



LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
507-357-8538

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: SEPTEMBER 8, 2016

TIME: 7:00 PM

PLACE: LE SUEUR COUNTY ENVIRONMENTAL SERVICES BUILDING, 515 SOUTH MAPLE AVE, LE CENTER MN

PURPOSE: To hear testimony from interested parties and consider Rezoning and Conditional Use Permit Applications and other questions pertaining to and as provided by the Zoning Ordinance of Le Sueur County as described below. ***Information regarding the applications is available for review at the Environmental Services Building during normal business hours.***

- ITEM #1** Planning & Zoning Commission Notice of Public Hearing
- ITEM #2** Planning & Zoning Commission Agenda
- ITEM #3** Monson / Blaschko Packet
- ITEM #4** Ballman Packet
- ITEM #5** Hering Packet
- ITEM #6** Force Packet
- ITEM #7** DeMars / Appel Packet
- ITEM #8** McCullough Packet
- ITEM #9** Approved September 8, 2016 Minutes

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 1

Planning & Zoning Commission Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
507-357-8538
www.co.le-sueur.mn.us

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: SEPTEMBER 8, 2016
TIME: 7:00 P.M.
PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Rezoning, Amendments and Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **AUGUST 30, 2016**.

ITEM #1: DON MONSON, LE CENTER, MN (APPLICANT): RANDY BLASCHKO, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 15 cubic yards located within a bluff in an Agriculture "A" District. Property is located in the NW 1/4 NW 1/4, Section 29, Lexington Township.

ITEM #2: SHANNON BALLMAN, MANKATO, MN, (APPLICANT): BRADLEY & CECILIA BALLMAN, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW 1/4 SE 1/4 to the SE 1/4 SW 1/4 in an Agriculture "A" District. Property is located in Section 12, Cleveland Township

ITEM #3: TYLER HERING, WATERVILLE, MN (APPLICANT): TERRY HERING, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NW 1/4 SE 1/4 to the SW 1/4 SE 1/4, in an Agriculture "A" District. Property is located in Section 14, Waterville Township.

ITEM #4: MARY & ANTHONY FORCE, LE SUEUR, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to establish and operate a dog breeding facility in an Agriculture "A" District. Property is located in the W 1/2 NE 1/4, Section 35, Ottawa Township.

ITEM #5: DEMARS CONSTRUCTION, MANKATO MN (APPLICANT): RANDY & PATTY APPEL, MANKATO MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 1,756 cubic yards of material for the purposes of site preparation for a single family dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 1, Block 1, Han's Hideaway in Section 23, Elysian Township.

ITEM #6: ROBERT AND JANET MC CULLOUGH, MADISON LAKE MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 112 cubic yards of material within the bluff, bluff impact and shore impact zone for placement of steps and additional landscaping of the site in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Washington. Property is located at Lots 33-35, Schmitt's Plat, Section 18, Kasota Township.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 1

Planning & Zoning Commission Agenda

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION MEETING AGENDA

ORGANIZATION: LE SUEUR COUNTY PLANNING/ZONING COMMISSION

MEETING DATE: September 8, 2016

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M. **Ending Time:** Approx. 9:30 P. M.

If you CANNOT be at the meeting contact MINDY at 357-8538

AGENDA:

**Meeting Called
to Order.**

ITEM #1: DON MONSON, LE CENTER, MN (APPLICANT); RANDY BLASCHKO, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 15 cubic yards located within a bluff in an Agriculture "A" District. Property is located in the NW 1/4 NW 1/4, Section 29, Lexington Township.

ITEM #2: SHANNON BALLMAN, MANKATO, MN, (APPLICANT); BRADLEY & CECILIA BALLMAN, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW 1/4 SE 1/4 to the SE 1/4 SW 1/4 in an Agriculture "A" District. Property is located in Section 12, Cleveland Township

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ITEM #4: MARY & ANTHONY FORCE, LE SUEUR, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to establish and operate a dog breeding facility in an Agriculture "A" District. Property is located in the W 1/2 NE 1/4, Section 35, Ottawa Township.

ITEM #5: DEMARS CONSTRUCTION, MANKATO MN (APPLICANT); RANDY & PATTY APPEL, MANKATO MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 1,756 cubic yards of material for the purposes of site preparation for a single family dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 1, Block 1, Han's Hideaway in Section 23, Elysian Township.

ITEM #6: ROBERT AND JANET MC CULLOUGH, MADISON LAKE MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 112 cubic yards of material within the bluff, bluff impact and shore impact zone for placement of steps and additional landscaping of the site in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Washington. Property is located at Lots 33-35, Schmitt's Plat, Section 18, Kasota Township.

DISCUSSION: Applicant notifications

MINUTES-WARRANTS

ADJOURN 9:30 P.M.

Planning & Zoning Commission Public Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed to the board, NOT THE APPLICANT.** After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 1

Monson / Blaschko Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: DON MONSON

OWNER: RANDY BLASCHKO

911 ADDRESS: 525 Hooterville Ave. Le Center MN 56057

PROJECT DESCRIPTION: Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 15 cubic yards located within a bluff in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, *18.

*Grading, excavating or filling activities within the bluff shall be a conditional use.

AG DISTRICT PURPOSE:

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

SITE INFORMATION

LOCATION: 3 acre building site in the NW 1/4 NW 1/4, Section 29, Lexington Township.

ZONING: Agriculture "A" District

GENERAL SITE DESCRIPTION: Existing building site

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North:	Wetlands	South:	Wooded/scattered residential
East:	Wetlands/Ag/residence	West:	Ag/scattered residential

TOWNSHIP BOARD NOTIFICATION

Applicant contacted George Whipps, Lexington Township Board member on August 7, 2016.

NATURAL RESOURCES INFORMATION

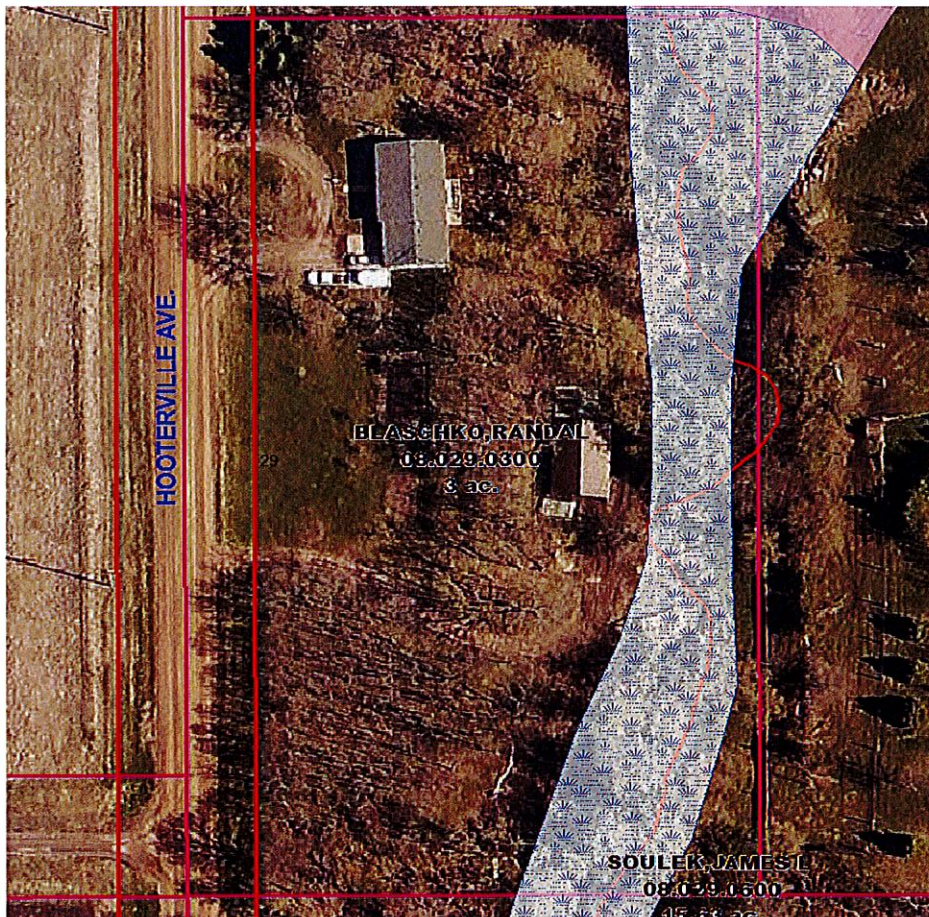
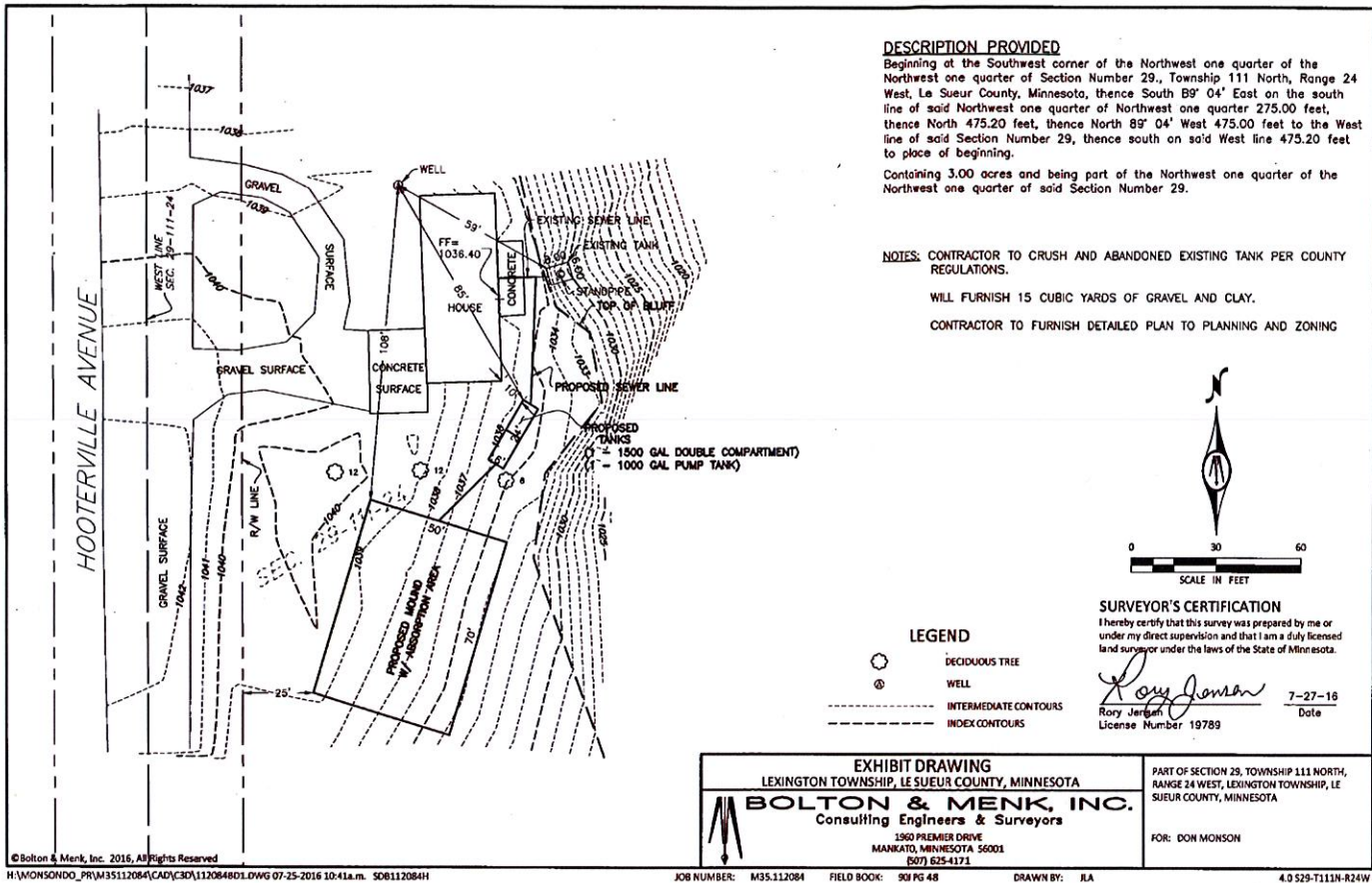
SHORELAND: The proposal is not located within the Shoreland District.

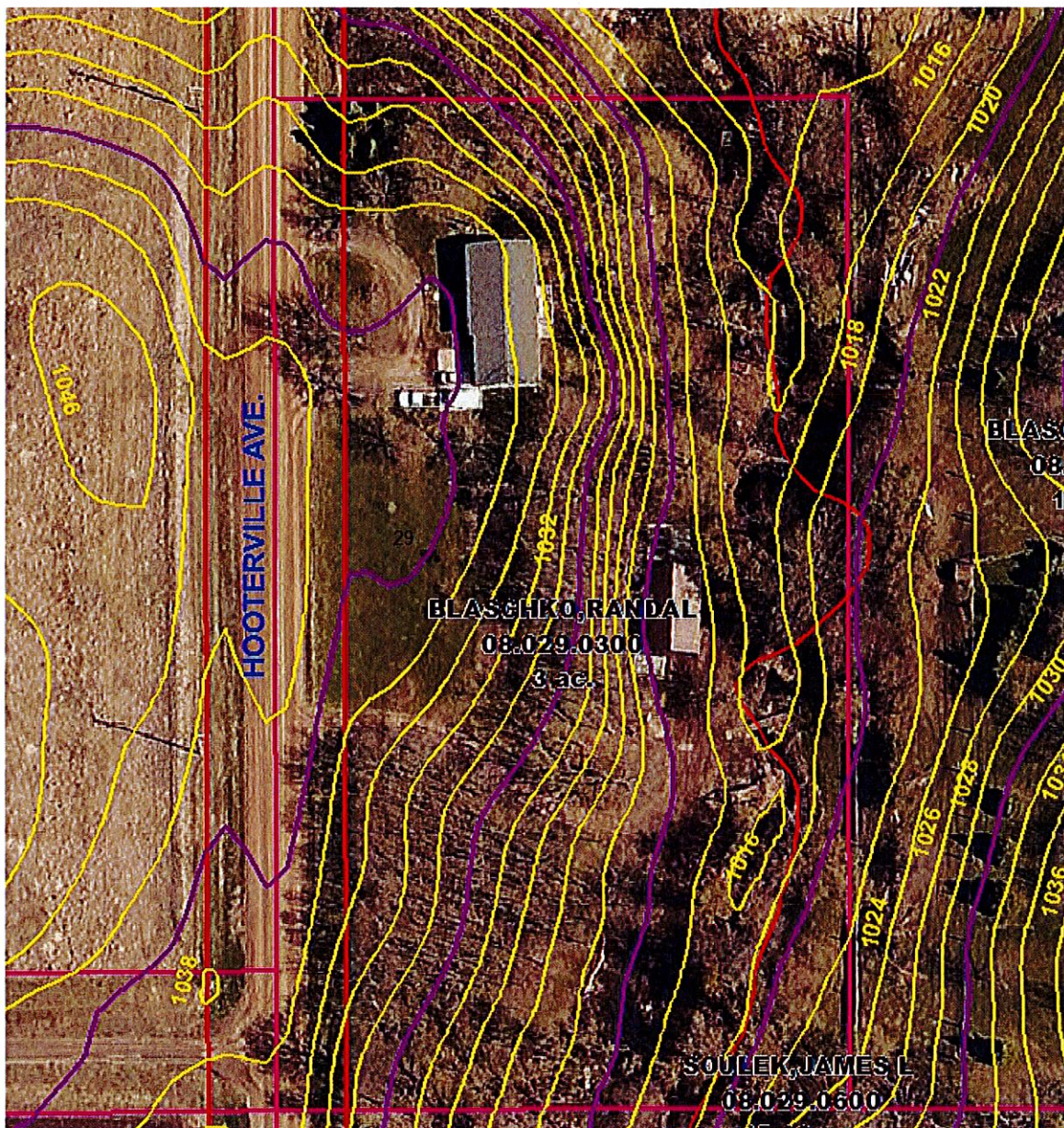
WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Criteria form, Survey, Narrative

SITE PLAN/AERIAL PHOTO





PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:

Name DON MONSON
Mailing Address 987 W PRAIRIE ST
City LEXINGTON State IA Zip 56057
Phone # 612 756 2453 Phone # _____

II. Landowner:

Name RANDY BLASCHKO
Mailing Address 525 HOOVERVILLE AV
City LEXINGTON State IA Zip 56057
Property Address SAME
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 08.029.0300 Parcel Acreage 3
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Lexington Section 29
Subdivision _____ Lot _____ Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.

LEXINGTON Township notified on 8-7-16
(Township Name) (Date)

Board Member GEORGE WHIPP regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is doubled
Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII. Type of Request: Grading, Excavating or Filling.

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☒ Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: 1514 cu yds
TOTAL cubic yards of material movement: 15 cu yds

☐ **Shoreland- Outside Shore Impact Zone**

- ☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☒ Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____

☐ Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request:

a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: None
2. ADVERSE IMPACT ON SURROUNDING AREAS: None
3. STORMWATER RUNOFF: None
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: None
5. WETLAND IMPACT: None
6. SLOPE STABILITY: Stabil, will Repack & Grade upon completion
7. CERTIFICATE OF INSURANCE: _____
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) yes

IX. Site Plan: Shall include but not limited to the following:

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).
- North point
- Lake
- Existing Structures
- Septic system
- Setbacks
- River
- Proposed Structures
- Well
- Property Lines
- Wetland
- Lot Dimensions
- Access (size & location)
- Road Right-Of-Way
- Stream
- Ponds
- Easements
- Landscape, screening and buffering
- Drainage

Site plan & As-Built must be completed by a surveyor or professional engineer.

X. Restoration Plan: Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Districts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. Attachments: Shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full Legal Description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection** *WQMR*
- ☒ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☒ h. **Restoration Plan**-See Part X for full details and requirements.
- ☒ i. **Approved Stormwater Pollution Prevention Plan**
-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

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.

Ronald J. Monson Jr.
Applicant signature

8-7-16
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.

Randy Blanche
Property Owner signature

8/7/2016
Date

Request: **GRADING, EXCAVATING & FILLING**☒ **Non-Shoreland**☐ Within Bluff Impact Zone☒ Within Bluff

Cubic yards of material movement: _____

Cubic yards of material movement: _____

Cubic yards of material movement: 15TOTAL cubic yards of material movement: 15 CY☐ **Shoreland - Outside Shore Impact Zone**☐ Within Shore Impact Zone☐ Within Bluff Impact Zone☐ Within Bluff

Cubic yards of material movement: _____

Cubic yards of material movement: _____

Cubic yards of material movement: _____

Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

Pre-App Date 8-9-16Meeting Date 9-8-1660 Day 10-8-16Zoning District ALake Classification Lake FEMA Panel # 27079C0 #175Flood Zone X-outside

Feedlot

500' 1000' N

Wetland Type

1-2 3-8 N

Water courses

Y N

Bluff

Y NWater
Other
Drng☒ Request Description☐ Access Approval☒ SepticComp Insp / Design☒ Site Plan☒ Erosion Control Plan☒ MeetingReg / ATF / Spec☒ Full Legal☐☒ Fee\$ 7960☒ Ordinance☐ Other _____☐ Penalty\$ ☒ Application CompleteMichelle R. Muttler
Planning & Zoning Department Signature8-9-16

Date

1102560

Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16256

Name of Applicant: DON MUNSON

Conditional Use Permit #: 16256

Name of Property Owner: RANDY BLASCHKO

Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING, AND FILLING OF APPROXIMATELY 15 CUBIC YARDS OF MATERIAL IN A BLUFF.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.

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Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.

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Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.

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Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.

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Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.

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Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.

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Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

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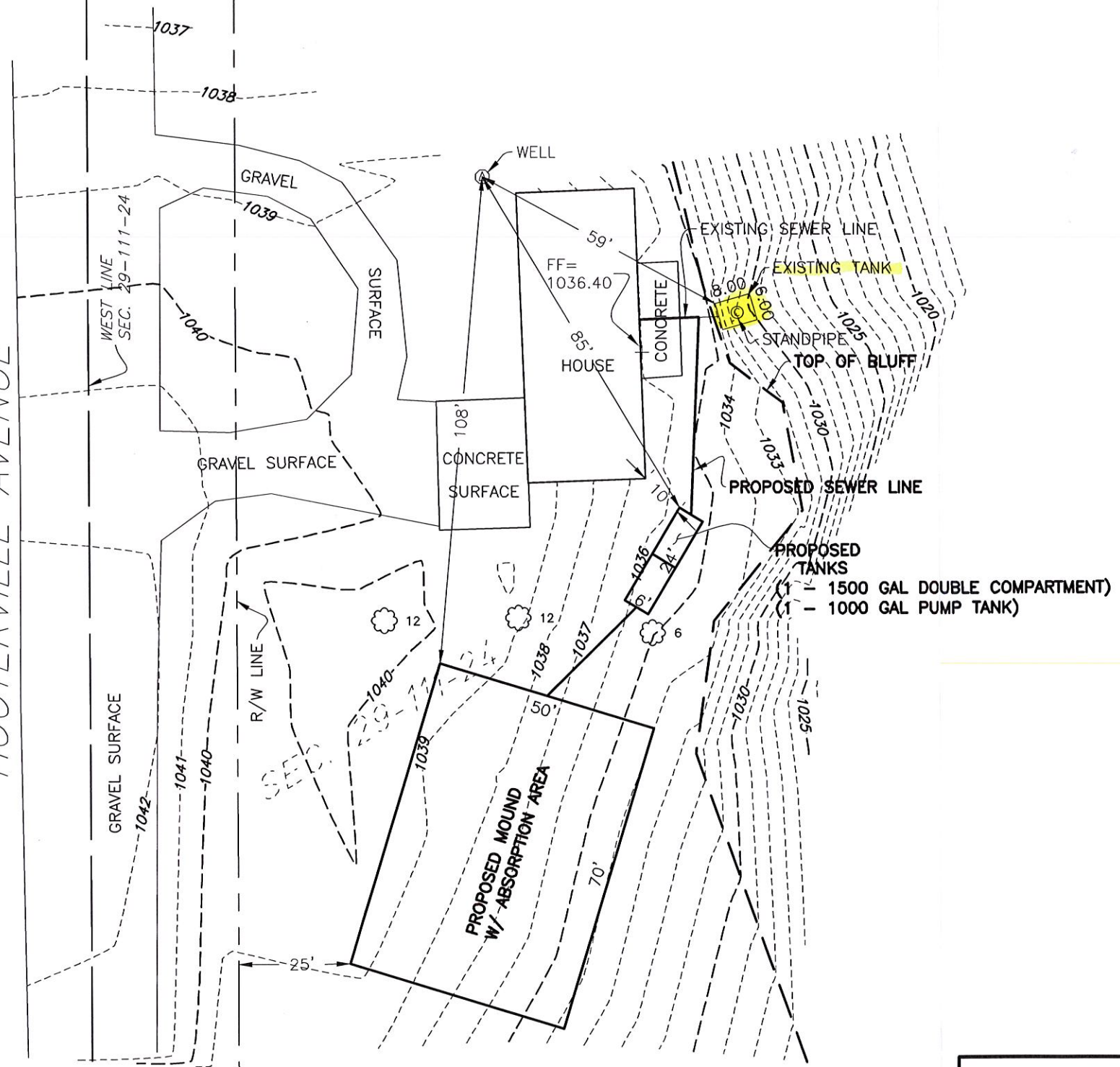
Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

HOOTERVILLE AVENUE

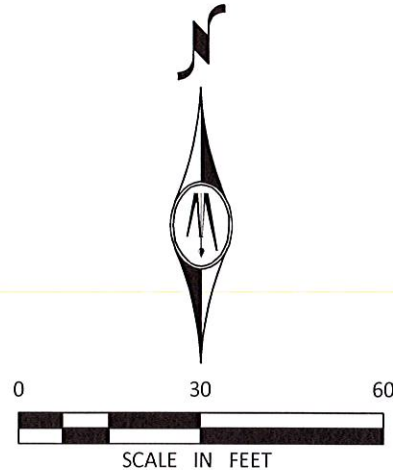


DESCRIPTION PROVIDED

Beginning at the Southwest corner of the Northwest one quarter of the Northwest one quarter of Section Number 29., Township 111 North, Range 24 West, Le Sueur County, Minnesota, thence South B9' 04' East on the south line of said Northwest one quarter of Northwest one quarter 275.00 feet, thence North 475.20 feet, thence North 89' 04' West 475.00 feet to the West line of said Section Number 29, thence south on said West line 475.20 feet to place of beginning.

