



**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 14, 2017

TIME: 7:00 PM

PLACE: 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 and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning and Zoning Commission Agenda
- ITEM #3** J. Brown
- ITEM #4** A. Skluzacek
- ITEM #5** M. Keller
- ITEM #6** Le Sueur County SWCD (Applicant), B. Brockway (Owner)
- ITEM #7** ISG, Brian Welch, Applicant- M. Bartlett, Owner
- ITEM #8** Scott Hass
- ITEM #9** Approved September 14, 2017 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 14, 2017

Regular session

Item 1

Planning and 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 14, 2017

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 **SEPTEMBER 12, 2017**.

ITEM #1: JEROME BROWN, WATERVILLE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township.

ITEM #2: ANDREW SKLUZACEK, LE CENTER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 23, Cordova Township.

ITEM #3: MICHAEL & NANCY KELLER, OWATONNA, MN, (APPLICANT\OWNER): Request that the County grant 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 in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 11, Muellerleille Subdivision, Section 33, Elysian Township.

ITEM #4: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); BRANDON BROCKWAY, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 15 cubic yards of material for a shoreland restoration project in a Special Protection "SP" District, on a Recreational Development "RD" lake, Lake Volney. Property is located in Government Lot 3, Section 31, Montgomery Township.

ITEM #5: ISG, BRIAN WELCH, FARIBAULT, MN, (APPLICANT); MARVIN BARTLETT, KASOTA, MN, (OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating and filling within the bluff and bluff impact zone for the construction of a retaining wall and patio; additional grading, excavating and filling within the bluff and bluff impact zone for bluff restoration, retaining wall within the bluff impact zone and construction of a water-oriented water accessory structure within the bluff for a total of 541 cubic yards in a Recreational Residential "RR" District. Property is located at Lot 4, La Hans Subdivision and Units 1410 & 1420 CIC #54, Section 7, Kasota Township.

ITEM #6: SCOTT HASS, CLEVELAND, MN, (APPLICANT); JAMES LOSINSKI, CLEVELAND, MN, (OWNER): Request that the County grant a rezone of approximately 4.61 acres from a Recreational Residential "RR" District, to a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in the SE 1/4, Section 31, Cordova 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 14, 2017

Regular session

Item 1

Planning and 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 14, 2017
MEETING PLACE: Le Sueur County Environmental Service

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

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

AGENDA:

**Meeting Called
to Order.**

ITEM #1: JEROME BROWN, WATERVILLE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township.

ITEM #2: ANDREW SKLUZACEK, LE CENTER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 23, Cordova Township.

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MINUTES-WARRANTS

ADJOURN 9:00 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 14, 2017

Regular session

Item 1

J. Brown

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: JEROME AND CARRIE BROWN

911 ADDRESS: 49206 RIVERSIDE LANE, WATERVILLE MN 56096

PROJECT DESCRIPTION: Grading, excavating and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka.

Variances granted on August 17, 2017 in order to deviate from impervious surface requirements.

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 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township.

ZONING: Recreational Residential "RR" District.

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North: AG

East: RESIDENTIAL/AG

South: LAKE TETONKA

West: RESIDENTIAL/AG

TOWNSHIP BOARD NOTIFICATION

The applicant contacted Fritz Cummins, Waterville Township Board Member on April 29, 2017.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

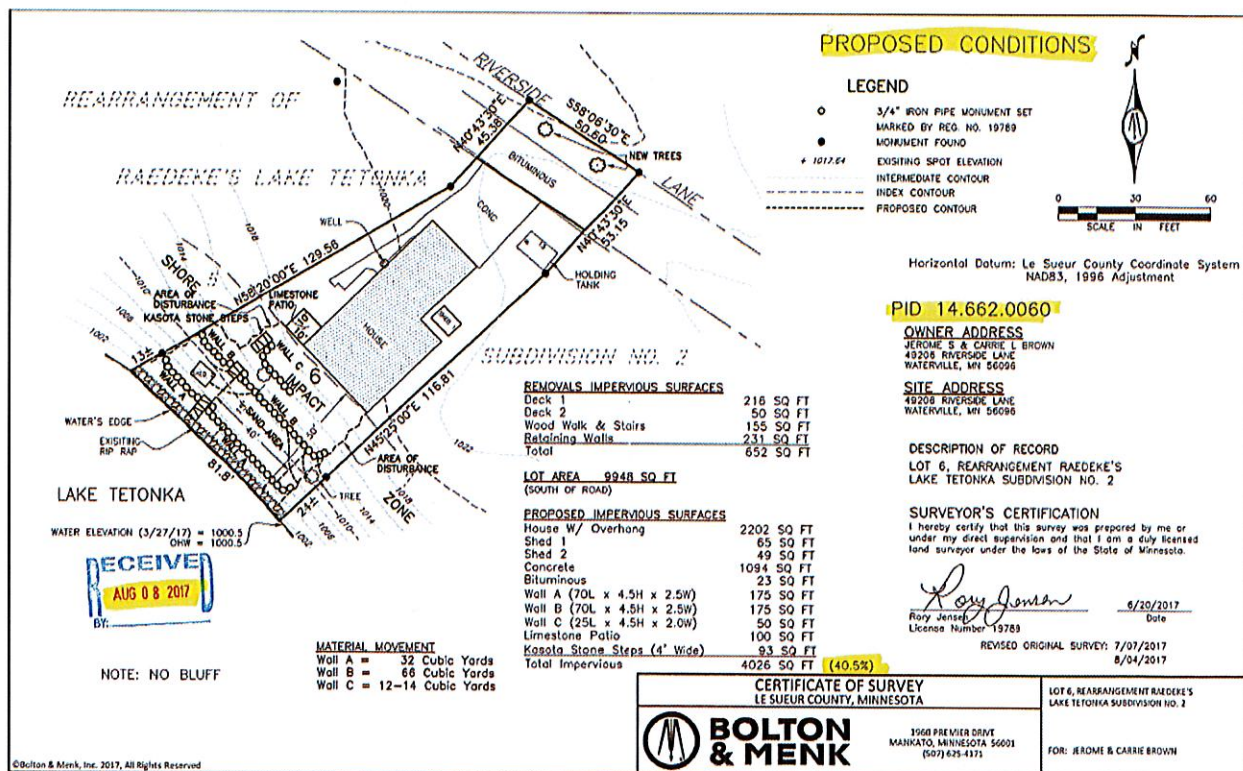
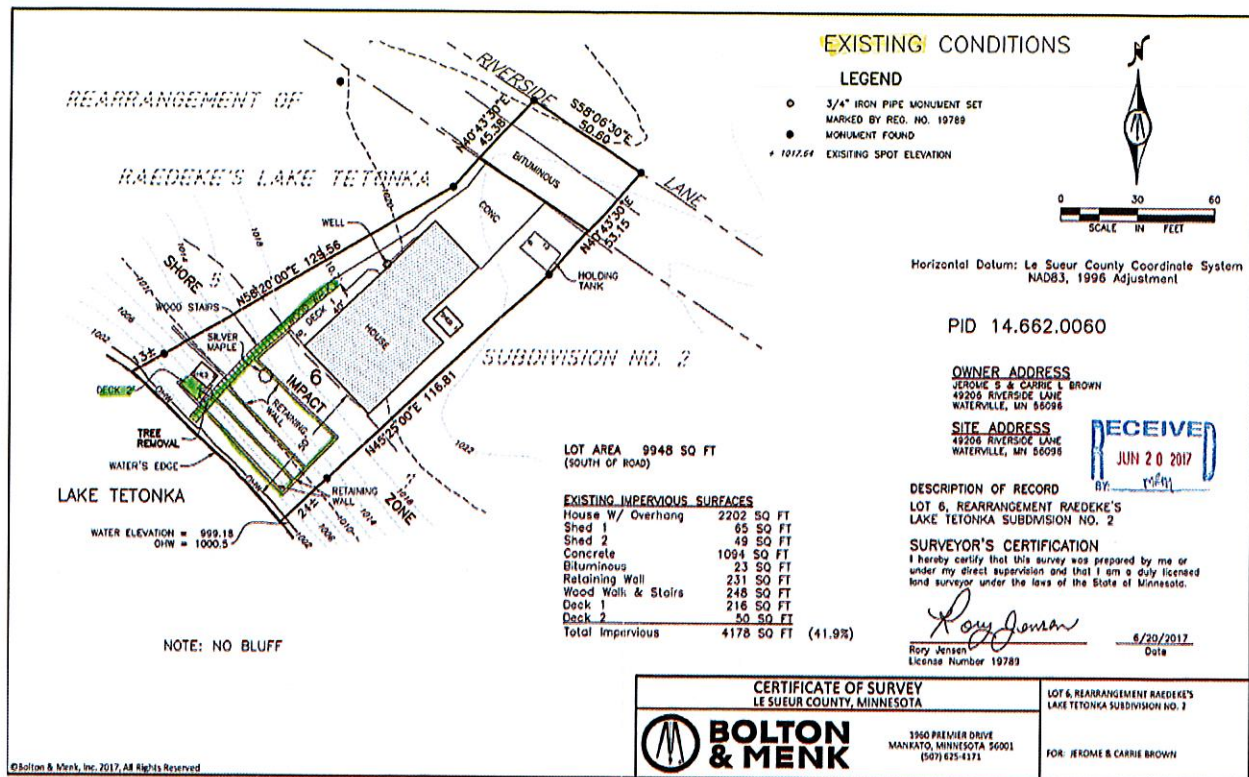
WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

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

AERIAL PHOTO EXISTING AND PROPOSED SITE 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.
 - 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 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:

Jerome Brown

Property owner:

Jerome Brown

Property:

14.662.0060

Description:

An application for a Conditional Use Permit to allow Grading, Excavating and Filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the Shore Impact Zone.

Recommendation:

I recommend approval of the proposed project with the condition(s) listed below. The proposed boulder walls will provide for a more natural look for the shoreline than the current treated timber walls, as well as remove any chemical leaching that may be occurring from the treated timbers.

Condition(s):

1. Plant Minnesota native vegetation to provide the required screening along the retaining walls.
2. Two trees be planted somewhere on the parcel to replace the two trees that are being removed as part of this project.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17236

Applicant: JEROME BROWN

Land Owner: JEROME BROWN

Conditional Use Permit Request: To allow grading, excavating and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the 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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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

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 Jerome Brown
Mailing Address 49206 Riverside Lane
City Waterville State MN Zip 56096
Phone # 507-351-5969 Phone # 6

II. Landowner:

Name Jerome Brown
Mailing Address 49206 Riverside Lane
City Waterville State MN Zip 56096
Property Address 49206 Riverside Lane
City Waterville State MN Zip 56096
Phone # 507-351-5969 Phone #

III. Parcel Information:

Parcel Number 14.662.0060 Parcel Acreage Square Feet 12,800
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township Waterville Section
Subdivision Raedeke #2 Lot 6 Block

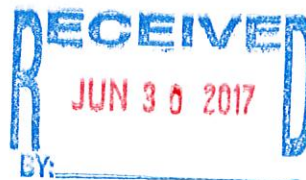
IV. Township Notification: Township must be notified of proposed use prior to application.

Waterville Township notified on April 29, 2017
(Township Name) (Date)

Board Member Francis Cummins 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.**

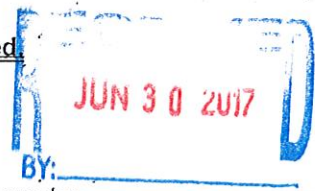


VI. Fees: Must be paid at the time of application.

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: N/A 32
Cubic yards of material movement: 66
Cubic yards of material movement: 72=14
TOTAL cubic yards of material movement: _____

132
66
14
102

☒ **Shoreland- Outside Shore Impact Zone**

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

Cubic yards of material movement: N/A
Cubic yards of material movement: 102 169
Cubic yards of material movement: _____
Cubic yards of material movement: _____
TOTAL cubic yards of material movement: 102 169

☐ 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: removing harmful materials, restoring to natural environment
2. ADVERSE IMPACT ON SURROUNDING AREAS: none
3. STORMWATER RUNOFF: is currently effective, and will remain the same
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: no
5. WETLAND IMPACT: NA
6. SLOPE STABILITY: will follow ordinance +3:1 requirements
7. CERTIFICATE OF INSURANCE: licensed contractor
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) yes, obtaining variance and CU permits, etc.

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 **BY:** _____
- ☐ 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.

RECEIVED
JUN 30 2017

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

05-20-2017
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

05-20-2017
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: _____

Pre-App Date _____ Lake Classification _____ Feedlot 500' 1000' N
 Meeting Date _____ Lake _____ Wetland Type 1-2 3-8 N
 60 Day _____ FEMA Panel # 27079C0 _____ D Water courses Y N
 Zoning District _____ Flood Zone _____ Bluff Y N

☒ Request Description ☐ Access Approval ENT ☐ Septic Comp Insp / Design
☒ Site Plan ☐ Erosion Control Plan ☒ Meeting Reg / ATF / Spec
☒ Full Legal ☐ ☐ Fee \$ 796⁰⁰
☐ Ordinance ☐ Other _____ ☐ Penalty \$ _____

☒ Application Complete K. Bruckman
 Planning & Zoning Department Signature

8/8/17 KB 17236
 Date Permit #
6/30/17 mn

RECEIVED
JUN 30 2017
 BY: _____

Environmental Friendly Landscape Project Conditional Use

Overview:

Remove unsafe toxic material that is contaminating Lake Tetonka water and replace with natural environmental friendly materials to ensure the safety of the public and our physically disabled children

Goals:

Use natural environmentally friendly building materials.

Stop erosion and prevent sentiments from entering Lake Tetonka

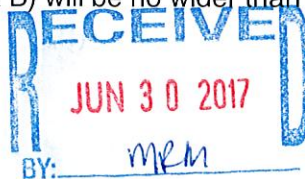
Protect our home from structural damage

Ensure the safety of our children by providing structurally sound retaining walls and safe walkways.

Specifications:

The 6x6 green treated timber retaining wall located in the impact zone will be removed and properly disposed of. The timbers will be replaced with natural 2 foot boulders and the walls will not be more than 4 feet above grade. The current water oriented accessory structure will not be altered, and remain in the same location. Two trees that are currently contributing to the failure of the retaining walls will be removed and 2 new trees will be planted on the north end of the lot to meet the 1:1 requirement. Three failing kasota stone retaining walls will be removed. To secure the land and prevent erosion, the kasota stone walls will be replaced with natural two foot boulders. The lower boulder wall closet to shore (wall A) will be 70 feet in length and no higher than 4 feet above grade, and 32 cubic yards will be removed. The upper retaining wall (wall B) will be 70 feet in length, and will be no more than 4 feet above grade, and 66 cubic yards will be removed. The retaining wall behind the silver maple tree (wall C) will be 25 feet in length, and no more than 4 feet above grade. 12-14 cubic yards will be excavated from the behind the silver maple tree and moved east of the silver maple tree to accommodate a 3 to 1 graded slope. All natural boulder walls in our plan will meet current standards with drain tile, drainage backfill, and 3 to 1 slope requirements. The unlevel and incorrect rise over run green treated stairs and boardwalk will be removed because it is unsafe and contaminating Lake Tetonka with chemicals. Kasota stone stairs in the middle of the 2 retaining walls closet to the lake (wall A & B) will be no wider than 4 feet.

Add. 43 cyds of
material for backfilling
total cyds 119 cyds.



Between the two lower boulders walls (wall A & B) we will be installing sand. The east side of the house, the decomposing green treated wood and other unsafe materials will be properly disposed of and replaced with environmentally friendly materials. The erosion control plan consists of installation of 3 rows of silt fences with the width of new construction area to the property line.

Contractors:

Mr. Landscaper, LLC
Doug Mosley
7385 Granite Path
Farmington, MN 55024

Dennis Jenkins
Boulder Express, LLC
14078 Natalie Road NE
Prior Lake, MN 55372
612-791-4777
www.boulderexpressllc.com

Closing Statement:

After two bids from contractors, we selected the only contractor that offered boulders and a landscape design that appreciates a natural appearance as opposed to an industrial design. Mr. Landscaper has over 30 years of experience completing landscaping projects on lakes, most of his projects being on Lake Minnetonka and Prior Lake. Most importantly, Mr. Landscaper is familiar with the codes and standards in multiple counties and has good rapport with county officials for doing outstanding work. Overall, we are individuals that love the outdoors. For this reason we have decided to purchase a home on Lake Tetonka four years ago, with the vision to improve our home to be environmentally friendly. We value teaching our children to respect and protect the ecosystem we live in. Thank you for considering the approval of this project to allow us the opportunity to not only invest in the environment, but the safety of our children.



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: Jerome Brown **PID:** _____
Mailing Address: 49206 Riverside Lane, Waterville MN 56096
Property Address: 49206 Riverside Lane, Waterville MN 56096
Phone: (____) _____ **Mobile/Cell:** (507) 351-5966

Responsible party for Implementation/Inspection: Boulder Express, LLC
Address: 14078 Natalie Rd NE Prior Lake MN 55372
Phone: (612) 791-4777 **Mobile/Cell:** (____) _____

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

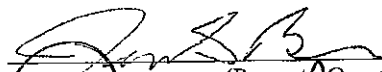
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the 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.

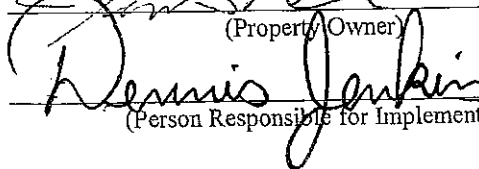
Inspection and Maintenance

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)

05-20-2017
(Date)

6-19-17
(Date)

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

Surveyor Certification

I. **Applicant:**
Name JEROME BROWN

II. **Landowner:**
Name JEROME BROWN
Property Address 49206 RIVERSIDE LANE
City WATERVILLE State MN Zip 56096

III. **Parcel Information:**
Parcel Number 14.662.0060

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

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

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

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

*Stakes must remain in place until construction commences.

V. **Quantities and Submittal Formats:**

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

VI. **Signatures:**

The proposed improvements have been physically staked onsite *then* surveyed on JUNE 29, 2017, to reflect an accurate account of current and proposed conditions of the property identified above.

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

Roy Jensen 6/16/17 19789
Surveyor Signature Date Lic #

8/8/17 K. Brockway
Date Received Planning & Zoning Department Signature

REARRANGEMENT OF

RAEDEKE'S LAKE TETONKA

LAKE TETONKA

WATER ELEVATION = 999.18
OHW = 1000.5

NOTE: NO BLUFF

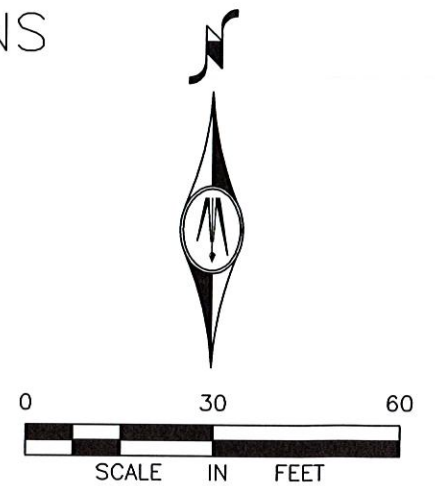
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EXISTING CONDITIONS

LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY REG. NO. 19789
- MONUMENT FOUND
- + 1017.64 EXISTING SPOT ELEVATION



Horizontal Datum: Le Sueur County Coordinate System
NAD83, 1996 Adjustment

PID 14.662.0060

OWNER ADDRESS

JEROME S & CARRIE L BROWN
49206 RIVERSIDE LANE
WATERVILLE, MN 56096

SITE ADDRESS

49206 RIVERSIDE LANE
WATERVILLE, MN 56096



DESCRIPTION OF RECORD

LOT 6, REARRANGEMENT RAEDEKE'S
LAKE TETONKA SUBDIVISION NO. 2

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

6/20/2017
Date

LOT AREA 9948 SQ FT
(SOUTH OF ROAD)

EXISTING IMPERVIOUS SURFACES

House W/ Overhang	2202 SQ FT
Shed 1	65 SQ FT
Shed 2	49 SQ FT
Concrete	1094 SQ FT
Bituminous	23 SQ FT
Retaining Wall	231 SQ FT
Wood Walk & Stairs	248 SQ FT
Deck 1	216 SQ FT
Deck 2	50 SQ FT
Total Impervious	4178 SQ FT (41.9%)

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



**BOLTON
& MENK**

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

LOT 6, REARRANGEMENT RAEDEKE'S
LAKE TETONKA SUBDIVISION NO. 2

FOR: JEROME & CARRIE BROWN

JOB NUMBER: M33.114048

FIELD BOOK: 90-E PG 70

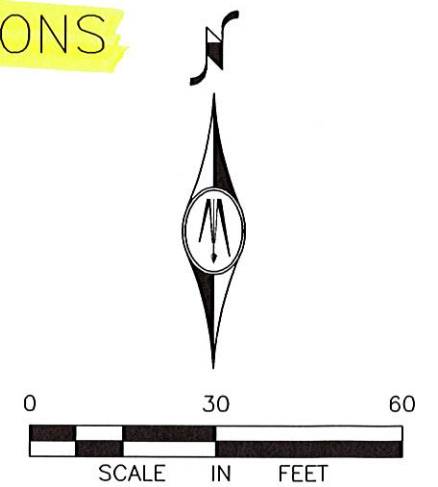
DRAWN BY: JLA

4.0 S20-T109-R23-32

PROPOSED CONDITIONS

LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY REG. NO. 19789
- MONUMENT FOUND
- + 1017.64 EXISTING SPOT ELEVATION
- - - INTERMEDIATE CONTOUR
- - - INDEX CONTOUR
- - - PROPOSED CONTOUR



Horizontal Datum: Le Sueur County Coordinate System
NAD83, 1996 Adjustment

PID 14.662.0060

OWNER ADDRESS

JEROME S & CARRIE L BROWN
49206 RIVERSIDE LANE
WATERVILLE, MN 56096

SITE ADDRESS

49206 RIVERSIDE LANE
WATERVILLE, MN 56096

DESCRIPTION OF RECORD

LOT 6, REARRANGEMENT RAEDEKE'S
LAKE TETONKA SUBDIVISION NO. 2

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.

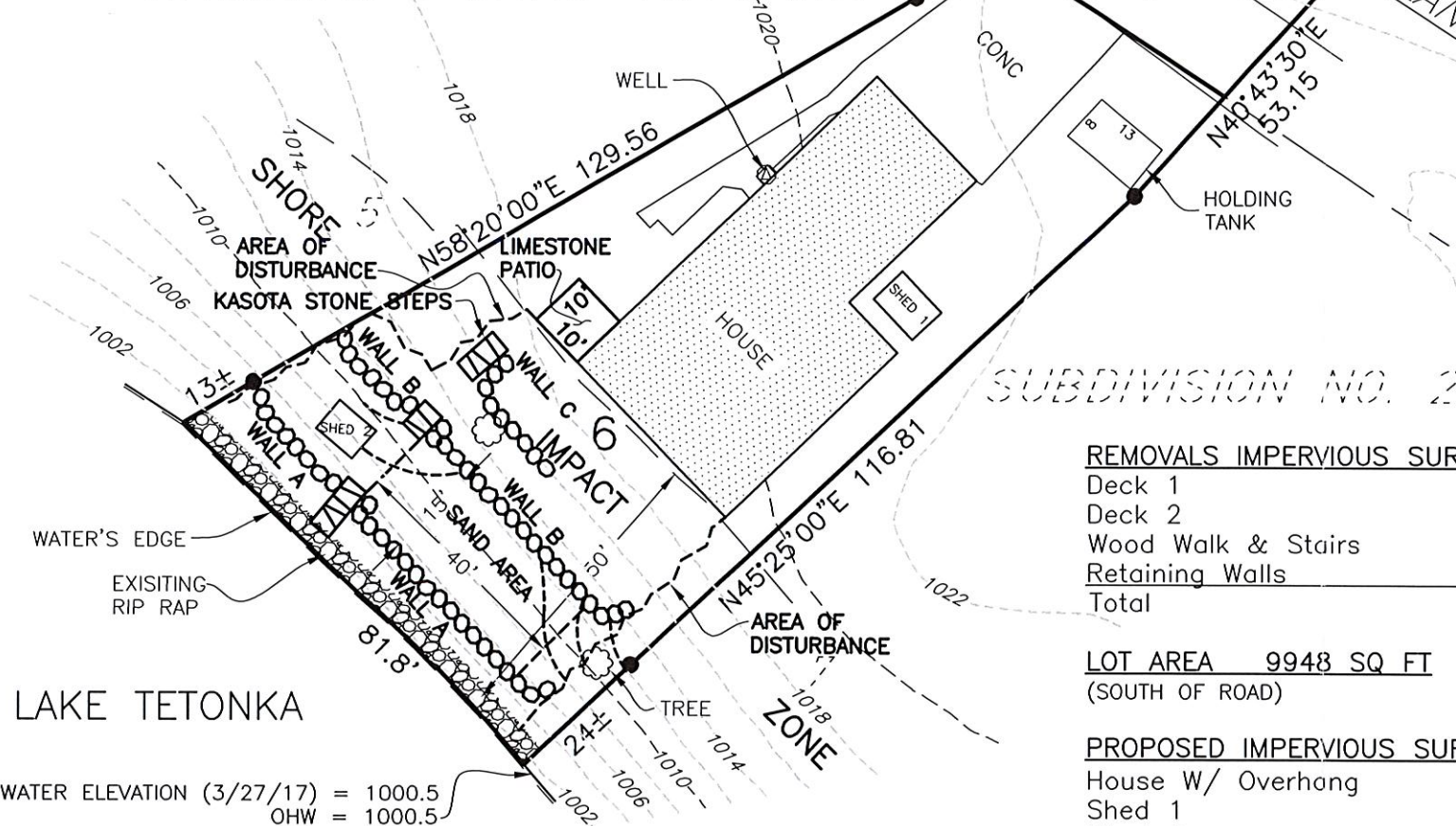
Rory Jensen
Rory Jensen
License Number 19789

6/20/2017
Date

REVISED ORIGINAL SURVEY: 7/07/2017
8/04/2017

REARRANGEMENT OF

RAEDEKE'S LAKE TETONKA



REMOVALS IMPERVIOUS SURFACES

Deck 1	216 SQ FT
Deck 2	50 SQ FT
Wood Walk & Stairs	155 SQ FT
Retaining Walls	231 SQ FT
Total	652 SQ FT

LOT AREA 9948 SQ FT
(SOUTH OF ROAD)

PROPOSED IMPERVIOUS SURFACES

House W/ Overhang	2202 SQ FT
Shed 1	65 SQ FT
Shed 2	49 SQ FT
Concrete	1094 SQ FT
Bituminous	23 SQ FT
Wall A (70L x 4.5H x 2.5W)	175 SQ FT
Wall B (70L x 4.5H x 2.5W)	175 SQ FT
Wall C (25L x 4.5H x 2.0W)	50 SQ FT
Limestone Patio	100 SQ FT
Kasota Stone Steps (4' Wide)	93 SQ FT
Total Impervious	4026 SQ FT (40.5%)

MATERIAL MOVEMENT

Wall A =	32 Cubic Yards
Wall B =	66 Cubic Yards
Wall C =	12-14 Cubic Yards

NOTE: NO BLUFF



Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 2

A. Skluzacek

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Andrew Skluzacek

911 ADDRESS: 20542 440th St, Le Center MN 56057

PROJECT DESCRIPTION: Establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: 8 and 19

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:

The current Land Use Plan as adopted in 2007 does not make reference to the establishment and operation of Animal hospitals, veterinary clinics, animal crematoriums and related facilities for the care and breeding of animals including kennels. However, it is addressed as a Conditional Use Permit within the Agricultural District.

