



LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
507-357-8538

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: NOVEMBER 10, 2016

TIME: 7:00 PM

PLACE: LE SUEUR COUNTY ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER MN

PURPOSE: To hear testimony from interested parties and consider Rezoning and Conditional Use Permit Applications and other questions pertaining to and as provided by the Zoning Ordinance of Le Sueur County as described below. ***Information regarding the applications is available for review at the Environmental Services Building during normal business hours.***

- ITEM #1** Planning and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning and Zoning Commission Agenda
- ITEM #3** Novel Energy- Vetter
- ITEM #4** Le Sun LLC- Patrick Gregor CUP Extension
- ITEM #5** SWCD/Petersen
- ITEM #6** Planning and Zoning Ordinance Amendment
- ITEM #7** Approved November 10, 2016 Minutes

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 1

Planning and Zoning Commission Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
507-357-8538
www.co.le-sueur.mn.us

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: NOVEMBER 10, 2016

TIME: 7:00 P.M.

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Rezoning, Amendments and Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **OCTOBER 31, 2016**.

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.**

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.

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.

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.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 1

Planning and Zoning Commission Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION MEETING AGENDA

ORGANIZATION: LE SUEUR COUNTY PLANNING/ZONING COMMISSION

MEETING DATE: NOVEMBER 10, 2016

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M. **Ending Time:** Approx. 8:30 P.M.

If you CANNOT be at the meeting, contact MINDY at 357-8538

AGENDA:

Meeting Called
to Order.

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.**

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.

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.

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.

DISCUSSION;

MINUTES-WARRANTS

ADJOURN 8:30 P.M.

Planning & Zoning Commission Public Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed to the board, NOT THE APPLICANT.** After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 1

Novel Energy- Vetter

Staff Contact: Kathy Brockway or Michelle Mettler

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,

Due to interconnection issues with Xcel Energy we will be dropping this project from consideration. Please accept this as official cancellation of the application.

Thank you

Duane



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 2

Le Sun LLC- Patrick Gregor CUP Extension

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
December 15, 2015

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

MEMBERS ABSENT: Pam Tietz

OTHERS PRESENT: Michelle Mettler, Kathy Brockway, Commissioner Connolly.

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

ITEM #1: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township. **APPLICATION WAS TABLED AT THE NOVEMBER 12, 2015 MEETING.**

Michelle Mettler presented the power point presentation. Chuck Biesner, Sun Share was present for application.

TOWNSHIP: Notified through the application process. No comments. **DNR:** N/A **LETTERS:** none

PUBLIC COMMENT: none

Discussion was held regarding: road location change, grading on-site will get approval prior to zoning permit, conditional use permit if required for grading, excavating and filling, height of panels, drainage, work with landowner for tile locations, tile map provided, weed control, chemical used, native plantings, 2-3' in height, mow once a year, mow more than spray noxious weeds, butterfly garden, 8'3" highest set, 15' above grade at any highest point, grading to the west side of the property more than to the east, decommissioning plan, time frame, approximately 60 days for construction process, bonding, letter of credit, interconnection agreement with Excel, signage, lighting, lockable gate, fencing 6' maintenance free.

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 or 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. Agreed**
5. **Adequate measures have been or 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 conditions:

- 8' chain link fence;
- Apply for Conditional Use Permit for grading, excavating and filling if necessary;
- Copy of proof of interconnection agreement provided to the County;
- Stormwater Plan approved by the State prior to issuance of zoning permit;
- Bond provided to the County for decommissioning of the site.

Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #2: WINGE CONSTRUCTION, COON RAPIDS, MN, (APPLICANT); TAMARA KAPLAN, SAVAGE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to elevate the lowest floor of an existing dwelling to meet the Regulatory Flood Protection Elevation and meet FEMA general design standards in a Recreational Residential "RR" District and a Flood Plain Overlay Flood Fringe "FF" District on a Recreational Development Lake, Lake Frances. Property is located at Lot 6, Dick's Southside, Section 34, Elysian Township.

Michelle Mettler presented power point presentation. Jerry Winge, Winge Construction was present for application.

TOWNSHIP: Notified through application process. DNR: notified through the application process and several emails sent. No response LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: raising house 32", explained the construction process, pilasters, 16x16 concrete blocks, hollow, not filled, able to hold water, install 2 sump pumps, install double drain tile, water has been an issue for years, house built in the late 60's early 70's, grade won't change, adding steps and pervious pavers for patio and sidewalk, grading, excavating and filling to meet the zoning ordinance requirements, stone added up to bottom of siding, similar to parking ramp construction, traps to keep rodents out, venting if required, timeframe as soon as possible.

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 or 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. Agreed*
5. *Adequate measures have been or 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 Betty Bruzek Motion approved. Motion carried.

ITEM #3: CHRIS SHORT, PRIOR LAKE, MN, (APPLICANT/OWNER): Requests that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of approximately 2441 cubic yards of material to establish a site for a walkout basement in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Frances. Property is located at Lot 3, Block 1, Han's Hideaway, Section 27, Elysian Township.

Michelle Mettler presented the power point presentation. Chris Short was present for application.

TOWNSHIP: Notified through the application process. DNR/LETTERS: Letter in file, No DNR violation on this property; Mike Schultz, No wetland Issues, Joshua Mankowski, LSC Resource Specialist, Elysian State Bank, and Deanna Refsteck (email) see file.

PUBLIC COMMENT: Roland Wagner, adjacent landowner, felt what was presented on the survey is not the same as what was being done, berm to the lake, Mr. Short was upfront with them from the beginning, he wants to do what is right, miscommunications, good neighbor, supports the application. Brian Barnett, Lake Francis Lake Association, Board of Directors, they are not in favor or against the application; Le Sueur County has ordinances that need to be followed, protect the lake. Lake Francis Association works hard to get information out to lakeshore owners, provides contacts for state, county, and city officials. Chris Short read an email he received from Randy Appel, not part of the record.

Discussion was held regarding: removal of material in order to get a solid foundation pad for construction of a new home, house is approximately 4000 sq. ft., area graded out is 7400 sq. ft.- normal building practices to do 10% over & the entire front is driveway, hauled in sandy material, did you do a compaction test-not sure, contractor should of known to stop-did the same on the adjacent lot 12 months ago, excessive amount of grading, length of driveway changed, turn around required, letter from the attorney states an engineered site plan was submitted for permit but the site plan was hand drawn, why didn't you build in the sloped area that would be conducive for a walkout, why not go through the appeal process with the Board of Adjustment-still an option & felt the conditional use permit process was faster, met on site with staff regarding tree removal, septic location, Michelle Mettler read Joshua Mankowski letter into the record, fees, penalties, difference in cubic yards from what the surveyor provided vs. the applicant and contractor, lengthy discussion in regards to the placement of the house on the lot, slab on grade vs. walkout, applicant would like to move forward with the project as presented, contractor should have stopped when doing the site prep due to inadequate slope for a walkout. Responsibility of Planning Commission is to abide by and enforce the zoning ordinance, dream retirement home, natural buffers, house on slab, modified 2-story, conditional use permit requirements vs. zoning permit requirements, states on zoning permit-additional grading, excavating and filling may require a conditional use permit.

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 or 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. Agreed***
- 5. Adequate measures have been or 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 Al Gehrke to approve the application with a 15' buffer strip along lakeshore. Seconded by Steve Olson. Roll Call Vote; Don Reak-Nay, Chuck Retka-Nay, Betty Bruzek-Aye, Shirley Katzenmeyer-Nay, Jeanne Doheny-Nay, Steve Olson-Aye, Al Gehrke-Aye, Don Rynda-Aye, Doug Krenik-Nay. 5-4 motion failed.

Motion was made by Doug Krenik to approve the application with Joshua Mankowski's recommendation: 541 cubic yds of material excavated for site preparation, the 170 cu yds

of material movement already done to construct the building pad and the 155 cu yds of material movement needed to complete the building pad. This approval would allow for the construction of a slab-on-grade structure.

A natural buffer is created along the shoreline and 15 feet inland from the lake to add protection and; Any future grading on site be kept to a minimum and conform to zoning ordinance requirements.

Seconded by Shirley Katzenmeyer Motion approved. Motion carried.

Motion was made by Don Rynda to approve the minutes from the November 12, 2015 meeting by Seconded by Don Reak. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Michelle Mettler,
Kathy Brockway

Approved February 11, 2016

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



September 13, 2016

Le Sueur County
Attn: Kathy Brockway, Environmental Services Director
88 South Park Avenue
Le Center, MN 55057

RE: Permit Extension Request – LeSun LLC / Gregor Community Solar Garden

Dear Kathy,

In October 2015, SunShare applied for a Conditional Use Permit for our Community Solar Garden project within the Le Sueur County. At the time of application, we anticipated a timely interconnection study from Xcel Energy and to be ready to construct this project in Fall of 2016. However, our project has encountered complications and delays which were beyond our control.

