



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:** APRIL 13, 2017

**TIME:** 7:00 PM

**PLACE:** 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 & Zoning Commission Notice of Public Hearing
- ITEM #2** Planning & Zoning Commission Agenda
- ITEM #3** Lyra Community Solar Garden/Theis Packet
- ITEM #4** SoCore Red Maple 1 LLC/Regenscheid Packet
- ITEM #5** Cooney Packet
- ITEM #6** Cooney Packet
- ITEM #7** Cooney Packet
- ITEM #8** Perkins/Borgmeier packet
- ITEM #9** Kamp Dels/Pope Properties Packet
- ITEM #10** Steffensen Packet
- ITEM #11** Approved April 13, 2017 Meeting 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



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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 1**

### **Planning & 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](http://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:** APRIL 13, 2017

**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 **APRIL 4, 2017**.

**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.

**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.

**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.

**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.

**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.



**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.

**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.

**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.

**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



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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 1**

### **Planning & 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:** April 13, 2017  
**MEETING PLACE:** Le Sueur County Environmental Service

**Beginning Time: 7:00 P.M. Ending Time: Approx. 9:00 P.M.**  
**If you CANNOT be at the meeting, contact MINDY at 357-8538**

**AGENDA:**

**Meeting Called  
to Order.**

**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.

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**Election of Officers**

**MINUTES-WARRANTS**

**ADJOURN 9:00 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.



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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 1**

### **Lyra Community Solar Garden/Theis Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



February 28, 2017

Kathy Brockway  
Le Sueur County Environmental Services  
515 South Maple Ave  
Le Center, MN 56057

Dear Kathy Brockway,

Lyra Community Solar Gardens, LLC ("The Project" or "Lyra CSG") respectfully submits an extension request for its Conditional Use Permit (CUP) submitted on May 16, 2016, and issued by Le Sueur County on June 28, 2016. On January 9, 2017, the Project submitted a complete application for a grading CUP. On February 9, 2017 Lyra CSG received unanimous approval from the Le Sueur County Planning Commission. The Project anticipates approval from the Board of Commissioners on February 28, 2017. The Project is seeking an extension on the CUP issued June 28, 2016, until June 28, 2018.

Since the CUP issuance on June 28, 2016 the Project has made progress on development items and movement towards construction. On September 20, 2016, the Minnesota Public Utilities Commission (MN PUC) directed Xcel Energy to restudy interconnection for some solar projects, including Lyra CSG. This created uncertainty, potentially changing interconnection size for the Project, thus delaying design. Results from the restudy were issued to Lyra CSG on October 24, 2016 and confirmed three mega-watts of interconnection for the Project. Lyra's contractor moved forward with design and completed it by January 2017.

Lyra CSG is scheduled to mobilize in mid-March, shortly after receiving its grading CUP. The actual mobilization date is dependent on weather, site conditions, and receipt of building permits. Construction is anticipated to be completed no later than December 31, 2017. Lyra CSG respectfully requests a permit extension to June 28, 2018; this gives the contractors sufficient time in case any unforeseeable events occur that delay construction activities.

Lyra CSG is providing responses to Ordinance requirements of Section 21-Conditional Use Permits, Subdivision 5.A. attached to this letter. The Project's request for an extension is in compliance with Le Sueur County's Zoning Ordinance Section 21-Conditional Use Permits, Subdivision 5.A. Lyra Community Solar Gardens, LLC respectfully requests that the Board of Commissioners approve the Project's request for a CUP extension until June 28, 2018.

Sincerely,

A handwritten signature in black ink that appears to read "Patrick Smith".

Patrick Smith  
Senior Director, Environmental Planning  
[patrick@geronimoenergy.com](mailto:patrick@geronimoenergy.com)  
952-641-4042

Enclosure: Section 21-Conditional Use Permits, Subdivision 5.A

7650 EDINBOROUGH WAY, STE 725, EDINA, MN 55435 | P 952.988.9000 | F 952.988.9001  
[www.geronimoenergy.com](http://www.geronimoenergy.com)

## **Section 21-Conditional Use Permits, Subdivision 5.A**

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.**  
*The Project is writing this letter to petition for an extension on its CUP that is set to expire June 28, 2017. The request is to extend the permit until December 31, 2017.*
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.**  
*Lyra CSG is requesting in writing an extension at least (30) days before the June 28, 2017 expiration date. It is anticipated that the request will be filed (30) days before the extension.*
3. **The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Conditional Use Permit.**  
*The request for extension establishes a factual timeline demonstrating a good faith attempt to complete the work permitted in the CUP. A projected timeline to complete the remaining work is also included in the request.*
4. **Such petition shall be presented to the Planning Commission and Board of County Commissioners for decision.**  
*Representatives for Lyra CSG will be present at the April 13, 2017 Planning Commission Meeting, and at the following Board of County Commissioners Meeting.*

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17020

**Applicant:** LYRA COMMUNITY SOLAR GARDEN

**Land Owner:** LARRY & SOLVEIG THEIS

**Conditional Use Permit Request:** TO ALLOW AN EXTENSION TO CUP #16063 ON JUNE 28, 2016.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_



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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 2**

### **SoCore Red Maple 1 LLC/Regenscheid Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



# Conditional Use Permit Extension Application

VII. Type of Request:

- a. Other: Extend the previously-approved conditional use permit's deadline to complete work for the 3MW solar farm to June 28, 2018.

VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
  - i. SoCore Red Maple 1 LLC ("SoCore") is respectfully requesting an extension of the deadline to complete work for our previously-approved conditional use permit to June 28, 2018. This is a one-year extension from the current deadline.

In the months since the permit issuance, SoCore has completed most of the extensive boundary surveys, topographic surveys, geotechnical studies, and environmental reviews required for site development. These studies are required for our engineering design process, which can take several additional months after receiving completed surveys.

In addition, the timeline to complete the Xcel Energy interconnection process and complete contracting for the energy required more time than initially anticipated.

SoCore has invested tens of thousands of dollars for this work, which we believe constitutes a good-faith effort to develop the site. Unfortunately, one year to complete site work has not been a sufficient amount of time to complete the surveys and engineering work, and finalize the interconnection and contracting process. SoCore believes a year extension should provide the time necessary to complete the work authorized under the permit.



PROPRIETARY AND CONFIDENTIAL

SoCore Energy is not the same company as Southern California Edison, the utility, and SoCore Energy is not regulated by the California Public Utilities Commission.



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17040

**Applicant:** SO CORE RED MAPLE 1 LLC

**Land Owner:** KATHLEEN M REGENSCHEID REVOCABL

**Conditional Use Permit Request:** TO GRANT AN EXTENSION ON CUP #16047 FOR A 3 MW SOLAR GARDEN ON 18 ACRES OF A 40-ACRE PARCEL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 3**

### **Cooney Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



## STAFF REPORT

### GENERAL INFORMATION

**APPLICANT:** Pamela Cooney

**OWNER:** John C. Cooney

**911 ADDRESS:** new off Silver Lake Lane, Le Center MN 56057

**PROJECT DESCRIPTION:** Transfer the development right from Agriculture "A" District to property in a Special Protection Shoreland District.

**ZONING ORDINANCE SECTIONS:** 8,13.1,19

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

Lands within the Special Protection Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

#### GOALS AND POLICIES:

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

**Policy:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

### SITE INFORMATION

**LOCATION:** NENW to the SWNW, Parcel 1, Section 12, Cleveland Township

**ZONING:** Special Protection "SP" District, Agriculture "A"

**GENERAL SITE DESCRIPTION:** Ag land

**ACCESS:** New access off Silver Lake Lane

#### EXISTING LAND USE WITHIN ¼ MILE:

North: Ag land/Existing farmsite

South: Ag/Wetlands/Single Family Dwelling

East: Ag Land

West: Silver Lake

### TOWNSHIP BOARD NOTIFICATION

The applicant contacted John Kluntz, Cleveland Township board member on January 11, 2017.

### NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposed building sites are located within the Shoreland District.

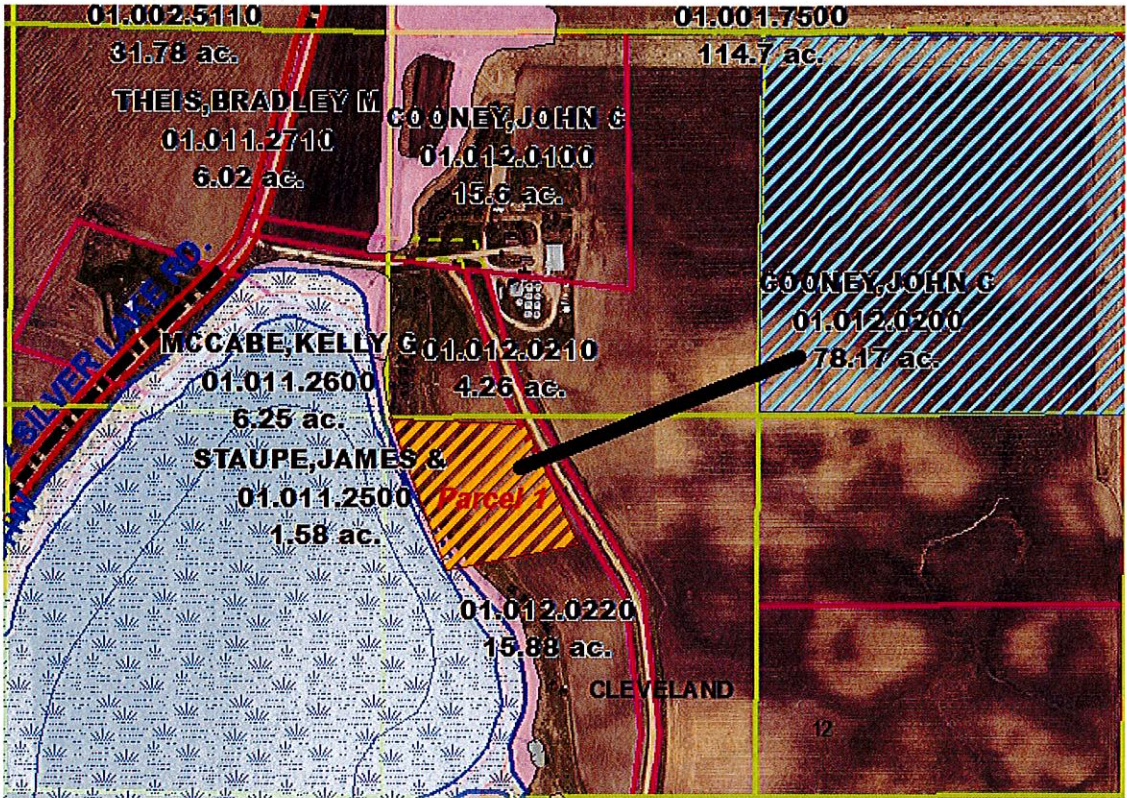
**WETLANDS:** According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the sites are proposed.



ATTACHMENTS

Application, Narrative, Legal Description, Survey, Letter from Septic Contractor, Site Plan, Driveway approval, Wetland Delineation Notice of Decision (report on file).

AERIAL PHOTO



LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

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

Right to Farm-Per Section 19, Subdivision 11.

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.

#### 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

Conditional Use Permit #: 17037

**Applicant:** PAMELA COONEY

**Land Owner:** JOHN C COONEY

**Conditional Use Permit Request:** TO ALLO THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/NW TO THE SW/NW TO PARCEL #1.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

# Le Sueur County

Parcel #1

## Conditional Use Application

### I. Applicant:

Name Pamela K. Cooney  
Mailing Address 46839 Cape Horn Road  
City Cleveland State MN Zip 56017  
Phone # 507-327-0923 Phone # \_\_\_\_\_

### II. Landowner:

Name John C. Cooney  
Mailing Address 41253 Silver Lake Lane  
City Le Center State MN Zip 56057  
Property Address 41253 Silver Lake Lane  
City Le Center State MN Zip 56057  
Phone # 507-327-0932 Phone # 507-327-0932

### III. Parcel Information:

Parcel Number 01.012.0200 Parcel Acreage 78.17  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Cleveland Section 12  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

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

Cleveland Township Township notified on 1-11-17  
(Township Name) (Date)

Board Member John Kluntz 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 <sup>15</sup>~~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.**

### 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:**

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

**VIII. Description of Request:**

a. A full description of request with detailed information must be attached. (see attached)

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Well -
  - ii. Toilet facilities: Septic
  - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

RECEIVED  
JAN 25 2017

**X. 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.  
N/A ☐ d. **Access approval**-Attach approval in writing from proper road authority.  
N/A ☒ e. **Township Notification**-See Part IV for details and requirements.  
N/A ☐ f. **Septic System Compliance Inspection**  
N/A ☐ g. **Erosion control plan**-Attach completed and signed plan including map.  
N/A ☐ h. **Floor plans and/or blue prints**

**XI. 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 the 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.

**XII. 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.*

Pamela K. Cooney 1-25-17  
Applicant signature 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.*

John C Cooney 1/26/17  
Property Owner signature Date

**OFFICE USE ONLY**

**Request:** TOR NE/W to SW/NW Parcel #1

Pre-App Date 3-13-17 Lake Classification NE Feedlot 500' 1000' N  
Meeting Date 4-13-17 Lake Silver Wetland Type 1-2 3-8 N  
60 Day 5-12-17 FEMA Panel # 27079C0 260 D Water courses Y N  
Zoning District SP/A/C Flood Zone A- 100 YR Bluff Y N

☒ Request Description ☐ Access Approval ☒ Septic **Comp Insp / Design** map  
☒ Site Plan ☐ Erosion Control Plan ☒ Meeting **Reg / ATF / Spec**  
☒ Full Legal ☐ Blue Prints ☒ Fee \$ 7910  
☒ Ordinance ☐ Other ☐ Penalty \$

☒ Application Complete Michelle R. Smith 3-13-17 17037  
Planning & Zoning Department Signature Date Permit #



g/g map

## Description of Request:

### APPLICATION FOR PARCEL 1:

Request transfer of development rights for the NE ¼ of the NW ¼ to the SW ¼ of NW ¼ Section 12 Cleveland Township MN to allow development of Parcel 1.



## Proposed Description -

### DESCRIPTION PARCEL 1

That part of Government Lot 3 in Section 12, Township 110 North Range 25 West, LeSueur County, Minnesota, described as:

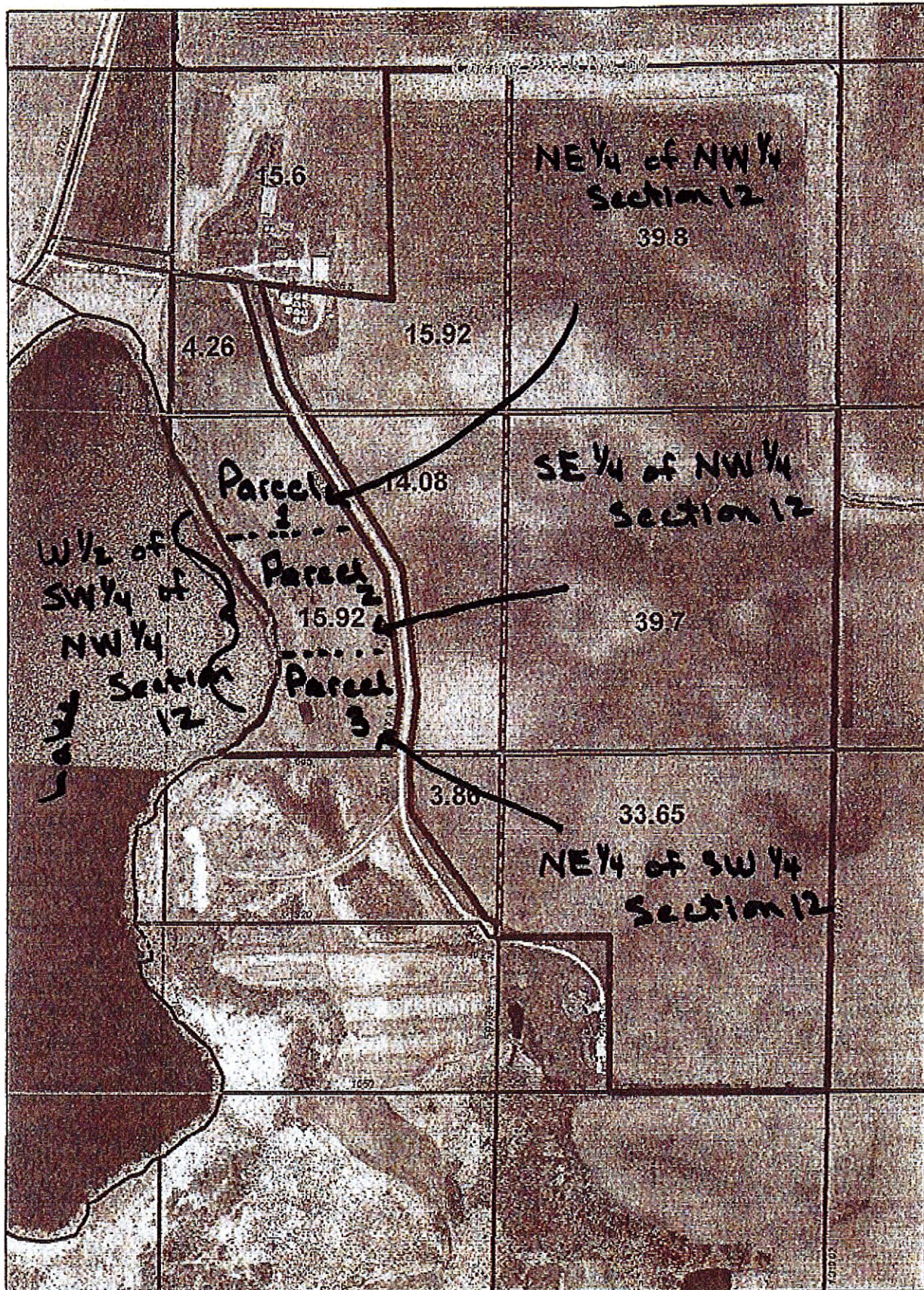
Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 124.39 feet to the point of beginning; thence continuing South 31 degrees 45 minutes 37 seconds East, 491.70 feet; thence South 89 degrees 08 minutes 46 seconds West, 640 feet, more or less, to a point on the easterly water's edge of Silver Lake; thence northwesterly, along said water's edge, 255 feet, more or less, to a point on the west line of said Government Lot 3; thence North 00 degrees 00 minutes 00 seconds East, along said west line, 190 feet, more or less, to the point of intersection with a line which bears South 89 degrees 09 minutes 09 seconds West from the point of beginning; thence North 89 degrees 09 minutes 09 seconds East, 491.05 feet to the point of beginning.

Said Parcel 1 contains 5.7 acres, more or less, subject to any and all easements of record.

**RECEIVED**  
JAN 25 2017  
BY: mlen



# Coonry Proposed Lake Lots



*Reid  
3-13-17*



**Mettler, Michelle**

---

**From:** St. Peter Well Drilling <spwell2@gmail.com>  
**Sent:** Wednesday, January 25, 2017 11:40 AM  
**To:** 'Pam Cooney'  
**Cc:** Mettler, Michelle  
**Subject:** Cooney, 3 lots building permit

Michelle,

Pam Cooney has enough room on all three proposed lots located at parcel number 01.012.0200 on Silver Lake for a primary and a secondary mound system absorption area. See Survey Services File # 16219, dated November 2016.

Thank you,  
Glen Schilling

St. Peter Well Drilling  
45823 State Highway 22  
Kasota, MN 56050  
507-931-1340  
[Spwell2@gmail.com](mailto:Spwell2@gmail.com)

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Le Sueur SWCD</b>	Address <b>181 W. Minnesota Street Le Center, Mn 56057</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Pamela Cooney</b>	Project Name <b>Cooney Property Wetland Delineation</b>	Date of Application <b>8/24/2016</b>	Application Number <b>4-16</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>10/3/2016</b>		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The application for for Cooney Property and Wetland Delineation, Le Sueur County is approved.
---

For Replacement Plans using credits from the State Wetland Bank:


Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Michael Schultz</b>	Title <b>Le Sueur SWCD District Technician</b>	
Signature 	Date <b>10/3/16</b>	Phone Number and E-mail <b>507-357-4879 x3 mschultz@co.le-sueur.mn.us</b>

**THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT.**

Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---



#### 4. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Josh Mankowski, Water Planner & TEP member**
  - ☒ BWSR TEP member: **Jeremy Maul**
  - ☐ LGU TEP member (if different than LGU Contact):
  - ☒ DNR TEP member: **Craig Soupir**
  - ☐ DNR Regional Office (if different than DNR TEP member)
  - ☐ WD or WMO (if applicable):
  - ☐ Applicant and Landowner (if different)
  - ☐ Members of the public who requested notice:
- 
- ☒ Corps of Engineers Project Manager
  - ☐ BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

#### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687) or send to:

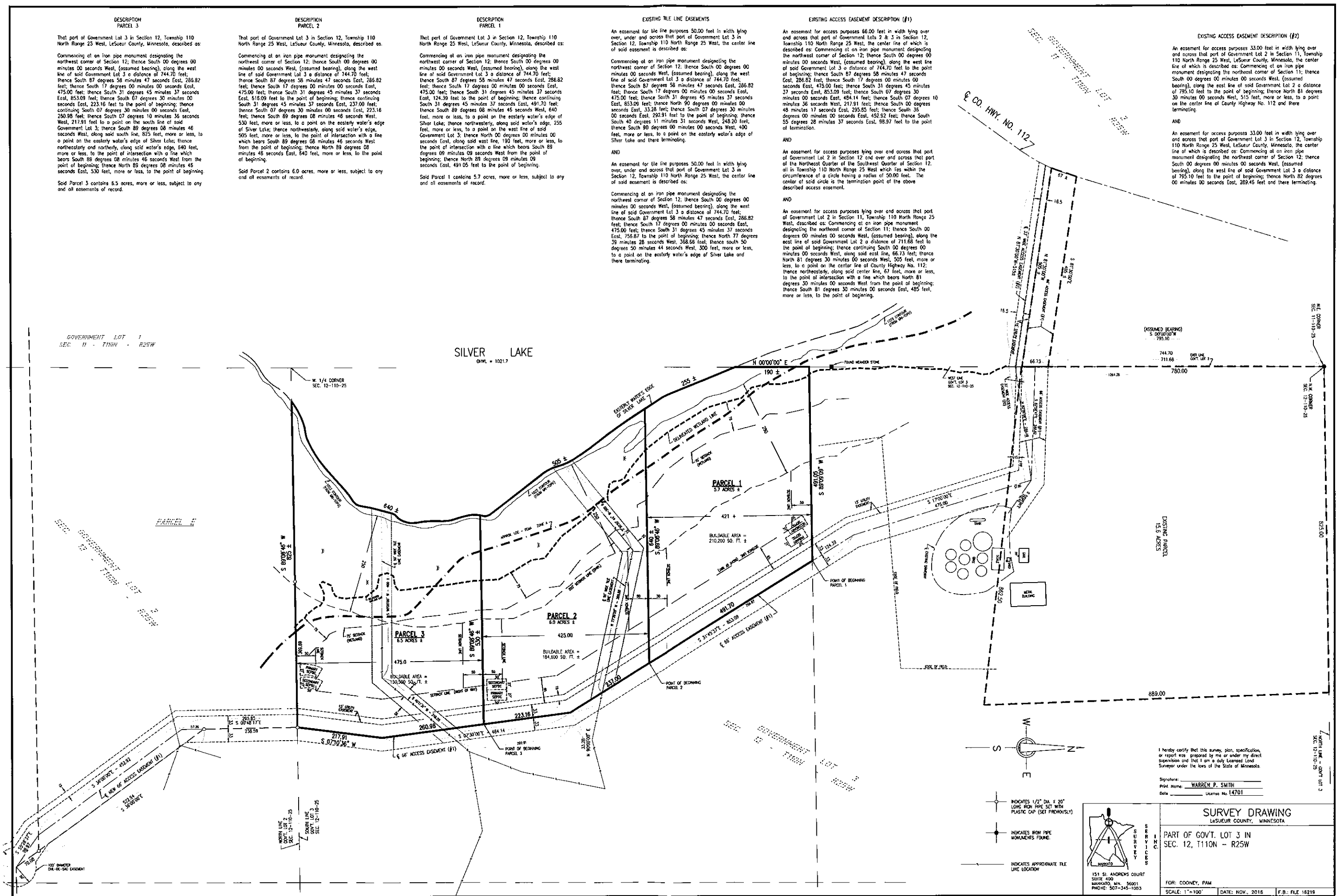
US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- ☒ App
- ☐
- ☐
- ☐
- ☐



DESCRIPTION  
PARCEL 3

That part of Government Lot 3 in Section 12, Township 110 North Range 25 West, Le Sueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet; thence South 87 degrees 58 minutes 47 seconds East, 223.16 feet to the point of beginning; thence continuing South 07 degrees 30 minutes 00 seconds East, 280.98 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet to a point on the south line of said Government Lot 3; thence South 89 degrees 08 minutes 46 seconds West, along said south line, 625 feet, more or less, to a point on the easterly water's edge of Silver Lake; thence northeasterly, along said water's edge, 640 feet, more or less, to the point of intersection with a line which bears South 88 degrees 08 minutes 46 seconds West from the point of beginning; thence North 89 degrees 08 minutes 46 seconds East, 530 feet, more or less, to the point of beginning.