Containing 3.00 acres and being part of the Northwest one quarter of the Northwest one quarter of said Section Number 29.

- NOTES: CONTRACTOR TO CRUSH AND ABANDONED EXISTING TANK PER COUNTY REGULATIONS.
- WILL FURNISH 15 CUBIC YARDS OF GRAVEL AND CLAY.
- CONTRACTOR TO FURNISH DETAILED PLAN TO PLANNING AND ZONING



LEGEND

- DECIDUOUS TREE
- WELL
- INTERMEDIATE CONTOURS
- INDEX CONTOURS

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789
7-27-16
Date

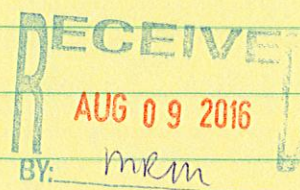
EXHIBIT DRAWING LEXINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		PART OF SECTION 29, TOWNSHIP 111 NORTH, RANGE 24 WEST, LEXINGTON TOWNSHIP, LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC. Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		
FOR: DON MONSON		

8-8-16

Menson

CRUSH TOP OF EXISTING SEWAGE TANK AND FILL
WITH 15 YARDS OF GRAVEL AND PLANT GRASS
ON CONSTRUCTION SITE IN THE BLUFF

EQUIPMENT TO BE USED BACK HOE + OR
SKID LOADER





Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 2

Ballman Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: SHANNON BALLMAN

OWNER: BRADLEY & CECILIA BALLMAN

911 ADDRESS: New off Dodd Road

PROJECT DESCRIPTION: Transfer the development right from the SW 1/4 SE 1/4 to the SE 1/4 SW 1/4 in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19

ZONING DISTRICT PURPOSES: The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record, shall be exempt from density standards.

GOALS AND POLICIES:

Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

SITE INFORMATION

LOCATION: 5.57 acre parcel located in Section 12, Cleveland Township

ZONING: Agriculture "A" District

GENERAL SITE DESCRIPTION: Ag land

ACCESS: Use the existing access off Dodd Road

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Ag /Wetlands
East:	Ag	West:	Ag/Wetlands

TOWNSHIP BOARD NOTIFICATION

Applicant contacted Susan Ely, Cleveland Township Board member on July 19, 2016.

NATURAL RESOURCES INFORMATION

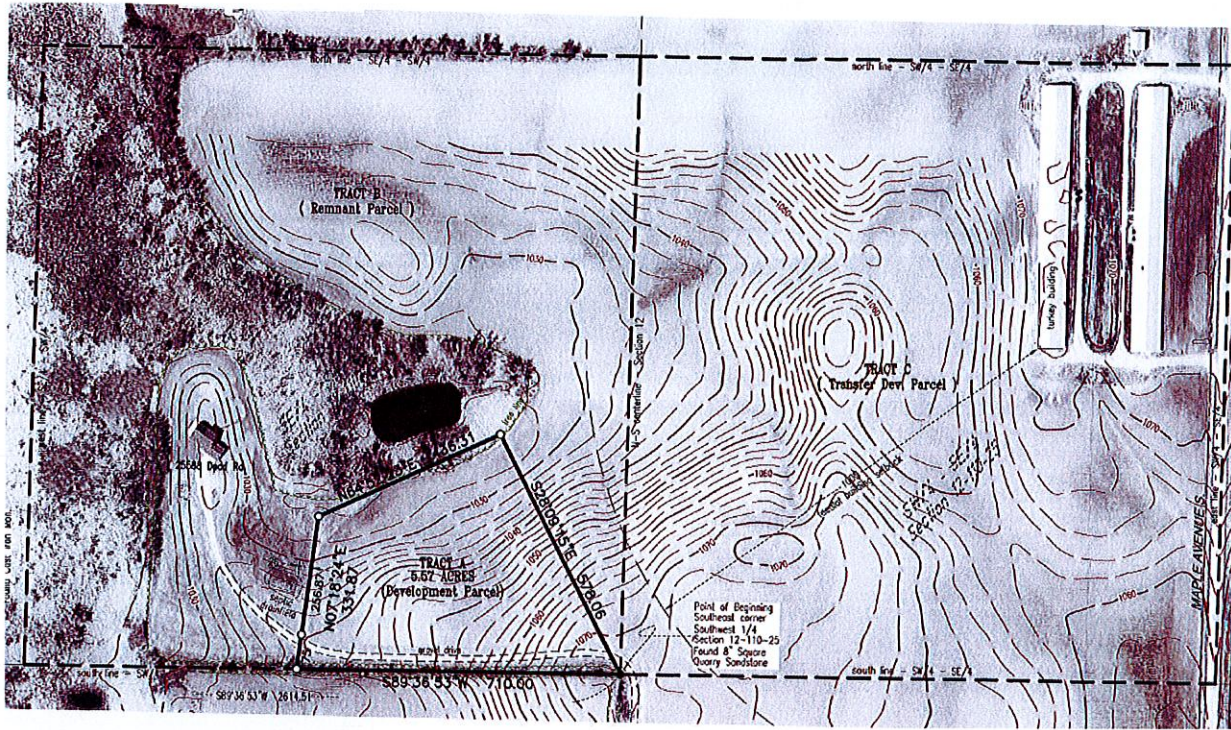
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

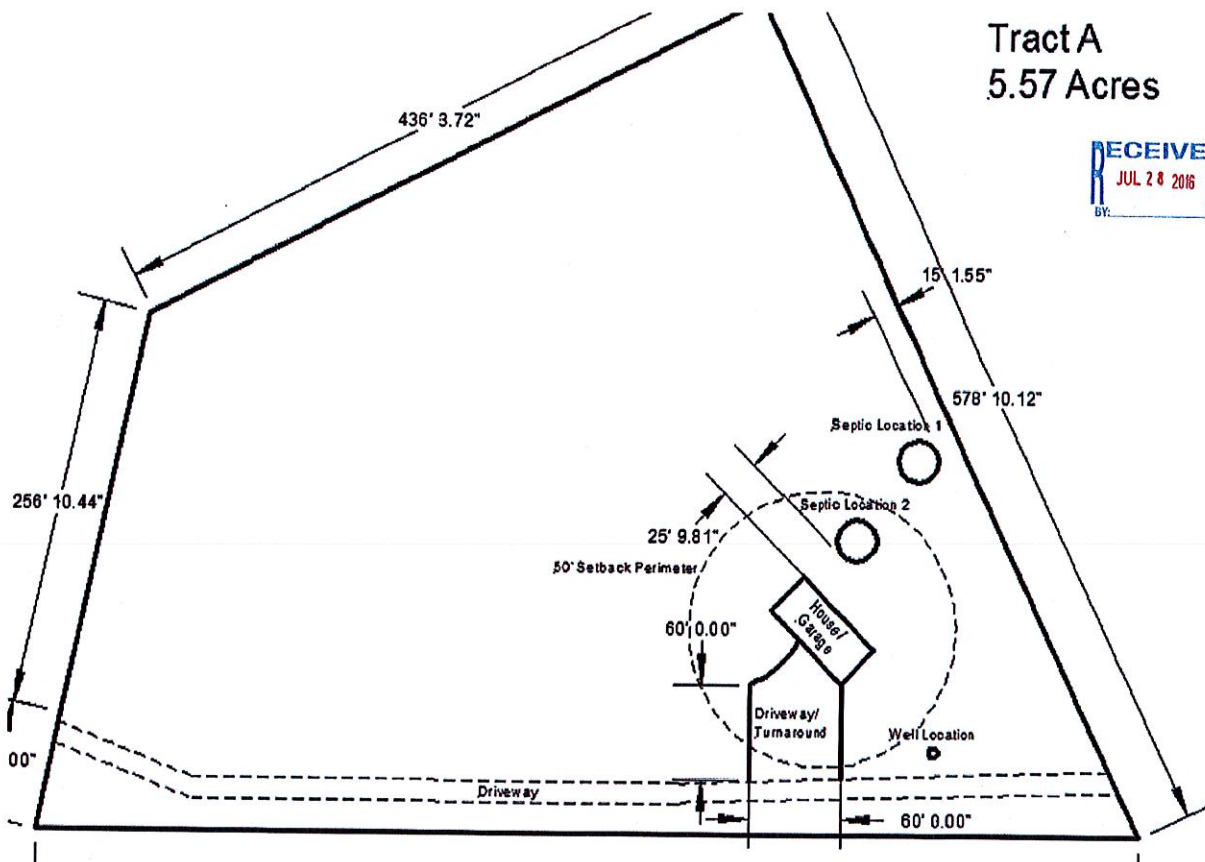
Application, Criteria Form, Driveway Approval, Survey, Site Plan

SITE PLAN/AERIAL PHOTO



← Feedlot Distance- over 1000 feet proposed site.

Tract A
5.57 Acres



LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agricultural District, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

Right to Farm-Per Section 19, Subdivision 11.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.

8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Permit Application

I. Applicant:

Name Shannon Ballman
Mailing Address 128 S. Belmont Dr
City Mankato State MN Zip 56001
Phone # 507-351-5088 Phone # _____

II. Landowner:

Name Bradley & Cecilia Ballman
Mailing Address 25588 Dodd Road
City LeCenter State MN Zip 56057
Property Address TBD New Dodd Road
City LeCenter State MN Zip 56057
Phone # 507-351-5088 Phone # _____

III. Parcel Information:

Parcel Number 01.012.5100⁻⁵ Parcel Acreage 5.57
01.012.3000⁻²
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township Cleveland Township Section 12
Subdivision _____ Lot _____ Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.

Cleveland Township notified on 7-19-16
(Township Name) (Date)
Board Member Susan Ely regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1)** reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If any documentation is in color, an aerial photo, photographs, or larger than 8 ½ x 11, then **twenty three (23)** copies must be submitted.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled**
Filing Fee \$ 46
Additional Fees:
Special Meeting \$ 2,000 (**Additional fee**)
After-The-Fact Penalty \$1500 OR 10% of the improvement whichever is greater.

VII. Type of Request:

- | | |
|--|--|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Line etc. |
| <input checked="" type="checkbox"/> Other <u>House TDR</u> | |

VIII. Description of Request:

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: _____

2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: _____

3. LIST OF PUBLIC HEALTH PLANS:

i. Water Supply: drilled well

ii. Toilet facilities: _____

iii. Solid Waste Collection: _____

4. FIRE PREVENTION: _____

5. SECURITY PLANS: _____

6. RETAIL SALES: _____

7. FOOD OR ALCOHOL SERVED OR FOR SALE: _____

8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) _____

9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: _____

10. EXTERIOR LIGHTING: _____

11. PARKING AND LOADING: _____

12. SIGNAGE: _____

13. ROAD ACCESS: (Approved by the road authority) Dave Tiegs email attached

14. CERTIFICATE OF INSURANCE: NA

15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) _____

IX. Site Plan: Shall include but not limited to the following:

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

X. Attachments: shall include but not limited to:

- ☐ a. **Description of Request**-See Part VIII for full details and requirements.
- ☐ b. **Site Plan**-See Part IX for full details and requirements.
- ☐ c. **Full legal description**-Not abbreviated description from tax statement.
- ☐ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☐ f. **Septic System Compliance Inspection**
- ☒ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☒ h. **Floor plans and/or blue prints**

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. 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.

Shannon Ballman
Applicant signature

7-19-16
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.

Cecilia Ballman
Property Owner signature

7-12-16
Date

OFFICE USE ONLY

Request:

Pre-App Date <u>7/20/16</u>	Lake Classification _____	Feedlot	500' <u>1000'</u> N
Meeting Date <u>9-8-16</u>	Lake _____	Wetland Type	1-2 <u>3-8</u> N
60 Day <u>9-19-16</u>	FEMA Panel # 27079C0 _____ D	Water courses	<u>Y</u> N
Zoning District <u>AG</u>	Flood Zone _____	Bluff	Y N
<input checked="" type="checkbox"/> Request Description	<input type="checkbox"/> Access Approval	<input type="checkbox"/> Septic	<input checked="" type="checkbox"/> Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/> Erosion Control Plan <u>& Zoning Permit</u>	<input type="checkbox"/> Meeting	<input checked="" type="checkbox"/> Reg / ATF / Spec
<input type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>1796.00</u>
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty	\$ _____

☒ Application Complete

K Brockway
Planning & Zoning Department Signature

7/20/16
Date

16222
Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16222

Name of Applicant: SHANNON BALLMAN

Conditional Use Permit #: 16222

Name of Property Owner: BRADLEY & CECILIA BALLMAN

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE SW1/4SE1/4 TO THE SE1/4SW1/4

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: _____

APPROVED _____

DENIED _____

PZ Chairperson _____

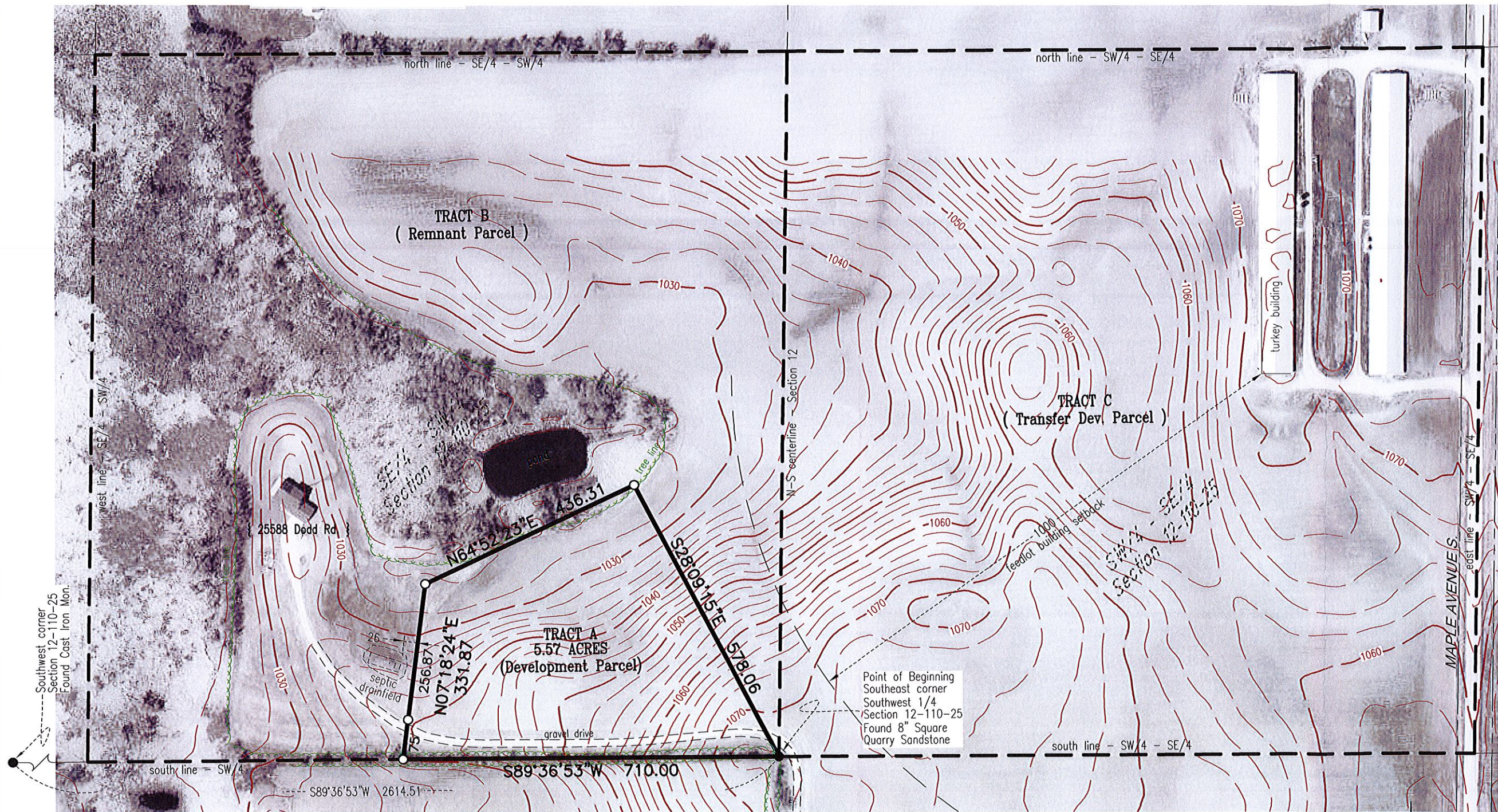
COUNTY BOARD MEETING DATE _____

Mettler, Michelle

From: Tiegs, David
Sent: Thursday, July 14, 2016 3:43 PM
To: Mettler, Michelle
Cc: 'shannon@payrollmankato.net'
Subject: Parcel 01.012.5000
Attachments: DOC071416.pdf

Michelle, I was recently contacted by Shannon Ballman regarding use of the existing entrance to parcel 01.012.5000 for an additional single family dwelling. The existing entrance is adequate to accommodate this use as it pertains to Le Sueur County Highway Department requirements.

Thanks,
Dave Tiegs
Assistant Highway Engineer
Le Sueur County



TRACT A
Proposed Description
(For Development)

All that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 110 North, Range 25 West, Le Sueur County, Minnesota, described as follows: Beginning at the southeast corner of the Southwest Quarter of Section 12; thence South 89 degrees 36 minutes 53 seconds West on the south line of the Southwest Quarter, a distance of 710.00 feet; thence North 07 degrees 18 minutes 24 seconds East, 331.87 feet; thence North 64 degrees 52 minutes 23 seconds East, 436.31 feet; thence South 28 degrees 09 minutes 15 seconds East, 578.06 feet to the point of beginning.

Said parcel contains 5.57 acres of land being subject to and together with a 33 foot wide driveway easement, center of said easement located at existing gravel driveway, as traveled.

TRACT B
Proposed Description
(Remaining Parcel)

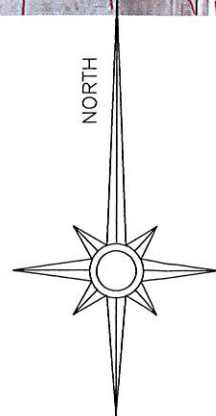
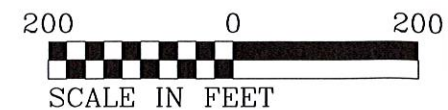
The Southeast Quarter of the Southwest Quarter of Section 12, Township 110 North, Range 25 West, Le Sueur County, Minnesota. (EXCEPT) All that part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 110 North, Range 25 West, Le Sueur County, Minnesota, described as follows: Beginning at the southeast corner of the Southwest Quarter of Section 12; thence South 89 degrees 36 minutes 53 seconds West on the south line of the Southwest Quarter, a distance of 710.00 feet; thence North 07 degrees 18 minutes 24 seconds East, 331.87 feet; thence North 64 degrees 52 minutes 23 seconds East, 436.31 feet; thence South 28 degrees 09 minutes 15 seconds East, 578.06 feet to the point of beginning.

TRACT C
(Transfer Development Parcel)

The Southwest Quarter of the Southeast Quarter of Section 12, Township 110 North, Range 25 West, Le Sueur County, Minnesota.

LEGEND

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



CERTIFICATE OF SURVEY
BRADLEY & CECILIA BALLMAN

TRANSFER DEVELOPMENT RIGHTS Survey
25588 Dodd Road, Le Center, MN 56057
SE/4 - SW/4 - Section 12-110-25
Cleveland Township, Le Sueur County, MN

FIELD BOOK: PLS DRAFTER: JDV
CRD FILE: 1488 Ballman JOB No: 16-1488
FILING: Le Sueur Cnty, SE/4 & SW/4 Sec.12-110-25
REV. DATES:

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 Veroveyen
DATE: 07-18-2016
LICENSE NO. 41820

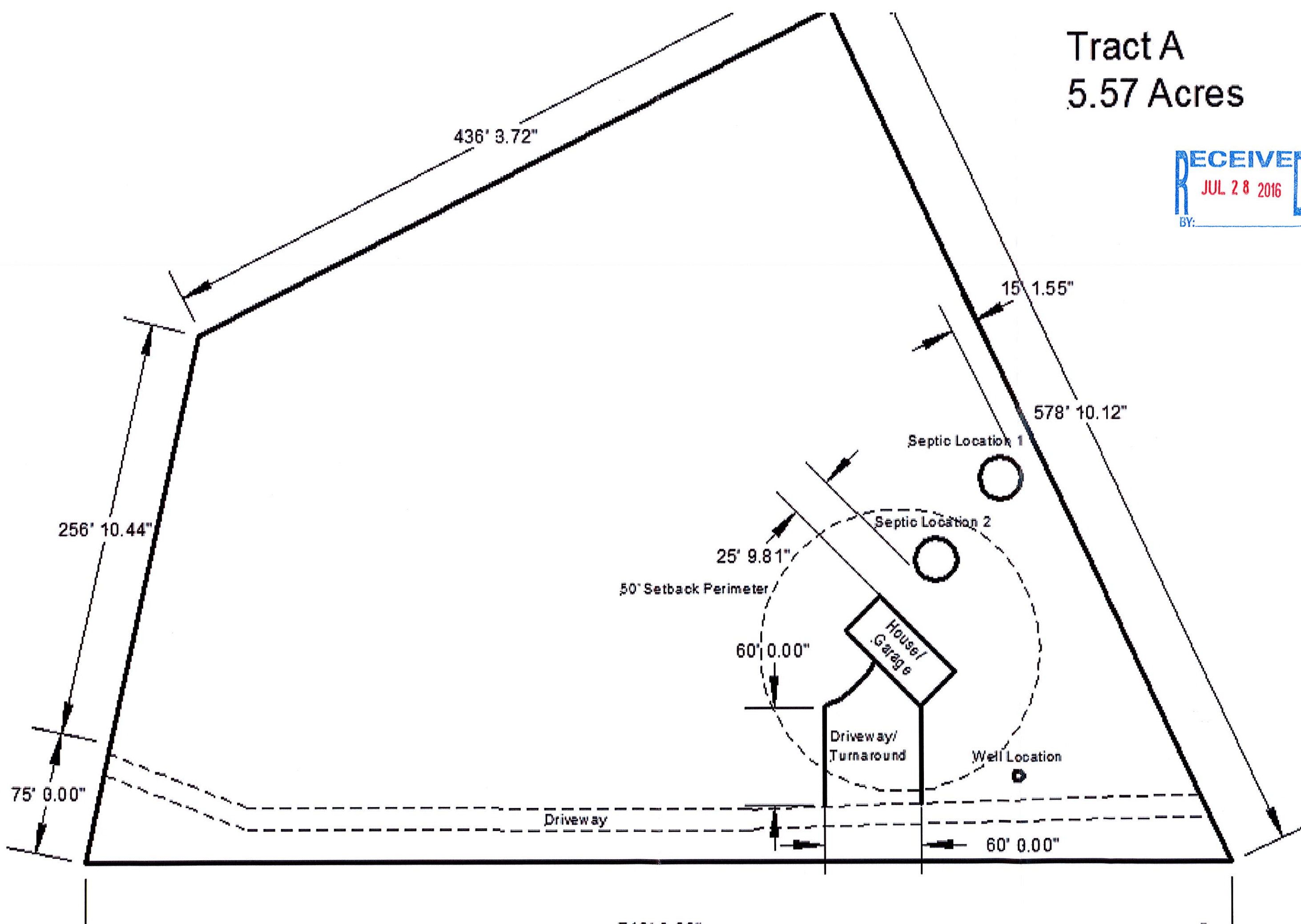
Prairie Land Surveying

- Boundary
 - Construction
 - Subdivisions
 - ALTA
 - Topographic
- 1047 East Main Street
Mankato, MN 56001
jveroveyen@charter.net
(507) 469-5997
PrairieLandSurveying.com

Reliable, On-Time Surveys.

