



Le Sueur County, MN

Tuesday, September 6, 2016

Board Meeting

Item 6

10:30 a.m. Kathy Brockway (15 minutes)

RE: 4--Request for Action Items

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
August 18, 2016

MEMBERS PRESENT: Don, Reak, Jeanne Doheny, Don Rynda, Steve Olson, Doug Krenik, Pam Tietz

MEMBERS ABSENT: Chuck Retka, Al Gehrke, Betty Bruzek, Shirley Katzenmeyer

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly, and Rohlfig

The meeting was called to order at 7:03PM by Chairperson, Jeanne Doheny.

ITEM #1: POSTPONED NOVEL ENERGY SOLUTIONS, ROCHESTER, MN (APPLICANT); BRIAN, KEVIN & TIMOTHY VETTER, KASOTA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1MW solar garden in an Agricultural "A" District. Property is located in the SE1/4 SW1/4, Section 9, Kasota Township. This application was tabled at the July 14, 2016 meeting for further information.

Applicant requested that the application be tabled for an additional 60-days from September 29, 2016.

ITEM #2: JOSHUA NELSON, (APPLICANT/OWNER); ST. PETER MN. Requests that the County rezone 2.71 acres from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish a site to operate an Auto Repair Shop and Used Auto Sales business. Property is located in the NW1/4SE1/4, Section 28, Kasota Township.

Kathy Brockway presented power point presentation. Joshua Nelson was present for application.

TOWNSHIP: notified through the application process. DNR: N/A LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: expand an existing non-conforming auto repair business to include used auto sales, projecting to sell 5-10 cars per month, discrepancy in legal description, majority of the surrounding zoned industrial.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. Agreed.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. Agreed.
3. The proposal will not have an adverse effect on the value of adjacent properties. Agreed.
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. Agreed.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. Agreed.
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. Agreed.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. Agreed.

8. Soil conditions are adequate to accommodate the proposal. Agreed.
9. The proposal will not create a potential pollution hazard. Agreed
10. The proposal will not degrade the water quality of the County. Agreed
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. Agreed
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. Agreed

Motion was made by Doug Krenik to approve the application as written. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #3: ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, Requests that the County grant a Conditional Use Permit to allow the applicant to establish a new 632.1 animal unit feedlot in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township.

Kathy Brockway presented power point presentation. David Plagge representing the applicant was present for application.

TOWNSHIP: Notified through the public hearing process. DNR: N/A LETTERS: none

PUBLIC COMMENT: no comments

Discussion was held regarding: change in application to include concrete floors in the barn, no stormwater plan, erosion control methods, drainage, installation of sewage tanks for wash water, tanks inspected and required to submit an operation and maintenance plan, washing of barn 2-3 times per year, service agreement with licensed facility, timeframe for construction, late fall, cleaning of the barns, manure storage, hauling of manure, handling of dead birds, no compost on-site, windbreak, power vented buildings, fly control, manure management plan, odor control plan, air-emissions plans on file with the Department and approved by the feedlot officer, inspection of site, required once every 4-years, inspects site several times during construction.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity.* Agreed
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* Agreed
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* Agreed
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* Agreed
5. *Adequate measures will be taken to prevent and 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.* Agreed
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* Agreed

7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Agreed

Motion was made by Don Reak to approve the application. Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #4: ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 20,311 cubic yards of material movement in an Agriculture “A” District. Property is located in the SE1/4, Section 12, Cleveland Township.

Kathy Brockway presented power point presentation. David Flagge, representing the applicant was present for application.

TOWNSHIP: Notified through the application process. DNR: N/A LETTERS: none

PUBLIC COMMENT: no comments

Discussion was held regarding: the grading, excavating and movement of material in order to accommodate the change in elevation for barn construction, construction of storm water ponds, 6.5 ft. will be the deepest fill, all material movement is on-site, no additional material to be hauled onto the site, drainage, erosion control methods, NPDES permit has been applied for and approved by the MPCA.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity.* **Agreed**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* **Agreed**
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* **Agreed**
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* **Agreed**
5. *Adequate measures will be taken to prevent and 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.* **Agreed**
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* **Agreed**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Agreed**

Motion was made by Doug Krenik to approve the application. Seconded by Don Rynda Motion approved. Motion carried.