Said Parcel 3 contains 6.5 acres, more or less, subject to any and all easements of record.

DESCRIPTION  
PARCEL 2

That part of Government Lot 3 in Section 12, Township 110 North Range 25 West, Le Sueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet to the point of beginning; thence continuing South 07 degrees 30 minutes 00 seconds East, 280.98 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet to a point on the south line of said Government Lot 3; thence South 89 degrees 08 minutes 46 seconds West, along said south line, 625 feet, more or less, to a point on the easterly water's edge of Silver Lake; thence northeasterly, along said water's edge, 640 feet, more or less, to the point of intersection with a line which bears South 88 degrees 08 minutes 46 seconds West from the point of beginning; thence North 89 degrees 08 minutes 46 seconds East, 530 feet, more or less, to the point of beginning.

Said Parcel 2 contains 6.0 acres, more or less, subject to any and all easements of record.

DESCRIPTION  
PARCEL 1

That part of Government Lot 3 in Section 12, Township 110 North Range 25 West, Le Sueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet to the point of beginning; thence continuing South 07 degrees 30 minutes 00 seconds East, 280.98 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet to a point on the south line of said Government Lot 3; thence South 89 degrees 08 minutes 46 seconds West, along said south line, 625 feet, more or less, to a point on the easterly water's edge of Silver Lake; thence northeasterly, along said water's edge, 640 feet, more or less, to the point of intersection with a line which bears South 88 degrees 08 minutes 46 seconds West from the point of beginning; thence North 89 degrees 08 minutes 46 seconds East, 530 feet, more or less, to the point of beginning.

Said Parcel 1 contains 5.7 acres, more or less, subject to any and all easements of record.

EXISTING TILE LINE EASEMENTS

An easement for tile line purposes 50.00 feet in width lying over, under and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, the center line of said easement is described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet to the point of beginning; thence continuing South 07 degrees 30 minutes 00 seconds East, 280.98 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet to a point on the south line of said Government Lot 3; thence South 89 degrees 08 minutes 46 seconds West, along said south line, 625 feet, more or less, to a point on the easterly water's edge of Silver Lake and there terminating.

AND

An easement for tile line purposes 50.00 feet in width lying over, under and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, the center line of said easement is described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet to the point of beginning; thence continuing South 07 degrees 30 minutes 00 seconds East, 280.98 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet to a point on the south line of said Government Lot 3; thence South 89 degrees 08 minutes 46 seconds West, along said south line, 625 feet, more or less, to a point on the easterly water's edge of Silver Lake and there terminating.

EXISTING ACCESS EASEMENT DESCRIPTION (1)

An easement for access purposes 66.00 feet in width lying over and across that part of Government Lots 2 & 3 in Section 12, Township 110 North Range 25 West, the center line of which is described as: Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet to the point of beginning; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 853.09 feet; thence South 07 degrees 30 minutes 00 seconds East, 484.14 feet; thence South 07 degrees 30 minutes 36 seconds West, 217.91 feet; thence South 00 degrees 00 minutes 00 seconds East, 295.65 feet; thence South 35 degrees 00 minutes 00 seconds East, 450.52 feet; thence South 55 degrees 28 minutes 37 seconds East, 98.97 feet to the point of termination.

AND

An easement for access purposes lying over and across that part of Government Lot 2 in Section 12 and over and across that part of the Northeast Quarter of the Southwest Quarter of Section 12, all in Township 110 North Range 25 West which lies within the circumference of a circle having a radius of 50.00 feet. The center of said circle is the termination point of the above described access easement.

AND

An easement for access purposes lying over and across that part of Government Lot 2 in Section 12 and over and across that part of the Northeast Quarter of the Southwest Quarter of Section 12, all in Township 110 North Range 25 West which lies within the circumference of a circle having a radius of 50.00 feet. The center of said circle is the termination point of the above described access easement.

EXISTING ACCESS EASEMENT DESCRIPTION (2)

An easement for access purposes 33.00 feet in width lying over and across that part of Government Lot 2 in Section 12, Township 110 North Range 25 West, Le Sueur County, Minnesota, the center line of which is described as: Commencing at an iron pipe monument designating the northeast corner of Section 11; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 2 a distance of 795.10 feet to the point of beginning; thence North 81 degrees 30 minutes 00 seconds West, 515 feet, more or less, to a point on the center line of County Highway No. 112 and there terminating.

AND

An easement for access purposes 33.00 feet in width lying over and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, Le Sueur County, Minnesota, the center line of which is described as: Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 755.10 feet to the point of beginning; thence North 82 degrees 00 minutes 00 seconds East, 289.45 feet and there terminating.

Rec'd 1-26-17

# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 4**

### **Cooney Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

## STAFF REPORT

### GENERAL INFORMATION

**APPLICANT:** Pamela Cooney      **OWNER:** John C. Cooney

**911 ADDRESS:** new off Silver Lake Lane, Le Center MN 56057

**PROJECT DESCRIPTION:** Transfer the development right from Agriculture "A" District to property in a Special Protection Shoreland District.

**ZONING ORDINANCE SECTIONS:** 8, 13.1, 19

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

Lands within the Special Protection Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

#### GOALS AND POLICIES:

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

**Policy:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

### SITE INFORMATION

**LOCATION:** SENW, SWNW, Parcel 2, Section 12, Cleveland Township

**ZONING:** Special Protection "SP" District, Agriculture "A"

**GENERAL SITE DESCRIPTION:** Ag land

**ACCESS:** New access off Silver Lake Lane

#### EXISTING LAND USE WITHIN ¼ MILE:

North: Ag land/Existing farmsite

South: Ag/Wetlands/Single Family Dwelling

East: Ag Land

West: Silver Lake

### TOWNSHIP BOARD NOTIFICATION

The applicant contacted John Kluntz, Cleveland Township board member on January 11, 2017.

### NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposed building sites are located within the Shoreland District.

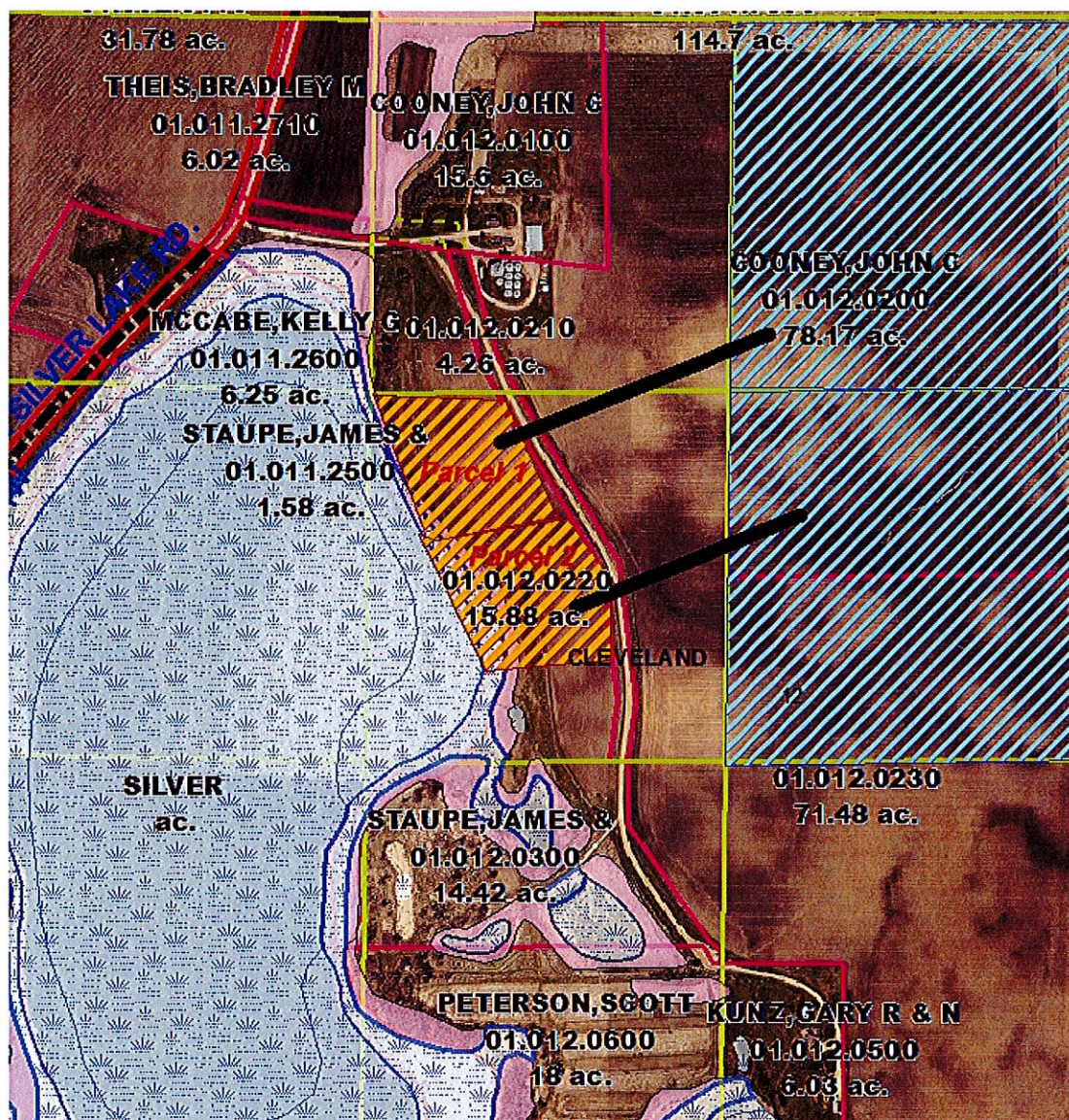
**WETLANDS:** According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the sites are proposed.



## ATTACHMENTS

Application, Narrative, Legal Description, Survey, Letter from Septic Contractor, Site Plan, Driveway approval, Wetland Delineation Notice of Decision (report on file).

## AERIAL PHOTO



### LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

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



### 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.

### 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.***

## Conditional Use Application

### I. Applicant:

Name Pamela K. Cooney  
 Mailing Address 46839 Cape Horn Road  
 City Cleveland State MN Zip 56017  
 Phone # 507-327-0923 Phone # \_\_\_\_\_

### II. Landowner:

Name John C Cooney  
 Mailing Address 41253 Silver Lake Lane  
 City Le Center State MN Zip 56057  
 Property Address 41253 Silver Lake Lane  
 City Le Center State MN Zip 56057  
 Phone # 507-357-6131 Phone # 507-327-0923

### III. Parcel Information:

Parcel Number 01.012.0200 Parcel Acreage 78.17  
 Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
 Township Cleveland Section 12  
 Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

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

Cleveland Township notified on 1-11-17  
 (Township Name) (Date)

Board Member John Kluntz regarding the proposed use.  
 (Name)

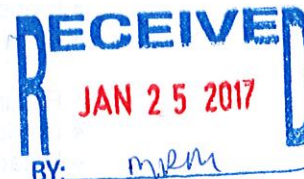
### V. Quantities and Submittal Formats:

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Twenty three <sup>(15)</sup>~~(23)~~ copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- c. Electronic version of any supporting documents *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.
- d. Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- e. Appointment is necessary.
- f. **Applications will not be accepted by mail.**

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

Conditional Use Permit	\$ 750 After-The-Fact fee is <b><u>doubled.</u></b>
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:**

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

**VIII. Description of Request:**

a. A full description of request with detailed information must be attached. (See attached)

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
- 3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Well
  - ii. Toilet facilities: Septic
  - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: \_\_\_\_\_
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
- 13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

**RECEIVED**  
JAN 25 2017  
BY: mm

2



**X. Attachments: shall include but not limited to:**

- N/A ☒ 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.  
N/A ☒ d. **Access approval**-Attach approval in writing from proper road authority.  
N/A ☒ e. **Township Notification**-See Part IV for details and requirements.  
N/A ☒ f. **Septic System Compliance Inspection**  
N/A ☒ g. **Erosion control plan**-Attach completed and signed plan including map.  
N/A ☒ h. **Floor plans and/or blue prints**

**XI. 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 the 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.

**XII. 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.

Danella K. Cooney 1-25-17  
Applicant signature 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.

John L. Cooney 1/26/17  
Property Owner signature Date

**OFFICE USE ONLY**

**Request:** TOR SE/NW to SW/NW Parcel #2

Pre-App Date 3-13-17 Lake Classification NE Feedlot 500' 1000' N  
Meeting Date 4-13-17 Lake Silver Wetland Type 1-2 3-8 N  
60 Day 5-12-17 FEMA Panel # 27079C0 260 D Water courses Y N  
Zoning District SPIA/FF Flood Zone A-YR-100 Bluff Y N

☒ Request Description ☒ Access Approval ☒ Septic ☒ Comp Insp / Design map  
☒ Site Plan ☒ Erosion Control Plan ☒ Meeting ☒ Reg / ATF / Spec  
☒ Full Legal ☒ Blue Prints ☒ Fee \$ 796 -  
☒ Ordinance ☒ Other ☐ Penalty \$

☒ Application Complete

Michelle R. Mott  
Planning & Zoning Department Signature

3-13-17  
Date

17038  
Permit #

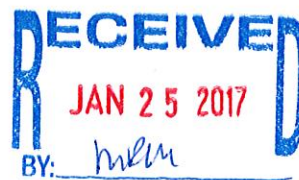


1/26/17 map

## Description of Request:

### APPLICATION FOR PARCEL 2:

Request transfer of development rights for the SE ¼ of the NW ¼ to the SW ¼ of NW ¼ Section 12 Cleveland Township MN to allow development of Parcel 2.



DESCRIPTION  
PARCEL 2

That part of Government Lot 3 in Section 12, Township 110  
North Range 25 West, LeSueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the  
northwest corner of Section 12; thence South 00 degrees 00  
minutes 00 seconds West, (assumed bearing), along the west  
line of said Government Lot 3 a distance of 744.70 feet;  
thence South 87 degrees 58 minutes 47 seconds East, 286.82  
feet; thence South 17 degrees 00 minutes 00 seconds East,  
475.00 feet; thence South 31 degrees 45 minutes 37 seconds  
East, 616.09 feet to the point of beginning; thence continuing  
South 31 degrees 45 minutes 37 seconds East, 237.00 feet;  
thence South 07 degrees 30 minutes 00 seconds East, 223.10  
feet; thence South 89 degrees 08 minutes 48 seconds West,  
530 feet, more or less, to a point on the easterly water's edge  
of Silver Lake; thence northwesterly, along said water's edge,  
505 feet, more or less, to the point of intersection with a line  
which bears South 89 degrees 08 minutes 48 seconds West  
from the point of beginning; thence North 89 degrees 08  
minutes 48 seconds East, 640 feet, more or less, to the point  
of beginning.

Said Parcel 2 contains 6.0 acres, more or less, subject to any  
and all easements of record.

RECEIVED  
JAN 25 2017  
BY: *mlm*

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17038

**Applicant:** PAMELA COONEY

**Land Owner:** JOHN COONEY

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE N/SE/NW TO THE SW/NW TO PARCEL #2.

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.

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

AI	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

**Mettler, Michelle**

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**From:** St. Peter Well Drilling <spwell2@gmail.com>  
**Sent:** Wednesday, January 25, 2017 11:40 AM  
**To:** 'Pam Cooney'  
**Cc:** Mettler, Michelle  
**Subject:** Cooney, 3 lots building permit

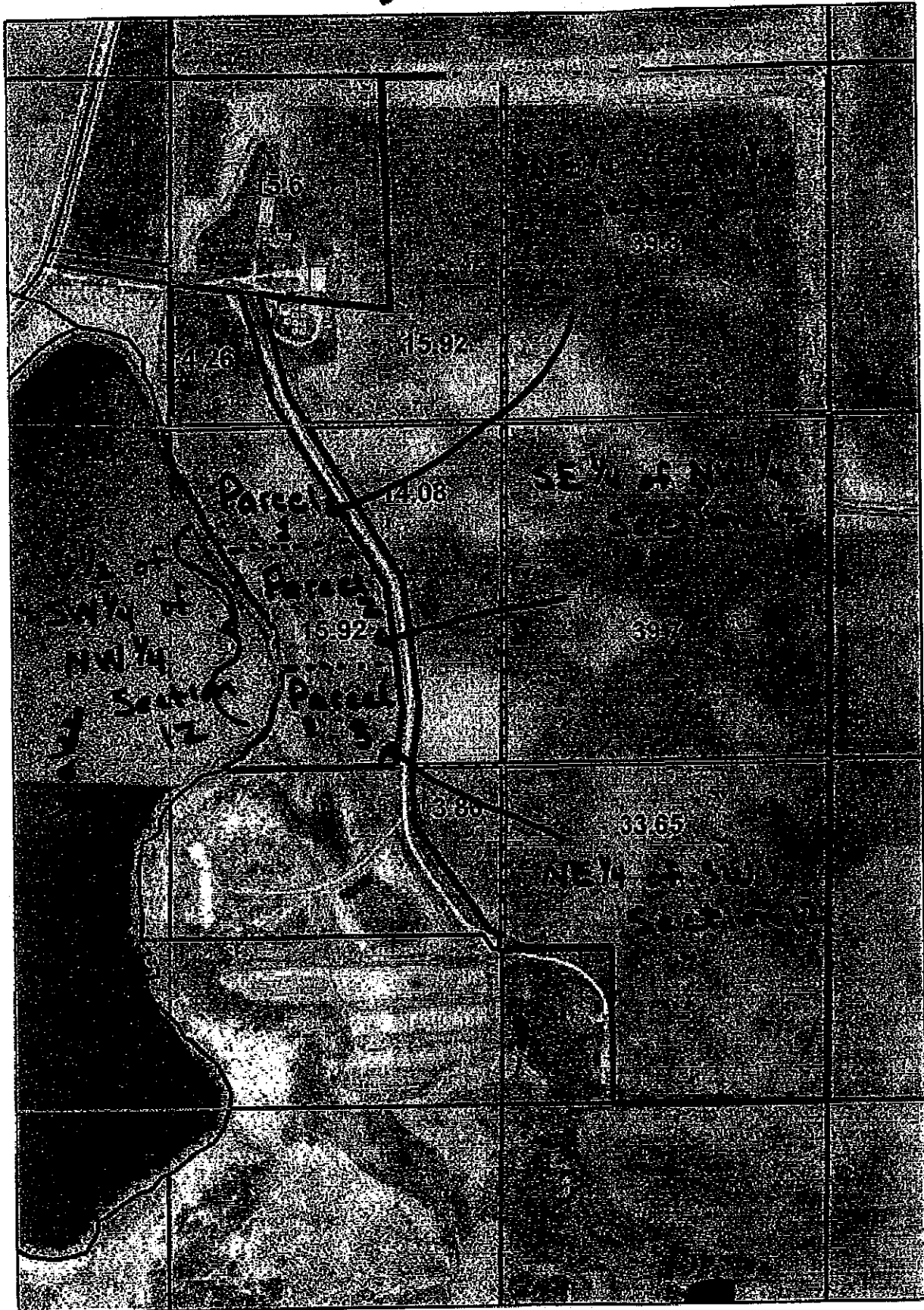
Michelle,

Pam Cooney has enough room on all three proposed lots located at parcel number 01.012.0200 on Silver Lake for a primary and a secondary mound system absorption area. See Survey Services File # 16219, dated November 2016.

