

Mower County Planning Commission

Minutes of the Mower County Planning Commission – July 22, 2003

Members Present: Dave Hillier, Myles Bendtsen, Brian McAlister, Diane Benson, Sheldon Lukes, Margaret Kirchner

Members Absent: Harold Boverhuis, Barb Hovde

Others Present: Daryl W. Franklin, Citizens

Dave Hillier called the special meeting to order at 7:00 p.m. on Tuesday, July 22, 2003, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the June 24, 2003, meeting were approved as mailed on a motion made by Brian McAlister and seconded by Sheldon Lukes. The motion passed unanimously.

CUP #638 – Michael Olson (Petitioner) and Laverne Kehret (Owner):

Conditional Use Permit #638 to plat property into residential lots on property pursuant to Section 14-67(f) of the Mower County Zoning Ordinance on property located at: OL 9 Exc. North Meadow 2nd & 3rd, Exc. 4 Ac. SW Cor & Exc. 3.56 Ac. in NE ¼, Section 23, Lansing Township; Mower County, Minnesota.

An informational meeting on this CUP request was heard at the June 24, 2003, Planning Commission meeting.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 17, 2003. Myles Bendtsen and Margaret Kirchner both felt the request was in accordance with the Comprehensive Plan. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Michael Olson spoke and talked about the proposal.

Statement from the Public: Bill Downs, neighbor, spoke and was concerned about the access road from the south. He stated that from his perspective, the people just had a private easement over his property.

Jim Sauer, spoke and stated he thought photos should have been taken on all sides of the property.

Mike Johnson spoke and was concerned about water run-off and wet basements.

Jim Rasmussen wanted to know about the up-keep of the ponds and why people would want to move next to the noisy power plant and the coal trains.

Dave Grant wanted to know if the ponds were for sewer.

Dave Hillier stated that the questions raised were very appropriate and that they would be looked at as this process goes forward. In particular, the concerns on the access road from the south and covenants to deal with the questions on ponds, etc.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Myles Bendtsen to recommend approval of CUP #638 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

**MICHAEL OLSON (PETITIONER) AND
LAVERNE KEHRET (OWNER) – CUP #638**

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 development of the plat by Michael Olson 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. The plat may actually enhance other property in the area and may be used for residential purposes.

- (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 plat will not impede the normal and orderly development. The proposed plat is located between two subdivisions 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 following the Mower County 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 development with the road system.

- (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 #638:

1. Comply with Mower County Subdivision Ordinance.
2. Site evaluations, including a minimum of two soil borings and two percolation tests will be conducted on the "primary" sewage treatment site for each lot. The site evaluations shall be submitted to the Mower County Environmental Services Department prior to selling any lots.
3. Easements as requested by Austin Utilities & others will be shown on plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly on 540th Avenue. Access for lots shall be from internal roads.
6. Developer will pay all cost associated with roads and driveway Installations including culverts and fill.
7. Developer will install access road according to County specifications.
8. Complete wetland inventory and evaluation, according to the 1987 Army Corps. Of Engineers Wetland Delineation Manual (NPDES) of area and submit with preliminary plat to the Mower County Planning Department.
9. The platting must be completed by August 31, 2004, if not the CUP is void.
10. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the County.
11. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity. Developer will be responsible for all costs.
12. Comply with State and Local requirements in regard to wells.
13. Complete and submit NPDES Permit for subdivision.
14. Any cost for residential signing for rural addressing of streets and homes shall be born by the developer.
15. 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.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #639 – Garwin McNeilus (Petitioner) and Lynn Sathre (Owner):
Conditional Use Permit #639 to construct up to four additional wind towers on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance

on property located at: NW ¼ , Section 14, Adams Township (PIN #01-013-0040) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on July 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Garwin McNeilus spoke and talked about the proposal.

Statement from the Public: Sherry Heimer, neighbor, was concerned on interference to their television. Mr. McNeilus stated that if there are problems with the television he wants to resolve this and wants people to contact him.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Sheldon Lukes to recommend approval of CUP #639 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

GARWIN MCNEILUS (PETITIONER) and LYNN SATHRE (OWNER) – CUP #639

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 wind turbines in Section 14 of Adams 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 may actually enhance the property values because if there is sufficient energy generated, more property may be acquired for wind turbines.

- (b) That the installation of the wind turbines will not adversely influence orderly development and improvement of surrounding vacant properties for uses predominant in the area.

