



Le Sueur County, MN

Thursday, April 14, 2016

Regular session

Item 1

Draft 03-10-16 Planning Commission Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 10, 2016

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Steve Olson, Doug Krenik, Al Gehrke, Pam Tietz

MEMBERS ABSENT: Shirley Katzenmeyer, Betty Bruzek

OTHERS PRESENT: Kathy Brockway, Commissioners

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

ITEM #1: NEW PRAGUE FORD, NEW PRAGUE, MN, (APPLICANT); NEW PRAGUE HOLDINGS LLC, NEW PRAGUE, MN, (OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow the applicant to expand an existing auto dealership in a Business "B" District. Property is located in the NE1/4 NE1/4, Section 2, Lanesburgh Township.

Kathy Brockway presented the power point presentation. Mark Swelland, New Prague Ford, was present for application.

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

PUBLIC COMMENT: None

Discussion was held regarding: Parking cars at this location for over 10 years, not aware a new permit was required, due to change in ownership was brought to their attention, no objections from the City of New Prague, no city services extended to the dealership, due to a property transfer a compliance inspection will be conducted on the property, no issues with the site, no complaints on file, this parcel is used for over flow parking, gravel lot, main dealership is paved.

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 have been provided. Agreed*
4. *Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed*
5. *Adequate measures have been 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*

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

ITEM #2: DALE & SANDI JOHNSON, MONTGOMERY, MN (APPLICANT); MARK JINDRA, LE CENTER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW1/4 SE1/4 in a Special Protection "SP" District, on a Natural Environment Lake, Hackridge Lake, to the NE1/4 SE1/4, in an Agriculture "A" District. Property is located in the SE 1/4, Section 1, Lexington Township.

Kathy Brockway presented the power point presentation. Dale Johnston was present for application.

TOWNSHIP: Notified through the application process. DNR: No comments. LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: Originally lot of record, changed legal description to settle estate, construct a single family dwelling, buildable area on both parcels, time frame, as soon as approved and weather allows, septic contractor indicates that 2 sites would be available for septic location, access approved by County Highway Department.

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 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.*

Motion was made by Don Reak to approve the application as written. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #3: JACOB PRCHAL, NEW PRAGUE, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate an Agriculture & Industrial Machinery Sales and Service in an Agriculture "A" District. Property is located in the NE1/4 SE1/4, Section 25, Derrynane Township.

Kathy Brockway presented the power point presentation. Jacob Prchal was present for the application.

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

PUBLIC COMMENT: None

Discussion was held regarding: buy and sell used agricultural and industrial machines, examples, skid loaders, bobcats, compact tractors, forklifts, conditional use permit approved prior to applying for a dealer's license from the State, on-line sales, no new equipment sales, existing yard light, lighting on buildings, no outside sales lot, self-employed, no more than 5 vehicles parked outside the structures, goes off site on occasion to weld, limited traffic.

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.

Motion was made by Doug Krenik to approve the application with the following condition:

- *No more than 5-vehicles displayed outside for sale.*

Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #4: TRAXLER CONSTRUCTION, PAT TRAXLER, (APPLICANT) LE CENTER, MN; BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, (OWNER) EDINA, MN: 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, in the Mineral Resources "MR" Overlay District and the Airport Zoning "AZ" Overlay District. Property is located in the S1/2 of the SE1/4 and the E half of the SE1/4, Section 11, Ottawa Township. *The application was tabled at the June 11, 2015 meeting for a Mandatory Environmental Review.*

Kathy Brockway presented the power point presentation. Patrick Traxler, of Traxler Construction was present for application.

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

PUBLIC COMMENT: None

Discussion was held regarding: existing operation has been located in the area since 1989, expansion area is across the road, culvert installed under State Hwy 112, approved by MN DOT, convey material over to the existing site for processing, no complaints on file, noise, dust, reclamation, environmental review process,berming, archeological survey.

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.*

Motion was made by Steve Olson to approve the application with the following conditions.

1. Each person, firm, or corporation engaged in mining upon lands described in the conditional use permit is subject to the following regulations.
2. **Overview**
Mining operations shall be conducted in compliance with the laws of the county, state and federal government, especially as related to safety standards, and Ordinances and resolutions of Le Sueur County, as amended from time to time, and in compliance with and upon approval of the reclamation plan for the affected land.
3. **Timing**
No excavation shall begin until all required county, state, and federal permits have been obtained by the applicant/landowner, unless otherwise specified in the plan.

Mining Plan may need to be amended per an Archeological Survey on the property prior to mining.

4. **Clearing**
 - a. Clearing of the mining site shall conform to the development and reclamation plan, whenever possible, unless otherwise specified in the plan.
 - b. Existing trees and shrubs shall remain in their natural state whenever possible and not prematurely stripped.
 - c. Existing vegetation shall be preserved, maintained, and supplemented for the depth of the required setbacks.
 - d. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten (10) acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on the approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.
5. **Vegetative and Other Screening**
 - a. Adequate screening, including either natural and/or supplied screening in the form of plantings, fencing and/or berming shall be provided along all public roads adjacent to the property involved and adjacent properties where improvements are located, unless otherwise specified in the plan. This includes the following:
 1. Adequate screening is defined as screening the mining operation from public view as seen by either standing from the center of the road or at the adjacent property boundary.
 2. Natural screening consists of existing features which are located within fifty (50) feet of the boundary of the site and which screen the view of mining activities.
 3. Supplied screening includes planting, fencing, or berming. Density of plantings used for supplied screening shall not be required to exceed a density of alternating rows of conifer trees six (6) feet on center and a height of six (6) feet at the commencement of mining.
 4. Screening with berms shall be stabilized with native vegetative cover.
6. **Access**
 - a. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized.
 - b. All access points must be approved by the appropriate Road Authority having jurisdiction, and shall preferably be located along a secondary road.
 - c. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.
 - d. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.
 - e. All access roads intersecting a paved city, township, county, or state road/highway shall be paved a minimum of fifty (50) feet from the paved road.
 - f. A lockable gate across the access road to the pit is required.
7. **Hauling**
 - a. Trucks used in hauling materials from the site or excavation shall be loaded in such a manner as to minimize spillage onto public highways.
 - b. Any spillage resulting from overloading or from adhering to truck tires shall be removed daily.
8. **Signage**
 - a. Adequate signage for the following shall be provided:
 1. Site signage indicating site name, applicant and/or landowner, and contact phone number.
 2. Signage for public safety, such as "Trucks Hauling" signs.
9. **Dust and Noise**