SITE INFORMATION

LOCATION: 5 Acres-SW 1/4 SE 1/4, Section 23, Cordova Township.

ZONING: Agricultural

GENERAL SITE DESCRIPTION: Existing farm site

ACCESS: Existing driveway access approved by the County Hwy. Assistant Engineer

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Ag
East:	Ag	West:	Ag

TOWNSHIP BOARD NOTIFICATION

The applicant notified Harry Mach, Cordova Township on July 22, 2017. No objections.

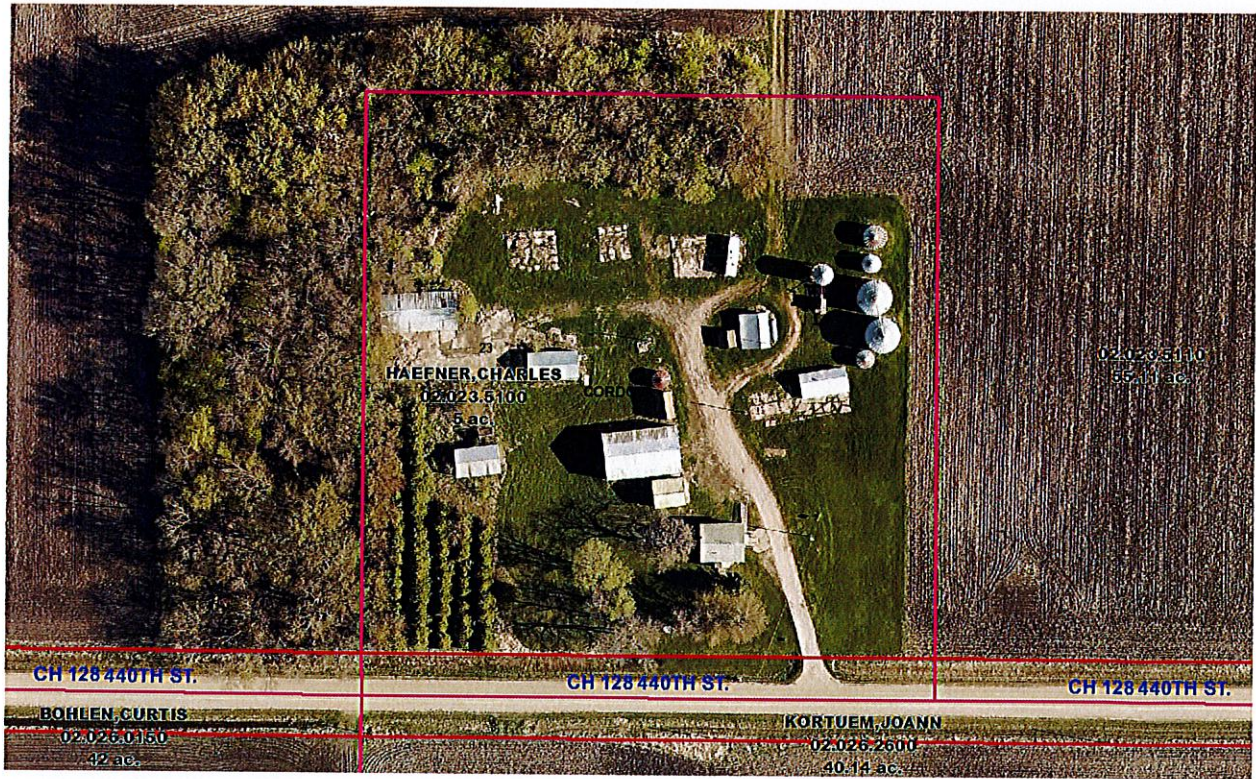
NATURAL RESOURCES INFORMATION

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

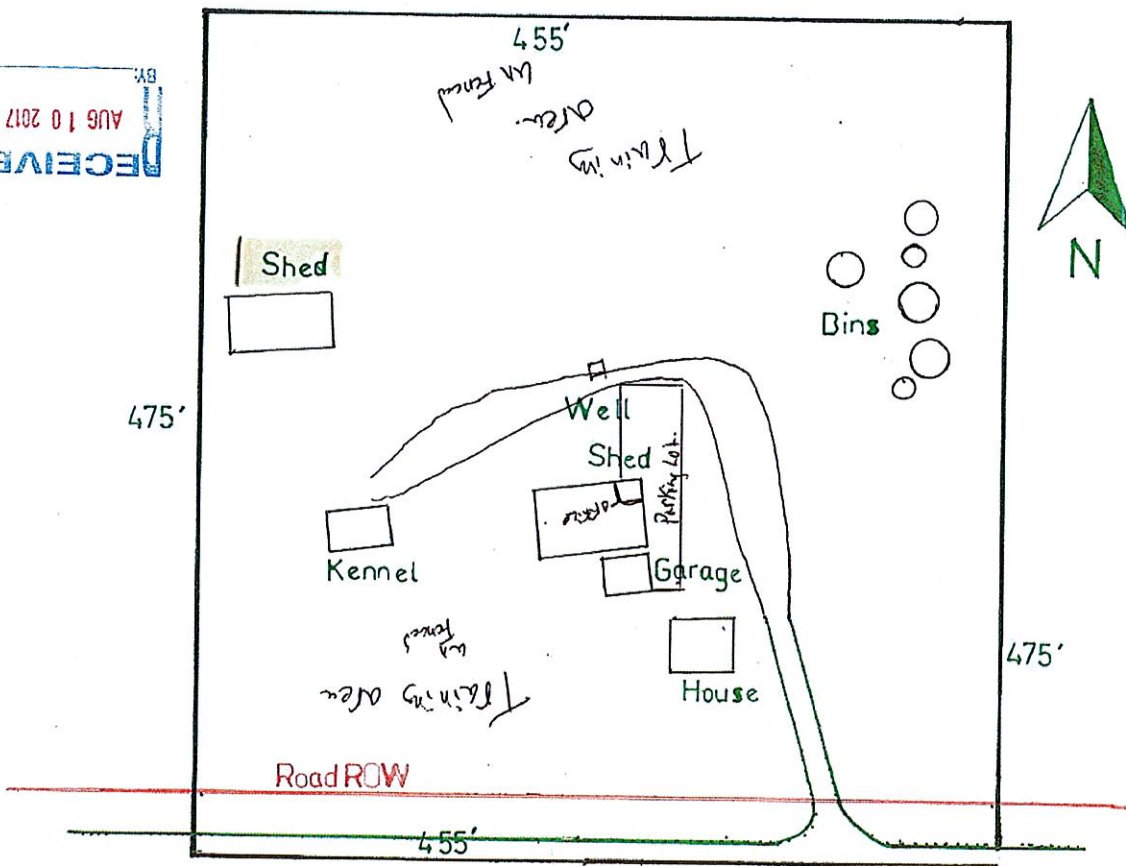
WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

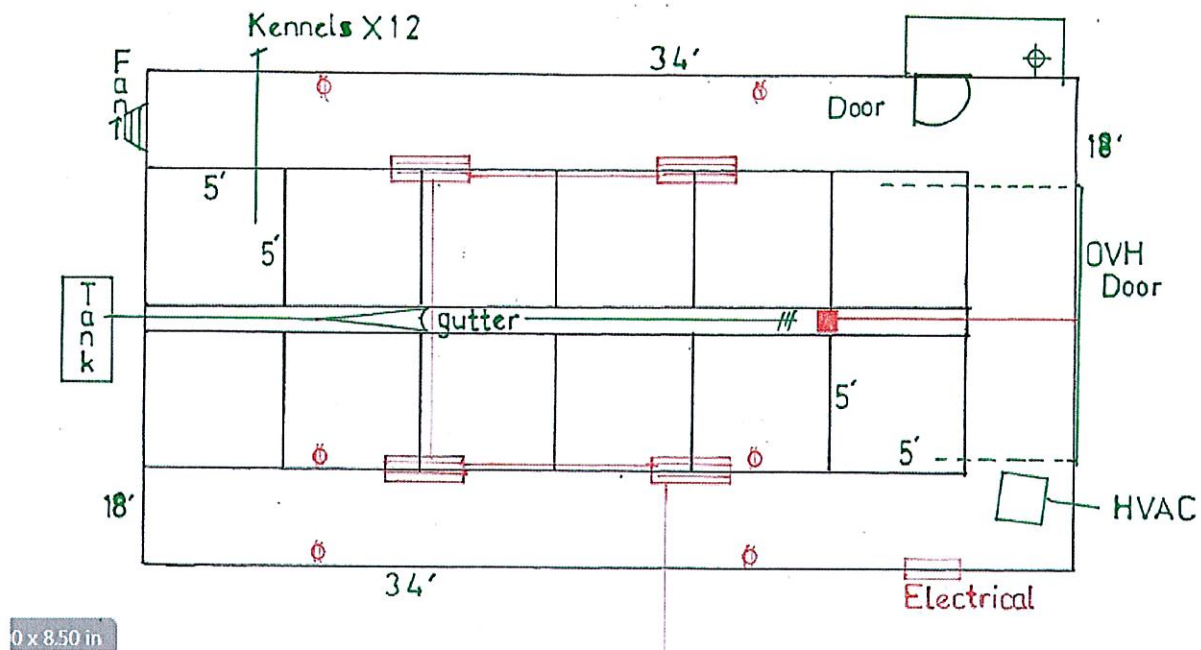
ATTACHMENTS

Application, Criteria Form, Narrative, Site Plans, Dept. of Animal Health Application, Insurance on file with the Dept., Letter from Amy Beatty, LSC Feedlot Officer.

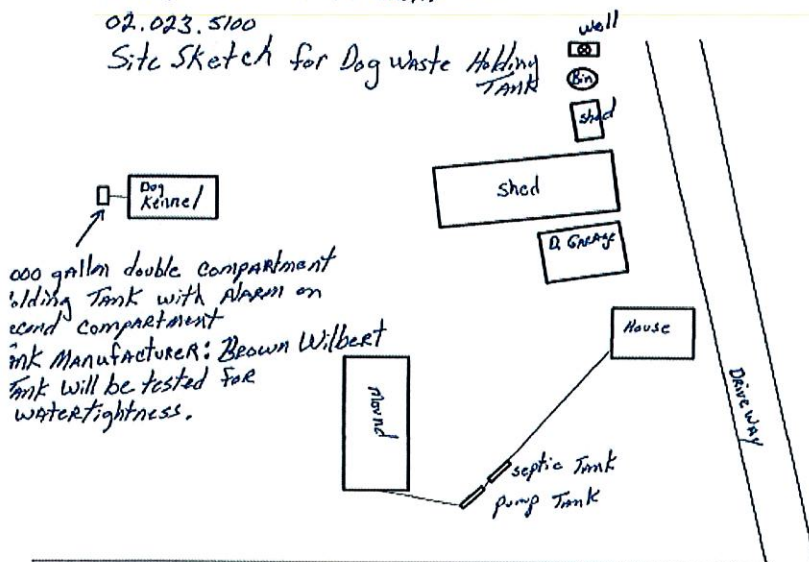


RECEIVED
AUG 10 2017





Andrew Sklyarski
 80542 440th St. Le Center Mn.
 02.023.5100
 Site Sketch for Dog Waste Holding Tank



- Dog Kennel to Tank = 10 ft.
- Well to Holding Tank = 180 ft.
- Row to Holding Tank = 140 ft.
- NPL to Holding Tank = 280 ft.
- EPL to Holding Tank = 370 ft.
- WPL to Holding Tank = 50 ft.



: Mike Sklyarski
 8-15-17

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 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 Application

I. Applicant:
Name Andrew Skivzacek
Mailing Address 20542 440th St
City Le Center State 56057 Zip MN
Phone # 507 210 8481 Phone # 651 356 5856

II. Landowner:
Name Andrew Skivzacek
Mailing Address 20542 440th St
City Le Center State MN Zip 56057
Property Address 20542 440th St
City Le Center State MN Zip 56057
Phone # 507 210 8481 Phone # 651 356 5856

III. Parcel Information:
Parcel Number 02.023.5100 Parcel Acreage 5
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township Cardova, 110 North Section 23
Subdivision _____ Lot _____ Block _____

IV. Township Notification: Township must be notified of proposed use prior to application.
Cardova Township notified on 7-22-17 11:47 am
(Township Name) (Date)

Board Member Harry Mach 507-357-6615
(Name) regarding the proposed use.

V. Quantities and Submittal Formats: -no assessments, he said we have his blessing

- 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.

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

1



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 Deq training/boarding

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: M-Saturday 8-5
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 8-10/day No more than 2 at a time
3. LIST OF PUBLIC HEALTH PLANS: likely, 1 at a time
 - i. Water Supply: pre-existing well
 - ii. Toilet facilities: not needed
 - iii. Solid Waste Collection: addressed in attached document
4. FIRE PREVENTION: smoke detectors, fire extinguishers
5. SECURITY PLANS: Burglar alarm & surveillance cameras
6. RETAIL SALES: minimal, training supplies
7. FOOD OR ALCOHOL SERVED OR FOR SALE: NA
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) NA
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: NA
10. EXTERIOR LIGHTING: pre-existing flood/yard lights
11. PARKING AND LOADING: to fall under regulations
12. SIGNAGE: no plans for sign of permit needed size
13. ROAD ACCESS: (Approved by the road authority) report from road authority
14. CERTIFICATE OF INSURANCE: attached
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) 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)

2



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.

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.

Property Owner signature

Date

Request: <u>Kennel Boarding Training</u>		OFFICE USE ONLY	
Pre-App Date <u>8-10-17</u>	Lake Classification <u> / </u>	Feedlot <u>500'</u>	<u>1000'</u> <u>N</u>
Meeting Date <u>9-14-17</u>	Lake <u> / </u>	Wetland Type <u>1-2</u>	<u>3-8</u> <u>N</u>
60 Day <u>10-9-17</u>	FEMA Panel # 27079C0 <u>300</u>	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 checked="" type="checkbox"/> Access Approval	<input type="checkbox"/> Septic	Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan <u>MR</u>	<input checked="" type="checkbox"/> Meeting	Reg / ATF / Spec
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>796-</u>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u> / </u>	<input type="checkbox"/> Penalty	\$ <u> / </u>
<input checked="" type="checkbox"/> Application Complete		<u>Michelle R. Mott</u>	<u>8-10-17</u> <u>17280</u>
		Planning & Zoning Department Signature	Date Permit #

3





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 28, 2017

TO: Le Sueur County Planning and Zoning Commission Members

FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: Andrew Skluzacek Conditional Use Permit Application – Kennel for Boarding and Training of Dogs

Dear Planning and Zoning Commission Members:

From my review of Mr. Skluzacek's conditional use permit (CUP) application, all the dog waste will be containerized into a 2,000 gallon two-compartment sewage holding tank. The applicant stated in his narrative that the tank's contents will be pumped by B & B Septic.

If granted a CUP to operate a kennel for the boarding and training of dogs, I recommend the following:

- When the tank is installed, it be tested for water-tightness and not be installed at a depth greater than allowed by the manufacturer.
- A service agreement or contract between Mr. Skluzacek and B & B Septic on file with the Planning and Zoning Department.
- A written statement as to where the dog waste will be disposed.
 - If at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator, or
 - If it is land applied, that the land application does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates).
 - If it applied on land outside of the County of Le Sueur, check with that County on its land application requirements.

This disposal plan should meet the requirements of state rules and the County Zoning Ordinance based on the information provided to me.

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: Andrew Skluzacek

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17280

Applicant: ANDREW SKLUZACEK

Land Owner: ANDREW SKLUZACEK

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO ESTABLISH AND OPERATE A DOG KENNEL FOR BOARDING AND TRAINING.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 _____

The kennel for the dogs will be in a pre-existing shed. The plan is to install Heating/AC and any additional ceiling lights needed. The interior of the shed will be lined with steel. There is an area close to the shed that will be used for training the dogs that provides shade from the sun, rain and snow if needed. I do not believe any kind of landscaping or screening is necessary as the property is not located by any other businesses or residential areas. The natural landscape will be maintained regularly. There will be no outdoor storage for the business on the property. We plan to control the noise by having the shed, from floor up into the ceiling insulated, in addition, the closest neighbor is about a mile away from the property. The kennel would not have any emission of odors. The property is not located near any body of water and would not create any water pollution. The kennel would not create any vibrations or earth shaking movements. The kennel would not create any smoke or particulate matter, dust, toxic matter or explosives. A drive will be created from the current drive, following all requirements laid out in the "Access Drives" section, following approval from the Road Authority on our Access Point. As well, parking and loading will be created following standards required in the same section. I would like to create this area in front of the garage/shed located near the house. The kennel would be set up to house 12 dogs. There are no plans for any trees to be removed from the property. The plan for dog waste is to install a holding tank at the end of the "gutter" in the middle of the kennel, all waste will be washed into the gutter and into the holding tank. We will have this waste pumped by B&B Septic, they confirmed that they do pump this kind of waste. Any of the proposed plan laid out can be changed/alterd to meet the county standards/requirements.

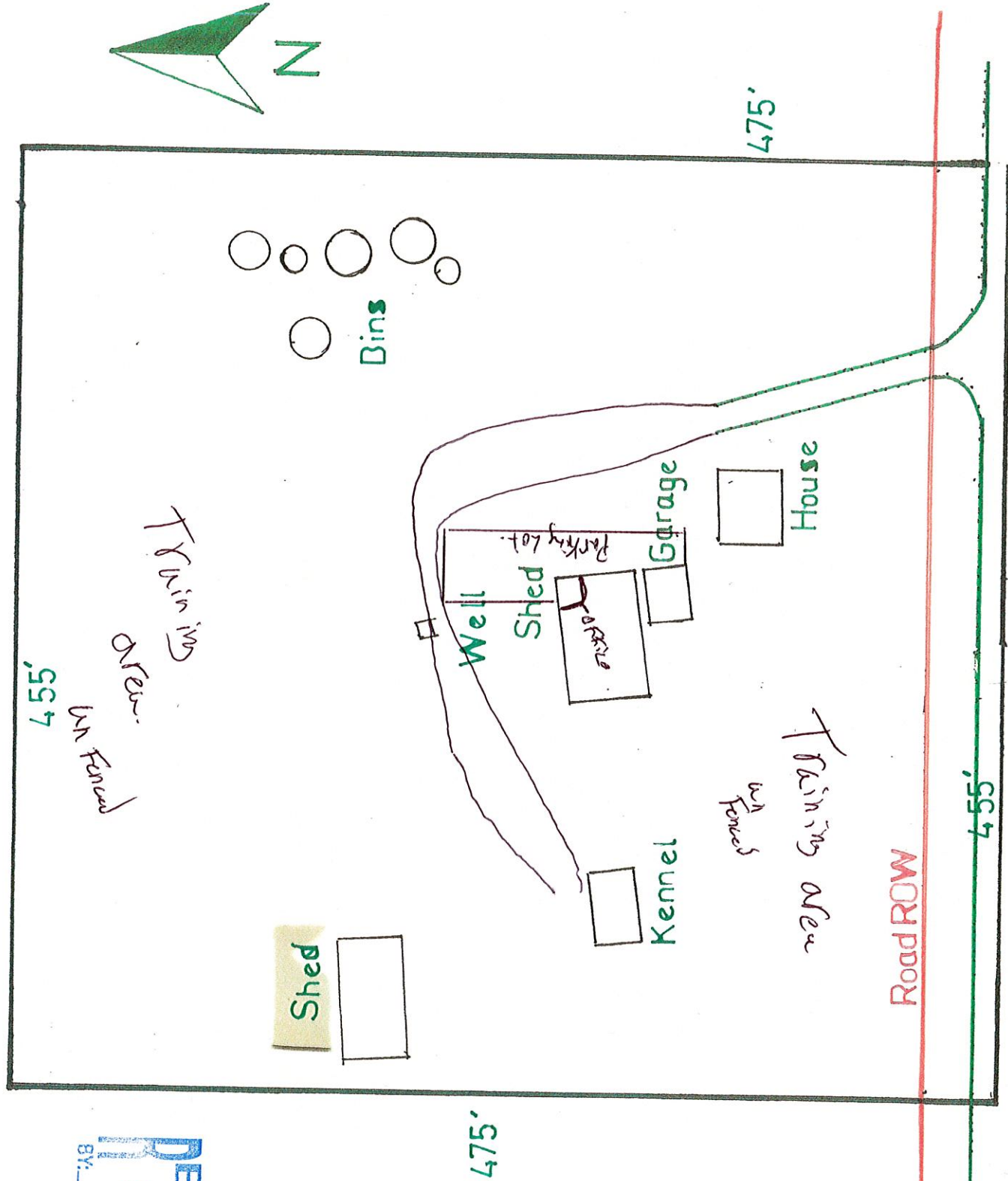


Description of Request for Conditional Use Application for Property:
20542 440th St. Le Center, 56057

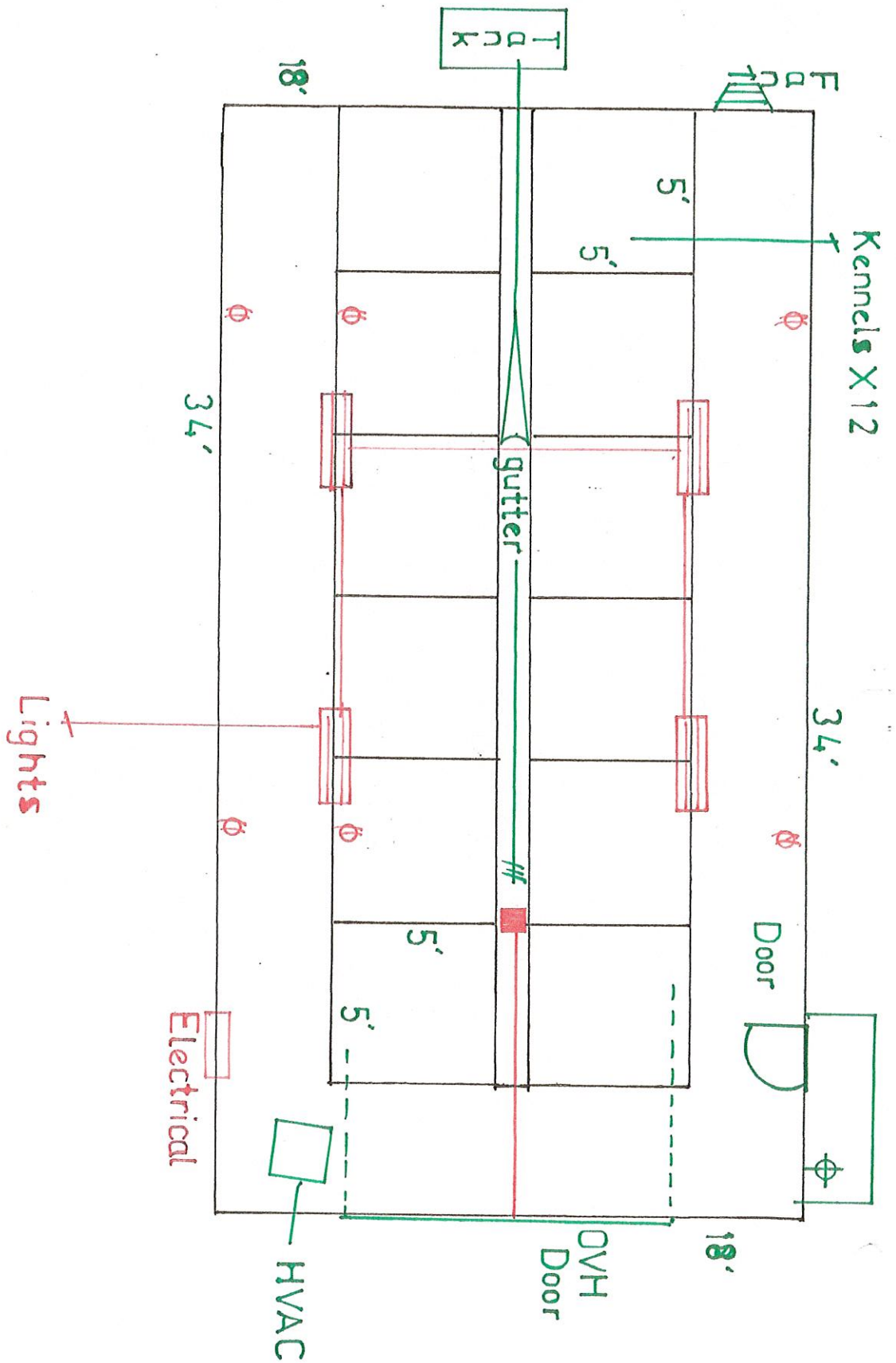
1. Proposed Days and Hours of Operation: Monday thru Saturday 8am-5pm
2. Estimated # of persons to attend business on a daily/weekly basis: Possibly 8-10 day, never at one time. Likely, no more than 2 people at a time, most often, 1 at a time.
3. Public Health Plans:
 - a. Water Supply: Access to water for the kennels from a pre-existing well.
 - b. Toilet Facilities: These won't be needed.
 - c. Solid Waste Collection: addressed on Page 2
4. Fire Prevention: The building interior has steel walls with ceiling mounted lights. Smoke detectors and fire extinguishers to be installed and service regularly by a licensed company.
5. Security Plans: Burglar Alarm and surveillance cameras to be installed with a monitoring system
6. Retail Sales: Minimal retail sales for training supplies

No food/alcohol sales. No request for county to provide any services. No sound amplification/playing of music.

