

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission – July 24, 2001

Members Present: Raymond Tucker, Beverly Weness, Myles Bendtsen, Brian McAlister, Sheldon Lukes, Diane Benson, Vance Larson

Members Absent: Harold Boverhuis

Others Present: Daryl W. Franklin, Lee Bonorden, Amy Olsen, Denice Mudra, Pat Oman, Garry Ellingson, John Cuddy

Chair Ray Tucker called the regular meeting to order at 7:00 p.m., on Tuesday, July 24, 2001, in the Board of Commissioners room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 26, 2001, meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Sheldon Lukes. The motion passed unanimously.

**CUP #578 – Zilkha Renewable Energy (Petitioner) and James Kellogg (Property Owner):** Conditional Use Permit #578 to install a 164 foot guyed meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at SW ¼ SE 1/4, Section 28, Clayton Township, Mower County, Minnesota. PIN #04-028-0010.

**Staff Presentation:** Reference was made to the site investigation performed by Sheldon Lukes and Beverly Weness on July 18, 2001. The staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** John Cuddy, Zilkha Renewable Energy, explained their proposal and stated the purpose is to gather meteorological data in the area such as barometric pressure and wind measurements.

**Statement from the Public:** A question was asked about how large an area would be used and the length of time the tower would be in place. Mr. Cuddy, Zilkha Renewable Energy, stated the tower will be guyed and will cover an 200 x 200 foot area of space and would be in place for approximately 24 months. He explained that they are powered by solar cells and the data is transferred via cell phones to their main office.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Vance Larson to recommend approval of CUP #578 with the conditions listed on the staff report, in addition to a time limit, because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

## **ZILKHA RENEWABLE ENERGY – CUP #578**

### **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 meteorological tower in Section 6 of Clayton Township 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. It will simply be a tower installed to gather data. It may actually enhance the property values because if there are sufficient results, property may be acquired for wind turbines.**

- (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 meteorological tower will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It 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.***

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

***The tower location is on a township road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.***

- (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 of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.***

- (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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.***

**The following are conditions of Conditional Use Permit #575:**

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The tower must be removed by September 1, 2003.

**Roll Call for CUP #578**

Beverly Weness – Yes  
Brian McAlister – Yes  
Myles Bendtsen – Yes  
Diane Benson – Yes

Sheldon Lukes – Yes  
Vance Larson - Yes

Summary: 6 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, August 7, 2001 meeting at 1:30 p.m. at the Mower County Courthouse.

**CUP #579 – Zilkha Renewable Energy (Petitioner) and Robert Hanson**

**(Property Owner):** Conditional Use Permit #579 to install a 164 foot meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at SW ¼ SW 1/4, Section 6, Clayton Township, Mower County, Minnesota. PIN #04-006-0050.

**Staff Presentation:** Reference was made to the site investigation performed by Sheldon Lukes and Beverly Weness on July 18, 2001. The staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Chair Tucker stated that this CUP request is a carbon copy of CUP #578 and asked if there were any objections. There were none and it was not necessary to request a presentation from Mr. Cuddy.

**Statement from the Public:** None

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Vance Larson to recommend approval of CUP #579 with the conditions listed on the staff report, in addition to a time limit, because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

**ZILKHA RENEWABLE ENERGY – CUP #579**

**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 meteorological tower in Section 6 of Clayton Township 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. It will simply be a tower installed to gather data. It may actually enhance the property values because if there are sufficient results, property may be acquired for wind turbines.**

- (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 installation of the meteorological tower will not adversely influence orderly development of the township. The township can still be used for agricultural pursuits or residential pursuits. It 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***

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

***The tower location is on a township road which provides adequate access to the site. The tower installation will not cause a need for drainage or other necessary facilities to the location.***

- (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 of the area and the sites, there is adequate off-street parking and loading space to serve the proposed tower during the construction phases and afterwards.***

- (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 installation of the tower will not create excessive noise. There will be no odor, fumes, dust, or vibration and therefore will not constitute a nuisance to adjoining properties. There also will not be any lighted signs on the tower except those lights which may be required by the FAA.**

**The following are conditions of Conditional Use Permit #579:**

1. Secure the necessary State, Federal or Local Permits.
2. Follow all applicable Federal and State safety and health regulations during construction process.
3. The tower must be removed by September 1, 2003.

**Roll Call for CUP #579**

Beverly Weness – Yes	Sheldon Lukes – Yes
Brian McAlister – Yes	Vance Larson - Yes
Myles Bendtsen – Yes	
Diane Benson – Yes	

Summary: 6 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, August 7, 2001 meeting at 1:30 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 Diane Benson. The motion passed unanimously.

Respectfully submitted,



Daryl W. Franklin

Mower County Planning Director

DWF:km