Please consider this letter a formal request from SunShare to extend the Conditional Use Permit for the LeSun LLC (Gregor) site for twelve months.

In the case of the LeSun LLC (Gregor) project, the delays were due to a protracted engineering study process with Xcel Energy. We received initial interconnection study results from Xcel Energy in October 2015, which limited the size of the project. However, our engineers disagreed with the study methodology. Following extensive discussion with Xcel Energy, SunShare filed a formal complaint with the Minnesota Public Utilities Commission seeking resolution from an independent engineer.

In May 2016, the independent engineer reached the same conclusion as SunShare regarding the study methodology. Xcel Energy appealed this determination, and the Minnesota Public Utilities Commission is scheduled to finalize the decision in late September 2016.

We have made significant progress on the project with completing our due diligence, environmental permits and design. However, Due to this significant delay, we are unsure if we will be able to construct in the 2016 construction timeframe. Therefore, we are requesting a permit extension to ensure the viability of the permit into the Spring of 2017 construction timeframe. Thank you for reviewing and considering this request.

Sincerely,

Chuck Beisner
Director of Project Development
cbeisner@mysunshare.com
612-701-4855

609 South 10th Street, Suite 210 | Minneapolis, MN 55404
612.345.8881 | info@mysunshare.com | www.mysunshare.com



Chuck Beisner <cbeisner@sunsharecorp.com>

LeSun - SunShare - Gregor

2 messages

Chuck Beisner <cbeisner@mysunshare.com>
To: "Brockway, Kathy" <kbrockway@co.le-sueur.mn.us>

Tue, Aug 9, 2016 at 4:27 PM

Kathy:

As I understand it, our CUP expires on 12/15. If we do not get started on construction this fall we will not start construction until early spring of 2017. What would the process be for getting approval to extend our CUP an additional 12 months?

Thanks,

Chuck Beisner | Site Acquisition and Permitting Specialist | SunShare
609 S 10th Street, Ste 210 | Minneapolis, MN 55404
(O) 612.345.8881
(M) 612.701.4855
(E) cbeisner@mysunshare.com
www.mysunshare.com



Brockway, Kathy <kbrockway@co.le-sueur.mn.us>
To: Chuck Beisner <cbeisner@mysunshare.com>

Wed, Aug 10, 2016 at 9:40 AM

Good Morning Chuck,

In answer to your question pertaining to not completing the project as granted by the Conditional Use Permit. You will need to reapply for the conditional use permit, pay the fee of \$750.00 plus recording fee of \$46.00. The deadlines for the application are posted on the county website as well as the conditional use permit forms.

Kathy

SUBDIVISION 5. LAPSE CONDITIONAL USE PERMIT BY NON-USE

-

A. After granting a Conditional Use Permit, if the work as permitted by the permit shall not have **been completed within one (1) year.**

1. Such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of County Commissioners.
 2. Such extension **shall be requested in writing and filed with the Department at least thirty (30) days before the expiration of the original Conditional Use Permit.**
 - ✓ 3. The request for **extension shall state facts showing a good faith attempt** to complete the work permitted in the Conditional Use Permit.
 4. Such petition shall be presented to the Planning Commission and Board of County Commissioners for decision.
- B. In the event a Conditional Use Permit is discontinued or its approved operation is stopped for a period of one (1) year, the Conditional Use Permit shall become null and void.

From: Chuck Beisner [mailto:cbeisner@mysunshare.com]
Sent: Tuesday, August 09, 2016 4:28 PM
To: Brockway, Kathy
Subject: LeSun - SunShare - Gregor

[Quoted text hidden]



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 3

SWCD/Petersen

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: LE SUEUR COUNTY SWCD **OWNER:** DEAN & DOREEN PETERSON

911 ADDRESS: 40111 LAKE VOLNEY LANE, LE CENTER MN 56057

PROJECT DESCRIPTION: 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.

ZONING DISTRICT PURPOSE:

A District, adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this District to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses may be allowed.

ZONING ORDINANCE SECTIONS: 13.2,18

GOALS AND POLICIES:

Goal 2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

Policy: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Goal 3: Improve water quality in Le Sueur County.

Policy: The County will undertake actions to help protect groundwater as well as surface water features.

SITE INFORMATION

LOCATION: Lot 2, Elwoods Subdivision, Section 1, Cordova Township.

ZONING: Recreational Residential "RR"

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag Land/Residential	South:	Lake Volney
East:	Residential	West:	Residential

TOWNSHIP BOARD NOTIFICATION

The applicant contacted Harry Mach, Cordova Township Clerk on July 21, 2016.

NATURAL RESOURCES INFORMATION

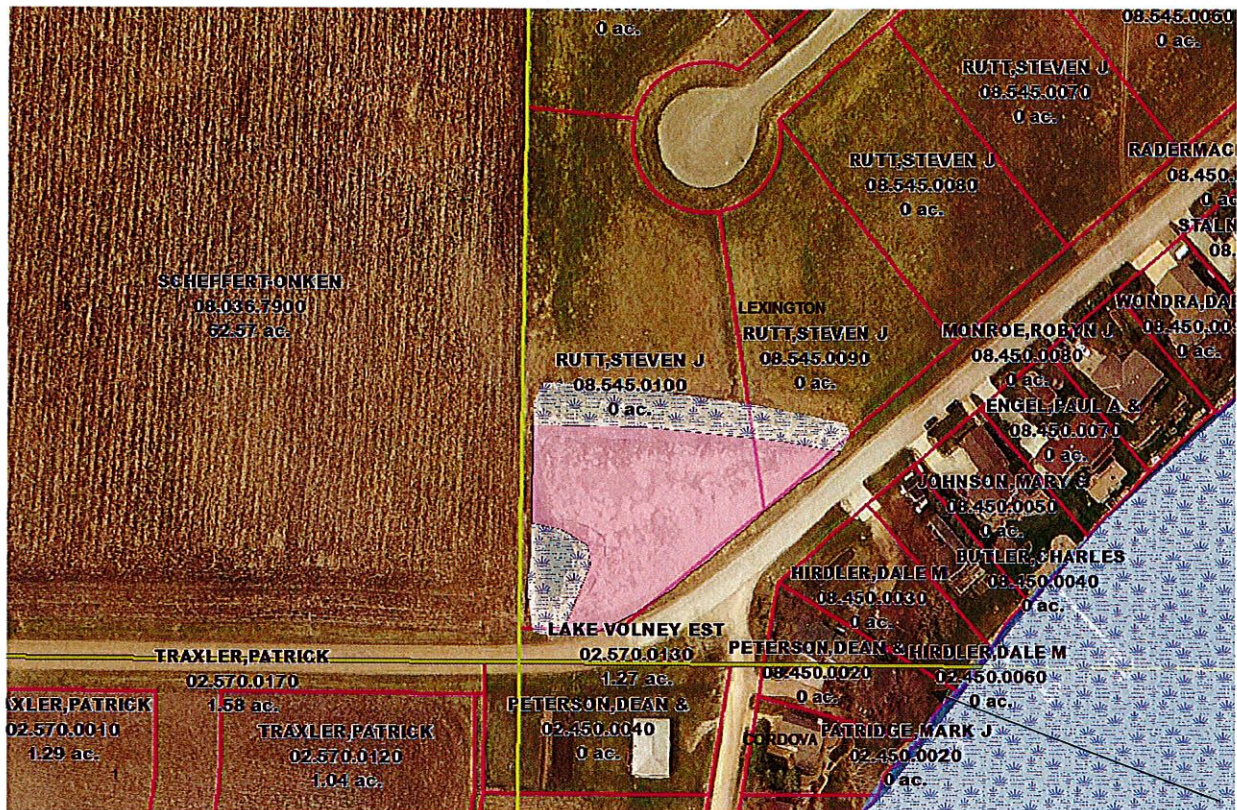
SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Type 1-3 wetlands located in the quarter-quarter section where the project is proposed.

