



Le Sueur County, MN

Thursday, April 13, 2017

Regular session

Item 8

Steffensen Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/ OWNER: Dennis and Beverly Steffensen

911 ADDRESS: 46577 Cape Horn Rd. Cleveland MN 56017

PROJECT DESCRIPTION: Repair and replace retaining walls and stairs within the bluff and within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Jefferson.

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

DEFINITIONS:

BLUFF - A topographic feature such as a hill, cliff, or embankment meeting all of the following criteria:

- A. The slope rises at least 15 feet from the toe of the bluff to the top of the bluff.
- B. The grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater.

BLUFF IMPACT ZONE . Land located within 30 feet from the top or bottom of a bluff.

SHORE IMPACT ZONE - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

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: Lot 32, Cape Horn Subdivision, Section 1, Cleveland Township.

ZONING: Recreational Residential "RR"

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North:	Residential	South:	Residential
East:	Lake Jefferson	West:	Residential

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Susan Ely, Cleveland Township Board Member on February 24, 2017.

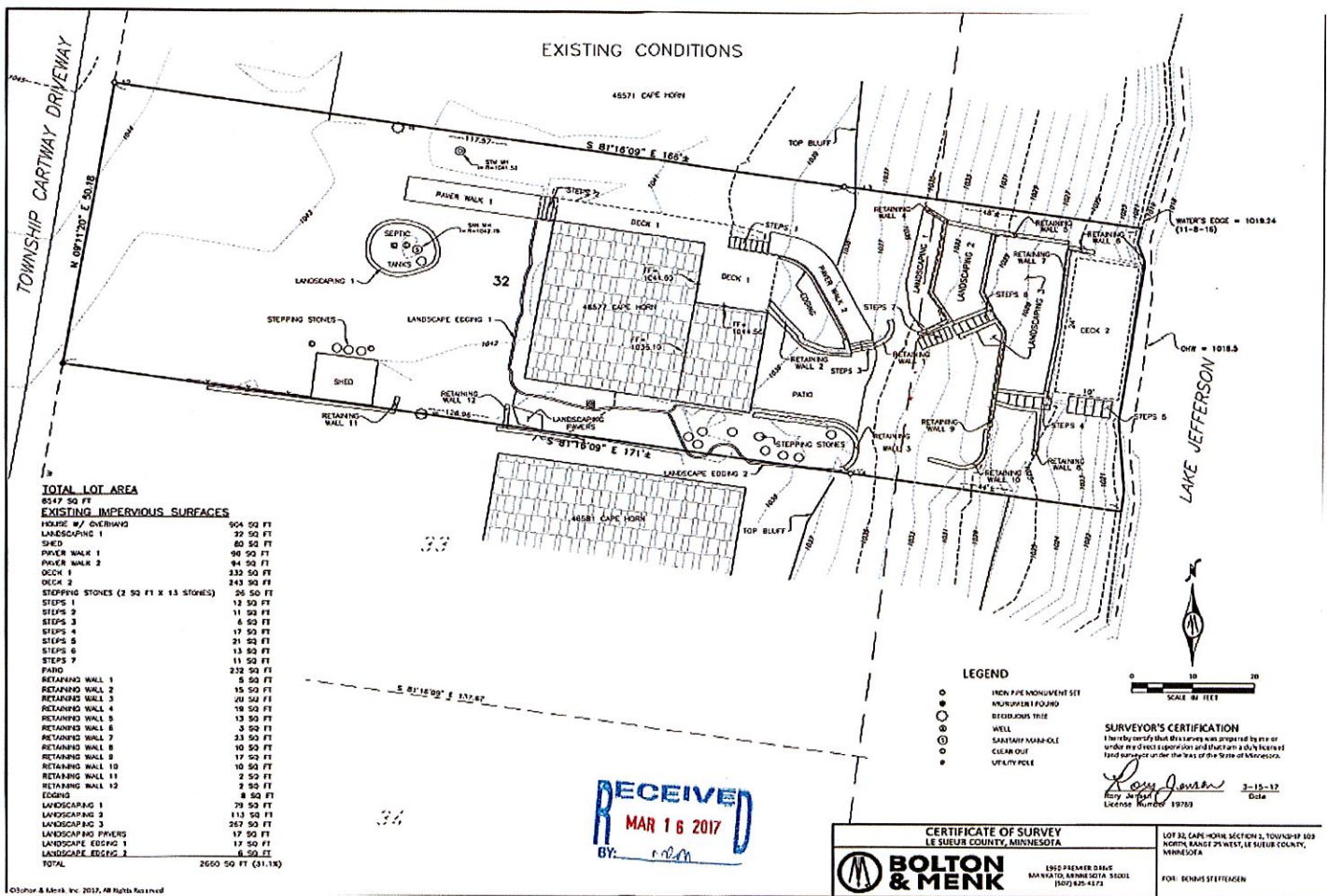
NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

