

## **Mower County Planning Commission**

### Minutes Mower County Planning Commission

Members Present: Harold Boverhuis, Oliver Hillier, Meri Jo Lonergan, Brian McAlister, Len Miller, Keith Voorhees.

Members Absent: Diane Benson, Don Olson.

Others Present: Lee Bonorden (Austin Daily Herald), Citizens, William C. Buckley, Daryl W. Franklin.

Chair Len Miller called the special meeting to order at 7:00 p.m. on Tuesday, January 23, 1996, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the November 28, 1995; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Oliver Hillier. The motion passed unanimously.

Chair Miller announced that Conditional Use Permit #504 - Ulland Brothers Inc. for a gravel pit in Red Rock Township was continued to the February Planning Commission meeting and no action would be taken at this meeting on the CUP.

**Conditional Use Permit #457 - David Hillier** - Renewal of CUP applicable to Section 14-51(k) of the Mower County Zoning Ordinance for a solid waste handling and disposal facility for the composting and sale of yard waste, brush and tree limbs, and agricultural by-products in Section 8 of Austin Township. Reference was made to the site investigation performed by Don Olson, Brian McAlister, and William Buckley on January 17, 1996. Staff report was presented. The existing land use and zoning was discussed. The permit was first approved in by the Mower County Board of Commissioners in 1993. The permit renewal includes a modification to allow for composting of cellulose composting. David Hillier gave background on the business. After some discussion, a motion was made by Brian McAlister, seconded by Harold Boverhuis, to approve CUP #457 for a solid waste handling and disposal facility for the composting and sale of yard waste, brush and tree limbs, and agricultural by-products because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. The operation must comply with all applicable rules of the Minnesota Pollution Control Agency (MPCA) and Mower County Ordinances.
2. The compost operation shall not be located in any soils classified in hydrologic group D of the 1989 Mower County Soil Survey.
3. Surface water drainage must be controlled to prevent run-off and must be diverted from the compost and storage areas.

4. The site will be subject to inspections every month.
5. The hours of operation shall be 8:00 a.m. to sunset daily.
6. Establish a controlled access to compost site.
7. Petitioner will be responsible for removal of illegally dumped material in ditches adjacent to hits property.
8. Brush and tree limbs shall be chipped for composting and/or sale.
9. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit
10. Materials to be composted will be limited to those allowed by MPCA permit.
11. This permit will expire on March 1, 2006, and may be renewed at that time.

The motion passed by a 4 to 0 vote with Oliver Hillier abstaining.

**Conditional Use Permit #505 - Leonard Soltau/Homer Hickok** - CUP applicable to Section 14-92, 14-97(d), and 14-51(b) of the Mower County Zoning Ordinance for a golf course and alteration of the shoreland area in Section 34 and Section 27 of LeRoy Township. Reference was made to the site investigation performed by Don Olson, Brian McAlister, and William Buckley on January 17, 1996. Staff report was presented. It was explained that originally a quarry operation was included in the permit application but that this was incorrect. The CUP is for grading and filling in the shoreland area (Section 14-92 and 14-97(d)) and for a golf course (Section 14-51(b)) Mr. Soltau presented information on the proposed golf course. Mr. McAlister discussed the on-site investigation. Don Dreyer was concerned about the golf course and felt that it should be farther away from the river than proposed. Tom Lawson felt that it should be 500 feet from the river. LeRoy Mayor Ed Koppen felt that it would be of value to the city of LeRoy. After some discussion, a motion was made by Brian McAlister, seconded by Oliver Hillier, to approve CUP #505 for grading and filling in the shoreland area and a golf course because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. Petitioner comply with requirements of the Mower County Floodplain & Shoreland Management Ordinance.
2. Permit will be permanent.

The motion passed unanimously.

**Conditional Use Permit #506 - Edward Bunne/Homer Hickok** - CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance to mine limerock, sand and gravel in Section 34 and Section 27 of LeRoy Township. Reference was made to the site investigation performed by Don Olson, Brian McAlister, and William Buckley on January 17, 1996. Revised staff report was presented. Letters from the MN DNR, Jones, Haugh & Smith, MPCA, and City of LeRoy were presented. Mr. McAlister commented that he felt that owners should be able to use property as they wanted if it was in accordance with the Ordinance, however, all these letters are raising a red flag. Mr. Oliver Hillier stated that Don Olson felt

an EAW should be required. Ed Bunne discussed his proposal for the quarry. Mr. Bunne stated that he would follow MN DNR and MPCA guidelines. Mark Larson, explosive expert, discussed how they would be doing the explosives. Mr. Dreyer was concerned about the blasting. Harold Shipman expressed his concerns on the quarry. Mayor Koppen felt that more study was needed before a decision was made. Mr. Lawson also expressed concern about devaluation of property. A petition in opposition of the quarry was presented to the Planning Commission. After some discussion, a motion was made by Brian McAlister, seconded by Oliver Hillier, that the County exercise their option under Section 14-18.1 to request an EAW on the quarry operation and assess the cost to the developer. The motion passed unanimously. A motion was made by Keith Voorhees, seconded by Meri Jo Lonergan, to table CUP #506 until an EAW is completed. The motion passed unanimously.

**Platting Request - James Burke, Kathryn Colestock-Burke, Russell Burke and Cleo Burke** - Request to plat a subdivision to be known as "Seven Springs Addition" in Section 32 of Lansing Township. Reference was made to the site investigation performed by Don Olson, Brian McAlister, and William Buckley on January 17, 1996. Staff report was presented. It was noted that there is the requirement for an "open space dedication". Mr. McAlister mentioned that the area south of the township road could be developed. The Burke's stated that the area could be developed but that making this into a park would encourage more partying by youth. Jim Frank expressed concern about the number of lots and traffic. Jeff Haskins was concerned about the current road construction and additional traffic. Dave Reynen stated that he was worried about the wetlands. Bill Buckley reported on the preliminary soil samples and the ISTS requirements. Lansing Township Chair Ralph Noble stated that the township felt the plat was reasonable. After some discussion, a motion was made by Harold Boverhuis, seconded by Keith Voorhees, to have the Burkes develop their plat in phases 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 final 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 and recorded on the final plat.
5. Easements as requested by Austin Utilities & others will be shown on plat.

The motion passed unanimously.

There being no further business, the meeting adjourned at 9:25 p.m. on motion by Keith Voorhees, seconded by Meri Jo Lonergan. The motion passed unanimously.

Respectfully Submitted,

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

Daryl W. Franklin  
Planning Director