ITEM #5: RIVER COUNTRY COOPERATIVE, (APPLICANT), INVER GROVE HEIGHTS, MN, DENNIS & CYNTHIA KRAUTKREMER REVOCABLE TRUST, (OWNER), MONTGOMERY, MN. Request that the County rezone 30 acres of an 80-acre parcel from an Agriculture “A” District to General Industry “I” District, to allow the applicant to establish and operate a fertilizer and chemical sales operations to include fuel, fertilizer (containerized or bulk) processing and storage facility. Property is located in the SE1/4, Section 29, Montgomery Township.

Kathy Brockway presented power point presentation. John Duhschern, Lucas Jones, Bob Rahman and Steven Miller, representatives of River Country Cooperative (RCC) were present for application.

TOWNSHIP: notified through the application process. DNR: N/A

Additional Information: Packet received from the Reeder Family (see file), power point presentation presented by RCC and phone call notes Rose Viskocil, adjoining landowner (see file).

PUBLIC COMMENT:

Rose Viskocil, adjoining landowner: opposed to the rezoning request, citing the following concerns: traffic safety, home values, other potential land uses if zoned Industrial, future continuation of an industrial district, not an area for Industrial Park.

Andy Oak, customer of RCC, construct a state of the art facility, needs to update their current site, RCC will be investing a substantial amount of money into the project, safety issues by moving out of the City of Montgomery.

Melissa Reeder: representing the Reeder family, adjacent landowners, presented a handout (see file), spot zoning, does the rezoning of the property meet the Counties land use plan, an Ag District is established for areas where agricultural uses are seen as the best and highest long term use of the land, this area is pristine farmland, traffic, highways 99 & 13 intersection dangers, chemicals stored on-site, chemical spills, evacuation plans, emergency services, RCC violations.

Jim Reeder: lives within 1-mile east of the site, concerned with ditch to the east side of 13; ditch south of the site that flows to Lake Volney, wetlands, part of the Cannon River Watershed. Also, read an email from Scott and Barb Wardell, landowners to the east, owners of the Apple Orchard, had environmental concerns as well as food concerns.

Myles Simon: no problems with the landowners, concerned with safety at the intersection of 99 and 13, highest productive farmland around.

Randy Sabin: closest resident to the proposed site, concerned with safety, traffic concerns, concerned with ammonia leaks.

Steve Miller: employed with Lake O'Lakes and is working with RCC on this project, understands the concerns, however this business does serve the ag community, helps farmers be more productive and meet the needs of the customers, most of the businesses are located within the ag area and not city limits; outside a community; on 10-ton roads; away from wetlands; area to load and unload ag products safely per MDA SOPs; where can this facility be placed within the county?

Lucas Jones: wetlands- types 1-2 no setback requirements, will respect the wetlands; stormwater plan not yet designed; traffic, request from MN DOT not to be on 13, possible additional lighting at the intersection, may help with accidents.

Bruce Heyda: did not think Hwy 13 would be a problem, it will be trying to access 13 off 99.

Ramona Schuna, David Reed and Ruby Schuna: lives east of the project area, worked for a mobile pipeline company that was located within an Industrial Park, felt that this project should be located within an Industrial Park, concerned with chemicals, well water, food safety for apple orchard, felt the Cooperative needs to look at other industrial sites, has no problems with the cooperative wanting to grow, many wetlands, roads buckling not scheduled to resurface until 2019. This is a community.

Connieowns farmland nearby, concerned with water quality, traffic, concerned with intersection, left turns, building block traffic views travelling from Le Center, 2-sites not enough evaluation by the company, quiet area, residential homes in the area, excess truck traffic.

Dale Korbel, Montgomery Township Officer: RCC came to the Township Meeting, based their opinion on the proposal RCC presented to them, wants to keep the company in the community, financial benefits to the community, the township is always in favor of the applicant if it meets the county requirements, look at another area within the county.

Jeremy Stocker: landowner directly across from the proposed access off Hwy 99, concerned with traffic, wetlands, does not feel this is the right location for an industrial use.

Andy Oak: questioned other commercial businesses in the rural areas such as mini storage facility that was recently approved off State Highway 19 and the pyrotech business in Derrynane Township.

Kathy Brockway, PZ Administrator: explained ordinance regulations pertaining to each district having permitted uses and conditional uses, conditional use permit process vs. rezoning property.

