

Mower County Planning Commission

Minutes Mower County Planning Commission

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

Members Absent: none.

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

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, September 24, 1996, in the Austin Public Library, 323 4th Ave, NE, Austin, Minnesota. Minutes of the August 27, 1996; meeting were approved as mailed on a motion by Harold Boverhuis, seconded by Keith Voorhees. The motion passed unanimously. It was stated that the Mower County Board of Commissioners will be meeting on October 1, 1996, at 1:30 p.m. at the Austin Public Library to make the final decision on permits forwarded from this Planning Commission meeting.

Conditional Use Permit #521 - Roger Jennings - CUP applicable to Section 14-51(j & k) of the Mower County Zoning Ordinance for a demolition landfill and composting in Section 21 of Lansing Township. Reference was made to the site investigation performed by the Planning Commission on September 18, 1996. Staff report was presented. Background information was presented on how the Planning Commission makes a decision about a CUP and that the decision is based on land use. The pollution issues will be handled by the Minnesota Pollution Control Agency (MPCA). T.J. Spencer, attorney from Briggs and Morgan, representatives from Braun Intertec, and Roger Jennings presented the proposal. They felt that the site met all the requirements of a demolition landfill and composting facility especially since there was one directly to the west of the site. Chair Miller asked for the position of the Township. Ralph Noble, Lansing Township Chair, stated that the township board has no objection but were concerned about the township road. Larry Hanson, Hill Roofing, said that there is a need for landfills but felt that another area would be better. William Ryther expressed concern about the tile lines in the area that could be disrupted by the landfill. Perry & Nancy Byam stated that they were concerned about the road, property values and the need for another landfill. Peter Plunket, attorney representing Lansing Landfill, felt that it violated Section 14-31 because of possible water contamination and that there is drainage problem. A letter from the

Mower County Soil & Water Conservation District was presented. Harold Boverhuis inquired if the County can limit the number of landfills in the County. Pat Oman, Mower County Attorney, said that the County can not limit the number of demolition landfills. After some discussion, a motion was made by Brian McAlister, seconded by Don Olson, to approve CUP #521 for a demolition landfill and composting facility because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. The operator must secure the appropriate County, State, and Federal permits and comply with all applicable provisions and requirements except bonding which covered by condition #3.
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 an MPCA Permit for a demolition landfill and yard-waste composting facility.
6. The landfill can only receive debris as specified for a demolition landfill by the MPCA. Unacceptable material that is incidental to the demolition debris must be separated and disposed of at another site approved to accept the material.
7. The County has the right to inspect the facility monthly or when necessary 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. Hours of operation shall be 7 a.m. to 8 p.m. Monday through Saturday, legal holidays excluded. Other hours considered emergency purposes must be pre-approved in writing by the Planning Director and/or Environmental Health Director and only for the purpose of dumping of demolition debris.
9. Petitioner is responsible for clean-up of the township road ditch from the landfill entrance to MN Highway 218.
10. All aspects of the landfill construction and closure details must strictly adhere to the engineering plans approved by the MPCA.
11. Access will be limited from the township road directly to MN Highway 218.
12. Two inspections yearly in April and October will be made by a group consisting of the Township Board, representatives of the Petitioner/Owner, and the County Highway Engineer to determine if damage beyond normal wear has occurred to the township road. If damage has occurred, the Petitioner/Owner will be responsible for repair. If

the repair is not completed, the Township will assess the cost of the repair to the Petitioner/Owner.

13. Dust control of the township road for the area from Highway 218 to 300 feet west of the "in drives" of Perry Byam and Robert Peterson shall be the responsibility of the Petitioner/Owner including all costs.
14. A vegetative barrier should be installed on the west and south property line adjacent to the township road.
15. The compost operation shall not be located in any soils classified in hydrologic group D of the 1989 Mower County Soil Survey.
16. Surface water drainage must be controlled to prevent run-off and must be diverted from the compost and storage areas.
17. Compost site is limited to yard-waste, as defined by the MPCA.
18. 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.
19. Permit will expire on December 31, 2006.

The motion passed unanimously.

Conditional Use Permit #522 - Born Free Properties & Born Free Family Care- CUP applicable to Section 14-66(b) of the Mower County Zoning Ordinance for a Rule 8 Correctional Group Home in Section 4 of Windom Township. Reference was made to the site investigation performed by the Planning Commission on September 18, 1996. Staff report was presented. Scott Leighton, attorney representing the petitioners, presented background on the proposal and that they would be serving individuals between the ages of 10 and 17 and they would be at the site for a stay of 3 to 9 months. Born Free also would have office space at the site. Doyle Lindahl explained who he would be working with at the house. Letters from Born Free, Inc., Outpost Centers and Bruce Henricks, Mower Co. Dept. of Human Services, were presented. Bruce Henricks stated that the County could limit the children to serve only children from Mower County who were non-violent. Ricky Heimerman expressed concern about the property values and presented a letter from Appraiser Linda Skjveland and a petition of opposition from neighbors. Larry and Dee Hanson were concerned about children breaking into their home. Renee Njos stated that she was concerned about her children's safety. Wayne Chew, owner of the mobile home park directly to the west of the site, was concerned about compatibility with his residents. Greg Olson wanted to know about the staff ratio and was concerned about calling it a correctional facility. It was explained that this was a technicality with licensing. Sue Esse stated that she felt the area was inappropriate for this type of operation. Gary Hackbarth felt that the area is primarily residential and this type of facility should not be located at that site. Tom Neilon, Mower County Court Services, stated that we need to take care of these children from our community. Mr. Neilon said that he would be involved in the screening of which children are placed at the site.

The children placed at the site would need protection from a bad home and would not be violent. Chair Miller closed the discussion from public comment and asked for Planning Commission members comments. Brian McAlister stated that he felt there were some unsubstantiated fears being expressed. After some discussion, a motion was made by Don Olson, seconded by Brian McAlister, to approve CUP #522 for a Rule 8 Correctional Group Home because it was in accordance with Section 14-31 of the Mower County Code and recommend approval with the following conditions:

1. An evaluation be conducted by a licensed Designer I Inspector on any sewage treatment system serving property on which a conditional use permit is granted. If the sewer system is found to be failing or inadequate for the proposed use, the Individual Sewage Treatment System will have to be upgraded or replaced to MPCA 7080 standards.
2. Apply for and receive an ISTS permit for a system, if necessary.

The motion passed by a 6 to 1 vote.

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

Nay: Boverhuis

OTHER BUSINESS:

There being no further business, the meeting adjourned at 9:05 p.m. on a motion by Keith Voorhees, seconded by Don Olson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director