7. Exterior Lighting: Flood lights/Yard lights/Lights on telephone poles that are pre-existing. No lighting will be needed to illuminate parking areas. No lighting will be added that would interfere with the road traffic. No lights would be added that would illuminate the neighbor's property. No use of lights would be used after 10pm for purposes of advertising. No clients are on the property at night.
8. Parking, Loading and road access: Report from Road authority attached. Parking and Loading addressed on Page 2.
9. Signage: No plans for any signage over 32 square feet in size and more than 10 feet high, it would conform with all other standards, or I would pull a permit at the time if one is needed.
10. Certificate of Insurance: Attached
11. Applicable County State and Federal Regulations (additional licensing/permitting): Copies of applications for permits from The MN Board of Animal Health and the DNR enclosed.



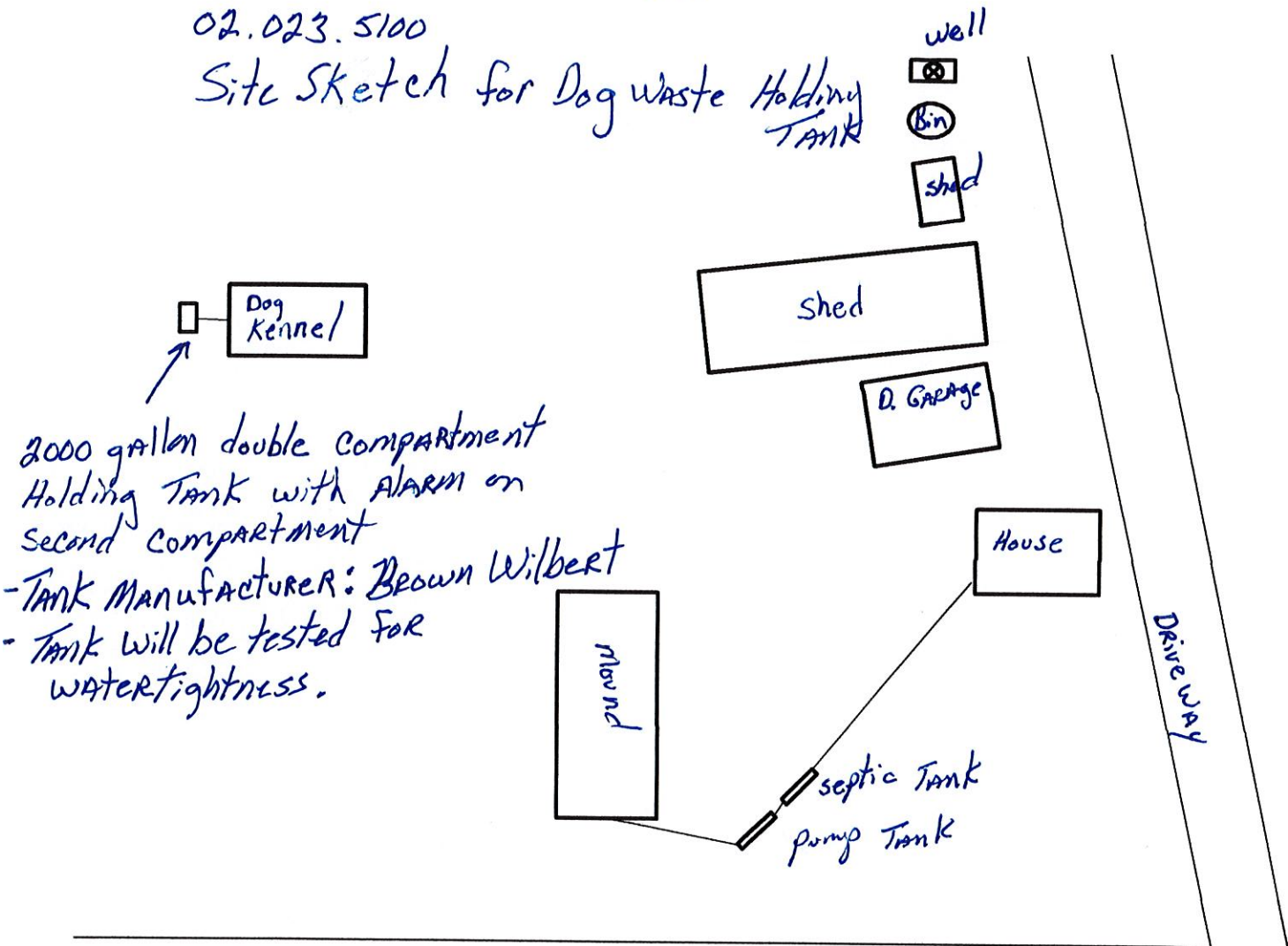
RECEIVED
AUG 10 2017
BY: _____



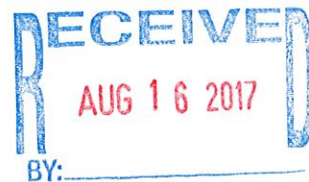
RECEIVED
 AUG 10 2017
 BY: mem



Andrew Skluzacek
20542 440th St. Le Center Mn.
02.023.5100
Site Sketch for Dog Waste Holding Tank



- Dog Kennel to Tank = 10 ft.
- well to Holding Tank = 180 ft.
- Row to Holding Tank = 140 ft.
- NPL to Holding Tank = 280 ft.
- EPL to Holding Tank = 390 ft.
- WPL to Holding Tank = 50 ft.



: Mike Skluzacek
8-15-17

MINNESOTA BOARD of ANIMAL HEALTH

Mailed with
money order
7/26/17

625 Robert Street North
St. Paul, Minnesota 55155
651-296-2942
animalhealth@state.mn.us
www.mn.gov/bah

Application for License Kennel

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel (as defined in Minnesota Statutes 347.31) within this state without first obtaining a license therefor from the board of animal health.

"Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets (347.31) and does not apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine (347.40).

To obtain or renew a kennel license, complete this application and mail it to the Board of Animal Health along with a check for \$15.00 to cover the annual license fee. The kennel must then be inspected by the Board of Animal Health to verify compliance with the requirements specified in Minnesota Statutes 347.31 to 347.40 and Minnesota rules 1721.0520.

Facility Information		Owner/manager Information	
Name	Wild Acre Kennels, LLC	Contact name	Sheena Bechtholdt
Address	20542 440th St	Address	20542 440th Street
City, State, Zipcode	Le Center, MN 56057	City, State, Zipcode	Le Center, MN 56057
Phone	507-210-8481	Phone	651-356-5856
Email	andrew@wildacrekennels.com	Email	bechtholdt@me.com
County	Le Sueur	County	Le Sueur

Other names used for this facility:	None
Other kennel facilities owned by this person:	None
Other partners, directors, officers, or members authorized to represent this facility:	None

Current Inventory	Dogs:	Puppies:	Cats:	Kittens:

Certifications: (mark each box with an X to certify that the statement is true)	
<input checked="" type="checkbox"/>	I certify that the information given in this application is complete and accurate.
<input checked="" type="checkbox"/>	I have read the requirements for kennels (MN statutes 347.31-347.40 and Minnesota rules 1721.0520).
<input checked="" type="checkbox"/>	I understand and agree to comply with all Board of Animal Health requirements for kennels.
<input checked="" type="checkbox"/>	I agree to allow the Board of Animal Health to inspect this kennel upon request.

Name (printed)	Signature	Date
Andrew Skluzacek	<i>Andrew Skluzacek</i>	7/26/17

(version 03-16-15)

In accordance with the Americans with Disabilities Act, this information is available in alternative formats of communication upon request by calling 651-296-2942. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529. The Board of Animal Health is an equal opportunity employer and provider.



Minnesota Laws and Rules
Kennels

Minnesota Statutes

347.31 Definitions.

Subdivision 1. **Terms.** For the purpose of sections 347.31 to 347.40 the terms defined in this section have the meanings given to them.

Subd. 2. **Kennel.** "Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.

Subd. 3. **Premises.** "Premises" means any building, structure, shelter, or land wherein or whereon dogs or cats are kept or confined.

Subd. 4. **Dealer.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B dealer" under United States Code, title 7, sections 2131 to 2155, as amended through December 31, 1986, who sells or transfers dogs or cats to institutions or to other dealers who sell or transfer to institutions.

Subd. 5. **Institution.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

347.32 License for kennel or dealer.

No person, firm, or corporation shall establish, maintain, conduct, or operate a kennel or operate as a dealer within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

347.33 Licensing procedures; inspections; administration.

Subdivision 1. **Application.** The application for a license to operate and maintain a kennel or operate as a dealer shall be made to the Board of Animal Health, in the manner prescribed by rules of the board.

Subd. 2. **Contents.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth: (1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation. (2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a kennel.

Subd. 3. **Fees; issuance of license.** The annual license fee is \$15 for each kennel and \$100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund. When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to those sections.

347.34 Licenses required.

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a kennel, or operate as a dealer, duly signed and executed in the name of the state of Minnesota and signed by the Board of Animal Health. The license shall be conspicuously displayed upon the licensed premises. All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

347.35 Board of Animal Health authorized to promulgate rules.

The Board of Animal Health shall promulgate rules as it deems necessary for the operation of kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for



1 cooperation with the United States Department of Agriculture Animal Plant Health Inspection Service
2 program and for reference of complaints to local enforcement authorities. Rules must include, but are not
3 limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of
4 quarters and kennels, the humane treatment of dogs and cats while in the kennels, maintenance of
5 detailed records showing the person from whom any dog or cat aged over three months has been
6 received, and in the case of a dealer, including address, driver's license number or social security
7 number, and to whom it has been transferred, and preservation of the records for a minimum period of
8 two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data
9 collected. A payment from a dealer to a person from whom the dealer buys dogs or cats must be by
10 check, payable only to that person. The check must contain the dealer's name and address.

11
12 **347.36 Advertising.**

13 All advertising by any person, firm, or corporation licensed hereunder shall include the number of the
14 current license issued to such licensee.

15
16 **347.37 Public access; notice; inspection; enforcement.**

17 The Board of Animal Health shall cause to be inspected from time to time all kennels and dealers
18 licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.
19 Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or humane agent
20 appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises
21 of any kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the
22 purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the
23 rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40;
24 except that humane agents shall not enter upon the premises of a licensed veterinarian acting as a
25 kennel. Each dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily
26 readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2)
27 that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is
28 open to the public. The notice must be placed in at least two locations on the premises, one of which
29 must be on or near the exterior mail delivery point and one of which must be at the regularly used point of
30 exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time
31 the premises is open to the public. Dealers are required to be open to the public on a regular basis at
32 least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week
33 including at least one Saturday or Sunday. Any advertisement placed by a dealer seeking dogs or cats
34 must inform the public that dogs and cats brought to the dealer may be used for research purposes.

35
36 **347.38 Revocation of license.**

37 The Board of Animal Health may as hereinafter set forth revoke or suspend the license of any person,
38 firm, or corporation, for violation of sections 346.55 and 347.31 to 347.40 or the rules issued pursuant to
39 sections 347.31 to 347.40. Upon written complaint made to the board by any person, firm, or corporation
40 alleging any violation of sections 347.31 to 347.40 or any rules pursuant thereto by any licensee, the
41 board may cause an investigation to be made upon matters related in said complaint. Thereupon the
42 board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the
43 complaint is made to correct the conditions or violations complained of within ten days after receipt of
44 written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to
45 remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or
46 if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days'
47 notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a
48 kennel or as a dealer should be revoked or temporarily suspended. If after notice and hearing the board
49 finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any
50 rule issued by the board has been violated by the licensee, the board may revoke and suspend the
51 license. The possession or transfer of a dog or cat by a dealer to an institution, without the permission of
52 the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a
53 dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license
54 revocation. The licensee whose license is revoked or suspended may within 20 days after the board's
55 decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the
56 appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the
57 decision of the board in a manner as though reviewed by certiorari, except that new or additional
58 evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the
59 disposition of the case.

*exotic
animal
import
guide
lines*



347.39 Penalties.

Violation of any provision of sections 347.31 to 347.40 or of any rule of the Board of Animal Health issued pursuant to sections 347.31 to 347.40, or operation of a kennel or as a dealer without a license, or operation of a kennel or as a dealer after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

347.40 Exceptions.

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

Minnesota Rules

1721.0520 Kennels.

Subpart 1. **Kennels and kennel dealers; licenses.** A person licensed by the board to operate as a kennel or kennel dealer must comply with this part and must apply for a license in accordance with Minnesota Statutes, sections 347.31 to 347.40.

Subp. 2. **Inspections.** Periodic inspections must be made pursuant to Minnesota Statutes, section 347.37. Upon request, the board must be allowed to inspect any building or structure on a premises where a kennel is operated.

Subp. 3. **Veterinary care.** A kennel or kennel dealer must establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a licensed veterinarian. A written program of veterinary care, signed and dated by the veterinarian and kennel manager, must be kept on file at the kennel and available for review by the board upon request. The program of veterinary care must be reviewed by the kennel manager and veterinarian annually and updated as needed. The veterinarian must visit the facility as often as necessary to supervise the program, with a minimum of an annual visit. Sick or injured animals must receive veterinary care promptly.

Subp. 4. **Control of pests.** The kennel or kennel dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

Subp. 5. **Kennel premises and facilities.** All licensed kennels must meet the following requirements.

A. All housing facilities must be structurally sound and maintained in good repair.

B. All animals must be housed in an indoor facility maintained at a temperature of not less than 50 degrees Fahrenheit. Animals may be provided temporary access to outdoor runs and exercise areas when appropriate for the species, breed, and weather conditions.

C. All housing facilities must have at least eight hours of illumination, either natural or artificial, sufficient to permit routine inspection and cleaning.

D. All housing facilities must be adequately ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at the floor level.

E. Carcass and garbage disposal facilities must be provided and managed to minimize vermin infestation, odors, and disease hazards.

F. Adequate storage and refrigeration must be provided and managed to protect food supplies against contamination and deterioration. Open bags of food must be stored in vermin-proof containers.

G. The premises, housing facilities, exercise areas, and confinement areas must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition. Animal confinement areas must be cleaned at least once daily. Measures must be taken to protect animals from being splattered with water or feces and from exposure to harmful chemicals during cleaning. Bedding, if used, must be kept clean and dry. Outdoor runs and exercise areas must be kept clean and soiled base material must be replaced as necessary.

Subp. 6. **Animal housing and confinement areas.**

A. Confinement areas must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable, normal position. The confinement area must be constructed so as to prevent injury to the dog or cat. Interior surfaces of indoor confinement areas must be constructed and maintained so that they are substantially impervious to moisture, provide for rapid drainage, and may be readily cleaned.

B. Dogs or cats must not be confined by chains or by tethering.



1 C. For animals housed in the same primary confinement area: (1) dogs or cats must be maintained in a
2 compatible group; (2) puppies or kittens must not be housed with adult dogs or cats other than their dam;
3 (3) any dog or cat exhibiting a vicious disposition must be housed separately; and (4) females in estrus
4 must not be confined in the same confinement area with males.
5 D. Dogs or cats with clinical signs of infectious, contagious, or communicable disease must be separated
6 from other dogs or cats.
7 **Subp. 7. Feeding of dogs and cats.**
8 A. Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the
9 normal daily nutritive requirements for the dog's or cat's age, size, and condition. Feed standards must be
10 those recommended by the National Research Council.
11 B. Clean potable water must be made available to all dogs and cats at least twice daily for periods of not
12 less than one hour.
13 C. All feeding and watering receptacles must be kept clean and sanitary. The receptacles must be
14 accessible to each animal and located so as to minimize contamination by excreta. Disposable food
15 receptacles must be discarded when soiled.
16 **Subp. 8. Identification.** Each dog and cat in a kennel must be identified with a numbered tag affixed to
17 the neck by the means of a collar, identification attached to the cage, microchip, or by other means
18 approved by the board.
19 **Subp. 9. Records.** Records required in this part must be maintained for a minimum of two years and
20 available to duly authorized agents upon demand at any reasonable time. A licensed kennel or kennel
21 dealer must maintain the following records for each animal handled:
22 A. the date of acquisition and disposition;
23 B. the name and address of the person from whom a dog or cat was received and, in the case of a kennel
24 dealer, the person's driver's license number or Social Security number;
25 C. the identification of each dog or cat confined to the premises;
26 D. description of the dog or cat by approximate age, breed, and sex, and other distinguishing traits;
27 E. the name and address of the person to whom a dog or cat was transferred;
28 F. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals
29 housed on the premises; and
30 G. for impounded or stray animals, the location at which the animal was found or taken.
31 **Subp. 10. Holding period for impounded or stray animals.**
32 A. With the exception of items B and C, an impounded or stray animal must be held for redemption by the
33 owner for at least five regular business days or for a longer time specified by statute or municipal
34 ordinance.
35 B. Upon a proper determination by a licensed veterinarian, an impounded or stray animal may be
36 immediately euthanized if the animal is physically suffering and is beyond cure through reasonable care
37 and treatment.
38 C. An impounded or stray animal that has bitten a human may be euthanized and tested for rabies before
39 the required five-day holding period if requested by the Department of Health.
40 **Subp. 11. Transportation of dogs and cats.** A dog or cat must be transported in a vehicle equipped with
41 ample cargo space and confinement areas. The dog and cat cargo space must be constructed and
42 arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size,
43 and disposition. Separate confinement areas must be provided for females in estrus. A dog or cat must
44 not be placed in a confinement area over other animals unless the upper confinement area is constructed
45 to prevent excreta from entering the lower confinement area. All confinement areas and cargo space
46 must be cleaned and disinfected between uses. The number of dogs or cats transported at one time must
47 not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide
48 sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust
49 fumes.
50 **Subp. 12. Dogs or cats may not be used for breeding.** No person shall allow a dog or cat housed in a
51 kennel facility to be used for breeding. This part does not apply to a veterinary clinic licensed to operate a
52 kennel.
53 **Subp. 13. Complaints and cost recovery.**
54 A. The board may investigate a written complaint alleging a violation of Minnesota Statutes, sections
55 347.31 to 347.40, or these rules, in accordance with Minnesota Statutes, section 347.38
56 B. Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or
57 347.31 to 347.40, must be deposited into the general fund.



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
Division of Enforcement

Permit Number _____

APPLICATION AND SPECIAL PERMIT TO TRAIN DOGS AFIELD

Permission is hereby granted to: Andrew Skluzacek Wild Acre Kennels, LLC
(Name of Individual or Organization)

(Phone No. 507-210-8481) 20542 440th St. LeCenter, MN 56057
(Mailing Address: City/State/Zip Code)

Permits are as indicated below, subject to all included restrictions.

<input checked="" type="checkbox"/>	DOG TRAINING ON DNR ADMINISTERED LANDS (NOT involving the use of live ammunition or the taking of birds)
	<ol style="list-style-type: none"> Valid during the period April 16 through July 14, only on land administered by the DNR. This does not include Wildlife Management Areas (WMA's) See note below. May only carry firearm with blanks cartridges and shells on person during closed season for any game bird Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. <p>NOTE: WMA's do NOT allow this activity due to ground nesting birds during this timeframe. This permit is not valid without a Special Use Permit from other Division Land Managers.</p>
<input checked="" type="checkbox"/>	DOG TRAINING (using live ammunition and/or taking domestic or banded game farm birds) Individual Permit
	<ol style="list-style-type: none"> Domesticated birds, other than pigeons, and game farm birds must be marked in a manner that makes them visually identifiable prior to being taken, by either marking with dye, or with a streamer attached to the leg. A band alone does not constitute sufficient visual identification of game farm birds. Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. This permit does not allow the taking of wild birds.
<input type="checkbox"/>	DOG TRAINING FIELD TRIALS (using live ammunition or taking of birds) May only be issued to an Organization
	<ol style="list-style-type: none"> Domesticated birds, other than pigeons, and game farm birds must be marked in a manner that makes them visually identifiable prior to being taken, by either marking with dye, or with a streamer attached to the leg. A band alone does not constitute sufficient visual identification of game farm birds Permittee must comply with all applicable ordinances and zoning laws. Local ordinances may restrict the discharge of firearms and allowing dogs to run off lead. This permit does not allow the taking of wild birds. The Commissioner may limit the number of dates approved.

Organizational Field Trials must be listed below and are valid only for the property described:

	County	Township	Range	Section(s)	Dates
1.					
2.					
3.					

By: _____

Director's Signature (Regional Supervisor/Designee)

Date: _____

This permit is not transferable and expires on December 31, _____

cc: CO _____

FILE

Return to the DNR Regional Law Enforcement Offices marked below:

- | | | |
|--|---------------------|--------------------|
| <input type="checkbox"/> Region 1-2115 Birchmont Beach Rd. NE, Bemidji, MN 56601 | Tel. (218) 308-2673 | Fax (218) 755-4066 |
| <input type="checkbox"/> Region 2-1201 East U.S. Hwy 2, Grand Rapids, MN 55744 | Tel: (218) 328-8802 | Fax (218) 327-4507 |
| <input type="checkbox"/> Region 3-1200 Warner Road, Saint Paul, MN 55106 | Tel: (651) 259-5882 | Fax (651) 772-7907 |
| <input checked="" type="checkbox"/> Region 4-21371 State Hwy 15 South, New Ulm, MN 56073 | Tel: (507) 359-6043 | Fax (507) 359-6018 |

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BY: _____



Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 3

M. Keller

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Michael and Nancy Keller

911 ADDRESS: 22708 West Francis Lane, Elysian 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 ¼ 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



PROPOSED SITE PLAN

LOT 11, MUELLERLEILE

PART OF GOVERNMENT LOT 2, SECTION 33-T109N-R24W

NOTE:
LE SUEUR COUNTY BERNES BLUFF AS
A SLOPE TALLER THAN 10' AT
GREATER THAN 15% SLOPE

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.

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

Applicant: MICHAEL & NANCY KELLER

Land Owner: MICHAEL & NANCY KELLER

Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING AND FILLING APPROXIMATELY 139.5 CUBIC YARD OF MATERIAL FOR THE CONSTRUCTION OF A RETAINING WALL WITHIN THE 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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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: 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

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 Michael and Nancy Keller
Mailing Address 1745 Denmark Place
City Owatonna State MN Zip 55060
Phone # 507-451-3792 Phone # 507-213-6149

II. Landowner:

Name Michael and Nancy Keller
Mailing Address 1745 Denmark Place
City Owatonna State MN Zip 55060
Property Address 22708 West Francis Lane
City Elyria State MN Zip 56028
Phone # 507-451-3792 Phone # 507-213-6149

III. Parcel Information:

Parcel Number 04.670.0110 Parcel Acreage _____
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Elyria Section 33
Subdivision Francis Lot 11 Block _____

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

Elyria Township notified on 5/12/17
(Township Name) (Date)
Board Member Kathy Reints 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 (¹⁵23) 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.**

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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: _____

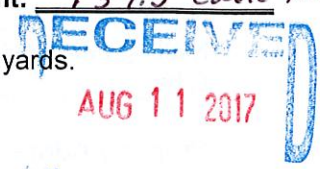
Cubic yards of material movement: 95 ex 44.5 fill

Cubic yards of material movement: _____

Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 139.5 cubic yards

- ☐ 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: 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: _____
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.


Applicant signature

5/10/2017
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

5/10/2017
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: 95 ex 44.5
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 139.5 cy

Pre-App Date 8-11-17
 Meeting Date 9-14-17
 60 Day _____
 Zoning District RR

Lake Classification PD
 Lake Francio
 FEMA Panel # 27079C0 425 D
 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 / DesignCOC
6-17-16☒ Site Plan☒ Erosion Control Plan☒ Meeting Reg / ATF / Spec☒ Full Legal☐☐ Fee \$ 796-☒ Ordinance☐ Other _____☐ Penalty \$ _____

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

8-11-17
 Date

17282
 Permit #



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.



