

City of La Crescent

Planning Commission

Meeting Notice



June 6th, 2023 - 5:30 P.M.

LA CRESCENT CITY HALL

315 MAIN STREET

Agenda

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of April 4th, 2023 Meeting Minutes
5. 5:35 Public Hearing Preliminary Plat Wagon Wheel Electric Substation
6. 5:50 Public Hearing Conditional Use Permit Wagon Wheel Electric Substation
7. 6:10 Public Meeting Variance for Wagon Wheel Electric Substation
8. Review Planning and Zoning Deadlines and Notice Requirements
9. Review Draft Beekeeping Ordinance
10. Walnut Street Planning Project
11. Planning commission related updates from planning commission appointed city council member
12. Adjourn

MINUTES, REGULAR MEETING
PLANNING COMMISSION, CITY OF LA CRESCENT, MINNESOTA
APRIL 4th 2023

The Planning Commission met at 5:30 p.m., on April 4th, 2023 in the City Council Chambers at City Hall. Upon a roll call taken and tallied by the Sustainability Coordinator, the following members were present: Greg Husmann, Dave Coleman, Ryan Stotts, Dave Hanifil, Chris Langen, Mike Welch, and Jerry Steffes. City Sustainability Coordinator, Jason Ludwigson and Community Development Director Larry Kirch were also present. City Council representative Cherryl Jostad was present.

Members recited the Pledge of Allegiance.

Item 4. Approval of January 10th 2023 Meeting Minutes

Chris Langen made a motion to accept the minutes from the April 4th meeting. Dave Coleman seconded the motion.

Upon a roll call vote taken and tallied by the Sustainability Coordinator, the following Members voted in favor thereof, viz;

| | |
|---------------|-----|
| Greg Husmann | Yes |
| Ryan Stotts | Yes |
| Chris Langen | Yes |
| Jerry Steffes | Yes |
| Dave Coleman | Yes |
| Dave Hanifil | Yes |
| Mike Wlech | Yes |

and none voted against the same. The motion was declared duly carried.

Item 5. Review Draft Beekeeping Ordinance

Jason Ludwigson reviewed the draft beekeeping ordinances. Comments by members included adding the word honeybees in the title of the ordinance, inspections, penalty provision, and a fee/permit for registering a hive(s). Discussion followed. No action was taken by the planning commission.

Item 6. Review Chicken Ordinance

Comments by members included the number of chickens, setback distances, smell from chicken wastes and a fee/permit for registering chickens. Discussion followed. No action was taken by the planning commission.

Item 7. Walnut Street Planning Project

Larry Kirch noted the project received local studies funding from the La Crosse Area Planning Commission. The funds were provided for a corridor planning study. Larry explained the timeline for walking and reviewing the corridor Wednesday April 5th. Larry reviewed the scope and overall timeline for the project. Larry noted he will bring back updates on the project to the Planning Commission. Mike Welch is also on the city's Economic Development Commission and the EDC is the "planning committee" for the project. Discussion followed. No action was taken by the planning commission.

Item 8. Review Draft Ordinance Adopting New City Code Parks, Playgrounds, and Public Grounds

Comments by members included discussion of the reservation process for city parks. Discussion followed. No action was taken by the planning commission.

Item 9. Updates from the city council by Cherryl Jostad

Cherryl provided an update on city council actions that would be relevant to the planning commission.

Members agreed to the next Planning Commission meeting date of May 2nd, 2023 at 5:30 p.m. The meeting duly adjourned at 6:56 PM.

TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: June 1st, 2023

RE: Preliminary Plat Wagon Wheel Electric Substation

Attached is correspondence from City Engineer Tim Hruska and Attorney Weiser in regards to the Preliminary Plat for the Wagon Wheel Electric Substation.

**CITY OF LA CRESCENT
NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPLICATION WAGON WHEEL SUBSTATION**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public hearing at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 6th at 5:50 o'clock P.M. to consider the application for a consider a preliminary plat for parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, and 25.116.000 to construct an electrical substation,

The preliminary plat request concerns premises situate in said City described as follows, to wit: Parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, and 25.116.000, in Houston County. Complete legal description is on file in the Building and Zoning Department for review.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: May 3rd, 2023

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947



WIESER LAW OFFICE, P.C.

ATTORNEYS AT LAW
WIESER PROFESSIONAL BUILDING
33 SOUTH WALNUT - SUITE 200
LA CRESCENT, MN 55947

KELLY M. IVERSON
AL "SKIP" WIESER, III

PHONE: (507) 895-8200
FAX: (507) 895-8458

AL WIESER, JR.
Emeritus

TO: Bill Waller (via email)
Shawn Wetterlin (via email)
Jason Ludwigson (via email)
Larry Kirch (via email)

CC: Tim Hruska (via email)
FROM: Skip Wieser, City Attorney

DATE: May 30, 2023

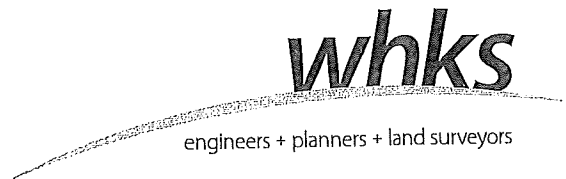
RE: Xcel Energy Plat Approval

I have reviewed the preliminary plat dated March 31, 2023 provided to my office. Below are my preliminary comments regarding the preliminary plat.

1. The preliminary plat should contain a proposed name. 13.09(2)(c)(1)
2. Under the general notes of the preliminary plat, No. 1 references Chicago Title Insurance Company Commitment No. CP71687 and this document should be provided to us for review in advance of next week's meeting.
3. Required information in 13.09 should be provided by WHKS & Company.

If anyone wishes to discuss this application and the other applications in advance of next week, please let me know.

2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Fax: 507.288.2675
Email: rochester@whks.com
Website: www.whks.com



May 30, 2023

Mr. Bill Waller
City Administrator
City of La Crescent
315 Main Street
La Crescent, MN 55947

RE: City of La Crescent
Wagon Wheel
Review of Preliminary Plat

Dear Mr. Waller:

We have reviewed the Preliminary Plat as requested and offer the following comments.

Review Comments

1. Fees will be determined by the City of La Crescent in accordance with the adopted fee schedule.
2. Provide the following information as required by the City of La Crescent Subdivision Ordinance 13.09.2 Preliminary Plat.

A. Certificate of Survey

8) Existing buildings structures and improvements within the parcel to be platted and those three hundred fifty (350) feet outside the boundaries of the subject parcel.

9) Location, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within three hundred fifty (350) feet.

B. Resource Inventory

3) Hydrologic characteristics, including surface water courses, floodplains, delineated wetlands, natural swales, and drainageways. Ordinary high water level (OHWL) and one hundred (100) year storm elevations of adjoining water courses, lakes, wetlands, streams, etc. at the date of the survey and approximate high and low water elevations

4) Tree inventory identifying vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of significant tree stands and individual significant trees as defined by Section 13.03 and in compliance with Section 13.15 of this Ordinance.

5) Neighborhood Context. General outlines of existing buildings, land use, and natural features such as waterbodies or wooded areas, roads, driveways, and property boundaries within three hundred fifty (350) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.

6) Percentage of impervious surface with existing and proposed conditions.

C. Preliminary Plat Information

3) Proof that the person is a qualified applicant pursuant to Section 13.03.

4) Evidence of conformance with the Existing Comprehensive Plan guiding land use designation(s) and zoning designation(s) within or abutting the proposed plat. Any zoning changes needed or reference to any zoning or similar land use actions that are pertinent to the proposed development.

5) Total acreage of the land to be subdivided and total upland area.

8) Existing covenants, liens, or encumbrances.

11) Building pad and minimum building setbacks shown on each lot indicating dimensions of the required front, side and rear setbacks.

12) Location and width of buffer yards where the subdivision adjoins a collector or arterial street.

14) Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan.

D. Preliminary grading, drainage, flood control and erosion control plan

1) Scale (engineering only) one (1) inch equals one hundred (100) feet or less.

2) North point indication.

3) Location of natural features including, but not limited to, significant trees, tree lines or other ground cover, delineated wetlands, marshes, water courses, ponds, lakes, streams, drainage courses and ditches, areas subject to flood, ordinary high water level (OHWL) and 100 year storm elevations, bluffs, steep slopes, slope in excess of fifteen (15) percent, etc.

4) The delineation of all wetlands in accordance with criteria established by the Wetlands Conservation Act 1991, as may be amended, the Army Corps of Engineers, and/or Minnesota Department of Natural Resources.

- 5) Wetland mitigation plan consistent with the criteria established by the Wetland Conservation Act 1991, as may be amended.
- 6) Existing contours at two (2) foot intervals shown as dashed lines for the subject property and extending one hundred (100) feet beyond the outside boundary of the proposed plat.
- 7) Proposed grade elevations at two (2) foot intervals shown as solid lines.
- 8) Proposed plan for surface water management, ponding, drainage and flood, control consistent with the recommendations and standards of Section 12.185.
- 9) Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls.
- 10) Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within one hundred (100) feet of the subject property. Existing pipe grades, rim and invert elevations and normal and high water elevations must be included.
- 11) If the subject property is within or adjacent to a one hundred (100) year floodplain, flood elevation and locations must be shown. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas and by use of the one hundred (100) year flood profile and other supporting technical data in the Flood Insurance Study.
- 12) Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
- 13) Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot.
- 14) Locations, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property.
- 15) Phasing of grading.
- 16) The location and purpose of all oversize, non-typical easements.
- 17) All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan.
- 18) All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates.

19) Drainage plan, including the configuration of drainage areas and calculations for two (2) year, ten (10) year, and one hundred (100) year storm events.

E. Preliminary Utility Plan. The developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer, depicting the following information:

3) Location and size of existing sanitary sewers, storm sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown. La Crescent Subdivision Regulations 29

4) Locations and routing of proposed sanitary sewer lines, stormwater lines, and water mains. Identification of gravity, force main, and alternative service lines.

7) The location and finished elevations of hydrants and valves for all proposed water mains.

8) All other utilities shall be located and designed in accordance with the requirements of the City Engineer.

9) Submit storm sewer design flow calculations with the utility plans.

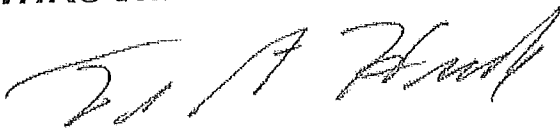
F. Environmental Review. After reviewing Minnesota State Rules 4410.4300, it does not appear the project meets the minimum for a Mandatory Environmental Assessment Worksheet (EAW). The EAW has the lowest threshold for requirements, so an Alternative Urban Areawide Review (AUAR) or Environmental Impact Statement (EIS) are not necessary either.

We recommend approval of the preliminary plat conditional upon the above items being addressed during the final plat submittal.

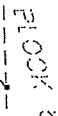
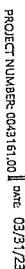
Please contact me if you have any questions.

Sincerely,

WHKS & co.



Timothy A. Hruska, P.E., L.S.
City Engineer



































lots 1, 2, 3, 19 and 20, Block 21, La Cienega Flats of the City, formerly Village of La Cienega.

[illegible]

- [illegible]



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|  | STAFFER/CLAYWORK |
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SEE THE CITY OF LA CHRISTIAN 2003 ZONING MAP, THE
 PARCELLOT 107 IS ZONED - I-1, INDUSTRIAL DISTRICT.

P.O. Box 100000, Jacksonville, FL 32210-0000
904.255.1000
www.100000.com

Midwestern States Power Company
and its affiliates must

WEST/GOOD PROPORTIONAL SLAVES
11141 Carroll Drive, Suite 101

© 2006 Blackwell Publishing Ltd *Journal of Internal Medicine* 260: 103–110

2

— 2 —



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17-30

| | | |
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| 30" | 60" | 90" |
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FOR CONSTRUCTION

100

IT SHEET NUMBER:

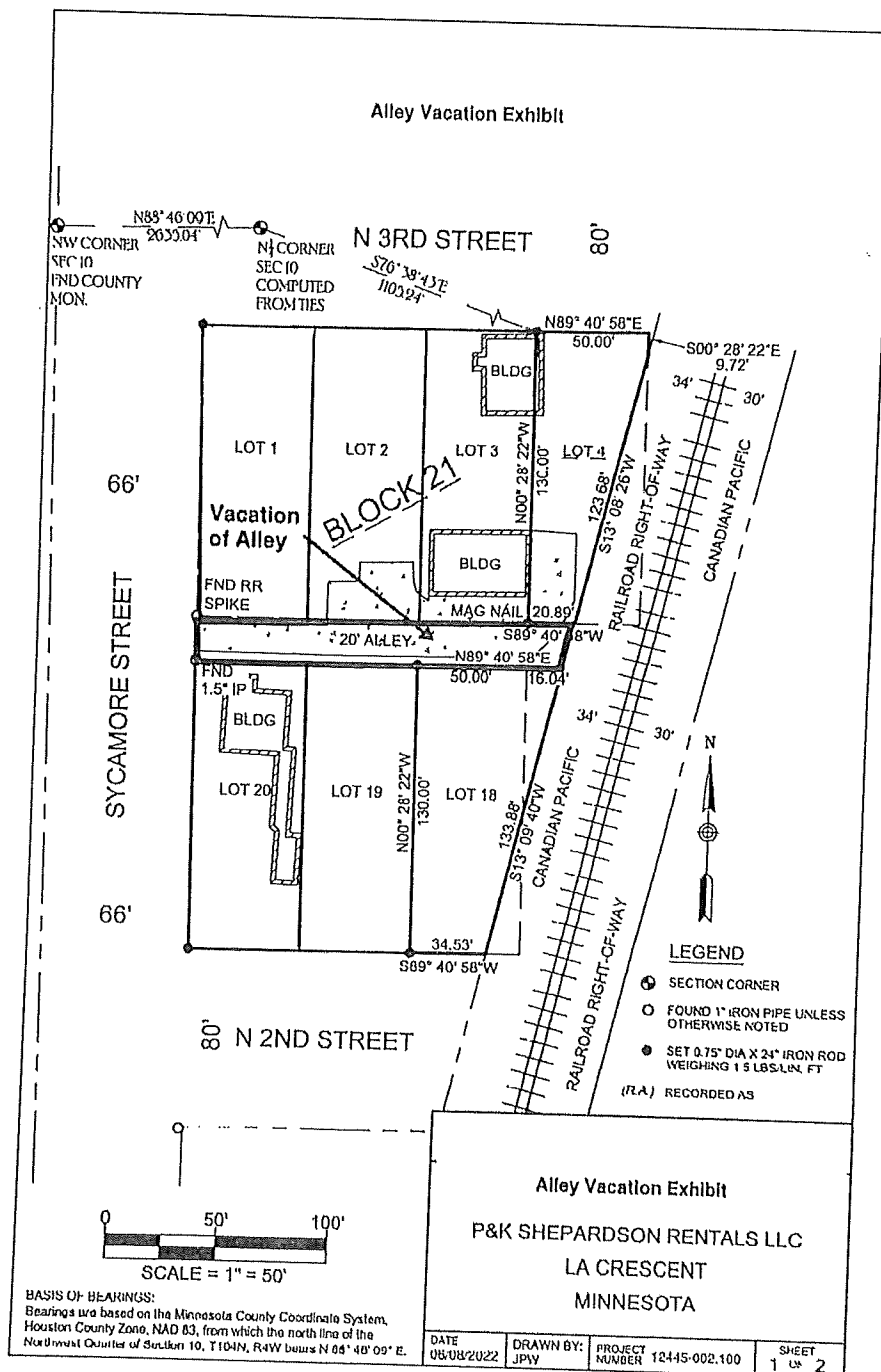
PLAT

DATE: 03/31/

NUMBER: 0043161.00A

MAY 04 2023

City of La Crescent, MN



DAVY ENGINEERING CO.

115 6th Street S.
La Crosse, WI 54601
(608) 782-3130
www.davyinc.com



June 8, 2022

LEGAL DESCRIPTION LOTS 4, 17, 18, BLOCK 21, CITY OF LA CRESCENT, MINNESOTA

That part of Lot 4, Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Legal Description of that part of Lot 4 not within Canadian Pacific Right-of-way

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 26" W 123.68 feet along said westerly right-of-way to the south line of said Lot 4;
Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.

Containing 4,749 square feet \pm or 0.11 acres \pm .

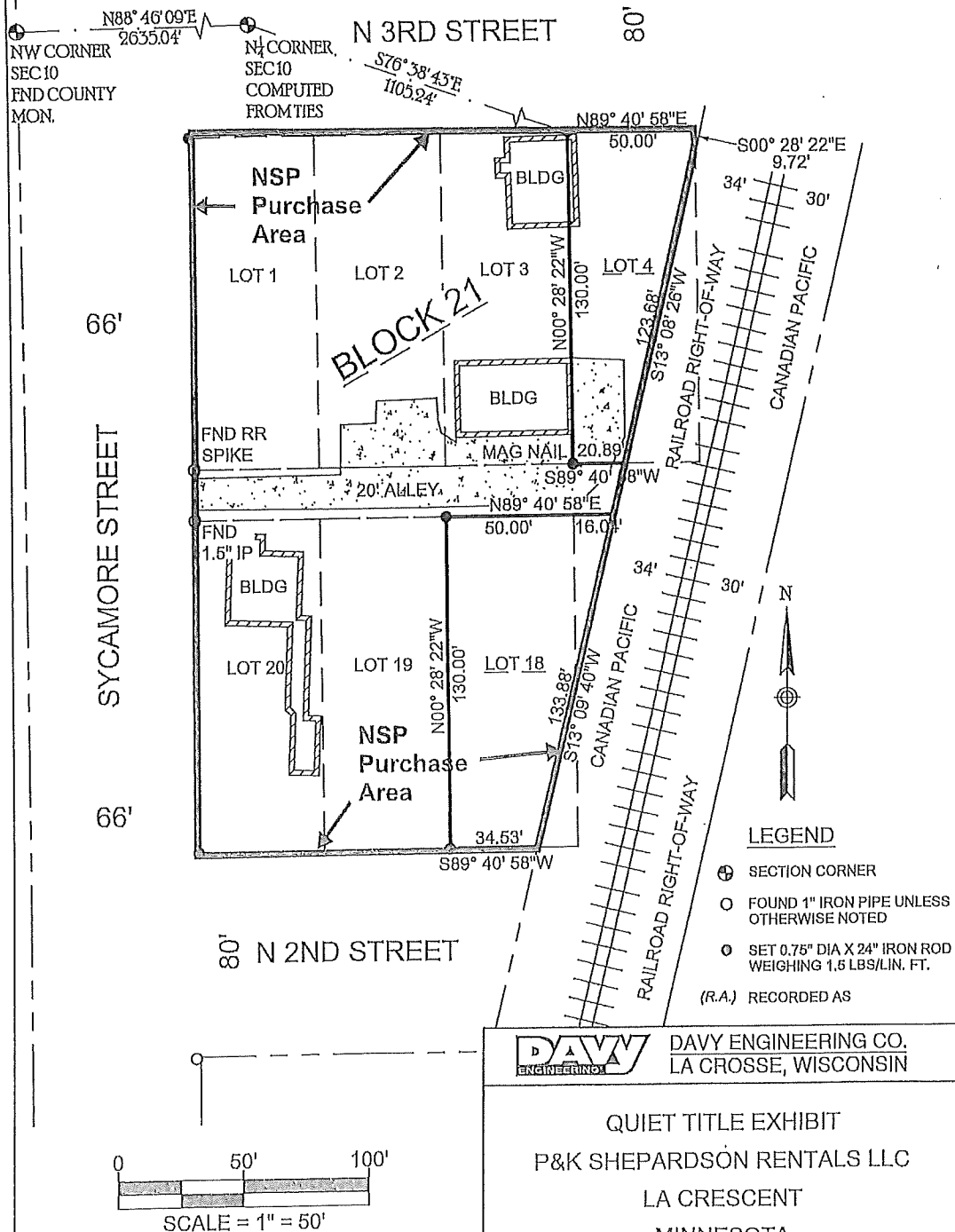
Legal Description of that part of Lots 17 and 18 not within Canadian Pacific Right-of-way

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 34" W 144.24 feet along said westerly right-of-way to the north line of Lot 17 of said Plat of the City of La Crescent and the point of beginning;
Thence continuing S 13° 09' 40" W 133.88 feet along said westerly right-of-way to the south line of Lot 18;
Thence S 89° 40' 58" W 34.53 feet along said south line of Lot 18 to the southwest corner thereof;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 18 to the northwest corner thereof;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 18 to the northwest corner of said Lot 17;
Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.

