

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – March 28, 2006

Members Present: Ray Tucker, Myles Bendtsen, Jim Risius, Barb Hovde & Harlan Peck

Members Absent: Margaret Kirchner

Others Present: Daryl W. Franklin, Citizens,

Ray Tucker called the regular meeting to order at 7:00 p.m. on Tuesday, March 28, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 28, 2006, regular meeting were approved as mailed on a motion made by Jim Risius and seconded by Harlan Peck. The motion passed unanimously.

**CUP #696 – Robert Crowell, Horizon Wind Energy and Kelly O’Brien, FPL Energy (Petitioners) and Various Land Owners:** High Prairie Wind Farm I, LLC and FPL Energy Mower County, LLC propose to construct, operate, maintain and own a new 161kV substation in Section 23 of Clayton Township. The two companies, along with High Prairie Wind Farm II, LLC also propose to construct, operate, maintain and own a 161 kV high voltage transmission line. The line will connect the proposed High Prairie Wind Farm at the new substation to the Adams Substation in Section 18 of Lodi Township. Conditional Use Permit #696 has been applied for pursuant to Section 14-51(g) of the Mower County Zoning Ordinance. See the attached map which shows the proposed route of the transmission line.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on March 22, 2006. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

**Applicant’s Presentation:** Robert Crowell introduced the individuals that were present: Doug Jones, Kate Wattson, Becky Langlie, John Seymour, Kelly O’Brien and John Mossberg. Mr. Crowell stated that the State conducted their informational meeting in Adams. He provided a little more information. They are talking about single poles for most of the structures and some of them will be double poles near the Adams Substation. The spacing will be twenty poles per mile.

Myles Bendtsen and Barb Hovde commented that these are needed facilities and they both felt it looked like a good project.

**Statements from the Public:** The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Myles Bendtsen and seconded by Barb Hovde to recommend approval of CUP #696 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

**HORIZON WIND ENERGY & FPL ENERGY  
(PETITIONERS) AND VARIOUS LAND OWNERS  
(OWNER) - CUP #696**

**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.

**There is no evidence to substantiate the power line or substation will cause significant devaluation of property.**

- (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 surrounding vacant properties are predominantly farmland. The transmission line or substation will not interfere with development of surrounding vacant property.***

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

***Adequate utilities, access roads, drainage, etc. are not needed for the transmission line. There is adequate access roads and drainage for the substation.***

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

***Nothing is being built that would require parking and/or loading spaces. Petitioners will be using County and Township roads during construction of the transmission line.***

- (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 transmission line and substation will not produce any light, odor, fumes, or vibration. Low level noise will not cause disturbance to neighboring properties.**

**The following are conditions of Conditional Use Permit #696:**

1. Prior to construction, the petitioner must submit copies of transmission line easements to Mower County Environmental Services.
2. Any wind turbine that feeds into the substation or transmission lines shall be located outside the established Mower County microwave beam pathways established for public safety.
3. Owner must contact the Mower County SWCD regarding the Wetland Conservation Act and provide the County a copy of one of the following:
  - a. A "No Loss Determination" (no wetlands on site).

- b. A "Wetland Exemption" (the act does not apply).
- c. A "Wetland Replacement Plan" approval.
- 4. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities.
- 5. Comply with all State and Federal rules and regulations.
- 6. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation and each wind turbine. Petitioner is responsible for all costs associated.

The motion passed unanimously. Chair Ray Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, April 4, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #697 – Robert Bartel:** Conditional Use Permit #697 to expand a current feedlot from its' current 2,000 animal units to up to 3,000 animal units pursuant to Section 14-51 (v) of the Mower County Zoning Ordinance on property located at: 13.71 Ac. NE Corner NE ¼ , Section 22, Udolpho Township and 3.67 Ac. E 1287.82 ft. S 124.18 ft. SE ¼ , Section 15, Udolpho Township, Mower County, MN.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Barb Hovde on March 22, 2006. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

**Applicant's Presentation:** Robert Bartel was present and spoke about the CUP request. He stated he bought the facility in 1991 and that it has been permitted for 25-30 years. He has done many studies in regard to it and he just wants to get up to the potential maximum size.

**Statements from the Public:** The Rochester Minnesota Department of Transportation Office sent an e-mail stating the proposal will have no significant impact on MN/DOT roadways.

Mr. & Mrs. Olgar Himle were present and spoke against it. They voiced concerns that Chrisy Olsen supposedly had a smaller number of cattle.

Laura & Paul Dale bought the property directly across from the site in 1989. They think that 14 acres is too small for this and feel it could have an impact on the value of their property.

Casey Hatch, representing the Vavra Subdivision, stated he was born and raised on a farm. He is concerned that if they do this, they need to be a good housekeeper.

Holly Naatz stated the CUP had been denied because it was over the expansion and that Mr. Bartel needs to apply for a variance. It was explained that the County does not enforce the Township zoning ordinance.

Keith & Sara Sayles were present and wanted to know about working together with the County. It was explained that if an agreement was in place this could be, but there currently is not an agreement so we work with the current operation.

Barb Hovde and Myles Bendtesen, Planning Commission member who went on the site investigation spoke and stated that while at the property it was rather congested, but considering the wetness, it was probably to be expected. Myles stated the members need to base the evaluation on the criteria of the Ordinance.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Myles Bendtsen to recommend approval of CUP #697 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

## **ROBERT B. BARTEL - CUP #697**

### **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 expansion of this feedlot 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 expansion will not impede the normal and orderly development. 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 conditions of the CUP and the State and Federal Regulations, 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 and State of Minnesota 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 the Amendment of Conditional Use Permit #697:**

1. Secure and present copies to the Feedlot Officer of all applicable State and Federal Permits. These permits must be received before the expansion can take place.
2. Submit a Manure Management Plan that details that there is an adequate acreage for the manure to be spread upon at the appropriate agronomic rates, including methods of spreading.
3. Submit detailed plans showing that the containment area for the feedlot area and the feed storage are adequately designed and developed to prevent run-off and contamination to the water of the County, State and Federal. The construction must be completed before the expansion can take place.
4. All plans must be submitted to the County and State for review.
5. Petitioner must complete and submit an EAW to the appropriate State agency for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the appropriate State agency.
6. The amount of livestock cannot exceed the 1,920 (current permitted animal units) animal units until all of the above items have been received and approved by the County.

The motion passed unanimously. Chair Ray Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, April 4, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:10 p.m. on a motion by Barb Hovde, seconded by Harlen Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director