



---

# **Le Sueur County, MN**

**Tuesday, August 28, 2018**

**Board Meeting**

## **Item 3**

**10:05 a.m. Joshua Mankowski (10 min)**

*Request for Action*

Staff Contact:

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**Aug. 9, 2018**

**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 item:

**ITEM #1: KEVIN & SHANNON BAKER, CLEVELAND, MN, (APPLICANT\OWNER):**  
Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE quarter of the NW quarter to the SW quarter of the NW quarter in a Special Protection "SP" District on an Un-Named Natural Environment "NE" lake. Property is located in the NW quarter, Section 11, Washington Township.

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

Therefore, the Planning Commission recommends Approval of the application as written.

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

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

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

## ITEM # 1 FINDINGS OF FACT

**WHEREAS, KEVIN & SHANNON BAKER, CLEVELAND, MN** have applied for a Conditional Use Permit to allow the applicant to transfer the development right from the SE quarter of the NW quarter to the SW quarter of the NW quarter in a Special Protection “SP” District on an Un-Named Natural Environment “NE” lake. Property is located in the NW quarter, Section 11, Washington Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on Aug. 9, 2018 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 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. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

**WHEREAS,** On August 28, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **KEVIN & SHANNON BAKER, CLEVELAND, MN.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the August 28, 2018 Le Sueur County Board of Commissioners 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 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. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is 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 transfer the development right from the SE quarter of the NW quarter to the SW quarter of the NW quarter in a Special Protection "SP" District on an Un-Named Natural Environment "NE" lake. Property is located in the NW quarter, Section 11, Washington Township., is APPROVED/DENIED.

ATTEST:

---

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

---

Darrell Pettis, Le Sueur County Administrator

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**Aug. 9, 2018**

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Joshua Mankowski

1. The meeting was called to order at 7:00 by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda, was made by Doug Krenik. Second by Don Rynda. Approved.
3. Minutes from July 12, 2018 Meeting. Motion to approve minutes, was made by Shirley Katzenmeyer. Second by Pam Tietz. Approved.
4. Applications

**ITEM #1: KEVIN & SHANNON BAKER, CLEVELAND, MN, (APPLICANT\OWNER):**  
Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE quarter of the NW quarter to the SW quarter of the NW quarter in a Special Protection "SP" District on an Un-Named Natural Environment "NE" Lake. Property is located in the NW quarter, Section 11, Washington Township.

Joshua Mankowski presented power point presentation. Kevin & Shannon Baker were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Don Reak commented that he believes these Transfer of Development Rights have been a good thing for the County. They help to keep farm land open while allowing development. Doug Krenik wanted to clarify that the old house will be going sold to the applicants' daughter, the house will remain, and the well will be shared. Kevin Baker replied with a yes, and added that the driveway will also be shared. Both the well and the access will be covered with easements.

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

Discussion was held regarding: Doug Krenik asked if there was currently livestock. Kevin Baker responded that there was no longer livestock. They plan to use the building for other purposes

Motion was made by Don Reak to Approve the application.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: None.

Don Reak asked why the Transfer of Development Rights is a Conditional Use Permit. Joshua Mankowski stated that, if this was a permitted activity then residents would be allowed to transfer the development rights without notifying the County and without public notice. By requiring a Conditional Use Permit, people in the area and the County are notified.

6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Al Gehrke. Second by Pam Tietz. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**Aug. 23, 2018**

**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 item:

**ITEM #1: LOREN EDBERG, LE SUEUR, MN, (APPLICANT); CAROL KLUNTZ ESTATE, HENDERSON, MN, AND JAMES LOSINSKI, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an open/outdoor storage, sales and service business for boats/watercraft in a Recreational Commercial "RC" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located in the SE 1/4 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 attached findings for this request:**

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

1. The applicant follow the recommendation made by Dave Tiegs, County Highway Engineer that the applicant improve the approach to the entrance to meet standards. The current approach is too steep.
2. Adequate drainage is provided under the driveway to serve the property.