Containing 6,537 square feet \pm or 0.15 acres \pm .

EXHIBIT A TO PURCHASE AGREEMENT

LOTS 1,2,3, 4,17, 18,19, & 20 AND
 THAT PART OF LOTS 4, 17, 18, BLOCK 21, LA CRESCENT PLAT OF THE CITY
 (FORMERLY VILLAGE) OF LA CRESCENT, HOUSTON COUNTY, MINNESOTA.
 (TO BE REPLACED WITH UPDATED LEGAL)



BASIS OF BEARINGS:
 Bearings are based on the Minnesota County Coordinate System,
 Houston County Zone, NAD 83, from which the north line of the
 Northwest Quarter of Section 10, T104N, R4W bears N 88° 46' 09" E.



DAVY ENGINEERING CO.
 LA CROSSE, WISCONSIN

QUIET TITLE EXHIBIT
 P&K SHEPARDSON RENTALS LLC
 LA CRESCENT
 MINNESOTA

| | | | |
|--------------------|------------------|---------------------------------|-----------------|
| DATE 06/08/2022 | DRAWN BY: JPW | PROJECT NUMBER 12445-002.100 | SHEET 1 OF 2 |
|--------------------|------------------|---------------------------------|-----------------|

1374
No delinquent taxes and transfer entered, Certificate of Real Estate Value () filed ☒ not required.
Certificate of Real Estate Value No. _____

May 10, 2017

Chalene Meiners

County Auditor

By

Michelle Q
Deputy

Doc: A287734

OFFICE OF COUNTY RECORDER
HOUSTON COUNTY, MINNESOTA



Pages: 2

Certified, Filed, and/or Recorded:
May 10, 2017 2:33 PM

Fee: \$46.00

Well Certificate: [] Rec'd

Beverly J Bauer, County Recorder

By: gk

Received from:
HAMMELL & MURPHY

Returned To:
HAMMELL & MURPHY
PO BOX 149
CALEDONIA, MN 55921.

STATE DEED TAX DUE HEREON: \$ 1.65

Date: May 11, 2017

**QUIT CLAIM DEED
INDIVIDUAL TO INDIVIDUAL**

FOR VALUABLE CONSIDERATION, Paul Shepardson and Kari Shepardson, husband and wife, Grantors, hereby convey and quit claim to P & K Shepardson Rentals, LLC, Grantee, real property in Houston County, Minnesota, described as follows:

Lots One (1), Two (2), Three (3), Nineteen (19) and Twenty (20), Block Twenty-One (21), La Crescent Plat of the City (formerly Village) of La Crescent.

Deed tax hereon of \$ 1.65 paid
Treasurer's Receipt No. 71592
Donna Wehner
Houston County Treasurer

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

Check box if applicable:

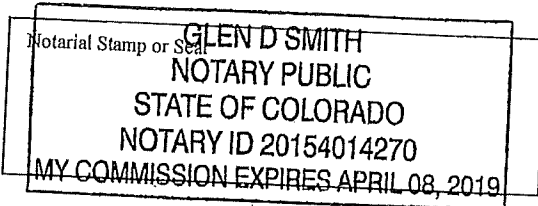
- ☐ The Seller certifies that the seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document.
- ☐ I am familiar with the property described herein and certify that the status and number of wells on the described real property have not changed since the last previously filed well certificate.

Paul Shepardson
Paul Shepardson

Kari Shepardson
Kari Shepardson

Colorado
STATE OF ~~MINNESOTA~~
SS
COUNTY OF ~~HOUSTON~~
Douglas

The foregoing instrument was acknowledged before me this 1 day of May, 2017, by Paul Shepardson and Kari Shepardson, husband and wife.



[Signature]
Signature of Person Taking Acknowledgment

Total consideration for this transfer is \$500.00 or less.

This instrument was drafted by:
Timothy A. Murphy
HAMMELL & MURPHY, PLLP
110 East Main, PO Box 149
Caledonia MN 55921

Tax Statements for the property described
herein should be sent to:
Paul Shepardson
10174 Charissglen Ln
Highlands Ranch CO 80126-5535

STATE OF MINNESOTA

COUNTY OF HOUSTON

DISTRICT COURT

THIRD JUDICIAL DISTRICT

P & K SHEPARDSON RENTALS, LLC,

Plaintiff,

NOTICE OF LIS PENDENS

-VS-

Pack Thomas and Mary Elizabeth Thomas, husband and wife; Mary J. Winship; Denzil S. Wheeler; Myrtle Josephine Wheeler; Marion J. Raymond a/k/a Marion J. Ferguson, a/k/a M. J. Ferguson; Milo Shepardson a/k/a Milo G. Shepardson and Jeanette Louise Shepardson, husband and wife; Ardelle Krage; Myrtle Whitfield; Canadian Pacific Railroad; and all successors and assigns, also the unknown heirs of the aforesaid persons, and all other persons unknown claiming any right, title, interest, estate or lien in the real estate described in the Complaint herein, subject to any easements of record,

Defendants.

NOTICE IS HEREBY GIVEN, that an action has been commenced in the above-named court by the above named Plaintiff and against the Defendants above named and referred to, for the purpose of obtaining the judgment of said Court that the above named Plaintiff is the absolute owner of all of the hereinafter described real estate, free and clear of all liens and encumbrances, except as described in the Complaint, and that none of the Defendants have any right, title, estate, interest or lien therein. Said real estate is situated in the County of Houston, State of Minnesota, and described as follows, to-wit:

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City,
formerly Village, of La Crescent

And

That part of Lot 4, Block 21, La Crescent Plat of the City (formerly
Village) of La Crescent more particularly described as follows:

Commencing at the Northwest Corner of Section 10, Township 104,
Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner
of said Section 10;

Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 26" W 123.68 feet along said westerly right-of-way to the south line of said Lot 4;
Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.
Containing 4,749 square feet ± or 0.11 acres ±.

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent;
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Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 34" W 144.24 feet along said westerly right-of-way to the north line of Lot 17 of said Plat of the City of La Crescent and the point of beginning;
Thence continuing S 13° 09' 40" W 133.88 feet along said westerly right-of-way to the south line of Lot 18;
Thence S 89° 40' 58" W 34.53 feet along said south line of Lot 18 to the southwest corner thereof;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 18 to the northwest corner thereof;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 18 to the northwest corner of said Lot 17;
Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.

Containing 6,537 square feet ± or 0.15 acres ±.

Dated this 29th day of August, 2022.

MURPHY LAW OFFICE, P.L.L.P.

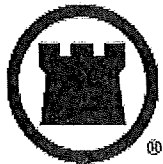
By: 

Timothy A. Murphy #076594
Attorneys for Plaintiff
110 E. Main Street
Caledonia, MN 55921
507-725-3361

ALTA COMMITMENT FOR TITLE INSURANCE

Commitment Number:

Issued By:



CHICAGO TITLE
INSURANCE COMPANY

CP71687

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Chicago Title Insurance Company

By:

Michael J. Nolan, President

Countersigned By:

Authorized Officer or Agent
Nancy Landmark, Underwriting Counsel

Attest:

Marjorie Nemzura, Secretary

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Transaction Identification Data for reference only:

| ISSUING OFFICE: | FOR SETTLEMENT INQUIRIES, CONTACT: |
|--|--|
| Title Officer: Nancy Landmark Commercial Partners Title, a division of Chicago Title Insurance Company 200 South Sixth Street, Suite 1300 Minneapolis, MN 55402 Phone: (612) 337-2483 Main Phone: (612) 337-2470 Email: Nancy.Landmark@cptitle.com | Escrow Officer: Heather Grommesch Commercial Partners Title, a division of Chicago Title Insurance Company 200 South Sixth Street, Suite 1300 Minneapolis, MN 55402 Phone: (612) 337-2487 Main Phone: (612) 337-2470 Main Fax: (612) 337-2471 Email: Heather.Grommesch@cptitle.com |

Order Number: CP71687

SCHEDULE A

1. Commitment Date: January 30, 2023 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Owner's Policy 2021 w-MN Mod
Proposed Insured: Northern States Power Company, a Minnesota corporation
3. The estate or interest in the Land described or referred to in this Commitment is:
Fee Simple
4. The Title is, at the Commitment Date, vested in:
P & K Shepardson Rentals, LLC
5. The Land is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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EXHIBIT "A"
Legal Description

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent.

and

That part of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest corner of Section 10, Township 104, Range 4; thence North 88 degrees 46 minutes 09 seconds East, 2635.04 feet to the North Quarter corner of said Section 10; thence South 76 degrees 38 minutes 43 seconds East, 1105.24 feet to the Northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning; thence North 89 degrees 40 minutes 58 seconds East, 50.00 feet along the North line of said Lot 4 to the Northeast corner thereof; thence South 00 degrees 28 minutes 22 seconds East, 9.72 feet along the East line of said Lot 4 to the Westerly Right-of-Way of the Canadian Pacific Railroad; thence South 13 degrees 08 minutes 26 seconds West, 123.68 feet along said Westerly Right-of-Way to the South line of said Lot 4; thence South 89 degrees 40 minutes 58 seconds West, 20.89 feet to the Southwest corner of said Lot 4; thence North 00 degrees 28 minutes 22 seconds West, 130.00 feet along the West line of said Lot 4 to the point of beginning.

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest corner of Section 10, Township 104, Range 4; thence North 88 degrees 46 minutes 09 seconds East, 2635.04 feet to the North Quarter corner of said Section 10; thence South 76 degrees 38 minutes 43 seconds East, 1105.24 feet to the Northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent; thence North 89 degrees 40 minutes 58 seconds East, 50.00 feet along the North line of said Lot 4 to the Northeast corner thereof; thence South 00 degrees 28 minutes 22 seconds East, 9.72 feet along the East line of said Lot 4 to the Westerly Right-of-Way of the Canadian Pacific Railroad; thence South 13 degrees 08 minutes 34 seconds West, 144.24 feet along said Westerly Right-of-Way to the North line of Lot 17 of said Plat of the City of La Crescent and the point of beginning; thence continuing South 13 degrees 09 minutes 40 seconds West, 133.88 feet along said Westerly Right-of-Way to the South line of Lot 18; thence South 89 degrees 40 minutes 58 seconds West, 34.53 feet along said South line of Lot 18 to the Southwest corner thereof; thence North 00 degrees 28 minutes 22 seconds West, 130.00 feet along the West line of said Lot 18 to the Northwest corner thereof; thence North 89 degrees 40 minutes 58 seconds East, 50.00 feet along the North line of said Lot 18 to the Northwest corner of said Lot 17; thence continuing North 89 degrees 40 minutes 58 seconds East, 16.04 feet along the North line of said Lot 17 to said Westerly Right-of-Way and the point of beginning.

Houston County, Minnesota
Abstract Property

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SCHEDULE B, PART I
REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - (a) Deed from the party described at Item 4 of Schedule A to the Proposed Insured (Owner).
5. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any addition premium must be paid at that time. An Owner's policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
6. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
7. If the transaction is closed by Chicago Title Insurance Company or its agents, the Social Security Number of Seller or Federal ID Number of Seller entities and forwarding address must be provided at or prior to closing to comply with the Tax Reform Act of 1986 and the 1099S Form executed at closing unless the Sellers is a corporation or a governmental unit.
8. For all entities CONVEYING, BORROWING OR LEASING, furnish formation and operational documentation and a resolution authorizing the transaction, together with a certificate of good standing from the State in which the entity was created (and in which the property is located, if available);

For all entities ACQUIRING PROPERTY FOR CASH, furnish formation and operational documentation, together with a certificate of good standing from the State in which the entity was created (and in which the property is located, if available).

NOTE: For a Corporation, formation documentation includes the Articles of Incorporation and By-Laws; For a Limited Liability Company, formation documentation includes the Articles of Organization and Operating Agreement; for a Partnership, formation documentation includes the Partnership Agreement, along with any amendments; if the property is held as tenants-in-common, provide any TIC agreement.
9. Item Nos. 1, 2, 4 and 5 of Schedule B-Schedule II may be deleted from the final policy, conditioned upon receipt and review of an executed standard form of the Company's affidavit or affidavits.
10. Furnish a current, signed and dated, survey of the subject property, certified to Chicago Title Insurance Company and conforming to all current Minimum Standard Detail Requirements for the 2021 ALTA/NSPS Land Title Survey

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

Standards to delete Item No. 3 of Schedule B - Schedule II.

11. **NOTICE:** Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
12. In the event this transaction involves new construction or if there has been construction on the property during the last six months please immediately contact the closer or underwriting counsel listed above to discuss the transaction.

If the transaction involves a construction mortgage or is a vacant land acquisition mortgage no construction related work can be performed on the property until after the mortgage is recorded and pictures have been taken at the site, in order to establish priority for the construction mortgage. Indemnities will be required at closing from the appropriate parties, depending upon the nature of the transaction.

13. NOTE: Commercial Partners Title, a division of Chicago Title Insurance Company, does not have the Abstract of Title for the subject property.
14. Obtain and record judgment naming P & K Shepardson Rentals, LLC, plaintiff in Notice of Lis Pendens dated August 29, 2022, filed August 31, 2022, as Document No. A307993, the absolute owner of subject property, free and clear of all liens and encumbrances.
15. The legal description at Item No. 5 of Schedule A is related to the property addresses of:

71 3rd Street North, La Crescent, MN (Lot 2)
67 3rd Street North, La Crescent, MN (Lot 3)
172 Sycamore Street, La Crescent, MN (Lot 19)
206 Sycamore Street, La Crescent, MN (Lot 2)

NOTE: There is no assigned property address for Lot 1.

END OF SCHEDULE B, PART I

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**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Taxes or special assessments which are not shown as existing liens by the Public Records.

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

7. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs):

A. Real estate taxes payable in 2022 are \$494.00 and are paid.
Base tax \$494.00 Property Identification No. 25.0113.000 (Lot 1)

Real estate taxes payable in 2022 are \$898.00 and are paid.
Base tax \$898.00 Property Identification No. 25.0114.000 (Lot 2)

Real estate taxes payable in 2022 are \$2,256.00 and are paid.
Base tax \$2,256.00 Property Identification No. 25.0115.000 (Lot 3)

Real estate taxes payable in 2022 are \$494.00 and are paid.
Base tax \$494.00 Property Identification No. 25.0016.000 (Lot 19)

Real estate taxes payable in 2022 are \$2,636.00 and are paid.
Base tax \$2,636.00 Property Identification No. 25.0017.000 (Lot 20)

NOTE: There do not appear to be property identification numbers assigned for the portions of Lots 4, 17 or 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent described at Item No. 5 of Schedule A.

NOTE: There are no delinquent taxes of record.

NOTE: The above tax amount may include annual recurring fees charged by the municipality and/or county, which are automatically certified to the real estate taxes.

NOTE: Real estate tax information for 2023 is not yet available.

NOTE: An assessment search has been requested and the results of that search will follow by a commitment supplement.

B. Levied or pending assessments of record if any.

8. Rights of tenants in possession under the terms of unrecorded leases.

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**SCHEDULE B, PART II
EXCEPTIONS
(continued)**

9. Interest of any party in subject property, including those listed as Defendants in Notice of Lis Pendens dated August 29, 2022, filed August 31, 2022, as Document No. A307993.

Obtain and record judgment naming P & K Shepardson Rentals, LLC, plaintiff in above referenced Notice of Lis Pendens, the absolute owner of subject property, free and clear of all liens and encumbrances.

10. A portion of the land contains wetlands. These wetlands are subject to federal, state and local regulation.

INFORMATIONAL NOTES

NOTE: Any charges for municipal services (i.e., water, sewer, correction of nuisance conditions, etc.) are the responsibility of the parties to this transaction. For information regarding the existence of any such bills contact the appropriate municipal office.

NOTE: In the event a zoning endorsement is requested, we will require a zoning letter from the municipality or a zoning report specifying the current or proposed use, specifying the zoning classification, and stating whether the property is in compliance with all applicable zoning ordinances. Parking must be addressed in the letter or report if it is to be included in the zoning endorsement.

NOTE: 1031 EXCHANGE SERVICES - If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange or title order, please contact us at (612) 337-2470 or info@cptitle.com.

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
- (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS

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TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: June 1st, 2023

RE: Conditional Use Permit Wagon Wheel Electric Substation

Attached is a staff report for the Conditional Use Permit application for the Wagon Wheel Electric Substation. Additional information will be provided by staff at the meeting.

**CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
CONDITIONAL USE PERMIT APPLICATION WAGON WHEEL SUBSTATION**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 6th at 5:50 o'clock P.M. to consider the application for a conditional use permit at parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, and 25.116.000 to construct an electrical substation at the property associated with the parcel numbers listed herein.

The request for a conditional use permit concerns certain premises situated in said City described as follows, to wit: more commonly identified as parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, and 25.116.000.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: May 3rd, 2023.

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

**PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT**

MEETING DATE: June 6, 2023

CASE NUMBER: PC-23-01 - CUP "Wagon Wheel Electric Substation"

OWNER: P&K Shepardson, Rentals LLC
10174 Charissglen, Ln
Highlands Ranch, CO 80126

PARCEL IDs: 25.0113.000, 25.0114.000, 25.0115.000, 25.0116.000,
25.0117.000

APPLICANT: Mr. Brian Sullivan, Northern States Power Company (Xcel
Energy)

REQUEST: Proposed Conditional Use Permit ("CUP") to allow an electrical
substation in the Industrial Zoning District

LOCATION: The property is located on the east side of N Sycamore Street
and south of N 3rd Street.

