

Le Sueur County, MN

Thursday, September 14, 2017 Regular session

Item 3

M. Keller

Staff Contact: Kathy Brockway or Michelle Mettler

TAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Michael and Nancy Keller

911 ADDRESS: 22708 West Francis Lane, Elvsian MN 56028

PROJECT DESCRIPTION: Grading, excavating and filling of approximately 139.5 cubic yards of material for the construction of a retaining wall within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis.

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.

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: The current Land Use Plan as adopted in 2007 does make reference to water quality.

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

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

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

Action 6: In addition to traditional stormwater designs, the use of new technologies in dealing with on-site stormwater should be reviewed and considered for use such as:

a. Use of individual on-site rain gardens.

b. Permeable pavers for use in traditionally large impermeable surface areas.

c. Other new technologies as identified.

SITE INFORMATION

LOCATION:

Lot 11, Muellerleile Subdivision, Section 33, Elysian Township.

ZONING:

Recreational Residential "RR" District.

GENERAL SITE

DESCRIPTION:

Platted Subdivision

ACCESS:

Existing

EXISTING LAND USE WITHIN 1/4 MILE:

North:

Lake Francis

South: Residential

East:

Residential

West:

Residential

TOWNSHIP BOARD NOTIFICATION

The applicant contacted Kathy Reints, Elysian Township Board Member on May 12, 2017.

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.

Email from the DNR:

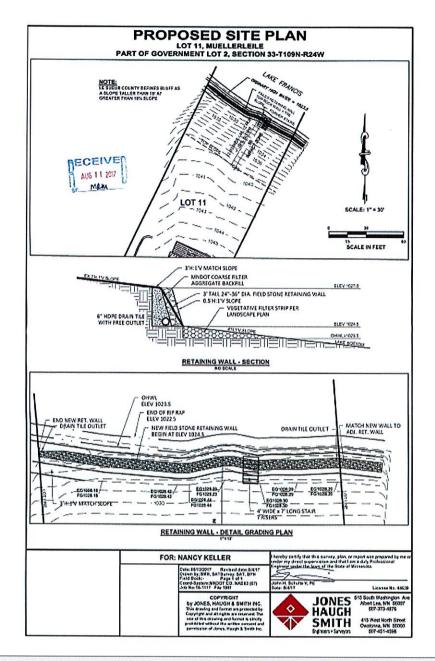
No objections to planting natives and installing erosion control, actually preferred over rip-rap. Project pretty straight forward seeding and erosion control all above the OHWL.

ATTACHMENTS

Application, Criteria Form, Erosion Control Plan, Narrative, Letter from Joshua Mankowski, LSC Resource Specialist, Survey-Existing AND proposed.

AERIAL PHOTO/ SURVEY





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.
- 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 are being provided.
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 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.
- 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

Conditional Use Permit #: 17282

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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: 08/22/17

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant:

Michael & Nancy Keller

Property owner:

Michael & Nancy Keller

Property:

04.670.0110

Description:

An application for a Conditional Use Permit to allow grading, excavating, and filling of approximately 139.5 cubic yards of material for the construction of a retaining wall within the Shore Impact Zone (SIZ).

Recommendation:

It would be my recommendation to approve the application with the condition listed below. The design for this project has changed considerable since it was first proposed. A lot of work has been done during redesign to consider comments from both the DNR and County and to provide for a much more natural appearance.

Condition(s):

As stated in the application, plant Minnesota native vegetation to provide for a more natural appearance and provide increased site stability.

Sincerely,

Joshua Mankowski Le Sueur County

Environmental Resources Specialist

Miller

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).

Na Ma Cit	alling Address 1795 Denmark Alace by Owthan State MN Zip 55060 cone # $507-951-379\lambda$ Phone # $507-213-6199$
Na Ma	downer: Imme
Cit	operty Address 22708 West Francis Line by Elysian State MN Zip 56028 one # 507-451-3792 Phone # 507-213-6149
Ра	Parcel Acreage rach Full Legal Description (NOT abbreviated description from tax statement) Township Elysian Section Section Subdivision Francisco Lot Block
Tow	nship Notification: Township must be notified of proposed use prior to application.
-	Township notified on 5/12/17 (Township Name) (Date)
Во	ard Member <u>Kathy Reints</u> regarding the proposed use. (Name)
Qua	ntities and Submittal Formats:
a.	One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
b.	Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
C.	Electronic version of any supporting documents if available.
C.	Additional copies may be requested as deemed necessary by the Department.
d.	Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
e.	Appointment is necessary.
f.	Applications will not be accepted by mail.
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	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 □ Within Bluff □ Cubic yards of material movement: □ Cubic yards of material movement: □ TOTAL 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 □ Within Bluff □ TOTAL cubic yards of material movement:
	☐ Assurance security shall be required for projects that are >1500 cubic yards.
VIII.	A104 1 2017 3 2
	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: SEE Attached
	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:
	CERTIFICATE OF INSURANCE: MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting)
IX.	8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
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IX.	8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) 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.
IX.	8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) 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 Setbacks River Proposed Structures Proposed Structures Well Access (size & location) Road Right-Of-Way Stream Ponds

rees: wust be paid at the time of application.

