



Le Sueur County, MN

Thursday, July 12, 2018

Regular session

Item 1

Approved July 12, 2018 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle R. Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 12, 2018

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

MEMBERS ABSENT: Al Gehrke

OTHERS PRESENT: Joshua Mankowski, Commissioner Steve Rohlfig

1. The meeting was called to order at 7:00 by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Al Gehrke. Second by Shirley Katzenmeyer. Approved.
3. Minutes from May 10, 2018 Meeting. Motion to approve minutes was made by Shirley Katzenmeyer. Second by Pam Tietz. Approved.
4. Applications

ITEM #1: TROY & KAYLA OLSON, MANKATO, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 607 cubic yards of material for the construction of a walkout basement dwelling and for the construction of a 10 x 40 beach sand blanket in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 7, Block 2, Roy's Landing, Section 3, Washington Township.

Joshua Mankowski presented power point presentation. Troy and Kayla were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation of approval with the following conditions. 1. The Beach Sand Blanket shall not be greater than 6 inches thick and shall not exceed Le Sueur County SWCD's recommendation of a maximum 400 square feet. 2. Maintain protection of the steep slope by allowing native vegetation to continue to grow.

PUBLIC COMMENT: None.

Discussion was held regarding: Don Reak asked if there will be an impact on runoff to the neighboring lots. Troy Olson replied that it wouldn't. The house was placed on a higher contour so there wouldn't be an issue impacting the house and neighboring lots. Lot to the east is a bare lot used for access so it will never be built on and considered possible placement of neighboring house when choosing the placement for ours. Don Reak reiterated that the east lot is an access lot. He then inquired about the placement of the sand blanket and asked if it is a sand bottomed lake right now. Troy Olson then replied that most people believe that that area is mucky but it actually sandier, the muck doesn't start until you get further out. Don Reak stated that the reason

he is inquiring about the sand blanket is that it can washout into the lake. He wondered if the SWCD ever stated how many times sand could be added. Joshua Mankowski responded that additional applications of sand is regulated by the DNR and can be done a maximum of two times. If they chose to add more sand and it totaled more than 10 cubic yards, the County would require a Conditional Use Permit. Don Reak stated that it would be better if the sand blanket was placed further back from the lake. Troy Olson stated that there is concern about it washing away right now because of the high water. It is possible that they won't actually install the sand blanket. Don Reak asked about the possibility of moving the sand blanket back from the lake. Troy Olson replied that they would prefer it be closer to the lake to make it more usable. Doug Krenik asked about the density of the trees. Holly suggested that native plants be allowed to grow on the slope. Is there anything able to grow there right now? Troy Olson stated that there isn't much growing there right now. They have been trying to clean up the hillside since they purchased the lot. They would like to propose planting some native grasses or hostas. Doug Krenik asked if they would need to clear out some trees to get some sunlight so plants could grow. Kayla Olson thought that since they cleaned out a lot of the downed trees that it is better now. She received a list from Holly Kalbus with some suggested plants. Doug Krenik then asked if they had seen Holly Kalbus' recommendation and if they had any issues with her proposed conditions. Troy and Kayla Olson responded that they did not have any issues with the conditions. Pam Tietz asked about the construction on the neighboring lot. Troy Olson stated that he assumes the house and septic placement on the neighboring lot would be similar to theirs. Pam Tietz asked if neighboring lots had sand blankets. Troy Olson stated that the neighboring lots are not developed so currently there are no sand blankets. Doug Krenik inquired about hooking up to the new sewer district. Troy Olson stated that it does not extend down to their lot. Pam Tietz questioned if any additional material needed to be brought onto the site. Troy Olson said that all material is onsite except the sand for the sand blanket. Pam Tietz wanted to verify that the proposed material movement does not impact the septic. Troy Olson responded that it does not include the septic and will not go on the proposed septic site. Jeanne Doheny inquired about the possibility of channelized runoff mentioned in the application. Troy Olson stated that he didn't think this would happen but it was a possibility and in that case they would install the appropriate erosion control measures. Shirley Katzenmeyer inquired about a more long-term alternative to the beach sand blanket. Don Reak stated that a more long-term solution would be to move it away from the lake. Joshua Mankowski stated the life of the beach sand blanket is depended on wave action. Shirley Katzenmeyer also asked who approves placement of the sand blanket. Joshua Mankowski stated that placement is up to the applicant but that someone in Holly Kalbus' position may make suggestions. They would only be allowed one more sand application. If the proposed beach washed out, the applicant may need a Land Alteration Plan or a Conditional Use Permit to replace it. They could also move the sand blanket in the future. Doug Krenik asked about the shape of the shoreline, is it vertical where wave action has caused erosion or is it more of a gradual slope. Troy Olson replied that the steep slope is set back from the lake. This area is more gradual.