**GENERAL PLAN/
ZONING DESIGNATION:** Shoreland Mixed Use / I – Industrial

SURROUNDING USES: North: Commercial Office, Industrial;

South: Residential, Warehouse;

East: CP Rail (CPKC) right-of-way;

West: Manufactured/Mobile Home Park.

BACKGROUND

The property has historically been used for single family residential purposes and the land is part of the original plat of La Crescent.

PROPOSAL

PC-23-01 - CUP is a request for a Conditional Use Permit to allow for an electrical power substation in the Industrial Zoning District in the 200 block of N Sycamore Street.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas.* Land Uses include Wholesale and Distributing Facilities, Industrial, Retail Sales and Service, Restaurants and Entertainment, Professional Offices, Civic and Institutional, Park and Recreation, and Multi-family residential. The preferred design strategies note that "Storage and loading areas should be screened from view from the highway." Further that "Generous landscaping, preferably with native species is strongly encouraged."

The Zoning Ordinance does not permit electrical power substations in the I – Industrial district as a permitted use. Electrical power substations are also not listed as a Conditional Use.

Subd. 1. PURPOSE AND INTENT. It is the purpose and intent of the I - Industrial. District to establish areas within the City of La Crescent for primarily industrial and related uses. The primary function of the I - Industrial District is to provide locations that will not conflict with other uses, are suitable for industrial uses and have good transportation access.

Subd 4. CONDITIONAL USES. A. Heavy manufacturing, no emission industries B. Food processing industries C. Manufacturing industries with emissions D. Waste disposal sites and facilities E. Bulk fuel storage facilities F. Mini Storage Buildings. G. Other industrial uses

Site Context:

The .75-acre site consists of five tax parcels, two of which include residential uses and the remainder are vacant. The northern portion of the property abuts 3rd Street North and on the east is railroad right-of-way for the Soo Line Rail Road. The property has been used for residential purposes and the vacant lots have been vacant for some time. Industrial uses are to the north, to the west is a manufactured/mobile home park and to the north is a residential home.

Infrastructure Improvements:

N/A

Public Input:

Several nearby property owners stopped into City Hall with general questions but no formal or written comments have been received regarding this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant in their CUP application, submitted findings which are attached as Exhibit 1.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

- A. That 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 diminish and impair property values within the immediate vicinity.

Applicant Response:

Response (Findings): See applicant response: The applicant states that they will mitigate impacts through the placement of a 10' decorative fence with a landscape buffer that will screen the fence.

Staff comment: The primary concern for aesthetics is the residential uses to the west and the office/industrial uses to the north. The decorative fence with landscaping will screen the use from adjacent uses.

- B. That 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.

Applicant Response:

Response (Findings): See applicant response: The applicant states that the surrounding properties are already developed and the substation will not affect the adjacent properties or have an impact if they are redeveloped.

Staff comment: There are few sites in the city where a new substation can be placed that works in tandem with the existing substation. With a decorative fence and landscaping the site can be assimilated into the existing and surrounding uses. Other than the manufactured/mobile home park, the surrounding uses are commercial and industrial in character.

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Applicant Response:

Response (Findings): See applicant response: The use will not generate much traffic, only several times per month for services vehicles and no utilities are needed at the site. The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

Staff comment: There exists sufficient utilities, access roads, drainage and facilities for the proposed use.

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Applicant Response:

Response (Findings): See applicant response: There will be no personnel regularly at the site and off-street parking will be provided at the site.

Staff comment: The applicant is providing sufficient parking within the enclosed substation.

- E. That adequate measures have been or will be taken to prevent or 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. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:

Response (Findings): See applicant response: The proposed conditional use will not cause or create a nuisance at the property and will not disturb neighboring properties.

Staff comment: The site will not generate any odors, fumes, dust, noise or vibration and the applicant will control outdoor lighting.

- F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:

Response (Findings): See applicant response: The proposed conditional use is an essential service for the community.

Staff comment: The proposed use is not in conflict with the Comprehensive Plan's Goals and Objectives. The section of the Comprehensive Plan that is most applicable to the request is in the Community Facilities and Services goal area.

Community Facilities and Services

Goal Reliable and high quality services, utilities, and facilities will meet the needs of current and future residents and businesses.

Objectives

1. Public/private utilities and facilities will be managed to meet and exceed professional and governmental standards to protect and enhance public health and the natural environment.
 2. Land use planning and development will support the efficiency and fiscal sustainability of energy, sewer, water, and stormwater systems.
 5. Community facilities and utility infrastructure will enhance the aesthetics of the community.
- G. The use will not cause traffic hazards or congestion.

Applicant Response:

Response (Findings): See applicant response: The proposed conditional use will not cause congestion or traffic hazards.

Staff comment: Very little traffic is generated by the use.

- H. H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:

Response (Findings): See applicant response: The proposed conditional use will not affect existing uses in the area of the property.

Staff comment: There is no evidence that the substation will affect customer trade.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the I- Industrial zoning district, and the adopted Comprehensive Plan Land Use Element, Goals and Objectives. The proposed use is consistent with the Goal and Objectives of the Community Facilities and Services comprehensive plan element as it provides critical utility infrastructure.

Staff finds that the proposed use for an electrical substation is consistent with the stated intent of the zoning district and the conditional uses found in the I – Industrial district. While an electrical substation is not specifically listed as a conditional use, the listed uses allow for "other industrial uses." Staff supports the proposition that an electrical substation is similar in intensity or even less intense as the industrial uses listed below.

Subd 4. CONDITIONAL USES. A. Heavy manufacturing, no emission industries B. Food processing industries C. Manufacturing industries with emissions D. Waste disposal sites and facilities E. Bulk fuel storage facilities F. Mini Storage Buildings. G. Other industrial uses

Subd. 1. PURPOSE AND INTENT. It is the purpose and intent of the I - Industrial District to establish areas within the City of La Crescent for primarily industrial and related uses. The primary function of the I - Industrial District is to provide locations that will not conflict with other uses, are suitable for industrial uses and have good transportation access.

The proposed use is in an are zoned for industrial purposes. The proposed substation use is suitable for industrial use, has good transportation access and will not conflict with other uses. The proposal is consistent with the Goals and Objectives in the Community Facilities and Services Element of the Comprehensive Plan.


The staff finds that the proposed use does meet the CUP criteria in Section 12.06, Subd. 4 of the Zoning Code and recommends approval of the CUP. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/DENIAL) case PC-23-01 - CUP "Wagon Wheel Electric Substation" a request by Mr. Brian Sullivan Xcel Energy to approve a Conditional Use Permit to allow for an electrical substation as a conditional use under G. other industrial uses, as it is similar in nature to the conditional uses listed in the zoning code in the I – Industrial zoning district (located at Parcel Numbers 25.0113.000, 25.0114.000, 25.0115.000, 25.0116.000, 25.0117.000, subject to the following conditions of approval:

- 1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.
- 3) The applicant shall comply with the city's adopted building codes.

- 4) In accordance with Subd. 4 of Section 12.06, the Planning Commission can require berms, screening, landscaping or other facilities to protect adjacent or nearby property and require landscaping, fencing, screening, or other improvements to protect adjacent or nearby property. Fencing, tree plantings, landscaping and vegetative screening improvements shall be planted in accordance with the submitted plans.
- 5) Any security and site lighting shall be "Dark Sky" compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated color temperature ("CCT") shall not exceed 2,700 Kelvins.
- 6) Applicant shall comply with all federal, state, and local regulations.



Prepared by Larry Kirch, Community Development Director

Attachments:

- Exhibit #1 – Conditional Use Permit – Applicant Request
- Exhibit #2 – Aerial Map – Parcel Maps
- Exhibit #3 – Zoning Map

Exhibit #1 – Conditional Use Permit – Applicant Request

Exhibit #2 – Aerial Map – Parcel Maps

Exhibit #1

Houston County Beacon Aerial Map – Parcel Map Combined Parcels

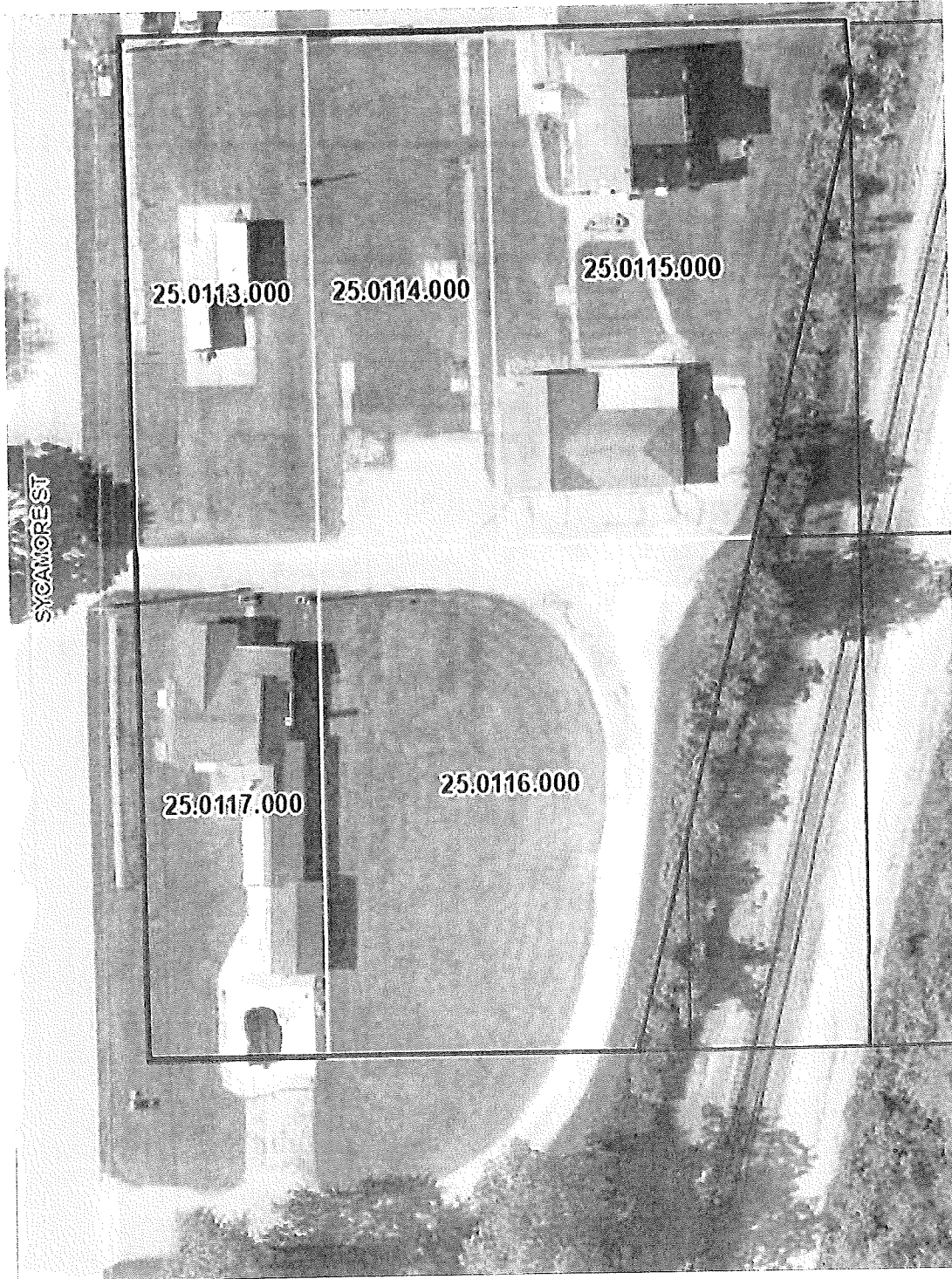
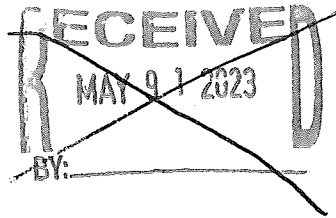


Exhibit #3 – Zoning Map





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Wagon Wheel Substation

Criteria for Granting Conditional Use Permit (CUP)

12.06 CONDITIONAL USE PERMITS

Subd. 1. PERMIT REQUIRED. It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the city. Where applicable, a building permit shall also be obtained from the city.

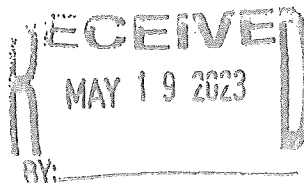
Subd. 2. CHANGES IN PERMITS. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals, and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

A. That 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 diminish and impair property values within the immediate vicinity.

Response (Findings):

The proposed Electric Substation will not be injurious to the surrounding property owners. The subject property and surrounding properties are zoned for industrial uses and electric substations are a use that is consistent with the zoning district. Surrounding properties include rental mobile homes to the west, shops, and manufacturing to the north, one residential unit to the south, and railroad tracks and floodplain to the east. To mitigate visual impacts Xcel has developed a Screening Plan to secure and screen the property from nearby properties. This plan will include a 10' tall decorative screen fence/wall and landscaping, which will be located along the public facing sides (north, west, and south). Plantings will include evergreen and deciduous material with the intent to produce a vertically layered landscape that enhances the curb appeal of the





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facility, but also acts as a unifying element that will help to blend the facility into the character of the neighborhood.

B. That 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.

Response (Findings):

The surrounding properties are developed, and they may be candidates to transition into other industrial uses as outlined in the City's Comprehensive Plan. The proposed substation will allow for increased reliability and capacity to the electrical system of the City of La Crescent. With increased reliability and capacity in the electric grid the City can continue to grow and develop. The Project is being considered an operational upgrade to an existing Xcel substation located on Main Street. The existing substation does not have all season access as Main Street commonly floods during moderate to high precipitation and snow melt events, creating a situation of dramatically slowing response times during outages. The existing substation is also located on an abandoned landfill site and expanding the existing substation increases the risk of exposing contaminants to the environment. The new substation will provide access and additional reliability and safety to the local electrical system. This Project is part of Xcel Energy's continuing effort to maintain system reliability and resilience of the electrical grid.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings):

The proposed substation is an unmanned facility and will not require water or sewer services. Once construction is complete minimal traffic will be generated by the facility. Maintenance crews with two or three vehicles will periodically be on site several times a month. Driveway access to the substation will be from public right of way to the north and south. The site will be designed with drainage facilities that control runoff and prevent the erosion of soil.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings):

The property is an unmanned facility. Parking for maintenance crews will be within the substation.



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E. That adequate measures have been or will be taken to prevent or 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.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use

Response (Findings):

The substation will not emit odors fumes, dust, noise, or vibrations. The existence of an active railway through the neighborhood has a significantly larger impact. The facility will not have lighted signs and any yard lights will be shielded to prevent offsite glare.

The use is consistent with the Industrial Zone which permits public infrastructure, such as well houses, lift stations, water towers, booster stations, etc.; and permits other industrial uses as a conditional use. The proposed substation is considered an essential service and locating it in the Industrial Zone is a complementary use.

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings):

The use is not in conflict with the policies of the City of La Crescent. The proposed use is an essential service needed to protect the health, safety, and welfare of the citizens of La Crescent.

G. The use will not cause traffic hazards or congestion.

Response (Findings):

The facility is unmanned, and traffic will consist of maintenance crews with two or three vehicles being on site several times a month.

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

Response (Findings):

Existing uses will not be adversely affected by the construction of the substation. The proposed substation will not curtail customer trade brought on by noise, glare, or general unsightliness. The proposed facility will be screened by landscape plantings and a proposed 10' tall decorative wall which will screen the substation from surrounding uses. The walls will be made of a low maintenance material that will not reflect sunlight or create glare. Yard lights will be shielded to



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prevent light from spreading outside of the property. Noise emitted from the substation is minimal and will be abated by the wall as well.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are

considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

- A. Increasing the required lot size of yard dimensions.
- B. Limiting the height, size, or location of buildings.
- C. Modifying the building architecture or orientation or requiring berms, screening, landscaping, or other facilities to protect adjacent or nearby property.
- D. Controlling the location and number of vehicle access points.
- E. Increasing the street or driveway width to mitigate traffic or safety concerns.
- F. Increasing the number of required off-street parking spaces.
- G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.
- H. Limiting the number, size, location, or lighting of signs.

On behalf of Xcel Energy, I would like to thank you for your time and consideration. The proposed substation is an essential service that is an integral component to the health, safety, and welfare of the City and this proposed substation with increased reliability and capacity will serve the City for many years.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.216.8083 | C: 612.366.0234
Email: brian.e.sullivan@xcelenergy.com

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Minneapolis, MN 55401

1-800-895-499
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April 28, 2023

Planning Commission and City Council

City of La Crescent
315, Main St.
La Crescent, MN 55947

RECEIVED

APR 28 2023

City of La Crescent, MN

RE: Wagon Wheel
Preliminary Plat,
Conditional Use Permit
Vacation of Alley
Variance to Height of Fence

Dear Planning Commission and City Council members,

Please find this letter of intent and application materials for zoning and permit approvals for the Wagon Wheel property. Northern States Power Company (Xcel Energy) is seeking approvals for the construction of the Wagon Wheel Electric Substation that would be located on property owned by P and K Shepardson Rentals, LLC. Xcel Energy has an option to purchase the property. The new Substation provides improved reliability in the electrical distribution system that serves the City of La Crescent. Our request include:

- | | |
|----------------------------|-----------------------|
| • Preliminary Plat; | Application fee \$250 |
| • Conditional Use Permit | Application fee \$250 |
| • Variance to Fence Height | Application fee \$250 |
| • Vacation of Alley | Application fee \$150 |

Please find under separate cover a project description and supporting documents.

Thank you for your consideration of our request for the proposed Electric Substation. The proposed improvements will enhance the reliability and safety of electrical grid in the area.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 | C: 612.366.0234
Email: brian.e.sullivan@xcelenergy.com

Enclosures:

RECEIVED

APR 28 2023

City of La Crescent, MN

**CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR CONDITIONAL USE PERMIT**

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a **CONDITIONAL USE PERMIT**.

TO WIT:

Northern States Power Company d/b/a Xcel Energy hereby applies for a Conditional Use Permit for the Construction of an Electrical Substation on the Wagon Wheel property, located along Sycamore Street, City of La Crescent, Houston County MN. Xcel engineers and planners have identified a long term need for a new substation. The existing substation requires upgrades to meet the electrical needs of La Crescent and new security requirements. Updated and additional equipment is required to maintain reliable electric service for the City of La Crescent. Please refer to the attached documents for additional information.

the lands to which this application has reference are described as follows, to wit:

Please refer to the attached legal description

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: April 26, 2023

Ben Sullin Xcel Energy

(Owners (s)) (Optionee(s))

LEGAL DESCRIPTION

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City, formerly Village, of La Crescent

And

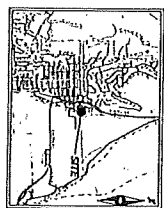
That part of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 26" W 123.68 feet along said westerly right-of-way to the south line of said Lot 4;
Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.
Containing 4,749 square feet \pm or 0.11 acres \pm .

