

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, Daryl W. Franklin.

Chair Len Miller called the special meeting to order at 6:00 p.m. on Wednesday, April 3, 1996, at the Mower County Senior Citizens Center, 400 3rd Avenue N.E., Austin, Minnesota. Minutes of the March 26, 1996; meeting were approved as mailed on a motion by Keith Voorhees, seconded by Harold Boverhuis. The motion passed unanimously.

Conditional Use Permit #509 - Ulland Brothers Inc./David Morse- CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance for a gravel and sand pit in Section 29 of Red Rock Township. Reference was made to the site investigation performed by Don Olson and Oliver Hillier on March 20, 1996. Staff report was presented. Ken Johnson, Ulland Brothers representative, explained the proposal. It was stated that it would be for a nine (9) acre pit which is smaller than the original proposal. The bottom elevation will be at 1215' and a pond will be built according to DNR specifications. Erin Finnegan, a neighbor, was concerned about the pond. Dee Hanson, a neighbor, was concerned about the pond having stagnant water. Ray Hagen, a neighbor, was concerned about dust from the pit. Roger Slinde, Red Rock Township officer, commented. John Akkerman, a neighbor, questioned the effect the pond may have on the ground water. After some discussion, a motion was made by Don Olson, seconded by Brian McAlister, to approve CUP #509 for a gravel and sand pit because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. A \$8,000 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on nine (9) acres) must be posted with the county Auditor valid through June 30, 1999.
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. 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.

The motion passed unanimously.

Conditional Use Permit #510 - Ulland Brothers Inc./Leif Erickson - CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance for a gravel and sand pit in Section 28 of Red Rock Township. Reference was made to the site investigation performed by Don Olson and Oliver Hillier on March 20, 1996. Staff report was presented. Ken Johnson stated that the size for this pit would be for five (5) acres instead of the original amount proposed. Mr. Johnson also stated that Ulland Brothers would be removing topsoil and clay from this site. John VanDenover, neighbor, was concerned about the dust and the bridge. Tom Finnegan, neighbor, expressed concern about impact on land values. Leif Erickson stated that he did not want to damage the neighborhood and wanted the operation to be a "good neighbor". Oliver Hillier commented that the pond and wildlife area would be a good end use of the property. After some discussion, a motion was made by Brian McAlister, seconded by Harold Boverhuis, to approve CUP #508 for a gravel, sand, black dirt and clay extraction, because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. A \$5,000 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on five (5) acres) must be posted with the county Auditor valid through June 30, 1999.
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. Petitioner shall contact Township Officials regarding an agreement to keep the township road in satisfactory condition.
9. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
10. Dust coating provided on the access road and the township road near homes.
11. Permit will expire on December 31, 1998.
12. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.

The motion passed unanimously.

Change in Mower County Zoning Ordinance regarding Feedlots: Handouts of the Mower County Zoning Ordinance change in the Agricultural Zone regarding feedlots were distributed. Mike Adams was concerned that the changes were not friendly to non-farm dwellings and that feedlots should have more regulations. After some discussion, a motion was made by Don Olson, seconded by Oliver Hillier, to amend the zoning ordinance as follows:

Section 14-7. Definitions (add the following):

Animal Unit - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound slaughter steer or heifer based upon the MPCA 7020 regulations.

Animal	Unit
One manure dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 animal unit
One horse	1.0 animal unit
One swine over 55 pounds	0.4 animal unit
One sheep	0.1 animal unit
One swine under 55 pounds	0.05 animal unit
One duck	0.2 animal unit
One turkey	0.018 animal unit
One chicken	.01 animal unit

Dwelling - A residential building or portion thereof intended for occupancy by a single family, includes, churches and schools, but not including hotels, motels, boarding or rooming houses or tourist homes.

Feedlot, Existing - An animal feedlot which has obtained a feedlot permit from the Mower County Feedlot Officer or Minnesota Pollution Control Agency (MPCA), a minimum size of ten (10) animal units in shoreland areas and fifty (50) animal units in other areas. Those feedlots without permits need to be permitted by the year 2000 to be considered an "existing feedlot".

Feedlot, Expansion - When animal units will increase to where new buildings are needed for housing.

Feedlot, Industrial - An animal feedlot with over 2,000 animal units.

Feedlot, New - An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five (5) years or more.

Feedlot Pollution Control Officer - A County employee or officer who is knowledgeable in agriculture and who is designated by the County Board to receive and process animal feedlot permit applications.

Good Neighbor Plan - A Good Neighbor Plan consists of a plan that the feedlot applicant is required to complete at the time of application for a feedlot permit. This plan addresses odor control, manure application, and weight restrictions.

Parks - Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields, and special purpose areas. This does not include recreational trails or DNR wildlife management areas.

Amend as follows:

DIVISION 2. "A" AGRICULTURAL DISTRICT

SECTION 14-49. PURPOSE

The "A" Agricultural District is intended to provide a district which will allow suitable areas of the county to be retained in agricultural use; regulate scattered non-farm development; regulate wetlands and woodlands, which, because of their unique physical features provide a valuable natural resource; and, secure economy. To provide a district that will retain, conserve, and enhance agricultural land in the County and to protect this land from necessary urban encroachment including scattered residential development.

The County will view the agricultural district as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and

operation, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations.

Section 14-50 Permitted Uses

(f-i) **Feedlots - Existing** (Feedlot, Existing - An animal feedlot which has obtained a feedlot permit from the Mower County Feedlot Officer or Minnesota Pollution Control Agency (MPCA), a minimum size of ten (10) animal units in shoreland areas and fifty (50) animal units in other areas. Those feedlots without permits need to be permitted by the year 2000 to be considered an "existing feedlot").

