

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 10, 2022

MEMBERS PRESENT: Doug Krenik, Shirley Katzenmeyer, Al Gehrke, Jeanne Doheny,
and Commissioner Wetzel

MEMBERS ABSENT: Don Reak and Pam Tietz

OTHERS PRESENT: Aaron Stubbs, Holly Kalbus

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 was made by **DOUG KRENIK.**

Second by **AL GEHRKE.**

MOTION APPROVED. MOTION CARRIED.

3. **Minutes:** **February 10, 2022** 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: IMPACT POWER SOLUTIONS (IPS), ROSEVILLE, MN, (APPLICANT) KATHLEEN REGENSCHEID TRUST, C/O TRACY WARN, MINNEAPOLIS, MN, (OWNER): Request that the County grant an extension to Conditional Use Permit #2021104 to allow a 1 MW Solar Energy System (SES) in an Agriculture "A" District. Property is located in NW 1/4 SE 1/4, Section 24, Kasota Township.

Aaron Stubbs presented the PowerPoint presentation.

Patrick Wier was present for the applicant.

ADDITIONAL COMMENTS FROM APPLICANT:

Wier – Initial goal was to interconnect south of the project but Xcel would not bury power lines in the area. Elevated lines would cause shading on the new panels. Because of this, a new access point needed to be approved. This led to a small change in the Site Plan and delayed the issuance of the permit until November, 2021. Company was unable to mobilize and set the racking before winter.

PUBLIC CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

COMMENTS FROM THE PLANNING COMMISSION WERE AS FOLLOWS:

Krenik – Asked if the existing conditions on this project could be reviewed at this time. Staff informed the Planning Commission this request and discussion could only be related to the request for an extension. None of the previous conditions could be reviewed and/or amended.

Doheny – Asked about the standards for issuing a time extension. Staff reviewed the required standards listed in the zoning ordinance of for the approval of an extension.

Doheny – Asked if the applicant believes the stated July completion date was a realistic goal. The applicant stated that he did believe the project would be completed by July but if they were setting a hard deadline, he would feel more comfortable with extending the completion date out a little further. Chairperson Doheny informed the applicant that if approved, the extension would require the project to be completed by May 25, 2023

Krenik – Asked about a delivery schedule for all of the materials associated with this type of project. The applicant stated they have a contract in place for the solar panels and have partnered with other solar companies to ensure materials would be readily available and delivered on time.

Katzenmeyer – Asked staff if they had a copy of the previously approved conditions. Staff informed member Katzenmeyer that they did not bring a copy of those conditions to the meeting because the time extension request does not allow for a review of those conditions. Staff offered to go retrieve the conditions but Ms. Katzenmeyer stated the conditions have no bearing on the time extension request and declined taking a recess.

Krenik – Asked the applicant what “mechanically complete” means. The applicant stated that term means the project would be built, the fencing would be installed, and they would be working on the installation of the required vegetation. It is unclear when Xcel would actually energize the project. This sometimes takes 3 – 6 months.

Doheny – Asked if the landscaping would all be completed by July. The applicant stated that they did not need to wait for Xcel to energize the project for them to complete the vegetation.

FINDINGS:

- 1. The conditional use permit would become null and void unless a petition for extension of time in which to complete the work is granted by the Board of County Commissioners.*
- 2. The time extension request was made in writing and filed with the Department at least thirty (30) days before the expiration of the original Conditional Use Permit.*
- 3. The request for the time extension stated facts showing a good faith attempt to complete the work permitted in the Conditional Use Permit.*

Motion was made by AL GEHRKE to recommend approval of the time extension.

Second by DOUG KRENIK.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #2: LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS:
Amendments to affect Section 4 Rules and Definitions.

Aaron Stubbs and Holly Kalbus were present for the applicant.

ADDITIONAL COMMENTS FROM APPLICANTS:

Staff asked the Planning Commission how they would like to proceed with the review.

Chairperson Doheny asked that we review each Section individually, but did not want to discuss typo's or sentence structure.

Staff asked if a summary of the definitions would be best. Ms. Kalbus stated that the proposed definitions were a continuation of the definitions proposed in the 2021 Shoreland amendments. She also stated that many of the definitions are related to terms used on forms and in best management practices.

COMMENTS AND DISCUSSION FROM THE PLANNING COMMISSION WERE AS FOLLOWS:

Doheny & Krenik – Asked about the definitions of Aggregated Projects and why it was specific to Wind Energy Conversion Systems. Member Krenik stated that this term used to be used in relation to agricultural projects. Staff explained this was an existing term but they could certainly create a more generic definition so other types of uses could be included.

Doheny – Asked about the definition about Agricultural Land and why the it says “for the majority of the past ten years”. Staff explained the purpose was to get to a place where large tracts of land being used for Agriculture could potentially have Ag. structures without a house being built; however, staff needed some specific measure so a person could not just clear trees and then claim their land qualified for that exemption.

Doheny & Krenik – Asked about several existing definitions related to Animal Feedlots. Staff stated they would look into these definitions and compare the wording to terms defined by the MPCA or in State Statute.

Krenik – Asked a question about the definition of Basin and if there was a difference between a natural and a man-made basin. Staff explained the definition could include natural and man-made basins. Member Krenik asked if Basin would also include stormwater ponds. Ms. Kalbus stated that areas used for stormwater would be defined differently than a basin.