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 34" W 144.24 feet along said westerly right-of-way to the north line of Lot 17 of said Plat of the City of La Crescent and the point of beginning;
Thence continuing S 13° 09' 40" W 133.88 feet along said westerly right-of-way to the south line of Lot 18;
Thence S 89° 40' 58" W 34.53 feet along said south line of Lot 18 to the southwest corner thereof;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 18 to the northwest corner thereof;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 18 to the northwest corner of said Lot 17;
Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.

Containing 6,537 square feet \pm or 0.15 acres \pm .



GENERAL NOTES

| LEGEND | |
|--------|----------------|
| ① | SUBSTRATE |
| ② | 2000 CLAMPING |
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AREA TABULATION

- LEADS:**
1. 10/15/72, 2. 10/16/72, 3. 10/17/72, 4. 10/18/72, 5. 10/19/72, 6. 10/20/72, 7. 10/21/72, 8. 10/22/72, 9. 10/23/72, 10. 10/24/72, 11. 10/25/72, 12. 10/26/72, 13. 10/27/72, 14. 10/28/72, 15. 10/29/72, 16. 10/30/72, 17. 10/31/72, 18. 11/1/72, 19. 11/2/72, 20. 11/3/72, 21. 11/4/72, 22. 11/5/72, 23. 11/6/72, 24. 11/7/72, 25. 11/8/72, 26. 11/9/72, 27. 11/10/72, 28. 11/11/72, 29. 11/12/72, 30. 11/13/72, 31. 11/14/72, 32. 11/15/72, 33. 11/16/72, 34. 11/17/72, 35. 11/18/72, 36. 11/19/72, 37. 11/20/72, 38. 11/21/72, 39. 11/22/72, 40. 11/23/72, 41. 11/24/72, 42. 11/25/72, 43. 11/26/72, 44. 11/27/72, 45. 11/28/72, 46. 11/29/72, 47. 11/30/72, 48. 12/1/72, 49. 12/2/72, 50. 12/3/72, 51. 12/4/72, 52. 12/5/72, 53. 12/6/72, 54. 12/7/72, 55. 12/8/72, 56. 12/9/72, 57. 12/10/72, 58. 12/11/72, 59. 12/12/72, 60. 12/13/72, 61. 12/14/72, 62. 12/15/72, 63. 12/16/72, 64. 12/17/72, 65. 12/18/72, 66. 12/19/72, 67. 12/20/72, 68. 12/21/72, 69. 12/22/72, 70. 12/23/72, 71. 12/24/72, 72. 12/25/72, 73. 12/26/72, 74. 12/27/72, 75. 12/28/72, 76. 12/29/72, 77. 12/30/72, 78. 12/31/72, 79. 1/1/73, 80. 1/2/73, 81. 1/3/73, 82. 1/4/73, 83. 1/5/73, 84. 1/6/73, 85. 1/7/73, 86. 1/8/73, 87. 1/9/73, 88. 1/10/73, 89. 1/11/73, 90. 1/12/73, 91. 1/13/73, 92. 1/14/73, 93. 1/15/73, 94. 1/16/73, 95. 1/17/73, 96. 1/18/73, 97. 1/19/73, 98. 1/20/73, 99. 1/21/73, 100. 1/22/73, 101. 1/23/73, 102. 1/24/73, 103. 1/25/73, 104. 1/26/73, 105. 1/27/73, 106. 1/28/73, 107. 1/29/73, 108. 1/30/73, 109. 1/31/73, 110. 2/1/73, 111. 2/2/73, 112. 2/3/73, 113. 2/4/73, 114. 2/5/73, 115. 2/6/73, 116. 2/7/73, 117. 2/8/73, 118. 2/9/73, 119. 2/10/73, 120. 2/11/73, 121. 2/12/73, 122. 2/13/73, 123. 2/14/73, 124. 2/15/73, 125. 2/16/73, 126. 2/17/73, 127. 2/18/73, 128. 2/19/73, 129. 2/20/73, 130. 2/21/73, 131. 2/22/73, 132. 2/23/73, 133. 2/24/73, 134. 2/25/73, 135. 2/26/73, 136. 2/27/73, 137. 2/28/73, 138. 2/29/73, 139. 2/30/73, 140. 3/1/73, 141. 3/2/73, 142. 3/3/73, 143. 3/4/73, 144. 3/5/73, 145. 3/6/73, 146. 3/7/73, 147. 3/8/73, 148. 3/9/73, 149. 3/10/73, 150. 3/11/73, 151. 3/12/73, 152. 3/13/73, 153. 3/14/73, 154. 3/15/73, 155. 3/16/73, 156. 3/17/73, 157. 3/18/73, 158. 3/19/73, 159. 3/20/73, 160. 3/21/73, 161. 3/22/73, 162. 3/23/73, 163. 3/24/73, 164. 3/25/73, 165. 3/26/73, 166. 3/27/73, 167. 3/28/73, 168. 3/29/73, 169. 3/30/73, 170. 3/31/73, 171. 4/1/73, 172. 4/2/73, 173. 4/3/73, 174. 4/4/73, 175. 4/5/73, 176. 4/6/73, 177. 4/7/73, 178. 4/8/73, 179. 4/9/73, 180. 4/10/73, 181. 4/11/73, 182. 4/12/73, 183. 4/13/73, 184. 4/14/73, 185. 4/15/73, 186. 4/16/73, 187. 4/17/73, 188. 4/18/73, 189. 4/19/73, 190. 4/20/73, 191. 4/21/73, 192. 4/22/73, 193. 4/23/73, 194. 4/24/73, 195. 4/25/73, 196. 4/26/73, 197. 4/27/73, 198. 4/28/73, 199. 4/29/73, 200. 4/30/73, 201. 5/1/73, 202. 5/2/73, 203. 5/3/73, 204. 5/4/73, 205. 5/5/73, 206. 5/6/73, 207. 5/7/73, 208. 5/8/73, 209. 5/9/73, 210. 5/10/73, 211. 5/11/73, 212. 5/12/73, 213. 5/13/73, 214. 5/14/73, 215. 5/15/73, 216. 5/16/73, 217. 5/17/73, 218. 5/18/73, 219. 5/19/73, 220. 5/20/73, 221. 5/21/73, 222. 5/22/73, 223. 5/23/73, 224. 5/24/73, 225. 5/25/73, 226. 5/26/73, 227. 5/27/73, 228. 5/28/73, 229. 5/29/73, 230. 5/30/73, 231. 5/31/73, 232. 6/1/73, 233. 6/2/73, 234. 6/3/73, 235. 6/4/73, 236. 6/5/73, 237. 6/6/73, 238. 6/7/73, 239. 6/8/73, 240. 6/9/73, 241. 6/10/73, 242. 6/11/73, 243. 6/12/73, 244. 6/13/73, 245. 6/14/73, 246. 6/15/73, 247. 6/16/73, 248. 6/17/73, 249. 6/18/73, 250. 6/19/73, 251. 6/20/73, 252. 6/21/73, 253. 6/22/73, 254. 6/23/73, 255. 6/24/73, 256. 6/25/73, 257. 6/26/73, 258. 6/27/73, 259. 6/28/73, 260. 6/29/73, 261. 6/30/73, 262. 7/1/73, 263. 7/2/73, 264. 7/3/73, 265. 7/4/73, 266. 7/5/73, 267. 7/6/73, 268. 7/7/73, 269. 7/8/73, 270. 7/9/73, 271. 7/10/73, 272. 7/11/73, 273. 7/12/73, 274. 7/13/73, 275. 7/14/73, 276. 7/15/73, 277. 7/16/73, 278. 7/17/73, 279. 7/18/73, 280. 7/19/73, 281. 7/20/73, 282. 7/21/73, 283. 7/22/73, 284. 7/23/73, 285. 7/24/73, 286. 7/25/73, 287. 7/26/73, 288. 7/27/73, 289. 7/28/73, 290. 7/29/73, 291. 7/30/73, 292. 7/31/73, 293. 8/1/73, 294. 8/2/73, 295. 8/3/73, 296. 8/4/73, 297. 8/5/73, 298. 8/6/73, 299. 8/7/73, 300. 8/8/73, 301.

VICINITY MAP



NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

PROJECT NUMBER: 0743161 M DATE: 03/31/23



May 3, 2023

Planning Commission and City Council

City of La Crescent
315, Main St.
La Crescent, MN 55947

RECEIVED

MAY 04 2023

City of La Crescent, MN

RE: Wagon Wheel
Preliminary Plat,
Conditional Use Permit
Vacation of Alley
Variance to Height of Fence

Dear Planning Commission and City Council members,

Please find this letter of intent and application materials for zoning and permit approvals for the Wagon Wheel property. Northern States Power Company (Xcel Energy) is seeking approvals for the construction of the Wagon Wheel Electric Substation that would be located on property owned by P and K Shepardson Rentals, LLC. Xcel Energy has an option to purchase the property. The new Substation provides improved reliability in the electrical distribution system that serves the City of La Crescent. Our request include:

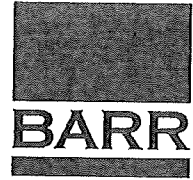
- Preliminary Plat; Application fee \$250 (paid)
- Conditional Use Permit Application fee \$250 (paid)
- Variance to Fence Height Application fee \$250 (paid)
- Vacation of Alley Application fee \$150 (paid)
- Fence and Landscape Plans, Mailing List and Project Description

Thank you for your consideration of our request for the proposed Electric Substation. The proposed improvements will enhance the reliability and safety of electrical grid in the area.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 | C: 612.366.0234
Email: brian.e.sullivan@xcelenergy.com

Enclosures:



Wagon Wheel Substation

Technical Memorandum

Conditional Use Permit, Preliminary Plat, Variance, and Vacation of Alley.

To: La Crescent City Council and Planning Commission
From: Northern States Power Company (Xcel Energy)
Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
Date: May 4, 2023
CC: Brian Sullivan, Xcel Energy

1 Introduction

Xcel Energy (Xcel) is proposing to purchase real property within the La Crescent city limits with the intention of constructing, operating, and maintaining a new electrical substation (Project). Xcel engineers and planners have identified a long term need for a new substation. The existing substation requires upgrades to meet the electrical needs of La Crescent and new security requirements. Updated and additional equipment is needed to maintain reliable electric service for the City of La Crescent. After an analysis of the current substation site, it was determined that it was not a viable site due to environmental issues and street flooding.

The Project is being considered as an operational upgrade to an existing Xcel substation located on Main Street, east of Sycamore Street in La Crescent. The existing substation does not have all season access as Main Street, east of Sycamore Street, commonly floods during moderate to high precipitation and snow melt events. The existing substation is also located on an abandoned landfill site and expanding the site in place increases the risk of exposing contaminants to the environment. The Project will provide all-season access and additional reliability and safety to the local electrical system. This Project is part of Xcel Energy's continuing effort to maintain system reliability and resilience of the electrical grid.

The Project would be generally located south of 3rd Street North, and north of 2nd Street North, east of Sycamore Street and west of the Illinois & Midland Rail Link (I&M) railroad line (Figures 1 and 2). Specifically, the Project will include Houston County Parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, 25.0116.000, 25.0117.000, and recently acquired adjacent "quiet title" lands in La Crescent, Houston County, Minnesota (Figure 3). Based on Houston County parcel data (<https://beacon.schneidercorp.com/?site=HoustonCountyMN> accessed April 4, 2023) the parcel addresses include:

To: La Crescent City Council and Planning Commission
From: Xcel Energy Corporation – dba Northern States Power Company
Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
Date: May 2023
Page: 2

| <u>Parcel Number</u> | <u>Address</u> |
|----------------------|--|
| 25.0113.000 | No address provided |
| 25.0114.000 | 71 3 rd Street North, La Crescent, MN |
| 25.0115.000 | 67 3 rd Street North, La Crescent, MN |
| 25.0116.000 | 172 Sycamore Street, La Crescent MN |
| 25.0117.000 | 206 Sycamore Street, La Crescent, MN |

The parcels are currently owned by P&K Shepardson Rentals, LLC and are used for single-family residences. Three buildings are present: a one-story residence, a two-story residence, and a garage. The parcels appear to have been used for residential purposes since at least 1937. Although the parcels appear to have been used for residences since 1937, the current (April 4, 2019), Zoning Map City of La Crescent Minnesota (Zoning Map) identifies the parcels to be located in a defined industrial district. The Zoning Map generally illustrates the properties north of the Project on Sycamore Street to Great River Road and south to Main Street as zoned Industrial. The industrial district extends west from Sycamore Street to Chestnut Street and Moore Road and east to parallel the I&M railroad tracks and Main Street. Land use of properties west of the Project and east of Great River Road are generally residential in nature, consisting of rental, residential mobile homes. Properties north and south of the Project include mechanical and automotive shops, construction offices and yard, storage facilities, a concrete precast burial vault manufacturer, a wood truss manufacturer, and other light industrial uses. East of the Project lies the I&M railroad tracks and undeveloped and inundated lands.

Xcel currently has the property under contract to purchase and is proposing to purchase the parcels, demolish the existing structures and re-develop the site for a utility scale electrical substation. The substation design and construction will include electrical transformers, bus work, electric equipment enclosure, underground cable trays, and a 10-foot-tall security fence with digital key card access gates. Xcel further proposes to landscape the site and incorporate a decorative fence design to allow the proposed substation to better integrate, visually, into the neighborhood.

Brian Sullivan, Siting and Land Rights with Xcel, met with the City of La Crescent in December 2022 to discuss the Project. Shawn Wetterlin, La Crescent Building Official/Zoning Administrator, informed Mr. Sullivan that a conditional use permit and fencing variance, amongst other city reviews and approvals, would be necessary prior to Project construction, see letter dated December 5, 2022 (attached).

2 Zoning CUP Application

The Project will be located on land zoned Industrial per the Zoning Map. The City of La Crescent Zoning Ordinance, Chapter 12, as amended December 9, 2019, lists permitted uses within defined Industrial Districts. Utility substations are not identified as a permitted use; however, Section 12.24 Subd 4 and Subd 6 lists Conditional Uses within Industrial Districts, including "other industrial uses." In consultation with the City of La Crescent, it was determined electrical substations qualify as "other industrial uses," and therefore the Project can be developed in an Industrial District with a conditional use permit (CUP) and

To: La Crescent City Council and Planning Commission
From: Xcel Energy Corporation – dba Northern States Power Company
Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
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city approval. Xcel has prepared a CUP application for consideration and review by the city. Xcel will continue to coordinate with the city in providing all necessary information for the CUP and additional required permits and approvals.

Xcel is also developing a Plan to secure and screen the property from nearby properties. This plan will include a screen fence/wall and landscaping, which will be located between the proposed fence and Sycamore Street. Plantings will include evergreen and deciduous material with the intent to produce a vertically layered landscaped that creates curb appeal, but also draws the eye away from the substation to blend the facility into the character of the neighborhood. The planting plan includes native and ornamental species such as, viburnum, juniper lilac, serviceberry, and bayberry.

3 Variance to Fence Height

City of La Crescent Zoning Ordinance, Chapter 12, as amended December 9, 2019, Section 12.10 Subd 8.D(1) specifies properties with industrial zoning shall not have a fence greater than six (6) feet in height. Xcel is proposing a 10-foot-tall fence, requiring a variance from the City of La Crescent Xcel is proposing a 10-foot-tall fence to provide additional security to ensure the safety of the substation and public.

In response to the obligation to increase security at our facilities, Xcel Energy implemented new fence standards for securing substation properties. The new standards increase the difficulty of gaining unlawful access into the substation. Analysis has shown that increasing the fence height from 6' to 10' increases the difficulty of scaling the fence; deterring unauthorized access into the substation.

The additional height will discourage vandalism and intrusion into the facility and will provide screening of the equipment within the substation. Xcel is designing the fence to meet City of La Crescent standards and to blend into neighborhood aesthetics. Please refer to the attached Variance Request for additional detail.

4 Preliminary Plat

Xcel is proposing to combine the existing parcels owned by Shepardson Rentals LLC. The proposed preliminary plat will combine several parcels into a unified property. An application and preliminary plat plan are attached for your review and approval

5 Vacation of Alley

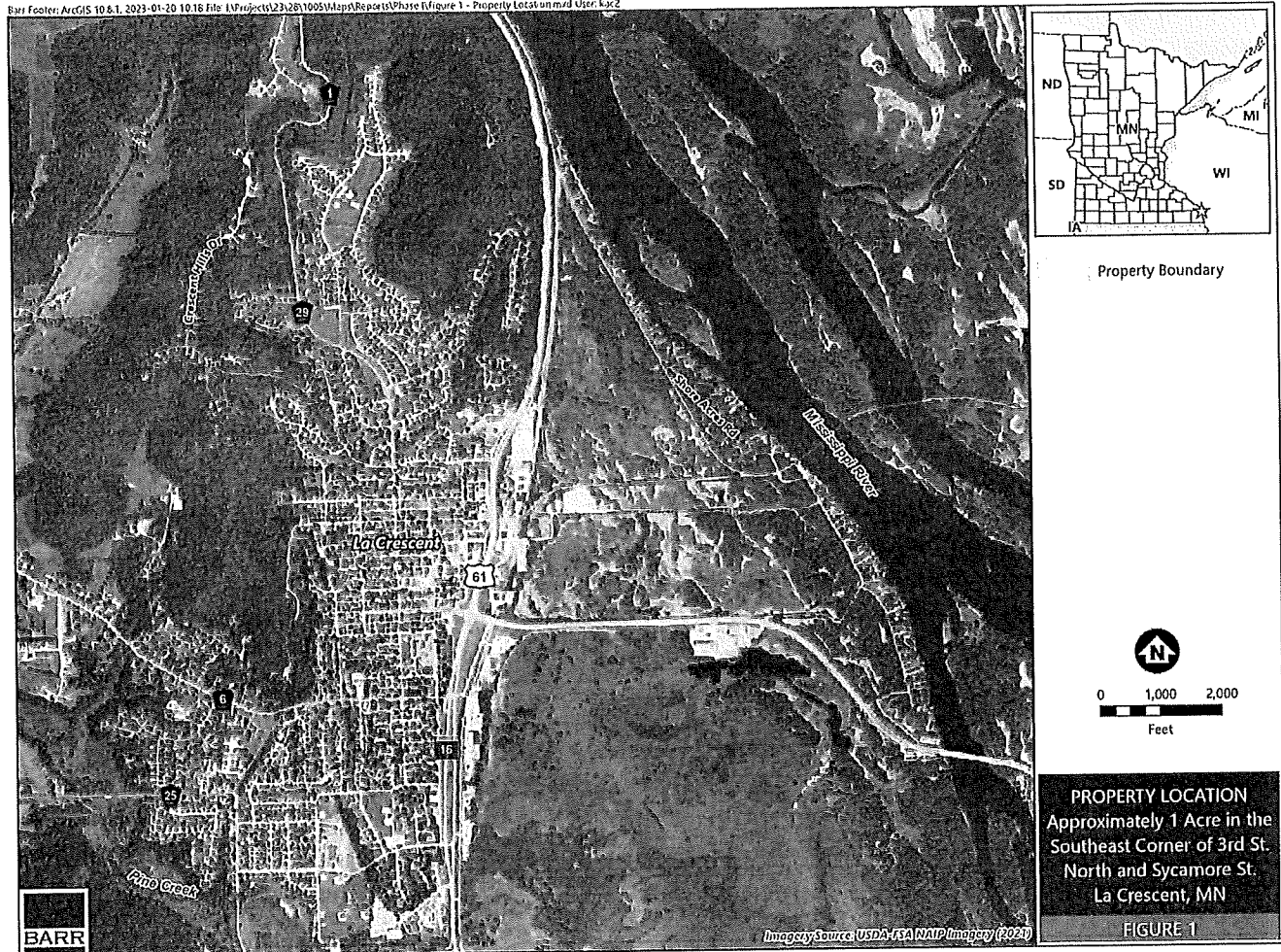
Included as part of the Project is an application to vacate the alley that bisect the Wagon Wheel property. The vacation will remove an alleyway that is no longer needed or required for the proposed project.

