

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

January 14, 2021

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

MEMBERS ABSENT: None

OTHERS PRESENT: Molly Just, Consultant Planner

1. The meeting was called to order at 7:45 pm by Acting Chairperson Don Reak.
2. Agenda. Motion to approve the agenda was made by Doug Krenik. Second by Scott Vonlehe. Approved.
3. Minutes from December 10, 2020 Meeting. Motion to approve the minutes was made by Al Gehrke. Second by Pam Tietz. Approved.
4. Applications

ITEM #1: JOSHUA BEULKE AND JONATHAN BEULKE, MONTGOMERY, MN, (APPLICANT): Request an amendment to the Le Sueur County Zoning Ordinance Section 13.1, Special Protection (SP) Shoreland District to add Mental Health Clinic as a Conditional Use and add definitions to Section 4, Definitions

Molly Just presented an overview and background on the project.

Jonathan Beulke was present for application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: None

Findings by majority roll call vote:

1. *The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan.*
2. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *The proposal will not have an adverse effect on the values of adjacent properties.*
4. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
5. *The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.*
6. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.*
7. *Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.*
8. *Soil conditions are adequate to accommodate the proposal.*
9. *The proposal will not create a potential pollution hazard.*
10. *The proposal will not degrade the water quality of the County.*
11. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.*
12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare.*

Motion was made by Doug Krenik to APPROVE the application. Conditions: None.

Second by Scott Vonlehe. Motion approved via roll call vote 7-0. Motion carried.

ITEM #2: USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN (APPLICANT) ROBERT CULHANE JR, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 4,040 cubic yards of material for a 1 MW solar garden in an Agriculture "A" District. Property is located in the NW 1/4 SW 1/4, Section 27, Waterville Township.

Molly Just presented an overview of the project and background on the project. The use was David Watts (US Solar) and Matt Gaarder (Westwood Services) were present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: Sheri & Dan Girolamo 16032 510th Street, Waterville. Concerned over impact to property value; residential area; industrial use in wrong location; increased traffic; increased run-off; obstruction caused by security fence; impact to wetlands.

Discussion was held regarding: Use approved prior. Concerns over drainage from the project. Applicant stated that there will be less runoff from this site than before. Proximity to abutters. The need for grading. The low height of the panels has associated technology that necessitates a common grade across the solar garden. Concern over public comments relating to use not purpose of CUP.

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 Doug Krenik to APPROVE the application. Conditions: None.

Second by Jeanne Doheny. Motion approved via roll call vote 5-2. Motion carried.

ITEM #3: USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN (APPLICANT) ROBERT CULHANE JR, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 6,420 cubic yards of material for a 1 MW solar garden in an Agriculture "A" District. Property is located in NW 1/4 SW 1/4, Section 34, Waterville Township.

Molly Just presented the project overview and background. The use was approved prior. The CUP is for grading excavating and filling to construct the project.

David Watts (US Solar) and Matt Gaarder (Westwood) were present for application. Discussed setback, buffering, and prior communication with abutter, Gary Mason. MNPCA regulates impacts of use.

TOWNSHIP Notified. Response: none

DNR Notified. Response: none

LETTERS: None

PUBLIC COMMENT: Gary Mason concerned about runoff/overflow from holding pond nearest his property line. Concerned about impact to existing drain tile.

Discussion was held regarding: Increased runoff onto Mason property. Wouldn't be an issue if this was a farm property.

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. Shirley Katzenmeyer stated that we should know answer to whether the project will increase runoff before the project is constructed*
- 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 Pam Tietz to APPROVE the application.

Conditions: Prior to issuance of the first permit necessary for the grading, excavating, and filing project the applicant shall meet with the owner of 15862 State HWY 60 (PN 14.034.7500) ("Owner" and "Property" interchangeably) and shall demonstrate to the satisfaction of the owner that the grading, excavating, and filling will not increase runoff onto the property.

Second by Scott Vonlehe. Motion approved (4-3). Motion carried.

ITEM #4: MIKE & KRISTIN MALTERER, MANKATO, MN, (APPLICANT/OWNER):

Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 63 cubic yards on the lot of which 61 cubic yards are in the bluff for the construction of rip rap, dry creek bed, and stairs in the bluff in a Recreational Residential "RR" District, Lake Jefferson a Recreational Development "RD" lake. Property is located at Lot 13, Block 3, Section 3, Cleveland Township.

Molly Just was available for questions.

Mike & Kristin Malterer were present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending approval of the application with the condition that the applicant plant Minnesota deep rooted native vegetation within the dry creek bed and also for the proposed 6-foot by 27-foot buffer that is located behind the riprap.

PUBLIC COMMENT: Sam Gore supports the project as it makes the slope to the lake safer and the project should improve property values.

Discussion was held regarding: Why a dry creek bed instead of planted. DNR input? Applicant obtained support from DNR for project

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 Al Gehrke to APPROVE the application.

Conditions: The applicant shall plant Minnesota deep rooted native vegetation within the dry creek bed and also for the proposed 6-foot by 27-foot buffer that is located behind the riprap.

Second by Scott Vonlehe. Motion approved (7-0). Motion carried.

5. Discussion Items: Environmental Services staff would like to provide an educational work session in January. Possible dates will be circulated to determine the best.
6. Warrants/Claim-signatures. None.
7. Motion to adjourn meeting by Pam Tietz. Second by Doug Krenik. Motion approved (7-0). Motion carried.

Respectfully submitted,

Molly Just

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

DRAFT