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

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

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

## ITEM # 1 FINDINGS OF FACT

**WHEREAS, LOREN EDBERG, LE SUEUR, MN, (APPLICANT); CAROL KLUNTZ ESTATE, HENDERSON, MN, AND JAMES LOSINSKI, CLEVELAND, MN, (OWNER):** has applied for a Conditional Use Permit to allow the applicant to establish and operate an open/outdoor storage, sales and service business for boats/watercraft in a Recreational Commercial “RC” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located in the SE 1/4 SE 1/4, Section 31, Cordova Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on August 23, 2018 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 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. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

**WHEREAS,** On August 28, 2018, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **LOREN EDBERG, LE SUEUR, MN, (APPLICANT); CAROL KLUNTZ ESTATE, HENDERSON, MN, AND JAMES LOSINSKI, CLEVELAND, MN, (OWNER):**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the August 28, 2018 Le Sueur County Board of Commissioners 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 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. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
- 7. The Conditional Use Permit is 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 establish and operate an open/outdoor storage, sales and service business for boats/watercraft in a Recreational Commercial “RC” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located in the SE 1/4 SE 1/4, Section 31, Cordova Township, is APPROVED/DENIED.

ATTEST:

---

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

---

Darrell Pettis, Le Sueur County Administrator

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

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**Aug. 23, 2018**

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

**MEMBERS ABSENT:** Don Rynda, Al Gehrke

**OTHERS PRESENT:** Joshua Mankowski

1. The meeting was called to order at 3:00 p.m. by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda with correction. Item # 1 is located in a Recreational Commercial District, the current agenda states that it located in the Recreational Residential District, was made by Doug Krenik. Second by Shirley Katzenmeyer. Approved.

3. Applications

**ITEM #1: LOREN EDBERG, LE SUEUR, MN, (APPLICANT); CAROL KLUNTZ ESTATE, HENDERSON, MN, AND JAMES LOSINSKI, CLEVELAND, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an open/outdoor storage, sales and service business for boats/watercraft in a Commercial Residential "CR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located in the SE 1/4 SE 1/4, Section 31, Cordova Township.

Joshua Mankowski presented the power point presentation. Trent Edberg was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

Discussion was held regarding: Jeanne Doheny asked the representative if they will be able to meet all the standards required. Trent Edberg answered in the affirmative. Jeanne Doheny then asked how the applicant knows this service is needed? Trent Edberg stated that city ordinances restricting outside storages have made it more difficult for people with boats. He had asked residents he met around the Courthouse if they were in need or knew others who were in need of boat storage and it seems to be an issue in the area. Don Reak asked what protections were being provided for the boats. Trent Edberg responded that they were planning on planting trees along the property line and the trees would make it difficult for someone to enter the yard and tamper with the boats. There will also be a surveillance system and some lighting. A gate will also be installed along the access to restrict entry to the property. Jeanne Doheny inquired about signage. Trent Edberg stated that there were no plans for a stand-alone sign at this time. They planned to place a sign on the gate. There was continued discussion on whether or not a fence would be a good idea to help secure the property. Doug Krenik stated that he didn't have confidence that the trees would be enough to deter theft and inquired about the need for insurance. Trent Edberg stated that it is open storage and the owner is responsible for insurance. Shirley Katzenmeyer inquired about a security system. Trent Edberg stated that was something they were considering adding in the future if they are successful. Shirley Katzenmeyer reiterated

