

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
April 8, 2021

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

MEMBERS ABSENT: Don Reak

OTHERS PRESENT: Michelle Mettler, Commissioner Rohlfing

1. The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve the amended agenda with Item #2 is postponed was made by Doug Krenik. Second by Al Gehrke. Approved.
3. Minutes from **March 11, 2021** Meeting. Motion to approve the minutes was made by Shirley Katzenmeyer. Second by Pam Tietz. Approved.
4. Applications

ITEM #1: 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.

Michelle Mettler presented the PowerPoint presentation.

Jonathan Beuleke was present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Application was postponed from the March meeting, parcel applicant/owner added land to enlarge the property so that the parcel meets impervious surface and minimum lot size for Special Protection District. Property is not served by city sewer and water, has septic system and required to be inspected by June 1, 2021. If septic noncompliant will need to update. Not aware of any plans for city services to the property. Concept plan clinic, hours of operation, possibly 8 am to 9 pm. If the rezone is approved, the applicant will apply for CUP for the use. Date the property was rezoned from SP to RC-do not have that information at this time.

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 as written.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #2: *APPLICATION POSTPONED*****

JEFF & JILL STEFFEN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a self-service storage facility consisting of 2 buildings in an Agriculture "A" District. Property is located in the NW 1/4 SE 1/4, Section 24, Sharon Township.

ITEM #3: HILLSIDE LIFTS, PERHAM, MN, (APPLICANT) JIM EDWARDS-TOEPEL, ELYSIAN, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to install a tram lift in the bluff in a Recreational Residential "RR" Shoreland District, Lake Francis a Recreational Development "RD" lake. Property is located at Lot 3, Block 1, Greenland Crest, Section 33, Elysian Township.

Michelle Mettler presented the PowerPoint presentation.

Jim Edwards-Toepel was present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Wanted to do, wheel chairs and getting tough going up and down stairs, minimal impact to hillside, drive pins into ground, should make it more stable. Weight limit 850 pounds. Going to use wheelchairs in it. Platform 5 x 5 at the top with railings, installed all over the country, installer gets a state permit. Existing set of steps to tie into at the bottom. Maintenance-annual maintenance agreement with Hillside Lifts company. State inspection with applicant. Landing is part of the CUP, top landing will be new, bottom landing is existing. Maximum landing size is 32 square feet.

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 Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #4: LEROY HEYDA, NEW PRAGUE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE 1/4 SE 1/4, Section 9 Lanesburgh Township to the NW 1/4 SW 1/4, Section 10 Lanesburgh Township in an Agriculture "A" District. Property is located in SE 1/4 Section 9, and SW 1/4 Section 10, Lanesburgh Township.

Michelle Mettler presented the PowerPoint presentation.

Le Roy Heyda was present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Own both properties, field is patterned tiled and want to keep that agriculture, the other lot is highly erodible land more feasible to put house there, daughter would like to purchase 13 acres and someday build on it.

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 Pam Tietz to approve the application as written.

Second by Scott Vonlehe. Motion approved. Motion carried.

ITEM #5: LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS: Changes regarding definitions, riprap, vegetation alterations, river/stream setbacks, septic setbacks, and campground/resort setbacks. Amendments to affect Section 4 Definitions, Section 7 Conservancy District, Section 8 Agriculture District, Section 9 Urban/Rural Residential District, Section 10 General Business District, Section 11 General Industry District, Section 13 Shoreland Management, Section 16 Animal Feedlot & Manure Management, Section 17 Subsurface Sewage Treatment Systems, Section 19 Land Use Performance Standards, and Section 24 Nonconformities.

Michelle Mettler presented the PowerPoint presentation.

DNR Notified. Response: None

LETTERS: Comments read into record.

Cape Horn goals for Le Sueur County Board Meeting.

- 1. Repair our shoreline to mitigate the damage done by the historic high water on the Jefferson German Lake Chain
 - a. We'd like to restore the degraded shorelines on our property, to recreate the shoreline that was here historically, or at least repair the integrity of the shoreline that still exists.
 - b. Prevent shoreline erosion by absorbing wave action
 - c. Filter out pollutants and runoff that degrade water quality
 - d. Stop the destabilization of the soil that is resulting in erosion due to fluctuating water levels, increased wave or wake action, ice pushes, and human activity
 - e. There is a demonstrated need to stop existing erosion or to restore the eroded shoreline
 - i. See the pictures below
- 2. Zoning requirements are an obstacle to this damage mitigation due to requirements unrelated to the shoreline:
 - f. Eliminate survey of property
 - g. Eliminate variance for lot permeability issues
 - h. Eliminate septic inspection
- 3. County funding aid in mitigation

• **Bruce-Skluzacek-**

I have over 20 years of experience working on shoreline restoration projects and we are concerned with the erosion on Capehorn shorelines on Lake Jefferson. With the recent weather patterns of record rainfalls, shorelines on the lakes have been eroding faster and more abruptly than in years past. What I have seen on the shorelines, especially Capehorn, is the erosion that is taking place is undermining trees and cutting into banks from high water and wave activity. My concern is that if something is not done very soon, there will be many trees and shorelines washed away into the lake. The best way to stabilize this would be to add heavy fabric in areas that are needed, and to apply county approved rip rap to the shoreline to prevent further erosion. Last summer our company installed rip rap on 4 Capehorn shorelines and have noticed a definite improvement in the stability of the lakeshore.

