



Le Sueur County, MN

Thursday, October 20, 2016

Regular Session

Item 1

Heilman Packet

Staff Contact: Kathy Brockway or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: **Ross & Ruth Heilman**

911 ADDRESS: **26728 Sioux Trail, Madison Lake, MN**

VARIANCE REQUEST: **To allow the applicant to construct an additional 227 feet to an existing 51 feet for a total of 278 lineal feet of rip rap.**

VARIANCE NUMBER: **16297**

PARCEL NUMBER: **13.002.7800**

SITE INFORMATION

LOCATION: **Part of Government Lot 5, Section 2, Washington Township**

ZONING & PURPOSE: **Recreational Residential**

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2009 makes reference to preservation and restoration of natural resources and water quality.

GOAL #2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resources areas.

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Action 2: Adopt water quality protections standards to protect lake water quality.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives, and actions of the County's Local Water Management Plan.

Action 5: The County will draft educational materials for distribution to shoreland property owners encouraging residential property owners in shoreland areas of the County to observe the Urban Best Management practices.

GENERAL SITE DESCRIPTION: **Shoreland, residential**

ACCESS: **Existing access off Sioux Trail**

LAKE: **Lake Jefferson, Recreational Development Lake**

Recreational Development Lake - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

RFPE: **NA**

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, Letter from Env Resource Specialist Josh Mankowski, DNR Public Waters Work Permit

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

- | <u>Variance:</u> | <u>Request:</u> | <u>Allowed:</u> | <u>Ordinance:</u> | <u>Page:</u> |
|---------------------------|-----------------|-----------------|-----------------------------|--------------|
| a. Lineal feet of rip rap | 278 feet | 200 feet | Section 13. Subdiv 5. A. 5. | 13-20 |
2. Refer to DNR Guidance Letters:
 - a. The Role of the Variances in Shoreland Management Ordinances pg. 9
 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
 4. A Variance may be granted **only** where the strict enforcement of the official controls will result in a **practical difficulty**.
 5. It is the responsibility of the **applicant** and/or landowner to prove evidence that a practical difficulty exists.
 6. A determination that a **practical difficulty exists** upon the consideration of the **findings of fact**.

CONSIDERATIONS

1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
2. Additional Considerations:
 - a. The proposed project extends below the OHWL, see attached DNR Public Waters Work Permit.
 - b. A Conditional use Permit will also be required for the project.

CONDITIONS

1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
3. *If approved*, construction must be completed **prior to the Variance expiration**, Section 22; Subdivision 7.
4. *If approved*, a **zoning permit** must be purchased prior to starting construction, Section 26.
5. **Extension** must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600**

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 10/07/2016

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Ross & Ruth Heilman

Property owner:

Ross & Ruth Heilman

Property:

13.002.7800

Description:

Request a Variance to construct an additional 227 feet to an existing 51 feet for a total of 278 feet of Rip Rap for shoreland alteration.

Recommendation:

It would be my recommendation to approve the Variance request for the length of Rip Rap. The lot in question includes a point with noticeable signs of shoreline erosion. Before giving my recommendation, I also discussed this issue with the MN DNR who has also inspected the property.

Condition(s):

None

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

VARIANCE

LE SUEUR COUNTY PLANNING AND ZONING
BOARD OF ADJUSTMENT
88 SOUTH PARK AVENUE
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE:	PERMIT NUMBER 16297	FEE: \$646.00
60 DAY RULING DATE:		
APPLICANT: ROSS & RUTH HEILMAN	PROPERTY OWNER: ROSS & RUTH HEILMAN	
ADDRESS: 26728 SIOUX TRL	ADDRESS: 26728 SIOUX TRL	
CITY: MADISON LAKE	CITY: MADISON LAKE	
STATE: MN	STATE: MN	ZIP: 56063
PHONE: 507-380-8088	PHONE: 507-381-8778	

