

**LE SUEUR COUNTY PLANNING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
August 26, 2021

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Aaron Stubbs

1. **Call to Order:** The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. **Agenda:** Additions/Corrections: NONE.  
Motion to approve the agenda with the correction was made by DOUG KRENIK. Second by AL GEHRKE. MOTION APPROVED. MOTION CARRIED.

3. **Applications:**

**ITEM #1: TYLER & CASSIE FELL, NEW PRAGUE, MN, (APPLICANT) JOHN HOEFS, NEW PRAGUE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE ¼ of the NW ¼ to the SW ¼ of the NW ¼ in the Special Protection "SP" Shoreland District of Mud Lake, a Natural Environment Lake. The property is located in part of the NW ¼ of Section 18, Lanesburgh Township.

Aaron Stubbs presented the PowerPoint presentation.

Tyler & Cassie Fell were present for application.

**ADDITIONAL COMMENTS FROM APPLICANT:** Explained that moving the Development Right helps locate the house in better area that is more suitable for development on the property.

**TOWNSHIP:** Notified. Response: None.

**PUBLIC CORRESPONDENCE:** None

**PUBLIC COMMENTS:**

**Tiffany Timmermans** – We are the neighbor nearest to the proposed development. We moved out to the country to have an area with no neighbors. We also have tried to purchase the surrounding land to avoid future development. We really value our privacy and are concerned with future development. Asking for the future owners to consider the neighbors when selecting a future construction site. *Discussion was also conducted between the Planning Commission, the applicants, and Mrs. Timmermans with regard to the proposed location of the future driveway. Mrs. Timmermans also raised concerns with potential floodplain area and future development impacting their views.*

**Joe Pecholt** – Mud Lake is an Environmental Lake and development should not occur in this area.

**Tiffany Timmermans** – *Expressed concerns with future development options and the impacts to the existing road. Mrs. Timmermans also expressed concerns that the property owner would try and develop 4 additional houses in the Quarter-Quarter. She is also concerned with the change to the area and would like to confirm whether there are available Building Eligibilities.*

**Tyler Timmermans** – *Asked if there was an available Building Eligibility.*

**Tiffany Timmermans** – I spoke with a Realtor and that person stated that additional Lots were planned for the future.

**Betty Pecholt** – The purpose of the project is to develop additional homes. If the property owner acquires additional Development Rights he is going to develop more land.

**Tiffany Timmermans** – Requested the Planning Commission include required screening as a condition if they approved the transfer.

**Pat Sullivan** – Explained why he and the applicants were walking over the entire proposed parcel which may have given the neighbors the idea that the property would be larger than what was proposed.

Discussion was held regarding:

**Determining if any Eligibilities Remain:** Staff was asked whether it could be determined if any unused Building Eligibilities exist. Staff explained that the subject Quarter-Quarter does not have an available Building Eligibility but if one were available on an adjacent Quarter-Quarter, it could be transferred in provided the density maximum was not exceeded.

**Division of the Quarter-Quarter:** Staff was asked to clarify whether the Sending Quarter-Quarter could also have a Residential development. Staff explained that the applicant could build in the Sending Quarter-Quarter but the applicants are requesting the transfer to develop in an area better suited for development and to make use of the existing contours.

**Additional Structures:** Staff was asked if any other structures could be built in the Sending Quarter-Quarter. Staff explained that the transfer was strictly for the development of a Residential structure. Any other structures do not require special eligibilities and could be built anywhere on the property, provided they meet the required setbacks and zoning standards.

#### **FINDINGS BY MAJORITY 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. (7-0)*
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. (6-1)*
  - *Commission Member Tietz in dissent – Believes this request violates Goal #1 of the Land Use Plan which states the County contains productive ag. soils and should adopt policies that conserve and protect the ag. resources.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (7-0)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (7-0)*
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. (6-1)*
  - *Commission Member Tietz in dissent – Believes that the future construction will negatively impact the neighboring residents. Also believes the truck traffic and noise will be a nuisance to the neighbors.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (6-1)*
  - *Commission Member Tietz in dissent – Believes this request violates Goal #1 of the Land Use Plan which states the County contains productive ag. soils and should adopt policies that conserve and protect the ag. resources.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (6-1)*
  - *Commission Member Tietz in dissent - Believes this request violates Goal #2 of the Land Use Plan which states the County should enforce and adopt policies to conserve and restore its natural resources and prevent premature development.*

**Motion was made by DON REAK to recommend approve the application, with the conditions proposed by staff.**

**Second by SHIRLEY KATZENMEYER. MOTION APPROVED (6-1 w/ COMMISSION MEMBER TIETZ BEING THE DISSENTING VOTE). MOTION CARRIED.**

**4. Discussion Items:**

- No items on the September Planning Commission Agenda.

**5. Warrants/Claim-signatures:**

**6. Adjournment:**

Motion to adjourn meeting by AL GEHRKE. Second by SHIRLEY KATZENMEYER. MOTION APPROVED. MOTION CARRIED.

Respectfully submitted,

**Aaron Stubbs**

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