Doheny – Asked a question about the listed time options in the definition of Campground. Staff explained the purpose was to ensure all applicable option to be included in the definition.

Doheny – Identified a few different inconsistencies within definitions and the word usage throughout. Staff agreed to make the noted changes prior to bringing these requests to the County Board.

Krenik – Asked questions about the definition of a Deck. Staff explained the issues they're experiencing with items that do not necessarily meet the standards of a deck versus a platform or patio.

Krenik – Asked questions about the definition of a Ditch. Staff explained the differences between a Ditch and a Swale. Ms. Kalbus also described the different areas of a Ditch (sides, crown, bottom).

Krenik – Asked whether a definition for Native Plants has been included. Staff explained that particular definition had not been created yet. Ms. Kalbus stated she would create a definition and include it in the final draft to the County Board.

Motion was made by DOUG KRENİK to recommend approval of the proposed amendments with the corrections discussed by the Planning Commission.

Second by SHIRLEY KATZENMEYER.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #3: LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS:

Amendments to Section 13 Shoreland Management.

Aaron Stubbs and Holly Kalbus were present for the applicant.

ADDITIONAL COMMENTS FROM APPLICANTS:

Mr. Stubbs stated the MN DNR Area Hydrologist responsible for Le Sueur County, made review comments over the entire Section during the 2021 amendment to smaller portion of Section 13. Mr. Stubbs stated prior to sharing the proposed amendments with the Planning Commission, he incorporated those comments from the DNR. After the Planning Commission completes their review of the Shoreland regulations, Mr. Stubbs will send the draft language to Garry Bennet so the DNR can complete their review of the proposed changes.

COMMENTS FROM THE PLANNING COMMISSION WERE AS FOLLOWS:

Discussion was held about the new property split procedures and the changes at the State level which allowed this new review authority.

Krenik – Asked questions related to bodies of water that are shared by different jurisdictions. Staff explained that each jurisdiction only regulates the area specific to their boundary. Counties may have different interpretations of State requirements but do not have the power to impose their requirements outside of their jurisdictional boundaries.

Doheny – Asked questions related to the Water-Oriented Accessory Structure requirements. Staff explained the different rules for a standard accessory structure versus a water-oriented accessory structure.

Krenik – Asked whether eight feet was tall enough for a shed. Staff reminded the Planning Commission that this issue was discussed during the February Work Session but a specific height was not agreed upon. Mr. Stubbs also stated the Planning Commission was free to select the height they thought made the most sense. The Planning Commission ultimately agreed on a maximum height of ten feet so an eight-foot door could be accommodated.

Doheny – Asked if the Planning Commission had addressed this issue previously or if the Board of Adjustment had recently approved a variance for this topic. Staff stated that there have been no variances for this issue since June of 2021 but this topic was discussed during the February Work Session.

Doheny – Asked questions related to the difference between Land Alteration Plans and Land Alteration Permits. Staff explained the previous Land Alteration Plans were essentially permits but with no fee. These requests include an application, a database to track the permits, and a fee that was set by the County Board in December 2021.

Discussion was held about use of the terms licensed surveyor and/or certified engineer. Discussion was also held about the use of qualified individual.

Doheny – Asked about the inclusion of an office technical guide number for the design of a rain garden. Staff stated they would identify the applicable number and include it with the revised version to be sent to the DNR for review.

Krenik – Asked if a Landscape Architect would be required for the design of a rain garden. Staff explained that a rain garden should be designed by a certified person but there is limited training for the design of a rain garden. Ms. Kalbus stated the guide for the design of a rain garden is a large document written by the State. This document can be difficult to follow.

Doheny – Asked a question about the use of “as soon as possible” with regard to when disturbed soil should be protected by erosion control. Staff explained they would make the appropriate change to clarify.

Krenik – Asked for more explanation on an Ice Ridge. Staff explained what an Ice Ridge is and how it happens. Ms. Kalbus stated that the definition and the language for the repair of an Ice Ridge mimics the DNR standards.

Doheny – Asked a question about the required letter of clearance from the FAA for structures being proposed within an Airport Overlay Zone. Staff explained why these letters would be required but were unsure if that is the true title of the letter. Mr. Stubbs stated he would look into it and make sure the appropriate title was used in the Ordinance.

Discussion was held about going through the Ordinance and ensuring the word usage is consistent. Staff staffed they would complete this task before sending the revised language to the DNR for review.

Krenik – Asked about allowing stairways and lifts as a permitted use in a bluff. Staff explained the changes made to the Ordinance that would allow this type of minimal disturbance without requiring a Conditional Use Permit. Member Krenik asked if this use would be in all district. Staff stated that the change was made throughout the Ordinance.

Motion was made by SHIRLEY KATZENMEYER to recommend approval of the proposed amendments with the corrections discussed by the Planning Commission.

Second by AL GEHRKE.

MOTION APPROVED (4-0). MOTION CARRIED.

5. Discussion Items:

- Two potential items on the April Planning Commission Agenda.
 - CUP Extension and Ordinance Amendments (Definitions and Interim Use Permits)
- Shoreland Training to be held in the afternoon on Wednesday, March 16th
 - Training to be held in the County's E.O.C.
 - Exact time will be shared with the P.C. once it is established
 - P.C. members to email staff any specific topics they would like to discuss during the training
- Work Session next month to begin at 6:00p
 - Topics to include Section 19 – Land Use Performance Standards

6. Warrants/Claim-signatures:

7. 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*