PARCEL NO: 13.002.7800	TOWNSHIP: WASHINGTON	911: 26728 SIOUX TRL, MADISON LAKE
SEC: 2	SUBDIV: NA	
TWP: 109	LOT: NA	ZONE: RR
RANGE: 25	BLOCK: NA	FEMA PANEL #: 27079C0270D
Q/Q:	ROAD: TWP	FLOOD ZONE: X OUTSIDE

I (We), the undersigned, owner(s) and/or applicant of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a variance, as hereinafter designated, and in support thereof, the following facts are presented:


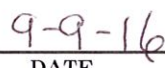

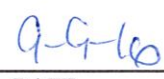
1.) Reason for Requested Variance:

TO CONSTRUCT AN ADDITIONAL 227 FEET TO AN EXISTING 51 FEET FOR A TOTAL OF 278 FEET OF RIPRAP FOR SHORELAND ALTERATION

2.) Reasons for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Variance:

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD:

 _____ APPLICANT/PROPERTY OWNER	 _____ DATE
 _____ LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	 _____ DATE

**** FEES ARE NON-REFUNDABLE****

ON-SITE TOUR DATE: _____	10/20/2016
PUBLIC HEARING DATE: _____	10/20/2016
ACTION: _____	_____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

_____ BOARD OF ADJUSTMENT CHAIRMAN	_____ DATE
---------------------------------------	---------------

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.

VARIANCE FINDINGS OF FACT

Name of Applicant: ROSS & RUTH HEILMAN

Variance # 16297

Variance Request: TO CONSTRUCT AN ADDITIONAL 227 FEET TO AN EXISTING 51 FEET FOR A TOTAL OF 278 FEET OF RIPRAP FOR SHORELAND ALTERATION

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Y N 1. Does the property owner propose to use the property in reasonable manner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 2. Is the alleged practical difficulty unique to the property?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 3. Were the circumstances causing the practical difficulty created by someone other than the applicant / landowner?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 4. Will the issuance of the Variance maintain the essential character of the locality?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 5. Does the alleged practical difficulty involve more than economic considerations?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls.

Y N 6. Is the Variance consistent with and supported by the statement of purposes, policies, goal and objectives in the Ordinance?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Y N 7. Is the Variance consistent with the Comprehensive Plan?

Explain _____

JM	JW	JD	CH	FC
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. IF ALL THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

() APPROVED () DENIED

CONDITIONS: _____

Applicant response to conditions: Agree () Disagree ()

Reasons: _____

Board of Adjustment Chairman

Date

Variance Application

I. Applicant:

Name Ross and Ruth Heilman
 Mailing Address 26728 Sioux Trail
 City Madison Lake State MN Zip 56063
 Phone # 507-380-8088 Phone # 507-381-8778

II. Landowner:

Name Ross and Ruth Heilman
 Property Address 26728 Sioux Trail
 City Madison Lake State MN Zip 56063
 Phone # 507-380-8088 Phone # 507-381-8778

III. Parcel Information:

Parcel Number R 13.002.7800 Parcel Acreage 0.94
 Township 109 Washington Section 02
 Subdivision _____ Lot _____ Block _____

Full Legal Description must be attached.

(Full legal description can be found on deed, not abbreviated legal description from tax statement).

IV. Variance Request: List requested alternative to development standard(s).

278 ft rip rap

V. Description of Request:

a. A full written description of the proposed variance request with detailed information must be attached.

VI. Township Notification:

Township must be notified prior to application. *(County Commissioners are not the Township Board.)*

Washington Township notified on March 17, 2016
 (Township Name) (Date)

Board Member Steve Biehn regarding the proposed request.
 (Name)


VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts.*
- Access
- Easements

- Impervious Surface

- Required for *Shoreland, Business, & Industrial Districts.*
- Itemized current & proposed impervious surfaces to include total percentages.
- Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

*Site shall be physically staked, *then* surveyed.

*Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

*Stakes must remain in place until construction commences.

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

We need a total of 300 feet of riprap. We currently have 50 feet of riprap. The entire remaining 250 feet currently without riprap greatly needs this shoreline erosion protection project. Due to the size of this project, it will exceed the maximum guidelines, thus we need the variance.

2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

A tremendous amount of erosion has been taking place. We need riprap to stop the erosion.

