



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: FEBRUARY 8, 2018

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 Commission Notice of Public Hearing
- ITEM #2** Planning Commission Agenda
- ITEM #3** Schaeffer Drash Packet
- ITEM #4** Bode Packet
- ITEM #5** Ordinance Amendment Request Packet
- ITEM #6** APPROVED February 8, 2018 Meeting 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, February 8, 2018

Regular session

Item 1

Planning Commission Notice of Public Hearing

Staff Contact: Joshua Mankowski or Michelle R. 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: FEBRUARY 8, 2018

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 **JANUARY 29, 2018..**

ITEM #1: JOEL & MELISSA SCHAEFER, CLEVELAND, MN, (APPLICANT); MIKE & TRACY DRASH, KASOTA, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right for a building eligibility from the SE/NW to the SW/NW in a Conservancy "C" District. Property is located in the NW quarter, Section 34, Kasota Township.

ITEM #2: DAVID & KELLY BODE, NORTH MANKATO, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow the applicant to construct a retaining wall within the shore impact zone, create a 10 x 50 beach sand blanket within the shore impact zone; Grading, Excavating, and Filling of 19.25 cubic yards within the shore impact zone and a total of 54.25 cubic yards of material on the lot in a Flood Fringe "FF" Floodplain Overlay District and a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 18 & 19, Edgewater Terrace Subdivision, Section 3, Cleveland Township.

ITEM #3: Request to amend the Le Sueur County Zoning Ordinance to allow for short-term transient rental. Copies of the proposed change is available for review during normal working hours Monday through Thursday 8:00 AM to 4:30 PM, and Fridays 8:00 AM to 4:00 PM at the Le Sueur County Environmental Services building and at the Le Sueur County Auditor's office. The proposed Ordinance revision is also available for review on the Le Sueur County website, under the Environmental Services Department.

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

JOSHUA MANKOWSKI, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, February 8, 2018

Regular session

Item 1

Planning Commission Agenda

Staff Contact: Joshua Mankowski or Michelle R. Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION AGENDA

MEETING DATE: February 8, 2018

PLACE: Le Sueur County Environmental Services Building
515 South Maple Ave, Le Center, MN

TIME: 7:00 P.M.

***Planning Commission Members if you CANNOT be at the meeting contact Mindy at 357-8538.*

1. Call to Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes: January 11, 2018 Additions/Corrections/Approval
4. Applications

ITEM #1: JOEL & MELISSA SCHAEFER, CLEVELAND, MN, (APPLICANT); MIKE & TRACY DRASH, KASOTA, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right for a building eligibility from the SE/NW to the SW/NW in a Conservancy "C" District. Property is located in the NW quarter, Section 34, Kasota Township.

ITEM #2: DAVID & KELLY BODE, NORTH MANKATO, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow the applicant to construct a retaining wall within the shore impact zone, create a 10 x 50 beach sand blanket within the shore impact zone; Grading, Excavating, and Filling of 19.25 cubic yards within the shore impact zone and a total of 54.25 cubic yards of material on the lot in a Flood Fringe "FF" Floodplain Overlay District and a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 18 & 19, Edgewater Terrace Subdivision, Section 3, Cleveland Township.

ITEM #3: Request to amend the Le Sueur County Zoning Ordinance to allow for short-term transient rental. Copies of the proposed change is available for review during normal working hours Monday through Thursday 8:00 AM to 4:30 PM, and Fridays 8:00 AM to 4:00 PM at the Le Sueur County Environmental Services building and at the Le Sueur County Auditor's office. The proposed Ordinance revision is also available for review on the Le Sueur County website, under the Environmental Services Department.

5. Discussion Items: Possible work sessions
6. Claim sheets
7. Adjourn

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, February 8, 2018

Regular session

Item 1

Schaeffer Drash Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Joel & Melissa Schaefer

OWNER: Mike & Tracy Drash

911 ADDRESS: New address, Pearl St, Kasota, MN

PROJECT DESCRIPTION:
ZONING ORDINANCE SECTIONS: Transfer the development right from the SE 1/4 NW 1/4 to the SW 1/4 NW 1/4 , Section 34, Kasota Township

SITE INFORMATION

LOCATION: NW 1/4, Section 34, Kasota Township

ZONING DISTRICT & PURPOSE: Conservancy

The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District.

GENERAL SITE DESCRIPTION: Rural, rolling hills, ravine, wooded.

ACCESS: New access off Pearl Street, Kasota. City of Kasota approved access.

