

Mower County Planning Commission

Minutes Mower County Planning Commission

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

Members Absent: none.

Others Present: William C. Buckley, Daryl W. Franklin.

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, April 25, 1995, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the March 28, 1995; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Oliver Hillier. The motion passed unanimously.

Conditional Use Permit #492 - Tradexpos, Inc. - Conditional use permit applicable to Section 14-51(b) and 14-72(b) of the Mower County Zoning Ordinance for the North American Farm and Power Show in sections 25 and 36 of Windom Township. Reference was made to the on-site investigation by Don Olson and Diane Benson on April 19, 1995. Staff report was presented. The Planning Commission reviewed Section 14-31 of the Mower County Ordinance and applicable items. Background information on Tradexpos, Inc., was provided by Fred Cline. A brochure with plans for the site and the dates and times of the first trade show were distributed. After some discussion, a motion was made by Don Olson, seconded by Keith Voorhees, to recommend approval of CUP #492 for the North American Farm and Power Show because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Secure necessary County and State licenses.
2. Permit will expire on June 30, 2000.
3. Secure MN DOT driveway permit if applicable.
4. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit

Motion passed unanimously.

Conditional Use Permit #493 - Kristin Graff - Conditional use permit applicable to Section 14-51(u) of the Mower County Zoning Ordinance for a massage therapy business in their home in section 10 of Austin Township. Reference was made to the on-site investigation. Staff Report was presented. Mrs. Graff presented information on her business. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis, to recommend approval of CUP #493 for a massage therapy business in their home because it was in

accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Comply with Section 14-50(g) of the Mower County Zoning Ordinance. Section 14-50(g) Home Occupations meeting the following standards:
 1. No more than one (1) full time person other than members of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
 2. The home occupation shall be incidental and subordinate to the use of the premises for farming and/or residential purposes.
 3. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 4. Only one (1) non-illuminated sign, not to exceed twelve (12) square feet in area, shall be allowed in conjunction with the home occupation, as regulated by Section 14-147(b).
 5. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
 6. The home occupation shall be carried on only in the principal residence.
2. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit
3. Permit will expire April 30, 2000.

Motion passed unanimously.

Conditional Use Permit #490 - Jim Wilkinson/Jim Christian - Conditional use permit applicable to Section 14-51(s) of the Mower County Zoning Ordinance to allow for temporary concrete storage and crushing in section 13 of Red Rock Township. Reference was made to the on-site investigation. Staff report was presented. Mr. Wilkinson explained that this was currently a sand and gravel pit site. After some discussion, a motion was made by Harold Boverhuis, seconded by Keith Voorhees, to recommend approval of CUP #490 for temporary concrete storage and crushing because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Maintain a low water mist during crushing operation if determined to be necessary by the Mower County Planning Department or Mower County Environmental Health Department.
2. Any runoff that would be present from this low water mist during the crushing must be contained and disposed of by petitioner or owner.
3. Hours of operation will be 7:00 a.m. to 7:00 p.m.

4. The Mower County Planning Office shall be notified in writing as to when crushing will begin.
5. Permit will expire on December 31, 1999.
6. Entrance to the concrete storage and crushing site shall remain gated and the gate must remain closed and locked during non-operating hours.
7. The Owner and Petitioner are responsible for any damage done to the township road.
8. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit

The motion passed unanimously.

It was reported that the State of Minnesota is considering regulations to require that concrete being stored for crushing be crushed or moved yearly. After some discussion, a motion was made by Keith Voorhees, seconded by Don Olson, that the Mower County Planning Commission request that the Mower County Board of Commissioners send a letter to Minnesota Pollution Control Agency (MPCA) representatives stating that the proposed regulations requiring yearly crushing or moving could be counter-productive. The motion passed unanimously.

Conditional Use Permit #494 - Ulland Brothers, Inc./Sherburn Roberts - It was reported that a letter was received from Ulland Brothers withdrawing the permit application. A motion was made by Oliver Hillier, seconded by Meri Jo Lonergan, to accept the withdrawal of CUP #494. The motion passed unanimously.