3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

Natural erosion.

4. How will the request maintain the essential character of the locality?

The shoreline protection project will preserve the landscape ^{as it} currently exists.

5. Does the alleged practical difficulty involve more than economic considerations?

Absolutely. We are trying to protect the environment.

6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

Yes. Goal 2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent premature development on natural resource areas.

7. Describe how the request is consistent with the Comprehensive Land Use Plan.

The shoreline protection project will conserve, restore, and protect the ecological system of the lake.

8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities.

The septic/sewage system is in total compliance. The well is on an adjacent property.

9. Explain why this request is the minimum variance amount to afford relief.

Anything less than protecting the entire proposed project area would result in further erosion and environmental damages.

RECEIVED
AUG 26 2016
MFM

IX. Attachments shall include but not limited to:

- a. Site Plan-**survey**
- b. Surveyor Certification
- c. Access approval
- d. Full legal description
- e. Floor plans and/or blue prints (*For structures*)
- f. Septic System Compliance Inspection
- g. Erosion control plan
- h. Description of request

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

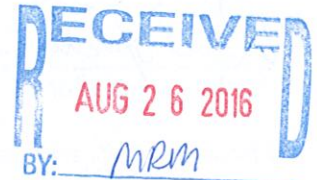
- a. One (1) reproducible copy of the request and all other supporting documents.
- b. **Ten (10)** copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:	\$ 600
Filing Fee:	\$ 46
Variance for Clusters:	\$ 600 + \$200 per household
Filing Fee:	\$ 46

Additional Fees:

Special Meeting:	\$1,200
After-The-Fact meeting fee:	<u>Doubled</u> + After-The-Fact Penalty.
After-The-Fact Penalty:	\$1,500 OR 10% of the improvement, whichever is greater.



Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion. **Appointment is necessary.**
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. **Appointment is necessary.**
- c. All required information must be correct and submitted **at the time of application,** or the application will not be accepted.
- d. Fees **will not** be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- i. The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- j. The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- l. The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

XIII. Signatures:

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

Ruth Heilman Ruth Heilman 8-10-16
 Applicant signature Date

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

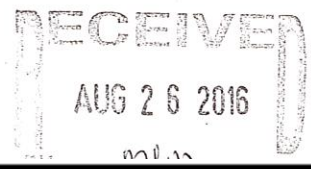
Ruth Heilman Ruth Heilman 8-10-16
 Landowner signature Date

OFFICE USE ONLY

Date received <u>8-26-16</u>	Present Zoning Classification <u>RR</u>	Feedlot within 500' 1000' <u>(N)</u>
Meeting date <u>10-20-16</u>	Lake Classification <u>RD</u>	Erosion Control Plan Y <u>(N)</u>
60 Day _____	Lake <u>Jefferson</u>	Water courses Y <u>(N)</u>
RFPE <u>1022.86</u>	FEMA Panel # <u>21079C0270D</u>	Bluff Y <u>(N)</u>
<input checked="" type="checkbox"/> Site Plan -survey	Flood Zone <u>X-outside</u>	Other <u>water project</u>
<input type="checkbox"/> Surveyor Certificate	<input type="checkbox"/> Full legal description	<input checked="" type="checkbox"/> Septic <u>Cluster</u> <u>CC</u> COC
<input checked="" type="checkbox"/> Floor plans/blue prints	<input type="checkbox"/> Access approval	NONC/Waiver Design
<input checked="" type="checkbox"/> Description of Request	<input type="checkbox"/> Blue Prints	<input type="checkbox"/> Fee \$ _____ ATF / SPEC MTG
<input checked="" type="checkbox"/> Application complete	<u>Michelle R. Matthews</u> Planning & Zoning Department Signature	<u>8-26-16</u> <u>16</u> Date Permit #

OHWL 1018.5

01-15-16



August 10, 2016

We have lived at this property for eight years. It has 300 feet of lakeshore. We have always left a substantial buffer between our yard and the existing lakeshore.