SITE PHOTO



AERIAL PHOTO/SITE PLANS



CONSTRUCTION NOTES

1. EXISTING CONDITIONS SHALL BE SHOWN AS THEY ARE. ALL EXISTING CONDITIONS SHALL BE SHOWN AS THEY ARE. EXISTING CONDITIONS SHALL BE SHOWN AS THEY ARE. EXISTING CONDITIONS SHALL BE SHOWN AS THEY ARE.
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FIELD STONE SHORELINE PROTECTION DETAIL

ITEM NO.	CONSTRUCTION ITEM	UNIT	ESTIMATED QUANTITY
2571.001	MOBILIZATION	LB	1
2571.001	FIELD STONE SHORELINE PROTECTION (W/ FABRIC)	CU	25
2573.006	FLOTATION BILT CURTAIN TYPE STILL WATER	LF	110
2573.006	STORM DRAIN INLET PROTECTION	EA	1
2573.006	STABILIZED CONSTRUCTION EXIST	LB	1
2575.001	STORM DRAIN INLET PROTECTION	LB	1
2575.001	FLUID REINFORCEMENT MAT SHORELINE PROTECTION	LB	1

ISG

LE SUEUR COUNTY SWCD

LAKE VOLNEY SHORELINE PROTECTION

QUANTITIES NOTES & DETAILS

2

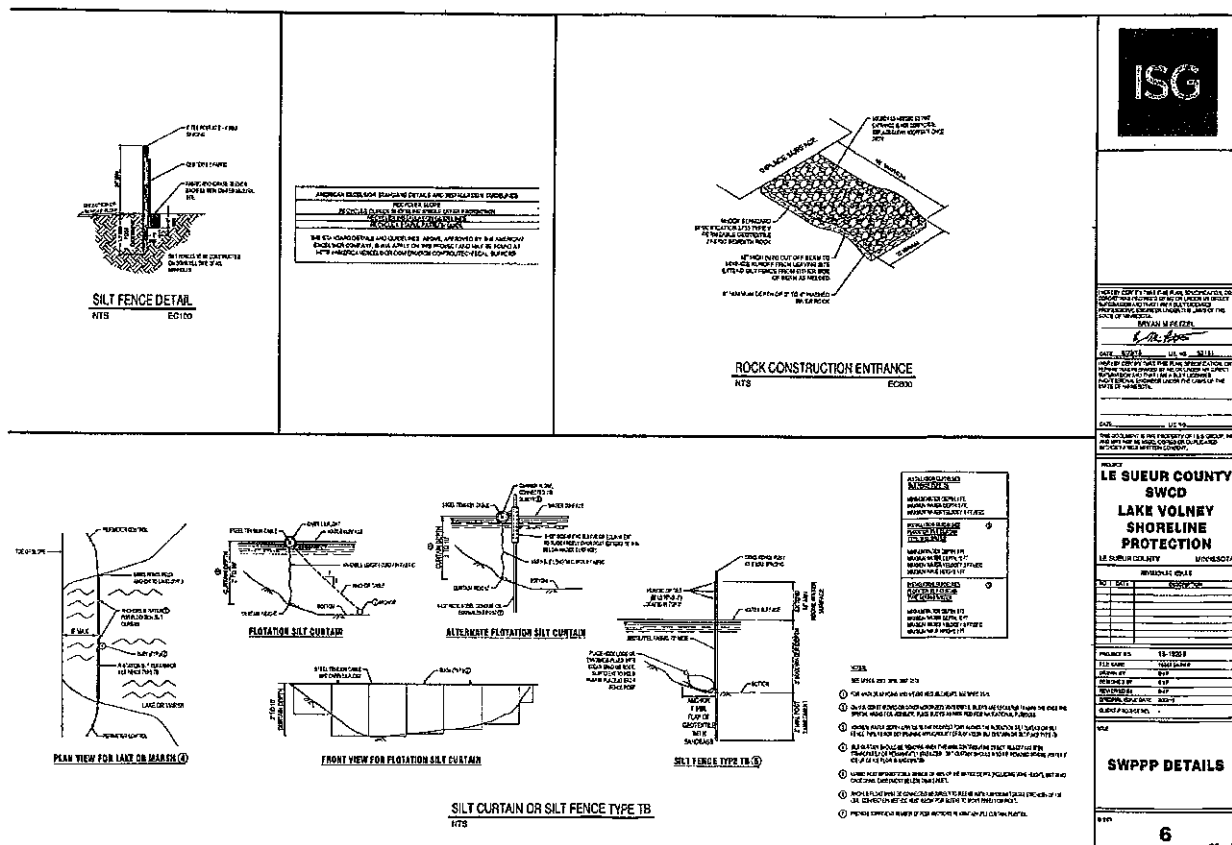
ISG

LE SUEUR COUNTY SWCD

LAKE VOLNEY SHORELINE PROTECTION

EXISTING SITE PLAN

3



ATTACHMENTS

Application, Criteria Form, Narrative, Surveyed Plans, Letter LSC Resource Specialist, DNR Permit, Corps of Engineers Letter.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

Shoreland District. The following additional evaluation criteria and conditions apply within the Shoreland Districts of the County.

1. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - b. The visibility of structures and other facilities as viewed from public waters is limited.
 - c. The site is adequate for water supply and on-site sewage treatment.
 - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
2. **Conditions attached to Conditional Use Permits in Shoreland Districts.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Increased setbacks from the ordinary high water level.
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - c. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

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 have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or 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.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16313

Name of Applicant: LE SUEUR COUNTY SWCD

Conditional Use Permit #: 16313

Name of Property Owner: DEAN & DOREEN PETERSON

Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING & FILLING OF APPROXIMATELY 33 CUBIC YARDS FOR THE CONSTRUCTION OF RIP RAP PROJECT

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.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

5. Adequate measures have been or 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.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: _____

APPROVED _____

DENIED _____

PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600**

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/27/2016

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Le Sueur County Soil and Water Conservation District

Property owner:

Dean & Doreen Peterson

Property:

02.450.0040

Description:

Application to allow Grading, Excavating and Filling of approximately 33 Cubic Yards for the construction of Rip Rap Project.

Recommendation:

It would be my recommendation to approve the application. The project design and engineering has been done through the Le Sueur County SWCD and will address documented shoreline erosion issues on the property.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:

Name MICHAEL SCHULTZ, SENIOR DISTRICT TECHNICIAN, LS COUNTY SWCD
Mailing Address 181 W MINNESOTA ST
City LE CENTER State MN Zip 56057
Phone # (507) 357-4879 Phone # (952) 807-3423
Ext. 3

II. Landowner:

Name DEAN & DOREEN PETERSON
Mailing Address 400 EAST LYON ST
City MARSHALL State MN Zip 56258
Property Address 40011 LAKE JOLNEY LN
City LE CENTER State MN Zip 56057
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 02.450.0040 Parcel Acreage 0.96
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township CORDOVA Section 1
Subdivision ELWOOD'S Lot 2 Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.

CORDOVA Township notified on JULY 21, 2016
(Township Name) (Date)

Board Member HARRY MACH - CLERK regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

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SEP 22 2016
BY: mpm

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.
Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII. Type of Request: Grading, Excavating or Filling.

<input type="checkbox"/> Non-Shoreland	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff	Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____	
<input checked="" type="checkbox"/> Shoreland- Outside Shore Impact Zone	Cubic yards of material movement: _____
<input checked="" type="checkbox"/> Within Shore Impact Zone	Cubic yards of material movement: <u>33</u>
<input type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff	Cubic yards of material movement: _____
TOTAL cubic yards of material movement: <u>33</u>	

☐ Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request:

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: SEE ATTACHED
2. ADVERSE IMPACT ON SURROUNDING AREAS: SEE ATTACHED
3. STORMWATER RUNOFF: SEE ATTACHED
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: SEE ATTACHED
5. WETLAND IMPACT: SEE ATTACHED
6. SLOPE STABILITY: SEE ATTACHED
7. CERTIFICATE OF INSURANCE: SEE ATTACHED
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) SEE ATTACHED

IX. Site Plan: Shall include but not limited to the following:

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- | | | | |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
| • Landscape, screening and buffering | | | • Drainage |

• Site plan & As-Built must be completed by a surveyor or professional engineer.

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BY: mfm

X. Restoration Plan: Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Districts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. Attachments: Shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full Legal Description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☒ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☒ h. **Restoration Plan**-See Part X for full details and requirements.
- ☒ i. **Approved Stormwater Pollution Prevention Plan**
-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and recommendations of the Planning Commission to the County Board for final decision.

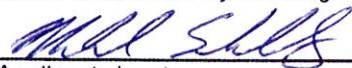
Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

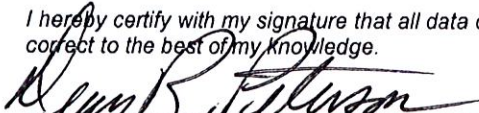
XIII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.


Applicant signature

9-20-16
Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.