VIII. Description of Request:

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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: Michael & Nancy Keller PID: _____
Mailing Address: 1745 Denmark Pl. Owatonna, MN 55060
Property Address: 22708 W. Francis Lane, Elvaston, MN 56028
Phone: (507) 451-3792 Mobile/Cell: (507) 213-6149

Responsible party for Implementation/Inspection: Chase Thiele
Address: 4850 90th St W Webster MN
Phone: (701) 361-8100 Mobile/Cell: (701) 361-8100

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.

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BY: mm

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.

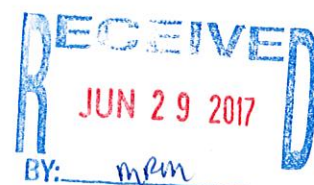
Nancy Geller
(Property Owner)

CJ R.
(Person Responsible for Implementation)

6/13/17
(Date)

6/19/17
(Date)

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

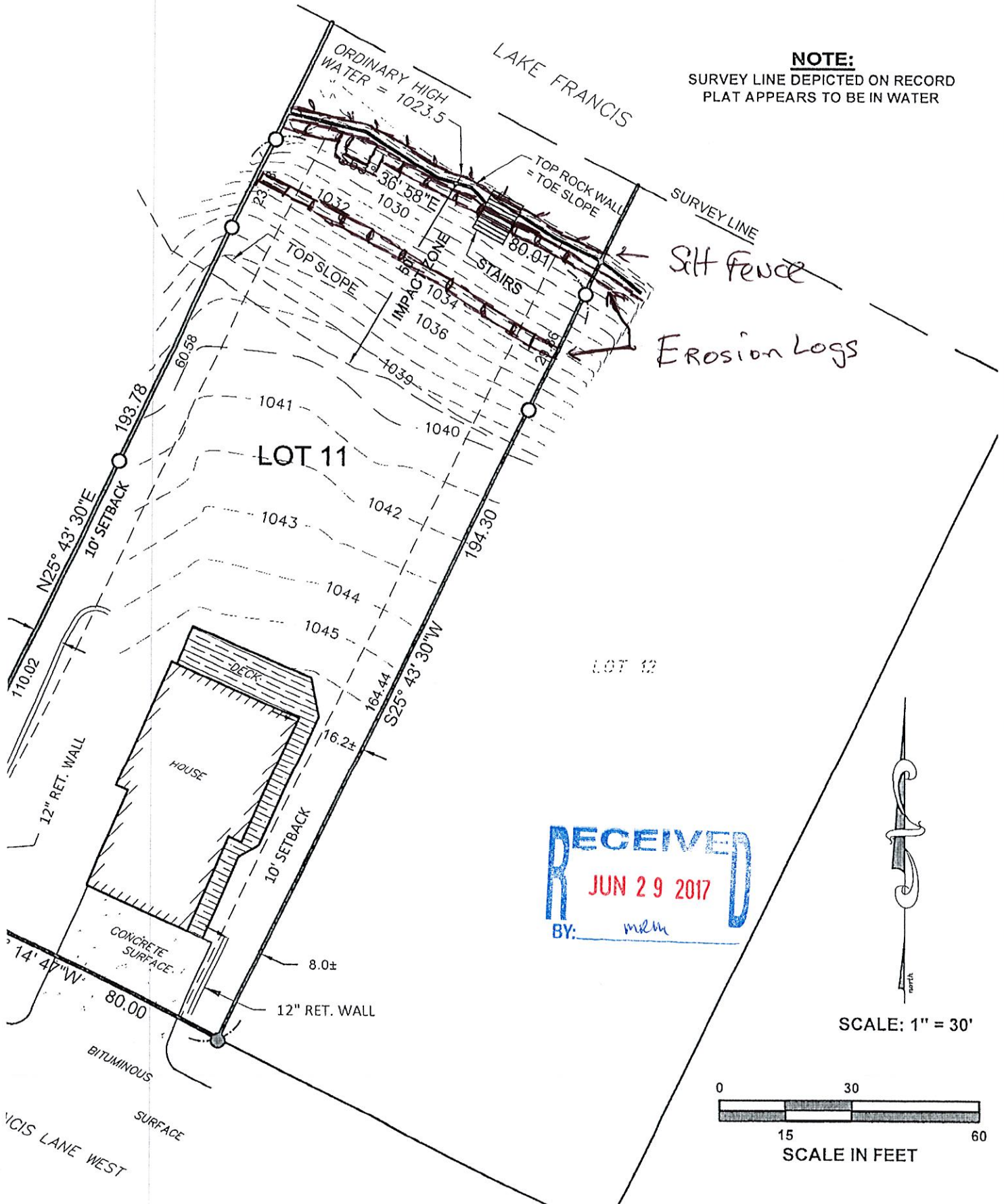


CERTIFICATE OF SURVEY

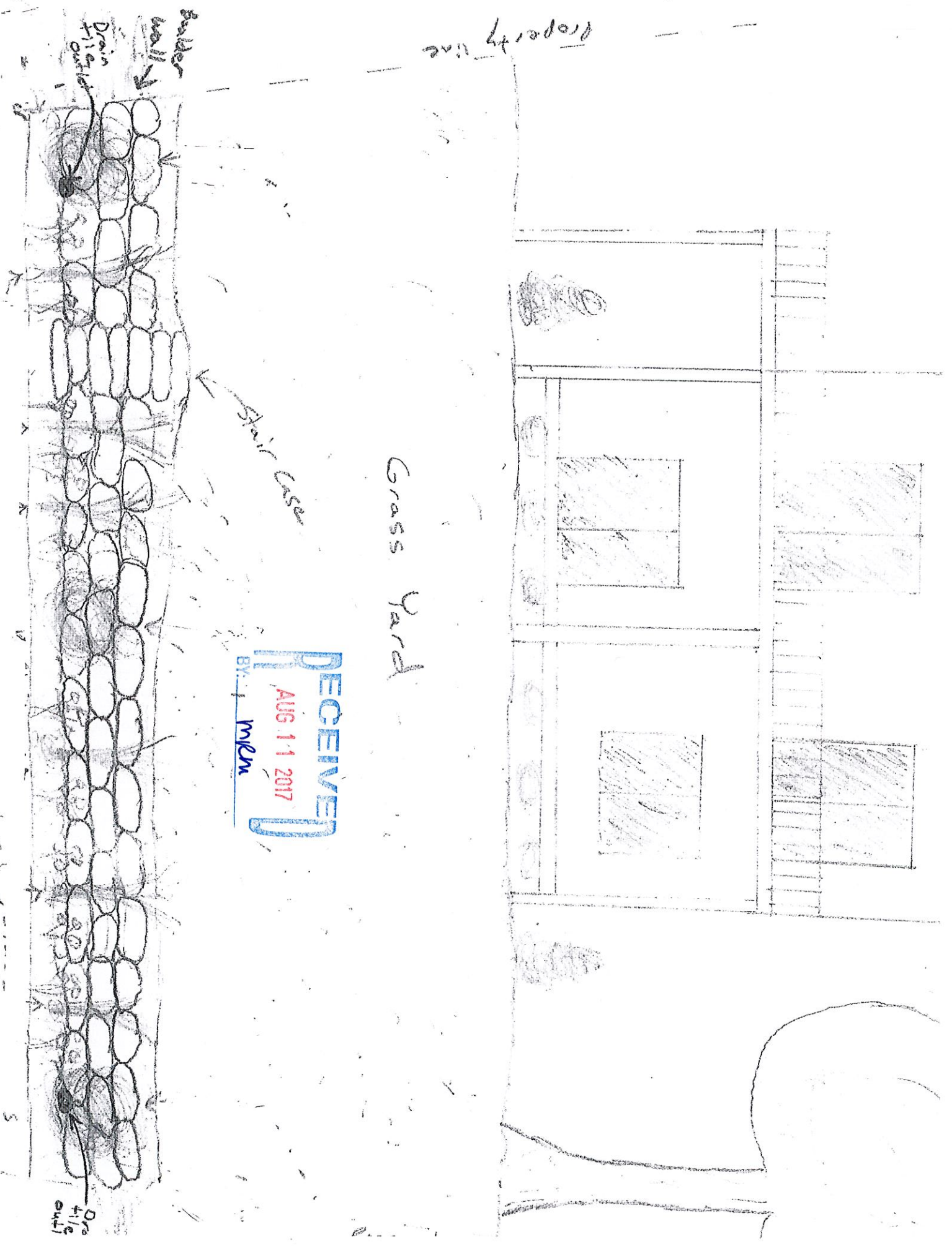
LOT 11, MUELLERLEILE

PART OF GOVERNMENT LOT 2, SECTION 33-T109N-R24W

NOTE:
SURVEY LINE DEPICTED ON RECORD
PLAT APPEARS TO BE IN WATER



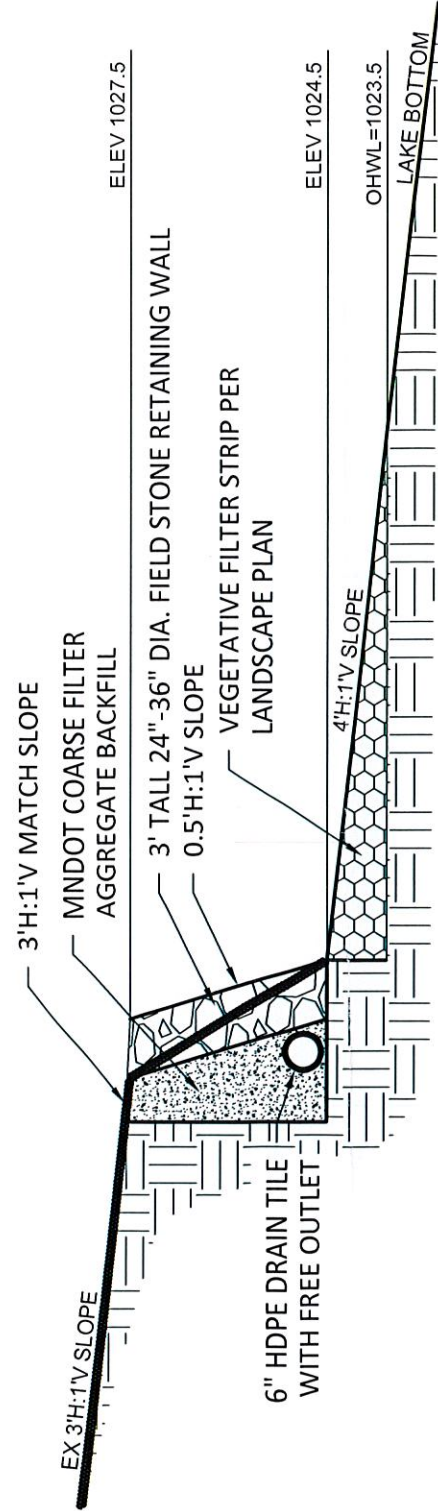
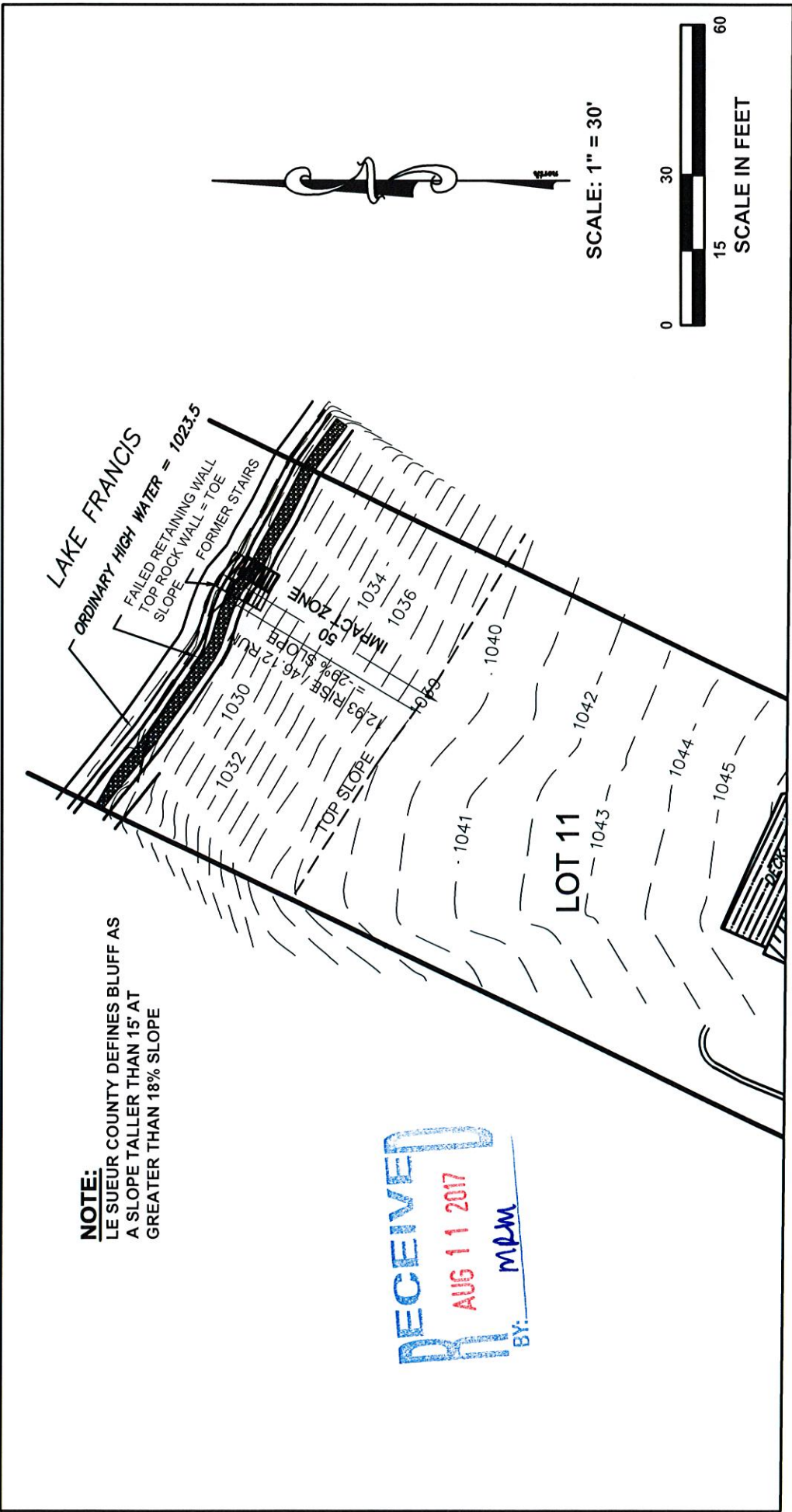
LEGAL DESCRIPTION OF RECORD



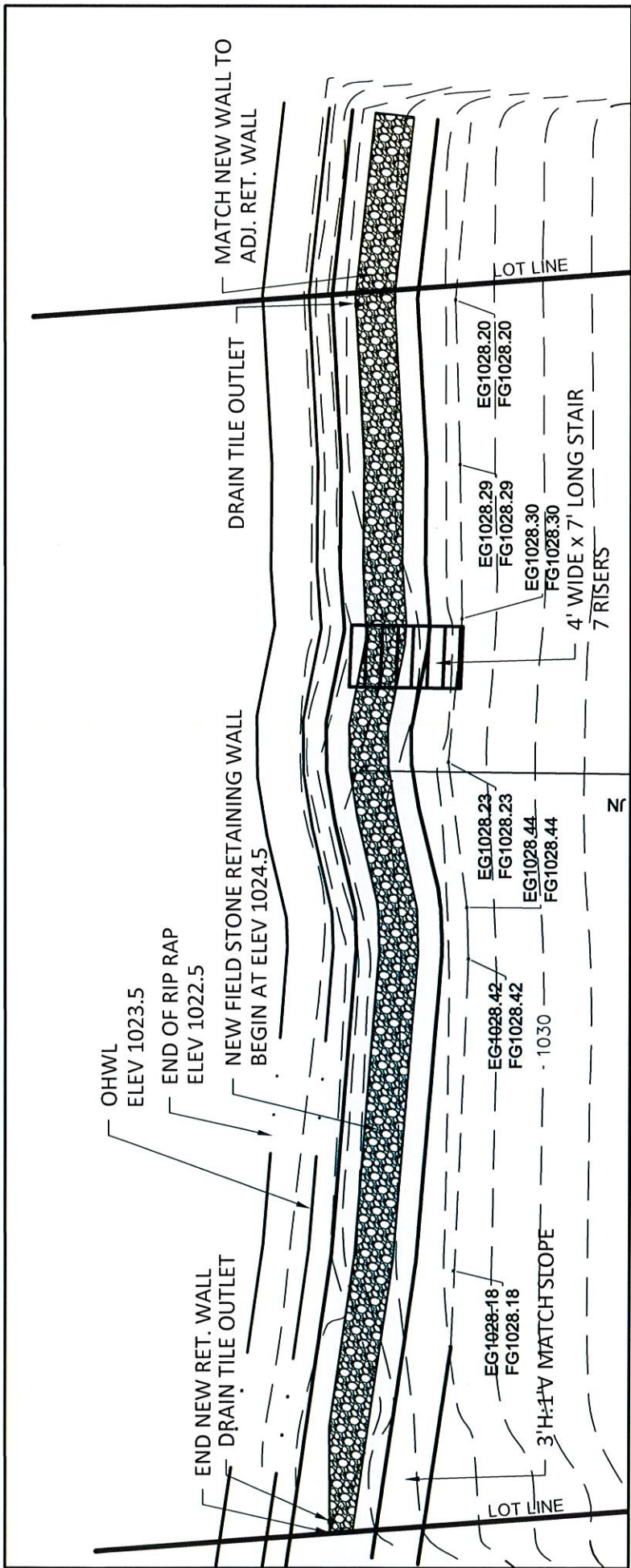
PROPOSED SITE PLAN

LOT 11, MUELLERLEILE

PART OF GOVERNMENT LOT 2, SECTION 33-T109N-R24W



RETAINING WALL - SECTION
NO SCALE



RETAINING WALL - DETAIL GRADING PLAN
1"=10'

FOR: NANCY KELLER	Date: 06/13/2017 Revised date: 8/4/17 Drawn by: SMH, SAT Survey: SAT, BPH Field Book: - Page 1 of 1 Coord-System: MNDOT CO. NAD83 (07) Job No: 16-1117 File 1981	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Professional Engineer under the laws of the State of Minnesota. John H. Schulte V, PE Date: 8/4/17 License No. 44639 JONES HAUGH SMITH Engineers + Surveyors 515 South Washington Ave. Albert Lea, MN 56007 507-373-4876 415 West North Street Owatonna, MN 55060 507-451-4598
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Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 4

Le Sueur County SWCD (Applicant), B. Brockway (Owner)

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: LE SUEUR COUNTY SOIL WATER CONSERVATION DISTRICT (SWCD)
OWNER: BRANDON BROCKWAY

911 ADDRESS: 18500 400TH St. Le Center MN 56057

PROJECT DESCRIPTION: Allow grading, excavating, and filling of approximately 15 cubic yards of material for a shoreland restoration project in a Special Protection "SP" District, on a Recreational Development "RD" lake, Lake Volney.

ZONING ORDINANCE SECTIONS: Sections 13.1, 18

ZONING DISTRICT PURPOSE: The intent of the Special Protection (SP) District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 makes 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.

SITE INFORMATION

LOCATION: Government Lot 3, Section 31, Montgomery Township

ZONING: Special Protection "SP" District

GENERAL SITE DESCRIPTION: Existing recreational site south of existing home site.

ACCESS: Documentation from the Assistant County Hwy. Engineer as to approval of the existing entrance as a temporary construction entrance for the parcel. The plan as submitted is suitable for the Hwy. Department, as noted any dirt or debris carried onto County Road 136 shall be removed by the contractor.

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Lake Volney
East:	Wetlands, Scattered home sites, Ag	West:	Ag

TOWNSHIP BOARD NOTIFICATION

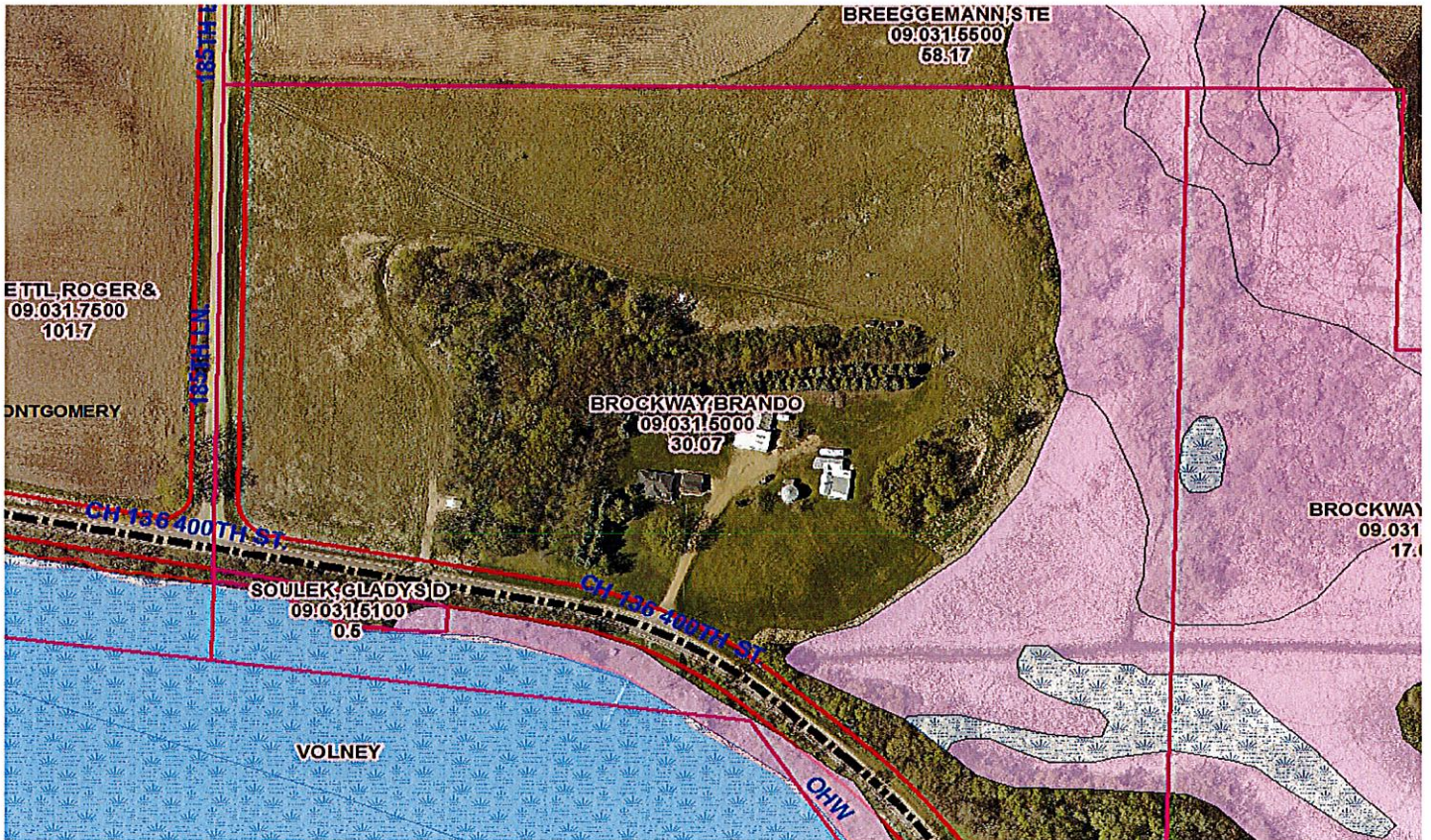
The applicant notified Sue Prehal, Montgomery Township Board member on August 11, 2017.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, *Types 1 & 6* wetlands located in the quarter-quarter section where the project is proposed.

AERIAL PHOTO/SITE PLAN



CONSTRUCTION NOTES:

THE OWNER IS RESPONSIBLE FOR OBTAINING LAND RIGHTS AND LOCAL, STATE, AND FEDERAL PERMITS ON ERIE FORMATION NECESSARY TO PERFORM AND MAINTAIN THE PROJECT.

BEFORE START OF CONSTRUCTION, THE OWNER OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR IS RESPONSIBLE FOR OBTAINING NOTICE BY CALLING "MONROE STATE ONE-CALL" AT (800) 333-1000 AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

THE CONTRACTOR SHALL COORDINATE WITH THE OWNER TO LOCATE ANY PRIVATE UTILITIES THAT MAY BE IN THE VICINITY OF THE PROJECT. THE SOUTH CENTRAL TECHNICAL SERVICE AREA MAKES NO REPRESENTATION OF THE EXISTENCE OR NON-EXISTENCE OF UTILITIES. THE ABSENCE OF UTILITIES ON DRAWINGS DOES NOT ASSURE THAT THERE ARE NO UTILITIES ON SITE.

A PRE-CONSTRUCTION CONFERENCE WITH THE OWNER, CONTRACTOR(S), SAVED REPRESENTATIVE, AND SOUTH CENTRAL TECHNICAL SERVICE AREA SHALL BE SCHEDULED ONE WEEK PRIOR TO START OF CONSTRUCTION. ANY WORK DONE BEFORE CONFERENCE WILL BE REOPENED FOR PROJECT APPROVAL AND FUNDING.

MINNESOTA SPECIFICATIONS FOR CONSTRUCTION PRACTICES APPLY FOR ALL MATERIALS AND CONSTRUCTION WORK. THESE SPECIFICATIONS ARE PART OF THIS PLAN.

