

LE SUEUR COUNTY PLANNING COMMISSION
October 27, 2020

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS

FROM: LE SUEUR COUNTY PLANNING COMMISSION

SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: KENT SCHWICKERT, KASOTA, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 7,346 cubic yards in the bluff, 1,350 cubic yards in the bluff impact zone for a total of 13,390 cubic yards to regrade for vineyard in an Agriculture "A" District and Mineral Resources "MR" Overlay District. Property is located in the SW 1/4 NW 1/4, Section 34, 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 as written.

ITEM #2: HARRY OLSON, DENVER, IA, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 238 cubic yards in the shore impact zone for rip rap and fill in a Recreational Residential "RR" Shoreland District, Lake Tetonka a Recreational Development "RD" lake. Property is located in Government Lot 2, Section 28, 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.

ITEM #3: LAWRENCE & BARBARA PELANT, WEBSTER, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 178 cubic yards outside the shore impact zone for the construction of a walkout basement in a Recreational Residential "RR" Shoreland District, Greenleaf Lake a Recreational Development "RD" lake. Property is located in Government Lot 4, Section 30, Montgomery 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 condition:

1. Install nonstructural best management practice(s) such as native/critical area plantings, vegetated buffer, tree/shrub establishment etc. to help slow down water and reduce runoff. A nonstructural practice is being recommended in order to prevent the application from being tabled. Any structural practice would require additional material movement; therefore, affecting the conditional use permit.

ITEM #4: VAL ANDERSON, OWATONNA, MN, (APPLICANT) ROBERT & VALERIA ANDERSON TRUST, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 355 cubic yards outside the shore impact zone, 304.5 within the shore impact zone, total of 659.5 cubic yards to regrade the lot and install retaining walls to accommodate a tuck-under garage and walkout basement in a Recreational Residential "RR" Shoreland District, Lake Frances a Recreational Development "RD" lake. Property is located at Lots 4 & 5, Warner's Subdivision, Section 33, Elysian 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 condition:

1. Install nonstructural best management practices such as native/critical area plantings, vegetated buffer, tree/shrub establishment etc. to help slow down water and reduce runoff. These practices should be placed in areas that will provide the greatest benefit in reducing runoff and erosion.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

ITEM #4: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

WHEREAS, KENT SCHWICKERT, KASOTA, MN, (APPLICANT\OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 7,346 cubic yards in the bluff, 1,350 cubic yards in the bluff impact zone for a total of 13,390 cubic yards to regrade for vineyard in an Agriculture “A” District and Mineral Resources “MR” Overlay District. Property is located in the SW 1/4 NW 1/4, Section 34, Kasota Township.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on October 8,2020 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 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. **Vineyards are agriculture and we promote agriculture in this county.***
- 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. **No different than regular cropping operation where you raise corn and need to use sprayers.***
- 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 October 27, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **KENT SCHWICKERT, KASOTA, MN, (APPLICANT\OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 27, 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. **Vineyards are agriculture and we promote agriculture in this county.***
- 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. **No different than regular cropping operation where you raise corn and need to use sprayers.***
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 7,346 cubic yards in the bluff, 1,350 cubic yards in the bluff impact zone for a total of 13,390 cubic yards to regrade for vineyard in an Agriculture “A” District and Mineral Resources “MR” Overlay District. Property is located in the SW 1/4 NW 1/4, Section 34, 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, HARRY OLSON, DENVER, IA, (APPLICANT/OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 238 cubic yards in the shore impact zone for rip rap and fill in a Recreational Residential “RR” Shoreland District, Lake Tetonka a Recreational Development “RD” lake. Property is located in Government Lot 2, Section 28, Waterville Township.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on October 8,2020 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 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 October 27, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **HARRY OLSON, DENVER, IA, (APPLICANT/OWNER)**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 27, 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 238 cubic yards in the shore impact zone for rip rap and fill in a Recreational Residential “RR” Shoreland District, Lake Tetonka a Recreational Development “RD” lake. Property is located in Government Lot 2, Section 28, Waterville Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlring, Chairman, Le Sueur County Board of Commissioners

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 3 FINDINGS OF FACT

WHEREAS, LAWRENCE & BARBARA PELANT, WEBSTER, MN, (APPLICANT/OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 178 cubic yards outside the shore impact zone for the construction of a walkout basement in a Recreational Residential “RR” Shoreland District, Greenleaf Lake a Recreational Development “RD” lake. Property is located in Government Lot 4, Section 30, Montgomery Township.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on October 8,2020 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 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 October 27, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **LAWRENCE & BARBARA PELANT, WEBSTER, MN, (APPLICANT/OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 27, 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.*
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3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
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loading space to serve the proposed use.

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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 178 cubic yards outside the shore impact zone for the construction of a walkout basement in a Recreational Residential “RR” Shoreland District, Greenleaf Lake a Recreational Development “RD” lake. Property is located in Government Lot 4, Section 30, Montgomery Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlfig, Chairman, Le Sueur County Board of Commissioners

Darrell Pettis, Le Sueur County Administrator

DATE: _____

ITEM # 4 FINDINGS OF FACT

WHEREAS, VAL ANDERSON, OWATONNA, MN, (APPLICANT) ROBERT & VALERIA ANDERSON TRUST, (OWNER) has applied for a Conditional Use Permit to allow grading, excavating, and filling of 355 cubic yards outside the shore impact zone, 304.5 within the shore impact zone, total of 659.5 cubic yards to regrade the lot and install retaining walls to accommodate a tuck-under garage and walkout basement in a Recreational Residential “RR” Shoreland District, Lake Frances a Recreational Development “RD” lake. Property is located at Lots 4 & 5, Warner’s Subdivision, Section 33, Elysian Township.

WHEREAS, the Le Sueur County Planning Commission held on public hearing on October 8,2020 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 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. **Talked to the neighbor and they don’t have an issue with the application.***
- 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.*
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- 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 October 27, 2020, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **VAL ANDERSON, OWATONNA, MN, (APPLICANT) ROBERT & VALERIA ANDERSON TRUST, (OWNER).**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the October 27, 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. **Talked to the neighbor and they don’t have an issue with the application.***
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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 355 cubic yards outside the shore impact zone, 304.5 within the shore impact zone, total of 659.5 cubic yards to regrade the lot and install retaining walls to accommodate a tuck-under garage and walkout basement in a Recreational Residential “RR” Shoreland District, Lake Frances a Recreational Development “RD” lake. Property is located at Lots 4 & 5, Warner’s Subdivision, Section 33, Elysian Township, is APPROVED/DENIED.

ATTEST:

Steven Rohlfing, Chairman, Le Sueur County Board of Commissioners

Darrell Pettis, Le Sueur County Administrator

DATE: _____