



# **Le Sueur County, MN**

**Thursday, September 14, 2017**

**Regular session**

## **Item 1**

**Approved September 14, 2017 Minutes**

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**September 14, 2017**

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

**MEMBERS ABSENT:** Doug Krenik

**OTHERS PRESENT:** Kathy Brockway, Joshua Mankowski

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

**ITEM #1: JEROME BROWN, WATERVILLE, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township.

Kathy Brockway presented power point presentation. Carrie Brown was present for application.

**TOWNSHIP:** Al Gehrke, Waterville Township has no objections to the proposal. **DNR:** No comments  
**LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file).

**PUBLIC COMMENT:** None

**Discussion** was held regarding: removal of existing green treated retaining walls, replace with boulder walls, environmentally friendly, safety for children, reduced impervious surface, variance granted in August of 2017 for impervious surface, removal of failing stairways, drainage.

**Findings by majority roll call vote:**

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

Motion was made by Al Gehrke to approve the application with the following conditions:

1. ***Plant Minnesota native vegetation to provide the required screening along the retaining walls.***

2. *Two trees be planted somewhere on the parcel to replace the two trees that are being removed as part of this project.*

Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #2: ANDREW SKLUZACEK, LE CENTER, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 23, Cordova Township.

Kathy Brockway presented power point presentation. Andrew Skluzacek was present for application.

**TOWNSHIP:** Mike Groh, Cordova Township Board, township has no objections to the proposal.  
**LETTERS:** Amy Beatty, LSC Feedlot Officer (see file).

**PUBLIC COMMENT:** Mark Sheehy, adjacent landowner, questioned the amount of shooting that will occur during the day. Andrew Skluzacek stated at a minimum of 10-20 shots depending on the type of session.

**Discussion** was held regarding: kennel will be set up in an existing building; will conduct bird and gun training, obedience training, normally 8-10 week sessions, 12 dogs, small sign, applied for licenses from the DNR and MN Board of Animal Health, license was not required, therefore reimbursed permit fees, proper disposal of animal waste, installation of a 2000 gallon holding tank.

**Findings by majority roll call vote:**

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

Motion was made by Don Reak to approve the application with the following conditions:

- *When the tank is installed, it be tested for water-tightness and not be installed at a depth greater than allowed by the manufacturer.*
- *A service agreement or contract between Mr. Skluzacek and B & B Septic on file with the Planning and Zoning Department.*
- *A written statement as to where the dog waste will be disposed.*
  - *If at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator, or*

- *If it is land applied, that the land application does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates).*
  - *If applied on land outside of the County of Le Sueur, check with that County on its land application requirements.*

Seconded by Pam Tietz. Motion approved. Motion carried.

**ITEM #3: MICHAEL & NANCY KELLER, OWATONNA, MN, (APPLICANT\OWNER):**

Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 139.5 cubic yards of material for the construction of a retaining wall in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 11, Muellerleille Subdivision, Section 33, Elysian Township.

Kathy Brockway presented power point presentation. Bob Hall, representing the applicant was present for the application.

**TOWNSHIP:** Notified through the application process. **DNR:** No comments. **LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file).

**PUBLIC COMMENT:** Don Schulte, President of Subdivision Association, questioned the hauling of material to the site on the road, asphalt road just resurfaced. Clark Meyer, landowner, private road, access to property for construction.

**Discussion** was held regarding: drainage, installation of drain tile to day light to lake, 1.5 inch river rock slows down the drainage, benefits to the lake, a more natural look, 7-8 truckloads of material for the project, private road, weight of truck similar to garbage trucks, skid loader, access to property, west side of property, removal of timber stairways, replaced with stone, native vegetation for screening.

**Findings by majority roll call vote:**

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

Motion was made by Al Gehrke to approve the application with the following condition:

1. ***Plant Minnesota native vegetation to provide for a more natural appearance and provide increased site stability.***

Seconded by Don Rynda. Motion approved. Motion carried.

**ITEM #4: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); BRANDON BROCKWAY, LE CENTER, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 15 cubic yards of material for a shoreland restoration project in a Special Protection “SP” District, on a Recreational Development “RD” lake, Lake Volney. Property is located in Government Lot 3, Section 31, Montgomery Township.

