

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 13, 2021 continued to May 17, 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, Amy Beatty

1. The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve the agenda/addition-take a break at 8:30 determine date and time to continue the meeting due to large agenda was made by Doug Krenik. Second by Shirley Katzenmeyer. Roll-call vote. Motion approved. Motion carried.
3. Minutes from **April 8, 2021** Meeting. Motion to approve the minutes was made by Pam Tietz. Second by Doug Krenik. Roll-call vote. Motion approved. Motion carried.

Minutes from **April 15, 2021** Meeting. Motion to approve the minutes was made by Shirley Katzenmeyer. Second by Don Reak. Roll-call vote. Motion approved. Motion carried.

4. Applications

ITEM #1: 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. **APPLICATION WAS POSTPONED FROM APRIL 8, 2021 MEETING.**

Michelle Mettler presented the PowerPoint presentation.

Jill Steffen was present for application. Steve Hruby, Morton Buildings

TOWNSHIP Notified. Response: Letter from Sharon Township, the Township board does not support the proposal for the storage facility.

LETTERS: Sandy Pinney, Mike Macho, Doug Jensen, Cathy Young, Henry Macho, Michael Pinney, Rusty & Nancy Tiede

PUBLIC COMMENT: Rusty Tiede-Feedlot issue, storage does not meet the separation distance. Michelle Mettler-separation distance to feedlot is for a dwelling only.

Discussion was held regarding: Agriculture District, self-service storage allowed with a CUP in the Ag District, others approved in Ag District. Lighting-could use motion detecting, position downward, existing site already lighted. Neighboring property concerned with outdoor lighting toward their structure. New buildings set back further from the road. Contract with renter will state exactly what can be stored. No small units for smaller stuff. Self-service storage, individual controlled access. Lighting concern. Discussion regarding violation for short-term rental at the property, applicant shut down the site. Concerns with the location, area is Ag district, residential

properties, traffic concern can be hazardous, was a farm site now rural residential. Mobile home court to the east generates more traffic than the proposed facility. Have approved other storage sites in the Ag, no complaints on the other sites, less than a livestock facility, have not heard of issues with others, mobile home park has been there many years, approximately 50 years. Contract will state allowed storage, will check with renter first time they are there. There is a need for boat storage. Concern with health, safety and welfare of people in area, traffic, and Ag equipment. Better in a city-where it is well lit. Facilities will be locked, cameras will monitor, motion detecting lighting, individual locked units. Storage buildings in Ag, hog barns belong in Ag. People and Township have spoken up about the proposed use. Applicant attended Township meeting. Area is currently dirt and grass, no berm or fence dividing trailer park, but there is a tree line and field between trailer park, feedlot is across the street about 300 feet. Morton buildings 60 x 148 concrete floor with concrete apron. Precedent with Hwy 19 facility. Hwy 19 site very different area with easy access. Intent when bought the property was to store personal items, family and friends stay at the farm, they stay there, be able to use the house as Air bnb. Intent was conditional use for storage units, there is a storage need.

Concern listening to comments, applicant not occupying the property, lot living there unless they have a guest who is not responsible for reporting. Have not seen a facility with someone living on site. This site is residence not occupied presents opportunity for theft. Concern with contractual agreement and what is going to be stored in boats. Up to person who rents, site will be secure.

Findings by majority roll call vote:

1. *The conditional use will 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. **Traffic, crime, area residents will be affected, in adequate location.***
2. *The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **Not development in area, Agriculture area, feedlot, crop farming, 2006 commitment to preserve and protect Ag land, rural residential.***
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 not been or will not 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. **Nuisance, traffic, theft, lighting, feedlot, farming traffic, concern with future expansion.***
6. *The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **Commercial ventures on a rural residential property, health safety and welfare of public, public input, not appropriate for use in the Ag District, doesn't belong.***
7. *The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. **Not for commercial property in a rural residential property, health safety and welfare, ag land, preserve and protect ag land, not appropriate location.***

Motion was made by Don Reak to deny the application.

Second by Al Gehrke. Roll-call vote. Motion approved. Motion carried.

ITEM #2: JEFF & BARBARA LOUKS, CLAREMONT, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 21 cubic yards in the shore impact zone, 24 cubic yards in the bluff impact zone, 13 cubic yards in the bluff, total 56 cubic yards on a lot in a Recreational Residential "RR" Shoreland District, German Lake, a Recreational Development "RD" lake. Property is located at Lots 9 & 10, Holiday Park, Section 9, Elysian Township.

