

Mower County Planning Commission

Minutes Mower County Planning Commission

Members Present: Diane Benson, Harold Boverhuis, Meri Jo Lonergan, Sheldon Lukes, Brian McAlister, Gary Nemitz, Keith Voorhees.

Members Absent: Don Olson

Others Present: Scott Anderson, (Mower Co. Feedlot Attorney), Pat Oman (Mower County Attorney), Lowell Franzen (Feedlot Officer) Lee Bonorden (Austin Daily Herald), Commissioner Len Miller, Citizens, Daryl W. Franklin.

Chair Gary Nemitz called the regular meeting to order at 7:00 p.m. on Tuesday, May 27, 1997, in the Austin Labor Center, 316 4th Ave, NE, Austin, Minnesota. Minutes of the April 29, 1997; meeting were approved as mailed on a motion by Brian McAlister, seconded by Diane Benson. The motion passed unanimously. Chair Nemitz discussed a hearing procedure that is designed to provide opportunities for everyone to participate by separating the proceedings into periods of presentations, questions, and finally statements. The goal is to ensure that the information is completely and accurately understood before statements are presented either for or against the proposal. Outline of each petition shall be as follows:

- Presentation by Staff
- Questions of the Staff from the Planning Commission
- Questions of the Staff from the Applicants and their Representatives
- Questions from the Public for the Staff
- Presentation by the Applicant
- Questions for the Applicant from the Planning Commission
- Questions for the Applicant from the Public
- Statements from the Public in Support of the Application
- Statements from the Public in Opposition to the Application
- Closing of the Public Hearing
- Action

It was reported that the Mower County Board of Commissioners will hear the conditional use permits at their June 2, 1997, meeting at 1:30 p.m. at Austin City Hall, 500 NE 4th Avenue, Austin, Minnesota.

First item of business:

Conditional Use Permit #529 - Daniel Young. CUP applicable to Section 14-51(t) of the Mower County Zoning Ordinance for commercial mini-storage building in Section 28, LeRoy Township. *Presentation by Staff:* Reference was made to the site investigation performed by Don Olson and Sheldon Lukes on May 21,

1997. Staff report was presented. *Questions of the Staff from the Planning Commission:* Would there be a fenced around facility? No, because the petitioner is living at the location. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* None. *Presentation by the Applicant:* Mr. Daniel Young explained his proposal. *Questions for the Applicant from the Planning Commission:* Questions were raised on if there would be outside storage. Mr. Young stated that there would be no outside storage. *Questions for the Applicant from the Public:* None. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to the public. After some discussion, a motion was made by Brian McAlister, seconded by Keith Voorhees, to approve Conditional Use Permit #5296 for commercial mini-storage because it was in accordance with Section 14-31 of the Mower County Code and recommend approval to the Board of Commissioners with the following conditions:

1. Access to mini-storage area will be from the township road.
2. Be a permanent permit.
3. No outside storage of items permitted.
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 #528 - Tim Koch- CUP applicable to Section 14-51(I) of the Mower County Zoning Ordinance for mining and gravel extraction in Section 22 of LeRoy Township. *Presentation by Staff:* Reference was made to the site investigation performed by Don Olson and Sheldon Lukes on May 21, 1997. Staff report was presented. Memos from Jeff Green, Minnesota Department of Natural Resources (DNR), and Bob Bezek, DNR, were distributed. *Questions of the Staff from the Planning Commission:* None. *Questions of the Staff from the Applicants and their Representatives:* None. *Questions from the Public for the Staff:* None. *Presentation by the Applicant:* Mr. Tim Koch reported on his project. *Questions for the Applicant from the Planning Commission:* A concern was expressed about the end use plan. Mr. Koch stated that they would create a wildlife area. *Questions for the Applicant from the Public:* None. *Statements from the Public in Support of the Application:* None. *Statements from the Public in Opposition to the Application:* None. Chair Nemitz closed the hearing to public comment. After some discussion, a motion was made by Brian McAlister, seconded by Keith Voorhees, to approve CUP #528 for mining and gravel extraction because it was in accordance with Section 14-31 of the Mower County Code and recommend approval to the Board of Commissioners with the following conditions:

1. The quarry operation must remain at least 200 yards from the residential property.
2. A \$3,500 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on 3 acres) must be posted with the county Auditor valid through June 30, 2007.