Kathy Brockway presented power point presentation. Joshua Mankowksi, in-kind representative, and Ryan Jones, Engineer, SWCD was present for application.

**TOWNSHIP:** Notified through the application process. **DNR:** No Comments. **LETTERS:** None

**PUBLIC COMMENT:** None.

**Discussion** was held regarding: property is located within the Lake Volney Targeted Area grant, rip-rap approximately 182 ft. of shoreline.

**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.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
- 6. The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Shirley Katzenmeyer to approve the application. Seconded by Pam Tietz. Motion approved. Motion carried.

**ITEM #5: ISG, BRIAN WELCH, FARIBAULT, MN, (APPLICANT); MARVIN BARTLETT, KASOTA, MN, (OWNER):** Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating and filling within the bluff and bluff impact zone for the construction of a retaining wall and patio; additional grading, excavating and filling within the bluff and bluff impact zone for bluff restoration, retaining wall within the bluff impact zone and construction of a water-oriented water accessory structure within the bluff for a total of 541 cubic yards in a Recreational Residential “RR” District. Property is located at Lot 4, La Hans Subdivision and Units 1410 & 1420 CIC #54, Section 7, Kasota Township.

Kathy Brockway presented power point presentation. Marvin Bartlett was present for application.

**TOWNSHIP:** Notified through the application process. **DNR:** No Comments. **LETTERS:** Joshua Mankowski, see file.

**PUBLIC COMMENT:** none

**Discussion** was held regarding: questioned as to why he didn't apply for permitting, didn't realize it was a bluff until having the property surveyed, would like to finish the project, removal of 56 square ft. of patio, construction of retaining wall for bluff stabilization, working with I & S Engineering, retaining wall 30 ft in length, 1 ft high, installation of rain garden, working with Environmental Service staff, variance granted in August of 2017 to replace the water oriented structure due to leaning towards the lake, project started in the summer of 2016.

Findings by majority roll call vote:

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

Motion was made by Don Reak to approve the application with the following conditions:

1. ***Bluff area shall be replanted with Minnesota Native, deep-rooted vegetation to ensure continued bluff stability.***
2. ***Plant Minnesota Native, deep-rooted vegetation to provide screening for the retaining wall.***
3. ***Special consideration be taken in final construction of the water orientated accessory structure to provide proper drainage to ensure the longevity of the new structure and prevent future erosion issues on the site.***
4. ***Direct runoff from pervious surface to the rain garden to provide additional treatment.***

Seconded by Al Gehrke. Motion approved. Motion carried.

**ITEM #6: SCOTT HASS, CLEVELAND, MN, (APPLICANT); JAMES LOSINSKI, CLEVELAND, MN, (OWNER):** Request that the County grant a rezone of approximately 4.61 acres from a Recreational Residential "RR" District, to a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in the SE 1/4, Section 31, Cordova Township.

Kathy Brockway presented power point presentation. Scott Hass was present for application.

**TOWNSHIP:** Mike Groh, Cordova Township Board member was present no objections with the proposal.  
**DNR:** No comments. **LETTERS:** None

**PUBLIC COMMENT:** Kevin Sexton, property owner, Hardeggers Addn, concerned with safety, boat traffic on the lake; Bob Frost, Hardeggers Addn. questioned planting of trees, proposed number of campsites within the expansion area.

**Discussion** was held regarding: rezoning 4.61 acres from Recreational-Residential to Recreational Commercial, expansion of the existing campground, update septic system, triangle piece currently used as storage, stormwater, electrical, number of campsites proposed, might change due to septic location, electrical services, will be addressed through the conditional use permit process in order to expand the campground.

**Findings by majority roll call vote:**

1. The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will not have an adverse effect on the value of adjacent properties.
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
10. The proposal will not degrade the water quality of the County.
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

Motion was made by Don Reak to approve the rezone as it will be a continuation of a Recreational-Commercial Zoning District. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the August 17, 2017 meeting. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Pam Tietz  
by Kathy Brockway

*Minutes approved October 12, 2017*

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