Conditional Use Permit #491 - William Ryther - Conditional use permit applicable to section 14-51(j) of the Mower County Zoning Ordinance for a demolition landfill in section 21 of Lansing Township. Reference was made to the on-site investigation by members of the Planning Commission. Staff report was presented. Mr. Ryther explained his proposed demolition landfill site. It would be an approximately ten (10) acre parcel directly west of his cattle lot and tree grove. Access would be through the farm yard. Mr. and Mrs. Ryther would become state certified landfill operators. Chair Miller called for those opposed to the permit. Edward Engen felt that the landfill is not environmentally friendly, was concerned about ground water contamination, and highway problems. Nettie Engen felt that it would hurt property values. Bob Peterson said that Lansing Township is becoming a dumping grounds for the city of Austin. He was also concerned about tile outlets. Ruth Przytarski stated that she was against it. Norma Kanne was upset with Wally Bustad, Vern Neitzell and others and felt that the landfill was inappropriate. Dean Sheely was concerned about ground water. Ron Noble spoke against it. Ralph Noble reported that he was personally opposed to the landfill. A question was raised if the town board had taken a position - Ralph Noble did not respond. A letter was read from Howard Johnson who was in opposition to the landfill. Wanda Engen wanted to know if a bond would be posted and would there be any clean up. Perry Byam spoke in opposition to it. Roger Klenke farms the Johnson/Persinger property was concerned about run-off from the site. Bob Reimers stated that he didn't feel that there would be a

problem with run-off. Edward Engen shared an article on concerns about old landfills. Don Olson felt that this is the best of four demolition landfill sites that have been viewed also it is close to Austin. Harold Boverhuis felt that it is needed operation and that the landfill fits the area and should be open to the public. Meri Jo Lonergan felt that it violated conditions 1 and 2 of section 14-31. Harold Boverhuis disagreed and pointed out that there is a gravel pit, compost site and concrete storage in the area. Greta Kraushaar was concerned about the run-off. Bill Buckley stated that the MPCA will regulate the site. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis, to recommend approval of CUP #491 for a demolition landfill because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. The operator must secure the appropriate County, State and Federal permits and comply with all applicable provisions and requirements.
2. The operator is responsible for any required engineering work.
3. The applicant must provide a minimum of a \$50,000 Surety Bond on the site each year payable to Mower County.
4. The applicant must have a Minnesota Pollution Control Agency (MPCA) certified landfill operator on the site to accept waste.
5. The applicant must secure a MPCA Permit for a demolition landfill.
6. The landfill can only receive debris as specified for a demolition landfill by the MPCA.
7. The County has the right to inspect the facility for compliance with all solid waste regulations and conditions of the conditional use permit.
8. Entrance to the landfill shall remain gated and the gate must remain closed and locked during non-operating hours.
9. Petitioner is responsible for clean-up of the road ditch for 1/2 mile in each direction of entrance.
10. The site shall be closed in accordance with MPCA Rules.
11. All aspects of the landfill construction and closure details must strictly adhere to the engineering plans approved by the MPCA.
12. The demolition landfill perimeter be fenced.
13. Secure MN DOT driveway permit if applicable.
14. The facility would be open to the general public on a fee basis.
15. Access must be off of Highway 218 only.
16. Permit will expire on December 31, 2005.
17. Failure to comply with any and all listed conditions shall result in revocation of this conditional use permit hereby resulting in closure of the demolition landfill.

Roll call vote was taken:

Aye: Harold Boverhuis, Greta Kraushaar, Don Olson, Keith Voorhees.

Nay: Meri Jo Lonergan,

Abstain: Oliver Hillier, Diane Benson.

Motion was passed 4 to 1.

Other Business -

Proposed amendment to the Mower County Shoreland Ordinance - was discussed by the Planning Commission. It was explained that during an audit of the Mower County flood program it was discovered that the following appeared to be an oversight and that DNR felt that it was appropriate. After some discussion, a motion was made by Don Olson, seconded by Keith Voorhees, to recommend to the Board of Commissioners the following change in the Mower County Zoning Ordinance: (the bold print is the change)

Section 14-96. Shoreland Development Standards:

<u>Standards</u>	<u>Lake Classes</u>	<u>River Classes</u>
(a) Minimum Lot Size (applies only to residential) ¹		
*Single-Family	80,000'	80,000'
*Two-Family	120,000'	120,000'

Roll call was taken:

Aye: Don Olson, Keith Voorhees, Diane Benson.

Nay: none

Abstain: Meri Jo Lonergan, Harold Boverhuis, Greta Kraushaar, Oliver Hillier.

The motion passed by a vote of 3 to 0.

LeSeuer County Moratorium - A copy of the LeSeuer County moratorium on platting was distributed to the Planning Commission.

There being no further business, the meeting adjourned at 8:45 p.m. on motion by Greta Kraushaar, seconded by Meri Jo Lonergan. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director