- **Zoning requirements are an obstacle to this damage mitigation due to requirements unrelated to the shoreline:**
 - Eliminate survey of property**
 - All have recent surveys in connection to septic upgrades
 - Eliminate variance for lot permeability issues**
 - Permeability on our properties is not a factor in our erosion problem. High water and wave action has caused erosion of banks.
 - Eliminate septic inspection**
 - Due to septic standards implemented in the previous few years, all are in compliance.

- 1. We are asking for you to use your ability to grant flexibility to us as property owners to restore and protect the ecological integrity of our shorelines as well as the water quality in East Lake Jefferson.
 2. We believe that our shoreline restoration request is in line with the Le Sueur County and State of Minnesota goal to control erosion and will prevent sediment and other pollutants from entering lakes, streams, and wetlands.
 3. We believe we have a unique opportunity with the water level currently being low and with six properties in a row collaborating to mitigate the erosion on the shoreline.
 4. None of the six landowners has any plan to alter the essential character of the shoreline. No beaches, retaining walls, terracing, patios, etc. are being considered. Rip Rap to restore and stabilize the bank is the only project planned.

- **County funding aid in mitigation**

Any and all suggestions or recommendations you may have for funding opportunities for our group are welcomed and appreciated.

- **Linda Good's Comments on the permitting process:**

Another factor to consider is the time required for obtaining permits or variances. For me, this was about a nine-month process because I had to have the survey completed before I could even apply for a variance. Surveyors were busy and I had to wait my place in line. I requested a survey in August, and I believe that it was finally completed in late November or early December. Then I could apply for the variance. Once my application and fee were submitted, I had to wait a month for the hearing. I could not apply for the Conditional Use Permit until after the variance was approved. Again, apply and pay a fee, then wait a month for the hearing, and then, once approved, work could begin. It was obvious that I was doing a service to protect the shoreline, so I don't think that there was ever a question about getting approval. In the meantime, because of the process, I continued to lose shoreline through erosion and having the lake absorb the soil from my property and I had to remove some of my decking to increase my permeable surface (minimally, but costly for me to hire someone to do so). I lost approximately 400 square feet of shoreline. I had to have 2 surveys completed: one before I could get the variance and one when the erosion control was completed. More expense.

I hope to be at the meeting to explain what I went through and how this is a barrier, both financially and timewise, to taking care of a problem.

- **Comments from a neighbor who had work completed last summer:**

There was some grant money last year that was limited to first come first serve, so we were moving fast for that reason. Bruce did an excellent job and we are very pleased with the result.

PUBLIC COMMENT: Mark Smiley-put rock on shore, told at that time to put in plants. Cape horn area very steep. How to get LAP-on website and can contact the department.

Discussion was held regarding: Most changes are 'housekeeping' or typos, exclude riprap from grading, excavating and filling. Riprap permitted use, exceed rip rap standards will require CUP. Will help get riprap projects done sooner. Vegetation alteration changes, updated shoreland definitions, setback from rivers/streams in RR district. Eliminate addition exemption-it circumvents Section 24, can relook at with the next ordinance revisions. Continued use of an existing septic tank that does not meet setbacks can be reused without needing a variance if meets code and is not in an impact zone. Two Type 1 SSTS for new lots created after January 23, 1996. Cluster definition more than 2 dwellings. Campground/Resorts-decks abutting campers in a licensed campground 25' to road ROW, decks abutting campers 25 feet from road ROW. No setbacks for tents to road ROW-is specific to CUP. Native vegetation definition. Land Alteration Plan no fee currently. Fees set by the County Board. Survey not required for a LAP. LAP give the flexibility during review to address impervious surface. LAP does not trigger compliance inspection of septic system. Proposed changes should address most of the concerns with time and cost for CUP and survey. Impervious surface is looked at with every zoning permit, variance, CUP. LAP not necessarily requirement and give the Environmental Resource Specialist the flexibility to work with the landowner. Timing is too long. Mark Smiley-LAP have six people that Bruce will be working with, can it all be done with one LAP. LAP for each project, contact department. Mark Smiley-Bruce has had a hard time getting rock to the lake from his boat, will be easier if he can do them all at once. Contact Holly Kalbus in the department to do a LAP. Change is not effective until County Board has held public hearing and the decision is published in the paper. Mark Smiley-Is devastating, losing property. Feel that we are conservatives and stewards of the property trying to take care of lake. Previously riprap wasn't included in grading, excavating, and filling. Typos and punctuation changes for the public hearing with the County Board. If approved, goes to County Board public hearing May 4th, effective upon publication and effective date, possibly June 1, 2021. Time of public hearing 10:00 AM. Mark Smiley-Six landowners would like to do the work all at the same time. Contact department.

Motion was made by Al Gehrke to approve proposed Zoning Ordinance amendments.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

5. Discussion Items: Possibility of lengthy meeting next month, may need to change the time.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Doug Krenik. Motion approved. Motion carried.

Respectfully submitted,

Michelle R. Mettler

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