

## **Mower County Planning Commission**

### Minutes Mower County Planning Commission

**Members Present:** Harold Boverhuis, Oliver Hillier, Len Miller, Don Olson, Keith Voorhees.

**Members Absent:** Diane Benson, Meri Jo Lonergan.

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

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, September 26, 1995, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the August 15, 1995; meeting were approved as mailed on a motion by Don Olson, seconded by Keith Voorhees. The motion passed unanimously.

**Conditional Use Permit #499 - Richard Tufte** - Conditional use permit applicable to Section 14-51(g) of the Mower County Zoning Ordinance for an additional farm dwelling per farm operation in Section 20 of Waltham Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on September 19, 1995. Staff report was presented. Mr. Tufte explained his proposal for a mobile home for himself and his son and family would live in the house. The son will assist with the farm operation. After some discussion, a motion was made by Don Olson, seconded by Keith Voorhees to recommend approval of CUP #499 for an additional farm dwelling per farm operation because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Secure a zoning permit for the mobile home.
2. Secure a sewer permit and update existing sewer system to comply with current Mower County Individual Sewage Treatment Ordinance. (NOTE: Both dwellings will be connected to one sewer system. Site evaluation and design have been submitted by a licensed sewer contractor.)
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 #500 - Ulland Bros., Inc./Ray Kraft** - Conditional use permit applicable to Section 14-51(i) of the Mower County Zoning Ordinance for a gravel pit in Section 7 of Marshall Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on September 19, 1995. Staff report was presented including a condition added by the County Engineer. Ken Johnson, representing Ulland Brothers, discussed the proposed 10 acre gravel pit. After some discussion, a motion was made by Harold Boverhuis, seconded by

Keith Voorhees, to approve CUP #500 for a gravel pit because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. 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) must be posted with the county Auditor valid through June 30, 2000.
2. A "No Trespassing" sign shall be posted at the entrance.
3. The gravel pit sides, when completed will have a slope no greater than 3:1 (horizontal:vertical).
4. Comply with Article IV Excavation of Earth Products of the Mower County Code
5. Extraction of materials shall be limited to areas as delineated on the site plan.
6. 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 and out of areas that would have lateral draining effects on wetlands.
7. Before hauling, the Petitioner must contact the County Engineer (507-437-7718) for posted limits on bridges and comply with the postings.
8. Permit will expire on December 31, 1999.
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 #501 - Northern Natural Gas Company/(owners attached)** - Conditional use permit applicable to Section 14-51(r) of the Mower County Zoning Ordinance for installation of four (4) miles of 12" high pressure gas pipeline along route depicted on the attached maps. The new pipeline will be installed adjacent and parallel to an existing 16" pipeline in private easements owned by Northern Natural Gas Company in Sections 1, 2, 3, and 4 of Sargeant Township. Reference was made to the on-site investigation by Don Olson and Oliver Hillier on August 9, 1995. Staff report was presented. Dennis Werkmeister, representing Northern Natural Gas Company, presented the proposal. After some discussion, a motion was made by Keith Voorhees, seconded by Oliver Hillier, to recommend approval of CUP #4501 for the 12" high pressure gas pipeline because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Comply with Utility Placement Ordinance
2. Contact SWCD/SCS to comply with Swampbuster and other applicable regulations.
3. Be a permanent permit.
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 #502 - Richard Gabrielson** - Conditional use permit applicable to Section 14-121(c) of the Mower County Zoning Ordinance for filling in the flood fringe district in Section 22 of Austin Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on September 19, 1995. Staff report was presented. Mr. Gabrielson reported on the project to place fill on a lot in Riverwood Estates so that in the future a home could be built on the lot. A letter opposing the project was presented to the Planning Commission from Mr. & Mrs. Lloyd Brechtel. Mr. Gabrielson presented a Erosion/Sediment Control Plan prepared by John Voz of the Mower County Soil & Water Conservation District for the property. After some discussion, a motion was made by Keith Voorhees, seconded by Don Olson, to recommend approval of CUP #502 for filling in the flood fringe district because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Comply with all State and local laws regarding placement of fill in shoreland and flood fringe district.
2. Fill shall be completed by 12-31-97.
3. Comply with the Erosion/Sediment Control Plan prepared by the Mower County Soil & Water Conservation District dated September 25, 1995.
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 #503 - Erah Meats, Inc./Steve Hussong & Dan Lester** - Conditional use permit applicable to Section 14-51(m) of the Mower County Zoning Ordinance for a small volume small animal process center in Section 6 of Racine Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on September 19, 1995. Staff report was presented. Information on the sewer system was presented by Bruce Bucknell the sewer contractor. A concern was raised on the securing of the necessary permits from the MPCA, Dept. of Agriculture and MN Dept. of Health. Don Olson stated that he felt that the Planning Commission is looking at the land use and the other issues can be resolved by the state agencies. After some discussion, a motion was made by Don Olson, seconded by Harold Boverhuis, to recommend approval of CUP #503 for a small volume small animal process center because it was in accordance with Section 14-31 of the Mower County Zoning Ordinance with the following conditions:

