the planning commission. Planning Commission members are encouraged to make necessary arrangements to attend the months they are scheduled for the investigating committee.

There being no further business, the meeting adjourned at 9:15 p.m. on motion by Greta Kraushaar, seconded by Don Olson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director