Thank you,  
Glen Schilling

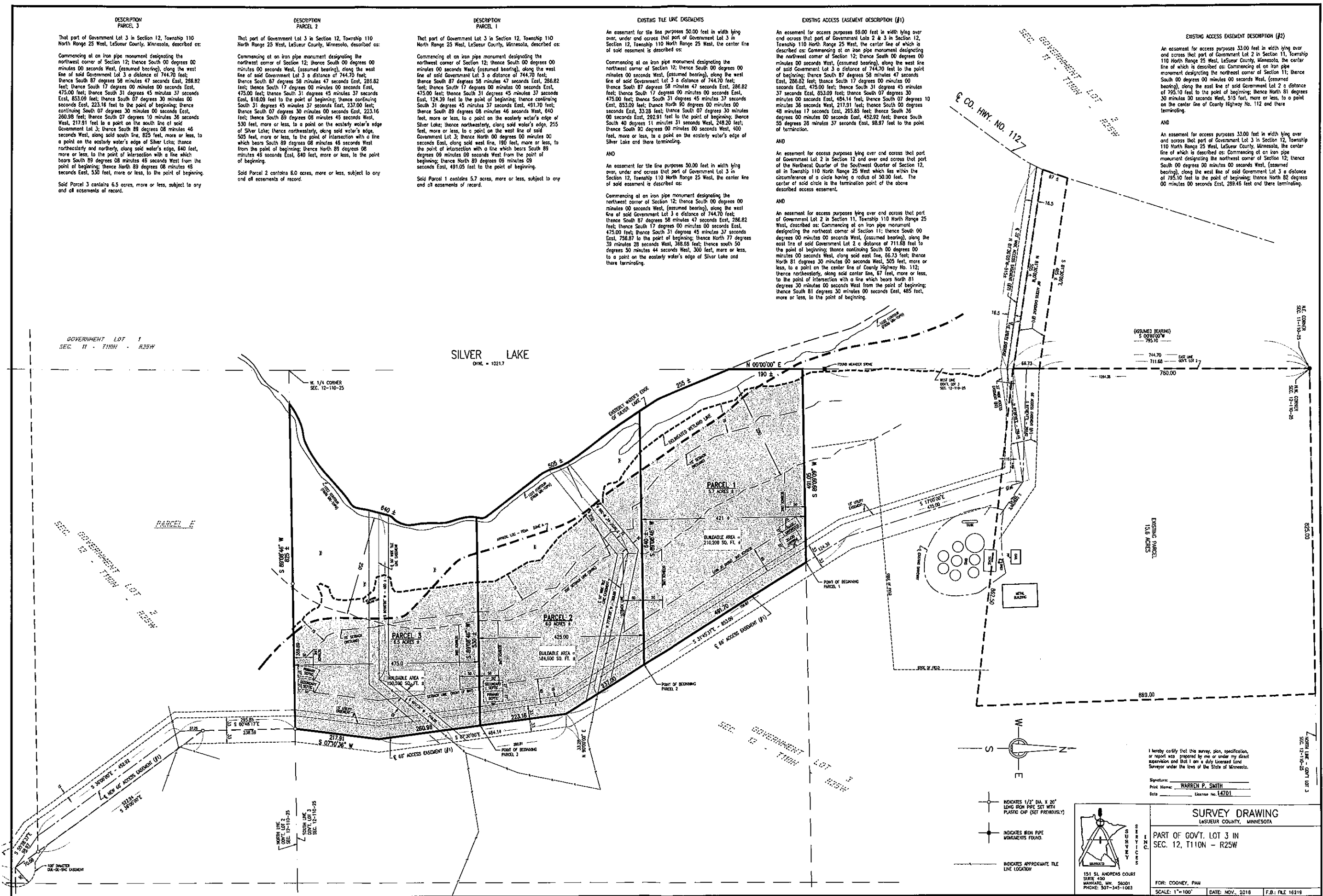
St. Peter Well Drilling  
45823 State Highway 22  
Kasota, MN 56050  
507-931-1340  
[Spwell2@gmail.com](mailto:Spwell2@gmail.com)

# Cooney Proposed Lake Lots



Rec'd  
3-13-17







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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 5**

### **Cooney Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



## STAFF REPORT

### GENERAL INFORMATION

**APPLICANT:** Pamela Cooney

**OWNER:** John C. Cooney

**911 ADDRESS:** new off Silver Lake Lane, Le Center MN 56057

**PROJECT DESCRIPTION:** Transfer the development right from Agriculture "A" District to property in a Special Protection Shoreland District.

**ZONING ORDINANCE SECTIONS:** 8, 13.1, 19

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

Lands within the Special Protection Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

### GOALS AND POLICIES:

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

**Policy:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

### SITE INFORMATION

**LOCATION:** NE1/4SW1/4, SW1/4NW1/4, Parcel 3, Section 12, Cleveland Township

**ZONING:** Special Protection "SP" District, Agriculture "A" District

**GENERAL SITE DESCRIPTION:** Ag land

**ACCESS:** New access off Silver Lake Lane

### EXISTING LAND USE WITHIN ¼ MILE:

North: Ag land/Existing farmsite  
East: Ag Land

South: Ag/Wetlands/Single Family Dwelling  
West: Silver Lake

### TOWNSHIP BOARD NOTIFICATION

The applicant contacted John Kluntz, Cleveland Township board member on January 11, 2017.

### NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposed building sites are located within the Shoreland District.

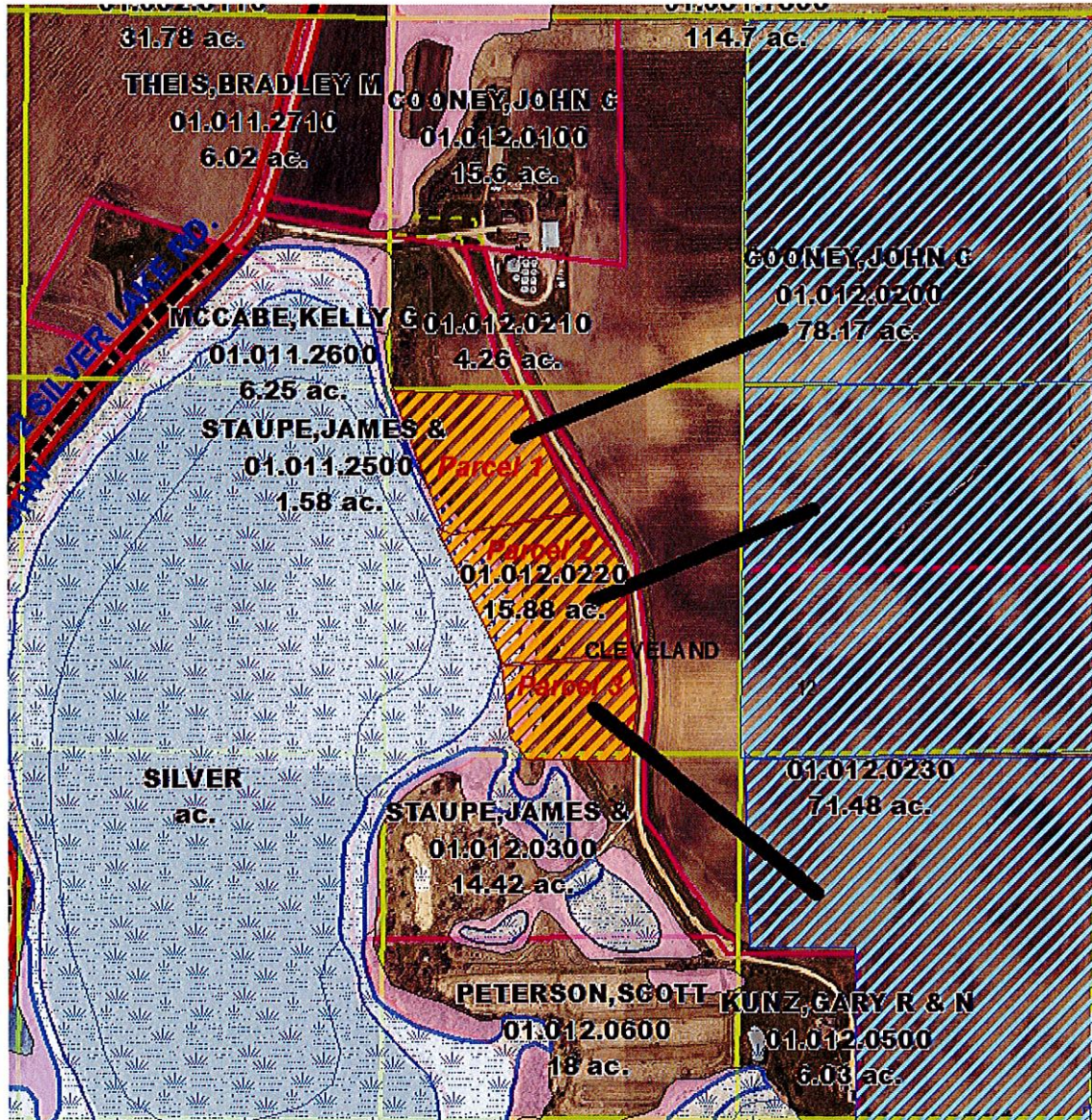
**WETLANDS:** According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the sites are proposed.



## ATTACHMENTS

Application, Narrative, Legal Description, Survey, Letter from Septic Contractor, Site Plan, Driveway approval, Wetland Delineation Notice of Decision (report on file).

## AERIAL PHOTO



### LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

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



9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

Right to Farm-Per Section 19, Subdivision 11.

#### 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.

#### 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?*

Recommended (Agree/Disagree/Not Applicable) / Findings / Conditional Use Permit

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17039

**Applicant:** PAMELA COONEY

**Land Owner:** PAMELY COONEY

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/SW TO THE SW/NW TO PARCEL #3.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_



**VII. Type of Request:**

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

**VIII. Description of Request:**

a. A full description of request with detailed information must be attached. (see attached)

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Well
  - ii. Toilet facilities: Septic
  - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)



## VII. Type of Request:

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

## VIII. Description of Request:

a. A full description of request with detailed information must be attached. (see attached)

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Well
  - ii. Toilet facilities: Septic
  - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

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JAN 25 2017  
BY: mm

X. 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.  
N/A ☐ d. Access approval-Attach approval in writing from proper road authority.  
☒ e. Township Notification-See Part IV for details and requirements.  
N/A ☐ f. Septic System Compliance Inspection  
N/A ☐ g. Erosion control plan-Attach completed and signed plan including map.  
N/A ☐ h. Floor plans and/or blue prints

XI. 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 the 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.

XII. 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.

Patricia K. Cooney  
Applicant signature

1-25-17  
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.

Patricia K. Cooney  
Property Owner signature

1-25-17  
Date

OFFICE USE ONLY

Request: TDR NE/SW to SW/NW (Parcel #3)

Pre-App Date 3-13-17 Lake Classification NE Feedlot 500' 1000' N  
Meeting Date 4-13-17 Lake Silver Wetland Type 1-2 3-8 N  
60 Day 5-12-17 FEMA Panel # 27079C0 260 D Water courses Y N  
Zoning District SW/A/R Flood Zone A-100 yr Bluff Y N

- ☒ Request Description  
☒ Site Plan  
☒ Full Legal  
☒ Ordinance

- ☐ Access Approval  
☐ Erosion Control Plan  
☐ Blue Prints  
☐ Other

- ☒ Septic  
☒ Meeting  
☒ Fee  
☐ Penalty

Comp Insp / Design  
Reg / ATF / Spec  
\$ 7900-

☒ Application Complete

Michelle R. Miller  
Planning & Zoning Department Signature

3-13-17  
Date

17039  
Permit #



g/q map

## Description of Request:

### APPLICATION FOR PARCEL 3:

Request transfer of development rights for the NE ¼ of the SW ¼ to the SW ¼ of NW ¼ Section 12 Cleveland Township MN to allow development of Parcel 3.





DESCRIPTION  
PARCEL 3

That part of Government Lot 3 in Section 12, Township 110  
North Range 25 West, LeSueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the  
northwest corner of Section 12; thence South 00 degrees 00  
minutes 00 seconds West, (assumed bearing), along the west  
line of said Government Lot 3 a distance of 744.70 feet;  
thence South 87 degrees 58 minutes 47 seconds East, 286.82  
feet; thence South 17 degrees 00 minutes 00 seconds East,  
475.00 feet; thence South 31 degrees 45 minutes 37 seconds  
East, 853.09 feet; thence South 07 degrees 30 minutes 00  
seconds East, 223.16 feet to the point of beginning; thence  
continuing South 07 degrees 30 minutes 00 seconds East,  
260.98 feet; thence South 07 degrees 10 minutes 36 seconds  
West, 217.91 feet to a point on the south line of said  
Government Lot 3; thence South 89 degrees 08 minutes 46  
seconds West, along said south line, 825 feet, more or less, to  
a point on the easterly water's edge of Silver Lake; thence  
northeasterly and northerly, along said water's edge, 640 feet,  
more or less, to the point of intersection with a line which  
bears South 89 degrees 08 minutes 46 seconds West from the  
point of beginning; thence North 89 degrees 08 minutes 46  
seconds East, 530 feet, more or less, to the point of beginning.

Said Parcel 3 contains 6.5 acres, more or less, subject to any  
and all easements of record.

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R JAN 25 2017 D  
BY: mlm

**Mettler, Michelle**

---

**From:** St. Peter Well Drilling <spwell2@gmail.com>  
**Sent:** Wednesday, January 25, 2017 11:40 AM  
**To:** 'Pam Cooney'  
**Cc:** Mettler, Michelle  
**Subject:** Cooney, 3 lots building permit

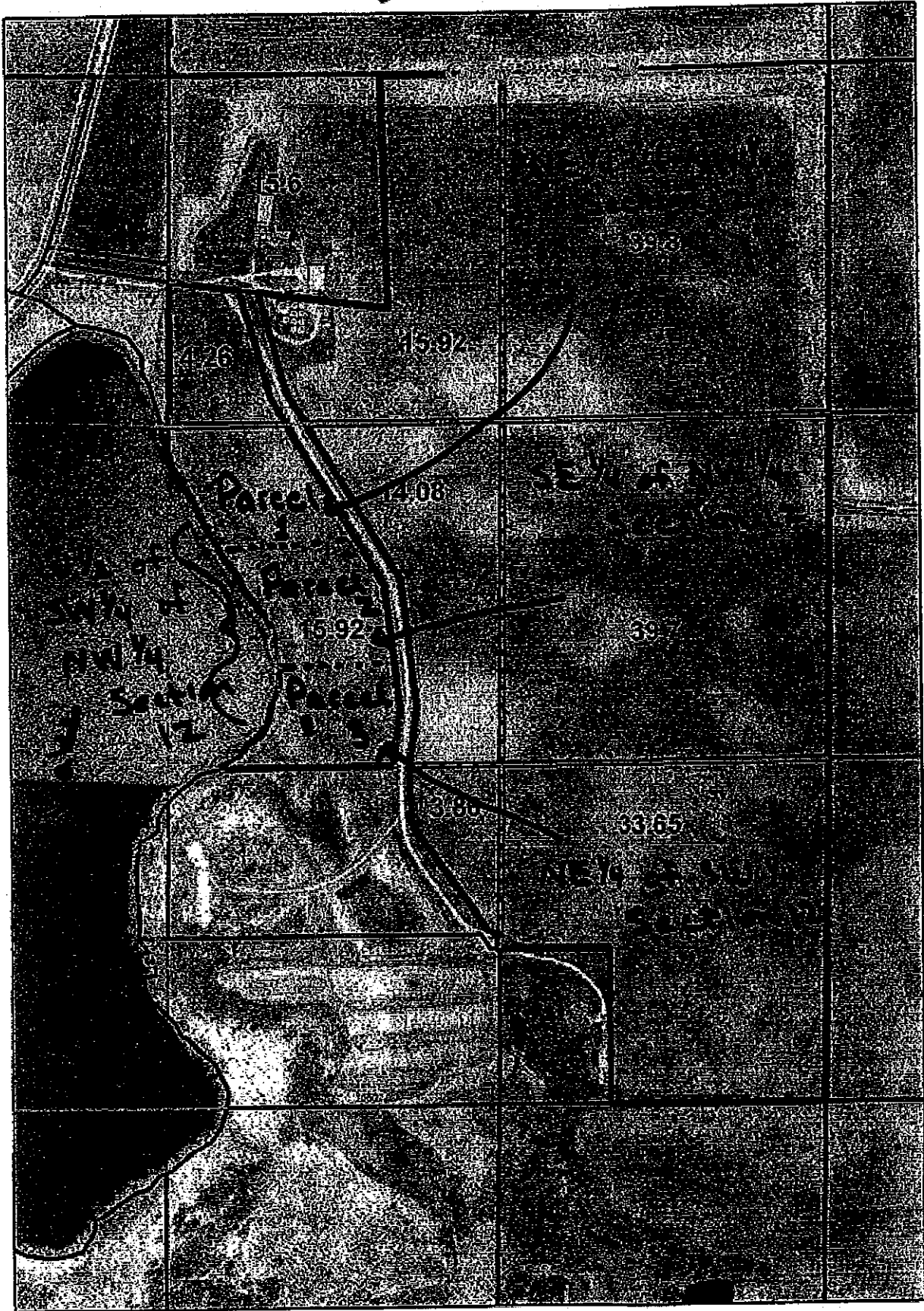
Michelle,

Pam Cooney has enough room on all three proposed lots located at parcel number 01.012.0200 on Silver Lake for a primary and a secondary mound system absorption area. See Survey Services File # 16219, dated November 2016.

Thank you,  
Glen Schilling

St. Peter Well Drilling  
45823 State Highway 22  
Kasota, MN 56050  
507-931-1340  
[Spwell2@gmail.com](mailto:Spwell2@gmail.com)

# Cooney Proposed Lake Lots



Recd  
7/13/17

Sold Parcel 3 contains 6.5 acres, more or less, subject to any and all easements of record.

Said Parcel 2 contains 6.0 acres, more or less, subject to any and all easements of record.

Sold Parcel 1 contains 5.7 acres, more or less, subject to any and all easements of record.

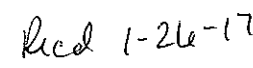
An easement for title line purposes 50.00 feet in width lying over, under and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, the center line of said easement is described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 756.87 to the point of beginning; thence North 77 degrees 39 minutes 28 seconds West, 368.58 feet; thence South 50 degrees 50 minutes 44 seconds West, 300 feet, more or less, to a point on the easterly water edge of Silver Lake; and there terminating.

An easement for access purposes lying over and across that part of Government Lot 2 in Section 12 and over and across that part of the Northeast Quarter of the Southwest Quarter of Section 12, all in Township 110 North Range 25 West which lies within the circumference of a circle having a radius of 50.00 feet. The center of said circle is the termination point of the above described access easement.

An easement for access purposes lying over and across that part of Government Lot 2 in Section 11, Township 110 North Range 25 West, described as: Commencing at an iron pipe monument designating the northeast corner of Section 11; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the east line of said Government Lot 2 a distance of 711.68 feet to the point of beginning; thence continuing South 00 degrees 00 minutes 00 seconds West, along said east line, 66.73 feet; thence North 81 degrees 30 minutes 00 seconds West, 505 feet, more or less, to a point on the center line of County Highway No. 112; thence northeasterly, along said center line, 84 feet, more or less, to the point of initial deflection; thence N 81° 30' 00" E, 100 feet; thence S 30 minutes 00 seconds West from the point of beginning; thence South 81 degrees 30 minutes 00 seconds East, 485 feet, more or less, to the point of beginning.

An easement for access purposes 33.00 feet in width lying over and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, LeSueur County, Minnesota, the center line of which is described as: Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 785.10 feet to the point of beginning; thence North 82 degrees 00 minutes 00 seconds East, 289.45 feet and there terminating.





# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 6**

**Perkins/Borgmeier packet**

**Staff Contact:**

**CONDITIONAL USE PERMIT APPLICATION #17023**

**LE SUEUR COUNTY**

**IN AN AGRICULTURAL ZONING DISTRICT,  
AN EXPANSION OF AN EXISTING REGISTERED ANIMAL  
FEEDLOT CAPABLE OF HOUSING  
1,062 ANIMAL UNITS (3,540 HEAD OF FINISHING PIGS  
WEIGHING 55 TO 300 POUNDS)**

**NAME: BORGMEIER FINISHING SITE  
SCOTT AND CORALEE BORGMEIER – OWNERS  
MARK PERKINS - APPLICANT**

**Subject:** Conditional Use Permit Application #17023

**Applicant:** MARK PERKINS

**Property Owner:** SCOTT AND CORALEE BORGMEIER

**Location:** NW1/4 OF SECTION 34, CLEVELAND TOWNSHIP

**Existing Zoning:** A- AGRICULTURAL

**Date of Hearing:** APRIL 13, 2017

**Reported by:** Kathy Brockway-Le Sueur County P & Z Administrator  
Amy Beatty- Le Sueur County Feedlot Officer

**Applicant Received:**

The applicant has received copies of the Le Sueur County Zoning Ordinance Sections 8: Agriculture District, Section 16: Animal Feedlot and Manure Management, and Section 21: Conditional Use Permit.

**Township Notification:**

The applicant contacted Susan Ely, Cleveland Township Board member on February 22, 2017.

**Zoning District:**

**The Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones, and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

**Policy:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

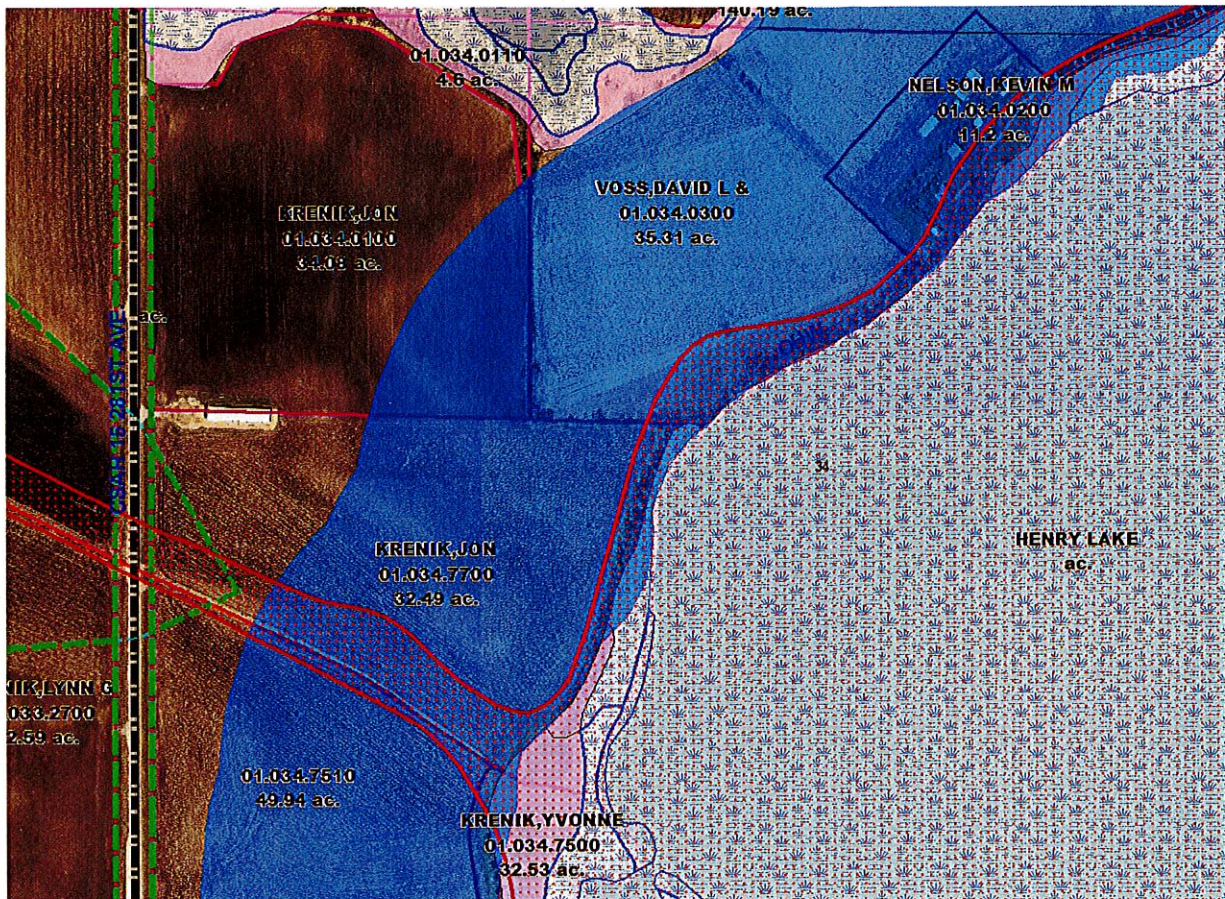
**Policy:** An adequate supply of healthy livestock is essential to the well being of Le Sueur County. The location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts. An effort to combine local needs with state feedlot regulations will ensure local involvement in this issue, help provide minimal disruption to existing agricultural businesses, and help provide rules to protect the environment.