Tract A 5.57 Acres

RECEIVED
JUL 28 2016
BY: _____



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 3

Hering Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Tyler Hering **OWNER:** Terry Hering

911 ADDRESS: 14398 490th St. Waterville MN 56096

PROJECT DESCRIPTION: Transfer the development right from the NW 1/4 SE 1/4 to the SW 1/4 SE 1/4, in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19

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Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

SITE INFORMATION

LOCATION: Property is located in Section 14, Waterville Township.

ZONING: Agriculture "A" District

GENERAL SITE DESCRIPTION: Ag Land

ACCESS: New off County 490th St. (#132), approved by County Highway Department

EXISTING LAND USE WITHIN ¼ MILE:

North: Ag/Wetland	South: Ag
East: Ag/Scattered residences	West: Ag/Scattered residences

TOWNSHIP BOARD NOTIFICATION

The applicant notified Alan Gehrke, Waterville Township Board Member on August 10, 2016.

NATURAL RESOURCES INFORMATION

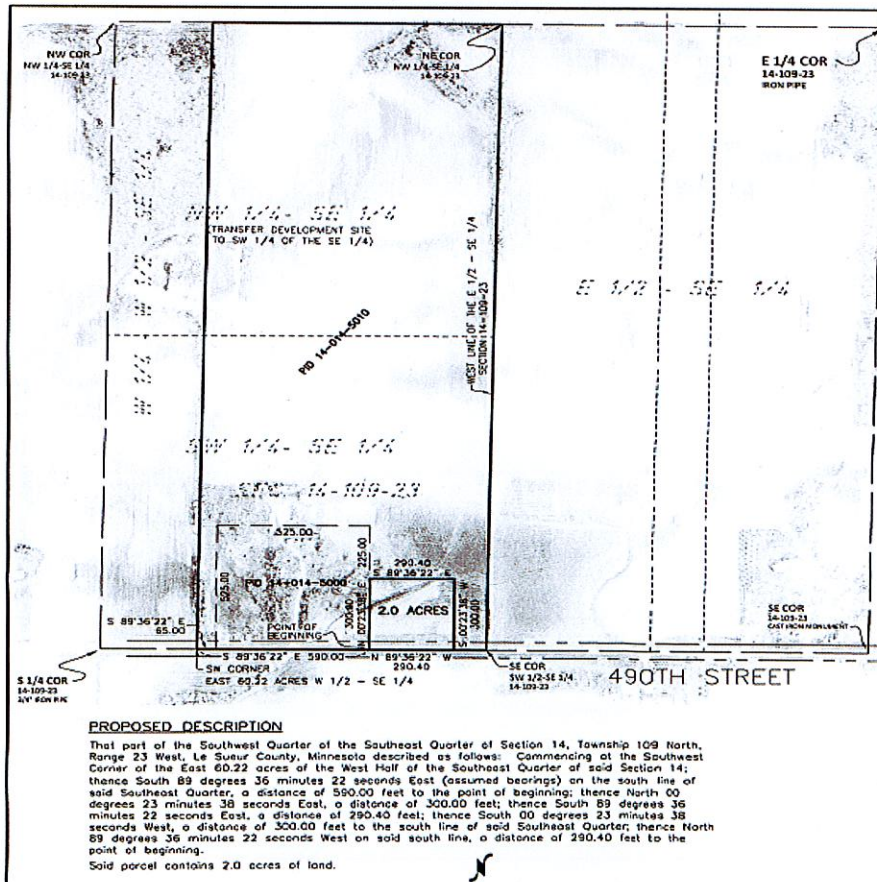
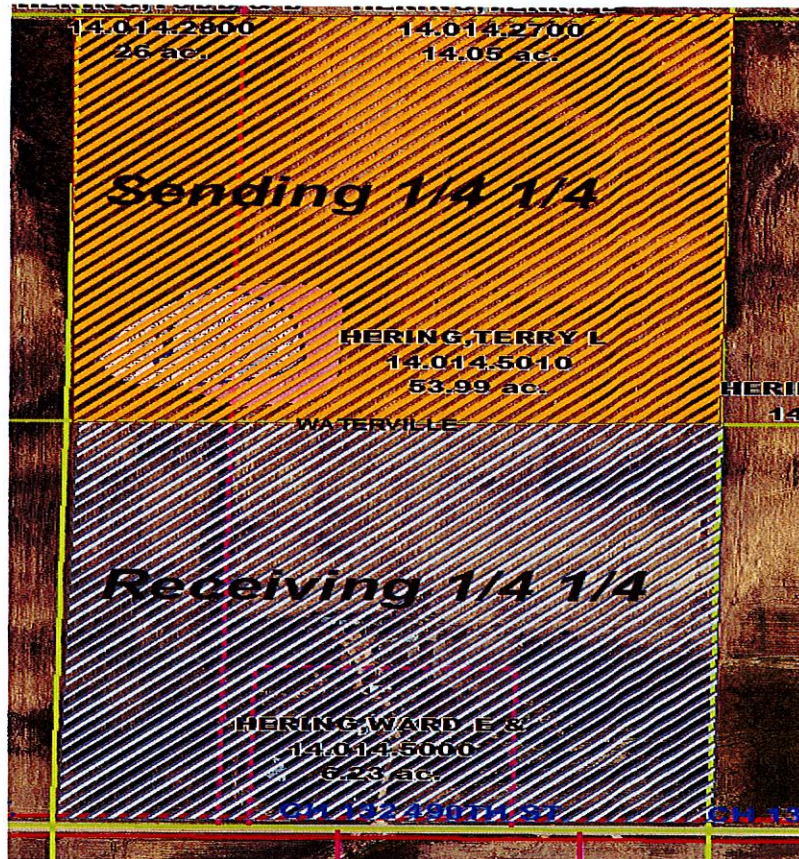
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ATTACHMENTS

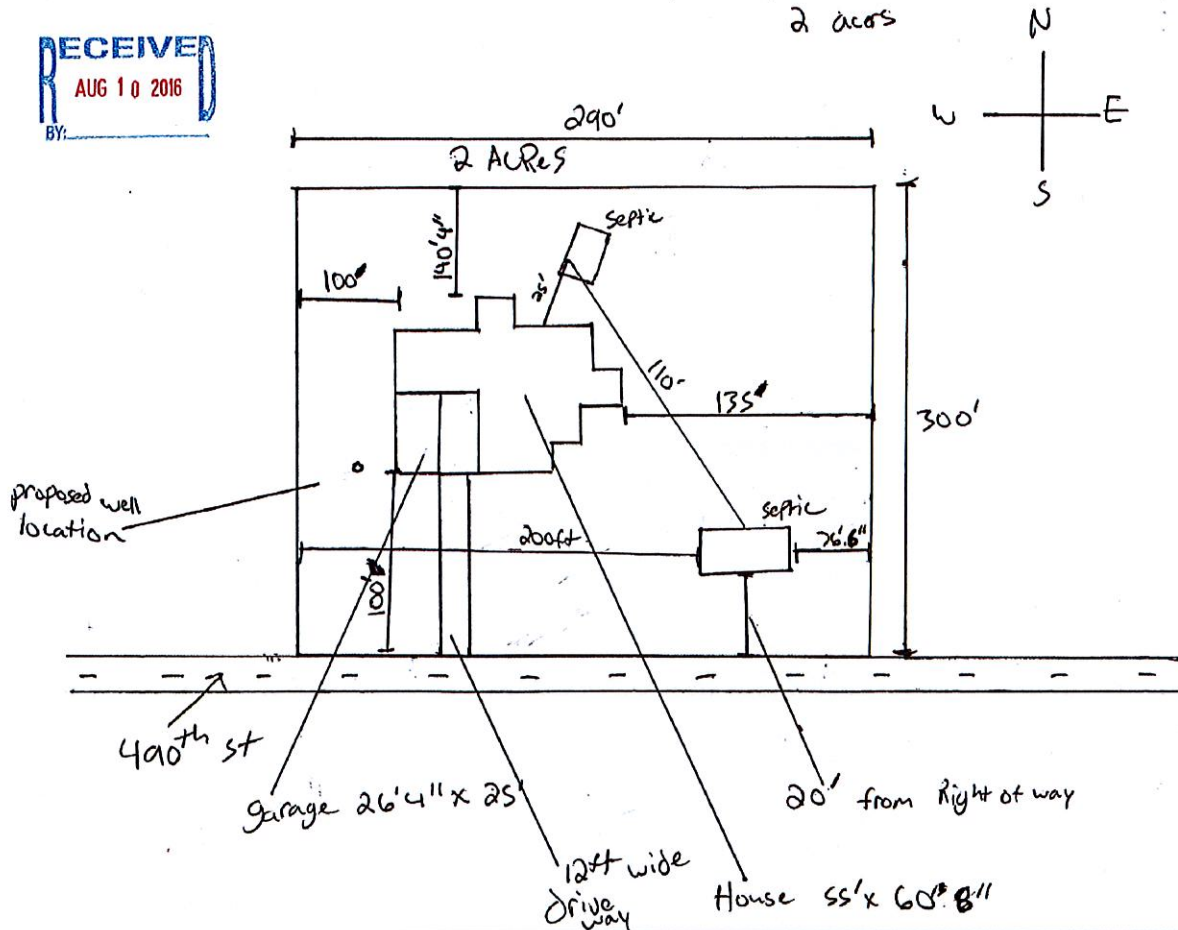
Application, Criteria Form, Narrative, Survey, Site Plan, Driveway approval.

SITE PLAN/AERIAL PHOTO





property 10 14.04.5010
2 acres



LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

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2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
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2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.

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7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

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The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

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7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Permit Application

I. Applicant:

Name Tyler Hering
Mailing Address 14142 490th St
City Waterville State Mn Zip 56096
Phone # 507-362-8649 Phone # _____

II. Landowner:

Name Terry Hering
Mailing Address 14142 490th St
City Waterville State Mn Zip 56096
Property Address 14398 490th St
City Waterville State Mn Zip 56096
Phone # 507-362-8649 Phone # _____

III. Parcel Information:

Parcel Number 14.04.5010 Parcel Acreage _____

Attach Full Legal Description (NOT abbreviated description from tax statement)

Township Waterville Section 14
Subdivision _____ Lot _____ Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.

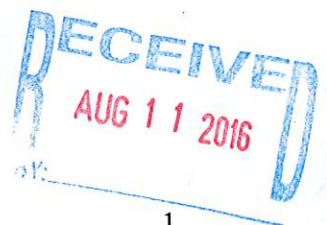
~~Allen Gehrke~~ Township notified on 8-10-16
(Township Name) (Date)
Board Member Allen Gehrke regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1)** reproducible 8.5" x 11" copy of the request and all other supporting documents.
- If any documentation is in color, an aerial photo, photographs, or larger than 8 ½ x 11, then **twenty three (23)** copies must be submitted.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled**
Filing Fee \$ 46
Additional Fees:
Special Meeting \$ 2,000 (**Additional fee**)
After-The-Fact Penalty \$1500 OR 10% of the improvement whichever is greater.



VII. Type of Request:

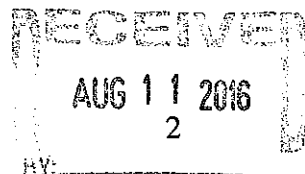
- | | |
|--|--|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Line etc. |
| <input checked="" type="checkbox"/> Other <u>Residential</u> | |

VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
 2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
 3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: N/A
 - ii. Toilet facilities: N/A
 - iii. Solid Waste Collection: N/A
 4. FIRE PREVENTION: N/A
 5. SECURITY PLANS: N/A
 6. RETAIL SALES: N/A
 7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
 8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)
N/A
 9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:
N/A
 10. EXTERIOR LIGHTING: N/A
 11. PARKING AND LOADING: N/A
 12. SIGNAGE: N/A
 13. ROAD ACCESS: (Approved by the road authority) Approved by Co. Hwy Dept.
 14. CERTIFICATE OF INSURANCE: N/A
 15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) N/A

IX. Site Plan: Shall include but not limited to the following:

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
 - Landscape, screening and buffering (if applicable to application)
 - Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☒ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☒ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☒ h. **Floor plans and/or blue prints**

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. 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.

X Tyler Hug
Applicant signature

8-10-16
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.

X Tyler Hug
Property Owner signature

8-10-16
Date

OFFICE USE ONLY

Request:

Pre-App Date <u>8/10/16</u>	Lake Classification <u>1</u>	Feedlot	500'	1000'	N
Meeting Date <u>9/8/16</u>	Lake <u>1</u>	Wetland Type	1-2	3-8	N
60 Day <u>10/7/16</u>	FEMA Panel # <u>27079C0.431</u>	Water courses		Y	N
Zoning District <u>A</u>	Flood Zone <u>X outside</u>	Bluff		Y	N
<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input type="checkbox"/> Septic	Comp Insp / Design		
<input type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting	Reg	ATF	Spec
<input checked="" type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>796.00</u>		
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty	\$ _____		

☒ Application Complete

K Brockway
Planning & Zoning Department Signature

8/10/16
Date

16257
Permit #

AUG 11 2016

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16257

Name of Applicant: TYLER HERING

Conditional Use Permit #: 16257

Name of Property Owner: TERRY HERING

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE
W1/2SE1/4 TO THE SW1/4SE1/4
NW1/4SE1/4

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.											
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Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.											
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Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.											
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Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.											
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Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.											
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Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.											
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Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

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Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

To whom it may concern

I am Requesting a Transfer of development Rights
in order to build a Single family Dwelling by
The address of 14398 490th street Waterville MN.
Requesting The Rights from The north Quarter of
Pid: 14.014.5010 To the south Quarter of 2 acres
nearest To Road 490th street.

Thanks

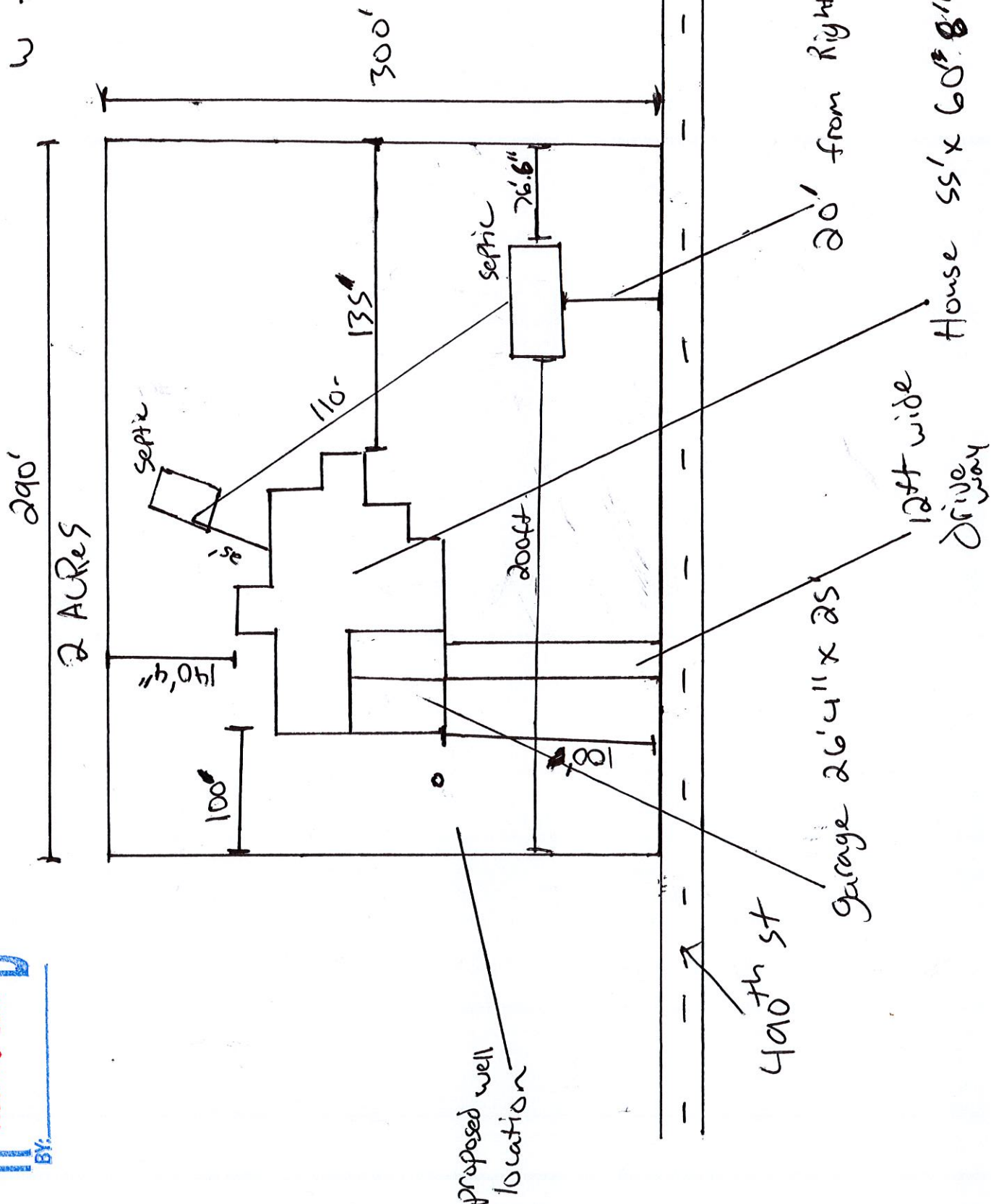
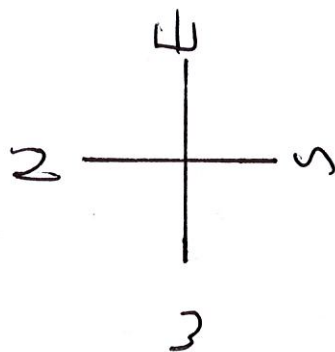
Tyler Hering

Tyler Hering



property 10 14.014.5010

2 acres



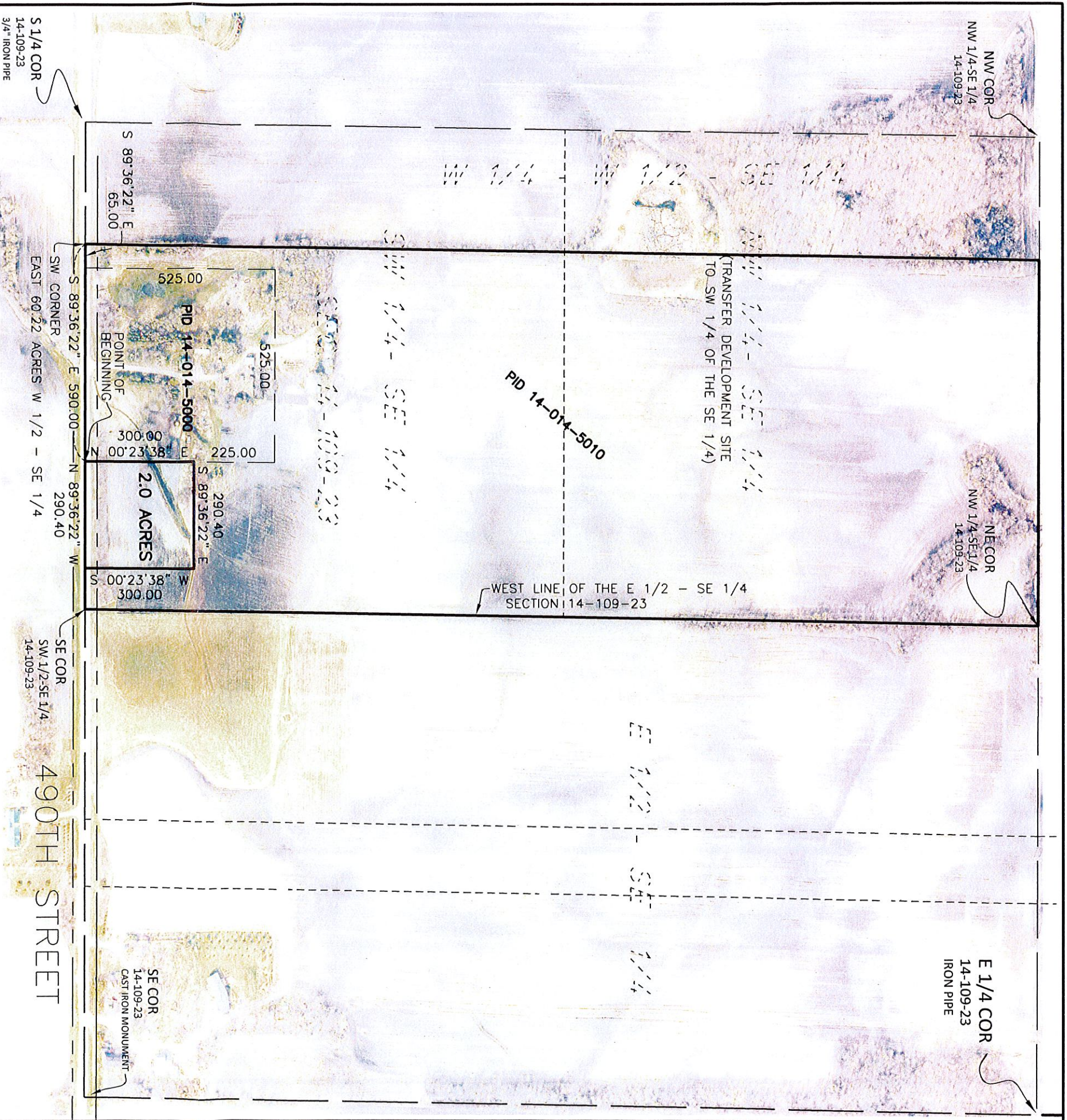
Subject **Access Parcel 14.014.5010**
From Tieg, David <dtieg@co.le-sueur.mn.us>
To Mettler, Michelle <mmettler@co.le-sueur.mn.us>
Cc <email@heringsmaplesyrup.com>
Date 2016-08-04 09:03



Michelle, The existing access to Parcel 14.014.5010 from 490th St. (CR 132) is adequate for a Single Family Dwelling. If any other information is needed from the Highway Department please let me know.