Property Owner signature

9-20-16
Date



OFFICE USE ONLY

Request: GRADING, EXCAVATING & FILLING

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

☒ **Shoreland - Outside Shore Impact Zone**

- ☒ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: 33
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 33

Pre-App Date 9-22-16
 Meeting Date 11-10-16
 60 Day 11-20-16
 Zoning District RR

Lake Classification RP
 Lake Volney
 FEMA Panel # 27079C0 300
 Flood Zone outside

Feedlot 500' 1000' N
 Wetland Type 1-2 3-8 N
 Water courses Y N
 Bluff Y N

☒ Request Description

☐ Access Approval

☒ Septic Comp Insp / Design

☒ Site Plan

☒ Erosion Control Plan

☒ Meeting Reg / ATF / Spec

☒ Full Legal

☐

☒ Fee \$ 7900

☒ Ordinance

☐ Other _____

☐ Penalty \$ _____

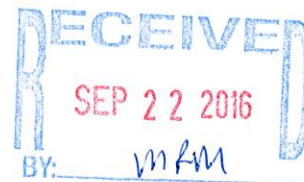
☒ Application Complete

Michelle B. Smith
 Planning & Zoning Department Signature

9-22-16
 Date

16313
 Permit #

X60 Day Waiver



DESCRIPTION OF REQUEST

The purpose of this request is to provide shoreline protection for the Dean and Doreen Peterson property. Flooding issues and wave action have contributed to shoreline erosion. A picture of recent flooding problems has been included with the application.

The proposed improvements will consist of the installation of field stone and turf reinforcement mat shoreline protection, totaling 66 feet of shoreline as measured at the OHWL. The shoreline protection will be installed at a maximum slope of 3H:1V. The diameter of the field stone used will range from 6-inches to 30-inches and will have a geotextile fabric placed underneath. All disturbed areas shall be restored with seed.

Due to the proximity of adjacent structures and the location of trees, utilities, and other obstacles within the work area, smaller equipment, such as skid loaders and mini excavators, will need to be utilized for the project.

1) ENVIRONMENTAL IMPACT

The overall environmental impact of the project is expected to be positive provided the Storm Water Pollution Prevention Plan is followed. The installation of shoreline protection will prevent further erosion of the shoreline.

2) ADVERSE IMPACT ON SURROUNDING AREAS

The impacts of the project on surrounding areas are expected to be positive. Shoreline protection will help prevent further erosion of the shoreline along the Peterson property. Less shoreline erosion will help to improve the water quality of Lake Volney.

3) STORMWATER RUNOFF

The volume or rate of runoff will not be affected by the project. This project will help to protect the shoreline from the erosive effects of stormwater runoff.

4) DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL

Yes. The shoreline protection will extend below the OHWL. A DNR Public Waters Work Permit has been issued for the project and has been included with the CUP application. The US Army Corps of Engineers (USACE) has reviewed the project and determined it to be consistent with the activity described in non-reporting category B, Bank Stabilization, of Department of the Army General permit RGP-003-N. No application or notification to the St. Paul District Corps of Engineers is required for projects eligible for this RGP category. The letter received from the USACE has been included with the application.

5) WETLAND IMPACT

The shoreline protection will have minimal impact on Lake Volney provided the SWPPP is followed. No other wetland impacts are anticipated.

6) SLOPE STABILITY

The shoreline protection will help to protect the shoreline slope as compared to existing conditions.

7) CERTIFICATE OF INSURANCE

The project has not yet been bid by the Le Sueur County SWCD. A Certificate of Insurance will be provided upon the contract being awarded.

8) MEET ALL APPLICABLE COUNTY, STATE, & FEDERAL REGULATIONS

Due to the size of the project, a NPDES Construction Storm Water Permit is not required. A DNR Public Waters Work Permit has been issued for the project. The US Army Corps of Engineers has reviewed the project and determined it to be consistent with the activity described in non-reporting category B, Bank Stabilization, of Department of the Army General permit RGP-003-N. No application or notification to the St. Paul District Corps of Engineers is required for projects eligible for this RGP category. The letter received from the USACE has been attached.



'Elwood's Subdivision'

PART OF GOVERNMENT LOT NO. 1,
SECTION NO. 36, T. 111 N., R. 24 W., &
PART OF GOVERNMENT LOT NO. 1,
SECTION NO. 1, T. 110 N., R. 24 W.,
LE SUEUR COUNTY, MINNESOTA.

KNOW ALL MEN BY THESE PRESENTS that we, Edward F. Elwood and Margaret R. Elwood, husband and wife, owners and proprietors of the following described property situated in the State of Minnesota and the County of Le Sueur, to wit:

Beginning at a point 2017.05 feet South and 75.00 feet West of the East one quarter corner of Section Number 36, Township Number 111 North, Range Number 24 West, thence North parallel to the East line of said Section Number 36 a distance of 213.95 feet, thence South 49° 30' West 1326.90 feet, thence South 09° 07' West 83.00 feet to the South line of said Section Number 36, thence continuing South 09° 07' West in Section Number 1, Township Number 110 North, Range Number 24 West, a distance of 133.55 feet, thence East parallel to the North line of said Section Number 1 a distance of 143.00 feet more or less to the waters edge of Lake Volney, thence northeasterly along the waters edge of said lake to a point 75.00 feet West of the East line of said Section Number 36, Township Number 111 North, Range Number 24 West, said point being due South of place of beginning, thence North 18.00 feet more or less to place of beginning, being 5.38 acres of Government Lot Number 1 of Section Number 36, Township Number 111 North, Range Number 24 West, and also being 0.56 acres of Government Lot Number 1 of Section Number 1, Township Number 110 North, Range Number 24 West, all acreage being more or less according to the rise and fall of the waters of Lake Volney.

have caused the same to be surveyed and platted as 'ELWOOD'S SUBDIVISION', subject to the drainage easements as shown on the annexed plat. In witness whereof we have hereunto set our hands and seal this the 5th day of May, 1966.

In Presence of
W. J. Heinemann
Lillian Schubert

Edward F. Elwood
Edward F. Elwood
Margaret R. Elwood
Margaret R. Elwood

April - 1966
Scale: One inch = Sixty feet
O - Denotes Iron Monument

On this 5th day of May, 1966, before me, a Notary Public, within and for said County and State, personally appeared Edward F. Elwood and Margaret R. Elwood, husband and wife, to me known to be the persons who signed and sealed the foregoing instrument and they acknowledge they signed the same as their own free act and deed.

W. J. Heinemann
Notary Public, Le Sueur County, Minnesota.
My Commission Expires May 22 1967

I hereby certify that I have surveyed and platted the property described on this plat as 'ELWOOD'S SUBDIVISION' that all distances are correctly shown on the plat in feet and decimals of a foot; that monuments for the guidance of future surveys have been placed in the ground as shown on the plat; that the outside boundary lines are correctly shown; that said plat is a true and correct representation of said survey; that there are no wet lands or public highways to be designated on said plat other than as shown thereon.

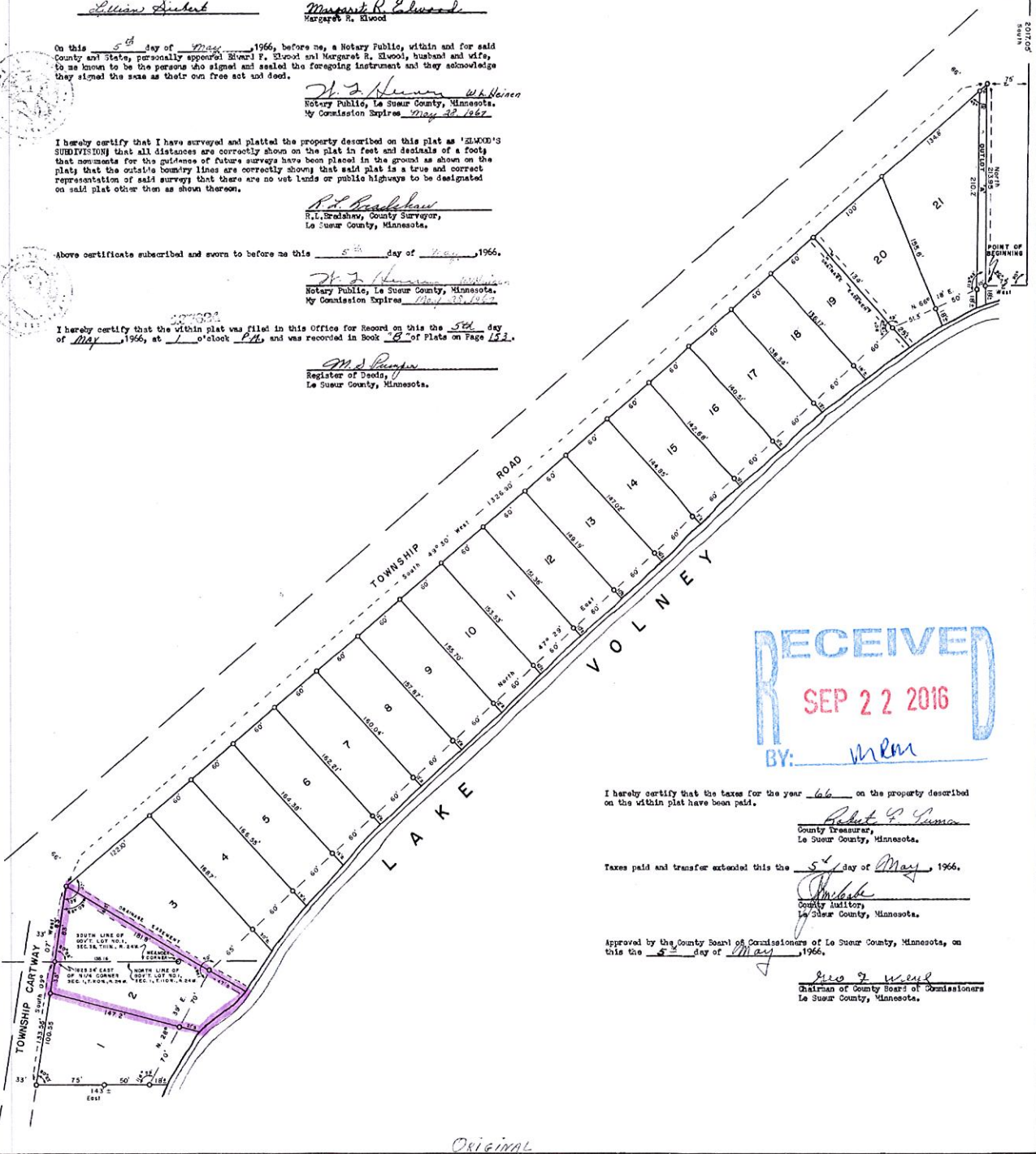
R. L. Bradshaw
R. L. Bradshaw, County Surveyor,
Le Sueur County, Minnesota.

