

# Mower County Planning Commission

## Minutes of the Mower County Planning Commission – January 22, 2008

Members Present: Richard Cummings, Jim Risius, Harlen Peck, Margaret Kirchner & Jane Thome

Members Absent: Barb Hovde

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

Richard Cummings called the special meeting to order at 7:00 p.m. on Tuesday, January 22, 2008, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Jane Thome, newly appointed Mower County Planning Commission Member was welcomed and introduced. Minutes of the December 18, 2007, special meeting were approved as mailed on a motion made by Jim Risius and seconded by Margaret Kirchner. The motion passed unanimously.

**Election of Vice-Chair of Mower County Planning Commission:** A motion was made by Harlen Peck to nominate Margaret Kirchner as Vice-Chair of the Mower County Planning Commission. Jim Risius seconded the motion and the motion passed unanimously.

Chairman Cummings decided to re-arrange the order of the CUP's on the agenda.

**Renewal of CUP #367 – Ulland Brothers, Inc. (Petitioner) and Ray Tucker (Property Owner):** Renewal of Conditional Use Permit to operate a gravel pit and recycle concrete and bituminous material to be crushed as an aggregate base material on approximately 3 acres of the property pursuant to Section 14-51(i) of the Mower County Zoning Ordinance on property located at: SW ¼ , Exc. 1 Square Ac. in SW Corner & Exc. S 210 ft. E 310 ft., Section 27, Dexter Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on January 16, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Valerie Raverty, Ulland Brothers, Inc. was present and spoke about the CUP renewal 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.

Duane Skov, Dexter Township, and Robert Unverzagt, neighbor to the site, spoke and were concerned about any road damage and dust to the Township roads. Valerie stated they would be working with the Township on the dust and road damage issues.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Jim Risius and seconded by Harlen Peck to recommend approval of the Renewal of CUP #367 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:

**ULLAND BROTHERS, INC. (PETITIONER) AND  
RAY TUCKER (OWNER) – RENEWAL OF CUP #367**

**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 the gravel pit and the crushing operation on the Tucker site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since the gravel pit and crushing will be operated in accordance with Mower County regulations.**

- (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.

***Vacant property in the area would not be impacted by the establishment of the gravel pit and crushing operation since it will be operated in accordance with County regulations.***

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

***There will be adequate access and utility roads to the property. An access road will be installed to the facility. When the pit operation is completed, the access road will be removed.***

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

***Based on the drawing and testimony submitted, the petitioner is providing sufficient parking and loading space to serve the proposed use.***

- (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 of the gravel pit and crushing operation as proposed on the Tucker property, includes taking measures and following requirements under Excavation of Earthen Products to control any excessive odor, fumes, dust, noise or vibration. Therefore, it will not constitute a nuisance to adjoining properties.**

**The following are the conditions of the Renewal of CUP #367:**

1. A \$2,750 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on a 3 acre parcel) must be posted with the county Auditor valid until six months after the facility closes.
2. Comply with Article IV Excavation of Earth Products of the Mower County Code.
3. Extraction of gravel, concrete and bituminous material

- shall be limited to area shown on Map B.
4. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
  5. The gravel pit sides when completed will have a slope no greater than 3:1 horizontal to vertical.
  6. Hours of operation shall be Monday – Saturday 7:00 a.m. to 8:00 p.m.
  7. Comply with the Wetland Conservation Act.
  8. Petitioner will provide calcium chloride in front of farms on the haul route up to paved road.
  9. If any damage beyond normal usage results in damaging the township road, petitioner/owner will be responsible for this damage.
  1. 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.

It was stated that the County Board would be acting on this petition at their Tuesday, January 29, 2008, meeting at 10:30 a.m. at the Mower County Courthouse.