1. Facility must be licensed and inspected by the Minnesota Department of Agricultural and comply with all appropriate rules and regulations.
2. Facility plumbing and plans must be approved by the Minnesota Department of Health.
3. Blood disposal shall be as required by MN Rules 1545.1090.
4. Waste disposal system for the domestic wastewater and/or industrial wastewater system must be approved by the Minnesota Pollution Control Agency (MPCA) and the Mower County Environmental Health

- Department.
5. Slaughter wastes shall be treated and disposed of through a treatment facility in compliance with MN Rules and Statutes. A contract for disposal of the slaughter waste will be maintained by the owner of the treatment facility.
  6. A permit must be obtained from the Mower County Environmental Health Department for the installation of the holding tanks.
  7. Land application of slaughter or domestic wastes shall be in accordance with rules and requirements of the MPCA and USEPA.
  8. Permit shall expire on September 30, 2000.
  9. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit

Motion passed unanimously.

**Plat - "North Meadows" Brian Dolan and Paul Hirsch - Platting of a subdivision to be named "North Meadows" in Section 26 of Lansing Township. Reference was made to the on-site investigation by Don Olson and Keith Voorhees on September 19, 1995. Staff report was presented. Mr. Dolan and Mr. Hirsch explained their plats. There was citizen concern on the road on the Hirsch plat since it would be using a limited access easement. This would create a public dedicated road on the Hirsch property coming off of a non-exclusive easement drive. The citizens present did not want the limited egress road to become a public road. Ralph Noble and Carlton Thompson, Lansing Township officials, were present to discuss the situation. After an extensive discussion, a motion was made by Don Olson, seconded by Keith Voorhees, to authorize the final plat to be prepared for Block 1 of the North Meadows (Dolan property) which would only include Lots 1, 2, and 3, with the following conditions.**

1. Comply with Mower County Subdivision Ordinance.
2. Floodway, the flood fringe, and shoreland shall be delineated on preliminary plat and final plat.
3. Primary and secondary sewage treatment sites will be designated by stakes or flags and recorded on the plat. These sites will be protected from soil compaction during construction and buildings or other structures will not be allowed within the appropriate separation distances.
4. Site evaluations, including a minimum of two soil borings and two percolation tests will be conducted on the "primary" sewage treatment site for each lot.
5. Easements as request by Austin & others will be shown on plat.

The motion passed unanimously. A motion was made by Don Olson, seconded by Harold Boverhuis, to table the remaining area of the Dolan property (known as Block 2) and the Hirsch property (known as Block 3) to allow the two owners to meet with Township and neighboring property owners to discuss the road and

platting setbacks. Motion passed unanimously.

At this time, Chair Len Miller deviated from the agenda.

**Other Business** - Denise Halvorson wanted to share her concern about the race track being constructed on the former 5-Js Campground site in Frankford Township. Chair Miller called on Daryl Franklin to give background on the situation. It was reported that the property was originally zoned Commercial in 1969 for a campground. This property is currently zoned B-1. The property was recently sold to Mr. Thomas Ferguson who is going to operate a race track at the site. Mr. Pat Oman, Mower County Attorney, and Mr. Franklin reviewed the proposed usage allowed in the district. It was their opinions that the use is acceptable. No other permits are needed except for zoning permits for construction. The citizens in attendance were directed to contact Mr. Oman for an opinion in writing. The citizens feel that the zoning ordinance for Mower County should be updated and have all uses as conditional uses if not permitted.

It was noted that the Lance Pogones Platting request for land in Lansing Township has been transferred to the lands new owners James R. Burke, Kathryn L. Colestock-Burke, Russell D. Burke and Cleo J. Burke. The Platting request will expire one year from the application date of 6/9/95.

**Discussion of CUP for the Subdivision of Land** - No action at this time.

There being no further business, the meeting adjourned at 8:55 p.m. on motion by Don Olson, seconded by Oliver Hillier. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Planning Director

attachments: Owners/legal description for CUP 501  
Map of pipeline for CUP 501