Michelle Mettler presented the PowerPoint presentation.

Jeff Louks was present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None.

Discussion was held regarding: Replace existing basement. Structure was built before zoning ordinance adopted. Permit located, legal nonconforming structure can repair or replace but cannot enlarge. 2-foot over dig, trying to save the tree next to house, depth of basement same as is, new footings. Take every precaution working in the bluff and bluff impact zone. Timeline mid-July least rainy season, remove dirt and old foundation take material out the front toward the road, to the south. Material stockpiled outside bluff impact zone and tarped.

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.

Second by Scott Vonlehe. Roll-call vote. Motion approved. Motion carried.

ITEM #3: KRISTIE & PATRICK O'BRIEN, MONTGOMERY, MN, (APPLICANT/TOWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a Level II Home Occupation (Salon) in an Urban/Rural Residential "R1" District. Property is located at Lot 3, Block 2, Sanborn Fields, Section 26, Lanesburgh Township.

Michelle Mettler presented the PowerPoint presentation.

Kristie O'Brien was present for application.

TOWNSHIP Notified. Response: *Letter in packet from Township in favor of salon.*

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: One-chair operation, applicant doing hair for 20 years-ready to go on own to be home close to family, COVID, school, ready to have business at home. Business hours-work about 4 days a week 8-12 hours a day. Hope to shorten days typical 9 am to 5, but about once a week until 9 am. Hope to make more normal hours on own. Letter from Tony Kubes (Township) same plan currently that was presented to township, build proposed shed with salon. Started plans last August, plan to start as soon as get conditional use permit and permit, start beginning of June. Not planning to bring in another employee. Want to be on own, future may want to change hours, maybe another employee. Looking at application as presented. Level II Home Occupation, up to 6 employees, home occupation restrictions employees, vehicle trips per day. Specific as written or with clear of conditions. Prefer flexibility in hours of operation any night until 9pm. Selling hair products for salon customers only.

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.

Second by Scott Vonlehe. Roll-call vote. Motion approved. Motion carried.

ITEM #4: ITC MIDWEST LLC, DES MOINES, IA, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to rebuild an existing 69Kv Electric Substation in an Urban/Rural Residential "R1" District. Property is located in the NW 1/4 NW 1/4, Section 10, Lanesburgh Township.

Michelle Mettler presented the PowerPoint presentation.

David Gross was present for application. Lori Broghammer, Bill Broghammer-field supervisor

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Electric substation, corner lot, large area of MN DOT road right-of-way, footprint will increase, lighting of facility, typical maintenance and security lighting with

fenced-in area. Site will be used at times for storage, monitored 24/7 by control center, security cameras. Storm trucks could be stored there.

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.

Second by Pam Tietz. Roll-call vote. Motion approved. Motion carried.

ITEM #5: SHAWN ONKEN, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a temporary dwelling for the elderly attached to an existing single-family dwelling in an Agriculture "A" District. Property is located in the NW 1/4 SE 1/4, Section 26, Lexington Township.

Michelle Mettler presented the PowerPoint presentation.

Shawn & Randi Onken were present for application.

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Intension for mother to move into, improve security and comfort, dad passed away, lives 1/2 mile away. Proposal looks more permanent, how it will be removed. Intention when mom no longer there eventually landowners will move into and son will move into house and take over farm. Temporary dwelling, separate living space. More families live together, temporary for mother, handicap accessible. Temp dwelling can be removed, permanent structure cannot be removed. Separate living space, temporary dwelling standards, single-family dwelling standards, separate entrance, sleeping quarters, kitchen, bathroom. Want separate quarters for mom. Manufactured home, remove temporary dwelling. Ordinance temporary dwelling standards read into record. Garage addition two separate dwelling units, duplex not allowed in Ag, how to convert temporary dwelling to single-family dwelling. Separate single-family dwelling, needs to be on separate lot. Current design is duplex, need condition to remove temporary dwelling. Work with staff on different options.

Motion was made by Scott Vonlehe to table the application. Work with staff regarding other options.

Second by Shirley Katzenmeyer. Roll-call vote. Motion approved. Motion carried.

ITEM #6: NORTHERN NATURAL GAS, MENDOTA HEIGHTS, MN, (APPLICANT) ROGER RUHLAND, MONTGOMERY, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish a Gas Regulator Station (Town Border Station) in an Agriculture "A" District. Property is located in the E 1/2 NW 1/4, Section 8, Montgomery Township.