6 Final Plat

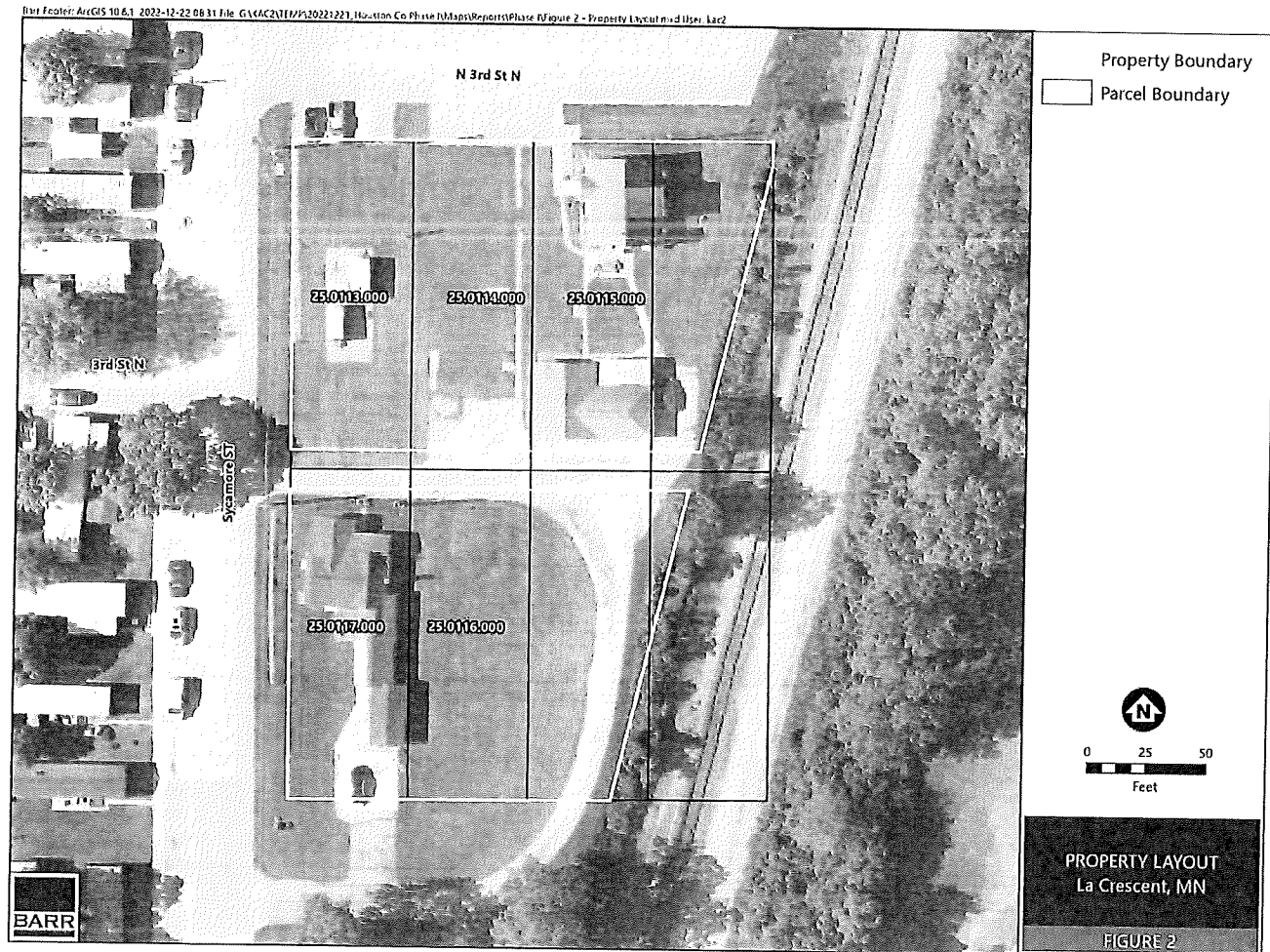
Upon Approval of the CUP, Variance Application and Preliminary Plat, Xcel will submit a Final Plat and building permits for the construction of the fence

To: La Crescent City Council and Planning Commission
From: Xcel Energy Corporation – dba Northern States Power Company
Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
Date: May 2023
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Barr Footer: ArcGIS 10.6.1, 2023-01-20 10:18 File: I:\Projects\23\2611005\Map\Reports\Phase I\Figure 1 - Property Location.mxd User: kxc2

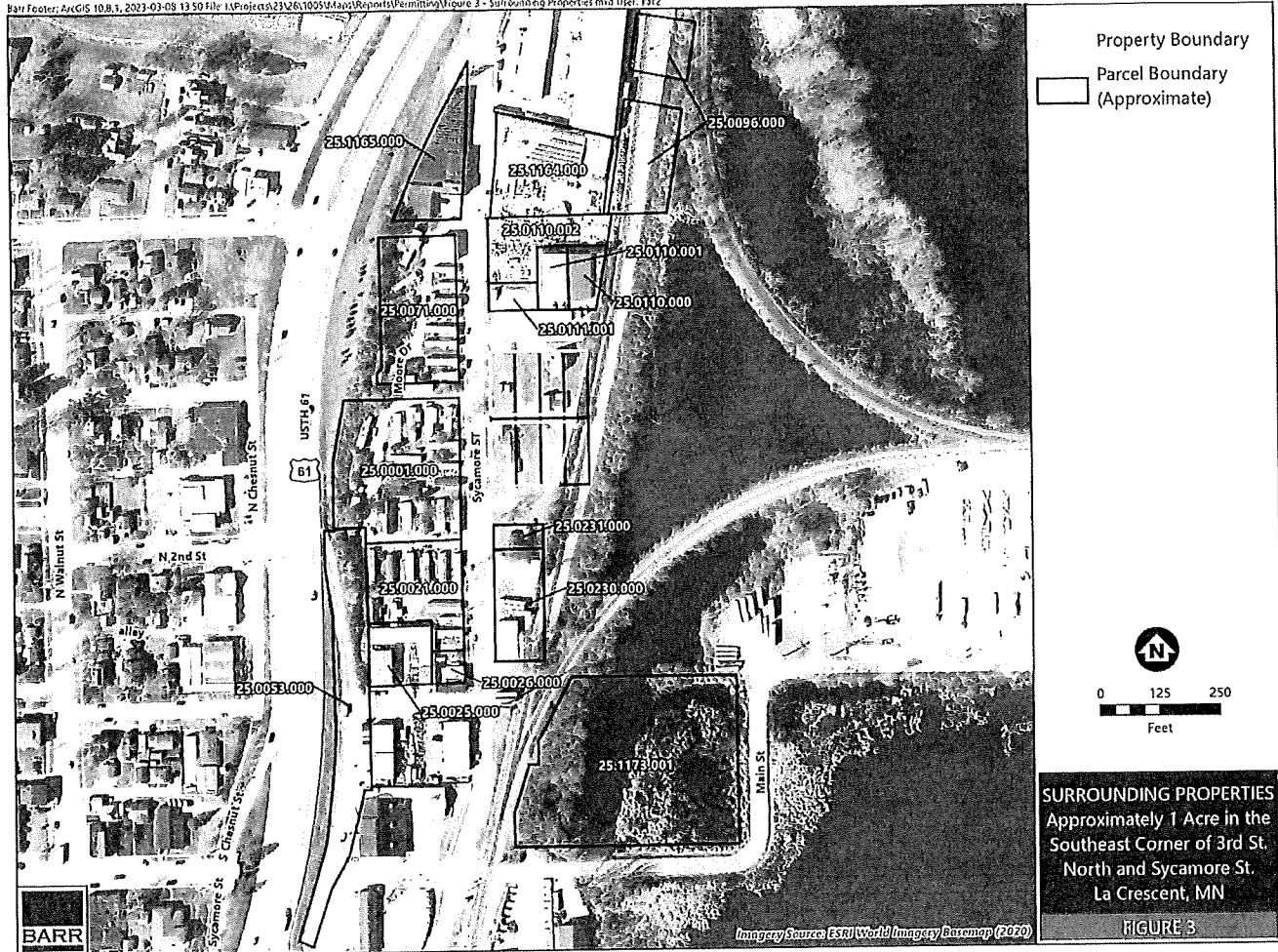


To: La Crescent City Council and Planning Commission
From: Xcel Energy Corporation – dba Northern States Power Company
Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
Date: May 2023
Page: 5



To: La Crescent City Council and Planning Commission
 From: Xcel Energy Corporation – dba Northern States Power Company
 Subject: Proposed New Electrical Substation on the Southeast Corner of 3rd Street North and Sycamore Street, La Crescent, Minnesota
 Date: May 2023
 Page: 6

Barr Footer: ArcGIS 10.8.1, 2023-03-08 13:50 File: I:\Projects\23126\10051\Map\Reports\Permitting\Figure 3 - Surrounding Properties.mxd User: j3r2



Condition Use Permit Application Requirements City of La Crescent LA CRESCENT, MINNESOTA

The following information must be submitted to the building/zoning department before a conditional use application can be processed and approved, more detailed information is listed below

Conditional Use Application Form

After a preliminary review, additional information may be required.

Conditional Use Application Form: Application forms are available at the building/zoning department. Complete the form and return it to the building/zoning official with the required fee.

General Information

When is a Conditional Use Permit Required? A conditional use permit is required for a change to the use of an existing property that exceeds the La Crescent Zoning Ordinance limitations for the district where the property is located.

What is the typical subject matter for consideration in connection with deliberations for passage of a conditional use permit?

- That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the immediate vicinity.
- That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for used predominant in the area.
- That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- That adequate measures have been or will be taken to prevent or 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.

- The use, in the opinion of the City Council, is reasonable related to the overall needs of the City and to the existing land use.
- The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- The land is not in conflict with the policies of the City of La Crescent.
- The use will not cause traffic hazards or congestion.
- Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Could the City Council impose additional conditions that may be considered necessary to protect the best interests of the surrounding area or the community as a whole? Yes, and these additional conditions may include but are not limited to the following:

- Increasing the required lot size of yard dimensions.
- Limiting the height, size or location of buildings.
- Controlling the location and number of vehicle access points.
- Increasing the street width.
- Increasing the number of required off-street parking spaces.
- Requiring landscaping, fencing, screening, berming or other improvements to protect adjacent or nearby property.

How do I apply for a conditional use permit?

- Fill out the attached conditional use permit application form, sign and date the same.
- Make a plot plan or map of the property which shows, at a minimum, all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features, mature trees and existing and proposed signage.
- Show evidence of ownership or an interest in the property.
- Include the address of the property and the legal description.
- List the addresses and owners name of all properties owners within 350' that abut the property.
- Include the required fee amount of **\$200.00**.
- Turn all information into the building/zoning official before three weeks prior to a scheduled meeting date, (Planning Commission meets the 1st Tuesday of each month.)
- Turn in any other information as required by the City of La Crescent.

When will I have my hearing? You will receive a notice of conditional use permit request by mail stating the date, time and place of your conditional use permit hearing. (Planning Commission meets the 1st Tuesday of each month.)

Why do I need to list my neighbors? All property owners within 350' shall be advised of the conditional use permit request to have a chance to appear at the hearing with comments or objections.

Why do I need to pay a fee? The fee is for the cost of the mailings to all property owners within 350', the cost of the public hearing notice that is published in the official newspaper, the cost to record the outcome with the Houston County Recorder and the cost of the meeting.

Why do I need to turn all information into the building/zoning official before three weeks prior to a scheduled meeting date? We need time to check the information, schedule the hearing, prepare all mailings to adjoining properties and publish the notice in the official newspaper (deadline for publication is Monday, 12:00 noon, three weeks prior to the meeting date.)

If there are any questions as to property line, please call the Public Works Department. (In all cases, the City of La Crescent shall not be liable for the established or definition of property lines.)

Questions: If you have any questions, please contact the **Building/Zoning Department**, Monday through Friday, 8 a.m. to 5:00 p.m. at **507-895-4409**, or write to, **Shawn Wetterlin-Building Official, 315 Main Street, City of La Crescent, Minnesota, 55947.**

RECEIVED

MAY 04 2023

City of La Crescent, MN

**CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR CONDITIONAL USE PERMIT**

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a **CONDITIONAL USE PERMIT.**

TO WIT:

Northern States Power Company d/b/a Xcel Energy hereby applies for a Conditional Use Permit for the Construction of an Electrical Substation on the Wagon Wheel property, located along Sycamore Street, City of La Crescent, Houston County MN. Xcel engineers and planners have identified a long term need for a new substation. The existing substation requires upgrades to meet the electrical needs of La Crescent and new security requirements. Updated and additional equipment is required to maintain reliable electric service for the City of La Crescent. Please refer to the attached documents for additional information.

the lands to which this application has reference are described as follows, to wit:

Please refer to the attached legal description

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: April 26, 2023

Brian Sullivan Xcel Energy

(Owners (s)) (Optionee(s))

LEGAL DESCRIPTION

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City, formerly Village, of La Crescent

And

That part of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

*Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 26" W 123.68 feet along said westerly right-of-way to the south line of said Lot 4;
Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.
Containing 4,749 square feet ± or 0.11 acres ±.*

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

*Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 34" W 144.24 feet along said westerly right-of-way to the north line of Lot 17 of said Plat of the City of La Crescent and the point of beginning;
Thence continuing S 13° 09' 40" W 133.88 feet along said westerly right-of-way to the south line of Lot 18;
Thence S 89° 40' 58" W 34.53 feet along said south line of Lot 18 to the southwest corner thereof;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 18 to the northwest corner thereof;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 18 to the northwest corner of said Lot 17;
Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.*

Containing 6,537 square feet ± or 0.15 acres ±.

DATE: 03/31/23
 DRAWN BY: JPM
 CHECKED BY: JPM
 APPROVED BY: JPM

PREPARED FOR:
 NORTHERN STATES POWER
 414 Nicollet Mall, Minneapolis, MN 55401

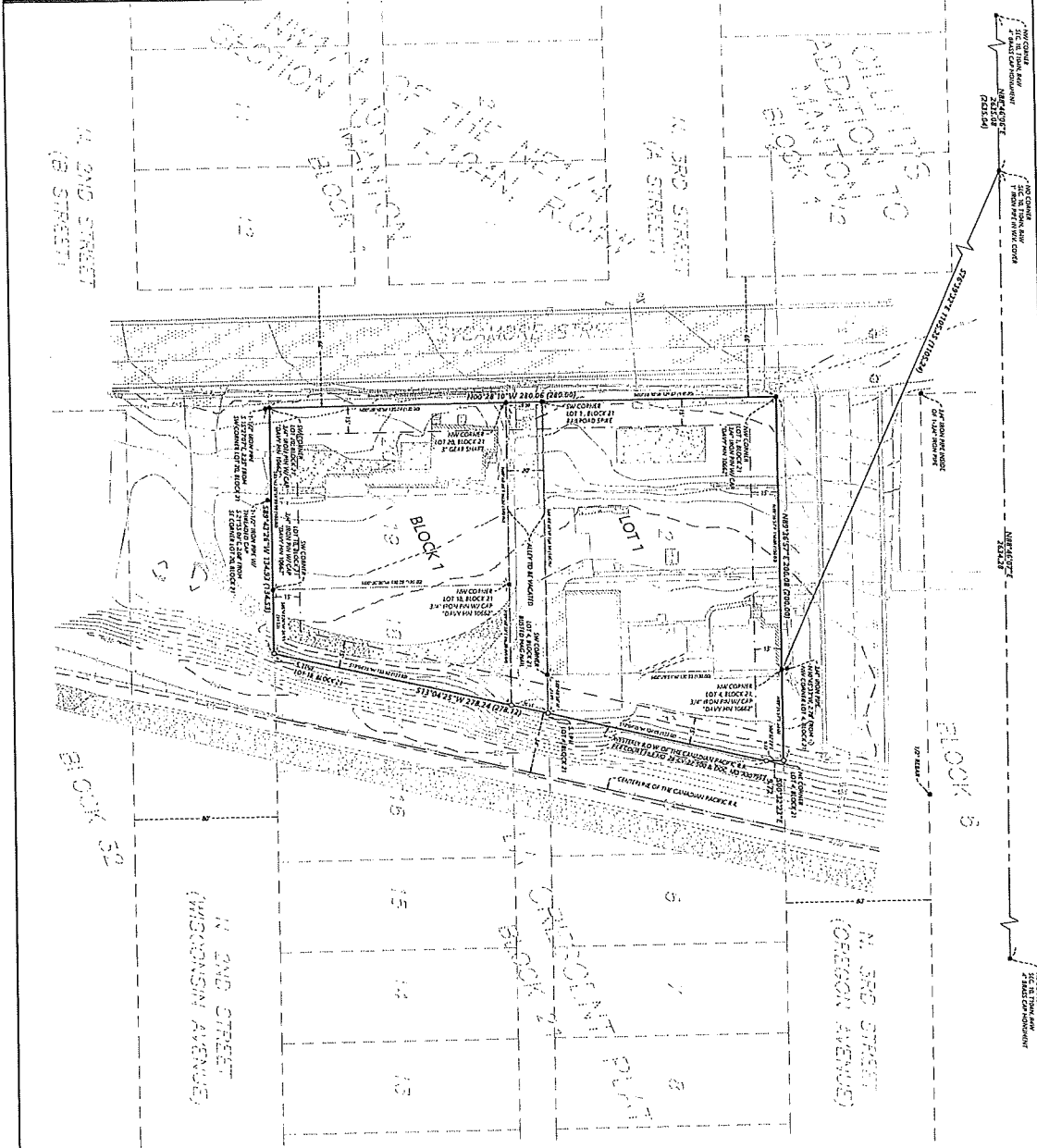
WAGON WHEEL
 LA CRESCENT, MN

PRELIMINARY PLAT

PROJECT NUMBER: 09-0316100 DATE: 03/31/23

1 or 1

1



LEGAL DESCRIPTION

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 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VARIANCE APPLICATION

| SUBJECT PROPERTY INFORMATION | |
|---|--|
| PROJECT NAME: Wagon Wheel Substation | |
| PROPERTY ADDRESS: X | ASSESSOR'S PARCEL ID. 25.0113.000, 25.0114.00071, 25.0115.00067, 25.0116.000172, 25.0117.000 |
| GROSS ACREAGE: ~1.2 acres | CURRENT ZONING DISTRICT: Industrial District |
| PROPERTY OWNER | |
| NAME: Northern States Power Company (Xcel Energy) (Property under contract to purchase) | |
| MAILING ADDRESS: brian.e.sullivan@xcelenergy.com | |
| EMAIL: 414 Nicollet Ave, Minneapolis, MN 55105 | TELEPHONE: 612-216-8083 |
| APPLICANT | |
| NAME: Xcel Energy, Minnesota | |
| MAILING ADDRESS: 414 Nicollet Ave, Minneapolis, MN 55105 | |
| EMAIL: Brian.e.sullivan@xcelenergy.com | TELEPHONE: 612-216-8083 612-366-0234 |
| OWNER AUTHORIZATION | |
| My signature below signifies that: | |
| <p>I hereby declare that I am the owner, or authorized agent of the owner, of the above-described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a variance does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information contained in the application materials.</p> <ul style="list-style-type: none"> I have read the application form and background information and have provided the required information. I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. <i>(Please provide a description here of the easements and restrictions shown on your property deed. There are no easements associated with the property. Quiet Title obtained)</i> I believe the information provided in this application is accurate to the best of my knowledge. I am aware that City staff and/or Planning Commission members may view my property and proposed construction. <i>(Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc.)</i> I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application. | |

| | |
|--|------------------------------|
| <u>Brian Sullivan</u> | <u>4/28/23</u> |
| Property Owner Signature | Date |
| | |
| | |
| Applicant Signature | Date |
| REVIEW TIMEFRAME | |
| ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS | REVIEW OF SUBMITTAL: 3 WEEKS |

VARIANCE SUBMITTAL CHECKLIST

PLEASE RETURN THIS COMPLETED APPLICATION FORM WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED TO CITY HALL OR SUBMITTED VIA EMAIL IN PDF FORMAT.