3. A "No Trespassing" sign shall be posted at the entrance.
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. Prior to opening as a quarry, petitioner must submit a detailed site plan that accurately shows limits of quarry operation. The quarry operation shall be limited to this site plan. Modifications shall require an amendment to this CUP.
7. Extraction of gravel/sand/limestone shall remain at least twenty (20) 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.
8. Before hauling, the Petitioner must contact the County Engineer (507-437-7718) for posted limits on bridges and comply with the postings.
9. Blasting will be performed by a licensed and bonded operator.
10. Secure DNR Appropriations permit.
11. Secure MPCA NPDES permit.
12. Plan for water discharge submitted to Mower Co. Planning Dept.
13. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
14. Permit will expire on December 31, 2006.
15. Failure to comply with any and all the listed conditions shall result in revocation of this conditional use permit.
16. The area adjacent to the pit and the pit area will be turned into a wildlife habitat when gravel and mining extraction is completed. (Consists of approximately three to five acres)

The motion passed unanimously.

Amendment to the Mower County Zoning Ordinance regarding Feedlots:

Chair Nemitz introduced Scott Anderson and Pat Oman. Mr. Anderson was hired by Mower County to assist with feedlot issues. The changes recommended by the Feedlot Advisory Committee were presented and discussed. Lowell Franzen was present to answer questions. Harold Boverhuis asked questions in regard to the density requirement of one non-farm per 160 acres. Mr. Boverhuis was concerned about the Board of Adjustment approving variances for additional non-farm dwellings. Mr. Boverhuis stated that he was opposed to the one non-farm per quarter. Mr. Boverhuis stated that he felt all new non-farm dwellings and all new feedlots should require a conditional use permit. Brian McAlister had questions on spacing requirements and if there should be minimum acreage's for feedlots since we have minimum acreage's for housing. Questions were also raised on the 3,000 animal unit cap. Information was provided by Feedlot Advisory Committee member Marty Fox and Lowell Franzen. A question from the floor on if the 3,000 animal unit limit apply to MOPRO. Scott Anderson stated that it could if the County Board decided it. Pam Hein, MOPRO, stated that the

meeting was for the feedlot issue and not MOPRO. A question was raised on bonding requirements. After some discussion, a motion was made by Harold Boverhuis, seconded by Meri Jo Lonergan, that the Planning Commission recommend the following amendments to the Mower County Zoning Ordinance to the Mower County Board of Commissioners for adoption and that the amendments apply to all feedlots that have not received a feedlot permit or have not started construction as of this date.

Section 14-50(f-i)

- 4) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable.
- 5) Herd size limitation may not exceed 3,000 animal units per site.

Section 14-50(f-ii)

- 4) An applicant for an expansion of an existing facility must provide written notice of intent to the township and all property owners within a one (1) mile radius of the 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. A certificate of mailing will be provided to the Feedlot Officer.
- 5) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable.
- 6) Herd size limitation may not exceed 3,000 animal units per site.
- 7) The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

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

- 6) An applicant for a new feedlot facility must provide written notice of intent to the township and all property owners within a one (1) mile radius of the 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. A certificate of mailing will be provided to the Feedlot Officer.
- 8) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable.
- 9) Herd size limitation may not exceed 3,000 animal units per site.
- 10) The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

Section 14-51(w)

- 4) An applicant for an expansion of an existing facility must provide written notice of intent to the township and all property owners within a one (1) mile radius of the 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. A certificate of mailing will be provided to the Feedlot Officer.
- 7) The County Board may charge a fee for feedlots. This fee will be established early by a resolution. The fee is non-refundable.
- 8) Herd size limitation may not exceed 3,000 animal units per site.
- 9) The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

Section 14-51(x)

- 6) An applicant for a new feedlot facility must provide written notice of intent to the township and all property owners within a one (1) mile radius of the 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. A certificate of mailing will be provided to the Feedlot Officer.
- 9) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable.
- 10) Herd size limitation not to exceed 3,000 animal units per site.
- 11) The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

Section 14-51

(z) New earthen lagoons.

- 1) The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

Add the following definitions to Section 14-7:

Dwelling Unit - Any structure or portion of a structure, or other shelter designed as a short term or long term living quarters for one or more persons, including rental or timeshare accommodations, such a motel, hotel, and resort rooms and cabins. A structure, to be considered a "dwelling unit" for the purpose of this definition, must also be in compliance with all applicable regulations, including the Mower

County Individual Sewage Treatment Ordinance, or have had a residential real estate tax classification and assessed value within the last five (5) years.

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

Roll Call:

Aye: McAlister, Boverhuis, Benson, Lonergan, Voorhees.

Abstain: Lukes.

Chair Nemitz stated that the motion passed.

The Board of Commissioners will hold a hearing on June 19, 1997, at 7:00 p.m., at the Ellis Middle School, Austin, Minnesota.

OTHER BUSINESS:

There being no further business, the meeting adjourned at 8:45 p.m. on a motion by Meri Jo Lonergan, seconded by Harold Boverhuis. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin
Planning Director