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:

\Box_{\prime}	a.	Description of Request-See Part VIII for full details and requirements.
\square	b.	Site Plan-See Part IX for full details and requirements.
V	C.	Full Legal Description-Not abbreviated description from tax statement.
-	d.	Access approval-Attach approval in writing from proper road authority.
· V	e.	Township Notification-See Part IV for details and requirements.
	f.	Septic System Compliance Inspection
1	g.	Erosion Control Plan-Attach completed and signed plan including map.
N	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. Si

Signatures:	
I hereby certify with my signature that all data contained herein correct to the best of my knowledge. Applicant signature	as well as all supporting data are true and
I hereby certify with my signature that all data contained herein correct to the best of my knowledgel Property Owner signature	as well as all supporting data are true and SICICUT Date AUG 11 2017

☐ Non-Shoreland		Cubic yards of	f material movemer	nt:	
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Request Description		s Approval	✓ Septic	Comp Insp / Desi	ign COC
Site Plan	Erosio	n Control Plan	Meeting	Reg / ATF / Sp	ע-וינים pec
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☑ Ordinance	☐ Other		□ Penalty	\$	

Planning & Zoning Department Signature



VIII. Description of Request:

a. The purpose of this request is to replace our failing limestone retaining wall and failing wooden stairs located on the water's edge. The entire project will involve a total of 139.5 cubic yards of material movement within the shore impact area. The total material movement is broken down between 95 cubic yards of excavating and 44.5 cubic yards of fill which is detailed in the following narrative.

The project will begin with removing the old limestone wall and excavating the soil behind the wall all totaling 95 cubic yards of excavating. We will be replacing the failing system with a combination of vegetative slope and an 85 foot long field stone boulder retaining wall. The vegetative slope will be seeded with a seed mix containing Minnesota native flowering plants suitable for wetter soils which will help stabilize the slope. An erosion blanket will be used to stabilize the soil until the seeds are established. The vegetative slope will not to exceed a 30% slope and will extend 3 feet above the OHWL.

The boulder retaining wall will be constructed using 18 to 40 inches field stone boulders and will be approximately four feet high. The first course of the retaining wall will be buried eight inches below the soil line but above the OHWL. The boulder wall will be built on top of 6 oz. mil boulder fabric and will feature drain tile installed at the bottom of the wall. The drain tile will terminate at the bottom of the wall in two spots, both being 2 feet from the east and the west property lines. Edging will be placed at the top of the wall and 1.5 inch river rock will be installed behind the entire length and height of the wall and will filter storm water as well as allowing the storm water to percolate through the river rock to the drain tile. The boulders for the retaining wall along with the 1.5 inch river rock for behind the wall, totals 44.5 cubic yards of fill. The retaining wall will feature one sets of stairs. The stairs will be 4 feet wide, a maximum of 8 feet long and built of cut natural boulders. The east edge of the steps will be located 22 feet from the east property line.

The equipment that will be used for the project include a mini excavator with a rotating grapple used to move and set boulders with minimal movement. A skid loader will also be used. Both pieces of equipment have rubber tracks allowing for low compaction rates of soil.



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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:	Hichael a	Nowcy KR	ller	PID:		
Mailing Address:	1745 De	umakk PL.	JUNTTOWNA	, un	5506	0
Property Address:	22708 U	J. FRANCE	5 CAMP,	ELYSIAN I	MN	56028
Phone: (507)	451 3792	Mot	oile/Cell:(507)	213 6	2149	
				-7. 6	e	
Responsible party	for Implementat	ion/Inspection:_	Chase	thie	lem	
Address:	50 900	St W	Webste	o M	/	
Phone: (701)	361-810	<u>Э</u> Mol	oile/Cell:(ZY)	361-8	100	

Erosion & Sediment Control Measures

- 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).
- Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
- 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.
- 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.
- 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.
- 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.

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

(Property Owner)

(Person Responsible for Implementation)

6 (13)1-

(Date)

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



