

LE SUEUR COUNTY PLANNING COMMISSION
June 9, 2022

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING COMMISSION
SUBJECT: “REQUEST FOR ACTION”

The Planning Commission recommends your action on the following items:

ITEM #1: STEVE BOEHM, CLEVELAND, MN, (APPLICANT\OWNER):

Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling in the bluff impact zone in excess of 36 cubic yards to address an existing drainage issue and remove an abandoned septic drainfield in a Recreational Residential “RR” District, Lake Jefferson, a Recreational Development “RD” lake. Property is located in Edgewater Terrace, Lots 29 & 30, Section 3, Cleveland Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ITEM #2: LE SUEUR COUNTY ENVIRONMENTAL SERVICES, LE CENTER, MN, (APPLICANT); CHARLES & MICHELLE FENGER, BRIAN TIMM, ANDY BUYSSE, BRENT BUYSSE, (OWNER):

Review and possible revocation of an existing Conditional Use Permit for Beaver Dam Campground/Resort for failure to follow and comply with permit requirements and conditions in a Recreational Commercial “RC” District, German Lake, a Recreational Development “RD” lake. Property is located in Beaver Dam Subdivision, Lot 1, Block 4, and Part of Outlot 2, Auditor’s Subdivision Government Lot 1, Section 5, Elysian Township and Part of the SW 1/4 of the SW 1/4, Section 32, Cordova Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the attached findings for this request:

Therefore, the Planning Commission recommends approval of the application as written.

ACTION: ITEM #1: _____

ACTION: ITEM #2: _____

DATE: _____

COUNTY ADMINISTRATOR SIGNATURE: _____

ITEM # 1 FINDINGS OF FACT

STEVE BOEHM, CLEVELAND, MN, (APPLICANT\OWNER):

Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 36 cubic yards of material on a lot, of which all would be located in the Bluff Impact Zone, for the removal of an abandoned septic mound and to correct an on-going drainage issue in a Recreational Residential “RR” District of Lake Jefferson, a Recreational Development “RD” lake. The property is described as Lots 29 & 30 of the Edgewater Terrace Subdivision, and is located in Section 3, Cleveland Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on June 9, 2022 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **approval** of the request due to the following findings:

1. *The conditional use would 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. (4-0 in support)*
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. (4-0 in support)*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0 in support)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use. (4-0 in support)*
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 constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (4-0 in support)*
6. *The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (4-0 in support)*
7. *The conditional use is consistent with the Comprehensive Land Use Plan. (4-0 in support)*

WHEREAS, On June 28, 2022, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **STEVE BOEHM**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the June 28, 2022 Le Sueur County Board of Commissioners meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *The conditional use would 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 service 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 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 is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The conditional use is consistent with the Comprehensive Land Use Plan.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, Conditional Use Permit #2022158 to allow the applicant to initiate Grading, Excavating, and Filling activities in excess of 36 cubic yards (all in the Bluff Impact Zone) to remove an abandoned septic mound and correct a drainage issue. The property is described as Lots 29 & 30 of the Edgewater Terrace Subdivision, and is located in Section 3, Cleveland Township, is APPROVED / DENIED. If approved, the following conditions shall apply:

1. The Project Description, and Survey (submitted May 4, 2022, and May 6, 2022) would become part of the permit. Any deviation from this request would trigger a review from the Environmental Services Department for determination of whether the Conditional Use Permit needed to be amended.
2. Prior to the commencement of any grading, excavating, or filling activities, all required erosion control measures shall be installed and approved by County Environmental Resources staff. The erosion control BMP measures shall be maintained and remain in place for the duration of the project and until the applicable disturbed areas have been stabilized with vegetation.
3. The proposed landscaping plastic under the river rock and the proposed pavers within the bluff should not be installed in order to help reduce impacts from stormwater runoff to the neighboring lot and also on the property.
4. Prior to the issuance of any future Zoning Permits, the applicant shall combine the subject parcel with the parcel to the south (01.550.0290) so all aspects of the use are located on the same parcel.

ATTEST:

Danny O’Keefe, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____

ITEM # 2 FINDINGS OF FACT

LE SUEUR COUNTY ENVIRONMENTAL SERVICES, LE CENTER, MN, (APPLICANT); CHARLES & MICHELLE FENGER, BRIAN TIMM, ANDY BUYSSE, BRENT BUYSSE, (OWNER):

Review and possible revocation of an existing Conditional Use Permit for Beaver Dam Campground/Resort for failure to follow and comply with permit requirements and conditions in a Recreational Commercial “RC” District, German Lake, a Recreational Development “RD” lake. Property is located in Beaver Dam Subdivision, Lot 1, Block 4, and Part of Outlot 2, Auditor’s Subdivision Government Lot 1, Section 5, Elysian Township and Part of the SW 1/4 of the SW 1/4, Section 32, Cordova Township.

WHEREAS, the Le Sueur County Planning Commission held a public hearing on June 9, 2022 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends **approval** of the Conditional Use Permit review due to the following findings:

1. *There are numerous violations throughout the property that warrant the review of the Conditional Use Permit.*
2. *Andy Buysse and Brent Buysse are new owners of the campground and should be given time to work with County staff to correct the listed violations.*

WHEREAS, On June 28, 2022, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the review and continuation of the Beaver Dam Conditional Use Permit as requested by the **LE SUEUR COUNTY ENVIRONMENTAL SERVICES DEPARTMENT**.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the June 28, 2022 Le Sueur County Board of Commissioners meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *There are numerous violations throughout the property that warrant the review of the Conditional Use Permit.*
2. *Andy Buysse and Brent Buysse are new owners of the campground and should be given time to work with County staff to correct the listed violations.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, the review of Conditional Use Permits #15023 & #2021108 to allow the owners to operate a campground in a Recreational Commercial “RC” District, German Lake, a Recreational Development “RD” lake. The subject property is described as Lot 1, Block 4, in the Beaver Dam Subdivision, and Part of Outlots 2 and 3 of the Auditor’s Subdivision of Government Lot 1, located in Section 5, Elysian Township and Part of the Southwest Quarter of the Southwest Quarter of Section 32, Cordova Township, is APPROVED / DENIED. If approved, the following conditions shall apply:

1. The new owners shall meet with Planning & Zoning staff to identify, prioritize, and schedule a completion deadline of all remaining violations prior to August 9, 2022.
2. Staff shall appear before the Le Sueur County Board of Commissioners on September 27, 2022 to provide the Board with an update on the progress towards compliance. These updates shall continue on a quarterly basis until compliance is achieved. Any deviation from the agreed timeline could trigger an additional review by the Planning Commission and County Board of Commissioners for revocation of the Conditional Use Permit.

ATTEST:

Danny O'Keefe, Chairman, Le Sueur County Board of Commissioners

Joseph Martin, County Administrator

DATE: _____