**Renewal of CUP #617 – Ulland Brothers, Inc. (Petitioner) and Jason & Tamara Fredrickson (Property Owner):** Renewal of Conditional Use Permit to operate a gravel pit and recycle concrete and bituminous material to be crushed as an aggregate base material on approximately 8 acres of the property pursuant to Section 14-51(i) of the Mower County Zoning Ordinance on property located at: S 494 ft. W ½ SE ¼ Exc. W 404 ft. N 4 ft. & S 952.8 ft. E ½ SW ¼ Exc. E 876.1 ft. N 462.8 ft. & Exc. W 340 ft. S 490 ft. – 32.14 Acres , Section 34, Dexter Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on January 16, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Valerie Raverty, Ulland Brothers, Inc. was present at the meeting and spoke about the CUP renewal 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. Mike Adams, neighbor of the site, was present

and asked if the conditions on the renewal would be the same as the previous CUP. It was stated that they would be the same.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Harlen Peck to recommend approval of the Renewal of CUP #617 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:

**ULLAND BROTHERS, INC. (PETITIONER) AND  
JASON & TAMARA FREDRICKSON (OWNER) –  
RENEWAL OF CUP #617**

**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 the gravel pit and the crushing operation on the Fredrickson site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since the gravel pit and crushing will be operated in accordance with Mower County regulations.**

- (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.

***Vacant property in the area would not be impacted by the establishment of the gravel pit and crushing operation since it will be operated in accordance with County regulations.***

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

***There will be adequate access and utility roads to the property. An access road will be installed to the facility. When the pit operation is completed, the access road will be removed.***

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

***Based on the drawing and testimony submitted, the petitioner is providing sufficient parking and loading space to serve the proposed use.***

- (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 of the gravel pit and crushing operation as proposed on the Fredrickson property, includes taking measures and following requirements under Excavation of Earthen Products to control any excessive odor, fumes, dust, noise or vibration. Therefore, it will not constitute a nuisance to adjoining properties.**

**The following are the conditions of the Renewal of CUP #617:**

1. An \$7,250 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on an 8 acre parcel) must be posted with the county Auditor valid until six months after the facility closes.
2. Comply with Article IV Excavation of Earth Products of the Mower County Code with the exception of the separation distance from the Jack Bredfeldt residence which was reduced to 300 feet based upon the agreement letter signed by Jack Bredfeldt.

3. Extraction of gravel, concrete and bituminous material shall be limited to area shown on Map B.
4. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
5. The gravel pit sides when completed will have a slope no greater than 3:1 horizontal to vertical.
6. Hours of crushing operation shall be Monday – Saturday 8:00 a.m. to 7:00 p.m.
7. Hours of hauling operation shall be Monday – Saturday 8:00 a.m. to 7:00 p.m.
8. Hauling on Saturdays must go east on County State Aid Hwy. 13. No hauling is allowed on Sunday.
9. Comply with the Wetland Conservation Act.
10. 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 Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, January 29, 2008, meeting at 10:30 a.m. at the Mower County Courthouse.

**CUP #736 – Ulland Brothers, Inc. (Petitioner) and James Soucek (Property Owner):** Conditional Use Permit to operate a gravel pit, the crushing of aggregate material and the washing of sand and gravel material on approximately 23 acres of the site pursuant to Section 14-51(i) of the Mower County Zoning Ordinance on property located at: S ½ NE ¼ & N ½ SE ¼ North of Cntr-Line Twp. Rd Exc. RRY , Section 22, Lansing Township, Mower County, Minnesota.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on January 16, 2008. The Staff Report was presented with conditions and background information noted. A powerpoint presentation was shown, including photos of the surrounding area. It was explained that Lansing Township had reviewed and approved the CUP request for the operation.

**Applicant's Presentation:** Valerie Raverty, Ulland Brothers, Inc. was present at the meeting and spoke about the CUP renewal 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:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Margaret Kirchner to recommend approval of CUP #736 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:

**ULLAND BROTHERS, INC. (PETITIONER) AND  
JAMES SOUCEK (OWNER) – CUP #736**

**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 the gravel pit and the crushing operation on the Soucek site will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted since the gravel pit and crushing will be operated in accordance with Mower County regulations.**

- (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.

