

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission

Members Present: Myles Bendtsen, Vance Larson, Sheldon Lukes, Brian McAlister, Leonard Miller and Beverly Weness

Members Absent: Diane Benson and Harold Boverhuis

Others Present: Citizens, Glen Jacobsen, Denise & Tony Mudra, Bob Slaback, Allen & Julie Faulhaber, Dean & Marie Hiscocks and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m., on Tuesday, October 31, 2000 in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the September 26<sup>th</sup>, 2000 meeting were approved as mailed on a motion by Sheldon Lukes, seconded by Brian McAlister. The motion passed unanimously.

**CUP #568 – Dairyland Power Cooperative.** Conditional Use Permit #568 to construct a 250 foot communication tower pursuant to Section 14-51(d) of the Mower County Zoning Ordinance, S ½ of the SE ¼, 6.8 acres, Section 7, Grand Meadow Township, T103N R15W, Mower County, Minnesota. PIN #07-007-0020.

**Staff Presentation: Reference** was made to the site investigation performed by Brian McAlister and Myles Bendtsen on October 24, 2000. The Staff Report was presented with conditions and background information noted. **Applicant's Presentation:** Bob Slaback from Dairyland Power explained how the Dexter tower is part of the Dairyland loop to provide for communications between Dairyland and Freeborn Mower Coop and also to provide load management and other functions of the utilities. He explained that once the tower has been installed the 6 acre site would be returned to farming. The tower will have fencing around the base, building and the three guy posts. Myles Bendtsen and Brian McAlister, from the investigating committee, stated that they thought it would be a good site and is strategically located for the least impact on surrounding land use. **Statement from the Public:** Allen & Julie Faulhaber and Dean & Marie Hiscocks were concerned about interference and about children being able to climb the tower. It was explained that the anchor points would be fenced and the base of the tower would be fenced along with the communications building. In regard to TV interference it was explained that the FCC had to approve the tower before a license was granted to Dairyland. If problems develop individuals need to contact the FCC to address their concerns. **Conclude the Public Hearing:** Len Miller closed the public hearing. After some discussion a motion was made by Brian McAlister and

seconded by Sheldon Lukes to recommend approval of CUP #568 because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and the following findings of facts that the individual Planning Commission members prepared and will become part of the record. Findings of Fact were also adopted as stated.

## **CUP #568 – DAIRYLAND POWER COOPERATIVE**

### **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 installation of the communications tower will not have any impact on the immediate vicinity. The tower, when installed, will have three or four anchors and the land will then be returned for agricultural purposes. As such, this will not diminish or impair property values within 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 installation of the tower will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.***

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

***Current roads, drainage, etc. are being provided and there is no additional infrastructure that needs to be provided except to bring electrical power to the site.***

- (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 will be adequate parking, maneuvering and storage area for the facility during its construction. Once it is completed there is not a need for parking and storage areas.***

- (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 Dairyland Power, will not be a nuisance to adjacent property owners. There will be limited noise and dust during construction. Once it is completed there will not be noise, dust, odor, fumes or vibration. When the tower is installed there may be a warning light, required by the FAA, present which should not be a distraction or disturbance to adjacent property owners.***

The following are conditions of Conditional Use Permit #568:

- 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.) At least an eight-foot chain link fence be erected and maintained around the tower and any equipment buildings.
- 3.) Petitioner must secure appropriate FCC and FAA permits and licenses.
- 4.) The use of any portion of the tower for advertising signs (other than warning or equipment signs) is prohibited.
- 5.) All abandoned or unused towers or associated above ground facilities shall be removed within 12 months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Mower County Board of Commissioners. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Mower County Board

- of Commissioners and the costs of removal assessed against the property.
- 6.) A letter of intent committing the tower owner and his or her successor to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
  - 7.) Petitioner/Owner shall be responsible for all costs associated with the installation of the end drive and culvert.
  - 8.) 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.

**Roll Call**

Myles Bendtsen – Yes

Brian McAlister - Yes

Vance Larson – Yes

Beverly Weness – Yes

Sheldon Lukes - Yes

*Summary: 5 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 November 7<sup>th</sup>, 2000 meeting at 1:30 p.m.

There being no further business, the meeting adjourned at 7:55 p.m. on a motion by Brian McAlister, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Mower Co. Planning Director

vjk