PLEASE NOTE: IT IS HIGHLY RECOMMENDED THAT A PRE-APPLICATION MEETING BE HELD PRIOR TO A FORMAL SUBMITTAL.

- ☒ Project Narrative of Proposed Request (See Page 8 for further details)
- ☒ Site Plan
- ☐ Elevations and Floor Plans (if applicable)
- ☒ Copy of deed establishing ownership
- ☒ Mailing Label Certification
- ☒ Mailing Labels (with Houston/Winona County parcel maps)
- ☒ Application Fees (\$150.00)
- ☐ All requested items have been included

RECEIVED

MAY 04 2023

City of La Crescent, MN

Wagon Wheel Substation Variance Application Description 10' Height Screen and Security Fence

- **Please provide a brief description of the project.**

Xcel Energy is proposing to build a new electric substation (**Wagon Wheel Substation**) in La Crescent. Xcel engineers and planners have identified a long term need for a new substation. The existing substation requires upgrades to meet the electrical needs of La Crescent and also meet new security requirements. Updated and additional equipment is needed to maintain reliable electric service for the City of La Crescent. Xcel Energy is proposing to install a 10' tall fence around the substation to meet new security standards adapted by the company and to provide a buffer between the substation and the surrounding area. The proposed fence will provide for aesthetic value along with security and safety improvements. The variance requested is for a 10 feet high fence that would surround the entire parcel. The fence would be a decorative screen wall made of maintenance free material on the north, west and south sides. The east side would be a chain link fence. Access gates into the substation will be chain link as well.

- **What specific variance to the Zoning Code are you requesting? What is the reason for your request?**

Subd. 8 FENCES.

We are requesting a variance to the fence heights to allow a 10' tall fence to be constructed around the perimeter of the property. This fence will be built for security, safety and aesthetic purposes of securing and buffering the substation.

- **Describe specific, unique problems with the property, such as location, surroundings, mature trees, natural obstacles or formations and explain why the improvements you are requesting cannot be made in conformity with Zoning Code requirements. (Issues of personal hardship such as family size, finances, medical condition should not be considered.)**

The property is located along Sycamore Street and is surrounded a mix of commercial and residential uses. The proposed substation is a use that is consistent with Industrial zoned land, but due to unique security standards that the company has adopted the fence needs to be 10' tall. The fence will also visually buffer neighboring properties.

- **Explain why, without the variance, you cannot use your property in the same manner as others in the same zone. Also, explain how the variance will not give you an advantage over others in the same zone.**

Ensuring the energy grid is secure from cyber and physical threats is a top priority for Xcel Energy and our partners across the electric industry. As Advanced Grid technology is deployed, this responsibility grows. The Advanced Grid uses several devices that are interconnected on the energy grid, and it is critical that we not only keep the devices secured, but also safeguard the connection and all the information being transmitted. Various security measures have been developed and are in place to help Xcel Energy deliver on our commitment to operational excellence.

Certain principles of substation operation are also necessary to help ensure protection of employees, contractors, the general public, and company property and equipment. The National Electric Safety Code in Part I Section II, states in part that rooms and spaces in which electrical supply conductors or equipment are installed will be so arranged with fences, screens, partitions or walls to minimize the entrance of unauthorized persons or interference by them with equipment inside. Electrical substations are an integral part to the delivery of electricity to our customers. The risk of interrupted service and injury is high for unauthorized access into the substation. Only specially trained and equipped personnel may enter a substation.

Due to the specific nature of the electrical substation, it would not meet safety standards without the fencing around the parcel. This will not give us an advantage over others in the same zone, as it is specific to electrical substations and not other industrial properties.

In response to the obligation to increase security at our facilities, Xcel Energy implemented new fence standards for securing substation properties. The new standards increase the difficulty of gaining unlawful access into the substation. The proposed fence will be a solid wall on the north, west and south sides of the substation. The east side along with the access gates will be a wire chain link fence. Analysis has shown that increasing the fence height from 8' to 10' and limiting the mesh size of the chain link to openings that are less than 1" increases the difficulty of scaling the fence; deterring unauthorized access into the substation.

- **Location/Address/Tax Parcel ID of request**

The Project is located south of 3rd Street North, and north of 2nd Street North, east of Sycamore Street and west of the Illinois & Midland Rail Link (I&M) railroad line. The property to be platted as Wagon Wheel, City of La Crescent, Houston County, MN

| <u>Parcel Number</u> | <u>Address</u> |
|----------------------|--|
| 25.0113.000 | No address provided |
| 25.0114.000 | 71 3 rd Street North, La Crescent, MN |
| 25.0115.000 | 67 3 rd Street North, La Crescent, MN |
| 25.0116.000 | 172 Sycamore Street, La Crescent MN |
| 25.0117.000 | 206 Sycamore Street, La Crescent, MN |

- **Vicinity information**

Ability Building Center Inc. owns the parcels to the North of the property, with a parking and retail facilities. To the East, the property is owned by the railway along with wetland systems and river. To the West, numerous properties are owned by Tippetts Rentals LLC. To the South is a residential and the railway property.

- **Current site conditions- A survey or sketch drawn to scale must be attached showing:**

Attached for your use is a site plan showing the location of the proposed fence along with details

- **Legal Description**

LEGAL DESCRIPTION

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City, formerly Village, of La Crescent

And

That part of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

*Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 4 to the northeast corner thereof;
Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 26" W 123.68 feet along said westerly right-of-way to the south line of said Lot 4;
Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.
Containing 4,749 square feet ± or 0.11 acres ±.*

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

*Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent;
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Thence S 00° 28' 22" E 9.72 feet along the east line of said Lot 4 to the westerly right-of-way of the Canadian Pacific Railroad;
Thence S 13° 08' 34" W 144.24 feet along said westerly right-of-way to the north line of Lot 17 of said Plat of the City of La Crescent and the point of beginning;
Thence continuing S 13° 09' 40" W 133.88 feet along said westerly right-of-way to the south line of Lot 18;
Thence S 89° 40' 58" W 34.53 feet along said south line of Lot 18 to the southwest corner thereof;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 18 to the northwest corner thereof;
Thence N 89° 40' 58" E 50.00 feet along the north line of said Lot 18 to the northwest corner of said Lot 17;
Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.*

Containing 6,537 square feet ± or 0.15 acres ±.

RECEIVED

MAY 04 2023

Mailing Label Certification

I/We, Brian Sullivan, Sr. Siting and Land Rights Agent for Xcel Energy

City of La Crescent

hereby certify that this is a complete list of property owners abutting and those property owners that would be abutting except for the existence of a right of way of the property proposed for a variance as obtained from the Houston or Winona County Assessor's Office on: (date obtained) May 3rd, 2023.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

Brian Sullivan, Xcel Energy

Brian Sullivan

Property Owner Name

Signature

25.0113.000No address provided: 25.0114.00071 3rd Street North, La Crescent, MN
25.0115.00067 3rd Street North, La Crescent, MN: 25.0116.000172 Sycamore Street, La Crescent MN:
25.0117.000206 Sycamore Street, La Crescent, MN

Street Address

414 Nicollet Mall, 6th Floor

612-366-0234

City, State, Zip

Minneapolis, MN 55401

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone



414 Nicollet Mall, 414-06
Minneapolis, MN 55401

1-800-895-4999
xcelenergy.com

April 3, 2023

City of La Crescent
315 Main Street
La Crescent, MN 55947

RE Alley Vacation Request:

Dear Mayor and Council Members.

On behalf of P & K Shepardson please find attached for your consideration our request to vacate the alley located between 2nd and 3rd Streets east of Sycamore Ave. Xcel Energy has entered into an agreement to purchase the adjacent parcels of land for the construction of a new electrical substation.

The existing substation requires upgrades to meet the electrical needs of La Crescent and new security requirements. Updated and additional equipment is needed to maintain reliable electric service for the City of La Crescent. After an analysis of the current substation site, it was determined that it was not a viable site due to environmental and floodplain issues.

We have worked with staff on identifying a suitable parcel of land that is correctly zoned and is relatively close to the existing electric transmission lines that supply electricity to La Crescent and have identified the parcels bounded by 2nd and 3rd Streets and east of Sycamore. The existing alley bisects the parcel and consequently makes the property undevelopable.

Please accept our application to vacate the alley and we look forward to working with the City on as we develop plans for our project.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 | C:612.366.0234 | F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com

Cc: Paul Shepardson

RECEIVED

MAY 04 2023

City of La Crescent, MN

RECEIVED

MAY 04 2023

City of La Crescent, MN

VACATION PETITION

To the City of La Crescent, Houston County, Minnesota:

The undersigned owner of land abutting Sycamore Street hereby petitions you to vacate the following described street:

Please refer to the attached Legal Description and map.

and Petition you to Order all of the above vacated streets' right of way attached to the adjoining property owners.

Owners

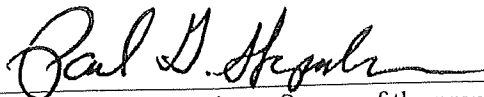
P & K Shepardson Rentals LLC

We ask that you proceed with such vacation pursuant to Minn. Stat. §412.851.

Dated this 4th day of April 2023.

Petitioners

P & K Shepardson Rentals LLC



By: Paul Shepardson, Owner of the property with the following Parcel ID
250113000, 250114000, 250115000, 250117000, 250116000.

Property Addresses

71 3RD ST N

67 3RD ST N

206 SYCAMORE ST

172 SYCAMORE ST

RECEIVED

MAY 04 2023

City of La Crescent, MN

Legal Description of Proposed Alley Vacation

That part of the 20-foot alley, Block 21, La Crescent Plat, according to the recorded plat thereof on file and recorded in the Office of the County Recorder, Houston County, Minnesota, described as follows:

Commencing at the northwest corner of Section 10, Township 104 North, Range 4 West; thence North 88 degrees 46 minutes 06 seconds East along the north line of said Section 10, a distance of 2635.08 feet to the North Quarter corner of said Section 10; thence South 67 degrees 23 minutes 17 seconds East, a distance of 1003.55 feet to the southwest corner of Lot 1, Block 21, of said La Crescent Plat and the point of beginning of the tract to be described; thence North 89 degrees 48 minutes 38 seconds East along the south line of Lots 1, 2, 3, and 4, Block 21, of said La Crescent Plat, a distance of 171.03 feet to the westerly right-of-way of the Canadian Pacific Railroad as defined in Court File No. 28-CV-22-500 and Document A307993, filed in the Houston County Recorder's Office; thence South 13 degrees 04 minutes 25 seconds West along said railroad right-of-way, a distance of 20.55 feet to the north line of Lot 17, Block 21, of said La Crescent Plat; thence South 89 degrees 48 minutes 38 seconds West along the north line of Lots 17, 18, 19, and 20, Block 21, of said La Crescent Plat, a distance of 166.22 feet to the northwest corner of Lot 20, Block 21, of said La Crescent Plat; thence North 00 degrees 28 minutes 10 seconds West, a distance of 20.00 feet to the point of beginning.

Said description contains 3372.53 sq. ft. or 0.08 acres more or less.

RECEIVED

MAY 04 2023

CITY OF LA CRESCENT ZONING AUTHORITY
APPLICATION FOR PRELIMINARY PLAT

City of La Crescent, MN

The undersigned being the owner(s) of record (optionee(s) with regard to enforceable exclusion options to purchase) of the hereinafter described premises hereby makes application for a:
PRELIMINARY PLAT

TO WIT:

Northern States Power Company d/b/a Xcel Energy hereby applies for a preliminary plat of Wagon Wheel, property located in the City of La Crescent, Houston County MN. The proposed preliminary plat will combine several previously plated lots, an alley to be vacated, and property acquired through quiet title adjacent to the RR tracks. The proposed use of the property is for an electrical substation that will provide service to the City of La Crescent
Xcel Energy has the property under contract with the underlying property owner. P and K Shepardson Rentals, LLC

the lands to which this application has reference are described as follows, to wit:

Please refer to the attached legal description and preliminary plat drawing depicting the property

Attached is a sketch of the site plan showing North arrow and other relevant data with reference hereto. I (we) understand that additional data may be requested by the City of La Crescent Planning Commission with regard hereto.

Dated: April 26, 2023

Brian Sullin Xcel Energy
Paul J. Shepardson
(Owners (s)) (Optionee(s))

LEGAL DESCRIPTION

Lots 1, 2, 3, 19 and 20, Block 21, La Crescent Plat of the City, formerly Village, of La Crescent

And

That part of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

Commencing at the Northwest Corner of Section 10, Township 104, Range 4;
Thence N 88° 46' 09" E 2635.04 feet to the North Quarter Corner of said Section 10;
Thence S 76° 38' 43" E 1105.24 feet to the northwest corner of Lot 4, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent to the point of beginning;
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Thence S 89° 40' 58" W 20.89 feet to the southwest corner of said Lot 4;
Thence N 00° 28' 22" W 130.00 feet along the west line of said Lot 4 to the point of beginning.
Containing 4,749 square feet ± or 0.11 acres ±.

And that part of Lot 17 and Lot 18, Block 21, La Crescent Plat of the City (formerly Village) of La Crescent more particularly described as follows:

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Thence continuing N 89° 40' 58" E 16.04 feet along the north line of said Lot 17 to said westerly right-of-way and the point of beginning.

Containing 6,537 square feet ± or 0.15 acres ±.



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Wagon Wheel Substation

Criteria for Granting Conditional Use Permit (CUP)

12.06 CONDITIONAL USE PERMITS

Subd. 1. PERMIT REQUIRED. It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the city. Where applicable, a building permit shall also be obtained from the city.

Subd. 2. CHANGES IN PERMITS. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals, and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

A. That 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 diminish and impair property values within the immediate vicinity.

Response (Findings):

The proposed Electric Substation will not be injurious to the surrounding property owners. The subject property and surrounding properties are zoned for industrial uses and electric substations are a use that is consistent with the zoning district. Surrounding properties include rental mobile homes to the west, shops, and manufacturing to the north, one residential unit to the south, and railroad tracks and floodplain to the east. To mitigate visual impacts Xcel has developed a Screening Plan to secure and screen the property from nearby properties. This plan will include a 10' tall decorative screen fence/wall and landscaping, which will be located along the public facing sides (north, west, and south). Plantings will include evergreen and deciduous material with the intent to produce a vertically layered landscape that enhances the curb appeal of the



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facility, but also acts as a unifying element that will help to blend the facility into the character of the neighborhood.

B. That 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.

Response (Findings):

The surrounding properties are developed, and they may be candidates to transition into other industrial uses as outlined in the City's Comprehensive Plan. The proposed substation will allow for increased reliability and capacity to the electrical system of the City of La Crescent. With increased reliability and capacity in the electric grid the City can continue to grow and develop. The Project is being considered an operational upgrade to an existing Xcel substation located on Main Street. The existing substation does not have all season access as Main Street commonly floods during moderate to high precipitation and snow melt events, creating a situation of dramatically slowing response times during outages. The existing substation is also located on an abandoned landfill site and expanding the existing substation increases the risk of exposing contaminants to the environment. The new substation will provide access and additional reliability and safety to the local electrical system. This Project is part of Xcel Energy's continuing effort to maintain system reliability and resilience of the electrical grid.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings):

The proposed substation is an unmanned facility and will not require water or sewer services. Once construction is complete minimal traffic will be generated by the facility. Maintenance crews with two or three vehicles will periodically be on site several times a month. Driveway access to the substation will be from public right of way to the north and south. The site will be designed with drainage facilities that control runoff and prevent the erosion of soil.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings):

The property is an unmanned facility. Parking for maintenance crews will be within the substation.



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E. That adequate measures have been or will be taken to prevent or 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.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use

Response (Findings):

The substation will not emit odors fumes, dust, noise, or vibrations. The existence of an active railway through the neighborhood has a significantly larger impact. The facility will not have lighted signs and any yard lights will be shielded to prevent offsite glare.

The use is consistent with the Industrial Zone which permits public infrastructure, such as well houses, lift stations, water towers, booster stations, etc.; and permits other industrial uses as a conditional use. The proposed substation is considered an essential service and locating it in the Industrial Zone is a complementary use.

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings):

The use is not in conflict with the policies of the City of La Crescent. The proposed use is an essential service needed to protect the health, safety, and welfare of the citizens of La Crescent.

G. The use will not cause traffic hazards or congestion.

Response (Findings):

The facility is unmanned, and traffic will consist of maintenance crews with two or three vehicles being on site several times a month.