EXISTING LAND USE WITHIN ¼ MILE:

North: Agriculture
East: Agriculture

South: Shanaska Creek, Ravine
West: City limits/Winery

NATURAL RESOURCES INFORMATION

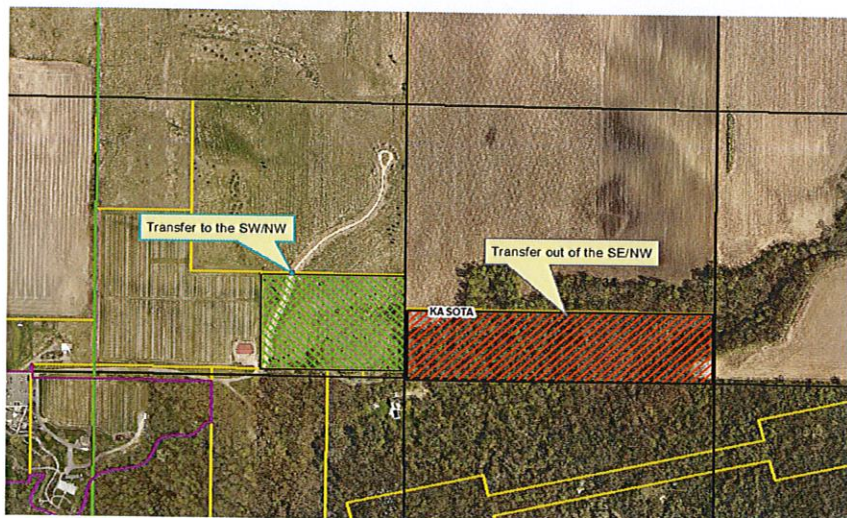
SHORELAND: The proposal is not located within the Shoreland District.

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

ATTACHMENTS

Application, Site plan, City of Kasota access approval, Aerial photo, Survey

AERIAL PHOTO



PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

PLANNING AND ZONING COMMISSION CONDITIONS

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

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

PLANNING AND ZONING COMMISSION FINDINGS

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

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

Le Sueur County

Conditional Use Application

I. Applicant:

Name JOE AND MELISSA SCHAEFER
Mailing Address 46479 EVERGREEN LANE
City CLEVELAND State MN Zip 55017
Phone # _____ Phone # 907.931.1617

II. Landowner:

Name MIKE AND TRACY DRASH
Mailing Address 1201 PEARL STREET E
City KASOTA State MN Zip 56050
Property Address N/A
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 05.034.0120 Parcel Acreage 6.51
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township KASOTA Section 34
Subdivision N/A Lot _____ Block _____

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

KASOTA Township notified on 04 JAN 2018
(Township Name) (Date)

Board Member JOE KENLEN regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

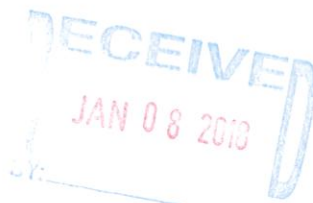
- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may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

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

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

Additional Fees:

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



VII. Type of Request:

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

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other TRANSFER OF DEVELOPMENT RIGHTS

VIII. Description of Request:

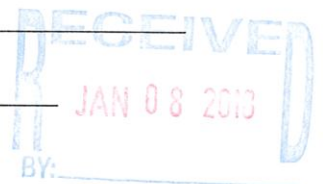
a. A full description of request with detailed information must be attached.

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

1. PROPOSED DAYS AND HOURS OF OPERATION: PERSONAL RESIDENTIAL
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: PERSONAL RESIDENTIAL
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: PLANNED WELL
 - ii. Toilet facilities: OWTS
 - iii. Solid Waste Collection: WASTE MANAGEMENT COMPANY
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) N/A
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) EXISTING
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) N/A

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

- North point
- 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)



A. 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

OFFICE USE ONLY

Request: TDR SE/NE to SW/NE

Pre-App Date <u>1/8/18</u>	Lake Classification <u> </u>	Feedlot	500'	1000'	<u>N</u>
Meeting Date <u>2/8/18</u>	Lake <u> </u>	Wetland Type	1-2	3-8	<u>N</u>
60 Day <u>3/9/18</u>	FEMA Panel # 27079C0 <u>237</u>	Water courses		Y	<u>N</u>
Zoning District <u>C</u>	Flood Zone <u>Outside</u>	Bluff		Y	<u>N</u>

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

☒ Application Complete

Planning & Zoning Department Signature

Date

Permit #

January 4, 2018

Joel and Melissa Schaefer
46479 Evergreen Lane
Cleveland, MN 56017

Joel and Melissa Schaefer:

Application for the transfer of development rights from parcel 05.034.0400 to adjacent property 05.034.0120 for 1 residential dwelling.