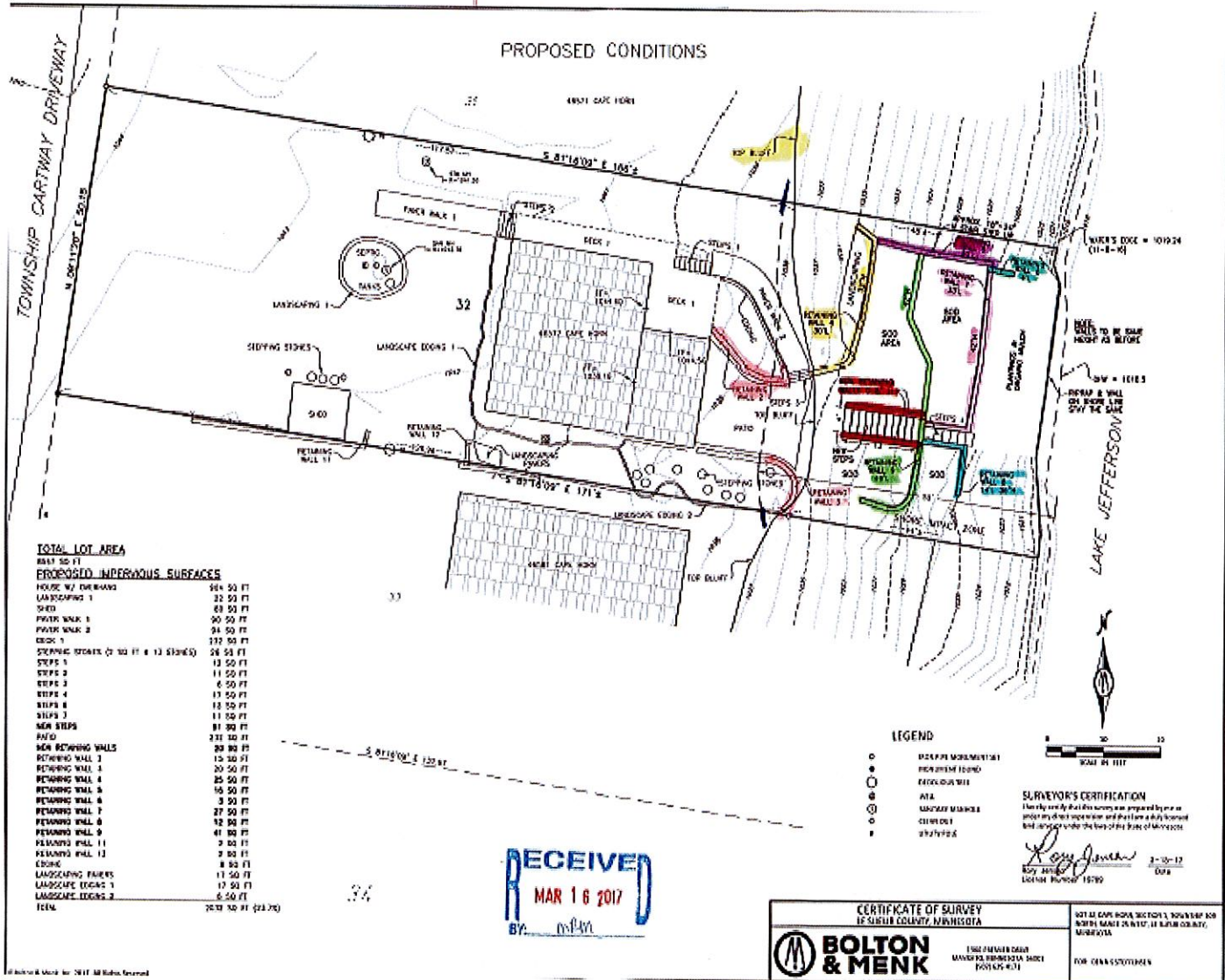
WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN/AERIAL PHOTO





KEY	
Retaining Wall 1	
#1 Remove and replace with extension 4	
#2 As is - not part of application	
#3 As is - not part of application	
#4 32' H x 30' L	
#5 8' H x 28' L	
#6 15' H x 9' L	
#7 14' H x 8' L	
#8 3' H x 8' L	
#9 4' H x 10' L	
New Retaining Walls = 13' H L (along Steps)	



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?*

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 Dennis & Beverly St. Effensen
Mailing Address 305 South 4th St
City Forest City State IA Zip 50436
Phone # 641-585-3076 Phone # 641-590-0887
Cell

II. Landowner:

Name Dennis & Beverly St. Effensen
Mailing Address 305 South 4th St
City Forest City State IA Zip 50436
Property Address 46577 Capehorn Rd
City Cleveland State Mn Zip 56012
Phone # 641-585-3076 Phone # 641-590-0887
Cell

III. Parcel Information:

Parcel Number R01.500.0300 Parcel Acreage < 1
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township 109 Section 1
Subdivision Capehorn Lot 32 Block

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

Cleveland Township notified on 2-24-17
(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.
- 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: _____
☐ Within Shore Impact Zone 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: _____

☐ 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: ND
5. WETLAND IMPACT: ND
6. SLOPE STABILITY: same
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 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.