RCC- gave history of current site, over 40 years at current location, made some modifications, does not meet the current needs of the company, safety issues, distance from community, access, phased approach to building new facility, office/seed and feed/chemicals and fertilizer loading facility, benefits of location, economic, state of the art facility, optimal location, evaluated 3-different locations, this was the best site, safe access off hwy 99, contacted MN DOT, of the 30 acres 10-15 acres utilized for the facility, remaining acres would be used to plant corn and soy beans test plots, current location approximately 4-5 acres, buildings and parking only, next to former city dump, one location looked at was next to the current anhydrous tank site and adjoins an industrial zoning district, access would be on the curve, would also have to rezone, 3-sites currently; Montgomery site in town, Hastings site not located in town, and the Randolph site is located in town, hours of operation early mornings/late evenings during planting/harvesting, proposed access off 99 is 500 ft. from the intersection per MN DOT, vehicles in and out of property could be sprayers/floaters, semis, flat, straight, tractors. MNDOT will require a slowdown lane and speed up lane.

Discussion was held regarding: spot zoning, uses within an industrial district, road access, commercial site 3-4 miles from the city, any complaints from the city of Montgomery, change in farming practice, good neighbors, diking and loading not under roof, fire protection, additional sites, watercourses, denied a site a year ago, reasons to approve this location, similar facility located on a curve, safety is very important, once zoned industrial, could sell property and different landuses that are permitted could be allowed at the property, have market(core customer base) in Le Sueur County, Rice and Dakota Counties, within 30 miles largest customers from Le Sueur County, traffic studies, lighting, goals and policies of Ag district, pristine ag land.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **Disagreed.**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **Disagreed.**
3. The proposal will not have an adverse effect on the value of adjacent properties.
Majority- Disagreed. (3-Disagreed, 1- Abstained, 2- Agree).
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **3- Disagreed 3-Agree**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Majority –Disagreed (5) 1-Not-applicable**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Majority Disagreed (3-Disagreed, 1-Agreed, 1-Not-applicable)**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
3-Disagreed 3-Agree
8. Soil conditions are adequate to accommodate the proposal. **Agreed.**
9. The proposal will not create a potential pollution hazard. **Majority Disagreed (5) 1-Agreed**
10. The proposal will not degrade the water quality of the County.

1-Disagreed, 1-Agreed, 4- Not applicable

11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.

Majority Disagreed (4), 2-Not applicable.

12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **Majority Disagreed (4)** **2-Agreed**

Motion was made by Don Reak to deny the application as this is a spot zone, not a good location for a and safety concerns with State Highways 99 and 13. Seconded by Doug Krenik. Motion carried.

Motion was made by Don Reak to approve the minutes from the meeting by Seconded by Pam Tietz Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Don Reak. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway
Acting Secretary
Shirley Katzenmeyer

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
September 06, 2016

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: JOSHUA NELSON, (APPLICANT/OWNER); ST. PETER MN. Requests that the County rezone 2.71 acres from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish a site to operate an Auto Repair Shop and Used Auto Sales business. Property is located in the NW1/4SE1/4, Section 28, Kasota Township

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as requested.

ITEM #2: ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, Requests that the County grant a Conditional Use Permit to allow the applicant to establish a new 632.1 animal unit feedlot in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as requested.

ITEM #3: ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 20,311 cubic yards of material movement in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as requested.

ITEM #4: RIVER COUNTRY COOPERATIVE, (APPLICANT), INVER GROVE HEIGHTS, MN, DENNIS & CYNTHIA KRAUTKREMER REVOCABLE TRUST, (OWNER), MONTGOMERY, MN. Request that the County rezone 30 acres of an 80-acre parcel from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish and operate a fertilizer and chemical sales operations to include fuel, fertilizer (containerized or bulk) processing and storage facility. Property is located in the SE1/4, Section 29, Montgomery Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following attached findings for this request:

Therefore, the Planning Commission recommends denial of the application as requested.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

ITEM #4: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, JOSHUA NELSON, (APPLICANT/OWNER); ST. PETER MN. Has requested to rezone 2.71 acres from an Agriculture “A” District to General Industry “I” District, to allow the applicant to establish a site to operate an Auto Repair Shop and Used Auto Sales business. Property is located in the NW1/4SE1/4, Section 28, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 18, 2016, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **Agreed.**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **Agreed.**
3. The proposal will not have an adverse effect on the value of adjacent properties. **Agreed.**
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **Agreed.**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Agreed**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Agreed**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. **Agreed.**
8. Soil conditions are adequate to accommodate the proposal. **Agreed.**
9. The proposal will not create a potential pollution hazard. **Agreed**
10. The proposal will not degrade the water quality of the County. **Agreed**
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **Agreed**
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **Agreed**

WHEREAS, On September 6, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the rezoning request as requested by **JOSHUA NELSON, (APPLICANT/OWNER); ST. PETER MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 6, 2016, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will not have an adverse effect on the value of adjacent properties.