Michelle Mettler presented the PowerPoint presentation.

Mitch Kleist was present for application. Ed Jandrich and Chris Erinholts

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Odor, noise, vibration-building has high-pressure regulator that creates noise but will be in building. Norther Natural Gas does not odorize, the customer (CPE) does distribution and odorize, meets ambient noise onsite. Security 6-foot chain link security fence, gates locked, remotely monitored 24/7, alarm for entering, automatic shutoff.

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.

Second by Scott Vonlehe. Roll-call vote. Motion approved. Motion carried.

(MEETING CONTINUED MAY 17, 2021)

ITEM #7: BRIAN & LINDA LYNCH, ST CLAIR, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 872 cubic yards of material on a lot in an Urban/Rural Residential "R1" District and a Recreational Residential "RR" Shoreland District, Lake Francis, a Recreational Development "RD" lake. Property is located at Lot 5, Block 1, Greenland Hills, Section 32, Elysian Township.

Michelle Metter presented the PowerPoint presentation.

Brian Lynch was present for application.

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Elevation to be built up and level for house without basement. Footings will be deep, setbacks from road, low spot. High water table reason for slab instead of basement, future shed area. 2.95-acre parcel. Using a grass-seed mix to revegetate.

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 with Conditions: Work with staff to add BMP, grass waterway to address stormwater runoff.

Second by Doug Krenik. Roll-call vote. Motion approved. Motion carried.

ITEM #8: JASON & TAMMY STEEN, CLEVELAND, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 2,415 cubic yards of material on a lot in an Urban/Rural Residential "R1" District. Property is located in Lots 7 & 8, Greenland Hills, Section 32, Elysian Township.

Michelle Mettler presented the PowerPoint presentation.

Jason & Tammy Steen were present for application.

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Work with staff with regard to stormwater runoff to add BMP. Assurance security, bond set by County Board for more than 1500 cubic yards of material movement. Elevation difference adding 6 feet on the front, to the north. Fill coming from James Brothers or WWW Blacktopping from nearby road project. Low spot drains to slough area (wetland). Stormwater runoff from gravel road goes to west part of the lot then north. No current erosion from runoff from the road. Retaining wall on both sides of the foundation on West and East side for the walkout basement.

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 with Conditions: Work with county staff regarding stormwater runoff and implement a BMP.

Second by Scott Vonlehe. Motion approved. Motion carried.

ITEM #9: SCOTT BORGMEIER, MADISON LAKE, MN, (APPLICANT/TOWNER):
Requests that the County grant a Conditional Use Permit to allow the applicant to expand an existing feedlot an additional 744 animal units for a total of 1,806 animal units in an Agriculture "A" District. Property is located in the NW 1/4 NW 1/4, Section 34, Cleveland Township.

Michelle Mettler presented the PowerPoint presentation.

Scott Borgmeier was present for application. Amy Beatty Feedlot Officer

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Existing site, purchased in 2015, conditional use permit 2017 for expansion more than 1,000 animal units, NPDES permitted site, additional barn to be constructed. NPDES site is inspected and reviewed by MPCA feedlot staff. County staff inspected the site in 2016 after Scott purchased, MPCA inspected again in 2017 as part of the

construction, and inspected in 2021 as part of the permitting process, inspect by approximately every four years. Annual report every year number the of animals on site, how manure is generated, where manure goes, total amount transferred and the rate per acre. Maximum amount allowed in Ag district can go up to 3,000 animal units per Section 8 and Section 16 of Zoning Ordinance. Findings in staff report from county and state requirements if permit approved are part of permitting process, currently following for existing operations.

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.

Second by Doug Krenik. Roll-call vote. Motion approved. Motion carried.

ITEM #10: CHRISTINA MATHISON & MICHAEL BOOTH, CARVER, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 262.5 cubic yards of material in the shore impact zone for a total of 875 cubic yards of material on a lot in a Recreational Residential "RR" Shoreland District, German Lake, a Recreational Development "RD" lake. Property is located at Lot 34 Glen's Beach, Section 4, Elysian Township.

Michelle Mettler presented the PowerPoint presentation.