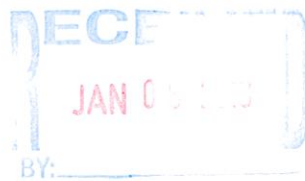
there is a desire for site 05.034.0400 to remain wooded and undeveloped due to terrain constraints.

Proper setback as well as primary and secondary sewage treatment sites exist.

Water supply will be by private well.

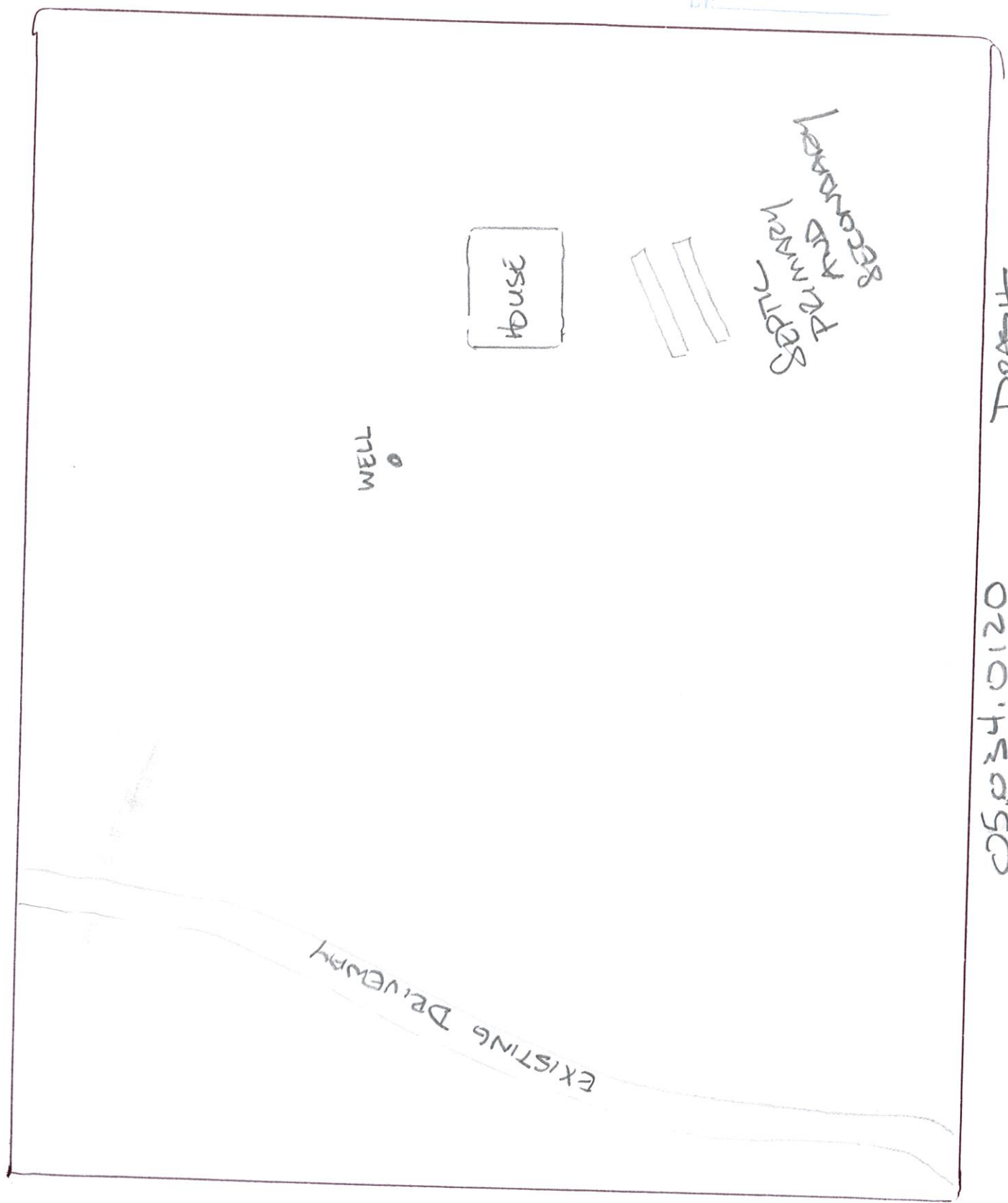
The City of Kasota has been notified and agrees to the additional access from one dwelling to city streets.

Kasota Township has been notified of the application.



