



Le Sueur County, MN

Thursday, October 13, 2016

Regular session

Item 1

Approved October 13, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
October 13, 2016

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

MEMBERS ABSENT: Al Gehrke, Betty Bruzek, Chuck Retka, Pam Tietz

OTHERS PRESENT: Kathy Brockway

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

Kathy Brockway explained the performance standards for transferring of development rights.

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agricultural, Conservancy and Special Protection Districts, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

ITEM #1: 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. ***APPLICATION WAS TABLED AT THE SEPTEMBER 8, 2016 MEETING.***

Kathy Brockway presented power point presentation. Tyler Hering was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: build a single family dwelling, preserve farmland, meets the buildable area, has an area for both the primary and alternate septic sites, build this next spring, driveway 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 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 Don Reak. Motion approved. Motion carried.

ITEM #2: JESSICA WHIPPS, LE CENTER, MN (APPLICANT); JULIE (HEILMAN) FACTOR ETAL, LE CENTER, 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 NW 1/4 to the SW 1/4 NW 1/4 in an Agricultural "A" District. Property is located in the NW 1/4, Section 13, Lexington Township.

Kathy Brockway presented power point presentation. Jessica Whipps was present for application.

TOWNSHIP: Jerome Krocak, Lexington Township Board member-township has no objections to the proposal. DNR: N/A LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: purchasing the property from the grandparents estate, buildable area, establishing the building site for a single family dwelling, area for both the primary and alternate sites for a septic, driveway 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 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 as requested. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #3: ROBERT & CONNIE RYAN, ST PETER, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to transfer the development right from the SE 1/4 NW 1/4 to the NW 1/4 NE 1/4 in a Conservancy "C" District and a Special Protection "SP" Shoreland District on an Unnamed Creek. Property is located in the N 1/2 Section 11, Kasota Township.

Kathy Brockway presented power point presentation. Robert Ryan was present for application.

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

PUBLIC COMMENT: no comments.

Discussion was held regarding meets the requirements of the ordinance for transfer of development rights.

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 Shirley Katzenmeyer to approve the application as written. Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #4: ROBERT & CONNIE RYAN, ST PETER, MN (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to transfer the development right from the NW 1/4 NE 1/4 to the NE 1/4 NE 1/4 in a Conservancy "C" District. Property is located in the NE 1/4, Section 11, Kasota Township.

Kathy Brockway presented power point presentation. Robert Ryan was present for application.

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

PUBLIC COMMENT: No comments.

Discussion was held regarding buildable area, enough space for a primary and alternate septic system, driveway access approved by the 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 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 Don Reak. Motion approved. Motion carried.

ITEM #5: MICHAEL HOWARD, SHOWLOW, AZ (APPLICANT); SHIRLEY KRENİK, ELYSIAN, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE 1/4 SE 1/4 to the SW 1/4 SE 1/4 in an Agricultural "A" District. Property is located in the S 1/2 SE 1/4, Section 24, Elysian Township.

Kathy Brockway presented power point presentation. Shirley Krenik was present for application.

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

PUBLIC COMMENT: No comments.

Discussion was held regarding: property has been in the family since 1940, planning the estate for several years, son would like to build a home in the future, preserve the agricultural 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.* **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 Shirley Katzenmeyer to approve the application as requested. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #6: MICHAEL HOWARD, SHOWLOW, AZ (APPLICANT); SHIRLEY KRENİK, ELYSIAN, 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 a Special Protection “SP” Shoreland District on a Natural Environment “NE” lake, Fish Lake. Property is located in the SE 1/4 and the SW 1/4, Section 24, Elysian Township.

Kathy Brockway presented power point presentation. Shirley Krenik was present for application.

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

PUBLIC COMMENT: No Comments.

Discussion was held regarding property in the family since the 1940s, buildable area, adequate space on the property for a primary and alternate site for sewage treatment, driveway access approved by the 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 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 Steve Olson to approve the application as requested. Seconded by Doug Krenik. Motion approved. Motion carried.

ITEM #7: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN (APPLICANT); MIKE & KATHRYN SIEBSEN, LE CENTER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 150 cubic yards of material outside the shore impact zone for the construction of an erosion control project in a Recreational Residential “RR” District, on a Recreational Development “RD” lake, Gorman Lake. Property is located in the NE 1/4, Section 14, Cordova Township.

Kathy Brockway presented power point presentation. Mike Schultz (SWCD) and Ryan Jones, Engineer were present for application.

TOWNSHIP: Ron Schmidt, Cordova Township Board member present for the application and stated that they were in favor of the application. They have worked with Mike (SWCD) over the years on different projects and were very satisfied with the projects. DNR: No comments LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: No Comments.

Discussion was held regarding: Received Clean Water Funding in 2012 for a project with 3-different landowners, thought it would correct the problem, existing farm tile issues, erosion control project, clean outs, use of existing rip rap, native plantings, The proposed, engineered work will alleviate erosion issues and work will be done to prevent new issues from forming. This project will reduce the sediment load to Gorman Lake.

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; a management and maintenance plan shall be submitted and approved by the Department. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #8: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN (APPLICANT); STEVEN RUTT, LE CENTER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 1355 cubic yards of material for stormwater basin management and erosion control project in a Recreational Residential "RR" District, on a Recreational Development "RD lake, Lake Volney. Property is located at Lots 9 & 10, Lake Volney Estates, Section 36, Lexington Township.

Kathy Brockway presented power point presentation. Mike Schultz (SWCD) and Ryan Jones (Engineer) were present for application.

TOWNSHIP: George Whipps, Lexington Township Board, questioned the runoff to the road ditch, there is not much of a ditch there. Ryan Jones explained that the water will be re-routed to flow into the ditch and that they are working with Barnett Brothers regarding the drainage to the road ditch. DNR: No comments. LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: No comments.

Discussion was held regarding: Stormwater pond constructed at the time of the subdivision platting, due to heavy rain events ponds filled with sediment, will be resloping the banks to a 4:1, removing trees, water runoff from the west field will be diverted, several additional projects are being corrected through the SWCD (exempt-farm practices), pattern tiled field, culvert repair work, maintenance of ponds by Homeowners Association.

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 condition that a management and maintenance plan shall be submitted and approved by the Department. Seconded by Doug Krenik. Motion approved. Motion carried.

ITEM #9: GAYLE JONES, AMBOY, MN (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 160 cubic yards of material for construction of 4-tiered retaining walls, stairs, and pervious patio within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lot 3, Block 1, Hardeggers Subdivision, Section 6, Elysian Township.

Kathy Brockway presented power point presentation. Gayle Jones, was present for application.

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

PUBLIC COMMENT: Julie Bickett, property owner, concerned on disturbance to the bluff- erosion control methods, not an additional access more of a patio.

Does not meet the definition of a bluff.

Discussion was held regarding: property purchased in May, would like a safer access to the lake for the elderly visitors to the property, wheel chair accessible, project will correct an erosion problem that is starting to occur in this area, impervious surface not a problem, patio will be pervious pavers, construction of retaining walls will eliminate the need to mow the area, bank stabilization, native plantings, construction to occur this fall,

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 with the condition that Mrs. Jones continues to work with the LSC Resource Specialist as to native plantings on the site for stabilization of the bank. Seconded by Don Reak. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the September 8th, 2016 meeting, Seconded by Doug Krenik. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. Seconded by Don Rynda. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway for
Shirley Katzenmeyer

Approved November 10, 2016

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