

Mower County Planning Commission

Minutes Mower County Planning Commission

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

Members Absent: None.

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

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, February 27, 1996, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the January 23, 1996; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Harold Boverhuis. The motion passed unanimously.

Chair Miller stated that the Featherlite request would be first on the agenda.

Change Of Zone - Featherlite., Inc. Change of Zone request for property owned by Featherlite, Inc. in Section 24 of Grand Meadow Township from General Business District (B-1) to Highway Business District (B-2) applicable to the Mower County Zoning Ordinance. Reference was made to the site investigation performed by Don Olson and Harold Boverhuis on February 21, 1996. Staff report was presented. Conrad Clement of Featherlite described the proposal. After some discussion, a motion was made by Don Olson, seconded by Diane Benson, to approve the change of zone for the property from B-1 to B-2 because (1) the request is in accordance with the Mower County Comprehensive Plan and (2) The uses allowed in the district are compatible with existing land use. The motion passed unanimously.

Conditional Use Permit #504 - Ulland Bros., Inc. - CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance for a gravel pit (utilization of property as a source of topsoil, clay, and aggregate materials for construction projects in Mower County) in Section 32 of Red Rock Township. Reference was made to the site investigation performed by Don Olson and Brian McAlister on January 17, 1996. Staff report was presented. The following letters were read into the record: Minnesota Department of Natural Resources (DNR) dated February 23, 1996; Minnesota Pollution Control Agency (MPCA) dated February 12, 1996; Ulland Brothers, Inc. dated February 21, 1996, and February 27, 1996. Commissioner Miller explained Ulland Brothers are working on an EAW and that a

committee consisting of Commissioners Hillier and Cummings were working on revisions to the EAW. Don Abrams, MPCA, gave a report on the background and closure of the landfill. The MPCA feels a 50 foot buffer from the western edge of the landfill would be acceptable. Commissioner Miller requested opposing comments. Richard Watt presented a petition from approximately 92 people who are concerned about pollution and property values (attached). Howard Hanson questioned the soil borings and high water table and is opposed to removing the clay. Gerald Hackbarth expressed concern about a pond being created. Jack Underwood stated that the MPCA data is not current. Harold Boverhuis asked about testing on the leachate. Mr. Abrams stated that some had been completed and more are scheduled for this spring. Don Olson asked if the extra fill will cause water to be squeezed out. Mr. Abrams said yes in the short term but not in the long term because with proper sealing water will be kept out. Brian McAlister questioned if the permit is denied would cover material be brought in from other sites and the project would proceed. Mr. Abrams said "yes" that if this petition is denied the state of Minnesota still has a contract with Ulland Brothers and cover material will be trucked into the site. Mr. Abrams stated that with the sealing the leaching should cease. Mr. McAlister expressed concern that if the project does not go forward we will continue to have contamination. After some discussion, a motion was made by Don Olson, seconded by Brian McAlister, to approve CUP #504 for a gravel pit (utilization of property as a source of top soil, clay, and aggregate materials for construction projects in Mower County) because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. A \$20,000 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 (50) feet from the east property line and forty (40) feet from the road right-of-way area be in accordance with the site plan 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. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
9. Permit will expire on December 31, 1998.

10. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.
11. An EAW must be completed and reviewed.
13. No pond will be constructed.
14. No excavation below the water table.
15. Material will only used for the Red Rock landfill closure project.

Roll call was taken:

Aye: McAlister, Olson, Boverhuis

Nay: Benson, Hillier, Lonergan, Voorhees

Chair Miller declared the motion did not pass.

A motion was made by Meri Jo Lonergan, seconded by Diane Benson, to deny CUP #504 because it was not in accordance with Section 14-31 of the Mower County Code because of the pollution issue.

Roll call was taken:

Aye: Benson, Hillier, Lonergan, Voorhees

Nay: McAlister, Olson, Boverhuis

The motion passed by a 4 to 3 vote.

There being no further business, the meeting adjourned at 8:40 p.m. on motion by Keith Voorhees, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director

(attachment - petition)