



Le Sueur County, MN

Thursday, June 9, 2016

Regular session

Item 1

DRAFT APRIL 14, 2016 Meeting Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 14, 2016

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, Commissioners Connolly, and Rohlfing

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

ITEM #1: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WATERVILLE MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating and filling of approximately 49,227 cubic yards of material for the purposes of site preparation for a solar garden construction in an Agriculture "A" District. Property is located in the SE 1/4, Section 26, Waterville Township.

Kathy Brockway presented power point presentation. Will Cooksey, LeSun LLC, representative, Noah Waterhouse and Kathy Melody, EVS (Engineering Firm), were present for application.

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

PUBLIC COMMENT: Fritz Cummins, property owner to the south, questioned amount of material movement without moving the terraces; concerned with rerouting the water to the wetland, wetland farmed in the late 80's, drain tiles to the west, tile intakes in the terraces, does not want more water directed to the wetland.

LeSun LLC, representative, stormwater calculated, worked with the MPCA in regards to their stormwater plans, approved by the MPCA, converting Ag land to grass will reduce the runoff, infiltration trenches installed, grasses established within 1 month

Shirley Katzenmeyer, questioned whether the applicants worked with the SWCD office. They have maps of drain tile for the landowners.

Staff- SWCD was notified and received packets, no comments received.

Jeanne Doheny- questioned whether they could run a model of where and how much water prior to construction and run another one after construction, time frame?

LeSun LLC, representative, stated it would take approximately 1 week, no guarantees, standard practice.

Pam Tietz, questioned Fritz Cummins on whether he receives additional water on his property at this time.

Fritz Cummins stated that the tiles are currently working, does not receive water from the upper terrace.

Doug Krenik, questioned the overflow from the wetland.

Dean Thrun, Cemetery Board, stated that there is tiles going thru the cemetery as well, older members remember the days of pumping water from the cemetery, concerned with tiles not working, portion of the cemetery continues to be farmed.

Jeanne Doheny, questioned the removal of existing tiles.

LeSun LLC, representative stated they are not removing the current tiles, just changing the slope to 10%. They indicated that they are rerouting the water, utilizing infiltration trenches, and they are relying on the landowner as to the location of the existing tiles. Stormwater Plan has been approved by the MPCA.

Jeanne Doheny, questioned the time frame for the project.

LeSun LLC, if plan approved sometime this summer.

Tom Mariska, member of Holy Trinity Church, questioned whether LeSun LLC, could plant 8' trees along the property line to screen the site from the cemetery and to work with the church during construction if a burial is in progress.

Jeanne Doheny, that is between the church board and the cemetery. PZ Commission is considering the grading and excavating, use of property has been established.

Don Reak, questioned number of burials per year.

Tom Mariska, last year 15-20.

Al Gehrke questioned the tree placement.

Cemetery Board could plant trees along their property lines.

Fritz Cummins, would like to see the project go through with a possible condition that a berm is constructed along the wetland.

LeSun LLC, indicated that they are willing to have a condition that they will not negatively impact the property and if so, the necessary corrective measures will be taken.

Al Gehrke indicated that landowners will be surprised at the outcome of the project once completed, drainage on the property could be somewhat compared to CRP ground.

Discussion was held regarding: promoting better drainage at the site, reduce amount of runoff, protect drain tile for future use, tile locations, reduce slopes for construction of racking system, compacted materials, planting of native grasses, root structure year around, MN DOT recommendations, time frame for grading and excavating project, 3-4 weeks from start to finish depending on weather, Order of operations, mass grading, building of subgrade, compaction, equipment pads, gravel roads, planting of native grasses, stabilized at 70% before installation of panels, erosion control measures in place until vegetation is established, explained the infiltration trenches, infiltration trenches are permanent, 2 existing terraces, intention is to leave in place, limited information on the tile system, field verification of tile system and will produce new map, 25 year lease with Xcel Energy, conditional use permit goes with the land.

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.**
- 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.**

Motion was made by Don Reak to approve the application with the following conditions:

- Obtain all necessary County, State and Federal Permits;
 - Continued use of the existing drain tiles within the terraces;
 - Run drainage models prior to construction and after construction;
 - Provide documentation to the County that the drainage will not negatively impact the adjacent properties and if this should occur, necessary corrective measures will be taken.
- Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #2: CHUCK & MELISSA FOX, SHAKOPEE, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct stairs in the bluff to include grading, excavating, and filling of approximately 2 cubic yards in the bluff in a Recreational Residential "RR"

District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 3, Irish Subdivision No. 1, Section 6, Elysian Township.

Kathy Brockway presented power point presentation. Chuck Fox was present for application.

TOWNSHIP: Elysian Township notified through the application process. DNR: no comments
LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: replace the existing steps in order to provide a safer access to the lake, construct the landings first, erosion control methods, protect the area, aluminum steps, tan in color.

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.**
- 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.**

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

Motion was made by Pam Tietz to approve the minutes from the March 10, 2016 meeting. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Don Reak. Seconded by Pam Tietz. 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
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 19, 2016

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik

MEMBERS ABSENT: Betty Bruzek, Pam Tietz, Al Gehrke

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly.

