

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 11, 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: Michelle Mettler

1. The meeting was called to order at 7:00 PM by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve the corrected agenda was made by Doug Krenik. Second by Don Reak. Approved with corrections.
3. Minutes from **February 11, 2021** Meeting. Correction-No Power Point was presented at the meeting. Motion to approve the minutes with correction was made by Shirley Katzenmeyer. Second by Doug Krenik. Approved with corrections.
4. Applications

ITEM #1: ***POSTPONED***** JOSHUA BEULEKE AND JONATHAN BEULEKE, MONTGOMERY, MN, (APPLICANT) GEORGE KUKACKA, MONTGOMERY, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to rezone 2 acres from Recreational Commercial "RC" Shoreland District to Special Protection "SP" Shoreland District on Lake Pepin a Natural Environment "NE" lake. Property is located in Government Lot 3, Section 27, Lanesburgh Township.

ITEM #2: DAVID WENDELSCHAFER, CLEVELAND, MN (APPLICANT/OWNER): Request to rezone 38.87 acres from Special Protection "SP" Shoreland District to Recreational Residential "RR" Shoreland District, Lake Henry a Natural Environment "NE" lake and Lake Jefferson a Recreational Development "RD" lake. Property is located in the NW 1/4 NE 1/4 and NE 1/4 NW 1/4, Section 3, Cleveland Township.

Michelle Mettler presented the Power Point presentation.

David Wendelshafer was present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None.

LETTERS: Ken Hoenstein, opposed to proposed rezone.

PUBLIC COMMENT: None

Discussion was held regarding: Concept plan, property is currently farmland. Property is within 1,000 feet of both Lake Jefferson, Recreational Development lake, and Lake Henry, Natural Environment lake.

Michelle Mettler-interpretation and recommendation to the Board would be Lake Jefferson based on the fact that some of the lots have lake frontage on Lake Jefferson, and also the difference in elevations of both lakes. Lake Henry has quite a bit higher elevation.

Additional connections to connect to the City of Cleveland. Dave Wendelshafer would like to connect, but was told there was no more room. Could use a backlot for a mound system. 2 septic sites on each proposed lot.

Protection of the water, changing from Special Protection bad idea, 18 lots proposed, number of docks, lake already overused. Number of steps through the process - Conditional Use Permit, Preliminary Plat, Final Plat. Status of the township road along the lake has been abandoned by the township, elevation of the road.

Rezone findings from the **Comp Plan**.

- a. *Whether the land is marginal agricultural land or not:*
 - i. *Land proposed for rezoning is on an irregular parcel;*
 - ii. *Land soils are poor production quality, including highly erodible lands;*
 - iii. *Treed or forested areas; and*
 - iv. *Soil suitability ratings are good for urban type development.*
- b. *Is the rezoning request for land that is adjacent to another high density housing development area?*
- c. *Is the rezoning request for land that has access to a suitable public road, as determined by the appropriate road authority?*
- d. *Does the land proposed for rezoning intrude onto valuable natural resources areas, such as aggregate resource deposits, wetland areas, or other natural areas deemed to be worth protecting?*
- e. *Is the land proposed for rezoning too remote and/or the development threshold too large or too small for cost efficient public service delivery? This would include police, fire, emergency vehicles, and school district services.*
- f. *Is the rezoning request for land and the type or scope of development proposed too close to existing feedlot operations?*
- g. *Is the bulk of the development cost for construction of access, management of stormwater, and other development related issues paid for by the developer and not the public?*
- h. *Is the development occurring on land that is shown to be a potential source for aggregate resources (see aggregate resource map)? If it is and the area under consideration for development is not in an aggregate protection overlay district, the County should require test borings on the potential site to more firmly identify the quality of the aggregate resource.*

Building eligibility of lot, transfer of development rights, access was determined and approved by Highway Department near the Lake Henry access, Roy's Landing across the lake was approved, access to the lake for the lots, limited number docks and boat slips, some lots lake frontage and access lot for back lots, runoff from development vs farmland, abandoned road proposed to be removed and the materials used for the new road in the plat, abandoned road owned by Wendelshafer, large trees along the road are to remain in place,