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. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*

7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Don Reak to approve the application with the conditions stated in Holly Kalbus' letter.

Discussion was held regarding: Jeanne Doheny asked if a Conditional Use Permit would be needed to move the sand blanket in the future. Joshua Mankowski responded that a Conditional Use Permit would be needed if they exceeded the 10 cubic yards of material movement in the Shore Impact Zone, otherwise it could be done with a Land Alteration Plan.

Second by Doug Krenik. Motion approved. Motion carried.

ITEM #2: JORDAN SMITH, MADISON LAKE, MN, (APPLICANT); BILL & BETH SODERLUND, ST PETER, MN, (OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 176.04 cubic yards of material for the construction of retaining walls and stairs within the shore impact zone in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 9 & 19, Auditor's Subdivision, Section 5, Elysian Township.

Joshua Mankowski presented power point presentation. Jordan Smith was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation of approval with the following conditions. 1. No additional stone is to be brought in for paths, walkways, and landing areas. 2. Vegetation that is native to Minnesota must be planted within the beds that occur from the two retaining walls. The first tiered bed consists of 5.5 feet in width and the second tiered bed consists of 3 feet in width. In addition, vegetation is to be planted within the retaining walls. This should provide more stability and prevent runoff and erosion within the Shore Impact Zone.

PUBLIC COMMENT: None.

Discussion was held regarding: Jeanne Doheny asked the contractor if had done work in Le Sueur County before. Jordan Smith stated that he had. Jeanne Doheny then asked if he didn't realize he needed a permit. Jordan Smith stated that the property owner was already a client of the company. Was asked to do the work. He knew it needed a permit but did it anyways. Jeanne Doheny also point out that work was continued after the stop work order was issued. Jordan Smith stated that there was some confusion onsite. He had asked Holly Kalbus for permission to do some fall cleanup. While the crew was onsite, the property owner asked them to do some additional work, which they did. The site was hydro seeded and laid straw blanket in April. All the work was done during the winter. Jeanne Doheny asked if that was also an issue? Pam Tietz also asked about the issue with material on the ice. Jordan Smith stated that they were contacted by the DNR and were required to remove it. When they started that work, it was realized that the pile was mainly snow with sand mixed in so it wasn't as bad as it appeared. Jeanne Doheny asked if work had been stopped at this point? Don Reak asked if it was all still mud. Jordan Smith stated they have not done any more work since hydro seeding and erosion blankets were installed. Jeanne Doheny asked about the letter sent from Holly Kalbus back in April that stated that the work being done would require erosion control. Jordan Smith stated that they hydro seeded and installed erosion control blanket. Jeanne Doheny asked if the septic system had been checked. Jordan Smith said it had been by two separate contractors. Shirley Katzenmeyer asked about the construction of the rock walls. Jordan Smith explained that one of the original walls was in good condition, was built on a footing, and is still there, it is now just faced with boulders. The other wall is set on a base and then constructed to hold the soils. They

