

BOARD OF ADJUSTMENT, GOODHUE COUNTY, MN

AUGUST 23, 2010

The meeting of the Goodhue County Board of Adjustment was called to order at 6:30 p.m. by Chair Judy Fritzingler in the Goodhue County Justice Center located at 454 West Sixth Street in Red Wing, Minnesota.

Present: Judy Fritzingler Mike Hinsch Mike Wozniak Rich Bauer Dennis Monroe
Brad Anderson

Absent: M. McKay

¹Motion by R. Bauer seconded by B. Anderson and carried to approve the August 23, 2010 Board of Adjustment Agenda. Motion carried 5-0.

²Motion by B. Anderson seconded by D. Monroe and carried to approve the July 26, 2010 Board of Adjustment regular meeting minutes. Motion carried 5-0.

Conflict/Disclosure of Interest: M. Hinsch, abstain from Nibbe variance, he is a close friend.

Paul Nibbe/Evan Downey/Steve Janus –Part of SE ¼, Section 16, T110N, R15W, Zumbrota Township. The request is for a variance to allow a 182 foot tall non-commercial wind energy conversion system (WECS) 554' from a neighboring dwelling instead of the required 750'. The request includes a variance to place the non-commercial WECS closer than the required 1.1 times the total height of the structure, the closest structure would be 5' from the WECS for a variance of 195.2 feet.

M. Wozniak presented the revised staff report, findings of fact and staff recommendation. He presented additional information from applicant. He stated the thing to focus on is that we haven't approved very many of these non-commercial wind turbines, it is not clear whether the 750' setback is appropriate for the different wind products that are used in Goodhue County. We did approve two that were 120' in height. The difference here is the property drops off and they are trying to get the most performance out of the machine.

Discussion

Mrs. Nibbe and Steve Janus or Evan Downey was present for the request.

B. Anderson asked what the setback was to the road right of way.

M. Wozniak said the distance of the fall zone plus 10 feet or 1 times the total height, so 182' in this case.

Evan Downey said that the neighbor has no problem with it. Any actual view would be blocked by trees. We would have to increase the wire size for voltage drop and 12' downhill would decrease the performance as well. There is also a natural spring at the 750' setback. The tower is rated at 125 mph winds with 1.25" ice.

B. Anderson asked about the discrepancy from the report.

Mr. Downey said that was for a different tower.

B. Anderson said if you go west and you would be higher than you are now.

Mr. Downey said that would be dramatically farther from the meter. You can't run the lines ¼ mile, it just wouldn't work.

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Mrs. Nibbe said we don't won't to run this on a contour. Paul made the statement last week was building #2 would be destroyed.

Mr. Downey said the insurance didn't have any issues with the location of the tower.

M. Wozniak said that there are concerns, if it fails, the Board has to decide what is necessary to meet the intent of our ordinance. Not to say that if you have a silo that falls you are going to have concerns too.

C/J. Fritzingler clarified the height.

Mr. Downey said that 80-90% of the ice is due to the speed of the blades and most of it will hit the tower and bust apart.

B. Anderson asked about the tower in Welch.

K. Gross said that was prior to our ordinance.

D. Monroe asked about building #2.

M. Wozniak said that if that building were removed prior to the building permit being issued, there wouldn't be a concern with that setback.

Mr. Downey asked why this ordinance was adopted.

M. Wozniak said that the County was starting to see interest in Wind Energy development. Both small and large wind energy development. The County was getting requests for small wind towers and for meteorological towers. The ordinance was based on a model from several southern Minnesota counties.

Mr. Downey said that he has done a few of these and has only seen an ordinance one other time.

R. Bauer asked about other counties.

Mr. Downey said only one county had a structural setback and a few have a 500' setback. Some counties you can put the thing 20' off the corner of your own house if you want to.

Mrs. Nibbe asked what the 75-' setback was for.

M. Wozniak said that the research was done but we talked to some of the counties that used the standards, a variety played into it, noise, flicker, safety concerns regarding failure for general health safety reasons. The county didn't invent that standard we found one that was used by several counties that was dealing with wind energy development in one scale or another.

Mr. Downey said that noise or flicker you can see in the chart, the neighbors aren't going to hear this at all. The flash concerns, the sun goes east to west, at no time is flicker going to be directed in that area.

Mrs. Nibbe said if it is 50 db at a 130' even at the base of the tower you are not going to have 50 db.

C/J. Fritzingler opened the public hearing.

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Marie Lyman said they have discussed this and she is from CA and finds no problems with the wind turbine. It would give the township and the Board the possibility of others if this were set up it would be a basis for other standards so she is in favor of it.

