

**MINUTES**  
**Blue Earth County Planning Commission**  
**Regular Meeting**  
**Wednesday June 4, 2014**  
**7:30 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:55 p.m. by Lyle Femrite. Planning Commission members present were Kurt Anderson, Kip Bruender, Lyle Femrite, Chuck Grams, Berry Jacques and Perry Wood. County staff members Julie Conrad, Mark Manderfeld, Mike Schulte, and George Leary were also present.

**2. APPROVAL OF MINUTES**

Mr. Kurt Anderson made a motion to approve the minutes from the May 7, 2014 Regular Planning Commission Meeting. Mr. Grams seconded the motion which carried unanimously.

**3. AGENDA APPROVAL**

Mr. Leary asked for time at the end of the meeting to discuss some items regarding the need for a solar energy ordinance.

**4. OLD BUSINESS**

**PC 04-14**

**Peter Blethen and Jennifer Clock** - Request for approval of the final plat of Prairie Lake Subdivision, a five lot, three outlot subdivision located in parts of the northwest and southwest quarters of Section 11, LeRay. The property includes conservation and agricultural zoning districts and is also within the Shoreland Overlay District of Madison Lake, a recreational development lake as defined by the DNR.

Mr. Leary provided the Commission with an update of the proposal concluding with a recommendation of approval.

Paul Shneider, an attorney representing the applicants, addressed the Commission. Mr. Shneider stated that the proposal has had a long history. He added that the primary issue has been drainage. This matter has been studied thoroughly. Both the applicant and Blue Earth County have hired qualified engineers and they have worked with Environmental Services staff to address the drainage concerns. Mr. Shneider reviewed four items intended to address the drainage concerns.

1. They have amended the dedication statement on the final plat.
2. They have included a restriction to take affect with the deed transferring the land to the subdivision to prohibit any subsurface water from Outlot B to any part of Block 1 of the subdivision.
3. The Declaration of Covenants, Conditions and Restrictions will impose a duty to inspect and maintain the drainage system on the Home Owners Association. The Home Owners Association will adopt a resolution regarding the maintenance and plantings of the wet pond. Said resolution is not to be changed without the consent of Environmental Services.

Mr. Shneider continued. He stated that the review has been intense and opined that this level of review has not been applied to previous projects. He indicated his concern of this level of review being applied to future projects because it is not clear that it is mandated by state statute or by county ordinance. He also opined that at times it appeared that this project had been singled out, but they have chosen work with Environmental Services and have resolved all the issues relevant to drainage. He

added that they are pleased to have earned a recommendation of approval of the proposal from Environmental Services.

Mr. Femrite advised the Commission that he had visited the property. It is a very well maintained property that includes native prairie grass. The depth of the lots is nearly 350 feet to the bluff line. He noticed a culvert beneath the driveway that drains the nearby agricultural land immediately to the south. He observed no erosion from the agricultural land. He asked staff if drainage from the south is not allowed to go through the drainage system.

Mr. Leary advised the Commission that the restriction prohibits additional subsurface drainage from passing through the stormwater pond. Mr. Leary added that this issue has been adequately addressed by the applicants.

Ryan Jones, a Professional Engineer with the Blue Earth County Soil and Water Conservation District indicated that the road will be moved to the south. The new culvert will allow the passage of surface water from a small area.

Ms. Conrad referred the Commission to item 12 on page 4 of the report which states "That the Warranty Deed (Deed Restriction) prohibiting additional subsurface drainage onto or through Block 1 shall be completed and recorded with the County Recorder's Office prior to issuance of construction permits to Lots 1 through 5." Ms. Conrad stated that subsurface drainage that has not been accounted for in the model is of concern. She added that Mr. Femrite is correct in that what is there now will continue to flow to that watershed area. The concern is of the additional water that was not taken into account in the design.

Mr. Blethen expressed his concerns with the process to the Commission. He stated that the drainage system will be muddy, hard to maintain and a hazard for children. He added that there has been no compromise by staff with the exception of the water that flows toward the bluff. There has been no acknowledgement that every site is different or that state guidelines and rules that were used are guidelines. Mr. Blethen also stated that he felt from the beginning that Mr. Leary was telling him that he really wanted to get this right as an example for future subdivisions. He encouraged the Commission to use caution when staff comes before them with a proposal to make regulations more restrictive.

Mr. Bruender commented that we have learned a lot on the Planning Commission level about the rules and guidelines. He indicated that there may not be a lot of development around Blue Earth County that will be like this. He added that this has been taxing on the applicants and staff and they have a good plan and we need to move forward.

Mr. Kurt Anderson concurred with Mr. Bruender. He commented that the County Board needs to address the issue of how staff interprets state guidelines and whether they are interpreted as statute or guidelines. He stated he is in favor of a joint workshop as soon as possible with the Planning Commission, County Board and staff.

Mr. Jones stated he was asked to review the drainage plans and construction plans vs. the State Construction Permit. He indicated his initial review of the plan showed they were not meeting the requirements of the permit; more specifically it was an issue of separation to ground water. He added there are elements involved that are not just guidelines, they are state rules.

Mr. Femrite stated that he is a Stormwater Pollution Prevention Plan (SWPPP) designer. He stated he had just been at recertification training. He added that Mr. Zdon and Mr. Chapman were the instructors and they pointed out that the first consideration of design on any site is infiltration. He added that there are a number of possible design options. He stated that one of the discussion items at the training involved the three foot separation and that it was no longer valid because pathogenic bacteria is not getting into the groundwater, but rather stormwater.

Mr. Jones commented that the three foot separation requirement was still in the permit that was issued by the state last August.

Mr. Femrite acknowledged that it is, but it was a significant part of the discussion.

Ms. Conrad indicated that she has also talked with Mr. Zdon and that infiltration is the preference. However, the soil types on site have virtually no infiltration capacity.

Mr. Bruender said it would be interesting to know the ramifications if we were to deviate from the three foot separation rule as part and this should be part of future discussion.

There was no further discussion.

Mr. Kurt Anderson made a motion to recommend approval of the request to the County Board.

Mr. Bruender seconded the motion which carried unanimously.

## **5. NEW BUSINESS**

### **PC 11-14**

**Mark's Farms, Inc.** – Request for a conditional use permit to construct one total confinement poultry barn with a dry manure handling system capable of holding 40,000 laying hens or 400 animal units. Said request will increase the total animal units for the site to 550. The property is zoned Agricultural. The property is located in the Southwest Quarter of the Southwest Quarter of Section 11 and the Northwest Quarter of the Northwest Quarter of Section 14, Mapleton Township.

Mr. Schulte presented the staff report.

The applicant was present and had no comment.

There was no public comment.

Mr. Bruender indicated he had received a call from a neighbor with concerns about drainage.

Mr. Gartner responded that he has worked with the affected neighbor on this.

There was no further discussion on the item.

Mr. Bruender made a motion to forward a recommendation of approval of the request to the County Board.

Mr. Grams seconded the motion which carried unanimously.

**6. OTHER BUSINESS**

Mr. Leary advised the Commission that a solar energy project is in the works for Blue Earth County. He indicated that staff has been reviewing ordinances from other counties that have large scale solar farms. Mr. Leary asked the Commission if they would prefer to have a workshop on the subject or to have staff bring forward an ordinance for review at a future Planning Commission meeting. The general consensus of the Commission was to have a workshop.

**7. ADJORNMENT**

There was no further business. Mr. Wood made a motion to adjourn the meeting which was seconded by Mr. Jacques and the meeting was adjourned at 8:50 p.m.

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Planning Commission Chair

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Date

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Planning Commission Secretary

\_\_\_\_\_  
Date