

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
October 8, 2020

MEMBERS PRESENT: Don Reak, Doug Krenik, Jeanne Doheny, Shirley Katzenmeyer, Al Gehrke, Pam Tietz, Commissioner O'Keefe

MEMBERS ABSENT: Scott Vonlehe

OTHERS PRESENT: Joshua Mankowski

1. The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. Agenda. Corrections: Numbering-Item numbers should read 1 through 4, add "and install retaining walls" to Item #4 Val Anderson so that it states [...] regrade the lot and install retaining walls to accommodate a tuck-under garage and walkout basement. Motion to approve the agenda as amended was made by Doug Krenik. Second by Don Reak. Approved via roll call vote 6-0.
3. Minutes from September 10, 2020 meeting and the September 17, 2020 meeting. Motion to approve the minutes was made by Doug Krenik. Second by Don Reak. Motion approved via roll call vote 6-0.
4. Applications.

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.

Joshua Mankowski presented the PowerPoint presentation.

Kent Schwickert was present for the application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: Garry Bennett, Area Hydrologist, stated his concern for approving such a large grading project and vegetation clearing within the Bluff Impact Zone in an e-mail to Michelle Mettler.

LETTERS: None.

PUBLIC COMMENT: Roy McIntyre voiced his concern that there is not enough protection for the bluff. Experience with the lake shore, it may be fine on the lower level if it is grass, a heavy rain could cause you to lose the ground if you build the building. Comment is for the bluff, concern with erosion. Can happen very quickly and can lose the bluff next to the structure. (It is the belief of the Planning Commission that these comments were in reference to a later application. Could not clarify this with Roy McIntyre during the meeting).

Discussion was held regarding: Discussion about the timeline for the project, grading the slope, fertilizer and pesticide use, revegetating between the rows, and erosion control practices.

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. **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.*

Motion was made by Don Reak to Approve the application. Conditions: None.

Second by Al Gehrke. Motion approved via roll call vote 6-0. Motion carried.

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.

Joshua Mankowski presented the PowerPoint presentation.

Wayne James, James Bros Construction, and Harry Olson were present for the application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None.

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending the application be tabled to address concerns about the amount of fill and excavation and future erosion concerns due to the redirection of runoff on the lot to an area that lacks protection. If the application is not tabled as recommended, propose placing one condition: 1. Plant a continuous deep rooted Minnesota native vegetation buffer behind the riprap. The buffer should be a minimum of 3 feet wide.

PUBLIC COMMENT: None.

Discussion was held regarding: The previous Conditional Use Permit for a failed retaining wall, project design, issues with maintaining an area of Minnesota Native vegetation, and Holly Kalbus' letter with recommendations were discussed.

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. *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.*

Motion was made by Don Reak to Approve the application as presented.

Second by Doug Krenik. Motion approved via roll call vote 6-0. Motion carried.

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.

Joshua Mankowski presented the PowerPoint presentation.

Larry Pelant was present for application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None.

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending approval of the application with the following recommendation: 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.

PUBLIC COMMENT: None.

Discussion was held regarding: The proposed project, Holly Kalbus' letter and recommended condition, and the plans for the existing cabin were discussed.

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. *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.*

Motion was made by Shirley Katzenmeyer to Approve the application. Conditions: 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.

Second by Pam Tietz. Motion approved via roll call vote 6-0. Motion carried.

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.

Joshua Mankowski presented the PowerPoint presentation.

Val Anderson was present for application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None.

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending tabling the application due to the proposed large grading, excavating, and filling project. A proposed addition design and no additional grading on the hillside to create a gradual slope would be a better alternative. There are no issues with the work for the proposed rock swale and replacement of retaining walls. Recommended condition if recommendation is not taken: 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.

PUBLIC COMMENT: None.

Discussion was held regarding: The change in the site and house plans from the Variance application, Holly Kalbus' letter, hydrology of the lot, tiling, discussion with the contractor onsite, and walkout homes being common in the neighborhood were discussed.

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. **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.*
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.*

Motion was made by Al Gehrke to Approve the application. 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.

Second by Doug Krenik. Motion approved via roll call vote 6-0. Motion carried.

5. Discussion Items: None.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Don Reak. Second by Pam Tietz. Motion approved via roll call vote 6-0. Motion carried.

Respectfully submitted,

Joshua Mankowski

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