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.

Response (Findings):

Existing uses will not be adversely affected by the construction of the substation. The proposed substation will not curtail customer trade brought on by noise, glare, or general unsightliness. The proposed facility will be screened by landscape plantings and a proposed 10' tall decorative wall which will screen the substation from surrounding uses. The walls will be made of a low maintenance material that will not reflect sunlight or create glare. Yard lights will be shielded to



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prevent light from spreading outside of the property. Noise emitted from the substation is minimal and will be abated by the wall as well.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are

considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

- A. Increasing the required lot size of yard dimensions.
- B. Limiting the height, size, or location of buildings.
- C. Modifying the building architecture or orientation or requiring berms, screening, landscaping, or other facilities to protect adjacent or nearby property.
- D. Controlling the location and number of vehicle access points.
- E. Increasing the street or driveway width to mitigate traffic or safety concerns.
- F. Increasing the number of required off-street parking spaces.
- G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.
- H. Limiting the number, size, location, or lighting of signs.

On behalf of Xcel Energy, I would like to thank you for your time and consideration. The proposed substation is an essential service that is an integral component to the health, safety, and welfare of the City and this proposed substation with increased reliability and capacity will serve the City for many years.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.216.8083 | C: 612.366.0234
Email: brian.e.sullivan@xcelenergy.com

TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: June 1st, 2023

RE: Variance Wagon Wheel Electric Substation

Attached is a staff report for the Variance application for the Wagon Wheel Electric Substation. Additional information will be provided by staff at the meeting.

**CITY OF LA CRESCENT
NOTICE OF PUBLIC MEETING
VARIANCE APPLICATION WAGON WHEEL SUBSTATION**

Notice is hereby given that the Planning Commission of the City Zoning Authority will hold a public meeting at the La Crescent City Hall, 315 Main Street, in said City on Tuesday, June 6th at 6:10 o'clock P.M. to consider the application for a variance at parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, 25.116.000, and 25.117.000 to consider the application for a variance at 67 3rd Street North to allow for a 10-foot-tall fence.

The variance request concerns certain premises situated in said City described as follows, to wit: more commonly identified as parcel numbers 25.0113.000, 25.0114.000, 25.0115.000, 25.116.000, and 25.117.000.

All persons having an interest in the matter will be given the opportunity to be heard with reference thereto.

Dated: May 10th, 2023

By order of the City Zoning Office

Jason Ludwigson
Sustainability Coordinator
P. O. Box 142
La Crescent, MN 55947

**PLANNING COMMISSION – BOARD OF ADJUSTMENT PUBLIC MEETING
VARIANCE REQUEST – WAGON WHEEL ELECTRIC SUBSTATION
STAFF REPORT**

MEETING DATE: June 6, 2023

CASE NUMBER: PC-23-02 - Variance "Wagon Wheel Electric Substation"

OWNER: P&K Shepardson, Rentals LLC
10174 Charissglen, Ln
Highlands Ranch, CO 80126

PARCEL ID: 25.0113.000, 25.0114.000, 25.0115.000, 25.0116.000, 25.0117.000,

APPLICANT: Mr. Brian Sullivan, Northern States Power Company (Xcel Energy)

REQUEST: 1) Proposed fence height variance of two (2) feet (maximum fence height in the industrial zone is eight (8) feet in height from adjoining natural ground surface).

LOCATION: The property is located on the east side of N Sycamore Street and south of N 3rd Street.

**GENERAL PLAN/
ZONING DESIGNATION:** Shoreland Mixed-Use / I - Industrial District

SURROUNDING USES: North: Commercial Office, Industrial;
South: Residential, Warehouse;
East: CP Rail (CPKC) right-of-way;
West: Manufactured/Mobile Home Park.

BACKGROUND

The property has historically been used for single family residential purposes.

PUBLIC INPUT

Staff has not received any public input regarding this application.

PROPOSAL

PC-23-02 -VAR is a proposed variance request from the zoning code provisions found in Chapter 12, Zoning Ordinance, Section 12.10, General Provisions, Subd. 8 Fences, D. Agriculture, Commercial, Central Business and Industrial Fences, 1. Fences in the Agricultural and Industrial Districts shall not exceed eight (8) feet in height. The applicant is requesting to install a 10-foot-tall fence to provide additional security to ensure the safety of the substation and the public. The applicant also proposes plantings to include evergreen and deciduous material with the intent to produce a vertically layered landscaped that creates curb appeal, but also draws the eye away from the substation to blend the facility into the character of the neighborhood. The planting plan includes native and ornamental species such as, viburnum, juniper lilac, serviceberry, and bayberry.

BUILDING AND ZONING STAFF ANALYSIS

Relationship to Comprehensive Plan:

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Shoreland Mixed Use." The Comprehensive Plan states that this land use designation *will continue to function as the primary supply of highway-oriented uses while leading to improvements in the appearance and environmental performance of these areas.* Land Uses include Wholesale and Distributing Facilities, Industrial, Retail Sales and Service, Restaurants and Entertainment, Professional Offices, Civic and Institutional, Park and Recreation, and Multi-family residential. The preferred design strategies note that "Storage and loading areas should be screened from view from the highway." Further that "Generous landscaping, preferably with native species is strongly encouraged."

Land Use & Community Design

Goal 3 Properties along the State and Federal highway corridors will be improved and redeveloped.

Objectives:

- 3.1. Buildings will be improved or replaced with higher-quality materials and design.
- 3.2. Outdoor storage uses on these prominent sites will relocate and/or have improved screening.

Future Land Use Categories: I - Industrial District

Any new or expanded industrial use should have the following features to ensure compatibility with surrounding land uses and the City's environmental stewardship principles: fencing and landscaping to reduce or eliminate the visibility of any outdoor storage or loading areas

City zoning and land use regulations: The City Zoning Code contains fence regulations in Section 12.10 and specifies that no fence in the city may be taller than eight feet in height.

Site Context:

The .75-acre site consists of five tax parcels, two of which include residential uses and the remainder are vacant. The northern portion of the property abuts 3rd Street North and on the east is railroad right-of-way for the Soo Line Rail Road. The property has been used for residential purposes and the vacant lots have been vacant for some time. Industrial uses are to the north, to the west is a manufactured/mobile home park and to the north is a residential home.

Infrastructure Improvements:

N/A

PUBLIC INPUT

Staff has not received any public input regarding this application.

FINDINGS OF FACT FOR VARIANCE REQUEST

12.07 VARIANCES Subd. 1. Pursuant to Minn. Stat. Sec. 462.357, Subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Adjustment, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

CRITERIA FOR GRANTING VARIANCE

The City Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. DECISIONS. Following the public meeting or any continuance which is not appealed by the applicant, the Board of Adjustment shall grant or deny the variance upon a decision by a majority of members present. The Board of Adjustment may grant variances from the literal provisions of this Ordinance when the applicant for the variance establishes that there are practical difficulties as defined herein, and when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the comprehensive plan. The Board of Adjustment may impose any reasonable condition in granting of such variances in order to ensure compliance with this Ordinance or to protect adjacent property. The Board of Adjustment may consider functional and aesthetic issues in order to protect the essential character of the neighborhood. The Board of Adjustment shall accompany its decision to grant or deny a variance with a statement of its findings.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response (a - k) of the application, reviewed the adopted comprehensive plan, and the city's zoning code. The requested variance is to allow a fence to be an additional two feet in height contrary to the zoning code. The comprehensive plan provides general guidance that emphasizes improved screening of outdoor storage as follows:

3.2. Outdoor storage uses on these prominent sites will relocate and/or have improved screening.

Industrial: Any new or expanded industrial use should have the following features to ensure compatibility with surrounding land uses and the City's environmental

stewardship principles: • fencing and landscaping to reduce or eliminate the visibility of any outdoor storage or loading areas

Variances shall not be permitted when they are not in harmony with the general purposes and intent of the ordinance and when the variances are not consistent with the comprehensive plan. While there is no specific reference in the comprehensive plan to ten-foot fences versus eight-foot-tall fences, the Comprehensive Plan does call for improved screening and landscaping of industrial uses to reduce or eliminate the visibility of any outdoor storage or loading areas.

The variance request is in harmony with the general purposes and intent of the zoning ordinance, which is to carry out the intent of the City of La Crescent, Minnesota's plans and policies and to promote the public health, safety and general welfare.

Subd. 8. FENCES. Fences shall be permitted in all zones subject to the issuance of a zoning permit and the following conditions.

D. Agriculture, Commercial, Central Business and Industrial District Fences 1. Fences in the Agriculture and Industrial Districts shall not exceed eight (8) feet in height.

If the variance request does meet these two criteria (harmony and purpose of the ordinance and consistency with the comprehensive plan), then there is no need to evaluate the request to determine if there are "Practical difficulties."

Staff finds that the comprehensive plan is specific enough with regard to this request. Staff finds that the request is in harmony and purpose of the ordinance. The city fence code is very explicit regarding height regulations in all zoning districts. The rationale for the variance is that the applicant wants a ten-foot-tall fence not because the parcel has any limiting or unique factors. The parcel has unique factors as it's a part of crucial infrastructure. The proposed electrical substation protects the safety and improves the general welfare of the public by improving the reliability of electricity delivery.

If the Planning Commission approves the variance request, staff suggests the following conditions:

- 1) The fence complies with applicable setback distances for the Shoreland Mixed-Use / I - Industrial District.
- 2) The applicant plants trees and shrubs as screening that are native to Minnesota. The area outside the fence shall be planted with low growing fescue grass or a short native prairie mix.
- 3) The fence be an industrial fence that has a decorative component. The fence uses materials that are durable and is made from recyclable materials or materials that are easily recycled at their end of life.

RECOMMENDED MOTION FOR VARIANCE

I move that the Planning Commission serving as the Board of Adjustment (APPROVE/DENY) case PC-23-02-VAR – Variance “Wagon Wheel Electric Substation”, a request by Mr. Brian Sullivan, Northern States Power Company (Xcel Energy) to allow for a two (2) foot fence height variance for the construction of a fence, 10 (10) feet in height.

Statement of Findings (Refer to Exhibit 2):

1)

Conditions:

Jason Ludwigson

Prepared by Jason Ludwigson,
Sustainability Coordinator

Attachments:

Exhibit #1 – Houston County Beacon Aerial Map – Parcel Map Combined Parcels

Exhibit #2 – Variance Findings Form

Exhibit #3 – Industrial Composite Fence Examples

Exhibit #1

Houston County Beacon Aerial Map – Parcel Map Combined Parcels



Exhibit #2
Variance Findings Form

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance **is/is not** in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because: _____

2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance **is/is not** consistent with the Comprehensive Plan because: _____

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner **does/does not** propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because: _____

4. Is the plight of the landowner due to circumstances unique to the property owner not created by the landowner?

There **are/are no** circumstances unique to the property that would prevent compliance with the ordinance because: _____

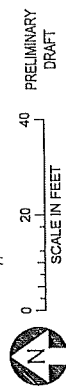
5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance **will/will not** alter the essential character of the locality because: _____

Exhibit #3
Industrial Fence Examples







XCEL ENERGY
WAGON WHEEL SUBSTATION LA CRESCENT, MN
RESTORATION PLAN

| HISTORY | | DATE | REVISIONS | |
|---------------|--|------------|-----------|-------------|
| DRAWN BY: EM8 | | 05/03/2023 | NO | DESCRIPTION |

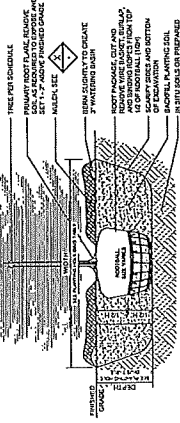
BARR
1300 MARKETPOINTE DRIVE
SUITE 200
MINNEAPOLIS, MN 55435
TEL: 1-409-832-2277
FAX (612) 832-3101

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINTED NAME _____
 SIGNATURE _____
 DATE _____ LICENSE # _____

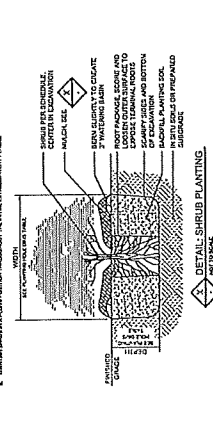
Xcel Energy®

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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[illegible]

X DETAIL: EVERGREEN TREE PLANTING, B&B

NOTE: The following are suggested answers to the questions. They are not the only possible answers. The questions are intended to stimulate your thinking and to help you develop your own answers. The questions are not intended to be a test of your knowledge of the material.



➤

GENERAL NOTES:

1. LOCATIONS OF PLANTS AND FENCE TO BE ADJUSTED ONCE SITE SURVEY IS COMPLETE. LOCATIONS ARE MEANT TO BE GENERAL AND GIVE A REPRESENTATION OF POTENTIAL SPACING AND SPECIES TO BE INCLUDED.

2. ALL DISTURBED SOILS ON SITE ARE TO BE SEEDED WITH MINDOT LOW MAINTENANCE TURF.

[illegible]

Wagon Wheel Substation

CRITERIA FOR GRANTING VARIANCE

Zoning Ordinance states the following:

A variance is a modification or variation of the provision of this zoning code as applied to a specific piece of property.

Subd. 2.

A. Variances shall only be permitted

1. when they are in harmony with the general purposes and intent of the ordinance, and
2. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

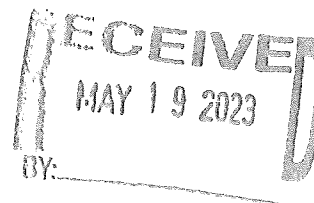
Subd. 3. "Practical difficulties," as used in connection with the granting of a variance, means that

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

1. Is the request in harmony with the general purposes and intent of the ordinance?

The variance is in harmony with the purpose and intent of the zoning ordinance based on the following findings of the Planning Commission because:

The subject property and surrounding properties are zoned for industrial uses and electric substations are a use that is consistent with the types of uses permitted in the zoning district. Xcel Energy is proposing to install a 10' tall fence around the substation to meet new security standards adapted by the company and to provide a buffer between the substation and the surrounding area. The proposed fence will provide an aesthetic value along with security and safety improvements. The variance requested is for a 10 feet high fence that would surround the entire parcel. The fence would be a decorative screen wall made of maintenance free material on the north, west and south sides. The east side would be a chain link fence. Access gates into the substation will be chain link as well.





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Minneapolis, MN 55401

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2. Would granting the variance be consistent with the Comprehensive Plan?

Granting the variance is consistent with the Comprehensive Plan because:
One of the guiding principles of the Comprehensive Plan is to encourage Commercial and Industrial Development. Having a new electric substation with increased reliability and capacity will ensure that reliable electric energy will be available for the community well into the future. The proposed 10' tall wall/fence is a standard adopted by the company to secure the substation and the electric grid.

Practical Difficulties Analysis

3. Does the property owner propose to use the property in a reasonable manner not permitted by the ordinance?

The property owner does propose to use the property in a reasonable manner not permitted by the ordinance, given the purpose of the protections because:

Xcel is proposing a 10-foot-tall fence. The ordinance permits fences of up to 6 foot tall. Xcel is proposing a 10-foot-tall fence to provide additional security to ensure the safety of the substation and by extension the public.

In response to the obligation to increase security at our facilities, Xcel Energy implemented new fence standards for securing substation properties. The new standards increase the difficulty of gaining unlawful access into the substation. Analysis has shown that increasing the fence height from 6' to 10' and reducing finger and tow holds to less than 1", increases the difficulty of scaling the fence; deterring unauthorized access into the substation.

The additional height will discourage vandalism and intrusion into the facility and will provide screening of the equipment within the substation. Xcel is designing the fence to meet City of La Crescent desire to have an attractive feature and to blend into neighborhood aesthetics.

4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

There are circumstances unique to the property that would prevent compliance with the ordinance because:

The property is unique for several reasons: (1) it is zoned industrial and due to the trapezoidal shape of the parcel and lack of depth it is unlikely to be developed for other industrial uses, and (2) The property is the only available parcel large enough for the proposed use in the City that is zoned appropriately, and (3) requires minimal offsite improvements. Properties in the vicinity include residential uses and the propose 10' height will decrease sightlines into the substation. The substation is considered critical infrastructure that the residents and businesses of La



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Minneapolis, MN 55401

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Crescent depend on daily and is an integral part of providing for the health, safety, and welfare of the community. To protect the substation and the interconnected electric grid the 10' tall wall/fence is one of several security enhancements that will be employed.

5. Would granting the variance allow the essential character of the locality to stay the same?

Granting the variance will not alter the essential character of the locality because:
The character of the locality will not be affected by increasing the wall/fence height from 6 foot tall to 10' tall. The additional height will add visual interest and aesthetic value to the neighborhood.

On behalf of Xcel Energy, I would like to thank you for your time and consideration. The requested variance to fence height for the substation is an important component to secure the facility and to provide an aesthetic element and curb appeal for an essential service that is an integral component to the health, safety, and welfare of the City.

Regards,

Brian Sullivan
Siting and Land Rights
P: 612.330.5925 | C: 612.366.0234 | F: 612.329.3096
Email: brian.e.sullivan@xcelenergy.com

City of La Crescent Planning and Zoning Deadlines and Notice Requirements

| Application Type | Recommending Body ¹ | Approval Body | Appeal Body | Complete Application Deadline | Application Submittal | Outside Agency Review | Public Hearing or Public Meeting | Legal Ad Required Yes/NO | Prepare Legal Ad | Newspaper Deadline | Newspaper Ad Publishing Date | Notice Posted in 3 places | Mailing to abutting and adjacent property owners and applicant | Approval Deadline |
|------------------------|---|--|--|---|------------------------------|---|----------------------------------|--------------------------|--------------------------|-------------------------------|------------------------------------|---------------------------|---|---------------------------------|
| Variance | | Planning Commission (Bd of Adjustment) | City Council (as Bd of Appeal), then Dist. Court | 3 weeks prior to meeting (21 days) | Building Official | DNR for Floodplain | Meeting | No | | | | 10 days prior to meeting | Abutting property owners and those property owners that would be abutting except for the existence of a right of way shall be advised by written notice of the variance request. 10 days prior to meeting | 60 days from complete submittal |
| Conditional Use Permit | Planning Commission | City Council | Dist. Court | 30 days prior to hearing | Building Official | | Hearing | Yes | 1 week prior to deadline | Monday for Friday Publication | Published 10 days prior to hearing | 10 days prior to hearing | 350' 10 days | 60 days from complete submittal |
| Rezoning | Planning Commission | City Council | Dist. Court | 3 weeks prior to meeting (21 days) staff has 15 days to ensure completeness | Building Official | | Hearing | Yes | 1 week prior to deadline | Monday for Friday Publication | Published 10 days prior to hearing | 10 days prior to hearing | 350' 10 days | 60 days from complete submittal |
| Street/Alley Vacation | | City Council | Dist. Court | 30 days prior to hearing | | DNR near water body | Hearing | Yes | 1 week prior to deadline | Monday for Friday Publication | Published 14 days prior to hearing | 14 days prior to hearing | 10 days to all affected property owners | |
| Preliminary Plat | Planning Commission Must be received by PC 7 days prior to any meeting | City Council | Dist. Court | 30 days prior to hearing Staff has 15 days to ensure completeness | Building and Zoning Official | County/ MnDOT if abutting CTH or STH upon deeming application complete, return to city w/in 14 days | Hearing | Yes | 1 week prior to deadline | Monday for Friday Publication | Published 10 days prior to hearing | 10 days prior to hearing | 350' 10 days | 120 days of submittal |
| Final Plat | Planning Commission | City Council | Dist. Court | 30 days prior to hearing and 12 months after Pre Plat is approved, staff has 15 days to ensure completeness | City Staff | | Hearing | No | | | | | | 60 days of submittal |
| Interim Use | Planning Commission | City Council | Dist. Court | 30 days prior to hearing | Building Official | | Hearing | Yes | 1 week prior to deadline | Monday for Friday Publication | Published 10 days prior to hearing | 10 days prior to hearing | 350' 10 days | 60 days from complete submittal |
| Zoning Appeal | | City Council (Zoning Bd of Appeals) | Dist. Court | 10 days of decision being appealed | Building Official | | Meeting | No | | | | 10 days prior to meeting | | |

City Council Meets the 2nd and 4th Mondays of the Month at 5:30 p.m.