Christina Mathison, Michael Booth were present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: New proposal moved house outside the shore impact zone, variance for deck 35 feet to the OHWL and create impervious surface in the shore impact zone for the deck and patio. Purchased 2 years ago, basement failing, original proposal was to replace the basement where the current structure sits, previous owners had an approved variance in 1990 but built the addition larger and closer to property line, moving cabin out of the shore impact zone per the county requirement. Leaving structure in current location would have been less significantly less material movement. Removing shed from shore impact zone, separating from

shared septic system with neighbor. Stormwater runoff proposed to grade large portion of lot, not enough detail regarding stormwater. Large area of disturbance consider partial walkout, native plantings. Reservations on the extent of the project. Retaining walls to hold up the hill on either side. Refer to DNR information regarding management of grading, excavating and filling, material movement, stormwater, and the shore impact zone. Extending basement the full width of the house. Nonconforming structure-legal nonconforming structure vs illegal nonconforming structure. Did not look into permits before purchasing the lot, hired an attorney after the first variance meeting when found out it was not a legal non-conforming structure. Worked with County in several meetings. Permit was issued for 20 x 20 addition. No permit for deck or roof over entire structure. Granted variance, removed significant amount impervious surface from the shore impact zone, variance was granted, current application is regarding material movement. Location of spoils piles where driveway is. Lift existing home, tear out existing foundation, dig new foundation hole and haul out material. Excavation equipment will be on road-side of the lot. Lift house first. Neighbors are in favor of the proposal. Working on neighbor's lot on the one side-neighbor is fine with it. Erosion control plan map. Depth of new basement will be deeper than existing by 16 inches, 2 courses below original basement and 2 courses above. Tight lot, most material will be hauled out, erosion control along shoreline. Amount of material movement in shore impact zone excessive, full walkout basement. Additional excavation for walkout. Elevations of current vs proposed structure. Current deck was built on cinder block foundation. Excavate the area of new basement, excavate area of current basement deeper, excavate area where current house is located and excavate the hillside all the way to the lake. Intension is not to put the lake in a bad situation or neighbors, want to do the right thing, intension is to get the property safe. Consider partial walkout rather than full walkout to reduce amount excavation of hillside. Moving house 19 feet back from the lake. Corner of the back of the proposed house will be in the location of where the existing basement is located. Going through all the work of moving the house out of the impact zone, want a full walkout basement. Easier to dig a full walkout than a partial walkout. Water flow on the side of the house. Previously gutters were directed to neighbors lot, will be change toward the street. Rainwater runoff from driveway runs toward house. Erosion control between yards. Channel between the two homes. Was not graded properly, intend to grade it properly. Going to plant native plants with deep roots. Retaining walls to secure the hillside.

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. Conditions: Work with Holly Kalbus through whole process. Erosion control around whole property, keep contained.

Second by Scott Vonlehe. Roll-call vote. Motion approved. Motion carried.

ITEM #11: IMPACT POWER SOLUTIONS (IPS) ROSEVILLE, MN, (APPLICANT); KATHLEEN REGENSCHEID C/O TRACY WARN, MINNEAPOLIS, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Energy System (SES) in an Agriculture "A" District. Property is located at NW 1/4 SE 1/4, Section 24, Kasota Township.

Michelle Mettler presented the PowerPoint presentation.

Pat Wier was present for application.

TOWNSHIP Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: More than 100 projects across the state. Last year worked on the Paulson project on county road 23. Currently proposal will produce 2 million kilowatt hours annually that is enough to power 400 homes annually. Existing project on the parcel is 2 MW. 7.6 acres of land will be using, pollinator friendly plants, mow 2 times a year, spray 1 time a year for noxious weeds. Existing access off county road. Ag land, solar garden temporary 25 years, rests ag land, application states 25-35 years. Not removing topsoil. Provided cost assessment to remove, decommissioning, certificate of insurance. Easement for access. No grading work, panels run with the slope of the parcel. Fencing between two solar projects approximately 10-15 feet apart, can drive between the fences. Many other projects in the state, Paulson project approved last year in the county. Access main power, trenching south of the existing solar garden to connect to Excel. Materials in the panels, concrete pad for electrical equipment. Good place for another solar farm, area too small to farm, woods to the north. Notice of Decision for wetland delineation from Mike Schultz. Not too many more proposed gardens, substations are getting full, need Excel land. Access road is for this solar project only, landowner's property, easement from landowner-Regenscheid, 15 feet wide access road proposed, minimum 14-foot wide access and 60 x 60 turnround required.

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.

Second by Shirley Katzenmeyer. Roll-call vote. Motion approved. Motion carried.