**Site Information:**

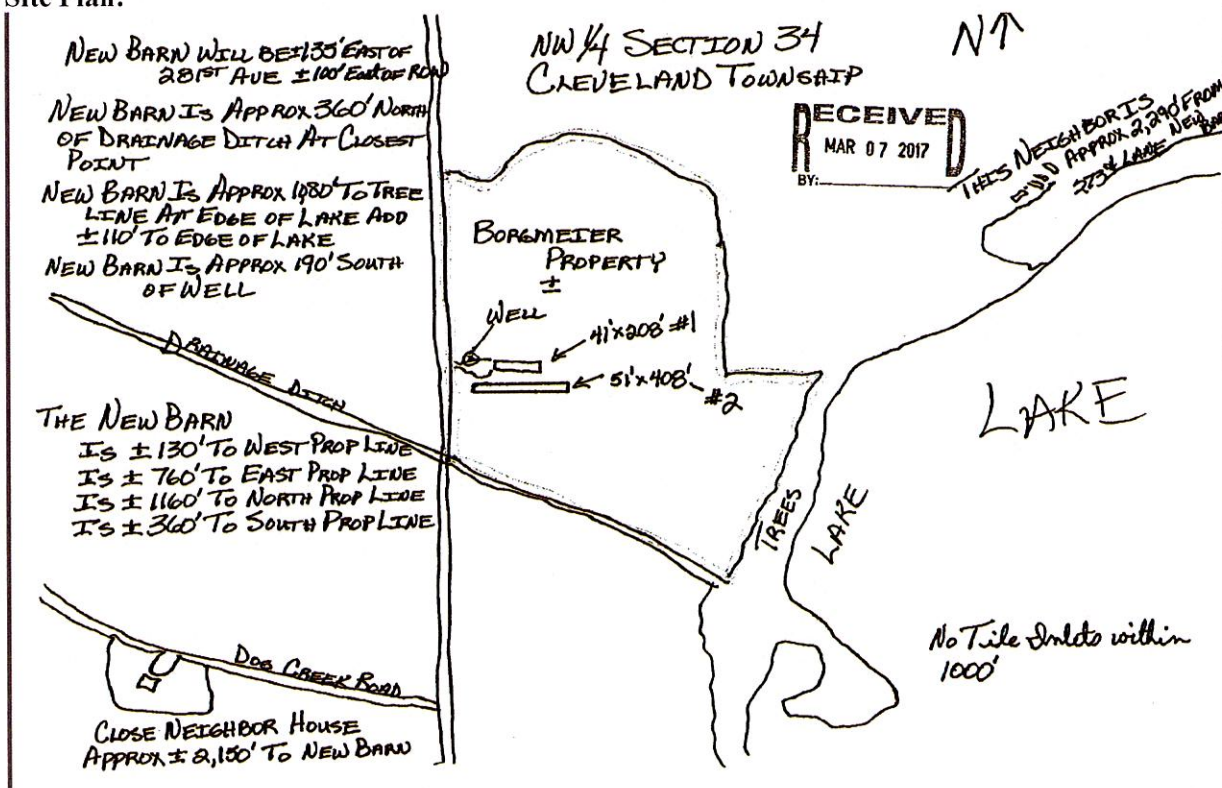
The existing registered animal feedlot is located on parcels in the NW ¼ of Section 34, Cleveland Township. The site is located off 281<sup>st</sup> Street-County Road 15.



# Aerial Photo:



## Site Plan:





## Surrounding Land Uses:

The predominant use of the surrounding land is

**North:** Ag **South:** Ag/Flood Fringe Overlay (County Ditch 58)  
**East:** Ag/Special Protection (Lake Henry)/Wetlands **West:** Ag/Flood Fringe Overlay (County Ditch 58)

**Shoreland:** The existing registered animal feedlot and the proposed structure are not located within the Shoreland Zoning District.

**Wetlands:** Wetlands are located in the quarter section where the existing registered animal feedlot and proposed structure will be located.

## Request:

The applicant is requesting to expand the existing registered animal feedlot from 400 animal units or 1,000 head of finishing pigs to 1,062 animal units or 3,540 head of finishing pigs. See attached narrative from the applicant.

## Minnesota Pollution Control Agency (MPCA) Application Submittal Process:

The applicant is requesting to house 3,540 head of swine finishing pigs weighing 55 to 300 pounds or 1,062 animal units. A site that is capable of housing more than 1,000 animal units is required to apply for a National Pollutant Discharge Elimination System Permit (NPDES) or State Disposal System Permit (SDS). The MPCA issues these permits.

## Animal Feedlot Permit Application:

The applicant's permit application was received by the county feedlot officer on February 2, 2017 and was comprised of:

1. National Pollutant Discharge Elimination System (NPDES) Permit Application for General Coverage: The animal feedlot owner is required to apply for either an NPDES or State Disposal System (SDS) permit because the owner is requesting to house over 1,000 animal units.
  - a. Air Emissions and Odor Management Plan is part of the NPDES permit application form.
2. Manure Management Plan Requirements When Ownership of Manure is Transferred. Mr. Borgmeier will be transferring 100% of the manure generated to cropland managers in Le Sueur County. There are signed land application agreements between the parties on file with the Department (approximately 433 acres available for land application).
  - a. Animal Mortality Plan is part of the Manure Management Plan. The primary method will be rendering of animal mortalities.
3. Soils Investigation and Liquid Manure Storage Structure Plans prepared and signed by Jason E. Hoehn, a design engineer with I & S Group.
4. An Emergency Response Plan.

Per Minn. Stat. §116.07, subd. 7(a), as amended in 2003:

*(a) A person who applies to the pollution control agency or a county board for a permit to construct or expand a feedlot with a capacity of 500 animal units or more shall, not less than 20 business days before the date on which a permit is issued, provide notice to each resident and owner of real property within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot.*

The applicant's notification was published in the *Le Center Leader's* March 15, 2017 edition.

MPCA staff has

1. Reviewed the application, and a staff engineer has reviewed the liquid manure storage structure plans.
2. Has issued a permit notice for thirty (30) days that is posted on its website in which the public has an opportunity to comment (public comment period ends on April 14, 2017).

#### **County Requirements:**

Expansion of an existing registered animal feedlot, in an Agricultural Zoning District, may expand up to 3,000 animal units through the Conditional Use Permitting process.

- The applicant is requesting to expand the existing registered animal feedlot from 400 animal units or 1,000 head of finishing pigs to 1,062 animal units or 3,540 head of finishing pigs.

For a registered animal feedlot between 101 to 2,000 animal units, the minimum lot size and suitable area acreage is ten (10) acres.

- The parcels on which the expansion of the existing registered animal feedlot are 62.82 acres.

The site meets or exceeds the following requirements for the expansion of the existing registered animal feedlot in an Agricultural Zoning District.

- The proposed feedlot total confinement building and liquid manure storage structure are not
  - Within 1,000 feet of a lake or within 300 feet of a stream;
  - Located within a delineated floodplain;
  - Located within a state or federally designated wild and scenic river district, a Minnesota River Project Riverbend Area, or the Mississippi Headwaters Area; and
  - Located in a drinking water supply management area.
- The applicant will meet or exceed the following setback requirements as listed in the Le Sueur County Zoning Ordinance, Section 16 for the **proposed** total confinement building and liquid manure storage structure.
  - The well required setback is 100 feet. The proposed total confinement building and liquid manure storage structure will be 190 feet from the well;
  - The property line required setback is 100 feet. The proposed total confinement building and liquid manure storage structure to the:
    - North Property Line is approximately 1000 feet;
    - East Property Line is approximately 1,050 feet;
    - South Property Line is approximately 300 feet; and
    - West Property Line or Road Right-of-Way is approximately 135 feet.
  - The cemetery required setback is 500 feet. There is no cemetery within 500 feet of the proposed total confinement building and liquid manure storage structure; and
  - A school, park, golf course, licensed campground, or residential zoning district required setback is 1,000 feet. There are no schools, parks, golf courses, licensed campgrounds, or residential zoning district within 1,000 feet of the proposed total confinement building and liquid manure storage structure.

#### **Existing and Proposed Animal Feedlot Structures:**

- The existing total confinement building measures 41 feet by 208 feet and houses 1,000 head of finishing pigs weighing 55 to 300 pounds. Mr. Borgmeier is proposing to house 1,060 head of

finishing pigs weighing 55 to 300 pounds in this structure. This total confinement structure was constructed in 1998.

- The existing liquid manure storage structure measures 41 feet by 208 feet by 8 feet with a volume of approximately 41 feet by 208 feet by 6.5 feet or 415,000 gallons. This liquid manure storage structure was constructed in 1998.
- The proposed total confinement building will measure 51 feet by 408 feet and will house 2,480 head of finishing pigs weighing 55 to 300 pounds.
- The proposed liquid manure storage structure will measure 51 feet by 408 feet by 8 feet with a volume of approximately 51 feet by 408 feet by 6.75 feet or 1,025,275 gallons. The Le Sueur County Zoning Ordinance requires twelve (12) months of storage. Per the design engineer, the liquid manure storage structure will have twelve (12) months of storage. The liquid manure storage structure plans were reviewed and found to be complete by a Minnesota Pollution Control Agency (MPCA) Feedlot Staff Engineer.

#### **Manure Management Plan:**

The manure management plan requirements when ownership of manure is transferred has been submitted to and reviewed by MPCA Feedlot and Department staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16. In addition, all liquid manure shall be injected or incorporated within twenty-four (24) hours.

All of the manure generated from the animal feedlot site will be transferred to county cropland managers. Mr. Borgmeier has signed land application agreements with the cropland managers for approximately 433 acres. The copies are on file in the office of the Le Sueur County Feedlot Officer. The manure will be injected or incorporated within twenty-four (24) hours. The manure will be analyzed for nitrogen, phosphorus, and potassium content annually. The manure will be applied annually during the months of October and November, and if necessary, during the months of March or April. The Department will work with the cropland managers regarding the county's setbacks to sensitive features during application and the record keeping requirements. Per the NPDES Permit, land application records shall be submitted in an annual report to the MPCA.

#### **Odor Control:**

An Air Emissions and Odor Management Plan has been submitted to and reviewed by MPCA Feedlot and Department staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16.

Based upon the MPCA Feedlot and Department staff technical review, all application components have been submitted and are found to be complete.

#### **Feedlot Officer Findings:**

1. The animal feedlot shall be operated in a manner consistent with the Le Sueur County Zoning Ordinance, Minnesota Rules, Chapter 7020, and its NPDES Permit. Any deviation may necessitate modification of its Conditional Use Permit and/or NPDES Permit.
2. Per Minnesota Rules, Chapter 7020.2100, subpart 5, notification shall be made to the MPCA and the Department three (3) business days prior to onset of construction and three (3) business days following completion of construction of the manure storage area liner (prior to backfilling the pit walls).

3. Per Minnesota Rules, Chapter 7020.2100, subpart 5.D, the animal feedlot owner shall submit a construction report to the MPCA and the Department within sixty (60) days of the completion of the manure storage structure.
4. Per Minnesota Rules, Chapter 7020.2100, subpart 6, the animal feedlot owner shall have inspections completed during the construction that comply with this subpart.
5. All animal manure from the operation shall be utilized in accordance to its Manure Management Plan.
6. Animal mortalities shall meet the requirements of the Minnesota Board of Animal Health.
7. The permit holder shall allow the County Feedlot Officer or assigned representee to inspect the site whenever necessary upon notification to permit holder.
8. No animals shall be brought into the newly constructed portion of the facility until all conditions have been met.
9. All applicable requirements as stated in Section 16, Subdivision 9, Standards for Conditional Use Permits, and any additional standards or requirements imposed by the Le Sueur County Board of Commissioners shall be met.

#### 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 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?*

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name MARK PERKINS  
Mailing Address 28717 - 440<sup>th</sup> STREET  
City CLEVELAND State MIN Zip 56017  
Phone # 507-381-8644 Phone # \_\_\_\_\_

### II. Landowner:

Name SCOTT & CORRALEE BORGMEIER  
Mailing Address 61888 NATURE ROAD  
City MADISON LAKE State MIN Zip 56063  
Property Address 45267 - 281<sup>st</sup> AVE  
City CLEVELAND State MIN Zip 56017  
Phone # 507-381-1986 Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 01.034.0100 Parcel Acreage 66.57  
01.034.2700  
Attach Full Legal Description (NOT abbreviated description from tax statement)  
Township CLEVELAND Section 34  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

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

CLEVELAND Township notified on 2/27/17  
(Township Name) (Date)

Board Member Susan FLY regarding the proposed use.  
(Name) 507 931 5907

### 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.

### 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:**

- |  |  |
|--|--|
| <input type="checkbox"/> Self Service Storage      | <input type="checkbox"/> Value Added Agriculture                   |
| <input type="checkbox"/> School/Church/Cemetery    | <input type="checkbox"/> Antique Sales/Service/Repair              |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc.        |
| <input type="checkbox"/> School/Church/Cemetery    | <input checked="" type="checkbox"/> Other <u>FEEDLOT EXPANSION</u> |

**VIII. Description of Request:**

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: 24 x 7 x 365 Days per Year
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 1 Person on a daily basis. 2 People as needed.
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: ON-Site Well
  - ii. Toilet facilities: None
  - iii. Solid Waste Collection: REMOVED as needed
4. FIRE PREVENTION: CLEVELAND FIRE DEPT.
5. SECURITY PLANS: SECURITY ALARM IN BUILDING
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) N/A
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: Limited to Security lights on Barn.
11. PARKING AND LOADING: On Site West of Barns
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) Existing from 281<sup>ST</sup> Ave
14. CERTIFICATE OF INSURANCE: IN FORCE
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) MPCA PERMIT IN PROCESS

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

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • 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                |
- 
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)





**X. 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. **Floor plans and/or blue prints**



**XI. 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 the 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.

**XII. 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

3/6/17

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

3/6/17

Date

**OFFICE USE ONLY**

**Request:**

Pre-App Date <u>3/7/17</u>	Lake Classification <u>—</u>	Feedlot	500'	1000'	N
Meeting Date <u>4/13/17</u>	Lake <u>—</u>	Wetland Type	1-2	3-8	N
60 Day <u>5/1/17</u>	FEMA Panel # <u>27079C0265</u>	Water courses		<u>Y</u>	<u>N</u>
Zoning District <u>A</u>	Flood Zone <u>Xoutside</u>	Bluff		<u>Y</u>	<u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval <u>-Ext.</u>	<input type="checkbox"/> Septic	Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting	Reg / ATF / Spec
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee	\$ <u>796.00</u>
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u>—</u>	<input type="checkbox"/> Penalty	\$ <u>—</u>

☒ Application Complete

Planning & Zoning Department Signature

3/7/17

Date

17023

Permit #



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17023

**Applicant:** MARK PERKINS

**Land Owner:** SCOTT AND CORRALEE BORGMEIER

**Conditional Use Permit Request:** To allow the applicant to expand an existing 400 AU hog operation to 1062 AU

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

January 30, 2017

Scott & Corralee Borgmeier

They own 66 acres of land in the NW ¼ of Section 34 in Cleveland Township of Le Sueur County with an existing 1,000 head 41' x 208' x 8' Total Confinement Swine Finishing barn with site access from 281<sup>st</sup> Ave.

The Borgmeier's are proposing to add a new 2,480 Head Total Confinement Swine Finishing barn to this Feedlot site.

The Proposed New Total Confinement barn would be 51' x 408' x 8' for 2,480 head of Finishing pigs and provide manure storage for about 13 months. The new finishing barn would be located approximately 100' directly South of the Existing Finishing Barn. This new barn would be approximately 135' East of 281<sup>st</sup> Ave. The closest part of the new barn would be approximately 375' from the Drainage Ditch along the South Edge of the Borgmeier property. The East end of the Barn will be approximately 1,080' from the West edge of the Trees on the East side of the property along the Lake. The NE corner of the new barn will be approximately 760' from the East Property Line where the PL turns North. The new Barn will be approximately 1,160' from the closest point of the North Property Line. The existing well on this site will be approximately 190' from the closest point of the new barn.

The site if completed as proposed would require 1 to 2 people to care for the pigs on a twice daily schedule with visits in the morning and again in the afternoon. On average for the complete growth cycle of the pigs this site will have approximately 2 semi-loads of feed delivered per week. All traffic associated with the Borgmeier Finishing site will have enough on-site parking and truck access around the barns so there should be no traffic disruption on 281<sup>st</sup> Ave. Mortalities will continue to be picked up and removed from the site as need by a rendering company. Garbage and discarded materials will be removed from the site as needed. If the volume of refuse warrants a dumpster service will be hired to service this site.

The impervious surface of the existing barn 8,528 and the proposed new barn 20,808 will total approximately 29,500 square feet. The truck access, loading area and parking areas on the West side of the barns will be approximately 30,500 square feet. The total lot size for this proposed site will be approximately 250,000 square feet.



March 1, 2017



The Feedlot owned by Scott & Corralee Borgmeier located in NW ¼ of Section 34 in Cleveland Township of Le Sueur County is proposing to expand and all Swine Finishing Facilities/Barns are rented to:

Mark Perkins  
28717 – 440<sup>th</sup> Street  
Cleveland, MN 56017  
507-381-8644

Mark Perkins owns the pigs at these facilities and retains ownership of the manure produced at these facilities.

A handwritten signature in dark ink, appearing to read "Scott Borgmeier". The signature is fluid and cursive, with a long horizontal stroke at the end.

A handwritten signature in dark ink, appearing to read "Corralee Borgmeier". The signature is cursive and somewhat stylized.

March 1, 2017

Notice is hereby given per Minnesota Statutes, Chapter 215, and county's feedlot ordinance, Chapter 5, that Scott & Corralee Borgmeier have made an application to the Minnesota Pollution Control Agency / County of Le Sueur for a permit to expand an existing feedlot.

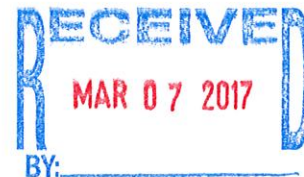
The existing feedlot is located in the NW ¼ of Section 34 in Cleveland Township, Le Sueur County, Minnesota. The existing total confinement barn is 41' x 208' and holds 1,000 pigs from 12 pounds to 270 pounds or 400 animal units. This barn also has an 8' deep below barn manure storage for approximately 13 months of manure. This barn will be reconfigured internally to hold 1,040 pigs or 416 animal units. The proposed new barn will be 51' by 408' and will hold 2,480 pigs from approximately 12 pounds until 270 pounds for a total of 744 animal units. The proposed new barn will be a total confinement barn with a 51' x 408' x 8' below barn concrete manure storage pit under the barn for 13 months of storage. The total number of animal units on this site after building the new barn and internal modifications of the existing barn will be 1160.

This publication shall constitute as notice to each resident and each owner of real property within 5000 feet of the perimeter of the proposed feedlot, as required by Minnesota State Law.

Estimated timeframe of construction:  
Estimated timeframe of occupancy:

April – July 2017  
August - October 2017

Sincerely,



Scott & Corralee Borgmeier  
61888 Nature Road  
Madison Lake, MN 56063



# Borgmeier Finishing

NW 1/4 Section 34  
Cleveland Township

41' x 208' Existing  
51' x 408' Proposed

Well





NEW BARN WILL BE  $\pm 135'$  EAST OF  
281ST AVE  $\pm 100'$  EAST OF ROAD

NEW BARN IS APPROX 360' NORTH  
OF DRAINAGE DITCH AT CLOSEST  
POINT

NEW BARN IS APPROX 180' TO TREE  
LINE AT EDGE OF LAKE ADD  
 $\pm 110'$  TO EDGE OF LAKE  
NEW BARN IS APPROX 190' SOUTH  
OF WELL

THE NEW BARN  
IS  $\pm 130'$  TO WEST PROP LINE  
IS  $\pm 760'$  TO EAST PROP LINE  
IS  $\pm 1160'$  TO NORTH PROP LINE  
IS  $\pm 360'$  TO SOUTH PROP LINE

CLOSE NEIGHBOR HOUSE  
APPROX  $\pm 2,150'$  TO NEW BARN

NW 1/4 SECTION 34  
CLEVELAND TOWNSHIP

N ↑

RECEIVED  
MAR 07 2017

THIS NEIGHBOR'S  
WELL IS APPROX 20' N  
OF THE PROPERTY

BORSMETER  
PROPERTY

WELL

41' x 208' #1

51' x 408' #2

#2

TREES  
LAKE

LAKE

No Tile Smells within  
1000'

#1 Neighbor to SW on Dog Creek Rd  $\pm 2152'$   
#2 Neighbor  $\pm 2730'$

#3 Neighbor to North on 281<sup>ST</sup> Ave  $\pm 2420'$

#4 Neighbor to North West off 440<sup>th</sup> Street  $\pm 2400'$

#5 Neighbor to North East on 273<sup>rd</sup> Lane  $\pm 2295'$

#6 Neighbor to East North  $\pm 4670'$

#7 Neighbor to SE along Lake  $\pm 2830'$

#8 Neighbor SE along Lake  $\pm 4130'$



375' to South Property Line

1080' to Tree Line by Lake

760' to Corner East Prop Line

1160' to North Prop Line

135' to West Prop Line



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# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 7**

### **Kamp Dels/Pope Properties Packet**

Staff Contact: Kathy Brockway or Michelle Mettler



# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** TOBIN POPE      **OWNER:** KAMP DELS, POPE PROPERTIES

**PROJECT DESCRIPTION:** Expand existing campground by 46 sites.

**ZONING ORDINANCE SECTIONS:** Section 8, Section 13, Subd. 3.3, Section 19, Subd. 12 (pages 19-31-32)

A **Recreational Commercial (RC) District**, adjacent to Recreational Development (RD) lakes, Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams, to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones, and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

**DEFINITION: CAMPGROUND** - An area of property used on a daily, nightly or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer, made for camping where proper sanitation facilities and spacing of camp units are provided and maintained.