CHANGES IN THE DRAWINGS OR SPECIFICATIONS MUST BE AUTHORIZED BY THE OWNER AND THE RESPONSIBLE ENGINEER.

PROTECT EXISTING STRUCTURES AND TREES FROM DAMAGE.

RESTORATION NOTES:

SEED DISTURBED AREAS WITH MINNESOTA STATE SEED MIX 10-151 (LOW MAINTENANCE TURF) AT A RATE OF 225 POUNDS PER ACRE.

PROTECT DISTURBED AREAS WITH EROSION CONTROL BLANKET, MNDOT 3055 CATEGORY 2A.

ESTIMATED QUANTITIES						
ITEM	ITEM DESCRIPTION	QTY	UNIT	CONSTR. SPCL.	MINN. SPEC.	NOTES
1	MOBILIZATION	1	L.S.			
2	FLUSH AND INSTALL GEOTEXTILE FABRIC (MINN. MNDOT TYPE 9) (see sheet 2 for details)	350	S.F.	SEE SHEET 2	3733	
3	FLUSH AND INSTALL RIPRAP (BROOK CLASS 40) (QUANTITIES) (includes 10 s.p. above and 100 s.p. below) (see sheet 2 for details)	170	TOWS	SEE SHEET 3	3401	(A)(B)
4	SEED DISTURBED AREAS (approximately 5000 square feet)	1	L.S.	100-B		
5	EROSION CONTROL BLANKET, MNDOT CAT. 2A	500	S.F.	100-B	3055	

NOTES:

(A) THE OWNER MAY elect to install FIELD STONE AS REINFORCEMENT INSTEAD OF CLASS 40 RIPRAP. THE FIELD STONE SHALL MEET THE GRADATION LISTED ON SHEET 2.

(B) EXCAVATION FOR RIPRAP INSTALLATION AND MINOR SLOPE GRADING IS INCIDENTAL.

THE FOLLOWING SECTIONS FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" (2010 EDITION) ARE REFERENCED IN THE PLANS:

8501 RIPRAP MATERIALS
3733 GEOTEXTILES
3055 ROLLED EROSION CONTROL PRODUCTS

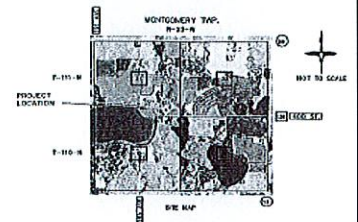
SHORELINE PROTECTION

PREPARED FOR: AUG 8 2017

BRANDON BROCKWAY

AND THE

LE SUEUR COUNTY
SOIL & WATER
CONSERVATION DISTRICT



RECEIVED
AUG 14 2017
BY: [Signature]

SHEET INDEX

SHEET NO.	TITLE
1	COVER SHEET
2	CROSS SECTION & PLAN VIEW

ENGINEERING DESIGN DATA
BANK HEIGHT = 1.5 FT.
WAVE PROTECTION HEIGHT = 1.4 FT.

CONSTRUCTION CERTIFICATION STATEMENT

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

DESIGN

PRINT NAME: RYAN T. JONES
SIGNATURE: [Signature]
DATE: 8-4-17 LICENSE # 45522

DESIGN

DESIGNED: [Signature]
CHECKED: [Signature]
DATE: 8/21/17

DESIGN

DESIGNED: [Signature]
CHECKED: [Signature]
DATE: 8/21/17

SOUTH CENTRAL
TECHNICAL SERVICE AREA
1160 S VICTORY DRIVE
WAXHART, MN
(800) 345-1051

BRANDON BROCKWAY
SHORELINE PROTECTION

COVER SHEET

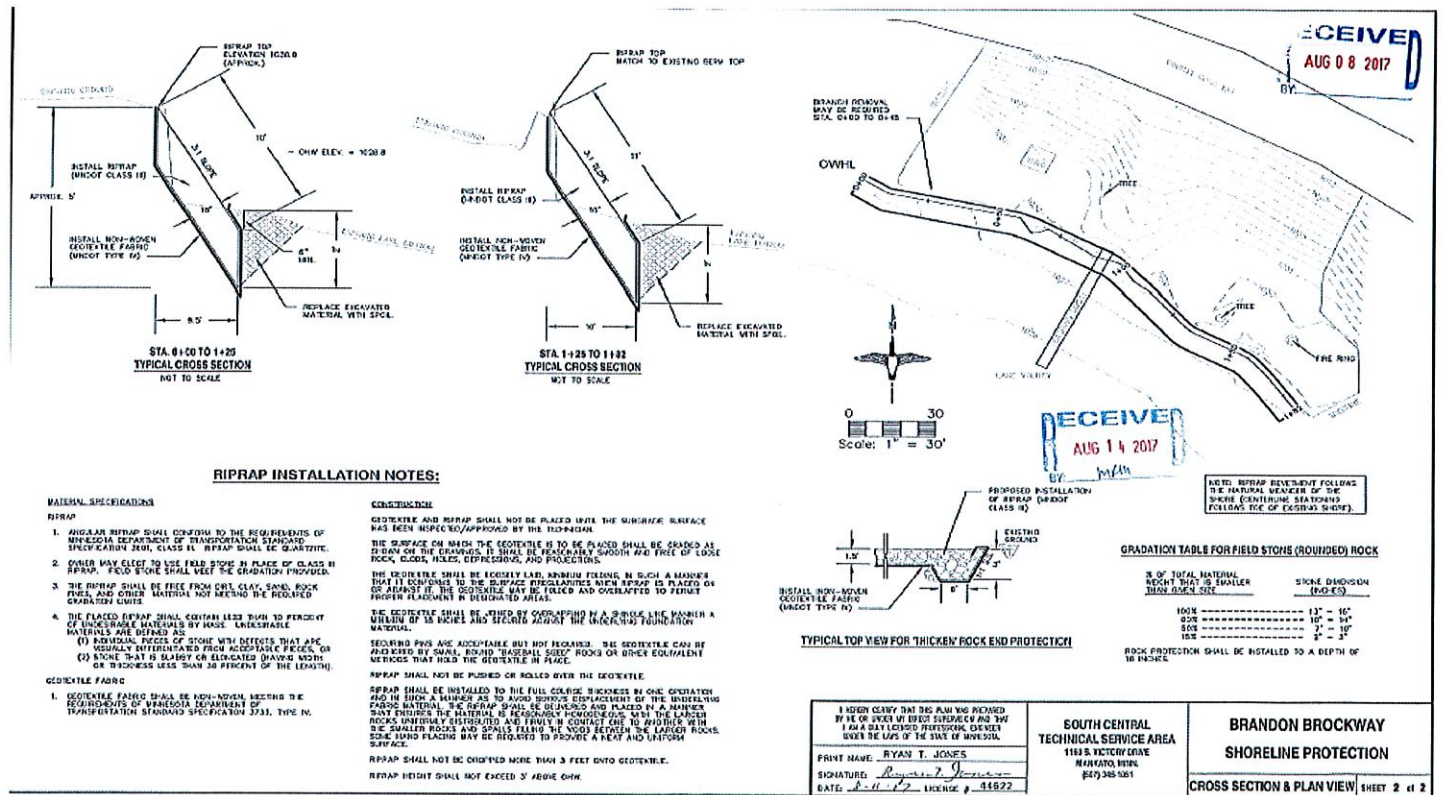
Sec. 31 T. 111 N. R. 23 W.

County: LE SUEUR

Township: MONTGOMERY

Map: LE CENTER

SHEET 1 of 2



ATTACHMENTS

Application, Criteria Form, Narrative, Survey, 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:

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.

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 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 Le Sueur Co SWCD
Mailing Address 181 W. Minnesota St
City Le Center State MN Zip 56057
Phone # 507-357-4879 Phone # _____

II. Landowner:

Name Brandon Breckley
Mailing Address 18500 400th St
City Le Center State MN Zip 56057
Property Address 18500 400th St
City Le Center State MN Zip 56057
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 09.031.5000 Parcel Acreage 30.07
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Montgomery, Ill Section 31
Subdivision _____ Lot _____ Block _____

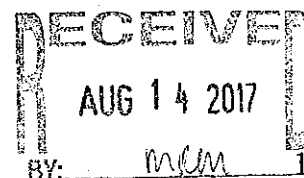
IV. Township Notification: Township must be notified of proposed use prior to application.

Montgomery Township notified on 8/11/17
(Township Name) (Date)

Board Member Sue Prehal 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: 0
Cubic yards of material movement: 15
Cubic yards of material movement: 0
Cubic yards of material movement: 0
TOTAL cubic yards of material movement: 15

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

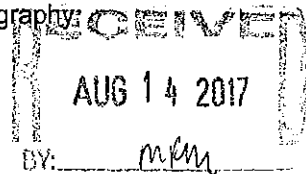
VIII. Description of Request:

- 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: See Attached
2. ADVERSE IMPACT ON SURROUNDING AREAS: See Attached
3. STORMWATER RUNOFF: See Attached
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: Yes
5. WETLAND IMPACT: None
6. SLOPE STABILITY: NA
7. CERTIFICATE OF INSURANCE: NA
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) NA

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

8-18-17
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.


Property Owner signature

7/11/17
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: 15
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 15

Pre-App Date 8-14-17
 Meeting Date 9-14-17
 60 Day 10-13-17
 Zoning District SP

Lake Classification R1D
 Lake Volney
 FEMA Panel # 27079C0 300 D
 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 -Temporary☒ Septic Comp Insp / Design☒ Site Plan☒ Erosion Control Plan☒ Meeting Reg / ATF / Spec☒ Full Legal☐☒ Fee \$ 796 - 750-In-Kinc☒ Ordinance☐ Other _____☐ Penalty \$ / 46-Fingtg☐ Application Complete

Michelle R. Mott
 Planning & Zoning Department Signature

Date

17285
 Permit #

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17285

Applicant: LE SUEUR COUNTY SWCD

Land Owner: BRANDON BROCKWAY

Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING AND FILLING OF APPROXIMATELY 15 CUBIC YARDS OF MATERIAL IN A SHORE IMPACT ZONE FOR A SHORELAND RESTORATION PROJECT.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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 _____

Project Description:

This project is engineered to protect a rapidly eroding shoreline on Lake Volney. Work will be done to follow the natural meandering of the shoreline. We plan to use Class III Quartzite as the riprap. Dimensions of the riprap will be 182' long, 18" deep, and between 10-11' in width total with varying width above the OHWL not to exceed 3'. Erosion control blanket will be placed under the riprap and riprap will be installed in accordance to Le Sueur County Ordinance. The disturbed area will then be seeded. Erosion control blanket will be utilized on site to ensure protection from erosion and the area will be reseeded to provide continued protection.

1. Environmental Impacts: This project will ensure for the continued protection of an eroding shoreline. There will be some temporary, incidental impacts during construction such as bare soil and disturbing settled sediment within the project boundary, but these will be minimal and short term.
2. Adverse Impact on surrounding areas: Completion of this project will not cause any adverse impact to the surrounding properties.
3. Stormwater Runoff: This project will not cause any stormwater runoff impacts. Erosion controls will be in place on site while work is being done and disturbed areas will received erosion control measures and will be seeded once work is completed.

Restoration Plan:

Upon completion of the project soil stability will be ensured through the use of erosion control blanket and vegetated cover (seeding will be completed once site work is complete).



CONSTRUCTION NOTES:

THE OWNER IS RESPONSIBLE FOR OBTAINING LAND RIGHTS AND LOCAL, STATE, AND FEDERAL PERMITS OR OTHER PERMISSION NECESSARY TO PERFORM AND MAINTAIN THE PRACTICE.

BEFORE START OF CONSTRUCTION, THE OWNER OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR IS RESPONSIBLE FOR GIVING NOTICE BY CALLING "GOPHER STATE ONE-CALL" AT (800) 252-1166 AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

THE CONTRACTOR SHALL COORDINATE WITH THE OWNER TO LOCATE ANY PRIVATE UTILITIES THAT MAY BE IN THE VICINITY OF THE PROJECT. THE SOUTH CENTRAL TECHNICAL SERVICE AREA MAKES NO REPRESENTATION OF THE EXISTENCE OR NON-EXISTENCE OF UTILITIES. THE ABSENCE OF UTILITIES ON DRAWINGS DOES NOT ASSURE THAT THERE ARE NO UTILITIES ON SITE.

A PRE-CONSTRUCTION CONFERENCE WITH THE OWNER, CONTRACTOR(S), SWCD REPRESENTATIVE, AND SOUTH CENTRAL TSA ENGINEER OR TECHNICIAN SHALL BE SCHEDULED ONE WEEK PRIOR TO START OF CONSTRUCTION. ANY WORK DONE BEFORE CONFERENCE WILL JEOPARDIZE PROJECT APPROVAL AND FUNDING.

MINNESOTA SPECIFICATIONS FOR CONSERVATION PRACTICES APPLY FOR ALL MATERIALS AND CONSTRUCTION WORK. THESE SPECIFICATIONS ARE PART OF THIS PLAN.

CHANGES IN THE DRAWINGS OR SPECIFICATIONS MUST BE AUTHORIZED BY THE OWNER AND THE RESPONSIBLE ENGINEER.

PROTECT EXISTING STRUCTURES AND TREES FROM DAMAGE.

RESTORATION NOTES:

SEED DISTURBED AREAS WITH MINNESOTA STATE SEED MIX 25-131 (LOW MAINTENANCE TURF) AT A RATE OF 220 POUNDS PER ACRE.

PROTECT DISTURBED AREAS WITH EROSION CONTROL BLANKET, MNDOT 3885 CATEGORY 2A.

ESTIMATED QUANTITIES

ITEM	ITEM DESCRIPTION	QUAN.	UNIT	CONST. SPEC.	MATERIAL SPEC.	NOTES
1	MOBILIZATION	1	L.S.			
2	FURNISH AND INSTALL GEOTEXTILE FABRIC (NONWOVEN, MNDOT TYPE IV) (see sheets 2 for details)	350	S.Y.	SEE SHEET 2	3733	
3	FURNISH AND INSTALL RIPRAP (MNDOT CLASS III) (QUARTZITE) (Includes: 15 c.y. above ohw and 107 c.y. below ohw) (see sheet 2 for details)	170	TONS	SEE SHEET 2	3601	(A)(B)
4	SEED DISTURBED AREAS (approximately 5000 square feet)	1	L.S.	MN-6		
5	EROSION CONTROL BLANKET, MNDOT CAT. 2A	560	S.Y.	MN-6	3885	

NOTES:

(A) THE OWNER MAY ELECT TO INSTALL FIELD STONE AS REVETMENT INSTEAD OF CLASS III RIPRAP. THE FIELD STONE SHALL MEET THE GRADATION LISTED ON SHEET 2.

(B) EXCAVATION FOR RIPRAP INSTALLATION AND MINOR SLOPE GRADING IS INCIDENTAL.

THE FOLLOWING SECTIONS FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" (2016 EDITION) ARE REFERENCED IN THE PLANS:

3601 RIPRAP MATERIALS
3733 GEOTEXTILES
3885 ROLLED EROSION CONTROL PRODUCTS

SHORELINE PROTECTION

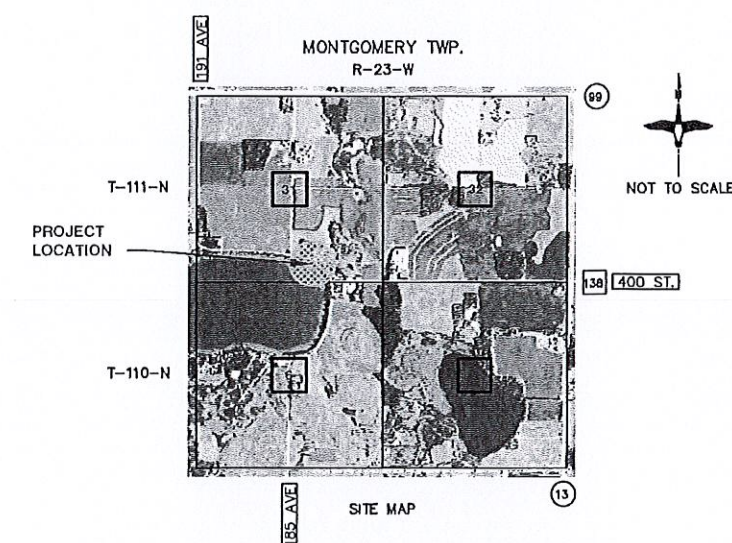
PREPARED FOR

AUG 08 2017

BRANDON BROCKWAY

AND THE

LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT



RECEIVED
AUG 14 2017
BY: *hch*

SHEET INDEX

SHEET NO.	TITLE
1	COVER SHEET
2	CROSS SECTION & PLAN VIEW

ENGINEERING DESIGN DATA
BANK HEIGHT = 1.5 FT
WAVE PROTECTION HEIGHT = 1.4 FT

CONSTRUCTION CERTIFICATION STATEMENT

I HEREBY CERTIFY THAT A FINAL INSPECTION OF THIS PROJECT HAS BEEN PERFORMED AND THAT THE WORK COMPLETED IS IN ACCORDANCE WITH THE PLAN AND SPECIFICATIONS. ANY CHANGES TO THE PLANS AND SPECIFICATIONS ARE SO NOTED.

SIGNATURE:

DATE:

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

PRINT NAME: RYAN T. JONES

SIGNATURE: *Ryan T. Jones*
DATE: 8-4-17 LICENSE # 44622

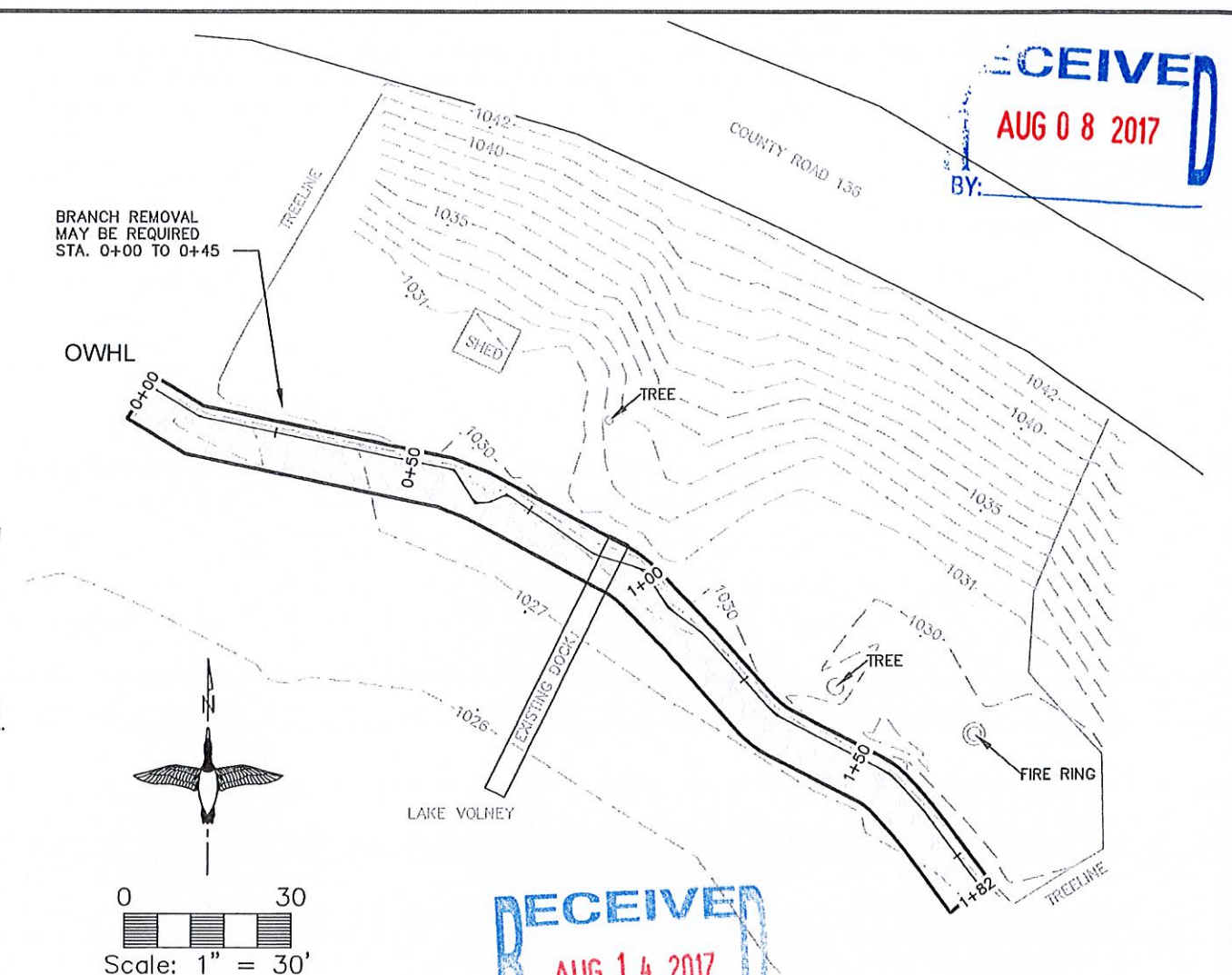
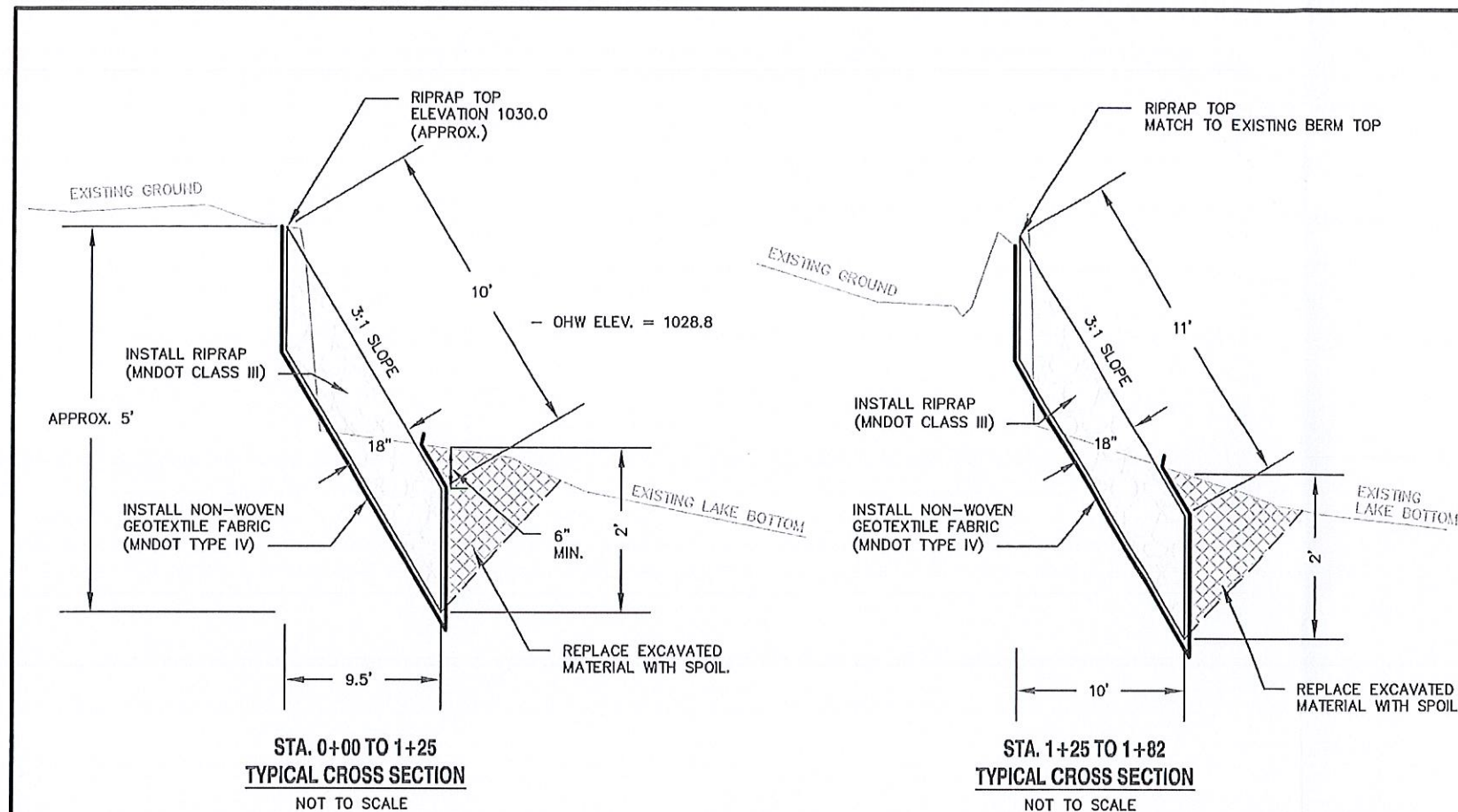
SURVEY		DESIGN		GPS
Surveyed	Date	Designed	Date	UNITS
HBB, RTJ	5/10/17	RTJ	5/17	INTERNATIONAL FEET
Drawn	Date	Drawn	Date	COORDINATE SYSTEM
HBB	5/12/17	HBB	6/17	UTM 15 NORTH
Checked	Date	Checked	Date	DATUM
		RTJ	6/21/17	NAD1983 (CONUS)
				GEOID
				GEOID03 (CONUS)

SOUTH CENTRAL
TECHNICAL SERVICE AREA
1160 S. VICTORY DRIVE
MANKATO, MINN.
(507) 345-1051

BRANDON BROCKWAY
SHORELINE PROTECTION

COVER SHEET

Sec. 31	T. 111 N.	R. 23 W.
County: LE SUEUR		
Township: MONTGOMERY		
Near: LE CENTER		SHEET 1 of 2



RIPRAP INSTALLATION NOTES:

MATERIAL SPECIFICATIONS

RIPRAP

1. ANGULAR RIPRAP SHALL CONFORM TO THE REQUIREMENTS OF MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION 3601, CLASS III. RIPRAP SHALL BE QUARTZITE.
2. OWNER MAY ELECT TO USE FIELD STONE IN PLACE OF CLASS III RIPRAP. FIELD STONE SHALL MEET THE GRADATION PROVIDED.
3. THE RIPRAP SHALL BE FREE FROM DIRT, CLAY, SAND, ROCK FINES, AND OTHER MATERIAL NOT MEETING THE REQUIRED GRADATION LIMITS.
4. THE PLACED RIPRAP SHALL CONTAIN LESS THAN 10 PERCENT OF UNDESIRABLE MATERIALS BY MASS. UNDESIRABLE MATERIALS ARE DEFINED AS:
 - (1) INDIVIDUAL PIECES OF STONE WITH DEFECTS THAT ARE VISUALLY DIFFERENTIATED FROM ACCEPTABLE PIECES, OR
 - (2) STONE THAT IS SLABBY OR ELONGATED (HAVING WIDTH OR THICKNESS LESS THAN 30 PERCENT OF THE LENGTH).