Currently, 50 feet of the 300 feet of shoreline has riprap to control water/wave action erosion. That 50 feet of shoreline remains stable. Despite leaving a buffer zone along the lakeshore, we have lost six feet, or more, of land along the 250 feet that has no riprap.

Due to the significant deterioration of the remaining 250 feet of shoreline, this shoreline protection project will benefit and protect Lake Jefferson from accumulating additional eroding soils from our property.

The riprap erosion project will conform to MN DNR Area Hydrologist guidelines and regulations.

Existing and proposed elevation contour will remain the same; the proposed work will not change the elevation terrain of the property. Geotextile fabric and riprap will be placed directly on the shoreline surface, as it exists.

Native vegetation will be planted to stabilize the riprap.

Ross and Ruth Heilman

RECEIVED
AUG 26 2016
BY: mem

Shore Line Protection & Native Vegetation Planting & Natural Stone Filling

Proposed Shore Impact - Above OHWL: (Le Sueur County)
 5' Wide x 227' Long x 1' Depth (43 Cubic Yards)

Proposed Shore Impact - Below OHWL: (DNR)
 5' wide x 227' Long x 1' Depth (43 Cubic Yards)

Proposed Total Project Filling: (83 Cubic Yards)

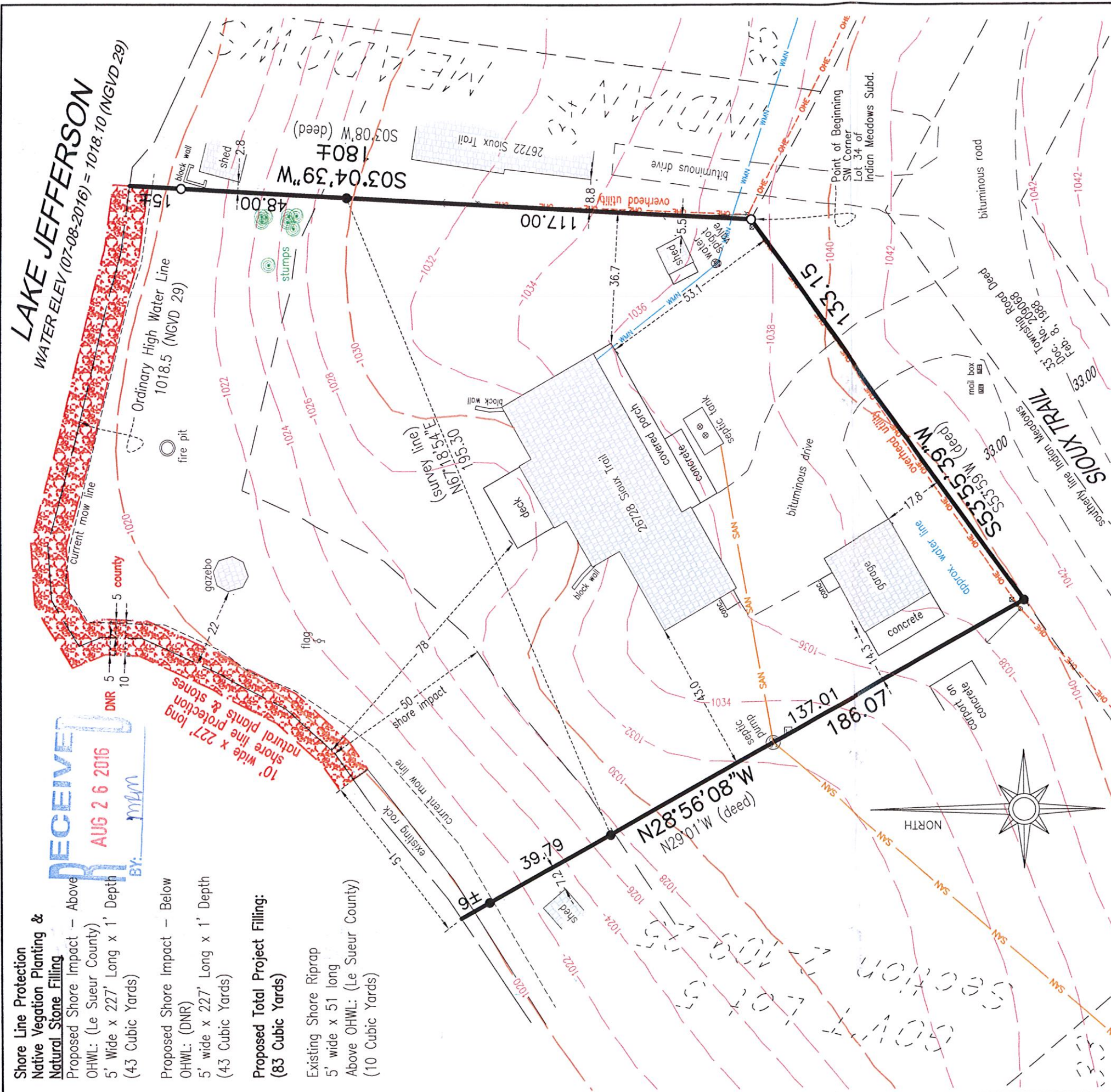
Existing Shore Riprap
 5' wide x 51 long
 Above OHWL: (Le Sueur County)
 (10 Cubic Yards)