Thanks,
Dave Tieg
Assistant Highway Engineer
Le Sueur County





PROPOSED DESCRIPTION

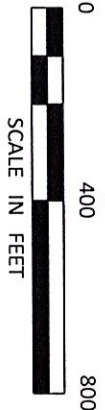
That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 109 North, Range 23 West, Le Sueur County, Minnesota described as follows: Commencing at the Southwest Corner of the East 60.22 acres of the West Half of the Southeast Quarter of said Section 14; thence South 89 degrees 36 minutes 22 seconds East (assumed bearings) on the south line of said Southeast Quarter, a distance of 590.00 feet to the point of beginning; thence North 00 degrees 23 minutes 38 seconds East, a distance of 300.00 feet; thence South 89 degrees 36 minutes 22 seconds West, a distance of 290.40 feet; thence South 00 degrees 23 minutes 38 seconds West, a distance of 300.00 feet to the south line of said Southeast Quarter; thence North 89 degrees 36 minutes 22 seconds West on said south line, a distance of 290.40 feet to the point of beginning.

Said parcel contains 2.0 acres of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789
Date 8-5-16



CERTIFICATE OF SURVEY	
WATERVILLE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	
BOLTON & MENK, INC. Consulting Engineers & Surveyors	
1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	FOR: TERRY HERING TYLER HERING SURVEY
THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 109 NORTH, RANGE 23 WEST, WATERVILLE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA	
AUG 11 2016	



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 4

Force Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Mary and Anthony Force

911 ADDRESS: 32375 390th St. Le Sueur MN 56058

PROJECT DESCRIPTION: Establish and operate a dog breeding facility in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19

ZONING DISTRICT PURPOSES: The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

SITE INFORMATION

LOCATION: 5 acres in the W 1/2 NE 1/4, Section 35, Ottawa Township.

ZONING: Agriculture "A" District

GENERAL SITE DESCRIPTION: Existing building site

ACCESS: Due to proposed change in use existing driveway approved by County Highway Department.

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag/Scattered residential	South:	Ag Land
East:	Ag Land/Type I Wetlands	West:	Ag Land

TOWNSHIP BOARD NOTIFICATION

The applicant contacted Debra Page, Ottawa Township Board Member, on July 11, 2016.

NATURAL RESOURCES INFORMATION

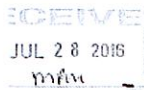
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, no wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Criteria Form, Narrative, Site Plan, Driveway approval, Email-Dept. of Animal Health, Proof of Insurance (on file with the Department), Letter from Amy Beatty, County Feedlot Officer.

SITE PLAN/AERIAL PHOTO



LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

DOMESTIC ANIMALS

2. Animal hospitals, veterinary clinics and related facilities such as, but not limited to, kennels, animal shelter, **breeding** or boarding.
 - a. Such facilities shall have a minimum lot size of no less than 1.5 acres.
 - b. In the Agriculture (A) and General Business (B) districts a CUP shall be required when exceeding the animal limits as set forth in the preceding table.

- c. Maximum number of animals is 40.
 - d. All indoor facilities shall have adequate heating, ventilation, and lighting.
 - e. All outdoor facilities shall provide shelter from the elements, sunlight, rain, snow, and cold weather.
 - f. All facilities shall provide proper drainage.
 - g. Each separate fenced run shall be located at least fifteen (15) feet from any property line.
 - h. All facilities shall be landscaped and screened as described in this Section.
3. Person(s) owning or operating, any structure or premises having any dog or cat, shall not unreasonably disturb the peace and quiet of the neighboring properties.
- a. The creation of noise by an animal which can be heard by a person from a location outside of the structure or premises where the animal is being kept.
 - b. An unreasonable disturbance shall be considered:
 - 1. Repeatedly over at least a seven-minute (7) period of time with one (1) minute or less lapse of time between each animal noise during the seven-minute (7) period, or,
 - 2. Repeatedly over at least a fourteen-minute (14) period of time, at an average of at least twelve (12) animal noises per minute.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

- 1. Relationship to County plans.
- 2. The geographical area involved.
- 3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
- 4. The character of the surrounding area.
- 5. The demonstrated need for such use.
- 6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
- 7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
- 8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
- 9. Abatement of Environmental Hazards as regulated in this Ordinance
- 10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

- 1. Increasing the required lot size or yard dimension.
- 2. Limiting the height, size, or location of the structures.
- 3. Controlling the location, size, and number of vehicle access points.
- 4. Increasing the street width.
- 5. Increasing the number of required off-street parking space.
- 6. Limiting the number, size, location, or lighting of signs.
- 7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- 8. Designating sites for open space.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:
(Please circle one for each item: Agree, Disagree, Not Applicable.)

- 1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*

4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16247

Name of Applicant: MARY & ANTHONY FORCE

Conditional Use Permit #: 16247

Name of Property Owner: ANTHONY & MARY FORCE

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO ESTABLISH AND OPERATE A DOG BREEDING FACILITY

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.											
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Explain

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.											
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Explain

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.											
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Explain

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.											
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Explain

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.											
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Explain

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.											
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Explain

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

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Explain

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date:

APPROVED

DENIED

PZ Chairperson

COUNTY BOARD MEETING DATE



ENVIRONMENTAL SERVICES

Mailing Address: 88 South Park Avenue, Le Center, MN 56057

Physical Address: 515 South Maple Avenue, Le Center, MN 56057

Direct Dial: 507-357-8538 Fax: 507-357-8541

Email: environmentalservices@co.le-sueur.mn.us

County Website: www.co.le-sueur.mn.us

DATE: Monday, August 29, 2016

TO: Le Sueur County Planning and Zoning Commission Members

FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: Anthony and Mary Force Conditional Use Permit Application – Dog Breeding Facility

Dear Planning and Zoning Commission Members:

From my review of the Force's conditional use permit (CUP) application, the solid waste (feces) will be picked up and containerized. The material will be hauled off-site and disposed of by a licensed solid waste hauler (currently, the Forces have a contract with LJP Enterprises, a licensed solid waste collection and transport company). This would be an approved method of disposal of the solid waste (feces).

Also noted in the Force's CUP Application under Veterinary Protocol-Disease Control Protocol, it states that the outside kennel area is to be cleaned by picking up dog stools and spray out with water. If the kennel area is to be sprayed down, the spray-water shall be contained so it does not discharge to waters of the state and/or to the groundwater saturation zone. This could be accomplished by collecting the spray-water in a septic holding tank. The landowner or a licensed septic maintainer would pump the contents and either land apply or take to a municipal wastewater treatment facility for disposal. If the material is land applied, it shall be land applied at agronomic rates and applied in such a manner as to not pollute waters of the state. This would be an approved method of disposal of the kennel spray-water.

If you have any questions or comments regarding this letter, please contact me at 507-357-8203.

Sincerely,

A handwritten signature in blue ink that reads 'Amy Beatty'.

Amy Beatty

Le Sueur County Environmental Programs Specialist

507-357-8203

CC: Anthony and Mary Force

Le Sueur County

Conditional Use Application

I. **Applicant:**
 Name Mary & Anthony Force
 Mailing Address 32375 390th St.
 City Le Sueur State MN Zip 56058
 Phone # (612) 720-0854 Phone # _____

II. **Landowner:**
 Name Mary & Anthony Force
 Mailing Address 32375 390th St.
 City Le Sueur State MN Zip 56058
 Property Address 32375 390th St.
 City Le Sueur State MN Zip 56058
 Phone # (612) 720-0854 Phone # _____

III. **Parcel Information:**
 Parcel Number 10,035, 2700 Parcel Acreage 5
 Attach Full Legal Description (NOT abbreviated description from tax statement)
 Township Ottawa 11N Section 35
 Subdivision _____ Lot _____ Block _____

IV. **Township Notification:** Township must be notified of proposed use prior to application.

Ottawa Township notified on 7/11/2016
 (Township Name) (Date)

Board Member Debra Page regarding the proposed use.
 (Name)

V. **Quantities and Submittal Formats:**

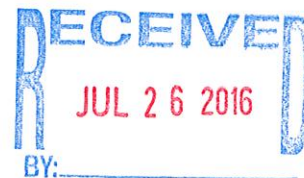
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.
- Applications will not be accepted by mail.

VI. **Fees: Must be paid at the time of application.**

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.
 Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
 After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



VII. Type of Request:

- ☐ Self Service Storage
☐ School/Church/Cemetery
☐ Retail Nursery/Greenhouse
☐ School/Church/Cemetery

- ☐ Value Added Agriculture
☐ Antique Sales/Service/Repair
☐ Substation/Transmission Lines etc.
☒ Other Raise & Breed Pomeranians for Sale

VIII. Description of Request:

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: See attached
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 3
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: well
 - ii. Toilet facilities: Home
 - iii. Solid Waste Collection: LJP Waste - home garbage & feces from dogs
4. FIRE PREVENTION: Smoke alarm in Kennel & Home Indoor Approved by Board of Animal Health
5. SECURITY PLANS: N/A
6. RETAIL SALES: To breed & raise Pomeranian for sale
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)
N/A
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:
N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) _____
14. CERTIFICATE OF INSURANCE: Certificate attached 400 0056317 125-0
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) document attached

IX. Site Plan: Shall include but not limited to the following:

- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to:

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☐ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☒ e. **Township Notification**-See Part IV for details and requirements.
- ☒ f. **Septic System Compliance Inspection**
- ☐ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☒ h. **Floor plans and/or blue prints**

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

XII. 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.

Mary Fourn Anthony J. Fourn 7-11-16
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.

Mary Fourn Anthony J. Fourn 7-11-16
Property Owner signature Date

OFFICE USE ONLY

Request: Dog breeding facility

Pre-App Date <u>7-12-16</u>	Lake Classification <u>1</u>	Feedlot <u>500'</u> <u>1000'</u> <u>N</u>
Meeting Date <u>8-3-16</u>	Lake <u>120</u>	Wetland Type <u>1-2</u> <u>3-8</u> <u>N</u>
60 Day <u>10-3-16</u>	FEMA Panel # 27079C0 <u>120</u> D	Water courses <u>Y</u> <u>N</u>
Zoning District <u>A</u>	Flood Zone <u>X-outside</u>	Bluff <u>Y</u> <u>N</u>

<input checked="" type="checkbox"/> Request Description	<input type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic <u>Comp Insp / Design</u>
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting <u>Reg / ATF / Spec</u>
<input checked="" type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee \$ <u>796</u>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty \$ _____

☒ Application Complete Michelle R. Muth
Planning & Zoning Department Signature

8-3-16 16247
Date Permit #

Wetland >200' to the East
Creek >1,000' to the East
Closest dwelling >400' to the North

RECEIVED
JUL 12 2016

3

Figure 1

[illegible]

RECEIVED
JUL 28 2016
BY: _____

Dear Le Sueur County Board,

We are requesting a conditional use permit to raise, breed and sell Pomeranians. We purchased the home we are at Feb 2016 to raise the Pomeranians, we have 5 acres. Tony, and I were raised having dogs and find it quite enjoyable to play, train, and care for them. My first Pomeranian I had shown and he became a International champion. We currently own 4 females and 5 males. In the future we could own at the very most 15 breedable dogs. After they are bred, the puppies are sold between 8 to 12 weeks of age. One adult male we own, is retired from breeding and will live with us until he passes. We have planned litters in advance that we select. If we decide we don't want to breed an adult due to the breeding lines, we may sell them as a pet after Brucellosis testing has been done. We also own a British Black Lab, Yorkshire Terrier , and 2 cats as our house pets only. The dogs are fed a holistic dog food and groomed inside in the kennel room, which is attached to our home, and designated just for the dogs. I do all the grooming myself. The dogs get daily exercise in the outside kennel run, which is about an hour at a time. If the dogs are barking, it is generally when we are busy cleaning their kennels, which is about a half an hour to forty minutes every other day. We generally have litters twice a year, in the spring and fall, and once in awhile in the summer. When the bitch is in season the females are kept separate from the males. We plan in advance who the bitch will be bred to and the puppies get limited AKC registered unless we pre approve it. We very seldom have people come into our residence to purchase a Pom, but they are welcome to visit if they request it. We generally fly our puppies, or meet at a safe public location to deliver a puppy to their owner. We abide by all the requirements with the Minnesota Board of Animal Health. We don't feel there is any need to add any other structures to the property that we recently purchased in Feb 2016, as it already had everything we needed to raise our Pomeranians. If fencing was ever to be added , it would be towards the back of the property. We are a very small breeder of Pomeranians, and our vet is Dr. Carlson who located in Gaylord.

Thank You,

Mary and Anthony (Tony) Force



Veterinary Protocol Minnesota Commercial Dog or Cat Breeders

Commercial Breeder	Veterinarian
Owner name: Mary Force	Name: Dr. C. R. Carlson
Business name: Force's Pomeranians	Clinic name: Gaylord Vet.
Address: 32375 390 th St.	Address: 514 High Av. Box 416
City, State, Zip code: Le Sueur, mn. 56058	City, State, Zip code: Gaylord, MN 55334
Phone: 612-720-0854	Phone: 507 237 2424
email: mary @ forcespomeranians.com	email: crandjan@gmail.com

Veterinary protocol. A commercial breeder must establish and maintain a written protocol for disease control and prevention, euthanasia, and veterinary care of animals at each facility. The initial protocol must be developed under the direction and supervision of the board. A commercial breeder must maintain a written protocol that is updated at least every 12 months and that is signed and dated by the board or by a veterinarian along with the commercial breeder. The written protocol must be available to the board upon request or at the time of inspection. (347.58)

Veterinary health certificates. An animal sold or otherwise distributed by a commercial breeder must be accompanied by a veterinary health certificate completed by a veterinarian. The certificate must be completed within 30 days prior to the sale or distribution and must indicate that the animal is current with vaccinations and has no signs of infectious or contagious diseases. The certificate accompanying an adult dog that was not spayed or neutered must indicate that the dog has no signs of infectious or contagious diseases and was tested for canine brucellosis with a test approved by the board and found to be negative. (347.58)

Canine brucellosis tests. (a) Tests for canine brucellosis that are approved by the Board of Animal Health are the rapid slide (or card) agglutination test (RSAT), the agar gel immunodiffusion (AGID) test and the polymerase chain reaction (PCR) test. Tests for canine brucellosis must be conducted by or under the direct supervision of a Minnesota-licensed veterinarian or personnel at an accredited veterinary diagnostic laboratory. Samples must be collected by or under the direct supervision of a Minnesota-licensed veterinarian. Test results are valid for 60 days from the date of sample collection. All test results must be reported to the Minnesota Board of Animal Health. (Board Policy under 347.58)

Dogs infected with canine brucellosis. Dogs determined by the Minnesota Board of Animal Health to be infected with *Brucella canis* must be permanently quarantined and isolated from other dogs not known to be infected or be euthanized. (Board Policy under 35.05 and 1721.0020)



Disease Control. The protocol for disease control and prevention for this facility is as follows:

- Clean inside Kennel with Lysol/^{water} every other day and allow to dry prior to placing dogs back in.
- Provide clean blankets in Kennels.
- Do Brucella's test on any ^{Adult} dogs being relocated/purchased.
- Keep outside Kennel area clean by picking up dog stools & spray out with water, Provide plenty of exercise.
- Vaccinate regularly.

Vaccination. The vaccination protocol for this facility is as follows:

Vaccine	Recommended schedule
Duramune Max 5 (DA ₂ P+PV) Rabvac 3	Every 3 yrs. after the initial vaccinations and booster at 1yr.

Parasites. The protocol for treatment of parasites at this facility is as follows:

Parasite treatment or evaluation	Recommended schedule
Pyrantel is used Frontline	adults. 2-3 x/yr every 3 months.



Euthanasia. The protocol for euthanasia of animals at this facility is in accordance with the guidelines in the most recent version of the AVMA Guidelines for the Euthanasia of Animals and is as follows:

2 Shot System, One to make them sleepy, One to stop the heart beating.

Veterinary care. The protocol for veterinary care of animals at this facility is as follows:

- The veterinary and our Kennels at Force's Pomeranians will keep all dogs vaccinations current. The Veterinary to advise and oversee our Kennel operations regularly, to update protocol yearly.
- To keep our Kennel protocol active.

Commercial Dog or Cat Breeder

I certify that I will follow the provisions in this veterinary protocol and the guidance of the veterinarian listed.

Commercial breeder (print name):

Mary Force

Signature:

Mary Force

Date:

5/26/2016

Minnesota-licensed Veterinarian

I certify that I have approved this veterinary protocol and will work with the owner to implement the provisions of the protocol.

Veterinarian (print name):

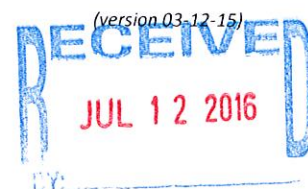
Dr. C.R. Carlson

Signature:

Dr. C.R. Carlson

Date:

5/26/2016



Caring For Your Pomeranian & Diet

We feed our Pomeranian Canidae puppy food , Merricks puppy food which is grain free fresh Bison and vegetables or Royal Canine puppy food small bites in small amounts at three times a day depending on size of Pomeranian. If you change brands of dog food you must do it gradually. You can do this by adding in and introducing small amounts of the new dog food over a 2 week period until it is fully on all the new food. If not done this way your Pomeranian could get diarrhea. Be sure to watch your new puppy and make sure they are eating in their new environment. We also give them Nuvet Plus vitamins at <http://nuvetplus.com> , and use Inflight coat formula at <http://inflightcoatformula.com> to keep the adult coats healthy and in a top quality coat condition. You could also use and blend in Alaskan Salmon Oil with their food to keep their coats in top condition. Always provide a dish of fresh water at all times. Start getting your teacup Pomeranian puppy acclimated to being brushed. I recommend doing this at least twice a week until they get used to being handled by you routinely. Bathe once a month is sufficient.

Potty Training

We believe crate training is a best method for potty training your Pomeranian. Only have them in their own crate at bedtime only. When your new puppy awakes in the morning, take them directly to the pee pad before playing with them. When your puppy is big enough to go up and down steps safely, immediately start training them to go outside. Again, when they awake in the morning take them outside right away before playing with them. If you have younger children we recommend you have them sit on the floor to hold and play with your new puppy. As this is the safest for your new puppy and a good rule.



Lead Training

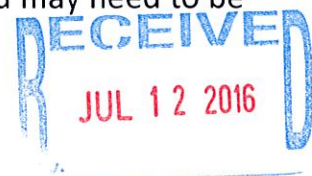
A good age to start lead training is at about 12 weeks of age. Do not ever use a collar on your Pomeranian. It is best to use a harness on your puppy .Your Pomeranian will be very eager to please and learn from you.

What is Hypoglycemia ?

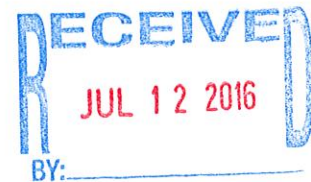
Hypoglycemia is not an illness and it can be prevented with proper diet and nutrition. Our warranty does not cover for this syndrome and it is buyer's responsibility to prevent their puppy from hypoglycemia.

Hypoglycemia is a syndrome that occurs primarily in toy breeds between 6 and 12 weeks of age. A hypoglycemic attack is often precipitated by stress. The typical signs are listlessness, depression, staggering gait, muscular weakness, and tremors-especially of the face. Puppies with a severe drop in blood sugar develop seizures or become stupors and go into a coma. Death can follow. This particular sequence of symptoms is not always seen through. For example, some puppies exhibit only weakness or a wobbly gait.

Occasionally a puppy that seemed just fine is found in coma. Episodes of hypoglycemia often occur without warning-for example, when a puppy is stressed by shipping. Other common causes of acute hypoglycemia are missing a meal, chilling, becoming exhausted from too much play, or having an upset stomach. These events place an added strain on the energy reserves of the liver. Prolonged or repeated hypoglycemic attacks in toy breed puppies can cause brain damage. Puppies with frequent attacks should undergo veterinary testing to rule out an underlying problem. Treatment: The treatment of an acute attack is aimed at restoring the blood sugar. Begin immediately. If the puppy is awake and able to swallow, give corn syrup or sugar water by syringe, or rub corn syrup, honey, or glucose paste on the gums. You should see improvement in 30 minutes. If not, call your veterinarian. If the pup is unconscious, do not give an oral solution because it will be inhaled. Rub corn syrup, honey, or glucose paste (Nutrical or dyne supplements) on the gums and proceed at once to your veterinarian. This puppy will require an intravenous dextrose solution and may need to be



treated for brain swelling. Oral glucose paste is sold at pharmacies. If you know your dog is subject to hypoglycemic attacks, keep this product on hand. Prevention: Susceptible puppies should be fed at least four times a day. It is important to feed a high-carbohydrate, high-protein, high-fat diet. It is essential that the diet be high quality. Your veterinarian can recommend an appropriate premium food. Owners of toy puppies should take precautions to see that they do not become excessively tired or chilled. Many (but not all) puppies outgrow this problem. Symptoms of Hypoglycemia are: Lethargy, Excessive salivations, dilated pupils, weak, wobbly, can't stand or walking around in disoriented state, seizures, and hypothermia. It is most frequent first thing in the morning but can happen at any time during the day.



Mettler, Michelle

From: Tiegs, David
Sent: Thursday, July 14, 2016 2:50 PM
To: Mettler, Michelle
Subject: Anthony & Mary Force
Attachments: DOC071416.pdf

Michelle, I was contacted by Mary Force regarding the use of their existing home access for their Pomeranian Breeding business (Parcel 10.035.2700). The additional business traffic should be minimal and therefore I do not have any concerns regarding this use. If any additional information is needed please let me know.

Thanks,
Dave Tiegs
Assistant Highway Engineer
Le Sueur County

Mettler, Michelle

From: Suskovic, Greg (BAH) [Greg.Suskovic@state.mn.us]
Sent: Tuesday, July 26, 2016 12:10 PM
To: Mettler, Michelle
Subject: RE: Tony & Mary Force

Ms. Mettler,

As we discussed per phone yesterday: Tony & Mary Force have applied for a Minnesota Dog and Cat Breeder License. I have inspected their operation and they have passed all the requirements for licensure except for complying with their local ordinance. According to the CDCB law, in order to be licensed as a CDCB an operation must be in compliance with all local ordinances. A CUP from LeSueur County is the only thing the Forces need. When we see that LeSueur County has issued them a CUP they will receive a CDCB license from the MN Board of Animal Health.

Thanks,

Greg

Gregory R. Suskovic DVM
Minnesota Board of Animal Health
North Mankato MN 56003
651/238-2503



From: Mettler, Michelle [mailto:mmettler@co.le-sueur.mn.us]
Sent: Monday, July 25, 2016 2:55 PM
To: Suskovic, Greg (BAH)
Subject: Tony & Mary Force

Hello Dr. Suskovic:

Thank you for discussing with me the licensing requirements of the MN Board of Animal Health for a dog breeding facility.

If you could send documentation regarding the proposed dog breeding facility of Tony & Mary Force for their file I would greatly appreciate it.

Thank you.

Have a good day.

Michelle R. Mettler
Le Sueur County
Assistant Planning & Zoning Assistant Administrator

Commercial Dog and Cat Breeders

347.57 Definitions.

Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57 to 347.64.

Subd. 2. **Animal.** "Animal" means a dog or a cat.

Subd. 3. **Board.** "Board" means the Board of Animal Health.

Subd. 4. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis domesticus*. An adult cat is a cat 28 weeks of age or older. A kitten is a cat under 28 weeks of age.

Subd. 5. **Commercial breeder.** "Commercial breeder" means a person who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses ten or more adult intact animals and whose animals produce more than five total litters of puppies or kittens per year.

Subd. 6. **Confinement area.** "Confinement area" means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis familiaris*. An adult dog is a dog 28 weeks of age or older. A puppy is a dog under 28 weeks of age.

Subd. 8. **Facility.** "Facility" means the place used by a commercial breeder for breeding animals, and includes all buildings, property, confinement areas, and vehicles.

Subd. 9. **Local animal control authority.** "Local animal control authority" means an agency of the state, county, municipality, or other political subdivision of the state that is responsible for animal control operations in its jurisdiction.

