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# **Le Sueur County, MN**

**Tuesday, December 19, 2017**

**Board Meeting**

## **Item 4**

**4:45 p.m. Kathy Brockway, Zoning Administrator (5 minutes)**

*RFA- Conditional Use Permits*

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

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

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

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

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

**ITEM #1: PINE CREEK KENNELS, LLC, MONTGOMERY, MN, (APPLICANT); JAKE KLINE, MONTGOMERY, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing dog kennel to include training, boarding, and breeding in an Agriculture "A" District. Property is located in the SW 1/4 NE 1/4, Section 32, Lanesburgh Township.

Kathy Brockway presented power point presentation. Jake Kline, owner of Pine Creek Kennels, LLC, was present for application.

**TOWNSHIP:** Notified through the application process      **DNR:**N/A      **LETTERS:** Amy Beatty, County Feedlot Officer-see file

**PUBLIC COMMENT:** None

Discussion was held regarding: Operating under a conditional use permit for the past 7 years, requesting to expand to full capacity, 2-full time employees, sufficient parking on site, no complaints on file, currently 18 kennels, 20-4x8 kennels proposed, all kennels are climate controlled, dogs under supervision while outside, all dogs are current with vaccinations, trees buffer site from neighbors, 100% training, holding tank for waste pumped by MS Excavating, need for boarding of dogs

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 have been taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been 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 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.

- The land application of the dog waste onto property owned by Mr. Gilbert Kline does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates). Per the 2010 CUP application, the waste is allowed to be land applied on Mr. Gilbert Kline's property through a signed, written agreement.
- If the dog waste is not land applied, a written statement as to where the dog waste will be disposed of and service agreement shall be on file with the Planning and Zoning Department.
  - If it will be disposed of at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator shall be on file with the Planning and Zoning Department

This disposal plan should meet the requirements of state rules and the County Zoning Ordinance based on the information provided to me.  
Seconded by Doug Krenik.

**ITEM #2: SUMMER BREEZE RESORT, CLEVELAND, MN, (APPLICANT); SCOTT HASS, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing campground (Commercial Planned Unit Development) in 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, owner of Summer Breeze Resort was present for application.

TOWNSHIP: Notified through the application process DNR: No comments LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Resort has been owned by the Hass's for 26 years, eliminating manufactured home sites, replacing with RVs, demand for seasonal camping sites in the County, all sites are approximately 2800 sq. ft., planting of trees along the property lines for screening, quiet times 11PM, normally open from late April with closing of grounds 1<sup>st</sup> week of October, installation of holding tanks, several options for storm shelters on the 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.*
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 provided.*
4. *Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been 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 Al Gehrke to approve the application as requested. Seconded by Don Reak. Motion approved. Motion carried.

Motion was made by Shirley Katzenmeyer to approve the minutes from the November 9, 2017 meeting. Seconded by Pam Tietz. Motion approved. Motion carried.

Kathy Brockway, Zoning Administrator thanked the board for their work/support over the years, as she is retiring as of December 29, 2017 from her position with the County. She introduced the board to the newly hired Environmental Services/Planning and Zoning Administrator, Joshua Mankowski.

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

Meeting Adjourned.

Respectfully submitted,  
Shirley Katzenmeyer  
By Kathy Brockway

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSIONERS  
DECEMBER 19, 2017**

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**

**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following items:

**ITEM #1: PINE CREEK KENNELS, LLC, MONTGOMERY, MN, (APPLICANT); JAKE KLINE, MONTGOMERY, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing dog kennel to include training, boarding, and breeding in an Agriculture "A" District. Property is located in the SW 1/4 NE 1/4, Section 32, Lanesburgh Township.

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

Therefore, the Planning Commission recommends approval of the application 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.*
- *The land application of the dog waste onto property owned by Mr. Gilbert Kline does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates). Per the 2010 CUP application, the waste is allowed to be land applied on Mr. Gilbert Kline's property through a signed, written agreement.*
- *If the dog waste is not land applied, a written statement as to where the dog waste will be disposed of and service agreement shall be on file with the Planning and Zoning Department.*
  - *If it will be disposed of at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator shall be on file with the Planning and Zoning Department*

*This disposal plan should meet the requirements of state rules and the County Zoning Ordinance based on the information provided to me.*

**ITEM #2: SUMMER BREEZE RESORT, CLEVELAND, MN, (APPLICANT); SCOTT HASS, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing campground (Commercial Planned Unit Development) in 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.

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

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

ACTION: ITEM #1: \_\_\_\_\_

ITEM #2: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, PINE CREEK KENNELS, LLC, MONTGOMERY, MN, (APPLICANT); JAKE KLINE, MONTGOMERY, MN, (OWNER):** has applied for a Conditional Use Permit to allow the applicant to expand an existing dog kennel to include training, boarding, and breeding in an Agriculture "A" District. Property is located in the SW 1/4 NE 1/4, Section 32, Lanesburgh Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on December 14, 2017, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

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

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 have been provided.*
4. *With the imposition of the conditions, adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, adequate measures have been 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.*

**WHEREAS,** On December 19, 2017, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **PINE CREEK KENNELS, LLC, MONTGOMERY, MN, (APPLICANT); JAKE KLINE, MONTGOMERY, MN.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the December 19, 2017 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

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

*other facilities have been provided.*

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

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to expand an existing dog kennel to include training, boarding, and breeding in an Agriculture "A" District. Property is located in the SW 1/4 NE 1/4, Section 32, Lanesburgh Township is APPROVED/DENIED.

ATTEST:

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

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, SUMMER BREEZE RESORT, CLEVELAND, MN, (APPLICANT); SCOTT HASS, CLEVELAND, MN, (OWNER):** has applied for a Conditional Use Permit to allow the applicant to expand an existing campground (Commercial Planned Unit Development) in 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.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on December 14, 2017 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

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

- 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 provided.*
- 4. Adequate measures have been to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been 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.*

**WHEREAS,** On December 19, 2017 at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **SUMMER BREEZE RESORT, CLEVELAND, MN, (APPLICANT); SCOTT HASS, CLEVELAND, MN, (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the December 19, 2017 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been provided.*
- 4. Adequate measures have been taken to provide sufficient off-street parking and loading*



*space to serve the proposed use.*

5. *Adequate measures have been 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to expand an existing campground (Commercial Planned Unit Development) in 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, is APPROVED/DENIED.

ATTEST:

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

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_