RECEIVED
 AUG 26 2016
 BY: MAM

10' wide x 227' long shore line protection natural plants & stones

LAKE JEFFERSON
 WATER ELEV (07-08-2016) = 1018.10 (NGVD 29)

Ordinary High Water Line
 1018.5 (NGVD 29)



Project Notes:

- Property has a benefit of being part of a Septic Cluster System located directly south of the property, First Sioux Trail Cluster, Record Doc. No. 365443
- Property has a benefit of a shared well agreement, well is located East of property, on Lot 35, Indian Meadows Subd.
- Existing property shore line is deteriorating significantly, the shore line protection project will benefit and protect Lake Jefferson from accumulating additional eroding soils from the parcel.
- Riprap erosion protection project will conform to MN DNR Area Hydrologist guidelines and regulations.
- Existing and Proposed Elevation contour will remain the same, proposed work will basically not change the elevation terrain of the property. Geotextile Fabric and Riprap will be placed directly on the shoreline surface as it exist.

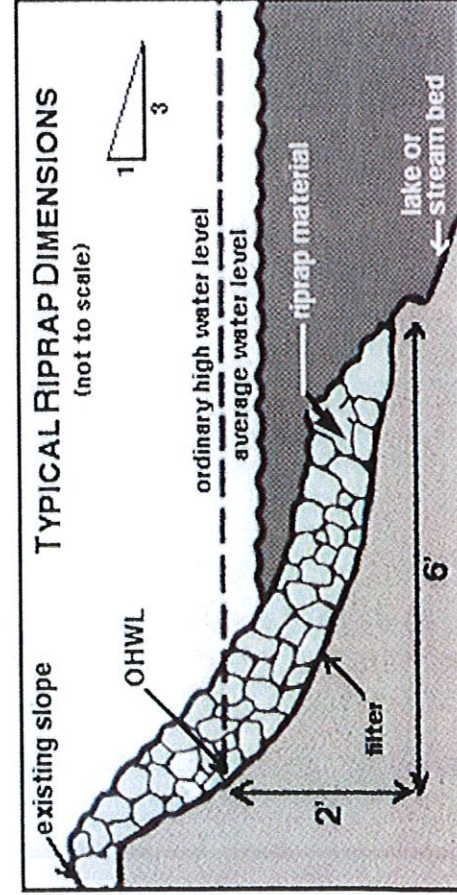
LEGEND

- INDICATES FOUND IRON MONUMENT
- INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820
- 2010 MINNESOTA LIDAR CONTOURS

Impervious Surface Computation

Existing Parcel: 37160 SqFt
 Allowed Impervious Surface: (37160 * 25% = 6790 SqFt)

Building, Porch & Deck: 3536 SqFt
 Bituminous Drive: 2210 SqFt
 Concrete & Walk: 326 SqFt
 Total Impervious: **6072 SqFt**
 (6072 / 37160 = **16.3%**)