Subd. 10. **Person.** "Person" means a natural person, firm, partnership, corporation, or association, however organized.

Subd. 11. **Possess.** "Possess" means to have custody of or have control over.

Subd. 12. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and licensed in the state of Minnesota.

[Session Law] Registration; initial prelicense inspections.

Subdivision 1. **Commercial breeder registration.** Beginning July 1, 2014, until June 30, 2015, a commercial breeder must register each facility it owns or operates by paying a registration fee not to exceed \$250 per facility to the Board of Animal Health.

Subd. 2. **Initial prelicense inspections.** Beginning July 1, 2014, the board may begin the initial prelicense inspections under Minnesota Statutes, section 347.58.

Subd. 3. **Deposits of fees.** Fees collected under this section must be deposited in the dog and cat breeders licensing account in the special revenue fund.

347.58 Licensing and inspections.

Subdivision 1. **Licensing.** (a) The board may grant an operating license to a commercial breeder and must enforce sections 347.58 to 347.64.

(b) Beginning July 1, 2015, a commercial breeder must obtain an annual license for each facility it owns or operates. More than one building on the same premises is considered one facility. The initial prelicense inspection fee and the annual license fee is \$10 per adult intact animal, but each fee must not exceed \$250.

(c) The board must perform an announced initial prelicense inspection within 60 days from the date of receiving a license application. A commercial breeder is not in violation of this section if the commercial breeder has filed a completed license application with the board and the board has not performed the initial prelicense inspection. The board must inspect a commercial breeder's facility before an initial license is issued. The initial prelicense inspection fee must be included with the license application. Upon completion of the inspection, the inspector must provide the commercial breeder an inspection certificate signed by the inspector in a format approved by the board.

(d) The license application must indicate if a commercial breeder operates under more than one name from a single location or has an ownership interest in any other facility. License holders must keep separate records for each business name.

(e) The application must include a statement that includes the following information: (1) whether any

license held by an applicant under this section or under any other federal, state, county, or local law, ordinance, or other regulation relating to breeding cats or dogs was ever suspended, revoked, or denied; and (2) whether the applicant was ever convicted of animal cruelty.

(f) An application from a partnership, corporation, or limited liability company must include the name and address of all partners, directors, officers, or members and must include a notation of any partners, directors, officers, members, or others authorized to represent the partnership, corporation, or limited liability company.

(g) A nonresident applicant must consent to adjudication of any violation under the laws of the state of Minnesota and in Minnesota courts.

(h) A license issued under this section is not transferable.

(i) A license holder must apply for license renewal annually by submitting a renewal application on a form approved by the board. The license renewal application must be postmarked or submitted electronically in a method approved by the board by July 1 of each year. The board may assess a late renewal penalty of up to 50 percent of the license fee. If a license is not renewed by August 1, the board may require the commercial breeder to reapply for an initial license.

(j) A commercial breeder must submit to the board an annual report by July 1 on a form prepared by the board. The form must include the current number of cats and dogs at the facility on the date of the report, the number of animals during the preceding year that were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from other causes, and any other information required by the board.

(k) If a commercial breeder is required to be licensed by the United States Department of Agriculture, United States Department of Agriculture inspection reports and records relating to animal care plans and veterinary care must be made available during an inspection, upon request.

(l) A commercial breeder must prominently display the commercial breeder's license at each facility.

(m) A commercial breeder's state license number or a symbol approved by the board must be included in all of the commercial breeder's advertisements or promotions that pertain to animals being sold or traded including, but not limited to, all newspapers, Internet, radio, or flyers.

(n) A commercial breeder must notify the board by certified mail or electronically in a method approved by the board within ten days of any change in address, name, management, or substantial control and ownership of the business or operation.

(o) The board must refuse to issue an initial license when a commercial breeder: (1) is in violation of section 343.21; 343.24; 343.27; 343.28; 343.31; 343.37; 346.37; 346.38; 346.39; 346.44; or 346.155; (2) has failed to meet any of the requirements of this section and section 347.59; (3) is in violation of a local ordinance regarding breeders; (4) has been convicted, other than a petty misdemeanor conviction, of cruelty to animals under Minnesota law or a substantially similar animal cruelty law of another jurisdiction; (5) has had a substantially similar license denied, revoked, or suspended by another federal or state authority within the last five years; or (6) has falsified any material information requested by the board.

(p) A person who has been an officer, agent, direct family member, or employee of a commercial breeder whose license was revoked or suspended and who was responsible for or participated in the violation that was a basis for the revocation or suspension may not be licensed while the revocation or suspension is in effect.

Subd. 2. Inspections. (a) The board must inspect each licensed facility at least annually. The inspection must be with the commercial breeder or an agent of the commercial breeder present. The inspector must submit an inspection report to the board within ten days of each inspection on a form prepared by the board. The inspection report form must list separately each law, rule, regulation, and ordinance the facility is not in compliance with and what correction is required for compliance. The inspection report form must document the animal inventory on the date of the inspection.

(b) If, after the precense inspection, the commercial breeder has two consecutive years of inspections with no violations, the board must inspect the commercial breeder at least every two years. If the commercial breeder has any violations during an inspection or if the board has cause, the board must inspect the commercial breeder at least annually.

(c) If a license to operate is suspended, revoked, or denied, the board must be granted access to the facility during normal business hours to verify that it is not operating.

Subd. 3. Record requirements. (a) The commercial breeder must keep records on each animal at the facility that includes: (1) the name, address, and United States Department of Agriculture license number, if applicable, from whom an animal was received; the date the commercial breeder received the animal; the date of the animal's birth; the breed, sex, color, and identifying marks of the animal; any identifying

1 tag, tattoo, microchip, or collar number; worming treatments, vaccinations, and name of the person who
2 administered the vaccination; medication received by the animal while in the possession of the
3 commercial breeder; and any disease conditions diagnosed by a veterinarian; and (2) the name and
4 address of the person or entity to whom an animal was transferred.

5 (b) The commercial breeder must maintain a copy of the records required to be kept under this
6 subdivision for two years.

7 Subd. 4. **Veterinary protocol.** (a) A commercial breeder must establish and maintain a written protocol
8 for disease control and prevention, euthanasia, and veterinary care of animals at each facility. The initial
9 protocol must be developed under the direction and supervision of the board. A commercial breeder must
10 maintain a written protocol that is updated at least every 12 months and that is signed and dated by the
11 board or by a veterinarian along with the commercial breeder. The written protocol must be available to
12 the board upon request or at the time of inspection.

13 (b) An animal sold or otherwise distributed by a commercial breeder must be accompanied by a
14 veterinary health certificate completed by a veterinarian. The certificate must be completed within 30 days
15 prior to the sale or distribution and must indicate that the animal is current with vaccinations and has no
16 signs of infectious or contagious diseases. The certificate accompanying an adult dog that was not
17 spayed or neutered must indicate that the dog has no signs of infectious or contagious diseases and was
18 tested for canine brucellosis with a test approved by the board and found to be negative.

19 Subd. 5. **Posting of information.** The board must maintain and post in a timely manner on its Web site a
20 list of commercial breeders licensed and in good standing under this section.

21 22 **347.59 Standards of care.**

23 (a) A commercial breeder must comply with chapters 343 and 346.

24 (b) A commercial breeder must ensure that animals that are part of the commercial breeder's breeding
25 business operations are cared for as follows: (1) cats must not be housed in outdoor confinement areas;
26 (2) animals exercised in groups must be compatible and show no signs of contagious or infectious
27 disease; (3) females in estrus must not be housed in the same confinement area with unneutered males,
28 except for breeding purposes; (4) animals must be provided daily enrichment and must be provided
29 positive physical contact with human beings and compatible animals at least twice daily unless a
30 veterinarian determines such activities would adversely affect the health or well-being of the animal; (5)
31 animals must not be sold, traded, or given away before the age of eight weeks unless a veterinarian
32 determines it would be in the best interests of the health or well-being of the animal; (6) the commercial
33 breeder must provide identification and tracking for each animal, which is not transferable to another
34 animal; and (7) the commercial breeder must provide adequate staff to maintain the facility and observe
35 each animal daily to monitor each animal's health and well-being, and to properly care for the animals.

36 (c) A commercial breeder must not knowingly hire staff or independent contractors who have been
37 convicted of cruelty to animals under the law of any jurisdiction.

38 (d) A commercial breeder must comply with any additional standards the board considers necessary to
39 protect the public health and welfare of animals covered under sections 347.57 to 347.61. The standards
40 must be established by rule.

41 (e) A United States Department of Agriculture (USDA) licensed breeder or dealer who is in compliance
42 with the minimum USDA regulations governing the license holder as they relate to animal confinement
43 areas as of the effective date of this section does not have to comply with the minimum confinement area
44 measurements under section 346.39, subdivision 4, for existing confinement areas in each facility the
45 breeder or dealer owns. If a USDA-licensed breeder or dealer builds a new confinement area after the
46 effective date of this section, those minimum standards must meet or exceed the minimum specifications
47 as they relate to confinement area size under section 346.39, subdivision 4.

48 49 **347.60 Investigations.**

50 (a) The board must initiate an investigation upon receiving a formal complaint alleging violations of
51 section 347.58 or 347.59.

52 (b) When a local animal control authority, a peace officer, or a humane agent appointed under section
53 343.01 is made aware of an alleged violation under this chapter or chapter 343 or 346, committed by a
54 commercial breeder, the local animal control authority, peace officer, or humane agent appointed under
55 section 343.01 must report the alleged violation in a timely manner to the board.

1 **347.61 Civil enforcement.**

2 Subdivision 1. **Correction orders.** (a) The board may issue a correction order requiring a commercial
3 breeder to correct a violation of state statutes, rules, and regulations governing breeding facilities. The
4 correction order must state the deficiencies that constitute the violation; the specific statute, rule, or
5 regulation violated; and when the violation must be corrected.

6 (b) A commercial breeder may ask the board to reconsider any portion of the correction order that the
7 commercial breeder believes is in error. The request for reconsideration must be made in writing by
8 certified mail or electronically in a method approved by the board within seven days after receipt of the
9 correction order. The request for reconsideration does not stay the correction order. The board must
10 respond to the request for reconsideration within 15 days after receiving a request. The board's
11 disposition of a request for reconsideration is final. The board may extend the time for complying with a
12 correction order after receiving a request for reconsideration if necessary.

13 (c) The board must reinspect the facility within 15 days after the time for correcting the violation has
14 passed to determine whether the violation has been corrected. If the violation has been corrected, the
15 board must notify the commercial breeder in writing that the commercial breeder is in compliance with the
16 correction order. The board may charge a reinspection fee to determine if a previous violation has been
17 corrected.

18 Subd. 2. **Administrative penalty orders.** After the inspection required under subdivision 1, paragraph
19 (c), the board may issue an order requiring violations to be corrected and administratively assessing
20 monetary penalties for violations. The administrative penalty order must include a citation of the statute,
21 rule, or regulation violated; a description of the violation; and the amount of the penalty for each violation.
22 A single correction order may assess a maximum administrative penalty of \$5,000.

23 Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the board may bring an action
24 for injunctive relief in the district court in Ramsey County or in the county in which a violation of the
25 statutes, rules, or regulations governing the breeding of cats and dogs occurred to enjoin the violation.

26 Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its continuation would
27 result in an immediate risk to animal welfare or public health. An order issued under this subdivision is
28 effective for a maximum of 72 hours. The board or its designated agent must seek an injunction or take
29 other administrative action authorized by law to restrain a practice beyond 72 hours. The issuance of a
30 cease-and-desist order does not preclude other enforcement action by the board.

31 Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The board may suspend,
32 revoke, or refuse to renew a license as follows: (1) for failure to comply with a correction order; (2) for
33 failure to pay an administrative penalty; (3) for failure to meet the requirements of section 347.58 or
34 347.59; or (4) for falsifying information requested by the board. A license suspension, revocation, or
35 nonrenewal may be appealed through the Office of Administrative Hearings. A notice of intent to appeal
36 must be filed in writing with the board within 20 days after receipt of the notice of suspension, revocation,
37 or nonrenewal.

38 (b) The board must revoke a license if a commercial breeder has been convicted of cruelty to animals
39 under Minnesota law or a substantially similar animal cruelty law of another jurisdiction, or for the denial,
40 revocation, or suspension of a similar license by another federal or state authority. A license revocation
41 under this subdivision may be appealed through the Office of Administrative Hearings. A notice of intent
42 to appeal must be filed in writing with the board within 20 days after receipt of the notice of revocation.

43 (c) A commercial breeder whose license is revoked may not reapply for licensure for two years after the
44 date of revocation. The license is permanently revoked if the basis for the revocation was a gross
45 misdemeanor or felony conviction for animal cruelty.

46 (d) A commercial breeder whose license is suspended or revoked two times is permanently barred from
47 licensure.

48 Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph (b), if the board proposes
49 to refuse to renew, suspend, or revoke a license, the board must first notify the commercial breeder in
50 writing of the proposed action and provide an opportunity to request a hearing under the contested case
51 provisions of chapter 14. If the commercial breeder does not request a hearing within 20 days after
52 receipt of the notice of the proposed action, the board may proceed with the action without a hearing.

53 (b) The contested case provisions of chapter 14 do not apply when the board denies a license based on
54 an applicant's failure to meet the minimum qualifications for licensure.

55 (c) A commercial breeder may appeal the amount of an administrative penalty order through the Office of
56 Administrative Hearings pursuant to the procedures set forth in chapter 14. A commercial breeder wishing

1 to file an appeal must notify the board in writing within 20 days after receipt of the administrative penalty
2 order.

3 Subd. 7. **Other jurisdictions.** The board may accept as prima facie evidence of grounds for an
4 enforcement action under this section any enforcement or disciplinary action from another jurisdiction, if
5 the underlying violation would be grounds for a violation under the provisions of this section.

6 Subd. 8. **Appeals.** A final order by the board may be appealed to the Minnesota Court of Appeals.
7

8 **347.615 Biosecurity; entry into facilities.**

9 No law enforcement officer, agent of the board, or other official may enter a commercial breeder facility
10 unless the person follows either the biosecurity procedure issued by the board or a reasonable
11 biosecurity procedure maintained and prominently posted by the commercial breeder at each entry to a
12 facility, whichever is more stringent. This section does not apply in emergency or exigent circumstances.
13

14 **347.62 Penalties.**

15 (a) A violation of section 347.58 or 347.59 that results in cruelty or torture to an animal, as those terms
16 are defined in section 343.20, subdivision 3, is subject to the penalties in section 343.21, subdivisions 9
17 and 10, relating to pet or companion animals.

18 (b) It is a misdemeanor to falsify information in a license application, annual report, or record.

19 (c) It is a misdemeanor for an unlicensed commercial breeder to advertise animals for sale.

20 (d) It is a misdemeanor for a commercial breeder to operate without a license.
21

22 **347.63 Dog and cat breeders licensing account; appropriation.**

23 A dog and cat breeders licensing account is created in the special revenue fund. All fees and penalties
24 collected by the board under sections 347.58 to 347.62 must be deposited in the state treasury and
25 credited to the dog and cat breeders licensing account in the special revenue fund. Money in the account,
26 including interest on the account, is annually appropriated to the board to administer those sections.
27

28 **347.64 Applicability.**

29 Sections 347.57 to 347.63 do not apply to: (1) any species other than dogs and cats as they are defined
30 in section 347.57; and (2) veterinary clinics or veterinary hospitals.
31

32 **[Session Law] Recognition; commercial breeder excellence.**

33 The Board of Animal Health, in consultation with representatives of the licensed commercial breeder
34 industry, must develop a program to recognize persons who demonstrate commercial breeder excellence
35 and exceed the standards and practices required of commercial breeders under this act.
36



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 5

DeMars / Appel Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: DEMARS CONSTRUCTION

OWNER: RANDY & PATTY APPEL

911 ADDRESS: 22243 Lake Francis Road, Elysian MN 56028

PROJECT DESCRIPTION: Grading, excavating and filling of approximately 1,756 cubic yards of material for the purposes of site preparation for a single family dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis.

Variances granted on August 18, 2016 in order to deviate from setbacks to the Ordinary High Water Level and Road Right of Way Setbacks.

ZONING DISTRICT PURPOSE:

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.

ZONING ORDINANCE SECTIONS: Sections 13.2 and 18

GOALS AND POLICIES:

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 resource areas.

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

SITE INFORMATION

LOCATION: Lot 1, Block 1, Han's Hideaway in Section 23, Elysian Township.

ZONING: Recreational Residential "RR" District.

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North: Platted Subdivision, wooded
East: Lake

South: Lake, Residential
West: Residential/Ag Land

TOWNSHIP BOARD NOTIFICATION

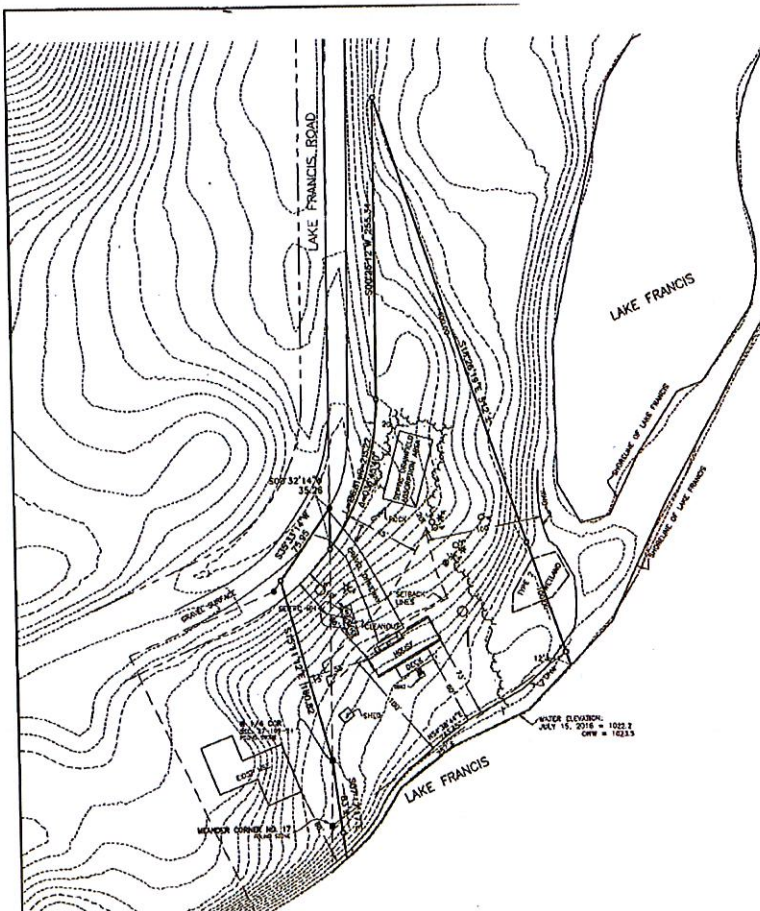
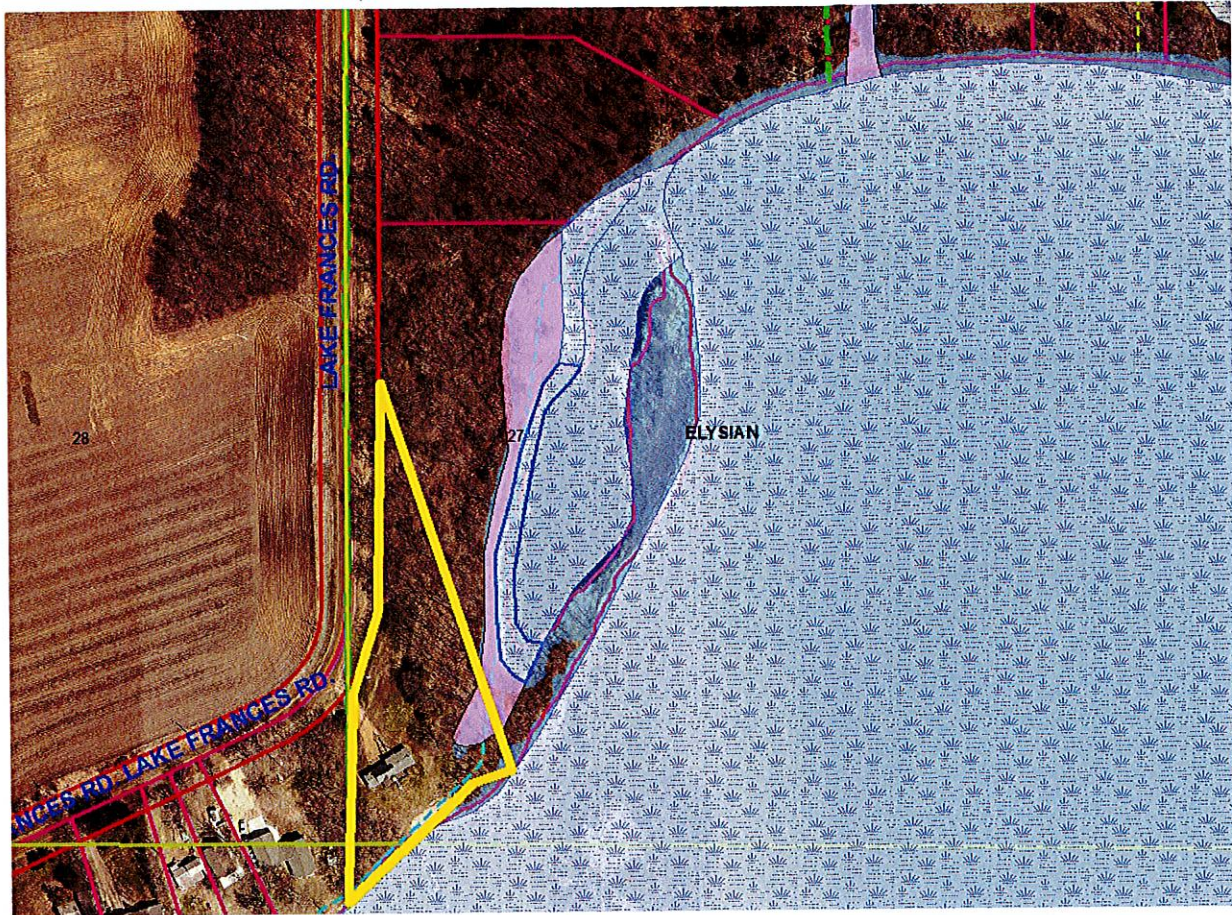
The applicant contacted Linus Hebl, Elysian Township Board Member on July 5, 2016.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Types 1-3 wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN/AERIAL PHOTO



EXISTING CONDITIONS

RECEIVED
JUL 18 2016
BY: _____

OWNER ADDRESS
BROOKLYN & PATRICK AVENUE
28 HENRIETTA ST
NORTH MARSHFIELD, MA 01863

SITE ADDRESS
222-43 LAKE FRANCES ROAD
ELYSIAN, MA 01863

TOTAL LOT AREA
14,341 SQ. FT.