GEOTEXTILE FABRIC

1. GEOTEXTILE FABRIC SHALL BE NON-WOVEN, MEETING THE REQUIREMENTS OF MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION 3733, TYPE IV.

CONSTRUCTION

GEOTEXTILE AND RIPRAP SHALL NOT BE PLACED UNTIL THE SUBGRADE SURFACE HAS BEEN INSPECTED/APPROVED BY THE TECHNICIAN.

THE SURFACE ON WHICH THE GEOTEXTILE IS TO BE PLACED SHALL BE GRADED AS SHOWN ON THE DRAWINGS. IT SHALL BE REASONABLY SMOOTH AND FREE OF LOOSE ROCK, CLODS, HOLES, DEPRESSIONS, AND PROJECTIONS.

THE GEOTEXTILE SHALL BE LOOSELY LAID, MINIMUM FOLDING, IN SUCH A MANNER THAT IT CONFORMS TO THE SURFACE IRREGULARITIES WHEN RIPRAP IS PLACED ON OR AGAINST IT. THE GEOTEXTILE MAY BE FOLDED AND OVERLAPPED TO PERMIT PROPER PLACEMENT IN DESIGNATED AREAS.

THE GEOTEXTILE SHALL BE JOINED BY OVERLAPPING IN A SHINGLE LIKE MANNER A MINIMUM OF 18 INCHES AND SECURED AGAINST THE UNDERLYING FOUNDATION MATERIAL.

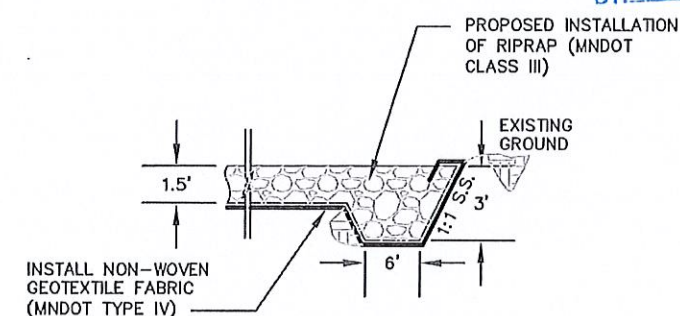
SECURING PINS ARE ACCEPTABLE BUT NOT REQUIRED. THE GEOTEXTILE CAN BE ANCHORED BY SMALL, ROUND "BASEBALL SIZED" ROCKS OR OTHER EQUIVALENT METHODS THAT HOLD THE GEOTEXTILE IN PLACE.

RIPRAP SHALL NOT BE PUSHED OR ROLLED OVER THE GEOTEXTILE.

RIPRAP SHALL BE INSTALLED TO THE FULL COURSE THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO AVOID SERIOUS DISPLACEMENT OF THE UNDERLYING FABRIC MATERIAL. THE RIPRAP SHALL BE DELIVERED AND PLACED IN A MANNER THAT ENSURES THE MATERIAL IS REASONABLY HOMOGENEOUS, WITH THE LARGER ROCKS UNIFORMLY DISTRIBUTED AND FIRMLY IN CONTACT ONE TO ANOTHER WITH THE SMALLER ROCKS AND SPALLS FILLING THE VOIDS BETWEEN THE LARGER ROCKS. SOME HAND PLACING MAY BE REQUIRED TO PROVIDE A NEAT AND UNIFORM SURFACE.

RIPRAP SHALL NOT BE DROPPED MORE THAN 3 FEET ONTO GEOTEXTILE.

RIPRAP HEIGHT SHALL NOT EXCEED 3' ABOVE OHW.



TYPICAL TOP VIEW FOR 'THICKEN' ROCK END PROTECTION

GRADATION TABLE FOR FIELD STONE (ROUNDED) ROCK

% OF TOTAL MATERIAL WEIGHT THAT IS SMALLER THAN GIVEN SIZE	STONE DIMENSION (INCHES)
100% -----	13" - 16"
85% -----	10" - 14"
50% -----	7" - 10"
15% -----	2" - 3"

ROCK PROTECTION SHALL BE INSTALLED TO A DEPTH OF 18 INCHES.

NOTE: RIPRAP REVETMENT FOLLOWS THE NATURAL MEANDER OF THE SHORE (CENTERLINE STATIONING FOLLOWS TOE OF EXISTING SHORE).

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

PRINT NAME: RYAN T. JONES

SIGNATURE: *Ryan T. Jones*

DATE: 8-4-17 LICENSE # 44622

**SOUTH CENTRAL
TECHNICAL SERVICE AREA**
1160 S. VICTORY DRIVE
MANKATO, MINN.
(507) 345-1051

BRANDON BROCKWAY
SHORELINE PROTECTION

CROSS SECTION & PLAN VIEW SHEET 2 of 2



Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 5

ISG, Brian Welch, Applicant- M. Bartlett, Owner

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: ISG, Brian Welch

OWNER: MARVIN BARTLETT

911 ADDRESS: 1408 SHOREWAY DRIVE, KASOTA MN 56050

PROJECT DESCRIPTION: ATF grading excavating and filling within the bluff and bluff impact zone for the construction of retaining wall and patio, and also GEF within the bluff and bluff impact zone for a bluff restoration project and construction of a water-oriented accessory structure.

Variance granted by the Board of Adjustment on August 21, 2017 in or to construct a structure within the bluff.

ZONING DISTRICT PURPOSE: A District, adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, 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 may be allowed.

DEFINITIONS:

SHORELAND - The land located within the following distances from public waters:

1. One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage.

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.

BLUFF - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

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

BLUFF, TOE - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

BLUFF, TOP - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

ZONING ORDINANCE SECTIONS: Sections 13 (pages 13-13) (13-16-20), Section 13.2, Section 18, Subdivision 2 and 3 (pages 18-2-6)

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to development design of natural resource areas that protects the resource and preservation of significant bluff areas.

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 needs.

Objective 1: The County should continue its preservation of significant bluff areas and river valley through its use of a Conservancy Zone.

Action 3: Require all structures to meet 30' minimum setback from the top of a bluff.

SITE INFORMATION

LOCATION: Lot 7, Block 4, La Hann's Subdivision, Section 7, Kasota Township

ZONING: Recreational Residential "RR" District on a Recreational Development "RD" lake, Washington

GENERAL SITE DESCRIPTION: platted subdivision

ACCESS: Existing access off Shoreway Drive

EXISTING LAND USE WITHIN ¼ MILE:

North: Lake Washington
East: Residential

South: Residential
West: Residential

TOWNSHIP BOARD NOTIFICATION

The applicant notified Daren Barfknecht, Washington Township Board member on August 7, 2017.

NATURAL RESOURCES INFORMATION

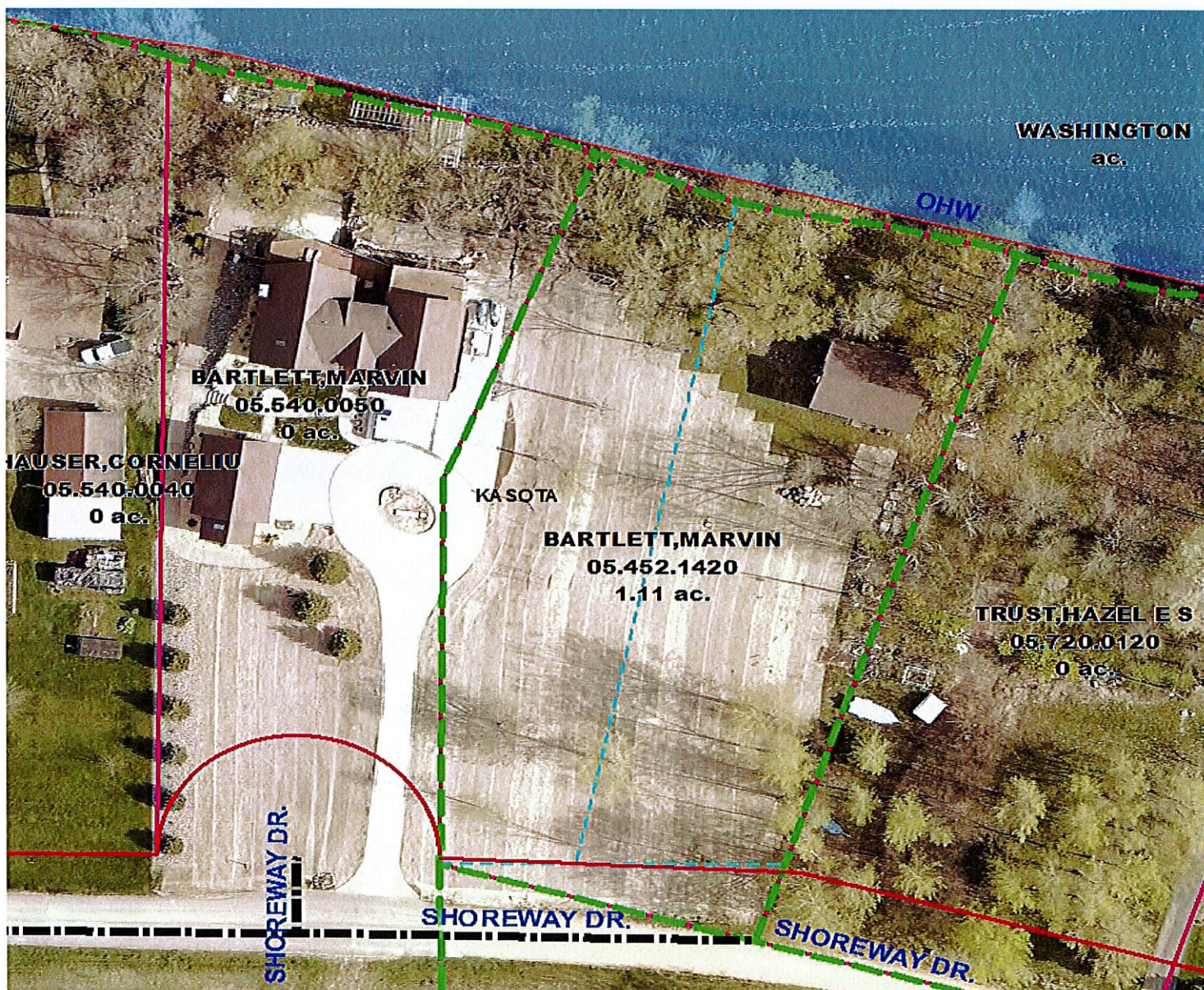
SHORELAND: The proposal is located within the Shoreland District.

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

SITE PLAN

See attached documents

AERIAL PHOTO



ATTACHMENTS

Application, Criteria Form, Letter from Joshua Mankowski, LSC Resource Specialist, Narrative, Surveys, Photos

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: (*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?*

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17296

Applicant: ISG INC BRIAN WELCH

Land Owner: MARVIN BARTLETT

Conditional Use Permit Request: ATF GRADING EXCAVATING AND FILLING WITHIN THE BLUFF AND BLUFF IMPACT ZONE FOR THE CONSTRUCTION OF RETAINING WALL AND PATIO, AND ALSO GEF WITHIN THE BLUFF AND BLUFF IMPACT ZONE FOR A BLUFF RESTORATION PROJECT AND CONSTRUCTION OF A WOAS

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	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

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 ISG, Inc. - Brian Welch

Mailing Address 1415 Town Square Lane

City Faribault State MN Zip 55021

Phone # 507.331.1500

Phone # _____

II. Landowner:

Name Marvin Bartlett

Mailing Address 1408 Shoreway Drive

City Kasota State MN Zip 56050

Property Address 1408 Shoreway Drive

City Kasota State MN Zip 56050

Phone # 612.756.3650

Phone # _____

III. Parcel Information: 65.542, 1420

Parcel Number 05.540.0050 Parcel Acreage 1.85

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

Township Kasota Township

Section SW 1/4 of SEC 7 T109 R25

Subdivision Lahanns

Lot 4

Block _____

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

Kasota

(Township Name)

Township notified on 8/7/2017

(Date)

Board Member Daren Barfknecht 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.

<input type="checkbox"/> Non-Shoreland	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff	Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____	
<input checked="" type="checkbox"/> Shoreland- Outside Shore Impact Zone	Cubic yards of material movement: <u>0</u>
<input checked="" type="checkbox"/> Within Shore Impact Zone	Cubic yards of material movement: <u>173</u>
<input checked="" type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: <u>186</u>
<input checked="" type="checkbox"/> Within Bluff	Cubic yards of material movement: <u>182</u>
TOTAL cubic yards of material movement: <u>541</u>	

☐ 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.
- ENVIRONMENTAL IMPACT:** Project will not create any adverse environmental impacts. Refer to attached narrative.
 - ADVERSE IMPACT ON SURROUNDING AREAS:** No adverse impacts to adjacent or surrounding areas. Refer to attached narrative.
 - STORMWATER RUNOFF:** A rain garden will be utilized for management of stormwater runoff.
 - DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL:** No
 - WETLAND IMPACT:** No wetlands are located in or adjacent to project area.
 - SLOPE STABILITY:** Slopes will be adequately stabilized with erosion control blanket and seeding.
 - CERTIFICATE OF INSURANCE:** Provided upon request.
 - MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:**
(For example additional licensing and/or permitting) Project will meet all applicable county, state, and federal regulations.

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.

RECEIVED
AUG 08 2017
BY: mr2m

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**
- ☒ 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.

Brian M. Webb
Applicant signature

07/10/2017
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.

Mark Battelle
Property Owner signature

7-11-17
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: 0
 Cubic yards of material movement: 173
 Cubic yards of material movement: 180
 Cubic yards of material movement: 182

TOTAL cubic yards of material movement: 541

Pre-App Date 8-8-17 - 15 Day
 Meeting Date 8-17-17
 60 Day 10-16-17
 Zoning District RR

Lake Classification LD
 Lake WAT
 FEMA Panel # 27079C0 245
 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 Michelle R. Mottley
 Planning & Zoning Department Signature

8-17-17
 Date

17296
 Permit #

RECEIVED
 AUG 08 2017
 BY: mpm

August 14, 2017

Michelle Mettler
Planning and Zoning
Le Sueur County Courthouse
88 South Park Avenue
Le Center, MN 56057

**RE: Project Description and Application Narrative for Marvin Bartlett Property
1408 Shoreway Drive, Kasota Township, Kasota, Minnesota**

Michelle,

Please consider the following project description and application narrative during the review process for the attached Conditional Use Application for Grading, Excavating, & Filing. All supplemental information required by the application has also been attached to provide a comprehensive review.

The Bartlett property is located at 1408 Shoreway Drive in Le Sueur County, Kasota, Minnesota. The property is described as Lot 4 of Lahanns Subdivision and is currently zoned as RR – Recreational Residential. The proposed use would remain RR – Recreational Residential which is consistent with the County's Comprehensive Land Use Plan.

The attached application and supplemental information are being submitted as part of a request for after-the-fact consideration for material moving activities that took place within the bluff and to continue construction of a partially complete patio and retaining walls.

The property owners were in the process of constructing a new patio and retaining walls on the north side of subject property, which included the associated grading activities, when construction was halted per Le Sueur County due to a lack of required permitting. Material movement had taken place within the bluff during the associated grading and excavating activities, and portions of the partially completed patio and retaining walls were also constructed within the bluff at that time.

An approximate 56 square foot portion of the patio, and an approximate 20 foot length section of the 1.1 foot tall retaining wall located on the north side of the patio, that were constructed within the bluff will be removed and the area of the bluff where grading and excavating activities took place will be restored per Le Sueur County requirements. All removal and restoration will be completed using the appropriate construction/earth moving equipment. After removal of these portions of the patio and retaining wall that were constructed within the bluff, the following will remain outside of the bluff (approximate dimensions):

- Patio: 9.2' W x 31.2' L
- Retaining wall (northeast of patio): 8' L x 1.1' H
- Retaining wall (south of patio): 45' L x 2.25' H

An additional retaining wall is proposed at the bluff line (between the patio and bluff) as an added support measure. This retaining wall is approximately 30' L x 1' H.

In addition, the property owners are also requesting approval of the attached CUP application as part of a request to perform additional material movement within the bluff (approximately 170 cubic yards) for grading, excavating, and filling activities associated with a proposed future re-build of the existing water orientated accessory structure (WOAS) that is currently located within the bluff. The approximate quantities of material movement (excavating and filling) per zone are outlined below.



1415 Town Square Lane + Faribault, MN 55021
507.331.1500 + www.is-grp.com

ARCHITECTURE + ENGINEERING + ENVIRONMENTAL + PLANNING

Bluff Impact Zone (features included surface grading, patio, retaining walls, and rain garden)

	Cut (CY)	Fill (CY)	Total (CY)
Surface Grading	117	13	130
Patio	12	12	24
Retaining Walls	4	4	8
Rain Garden	24	0	24
Bluff Impact Zone – All Features	157	29	186

Shore Impact Zone (features included WOAS and bluff restoration)

	Cut (CY)	Fill (CY)	Total (CY)
WOAS	89.7	82.5	172.2
Bluff Restoration	0.3	0.5	.08
Shore Impact Zone – All Features	90	83	173

Bluff Region (features included WOAS and bluff restoration)

	Cut (CY)	Fill (CY)	Total (CY)
WOAS	89.7	82.5	172.2
Bluff Restoration	7.3	2.5	9.8
Bluff Impact Zone – All Features	97	85	182

To ensure compliance moving forward, on behalf of the property owner, ISG, Inc. is requesting approval of a Conditional Use Permit consistent with the attached application.

All proposed grading and material movement will be contained on site, and a minimum of 10 feet from the Ordinary High Water Line (OHWL). Per the proposed restoration plan, all exposed soils including slopes, will be stabilized through the use of erosion control blanket in conjunction with seeding to achieve turf establishment. Rip Rap will also be placed along the existing outlet in the bluff to prevent erosion of the bluff line.

A rain garden, planted with native seed, is proposed to be utilized for stormwater runoff management to reduce the runoff rate and provide some treatment of the stormwater prior to entering the lake. The top of the rain garden is approximately 9.3'x19.4'. Drain tile will be utilized to ensure adequate drainage due to the presence of poor draining soils onsite according to the USGS Websoil Survey.

No trees will be removed to accommodate the proposed project, and no grading or material moving activities will take place within close proximity to any existing onsite trees. There are no wetlands located in or adjacent to the project area.

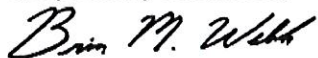
Based on the information outlined above along with implementation of the proposed design measures, no adverse effects to adjacent or other nearby properties are expected; in addition, the proposed project will not create any adverse impacts to the health, safety, or welfare of neighboring properties or the general public, and no pollution or adverse impacts to the environment are anticipated. Should any unforeseen conditions arise, the necessary reasonable measures will be taken to mitigate identified impacts.

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BY: _____

No special privileges will result from approval of the requested conditional use permit application. Rather, granting the requested conditional use permit will allow for the bluff to be restored, the property owners to continue construction of the partially complete patio and retaining walls, and ensure compliance moving forward with the proposed future improvements and WOAS construction.

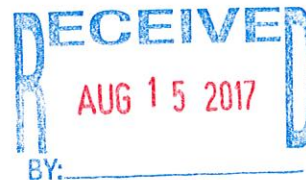
These considerations along with the supplemental information provided within this submittal support approval the attached application. Please contact me at 507.331.1500 if there is any additional information we can provide in support of this request on behalf of the property owners.

Respectfully Submitted,



Brian M. Welch, PE
Civil Engineer
Civil Engineering Group

BMW/jrc



**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:
Brian Welch

Property owner:
Marvin Bartlett

Property:
05.540.0050

Description:

An application for After the Fact Grading, Excavating, and Filling within the Bluff and the Bluff Impact Zone (BIZ) for the construction of retaining wall and patio, and also Grading, Excavating, and Filling within the Bluff and Bluff Impact Zone for a Bluff restoration project.

Recommendation:

It would be my recommendation to approve the application with the conditions listed below.

Condition(s):

1. Bluff area will be replanted with Minnesota Native, deep-rooted vegetation to ensure continued bluff stability.
2. Plant Minnesota Native, deep-rooted vegetation to provide screening for the retaining wall.
3. Special consideration be taken in final construction of the water orientated accessory structure to provide proper drainage to ensure the longevity of the new structure and prevent future erosion issues on the site.
4. Direct runoff from pervious surface to the rain garden to provide additional treatment.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist



16-28-16









MARVIN BARTLETT RESIDENCE



KASOTA, MINNESOTA

PRELIMINARY PLANS FOR: CONDITIONAL USE PERMIT APPLICATION

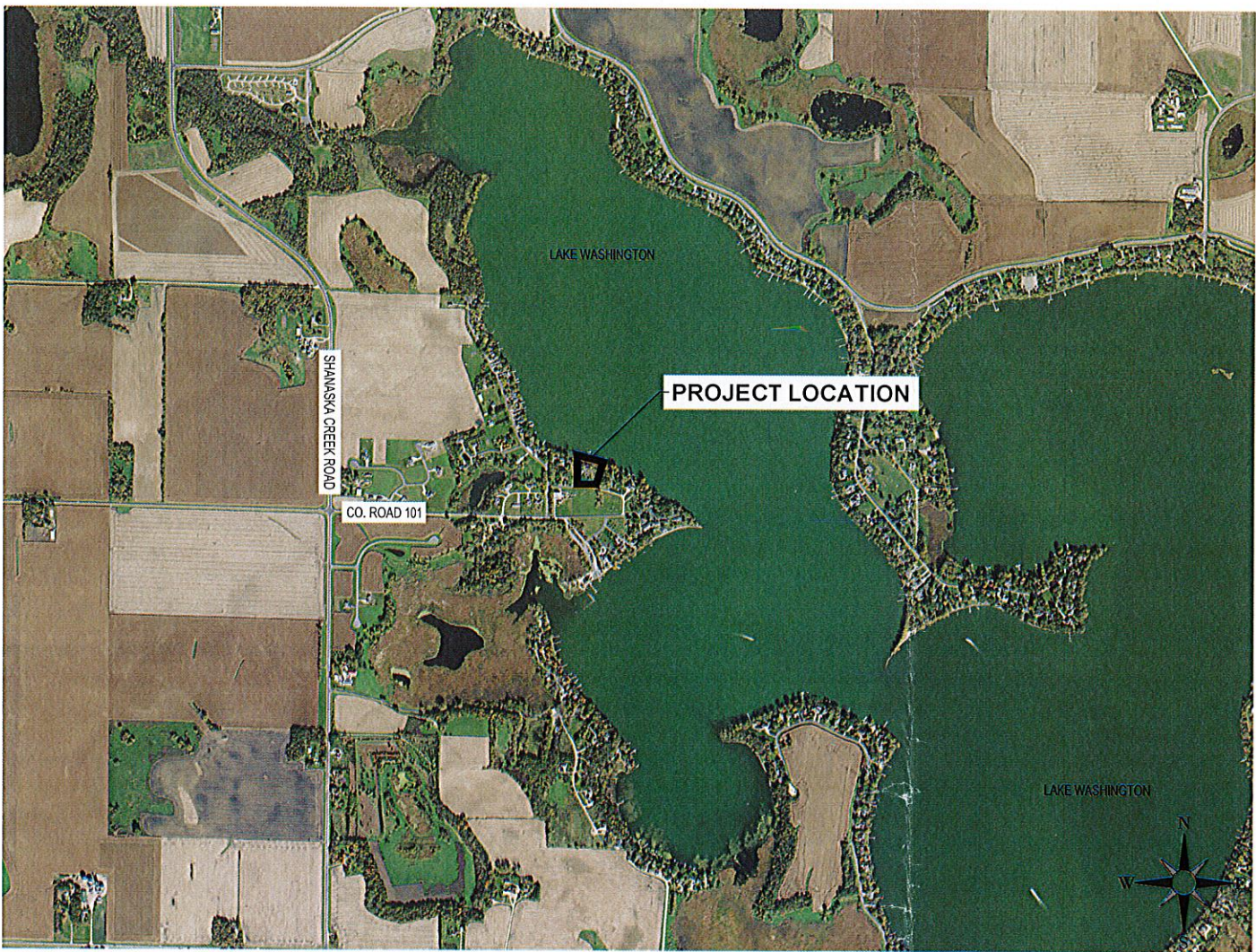
ISG PROJECT # 16-18902

LEGEND

EXISTING	
	CITY LIMITS
	SECTION LINE
	QUARTER SECTION LINE
	RIGHT OF WAY LINE
	PROPERTY / LOT LINE
	EASEMENT LINE
	ACCESS CONTROL
	WATER EDGE
	WETLAND BOUNDARY
	WETLAND / MARSH
	FENCE LINE
	CULVERT
	STORM SEWER
	SANITARY SEWER
	SANITARY SEWER FORCEMAIN
	WATER
	GAS
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	UNDERGROUND TELEPHONE
	UNDERGROUND TV
	OVERHEAD UTILITY
	UNDERGROUND UTILITY
	UNDERGROUND FIBER OPTIC
	CONTOUR (MAJOR)
	CONTOUR (MINOR)
	DECIDUOUS TREE
	CONIFEROUS TREE
	TREE LINE
	MANHOLE/STRUCTURE
	CATCH BASIN
	HYDRANT
	VALVE
	CURB STOP
	POWER POLE
	UTILITY PEDESTAL / CABINET

PROPOSED

	LOT LINE
	RIGHT OF WAY
	EASEMENT
	CULVERT
	STORM SEWER
	STORM SEWER (PIPE WIDTH)
	SANITARY SEWER
	SANITARY SEWER (PIPE WIDTH)
	WATER
	GAS
	OVERHEAD ELECTRIC
	UNDERGROUND ELECTRIC
	UNDERGROUND TV
	CONTOUR
	MANHOLE
	CATCH BASIN
	HYDRANT
	VALVE



LOCATION MAP

0 1000 2000'

PROJECT GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS, WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE OWNER - CONTRACTOR AGREEMENT, THE PROJECT MANUAL (WHICH INCLUDES GENERAL SUPPLEMENTARY CONDITIONS AND SPECIFICATIONS), DRAWINGS OF ALL DISCIPLINES AND ALL ADDENDA, MODIFICATIONS AND CLARIFICATIONS ISSUED BY THE ARCHITECT/ENGINEER.
2. CONTRACT DOCUMENTS SHALL BE ISSUED TO ALL SUBCONTRACTORS BY THE GENERAL CONTRACTOR IN COMPLETE SETS IN ORDER TO ACHIEVE THE FULL EXTENT AND COMPLETE COORDINATION OF ALL WORK.
3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
4. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
5. DETAILS SHOWN ARE INTENDED TO BE INDICATIVE OF THE PROFILES AND TYPE OF DETAILING REQUIRED THROUGHOUT THE WORK. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO DETAILS SHOWN. WHERE SPECIFIC DIMENSIONS, DETAILS OR DESIGN INTENT CANNOT BE DETERMINED, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
6. ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED AND CONDITIONED ACCORDING TO MANUFACTURERS' INSTRUCTIONS. IN CASE OF DISCREPANCIES BETWEEN MANUFACTURERS' INSTRUCTIONS AND THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
7. ALL DISSIMILAR METALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC CORROSION.
8. THE LOCATION AND TYPE OF ALL INPLACE UTILITIES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY AND ARE ACCURATE AND COMPLETE TO THE BEST OF THE KNOWLEDGE OF I & S GROUP, INC. (ISG). NO WARRANTY OR GUARANTEE IS IMPLIED. THE CONTRACTOR SHALL VERIFY THE SIZES, LOCATIONS AND ELEVATIONS OF ALL INPLACE UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
9. THE CONTRACTOR IS TO CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS, MINIMUM 2 BUSINESS DAYS PRIOR TO ANY EXCAVATION / CONSTRUCTION (1-800-252-1166).