Dennis Steffensen
Applicant signature

2-24-17
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.

Dennis Steffensen
Property Owner signature

2-24-17
Date

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17031

Applicant: DENNIS & BEVERLY STEFFENSEN

Land Owner: DENNIS & BEVERLY STEFFENSEN

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO REPAIR AND REPLACE RETAINING WALLS & STAIRS WITHIN THE BLUFF AND SHORE IMPACT ZONES.

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain _____

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain _____

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

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.

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain _____

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	TOTAL

Explain _____

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

Jeanne	Al	Pam	Don Rk	Sirley	Doug	Don Ry	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 meet the goals of safety, health and the general welfare of the public.

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

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: 04/03/2017

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Dennis & Beverly Steffensen

Property owner:

Dennis & Beverly Steffensen

Property:

01.500.0300

Description:

Application for a CUP to allow the applicant to repair and replace retaining walls and stairs within the bluff and shore impact zones.

Recommendation:

I would recommend approval of the application for a CUP to complete the proposed work with the condition(s) listed below. The proposed project will address failing railroad tie retaining wall and replace them with block retaining walls. The project will

Condition(s):

1. Work with the Environmental Resources Specialist on vegetation plan which should contain native plants if possible and provide screening for the walls.
2. Ensure area where tile line discharges is properly protected so it does not erode.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

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

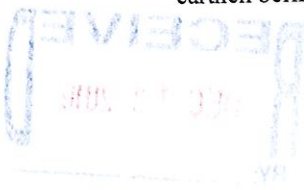
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Dennis & Beverly Steffensen PID: R 01-500.0300
Mailing Address: 305 South 4th St Forest City IA 50436
Property Address: 32 Cape Horn Cleveland mn 56017
Phone: (641) 585-3076 **Mobile/Cell:** (641) 590-0881

Responsible party for Implementation/Inspection: Landscaping By Design LLC
Address: PO Box 426 Buffalo Center IA 50424
Phone: (507) 327 9475 **Mobile/Cell:** (507) 327 9475

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.

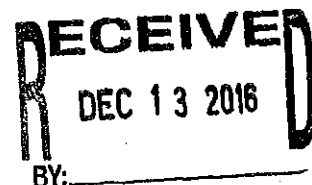
Dennis Staffener
(Property Owner)

Landscaping By Design LLC
(Person Responsible for Implementation)

8-24-16
(Date)

8/31/16
(Date)