Findings by majority roll call vote:

1. *The proposal does not reflect and is not consistent with the goals and policies of the Le Sueur County Land Use Plan. **Special Protection district to protect the land, lake, one home per quarter/quarter. Goal #2-***

- adopt land use goals and policies to conserve and restore its natural resources areas. Protect water quality, stay protected, Special Protection to preserve property.*
2. *The proposal is not 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. South a farmhouse, north a single-family dwelling, the rest is ag. Uniqueness of Special Protection, immediate vicinity, not compatible to the area.*
 3. *The proposal will be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. Water quality deteriorates with more housing, quite a number of homes.*
 4. *The proposal will impede the normal and orderly development of surrounding vacant property for predominant uses in the area. Ag property has been the prominent use, special protection of ag, should stay Special Protection.*
 5. *The density of the proposal is greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. Density would be greater, Special Protection allows one house per quarter/quarter with the option of transfer of development rights. Surrounding neighborhood is Special Protection.*
 6. *Soil conditions are not adequate to accommodate the proposal. A lot of grading that will need to happen, don't know what the soils are.*
 7. *The proposal will create a potential pollution hazard. Could be pollution hazard adding 18 more homes on the small lake, additional docks, runoff from subdivision affecting water quality, 17 lots, 17 septic systems, too many lots.*
 8. *The proposal will degrade the water quality of the County. 18 more homes will affect water quality degradation, runoff from 17 homes will affect water quality, yard runoff.*
 9. *The proposal will have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. Taking farmland out of production, water quality of lake adding 18 homes, unique property having an environmental lake and a residential lake, Special Protection, could have a negative impact on the water body.*
 10. *The proposal will negatively affect the protection of the public health, safety, and general welfare. Better to leave in Special Protection, same as findings number 1 Goals and Policies of the County Land Use Plan, affect the general welfare and safety.*

Motion was made by Don Reak to deny the application.

Second by Scott Vonlehe. Motion approved. Motion carried.

ITEM #3: BRENDA HENNECK-SCHOLL, ST PETER, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 53 cubic yards of material in the shore impact zone in a Recreational Residential "RR" Shoreland District, and a Flood Fringe "FF" Floodplain Overlay District, Lake Washington a Recreational Development "RD" lake. Property is located at Lot 7, Da Mar Estates, Section 6 & 7, Washington Township.

Michelle Mettler presented the Power Point presentation.

Brenda Henneck-Scholl was present for application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None.

LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: Boathouse repair, place plates under the boat house, piers and anchors to reinforce, threaded rods into the hill to stabilize one wall. 3 days to complete repair then put soil back, erosion control, rain garden was installed before, doesn't use fertilizer, not removing any trees. Variance was granted for the boathouse and a second water-oriented accessory structure-detached deck on the hillside. Proposal is for fixing the deteriorated boat house. Has engineer involved with the proposed repair. Boathouse brings value to the property. DNR had said years before that the boat house could not be replaced. Protecting the shoreline also.

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 as written.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #4: THE BOATHOUSE LLC/C/O SHAWN WEICK, CLEVELAND, MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating, and filling of 8,850 cubic yards of material in an Agriculture "A" District. Property is located in the NE 1/4 NW 1/4 Section 1, Cleveland Township.

Michelle Mettler presented the Power Point presentation.

Shawn Weick was present for application.

TOWNSHIP Notified. Response: None.

LETTERS: None.

PUBLIC COMMENT: None.

Discussion was held regarding: Need grading, excavating, and filling in order to build the third building. Clientele initially were from the Twin Cities area, now have people from the area. Conditions of the previous application-no outside storage, access from the County Road. Additional grading, excavating and filling is just for the third building. 2015 application showed a

total of 5 buildings, clarify the first two buildings were part original CUP application, additional buildings require a CUP, required to be built within one year of CUP approval, current proposal is for grading, excavating, and filling for the third building. Was a condition on the first CUP for grading, excavating, and filling that there could be no stockpiling of dirt on the site, dust control. Was one complaint last year, was addressed and resolved immediately.