EXISTING IMPERVIOUS SURFACE	
HOUSE & OVERHANG	1325 SQ. FT.
DRIVE & DRIVE	375 SQ. FT.
CORPORATE	65 SQ. FT.
SMALL SURFACE	1755 SQ. FT.
BIPO	80 SQ. FT.
BIPO	11,361 SQ. FT.
TOTAL	14,341 SQ. FT. (5.81%)

PID 04.830.0010

LEGEND

- STONE MONUMENT FOUND
- MONUMENT FOUND
- WITH PIPE MONUMENT SET
- ANCHOR
- UTILITY POLE
- WELL
- CULVERT
- SANDWICH MANHOLE
- UTILITY OVERHEAD
- INTERMEDIATE CONTOURS
- INDEX CONTOURS

SURVEYOR'S CERTIFICATION

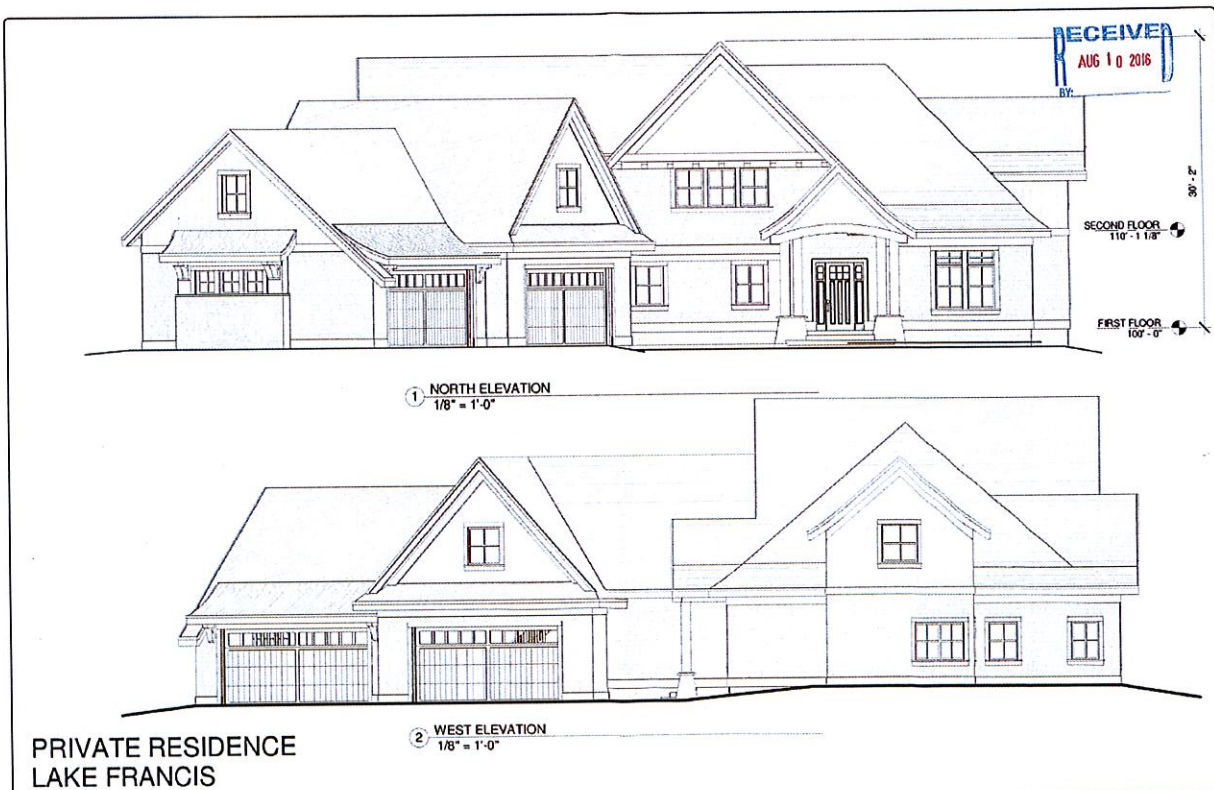
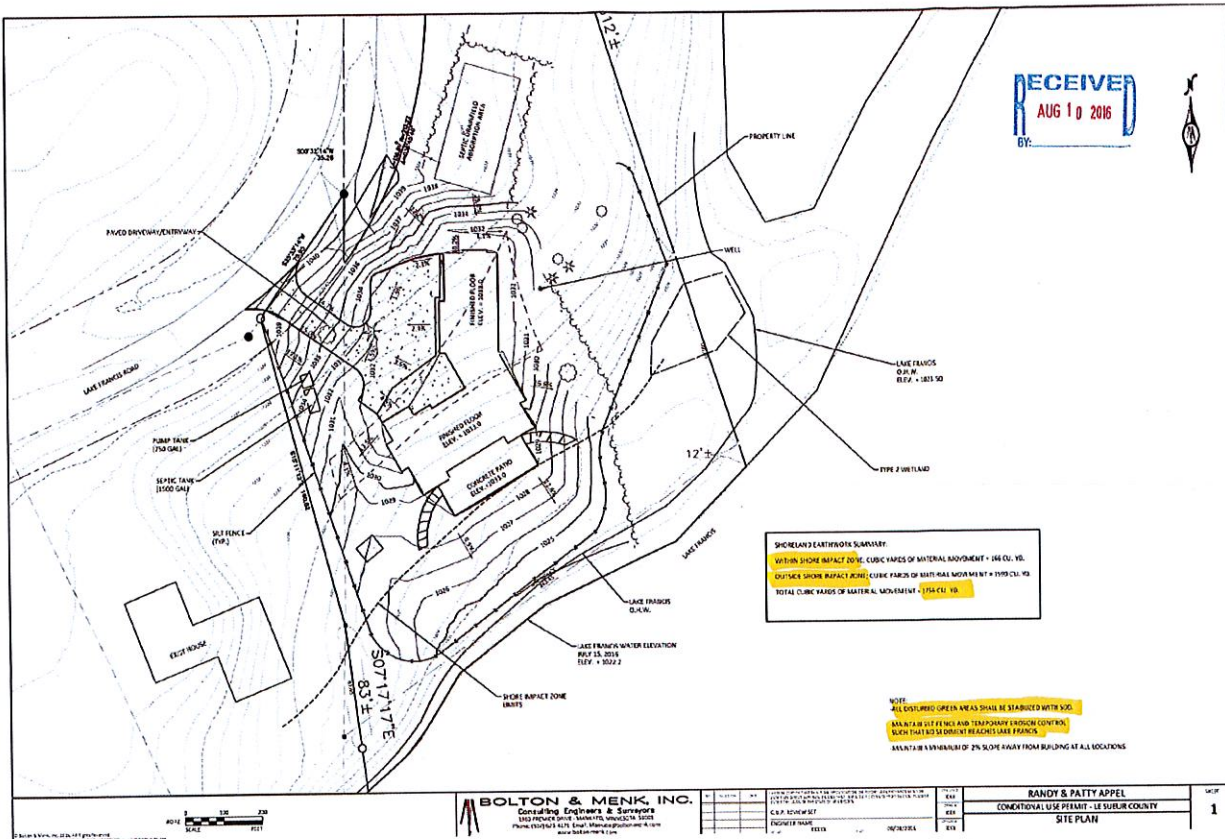
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

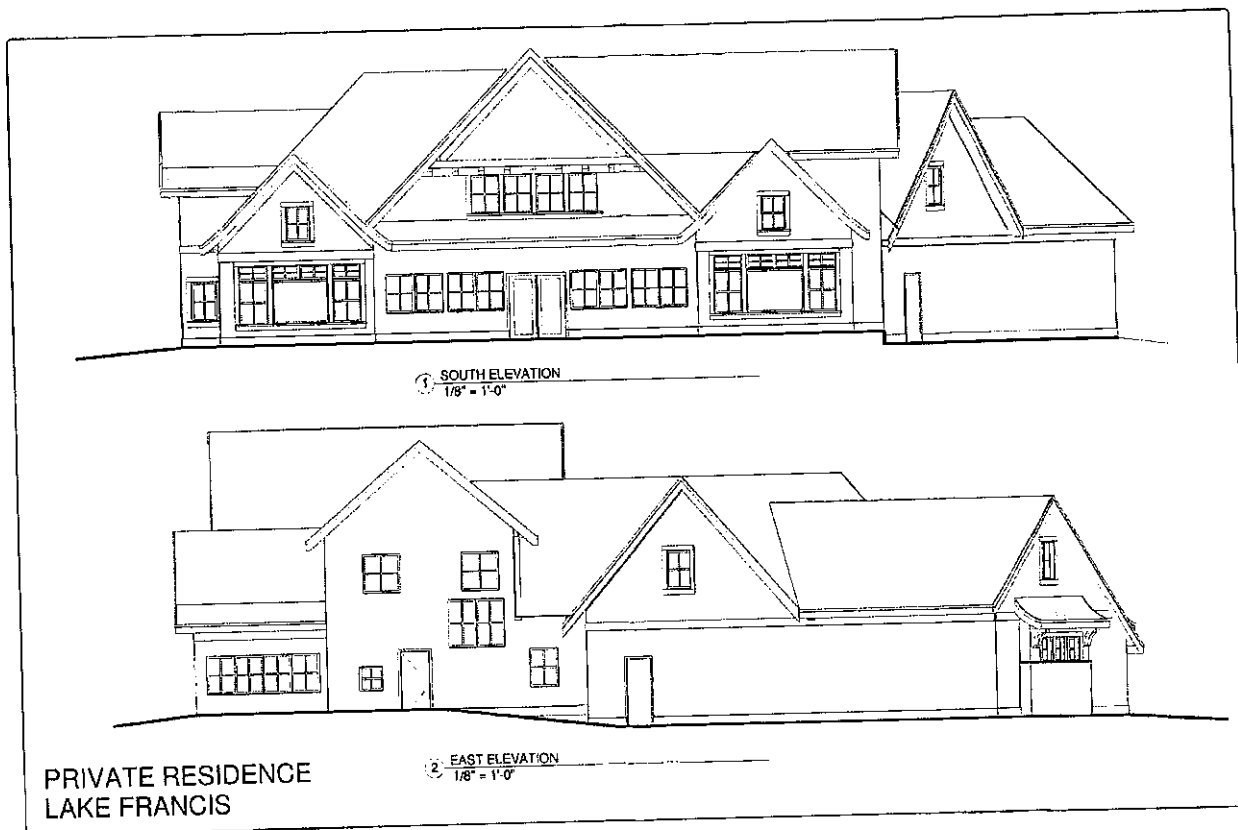
Ray Jones
Ray Jones
License Number 18769

7-18-16
Date

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2815 PREVIEW DRIVE
MINNEAPOLIS, MINNESOTA 55425

LOT 1, BLOCK 1, PART 1, RESUBDIVISION & PART OF
SOUTH 1/4 OF SECTION 28, TOWNSHIP 28N
RANGE 10E, RANGE 10E, LE SUEUR COUNTY,
MINNESOTA
FOR: TOWN & PLATY AREA





ATTACHMENTS

Application, Criteria Form, Erosion Control Plan, Narrative, Letter from Joshua Mankowski, LSC Resource Specialist, Survey-Existing-Proposed Conditions, House Plans.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety, and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

Shoreland District. The following additional evaluation criteria and conditions apply within the Shoreland Districts of the County.

1. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - b. The visibility of structures and other facilities as viewed from public waters is limited.

- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
2. **Conditions attached to Conditional Use Permits in Shoreland Districts.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits, as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Increased setbacks from the ordinary high water level.
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - c. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

PLANNING AND ZONING COMMISSION FINDINGS
--

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable)

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling



Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. **Applicant:**
Name DEMARS CONSTRUCTION - MAX DEMARS
Mailing Address 327 NORTH RIVERFRONT DRIVE
City MANKATO State MN Zip 56001
Phone # 507-327-7119 Phone # 507-387-5933

II. **Landowner:**
Name RANDY & PATTY APPEL
Mailing Address 520 WEBSTER AVE
City NORTH MANKATO State MN Zip 56003
Property Address 22243 LAKE FRANCIS ROAD
City ELYSIAN State MN Zip 56028
Phone # 507-380-9030 Phone # 507-327-9267

III. **Parcel Information:**
Parcel Number 04.830.0010 Parcel Acreage 1.5
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township 109 Section 27
Subdivision HANS HIDEAWAY Lot 001 Block 001

IV. **Township Notification:** Township must be notified of proposed use prior to application.

ELYSIAN Township notified on 7/5/2016
(Township Name) (Date)
Board Member LIN HEBEL regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.
Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII. Type of Request: Grading, Excavating or Filling.

☐ **Non-Shoreland** Cubic yards of material movement: _____
☐ Within Bluff Impact Zone Cubic yards of material movement: _____
☐ Within Bluff Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____

☒ **Shoreland- Outside Shore Impact Zone** Cubic yards of material movement: 1590 Cu. Yd.
☒ Within Shore Impact Zone Cubic yards of material movement: 166 Cu. Yd.
☐ Within Bluff Impact Zone Cubic yards of material movement: _____
☐ Within Bluff Cubic yards of material movement: _____
TOTAL cubic yards of material movement: 1756 Cu. Yd.

☐ Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request: (See Attached)

a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: _____
2. ADVERSE IMPACT ON SURROUNDING AREAS: _____
3. STORMWATER RUNOFF: _____
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: _____
5. WETLAND IMPACT: _____
6. SLOPE STABILITY: _____
7. CERTIFICATE OF INSURANCE: _____
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

IX. Site Plan: Shall include but not limited to the following:

- **Parcels < 5 AC** = 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC** = 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC** = 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- | | | | |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
| • Landscape, screening and buffering | | | • Drainage |

• Site plan & As-Built must be completed by a surveyor or professional engineer.

X. Restoration Plan: Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Distriacts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. Attachments: Shall include but not limited to:

- ☐ a. **Description of Request**-See Part VIII for full details and requirements.
- ☐ b. **Site Plan**-See Part IX for full details and requirements.
- ☐ c. **Full Legal Description**-Not abbreviated description from tax statement.
- ☐ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☐ f. **Septic System Compliance Inspection**
- ☐ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☐ h. **Restoration Plan**-See Part X for full details and requirements.
- ☐ i. **Approved Stormwater Pollution Prevention Plan**
-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.


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.


Applicant signature

8.8.2016
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.


Property Owner signature

8/8/2016
Date

OFFICE USE ONLY

Request: GRADING, EXCAVATING & FILLING

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

☒ **Shoreland - Outside Shore Impact Zone**

- ☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: 1590
 Cubic yards of material movement: 160
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 1750 cy

Pre-App Date 8/5
 Meeting Date 9/8
 60 Day 10/1
 Zoning District RR

Lake Classification RD
 Lake Travis
 FEMA Panel # 27079C0425D
 Flood Zone X outside

Feedlot 500' 1000' N
 Wetland Type 1-2 3-8 N
 Water courses Y N
 Bluff Y N

☒ Request Description

☒ Access Approval Ext.

☐ Septic **Comp Insp / Design**

☒ Site Plan

☒ Erosion Control Plan

☒ Meeting Reg / ATF / Spec

☒ Full Legal

☐

☐ Fee \$ 796.00

☐ Ordinance

☐ Other _____

☐ Penalty \$ _____

☒ Application Complete

H. Brockway
 Planning & Zoning Department Signature

8/10/16
 Date

16259
 Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16259

Name of Applicant: DEMARS CONSTRUCTION

Conditional Use Permit #: 16259

Name of Property Owner: RANDY & PATTY APPEL

Conditional Use Permit Request: TO ALLOW THE APPLICANTS GRADING, EXCAVATING AND FILLING OF 1756 CUBIC YARDS OF MATERIAL WITHIN THE SHORELAND DISTRICT IN ORDER TO CHANGE THE ELEVATION OF THE PARCEL FOR A SFD

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

7.

--	--	--	--	--	--	--	--	--	--	--	--

Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Randy & Patty Appel PID: _____
Mailing Address: 520 WEBSTER AVE NORTH MANKATO, MN 56003
Property Address: 22243 LAKE FRANCIS ROAD ELYSIAN, MN
Phone: (507) 380-9030 Mobile/Cell: () SAME

Responsible party for Implementation/Inspection: DEMARS Construction - Max Demars
Address: 327 NORTH RIVERFRONT DRIVE MANKATO MN 56001
Phone: (507) 387-5933 Mobile/Cell: (507) 327-7119

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
13. Apply fertilizer according to soil test recommendations.
14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

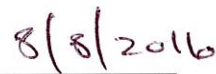
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.



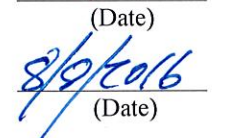
(Property Owner)



(Person Responsible for Implementation)



(Date)



(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.

**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: 08/29/2016

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Demars Construction

Property owner:

Randy & Patty Appel

Property:

04.830.0010

Description:

The applicant requests that the County grant a Conditional Use Permit (CUP) to allow grading, excavating and filling of 1,756 cubic yards of material within the Shoreland District in order to change the elevation of the parcel for a Single Family Dwelling.

Recommendation:

It would be my recommendation to deny this application. The CUP is needed because the lot does not suit the proposed construction. The proposed material movement is needed to transform a walkout lot into a lot for a slab-on-grade structure. The amount of soil movement being requested is far greater than that which would be needed to construct a home that suited the lot's topography.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist



August 8, 2016

Kathy Brockway, Planning & Zoning Admin.
Le Sueur County Environmental Services
515 South Maple Avenue
Le Center, Minnesota 56057

Re: Description of Request

Dear Kathy:

On behalf of Randy and Patty Appel, please find the following Description of Request for the Conditional Use Application.

- A. The Landowner (Appel's) at 22243 Lake Francis Road, Elysian, MN are requesting a Conditional Use Permit for movement of material outside of the shore impact zone and in the shore impact zone for a new proposed residential home (pending a variance request). Such material movement outside the shore impact zone will include granular fill being placed within the proposed home to make a slab on grade foundation. The proposed Floor elevation is that of the existing seasonal cabin. The rest of the movement of material within the shore impact zone and outside the shore impact zone will have the purpose of providing proper drainage per the site plan. The Landowners intend to hydro seed and or sod the disturbed area when finished.
- B.
 - 1. **Environmental Impact:** The Conditional Use Requested will not have a negative impact, rather a positive one as we will improve the grading and water flow of this property per the site plan
 - 2. **Adverse Impact on Surrounding Area:** The request will not have an unwanted result on the surrounding area.

3. **StormWater Run Off:** We will have the proper Erosion Control plan in place.
4. **Does any part of the project extend Below the OHWL:** The proposed material movement will not extend below the OHWL.
5. **Wetland Impact:** No wetland will be impacted.
6. **Slope Stability:** We will have the proper Erosion Control plan in place.
7. **Certificate of Insurance:** See Attached
8. **Meet all Applicable County State & Federal Regulations:** Will meet all Applicable Regulations

EXISTING CONDITIONS

RECEIVED
JUL 18
BY: _____

OWNER ADDRESS
RANDALL & PATRICIA APPEL
26 NEWCASTLE CT
NORTH MANKATO, MN 56003

SITE ADDRESS
22243 LAKE FRANCIS ROAD
ELYSIAN, MN 56028

TOTAL LOT AREA
64341 SQ FT

EXISTING IMPERVIOUS SURFACE

HOUSE W/ OVERHANG	1325 SQ FT
DECK W/ STEPS	373 SQ FT
CONCRETE	93 SQ FT
GRAVEL SURFACE	1752 SQ FT
SHED	95 SQ FT
ROCK	10 SQ FT
TOTAL	3648 SQ FT (5.67%)

PID 04.830.0010

LEGEND

- STONE MONUMENT FOUND
- IRON PIPE MONUMENT
- ANCHOR
- UTILITY POLE
- WELL
- CLEAN OUT
- SANITARY MANHOLE
- UTILITY OVERHEAD
- INTERMEDIATE CONT
- INDEX CONTOURS

SURVEYOR'S CERTIFICATION
I hereby certify that this survey was
under my direct supervision and that
land surveyor under the laws of the

Rory Jensen
Rory Jensen
License Number 19789

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

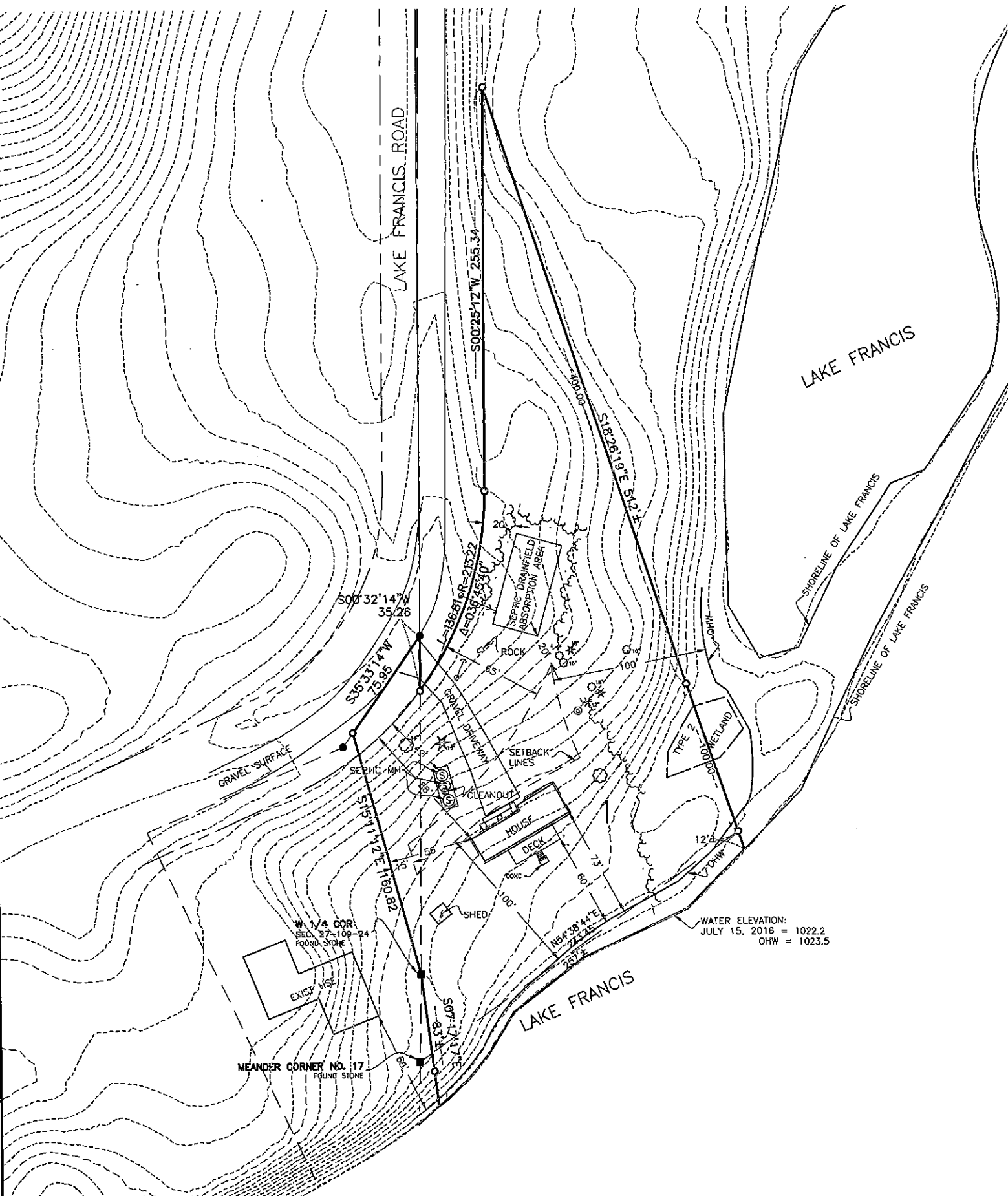
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