- 1) All feedlots require zoning permits from the Mower County Planning Department and feedlot permits from the Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA indicating conformance with Chapter 7020).
- 2) A map shall be submitted to the Feedlot Pollution Control Officer showing location of proposal and conditions of the area with 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- 3) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- 4) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution.

(f-ii) **Feedlot - Expansion** (Feedlot, Expansion - When animal units will increase to where new buildings are needed for housing. An animal feedlot which has obtained a feedlot permit from the Feedlot Pollution Control Officer or MPCA, a minimum size of ten (10) animal units in shoreland areas and fifty (50) animal units in other areas and can expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot. An expansion that begins further than 500 feet from the existing feedlot would be considered a "new feedlot". Those feedlots without permits need to be permitted by the year 2000 to be considered an "existing feedlot".)

- 1) All feedlots require zoning permits from the Mower County Planning Department and feedlot permits from the Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA indicating conformance with Chapter 7020).
- 2) A map shall be submitted to the Feedlot Pollution Control Officer showing location of proposal and conditions of the area with 1/2

mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.

- 3) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- 4) An applicant for a new feedlot facility or expansion of existing facility should provide written notice of intent to the township and all property owners within one (1) mile radius of facility. Property owners who reside within the one (1) mile radius in a municipality will not be notified. Notification will then go to the municipality.
- 5) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution.

(f-iii) Feedlot - New (Feedlot, New - An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five (5) years or more.)

- 1) All feedlots require zoning permits from the Mower County Planning Department and feedlot permits from the Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA indicating conformance with Chapter 7020).
- 2) A map shall be submitted to the Feedlot Pollution Control Officer showing location of proposal and conditions of the area with 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- 3) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- 4) Feedlots shall not be located within 1,000 feet of any dwelling, school, church, and/or public park.
- 5) Feedlots shall not be located within 1/2 mile of an incorporated city limit.
- 6) An applicant for a new feedlot facility or expansion of existing facility should provide written notice of intent to the township and all property owners within one (1) mile radius of facility. Property owners who reside within the one (1) mile radius in a municipality will not be notified. Notification will then go to the municipality.
- 7) The setback requirements are to be measured from the outermost boundaries of the feedlot to the existing dwellings. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.
- 8) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution.

(h) Non-farm single family dwellings, not included in subdivision, which meet the following conditions:

- 1) No more than one (1) non-farm dwelling per section (160 acres) of land shall be allowed provided the non-farm dwelling is at least 1,000 feet from an existing feedlot.
- 2) No more than two (2) non-farm dwellings per mile length on a single side of a public road shall be allowed.

Section 14-51 Conditional Uses

(w) Expanding feedlots over 2,000 animal units must comply with the following standards:

- 1) All feedlots require zoning permits from the Mower County Planning Department and feedlot permits from the Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA indicating conformance with Chapter 7020).
- 2) A map shall be submitted to the Feedlot Pollution Control Officer showing location of proposal and conditions of the area with 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- 3) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- 4) An applicant for a new feedlot facility or expansion of existing facility should provide written notice of intent to the township and all property owners within one (1) mile radius of facility. Property owners who reside within the one (1) mile radius in a municipality will not be notified. Notification will then go to the municipality.
- 5) An animal feedlot which has obtained a feedlot permit from the Feedlot Pollution Control Officer or MPCA, a minimum size of ten (10) animal units in shoreland areas and fifty (50) animal units in other areas and can expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot. An expansion that begins further than 500 feet from the existing feedlot would be considered a "new feedlot". Those feedlots without permits need to be permitted by the year 2000 to be considered an "existing feedlot".
- 6) The setback requirements are to be measured from the outermost boundaries of the feedlot to the existing dwellings. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.
- 7) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution.

(x) New feedlots over 2,000 animal units.

- 1) All feedlots require zoning permits from the Mower County Planning Department and feedlot permits from the Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA indicating conformance with Chapter 7020).

- 2) A map shall be submitted to the Feedlot Pollution Control Officer showing location of proposal and conditions of the area with 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.
- 3) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.
- 4) Feedlots shall not be located within 1,000 feet of any dwelling, school, church, and/or public park.
- 5) Feedlots shall not be located within 1/2 mile of an incorporated city limit.
- 6) An applicant for a new feedlot facility or expansion of existing facility should provide written notice of intent to the township and all property owners within one (1) mile radius of facility. Property owners who reside within the one (1) mile radius in a municipality will not be notified. Notification will then go to the municipality.
- 7) An animal feedlot which has obtained a feedlot permit from the Feedlot Pollution Control Officer or MPCA, a minimum size of ten (10) animal units in shoreland areas and fifty (50) animal units in other areas and can expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot. An expansion that begins further than 500 feet from the existing feedlot would be considered a "new feedlot". Those feedlots without permits need to be permitted by the year 2000 to be considered an "existing feedlot".
- 8) The setback requirements are to be measured from the outermost boundaries of the feedlot to the existing dwellings. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.
- 9) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution.

(y) Platting of land.

(z) New earthen lagoons.

The motion passed by a 6 to 1 vote.

Aye: Benson, Hillier, Lonergan, McAlister, Olson, Voorhees.

Nay: Boverhuis.

OTHER BUSINESS:

Change in Mower County Zoning Ordinance regarding sale of automobiles in the Agricultural Zone. The Planning Commission reviewed the sale of automobiles in the Agricultural Zone. After some discussion, a motion was by Harold Boverhuis, seconded by Don Olson, to amend the zoning ordinance as follows:

Add to Section 14-51

(aa) Limited new and used cars sales that has no more than 10 new or used operational vehicles at any one time on the parcel and employs no people which do not reside on the site.

The motion passed unanimously.

There being no further business, the meeting adjourned at 8:08 p.m. on motion by Harold Boverhuis, seconded by Don Olson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director