



**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:** JANUARY 11, 2018

**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** Stangler Ordinance Amendment Packet
- ITEM #4** Approved January 11, 2018 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, January 11, 2018**

**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 MN 56057  
(507) 357-8538**

**PUBLIC NOTICE  
PLANNING COMMISSION**

Notice is hereby given that at **7:00 PM, on Thursday, January 11, 2018** the Le Sueur County Planning Commission will hold a public hearing at the Le Sueur County Environmental Services Building, located at 515 Maple Ave, Le Center MN 56057.

The purpose of the public hearing is to hear testimony from interested parties in regards to amending the definition of “Buildable Lot Area” as defined in Section 4 of the Le Sueur County Zoning Ordinance.

Copies of the proposed change is available for review during normal working hours Monday through Thursday 8:00 AM to 4:30 PM, and Fridays 8:00 AM to 4:00 PM at the Le Sueur County Environmental Services building and at the Le Sueur County Auditor’s office. The proposed Ordinance revision is also available for review on the Le Sueur County website, under the Environmental Services Department.

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**

JOSHUA MANKOWSKI, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR  
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



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# **Le Sueur County, MN**

**Thursday, January 11, 2018**

**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:** January 11, 2018

**MEETING PLACE:** Le Sueur County Environmental Services

**Beginning Time:** 7:00 P.M.      **Ending Time:** Approx. 7:30 P. M.

**If you CANNOT be at the meeting, contact MINDY at 357-8538**

**AGENDA:**

Meeting Called  
to Order .

**ITEM #1:** The purpose of the public hearing is to hear testimony from interested parties in regards to amending the definition of “Buildable Lot Area” as defined in Section 4 of the Le Sueur County Zoning Ordinance.

**MINUTES-WARRANTS**

**ADJOURN**

**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, January 11, 2018**

**Regular session**

## **Item 1**

### **Stangler Ordinance Amendment Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

|                            |  |
|----------------------------|--|
| APPLICANT:                 | Richard Stangler   |
| PROPOSED AMENDMENT:        | Buildable Lot Area Definition  |
| ZONING ORDINANCE SECTIONS: | Section 4, Buildable Lot Area Definition   |
| CURRENT DEFINITION:        | The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs or steep slopes and/or below the ordinary high water level.            |
| PROPOSED DEFINITION:       | The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs or <del>steep slopes</del> and/or below the ordinary high water level. |

## TOWNSHIP BOARD & CITY NOTIFICATION

All Townships and incorporated Cities were notified of public hearing.

## DEFINITIONS

**Blue Earth County:** Buildable area means a contiguous portion of a lot that is suitable for the location of the primary structure and that excludes all existing and proposed easements, setback areas for principal structures, wetlands, floodplains, flag lots or steep slopes that are unbuildable under this ordinance, and other unbuildable areas.

**Nicollet County:** Buildable Lot-A contiguous parcel which will have access by way of a public road. The lot shall also meet current one (1) dwelling per quarter-quarter standards and current setbacks.

**City of New Prague:** Buildable Land-The net land area available for development determined by taking the gross land area in its pre-development condition and subtracting all delineated wetlands, rights-of-way, easements and floodplain areas.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider the following, and judgment shall be based upon the following factors to include, but not limited to:

1. There is no setback from a steep slope.
2. Sloped areas accommodate walk-out dwelling construction.
3. Consider amending the *Buildable Lot Area* as requested.

# *Le Sueur County*

## Zoning Ordinance Amendment Application

### I. Applicant:

Name Richard Stangler  
Mailing Address 44357 Kilkey Rd S  
City Kilkey MN State MN Zip 56052  
Phone # 507-595-2883 Phone # \_\_\_\_\_

### II. Description of Amendment Request:

Attach the following required information accompanying the application to amend the wording of this Ordinance.

1. Stated reason for the amendment requested.
2. Statement of compatibility to the Le Sueur County Land Use Plan.
3. Text of the portion of the Ordinance to be amended.
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
5. Any additional information as may be requested by the Department and/or the Planning Commission.

