

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
August 12, 2021

MEMBERS PRESENT: Don Reak, Al Gehrke, Doug Krenik, Jeanne Doheny, Shirley Katzenmeyer, Commissioner O'Keefe

MEMBERS ABSENT: Scott Vonlehe, Pam Tietz

OTHERS PRESENT: Aaron Stubbs

1. **Call to Order:** The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. **Agenda:** Chairperson Doheny made a correction to the Agenda. The date for the Minutes from the previous Planning Commission meeting was listed incorrectly. Motion to approve the agenda with the correction was made by DON REAK. Second by DOUG KRENIK.
MOTION APPROVED. MOTION CARRIED.
3. **Minutes: July 8, 2021 Meeting, Additions/Corrections: NONE.**
Motion to approve the minutes was made by AL GEHRKE. Second by SHIRLEY KATZENMEYER.
MOTION APPROVED. MOTION CARRIED.

4. **Applications:**

ITEM #1: TOM WETZELL, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of more than 10 cubic yards in the Shore Impact Zone and more than 50 cubic yards on a lot in a Recreational Residential "RR" Shoreland District of Lake Jefferson, a Recreational Development "RD" lake. The property is described as Lots 20 & 21 Edgewater Terrace, located in Section 3, Cleveland Township.

Aaron Stubbs presented the PowerPoint presentation.

Tom Wetzell was present for application.

ADDITIONAL COMMENTS FROM APPLICANT: None.

TOWNSHIP: Notified. Response: None.

DNR: Notified. Response: The applicant should have the OHW staked to ensure sand removal and/or landscaping does not occur below the OHW. Any activity below the OHW would trigger the need for a DNR Public Waters permit and/or a DNR Aquatic Plant Management permit.

PUBLIC CORRESPONDENCE: None

PUBLIC COMMENT: None

Discussion was held regarding: **Proposed Conditions:** Staff was asked about a condition that states, "...any deviation from the approved plan would be reviewed by staff...". Staff explained that this proposed conditions covers small changes that do not warrant additional review from the Planning Commission and assured the Planning Commission that any substantial change would still come back to them for review. **Previous Site Conditions:** Previously the dry creek bed area was grass but it

began to erode away. **Township:** Applicant was asked if the Township was willing to address the runoff from Evergreen Lane. The applicant stated that he has never approached the Township regarding stormwater runoff management. **Proposed Expansion Area:** The applicant was asked to explain the process for creating the proposed expansion area. **Maintenance:** The applicant was asked about maintenance and the functionality of the dry creek bed. He stated that the dry creek bed functions really well and he was willing to maintain the project. **Timeline:** The applicant was asked about the duration of the proposed activities, he stated that his previously approved Variance required the work to be done prior to December 1, 2021. Mr. Wetzell also stated that he hoped to complete the project before the end of this fall. **Alternative Designs:** The applicant was asked if they had considered incorporating drain tile instead of the dry creek bed. Mr. Wetzell stated that they had initially considered that as an alternative but did not want to disturb existing landscaping and preferred the aesthetic of the dry creek bed. **Proposed Conditions:** The applicant was asked if he had any concerns or objections to the proposed conditions. Mr. Wetzell stated that he was not opposed to any of the proposed conditions.

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.*
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 KRENİK to recommend approve the application, with the conditions proposed by staff, and a condition stating measures shall be incorporated to insure the grinder pump is not damaged during the placement of the proposed spillway extension.

Second by SHIRLEY KATZENMEYER. MOTION APPROVED. MOTION CARRIED.

ITEM #2: TODD & KARI POTTINGER, WATERVILLE, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to cut in the bluff for the construction of stairs in a Recreational Residential "RR" Shoreland District of Lake Tetonka, a Recreational Development "RD" Lake. The property is described as Lot 2 of the Hidden Hills CIC #24, located in Section 19, Waterville Township.

Aaron Stubbs presented the PowerPoint presentation.

Todd Pottinger was present for application.

ADDITIONAL COMMENTS FROM APPLICANT: None.

TOWNSHIP Notified. Response: None.

DNR: Notified. Response: Special precautions should be made to prevent creating a funnel point for runoff that may create a washout or gully that could eventually cause the stairs to fail.

PUBLIC CORRESPONDENCE: None

PUBLIC COMMENT: None.

Discussion was held regarding: **Sketch Plan:** Original plan included a landing that was 36 ft², the Ordinance does not allow a landing in excess of 32 ft². Comments from the DNR: Chairperson Doheny requested that staff follow-up with Garry Bennett from the DNR to clarify his concern and see if he has any solutions. **Existing Access:** The applicant was asked how they currently access the lake. Mr. Pottinger stated that they walk over two blocks and use the Association stairs for access. **Possible Soli Disturbance:** Staff was asked what types of erosion control would be needed if the applicant is proposing to use stakes. Staff commented that soil could be disturbed during the instillation process and the applicant could use silt fence or bio logs to protect the disturbed area until it is compacted. **Size of the Proposed Stakes:** The applicant was asked if the stakes they are proposing to use would be long enough to anchor the stairs. Mr. Pottinger stated that the proposed stakes are the largest option that he could find. **Onsite Drainage Pattern:** The applicant stated that currently any water runoff is directed to an area away from the proposed location of the stairs and exits into a rock area to dissipate the energy.

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.*
 - a. *Probably should have been done previously.*
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 recommend approval of the application with the conditions proposed by staff.

Second by AL GEHRKE. MOTION APPROVED. MOTION CARRIED.

5. Discussion Items:

- Special Meeting scheduled for August 26, 2021.
- No items on the September Planning Commission Agenda.
- Changes to the layout of the PowerPoint presentation and the Staff Report.

6. Warrants/Claim-signatures:

7. Adjournment:

Motion to adjourn meeting by AL GEHRKE. Second by DON REAK.
MOTION APPROVED. MOTION CARRIED.

Respectfully submitted,

Aaron Stubbs

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

DRAFT