Planning Commission Meets the 1st Tuesday of the Month at 5:30 p.m.

¹ Staff makes a recommendation on all application types.

TO: Planning Commission Members

FROM: Jason Ludwigson, Sustainability Coordinator

DATE: June 1st, 2023

RE: Beekeeping Ordinance

The GreenStep committee has reviewed and recommended the draft ordinance language included that allows beekeeping within the city. The ordinance was reviewed by the city building official changes he recommended were incorporated. The ordinance was also reviewed by past predicant of the Minnesota Beekeepers Association Gary Ruetler. It's consistent with GreenStep BP 27.2 which states "facilitate the creation of home/community gardens, chicken & bee keeping, and incorporation of food growing areas/access in multifamily and residential developments. Additional language about swarming was added to the ordinance. Included is a letter of support for the ordinance from a community member.

ORDINANCE NO. XXX
AN ORDINANCE OF THE CITY OF LA CRESCENT
REGULATING (HONEY BEES) BEEKEEPING IN THE CITY OF
LA CRESCENT, MINNESOTA

The City Council of the City of La Crescent, Houston County, Minnesota, hereby ordains:

SECTION I – FINDINGS. The La Crescent City Council hereby finds and declares as follows:

1. Pollinators are a necessary component of a healthy ecosystem and food system, providing essential pollination of plants in order to grow vegetables, herbs, and fruits.
2. Pollinator populations are in sharp decline due to an ongoing loss of habitat as a result of human land use practices, coupled with a simultaneous large-scale expansion of pesticide use by homeowners, landscapers, property managers, and farmers.
3. Local food production is needed to improve the health and food security of La Crescent residents and insect pollination is an essential component of local food production.

SECTION II – PURPOSE. The purpose and intent of this ordinance is to permit and establish requirements for the keeping of honey bee colonies, hives, and equipment within the City of La Crescent.

SECTION III - DEFINITIONS.

1. Apiary: The assembly of one or more colonies of bees on a single lot.
2. Beekeeper: A person who owns or has charge of one or more colonies of honeybees.
3. Colony: An aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
4. Flyway Barrier: A solid fence, wall, or dense vegetation at least 6' in height that continues parallel to the apiary site lot line at least 10' in each direction from the colony, that requires bees to fly over, rather than through the barrier. Depending on the barrier type and construction, or location, additional permitting may be required prior to installation.
5. Hive: The receptacle inhabited by a colony.
6. Undeveloped property: A lot adjacent to an apiary where residential dwellings, commercial buildings, trails, sidewalks, or streets do not currently exist, or are greater than 25' from an existing hive.

SECTION IV- LOCATION REQUIREMENTS.

1. Beekeeping is permitted in all zoning districts in accordance with this code section. In the C-1 – Commercial District, CBD 1 – Commercial Business District, CBD 2 Commercial Business District, and I – Industrial District, hives must be kept on the roof of a building at least 12' in height.
2. Hives must not be located in the front yard, unless on a lot greater than 5 acres. For the purpose of this section, a corner lot has two front yards.
3. Hive setback must be in accordance with the following requirements:

| Hive Setback | Distance | Hive Setback | Distance |
|--------------------------------|----------|--------------------------|----------|
| Lot Line | 20' | Adjacent Dwelling | 25' |
| Lot Line with A Flyway Barrier | 15' | Trail / Sidewalk / Patio | 25' |

SECTION V – COLONY DESIGN.

1. Colonies must be kept in removable frame hive bodies no more than 9 5/8” deep with no more than 10 frames.
2. An adequate and convenient water source must be within 10' of active hives.
3. Hives must not exceed 6' in total height.
4. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees is left exposed outdoors. Such materials must be stored in sealed insect-proof containers or placed within a building.

Maximum number of colonies permitted based on lot size:

| Lot Size | # of Colonies | Lot Size | # of Colonies |
|----------------------|---------------|-----------------------|---------------|
| Less than 0.50 acres | 1 colonies | 2.51 to 4.99 acres | 8 colonies |
| 0.51 to 1.0 acres | 2 colonies | 5.00 to 9.99 acres | 16 colonies |
| 1.01 to 2.50 acres | 4 colonies | Greater than 10 acres | 32 colonies |

SECTION VI – GENERAL REGULATIONS:

1. All Beekeepers must register active hive sites with the Building Official or designee. Existing hives must register within 60 days of the publishing of this ordinance. All Beekeepers must register active hive sites annually.
2. Sale of honey or related bee products: Retail sales in residential zones must only be from hives on that property. Home occupations must meet all of the existing requirements in the La Crescent Municipal Code.
3. Provide written documentation that you have notified all of your immediate neighbors that you plan to keep bees on your property
4. If an undeveloped property adjacent to a colony is developed, the colony locations must comply with all sections of this code within 90 days of the development.
5. Hive bodies must be maintained in good condition, including maintenance of paint, and when not in use must be removed within 14 days if they are no longer occupied.
6. Beekeepers shall submit a written plan on how they intend to minimize or prevent swarming to the Building Official or designee. For swarm prevention purposes a beekeeper may exceed the maximum colony requirement for up to 35 days, but must meet all other requirements of this section.
7. Hives shall be continuously managed to provide adequate living space for their resident honeybees in order to control swarming.
8. In any instance in which a colony exhibits unusual aggressive behavior, it shall be the duty of the beekeeper to promptly implement appropriate actions to address the behavior. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.
9. The city Building Official or designee shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary property and more often upon complaint without prior notice. It shall be deemed a violation of this Section for any person to resist, impede, or hinder the Building Official or designee in the performance of their duties in inspecting any apiary and apiary site.

SECTION VII - VIOLATION. A violation of this Ordinance is a petty misdemeanor subject to penalty not to exceed \$300.00.

SECTION VIII - These provisions shall become effective from and after due passage and enactment, and publication, according to law.

PASSED AND ENACTED this _____ day of _____, 2023.

Mayor

ATTEST:

City Administrator

Alyson Burg
1004 S Oak St.
La Crescent, MN. 55947
alyson.mcrill@gmail.com
4/18/2023

Jason Ludwigson
Sustainability Coordinator
La Crescent, MN

Letter of Intent to Adopt Ordinance No. XXXX "Regulating of Beekeeping in the City of La Crescent, MN"

To Jason Ludwigson,

I am writing to express my support to adopt the "Regulating of Beekeeping in the City of La Crescent, MN" ordinance. It is my belief that this proposed ordinance will benefit our community and further compliment La Crescent's other "green" initiatives. As a resident of La Crescent, I am passionate about helping implement this change and look forward to installing one of the first applications of the proposed ordinance within the city.

As a member of the community, I have identified the need for this ordinance as a solution to declining honeybee populations and the continued need for pollinators in our city. These benefits are outlined in Section I of the attached ordinance. Allowing residents to keep honeybee colonies within the city will provide a chance for community members to connect over this centuries old hobby and help to create a more resilient and sustainable ecology for La Crescent, MN. There are many cities within the state of Minnesota, such as Bloomington, Moundsview, and Blue Earth for example, which allow for similar apiary and hive activity as outlined in ordinance No. XXX.

In order for this proposed ordinance to be successful, I am committed to working closely with the city council, community members, sustainability and other related groups to ensure that the specifics in the attached ordinance are properly researched, compared against similar ordinances if necessary, and implemented effectively. With my prior beekeeping experience, I am also willing to provide any necessary resources, support, or expertise to facilitate this process.

I am excited about the potential positive impact of this ordinance on our community and I am looking forward to working together with you and other stakeholders to make it a reality. With proper implementation, this initiative will hopefully have many benefits to the community: It will allow residents to have the opportunity to learn new skills, to create a bountiful and healthier food supply in home gardens, and to allow honey bee populations to grow within our region.

Thank you for considering my letter of intent to adopt a new city ordinance. Please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Sincerely,
Alyson Burg

RE: Beekeeping

John Howard <jhoward@ci.winona.mn.us>

Wed 4/12/2023 8:04 AM

To: Jason Ludwigson <jludwigson@cityoflacscent-mn.gov>

Hello Jason,

Winona never did enact the beekeeping ordinance. I'm not sure what the rationale was for holding back on enacting the ordinance. We do have the following guidelines:

Bees: Not specifically permitted or prohibited by ordinance – so may be kept under the following recommended guidelines:

1. Apiary is kept at least 10 feet from lot lines
2. Water source is kept nearby apiary
3. Fences between properties at least 6 ft height

John Howard

Natural Resources and Sustainability Coordinator
City of Winona
507-457-8273

From: Jason Ludwigson <jludwigson@cityoflacscent-mn.gov>

Sent: Tuesday, April 11, 2023 8:32 AM

To: John Howard <jhoward@ci.winona.mn.us>

Subject: Beekeeping

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your City IT.

Good morning John,
Did Winona adopt a beekeeping ordinance to allow this activity? Thanks

[New beekeeping rules | News | winonapost.com](#)

Jason Ludwigson

Sustainability Coordinator

Safe Routes to School Coordinator

jludwigson@cityoflacscent-mn.gov


M:507-313-9633

315 Main Street



MEMORANDUM

TO: Planning Commission

FROM: Larry Kirch, Community Development Director 

DATE: June 6, 2023

SUBJECT: Walnut Street Corridor Plan – Project Status/Schedule

Attached for your information is the schedule that Staff and the Consultant from MSA have put together to create the plan for the Walnut Street Corridor. City staff is serving as the Technical Committee and the City's EDC is serving as the Project Committee. The Kick-off Meeting and corridor walk-thru occurred on April 5th. The EDC met again on May 8th to review information gathered from the April meeting and to provide input for the public involvement in June.

There will be public involvement through the Farmers Market, a Public Informational Meeting and Focus Group meetings of stakeholder, all in June. The remainder of the summer will be used to take this input and begin to refine the plan for presentation to the public and stakeholders later in the summer.

Attachments: Project Schedule

Walnut Street Corridor Plan Timeline

La Crescent, MN

| Action | Responsible Party | Internal Due Date | Client Due Date | Meeting Dates Deadline/ Note |
|---|---------------------------------------|-------------------|----------------------------|--|
| Meetings and Community Involvement | | | | |
| Internal Staff Kick-off meeting | Jason, Brad, Amy, Lauren | | 3/20/23 | Completed |
| Technical Committee Meeting 1/4 - Kickoff + Field Work Project Introduction with issues and opportunities discussion Corridor documentation | Brad & Emily H. Larry K. & Tech Comm. | | 04/05/23 | Completed |
| Bi-weekly Check-in and Coordination Call 1/8 Tech Committee + Other Ad Hoc Attendees | Brad V-K, Emily H + Larry K | | W 4/26/23 11:30 - 12:30 | |
| Project Committee 2 of 4 - Virtual @ City Hall Public meeting prep, focus group identification, downtown plan reminders - REVIEW SCHEDULE | Brad V-K, Emily H + Larry K | | M 05/08/23 3:00 - 4:30 | EDC, prep for PIM #1 |
| Bi-weekly Check-in and Coordination Call 2 of 6 Tech Committee + Other Ad Hoc Attendees | Brad V-K, Emily H + Larry K | | W 06/07/23 9:30 - 10:30 | Prep for 06/13-14 |
| Farmer's Market Pop-up 1 of 1 | Emily H + Larry K | | T 06/13/23 4:00 - 7:00 | |
| Focus Group Meeting 1 of 3 - In-Person | Brad V-K, Emily H + Larry K | | W 06/14/23 | Early Lunch |
| Focus Group Meeting 2 of 3 - In-Person | Brad V-K, Emily H + Larry K | | W 06/14/23 | Early Afternoon |
| Public Input Meeting 1 of 2 | Brad V-K, Emily H + Larry K | | W 06/14/23 6:00 - 8:00 | |
| Bi-weekly Check-in and Coordination Call 4 of 6 Tech Committee + Other Ad Hoc Attendees | Brad V-K, Emily H + Larry K | | W 06/21/23 9:30 - 10:30 | |
| Project Committee 3 of 4 - Mode TBD PIM & Focus Group Debrief + Alternative Design & Policy Review Prep | Brad V-K, Emily H + Larry K | | M 07/10/23 3:00pm - 4:00pm | |
| Bi-weekly Check-in and Coordination Call 5 of 6 Tech Committee + Other Ad Hoc Attendees | Brad V-K, Emily H + Larry K | | W 07/19/23 9:30 - 10:30 | |
| Focus Group Meeting 3 of 3 - In-Person | Brad V-K, Emily H + Larry K | | W 08/09/23 | Before PIM 2, alternative design feedback/charrette? |
| Public Input Meeting 2 of 2 | Brad V-K, Emily H + Larry K | | W 08/09/23 6:00 - 8:00 | Potential FG? Project eval of alternatives |

| | | | | |
|--|---------------------------------|--|---------------------------|--|
| Bi-weekly Check-in and Coordination Call 6 of 6 Tech Committee + Other Ad Hoc Attendees | Brad V-K, Emily H + Larry K | | W 08/16/23 9:30 – 10:30 | Update project alternative decision follow-up engineering for 2024 c |
| Project Committee 4 of 4 – Mode TBD Total Project Debrief & Wrap up for edits & review for adoption, edit/review schedule | Brad V-K, Emily H + Larry K | | M 08/28/23 3:00pm -4:00pm | |
| City Council Meeting - Update Presentation | Brad V-K (or Emily H) + Larry K | | M 09/11/2023 | Project update/Overview & Review for Later Approval |
| City Council Meeting - Approval | Brad V-K (or Emily H) + Larry K | | M 10/09/2023 | Approval by Resolution |

Meeting Agenda/Discussion 05/08

- 1) Team (re)Introductions
- 2) Project Schedule/Timeline Overview + Discussion (see attached)
- 3) Public Input Meeting 1 Planning (June)
- 4) Focus Groups (June)

Focus Groups – all invited to the public meeting

1 focus group of Merchants along corridor, North and/or South merchant groups... 2nd group hotel, Kwik trip and south downtown retailers, late morning/early lunch & mid afternoon on 06/14 ahead of PIM #1

2 focus groups in person while we are in City for PIM on 06/13 and 06/14, have 3rd focus groups in morning or afternoon before PIM #2 in Aug to evaluate design alternatives proposed, charrette type exercise?

Potential Homeowners as part of focus group? – middle of the day, northern end of corridor, later in the day...

Discussion of Focus Groups

Group 1: Residents -> Hard to get attendance
Landowners, over lunch

Group 2: Merchant -> Later afternoon
Businesses, Hotel, Time Out Quick Trip, Other shops, etc...

Group 3: Combination of Both Groups
At PIM #2 for detailed feedback about streetscape alternatives

Walnut Street Corridor Plan: June 13 & 14

La Crescent, MN

| Action | Responsible Party | Start Date | Deadline/ Notes |
|--|-------------------|-------------------------------|-----------------|
| Tuesday, June 13 | | | |
| Arrive at Farmer's Market and Pop-Up Setup | Emily H + Larry K | T 06/13/23 3:00pm – 4:00pm | |
| Farmer's Market Pop-up 1 of 1 | Emily H + Larry K | T 06/13/23 4:00pm – 7:00pm | |

| Wednesday, June 14 | | | |
|--|-----------------------------|--------------------------------|---------------|
| MSA Working in City Hall | Emily H + Brad V-K | W 06/14/23 9:00am – 10:30 | |
| Focus Group Meeting 1 of 3 – In-Person | Brad V-K, Emily H + Larry K | W 06/14/23 11:00am – 1:00pm | Early Lunch |
| Break Between Focus Group Meetings | | | ~1 Hour |
| Focus Group Meeting 2 of 3 – In-Person | Brad V-K, Emily H + Larry K | W 06/14/23 2:00pm – 4:00pm | Mid Afternoon |
| Break between Meetings | | | ~1 Hour |
| Setup for PIM | Brad V-K, Emily H + Larry K | W 09/14/23 5:00pm – 6:00pm | |
| Public Input Meeting 1 of 2 | Brad V-K, Emily H + Larry K | W 06/14/23 6:00pm – 8:00pm | |

Farmer's Market Pop-Up Ideas/Materials

- Annotated map of Walnut St Corridor
- Informative board about project
- Board/handouts with information about PIM on June 14
- Activity board(s)
 - Visual preference board – what kind of activities/uses would you like to see?
 - Green/red sticker map – people can mark strong and weak parts of the corridor with stickers/post-it notes

Focus Groups – all invited to the public meeting

1 focus group of Merchants along corridor, North and/or South merchant groups... 2nd group hotel, Kwik trip and south downtown retailers, late morning/early lunch & mid afternoon on 06/14 ahead of PIM #1

2 focus groups in person while we are in City for PIM on 06/13 and 06/14, have 3rd focus groups in morning or afternoon before PIM #2 in Aug to evaluate design alternatives proposed, charrette type exercise?

Potential Homeowners as part of focus group? – middle of the day, northern end of corridor, later in the day...

Focus group brainstorm

- Representatives from businesses along corridor (commercial)
 - Kwik Trip, hotel, time out
- Homeowners/property owners around corridor (residential)
- August PIM: invite everyone back for 1-2 hr focus group session to provide feedback on drafted solutions
- Invite everyone to farmer's market and PIM
 - Provide comment sheets at all events
- Make flyer advertising all events and targeted groups/demographics, mailer advertising farmers market/PIM
 - Develop mailing list for residents, commercial tenants – Brian willing to hand-deliver invitations to businesses and have short conversations
- Deliverables:
 - Spreadsheet: compile information on relevant parties to invite
 - Fliers and email verbiage with information on public input events

