

Mower County Planning Commission

Minutes of the Mower County Planning Commission

Members Present: Diane Benson, Sheldon Lukes, Brian McAlister, Leonard Miller and Beverly Weness

Members Absent: Myles Bendtsen, Harold Boverhuis and Vance Larson

Others Present: Citizens, Lee Bonorden (Austin Daily Herald), Reggie Benson, Harold Shipman, Leonard Soltau, Denise Mudra, and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m., on Tuesday, August 29, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the July 25th, 2000 meeting were approved as mailed on a motion by Brian McAlister seconded by Diane Benson. The motion passed unanimously.

CUP #506 – Leonard Soltau. Re-new, modification and change of ownership for Conditional Use Permit #506 to allow a quarry operation on a three (3) acre parcel pursuant to section 14-51(i) of the Mower County Zoning Ordinance, .86 Ac W ½ SE ¼ & 1.44 Ac E ½ SE ¼, Section 27, LeRoy Township, T101N R14W, Mower County, Minnesota. PIN #09-027-0030.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Diane Benson on August 23, 2000. The Staff Report was presented with conditions and background information noted. **Applicant's Presentation:** Leonard Soltau presented his concept of the quarry and drawings that addressed concerns and items of the ordinance. Bev Weness was concerned about the volume of material coming from the pit and the damage to township roads. It was explained that the quarry would be coming out onto County Road 12. **Statement from the Public:** Harold Shipman from the LeRoy City Council was present and stated that the Council was in favor of the CUP, however, he requested that notification be given to the City of LeRoy prior to blasting. According to Bev Weness, there was no comment from LeRoy Township. **Conclude the Public Hearing:** Len Miller closed the public hearing. After some discussion a motion was made by Brian McAlister and seconded by Diane Benson to recommend approval of CUP #506 because it is in accordance with Section 14-31 of the Mower County Code based on the following findings of facts that the individual Planning Commission members prepared and will become part of the record, and with the condition that one (1) day prior to blasting the City of LeRoy be notified, added to the following conditions.

CUP #506 – LEONARD SOLTAU

SECTION 14-31. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

- (a) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

The continued operation of Conditional Use Permit #506 will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish and impair property values. The quarry operation has had limited usage for the past several years and its operation has not impacted on property owners. The new proposal is also on a smaller area than the previous quarry and will be confined to areas that have already been stripped.

- (b) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant properties for uses predominant in the area.

The operation of the quarry will not impede the normal and orderly development of vacant property in the area. Most of the property to the southeast and north is agricultural and the quarry will not impact on the operation. The residential in the City of LeRoy should also not be impacted by the quarry operation. The end use of the quarry will go back to a water hazard for a golf course which has been previously approved by a CUP.

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

The access road that has been installed to the facility is adequate for the facility. Drainage should also be handled by the appropriate DNR appropriations permit and MPCA-NPDES permit.

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

There is adequate parking, maneuvering and storage area for the existing top soil and for the proposed excavated material.

- (e) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The operation as proposed by Mr. Soltau should not be a nuisance to adjoining property owners. Noise and dust should not be a problem with the hours of operation placed as condition on the permit. There will be no lighted signs on the property to disturb adjoining property owners.

The following are conditions of Conditional Use Permit #506:

- 1.) The owner/applicant must obtain and submit to the Mower County Planning Department an "official exemption" or "no loss determination" from the Mower County Soil & Water Conservation District as required by the Minnesota Wetland Conservation Act of 1991.
- 2.) A \$3500.00 Damage & Restoration Bond or a certified check must be posted with the County Auditor valid through June 30, 2011.
- 3.) A "No Trespassing" sign shall be posted at the entrance.
- 4.) The quarry pit sides, when completed will have a slope no greater than 3:1 (horizontal:vertical).
- 5.) Comply with Article IV Excavation of Earth Products of the Mower County Code.
- 6.) Extraction of materials shall be limited to areas as delineated on the site plan.
- 7.) Quarry operation shall remain at least (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.
- 8.) Before hauling, the Petitioner must contact the County Engineer (507-437-7718) for posted limits on bridges and comply with the postings.

- 9.) Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
- 10.) Blasting must be in accordance with State of Minnesota regulations and conducted by licensed and bonded professionals.
- 11.) A system called "two strikes and out" is established. If two damages occur during blasting then all future blasting is prohibited.
- 12.) The City of LeRoy shall be notified one (1) day prior to blasting.
- 13.) Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday.
- 14.) Depth of quarry operation shall be limited to no greater than 35'.
- 15.) Secure DNR permits for water appropriation.
- 16.) Secure NPDES permit from MPCA.
- 17.) Permit shall expire December 31, 2010.

Roll Call

Diane Benson – Yes

Brian McAlister - Yes

Sheldon Lukes – Yes

Beverly Weness - Yes

Summary: 4 Yeas – 0 Nays. Motion passed unanimously. Chair, Leonard Miller does not vote.

It was stated that the County Board would be acting on the petition at the September 5, 2000 meeting at 1:30 p.m.

There being no further business, the meeting adjourned at 7:30 p.m. on a motion by Bev Weness, seconded by Diane Benson. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin

Mower Co. Planning Director

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