Dean Tiedeman chair of Zumbrota township. They have many in the township working with the large wind. We voted to ok it, because of the variance where they want to set it doesn't effect agricultural land, we don't have to build a road to get to it. They are more than willing to work things out if they need to go further. Zumbrota township is in favor for them.

After no further public comment it was motioned by B. Anderson and seconded by D. Monroe to close public comment. Motion carried 4-0

D. Monroe said that we don't deal with economics, what is the total picture of going further away.

Mr. Downey said that the further away you go there is a concern with voltage droppage. When you are looking at a certain length you are looking at 15xx worth of wire.

B. Anderson asked where it gets connected.

Mrs. Nibbe said the x between 4 and 6 is the meter pole, it is btwn 240 and 250 feet.

M. Wozniak said economics can't be the sole factor, but it can be one of the factors.

Mrs. Nibbe said we have a small farm and the tillable acreage is limited due to the contors, any disruption will be felt.

B. Anderson asked about the Planning Advisory Commissions recommendations regarding the conditional use permit.

B. Anderson said he doesn't like that structure being that close to other structures.

Mr. Downey asked if it was a safety issue. They wouldn't be still in business if they had towers falling over.

M. Wozniak said that the distance for wireless communication towers is a similar standard. Some of them have provided the engineering data to be allowed to be the distance fo the fall zone.

B. Anderson said they are taking the risk of putting it next to their buildings. He wishes he had a number to say the hardship would cost x to move it out into the field.

M. Wozniak said we don't have enough experience with wind turbines. Over time we will get a better sense of safety records, but we don't have the test of time at this point. Staff took the conservative approach to this one. We have to review this on the circumstances the applicant has proposed. If you were inclined to approve them, the topography the economics and the xxx

B. Anderson asked what the footprint is.

Mr. Downey said the mat is under the ground and will vary from 24x24 to 27x27, there will be three piers and is 15' apart in a triangle.

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B. Anderson said that the footprint is 30 square feet back.

R. Bauer said that everyone's interconnect is in their yard, so if we are going to vote for it, we would be saying we have to change our standards. Even if there wasn't topography.

D. Monroe said if we approve this we are saying something about our standard.

M. Wozniak said you are looking at the merits of this request, but you have to think do you want to continue to get the requests time and again.

3Motion by D. Monroe and seconded by B. Anderson to approve the variance to allow a 182 foot tall non-commercial wind energy conversion system (WECS) 554' from a neighboring dwelling instead of the required 750'. The request includes a variance to place the non-commercial WECS closer than the required 1.1 times the total height of the structure, the closest structure would be 5' from the WECS for a variance of 195.2 feet, based on the applicants findings of fact.

B. Anderson clarified the building 5' away is destroyed.

Motion carried 4-0-1 abstain.

M. Hinsch returned to the Board.

Henry Bollum – W ½ of SE ¼ Section 16, T111N, R14W, Belvidere Township. The request is an appeal to staff's decision that the location does not meet the definition of a replacement dwelling site. The relief requested is that the Board determines the location a replacement dwelling site.

M. Wozniak presented the staff report, findings of fact and staff recommendation.

Discussion

Mr. Bollum was present for the request. He stated there was a well with a big rock on top of the well head.

R. Bauer asked how long he has owned the property.

Mr. Bollum said 1981.

R. Bauer asked if there was a structure there when he bought it.

Mr. Bollum said he remembers a house there when he was a young boy but he didn't go in it but it wasn't there when he bought it.

C/J. Fritzinger opened the public hearing.

No one present wished to speak for or against the request.

After no public comment it was motioned by B. Anderson and seconded by R. Bauer to close public comment. Motion carried 5-0

B. Anderson said Belvidere Township ok'd this as a replacement dwelling site.

M. Wozniak said the 4th was permitted not that long ago.

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4Motion by C/J. Fritzinger and seconded by D. Monroe approve the appeal to staff's decision that the location does not meet the definition of a replacement dwelling site and acknowledge that the location meets the intent of the ordinance for a replacement dwelling location.

B. Anderson said you are considering the well as the defined farmyard and the foundation.

Motion carried 5-0.

Circle K Family Farms – S ½ of NW ¼ Section 26, T111N, R14W, Belvidere Township. The request is a variance to allow an accessory building/feedlot to be located 52' from the south property line instead of the required 100' side yard setback (variance is for 48').

M. Wozniak presented the staff report, findings of fact and staff recommendation.

Discussion

Mike, Jeff, and Yan Kohlenhoffer were present for the request. Because of the way to ventilate the building, not recirculate the exhaust are into the new building.

