

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – June 26, 2007

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

Members Absent: Barb Hovde

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

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, June 26, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the May 29, 2007, regular meeting were approved as mailed on a motion made by Jim Risius and seconded by Myles Bendtsen. The motion passed unanimously.

**CUP #724 – Community Wind Development Group (Petitioner) and James & Jane Hartson (Property Owner):** Conditional Use Permit #724 to construct a meteorological tower on the property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: SW ¼ SE ¼ , Section 24, Waltham Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner, Harlen Peck and Dave Tollefson on June 20, 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:** Dan Juhl, Community Wind Development, and James Hartson were present at the meeting to speak about the CUP request. Mr. Juhl was concerned about the requirements for the met tower. He stated his company has installed met towers all over Minnesota and hasn’t had to get any permits. He also stated the FAA prohibits flying below 500 feet. Jim Hartson spoke and feels there is no need for a CUP. He stated his area is zoned Agricultural and he is simply harvesting the wind crop. Therefore, he feels it should be a permitted use.

**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 seconded by Harlen Peck to recommend approval of CUP #724 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.

**Community Wind Development Group (Petitioner) and  
James & Jane Hartson (Owner) –  
CUP #724**

**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 24 of Waltham 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 the recommended conditions of CUP #724:**

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.
5. The 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.
6. To provide visibility to aircraft the Petitioner shall be required to paint the top half of the tower alternating red and white in ten foot segments, fit each outside guy wire with a 20 foot long red and white plastic sleeve centered at 164 feet, and equip the top of the tower with a night-time flashing red light.

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, July 10, 2007 meeting at 11:00 a.m. at the Mower County Courthouse.

**Change of One Non-Conforming Use to Another – Adrianus J. Struyk (Petitioner) and Sheriff's Youth Programs of MN (Owner):** Change of One Non-Conforming Use to Another at the former Sheriff's Boys Ranch property to have a multi-use facility at the property including the following: Assisted Living, Child Daycare, Independent Living, Adult Daycare, Hall/Gymnasium Rental and Horse Boarding on property pursuant to Section 14-16(d) of the Mower County Zoning Ordinance on property located at: S 1820 ft. E ½ SE ¼ S & E of River Exc. E 948.7 ft. N 332 ft., Section 10, Austin Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner, Dave Tollefson and Harlen Peck on June 20, 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:** Adrianus J. Struyk was present at the meeting and spoke about the Change of One Non-Conforming Use to Another 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 Harlen Peck and seconded by Margaret Kirchner to recommend approval of the Change of One Non-Conforming Use to Another because the Commission felt the proposed uses were equally appropriate or more appropriate to the district than the previous non-conforming use.

**The following are conditions of the Change of One Non-Conforming Use to Another:**

1. All buildings must be in compliance with the provisions of the State Fire Code and any other regulations of applicable State licensing agencies.
2. [Have a compliance inspection completed on all ISTS that serve the facility and submit results to the County;](#)
3. Secure all applicable licenses from the Minnesota Department of Human Services and submit documents showing compliance with these;
4. The 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, July 10, 2007 meeting at 11:00 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:33 p.m. on a motion by Jim Risius, seconded by Harlen Peck. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin  
Mower County Planning Director