## SITE INFORMATION

**LOCATION:** 129.74 acres, Section 23, Waterville Township

**ZONING:** Recreational Commercial and Agricultural

**GENERAL SITE DESCRIPTION:** Existing campground

**ACCESS:** Existing access off Sakatah Lake Rd (County Road 131)

### EXISTING LAND USE WITHIN ¼ MILE:

<b>North:</b> Ag land	<b>South:</b> Campground/Scattered residences/Lake Sakatah
<b>East:</b> Scattered Residential	<b>West:</b> Campgrounds/City of Waterville

## BACKGROUND INFORMATION

Kamp Dels is a family-owned and operated campground in Le Sueur County. The Pope families have expanded the campground several times over the years since opening the camping facilities in 1955. The last expansion was in 2016 to relocate 7 seasonal sites and add an additional 4 sites due to an expansion of their pool/recreational area.

Due to the size of the campground and water usage, Kamp Dels is under a state permit for their sewage treatment. Also, a portion of the sewage generated at the site will be going to the municipal sewage treatment at the City of Waterville.

The campground is a seasonal facility, starting the camping season in April of each year and ending in mid-October. They are requesting a 46-site expansion due to a demand for seasonal sites.

The Pope's have been in contact with the County Health Department in regards to their licensing requirements.

If approved, the applicant's would start work immediately in preparation for the 2017 camping season.

## TOWNSHIP BOARD NOTIFICATION

The applicant notified Darwyn Slechta, Waterville Township Board member on March 10, 2017.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The campground is located within the Shoreland and Agricultural Districts.

**WETLANDS:** According to the National Wetlands Inventory, Type 4 wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

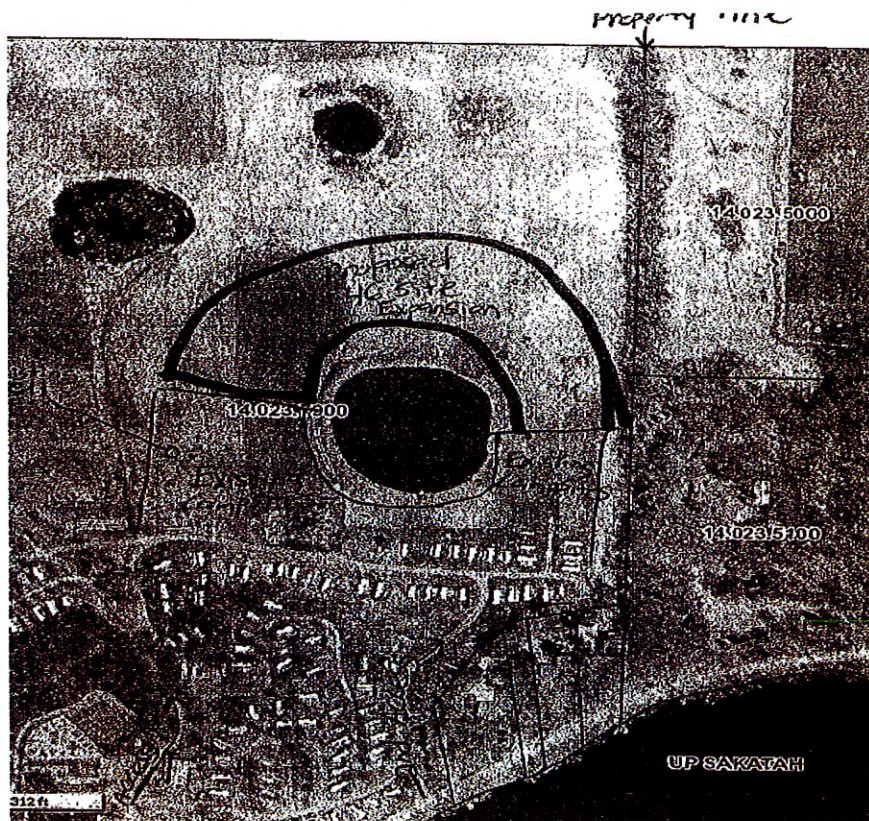
Application, Criteria Form, Narrative, Site Drawings, Letters from Dept. of Health, MPCA and County Hwy Dept. Campground Regulations, Brochure.

## SITE PLAN

Over view of the Existing Campground



Proposed Expansion Area





## Overview of Campground- Emergency Shelter Locations



### LAND USE APPLICATION PERFORMANCE STANDARDS

1. **PROPOSED DAYS AND HOURS OF OPERATION:** The campground is a seasonal business; mid-April until mid-October, depending on weather. Quiet hours are enforced from 11:00 PM until 7AM during the camping season.
2. **ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS:**
3. **LIST OF PUBLIC HEALTH PLANS:**
  - i. **Water Supply:** Existing wells on site
  - ii. **Toilet Facilities:** Each campsite will have its own sewer hookup. Working with the MPCA, City of Waterville
  - iii. **Solid Waste Collection:** Local solid waste collection.
4. **FIRE PREVENTION:** Waterville Fire Department
5. **SECURITY PLANS:** Kamp Dels has security guards on-site during the busy season. Owners & management are also on-site 24-7.
6. **RETAIL SALES:** No new retail sales
7. **FOOD OR ALCOHOL SERVED OR FOR SALE:** No alcohol served by Kamp Dels.
8. **DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL:** (For example, pedestrian and/or vehicular traffic control.) none
9. **SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:** PA system for weather emergencies. Additional speaker will be installed in the expansion area for emergency notification purposes.
10. **EXTERIOR LIGHTING:** Additional lighting for security/safety will comply with County Ordinance.
11. **PARKING AND LOADING:** Adequate parking at each camp site.
12. **SIGNAGE:** No additional signage.
13. **ROAD ACCESS:** (Approved by the road authority) Access off Sakatah Lake Road.
14. **CERTIFICATE OF INSURANCE:** On file
15. **MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:** (For example additional licensing and/or permitting) Comply with the County Manufactured Home and Campground Ordinance. Continue working with the MPCA/City of Waterville in regards to sewage system approval.

**CAMPGROUNDS AND RESORTS (PAGES 19-31/32)**

1. Campgrounds and Resorts shall be regulated by the Le Sueur County Manufactured Home Park and Recreational Camping Area Ordinance, as administered by Le Sueur County Community Health Department and as amended from time to time.
2. Any non-conformities with existing Campgrounds and Resorts will be allowed to continue in accordance with provisions of Sections 4, 13, and 24 of this Ordinance. **The expansion of the campgrounds and resorts will require a Conditional Use Permit and will require the implementation of the following standards in the expansion area.**
  - a. If located within a flood plain, the applicant shall submit an emergency plan for the safe evacuation of all vehicles and people in the event of a one hundred (100) year flood event. Said plan shall be prepared by a licensed professional engineer or surveyor and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
  - b. **The applicant shall provide a written plan for the safe evacuation in times of severe weather conditions and shall be submitted to the Emergency Management Director and Community Health Department to have on file with the County.**
  - c. **A responsible attendant or caretaker shall be in charge of the recreational camping area and the duties of said attendant or caretaker shall be to maintain records of the park, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his/her appointed representative.**
  - d. One single-family dwelling shall be allowed for the owner in the Campground and/or Resort.
  - e. One (1) temporary dwelling shall be allowed for the attendant/caretaker.
  - f. For Resorts, manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling or for seasonal occupancy in the Recreational Commercial (RC) District.
  - g. **The campground and/or resort shall meet the Planned Unit Development standards as described in this Ordinance.**
  - h. **A drainage plan shall be approved by the County Engineer.**
  - i. Decks abutting campers located within the shore impact zone may be allowed with the following restrictions:
    1. Decks shall not be placed on permanent footings.
    2. Decks shall not exceed the door sill height of the camper, exclusive of safety rails, and cannot occupy an area greater than three hundred (300) square feet.
    3. Decks abutting campers located in a licensed campground shall be set back a minimum of twenty five (25) feet from the OHWL.
  - j. Decks abutting campers located outside the shore impact zone may be allowed with the following restrictions:
    1. Decks shall not be placed on permanent footings.
    2. Decks shall not exceed the door sill height of the camper, exclusive of safety rails, and cannot occupy an area greater than three hundred (300) square feet.
  - k. Campers located in a licensed campground shall be set back a minimum of twenty five (25) feet from the OHWL.



# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Tobin Pope  
Mailing Address 14842 Sakatah Lake Road  
City Waterville State MN Zip 56096  
Phone # 507-581-1273 Phone # 507-362-8819

### II. Landowner:

Name Tobin Pope Pope Properties  
Mailing Address 14842 Sakatah Lake Road  
City Waterville State MN Zip 56096  
Property Address 14842 Sakatah Lake Road  
City Waterville State MN Zip 56096  
Phone # 507-581-1273 Phone # 507-362-8819

### III. Parcel Information:

Parcel Number 14.023.7900 Parcel Acreage 129.74  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Waterville Section 23  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

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

Waterville Township notified on 3-10-17  
(Township Name) (Date)

Board Member Darwin Slechts 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.**

### 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Self Service Storage      | <input type="checkbox"/> Value Added Agriculture                      |
| <input type="checkbox"/> School/Church/Cemetery    | <input type="checkbox"/> Antique Sales/Service/Repair                 |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc.           |
| <input type="checkbox"/> School/Church/Cemetery    | <input checked="" type="checkbox"/> Other <u>Campground Expansion</u> |

## VIII. Description of Request:

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: April 20<sup>th</sup> - October 10<sup>th</sup>
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 46 Additional Campsites will add Approx 138 persons
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Existing Well
  - ii. Toilet facilities: Campsites include Sewer Connections
  - iii. Solid Waste Collection: PCA approval for plan (submitted)
4. FIRE PREVENTION: No additional Plan
5. SECURITY PLANS: Continued 24hr Security Staff in Place
6. RETAIL SALES: NO Additional
7. FOOD OR ALCOHOL SERVED OR FOR SALE: NO Alcohol - NO Additional food
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)  
None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:  
PA system in place for Emergency/Events / No additional Speakers need
10. EXTERIOR LIGHTING: NO Additions / needed - Already in place
11. PARKING AND LOADING: None
12. SIGNAGE: None
13. ROAD ACCESS: (Approved by the road authority) existing (NO new Access)
14. CERTIFICATE OF INSURANCE: Included in Packet
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) YES

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

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • 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                |
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)

**X. 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. **Floor plans and/or blue prints**

**XI. 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 the 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.

**XII. 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.*

[Signature]  
Applicant signature

3-10-17  
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.*

[Signature]  
Property Owner signature

3-10-17  
Date

**OFFICE USE ONLY**

**Request:** Campground Expansion 46 sites

Pre-App Date 3-13-17  
Meeting Date 4-13-17  
60 Day 5-12-17  
Zoning District RC11A

Lake Classification RD  
Lake Sukatan  
FEMA Panel # 27079C0 431 D  
Flood Zone X-outside

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

- ☒ Request Description
- ☒ Site Plan
- ☒ Full Legal
- ☒ Ordinance

- ☒ Access Approval
- ☒ Erosion Control Plan
- ☒ Blue Prints
- ☐ Other \_\_\_\_\_

- ☒ Septic
- ☒ Meeting
- ☒ Fee \$ 790
- ☐ Penalty \$ \_\_\_\_\_

Comp Insp / Design  
Reg / ATF / Spec

*MPCA*

- ☒ Application Complete

[Signature]  
Planning & Zoning Department Signature

3-13-17  
Date

17030  
Permit #



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17036

Applicant: KAMP DELS

Land Owner: POPE PROPERTIES

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO EXPAND AN EXISTING CAMPGROUND 46 SEASONAL SITES.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain \_\_\_\_\_

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

## Narrative

Kamp Dels is a family run campground located North of Waterville, MN. Kamp Dels has been in business since 1955. Through the years, Kamp Dels has made several upgrades to the grounds in order to keep up with changes in the industry.

The seasonal campsites at Kamp Dels were full in 2016 and are already almost booked out for the 2017 season. Kamp Dels is currently licensed for 439 campsites of which 273 are seasonal campsites. A modest expansion of 46 campsites (10%) is needed to allow Kamp Dels to continue to improve and grow its business.

The proposed expansion area will not require any grading, filling, or any additional site work. A conditional use permit, granted from this board in 2014, allowed the site to be prepared for this current proposal. Phased expansion of this area of the campground was discussed at the 2014 meeting. Water and electric utilities are already in place. Sewage for the proposed expansion will be sent to the city of Waterville's treatment facility. Engineered plans will be reviewed by the MPCA. I have enclosed a letter from the MPCA which states their approval of the proposed expansion.

Andrew Nicolin from Le Sueur County Community Health has also been contacted and has given his approval for the proposed expansion. His letter is included with this packet for your review.

The Le Sueur County Sheriff's Department has also been contacted to determine if there are any issues that Kamp Dels needs to address from a public safety standpoint. No issues in the last 12 months have been documented.

Dave Tiegs, from the Le Sueur County Hwy department, gave the department's approval for the 46 campsite expansion with the condition a sign is moved out of the county right of way. His letter is included in your packet.

Kamp Dels relies heavily on part time help from communities in Le Sueur County, currently employing over sixty individuals, which are mostly ages 15 to 22. Recent minimum wage hikes have had a huge impact on payroll expenses. Growth is needed to offset some of these costs.

Kamp Dels, being in the tourism business, brings in hundreds of families to the area every summer. Local businesses benefit from this directly and indirectly. I believe Kamp Dels is an asset to the county and has demonstrated the need to take on modest growth.

I am requesting this board's approval for an expansion of Kamp Dels by 46 campsites with the following conditions.

1. Upon completion of the project, submit to Environmental Services, documentation from the MPCA and Department of Labor and Industry regarding final approval for the sewage treatment of the expansion sites.
2. Adhere to conditions set by Le Sueur County Community Health. (included in packet)
3. Adhere to the request of Le Sueur County Highway Department regarding the entrance sign.

Thank you



Tobin Pope  
Kamp Dels Co Owner

## **Land Performance Standards**

List of public health plans

**Water Supply-** The existing well which is inspected by the County Health department as well as all connections are in place and approved.

**Solid Waste-**The PCA has approved a sewer plan which involves sending the sewage from the proposed campsites to the city of Waterville's treatment facility.

**Toilet Facilities-** No new Facilities needed. The proposed new sites are for seasonal camping with toilets in campers.

**Fire Prevention-** Overseen by the Fire Marshal. No changes

**Severe Weather Plan-**On file with the County.

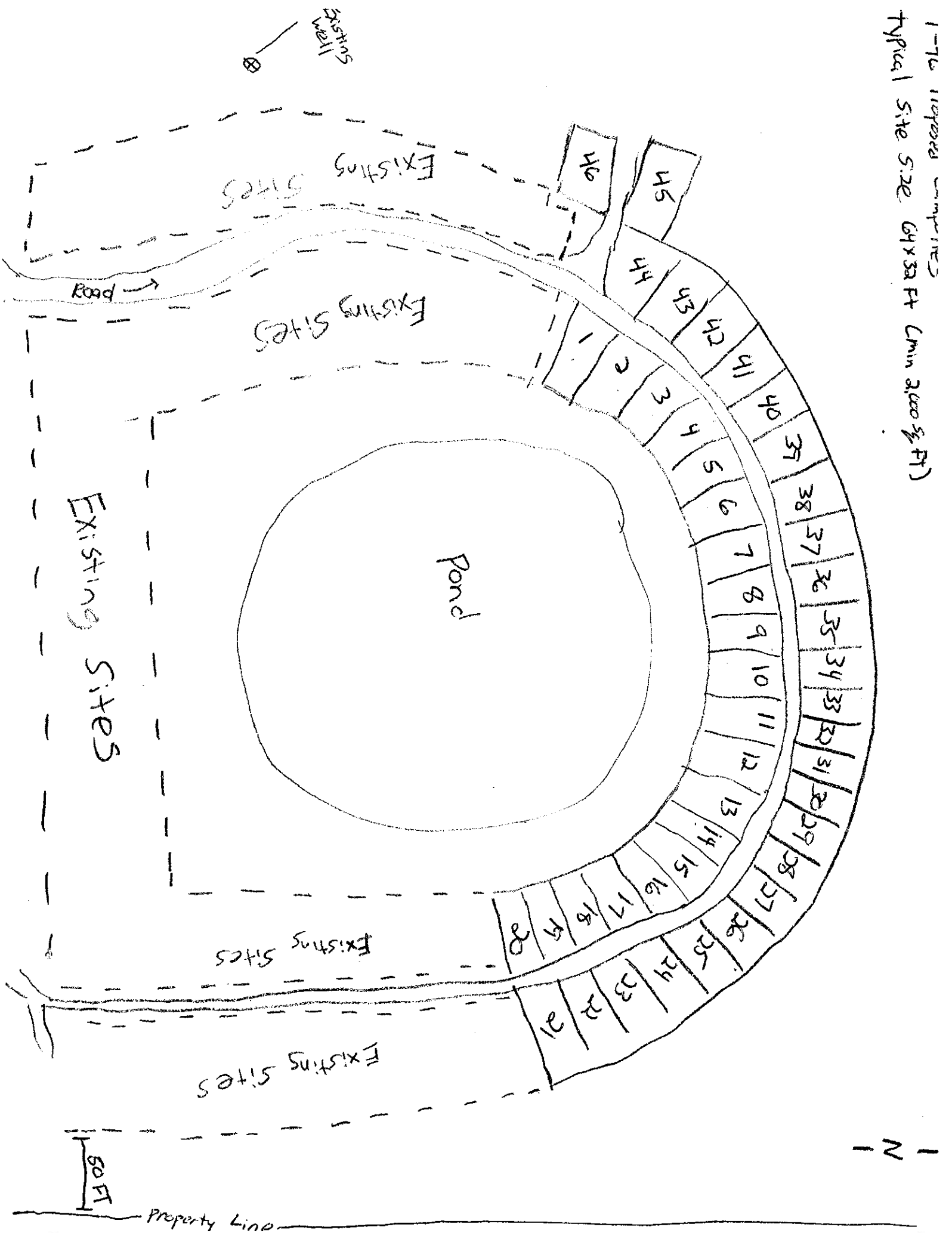
**Traffic concerns and parking.** Anticipated traffic increases should be very low because the proposed campsites will be used as seasonal campsites which does not require bring in and out campers on a weekly basis. Only car traffic will increase slightly, which will not have a noticeable impact on local public roads. Parking is available at each campsite and no changes are needed.

**Signage-** No changes to signage needed.

**Decks-**Any new decks on campers will be approved by the County. Building permits will be obtained by the owner of the deck through LeSueur County.

**Roads and Access-**No new access points will be needed for the planned expansion.

1-76 proposed improvements  
 typical site size 64x32 Ft (min 3,000 sq Ft)







# Le Sueur County Community Health

88 South Park Avenue, Le Center, Minnesota 56057

Phone: 507-357-8246

Fax: 507-357-4223

To whom it may concern,

I spoke with Tobin Pope on Tuesday, March 7<sup>th</sup>, 2017 on the Kamp Dels expansion. During the visit Tobin explained to me what they planned to do for the expansion.

Tobin will complete the application and return to me:

- 1.) A copy of the land use permit, zoning permit or statement from the local unit of government granting zoning approval for the use or expansion of the land as a MHP or RCA.
- 2.) A plan showing the boundaries of the entire tract of land upon which the MHP or RCA is to be located. Show land area; locations of existing facilities including permanent buildings and dimensions; location of landforms on the property (waterfront, bluffs, wetlands, etc.); the location of all wells and on-site sewage treatment systems with distances between each system; water and sewer lines and electrical hook-ups with distances between each; locations of all roads and driveways, public and private; location of parking areas; location and type of night lights; and any other pertinent information.

As long as all of the above requirements are met, I have no reason to why the 46 additional sites should not be approved.

If you have any questions, feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Nicolin".

Andrew Nicolin  
Registered Environmental Health Specialist  
Le Sueur County Community Health  
88 South Park Avenue  
Le Center, Mn 56057  
P: (507) 357-8231  
F: (507) 357-4223

Rochester, MN 55904

(507)206-2603

**From:** [nylpope@kampdels.com](mailto:nylpope@kampdels.com) [<mailto:nylpope@kampdels.com>]

**Sent:** Monday, March 06, 2017 9:11 PM

**To:** Hower, Corey (MPCA) <[corey.hower@state.mn.us](mailto:corey.hower@state.mn.us)>

**Subject:** Kamp Dels expansion

Corey:

Thanks for meeting with us today. I think it was a very productive meeting.

You asked me to summarize, and formalize our request in an email.

We plan to add 46 new sites around our pond in the northeast part of the campground, plus relocate up to 5 additional sites ( currently non-sewered) from elsewhere in the campground to this pond area. Our plan for the sewer for this project, is to run the sewer produced from these sites, into the tanks that currently exist and are numbered 20 and 24 from our permit. As our permit states, these two systems are currently being used as holding tanks, and are pumped as needed. Our plan, which will be designed by our engineer, is to pump the effluent from these two systems to the city. We will be working with the DOL for plan review, and also for site inspections. These plans will also be sent to you for you to update your records for Kamp Dels.

Can you verify you are ok with this plan so I can take this email to the county to show them that you are aware of the project, that you plan to work with us on this project, and that you have no objections to us proceeding with our county planning and zoning conditional use permit?

We need to have this information to the county by next Monday, March 13<sup>th</sup>. Is it possible to get a response by the end of the day, this Friday?

Thanks,

**Subject:** FW: Kamp Dels expansion  
**From:** nylpope@kampdels.com (nylpope@kampdels.com)  
**To:** tobinperry@frontiernet.net;  
**Date:** Thursday, March 9, 2017 10:06 PM

**From:** Hower, Corey (MPCA) [mailto:corey.hower@state.mn.us]  
**Sent:** Thursday, March 9, 2017 2:41 PM  
**To:** 'nylpope@kampdels.com'  
**Cc:** Haugen, Theresa (MPCA); Heskett, Nancy (MPCA); Greg Halling (grhalling@hallingeng.com)  
**Subject:** RE: Kamp Dels expansion

Nyl,

The MPCA does not have an issue with connecting systems 20 and 24 to the city's lift station. We do not have any issues with expanding your campground an additional 46 sites as long as that goes to the city's lift station as well. Before any construction can happen the MPCA will need to review the plans and specifications for the new sewer or force main to the city lift station and the additional lay our of the collection system of the new 46 sites. No construction can happen until a formal approval letter is received by Kamp Dels. Please check with the Department of Labor and Industry on what they will require for approval before moving forward.

If you have any questions please let me know.

Sincerely,

Corey J. Hower

Engineer

Minnesota Pollution Control Agency

18 Wood Lake Drive Southeast

## **Mettler, Michelle**

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**From:** Tiegs, David  
**Sent:** Friday, March 10, 2017 3:26 PM  
**To:** Mettler, Michelle  
**Cc:** 'tobinperry@frontiernet.net'  
**Subject:** Pope Lane Entrance  
**Attachments:** DOC031017.pdf

Michelle, Regarding the use of "Pope Lane" for 46 additional campsites at "Kamp Dels":

The entrance of "Pope Lane" from County Road 131 is approved for use for 46 additional campsites with the following condition:

The existing sign/sign posts on the East edge of the entrance must be removed from the County Road Right of Way. This is required in order to comply with minimum sight distance standards required for the entrance as well as Minnesota Statutes prohibiting the presence of the sign in the Right of Way. Please see the attached information.

