



Le Sueur County, MN

Tuesday, November 24, 2015

Board Meeting

Item 2

9:05 a.m. Kathy Brockway, Zoning Administrator (5 minutes)

Request for Action--2 CUP's, Traxler Construction, Unimin Corporation/ Receipt of BWSR Money

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
November 12, 2015

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz
MEMBERS ABSENT: Chuck Retka
OTHERS PRESENT: Kathy Brockway

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN (APPLICANT); BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, Mineral Resources "MR" Overlay District, and the Airport Zoning "AZ" Overlay District. Property is located in the S 1/2 of the SE1/4 and the E 1/2 of the SE1/4, Section 11, Ottawa Township. *(No public comment due to a Mandatory Environmental Review).*

Kathy Brockway presented power point presentation. Patrick Traxler, Traxler Construction was present for application. Also, present was Kirsten Pauley, Sunde Engineering, consultant working on behalf of Le Sueur County with the review of the environmental documents.

Kirsten Pauley stated that she went through the environmental documents as submitted by the proposer and requested several changes. The changes have been incorporated into the document; therefore, she recommends that the Planning Commission recommend approval of the documents to the County Board of Commissioners for publication.

PUBLIC COMMENT: No Public comment due to Environmental Review process.

Motion was made by Don Reak to approve the Environmental Assessment Worksheet for publication. Seconded by Doug Krenik. Motion approved. Motion carried.

ITEM #2: UNIMIN CORPORATION, KASOTA, MN (APPLICANT/OWNER). Requests that the County amend an existing Conditional Use Permit #29000, to allow a mineral extraction expansion of 500.3 mineable acres to be known as the 'Southeast Mine' in a Conservancy "C" District and Mineral Resources "MR" Overlay District. Property is located in all that part of Sections 5, 8, and 17, Kasota Township. *(No public comment due to a Mandatory Environmental Review).*

Kathy Brockway presented power point presentation. Unimin Corporation representatives were present for the application.

PUBLIC COMMENT: No Public comment due to Environmental Review process.

Motion was made by Al Gehrke to table the application until such time the Environmental Impact Statement is complete and to continue working with the consultant in the review process. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #3: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

Kathy Brockway presented power point presentation. Will Cooksey, was present for application.

TOWNSHIP: Notification through the application process. **DNR:** N/A **LETTERS:** Email- Lisa Valley, Northern Natural Gas Company- no objections to the proposal (see file).

Discussion was held regarding: working with Xcel Energy to meet the renewable energy mandates by the State of Minnesota, solar panels take energy from the sun to produce energy, wetland delineation completed on the property, low vegetation under the panels, decrease water runoff, fixed panels, project

owner is responsible for decommission of project, 25 year lease with Xcel, commitment with subscribers, 5% decrease in utility billing, erosion control plan to comply with local and state requirements NPDES and Stormwater Prevention Plan, shading, groundcover, solar panels to be installed on approximately 50 acres, siting criteria used; willing landowner, access to distribution system, clean site, proximity to substations, conditional use permit(CUP) runs with the land, reasons why it could be discontinued; program rules change, limitations on their facility, area will be maintained, gravel road constructed to access the panels, need approval from MNDOT to approve access off Hwy 60, MNDOT approves access once CUP is granted, approximately 30 solar gardens are under development, working in Pope, Wabasha, Wright, Dakota, Washington and Stearns County to name a few, questioned what under development means, ready for construction, permitting, time frame for project 16-20 weeks from start to finish, decommissioning concerns, escrow account, bonding (set by County Board) to insure funds are available for cleanup, panels have anti-reflective panels, panels will face the south, follow the contours. Planning Commission had several concerns in regards to the project that need to be addressed; maps with elevations shown, drainage, more detailed site plans (depth and placement of posts), road plan, and fencing.

PUBLIC COMMENT: Fritz Cummins, adjoining landowner, not against the project but concerned with following the contours, the construction of the road, drainage to his property, the wetlands, would like to see the road redesigned, installation of panels.

Kathy Brockway explained the 60-day time frame for action on conditional use permits, the waiver that can be signed by the applicants or the option for the County to automatically take 120 additional days in order to gather additional information on the project.

Motion was made by Steve Olson at the applicant's request to table the application until such time that additional information regarding the project is submitted to the Planning Commission for review. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #4: Amendments to Section 17, Sewage and Wastewater Treatment of the Le Sueur County Zoning Ordinance. Copies of the proposed changes are available for review at the Le Sueur County Environmental Services Office, located at 515 South Maple Ave, Le Center MN, County Auditor/Treasurer Department, located at the County Courthouse, during regular working hours and on the Le Sueur County website.

Motion was made by Steve Olson to approve the recommended changes to Section 17, of the Le Sueur County Zoning Ordinance. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Don Rynda to approve the minutes from the September, 2015 meeting by Seconded by Don Reak. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Betty Bruzek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
By Kathy Brockway

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
November 24, 2015

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN (APPLICANT); BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, Mineral Resources "MR" Overlay District, and the Airport Zoning "AZ" Overlay District. Property is located in the S 1/2 of the SE1/4 and the E 1/2 of the SE1/4, Section 11, Ottawa Township. *(No public comment due to a Mandatory Environmental Review).*

Therefore, the Planning Commission recommends the acceptance of the Environmental Assessment Worksheet for public comment.

ITEM #2: UNIMIN CORPORATION, KASOTA, MN (APPLICANT/OWNER). Requests that the County amend an existing Conditional Use Permit #29000, to allow a mineral extraction expansion of 500.3 mineable acres to be known as the 'Southeast Mine' in a Conservancy "C" District and Mineral Resources "MR" Overlay District. Property is located in all that part of Sections 5, 8, and 17, Kasota Township. *(No public comment due to a Mandatory Environmental Review).*

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission recommends tabling the application until such time that the Environmental Impact Statement is complete and to continue working with the consultant in the review process

ACTION: ITEM #1: _____
ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE
LE CENTER MN 56057
507-357-8538

Please be advised that on November 10, 2015 the County received the funding for the Natural Resources Block Grant in the amount of \$58,565.00. The money is to be used to assist in the funding of the following programs; the funds were deposited in the following accounts:

County Water Plan (60-428) \$13,501.

County Water Plan (60-428) \$16,447. (Transfer to SWCD-to enforce the Wetland Conservation Act)

Shoreland Program (60-440) \$5,017.

Septic Program \$18,600.

Septic Program \$5,000.