

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – December 19, 2006

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

Members Absent: Barb Hovde,

Others Present: Daryl W. Franklin, Citizens, Lee Bonorden

Ray Tucker called the special meeting to order at 7:00 p.m. on Tuesday, December 19, 2006, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the November 28, 2006, regular meeting were approved as mailed on a motion made by Margaret Kirchner and seconded by Jim Risius. The motion passed unanimously.

**Public Hearing on Environmental Assessment for High Prairie Wind Farm II, LLC :** High Prairie Wind Farm II, LLC has presented Mower County with an environmental assessment for a 161 kV substation and 161 kV transmission line pursuant to Minnesota Rules 4400.5000.

Bob Crowell, Doug Jones, & Kate Wattson, Horizon Wind Energy, were present and spoke about the environmental assessment and the overall project.

**Statements from the Public:** None

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Harlen Peck to recommend that the County Board approve the environmental assessment .

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, December 26, 2006 meeting at 11:00 a.m. at the Mower County Courthouse.

**CUP #711 – Robert Crowell, High Prairie Wind Farm II, LLC and Various Land Owners:**

High Prairie Wind Farm II, LLC proposes to construct, operate, maintain and own a new 161kV substation on property in Section 10 of Clayton Township. They also propose to construct, operate, maintain and own a 161 kV high voltage transmission line connecting the wind farm to the Mower County substation on property in Section 23, Clayton Township. CUP #711 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 Jim Risius on December 12, 2006. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area. Myles Bendtsen and Jim Risius both felt the site was a good location.

**Applicant's Presentation:** Robert Crowell introduced the individuals that were present: Doug Jones & Kate Wattson. Mr. Crowell stated that the State conducted their informational meeting in Grand Meadow.

**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.

Keith Voorhees, representing the Clayton Township Board, spoke stating the township doesn't have any concerns about the project.

**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 #711 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 #711**

**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, December 26, 2006 meeting at 11:00 a.m. at the Mower County Courthouse.

**CUP #713 – Merlin, Donna & Jan Hansen:** Conditional Use Permit to allow a wash-out area for hog trailers on property pursuant to Section 14-51(L) & (T) of the Mower County Zoning Ordinance on property located at: SE ¼ , Section 17, Sargeant Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on December 12, 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:** Jan Hansen was present and spoke about the CUP request.

**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.

Larry Sparks, representing Sargeant Township, spoke in favor of the CUP request.

**Conclude the Public Hearing:** Ray Tucker closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Myles Bendtsen to recommend approval of CUP #713 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:

## **MERLIN, DONNA & JAN HANSEN - CUP #713**

### **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 agricultural use 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 agricultural related use will not impede the normal and orderly development. The property is a working farmstead 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 the conditions of CUP #713:**

1. The operator is responsible to obtain all other required permits including but not limited to MPCA, NPDES, and DNR permits.
2. The truck washing facility is to only be used for vehicles associated with this producer's business.
3. All wastewater collected shall drain into a minimum of two 1,600 gallon septic tanks and disposed of on owner's property.
4. Obtain a Zoning Permit from Mower County for the new building.

The motion passed unanimously.

It was stated that the County Board would be acting on this petition at their Tuesday, December 26, 2006, meeting at 11:00 a.m. at the Mower County Courthouse.

**CUP #714 – Jill Anderson:** Conditional Use Permit to operate a riding stable business as an extended home occupation on property pursuant to Section 14-

51(f) & (t) of the Mower County Zoning Ordinance on property located at: W 990 ft. N 880 ft. SW ¼ Exc. W 660 ft. S 280 ft., Section 15, Frankford Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Myles Bendtsen and Jim Risius on December 12, 2006. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area.

Jim Risius and Myles Bendtsen both felt the site was a good location.

**Applicant's Presentation:** Jill Anderson was present at the meeting and spoke about the CUP request.

**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 Jim Risius and seconded by Harlen Peck to recommend approval of CUP #714 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:

## **JILL ANDERSON - CUP #714**

### **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 riding stable on an existing residential site 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 use on an existing 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 the conditions of CUP #714:**

None

The motion passed unanimously. Chair Tucker does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, December 26, 2006, meeting at 11:00 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:35 p.m. on a motion by Harlen Peck, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director