Operating procedures shall be utilized to control dust and noise so as not to be in conflict with adjoining property, and shall meet the Agency standards. *If noise exceeds the Agency Standards, a noise study shall be conducted and reviewed by a third party consultant at the applicants/operators expense.*
10. **Blasting**
 - a. If explosives are allowed by the conditional use permit, the applicant and/or landowner shall take all necessary precautions to safeguard life and to protect property.
 - b. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.
11. **Accessory Uses**
 - a. Temporary/Portable washing, crushing, hot mix asphalt, and ready mix plants if allowed by the conditional use permit, excluding permanent sites, may be brought to the site in the future on an as needed basis for specific jobs.
 - b. The applicant shall notify the Department prior to the placement of this equipment.

12. Hours

- a. The general hours of operation for all mining and processing operations shall be between of 6:00 AM and 7:00 PM, Monday through Saturday, unless otherwise specified in the plan.
- b. The excavation, drilling, hauling, sawing, crushing, and other physical activities of mining cannot proceed until one hour after the initial start time.

13. Water Resources

- a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
- b. The mining operation shall not adversely affect the quantity or quality of surface or groundwater resources.
- c. Surface water originally outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site.
- d. The applicant and/or landowner shall perform any water treatment necessary to comply with this provision.

14. Reclamation

- a. Proposed graded or backfilled areas or banks as conforming to the approved reclamation plan shall be covered with stockpiled topsoil, to provide for re-vegetation.
 - b. No topsoil is to be removed from the site.
 - c. When back sloping is proposed on the reclamation plan, the rate of slope shall not be less than four (4) feet horizontal to one (1) foot vertical or a slope to provide a stable and safe condition.
 - d. Proposed banks shall be covered with topsoil and seeded, except where such banks provide a beach area to a proposed recreational lake as indicated on the approved reclamation plan.
 - e. Operator shall keep pit or excavation in a condition that insures banks do not cave or slide to insure stability.
 - f. When the reclamation plan includes a water impoundment, the approved final grade at the edge of a body of water shall extend vertically six (6) feet below the lowest seasonal water level.
 - g. Upon replacement of the topsoil, trees, shrubs, legumes, grasses, or other ground cover shall be planted upon the area in order to avoid erosion, in accordance with the approved reclamation plan.
 - h. Quantifiable standards for adequate revegetation to show that a sustainable stand of vegetation has been established which will support the approved reclamation of the site will be provided and utilized for assessing completion of successful reclamation.
 - i. Standards for revegetation may be based on the percent cover, productivity, plant density, diversity, or other applicable measures.
15. Upon completion of excavation, all structures, processing plants, and equipment shall be removed within six (6) months, unless such structures, processing plants, and equipment will be used in the reclamation process.
16. Applicant and/or landowner shall be assessed costs as determined by the Road Authority any damage, repair to County or Township roads attributable to mineral extraction from the site.
17. The County Engineer and DNR shall review the reclamation proposal.
18. SETBACK REQUIREMENTS --Mining operations shall not be conducted closer than:
- a. One hundred (100) feet to the boundary of any district where such operations are not permitted.
 - b. Two hundred (200) feet to the following, unless the written consent of the owner of such adjoining property is first secured:
 1. A residential dwelling,
 2. The property boundary of any adjoining parcel less than five (5) acres with a residential dwelling.
 3. The property boundary of any adjoining parcel in a Residential Zoning District.
 - c. Fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.
 - d. Excavation or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way of any existing or platted street, road, or highway.
 - e. One hundred (100) feet from the ordinary high water level (OHWL) of any public water.
 - f. Dust and noise producing processing or loading shall not be conducted closer than three hundred (300) feet to the boundary of any residential or commercial structures existing prior to the commencement of mining and processing operations without written consent of all owners and residents of said structures.
19. The bond herein required shall be filed with the County Treasurer and a copy to the Department.
- a. Such bond shall be payable to the County and the amount shall be set by the Board of County Commissioners and reported and reviewed with the annual report.
 - b. The bond shall guarantee that either upon termination of the permit or of the operations, the ground

surface of the land used shall be restored in conformity with the reclamation plan filed with the Conditional Use Permit.

- c. The applicant and/or landowner shall furnish proof to the County yearly that the bond has been renewed.
- d. Failure to renew the bond shall result in immediate cancellation of the Conditional Use Permit.
- e. The performance bond protecting the restored acreage shall be returned to the applicant at such time the portions of the bonded property are completely rehabilitated in accordance with the reclamation plan and the reclamation criteria in this Section.

20. When an Environmental Review is affiliated with the mining operation, the annual report shall be reviewed by the Board of County Commissioners.

21. Additional conditions or modifications of mining operation standards deemed necessary by the Board of County Commissioners shall apply.

21. Adhere to Section 20, of the Le Sueur County Zoning Ordinance.

Seconded by Chuck Retka. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the February 11, 2016 meeting. Seconded by Al Gehrke. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Chuck Retka. 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*