

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – November 27, 2007

Members Present: Dave “Tolly” Tollefson, Myles Bendtsen, Margaret Kirchner, Barb Hovda, Harlen Peck (arrived at 7:20 p.m.),

Members Absent: Jim Risius

Others Present: Daryl W. Franklin,

Dave “Tolly” Tollefson called the regular meeting to order at 7:00 p.m. on Tuesday, November 27, 2007, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the October 30, 2007, regular meeting were approved as mailed on a motion made by Myles Bendtsen and seconded by Barb Hovde. The motion passed unanimously.

**Public Hearing on Scoping the Grand Meadow Wind Farm Environmental Assessment:** Steve Edwards, EnXco, presented Mower County with a “proposed scope of an environmental assessment” for the 161 kV transmission line pursuant to Minnesota Rules 4400.5000. The purpose of this hearing is to allow the public an opportunity to participate in the development of the environmental assessment scope.

Steve Edwards, Ian Krywoski and Andrea Moffet, from EnXco, were present and spoke about the proposed scope for the environmental assessment.

**Statements from the Public:** Jim Hartson was at the meeting and wanted to know if EnXco was aware of the requirements concerning community based energy and if they made contact with groups before going forward with the wind project.

It was explained that what we were dealing with here was the substation and transmission line scoping document and that the main 100 watt megawatt project is being permitted by the State of Minnesota. These comments should be directed to Larry Hartman. Mr. Hartson was also concerned that EnXco was a foreign owned company.

Lynn Knutson was present, was concerned and had some questions on the substation, transmission line and wind farm.

**Conclude the Public Hearing:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Myles Bendtsen to recommend that the County Board authorize EnXco to proceed with the preparation of their environmental assessment based upon the proposed scope of work .

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 Thursday, December 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #732 – Kim & Deborah Wilson:** Conditional Use Permit #732 to display and sell up to ten vehicles from the property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: W 590 ft. N 370 ft. S 1895 ft. W ½ SW ¼ - 5 Acres , Section 18, Pleasant Valley Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on November 21, 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:** Kim Wilson was present at the meeting to speak about the CUP request. He explained that they had a car lot previously at the location.

**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 seconded by Barb Hovde to recommend approval of CUP #732 because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

## **KIM & DEBORAH WILSON - CUP #732**

### **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 #732:**

1. No more than ten vehicles may be displayed on the property.
2. No vehicles will be allowed in the right-of-way of the township road.
3. 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 Thursday, December 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

**CUP #733 – Jeff & Colleen Jennings:** Conditional Use Permit #733 to perform some blasting and quarry operations on a small area of the property pursuant to Section 14-51(y) of the Mower County Zoning Ordinance on property located at: W ½ SW ¼ , Exc. 1 Ac. RR Rtwy in SW Cor & Exc. .062 Ac. Adj. , Section 35, LeRoy Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on November 21, 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:** Jeff Jennings was present at the meeting to speak about the CUP request and answer questions.

**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.

Brian Baudler, representing Gerald Brande, was present at the meeting to find out more information about the CUP request. He was concerned about the length of the CUP.

**Conclude the Public Hearing:** Tolly Tollefson closed the public hearing. After some discussion, a motion was made by Harlen Peck seconded by Barb Hovde to recommend approval of CUP #733 because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

## **JEFF & COLLEEN JENNINGS CUP #733**

### **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 operation of the Conditional Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the proposed permitted, nor diminish and impair property values. The quarry operation will have limited usage and, therefore, will not have an impact on property owners.**

- (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 operation of the quarry will not impede the normal and orderly development of vacant property in the area. Most of the property to the south, north and east is agricultural with some limited homes and the quarry will not impact on their uses.***

- (c) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.

**The existing access road that has been installed to the facility is adequate for the facility. Drainage will also be handled by the appropriate DNR and MPCA-NPDES permit.**

- (d) That adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

***There is adequate parking, maneuvering and storage area for the proposed excavated material.***

- (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 operation as proposed by Mr. Koch should not be a nuisance to adjoining property owners. Noise and dust should not be a problem with the hours of operation placed as condition on the permit. There will be no lighted signs on the property to disturb adjoining property owners.**

**The following are the recommended conditions of CUP #733:**

1. The quarry operation including stockpiles of material must remain out of the floodplain of the Upper Iowa River
2. A \$2,000.00 Restoration Bond (\$2,000 Restoration Bond for the first acre based on 1 acre) must be posted with the County Auditor valid through July 1, 2009. The bond does not need to be posted until operations start.
3. A "No Trespassing" sign shall be posted at the entrance.
4. Comply with Article IV Excavation of Earth Products of the Mower County Code.
5. Extraction of materials shall be limited to areas as delineated on the site plan.
6. The quarry operation shall be limited to the site plan. Modifications shall require an amendment to the CUP.
7. Extration of limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way.
8. Provide dust treatment on state line road west from entrance to CSAH 12 a minimum of 300 feet per dwelling unit as needed only when hauling.
9. Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday – Saturday.
10. Blasting will be performed by a licensed and bonded operator.
11. Secure DNR Appropriations Permit and submit copy to the Mower County Environmental Services Office, if necessary.
12. Secure MPCA NPDES Permit and submit copies to Mower County Environmental Services Office, if necessary.
13. 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 Thursday, December 6, 2007 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:58 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