

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 12, 2020

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

MEMBERS ABSENT: None

OTHERS PRESENT: Joshua Mankowski

1. The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.
2. Agenda. Postpone Geronimo-Marigold application due to new site plan and an issue with access approval. Motion to approve agenda as amended was made by Doug Krenik. Second by Shirley Katzenmeyer. Approved.
3. Minutes from February 13, 2020 Meeting. Motion to approve minutes was made by Don Reak. Second by Al Gehrke. Approved.
4. Applications

ITEM #1: TOMAHAWK CUSTOM TRAILERS, (APPLICANT); DAVID FREDRICKSON, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to operate a trailer manufacturing and sales business in a General Industry "I" District. Property is located in the NE/NW, Section 35, Lexington Township.

Joshua Mankowski presented PowerPoint presentation.

David Fredrickson was present for the application.

TOWNSHIP Notified. Response: Lexington Township contacted the Environmental Services Department and stated that they had no objections to Tomahawk Custom Trailers' proposal.

DNR Notified. Response: None

LETTERS: Amy Beatty, Environmental Programs Specialist, recommending approval with conditions:

- Submit to the Environmental Services Department a copy of the service contract for the floor drain tanks. The service contract shall include where the tank contents are being disposed at and approval to dispose at this location. When a new service contract is signed and/or revised, the Department shall receive a copy.
- Submit to the Environmental Services Department a copy of the service contract for the hazardous waste disposal. When a new service contract is signed and/or revised, the Department shall receive a copy.
- Continue to store tires, rims, axles, other trailer parts and unused steel within storage buildings.
- Contact the Le Center Fire Department to check if it would like to do a walk-thru of the facility or receive a map of the facility in case the Fire Department needs to respond to an emergency at the property.

PUBLIC COMMENT: None

Discussion was held regarding: The materials that are washed down the floor drains and into the tank, air filtration, hazardous materials, and the proposed conditions in Amy Beatty's letter were discussed.

Findings by majority roll call 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 Don Reak to Approve the application. Conditions: 1. Submit to the Environmental Services Department a copy of the service contract for the floor drain tanks. The service contract shall include where the tank contents are being disposed at and approval to dispose at this location. When a new service contract is signed and/or revised, the Department shall receive a copy. 2. Submit to the Environmental Services Department a copy of the service contract for the hazardous waste disposal. When a new service contract is signed and/or revised, the Department shall receive a copy. 3. Continue to store tires, rims, axles, other trailer parts and unused steel within storage buildings.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #2: LINDA GOOD, CLEVELAND, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 32.06 cubic yards of material on a lot, within the bluff, and within the shore impact zone for a shoreline rip rap project in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 17 & 18, Cape Horn Subdivision, Section 1, Cleveland Township.

Joshua Mankowski presented PowerPoint presentation.

Linda Good and Bruce Skluzacek, MN Earthworks, were present for application.

TOWNSHIP Notified. Response: None

DNR Notified. Response: None

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending approval with a condition: Plant deep rooted Minnesota native vegetation along rip rap project. The native vegetation will provide stability and help protect the shoreline and bluff from erosion and runoff.

PUBLIC COMMENT: None

Discussion was held regarding: The amount of shoreline erosion that has taken place, the details for the proposed riprap project, and Holly Kalbus' letter were discussed.

Findings by majority roll call 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. **Improvement to the area.***
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 Krenik to Approve the application. Condition: Plant deep rooted Minnesota native vegetation along rip rap project. The native vegetation will provide stability and help protect the shoreline and bluff from erosion and runoff.

Second by Scott Vonlehe. Motion approved. Motion carried.

ITEM #3: JANICE GRAFF, LAKEVILLE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 37.57 cubic yards of material on a lot, 36.8 cubic yards in the bluff, and 37.57 cubic yards in the shore impact zone for a shoreline rip rap project in a Recreational Residential "RR" District, Lake Jefferson a Recreational Development "RD" lake. Property is located at Lots 44 & 45 Cape Horn Subdivision, Section 1, Cleveland Township.

Joshua Mankowski presented PowerPoint presentation.

Janice Graff and Bruce Skluzacek, MN Earthworks, were present for application.

TOWNSHIP Notified. Response: None.

DNR Notified. Response: None.

LETTERS: Holly Kalbus, Environmental Resources Specialist, recommending approval with a condition: Plant deep rooted Minnesota native vegetation buffer along rip rap project. The native vegetation will provide stability and help protect the shoreline and bluff from erosion and runoff.

PUBLIC COMMENT: None

Discussion was held regarding: The shoreline erosion, the details for the proposed project, and Holly Kalbus' letter were discussed.

Findings by majority roll call 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 Shirley Katzenmeyer to Approve the application. Condition: Plant deep rooted Minnesota native vegetation buffer along rip rap project. The native vegetation will provide stability and help protect the shoreline and bluff from erosion and runoff.

Second by Pam Tietz. Motion approved. Motion carried.

ITEM #4: NOVEL ENERGY, WEST ST. PAUL, MN, (APPLICANT); PETER GROH, JANESVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture "A" District. Property is located in the SE 1/4 SW 1/4, Section 32, Waterville Township. **APPLICATION WAS TABLED AT THE SEPTEMBER 12, 2019 MEETING.**

Joshua Mankowski presented PowerPoint presentation.

Paula Fitzgerald, Novel Energy Solutions, was present for application.

TOWNSHIP Notified. Response: Fritz Cummins, Waterville Township Supervisor, spoke during the public comment period. Al Gehrke, Waterville Township Supervisor, stated that they had been working with the applicant. The Township is happy with the setbacks and would like to move forward. If the current plan that was approved by the Township is not followed, then there will be an issue. It has been nice working with Novel and Geronimo.

DNR Notified. Response: None.

LETTERS: None.

PUBLIC COMMENT:

Harry Tolzman: Questioned why the County and Waterville Township were hearing applications for solar gardens while both have a moratorium in place. The County should wait to hear any applications for solar gardens until a Solar Ordinance is in place. Afraid that acting on these applications will set a precedent. There are two cases in appeals court. Board response: The two applications that are being considered were applied for prior to the County's moratorium. The County is currently working on its Solar Ordinance; we can't speak to the township's moratorium. The County will not hear any new applications until after the moratorium. The current plan is to bring the proposed Solar Ordinance to public hearing in April.

Fritz Cummins (Waterville Township Supervisor): Stated that the township had a moratorium in place before and if you don't think it will hold up, try it. If it's not what we want, we will pull it. Don't try to tell us our moratorium won't hold up because it does. Board response: The County Attorney and the land use attorney have both given the opinion that the County cannot enforce the township's moratorium.

Discussion was held regarding: Changes that have been made since the original application to address concerns raised by both the County and Waterville Township have been considered with the newest proposal. The current site layout, increased setbacks from the roads, proposed vegetative buffer, increased setbacks, the distance to the City of Waterville, the benefit to agriculture, decommissioning plan, impacts to adjacent properties' real estate values, and the use of bio logs were discussed.

Findings by majority roll call 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 Al Gehrke to Approve the application.

Second by Doug Krenik. Motion approved. Motion carried.

5. Discussion Items: Staff reached out to municipalities in the County to get their opinion on the proposed setback form city limits. Update proposed ordinance language had been sent to the board members and we still plan to have the proposed Solar Ordinance on the April meeting.
6. Warrants/Claim: Signatures.
7. Motion to adjourn meeting by Scott Vonlehe. Second by Don Reak. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

Approved April 9, 2020

Tape of meeting is on file in the

Le Sueur County Environmental Services Office