### III. Quantities and Submittal Formats:

- a. **One (1)** reproducible copy of the request and all other supporting documents.
- b. However if any documentation is in color, an aerial photo, photographs, or larger than 11 x 17, then **twenty three (23)** copies must be submitted.
- c. Electronic version of any supporting documents *if available*.
- c. Additional copies may be requested as deemed necessary by the Department.
- d. Application appointment for the amendment must be made **in person** prior to 12 P.M. on the date of application deadline. Fees are due at the time of application.
- e. **Appointment is necessary.**
- f. **Applications and fees will not be accepted by mail.**

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

Amendment \$ 750  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000 (*Additional fee*)



**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed amendment 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 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.*

Richard Styer  
Applicant signature

12-10-17  
Date

**OFFICE USE ONLY**

**Request:** Amend zoning ordinance -

|   |   |   |
|---|---|---|
| Pre-App Date <u>12-11-17</u>                | Lake Classification <u>                    </u> | Feedlot <u>500'</u> <u>1000'</u> <u>N</u>   |
| Meeting Date <u>1-12-18</u>                 | Lake <u>                    </u>                | Wetland Type <u>1-2</u> <u>3-8</u> <u>N</u> |
| 60 Day <u>7-9-18</u>                        | FEMA Panel # <u>27079C0</u> <u>D</u>            | Water courses <u>Y</u> <u>N</u>             |
| Zoning District <u>                    </u> | Flood Zone <u>                    </u>          | Bluff <u>Y</u> <u>N</u>                     |

|   |  |                                  |                                |
|---|--|----------------------------------|--------------------------------|
| <input checked="" type="checkbox"/> Request Description | <input type="checkbox"/> Access Approval                   | <input type="checkbox"/> Septic  | Comp Insp / Design             |
| <input type="checkbox"/> Site Plan                      | <input type="checkbox"/> Erosion Control Plan              | <input type="checkbox"/> Meeting | Reg / ATF / Spec               |
| <input type="checkbox"/> Full Legal                     | <input type="checkbox"/> Blue Prints                       | <input type="checkbox"/> Fee     | \$ <u>796-</u>                 |
| <input checked="" type="checkbox"/> Ordinance           | <input type="checkbox"/> Other <u>                    </u> | <input type="checkbox"/> Penalty | \$ <u>                    </u> |

|  |  |                |              |
|--|--|----------------|--------------|
| <input checked="" type="checkbox"/> Application Complete | <u>Michelle R. Mitta</u>               | <u>12-8-17</u> | <u>17480</u> |
|  | Planning & Zoning Department Signature | Date           | Permit #     |

Le Sueur County Board of County Commissioners;

1. Upon review of the existing criteria for buildable site's I have come up with a catch 22 problem which I will address here . A rural buildable site must be of acceptable acreage at least 2.5 acres, areas to establish 2 septic systems. The catch 22 is that we are required to delete floodplains, wetlands, bluffs and steep slopes after which we need 40,000sq ft remaining area . Now even though this area is required the building may be built on the steep slope as long as requirements are met . In fact many properties prefer to use the slope in the design and landscaping of the property.

2. In reviewing your Land Use Goals and Policies, I find no adverse reasoning to affect this change in fact your Goal 4 states that allowing nonfarm development in agricultural areas should occur as long as it causes minimal conflicts , building sites with forested land are the best use and will blend well in the ag district.

3. BUILDABLE LOT AREA The portion of a lot or parcel remaining after the deletion of floodplains, wetlands, bluffs, or steep slopes and /or below ordinary high water level.

#### 4. PROPOSED AMENDED ORDINANCE


BUILDABLE LOT AREA The portion of a lot or parcel remaining after deletion of floodplain, wetlands, or bluffs at or below the ordinary high water level .

5. Cause and effects of changes to ordinance ; the removal of the steep slope designation does not open the flood gates to change in the development potential of rural parcels it affords the opportunity to best use properties not conducive to modern agriculture while help balance the tax base in rural areas .

