

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission – March 26, 2002

Members Present: David Hillier, Myles Bendtsen, Diane Benson, Sheldon Lukes, Harold Boverhuis, Vance Larson, Brian McAlister

Members Absent: Bev Weness

Others Present: Daryl W. Franklin

Chair David Hillier called the regular meeting to order at 7:00 p.m., on Tuesday, March 26, 2002, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 26, 2002, meeting was approved as mailed on a motion made by Sheldon Lukes and seconded by Harold Boverhuis. The motion passed unanimously.

#### **CUP #602 – Osmundson Brothers (Petitioner) and Paul Ulwelling (Owner):**

Conditional Use Permit #602 to operate a gravel pit operation pursuant to Section 14-51(i) of the Mower County Zoning Ordinance on property located at: NE ¼ exc. .5 ac. bldg. Site, Section 35, Sargeant Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the investigation performed by Myles Bendtsen and Diane Benson on March 19, 2002. The Staff Report was presented with conditions and background information noted. Digital photos of the site were shown on an overhead projector.

**Applicant's Presentation:** Mark Osmundson and Paul Ulwelling explained the proposed usage and presented a narrative and maps for the site. They stated the level of the pit would not be below the creek level and once the gravel is removed the topsoil would be replaced and the land returned to farming.

**Statement from the Public:** Neal Taylor, Sargeant Township, stated the Township has not taken a position on the CUP request. He stated that he would not like a gravel pit next to his property.

Terri Wilson, neighbor, spoke about two hand-outs she prepared and showed pictures. She feels the operation will be too close to her house, is concerned about drainage, noise, vibration, fire control, cattle, hogs and referred to the "9-11" attack. See attached handouts.

**Conclude the Public Hearing:** David Hillier closed the public hearing. After some discussion, a motion was made by Harold Boverhuis and seconded by Diane Benson to recommend approval of CUP #602 with the conditions listed on the staff report because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

**OSMUNDSON BROTHERS (PETITIONER) AND PAUL  
ULWELLING (OWNER) – CUP #602**

**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 establishment of the gravel pit on the Ulwelling site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.**

- (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.

***Vacant property in the area would not be impacted by the establishment of the gravel pit, since it will be in accordance with the Mower County Zoning Ordinance Excavation of Earth Products.***

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

***There will be adequate access and utility roads to the property. An access road will be installed to the facility. When the pit operation is completed, the access road will be removed.***

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

***Based on the drawing and testimony submitted, the petitioner is providing sufficient parking and loading space to serve the proposed use.***

- (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 of the gravel pit as proposed by Osmundson Brothers on this property, includes taking measures and following requirements under Excavation of Earthen Products to control any excessive odor, fumes, dust, noise or vibration. Therefore, it will not constitute a nuisance to adjoining properties.**

**The following are conditions of Conditional Use Permit #602:**

1. A "No Trespassing" sign shall be posted at the entrance.
2. A \$5,750 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 6 acre parcel) must be posted with the county Auditor valid through June 30, 2014.
3. Permit will expire on December 31, 2013.
4. Comply with Article IV Excavation of Earth Products of the Mower County Code.
5. Extraction of gravel/sand shall remain at least twenty (20) feet from all adjoining property lines and thirty (30) feet from the road right-of-way (see Map B).

6. Stock piling of aggregate material shall be at least 80 feet from residential property lines.
7. The gravel pit sides when completed will have a slope no greater than 3:1 horizontal to vertical.
8. Hours of operation shall be Monday – Friday 7:00 a.m. to 7:00 p.m. and Saturday 7:00 a.m. to 12:00 noon.
9. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
10. No washing of material or hauling fill material into the site except topsoil which would be used for restoration.
11. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Summary of Roll Call: 6 Yeas; 0 Nays. Motion passed unanimously. Chair David Hillier does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, April 2, 2002 meeting at 1:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:50 p.m. on a motion by Vance Larson, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director

DWF:km