



Le Sueur County, MN

Tuesday, September 15, 2015

Board Meeting

Item 10

11:10 am Kathy Brockway, PZ Administrator (5 minutes)

Request for Action 3- CUP's, Seely, Helmstetter and Solheid

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
September 15, 2015

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: CHRISTOPHER SEELY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 500 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on a Natural Environment "NE" lake, Lake Henry. Property is located in the Government Lot 1, Section 34, Cleveland Township & Government Lot 3, Section 3, Cleveland 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 as written.

ITEM #2: STEVEN HELMSTETTER, KASOTA, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1439 cubic yards of material in a Urban/Rural Residential "R1" District. Property is located in the NE 1/4 SW 1/4, Section 9, Kasota 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:

- 1. Work in the bluff should be restricted to remain within the driving path that has been used to access the lowland area*
- 2. The trench must be filled in immediately once the pipes have been installed.*
- 3. The disturbed soils within the trench should be compacted to reduce the chances of washout.*
- 4. Silt fence needs to be correctly installed (staked and keyed into the ground) to protect the wetland and sloped areas should be covered with erosion control blanket.*
- 5. Once work is done, the entire area should be seeded with native vegetation to stabilize the area and reduce colonization from noxious weeds.*
- 6. Special attention should be payed to the weather forecast to reduce the chance of washout while work is done within the bluff.*

ITEM #3: ERIC SOLHEID CONSTRUCTION, NEW PRAGUE, MN, (APPLICANT); JOEL & DEBBIE SOLHEID, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on an un-named stream. Property is located in the W 1/2 NW 1/4, Section 3, Derrynane 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 as written.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, CHRISTOPHER SEELY has applied for a Conditional Use Permit to allow grading, excavating, and filling of 500 cubic yards of material outside the shore impact zone in a Special Protection “SP” District, on a Natural Environment “NE” lake, Lake Henry. Property is located in the Government Lot 1, Section 34, Cleveland Township & Government Lot 3, Section 3, Cleveland Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **September 10, 2015**, 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 **denial/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 are being provided.**
4. **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.**

WHEREAS, On September 15, 2015 at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **CHRISTOPHER SEELY**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 15, 2015, 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 or are being provided.**
4. **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.**

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 grading, excavating, and filling of 500 cubic yards of material outside the shore impact zone in a Special Protection “SP” District, on a Natural Environment “NE” lake, Lake Henry. Property is located in the Government Lot 1, Section 34, Cleveland Township & Government Lot 3, Section 3, Cleveland Township, is **APPROVED/DENIED**.

ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, STEVEN HELMSTETTER, KASOTA, MN, (APPLICANT/OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of **1439** cubic yards of material in a Urban/Rural Residential “R1” District. Property is located in the NE 1/4 SW 1/4, Section 9, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **September 10, 2015**, 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 **denial/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 are being provided.**
4. **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.**

WHEREAS, On September 15, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved/denied the Conditional Use Permit application as requested by the Stevan Helmstetter.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 15, 2015 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 appropriate conditions as stated, 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 appropriate conditions as stated, 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 appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.**
4. **With the imposition of appropriate conditions as stated, 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.**

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 grading, excavating, and filling of **1439** cubic yards of material in an Urban/Rural Residential “R1” District. Property is located in the NE 1/4 SW 1/4, Section 9, Kasota Township, is approved/denied.

ATTEST:

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

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, ERIC SOLHEID CONSTRUCTION, NEW PRAGUE, MN, (APPLICANT); JOEL & DEBBIE SOLHEID, NEW PRAGUE, MN, (OWNER): has applied for a Conditional Use Permit to allow grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection “SP” District, on an un-named stream. Property is located in the W 1/2 NW 1/4, Section 3, Derrynane Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **September 10, 2015**, 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 **denial/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 are being provided.
4. 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.

WHEREAS, On September 15, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **ERIC SOLHEID CONSTRUCTION, NEW PRAGUE, MN, (APPLICANT); JOEL & DEBBIE SOLHEID, NEW PRAGUE, MN, (OWNER):**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the September 15, 2015 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 are being provided.
4. 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.

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 grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection “SP” District, on an un-named stream. Property is located in the W 1/2 NW 1/4, Section 3, Derrynane 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
September 10, 2015

MEMBERS PRESENT: Don Reak, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Pam Tietz
MEMBERS ABSENT: Betty Bruzek, Al Gehrke, Jeanne Doheny
OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

The meeting was called to order at 7:00 PM by Vice-Chairperson, Steve Olson.

ITEM #1: CHRISTOPHER SEELY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 500 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on a Natural Environment "NE" lake, Lake Henry. Property is located in the Government Lot 1, Section 34, Cleveland Township & Government Lot 3, Section 3, Cleveland Township.

Kathy Brockway presented power point presentation. Christopher Seely was present for application.

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

PUBLIC COMMENT: none

Discussion was held regarding: removal of 150 cubic yards of material and replace with 350 cubic yards of material to change the elevation of the shed site, variance granted in July of 2015 for the placement of the shed, no change in the drainage of the lot, additional screening between the shed and lake per variance approval, required setback from the lake is 250 feet, shed will be 192 feet, gradual slope to the bluff.

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 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.*

Motion was made by Doug Krenik to approve the application as presented. Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #2: STEVAN HELMSTETTER, KASOTA, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1439 cubic yards of material in an Urban/Rural Residential "R1" District. Property is located in the NE 1/4 SW 1/4, Section 9, Kasota Township.

Kathy Brockway presented power point presentation. Stevan Helmstetter was present for application.

TOWNSHIP: Notified Joe Kienlen, Kasota Township Board member during the application process. **DNR:** No comments. **LETTERS:** Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: Erosion control measures, time frame for the project from start to finish, approximately 3 days, depending on weather, placement of piping within the bluff, existing pathway within the bluff, no maintenance required, concerns with vegetation cover this late in the season, line connecting the bed to the home will be approximately 3 feet wide trench, 6 feet deep through the bluff, geothermal heats and cools, K & K Plumbing of St. Peter will do the installation.

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 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.*

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

1. *Work in the bluff should be restricted to remain within the driving path that has been used to access the lowland area*
2. *The trench must be filled in immediately once the pipes have been installed.*
3. *The disturbed soils within the trench should be compacted to reduce the chances of washout.*
4. *Silt fence needs to be correctly installed (staked and keyed into the ground) to protect the wetland and sloped areas should be covered with erosion control blanket.*
5. *Once work is done, the entire area should be seeded with native vegetation to stabilize the area and reduce colonization from noxious weeds.*
6. *Special attention should be payed to the weather forecast to reduce the chance of washout while work is done within the bluff.*

Seconded by Chuck Retka. Motion approved. Motion carried.

ITEM #3: ERIC SOLHEID CONSTRUCTION, NEW PRAGUE, MN, (APPLICANT); JOEL & DEBBIE SOLHEID, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on an un-named stream. Property is located in the W 1/2 NW 1/4, Section 3, Derrynane Township.

Kathy Brockway presented power point presentation. Eric Solheid was present for application.

TOWNSHIP: Notified Derrynane Township board member per the application process. **DNR:** No comments
LETTERS: Joshua Mankowski, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: removing existing shed and replacing with a new shed, change elevation in order to meet the Regulatory Flood Protection Elevation, improvement on property, storage shed.

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 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.*

Motion was made by Pam Tietz to approve the application as presented. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Don Reak to approve the minutes from the August 13, 2015 meeting by Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Don Reak. Motion approved. Motion carried.
Meeting Adjourned.

Shirley Katzenmeyer
Kathy Brockway
Respectfully submitted,

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