

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
July 28, 2020

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: JAMES FOLDEN, KASOTA, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 3.33 cubic yards in the bluff; 25 cubic yards in the bluff impact zone; 28.33 cubic yards in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential "RR" Shoreland District and a Flood Fringe Floodplain Overlay District, Lake Washington a Recreational Development "RD" lake. Property is located at Lot 4, Block 1, La Hann Subdivision #2, Section 18, Kasota 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. Plant a Minnesota deep-rooted native vegetation buffer that is 32 feet long by 2 feet wide.

ITEM #2: MARIGOLD COMMUNITY SOLAR GARDEN LLC, BLOOMINGTON, MN (APPLICANT); ROGER & DARLENE ADAMS AND MONICA KELLY, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 25,655 cubic yards of material for the construction of a solar garden in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Waterville 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: _____
 ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, JAMES FOLDEN, KASOTA, MN, (APPLICANT/OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 3.33 cubic yards in the bluff; 25 cubic yards in the bluff impact zone; 28.33 cubic yards in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential “RR” Shoreland District and a Flood Fringe Floodplain Overlay District, Lake Washington a Recreational Development “RD” lake. Property is located at Lot 4, Block 1, La Hann Subdivision #2, Section 18, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 9, 2020 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 July 28, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JAMES FOLDEN, KASOTA, MN, (APPLICANT/OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2020 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 grading, excavating, and filling of 3.33 cubic yards in the bluff; 25 cubic yards in the bluff impact zone; 28.33 cubic yards in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential “RR” Shoreland District and a Flood Fringe Floodplain Overlay District, Lake Washington a Recreational Development “RD” lake. Property is located at Lot 4, Block 1, La Hann Subdivision #2, Section 18, Kasota Township, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlfing, Chairman, Le Sueur County Board of Commissioners

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 2 FINDINGS OF FACT

WHEREAS, MARIGOLD COMMUNITY SOLAR GARDEN LLC, BLOOMINGTON, MN (APPLICANT); ROGER & DARLENE ADAMS AND MONICA KELLY, WATERVILLE, MN, (OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 25,655 cubic yards of material for the construction of a solar garden in an Agriculture “A” District. Property is located in the SW 1/4 SE 1/4, Section 32, Waterville Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on July 9, 2020 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 July 28, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **MARIGOLD COMMUNITY SOLAR GARDEN LLC, BLOOMINGTON, MN (APPLICANT); ROGER & DARLENE ADAMS AND MONICA KELLY, WATERVILLE, MN, (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2020 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.*

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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 grading, excavating, and filling of 25,655 cubic yards of material for the construction of a solar garden in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Waterville Township, is **APPROVED/DENIED**.

ATTEST:

Steven Rohlfig, Chairman, Le Sueur County Board of Commissioners

Darrell Pettis, Le Sueur County Administrator

DATE: _____