

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
September 24, 2019

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**

**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**

**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following items:

**ITEM #1: PATRICK WILLAERT, LE SUEUR, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1,185 cubic yards of material in an Urban/Rural Residential "R1" District. Property is located at Lot 6, Bakers Acres, Section 12, Kasota 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 presented.

**ITEM #2: JANET TUREK, NEW PRAGUE, MN, (APPLICANT/OWNER):** Requests that the County grant a Conditional Use Permit to allow the applicant to rezone 2.82 acres from an Agriculture "A" to an Urban/Rural Residential "R1" District. Property is located at Lot 1, Block 3, Turek Estates, Section 4, Lanesburgh 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 presented.

**ITEM #3: JOHN & BRANDEE SCHULZ, CUDAHY, WI, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 42 cubic yards of material in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential "RR" District and a Flood Fringe "FF" Flood Plain Overlay District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 20 Jefferson Highlands, Section 2, 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 with the following conditions:

1. Installment of rip rap shall follow DNR and County regulations/requirements.

**ITEM #4: DEBRA TOWNSEND LIND, WEST DES MOINES, IA, (APPLICANT); DAVID P. LIND TRUST & DEBRA TOWNSEND, ELYSIAN, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 96 cubic yards in the shore impact zone and within the bluff for a shoreline rip rap project and the construction of stairs in the bluff in a Recreational Residential "RR" District, on Lake Frances, a Recreational Development "RD" lake. Property is located at Lots 13 & 14 Muellerleile Subdivision, Section 33, Elysian 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 with the following conditions:

1. Installment of rip rap shall follow DNR and County regulations/requirements.

**ITEM #5: DONALD & TOYA SCHMIDTKE, WATERVILLE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 72 cubic yards of material within the shore impact zone for a shoreline reclamation and rip rap project in a Recreational Residential “RR” District, a Flood Fringe “FF” Flood Plain Overlay District and a Mineral Resources “MR” Overlay District on Lake Tetonka, a Recreational Development “RD” lake. Property is located in Government Lot 5, Section 21, Waterville 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 with the following conditions:

1. Installation of rip rap must follow DNR and County regulations/requirements.
2. Plant deep rooted Minnesota native vegetation for the buffer that will be located near the rip rap.

**ITEM #6: CHARLES & MARY HIRN, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 61.31 cubic yards outside the shore impact zone; 11.58 cubic yards within the shore impact zone; 18.06 cubic yards within the bluff impact zone; and 8.34 cubic yards within the bluff for a total of 72.89 cubic yards on the lot for the construction of a proposed patio and the removal of after-the-fact retaining walls in a Recreational Residential “RR” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lots 21 & 22, Cape Horn Subdivision, Section 1, 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 with the following conditions:

1. Plant deep rooted native vegetation where the current retaining wall, located on the north side of the property, is being proposed to be removed.
2. Plant deep rooted native vegetation within disturbed area, as indicated on the survey, which is located in the bluff.
3. Plant vegetation within disturbed areas, as indicated on the survey, which is located at top of the bluff and in the bluff impact zone.

ACTION: ITEM #1: \_\_\_\_\_  
ITEM #2: \_\_\_\_\_  
ITEM #3: \_\_\_\_\_  
ITEM #4: \_\_\_\_\_  
ITEM #5: \_\_\_\_\_  
ITEM #6: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR’S SIGNATURE: \_\_\_\_\_

## ITEM # 1 FINDINGS OF FACT

**WHEREAS, PATRICK WILLAERT, LE SUEUR, MN, (APPLICANT/OWNER)** has applied for a Conditional Use Permit to allow grading, excavating, and filling of 1,185 cubic yards of material in an Urban/Rural Residential “R1” District. Property is located at Lot 6, Bakers Acres, Section 12, Kasota Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held a public hearing on September 12, 2019 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 and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

- 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.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **PATRICK WILLAERT, LE SUEUR, MN, (APPLICANT/OWNER)**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of 1,185 cubic yards of material in an Urban/Rural Residential “R1” District. Property is located at Lot 6, Bakers Acres, Section 12, Kasota Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

**ITEM # 2 FINDINGS OF FACT**

**WHEREAS, JANET TUREK, NEW PRAGUE, MN, (APPLICANT/OWNER)** has applied for a Conditional Use Permit to allow the applicant to rezone 2.82 acres from an Agriculture “A” to an Urban/Rural Residential “R1” District. Property is located at Lot 1, Block 3, Turek Estates, Section 4, Lanesburgh Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held a public hearing on September 12, 2019 in order to hear public testimony from the applicant as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

1. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
2. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *The proposal will not have an adverse effect on the values of adjacent properties.*
4. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
5. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
6. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.*
7. *Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.*
8. *Soil conditions are adequate to accommodate the proposal.*
9. *The proposal will not create a potential pollution hazard.*
10. *The proposal will not degrade the water quality of the County.*
11. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.*
12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JANET TUREK, NEW PRAGUE, MN, (APPLICANT/OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*

2. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *The proposal will not have an adverse effect on the values of adjacent properties.*
4. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
5. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.*
6. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.*
7. *Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.*
8. *Soil conditions are adequate to accommodate the proposal.*
9. *The proposal will not create a potential pollution hazard.*
10. *The proposal will not degrade the water quality of the County.*
11. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.*
12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to rezone 2.82 acres from an Agriculture “A” to an Urban/Rural Residential “R1” District. Property is located at Lot 1, Block 3, Turek Estates, Section 4, Lanesburgh Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

### ITEM # 3 FINDINGS OF FACT

**WHEREAS, JOHN & BRANDEE SCHULZ, CUDAHY, WI, (APPLICANT/OWNER)** have applied for a Conditional Use Permit to allow allow grading, excavating, and filling of 42 cubic yards of material in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential “RR” District and a Flood Fringe “FF” Flood Plain Overlay District on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lot 20 Jefferson Highlands, Section 2, Cleveland Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held a public hearing on September 12, 2019 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 and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

- 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.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **JOHN & BRANDEE SCHULZ, CUDAHY, WI, (APPLICANT/OWNER)**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that, based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of 42 cubic yards of material in the shore impact zone for a shoreline restoration rip rap project in a Recreational Residential “RR” District and a Flood Fringe “FF” Flood Plain Overlay District on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lot 20 Jefferson Highlands, Section 2, Cleveland Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_



**ITEM # 4 FINDINGS OF FACT**

**WHEREAS, DEBRA TOWNSEND LIND, WEST DES MOINES, IA, (APPLICANT); DAVID P. LIND TRUST & DEBRA TOWNSEND, ELYSIAN, MN, (OWNER)** have applied for a Conditional Use Permit to allow grading, excavating, and filling of 96 cubic yards in the shore impact zone and within the bluff for a shoreline rip rap project and the construction of stairs in the bluff in a Recreational Residential “RR” District, on Lake Frances, a Recreational Development “RD” lake. Property is located at Lots 13 & 14 Muellerleile Subdivision, Section 33, Elysian Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on September 12, 2019 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 and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

- 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.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **DEBRA TOWNSEND LIND, WEST DES MOINES, IA, (APPLICANT); DAVID P. LIND TRUST & DEBRA TOWNSEND, ELYSIAN, MN, (OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that, based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of 96 cubic yards in the shore impact zone and within the bluff for a shoreline rip rap project and the construction of stairs in the bluff in a Recreational Residential “RR” District, on Lake Frances, a Recreational Development “RD” lake. Property is located at Lots 13 & 14 Muellerleile Subdivision, Section 33, Elysian Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## ITEM # 5 FINDINGS OF FACT

**WHEREAS, DONALD & TOYA SCHMIDTKE, WATERVILLE, MN, (APPLICANT/OWNER)** have applied for a Conditional Use Permit to allow grading, excavating, and filling of 72 cubic yards of material within the shore impact zone for a shoreline reclamation and rip rap project in a Recreational Residential “RR” District, a Flood Fringe “FF” Flood Plain Overlay District, and a Mineral Resources “MR” Overlay District on Lake Tetonka, a Recreational Development “RD” lake. Property is located in Government Lot 5, Section 21, Waterville Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on September 12, 2019 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 and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

- 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.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **DONALD & TOYA SCHMIDTKE, WATERVILLE, MN, (APPLICANT/OWNER).**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that, based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating, and filling of 72 cubic yards of material within the shore impact zone for a shoreline reclamation and rip rap project in a Recreational Residential “RR” District, a Flood Fringe “FF” Flood Plain Overlay District, and a Mineral Resources “MR” Overlay District on Lake Tetonka, a Recreational Development “RD” lake. Property is located in Government Lot 5, Section 21, Waterville Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## ITEM # 6 FINDINGS OF FACT

**WHEREAS, CHARLES & MARY HIRN, CLEVELAND, MN, (APPLICANT/OWNER)** have applied for an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 61.31 cubic yards outside the shore impact zone; 11.58 cubic yards within the shore impact zone; 18.06 cubic yards within the bluff impact zone; and 8.34 cubic yards within the bluff for a total of 72.89 cubic yards on the lot for the construction of a proposed patio and the removal of after-the-fact retaining walls in a Recreational Residential “RR” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lots 21 & 22, Cape Horn Subdivision, Section 1, Cleveland Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held a public hearing on September 12, 2019 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 and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners, recommends **Approval** of the application due to the following findings:

- 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.*

**WHEREAS,** On September 24, 2019, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **APPROVED/DENIED** the Conditional Use Permit application as requested by **CHARLES & MARY HIRN, CLEVELAND, MN, (APPLICANT/OWNER)**.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the September 24, 2019 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 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 61.31 cubic yards outside the shore impact zone; 11.58 cubic yards within the shore impact zone; 18.06 cubic yards within the bluff impact zone; and 8.34 cubic yards within the bluff for a total of 72.89 cubic yards on the lot for the construction of a proposed patio and the removal of after-the-fact retaining walls in a Recreational Residential “RR” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lots 21 & 22, Cape Horn Subdivision, Section 1, Cleveland Township, is **APPROVED/DENIED**.

ATTEST:

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John King, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_