If there are any questions or more information is needed please feel free to contact me. Office: 507-357-8536

Thanks,  
Dave Tiegs  
Assistant Highway Engineer  
Le Sueur County



**160.2715 RIGHT-OF-WAY USE; MISDEMEANORS.**

(a) Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

(1) obstruct any highway or deposit snow or ice thereon;

(2) plow or perform any other detrimental operation within the road right-of-way except in the preparation of the land for planting permanent vegetative cover or as authorized under section 160.232;

(3) erect a fence on the right-of-way of a trunk highway, county state-aid highway, county highway, or town road, except to erect a lane fence to the ends of a livestock pass;

(4) erect or reconstruct driveway headwalls in or on the right-of-way of a highway or road, except as may be allowed by permit from the road authority imposing reasonable regulations as are necessary to prevent interference with the construction, maintenance, and safe use of the highway or road and its appurtenances;

(5) dig any holes in any highway, except to locate markers placed to identify sectional corner positions and private boundary corners;

(6) remove any earth, gravel, or rock from any highway;

(7) obstruct any ditch draining any highway or drain any noisome materials into any ditch;

(8) place or maintain any building or structure within the limits of any highway;

(9) place or maintain any advertisement within the limits of any highway, except as provided in section 160.27, subdivision 7;

(10) paint, print, place, or affix any advertisement or any object within the limits of any highway, except as provided in section 160.27, subdivision 7;

(11) deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;

(12) remove, injure, displace, or destroy right-of-way markers, or reference or witness monuments, or markers placed to preserve section or quarter-section corners;

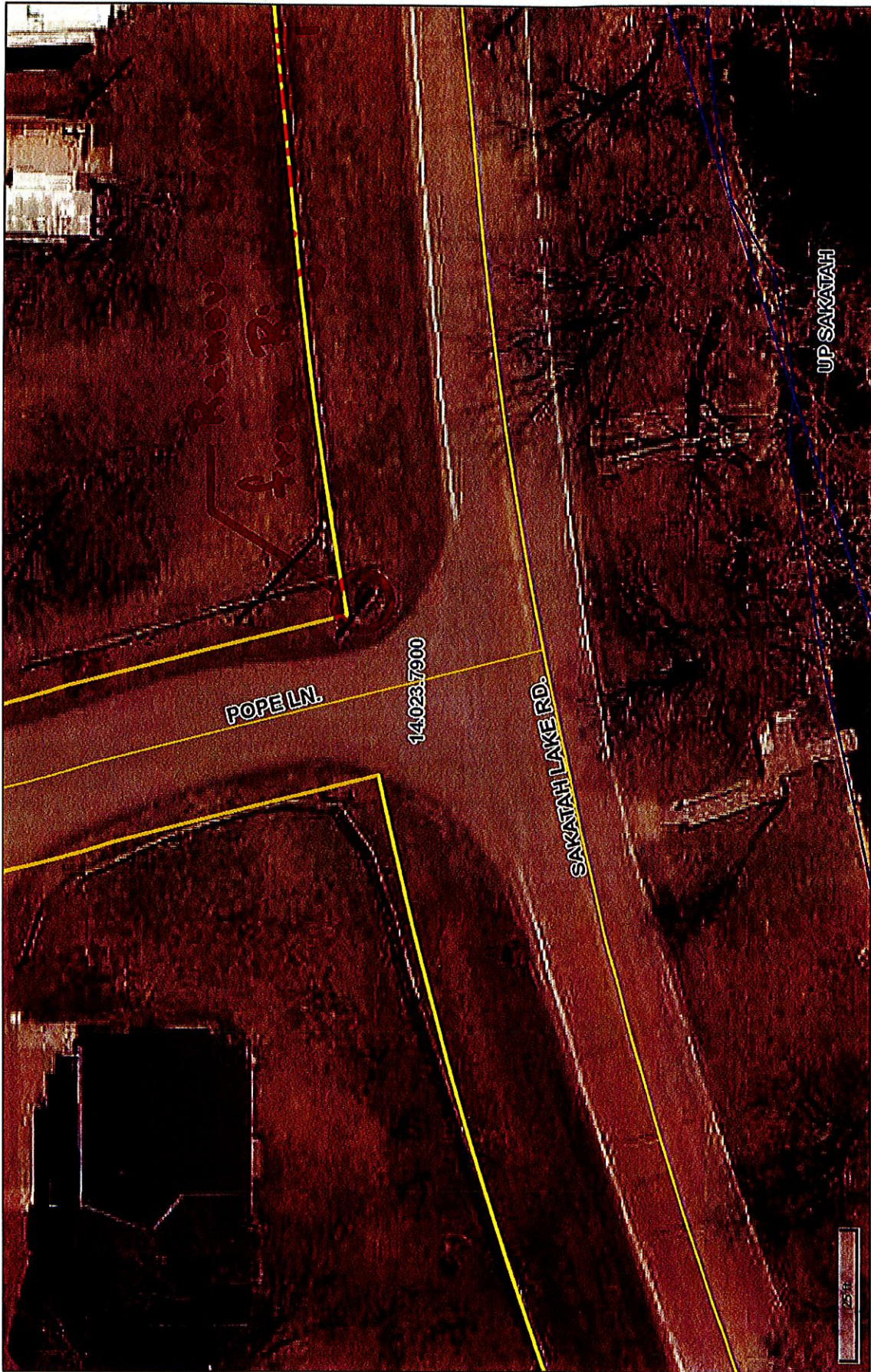
(13) improperly place or fail to place warning signs and detour signs as provided by law;

(14) drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

(b) Any violation of this section is a misdemeanor.

**History:** 1959 c 500 art 1 s 27; 1973 c 123 art 5 s 7; 1980 c 435 s 1; 1980 c 533 s 2; 1986 c 398 art 27 s 2; 1986 c 435 s 1; 1989 c 179 s 2; 1995 c 23 s 1; 1998 c 283 s 1; 2004 c 295 art 2 s 15







**SEASONAL LESSEE RULES AND REGULATIONS**

*To keep the place enjoyable for you and your neighbors, and to avoid overcrowding, we are very strict on who can use the Seasonal Sites, and on our visitor policy. A seasonal site is leased to ONE immediate family defined below.*

**KAMP DELS**  
14872 Sandpiper Rd  
Waterville, MN 56096

**Lessee and Guest Rules: Who can stay at Kamp Dels.**

1. **Seasonal Site Lessee:** A seasonal site is leased to one immediate family. Kamp Dels defines an "immediate family" as an individual, or couple, including children under 22 still living at home. Kamp Dels acknowledges that for some, this might include only 1 person, and for others, it may be more. **No additions or substitutions.** You must register your vehicle(s) once at the beginning of the season to get your permanent vehicle passes. Once your vehicle(s) are registered, you are no longer required to check in your vehicle(s) at the main office. We allow no more than two yearly vehicle passes per site. If you have more than two vehicles you will need to stop in and get a temporary pass for that vehicle.
2. **Park Wristband Policies:** **\*\*ALL ADULTS AND CHILDREN ARE REQUIRED TO WEAR PARK WRISTBANDS.** Upon entering Kamp Dels, EACH family member MUST stop in to have their weekly park wristband put on by a staff member. Site fee includes a maximum of five wristbands at one time that can be used only by the lessee's immediate family (defined above), parents, and grandchildren. No substitutions. Exception to this rule is a Lessee that has an \*immediate family greater than 5.  
~ A son or daughter of the lessee that is under the age of 23 must be accompanied by their parents while staying at Kamp Dels.
- **ISSUEING WEEKLY WRISTBANDS:** All included family members defined above, **MUST** be listed on the "Kamp Dels Seasonal Family and Vehicle Information Form" that will be sent with the Spring Newsletter and need to be filled out and submitted prior to Memorial Day Weekend. NO additions to this form once it has been submitted.
- **REISSUEING THE CURRENT WEEK WRISTBANDS to the same person or other family members described above:** In order to reissue any of the five wristbands for that week, your family members must have a Kamp Dels staff member remove wristband at the main office. This will allow a new band to be issued to the same or different family member for that current week. Wristbands that have NOT been checked back in by staff will be counted as one of the FIVE total bands for the current week the lessee is eligible for.  
Current Week Wristband=Thursday through Wednesday.
3. **Guests of the Site Lessee:** Any individual, not part of the family defined in rule #1, is always considered a guest. This includes Adult Children/Parents of lessee, if lessee is here. **ALL guest(s)** must register their vehicle and receive Park Wristbands for every individual guest at the office, upon entering Kamp Dels. A guest can be defined by one of the following:
  - a.) **Day Guests-** Visitors coming in for the day (7 a.m. – 11 p.m.), not staying overnight.  
**\*\*Each site has an allotment of 20 complimentary day guest park wristbands.** (This includes our Perry's Paradise Pool Complex.) To ensure your complimentary guest wristbands are used by the guests of your choice, we will only issue complimentary wristbands upon request. All other guests will be charged the Visitor Fee listed in the current pricelist.  
**\*\*Remember the total number of complimentary wristbands for the Season is 20.**
  - b.) **Overnight guest(s) in your trailer while you are here-** Overnight guest(s) pay the per person overnight visitor fee listed in the current pricelist.
4. **No sharing or subleasing of sites allowed.** Any party (brother, sister, friend, neighbor, coworker, etc.) using your trailer when you are not here, will be charged the current campsite fee listed in the current pricelist. Exception: Lessee's adult children (over 23 years of age), or parents, may use their trailer when the lessee is not present at no additional charge, (Maximum of 5 wristbands) These adult children/parents are required to register in the office, obtain a car pass, and have their park wristbands put on by a staff member, upon entering Kamp Dels. If additional Park Wristbands are needed, they can be purchased for the price listed in the current pricelist. No permanent car pass will be issued for adult children or parents.
5. **Extra tents/camping units set up on lessee site-** The lessee is allowed to set up an extra unit at no extra charge as long as only family members defined in rule #1 are staying on the site. If you have extra people (persons other than described in rule #1) staying overnight, regardless of who sleeps where, the unit will be charged according to our current pricelist. Unit size and frequency of use are limited. Please check with management prior to set up.

**ALL EXTRA TENTS/CAMPERS (FREE OR NOT) MUST REGISTER PRIOR TO SETTING UP****SEASON DATES • MAINTENANCE • TYPE OF TRAILERS ALLOWED • STRUCTURES ALLOWED**

6. **Season Dates:** Seasonal opening date is dependent on the weather, and therefore varies each year. We determine the Opening Date when the conditions are dry and firm enough for car traffic (Typically around April 20<sup>th</sup>, but never before). No trailers will be allowed to be moved in the spring until Kamp Dels gives authorization. You will be held responsible for any and all damages to sites and roads if you enter Kamp Dels before the Opening Date, or move a trailer before you have authorization. We cannot predict the weather, so we cannot set exact dates. We will attempt to let you know, however it is your responsibility to contact us for the official Opening Date, and the date when trailers are allowed to be moved. Closing date is October 10<sup>th</sup>. If you are renewing for the following year, you may continue to use your site until October 20<sup>th</sup>. Electric and water will be shut off October 20<sup>th</sup> for the winter. However, if the water needs to be shut off due to freezing temperatures after October 10<sup>th</sup>, it will remain off for the winter.
7. **Maintenance of site:** Kamp Dels will mow your site as needed (usually once per week) with our 7 foot mowing deck, without moving any of your items. You are required to trim mow any areas we are unable to reach with our mower. We will trim any site where the grass/weeds exceed 8 inches. **\$40.00 will be charged to your account each time we need to trim.** If you would like to hire someone to trim mow your site on a weekly basis, please call Doug at (507) 351-6433.

8. Type of Trailers **ALLOWED**: All seasonal trailers must be neat looking and commercially manufactured. No buses, mobile homes, fish houses or homemade trailers allowed. Seasonal trailers, which are being brought into the campground, must be less than 10 years old. All trailers must meet our requirement. We reserve the right to reject any trailer for any reason. Trailers which are showing age, or are not properly maintained, will not be allowed to renew the following year.

a) **Trailer Length**: Your trailer must fit your site with a 5 foot clearance to the road and the rear of your site. The county requires a 10 ft. separation between all campers and decks. Utility hookups will not be moved.

b) **Sale of Trailer on site**: You may sell your trailer on site with the new owners keeping your site, provided the seasonal site is paid in full, title shown to prove your trailer is less than 10 years old, and your trailer is in good condition. If the trailer is older than 10 years, you may sell the trailer on site, but the new owners must trade/bring in a trailer that is less than 10 years old within one month of purchase. Kamp Dels must approve any trailer being sold with the site. Prior to the sale appropriate paperwork must be completed and the site must conform to current rules and regulations. (Storage boxes, decks, landscaping). Only ONE 8 1/2 x 11" FOR SALE sign is allowed and MUST be attached to your camper. Other signage will be taken down and discarded with NO reimbursement.

c) All seasonal trailers must have current license tabs. Trailers without current license tabs will be taxed as personal property, by LeSueur County

d) No Clothes Washers allowed in trailer: We do have a laundry mat.

9. Extra Structures allowed on your site:

a) **"Neat" door step/Deck**- You may construct a "neat" door step or deck on your site. If your deck exceeds 100 square feet, you must file, and pay for a building permit from LeSueur County. You can download the form at [http://kampdels.com/documents/KampDelsDeckPaperwork\\_000.pdf](http://kampdels.com/documents/KampDelsDeckPaperwork_000.pdf). LeSueur County requires that the deck be no larger than 300 square ft. Kamp Dels requires that it be no wider than 12 feet and no longer than the length of your trailer. If your deck is taller than 30 inches, you must install hand rails for the steps, and railings around the edge of the deck. You should build your deck in sections no larger than 8' x 12', this will allow you to take apart and move your deck in the future. Leave a 2" gap between your trailer and deck to ease the movement of your trailer in the future. Fill this gap with a removable trim board.

- **Kamp Dels does not move decks.**

b) **Minor Landscaping**: You may use bark, wood chips, or shredded wood chunks, but **decorative rock of any type is not allowed**. Commercial patio furniture/chairs are permitted at your site as long as they are of a reasonable size, quantity and are Kamp Dels appropriate.

c) **Storage Units and locations**: You may have one or two **Rubbermaid storage containers (or the equivalent) on your site with a combined capacity, not to exceed 100 cubic feet**. No homemade storage boxes are allowed. Storage units should be placed within your site boundaries in the most inconspicuous place. This is to maintain visual aesthetics and consideration for your neighbors. Check with management for location approval.

d) **No permanent screened-in porches, gazebos, Bars/Breakfast Bars, Thatched/Shade Umbrellas or TV stands. Unique items not listed MAY NOT** be allowed. Check with upper management before you buy/install. If an item is installed and not permitted it must be immediately removed. Items not removed will be removed by Kamp Dels and discarded. NO reimbursement will be given. Screened in tents are allowed but must be taken down when you are not here. You are allowed one small dish 18" or smaller for TV service. We prefer these mounted to your deck, but if reception is not available, you may mount these in another location with authorization. *Contact us before you dig.* Any wire or posts must be removed when you terminate your site lease.

e) **Other structures must remain within site boundaries**: No structures/fire pits or other permanent items are allowed outside your site boundaries. For site boundary clarification see management.

f) **Boats/trailers/extra vehicles**: These items may be kept within your site boundaries while you are here at Kamp Dels. If items do not fit within your site boundaries or you are leaving Kamp Dels, these items must be moved to dedicated storage areas and have a current permit tag. Items without current permit tags will be removed at owner's expense.

#### **SITE FEES/PAYMENTS:**

10. Site fee includes:

Water, Sewer, Wi-Fi (where available) & Cable

➢ **ADDITIONAL FEES** Metered Electric: New Seasonal lessee will be charged a \$200.00 estimated electrical fee. Returning lessees estimated electric will be based on their largest amount of usage to date or \$200.00 whichever is greater. Yearly updates are sent out at the end of the year. If you have overpaid your account, the following year's account will be credited, (or receive a refund check if requested). If you underpaid, you will receive a bill. Sites currently equipped with a 30 amp hook up will not be converted to a 50 amp hook up.

11. **Clean up and Damage Deposit**: New Seasonal lessees are required to pay a \$200.00 clean up/damage deposit. This deposit is fully refundable with the following conditions: site fee including actual electric usage paid in full, site cleaned up, including but not limited to removal of deck, all block and mulch and any other debris put on site by existing lessee, and removed from Kamp Dels premises. **REMINDER: Kamp Dels dumpsters are for garbage produced at Kamp Dels ONLY! This does not include unwanted items including bikes, decks, grills, cement blocks, awnings, landscaping materials and any other items not generated at Kamp Dels. (no carry-in garbage allowed)** Damage deposit not required for existing Lessee. **If you are not planning to return, you must remove**



your trailer, and have your site cleaned up, and returned to its original condition by October 10<sup>th</sup>. Kamp Dels reserves the right to bill lessee for any clean up necessary, or damages caused, after you leave.

12. **Payments:** Two payment plans available.

- a) **Full Payment:** Site fee + estimated electric paid in full by **September 1<sup>st</sup>** will receive a \$100.00 discount. Payment is for the following season. If paying by credit/debit card a fee of \$70.00 will be added to the total due if paying in person with the card / if we run a credit card account without the card the cost passed on to you will be \$140.00.
- b) **10 ACH Monthly Payments:** (Automatic Payment) Due the first of September, October, November, December, January, February, March, April, May and June. (*Note for Renewing Lessee:* the December payment will reflect the previous season's actual electric usage bill or credit.) Paperwork required to be completed. *If an ACH Payment is denied by the bank, a \$30.00 service fee will be added to your account.*
  - **NEW SEASONAL:** ACH payments will be equally divided by the months remaining in payment plan.
- c) **Outstanding Balance:** When paid by credit/debit card an additional fee of 2% will be added.

Any amount paid in advance of the due date is refundable with cancellation notice. Seasonal sites are considered rented when paid in FULL. Accounts which are not paid in full by June 1st will be canceled with no refund of payment. Partial payment does not warrant the use of a seasonal site. Late payments are charged \$20.00 plus 1.4% interest per month on the amount past due.

**\*\*If you renew your site for the following year and keep your account current, you may leave your trailer on site through the winter at no charge. If you are not planning to return, you must remove your trailer, and have your site cleaned up, and returned to its original condition by October 10<sup>th</sup>.**

➤ **Payments are non-refundable after the due date.**

**MISCELLANEOUS**

- 13. **Dock/Boat Lift:** You may use our shoreline outside our designated areas to install a dock and (or) boat lift. You need to carry your own liability insurance, sign our dock contract and pay current fees prior to installation. All equipment other than stairs must be removed from the shoreline each fall, and stored in the designated dock storage area. See the dock contract for more information at [www.kampdels.com](http://www.kampdels.com) Boat/Boat Trailer parking allowed in designated area only.
- 14. **Quiet hours are from 11 p.m. to 7 a.m. and are strictly enforced. No refunds if evicted.**
- 15. **These rules and regulations will be updated each fall. A notification of the new rules and regulations will be sent out with your renewal notice each August. Please read over the rules carefully. Your signature on your original rules and regulations, along with your payment for the following year will constitute acceptance of any changes.**

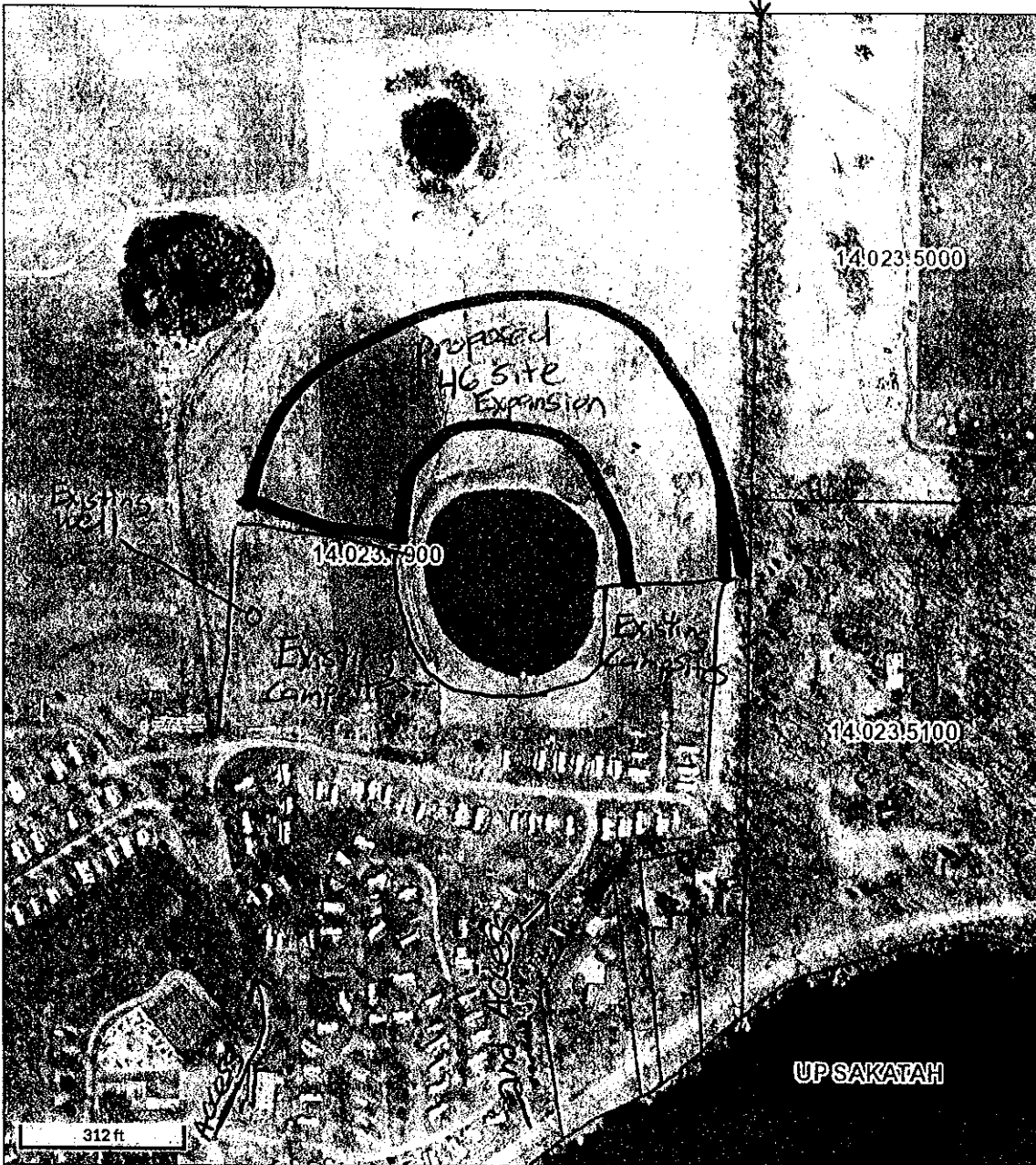
***In our pre and post season please help us supervise our grounds to reduce vandalism.***