Typical Construction Cross Section - MN DNR Shoreline Alteration: Riprap

CERTIFICATE OF SURVEY

ROSS & RUTH HEILMAN
 26728 Sioux Trail, Madison Lake, MN 56063
 Part of Gov't Lot 5, Section 2-109-25
 Washington Township, Le Sueur County, MN
 Record Deed Doc. No. 352315

FIELD BOOK: JDV
 DRAFTER: PLS
 CRD FILE: 1486 Heilman JOB No: 16-1486
 FILING: Le Sueur Co. NW/4 Section 2-109-25
 REV. DATES: 07-18-2016 - Cnty Meeting Comments

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

John Veröeven

DATE: **07-23-2016**

LICENSE NO. 41820

Prairie Land Surveying

1047 East Main Street
 Mankato, MN 56001
 jveroeven@charter.net
 (507) 469-5997
 PrairieLandSurveying.com

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

Reliable, On-Time Surveys.

Surveyor Certification

I. Applicant:
Name JOHN VERROUVEN

II. Landowner:
Name ROSS & RUTH HEILMAN
Property Address 26728 SIOUX TRAIL
City MADISON LAKE State MN Zip 56063

III. Parcel Information:
Parcel Number 13.002.7800

IV. Site Plan - Shall be a Certificate of Survey to include, but not limited to:

- North point
- Setbacks
- Property lines
- Road Right-Of-Way
- Lot Dimensions
- Lakes
- Rivers
- Wetlands
- Streams
- Ponds
- Well
- Septic System
- Proposed Structures
- Existing structures - *Within and adjacent to project area.*
- Location of trees to be removed - *Shoreland Districts*
- Access
- Easements
- Impervious Surface
 - Required for *Shoreland, Business, & Industrial Districts.*
 - Itemized current & proposed impervious surfaces to include total percentages.
 - Examples include but are not limited to: *rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.*

- *Site shall be physically staked, then surveyed.
- *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.
- *Stakes must remain in place until construction commences.

V. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aeriels or photographs.
- c. Electronic version of any supporting documents if available.
- d. Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary.
- e. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
- f. All required information must be correct and submitted at the time of application, or the application will not be accepted.

VI. Signatures:

The proposed improvements have been physically staked onsite then surveyed on 07/08/2016, to reflect an accurate account of current and proposed conditions of the property identified above.

I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.

John Verouven _____ Date 07/18/2016 Lic # 41820
Surveyor Signature

OFFICE USE ONLY

7-20-16 _____
Date Received Planning & Zoning Department Signature



Public Waters Work Permit

Expiration Date: 08/25/2021

Permit Number
2016-1395

Pursuant to Minnesota Statutes, Chapter 103G, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made part hereof by reference, **PERMISSION IS HEREBY GRANTED** to the applicant to perform actions as authorized below.

RECEIVED
AUG 25 2016

Project Name: Heilman Middle Jefferson Lake	County: Le Sueur	Watershed: Cannon River	Resource: Lake: Middle Jefferson (40009204)	
Purpose of Permit: Riprap (Natural Rock)		Authorized Action: Install roughly 227' of natural field stone rip rap as described in the engineering plan provided by Prairie Land Surveying, dated 7/23/2016. Any changes to the plan must be reviewed by the Department for approval.		
Permittee: RUTH HEILMAN 26728 SIOUX TRAIL MADISON LAKE, MN 56063 (507) 381-8778 middlejeffersonlady@gmail.com		Authorized Agent: N/A		
Property Description (land owned or leased or where work will be conducted): UTM zone 15N, 436069m east, 4903047m north, Meandered water body of Section 2, T109N, R25W				
Authorized Issuer: Todd Piepho	Title: Area Hydrologist	Issued Date: 08/25/2016	Effective Date: 08/25/2016	Expiration Date: 08/25/2021

This permit is granted subject to the following CONDITIONS:

APPLICABLE FEDERAL, STATE, OR LOCAL REGULATIONS: The permittee is not released from any rules, regulations, requirements, or standards of any applicable federal, state, or local agencies; including, but not limited to, the U.S. Army Corps of Engineers, Board of Water and Soil Resources, MN Pollution Control Agency, watershed districts, water management organizations, county, city and township zoning.

