



Le Sueur County, MN

Tuesday, February 28, 2017

Board Meeting

Item 2

9:05 a.m. Kathy Brockway, Zoning Administrator (5 minutes)

Request for Action - 2 items & PZ Commission Members ratified

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
February 9, 2017

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

MEMBERS ABSENT: Chuck Retka, Steve Olson

OTHERS PRESENT: Kathy Brockway, Commissioners Rohlfing, Connolly, and Gliszinski.

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

ITEM #1: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT, LE CENTER, MN (APPLICANT); CHARLES & LANA PUFFER, NEW PRAGUE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 137 cubic yards of material for a bank stabilization project in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain District on a tributary stream, Sand Creek. Property is located at Lot 2, Tom Topka Unrecorded Plat, SW 1/4 Quarter, Section 1, Lanesburgh Township.

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

TOWNSHIP: Notified through the application process. **DNR:** Notified through the application process, permit on file. **LETTERS:** Joshua Mankowski, LSC Resource Specialist, see file.

PUBLIC COMMENT: none

Discussion was held regarding: project identified as a priority within the Sand Creek Watershed, correct an erosion problem, cost share project, identified in both the Scott County and Le Sueur County Water Plans as a priority, landowners responsibility, slope stabilization, total project consists of 730 cubic yards of material, county jurisdiction is 137 cubic yards, DNR permit approved, Bruns Construction hired as contractor, road access approved by Highway Department, timeframe, start as soon as County approves the Conditional Use Permit, depends on weather, start to finish about 1-week, vegetation.

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.*
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 submitted. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #2: LYRA COMMUNITY SOLAR GARDENS, EDINA, MN (APPLICANT); LARRY & SOLVEIG THEIS, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 23,379 cubic yards of material in a Special Protection "SP" District on a Natural Environment Lake, Quiram's Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township.

Kathy Brockway presented power point presentation. Kara Bakke, representing Geronimo, and August Christenson, Westwood Engineering were present for application.

TOWNSHIP: Al Gehrke, Waterville Township Board member, township has no objections. Notified through the application process. **DNR:** No comments. **LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: Jerry Gish, Gish Cemetery, Mae Stocker, Gish Cemetery, concerned with the Gish Cemetery, explained the notification process, this meeting had nothing to do with the cemetery, property owners within 1/4 mile receive notification.

Discussion was held regarding: fill from material on-site, no additional fill brought onto site, seeding mixture, construction of stormwater ponds, NPDES permit approved, general maintenance of ponds, seed mixture, noxious weeds, time frame, engineering plans, operations and maintenance plan submitted to the Department to include the general maintenance of the ponds due to the limited material movement outside the shore impact zone.

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 conditions: Work with Joshua Mankowski as to the proper seed mixture for the site and a copy of the operation and maintenance plan for the storm water basins to be submitted to the Department. Seconded by Al Gehrke. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the December 8, 2016 meeting by Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Don Rynda. Seconded by Pam Tietz. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer by
Kathy Brockway

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
February 28, 2017

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT, LE CENTER, MN (APPLICANT); CHARLES & LANA PUFFER, NEW PRAGUE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 137 cubic yards of material for a bank stabilization project in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain District on a tributary stream, Sand Creek. Property is located at Lot 2, Tom Topka Unrecorded Plat, SW 1/4 Quarter, Section 1, Lanesburgh Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ITEM #2: LYRA COMMUNITY SOLAR GARDENS, EDINA, MN (APPLICANT); LARRY & SOLVEIG THEIS, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 23,379 cubic yards of material in a Special Protection "SP" District on a Natural Environment Lake, Quiram's Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

1. Continue to work with Joshua Mankowski as to the planting of the correct seed mixture for the site;
2. Submit a copy of the operations and maintenance plan to the Department in regards to the maintenance of the ponds.

ACTION: ITEM #1: _____

ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT, LE CENTER, MN (APPLICANT); CHARLES & LANA PUFFER, NEW PRAGUE, MN (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 137 cubic yards of material for a bank stabilization project in a Special Protection “SP” District and a Flood Fringe “FF” Floodplain District on a tributary stream, Sand Creek. Property is located at Lot 2, Tom Topka Unrecorded Plat, SW 1/4 Quarter, Section 1, Lanesburgh Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on February 9, 2017 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

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.***

WHEREAS, On February 28, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT, LE CENTER, MN (APPLICANT); CHARLES & LANA PUFFER, NEW PRAGUE, MN (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the February 28, 2017, Le Sueur County Board meeting in order to protect the public health, safety, and general welfare of the citizens of Le Sueur County.

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided.*

4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
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?*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 137 cubic yards of material for a bank stabilization project in a Special Protection "SP" District and a Flood Fringe "FF" Floodplain District on a tributary stream, Sand Creek. Property is located at Lot 2, Tom Topka Unrecorded Plat, SW 1/4 Quarter, Section 1, Lanesburgh Township is APPROVED/DENIED.

ATTEST:

Steve Rohlring, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, LYRA COMMUNITY SOLAR GARDENS, EDINA, MN (APPLICANT); LARRY & SOLVEIG THEIS, WATERVILLE, MN (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of approximately 23,379 cubic yards of material in a Special Protection “SP” District on a Natural Environment Lake, Quiram’s Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on February 9, 2017, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approved the application with conditions due to the following findings:

Findings by majority roll call vote:

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage, and other facilities are being provided. Agreed.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals, and objectives in the Ordinance? Agreed.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan. Agreed.*

WHEREAS, On February 28, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **LYRA COMMUNITY SOLAR GARDENS, EDINA, MN (APPLICANT); LARRY & SOLVEIG THEIS, WATERVILLE, MN (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the February 28, 2017 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage, and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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.*
6. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals, and objectives in the Ordinance?*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of approximately 23,379 cubic yards of material in a Special Protection “SP” District on a Natural Environment Lake, Quiram’s Slough. Property is located in the SW 1/4 SW 1/4, Section 10, Waterville Township, is APPROVED/DENIED.

ATTEST:

Steve Rohlring, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____