Print Name of Lessee #1	Signature of Lessee #1	Date
Print Name of Lessee #2	Signature of Lessee #2	Date
Kamp Dels' Representative	<b>Revised: 12/2016</b>	Kamp Dels' Site #



# Beacon™ Le Sueur County, MN

Property line



Overview

Legend

Parcels

Photo from April 2013

Date created: 3/10/2017

Last Data Uploaded: 3/10/2017 3:46:46 AM



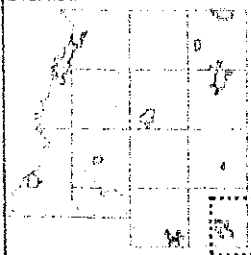
Developed by  
The Schneider Corporation

Expansion area

Date Created: 8/22/2014



Overview



Legend

- ☐ City Limits
- ☐ Political Townships

← Lake Sakatah

Last Data Upload: 8/22/2014 6:20:20 AM

Photo from April 2013

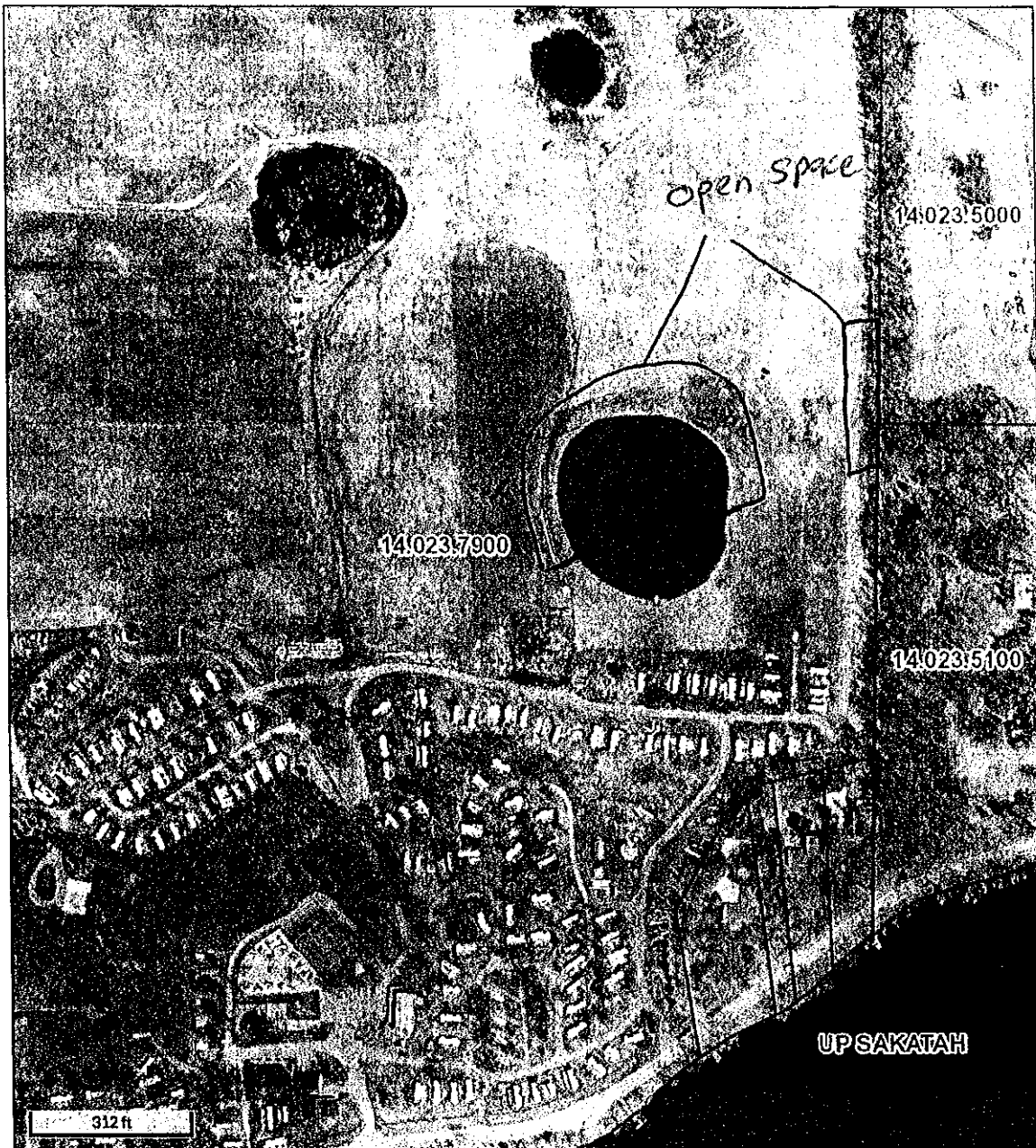


developed by  
The Schneider Corporation  
[www.schneidercorp.com](http://www.schneidercorp.com)

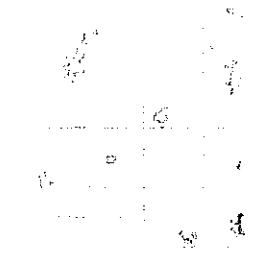
# Open Space Evaluation



Beacon<sup>TM</sup> Le Sueur County, MN



Overview



Legend

☐ Parcels

Photo from April 2013

Date created: 3/10/2017

Last Data Uploaded: 3/10/2017 3:46:46 AM



Developed by  
The Schneider Corporation

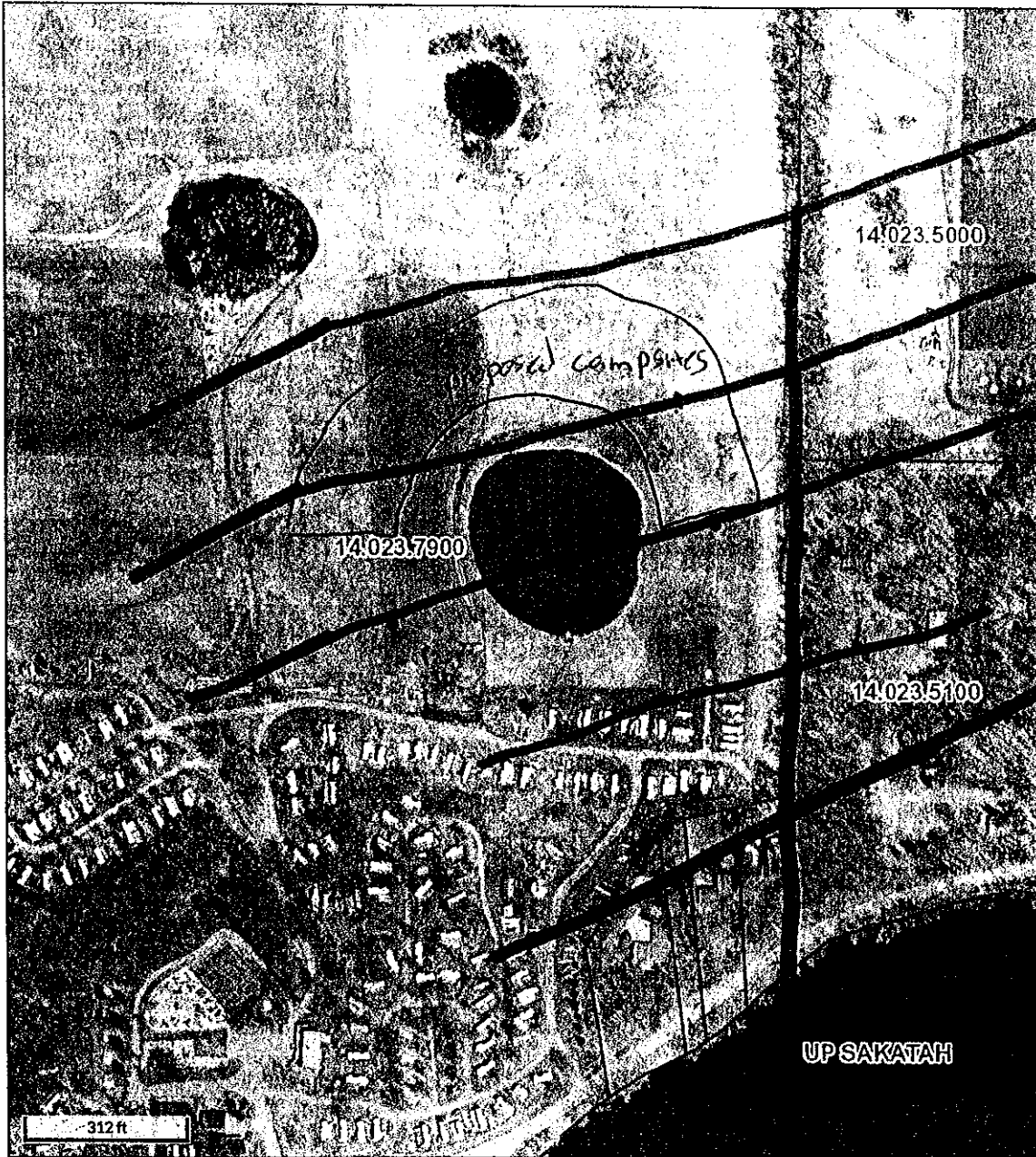
open space - 125,800 sq ft  
- 10,000 sq ft for Roads  
Minimum Space Required = 100,000 sq ft  
(Existing 6 campsites + 46 new)



# PUD Density Evaluation



Beacon<sup>LLC</sup> Le Sueur County, MN



Overview

Legend

proposed compounds

Tier #4

Tier #3

Tier #2

Tier #1

Photo from April 2013

Date created: 3/10/2017

Last Data Uploaded: 3/10/2017 3:46:46 AM



Developed by  
The Schneider Corporation

Total Area

Floor Area Ratio

Base Units

Density Increase %

Allowed sites

Actual sites

Tier 4

28 275,300

1.028

400

200%

57

24

Tier 5

275,300

1.028

400

200%

57

28

267 FT Per Tier



---

# **Le Sueur County, MN**

**Thursday, April 13, 2017**

**Regular session**

## **Item 8**

### **Steffensen Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# **STAFF REPORT**

## **GENERAL INFORMATION**

**APPLICANT/ OWNER:** Dennis and Beverly Steffensen

**911 ADDRESS:** 46577 Cape Horn Rd. Cleveland MN 56017

**PROJECT DESCRIPTION:** 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.

**ZONING ORDINANCE SECTIONS:** Sections 13.2 and 18

### **ZONING DISTRICT PURPOSE:**

The intent of the **Recreational Residential (RR) District** is 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 are allowed if properly managed under conditional use procedures.

**ZONING ORDINANCE SECTIONS:** Sections 13.2 and 18

### **DEFINITIONS:**

**BLUFF** - A topographic feature such as a hill, cliff, or embankment meeting all of the following criteria:

- A. The slope rises at least 15 feet from the toe of the bluff to the top of the bluff.
- B. The grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater.

**BLUFF IMPACT ZONE** . Land located within 30 feet from the top or bottom of a bluff.

**SHORE IMPACT ZONE** - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

### **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 32, Cape Horn Subdivision, Section 1, Cleveland Township.

**ZONING:** Recreational Residential "RR"

**GENERAL SITE DESCRIPTION:** Platted Subdivision

**ACCESS:** Existing

### **EXISTING LAND USE WITHIN ¼ MILE:**

North:	Residential	South:	Residential
East:	Lake Jefferson	West:	Residential



## TOWNSHIP BOARD NOTIFICATION

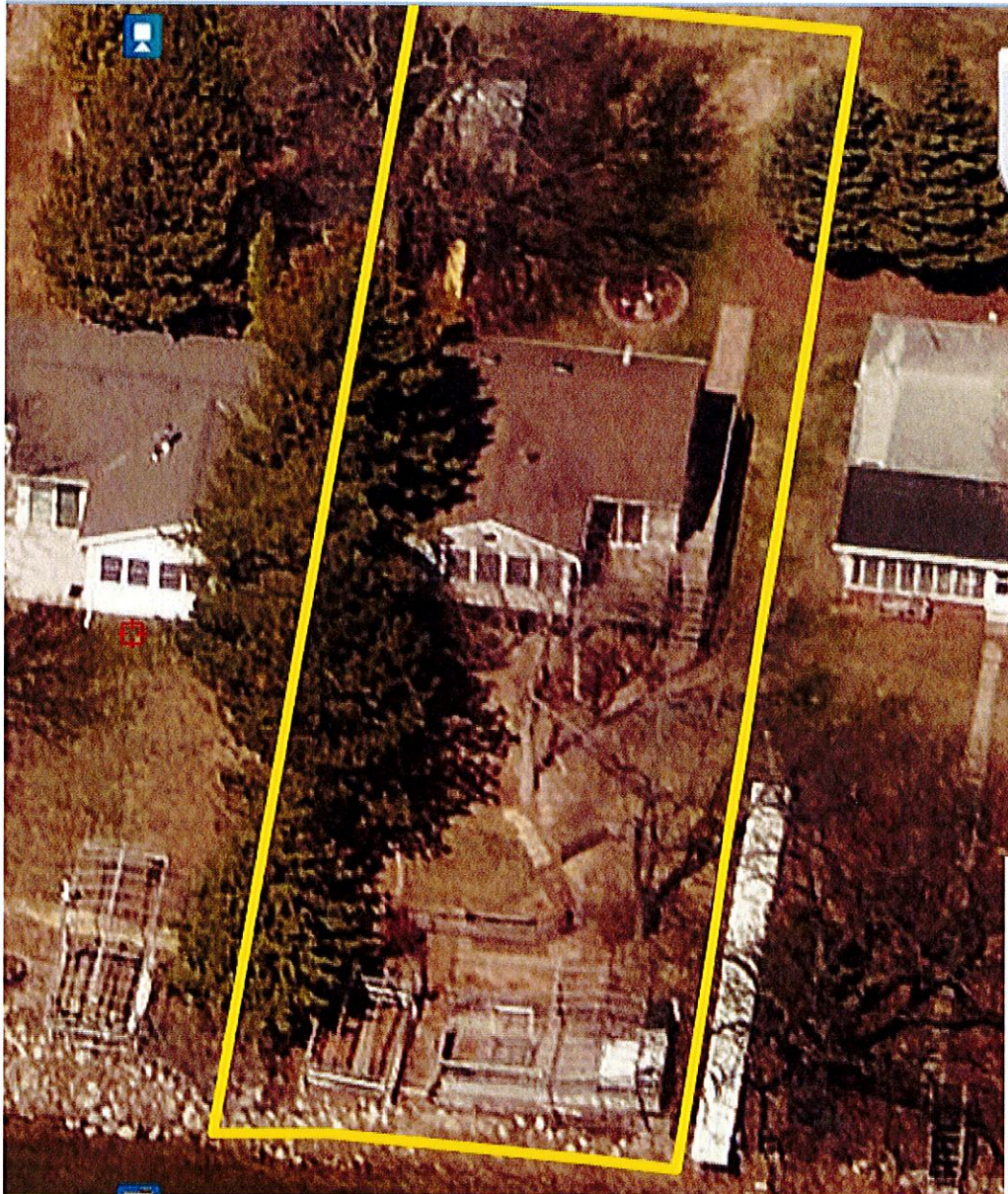
The applicants contacted Susan Ely, Cleveland Township Board Member on February 24, 2017.

## NATURAL RESOURCES INFORMATION

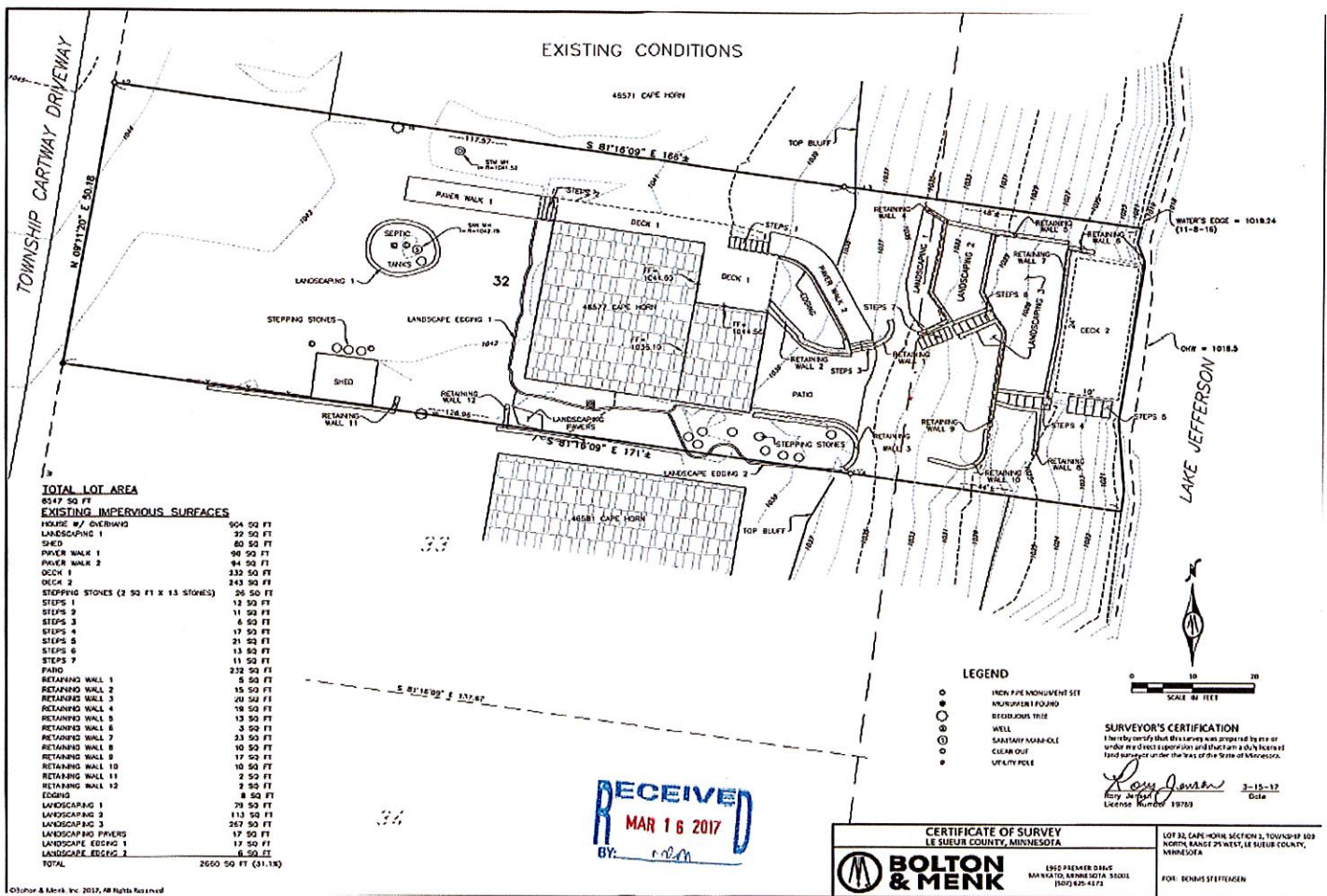
**SHORELAND:** The proposal is located within the Shoreland District.

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

## SITE PLAN/AERIAL PHOTO

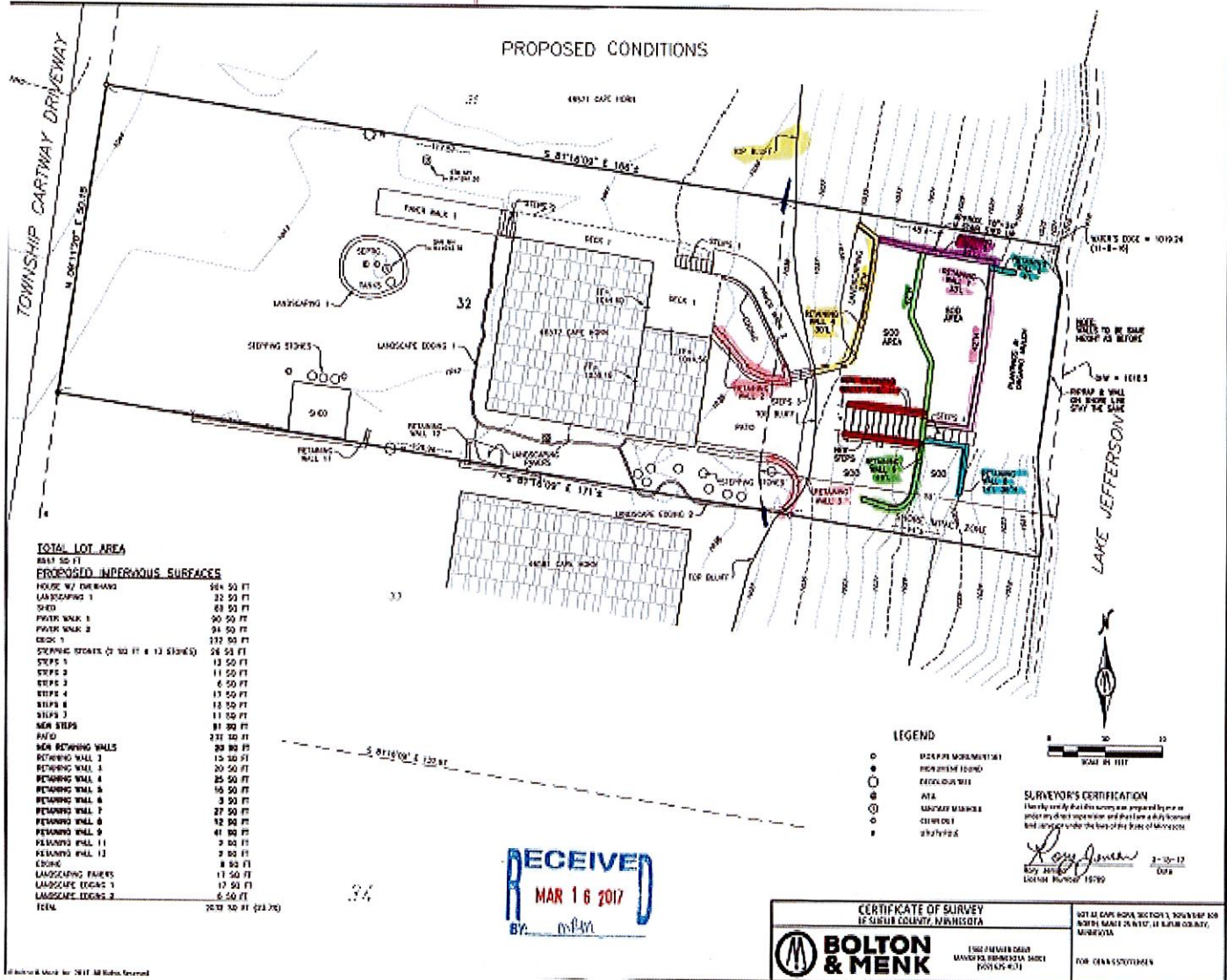






KEY

- Retaining Wall 1
- #1 Remove and replace with extension 4
- #2 As is - not part of application
- #3 As is - not part of application
- #4 32' H x 30' L
- #5 8' H x 28' L
- #6 15' H x 9' L
- #7 14' H x 8' L
- #8 3' H x 8' L
- #9 4' H x 10' L
- New Retaining Walls = 13' H L (along Steps)



## ATTACHMENTS

Application, Criteria Form, Narrative, Letter from Joshua Mankowski, LSC Resource Specialist, Survey-Existing Conditions-Proposed Conditions.