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 written.

Second by Scott Vonlehe. Motion approved. Motion carried.

ITEM #5: JMH PARTNERS LLP, ST PAUL, MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct 3 additional self-service storage buildings at an existing self-service storage facility in an Agriculture "A" District. Property is located in NE 1/4 NE 1/4, Section 6, Derrynane Township.

Michelle Mettler presented the Power Point presentation.

Dan Hanlon was present for application.

TOWNSHIP Notified. Response: None.

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: 90% of renters are located within 10-15 miles. Smaller buildings, proposed in the flat area won't need to do much grading, native prairie planted on the property, paved driveway and access up to the buildings, keeps dust down, keep it looking nice. Proposal of three additional buildings will be in line with the existing structures. Very clean and neat in appearance. No complaints at the site.

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: Conditions from original CUP must be continued except dust control. No outside storage, no stock-piling onsite.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #6: 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" District, Lake Volney a Recreational Development "RD" lake. Property is located at Lot 1, CIC #45 Lake Volney Estates, Section 36,-Lexington Township.

Michelle Mettler presented the Power Point presentation.

Richard Novak, applicant; Steve Rutt, Owner; Brian Wagner, Selly Excavating; Dan Westergren-surveyor, were present for application.

TOWNSHIP Notified. Response: No opposition and in favor of application

LETTERS: Kenny & Dola Kalina, Holly Kalbus, Environmental Resource Specialist, Mike Schultz, SWCD-email, Dave Tieggs, Highway Engineer-email.

PUBLIC COMMENT: None

Discussion was held regarding: Concerns with storm water runoff and drainage. Dan Westergren-surveyor, not impacting any runoff to the adjacent lot to the west. Routed around the septic system to the ditch, not a big increase in runoff, utilizing the existing drainage structures, not adding material to the lot. Brian Wagner, Selly Excavating willing to work with Holly & Mike, rock dams in ditch, rain garden, may need to go into Township road ditch-would need to look at it little closer. Any work done in road ditch requires approval from the road authority. Cluster septic system is full-need to have room for 2 septic sites on the lot. Holly Kalbus-Discussed with Mike Schultz the history of erosion and storm water runoff in this area. Other neighbors had implemented projects to help control runoff. Holly Kalbus and Mike Schultz made a site visit to the property-culvert goes under township road, can address by adding a Best Management Practice. Don't want to flood out the houses on the south side of the road. If tabled, there is no additional fee. Rich Novak-disagree with tabling the application. Current CUP is for 1700 cubic yards and does not include any BMP. Would need updated plan by Friday. Could change the plan to not cut the house down so far to limit the cubic yards to allow for the rain garden. Were water issues out there from before, want to move forward. Don't want to approve something that won't improve the situation. Problems out there applicant should not be penalized for the problems already there, work with applicant. Rock checks in the ditch to help slow things down, rain garden to help slow things down. Can't make it worse, required to make it better? Ongoing problem, if table the application can come back in May. Known problem. Implement BMP, could change the amount of cubic yards grading, excavating, and filling. More than 50 cubic yards of grading, excavating, and filling requires a CUP. Excavation for a basement is part of the permit. Commissioner O'Keefe-parted ways with consultant, isn't an issue with in-house staff. Scott Vonlehe-there is always delays in construction, best to table the application so that it doesn't cost more money.

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 Scott Vonlehe to table the application. Work with Mike and Holly to get on the schedule as quickly as can. Keep in touch with Environmental Services. Can call the office Friday to discuss.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: Ordinance worksession 3-12-2021 at 10:30 AM at the EOC, Lower Level of the Justice Center, Le Center.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Pam Tietz. Second by Shirley Katzenmeyer. Motion approved. Motion carried.

Respectfully submitted,

Michelle R. Mettler

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