



# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 1**

**Approved April 13, 2017 Meeting Minutes**

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**April 13, 2017**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz, Commissioner Wetzel

**MEMBERS ABSENT:** Don Rynda

**OTHERS PRESENT:** Kathy Brockway, Commissioner Connolly

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

**ITEM #1: LYRA COMMUNITY SOLAR GARDEN, EDINA, MN (APPLICANT); LARRY & SOLVEIG THEIS, SHAKOPEE, MN (OWNER):** Request an extension for an existing Conditional Use Permit #16063 to allow the applicant to construct a 3 MW solar garden in a Special Protection "SP" District, on a Natural Environment "NE" lake, Querum'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, Geronimo Energy was present for application.

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

PUBLIC COMMENT: none

Motion was made by Doug Krenik to approve the 1-year extension as requested. Seconded by Al Gehrke. Motion approved. Motion carried.

**ITEM #2: SOCORE RED MAPLE LLC, CHICAGO, IL (APPLICANT); KATHLEEN REGENSCHEID REVOCABLE TRUST, CLEVELAND, MN (OWNER):** Request an extension for an existing Conditional Use Permit #16047 to allow the applicant to construct a 3 MW solar garden in the Conservancy "C" and Agriculture "A" Districts and the Special Protection "SP" District, on an unnamed stream. Property is located in the NW 1/4 SE 1/4, Section 24, Kasota Township.

Kathy Brockway presented power point presentation. Laura Caspar, So Core, was present for application.

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

PUBLIC COMMENT: none

Motion was made by Don Reak to approve the 1-year extension as requested. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #3: PAMELA COONEY, CLEVELAND, MN (APPLICANT); JOHN COONEY, LE CENTER, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 NW 1/4 in an Agriculture "A" District to the SW 1/4 NW 1/4 in a Special Protection "SP" District on a Natural Environment "NE" lake, Silver Lake. Property is located in the NW 1/4, Section 12, Cleveland Township.

Kathy Brockway presented power point presentation. Pamela Cooney was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: buildable area, adequate space available for septic system and well on the property, access, open space, preserving ag land, TDR's a good thing for the county.

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. n/a*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed*

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

**ITEM #4: PAMELA COONEY, CLEVELAND, MN (APPLICANT); JOHN COONEY, LE CENTER, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE 1/4 NW 1/4 in an Agriculture "A" District to the SW 1/4 NW 1/4 in a Special Protection "SP" District on a Natural Environment "NE" lake, Silver Lake. Property is located in the NW 1/4, Section 12, Cleveland Township.

Kathy Brockway presented power point presentation. Pamela Cooney was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: buildable area, adequate space available for septic system and well on the property, access, open space, preserving ag land, TDR's a good thing for the county.

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. n/a*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*

6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed*

Motion was made by Don Reak to approve the application as written. Seconded by Pam Tietz. Motion approved. Motion carried.

**ITEM #5: PAMELA COONEY, CLEVELAND, MN (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 in an Agriculture "A" District to the SW 1/4 NW 1/4 in a Special Protection "SP" District on a Natural Environment "NE" lake, Silver Lake. Property is located in the SW 1/4 & NW 1/4, Section 12, Cleveland Township.

Kathy Brockway presented power point presentation. Pamela Cooney was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: buildable area, adequate space available for septic system and well on the property, access, open space, preserving ag land, TDR's a good thing for the county.

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. n/a*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed*

Motion was made by Shirley Katzenmeyer to approve the application as written. Seconded by Al Gehrke.

**ITEM #6: MARK PERKINS, CLEVELAND, MN (APPLICANT); SCOTT & CORRALEE BORGMEIER, MADISON LAKE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing 400 animal unit feedlot to 1062 animal unit feedlot in an Agriculture "A" District. Property is located in the NW 1/4, Section 34, Cleveland Township.

Kathy Brockway presented power point presentation. Mark Perkins was present for application.

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

PUBLIC COMMENT: Ken and Jeanette Nelson, landowners, concerned with additional odor, manure storage.

Discussion was held regarding: expand an existing feedlot, construction time frame, June 2017, several additional meetings, notifications if the conditional use permit is granted, existing pit on site constructed in 1998, visual inspection at time of purchase in November of 2016 by landowner and County Feedlot Officer, feedlot owner responsibility to check pits, discussed NPDES Permits and STS Permits, NPDES Permit is a Federal Permit, valid for 5 years, under the Clean Water, Clean Air Act, STS is a state permit and valid for 10 years, suitable area acres, odor control plan, manure management plan, ownership of the property, land application agreements, manure is land applied and injected within 24 hours, inspections by the State along with the County Feedlot Officer.

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. n/a*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed*

Motion was made by Don Reak to approve the application with the condition that they abide by their NPDES permit regulations. Seconded by Doug Krenik. Motion approved. Motion carried.

**ITEM #7: KAMP DELS, WATERVILLE, MN (APPLICANT); POPE PROPERTIES, WATERVILLE, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing campground with an additional 46 camp sites in an Agriculture "A" District and a Recreational Commercial "RC" District, on a Recreational Development "RD" lake, Sakatah Lake. Property is located in the NW 1/4 SE 1/4, Section 23, Waterville Township.

Kathy Brockway informed the Commission that she had a conflict of interest with the application; and that she would present the application as submitted and answer questions pertaining to the Ordinance.

Kathy Brockway presented power point presentation. Tobin Pope, Pope Properties was present for application.

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

PUBLIC COMMENT: Mike Clemons, adjacent landowner to the east, main concern is the PA speaker system, met with Tobin Pope, Kamp Dels, and are working together on the possibility of redirecting the loud speaker away from the Clemons property, they will continue to work together to resolve this issue.

Discussion was held regarding: demand for seasonal sites, seasonal sites vs. overnight sites, this expansion was a part of their 2013 expansion vision for this area, utilities in place, additional trees

planted in this area, no additional dirt work, security, family live on site, PA system in place mainly for notification of severe weather, used for announcing recreational activities periodically during the day, no complaints, working with both the City of Waterville and MPCA in regards to their sewage treatment, will continue to work with neighbor, sign in road right of way.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed*

Motion was made by Al Gehrke to approve the application with the following condition: Remove the sign from the Road Right of Way per the County Highway Department. Seconded by Doug Krenik. Motion approved. Motion carried.

**ITEM #8: DENNIS & BEVERLY STEFFENSON, FOREST CITY, IA (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to repair and replace retaining walls and stairs within the bluff and within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson. Property is located in the Lot 32 Cape Horn Subdivision, Section 1, Cleveland Township.

Kathy Brockway presented power point presentation. Dennis Steffenson was present for application.

TOWNSHIP: notified through the application process. DNR: LETTERS: Joshua Mankowski, LSC Resource Specialist-see file

PUBLIC COMMENT: none

Discussion was held regarding: improvement to the property, replacing the existing railroad ties used as for the retaining wall and replace with blocks, add drain tile behind the walls, minimal movement of material.

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. n/a*
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 conditions:  
Continue to work with Environmental Resources Specialist as to vegetation plan which should contain native plants to provide screening and ensure area where tile line discharges is properly protected so it does not erode. Seconded by Pam Tietz. Motion approved. Motion carried.

**ELECTION OF OFFICERS:**

Motion by Don Reak to appoint Jeanne Doheny as Chairperson. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Motion by Don Reak to appoint Lance Wetzel as Vice-Chair. Seconded by Al Gehrke. Motion approved. Motion carried.

Motion by Doug Krenik to appoint Shirley Katzenmeyer as Secretary. Seconded by Don Reak. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the March 9, 2017 meeting by  
Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. 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***