## 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:

**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?*

# 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 Dennis & Beverly St. Effensen  
Mailing Address 305 South 4th St  
City Forest City State IA Zip 50436  
Phone # 641-585-3076 Phone # 641-590-0887  
Cell

### II. Landowner:

Name Dennis & Beverly St. Effensen  
Mailing Address 305 South 4th St  
City Forest City State IA Zip 50436  
Property Address 46577 Capehorn Rd  
City Cleveland State Mn Zip 56012  
Phone # 641-585-3076 Phone # 641-590-0887  
Cell

### III. Parcel Information:

Parcel Number R01.500.0300 Parcel Acreage < 1  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township 109 Section 1  
Subdivision Capehorn Lot 32 Block

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

Cleveland Township notified on 2-24-17  
(Township Name) (Date)

Board Member Susan Ely 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.**



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

☐ 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: none
  2. ADVERSE IMPACT ON SURROUNDING AREAS: none
  3. STORMWATER RUNOFF: none
  4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: ND
  5. WETLAND IMPACT: ND
  6. SLOPE STABILITY: same
  7. CERTIFICATE OF INSURANCE: \_\_\_\_\_
  8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) \_\_\_\_\_

**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.**

**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 Distircts)*
  - 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.*

Dennis Steffensen  
Applicant signature

2-24-17  
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.*

Dennis Steffensen  
Property Owner signature

2-24-17  
Date

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17031

**Applicant:** DENNIS & BEVERLY STEFFENSEN

**Land Owner:** DENNIS & BEVERLY STEFFENSEN

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO REPAIR AND REPLACE RETAINING WALLS & STAIRS WITHIN THE BLUFF AND SHORE IMPACT ZONES.

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain \_\_\_\_\_

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain \_\_\_\_\_

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain \_\_\_\_\_

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain \_\_\_\_\_

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	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 meet 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: 04/03/2017

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

---

**Applicant:**

Dennis & Beverly Steffensen

**Property owner:**

Dennis & Beverly Steffensen

**Property:**

01.500.0300

**Description:**

Application for a CUP to allow the applicant to repair and replace retaining walls and stairs within the bluff and shore impact zones.

**Recommendation:**

I would recommend approval of the application for a CUP to complete the proposed work with the condition(s) listed below. The proposed project will address failing railroad tie retaining wall and replace them with block retaining walls. The project will

**Condition(s):**

1. Work with the Environmental Resources Specialist on vegetation plan which should contain native plants if possible and provide screening for the walls.
2. Ensure area where tile line discharges is properly protected so it does not erode.

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist



**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057-1620**  
**(507) 357-2251**  
**FAX (507) 357-8541**

**Erosion and Sediment Control Plan**

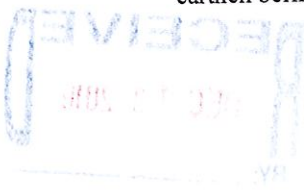
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

**Property Owner:** Dennis & Beverly Steffensen PID: R 01-500.0300  
**Mailing Address:** 305 South 4th St Forest City IA 50436  
**Property Address:** 32 Cape Horn Cleveland mn 56017  
**Phone:** (641) 585-3076 **Mobile/Cell:** (641) 590-0881

**Responsible party for Implementation/Inspection:** Landscaping By Design LLC  
**Address:** PO Box 426 Buffalo Center IA 50424  
**Phone:** (507) 327 9475 **Mobile/Cell:** (507) 327 9475

**Erosion & Sediment Control Measures**

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.



11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

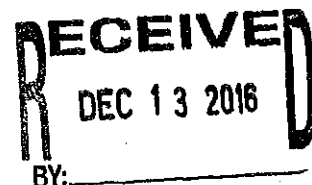
Dennis Staffener  
(Property Owner)

Landscaping By Design LLC  
(Person Responsible for Implementation)

8-24-16  
(Date)

8/31/16  
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.



# Steffensen Construction

305 South 4th Street  
Forest City, IA 50436

## ESTIMATE

Phone: 641-585-3076

Cell: 641-590-0881

Date: Jan 20, 2017 For: 32 Capehorn  
What: New walls Lake Shore

	No. Pcs.	DESCRIPTION	Feet	Price	Amount
1		Danny & Beverly Steffensen			
2		owned from June 1997			
3					
4		Replacing Rail Road Ties			
5		To Landscaping Block			
6		with Draining Tile &			
7		10' of pea Rock Behind			
8					
9		want To Replace steps &			
10		Provide HAND Rail for Better			
11		Route To Dock & PANTON			
12					
13		Rail Road Ties ARE Rotting &			
14		water getting Behind Ties			
15		erasing ground & pushing			
16		Wall out			
17					
18		will Replace with Landscaping materials			
19		& sod or Blower & screen			
20					
21					
22					
23					
24		more Detail work			
25		Deadline -			
26					
27					
28					
29					
30					

NOTE: The foregoing is an estimate only and not a Guaranteed bill. Errors herein are subject to correction.

SEE BACK →







# KEY

## Retaining Walls

#1 Remove and ~~extend~~ replace but extend into 4

#2 As is - not part of application.

#3 As is - not part of application.

#4 32" H X 30 ft L

#5 <sup>(Stepup)</sup> 18"-24" H X 20' ft L

#6 18.24" H X 4 ft L

#7 42" H X 33 ft L

#8 36" H X 14 ft L

#9 42" H X 49 ft L

New Retaining Walls = 13 ft L (along <sup>new</sup> Steps)

## Stairs

Steps #1, 2+3 - As is - not part of application.

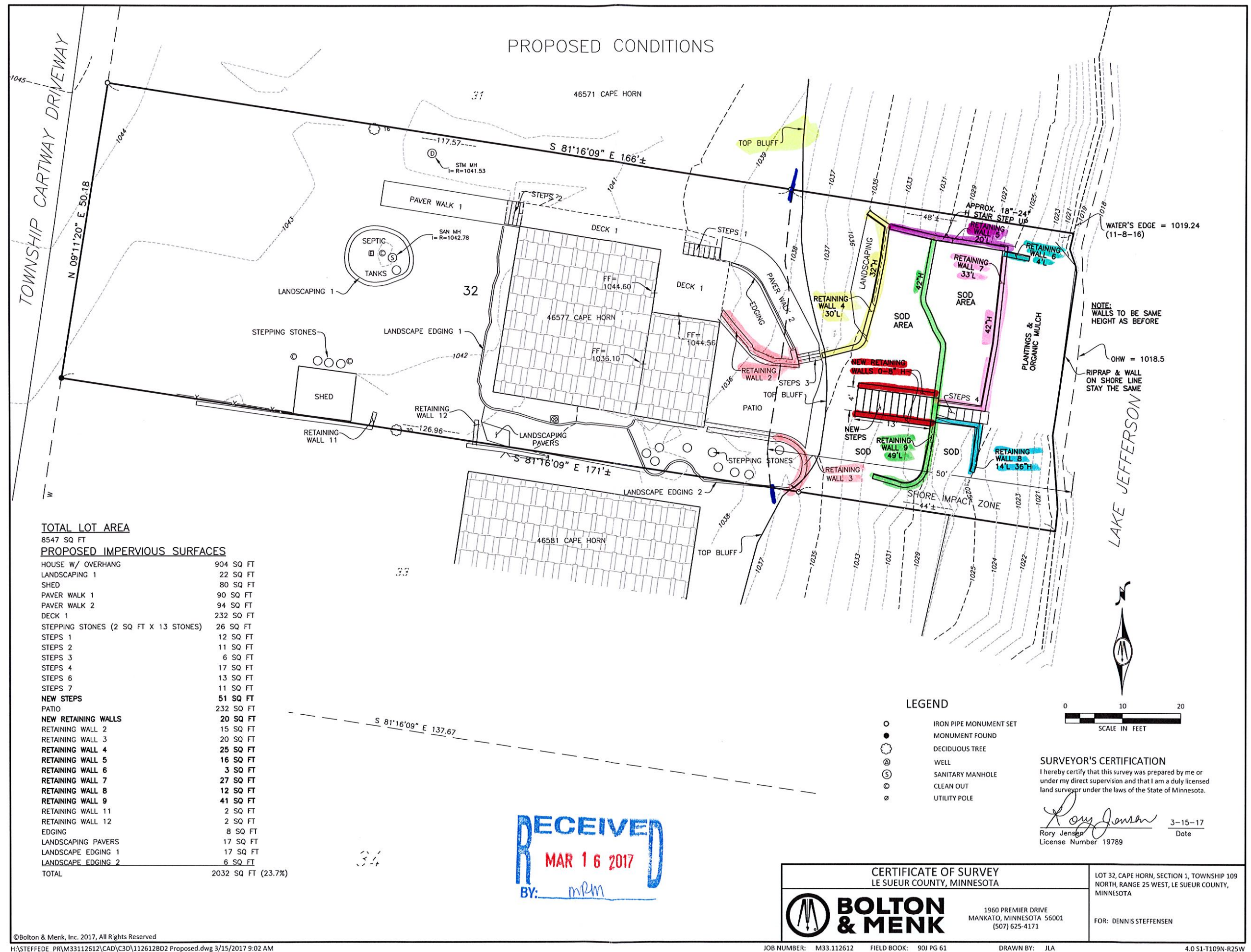
#4 Replace \_\_\_\_\_ X 13

~~#4~~ New Steps 4 ft W X 13 ft L

## Impervious Surface

Going from 31.1% existing to 23.7%.

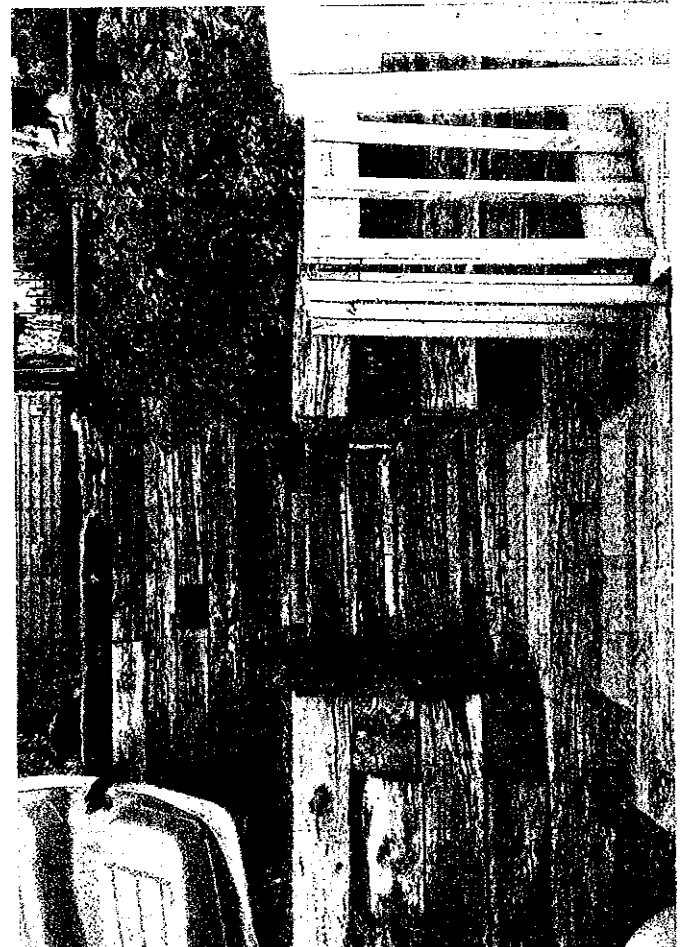
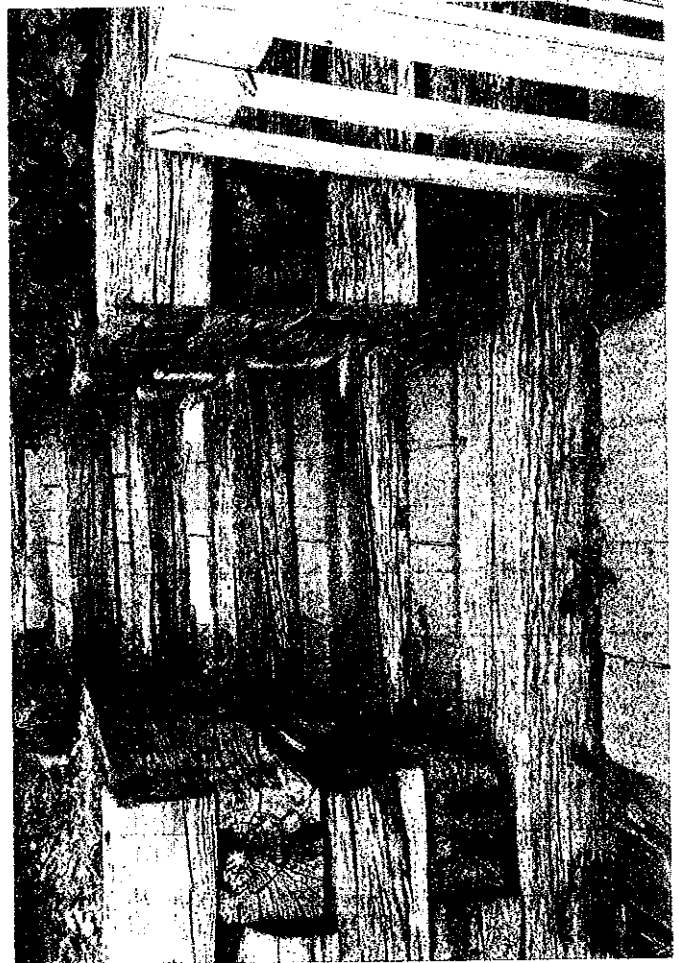




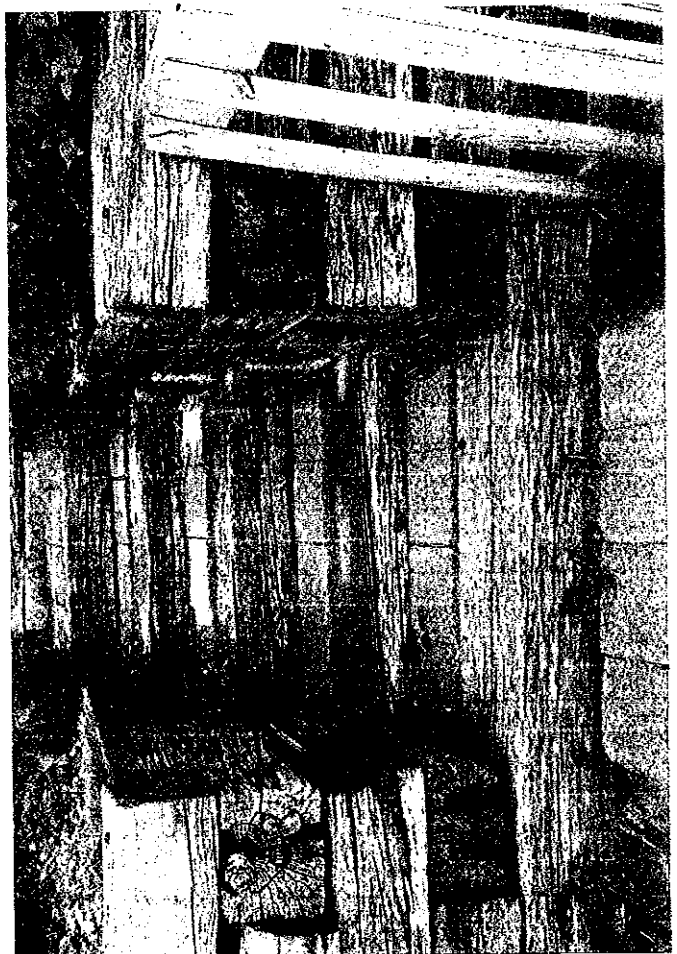
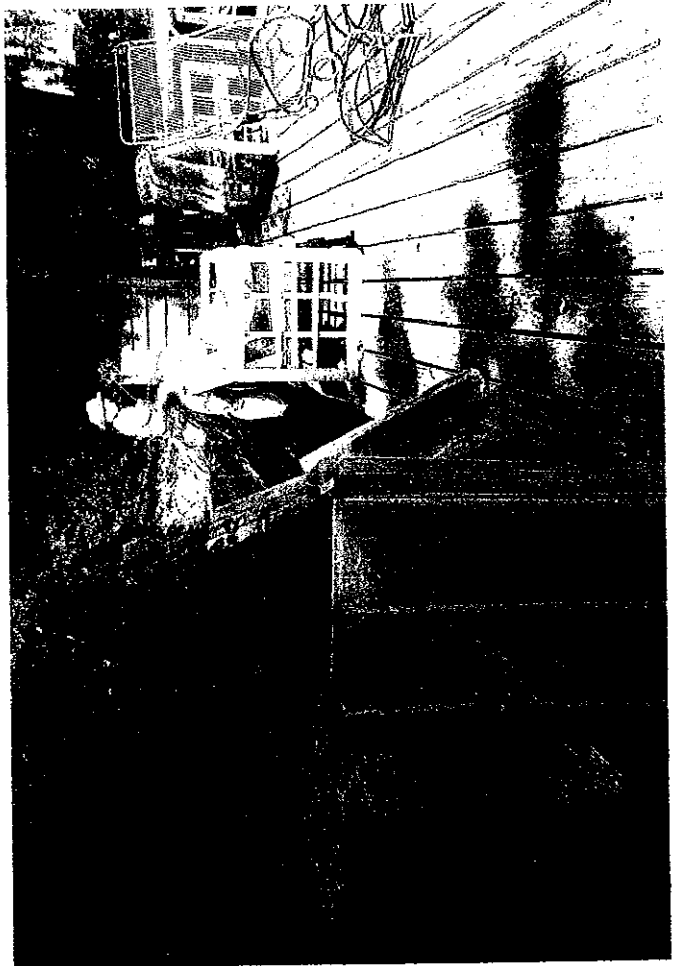
- \* Take out old Ties
- \* Replace with new lg. Retaining wall blocks  
6"x12"x16" size Tan (same as they  
Have By House.
- \* Keeping everything the same Height/Length  
etc.
- \* putting 10" of pea rock Behind new walls &  
4" Drain Tile for Drainage.
- \* putting Back pavers where old step units  
are.
- \* They are Leaving the shore Line & Deck  
next To shore Line. Just Doing Cleanup  
By House/Down To Deck.
- \* new Step units for steps  
(No Changes)

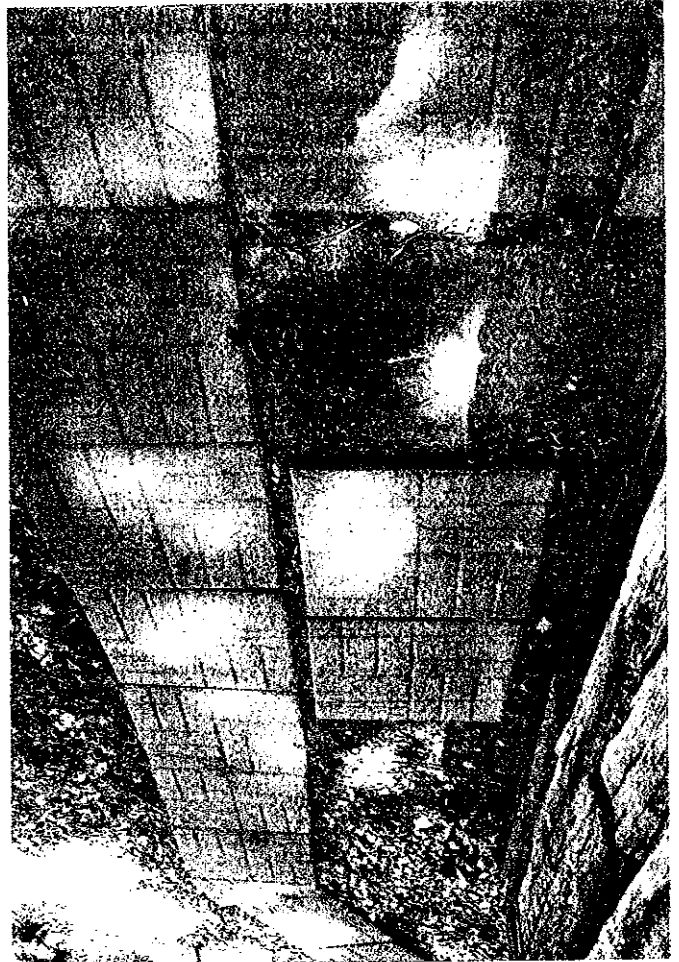


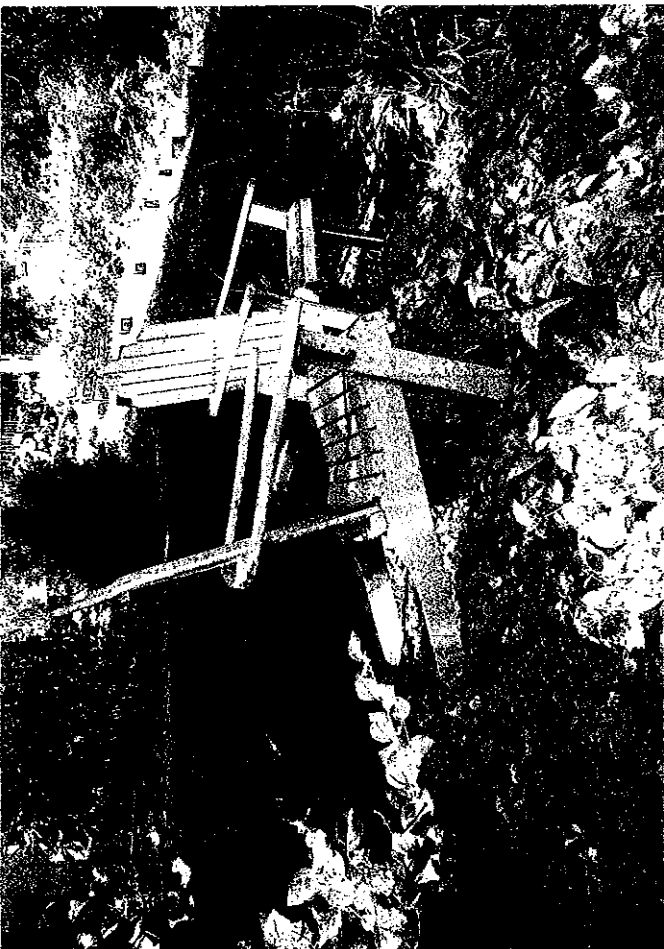














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# **Le Sueur County, MN**

**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***