

Mower County Planning Commission

Minutes of the Mower County Planning Commission – October 25, 2005

Members Present: Dave Hillier, Myles Bendtsen, Barb Hovde, Jim Risius

Members Absent: Margaret Kirchner, Sheldon Lukes

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

Dave Hillier called the regular meeting to order at 7:00 p.m. on Tuesday, August 30, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the August 30, 2005, regular meeting were approved as mailed on a motion made by Barb Hovde and seconded by Myles Bendtsen. The motion passed unanimously.

Renewal of CUP #495 – SKB (Austin) Environmental, LLC: Renewal of Conditional Use Permit #495 to continue operating a demolition landfill and have a solid waste handling and disposal facility, which allows for storage of garbage bins on property pursuant to Section 14-51(j) & (k) of the Mower County Zoning Ordinance on property located at: NE ¼ SW ¼ , Section 21, Lansing Township, Mower County, Minnesota (Parcel #08-021-0040).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on October 18, 2005. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area. Myles Bendtsen felt it was a good location.

Applicant's Presentation: Bill Keegan was present and spoke about the CUP request.

Statements from the Public: The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Written statements received from Bill Keegan, SKB Environmental, and Margaret Kirchner, Planning Commission Member who attended the site visit but could not attend the meeting, were introduced by Daryl Franklin.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Jim Risius to recommend approval of the renewal of CUP #495 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.

SKB ENVIRONMENTAL – RENEWAL OF CUP #495

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 use of the SKB Demolition Landfill property will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor will it substantially diminish or impair the property values in the immediate area, based on information received from appraisers.

- (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.

To the east of the site is currently the VEIT Demolition Landfill. To the west, north and south is agricultural property. By following the MPCA demolition landfill rules and regulations, there will be adequate safeguards.

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

By complying with the conditions of the conditional use permit, there will be adequate utilities, access roads, and drainage to serve the proposed use.

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

Considering the proposed site, there will be sufficient area for off-street parking and loading spaces to serve the 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.

By following the requirements of the County and MPCA, there will be adequate measures to not have offensive odors, fumes, dust, noise and vibration and will not constitute a nuisance to adjoining property owners.

The following are conditions of the Renewal of Conditional Use Permit #495:

- 1) The previous conditions of CUP #495 and CUP #516 are void and are replaced with the following conditions.
- 2) The owner/operator must secure the appropriate County, State and Federal permits and comply with all applicable provisions, conditions and requirements.

- 3) The applicant must provide a minimum of a \$50,000 Surety Bond on the site each year payable to Mower County.
- 4) The applicant shall have a Minnesota Pollution Control Agency (MPCA) certified landfill operator present at the facility during operating hours.
- 5) The landfill can only receive debris as described in the permit issued by the MPCA. Unacceptable material that is incidental to the demolition debris must be separated and disposed of at another site approved to accept the material.
- 6) The County has the right to inspect the facility monthly or when necessary for compliance with all solid waste regulations and conditions of the conditional use permit.
- 7) Petitioner is responsible for the clean-up of all debris from the adjacent township roads and ditches resulting from the landfill operations of the petitioner and/or from vehicles using the SKB landfill.
- 8) Petitioner will encourage all customers to access the landfill from MN Highway 218.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 1, 2005 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #688 – Robert & Michelle Lane: Conditional Use Permit #688 to operate an agriculturally-oriented business, including a welding and machine shop to rebuild used equipment from meat processing plants and in the future, possibly design some equipment for the poultry processing industry on property pursuant to Section 14-51(l) of the Mower County Zoning Ordinance on property located at: 5.3 Ac. S ½ SE ¼ in Doc. #522582 , Section 31, LeRoy Township, Mower County, MN (Parcel #09-031-0030).

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on October 18, 2005. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

Applicant's Presentation: Robert & Michelle Lane were present and spoke about the CUP request. The current building size is 24 x 30.

Statements from the Public: The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Written statements received from Margaret Kirchner, Planning Commission Member who attended the site visit but could not attend the meeting, were introduced by Daryl Franklin.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Jim Risius to recommend approval of CUP #688 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

ROBERT & MICHELLE LANE - CUP #688

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 operation of an agriculturally-oriented business, including welding and a machine shop will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor will it substantially diminish or impair the property values in the immediate area.

- (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 agriculturally-oriented business will not impede the normal and orderly development. The property in the area is a mixed usage of residential and agricultural and by going through the CUP process, there will be adequate safeguards for the area.

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

By complying with the conditions of the CUP, there will be adequate utilities, access roads, and drainage to serve the area.

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

Considering the location, there is sufficient area for off-street parking and loading spaces.

- (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.

By following the requirements of the County there will be adequate measures taken to not contribute any excessive odor, fumes, dust, noise or vibration and this will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #688:

- 1) Any outside storage of equipment shall be minimized and have a current schedule for repair or shipment.

The motion passed unanimously. Chair Dave Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, November 1, 2005 meeting at 1:15 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:40 p.m. on a motion by Myles Bendtsen, seconded by Jim Risius. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director