1960 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

LOT 1, BLOCK 1, H
GOV'T LOT 4 OF SE
NORTH, RANGE 24
MINNESOTA

FOR: RANDY & PA

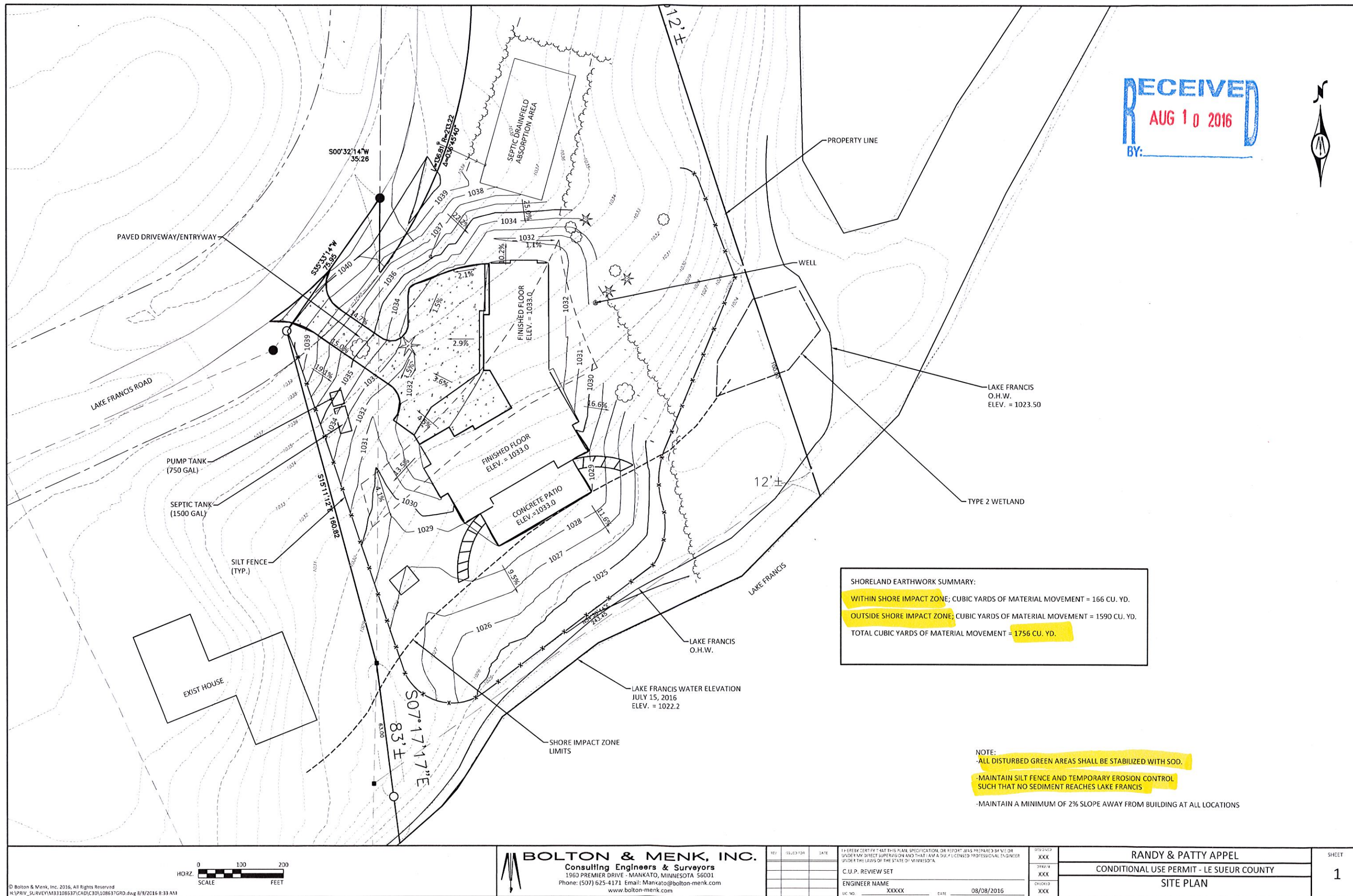
0 50 100
SCALE IN FEET



© Bolton & Menk, Inc. 2014, All Rights Reserved
H:\PRIV_SURVEY\M33108637\CAD\C3D\108637BD2 EXIST.DWG 07-15-2016 1:16p.m.

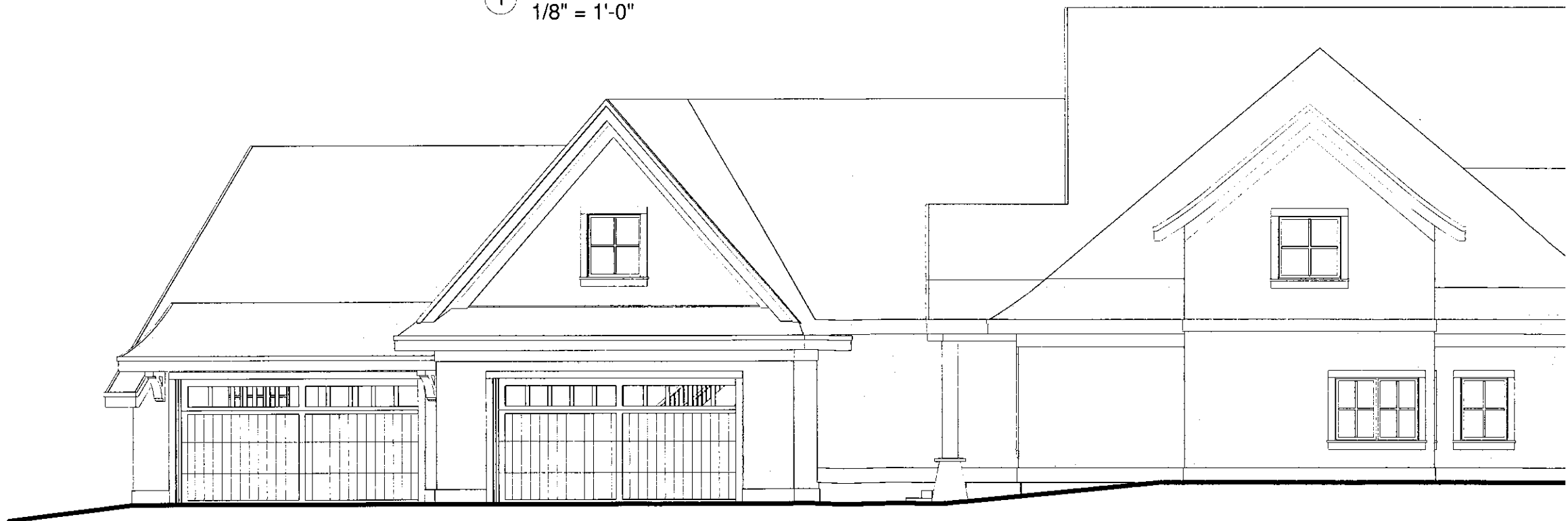
SD8108637H

JOB NUMBER: M33.108637 FIELD BOOK: 906 PG 53 DRAWN BY: JLA





① NORTH ELEVATION
1/8" = 1'-0"



② WEST ELEVATION
1/8" = 1'-0"

PRIVATE RESIDENCE LAKE FRANCIS

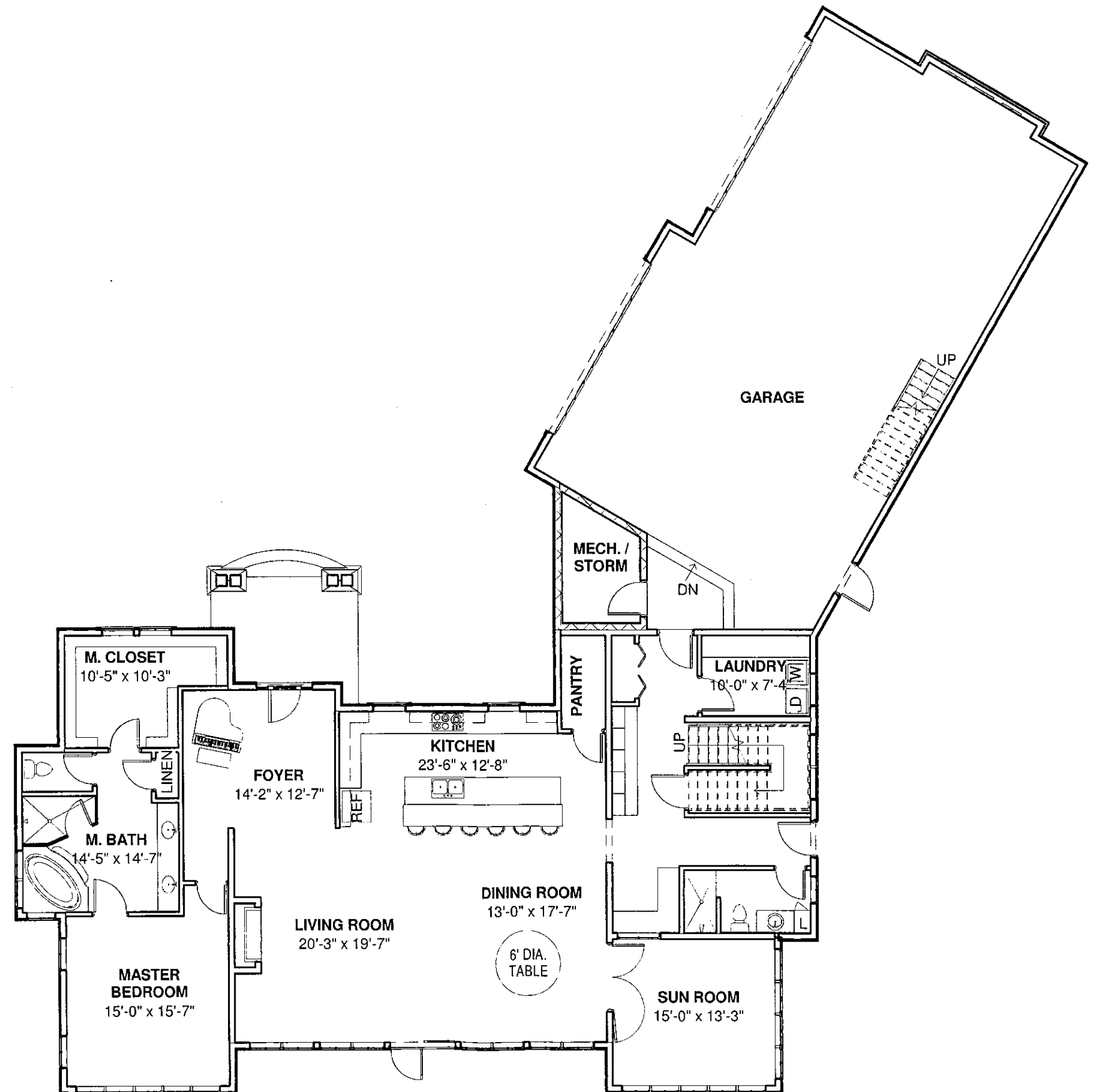
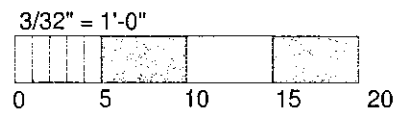


① SOUTH ELEVATION
1/8" = 1'-0"



② EAST ELEVATION
1/8" = 1'-0"

PRIVATE RESIDENCE
LAKE FRANCIS

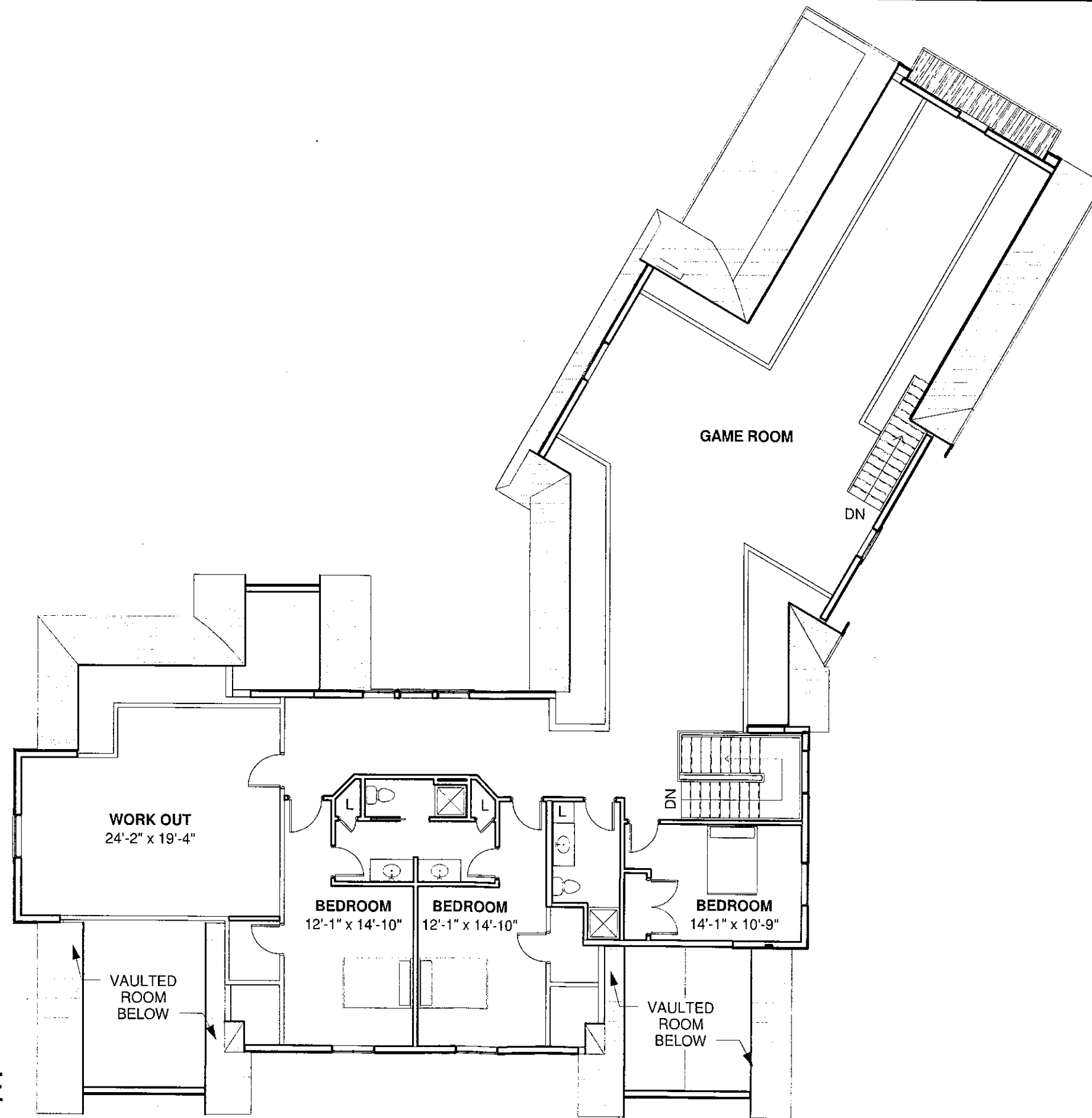
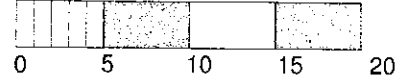


PRIVATE RESIDENCE LAKE FRANCIS

1 FIRST FLOOR
3/32" = 1'-0"

MAIN FLOOR LIVING - 2,745 SQ FT
GARAGE - 1,463 SQ FT

3/32" = 1'-0"



PRIVATE RESIDENCE LAKE FRANCIS

① SECOND FLOOR
3/32" = 1'-0"

SECOND FLOOR LIVING - 2,919 SQ FT



Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 6

McCullough Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/ OWNER: Robert & Janet Mc Cullough

911 ADDRESS: 3728 Sioux Lane, Madison Lake MN 56063

PROJECT DESCRIPTION: Grading, excavating and filling of approximately 112 cubic yards of material within the bluff, bluff impact and shore impact zone for placement of steps and additional landscaping of the site in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Washington.

Variance granted August 18, 2016 for impervious surface of over 25%.

ZONING ORDINANCE SECTIONS: Sections 13.2 and 18

ZONING DISTRICT PURPOSE:

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.

ZONING ORDINANCE SECTIONS: Sections 13.2 and 18

GOALS AND POLICIES:

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 resource areas.

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

Goal 3: Improve water quality in Le Sueur County.

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

SITE INFORMATION

LOCATION: Lots 33-35, Schmitt's Plat, Section 18, Kasota Township.

ZONING: Recreational Residential

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North: Residential/Lake
East: Lake

South: Residential/Lake
West: Ag/Residential/Lake

TOWNSHIP BOARD NOTIFICATION

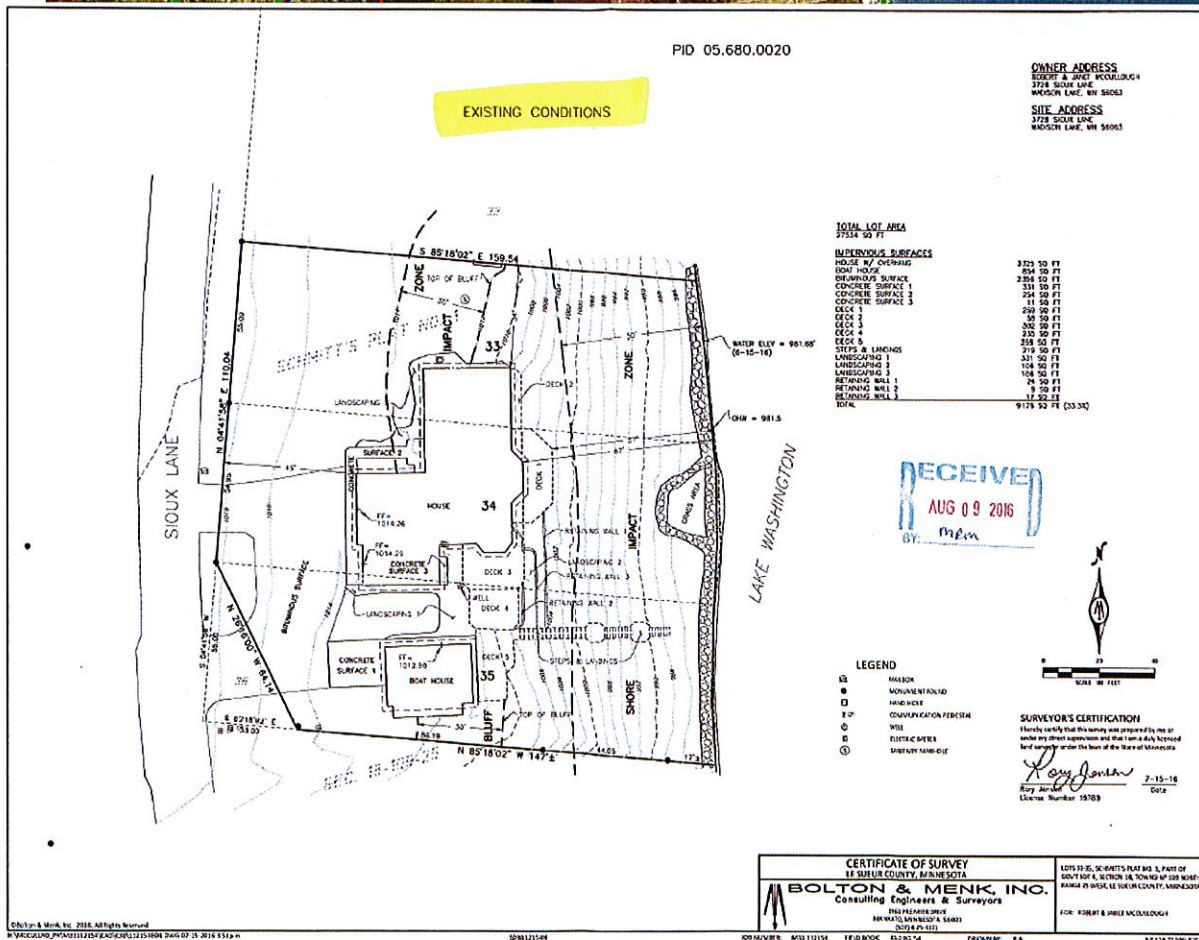
The applicants contacted Joe Kienlen, Kasota Township Board member on August 04, 2016.

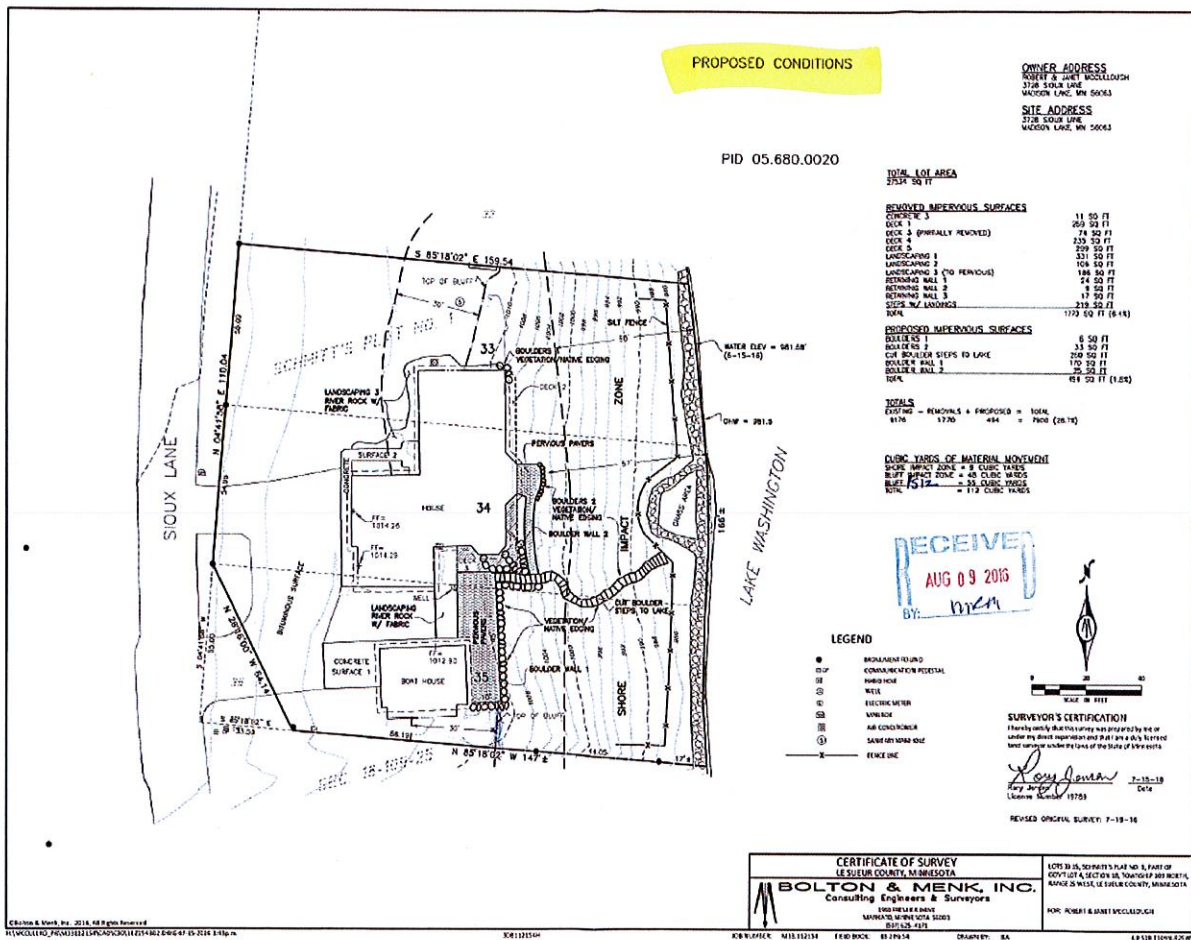
NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN/AERIAL PHOTO





ATTACHMENTS

Application, Criteria Form, Narrative, Letter from Joshua Mankowski, LSC Resource Specialist, Survey-Existing Conditions-Proposed Conditions.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

Shoreland District. The following additional evaluation criteria and conditions apply within the Shoreland Districts of the County.

1. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - b. The visibility of structures and other facilities as viewed from public waters is limited.
 - c. The site is adequate for water supply and on-site sewage treatment.
 - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
2. **Conditions attached to Conditional Use Permits in Shoreland Districts.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Increased setbacks from the ordinary high water level.
 - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
 - c. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

PLANNING AND ZONING COMMISSION FINDINGS
--

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable)

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:

Name Robert and Janet McCullough
Mailing Address 3728 Sioux Lane
City Madison Lake State MN Zip 56063
Phone # 507-243-4217 Phone # 507-380-5077 BY: _____



II. Landowner:

Name Robert and Janet McCullough
Mailing Address 3728 Sioux Lane
City Madison Lake State MN Zip 56063
Property Address 3728 Sioux Lane
City Madison Lake State MN Zip 56063
Phone # 507-243-4217 Phone # 507-380-5077

III. Parcel Information:

Parcel Number 05.680.0020 Parcel Acreage _____
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Kasota Section _____
Subdivision _____ Lot _____ Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.

Kasota - Joe Kielan Township notified on 8-4-16
(Township Name) (Date)
Board Member Joe Kielan regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is doubled.
Filing Fee \$ 46

Additional Fees:

Special Meeting \$ 2,000
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII. Type of Request: Grading, Excavating or Filling.

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____

☐ **Shoreland- Outside Shore Impact Zone**

- ☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____

- ☐ Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request:

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: _____
2. ADVERSE IMPACT ON SURROUNDING AREAS: _____
3. STORMWATER RUNOFF: _____
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: _____
5. WETLAND IMPACT: _____
6. SLOPE STABILITY: _____
7. CERTIFICATE OF INSURANCE: _____
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

IX. Site Plan: Shall include but not limited to the following:

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- | | | | |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
| • Landscape, screening and buffering | | | • Drainage |

• Site plan & As-Built must be completed by a surveyor or professional engineer.

X. Restoration Plan: Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Distircts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. Attachments: Shall include but not limited to:

- ☐ a. **Description of Request**-See Part VIII for full details and requirements.
- ☐ b. **Site Plan**-See Part IX for full details and requirements.
- ☐ c. **Full Legal Description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☐ f. **Septic System Compliance Inspection**
- ☐ g. **Erosion Control Plan**-Attach completed and signed plan including map.
- ☐ h. **Restoration Plan**-See Part X for full details and requirements.
- ☐ i. **Approved Stormwater Pollution Prevention Plan**
-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the finings and recommendations of the Planning Commission to the County Board for final decision.

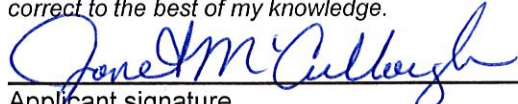
Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

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.


Applicant signature

8-10-16
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.


Property Owner signature

8-10-16
Date

Request: **GRADING, EXCAVATING & FILLING**☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

☐ **Shoreland - Outside Shore Impact Zone**

- ☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 112

Pre-App Date 9/8/16
 Meeting Date 9/8/16
 60 Day PK
 Zoning District PK

Lake Classification LD
 Lake Washington
 FEMA Panel # 27079C01380
 Flood Zone X outside

Feedlot 500' 1000' (N)
 Wetland Type 1-2 3-8 (N)
 Water courses (Y) (N)
 Bluff (Y) (N)

☒ Request Description☐ Access Approval☐ Septic Comp Insp / Design☐ Site Plan☐ Erosion Control Plan☐ Meeting (Reg) / ATF / Spec☒ Full Legal☐☐ Fee \$ 796.☐ Ordinance☐ Other _____☐ Penalty \$ _____☐ Application Complete

Planning & Zoning Department Signature

Date

Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16260

Name of Applicant: ROBERT AND JANET MC CULLOUGH Conditional Use Permit #: 16260

Name of Property Owner: ROBERT & JANET MC CULLOUGH

Conditional Use Permit Request: TO ALLOW THE APPLICANTS GRADING, EXCAVATING AND FILLING OF APPROXIMATELY 112 CUBIC YARDS OF MATERIAL WITHIN THE BLUFF, BLUFF IMPACT ZONE AND SHORE IMPACT ZONE

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.

--	--	--	--	--	--	--	--	--	--	--

Explain _____

7. The conditional use is consistent with the Comprehensive Land Use Plan.

CR AG PT DR BB JD SO SK DK DRY TOTAL

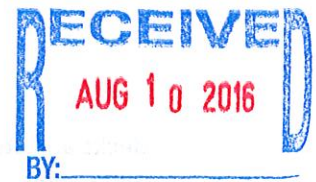
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Explain _____

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will maintain the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____



Conditional Use Application

III. Parcel Information: Full legal description is:

Lots number thirty-three (33), thirty-four (34) and thirty-five (35) of Schmitts Plat No. 1, of part of government Lot Numbered Four, of Section 18-109-25, LeSueur County, Minnesota

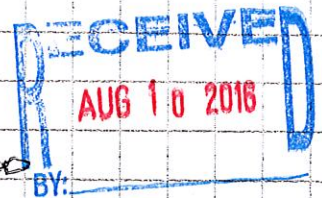
VIII. Description of Request

- a. We are requesting a conditional use permit to replace 20 year old wood decks and wood steps to the lake that have deteriorated and are no longer safe. We also want to replace existing plastic landscaping around the home with fabric. We have applied for a variance for impervious surfaces and set back which will be presented at the August 18, 2016 meeting.

Although we did not know our residence was located in a designated bluff as for over 21 years we have had existing grass to the shoreline which is mowed on a regular basis, we are very conscious of the importance of protecting slopes and bluffs so that stability is maintained and the natural habitat is not negatively impacted. We believe our request will have minimal if any impact to the bluff, will improve runoff as impervious surfaces are being reduced and will improve the natural look of the property. We have a significant investment in our property and it is important to us to maintain this investment and at the same time be able to enjoy and safely use the property as we enter our retirement years. We are presenting a plan that will decrease the existing impervious surfaces and will have a minimal impact to the bluff/slope to the lake.

- Remove three existing deteriorated wood decks, reduce the size of these decks and replace with pervious pavers and boulders. Plant vegetation/native edging by boulders. One of these decks services the patio door to home that was built 21 years ago; other two smaller decks services the patio door that was existing on the boat storage garage when we purchased the property 23 years ago.
- Remove an existing deteriorated wood deck (services patio door to house that was built 21 years ago) and replace with smaller composite deck.
- Remove an existing deteriorated wood balcony deck (services master bedroom balcony that was built 21 years ago) and replace with same sized composite deck as supports are cavaliered into the existing home structure.
- Remove existing deteriorated straight line wood steps to lakeshore that were built 21 years ago and replace with meandering stone steps and plant vegetation/native edging.
- Remove plastic under existing river rock landscaping and replace with fabric using same river rock.
- Add small boulders on northeast corner of existing home to match boulders used in decks. Plant vegetation/native edging by boulders.

These changes will reduce the impervious surfaces on the property from 33.3% to 28.7% which demonstrates our commitment to work towards the 25% goal and which will have a positive impact to the bluff. These changes will also have a minimal if any impact to the slope/bluff area and will create a more natural habitat for the lakeshore by using boulders (verses brick) and vegetation/native edging. It will also insure a safe environment by the removal of deteriorated



- WITHIN "SHORE IMPACT ZONE"

- REMOVE 4 YARDS OF DIRT/SOD
- INSTALL 2 YARDS OF GRAVEL
- INSTALL 3 TONS (2 YDS) OF CUT FIELDSTONE STEPS
- REINSTALL 1 YARD OF DIRT

- WITHIN "BLUFF" AREA

- REMOVE 8 YARDS OF DIRT/SOD
- INSTALL 2 YARDS OF GRAVEL
- INSTALL 7 YARDS OF DRAINAGE ROCK
- INSTALL 3 TONS (2 YDS) OF CUT FIELDSTONE STEPS
- INSTALL 4 TONS (3 YDS) OF PAVES
- ~~RE~~INSTALL 40 TONS (31 YDS) OF FIELDSTONE Boulders
- REINSTALL 2 YDS OF DIRT

- WITHIN "BLUFF IMPACT ZONE"

- REMOVE 2 YARDS OF DIRT/SOD
- REINSTALL 2 YARDS OF DIRT
- INSTALL ~~25~~ 5 YARDS OF DRAINAGE ROCK BACKFILL
- INSTALL 7 TONS (5 YARDS) OF PAVES
- INSTALL 8 TONS (6 YDS) OF FIELDSTONE Boulders

- ALSO REMOVING 4 YARDS MATERIAL OUT AROUND HOME, FERRIL, THEN RE-INSTALL 4 YDS OF MATERIAL

**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: 08/29/2016

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Robert and Janet McCullough

Property owner:

Robert and Janet McCullough

Property:

05.680.0020

Description:

An application for a Conditional Use Permit to allow the applicants grading, excavation and filling of approximately 112 cubic yards of material within the Bluff, Bluff Impact Zone and Shore Impact Zone.

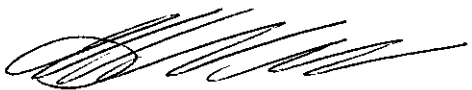
Recommendation:

It would be my recommendation to approve the application for the material movement needed to construct the retaining walls and pervious paver patios. These areas will allow for some retention and treatment of rainwater before it reaches the lake. The construction will also reduce the total impervious for the lot from 33.3% down to 28.7%. It is also my opinion that the proposed work with the steps will not cause destabilization of the bluff.

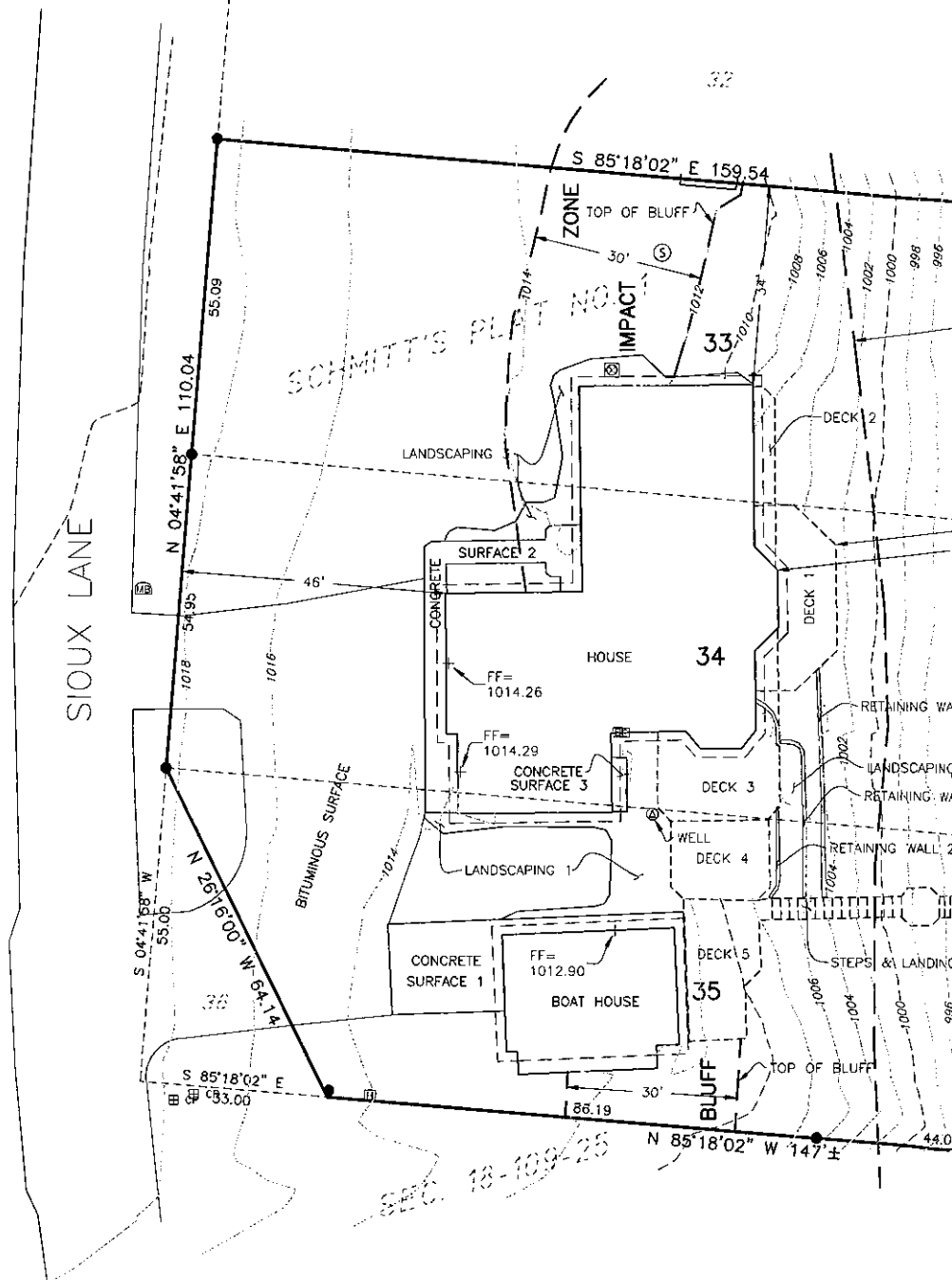
Condition(s):

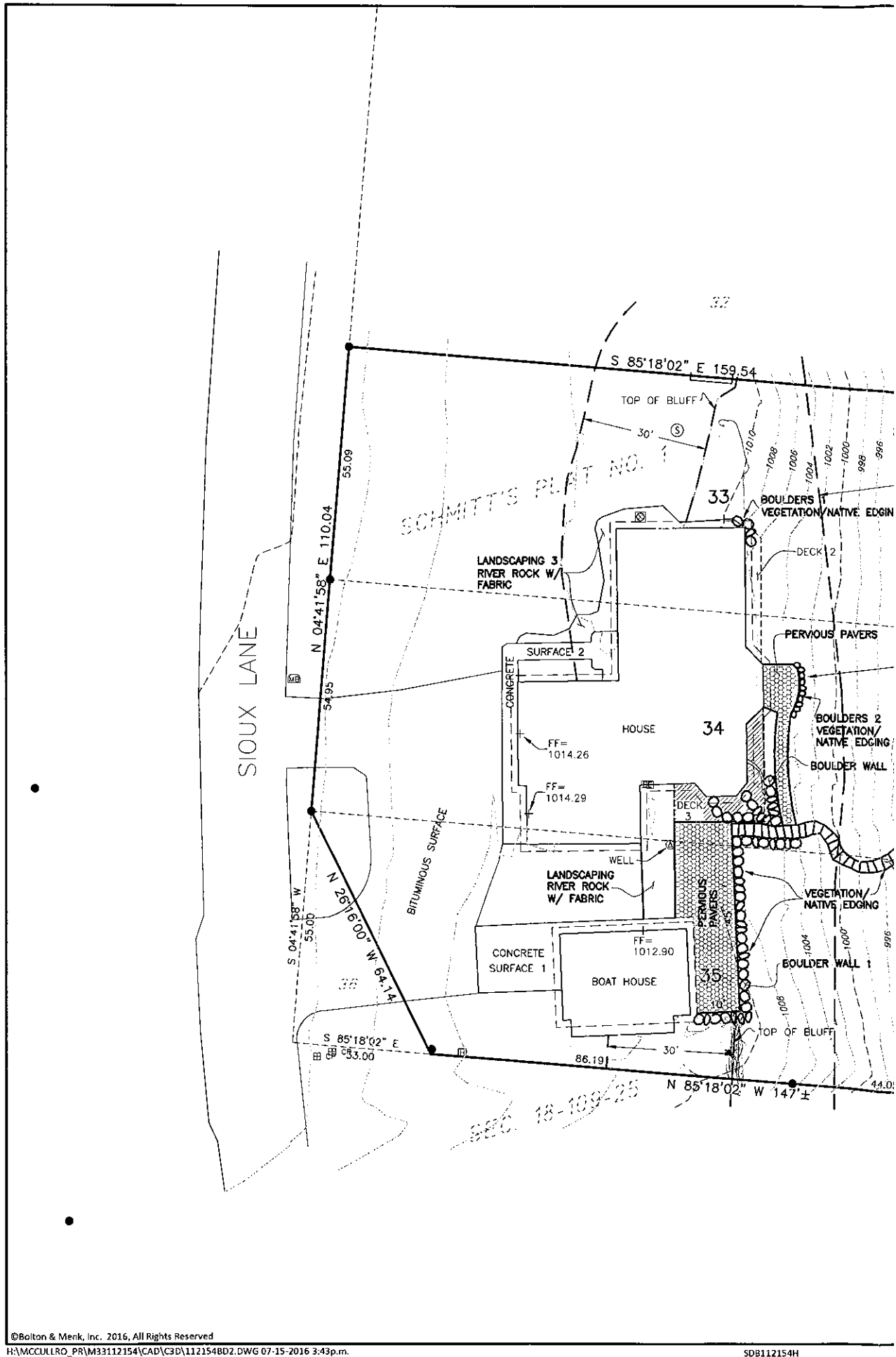
Proper erosion control measures are implemented throughout construction and all exposed soils are vegetated immediately once work is completed.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist







Le Sueur County, MN

Thursday, September 8, 2016

Regular session

Item 1

Approved September 8, 2016 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 8, 2016

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly, Wetzel, and Rohlfing

The meeting was called to order at 7:00 pm by Chairperson, Jeanne Doheny.

ITEM #1: DON MONSON, LE CENTER, MN (APPLICANT): RANDY BLASCHKO, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 15 cubic yards located within a bluff in an Agriculture "A" District. Property is located in the NW 1/4 NW 1/4, Section 29, Lexington Township.

Kathy Brockway presented power point presentation. Kelly Kopet, Kopet Construction representative for the application was present for application.

TOWNSHIP: Notified through the application process **DNR:** N/A **LETTERS/EMAIL:** Terry Overn, the Overn family has no objections to the application.

PUBLIC COMMENT: no comments

Discussion was held regarding: transfer of property required a compliance inspection of the existing system, system was failing to protect groundwater, therefore a new system will be installed, per MN Rules 7080 existing systems must be abandoned by a licensed contractor, existing tank was installed in the bluff, therefore a conditional use permit is required to dig in the bluff, depth of tank, erosion control methods in place until vegetation is established.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.* **Agreed.**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* **Agreed.**
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* **Agreed.**
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* **Agreed.**
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.* **Agreed.**
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* **Agreed.**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Agreed.**

Motion was made by Chuck Retka to approve the application as requested. Seconded by Doug Krenik. Motion approved. Motion carried.

ITEM #2: SHANNON BALLMAN, MANKATO, MN, (APPLICANT): BRADLEY & CECILIA BALLMAN, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SW 1/4 SE 1/4 to the SE 1/4 SW 1/4 in an Agriculture "A" District. Property is located in Section 12, Cleveland Township

Kathy Brockway presented power point presentation. Shannon Ballman was present for application.

TOWNSHIP: notified through the application process. DNR: N/A LETTERS: NONE

PUBLIC COMMENT: NONE

Discussion was held regarding: timeframe for construction, spring of 2017, meets the feedlot separation from existing turkey barns, Transfer of Development procedures.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.* **Agreed.**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* **Agreed.**
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* **Agreed.**
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* **Agreed.**
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.* **Agreed.**
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* **Agreed.**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Agreed.**

Motion was made by Doug Krenik to approve the application as requested. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #3: TYLER HERING, WATERVILLE, MN (APPLICANT): TERRY HERING, WATERVILLE, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NW 1/4 SE 1/4 to the SW 1/4 SE 1/4, in an Agriculture "A" District. Property is located in Section 14, Waterville Township.

Motion was made by Doug Krenik to table the application until the October meeting as the applicant and/or representative were not present to hear the application. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #4: MARY & ANTHONY FORCE, LE SUEUR, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicants to establish and operate a dog breeding facility in an Agriculture "A" District. Property is located in the W 1/2 NE 1/4, Section 35, Ottawa Township.

Kathy Brockway presented power point presentation. Mary and Anthony Force were present for application.

TOWNSHIP: Notified through the application process. DNR: N/A LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: breeds and sells Pomeranian dogs, currently have 4 females and 5 males, no more than 15 breedable dogs, litter is normally 2-3 dogs, maintains all records, vaccinations, 4x4 kennels within the house, no other buildings proposed, 4-5 pound dogs, waste plan on file.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.* **Agreed.**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* **Agreed.**
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* **Agreed.**
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* **Agreed.**
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.* **Agreed.**
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* **Agreed.**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Agreed.**

Motion was made by Betty Bruzek to approve the application as requested. Seconded by Steve Olson. Motion approved. Motion carried.

ITEM #5: DEMARS CONSTRUCTION, MANKATO MN (APPLICANT): RANDY & PATTY APPEL, MANKATO MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 1,756 cubic yards of material for the purposes of site preparation for a single family dwelling in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 1, Block 1, Han's Hideaway in Section 23, Elysian Township.

Kathy Brockway presented power point presentation. Max Demars, Demars Construction and Tony Rolchadl, Bolton and Menk representing the applicant were present for application.

TOWNSHIP: Notified through the application process. DNR: no comments LETTERS: Tim Bengston email, Joshua Mankowski, LSC Resource Specialist, Brad Brozik, email (see file)

PUBLIC COMMENT: none

Discussion was held regarding: change in cubic yards of material in the shore impact zone, worked with Joshua Mankowski on ways to reduce the amount of fill, existing home would be removed from the site, structural deficiencies, more than one half of the material movement is in order to fill the foundation with engineered fill, irregular shaped lot, correct a drainage issue on the lot, will hydro seed, erosion control methods in place during construction and until such time vegetation is established, building a slab on grade home, if built a walk out on the lot 3 times the amount of fill would be needed with several retaining

walls, FRST inventory, working with the topography of the lot for the construction of the dwelling, year round home.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.* **Agreed.**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.* **Agreed.**
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* **Agreed.**
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.* **Agreed.**
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.* **Agreed.**
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?* **Agreed.**
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?* **Agreed.**

Motion was made by Al Gehrke to approve the application with the requested change of 89 cubic yards of material within the shore impact zone. Seconded by Don Reak Motion approved. Motion carried.

ITEM #6: ROBERT AND JANET MC CULLOUGH, MADISON LAKE MN (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 112 cubic yards of material within the bluff, bluff impact and shore impact zone for placement of steps and additional landscaping of the site in a Recreational Residential "RR" District on a Recreational Development Lake, Lake Washington. Property is located at Lots 33-35, Schmitt's Plat, Section 18, Kasota Township.

Kathy Brockway presented power point presentation. Robert and Janet Mc Cullough were present for application.

TOWNSHIP: Notified during the application process. DNR: no comments LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: none

Discussion was held regarding: removal of 3 cedar wood decks and replace with pervious pavers, replace 2 wood decks on the upper level of home with composite decking, replace the deteriorating steps and install natural stone steps, looking into native plantings, Lake Washington County Park native plantings, erosion control methods in place, working with Joshua Mankowski.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.* **Agreed.**
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in*

the area. Agreed.

3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance? Agreed.*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan? Agreed.*

Motion was made by Don Reak to approve the application with the following condition: to work with Joshua Mankowski, LSC Resource Specialist in regards to native planting within the bluff for continued stabilization of the bluff. Seconded by Chuck Retka. Motion approved. Motion carried.

Motion was made by Doug Krenik to approve the minutes from the August 18, 2016 meeting by Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer by
Kathy Brockway.

Approved October 13, 2016

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*