4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
- 10.** The proposal will not degrade the water quality of the County.
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, The County **granted/denied** the rezone request of 2.71 acres from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish a site to operate an Auto Repair Shop and Used Auto Sales business. Property is located in the NW1/4SE1/4, Section 28, Kasota Township.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, has applied for a Conditional Use Permit to allow the applicant to establish a new 632.1 animal unit feedlot in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 18, 2016, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. 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 diminishes and impairs property values within the immediate vicinity. Agreed.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided. Agreed.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
- 5. Adequate measures have been or will be taken to prevent and 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. Agreed.*
- 6. Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed.*
- 7. Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed.*

WHEREAS, On September 6, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 6, 2016, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. 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 diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and 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.

6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish a new 632.1 animal unit feedlot in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township, is approved/denied.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN, has applied for a Conditional Use Permit to allow grading, excavating and filling of approximately 20,311 cubic yards of material movement in an Agriculture “A” District. Property is located in the SE1/4, Section 12, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 18, 2016, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **denial/approval** of the application due to the following findings:

1. *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 diminishes and impairs property values within the immediate vicinity. Agreed.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *Adequate measures will be taken to prevent and 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. Agreed.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed.*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed.*

WHEREAS, On September 6, 2016, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **ANDY BALLMAN, (APPLICANT/OWNER); LE CENTER MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 6, 2016 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *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 diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*

5. *Adequate measures will be taken to prevent and 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.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating and filling of approximately 20,311 cubic yards of material movement in an Agriculture "A" District. Property is located in the SE1/4, Section 12, Cleveland Township, is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, RIVER COUNTRY COOPERATIVE, (APPLICANT), INVER GROVE HEIGHTS, MN, DENNIS & CYNTHIA KRAUTKREMER REVOCABLE TRUST, (OWNER), MONTGOMERY, MN. Request that the County rezone 30 acres of an 80-acre parcel from an Agriculture “A” District to General Industry “I” District, to allow the applicant to establish and operate a fertilizer and chemical sales operations to include fuel, fertilizer (containerized or bulk) processing and storage facility. Property is located in the SE1/4, Section 29, Montgomery Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on August 18, 2016, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **denial/approval** of the application due to the following findings:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **Disagreed.**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **Disagreed.**
3. The proposal will not have an adverse effect on the value of adjacent properties.
Majority- Disagreed. (3-Disagreed, 1- Abstained, 2- Agree).
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **3- Disagreed 3-Agree**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Majority –Disagreed (5) 1-Not-applicable**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Majority Disagreed (3-Disagreed, 1-Agreed, 1-Not-applicable)**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
3-Disagreed 3-Agree
8. Soil conditions are adequate to accommodate the proposal. **Agreed.**
9. The proposal will not create a potential pollution hazard. **Majority Disagreed (5) 1-Agreed**
10. The proposal will not degrade the water quality of the County.
1-Disagreed, 1-Agreed, 4- Not applicable
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
Majority Disagreed (4), 2-Not applicable.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **Majority Disagreed (4) 2-Agreed**

WHEREAS, On September 6, 2016, , at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the rezoning request as requested by **RIVER COUNTRY COOPERATIVE, (APPLICANT), INVER GROVE HEIGHTS, MN, DENNIS & CYNTHIA KRAUTKREMER REVOCABLE TRUST, (OWNER), MONTGOMERY, MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 6, 2016 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will not have an adverse effect on the value of adjacent properties.
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
10. The proposal will not degrade the water quality of the County.
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, to rezone 30 acres of an 80-acre parcel from an Agriculture "A" District to General Industry "I" District, to allow the applicant to establish and operate a fertilizer and chemical sales operations to include fuel, fertilizer (containerized or bulk) processing and storage facility. Property is located in the SE1/4, Section 29, Montgomery Township, is **APPROVED/DENIED**.

ATTEST:

John King, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____