

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – May 29, 2007

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

Members Absent: Harlen Peck

Others Present: Bob Crowell, Doug Jones, Brenna Gunderson, Daryl W. Franklin, Lee Bonorden & Citizens

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, May 29, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the April 24, 2007, regular meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Jim Risius. The motion passed unanimously.

**CUP #722 – Tung Van Tran (Petitioner) and Long Kim Le (Property Owner):** Conditional Use Permit #722 to display and sell up to five vehicles from the property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: W 242.8 ft. S 190 ft. SW ¼ NW ¼ , Section 13, Lyle Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Barb Hovde on May 23, 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:** Neither Tung Van Tran or Long Kim Le were present at the meeting to speak 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, provided no vehicles are parked within the Hwy. 218 right-of-way.

Jeannie Parmenter, representing Lyle Township, was present and stated the township doesn’t have a problem with the CUP request.

**Conclude the Public Hearing:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Margaret Kirchner seconded by Barb Hovde to recommend approval of CUP #722 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.

**TUNG VAN TRAN (PETITIONER) AND  
LONG KIM LE (OWNER) - CUP #722**

**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 display and sale of vehicles 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 displaying and selling of vehicles 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 the recommended conditions of CUP #722:**

1. No more than five vehicles may be displayed on the property.
2. No inoperable vehicles will be allowed on the site.
3. No vehicles will be allowed in the right-of-way of State Hwy. 218.
4. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, June 5, 2007 meeting at 1:05 p.m. at the Mower County Courthouse.

**CUP #723 – Daniel L. Mallory:** Conditional Use Permit #723 to construct an additional dwelling in the quarter section of land on property pursuant to Section

14-18.4 of the Mower County Zoning Ordinance on property located at: W 500 ft. Mathison Add #1, Section 27, Frankford Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Barb Hovde on May 23, 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:** Daniel & Ben Mallory were 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:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Myles Bendtsen to recommend approval of CUP #723 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.

## **DANIEL L. MALLORY - CUP #723**

### **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 #723:**

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 new residence will be used for a family member of the petitioner only. The new residence shall not be used for rental property of the petitioner nor future owners of the property.
4. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

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, June 5, 2007 meeting at 1:05 p.m. at the Mower County Courthouse.

**Amend Mower County Comprehensive Plan / Future Land Use Plan:**

Amend the Mower County Comprehensive Plan & Future Land Use Plan for property in Section 34, Grand Meadow Township and Section 10 of Clayton Township from the current "Agricultural" to "Industrial" uses. The following are the legal descriptions of each property:

**Section 34 – Grand Meadow Township**

6.5 Acres

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 103 North, Range 15 West, Mower County, Minnesota, described as follows:

Commencing at the southeast corner of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 34; thence South 88°58'17" West a distance of 450.02 feet, on an assumed bearing on the south line of said NE $\frac{1}{4}$ , to the point of beginning;

thence South 88°58'17" West a distance of 500.00 feet, on the south line of said NE $\frac{1}{4}$ ;

thence North 00°50'39" West a distance of 485.60 feet;

thence North 88°58'17" East a distance of 500.00 feet;

thence South 00°50'39" East a distance of 485.60 feet, to the point of beginning; subject to highway easement on the south side thereof.

**Section 10 – Clayton Township**

5 Acres

Commencing at a point on the East line of the Southeast Quarter of Section 10, Township 102 North of Range 15 West, 984 feet North of the Southeast Corner thereof, being the place of beginning, thence West parallel with the South line of said Southeast Quarter 578 feet, thence North parallel with the East line of said Southeast Quarter 456 feet; thence East parallel with the South line of said Southeast Quarter 578 feet to the East line of said Southeast Quarter, thence South along the East line of said Southeast Quarter 456 feet to the place of beginning.

Discussion took place regarding amendments to the Comprehensive Plan / Future Land Use Plan for two properties, including 6.5 acres in Section 34, Grand Meadow Township and for 5.0 acres in Section 10 of Clayton Township.

The Planning Commission felt that the changes were reasonable and the future uses would be compatible with the existing and proposed land uses in the area.

After some discussion, a motion was made by Barb Hovde and seconded by Jim Risius to amend the Mower County Comprehensive Plan/Future Land Use Plan for the two above properties in Grand Meadow and Clayton Township. The motion passed unanimously.

It was stated that the County Board would be acting on this request at their Tuesday, June 5, 2007 meeting at 1:05 p.m. at the Mower County Courthouse.

**Rezoning of Property – High Prairie Wind Farm II, LLC:** Rezone property in Section 34 of Grand Meadow Township from Agricultural to Industrial to allow the construction of an Operations and Maintenance Building to be constructed pursuant to Section 14-38 of the Mower County Zoning Ordinance on property located at: 6.5 Acres - part of the SE ¼ NE ¼ , Section 34, Grand Meadow Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Barb Hovde on May 23, 2007. Both felt the request was reasonable and the change would be compatible with the existing and proposed land uses. 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:** Doug Jones, Bob Crowell and Brenna Gunderson, Horizon Wind Energy, were present at the meeting and spoke about the rezoning 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:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Jim Risius to recommend approval of the rezoning of the property with the following conditions because it is in accordance with Section 14-38 of the Mower County Zoning Regulations.

**The following are conditions of the Rezoning of Property:**

1. If the property is not developed within 36 months from the date of the change, the property shall revert back to "Agricultural".
2. The rezoning is exclusive for an Operations & Maintenance Building and any other permitted or conditional uses in the Industrial zone will not be allowed unless the Mower County Board of Commissioners approves a change.

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, June 5, 2007 meeting at 1:05 p.m. at the Mower County Courthouse.

**Rezoning of Property – High Prairie Wind Farm II, LLC:** Rezone property in Section 10 of Clayton Township from Agricultural to Industrial to allow the construction of a 161 kV substation to be constructed pursuant to Section 14-38 of the Mower County Zoning Ordinance on property located at: 5.0 Acres - part of the SE ¼ , Section 10, Clayton Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Barb Hovde on May 23, 2007. Both felt the request was reasonable and the change would be compatible with the existing and proposed land uses. 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:** Doug Jones, Bob Crowell and Brenna Gunderson, Horizon Wind Energy, were 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:** 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 the rezoning of the property with the following conditions because it is in accordance with Section 14-38 of the Mower County Zoning Regulations.

**The following are conditions of the Rezoning of Property:**

1. If the property is not developed within 36 months from the date of the change, the property shall revert back to "Agricultural".
2. The rezoning is exclusive for an Operations & Maintenance Building and any other permitted or conditional uses in the Industrial zone will not be allowed unless the Mower County Board of Commissioners approves a change.

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, June 5, 2007 meeting at 1:05 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:35 p.m. on a motion by Jim Risius, seconded by Barb Hovde. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director