

## **Mower County Planning Commission**

### Minutes Mower County Planning Commission

**Members Present:** Harold Boverhuis, Meri Jo Lonergan, Len Miller, Don Olson, Keith Voorhees.

**Members Absent:** Diane Benson, Oliver Hillier, Greta Kraushaar.

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

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, May 30, 1995, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the April 25, 1995; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Harold Boverhuis. The motion passed unanimously.

**Conditional Use Permit #494 - Ulland Bros. Inc./Sherburn Roberts -** Conditional use permit applicable to Section 14-51(i) of the Mower County Zoning Ordinance for up to two 3 acre gravel pits in section 17 of Lyle Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on May 24, 1995. Staff report was presented. The Planning Commission reviewed Section 14-31 of the Mower County Ordinance and applicable items. Ken Johnson from Ulland Bros., Inc. explained the proposed operation. He stated that there would be one borrow pit for 3000 to 4000 cubic yards of material at the intersection of Hwy 105 and the township road. Mr. Johnson reported that MN Dot had approved the site for the MN Dot project. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis. to recommend approval of CUP #494 for the one gravel pit because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Permit will expire on December 31, 1996.
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, 1997.
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.
- 8. Obtain a driveway permit from MN DOT.
- 9. 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 #496 - Gary Davidson** - Conditional use permit applicable to Section 14-51(t) of the Mower County Zoning Ordinance to establish a mini-storage facility in section 34 of Lansing Township. Reference was made to the on-site investigation. Staff Report was presented. Mr. Davidson presented information on the building which will be approximately 44' x 100'. Bob Clark, a neighbor, was concerned about the maintenance of the current vegetative barrier on the west and north side of the property. After some discussion, a motion was made by Keith Voorhees, seconded by Meri Jo Lonergan, to recommend approval of CUP #496 for a mini-storage facility because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Maintain the current vegetative barrier to the North and West side of property where it adjoins new residential development.
2. Be a permanent permit.
3. 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 #497 - Sandra Ulwelling/Roger Crews** - Conditional use permit applicable to Section 14-51(k) and 14-51(p) of the Mower County Zoning Ordinance to establish a solid waste handling facility, appliance recycling and auto & farm equipment salvage yard facility in section 22 of Waltham Township. Reference was made to the on-site investigation. Staff report was presented. Ms. Ulwelling present information on the proposal. She stated that they have received EPA Hazardous Waste Operations and that they are working with the MPCA to get all permits. Phillip Heydt, a neighbor, was concerned about possible contamination from the site. Bill Buckley stated that he would contact the MPCA for information about this. Eugene Anderson, Waltham Township Supervisor, stated that the Township had no problem with the proposal. After some discussion, a motion was made by Harold Boverhuis, seconded by Keith Voorhees, to recommend approval of CUP #497 for a solid waste handling facility, appliance recycling and auto & farm equipment salvage yard facility because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Area limited as shown on attached drawing.
2. Secure all County and State permits that are required.
3. Permit will expire on May 31, 2005.
4. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit

The motion passed unanimously.