The installation of the wind turbines will not adversely influence orderly development of the township. The adjoining property 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

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

The turbine location is off a county 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 #639:

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 CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #640 – Garwin McNeilus (Petitioner) and John Sathre (Owner):

Conditional Use Permit #640 to construct one additional wind tower on property pursuant to Section 14-51(t) of the Mower County Zoning Ordinance on property located at: NE ¼ , Section 14, Adams Township (PIN #01-013-0020) Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on July 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Garwin McNeilus spoke and talked about the proposal.

Statement from the Public: Sherry Heimer, neighbor, was concerned on interference to their television. Mr. McNeilus stated that if there are problems with the television he wants to resolve this and wants people to contact him.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Sheldon Lukes to recommend approval of CUP #640 with the following conditions because it is in accordance with section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

GARWIN MCNEILUS (PETITIONER) and JOHN SATHRE (OWNER) – CUP #640

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 wind turbines in Section 14 of Adams 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 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 wind turbines will not adversely influence orderly development of the township. The adjoining property 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 turbine location is off a county 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 turbine 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 #640:

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 CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #635 – Sharon Irene Haarstad: Conditional Use Permit #635 to allow the construction of a home in a wooded area with healthy and mature trees on land not currently used for agricultural purposes or suitable for economical

agricultural use because of poor soils, rough or steep topography or other natural features on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: SW ¼ Exc. N 960 ft. W 885 ft., Section 25, Sargeant Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on July 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Carl Haarstad spoke and talked about the proposal. He explained he would be selling approximately 15 acres.

Statement from the Public: Duane Rud, neighbor, spoke and was concerned that the Nate Thompson feedlot was closer than 1,000 feet. Lowell Franzen, Mower County Feedlot Officer, has confirmed that there are no licensed feedlots within 1,000 feet.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Diane Benson and seconded by Myles Bendtsen to recommend approval of CUP #635 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

SHARON IRENE HAARSTAD – CUP #635

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 development of this single parcel 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.

- (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 development of this single residential parcel 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.

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

By complying with the Mower County 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 #635:

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
5. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
6. The home must be located a minimum of 1,000 feet from any licensed feedlot.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #642 – Kim & Deborah Wilson: Conditional Use Permit #642 to construct a home in a wooded area pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: W 875 ft. S 580 ft. N 1315 ft. NW ¼ SW ¼ , S of Center of Road , Section 7, Pleasant Valley Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on May 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Bob Wilson spoke and talked about the proposal. They want to sell off about four acres.

Statement from the Public: Jim Gronseth, neighbor, spoke and was concerned about feedlots and the separation distance from the natural gas pipeline.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Myles Bendtsen to recommend approval of CUP #642 with the following

conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

KIM & DEBORAH WILSON – CUP #642

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.
- (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 development of this single residential parcel 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 Mower County 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 #642:

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.
5. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
6. The home must be located a minimum of 1,000 feet from any licensed feedlot.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #643 – Robert & Betty Wilson: Conditional Use Permit #643 to construct a home in a wooded area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: N ½ SW ¼ N of Center of Road, Exc. E 904 N 1106, Section 7, Pleasant Valley Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Sheldon Lukes on July 15, 2003. The Staff Report was presented with conditions and background information noted. A power point presentation was shown, including pictures of the surrounding site. The

Minnesota Dept. of Transportation sent an e-mail stating they didn't have a problem with the request.

Applicant's Presentation: Robert & Betty Wilson spoke and talked about the proposal. They want to sell off approximately twelve acres.

Statement from the Public: Jim Gronseth, neighbor, spoke and was concerned about feedlots and the separation distance from the natural gas pipeline.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Brian McAlister and seconded by Sheldon Lukes to recommend approval of CUP #643 with the following conditions because it is in accordance with Section 14-31 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

ROBERT & BETTY WILSON – CUP #643

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 development of this single parcel 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 development of this single residential parcel 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 Mower County 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 #643:

1. The new dwelling is to retain a separate lot.
2. The lot shall contain a minimum of 1 ½ acres (excludes road right-of-way).
3. Each lot shall contain 150 feet along the publicly dedicated road.
4. A Zoning Permit and ISTS Permit must be obtained prior to construction.

5. The CUP shall become void two years from the date of approval by the County Board if no construction has begun or the use has not been established.
6. The home must be located a minimum of 1,000 feet from any licensed feedlot.

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, August 5, 2003 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:35 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