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



Steffensen Construction

305 South 4th Street
Forest City, IA 50436

ESTIMATE

Phone: 641-585-3076

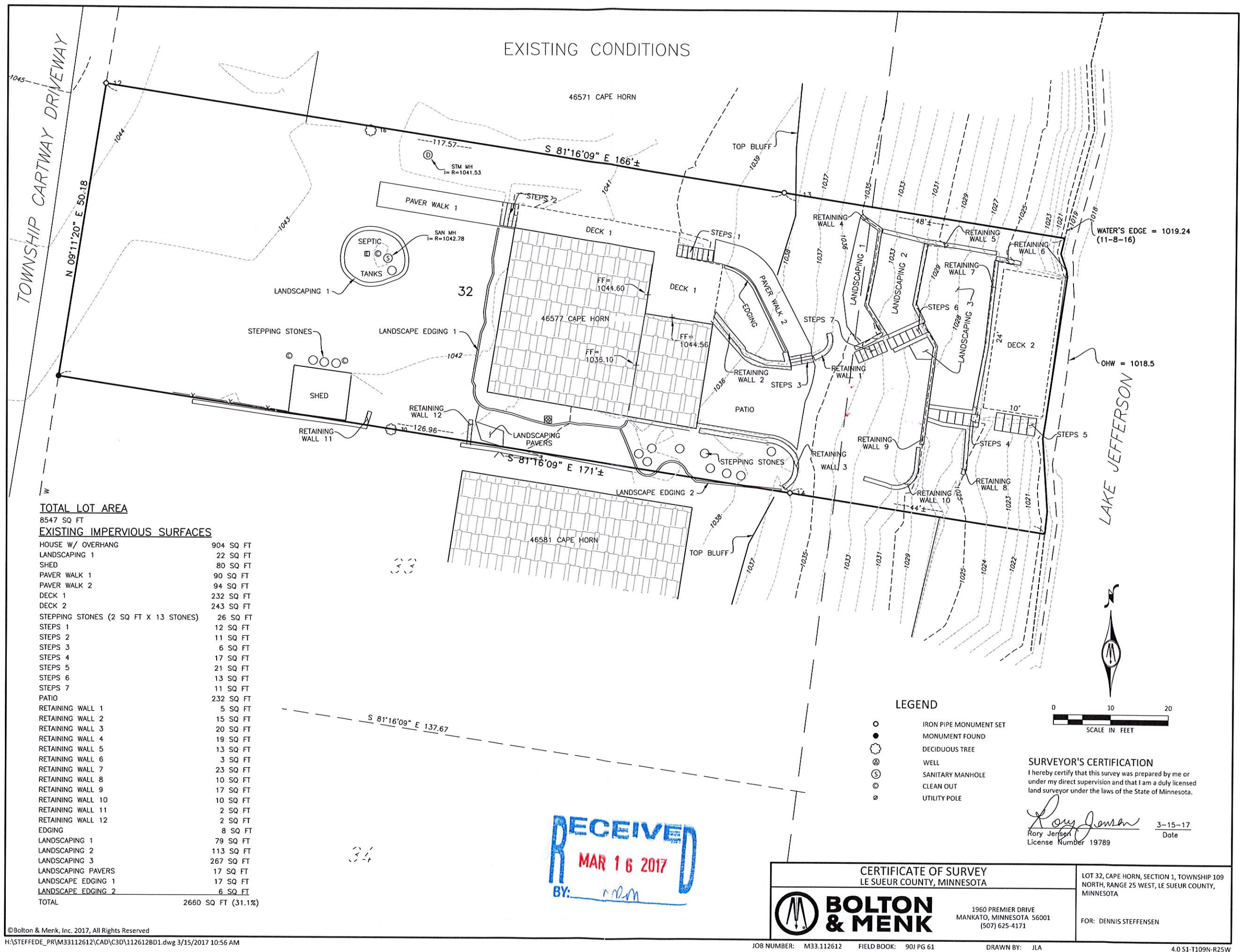
Cell: 641-590-0881

Date: Jan 20, 2017 For: 32 Capehorn
What: New walls Lake Shore

	No. Pcs.	DESCRIPTION	Feet	Price	Amount
1		Danny & Beverly Steffensen			
2		owned from June 1997			
3					
4		Replacing Rail Road Ties			
5		To Landscaping Block			
6		with Draining Tile &			
7		10' of pea Rock Behind			
8					
9		want To Replace steps &			
10		Provide HAND Rail for Better			
11		Route To Dock & PONTON			
12					
13		Rail Road Ties ARE Rotting &			
14		water getting Behind Ties			
15		erasing ground & pushing			
16		wall out			
17					
18		will Replace with Landscaping materials			
19		& sod or Blown & screened			
20					
21					
22					
23					
24		more Detail work			
25		Deadline -			
26					
27					
28					
29					
30					

NOTE: The foregoing is an estimate only and not a Guaranteed bill. Errors herein are subject to correction.

SEE BACK →



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JOB NUMBER: M33.112612

FIELD BOOK: 901 PG 61

DRAWN BY: JLA

4.0 S1-T109N-R25W

KEY

Retaining Walls

#1 Remove and ~~extend~~ replace but extend into 4

#2 As is - not part of application.

#3 As is - not part of application.

#4 32" H X 30 ft L

#5 ^(Stepup) 18"-24" H X 20' ft L

#6 18.24" H X 4 ft L

#7 42" H X 33 ft L

#8 36" H X 14 ft L

#9 42" H X 49 ft L

New Retaining Walls = 13 ft L (along ^{new} Steps)

Stairs

Steps #1, 2+3 - As is - not part of application.

#4 Replace _____ X 13

~~#4~~ New Steps 4 ft W X 13 ft L

Impervious Surface

Going from 31.1% existing to 23.7%.

- * Take out old Ties
- * Replace with new lg. Retaining wall blocks
6" x 12" x 16" size Tan (same as they
Have By House.
- * Keeping everything the same Height/Length
etc.
- * putting 10" of pea rock Behind new walls &
4" Drain Tile for Drainage.
- * putting Back pavers where old step units
are.
- * They are Leaving the Shore Line & Deck
next To shore Line. Just Doing Cleanup
By House/Down To Deck.
- * new Step units for steps
(No Changes)



