

Mower County Planning Commission

Minutes of the Mower County Planning Commission – August 27, 2008

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

Members Absent: None

Others Present: Angela M. Knish, Citizens, Lee Bonorden, Keith Gillette, Lois Danks, Sean & Kerri Waugh, Danny Linbo, Larry Sparks, Jim Hartson, Eugene Anderson, Jeff Broberg, Dave Savage

Richard Cummings called the regular meeting to order at 7:00 p.m. on Wednesday, August 27, 2008, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the February 26, 2008, regular meeting were approved as mailed on a motion made by Jim Risius and seconded by Harlen Peck. The motion passed unanimously.

CUP #742 – D. Sean & Kerri Waugh: Conditional Use Permit #742 to move a mobile home on the property for a relative to live in temporarily pursuant to Section 14-18.4 of the Mower County Zoning Ordinance on property located at: W 545 ft. S 390 ft. N 1065 ft. NW ¼ NW ¼ SW ¼ Exc. S 115 ft. N 790 ft., Section 25, Dexter Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on August 20, 2008. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: D. Sean & Kerri Waugh were at the meeting and spoke about the CUP request.

Statements from the Public: Margaret Kirchner and Jane Thome, Planning Commission members that went on the site visit to the property, spoke and both felt it was an appropriate place for a trailer. The ISTS will be new for the existing home and the new mobile home.

Conclude the Public Hearing: Richard Cummings closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Margaret Kirchner to recommend approval of CUP #742 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are conditions of Conditional Use Permit #742:

1. A Zoning Permit and ISTS Permit must be obtained prior to construction.
2. The CUP shall become void on *(County Board to fill in date)*_____ 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. An ISTS shall be designed, installed and maintained according to MN rules 7080 & Mower County's ISTS Ordinance.
4. Petitioner must sign a "Rural and Agricultural Home Owners Assumption of Risk Assessment Form" and have it recorded at the Mower County Recorder's Office.
5. 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, September 2, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #738 – Renewable Energy Systems Americas, Inc. (Petitioner) and Leslie Tapp (Property Owner): Conditional Use Permit #738 to construct a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: SW ¼ Exc. W 400 ft. E 1400 ft. S 623 ft. & 91 Ac. NW ¼ S of RR, Section 17, Dexter Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on August 20, 2008. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Dave Savage, and Jeff Broberg Renewable Energy Systems Americas, Inc., were present at the meeting and spoke about the CUP request for the meteorological tower.

Statements from the Public:

Jim Hatson expressed concerns regarding taking cropland out of production, setbacks from property lines and roads for met towers, and inquiring if the landowner had signed the permit as well as the petitioner for the met towers.

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 #738 with the following conditions because it is

in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are conditions of Conditional Use Permit #738:

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.
7. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.

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, September 2, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #739 – Renewable Energy Systems Americas, Inc. (Petitioner) and Keith Gillette (Property Owner): Conditional Use Permit #739 to construct a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: E ½ SW ¼ & SE ¼ NW ¼ , Section 26, Waltham Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on August 20, 2008. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Dave Savage and Jeff Broberg, Renewable Energy Systems Americas, Inc., were present at the meeting and spoke about the CUP request for the meteorological tower.

Statements from the Public:

Eugene Anderson, Waltham Township expressed concern that the properties were not posted with a sign by the zoning office that the land was under zoning petition and that the order of site visit was not adhered to.

Knish apologized to Mr. Anderson and the Waltham Township Board for the oversight and noted that order of future meetings would be strictly adhered to, but this error was purely an oversight on her part.

Conclude the Public Hearing: Richard Cummings closed the public hearing. After some discussion, a motion was made by Jane Thome and seconded by Barb Hovde to recommend approval of CUP #739 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are conditions of Conditional Use Permit #739:

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.
7. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.

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, September 2, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #740 – Renewable Energy Systems Americas, Inc. (Petitioner) and Michael, Robert & Jim Gebhardt (Property Owner): Conditional Use Permit #740 to construct a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: SE ¼ Exc. W 473 ft. S 653 ft., Section 11, Waltham Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on August 20, 2008. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Dave Savage, Jeff Broberg, Renewable Energy Systems Americas, Inc., were present at the meeting and spoke about the CUP request for the meteorological tower.

Statements from the Public:
none

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 CUP #740 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are conditions of Conditional Use Permit #741:

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.

7. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.

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, September 2, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

CUP #741 – Renewable Energy Systems Americas, Inc. (Petitioner) and LaVaine Linbo (Property Owner): Conditional Use Permit #741 to construct a meteorological tower on property pursuant to Section 14-51(d) of the Mower County Zoning Ordinance on property located at: E ½ of Sec. S & E of Creek, Section 10, Sargeant Township, Mower County, Minnesota.

Staff Presentation: Reference was made to the site investigation performed by Margaret Kirchner and Jane Thome on August 20, 2008. The Staff Report was presented with conditions and background information noted.

Applicant's Presentation: Dave Savage, Jeff Broberg, Renewable Energy Systems Americas, Inc., was present at the meeting and spoke about the CUP request for the meteorological tower.

Statements from the Public:

None

Conclude the Public Hearing: Richard Cummings closed the public hearing. After some discussion, a motion was made by Barb Hovde and seconded by Jim Risius to recommend approval of CUP #741 with the following conditions because it is in accordance with Section 14-51 of the Mower County Zoning Regulations and adopting the attached Findings of Fact.

The following are conditions of Conditional Use Permit #741:

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.
- 7. To provide visibility to agricultural equipment operators, a brightly colored plastic sleeve no less than 3 feet in length shall be placed at the bottom of the guy wire/anchor area.

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, September 2, 2008 meeting at 1:15 p.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 8:10 p.m. on a motion by Jim Risius seconded by Harlan Peck. The motion passed unanimously.

Respectfully submitted,

Angela M. Knish, Director
Mower County Environmental Services