Above certificate subscribed and sworn to before me this 5th day of May, 1966.

W. J. Heinemann
Notary Public, Le Sueur County, Minnesota.
My Commission Expires May 22 1967

I hereby certify that the within plat was filed in this Office for Record on this the 5th day of May, 1966, at 1 o'clock P.M., and was recorded in Book 8 of Plate on Page 152.

M. J. Bremer
Register of Deeds,
Le Sueur County, Minnesota.



I hereby certify that the taxes for the year 66 on the property described on the within plat have been paid.

Robert G. Luma
County Treasurer,
Le Sueur County, Minnesota.

Taxes paid and transfer extended this the 5th day of May, 1966.

Amos
County Auditor,
Le Sueur County, Minnesota.

Approved by the County Board of Commissioners of Le Sueur County, Minnesota, on this the 5th day of May, 1966.

Geo. J. Reed
Chairman of County Board of Commissioners
Le Sueur County, Minnesota.

Lexington Township authorizes work to be performed in the right-of-way of 400th Street as shown in the plans titled "Lake Volney Drainage" prepared for the Le Sueur County SWCD by I+S Group, Inc.
Lexington Township authorizes access from 400th Street for said work.

Authorized By Township Board

George W. Hays

Name

Clerk Lexington Township

[Signature]

Signature

7/26/16

Date

RECEIVED
SEP 22 2016
BY: *mk*

**Public Waters Work Permit****Expiration Date: 08/15/2021****Permit Number****2016-1407**

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

Project Name: Lake Volney Drainage	County: Le Sueur	Watershed: Cannon River	Resource: Lake: Volney (40003300)	
Purpose of Permit: Riprap (Natural Rock)		Authorized Action: Install natural rock rip rap along shoreline, per the engineered design. Any changes to the plan need to be approved by DNR, prior to installation.		
Permittee: LE SUEUR COUNTY SWCD CONTACT: SCHULTZ, MICHAEL, (507) 357-4879 x3 181 W MINNESOTA ST LE CENTER, MN 56057 (507) 357-4879		Authorized Agent: I+S GROUP, INC. CONTACT: PETZEL, BRYAN 115 E. HICKORY ST, SUITE 300 MANKATO, MN 56001 (507) 387-6651		
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 448220m east, 4913127m north (centroid), Meandered water body of Section 1, T110N, R24W				
Authorized Issuer: Todd Piepho	Title: Area Hydrologist	Issued Date: 08/16/2016	Effective Date: 08/16/2016	Expiration Date: 08/15/2021

This permit is granted **subject to the following CONDITIONS:**

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned

CONDITIONS *(Continued from previous page)*

lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

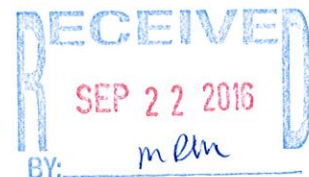
EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: <http://www.bwsr.state.mn.us/wetlands/wca/index.html#general>.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

cc: Todd Kolander, EWR District Manager
Brent Ihnen, Conservation Officers, Waseca
Jeremy Maul, BWSR Wetland Specialists, Le Sueur
Lisa Gelvin-Innvaer, DNR Regional Nongame Specialists, South
Kevin Mixon, DNR Regional Environmental Assessment Ecologist, Region 4
Joe Stangel, DNR Wildlife, Nicollet
Craig Soupir, DNR Fisheries, Waterville Area
Kathy Brockway, County, Le Sueur
David Studenski, Corps of Engineers, Le Sueur
Raelene Hegge, Corps of Engineers, Le Sueur
Michael Schultz, SWCD, Le Sueur County SWCD





REPLY TO ATTENTION OF
REGULATORY BRANCH

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

September 16, 2016

Regulatory File No MVP-2016-02829-MJB.

I&S Group
c/o Mr. Bryan Petzel
115 E. Hickory St., Suite 300
Mankato, Minnesota 56001

Dear Mr. Petzel:

This letter concerns your request for Department of the Army authorization, submitted on behalf of the Le Sueur County Soil and Water Conservation District, to discharge fill material below the plane of the ordinary high water mark of 76 linear feet (0.01 acre) of Lake Volney for the purpose of bank stabilization. The project would not involve bank shaping below the plane of the ordinary high water mark. The project site is in Section 1, Township 110 North, Range 24 West, Le Sueur County, Minnesota.

The work that you described is consistent with the activity described in non-reporting category B, Bank Stabilization, of Department of the Army General Permit RGP-003-MN. No application or notification to the St. Paul District Corps of Engineers is required for projects eligible for this RGP category.

You are responsible for ensuring that your proposed project complies with all applicable terms and conditions of the RGP for the specified category of work. A full list of applicable terms and conditions for eligibility may be found by visiting our website at <http://www.mvp.usace.army.mil/Missions/Regulatory/PermittingProcessProcedures>.

If you have any questions, please contact Meghan Brown in our La Crescent office at (651) 290-5688 or Meghan.J.Brown@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