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AUG 15 2017
BY: _____

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Brian M. Welch

DATE: 08/07/17 LIC. NO. 51.802

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

DATE: _____ LIC. NO. _____

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PROJECT

MARVIN BARTLETT RESIDENCE

KASOTA MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	16-18902
CAD FILE NAME	18902 ZONING-GRADING SITE PLAN
DRAWN BY	EJR
DESIGNED BY	EJR
REVIEWED BY	BMW
ORIGINAL ISSUE DATE	
CLIENT PROJECT NO.	

TITLE

TITLE SHEET

SHEET

1

PROJECT INDEX:

OWNER:

MARVIN BARTLETT
1408 SHOREWAY DRIVE
KASOTA, MINNESOTA

PROJECT

ADDRESS / LOCATION:

1408 SHOREWAY DRIVE
KASOTA, MINNESOTA

MANAGING OFFICE:



FARIBAULT OFFICE
1415 TOWN SQUARE LANE
FARIBAULT, MN 55021
PHONE: 507.331.1500
FAX: 507.331.1501

PROJECT MANAGER: BRIAN WELCH
EMAIL: brian.welch@is-grp.com

SPECIFICATIONS REFERENCE

ALL CONSTRUCTION SHALL COMPLY WITH THE COUNTY OF LE SEUEUR REQUIREMENTS AND MnDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2016 EDITION, AND THE STANDARD SPECIFICATIONS FOR SANITARY SEWER, STORM DRAIN AND WATERMAIN AS PROPOSED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA 2013, UNLESS DIRECTED OTHERWISE.

PROJECT DATUM

HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 1996 ADJUSTMENT (NAD83(1996)) ON THE LE SEUEUR COUNTY COORDINATE SYSTEM, IN U.S. SURVEY FEET.
ELEVATIONS HAVE BEEN REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
RTK GPS METHODS WERE USED TO ESTABLISH HORIZONTAL AND VERTICAL COORDINATES FOR THIS PROJECT.

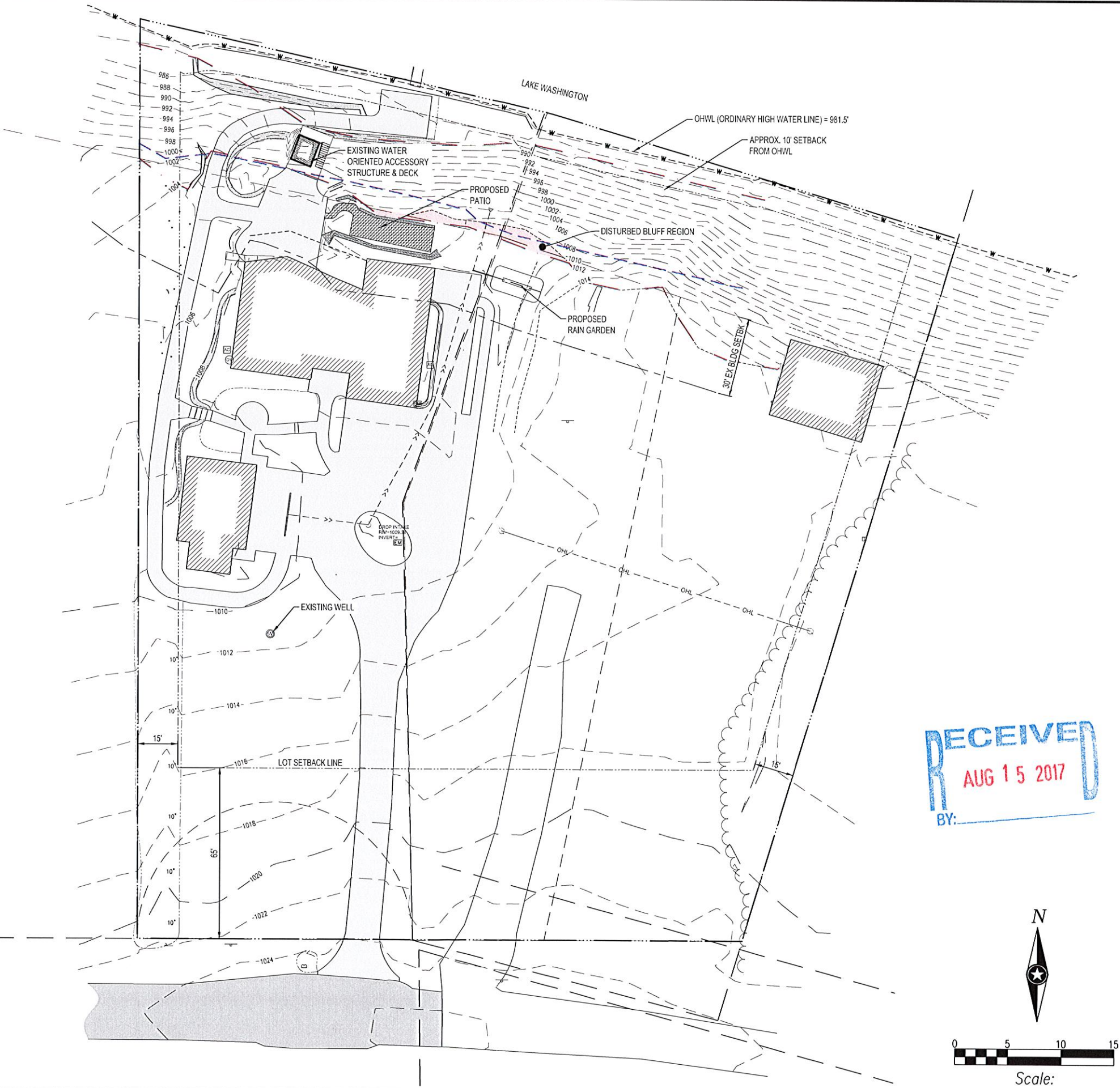
TOPOGRAPHIC SURVEY

THIS PROJECT'S TOPOGRAPHIC SURVEY CONSISTS OF DATA COLLECTED ON JULY 2016 BY ISG, INC.

LEGEND		
EXISTING		PROPOSED
-->>--	STORM DRAIN	-->>--
->-	SANITARY SEWER	->-
-II>-	SANITARY SEWER FORCEMAIN	-II>-
-I--	WATER	-I--
-UT--	UNDERGROUND TELEPHONE	-UT--
-OE--	OVERHEAD ELECTRIC	-OE--
-UE--	UNDERGROUND ELECTRIC	-UE--
-UTV--	UNDERGROUND TV	-UTV--
-G--	GAS	-G--
---	WET	---
---	WETLAND	---
-W--	WATER SHORELINE	-W--
-X-X-X-	FENCE LINE	-X-X-X-
-1015--	CONTOURS (MAJOR)	-1015--
-1012--	CONTOURS (MINOR)	-1012--
-....-	PROPERTY LINE	-....-
*1012.32	SPOT ELEVATION	95.25
	TOP OF CURB SPOT ELEVATION	95.75

NOTE: CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES.

IMPERVIOUS CALCULATIONS	
TOTAL LOT SIZE	80691
EXISTING IMPERVIOUS AREA	19258
EXISTING % IMPERVIOUS	24%
PROPOSED IMPERVIOUS	
BUILDINGS	5550
ATTACHED DECK	485
GRAVEL SURFACE	2219
CONCRETE SURFACE	10948
TOTAL IMPERVIOUS	19202
PROPOSED % IMPERVIOUS	24%



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Brian M. Welch

DATE: 08/07/17 LIC. NO. 51.802

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PROJECT

MARVIN BARTLETT RESIDENCE

KASOTA MINNESOTA

REVISION SCHEDULE	
NO	DESCRIPTION

PROJECT NO. 18902

FILE NAME 18902 ZONING-GRADING SITE PLAN

DRAWN BY EJR

DESIGNED BY EJR

REVIEWED BY BMW

ISSUE DATE

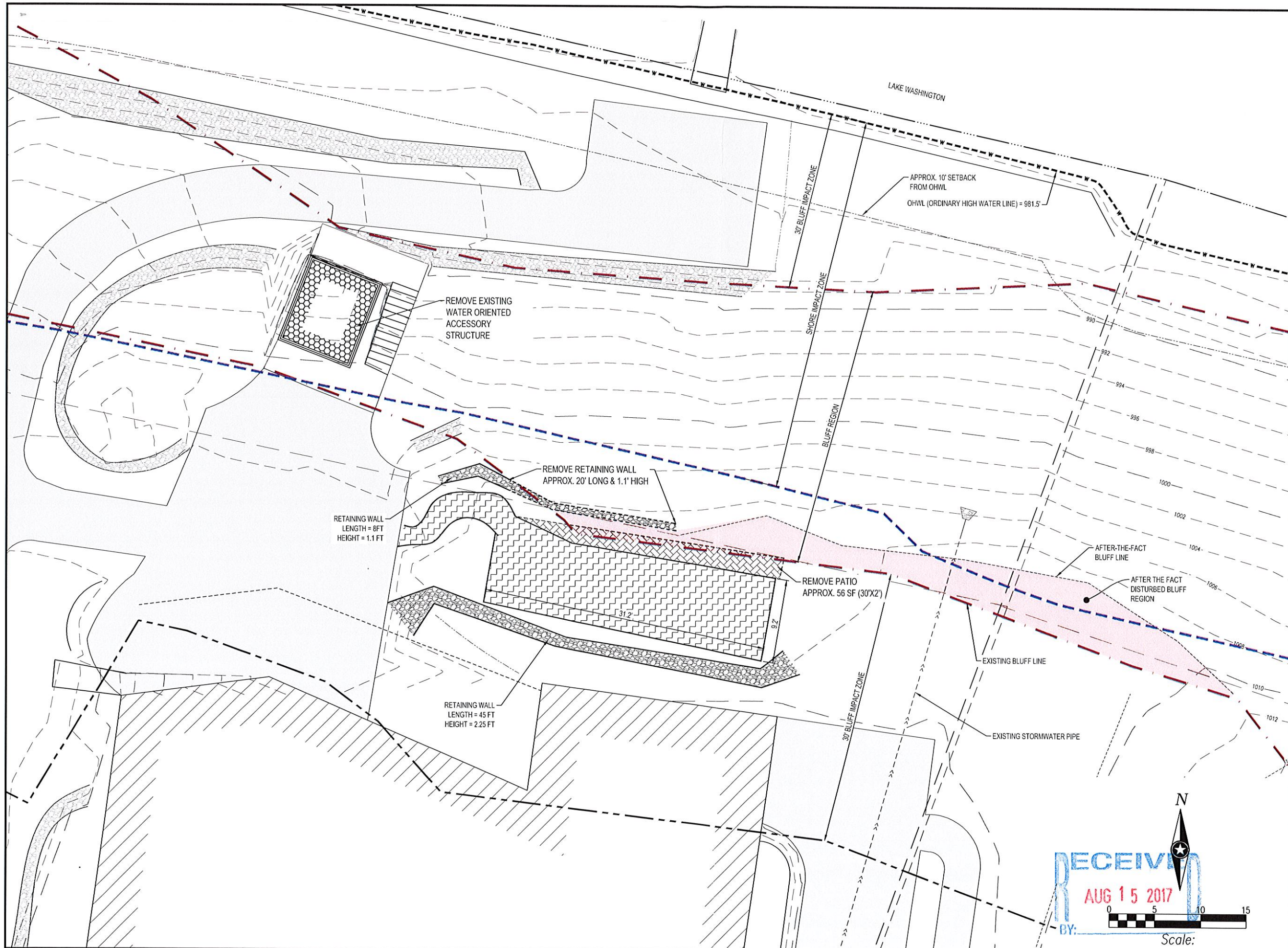
CLIENT PROJECT NO. -

TITLE

OVERALL SITE PLAN

SHEET

2



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Brian M. Welch
Brian M. Welch
 DATE 08/07/17 LIC. NO. 51.802

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DATE _____ LIC. NO. _____
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PROJECT
MARVIN BARTLETT RESIDENCE

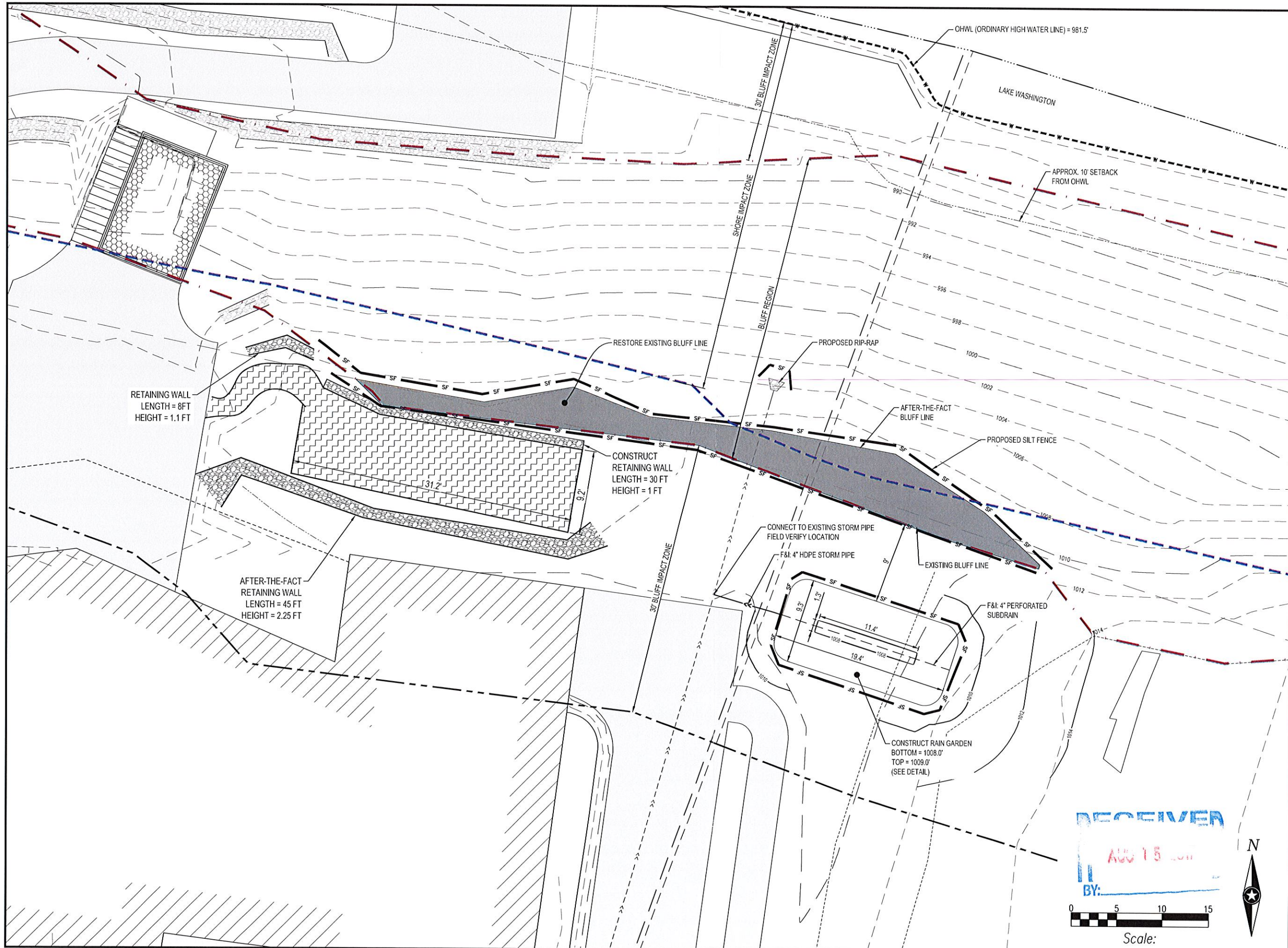
KASOTA MINNESOTA

REVISION SCHEDULE	
NO	DESCRIPTION

PROJECT NO. 18902
 FILE NAME 18902 ZONING-GRADING SITE PLAN
 DRAWN BY EJH
 DESIGNED BY EJH
 REVIEWED BY BMW
 ISSUE DATE
 CLIENT PROJECT NO. -

TITLE
SITE REMOVAL PLAN

SHEET
3



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Brian M. Welch

Brian M. Welch

DATE 08/07/17 LIC. NO. 51,802

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DATE LIC. NO.

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PROJECT

MARVIN BARTLETT RESIDENCE

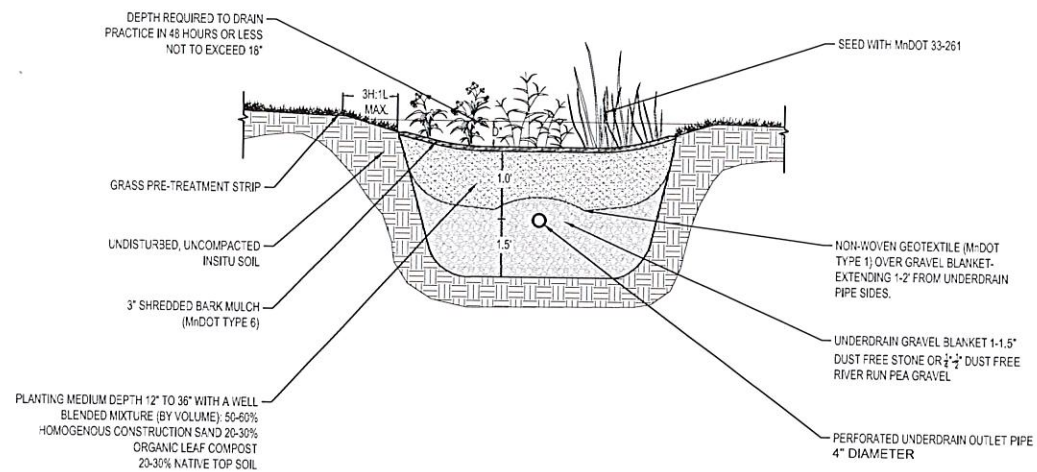
KASOTA MINNESOTA

REVISION SCHEDULE		DESCRIPTION
NO	DATE	

PROJECT NO. 18902
FILE NAME 18902 ZONING-GRADING SITE PLAN
DRAWN BY EJR
DESIGNED BY EJR
REVIEWED BY BMW
ISSUE DATE
CLIENT PROJECT NO.

SITE & EROSION CONTROL PLAN

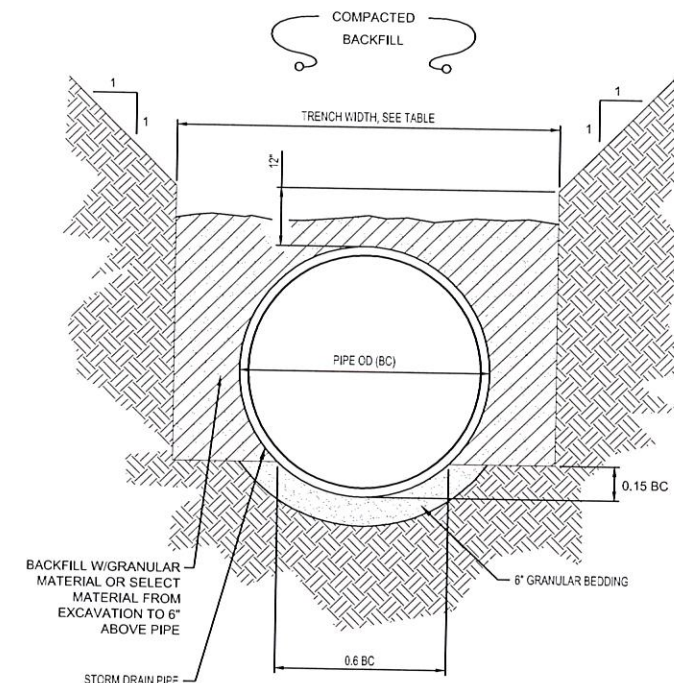
SHEET 4



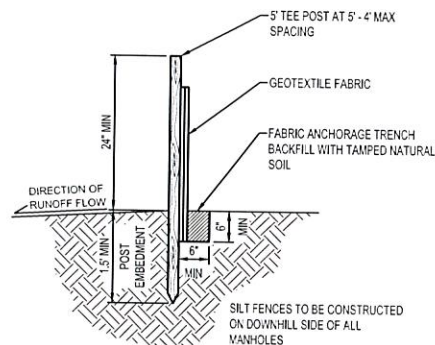
RAIN GARDEN
NTS SD750

TRENCH WIDTH	
PIPE DIAM	TRENCH WIDTH
36" OR LESS	BC + 24"
42" TO 54"	1.5 x B C
60" OR OVER	BC + 36"

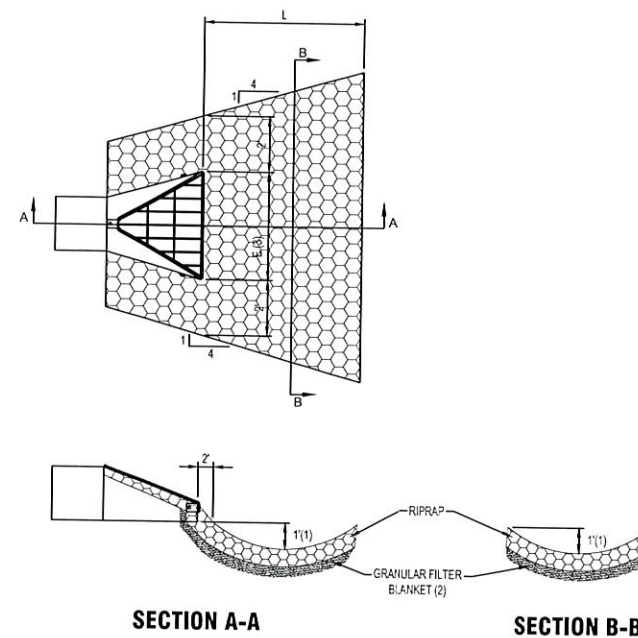
NOTE:
GRANULAR BEDDING AND BACKFILL FOR
STORM DRAIN PIPES SHALL BE INCIDENTAL
TO STORM DRAIN CONSTRUCTION



NON-CONCRETE STORM DRAIN PIPE BEDDING
NTS SD600



SILT FENCE
NTS EC100



RIPRAP AT OUTLET
NTS EC400

DIMENSIONS	
PIPE DIA.	L
12" & 15"	12
18" & 21"	15
24" & 27"	20
30"	20
36"	25
42"	35
48"	45

- NOTES:
- REQUIREMENTS FOR RIPRAP SIZE AND THICKNESS WILL BE DESIGNATED IN THE PLANS
 - FOR PIPES GREATER THAN OR EQUAL TO 30", USE 1.5'-2'
 - THE CONTRACTOR, AT HIS OPTION, MAY SUBSTITUTE A GEOTEXTILE FABRIC, SPEC. 3601 FOR THE GRANULAR FILTER BLANKET. THE FABRIC SHOULD COVER THE AREA OF THE RIPRAP AND EXTEND UNDER THE CULVERT APRON BY 3'.
 - DIMENSION E IS GIVEN ON MnDOT STANDARD PLATES 3100 AND 3110

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AUG 15 2017
BY: _____



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Brian M. Welch
DATE 08/07/17 LIC. NO. 51,802

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PROJECT

MARVIN BARTLETT RESIDENCE

KASOTA MINNESOTA

REVISION SCHEDULE		
NO	DATE	DESCRIPTION

PROJECT NO. 18902
FILE NAME 18902 ZONING-GRADING SITE PLAN
DRAWN BY EJR
DESIGNED BY EJR
REVIEWED BY BMW
ISSUE DATE
CLIENT PROJECT NO. -

TITLE
SITE DETAILS

SHEET
6



Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 6

Scott Hass

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: SCOTT AND CINDY HASS- SUMMER BREEZE RESORT
OWNER: JAMES LOSINSKI

911 ADDRESS: NEW OFF SUMMER BREEZE LANE

PROJECT DESCRIPTION: Rezone approximately 4.61 acres from Recreational-Residential "RR" District to a Recreational-Commercial "RC" District on a Recreational-Development lake, Lake Jefferson.

