

- (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 is sufficient off-street parking and loading space provided for the storing of the concrete and for the crushed material.

- (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 current operation of crushing has sufficient measures in place to control odor, fumes, dust, noise or vibration and therefore will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #495:

- 1) Prior to crushing, the Planning & Zoning Office shall be notified in writing.
- 2) Hours of operation would be from 7:00 a.m. to 7:00 p.m. daily – Monday through Saturday.
- 3) The permit would expire on December 31, 2005.
- 4) Petitioner/Owner shall be required to cure the violatations 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 for CUP #495

Beverly Weness – Yes
Harold Boverhuis – Yes
Myles Bendtsen – Yes

Sheldon Lukes – Yes
Brian McAlister – Yes

Summary: 5 Yeas; 0 Nays. Motion passed unanimously. Chair, Raymond Tucker does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, May 1, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

CUP #575 – ALLIANT ENERGY (PETITIONER) AND INTERSTATE POWER COMPANY (OWNER): Conditional Use Permit #575 to construct four micro turbines on property pursuant to Section 14-51 of the Mower County Zoning Ordinance on property located at .35 ac SW ¼ NE ¼ exc. .06 ac hwy .29, Section 23, Frankford Township, Mower County, Minnesota. PIN #06-017-0080.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Sheldon Lukes on April 18, 2001. The staff report was presented with conditions and background information noted.

Applicant's Presentation: John Kayser and Greg Brower, Alliant Energy, discussed the need for and reasons for installing four micro turbines on the property.

Statement from the Public: Frankford Township stated they have no problems with the proposal.

Conclude the Public Hearing: Ray Tucker closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Harold Boverhuis to recommend approval of CUP #575 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 .

ALLIANT ENERGY – CUP #575

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 four micro-turbines will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish and impair property values. All around the proposed site is agricultural land. South is the Lance's Supper Club with an ample distance of 300 yards away. To the north is the Deer Creek Race Track and west is farm land. Also, the noise by this should not be any greater than the highway noise. The facility is not going to be operated all the time. It is simply for peak demands.

- (d) 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 establishment of the micro-turbines will not diminish or impair vacant property values nor impede the normal and orderly development for vacant property in the area which will primarily be used for agricultural activities. The vacant property can still be used for farm land or other uses and this will not adversely impact it.

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

There is currently adequate access to the transformer site. There is no need for other utilities and drainage is also being provided.

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

Adequate measures have been taken to provide off-street parking for the current transformers and the new micro-turbines. There will still be sufficient parking and loading space.

- (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 design of the micro-turbines is such that they will not be creating excessive noise. There will no no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties.

The following are conditions of Conditional Use Permit #575:

1. The Conditional Use Permit be permanent.
2. Secure the necessary State and Federal Permits.

Roll Call for CUP #575

Beverly Weness – Yes
Harold Boverhuis – Yes
Myles Bendtsen – Yes

Sheldon Lukes – Yes
Brian McAlister – Yes

Summary: 5 Yeas; 0 Nays. Motion passed unanimously. Chair, Raymond Tucker does not vote.

It was stated that the County Board would be acting on this petition at the Tuesday, May 1, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

CUP #576 – TIMOTHY FLYNN (PETITIONER) AND GARY HARRINGTON (OWNER): Conditional Use Permit #576 to operate a tire recycling facility pursuant to Section 14-51(k) of the Mower County Zoning Regulations on property located at N 470 ft. N ½ SE ¼ W of Turtle Creek, Section 31, Lansing Township, Mower County, Minnesota. PIN #08-031-0030.

Staff Presentation: Reference was made to the site investigation performed by Brian McAlister and Sheldon Lukes on April 18, 2001. The staff report was presented with conditions and background information noted. At this time the Planning Commission members and citizens were given copies of the following material:

- 1) Letter from Tim Flynn discussing his proposal.
- 2) Letter from Lance Pogones discussing his concerns on Flynn petition.
- 3) Letter from Zack Klaus, Minnesota Pollution Control Agency, responding to Lance Pogones' letter.
- 4) Letter from Lansing Township opposing the CUP.

Applicant's Presentation: Tim Flynn presented his material, stating that he is currently hoping to have a lease on the building, the driveway coming in and an area approximately 60 x 40 directly south. He presented pictures of the tire shredding equipment and pictures of what 10,000 tires would look like. He stated he is currently operating as a local salvage and wants to have a permanent location. He stated there is an ample supply of tires. The Planning Commission members asked questions of Mr. Flynn. Regarding concerns about the noise, Mr. Flynn stated he is currently operating with a diesel engine and that in the Harrington building there is 3-phase power and he could convert to electricity. Questions were also raised about dust. Mr. Flynn stated it would be very nominal with the operation. He also explained the tires would not be outside, but would simply be in trailers before shredding and after shredding.

