

**LE SUEUR COUNTY PLANNING COMMISSION**  
**April 20, 2021**

**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: RICHARD NOVAK, NEW PRAGUE, MN (APPLICANT) STEVE RUTT, LE CENTER, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 1,700 cubic yards of material in a Recreational Residential "RR" Shoreland District, Lake Volney a Recreational Development "RD" lake. Property is located at Lot 1, CIC #45 Lake Volney Estates, Section 36, Lexington 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: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY AUDITOR/TREASURER SIGNATURE: \_\_\_\_\_

**ITEM # 1 FINDINGS OF FACT**

**WHEREAS, RICHARD NOVAK & STEVE RUTT** have applied for a Conditional Use Permit to allow grading, excavating, and filling f 1,700 cubic yards of material on a lot.

**WHEREAS,** the Le Sueur County Planning Commission held on public hearing on **April 15, 2021** 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 **April 20, 2021**, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **RICHARD NOVAK & STEVE RUTT**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the **April 20, 2021** 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.*
8. **Bond if required. \$5,000 per acre for GEF & MINING or other mount.**

**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 to allow grading, excavating, and filling f 1,700 cubic yards of material on a lot., is **APPROVED/DENIED.**

ATTEST:

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Steven Rohlfig, Chairman, Le Sueur County Board of Commissioners

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Pam Simonette, Le Sueur County Auditor / Treasurer

DATE: \_\_\_\_\_