Kristen Hafer
Chief, Southwest Section

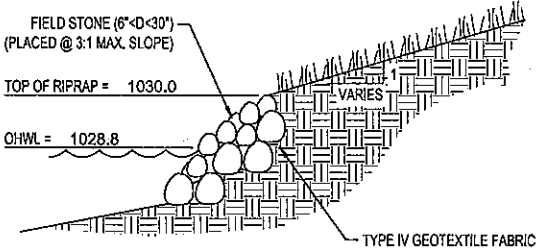




CONSTRUCTION NOTES

- 1. EXTREME CARE SHALL BE TAKEN SO THAT ALL EXISTING STRUCTURES, INCLUDING DRAINAGE TILE, CULVERTS, SHEDS, POSTS, LP TANKS, ANTENNAS, PROPERTY PINS, ETC. ARE NOT REMOVED OR DAMAGED UNLESS NOTED OTHERWISE.
- 2. EXTREME CARE SHALL BE TAKEN SO THAT ALL EXISTING TREES LOCATED WITHIN & ADJACENT TO THE CONSTRUCTION AREAS ARE NOT REMOVED OR DAMAGED, UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL CONTACT THE OWNER WITH ANY POTENTIAL CONFLICTS.
- 3. NO EXTRA PAYMENT WILL BE MADE FOR TEMPORARY STOCKPILING OF EXCAVATION, EMBANKMENT AND/OR BORROW MATERIAL.
- 4. CONSTRUCTION ACTIVITY SHALL BE PERFORMED IN SUCH A MANNER THAT ACCESS IS MAINTAINED TO ALL RESIDENCES AND BUSINESSES. WHERE CONSTRUCTION OPERATIONS REQUIRE CLOSURE OF ACCESS TO SITE OR SURROUNDING PROPERTIES, CONTRACTOR SHALL COORDINATE WITH SAID PROPERTY OWNER AT LEAST 24 HOURS BEFORE THE ANTICIPATED ACCESS INTERRUPTION AND ALL ACCESS SHALL BE AT LEAST TEMPORARILY RESTORED EACH NIGHT BEFORE THE END OF THE WORK DAY. NO PROPERTY OWNER SHALL BE LEFT WITHOUT ADEQUATE ACCESS OVERNIGHT OR OVER THE WEEKEND. EMERGENCY VEHICLE ACCESS SHALL BE MAINTAINED AS WELL.
- 5. AS SHOWN ON THE PLANS, VARIOUS UTILITIES ARE LOCATED WITHIN THE PROJECT AREA. THERE ARE ADDITIONAL UTILITIES THAT MAY EXIST AND ARE NOT SHOWN ON THE PLANS. THE CONTRACTOR SHALL COORDINATE THEIR ACTIVITIES WITH THE AFFECTED UTILITY COMPANIES AND/OR ADJACENT PROPERTY OWNERS AND WILL BE RESPONSIBLE FOR VERIFICATION AND PROTECTION OF ALL UTILITIES IN THEIR EXISTING LOCATION (POWER POLES, PEDESTALS, ETC.). THE CONTRACTOR SHALL COORDINATE WITH THE PRIVATE UTILITIES AND/OR ADJACENT PROPERTY OWNERS TO ARRANGE SUPPORTING/RELOCATE AND/OR REPAIRS TO ALL FACILITIES AS NEEDED FOR ALL UTILITY AND STREET IMPROVEMENTS. THE COUNTY SHALL NOT INCUR ADDITIONAL COSTS IF THE LOCATIONS OF UTILITIES ARE NOT SHOWN ON THE PLANS FOR DELAYS IN CONSTRUCTION CAUSED FROM CONFLICTS WITH PRIVATE UTILITIES. THE CONTRACTOR SHALL COORDINATE WITH LE SUEUR COUNTY AND ALL DRY UTILITY COMPANIES FOR ANY NECESSARY REMOVAL AND RELOCATION OF THEIR FACILITIES. THE CONTRACTOR SHALL PERFORM GRADING OPERATIONS AROUND ALL OVERHEAD ELECTRIC POWER POLES AND GUY WIRES.
- 6. TURF REINFORCEMENT SHORELINE PROTECTION AREA SHALL BE AMERICAN EXCELSIOR RECYCLEX OR APPROVED EQUAL AND INSTALLED PER THE MANUFACTURER'S RECOMMENDATIONS AND SHORELINE PROTECTION DETAIL. AN APPROVED EROSION CONTROL BLANKET MAY BE USED LIEU OF CURLEX QUICKGRASS TO PROTECT THE SEEDED AREA. ALL NECESSARY MATERIALS TO CONSTRUCT THE TURF REINFORCEMENT MAT SHORELINE PROTECTION AREA PER MANUFACTURER'S RECOMMENDATIONS SHALL BE INCIDENTAL TO LUMP SUM PAY ITEM.
- 7. SILT CURTAIN AND OTHER EQUIPMENT USED IN THE WATER SHALL BE CLEANED, DRAINED, AND DRIED PRIOR TO TRANSPORTATION ON PUBLIC ROADS IN ORDER TO PREVENT THE TRANSPORTATION OF INVASIVE SPECIES.
- 8. THE CONTRACTOR IS HEREBY REMINDED OF THEIR RESPONSIBILITY UNDER STATE LAW TO CONTACT ALL UTILITIES THAT MAY HAVE FACILITIES IN THIS AREA. CONTACT MUST BE MADE THROUGH GOPHER STATE ONE-CALL.

ITEM NO.	CONSTRUCTION ITEM	UNIT	ESTIMATED QUANTITY
2021.501	MOBILIZATION	LS	1
2511.601	FIELD STONE SHORELINE PROTECTION (W/ FABRIC)	CY	32
2573.505	FLOATATION SILT CURTAIN, TYPE STILL WATER	LF	110
2573.530	STORM DRAIN INLET PROTECTION	EA	1
2573.535	STABILIZED CONSTRUCTION EXIT	LS	1
2575.501	SEEDING, MNDOT 25-151	LS	1
2575.601	TURF REINFORCEMENT MAT SHORELINE PROTECTION	LS	1



FIELD STONE SHORELINE PROTECTION DETAIL
N.T.S.



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

BRYAN M PETZEL

Bryan M Petzel

DATE 9/22/16 LIC. NO. 53191

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE LIC. NO.

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PROJECT
**LE SUEUR COUNTY
SWCD
LAKE VOLNEY
SHORELINE
PROTECTION**

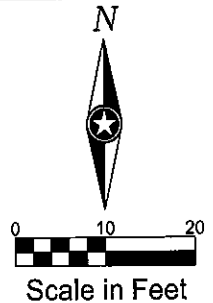
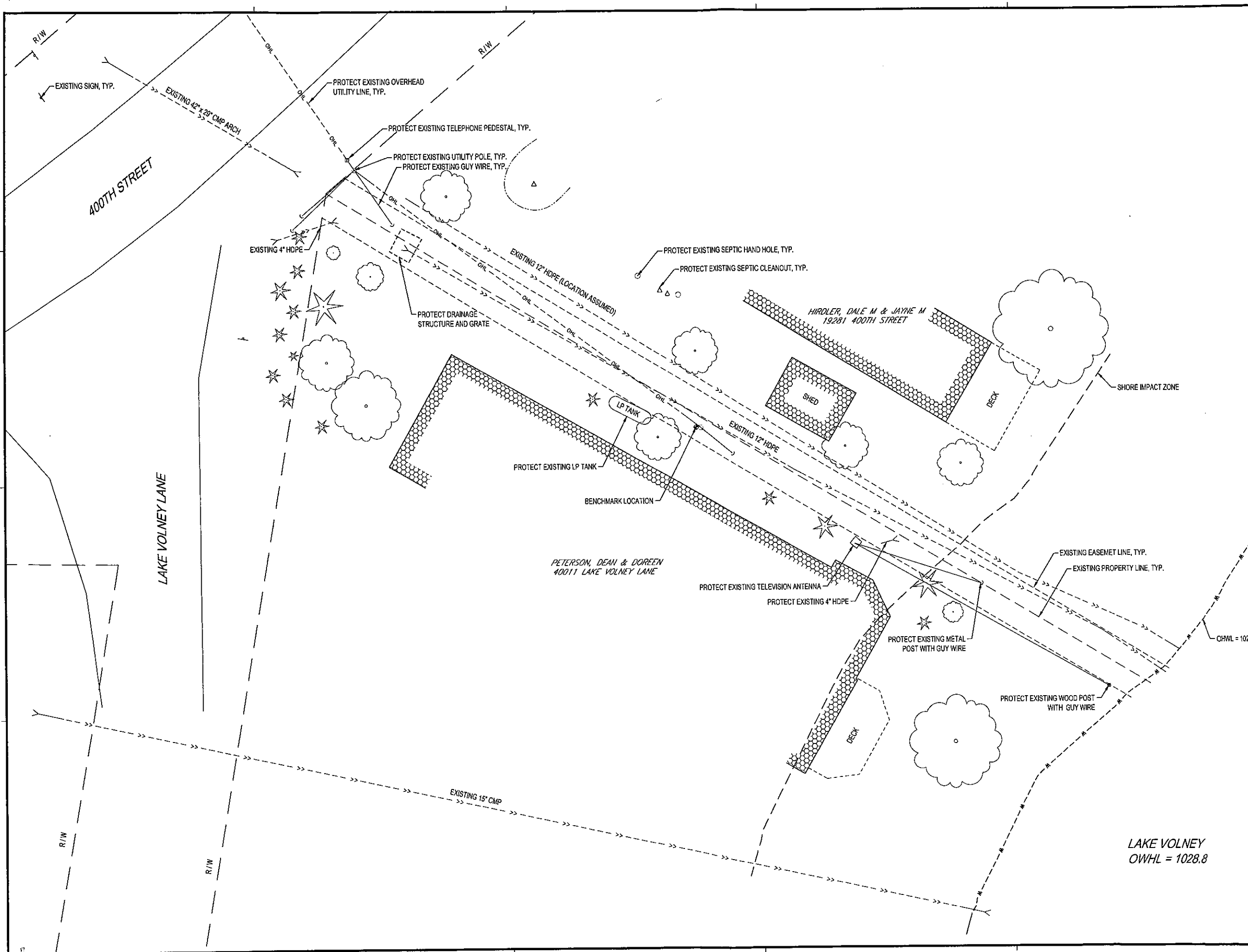
LE SUEUR COUNTY MINNESOTA

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

PROJECT NO.	16-19208
FILE NAME	19208 QUANTITIES & DETAILS
DRAWN BY	BMP
DESIGNED BY	BMP
REVIEWED BY	BMP
ORIGINAL ISSUE DATE	9/22/16
CLIENT PROJECT NO.	-