ZONING DISTRICT PURPOSES:

CURRENT ZONING:

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.

REQUESTED CHANGE:

The intent of the **Recreational Commercial (RC)** District is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

ZONING ORDINANCE SECTIONS: Sections 13.2, 13.3, 23

Per the Le Sueur Comprehensive Land Use Plan as adopted July 24, 2007.

- a. Whether the land is marginal agricultural land or not:
 - i. Land proposed for rezoning is on an irregular parcel;
 - ii. Land soils are poor production quality, including highly erodible lands;
 - iii. Treed or forested areas; and
 - iv. Soil suitability ratings are good for urban type development.
- b. Is the rezoning request for land that is adjacent to another high density housing development area?
- c. Is the rezoning request for land that has access to a suitable public road, as determined by the appropriate road authority?
- d. Does the land proposed for rezoning intrude onto valuable natural resource areas, such as aggregate resource deposits, wetland areas, or other natural areas deemed to be worth protecting?
- e. Is the land proposed for rezoning too remote and/or the development threshold too large or too small for cost efficient public service delivery? This would include police, fire, emergency vehicles, and school district services.
- f. Is the rezoning request for land and the type or scope of development proposed too close to existing feedlot operations?
- g. Is the bulk of the development cost for construction of access, management of stormwater, and other development related issues paid for by the developer and not the public?
- h. Is the development occurring on land that is shown to be a potential source for aggregate resources (see aggregate resource map)? If it is and the area under consideration for development is not in an aggregate protection overlay district, the County should require test borings on the potential site to more firmly identify the quality of the aggregate resource.

SITE INFORMATION

LOCATION: SE ¼, Section 31, Cordova Township.

GENERAL SITE DESCRIPTION: Ag

ACCESS: Existing

EXISTING LAND USE WITHIN 1/2 MILE:

North:	Ag	South:	Residential
East:	Summer Breeze Resort/Residential/Lake	West:	Residential

TOWNSHIP BOARD

The applicant notified Harry Mach, Cordova Township Board member on August 15, 2017.

NATURAL RESOURCES INFORMATION

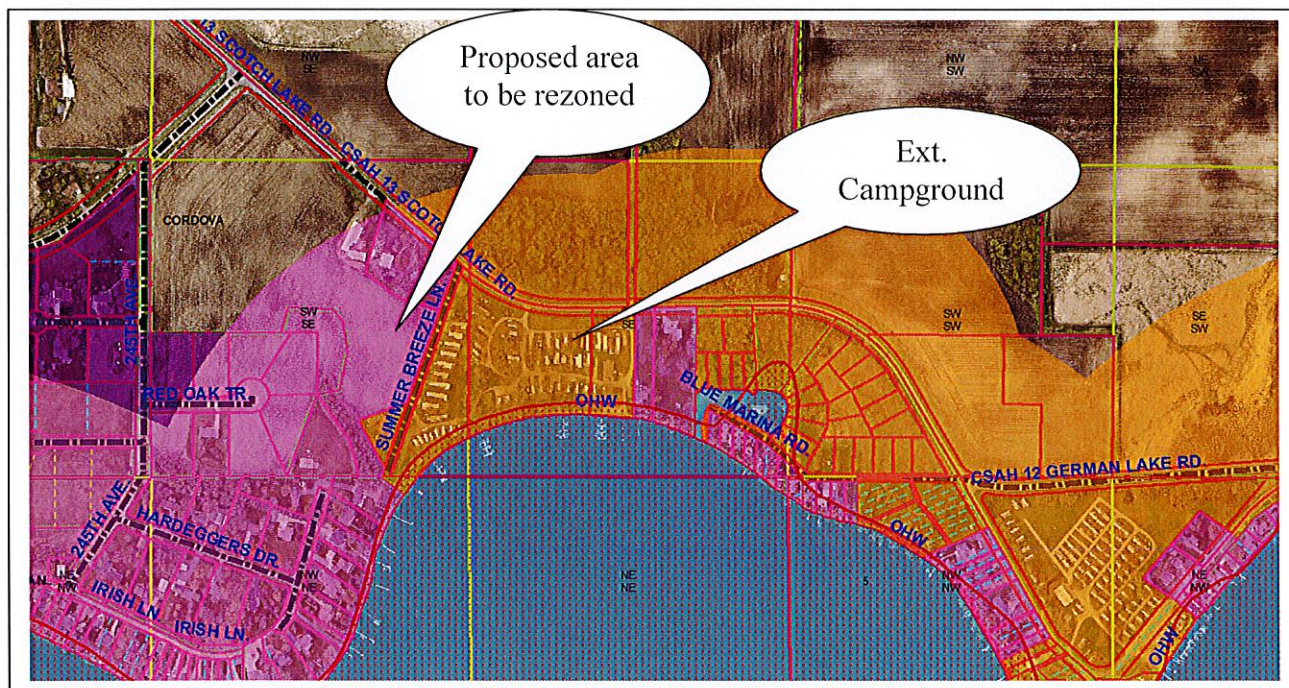
SHORELAND: The proposal is located within the Shoreland District.

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

ATTACHMENTS

Application, Narrative, Map, Survey, Concept Plan

AERIALS/SURVEY/CONCEPT PLAN



KEY: Gold-Recreational Commercial District
Pink- Recreational-Residential District

PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed Rezone request 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 zoning district will negatively affect surrounding properties in the area in which it is proposed.*
4. *The character of the surrounding area.*
5. *Whether such zoning district would inherently lead to or encourage disturbing influences in the neighborhood.*
6. *Does the rezoning request for land have access to a suitable public road(s) as determined by the Road Authority.*
7. *Does other factors impacting the public health, safety and welfare.*

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 proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will not have an adverse effect on the value of adjacent properties.
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
10. The proposal will not degrade the water quality of the County.
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

Recommend (circle one) approval / denial / table / of the Rezone Request

Le Sueur County

Rezone Application

I. Applicant:

Name Scott Hass Summer Breeze Resort
Mailing Address 46001 Hardeggars Ln-
City Cleveland State MN Zip 56017
Phone # 952 290 4049 Phone # _____

II. Landowner:

Name James Losinski
Mailing Address 24651 Scotch LAKE RD
City Cleveland State MN Zip 56017
Property Address New
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 02.031, 56.50 Parcel Acreage 61.60

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

Township Cordova Section 31

Subdivision / Lot / Block /

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

Cordova Township notified on 8/15/17
(Township Name) (Date)

Board Member Harry Metch regarding the proposed rezone.
(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.

Rezone \$ 750
Filing Fee \$ 46

Special Meeting \$ 2,000 (**Additional fee**)

VII. Rezone Request:

4.61 acres from Rec. Res "RR" District to Recreational Comm. District

VIII. Description of Request:

- a. A specific written description of the area to be rezoned must be attached.
- b. Complete the following in relationship to the proposed rezone request.

1. PRESENT ZONING DISTRICT CLASSIFICATION: RR
2. PROPOSED ZONING DISTRICT CLASSIFICATION: RC
3. PROPOSED USE OF THE LAND: Expand existing campground
4. CONCEPT PLAN: (attach) See Attached - Campground Exp.
5. COMPATABILITY WITH THE LAND USE PLAN AND STATEMENT OF CONDITIONS WARRANTING CHANGES IN ZONING:
The demand for seasonal RV camping in Le Sueur County is growing each year. Re-zoning will complement an existing Resort.
6. COMPATABILITY WITH THE OVERALL CHARACTER OF EXISTING DEVELOPMENT IN THE IMMEDIATE VICINITY:
The Requested Re-zone is Adjacent to The West end of existing Resort.
7. ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, AND OTHER NECESSARY INFRASTRUCTURE:
Existing well & new septic system. There is an existing private road. The land configuration allows for drainage in 2 directions.
8. SOIL CONDITIONS ADEQUATE TO ACCOMMODATE THE PROPOSED REZONE: yes
9. WILL THE PROPOSAL CREATE A POLLUTION HAZARD OR DEGRADE WATER QUALITY? (describe):
No A new septic system will be installed
10. DESCRIBE THE IMPACT ON NATURAL RESOURCES (bluffs, wetlands, water bodies, ag land, woodlands, aggregate resources, etc):
NONE PART of the planning of developing the land is to plant approximately 50 to 65 trees.
11. WILL THE PROPOSAL NEGATIVELY AFFECT THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE?: NO
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) yes

IX. Site Plan: A certified land survey of the property to be rezoned shall include but not limited to:

- Existing uses and structures of adjacent properties within 500 feet in the incorporated area and within ½ mile in the unincorporated area.
- Zoning of adjacent properties
- Location
- Lot Dimensions
- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Existing Structures
- Septic system
- Well
- Water feature (if any)
- Access (size & location)
- Easements

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. **Concept Plan**

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed Rezone 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 County Board decision 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.

Elliott J. Hass 8/15/17
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.

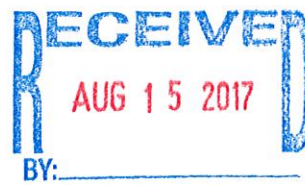
Lane C. Fuchs 8-15-17
Property Owner signature Date

OFFICE USE ONLY

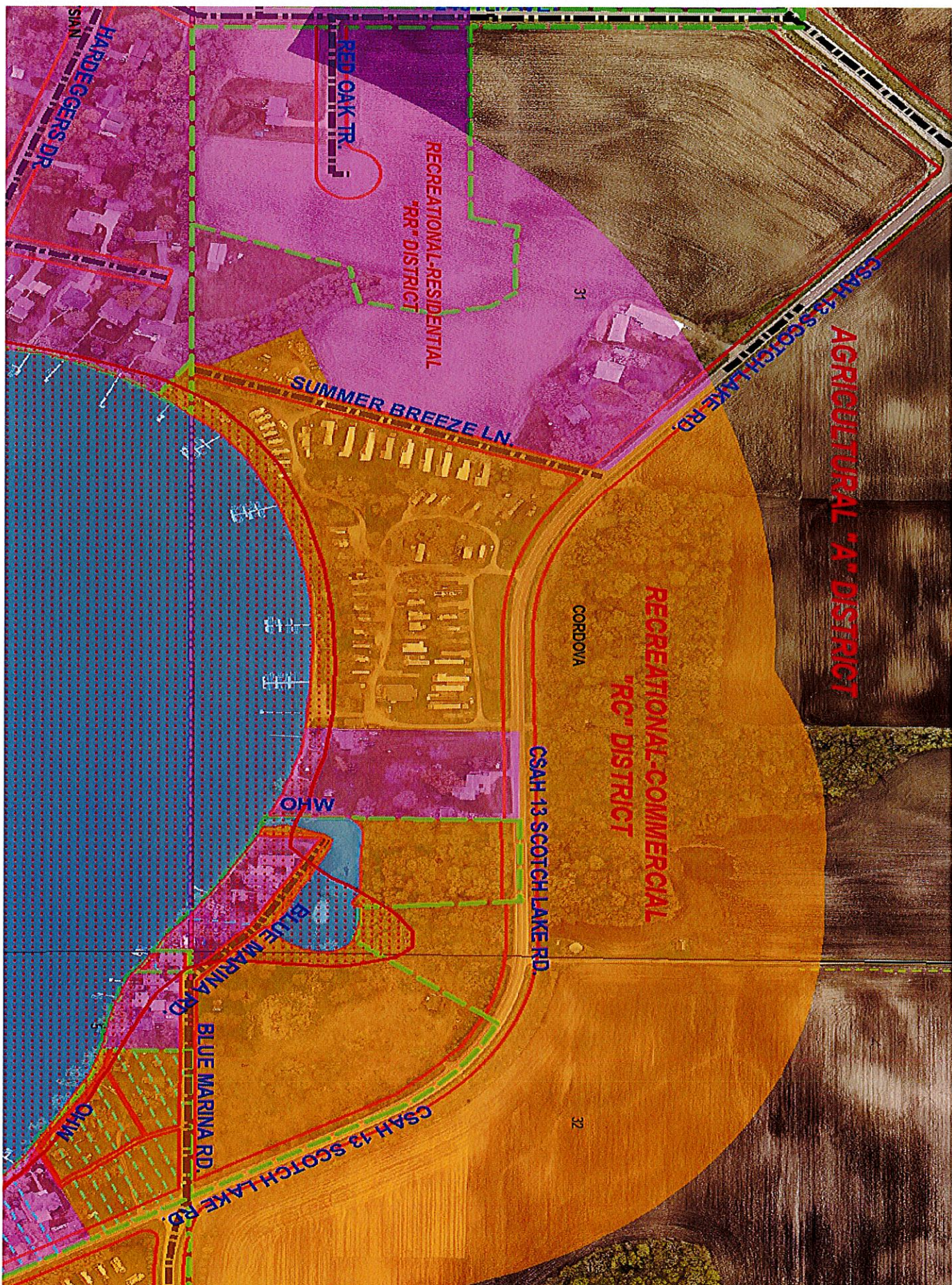
Request: _____

Pre-App Date <u>July 2017</u>	Lake Classification <u>RD</u>	Feedlot <u>500'</u> <u>1000'</u> <u>N</u>
Meeting Date <u>Sept. 14</u>	Lake <u>Jelly</u>	Wetland Type <u>1-2</u> <u>3-8</u> <u>N</u>
60 Day <u>Oct. 24</u>	FEMA Panel # <u>27079C0.270D</u> <u>D</u>	Water courses <u>Y</u> <u>N</u>
Zoning District <u>RR</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 <u>Ext. CUP</u>	<input type="checkbox"/> Septic <u>Comp Insp / Design</u>
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Concept plan	<input type="checkbox"/> Meeting <u>Reg / Spec</u>
<input checked="" type="checkbox"/> Full Legal	<input type="checkbox"/> Other _____	<input type="checkbox"/> Fee \$ <u>796.</u>
<input checked="" type="checkbox"/> Ordinance		

☒ Application Complete Brockway 8/15/17 17290
Planning & Zoning Department Signature Date Permit #



Concept plan: Summer Breeze Resort has been owned and operated by the Hass family for 26 years and is currently operated on 12.91 acres with approximately 1,100 feet of lake frontage on the North shore of East Lake Jefferson. The demand for seasonal RV camping in LeSueur County is growing each year. The acquisition and re-zoning of the requested 4.61 acres lying adjacent to the West end of the current operating resort allows the business to expand its existing 75 seasonal sites, an additional 26 lots. In addition, part of this property will be utilized for upgrading the part of the existing resort's septic system.



Concept Plan

RECEIVED
AUG 15 2017
BY: _____

GOVERNMENT LOT 2

NORTHERLY LINE
OUTLOT A

OUTLOT A

EASTERLY LINE
OUTLOT A

SOUTHWEST CORNER
OUTLOT A

Septic

26 RU Sites
35' x 80'

PARCEL
4.61 ACRES

SW CORNER
DOC. NO. 351183

DOC. NO. 351183
2.25 ACRES

SOUTHERLY LINE
DOC. NO. 351183

SE CORNER
DOC. NO. 351183

N 70°25'03" W
189.46

Road

Road

Road

WESTERLY LINE
DOC. NO. 229579

DOC. NO. 229579

WESTERLY LINE
DOC. NO. 229579

POINT OF BEGINNING

SOUTH LINE OF GOVERNMENT LOT 2

N 89°55'32" E
869.69

N 89°55'32" E
94.01

N 18°27'46" E
37.97

SHORELINE





Le Sueur County, MN

Thursday, September 14, 2017

Regular session

Item 1

Approved September 14, 2017 Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 14, 2017

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Al Gehrke, Pam Tietz, Commissioner Wetzel

MEMBERS ABSENT: Doug Krenik

OTHERS PRESENT: Kathy Brockway, Joshua Mankowski

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

ITEM #1: JEROME BROWN, WATERVILLE, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 169 cubic yards of material for the construction of retaining walls and beach area within the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lot 6, Rearrangement Raedeke Subdivision, Section 20, Waterville Township.

Kathy Brockway presented power point presentation. Carrie Brown was present for application.

TOWNSHIP: Al Gehrke, Waterville Township has no objections to the proposal. **DNR:** No comments
LETTERS: Joshua Mankowski, LSC Resource Specialist (see file).

PUBLIC COMMENT: None

Discussion was held regarding: removal of existing green treated retaining walls, replace with boulder walls, environmentally friendly, safety for children, reduced impervious surface, variance granted in August of 2017 for impervious surface, removal of failing stairways, drainage.

Findings by majority roll call vote:

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Al Gehrke to approve the application with the following conditions:

1. ***Plant Minnesota native vegetation to provide the required screening along the retaining walls.***

2. *Two trees be planted somewhere on the parcel to replace the two trees that are being removed as part of this project.*

Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #2: ANDREW SKLUZACEK, LE CENTER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to establish and operate a dog kennel for boarding and training of animals in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 23, Cordova Township.

Kathy Brockway presented power point presentation. Andrew Skluzacek was present for application.

TOWNSHIP: Mike Groh, Cordova Township Board, township has no objections to the proposal.

LETTERS: Amy Beatty, LSC Feedlot Officer (see file).

PUBLIC COMMENT: Mark Sheehy, adjacent landowner, questioned the amount of shooting that will occur during the day. Andrew Skluzacek stated at a minimum of 10-20 shots depending on the type of session.

Discussion was held regarding: kennel will be set up in an existing building; will conduct bird and gun training, obedience training, normally 8-10 week sessions, 12 dogs, small sign, applied for licenses from the DNR and MN Board of Animal Health, license was not required, therefore reimbursed permit fees, proper disposal of animal waste, installation of a 2000 gallon holding tank.

Findings by majority roll call vote:

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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. *With the imposition of the conditions, the Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Don Reak to approve the application with the following conditions:

- *When the tank is installed, it be tested for water-tightness and not be installed at a depth greater than allowed by the manufacturer.*
- *A service agreement or contract between Mr. Skluzacek and B & B Septic on file with the Planning and Zoning Department.*
- *A written statement as to where the dog waste will be disposed.*
 - *If at a city's wastewater treatment plant, approval from the wastewater treatment plant's operator, or*

- *If it is land applied, that the land application does not create or maintain a pollution hazard (maintain setbacks to sensitive features during land application and apply at agronomic rates).*
 - *If applied on land outside of the County of Le Sueur, check with that County on its land application requirements.*

Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #3: MICHAEL & NANCY KELLER, OWATONNA, MN, (APPLICANT\OWNER):

Request that the County grant 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 in a Recreational Residential “RR” District on a Recreational Development’ “RD” lake, Lake Francis. Property is located at Lot 11, Muellerleille Subdivision, Section 33, Elysian Township.

Kathy Brockway presented power point presentation. Bob Hall, representing the applicant was present for the application.

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

PUBLIC COMMENT: Don Schulte, President of Subdivision Association, questioned the hauling of material to the site on the road, asphalt road just resurfaced. Clark Meyer, landowner, private road, access to property for construction.

Discussion was held regarding: drainage, installation of drain tile to day light to lake, 1.5 inch river rock slows down the drainage, benefits to the lake, a more natural look, 7-8 truckloads of material for the project, private road, weight of truck similar to garbage trucks, skid loader, access to property, west side of property, removal of timber stairways, replaced with stone, native vegetation for screening.

Findings by majority roll call vote:

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Al Gehrke to approve the application with the following condition:

1. ***Plant Minnesota native vegetation to provide for a more natural appearance and provide increased site stability.***

Seconded by Don Rynda. Motion approved. Motion carried.

ITEM #4: LE SUEUR COUNTY SOIL & WATER CONSERVATION DISTRICT (SWCD), LE CENTER, MN, (APPLICANT); BRANDON BROCKWAY, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 15 cubic yards of material for a shoreland restoration project in a Special Protection “SP” District, on a Recreational Development “RD” lake, Lake Volney. Property is located in Government Lot 3, Section 31, Montgomery Township.

Kathy Brockway presented power point presentation. Joshua Mankowski, in-kind representative, and Ryan Jones, Engineer, SWCD was present for application.

TOWNSHIP: Notified through the application process. **DNR:** No Comments. **LETTERS:** None

PUBLIC COMMENT: None.

Discussion was held regarding: property is located within the Lake Volney Targeted Area grant, rip-rap approximately 182 ft. of shoreline.

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.*
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. *The Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Shirley Katzenmeyer to approve the application. Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #5: ISG, BRIAN WELCH, FARIBAULT, MN, (APPLICANT); MARVIN BARTLETT, KASOTA, MN, (OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating and filling within the bluff and bluff impact zone for the construction of a retaining wall and patio; additional grading, excavating and filling within the bluff and bluff impact zone for bluff restoration, retaining wall within the bluff impact zone and construction of a water-oriented water accessory structure within the bluff for a total of 541 cubic yards in a Recreational Residential “RR” District. Property is located at Lot 4, La Hans Subdivision and Units 1410 & 1420 CIC #54, Section 7, Kasota Township.

Kathy Brockway presented power point presentation. Marvin Bartlett was present for application.

TOWNSHIP: Notified through the application process. **DNR:** No Comments. **LETTERS:** Joshua Mankowski, see file.

PUBLIC COMMENT: none

Discussion was held regarding: questioned as to why he didn't apply for permitting, didn't realize it was a bluff until having the property surveyed, would like to finish the project, removal of 56 square ft. of patio, construction of retaining wall for bluff stabilization, working with I & S Engineering, retaining wall 30 ft in length, 1 ft high, installation of rain garden, working with Environmental Service staff, variance granted in August of 2017 to replace the water oriented structure due to leaning towards the lake, project started in the summer of 2016.

Findings by majority roll call vote:

1. *With the imposition of the conditions, 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. *With the imposition of the conditions, 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. *With the imposition of the conditions, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of the conditions, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of the conditions, 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. *With the imposition of the conditions, the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *With the imposition of the conditions, the Conditional Use Permit consistent with the Comprehensive Land Use Plan.*

Motion was made by Don Reak to approve the application with the following conditions:

1. ***Bluff area shall be replanted with Minnesota Native, deep-rooted vegetation to ensure continued bluff stability.***
2. ***Plant Minnesota Native, deep-rooted vegetation to provide screening for the retaining wall.***
3. ***Special consideration be taken in final construction of the water orientated accessory structure to provide proper drainage to ensure the longevity of the new structure and prevent future erosion issues on the site.***
4. ***Direct runoff from pervious surface to the rain garden to provide additional treatment.***

Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #6: SCOTT HASS, CLEVELAND, MN, (APPLICANT); JAMES LOSINSKI, CLEVELAND, MN, (OWNER): Request that the County grant a rezone of approximately 4.61 acres from a Recreational Residential "RR" District, to a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in the SE 1/4, Section 31, Cordova Township.

Kathy Brockway presented power point presentation. Scott Hass was present for application.

TOWNSHIP: Mike Groh, Cordova Township Board member was present no objections with the proposal.

DNR: No comments. **LETTERS:** None

PUBLIC COMMENT: Kevin Sexton, property owner, Hardeggers Addn, concerned with safety, boat traffic on the lake; Bob Frost, Hardeggers Addn. questioned planting of trees, proposed number of campsites within the expansion area.

Discussion was held regarding: rezoning 4.61 acres from Recreational-Residential to Recreational Commercial, expansion of the existing campground, update septic system, triangle piece currently used as storage, stormwater, electrical, number of campsites proposed, might change due to septic location, electrical services, will be addressed through the conditional use permit process in order to expand the campground.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will not have an adverse effect on the value of adjacent properties.
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted.
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area.
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District.
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided.
8. Soil conditions are adequate to accommodate the proposal.
9. The proposal will not create a potential pollution hazard.
10. The proposal will not degrade the water quality of the County.
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits.
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare.

Motion was made by Don Reak to approve the rezone as it will be a continuation of a Recreational-Commercial Zoning District. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the August 17, 2017 meeting. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Al Gehrke. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Pam Tietz
by Kathy Brockway

Minutes approved October 12, 2017

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