



Le Sueur County, MN

Thursday, May 11, 2017

Regular session

Item 1

Approved May 11, 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
May 11, 2017

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Pam Tietz, Commissioner Wetzel

MEMBERS ABSENT: Doug Krenik, Al Gehrke

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: LE SUN LLC, MPLS MN (APPLICANT); PATRICK GREGOR, WATERVILLE, MN (OWNER): Request an extension for an existing Conditional Use Permit #16029 to allow grading, excavating and filling of approximately 49,227 cubic yards of material in order to change the elevation of the site to establish a solar garden in an Agricultural "A" District. Property is located in the SE1/4 of Section 26, Waterville Township.

Kathy Brockway presented power point presentation. Chuck Beisner, Le Sun LLC was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: construction time frame, within the next 45-65 days, extension was granted for the Conditional Use Permit for the actual construction of the solar garden in November of 2016. Once construction starts project could be completed within 60-days.

Motion was made by Don Rynda to approve the 1-year extension for the project. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #2: PATRICK AND RANDI MC CABE, (APPLICANT/OWNER); CLEVELAND MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE1/4 SE1/4 to the SE1/4 SE1/4 in an Agriculture "A" District. Property is located in the in the NE1/4SE1/4, Section 14, Cleveland Township.

Kathy Brockway presented power point presentation. Patrick and Randi Mc Cabe were present for application.

TOWNSHIP: Notification through the application process DNR: N/A LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Transfer property from one quarter quarter to another, owns the 120-acres surrounding the existing building site, township approval of the access, adequate area for a primary and secondary septic system, buildable area, meets all setback requirements.

Findings by majority roll call vote:

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

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

Motion was made by Don Reak to approve the application as presented. Seconded by Don Rynda Motion approved. Motion carried

ITEM #3: MARK VOLKENANT & DEBORAH NOVAK, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 152 cubic yards of material within the bluff, bluff impact zone and shore impact zone for the construction of a new single family dwelling, retaining wall, stairways and a patio in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Jefferson. Property is located at Lot 4, Block 3, Tomahawk Point 2nd Addition, Section 3, Cleveland Township.

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

TOWNSHIP: notified through the application process. DNR: no comments LETTERS: Joshua Mankowski, Le Sueur County Resource Specialist

PUBLIC COMMENT: None

Discussion was held regarding: 68% of material movement is due to the construction of the rain garden and dry creek bed in order to control an existing erosion problem on the parcel, existing stairways is rotted and in real bad shape, staging the proposed stairways to the lake, some stone and engineered wood stairways, municipal sewage treatment proposed for the area, location of grinder pump, placement of pervious patio, natural flow of water through the dry creek bed, variance granted on the property in March of 2017 to continue to use part of the existing foundation within the bluff impact zone.

Findings by majority roll call vote:

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

Motion was made by Shirley Katzenmeyer to approve the application with the following conditions per Joshua Murkowski's letter dated April 28, 2017:

- ***Native vegetation planted to screen the retaining walls to help reduce the visibility of the walls as well as provide increased soil stability.***
- ***Plant bluffs in native vegetation to assist the retaining walls in adding stability to the bluff and prevent future erosion.***

Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #4: THOMAS TREE & LANDSCAPE, MANKATO, MN, (APPLICANT); LYLE JACOBSON, KASOTA, MN; ROSELYN SKILLMAN, SCOTTSDALE, AZ; KUIPER ENTERPRISES, KASOTA, MN, (OWNERS): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 302 cubic yards of material for a bluff restoration project in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Tracts A & B, Registered Land Survey #17, & Lots 8, 9, 10, part of Lots 1 & 7, Replat of Sportsmen Haven, Section 18, Kasota Township.

Kathy Brockway presented power point presentation. Dan Stueber, I & S Engineering and Jim Thomas, Thomas Tree and Landscape were present for application.

TOWNSHIP: Notification through the application process. DNR: no comments LETTERS: Joshua Mankowski, Le Sueur County Resource Specialist.

PUBLIC COMMENT: none

Discussion was held regarding: major slope failure on the lot due to a significant rainfall in the fall of 2016, working on plans since that time to come up with a plan that would work to stabilize the hill side, called in another engineering firm that specializes in soils and how they relate to one another, soil testing on the parcel, came up with this plan, installing a soldier pile that is made up of concrete material, installation of arbor max on slope and planted with vegetation, depending on the weather project to be completed within 3 weeks, neighbors agreed to the placement of a temporary haul road and staging area on their property.

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 Pam Tietz to approve the application as presented with the following conditions per Joshua Murkowski's letter dated April 24, 2017.

- Utilize native vegetation in planting on the bluff to provide both screening and assist in stabilization.

Seconded by Don Reak. Motion approved. Motion carried.

Motion was made by Shirley Katzenmeyer to approve the minutes from the April 13, 2017 meeting by Seconded by Pam Tietz. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Don Reak. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
Kathy Brockway

Approved June 8, 2017

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