

Mower County Planning Commission

Minutes of the Mower County Planning Commission – July 25, 2006

Members Present: Ray Tucker, Myles Bendtsen, Jim Risius, Margaret Kirchner & Harlen Peck

Members Absent: Barb Hovde

Others Present: Daryl W. Franklin, Citizens,

Ray Tucker called the regular meeting to order at 7:00 p.m. on Tuesday, July 25, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 30, 2006, regular meeting were approved as mailed on a motion made by Jim Risius and seconded by Margaret Kirchner. The motion passed unanimously.

CUP #703 – Chad & Laura Sayles: Conditional Use Permit #703 to construct an additional dwelling in a wooded area on property pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: N ½ SE ¼, Section 30, Windom Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on July 18, 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: Chad & Laura Sayles were present at the meeting and spoke about the CUP request. They stated there plan was to build a home on their 80 acre parcel and help Chad's parents with the farming operation.

Margaret Kirchner and Myles Bendtsen, Planning Commission Members that visited the site, both felt it was a good location and that it meets the criteria of our Ordinance.

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 Harlen Peck and seconded by Jim Risius to recommend approval of CUP #703 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.

CHAD & LAURA SAYLES - CUP #703

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 wooded 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 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 #703:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established. However, the County Board may extend the CUP for an additional twelve (12) months by a motion if the conditions are the same as the approved CUP.
3. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
4. 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.
5. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
6. Owner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

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, August 1, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #704 – Sandy Fredrickson (Petitioner) and Jason & Tamara Fredrickson (Owner): Conditional Use Permit #704 to construct an additional dwelling in a wooded area on property pursuant to Section 14-18.4 of the

Mower County Zoning Ordinance on property located at: S 494 ft. W ½ SE ¼ Exc. N 4 ft. W 404 ft. S 490 ft. SE ¼ SW ¼ , Section 34, Dexter Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on July 18, 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: Sandy Fredrickson was present at the meeting and spoke about the CUP request. She stated her plan was to construct a new home on approximately 2 acres of property

Margaret Kirchner and Myles Bendtsen, Planning Commission Members that visited the wooded site, both felt it was a good location and that it meets the criteria of our Ordinance.

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. Rudy Jeck spoke that he didn't have a concern with the additional home, but had question about an easement that was on the property. Ray explained that this was a civil matter and the County wasn't involved with easement questions.

Conclude the Public Hearing: Ray Tucker closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Harlen Peck to recommend approval of CUP #704 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.

SANDY FREDRICKSON (PETITIONER) AND JASON & TAMARA FREDRICKSON (OWNER) - CUP #704

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.

<p>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.</p>

- (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 wooded 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 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 #704:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on 12/31/08 if no construction has begun or the use has not been established. However, the County Board may extend the CUP for an additional twelve (12) months by a motion if the conditions are the same as the approved CUP.
3. The Petitioner shall be responsible for obtaining a 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.
4. 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.
5. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
6. Owner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.

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, August 1, 2006 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #705 – FPL Energy (Petitioner) and Sue Ann Dougan (Owner):

Conditional Use Permit #705 to install a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: SW ¼ Exc. W 535 ft. S 570 ft. N 989 ft. & S ½ NW ¼ , Section 20, Bennington Township, Mower County, MN.

Staff Presentation: Reference was made to the site investigation performed by Myles Bendtsen and Margaret Kirchner on June 18, 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: David Teman, FPL Energy, was present and spoke about the CUP request. He stated that it was a "Power Performance Tower," to evaluate the operation of the three or four wind turbines in this location. The 80 meter guyed tower would be installed after the crops are out in 2006 and removed before the crops are planted in 2007.

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. Terry and Doocy were concerned about lighting on the tower and how it would impact them. They also asked about interference from the wind turbines on television and cell phone. They were informed that the State of Minnesota permitted the wind farm and they would be given a contact at the State of Minnesota to discuss their concerns.

Conclude the Public Hearing: Ray Tucker closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Jim Risius to recommend approval of CUP #705 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.

FPL Energy (Petitioner) and Sue Ann Dougan (Owner) – CUP #705

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 20 of Bennington 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.

- (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 off 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 #694:

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 Ray Tucker does not vote.

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

There being no further business, the meeting adjourned at 7:45 p.m. on a motion by Jim Risius, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director