***Vacant property in the area would not be impacted by the establishment of the gravel pit and crushing operation since it will be operated in accordance with County regulations.***

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

***There will be adequate access and utility roads to the property. Access roads currently serve the facility.***



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

**Based on the drawing and testimony submitted, the petitioner is providing sufficient parking and loading space to serve the proposed use.**

- (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 of the gravel pit and crushing operation as proposed on the Soucek property, includes taking measures and following requirements under Excavation of Earthen Products to control any excessive odor, fumes, dust, noise or vibration. Therefore, it will not constitute a nuisance to adjoining properties.**

**The following are the conditions of CUP #736:**

1. An \$18,500 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on an 23 acre parcel) must be posted with the county Auditor while the pit is in operation.
2. Stock piling of aggregate material shall be at least 40 feet from residential property lines.
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. Owner must provide a copy to the County of an Erosion Control Plan for the site by working with the Mower County SWCD or by hiring a private contractor.
5. Ulland Brothers must maintain a low water mist during crushing operation.
6. Any runoff that would be present from this low water mist during the crushing operation must be contained and disposed by Ulland's.

7. Hours of operation would be from 7:00 a.m. to 7:00 p.m.
8. 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.
9. If any damage beyond normal usage results in damaging the township road, petitioner/owner will be responsible for this damage.

The motion passed unanimously. Chair Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, January 29, 2008, meeting at 10:30 a.m. at the Mower County Courthouse.

**Public Hearing on Environmental Assessment for the Grand Meadow Wind Farm:** EnXco has presented Mower County with an environmental assessment for a 161 kV substation and 161 kV transmission line pursuant to Minnesota Rules 4400.5000.

Ian Krygowski, EnXco, was present and spoke about the environmental assessment and the overall project.

**Statements from the Public:** Vicky & Mark Hassenius, David Morrison and Dan Berg spoke and commented on the Environmental Assessment and its' relationship to the substation and transmission line. The Hassenius' presented a document entitled, "Concerned Citizen Issues, Questions and Considerations". David Morrison presented a sheet entitled, "Comments on the Environmental Assessment and request for a CUP".

Vicky Hassenius was concerned about the potential de-valuation of property values , the EMS studies and conflict of interest.

Dan Page spoke about his concern and the eyesore, he questioned the reliability of wind and made a statements that he felt that at times, green isn't the best.

Dave Morrison presented his points to the Planning Commission and was concerned on the incremental erosion of the quality of life. He also was concerned about the lighting from the Pleasant Valley substation. He requested that consideration be given to downcast lighting, power line and substation noise. He stated that they should look at landscaping of the substation. He suggested that a table be prepared of house in the vicinity of the power line, show the distance and then what could be done for mitigation factors to the various houses. Mr. Morrison wanted to know if there were advantages of going through the County instead of the State. It was explained that EnXco had the option of doing the total State permit and the County would not have been

involved. Since the County had experience with FPL and Horizon Wind Energy's Environmental Assessments, this procedure would allow a forum for individuals to hear about the project and the County felt it was the best way to go.

There was also concern by Mr. Morrison of noise levels of the high voltage transmission line and substation and a concern that crop dusters might fly into the wind turbines.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing. Margaret Kirchner stated she was concerned about the issues, but stated that we are using more and more electricity. After some discussion, a motion was made by Harlen Peck and seconded by Margaret Kirchner to recommend that the County Board approve the environmental assessment with the understanding that the considerations raised by the Hossenius' and comments from David Morrison and the results of a meeting with Ian Krygowski and the neighbors to look at where they can mutually agree on certain points all be considered by the County Board prior to their approval of the Environmental Assessment and that the County Board continue this hearing until 11:30 a.m. on February 12, 2008.

The motion passed unanimously. Chair Richard Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, February 12, 2008 meeting at 11:30 a.m. at the Mower County Courthouse.