TITLE
**QUANTITIES
NOTES & DETAILS**

SHEET
2 OF 6



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

BRYAN M PETZEL

DATE 9/22/16 LIC. NO. 53191

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DATE _____ LIC. NO. _____

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PROJECT

LE SUEUR COUNTY SWCD

LAKE VOLNEY SHORELINE PROTECTION

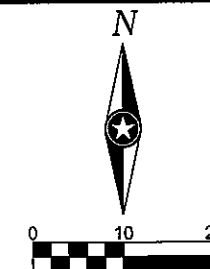
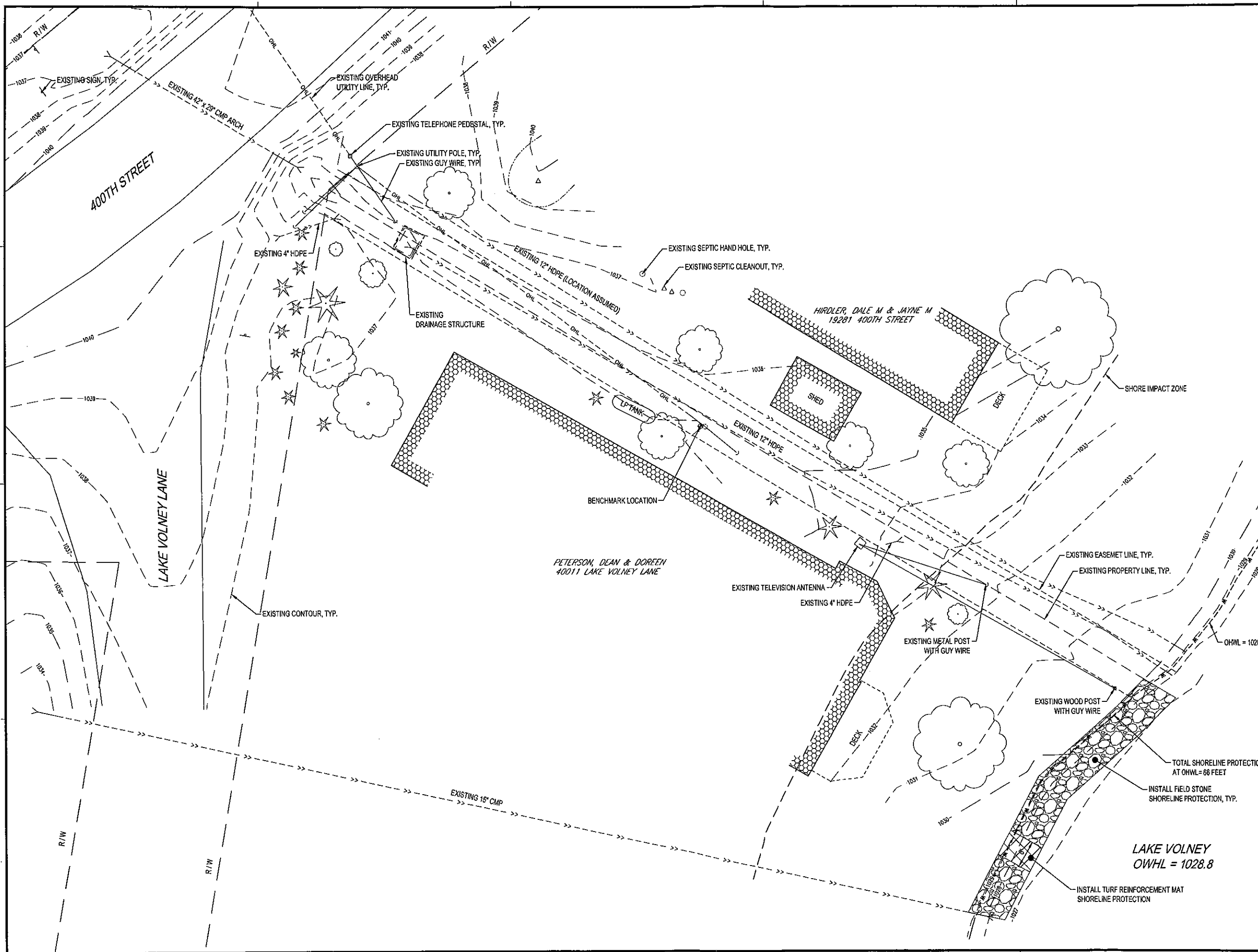
LE SUEUR COUNTY MINNESOTA

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

PROJECT NO.	16-19208
FILE NAME	19208 EXISTING
DRAWN BY	BMP
DESIGNED BY	BMP
REVIEWED BY	BMP
ORIGINAL ISSUE DATE	9/22/16
CLIENT PROJECT NO.	

TITLE

EXISTING SITE PLAN



Scale in Feet

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

BRYAN M. PETZEL

Bryan M. Petzel

DATE: 9/22/16 LIC. NO.: 53191

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DATE: LIC. NO.:

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PROJECT
**LE SUEUR COUNTY
SWCD
LAKE VOLNEY
SHORELINE
PROTECTION**

LE SUEUR COUNTY MINNESOTA

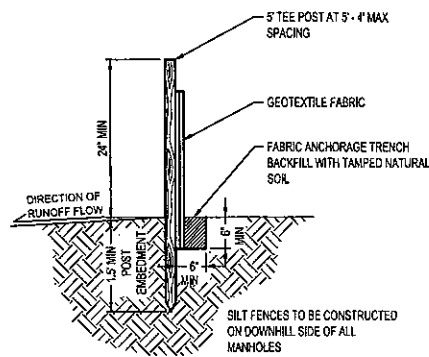
REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

PROJECT NO.	16-19208
FILE NAME	19208 SITE
DRAWN BY	BMP
DESIGNED BY	BMP
REVIEWED BY	BMP
ORIGINAL ISSUE DATE	9/22/16
CLIENT PROJECT NO.	-

TITLE
SITE PLAN

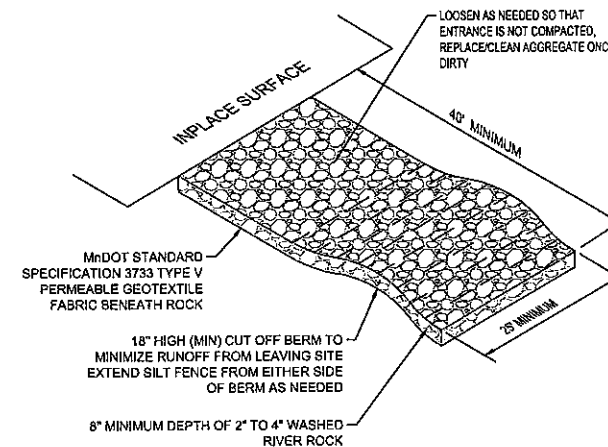
SHEET
4 OF 6

ISG



SILT FENCE DETAIL
NTS EC100

AMERICAN EXCELSIOR STANDARD DETAILS AND INSTALLATION GUIDELINES	
RECYCLEX SLOPE	
RECYCLEX CURLEX SHORELINE SINGLE LAYER PROTECTION	
RECYCLEX INSTALLATION GUIDELINES	
RECYCLEX STAPLE PATTERN GUIDE	
THE STANDARD DETAILS AND GUIDELINES ABOVE, APPROVED BY THE AMERICAN EXCELSIOR COMPANY, SHALL APPLY ON THIS PROJECT AND MAY BE FOUND AT HTTP://AMERICANEXCELSIOR.COM/EROSION-CONTROL/TECHNICAL-SUPPORT/	



ROCK CONSTRUCTION ENTRANCE
NTS EC600

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BRYAN M PETZEL

DATE 9/22/16 LIC. NO. 53191

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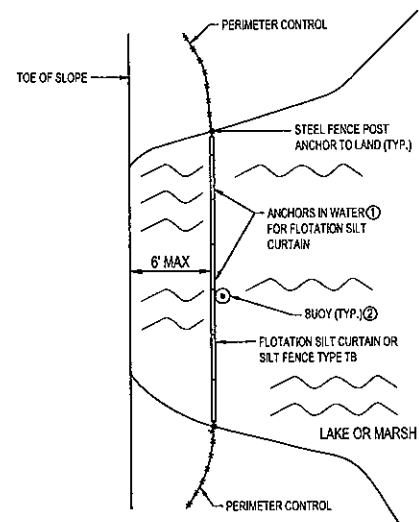
PROJECT
LE SUEUR COUNTY SWCD LAKE VOLNEY SHORELINE PROTECTION
LE SUEUR COUNTY MINNESOTA

