

Mower County Planning Commission

Minutes Mower County Planning Commission

Members Present: Diane Benson, Harold Boverhuis, David Hillier, Sheldon Lukes, Don Olson.

Members Absent: Meri Jo Lonergan, Brian McAlister.

Others Present: Citizens, Daryl W. Franklin.

Chair David Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, January 27, 1998, at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the December 30, 1997; meeting were approved as mailed on a motion by Sheldon Lukes, seconded by Harold Boverhuis. The motion passed unanimously. It was explained that Commission members Meri Jo Lonergan and Brian McAlister had prior commitments for the evening. It was reported that the Mower County Board of Commissioners will hear the petition at their February 3, 1998, meeting at 1:30 p.m. at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota.

First item of business:

Conditional Use Permit #535 - Ulland Brothers, Inc./Janice Shade: CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance for gravel and sand excavation, Section 4, Lyle Township. *Staff Presentation:* Chair Hillier stated that this application was continued from the December meeting. Reference was made to the site investigation performed by Don Olson and Brian McAlister on December 23, 1997, and another site visit by Planning Commission members Boverhuis, Lukes, Olson, Hillier and Benson on January 21, 1998. Staff report was presented. Additional correspondence from Jeff Green, Minnesota Department of Natural Resources (DNR), was presented (3 memos dated 1/23/98, 1/21/98, and 12/30/97.) A memo from Stephen Alderson, MN Department of Transportation, dated January 27, 1998, was presented. A table showing that the total acreage of the gravel pit would be 28.4 acres for all six phases of the pit was entered into testimony. A letter from Gregg Downing, Environmental Quality Board, dated January 23, 1998, was presented. This letter states that an EAW is not mandatory but discretionary for this particular gravel pit application. Material provide by Ulland Brothers, Inc. showing three maps A, B, C, and supporting narratives for the maps was presented. *Applicant's Presentation:* Mr. Dave Beckel, representing Ulland Brothers, Inc., stated that there is a need for sand and gravel. He stated that they would restore the property when they were completed. *Statements from the Public:* Mr. Craig Johnson and Mr. Bill Hennesy, representing the Munk's, explained that they had drafted the letter

requesting the EAW and that based on their calculations there would be 27 daily trips from the pit if Ulland's were to haul 50,000 tons per year. They stated concern about the 10-year time limit on the permit. They presented a report from the Mower SWCD regarding the impact the pit would have on prime agriculture land and the water table. Mr. Chuck Biggar provided information on water table. Mr. Biggar stated that the water table is effected by precipitation and that the soil borings done by Ulland's was during a dry period, therefore, they were not reliable. Mr. Bill Fuller expressed concern about the floodplain. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. The Planning Commission then discussed the concerns about the quality of agriculture land and the depth of the water table. It was felt that the Ulland Brothers, Inc. soil borings were for the specific site while the SWCD data was based on a broader area. Mr. Don Olson stated that he felt that there was a need for sand and gravel for the growth of the County. Mr. Harold Boverhuis stated that he has lived near two gravel pits in Lansing Township for 30 years and feels that the gravel pits have not been a problem. After consideration of all oral and written testimony, a motion was made by Don Olson, seconded by Harold Boverhuis, to approve conditional Use Permit #535 for a gravel pit because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. A \$8,750.00 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on 10 acres) shall be in effect at all times when the conditionals use permit is operational and must be posted with the county Auditor valid through June 30, 2003.
2. A "No Trespassing" sign shall be posted at the entrance.
3. Comply with Article IV Excavation of Earth Products of the Mower County Code
4. Extraction of materials shall be limited to areas as delineated on the site plan.
5. All gravel & sand stockpiling must be located outside of the shoreland area and flood fringe of Orchard Creek.
6. Prior to opening as a gravel & sand pit, petitioner must submit a detailed site plan that accurately shows limits of gravel & sand pit operation. The gravel & sand pit operation shall be limited to this site plan. Modifications shall require an amendment to this CUP.
7. Extraction of sand & gravel 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) and MN Department of Transportation for posted limits on bridges and roads and comply with the postings.
9. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
10. Permit will expire on December 31, 2002.

11. Meetings with impacted Townships, Petitioner, and representatives of the County Engineers office on the north road starting in April and running every other month through October to determine damage to the road. Petitioner is responsible for any damage to the township road.
12. 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 #506 - Edward Bunne: Amend CUP applicable to Section 14-51(i) of the Mower County Zoning Ordinance for a quarry, Section 27 & 34, LeRoy Township. *Staff Presentation:* Reference was made to the site visit by Planning Commission members Boverhuis, Lukes, Olson, Hillier and Benson on January 21, 1998. Staff report was presented. A letter from Jeff Green, Minnesota Department of Natural Resources (DNR), was presented (dated 1/21/98). *Applicant's Presentation:* Mr. Edward Bunne stated that in his letter, there were a couple typos that he wanted to correct. In the first paragraph he referenced permit no. 506 and it should have been permit no. 520. Also, the expiration should be August 1, 2000 and not August 31, 2000. *Statements from the Public:* Mr. Tom Lawson, a resident of LeRoy, stated he was concerned about the expansion into Section 34 and the possible effect on the LeRoy sewage lagoons. Mr. Lawson stated that the city force main is old and could not handle blasting. Mr. Lawson stated that he had discussed with Marco Graziani, Minnesota Pollution Control Agency (MPCA), his letter dated January 19, 1996. Mr. Graziani stated that the letter is still his position. Mr. Merrill Chesebrough, a citizen and former Mayor, stated that the MPCA had considered the karst and sinkholes in the area and chose the best possible site. *Conclude the Public Hearing:* Chair Hillier closed the hearing to the public. After consideration of all oral and written testimony, a motion was made by Harold Boverhuis, seconded by Don Olson, to approve two amendments to Conditional Use Permit #506 for a quarry because it was in accordance with Section 14-31 of the Mower County Code with the following conditions:

1. Remove Condition #13. ~~Quarry operator shall limit removal of material to a maximum depth of one foot above water table elevation in the limestone bedrock as determined by on-site inspections conducted by County & State staff.~~
2. Permit will expire on August 1, 2000.

And denied the request to allow the quarry in Section 34 because of oral testimony from Mr. Merrill Chesebrough (former Mayor of LeRoy at the time of the LeRoy lagoon construction) who stated concern about blasting and dewatering in the karst area and based on a memo from Mr. Jeff Green (Minnesota Department of Natural Resources) dated January 21, 1998, and a letter from Mr. Marco Graziani (Minnesota Pollution Control Agency) dated January 19, 1996.

The motion passed unanimously.

OTHER BUSINESS:

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

Respectfully Submitted,



Daryl W. Franklin
Planning Director