that she had concerns about security. Trent Edberg stated that they are proposing some outdoor lighting and cameras, a fence may be needed in the future. Jeanne Doheny raised additional questions about the proposed lighting. Trent Edberg replied that, for outdoor lighting, they plan on having lighting by the detailing shop and on the other end of the storage area. Jeanne Doheny then stated that she presumes the lights will be on from dusk until dawn and will this light cause a nuisance. Trent Edberg replied that the trees should provide adequate screening for the lights. Doug Krenik asked how many boats are they planning to detail and wrap a day. Trent Edberg responded that it depends. They could do 6-8 in a day, it takes about one to one and a half hours to wrap a boat. Detailing, depending on all what needs to be done, can take 1-4 hours. Doug Krenik then asked if the driveway was going to be wide enough to allow for vehicles to pass each other. Trent Edberg replied that the driveway needed to be 14 feet minimum but they are planning on it being closer to 30 feet wide. Doug Krenik then inquired if there were plans to have sales at this location. Trent Edberg responded that in the County Ordinance it states sales and services, but they have no plans to do sales at the location. Don Reak then asked about the waxing process and the need for a 50 gal drum for liquid disposal. Trent Edberg replied that the wax is spray on and there shouldn't be any liquid waste. He was told he needed to provide a location to dump liquid waste if there was a need. Don Reak then asked if the Hot Sauce wax, specified in the application, came in a 50 gal drum or in smaller containers. Trent Edberg responded that it came in smaller containers. Don Reak then inquired about plastic waste disposal. Trent Edberg replied that they had contracted waste and recycling. Jeanne Doheny then asked if the spray wax was combustible. Trent Edberg responded that it was not, it is a cleaner and wax in one. He has been working with this product for a long time, there is no need to wash it off after application. Doug Krenik asked about the washcloths that will be used. There are no plans for a septic on site. Trent Edberg responded that they plan to bring the washcloths home to wash so they can be reused. Doug Krenik asked about the detailing and storage. Trent Edberg responded that the detailing will be done primarily in the summer months, the shop will be used for installing wraps. Shirley Katzenmeyer asked if the boats needed to be washed prior to using the Hot Sauce. Trent responded no. Don Reak asked if there would be any high pressure wash. Trent Edberg replied no. Doug Krenik asked about long term storage. Trent Edberg replied that they plan to offer October through April and 1-year storage contracts for boats and trailers. Don asked about the erosion control on the proposed site plan. Joshua Mankowski stated that was needed during site construction. Jeanne Doheny asked about the planned timeframe to get up and running. Trent Edberg responded that he planned to have everything ready for the Labor Day weekend. Doug Krenik asked if planned to start without the building. Trent Edberg replied that he did not need to the building to start the storage. Commissioner John King asked what plans they have for dealing with clutter and abandoned boats. Trent Edberg stated that he does not like clutter. The plan is to keep up with billing. They will be requiring upfront payment for storage. If they are worried about abandoned boats they will first contact the owner, if no one claims the boat, he imagines they will try to sell it. Commissioner John King stated he has seen boats abandoned at other businesses, possibly due to divorce or other reasons. Trent Edberg stated the plan is to work with the owner on scheduling a pick up time so they can clear out the boat and have it ready to pick up. Don Reak agrees with Commissioner John King, there will be times when there will be abandoned boats and you should have a plan in place to deal with it. Trent Edberg stated he understands that and thinks that collecting payment upfront will address most of these instances.

PUBLIC COMMENT: Scott Hass regarding the need for adequate drainage under the driveway to drain the property. Trent Edberg stated that drainage would be provided through the driveway. Scott Hass also wanted to make sure there was enough room for a vehicle and boat to pull off the road before they get to the gate. There have been issues with the road and the posted speed. Trent Edberg responded that they plan to place the gate 60 feet back from the road.

Continued Discussion was held: Jeanne Doheny asked Trent Edberg if he saw the comment by the County Highway Engineer that the approach was too steep and how he plans to address this issue. Trent Edberg state that he saw that comment. The is plan to bring in Class 5 to bring up the access and provide a stable driveway. Doug Krenik asked if any trees needed to be removed for the driveway. Trent Edberg responded no. Commissioner John King stated that the area planned for storage appears to be farmed in the aerial photos. Trent Edberg stated that it is not currently being farmed. Commissioner John King then asked if the area is going to be left dirt or grasses. Trent Edberg responded that they plan to plant a mix called "turf and surf" that is made for outside storage areas. The future plan is to extend the driveway up into the lot. Don Reak then

had some questions about the layout depicted on the shed plans. Trent Edberg stated it will be a pole barn. Doug Krenik asked if sales would be allowed in the future as part of this Condition Use Permit request. Joshua Mankowski stated that the approval is for the current proposal as presented in the application.

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

Motion was made by Don Reak to Approve the application with the conditions that the applicant follow the recommendation made by Dave Tiegs, County Engineer that the applicant improve the approach to the entrance to meet standards. The current approach is too steep. A second condition is that adequate drainage is provided under the driveway to serve the property.

Second by Doug Krenik. Motion approved. Motion carried.

Discussion was held regarding: Don Reak stated that there is a business like this near Montgomery and it is full so he does believe there is need in the County. Pam Tietz stated that that business can be a bit of an eye sore. Trent Edberg state that was one of the reasons they chose this location.

4. Discussion Items: None
5. Warrants/Claim-signatures.
6. Motion to adjourn meeting by Pam Tietz. Second by Shirley Katzenmeyer. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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