

Mower County Planning Commission

Minutes of the Mower County Planning Commission – April 28, 2009

Members Present: Tim Gabrielson, Jim Risius, Harlen Peck, Margaret Kirchner & Jane Thome

Members Absent: Barb Hovde

Others Present: David Yerhart, Keri Yerhart, Nyles Pederson, Jeanne Parmenter, Mary Kenyon, David Baldner, James Yerhart, Jeff Green, MN DNR, Wayne Thompson, Valerie Raverty, Angela M. Knish, & Lee Bonorden

Tim Gabrielson called the regular meeting to order at 7:00 p.m. on Tuesday, April 28, 2009, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. The printed Agenda for this meeting and Minutes of the March 31, 2009, regular meeting were approved as mailed on a motion made by Jim Risius and seconded by Harlan Peck. The motion passed unanimously.

CUP #746 – Y Waste Removal, Inc. (Petitioner) and David Yerhart (Property Owner):

Conditional Use Permit #746 to operate solid waste handling pursuant to Section 14-51(j) of the Mower County Zoning Ordinance on property located at: E 924 ft. N 660 ft. NE ¼ SW ¼, Section 15, Lyle Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on April 22, 2009. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: James Yerhart and David Yerhart were present at the meeting and spoke about the CUP request.

Statements from the Public: The Chair asked for anyone from the public speaking in favor of the request: None presented.

The Chair asked for anyone from the public wishing to speak against the request:

Jeff Pederson: Not for or against the proposal. Was concerned the Township did not have adequate time to review the proposal; wanted more information.

David Baldner: The Township has not had a meeting since the notice came out; asks that the Planning Commission table the matter until next month so the applicant's can meet with the Township at their meeting in May (May 11).

Conclude the Public Hearing: Tim Gabrielson concluded the public hearing. After some discussion, a motion was made by Harlan Peck and seconded by Jim Risius to recommend tabling of CUP #746 so that the Township has an opportunity to review the issue and submit comments to the Planning Commission at their next meeting: May 26.

The motion passed unanimously. (Chair Gabrielson does not vote.)

CUP #747 – Valerie Raverty, Ulland Brothers, Inc: Conditional Use Permit #747 to allow mineral extraction, crushing and wash plant and temporary placement of asphalt or ready-mix plant at the south expansion of the Grand Meadow quarry pursuant to Section 14-51(h) & 14-140.1 of the Mower County Zoning Ordinance on property located at: NW ¼ SE ¼ & NE ¼ SW ¼ , Section 9, Frankford Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on April 22, 2009. The Staff Report was presented with conditions and background information noted.

Applicant’s Presentation: Valerie Raverty, Ulland Brothers, Inc. was present at the meeting and spoke about the CUP request.

Jeff Green, MN DNR spoke about the MN DNR Well Interference and protocol procedure.

Planning Commission Questions:

H. Peck: Q: Why do you need the pit open 24-7? **A:** Pit and temporary mix plant are open normally daylight hours. By allowing the pit to be open 24-7 it allows for the crushing process around the clock, when necessary. **Q:** Is there sand? **A:** No. **Q:** Quality of rock: **A:** Varies. Good for road projects, wind-towers, not high enough quality for interstate projects. **Q:** Who pays for the well driller to check the non-functioning well? **A:** (Green) It is usually determined by where the fault lies.

M. Kirchner: Q: How long does the well interference protocol take to fix a situation? **A:** (Green) It depends on several things; ie: drought

A. Knish: Q: If there is a report of a well that is not functioning who does the reporting; the county? **A:** (Green) Yes, contact Cory @ Rochester DNR Office.

Statements from the Public: The Chair asked for anyone from the public speaking in favor of the request: None presented.

The Chair asked for anyone from the public wishing to speak against the request: None presented

Conclude the Public Hearing: Tim Gabrielson concluded the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Harlan Peck to recommend approval of CUP #747 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are the recommended conditions of Conditional Use Permit #747:

1. A Restoration Bond in the Amount of \$ **(to be determined)**, (\$2,000.00 Restoration Bond for the first acre, plus \$750 for each additional stripped or activated acre or part of an acre based upon 0.5 acres increments.) must be posted with the County Auditor and valid through (insert date here) **(to be determined)** ; and
2. A “No trespassing sign shall be posted at the entrance. A gate shall be placed at the entrance; and
3. Comply with Mower County Ordinance; and
4. Extraction of materials shall be limited to the areas as delineated in the site plan; and
5. Extraction of gravel/sand/limestone or other materials shall remain at least twenty (30) feet from all adjoining property lines and forth (30) feet from the road right-of-way (as required by Ordinance); and
6. Blasting will be performed by a licensed and bonded operator. Property owners at parcel # 06.002.0080 and 06.003.0020 shall be notified of blasting one day in advance; and
7. A system called “two strikes and out” is established. If damages occur in which blasts are found to exceed the permitted limit two times all future blasting is prohibited.
8. The Minnesota Department of Natural Resources (DNR) be involved in the restoration of the area when the quarry is completed.
9. No pumping of water into County Road ditches; and
10. No refueling storage tanks in the lower levels of the exaction site (quarry); and
11. Secure DNR Water Appropriations permit and submit copy to Mower County Planning Department; and
12. Secure MPCA NPDES Permit and submit copy to Mower County Planning Department; and
13. A Wetland Inventory shall be performed by the Mower County Soil and Water Conservation District; and
14. All quarry material processing shall remain at least 500 (in Ordinance) feet from any residence; and
15. Prior to starting the operation the petitioner shall submit a detailed Restoration Plan; and
16. Access/Driveway to be cost of Petitioner; and
17. A berm the length of the open pit area shall be established on the north side of the pit in accordance with the County Engineer’s specifications; and
18. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable Statutes; and
19. The Conditional Use Permit allows the Owner/Operator to utilize the pit 24 hours per day, seven days per week; and
20. The use of the site for temporary placement of an asphalt or ready-mix plant is periodic and does not expire unless the CUP lapses as determined below; and
21. This Conditional Use Permit shall lapse, and shall be no longer valid upon one-year of non-use; and
22. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

There being no further business, the meeting adjourned at 8:30 p.m. on a motion by Jim Risius seconded by Harlan Peck. The motion passed unanimously.

Respectfully submitted,

Angela M. Knish, Director
Mower County Environmental Services