NOT ASSIGNABLE: This permit is not assignable by the permittee except with the written consent of the Commissioner of Natural Resources.

NO CHANGES: The permittee shall make no changes, without written permission or amendment previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.

SITE ACCESS: The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.

TERMINATION: This permit may be terminated by the Commissioner of Natural Resources at any time deemed necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the conditions or applicable laws, unless otherwise provided in the permit.

COMPLETION DATE: Construction work authorized under this permit shall be completed on or before the date specified above. The permittee may request an extension of the time to complete the project by submitting a written request, stating the reason thereof, to the Commissioner of Natural Resources.

(MPARS revision 20160211, Permit Issuance ID 49020, printed 08/25/2016)

CONDITIONS continued on next page...

CONDITIONS (Continued from previous page)

WRITTEN CONSENT: In all cases where the permittee by performing the work authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights, and interests needed for the work.

PERMISSIVE ONLY / NO LIABILITY: This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable conditions.

EXTENSION OF PUBLIC WATERS: Any extension of the surface of public waters from work authorized by this permit shall become public waters and left open and unobstructed for use by the public.

WETLAND CONSERVATION ACT: Where the work authorized by this permit involves the draining or filling of wetlands not subject to DNR regulations, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible local government unit as required by the Minnesota Wetland Conservation Act.

CONTRACTOR RESPONSIBILITY: The permittee shall ensure the contractor has received and thoroughly understands all conditions of this permit. Contractors must obtain a signed statement from the property owner stating that permits required for work have been obtained or that a permit is not required, and mail a copy of the statement to the regional DNR Enforcement office where the proposed work is located. The Landowner Statement and Contractor Responsibility Form can be found at: <http://www.bwsr.state.mn.us/wetlands/wca/index.html#general>.

INVASIVE SPECIES - EQUIPMENT DECONTAMINATION: All equipment intended for use at a project site must be free of prohibited invasive species and aquatic plants prior to being transported into or within the state and placed into state waters. All equipment used in designated infested waters, shall be inspected by the Permittee or their authorized agent and adequately decontaminated prior to being transported from the worksite. The DNR is available to train inspectors and/or assist in these inspections. For more information refer to the "Best Practices for Preventing the Spread of Aquatic Invasive Species" at http://files.dnr.state.mn.us/publications/ewr/invasives/ais/best_practices_for_prevention_ais.pdf. Contact your regional Invasive Species Specialist for assistance at www.mndnr.gov/invasives/contacts.html. A list of designated infested waters is available at www.mndnr.gov/invasives/ais/infested.html. A list of prohibited invasive species is available at www.mndnr.gov/eco/invasives/laws.html#prohibited.

FISHERY PROTECTION - EXCLUSION DATES: No activity affecting the bed of the protected water may be conducted between Ice Out and June 15th, to minimize impacts on fish spawning and migration. If work during this time is essential, it shall be done only upon written approval of the Area Fisheries Manager. See contact list at: http://files.dnr.state.mn.us/fisheries/management/dnr_fisheries_managers.pdf. Should work begin elsewhere in the project area within these dates, all exposed soils that are within 200 feet of Public Waters and drain to those waters must complete erosion control measures within 24 hours of its disturbance to prevent sediment from entering Public Waters.

cc: Todd Kolander, EWR District Manager
Chris Howe, Conservation Officers, St. Peter
Jeremy Maul, BWSR Wetland Specialists, Le Sueur
Lisa Gelvin-Innvaer, DNR Regional Nongame Specialists, South
Kevin Mixon, DNR Regional Environmental Assessment Ecologist, Region 4
Joe Stangel, DNR Wildlife, Nicollet
Craig Soupir, DNR Fisheries, Waterville Area
Kathy Brockway, County, Le Sueur
David Studenski, Corps of Engineers, Le Sueur
Raelene Hegge, Corps of Engineers, Le Sueur
Michael Schultz, SWCD, Le Sueur County SWCD