ITEM #12: JEFF & JILL STEFFEN, CLEVELAND, MN, (APPLICANT): Request an amendment to the Le Sueur County Zoning Ordinance Section 8 Agriculture District to add Short Term Private Lodging Rental as a Conditional Use, add definition to Section 4, and add performance standards to Section 19. ******Application was postponed by the applicant.*

ITEM #13: PENELOPE SWANSON, JORDAN, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a Short Term Private Lodging Rental in a Recreational Residential "RR" Shoreland District, Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 4, Connor's First Addition, Section 8, Washington Township. ******Application was withdrawn by the applicant.*

ITEM #14: CHARLES & MICHELLE FENGER, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow an After-the-Fact expansion of 17 seasonal campsites in an existing campground, Beaver Dam Campground for a total of 76 sites and 3 cabins in a Recreational Commercial "RC" Shoreland District, German Lake, a Recreational Development "RD" lake. Property is located in Auditor's Plat, Government Lot 1, Section 5, Elysian Township, and part of the SW 1/4 of the SW 1/4 of Section 32, Cordova Township.

Michelle Mettler presented the PowerPoint presentation.

Chuck Fenger was present for application, and Bernie Miller.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Existing campers have been removed, stuff moved out of road Right-Of-Way. Application states change of hours to operation-do not want to request a change in hours of operation. Proposing 1 well, proposing 2 septic systems, 2 mounds. Multiple port-o-potty around the campground, currently have 2, move around where needed, serviced every Tuesday. Additional signage, one corner (NW) does not have a sign but posts there, plan to replace that sign. Road access currently have 3, two approved and one to be removed by the shed. Current septic system with drainfield located in the middle of the campground, eight 100-foot lines, depth of lines currently buried 6-24 inches, water lines shallow-wait until frost is out of the ground. Out of compliance since 2015 (*approximately*), was going to be a pipe, septic design, Bernie designed. Deadline for new septic, hope to have it built this year. Installation deadline was December 31, 2017. 76 campsites connected to old system, not sized big enough, not an imminent health threat. Existing septic system was inspected prior to chuck purchasing it, one tank was noncompliant. System has been handling it, new system to be installed in dry weather season and after camping season finish up tanks. Goal to update to get updated as soon as possible. Deadline on septic system installation should be a condition of permit. Docks-boat slips allowed 12, by the county not DNR. One slip per allowed site in first tier. More than 12 sites now, number allowed is one boat slip per allowed site in first tier. Stormshelters-3 listed, capacity requirement, application states 200-300 people per week, assuming Dept of Labor Industry standard, not a zoning requirement. Formula based on the sq feet required per person, don't have formula, or could be a public health requirement. 17 seasonal campsites, total 76 campsites. ATF expansion was 34, has removed all but the 17 requesting, 3 cabins are existing. Other violations to be addressed, CUP will address expansion and septic. CUP will be a part of correcting the violation. Other violations should be a condition of the CUP. Other campgrounds have too many boat slips, too many campsites. Applicant previously worked with zoning administrator and public health to become compliant, deadlines that were not followed. Expansion and updated septic huge steps toward compliance, going in right direction, don't want

to go stagnant with other violations if expansion is approved. Work with staff to address other violations. Additional land across the road included, required impervious surface, open space, tier development have all been met with proposal. 2 accesses to county road have been approved, removing one access near the shed. Roads within the campground currently do not meet minimum code, road in expansion area will need to be widened to meet ordinance. Shut off time for campers typical November 1st. Campground gets quiet after Labor Day weekend, after school starts, try to work on during the camping season, financing, contractor, bids, lot of work involved with septic install, get the mound started across the road, sometimes can still work on beyond November. Communication with Environmental Services, reporting, progress, condition of recommendation. Open May 1st.

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 with conditions:

1. *Applicant is to meet with Environmental Services quarterly, reporting and progress starting September 1st.*
2. *Goal of completion date May 1, 2022.*
3. *Follow up progress on other violations. Meet with Environmental Services to identify, prioritize and schedule with completion deadline of the remaining violations by October 1, 2021.*

Second by Shirley Katzenmeyer. Roll-call vote. Motion approved. Motion carried.

5. Discussion Items: Ordinance revisions. Public Hearing at the County Board was May 4, 2021, effective June 1, 2021
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Al Gehrke. Second by Shirley Katzenmeyer. Roll-call vote. Motion approved. Motion carried.

Respectfully submitted,

Michelle R. Mettler

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