**Conditional Use Permit #495 - Richard Wehner/Brian Anderson - Conditional use permit applicable to section 14-51(j) & 14-51 (k) of the Mower County Zoning Ordinance for a demolition landfill and solid waste handling and recycling facility to remove unacceptable materials from the demolition debris in section 21 of Lansing Township. Reference was made to the on-site investigation by members of the Planning Commission. Staff report was presented. Peter Plunkett, attorney representing Mr. Wehner, reported on the proposed landfill. A packet of letters received from various agencies that have checked on the site was distributed and read into the record. Mr. Plunkett explained that after the site has been filled the land will be returned to farming on the area. He also stated that they would establish a berm and around the area. Mr. Plunkett referenced the Mower County Code and the current compost operation has not diminished property values. Mr. Plunkett stated that the access road is adequate based on the letter from John Grindeland. Parking will be provided and that noise and dust will not be a problem. Mr. Plunkett explained that Mr. Anderson and Mr. Wehner would be removing unacceptable materials from the demolition debris and that it could create between 5 and 10 new jobs. He shared that Rick Wehner is currently a demolishing operator and that the landfill could be in operation by August of 1995. Meri Jo Lonergan asked what would stop money from being made from dumping illegal material? Mr. Plunkett stated that they are not going to be dumping illegal material. Ms. Lonergan asked how much money can be made from this facility? Len Miller stated that the Planning Commission decides land use considerations and that this is not a valid question. Richard Wehner stated that they hope to do some grinding of materials to reduce its volume. Delmar Wilkie, a neighbor, stated that he has no objection to the landfill in that area. Mr. Wilkie was concerned with damage to the township road and who would pay for it. Brian Baudler, representing Perry & Nancy Byam, stated that this will be the third dumpsite (Ryther, composting site and this) in the area. Mr. Baudler stated that three years ago the neighbors were concerned about the composting site and that the composting is totally different then the demolition landfill. Mr. Baudler is concerned about dust control and township road breakdown. Mr. Baudler felt that the property owners in the area would not be able to use their property because of the landfill activities. Also, he questioned the letter of the County Assessor about the landfills impact on property values. Mr. Baudler felt that it would devalue neighboring property. Mr. Baudler was concerned about Jeff Green's letter (MN DNR) stating that a decade is not a long time. Nancy Byam stated that she had contacted a Realtor who said that a landfill would devalue the property. Dwight Ault, representing Robert Gerhart, felt that landfills are not environmentally friendly and that we should find ways to avoid landfills. Robert Peterson was concerned about the checking of landfill for compliance with all the conditions. Cletus Ratigan was concerned about what the area will look like when the landfill is completed. Larry Hanson, owner of Hill Heating, was concerned that if there is only one demolition landfill there is no competition and that he needs a place to dispose of materials. Mr. Hanson stated that if complaints are made to the Environmental Health Department something will be done about the complaints. Lillian McPherson, daughter of Mrs. Engen, was concerned about traffic, impact**

on the city of Austin, and three landfills in the area. Roger Levy, Lansing Township Supervisor, said that the Township did not feel it was right to have all the demolition landfills in one area. Perry Byam was concerned about competition and that it should not be owned by a contractor. Mr. Plunkett responded to these questions and stated that the Ryther site may not be approved by the MPCA while the Wehner/Anderson site has already been preliminary approved by the MPCA. Mr. Plunkett stated that the traffic generated would be one to two truck loads a day. Steven Torgerson stated that he considers Wally Bustad temporary storage and crushing of concrete a dump and was concerned about asbestos ending up in the area. Harold Boverhuis asked Mr. Ryther when his site would be ready and Mr. Ryther stated that it would be late in 1995. Don Olson stated that traffic should not be a concern if it is only 1 or 2 trucks a day. Keith Voorhees was concerned about the Township's position. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis, to recommend approval of CUP #495 for a demolition landfill and solid waste recycling facility to remove unacceptable materials from the demolition debris 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 meaning the township road easterly from landfill driveway to Minnesota Highway 218 north.
10. Landfill will be operated as a private enterprise, however, the owner will accept demolition material from contractors, commercial businesses and governmental units.
11. All aspects of the landfill construction and closure details must strictly adhere to the engineering plans approved by the MPCA.

12. 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.
13. Permit will expire on December 31, 2005.

Roll call vote was taken:

Aye: Harold Boverhuis, Don Olson.

Nay: Meri Jo Lonergan, Keith Voorhees.

Motion was a split decision of 2 to 2.

**Other Business -**

**Subdivision of Land - was tabled until the June meeting.**

There being no further business, the meeting adjourned at 9:45 p.m. on motion by Harold Boverhuis, seconded by Don Olson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Planning Director