Mr. Flynn also stated the rims and the bead would be placed in a roll-off and sent to the local scap yard. Mr. Flynn stated he could do approximately fifty tires per hour and that the semi bringing tires to the facility would have the capability of 1,000 – 2,000 per load. Once the tires are chipped, the semi would be holding approximately 10,000 chipped tires.

Concerns from the Citizens: A letter from Lansing Township was read into the record. Commissioner Tucker asked if there was a spokesperson for the citizens. Kathryn Colescott-Burke presented information. Her concern was that the conditional use permit would be a violation of Item 1 for approving the conditional use permit because it would impact the use and enjoyment of their property. They were also concerned about the noise and dumping of tires in the road ditch. They felt the extra traffic would be bad for the gravel township roads. She was also concerned that wildlife would be adversely impacted and that there may be the potential for mosquito breeding. She stated the residential development which is taking place in this area would be adversely impacted by this proposal.

Lance Pogones, property owner directly south, stated he feels this is not the appropriate location for this and that it should be in an industrial area.

Dwight Ault, resident of Lansing Township, stated he was very much in favor of recycling, however, feels this is not the appropriate place for it.

Elmer Akkerman, representing Lansing Township, wanted to know what happened to the tire recycling plant in Preston, MN. He also wanted to know what would happen if the CUP was approved and the business closed. He wanted to know who would be responsible for the costs to clean it up. He was concerned that Lansing Township would be responsible.

Evonne Bell, resident in the area, stated that the township roads, from her perspective, are not adequate for the truck traffic for bringing material to the site. She stated this is developing into a residential area and this is not the appropriate location.

Richard Anderson, a resident, voiced his opposition to the proposal. He stated this should be in the industrial park in Austin. He also thought County Road #46 is not adequate for the traffic.

Jeff Grabe, stated he doesn't live in the area but lives in Austin, stated he thinks the County needs to follow their code and feels this is not an appropriate use in this location.

Marty Helle, attorney with Hoversten, Johnson is concerned that the CUP would run with the land, which would allow others to come in and operate if Mr. Flynn ceased his operation.

DeNela Higgins, a future resident of the area, spoke and feels this is not an appropriate area and it would discourage her from moving into the area.

Cathy Hyland, neighbor directly north, owns horse and is concerned about the noise and the problems it could cause to her horses.

Steve Lykken, supported the other speakers and feels the area should be residential.

Scott Ulland, a realtor, stated that from his perspective as a realtor, the presence of the tire recycling facility would have a negative impact on property values.

Keith VanPelt, neighbor in the area, stated he recently built a home and feels this is not an area for tire recycling. He is concerned that the township road isn't a good road at the present time and heavy truck traffic would make it worse.

Ralph Waters, another citizen in the area, was concerned that they previously had to pick up items dumped when there was a disposal facility there and they would now have to pick up more tires, etc.

Scott Akkera, felt this operation was not an economic value to the County and that it would actually be deterrent.

Loren Bellrichard opposed the use and feels this area should be kept residential and the people should be listened to.

Amy McIntosh was opposed to it and feels it is not compatible with residential usage.

Glen Jacobsen, Assistant County Attorney, spoke and stated if the CUP was approved, the County could add other conditions on noise, hours of operation, number of tires and trailers. He also stated the County could require a Solid Waste Permit and that the permit could be permanent and go with the land.

Harold Boverhuis, representing Lansing Township, stated that from his perspective, the area is becoming residential and the area should be protected. He feels this type of activity should not be here, but in a commercial or industrial area.

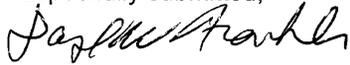
Conclude the Public Hearing: Ray Tucker closed the public hearing. Brian McAlister made a motion to approve CUP #576 because it was in accordance with 14-31 of the Mower County Zoning Ordinance with the conditions. Commissioner Tucker called for a second. There was no response. He called

for a second time with no response. He called a third time and the motion died for lack of a second. Bev Weness made a motion to deny CUP #576 because it would hurt the enjoyment of the area and is concerned about adequate roads. Ray Tucker called for a second twice. He called a third time and the motion died for lack of a second. After some discussion, a motion was made by Sheldon Lukes and seconded by Brian McAlister that all of the material be submitted to the County Board without a recommendation. The motion passed unanimously. They also requested that Mr. Flynn present a drawing showing the proposed facility and property lines.

It was stated that the County Board would be acting on this petition at the Tuesday, May 1, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:40 p.m. on a motion by Sheldon Lukes, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin
Mower County Planning Director

DWF:km