

Mower County Planning Commission

Minutes of the Mower County Planning Commission – August 31, 2004

Members Present: Garry Ellingson, Myles Bendtsen, Barb Hovde, Sheldon Lukes, Margaret Kirchner

Members Absent: Brian McAlister

Others Present: Lee Bonorden, Daryl W. Franklin, Citizens

Garry Ellingson called the regular meeting to order at 7:00 p.m. on Tuesday, August 31, 2004, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 29, 2004, meeting were approved as mailed on a motion made by Barb Hovde and seconded by Sheldon Lukes. The motion passed unanimously.

CUP #672 – Paul & Patrick Stier: Conditional Use Permit #672 to allow the operation of a sand and gravel pit on approximately three acres on property pursuant to Section 14-51(i) of the Mower County Zoning Ordinance on property located at: NW ¼ Exc. 2.6 Ac. N Twp. Rd on South & Exc. 12.65 Ac. Bldg. Site, Section 22, Grand Meadow Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on August 24, 2004. Myles and Margaret spoke and both felt the site was a good location. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site.

Applicant's Presentation: Paul Stier spoke and talked about the proposal for the gravel and sand pit.

Statement from the Public: Paul Snyder, Grand Meadow Township, spoke and said the Township didn't have any problems with the CUP request as long as they were following the guidelines.

Conclude the Public Hearing: Garry Ellingson closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Sheldon Lukes to recommend approval of CUP #672 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

PAUL & PATRICK STIER - CUP #672

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 a sand and gravel pit on the site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since the use will be operated in accordance with Mower County regulations.

- (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 operated in accordance with County regulations.

- (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. There is an "All Weather" road adjacent to the facility.

- (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 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 #671:

1. A Restoration Bond of \$3,500 (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre) must be posted with the County Auditor valid for the life of the pit.
2. Comply with Article IV Excavation of Earth Products of the Mower County Code.
3. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
 - a. A "No Loss Determination" (no wetlands on site).
 - b. A "Wetland Exemption" (the act does not apply).
 - c. A "Wetland Replacement Plan" approval.
4. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
5. Owner must use a "Truck Hauling" sign when hauling and follow requirements of the MN Department of Transportation.

The motion passed unanimously. Chair Garry Ellingson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, September 7, 2004 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:20 p.m. on a motion by Sheldon Lukes, seconded by Barb Hovde. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director