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

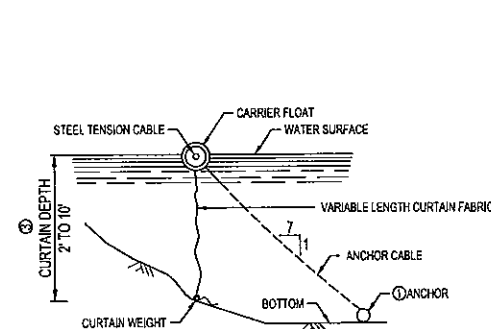
PROJECT NO. 16-19208
FILE NAME 19208 SWPPP
DRAWN BY BMP
DESIGNED BY BMP
REVIEWED BY BMP
ORIGINAL ISSUE DATE 9/22/16
CLIENT PROJECT NO. -

TITLE
SWPPP DETAILS

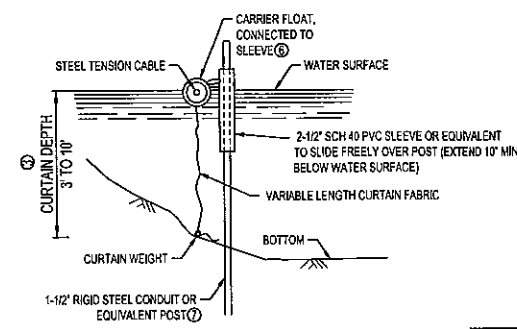
SHEET
6 OF 6



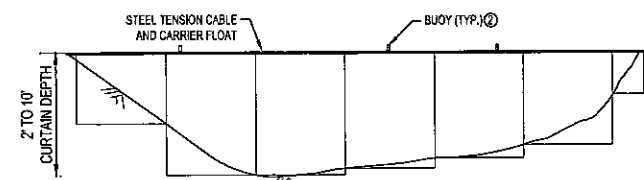
PLAN VIEW FOR LAKE OR MARSH ④



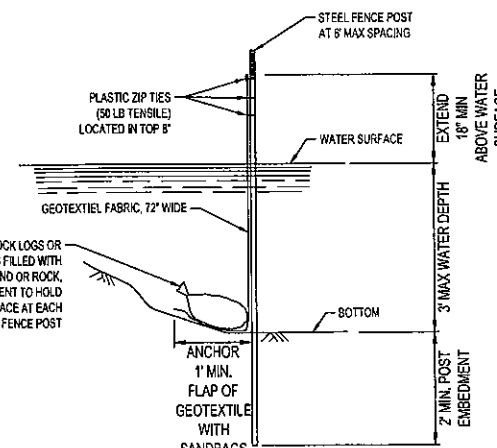
FLOTATION SILT CURTAIN



ALTERNATE FLOTATION SILT CURTAIN



FRONT VIEW FOR FLOTATION SILT CURTAIN



SILT FENCE TYPE TB ⑤

INSTALLATION GUIDELINES	
SILT FENCE TYPE TB	
MINIMUM WATER DEPTH: 1 FT.	
MAXIMUM WATER DEPTH: 3 FT.	
MAXIMUM WATER VELOCITY: 5 FT/SEC.	
INSTALLATION GUIDELINES	③
FLOTATION SILT CURTAIN	
TYPE: STILL WATER	
MINIMUM WATER DEPTH: 3 FT.	
MAXIMUM WATER DEPTH: 10 FT.	
MAXIMUM WATER VELOCITY: 2 FT/SEC.	
MAXIMUM WAVE HEIGHT: 1 FT.	
INSTALLATION GUIDELINES	④
FLOTATION SILT CURTAIN	
TYPE: MOVING WATER	
MINIMUM WATER DEPTH: 3 FT.	
MAXIMUM WATER DEPTH: 10 FT.	
MAXIMUM WATER VELOCITY: 5 FT/SEC.	
MAXIMUM WAVE HEIGHT: 2 FT.	

- NOTES:
- SEE SPECS. 2573, 3885, 3887, 2573
- ① FOR ANCHOR SPACING AND WEIGHT REQUIREMENTS, SEE SPEC 2573.
- ② ON U.S. COAST GUARD OR OTHER MOTORIZED WATERWAYS, BUOYS ARE REQUIRED TO MARK THE ENDS AND SPECIAL AREAS FOR VISIBILITY. PLACE BUOYS AS REQUIRED FOR NAVIGATIONAL PURPOSES.
- ③ MINIMUM WATER DEPTH APPLIES TO THE DEEPEST POINT ALONG THE FLOTATION SILT CURTAIN OR SILT FENCE TYPE TB FOR DETERMINING APPLICABILITY OF FLOTATION SILT CURTAIN OR SILT FENCE TYPE TB.
- ④ SILT CURTAIN SHOULD BE REMOVED WHEN THE AREA CONTRIBUTING DIRECT RUNOFF HAS BEEN TEMPORARILY OR PERMANENTLY STABILIZED. SILT CURTAIN SHOULD ALSO BE REMOVED BEFORE WINTER IF ICE UP OR ICE FLOW IS ANTICIPATED.
- ⑤ EMBED POST INTO BOTTOM A MINIMUM OF 40% OF THE WATER DEPTH (INCLUDING WAVE HEIGHT), BUT IN NO CASE SHALL EMBEDMENT BE LESS THAN 2 FEET.
- ⑥ ANCHOR FLOAT MUST BE CONNECTED SECURELY TO SLEEVE WITH A MINIMUM TENSILE STRENGTH OF 100 LBS. CONNECTION METHOD MUST ALLOW FOR SLEEVE TO MOVE FREELY ON POST.
- ⑦ PROVIDE SUFFICIENT NUMBER OF POST ANCHORS TO MAINTAIN SILT CURTAIN POSITION.

SILT CURTAIN OR SILT FENCE TYPE TB
NTS



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 4

Planning and Zoning Ordinance Amendment

Staff Contact: Kathy Brockway or Michelle Mettler

SECTION 25. ADMINISTRATION/PLANNING COMMISSION

SUBDIVISION 1. COUNTY PLANNING AND ZONING ADMINISTRATOR

- A. The office of the County Planning and Zoning Administrator is hereby established, for which the Board of County Commissioners may appoint an Administrator and such other personnel necessary to discharge the duties of the Department.
- B. The duties of the Department shall include the following:
1. Be in direct administration of the Zoning Ordinance, Shoreland Regulations, Flood Plain Regulations, Feedlot Regulations, Subsurface Sewage Treatment System Regulations, and the Subdivision Ordinance.
 2. Enforcement of the Zoning Ordinance. If the Department finds a violation of the provisions of this Ordinance they shall notify the person responsible for such violation in accordance with the procedures stated in this Ordinance.
 3. Issue zoning permits and any other permits as required by the terms of this Ordinance.
 4. Receive and forward all applications, documents and actions to the Board of County Commissioners, Planning Commission, Board of Adjustment and other appropriate agencies as required or appropriate by State of Minnesota Statutes.
 5. Keep or supervise the keeping of all necessary records.
 6. Act as secretary to the Board of Adjustment and also act as advisor to the Planning Commission.
 7. Provide and maintain a public information bureau relative to matters of the Zoning Ordinance, Shoreland Regulations, Flood Plain Regulations, Feedlot Regulations, Subsurface Sewage Treatment System Regulations, and the Subdivision Ordinance.
 8. Report on a regular basis to the Board of County Commissioners the recommendations, findings and decisions of the Planning Commission, boards and committees for final action where necessary.

SUBDIVISION 2. PLANNING COMMISSION

- A. The Board of County Commissioners hereby establishes the Planning Commission. Such Planning Commission shall consist of ~~eleven (11)~~ seven (7) members appointed by the Chairman of the Board of County Commissioners and ratified by the Board of County Commissioners.
- B. No more than four (4) members shall be residents of the incorporated communities of Le Sueur County.

- C. The term of each member shall coincide with the term of the Commissioners District in which they represent.
- D. Each member may be eligible for reappointment at the discretion of the Board of County Commissioners.
- E. No more than one (1) voting member of the Planning Commission shall be an officer or employee of the County.
- F. The Board of County Commissioners may designate any county officer or employee as an ex officio member of the Planning Commission.
- G. The Board of County Commissioners may call for the removal of any Planning Commission member for non-performance of duty or misconduct in office.
- H. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the Board of County Commissioners by the Department. Should any vacancy occur among the members of the Planning Commission, the vacancy shall be filled in accordance with the bylaws of this Subdivision, such member to serve the unexpired term of the office in which such vacancy shall occur.
- I. The members of the Planning Commission may be compensated in an amount as determined by the Board of County Commissioners
- J. The Board of County Commissioners may assign additional duties and responsibilities to the Planning Commission by this Ordinance. The Planning Commission may also be required to review or develop any comprehensive plans or official controls which will aid in the future planning and development within the County, upon the direction of the Board of County Commissioners.



Le Sueur County, MN

Thursday, November 10, 2016

Regular session

Item 1

Approved November 10, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

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 Betty Bruzek 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.

Approved December 8, 2016

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