



Le Sueur County, MN

Tuesday, November 22, 2016

Board Meeting

Item 2

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

Request for Action

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 10, 2016

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Don Reak, Steve Olson

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly and Wetzel.

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

ITEM #1: 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. ***APPLICATION HAS BEEN WITHDRAWN.***

Kathy Brockway presented power point presentation.

Motion was made by Doug Krenik to approve the withdrawal request. Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #2: LESUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant an extension on Conditional Use Permit #15259 to establish a 5 MW solar farm in an Agriculture "A" District. Property is located in the SE 1/4, Section 26, Waterville Township.

Kathy Brockway presented power point presentation. Izaak Sunleaf representing SunShare was present for application.

Discussion: Izaak Sunleaf explained reason why the project was not completed per the conditional use permit time frame. The project was delayed due to a protracted engineering study process with Xcel Energy. The initial interconnection study results from Xcel were to limit the size of the project. Due to a difference in the methodology and extensive discussions with Xcel, SunShare filed a formal complaint with the Public Utility Commission (PUC) seeking a third party decision. The PUC came to the same conclusion as SunShare in May of 2016.

Motion was made by Chuck Retka to approve the extension for 1-yr. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #3: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); DEAN & DOREEN PETERSON, MARSHAL, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling, of approximately 33 cubic yards of material for the construction of rip rap located in the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 2, Elwoods Subdivision, Section 1, Cordova Township.

Kathy Brockway presented power point presentation. Mike Schultz, LSC Soil and Water Conservation District representative and Bryan Peitzel, I&S Engineering were present for application.

TOWNSHIP: Ron Schmidt, Cordova Township per phone call, township has no objections to the project. Butch Krocak, Lexington Township, township has no objections to the project. DNR: No comments- applicant working with the DNR. Letters: Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: No comments

Discussion was held regarding: project is to provide shoreline protection, previous flooding issues and wave action have contributed to the shoreline erosion problem, installation of field stone and turf reinforcement mat will be placed along the shoreline for a total of 66 ft. The field stone will range from 6-30", all disturbed areas will be vegetated. DNR permit was issued for work below the ordinary high water level. Project will take 1-2 days to complete, depends on weather.

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. **Not applicable***
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 Shirley Katzenmeyer to approve the application as requested. Seconded by Chuck Retka. Motion approved. Motion carried.

ITEM #4 LE SUEUR COUNTY ZONING ORDINANCE REVISION: SECTION 25. ADMINISTRATION/PLANNING COMMISSION; SUBDIVISION 2. PLANNING COMMISSION: Change Planning Commission board members from eleven (11) members to seven (7) members.

PUBLIC COMMENT: none

Discussion was held regarding: 11 members provides good representation of all commissioner districts, reducing the number of members from 11 to 7 limits the diversity of input as a result of limited members, challenges of meeting a quorum for meetings, minimal cost savings, when contentious issues come up, good to have a broad group for back and forth discussions, expertise in different areas such as, drainage, lakeshore issues, agricultural, business, residential, commitment to planning commission.

Motion was made by Shirley Katzenmeyer to retain eleven members to serve on the planning commission. Seconded by Doug Krenik. Motion approved. Motion carried.

Motion was made by Shirley Katzenmeyer to approve the minutes from the October 13, 2016 meeting by Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway for
Shirley Katzenmeyer.

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
November 22, 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: 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. **APPLICATION HAS BEEN WITHDRAWN.**

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission recommends the withdrawal of the application as requested.

ITEM #2: LESUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant an extension on Conditional Use Permit #15259 to establish a 5 MW solar farm in an Agriculture "A" District. Property is located in the SE 1/4, Section 26, Waterville Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission recommends approval of a one-year (1) extension.

ITEM #3: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); DEAN & DOREEN PETERSON, MARSHAL, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling, of approximately 33 cubic yards of material for the construction of rip rap located in the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 2, Elwoods Subdivision, Section 1, Cordova Township.

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

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

ITEM #4 LE SUEUR COUNTY ZONING ORDINANCE REVISION: SECTION 25. ADMINISTRATION/PLANNING COMMISSION; SUBDIVISION 2. PLANNING COMMISSION: Change Planning Commission board members from eleven (11) members to seven (7) members.

Planning Commission recommends retaining eleven members to serve on the planning commission.

ACTION: ITEM #1: _____
ITEM #2: _____
ITEM #3: _____
ITEM #4: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); DEAN & DOREEN PETERSON, MARSHAL, MN, (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling, of approximately 33 cubic yards of material for the construction of rip rap located in the shore impact zone in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Volney. Property is located at Lot 2, Elwoods Subdivision, Section 1, Cordova Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on November 10, 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 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. **Non applicable***
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 November 22, 2016 at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by **LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, DEAN & DOREEN PETERSON, MARSHAL, MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the November 22, 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 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.

5. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*

6. *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 33 cubic yards of material for the construction of rip rap located in the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Volney. Property is located at Lot 2, Elwoods Subdivision, Section 1, Cordova Township, is **APPROVED/DENIED**.

ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____