**CUP #734 – EnXco (Petitioner) and Paul J. Merz (Property Owner):** EnXco proposes to construct, operate, maintain and own a new 161kV substation on property in Section 8 of Grand Meadow Township pursuant to Section 14-51(g) of the Mower County Zoning Ordinance.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on January 16, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Ian Krygowski, EnXco, was present and spoke about the CUP request. He explained that they are purchasing approximately seven acres from Mr. Merz and that out of that seven acres, one acre would be for the substation. Again, the statements from the public were the same as presented on the Environmental Assessment.

**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:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Jim Risius to recommend approval of CUP #734 with the understanding that the considerations raised by the Hossenius' and comments from David Morrison and the results of a meeting with Ian Krygowski and the neighbors to look at where they can mutually agree on certain points all be considered by the County Board prior to their approval and that the County Board continue this hearing until 11:30 a.m. on February 12, 2008 . It is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

**ENXCO (PETITIONER) AND PAUL J. MERZ  
(OWNER) - CUP #734**

**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 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 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 substation. 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.

***There will be adequate off-street parking provided to serve the substation. Petitioners will be using County roads during construction of the substation..***

- (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 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 #734:**

1. Prior to construction, a Zoning Permit must be obtained.
2. 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.
3. Secure and submit MPCA (NPDES) General Stormwater Permit for Construction Activities.
4. Comply with all State and Federal rules and regulations.

5. Contact the Mower County Engineer to secure and install a "911" rural address and sign for the substation. Petitioner is responsible for all costs associated.
6. 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.

A role call was taken and is follows:

Margaret Kirchner– Yes  
Harlen Peck - Yes

Jane Thome - No  
Jim Risius - Yes

The motion passed on a 3-1 vote. Chair Richard Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, February 12, 2008 meeting at 11:30 a.m. to allow EnXco to meet with the neighbors on their concerns. The meeting will be held at the Mower County Courthouse.

**CUP #735 – EnXco (Petitioner) and Various Land Owners:** EnXco proposes to construct, operate, maintain and own a 161 kV high voltage transmission line to be constructed from the new substation in Section 8 of Grand Meadow Township northerly to the Pleasant Valley substation in the NE ¼ of Section 19, Pleasant Valley Township.

**Staff Presentation:** Reference was made to the site investigation performed by Margaret Kirchner and Jim Risius on January 16, 2008. The Staff Report was presented with conditions and background information noted.

**Applicant's Presentation:** Ian Krygowski, EnXco, was present and spoke about the CUP request for the power line. He explained that the power line would be overhead from the substation, then going north approximately 1/3 of a mile and then west a mile and straight north on the township road (behind the township right-of-way) to the Pleasant Valley Substation. They are currently proposing single poles with the three wires on the material. He explained that the current 345 power line is not owned by EnXco and that it is not engineeringly feasible to over-build the line and also there is a question of certain interference between the two power lines.

**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.

The neighbors, again had very similar comments as before. Vicky Hessenius was concerned about stray voltage and the financial impact. She also wanted to know if the power line could be buried as it immediately exited the substation and then went north and then west so it would not be overhead near their property.

Concerns were raised by some of the Planning Commission members that if you bury the line, you may be interfering with the sub-surface drainage tiles in the area and may have more of a chance for stray voltage, considering the large size of the power line.

**Conclude the Public Hearing:** Richard Cummings closed the public hearing. After some discussion, a motion was made by Harlen Peck and seconded by Jane Thome to recommend approval of CUP #735 and requested the County Board to consider the material presented by the Hessenius', the material by Mr. Morrison and the results of the meeting between EnXco and the neighbors before the County Board renders their decision and that the County Board continue this hearing until 11:30 a.m. on February 12, 2008. It is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the following Findings of Fact.

## **ENXCO (PETITIONER) AND VARIOUS LAND OWNERS (OWNER) - CUP #735**

### **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.***

- (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 #735:**

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. 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 Richard Cummings does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, February 12, 2008 meeting at 11:30 a.m. to allow EnXco to meet with neighbors in the area about their concerns. The meeting will be held at the Mower County Courthouse.

There being no further business, the meeting adjourned at 9:26 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