were also able to limit the excavation by placing the new wall in about the same location as the old one. They were also able to use a lot of boulders that they found onsite, limiting the amount of material that they actually had to haul in. Pam Tietz asked if there was a footing under the new boulder wall. Jordan Smith explained that boulder walls don't need a footing, they are free standing. Boulder walls are pervious, water can actually move through the fabric and then through the wall. Shirley Katzenmeyer asked about the walls ability to withstand all the heavy rains that we have been getting. Jordan Smith replied that boulder walls can't be engineered because of the irregular size and shape of the rocks but they shouldn't move. The lot slopes more towards German, not towards Jefferson. Jeanne Doheny asked about the construction of the new steps. Jordan Smith explained that they are actually cut boulders. They are then fitted into place and are left floating so they can move with the wall. Pam Tietz inquired about the amount of gravel used. Jordan Smith replied that they used 4-5 yards. Doug Krenik asked if any work was done on the beach. Jordan Smith explained that they did not bring in any sand but they did need to regrade the beach to repair damage caused by the equipment. Doug Krenik asked if there were any issues with the conditions in Holly Kalbus' letter. Jordan Smith stated there were no issues with the recommendations. Don Reak, in reference to Holly Kalbus' letter, asked if the contractor could put plants between the boulders in the retaining wall. Jordan Smith stated the homeowners do plan to have vines growing on the walls. They plan to plant Virginia creeper is proposed and what they have used on other projects. The moisture is allowed to move through the walls so the plants will be able to utilize it. In a few years it will be a green wall. Don Reak then asked how the stones were cut. Jordan Smith explained how they cut the boulders. Shirley Katzenmeyer then asked about the uniformity in the steps. Jordan Smith explained that they overlap the steps and they don't cut them less than 8 inches. Pam Tietz then inquired about the material used for the railing. Jordan Smith explained that they are custom made out of stainless steel to fit the project. Commissioner John King stated that the lesson here is not to try to get by without a permit when one is required. There will always be someone who will tell. You need to follow the process and get it done and do it right. I understand that projects can take on a life of their own and you get into and realize you need a permit. Jordan Smith stated that they now have a strong message in their company; if they are doing a project by a lake in Le Sueur County, talk with the County first. We have some permits in process right now. Commissioner John King replied that we are not trying to run you out of the county, you just need to follow the process. Jordan Smith stated the process isn't that bad once you learn how to get through it. Don Reak conveyed that the reason we have these projects go through the Conditional Use Permit is to protect the water.

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.*

If this application came before us before the project was started, it probably would have been approved.

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.*

It is difficult to assess this after-the-fact.

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

Motion was made by Doug Krenik to approve the application with the conditions listed in Holly Kalbus' letter.

Discussion was held regarding: Don Reak stated that he thinks someone in the office should check on the plantings after the project is completed. Joshua Mankowski stated that it is standard procedure to check on permit to make ascertain if the work was done.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #3: DUSTIN & ALISA SCHIPPER, MANKATO, MN, (APPLICANT\OWNER):
Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 2668 cubic yards of material for the construction of a walkout basement dwelling in a Special Protection "SP" District on German Lake, a Recreational Development "RD" lake. Property is located in the SW 1/4 of the SW 1/4, Section 33, Cordova Township.

Joshua Mankowski presented power point presentation. Dustin & Alisa Schipper were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation of approval with the following condition. 1.Plant vegetation that is native to Minnesota within the landscaping area that is to be put in place north of the house. This will help reduce runoff and erosion.

PUBLIC COMMENT: None.

Discussion was held regarding: Don Reak asked if the walkout basement faced the RIM. Dustin Schipper replied yes. Doug Krenik asked about the size of the existing driveway. They have had issues in the past with narrow driveways and emergency vehicles. Dustin Schipper stated that he didn't know. Joshua Mankowski stated that the driveway would need to meet standards set forth in the zoning ordinance. Doug Krenik inquired about the floor drains in the proposed garage. Where do they go? Do they daylight somewhere? Dustin Schipper assumed to the north side and drain off the back. They would only be used for water runoff from the vehicles. Pam Tietz inquired about the material that will be used for the retaining wall. Dustin Schipper responded that it will either be boulder or block. Doug Krenik asked if the walls needed to be engineered. Joshua Mankowski replied no, engineering for 4 foot plus. Don Reak asked if retaining walls would even be needed. Couldn't the soil be sloped? Dustin Schipper responded that he would prefer not to have retaining walls but that is what was proposed. The area off the back side of the garage would probably need to be fairly steep and may develop erosion issues without the walls.

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

Discussion was held regarding: Doug Krenik asked if the applicant saw the condition in Holly Kalbus' letter. Dustin Schipper said they had not seen it but that they did not think there would be any issues meeting the condition. It goes along the lines of what they were already planning.

Motion was made by Pam Tietz to approve the application with the conditions listed in Holly Kalbus' letter.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

5. Discussion Items: Joshua Mankowski stated that we should continue the working on ordinance revisions. There is only one application on next month's meeting. Some discussion was had about scheduling the meeting and the board requested that they receive meeting materials before the meeting so they can review. Joshua Mankowski stated that staff would contact them to schedule the meeting.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Don Reak. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

Approved August 9, 2018

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