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

ITEM #1: JEFF BELZER NEW PRAGUE AUTO INC, NEW PRAGUE MN (APPLICANT), JJM PROPERTIES II, LLC, LAKEVILLE MN (OWNER) Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing automobile dealership in a Business "B" District. Property is located in the NE1/4 NE1/4, Section 2, Lanesburgh Township.

Kathy Brockway presented power point presentation. Mike Belzer, Jeff Belzer New Prague Auto, INC, was present for application.

TOWNSHIP: Notified through the application process. CITY OF NEW PRAGUE: Notified through the application process. DNR: N/A LETTERS: none

PUBLIC COMMENT: Tom Topka, adjoining landowner, has no objections to the proposal, in favor of the plan. No additional correspondence.

Discussion was held regarding: room to park vehicles, leave property as is, grassed area, impervious surface, address impervious surface is the future expansion of the area, this application is for additional parking only, screening, fencing, lighting, security, future expansion will be more comprehensive.

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 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 Chuck Retka to approve the application as presented. Seconded by Doug Krenik. Motion approved. Motion carried.

Motion to adjourn the special meeting by Don Reak. Seconded by Steve Olson. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer by
Kathy Brockway

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Le Sueur County Environmental Services Office*

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LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 26, 2016

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

MEMBERS ABSENT: Betty Bruzek, Pam Tietz

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: WATERVILLE SOLAR HOLDINGS, LLC, MINNEAPOLIS, MN, (APPLICANT); JAY & BETSY CHAMBERS, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 5 MW Solar Garden in an Agriculture "A" District. Property is located in the SE 1/4 SE 1/4, Section 34, Waterville Township.

Kathy Brockway presented power point presentation. Evan Carlson, Innovative Power Systems (IPS), representing Waterville Solar Holdings, LLC, was present for application.

TOWNSHIP: Al Gehrke, Waterville Township DNR: N/A LETTERS: N/A

Discussion was held regarding: explained the 5-1 MW solar project, 5 separate meters, requirement of Excel Energy, no additional grading proposed, MN DOT recommendations for seeding and mix of native plantings, Solar Garden in Slayton MN, individual panels can be replaced, Waterville Holdings LLC, group of investors, life expectancy of project, have a 25 year lease with Excel with an additional 10 year extension option, erosion control, decommissioning plan, biodegradable piping, stray voltage, upgrade of existing poles, have an upgrade agreement with Excel, paid over \$700,000. for the infrastructure upgrade, Waterville Holdings LLC, owns the garden, IPS does the construction and maintenance of the site, screening, lighting, wetlands, height of fencing, chain link with barbed wire and possible plastic strips for screening, security, no additional grading, excavating and filling, if amount exceeded per the ordinance aware that a conditional use permit will be required, site rules, enforced by the company not the county, clarity of rules, fire safety.

PUBLIC COMMENT: Darrell Peterson, adjacent landowner, would like to see either panel strips along the fence or a live barrier planted along the site in order to screen the site from the adjacent property owners.

IPS open to plantings or adding the panel strips to the fencing.

Gary Mead, adjacent landowner, looked at different solar sites, concerns with glare off panels, water or air contamination, transformers, power pole upgrades to handle voltage, zoning of property, dust, spray from ag fields, property values and taxes, staffing, lighting, maintenance buildings, neighboring wood burning, storage of electricity on site ie, batteries, shading. If approved, would like to see conditions as to height and type of fencing, natural barrier planted around perimeter of project, road access off the black top road.

IPS willing to look into planting a natural barrier around the perimeter of the site or add the panel strips, no toxic materials on site, environmental (green) project, slight humming noise from the transformer, cannot hear outside the fenced areas, power poles upgraded in order to meet the Excel guidelines, property remains agricultural, not requesting a change in zoning, utilize dust control during construction, and as needed in order to keep dust off panels, no problem with ag chemical spraying, property values and taxes, check with the County Assessor, not aware of any studies completed on the impact of property values, no additional lighting, no additional buildings to be constructed, no storage of batteries etc. on site.

Jeff Johnson, Township Officer within Waseca County, due the shared township road, concerned with damages to the road during construction. Would like to see that the company is required to reimburse the townships for any road damage during construction.

IPS agreed to reimburse the townships for any damages that are incurred by the contractors during construction of the project.

The engineer for the company does routine checks of equipment 3 times per year. The site is monitored electronically 24/7.

Discussion on live screening- evergreens, dogwoods etc.

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 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 Al Gehrke to approve the application with the following conditions:

- *Reimburse the townships for any road damages that are incurred by the contractors during construction of the project.*
- *Natural plantings along the perimeter of the site if feasible, if not install panel strips fencing.*
- *Installation of 7' fence with 3 strands of barbed wire for a height of 8' for security.*
- *Decommissioning bond.*

Seconded by Doug Krenik. Motion approved. Motion carried.

Motion to adjourn meeting by Don Reak. 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
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