Richard Stangler

44357 Kilkenny Rd s

Kilkenny MN 56052





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# **Le Sueur County, MN**

**Thursday, January 11, 2018**

**Regular session**

## **Item 1**

**Approved January 11, 2018 Meeting Minutes**

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**January 11, 2018**

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Michelle Mettler

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

**ITEM #1:** The purpose of the public hearing is to hear testimony from interested parties in regards to amending the definition of "Buildable Lot Area" as defined in Section 4 of the Le Sueur County Zoning Ordinance.

Dick Stangler requested Ordinance amendment and was present for application.

Discussion was held regarding: Buildable Lot Area Definition proposed: **BUILDABLE LOT AREA** - The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs ~~or steep slopes~~ and/or below ordinary high water level. Need 40,000 square feet of buildable area, however can still build in a steep slope. Part of future recommended ordinance amendments from staff. Section 23 allows for someone to request to amend the ordinance. Definition of steep slope-Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes between twelve (12) and eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more. Definition from DNR, Le Sueur County has had since at least 1996. Not requesting to change steep slope definition. Steep slope not recommended not buildable, use current mapping information. 40,000 square feet of buildable area. Steep slope is not specific to a zone- is county wide. Bluff vs. steep slope. Building eligibility first, then performance standards such as lot size, setbacks, buildable lot area, etc. Need to show that can meet buildable lot area, but can still build in steep slope. New bluff definition is more restrictive than was before. Cannot count steep slope for buildable area, but can still build in steep slope. Still need to show that 2 SSTS on new sites. Current definition of steep slope is 12-18 percent slope. DNR definition is same as Le Sueur County Definitions. Did not update definition Section in 2013 ordinance. Buildable area is a new definition with 2013 ordinance update. Other definitions of buildable lot area. Other entities address it differently. 40,000 square feet consistent square footage. Shoreland vs. agriculture areas, buildable area is defined for all districts. Other entity definitions, different ways to define. More information or time may be necessary. Future ordinance revisions. Difference between lakeshore and agriculture. Take steep slope out of definition if they can build in a steep slope anyway. Can count steep slope as buildable area. Performance standards, setbacks, building eligibility, etc. Exclude the areas from buildable area that you shouldn't build in anyway such as bluff, can add impact zone to definition if want to. Rice County definition same as Le Sueur County slopes of 12-18 % engineered design plan. Engineered plans not common, some CUP applications require certification from engineer. Staff would not recommend requiring engineered plans in steep slope. Proposed definition would strike out steep slope from buildable area definition. 40,000 consistent and gives enough room for dwelling, sheds, septic, driveway, etc.

**PUBLIC COMMENT:** None

Discussion regarding other public hearings. Public hearing at the County Board as well to make ordinance revision. Timeframe. Fees. Additional requests for ordinance revisions. County Board will address this request only. Future Ordinance revisions. 60-day rule. If table application

will need to send letter to applicant the County will need an additional 60 days. Can only go more than 120 days if applicant waives the 60 days. County can extend an additional 60 days if need more time. County Board needs to make a decision before 60 day deadline. Applicant stated he does not intend to waive the 60 days. When there is an issue with the Ordinance, change, update the Ordinance don't address it with Variances.

Motion was made by Don Reak to approve the amendment as proposed. If you can build in a steep slope should be able to count it toward buildable area.

Seconded by Doug Krenik. Motion approved. Motion carried.

Public Hearing at the County Board will be February 6, 2018 at 9:25 am held in the Commissioners Board Room, Le Sueur County Courthouse.

Another request for the next meeting to amend the ordinance. Will need work sessions prior to public hearing. 'Vacation Renter By Owner' (VRBO). A lot of illegal VRBOs in the County, becoming a problem. Other counties dealing with same issue, different departments.

Work session scheduled for January 22<sup>nd</sup> and 23<sup>rd</sup> at 3pm to address proposed ordinance amendments. Worksessions open to public, no public input. Notice of worksession. Official paper is Le Center. Ordinance revisions all newspapers in the County. Ordinance revisions process.

Motion to correct December 14, 2017 meeting with the correction of Secretary from Shirley Katzenmeyer to Pam Tietz. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Michelle R. Mettler

*Approved 02-08-18*  
*Joshua Mankowski*

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