B. Anderson said that the reason for the setback is runoff issues, and that would not be an issue here.

R. Bauer asked if anybody communicated with Ms. Poncelet.

Y. Kohlenhoffer said he did and she didn't have any issues.

C/J. Fritzinger opened the public hearing.

No one present wished to speak for or against the request

After no public comment it was motioned by M. Hinsch and seconded by D. Monroe to close public comment. Motion carried 5:0.

5Motion by B. Anderson and seconded by R. Bauer approve the variance to allow an accessory building/feedlot to be located 52' from the south property line instead of the required 100' side yard setback (variance is for 48'). Motion carried 5:0.

Myron Payne – Lot 32 Block 5 West 10 feet of Lot 33, Wacouta Beach Plat, Wacouta Township. The request is a variance to place a septic tank 8' from a side property line and 8' from a structure instead of the required 10' setback, and to place a pressurized bed 2' from a structure instead of the required 20' setback and to place the pressurized bed within the bluff impact zone.

M. Wozniak presented the staff report, findings of fact and staff recommendation.

Discussion

Mr. and Mrs. Payne was present for the request.

Mr. Payne said that the current septic tank is located within the bluff impact zone and is in the same location where they would like to place the pressurized bed.

M. Wozniak said that the key thing here is the 50' setback from wells is the limiting factors.

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Mr. Payne said that they will have to abandon and redrill a new well. Because the well is closer than 50' to the existing feet. But the well and the septic is not registered with the county. Wacouta township approved the variance as well.

C/J. Fritzinger opened the public hearing.

Tom Jiles is the neighbor and supports the plan to upgrade.

Jack Strobel is a neighbor one house removed and agrees that it is difficult to find any area to put a septic on the east end of Wacouta. The old systems out there are pretty unsatisfactory.

After no further public comment it was motioned by B. Anderson and seconded by D. Monroe to close public comment. Motion carried 5-0.

B. Anderson asked if there is any consideration to share some of these wells.

M. Wozniak said that if a property owner came across a situation where they just couldn't meet the well standards, it can come up sometime if there is any additional subdivision of this land. If someone has a functioning well, the problem is someone may have concerns with sharing there well. It is a challenge in the existing built areas.

Mr. Payne said that the new well may be 50' from the neighbors well, but may not the same aquafir. We discussed that, but we were told that you have to put together a legal agreement, and banks get squimish to finance.

M. Wozniak said that it becomes difficult for who is responsible for this or that.

Mr. Payne said they would be much happier with a Wacouta Septic System.

6Motion by B. Anderson and seconded by M. Hinsch to approve the variance to place a septic tank 8' from a side property line and 8' from a structure instead of the required 10' setback, and to place a pressurized bed 2' from a structure instead of the required 20' setback and to place the pressurized bed within the bluff impact zone. Motion carried 5-0

Staff Updates:

M. Wozniak said they were here until 12:30 AM at the last PAC discussing the wind ordinance.

7Motion by B. Anderson and seconded by D. Monroe to adjourn the August 23, 2010 Board of Adjustment meeting at 8:05 p.m. Motion carried 5-0.

Respectfully Submitted,

Kristi Gross

Secretary

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MINUTES

- ¹ APPROVE August 23, 2010 Board of Adjustment Agenda. Motion carried 5:0.
- ² APPROVE the July 26, 2010 Board of Adjustment regular meeting minutes as amended. Motion carried 5:0.
- ³ APPROVE variance to allow a 182 foot tall non-commercial wind energy conversion system (WECS) 554' from a neighboring dwelling instead of the required 750'. The request includes a variance to place the non-commercial WECS closer than the required 1.1 times the total height of the structure, the closest structure would be 5' from the WECS for a variance of 195.2 feet. Motion carried 4-0-1.
- ⁴ APPROVE appeal to staff's decision that the location does not meet the definition of a replacement dwelling site and acknowledge that the location meets the intent of the ordinance for a replacement dwelling location. Motion carried 5-0.
- ⁵ APPROVE the variance to allow an accessory building/feedlot to be located 52' from the south property line instead of the required 100' side yard setback (variance is for 48'). Motion carried 5-0.
- ⁶ APPROVE variance to place a septic tank 8' from a side property line and 8' from a structure instead of the required 10' setback, and to place a pressurized bed 2' from a structure instead of the required 20' setback and to place the pressurized bed within the bluff impact zone. Motion carried 5-0
- ⁷ ADJOURN August 23, 2010 Board of Adjustment meeting at 8:05 p.m. Motion carried 5:0.