



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 1

Approved September 8, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 8, 2016

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

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly, Wetzel, and Rohlfing

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

ITEM #1: DON MONSON, LE CENTER, MN (APPLICANT): RANDY BLASCHKO, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 15 cubic yards located within a bluff in an Agriculture "A" District. Property is located in the NW 1/4 NW 1/4, Section 29, Lexington Township.

Kathy Brockway presented power point presentation. Kelly Kopet, Kopet Construction representative for the application was present for application.

TOWNSHIP: Notified through the application process **DNR:** N/A **LETTERS/EMAIL:** Terry Overn, the Overn family has no objections to the application.

PUBLIC COMMENT: no comments

Discussion was held regarding: transfer of property required a compliance inspection of the existing system, system was failing to protect groundwater, therefore a new system will be installed, per MN Rules 7080 existing systems must be abandoned by a licensed contractor, existing tank was installed in the bluff, therefore a conditional use permit is required to dig in the bluff, depth of tank, erosion control methods in place until vegetation is established.

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

ITEM #2: SHANNON BALLMAN, MANKATO, MN, (APPLICANT): BRADLEY & CECILIA BALLMAN, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW 1/4 SE 1/4 to the SE 1/4 SW 1/4 in an Agriculture "A" District. Property is located in Section 12, Cleveland Township

Kathy Brockway presented power point presentation. Shannon Ballman was present for application.

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

PUBLIC COMMENT: NONE

Discussion was held regarding: timeframe for construction, spring of 2017, meets the feedlot separation from existing turkey barns, Transfer of Development procedures.

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 as requested. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #3: TYLER HERING, WATERVILLE, MN (APPLICANT): TERRY HERING, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NW 1/4 SE 1/4 to the SW 1/4 SE 1/4, in an Agriculture "A" District. Property is located in Section 14, Waterville Township.

Motion was made by Doug Krenik to table the application until the October meeting as the applicant and/or representative were not present to hear the application. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #4: MARY & ANTHONY FORCE, LE SUEUR, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to establish and operate a dog breeding facility in an Agriculture "A" District. Property is located in the W 1/2 NE 1/4, Section 35, Ottawa Township.

Kathy Brockway presented power point presentation. Mary and Anthony Force were present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: breeds and sells Pomeranian dogs, currently have 4 females and 5 males, no more than 15 breedable dogs, litter is normally 2-3 dogs, maintains all records, vaccinations, 4x4 kennels within the house, no other buildings proposed, 4-5 pound dogs, waste plan on file.

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 Betty Bruzek to approve the application as requested. Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #5: DEMARS CONSTRUCTION, MANKATO MN (APPLICANT): RANDY & PATTY APPEL, MANKATO MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 1,756 cubic yards of material for the purposes of site preparation for a single family dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 1, Block 1, Han's Hideaway in Section 23, Elysian Township.

Kathy Brockway presented power point presentation. Max Demars, Demars Construction and Tony Rolchadl, Bolton and Menk representing the applicant were present for application.

TOWNSHIP: Notified through the application process. DNR: no comments LETTERS: Tim Bengston email, Joshua Mankowski, LSC Resource Specialist, Brad Brozik, email (see file)

PUBLIC COMMENT: none

Discussion was held regarding: change in cubic yards of material in the shore impact zone, worked with Joshua Mankowski on ways to reduce the amount of fill, existing home would be removed from the site, structural deficiencies, more than one half of the material movement is in order to fill the foundation with engineered fill, irregular shaped lot, correct a drainage issue on the lot, will hydro seed, erosion control methods in place during construction and until such time vegetation is established, building a slab on grade home, if built a walk out on the lot 3 times the amount of fill would be needed with several retaining

walls, FRST inventory, working with the topography of the lot for the construction of the dwelling, year round home.

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 Al Gehrke to approve the application with the requested change of 89 cubic yards of material within the shore impact zone. Seconded by Don Reak Motion approved. Motion carried.

ITEM #6: ROBERT AND JANET MC CULLOUGH, MADISON LAKE MN (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 112 cubic yards of material within the bluff, bluff impact and shore impact zone for placement of steps and additional landscaping of the site in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Washington. Property is located at Lots 33-35, Schmitt's Plat, Section 18, Kasota Township.

Kathy Brockway presented power point presentation. Robert and Janet Mc Cullough were present for application.

TOWNSHIP: Notified during the application process. DNR: no comments LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: none

Discussion was held regarding: removal of 3 cedar wood decks and replace with pervious pavers, replace 2 wood decks on the upper level of home with composite decking, replace the deteriorating steps and install natural stone steps, looking into native plantings, Lake Washington County Park native plantings, erosion control methods in place, working with Joshua Mankowski.

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 with the following condition: to work with Joshua Mankowski, LSC Resource Specialist in regards to native planting within the bluff for continued stabilization of the bluff. Seconded by Chuck Retka. Motion approved. Motion carried.

Motion was made by Doug Krenik to approve the minutes from the August 18, 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,
Shirley Katzenmeyer by
Kathy Brockway.

Approved October 13, 2016

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