

Mower County Planning Commission

Minutes of the Mower County Planning Commission – February 22, 2007

Members Present: Tolly Tollefson, Myles Bendtsen, Jim Risius, Margaret Kirchner

Members Absent: Barb Hovde, Harlen Peck

Others Present: Daryl W. Franklin, Citizens,

Tolly Tollefson introduced himself and called the special meeting to order at 7:00 p.m. on Thursday, February 22, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the December 19, 2006, special meeting were approved as mailed on a motion made by Margaret Kirchner and seconded by Myles Bendtsen. The motion passed unanimously.

Election of Vice-Chair: It was explained that the Vice-Chair of the Planning Commission goes to the on-site investigation each month. A motion was made by Myles Bendtsen and seconded by Jim Risius to elect Margaret Kirchner as Vice-Chair of the Mower County Planning Commission. The motion passed unanimously.

CUP #715 – Janalea & Terry Huebbe: Conditional Use Permit #715 to allow a dog kennel (4 or more dogs over the age of four months) on property pursuant to Section 14-51(e) of the Mower County Zoning Ordinance on property located at: E 580 ft. W 955 ft. S 305 ft. SE ¼ , Section 20, Dexter Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner, Jim Risius & Harlen Peck on February 14, 2007. 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: Janalea Huebbe was present at the meeting and spoke about the CUP request. She talked about the operation they will be conducting. The kennel area will have a double fence, they will not be boarding other people's animals and their dogs will not be running loose.

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.

Duane Skov, Dexter Township, stated the township does not have a problem with the CUP request as long as the dogs are not running loose.

Conclude the Public Hearing: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend approval of CUP #715 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.

Janalea & Terry Huebbe – CUP #715

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 establishment of a dog kennel on 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 establishment of a dog kennel 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 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 #715:

1. The kennel would be limited to 25 dogs.
2. Comply with Minnesota Statute 325F.791, 346.39, 343.40 and any applicable MN Statute and amendments thereof.
3. The Mower County Sheriff's Department, Mower County Environmental Services Department or Minnesota Federated Humane Society agent has the right to make periodic inspections of the facility and of required record keeping.

The motion passed unanimously. Chair "Tolly" Tollefson does not vote. It was stated that the County Board would be acting on this petition at their Tuesday, March 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #716 – EnXco (Petitioner) and Harold & Helen Thaden (Owner):
Conditional Use Permit #716 to install a 50-meter guyed meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: W ½ & SE ¼ & SW ¼ NE ¼ , Section 17, Grand Meadow Township, Mower County, MN.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner, Jim Risius & Harlen Peck on February 14, 2007. 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: Steve Edwards, EnXco, was present and spoke about the CUP request. He talked about Governor Pawlenty's signing of a bill calling for 25% of all energy to be generated by renewable methods by 2025. He stated the meteorological tower would remain for 2-3 years. Discussion took place regarding lighting of the tower. Mr. Edwards stated that getting electricity to the site would be a problem since the tower location is in the middle of a field.

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: Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Margaret Kirchner to recommend approval of CUP #715 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.

**EnXco (Petitioner) and Harold & Helen Thaden (Owner) –
CUP #716**

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 17 of Grand Meadow 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 #716:

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.
4. Petitioner 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.

The motion passed unanimously. Chair Tolly Tollefson does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, March 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:30 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