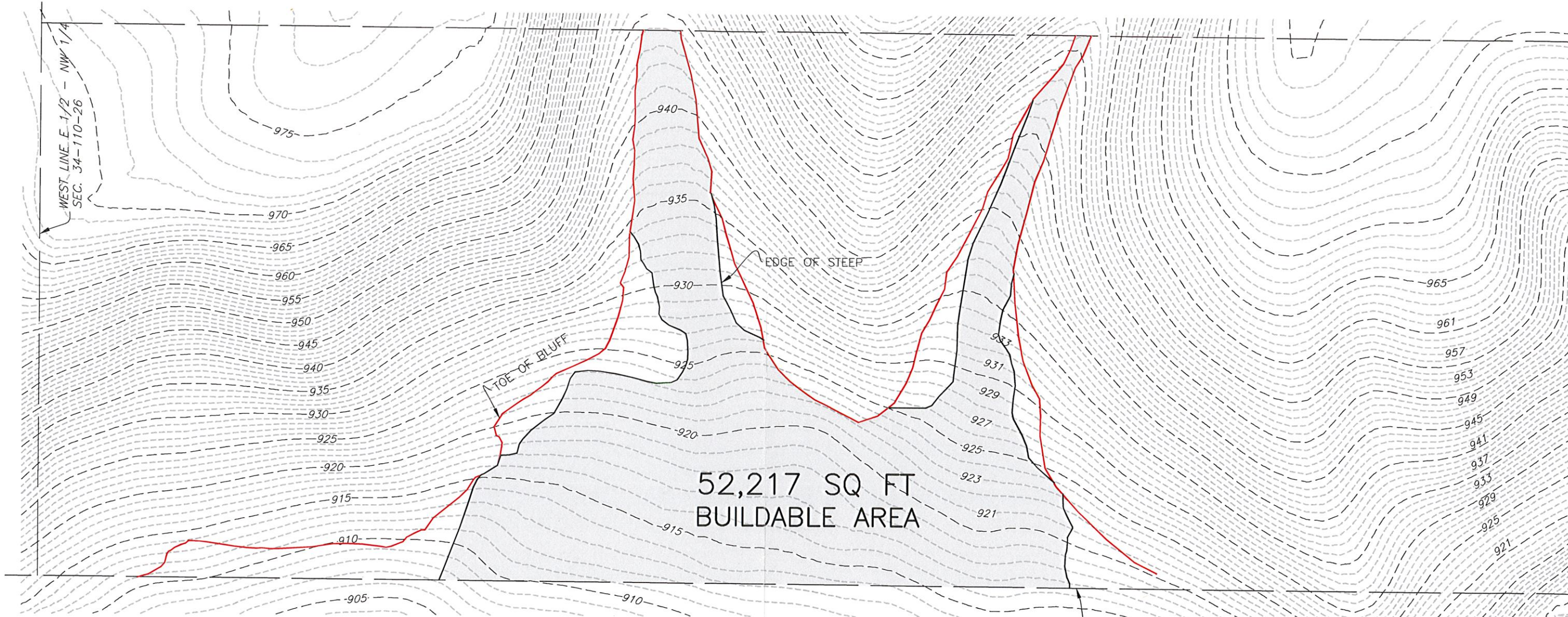


RECEIVED
JAN 08 2013
BY: _____



DRAFT
RESIDENCE

05.034.0120



RECEIVED
MAY 08 2015
BY: _____



0 60 120
SCALE IN FEET

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

5-08-15
Date



EXHIBIT DRAWING
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

THE S 10 ACRES OF THE E 1/2 OF THE NW 1/4,
OF SECTION 34, TOWNSHIP 110 NORTH, RANGE
26 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: JOEL SCHAEFER

©Bolton & Menk, Inc. 2015, All Rights Reserved

H:\PRIV_SURVEY\M31110021\CAD\C3D\110021BD1.DWG 05-08-2015 11:35a.m. SDB110021H

JOB NUMBER: M31.110021

FIELD BOOK: N/A

DRAWN BY: JLA

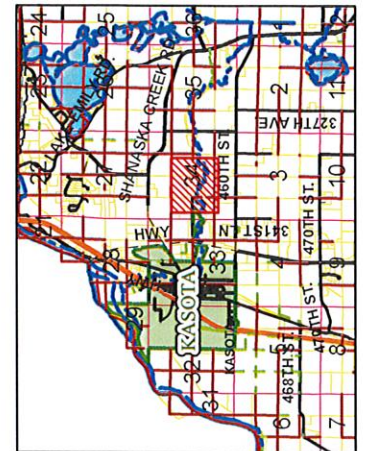
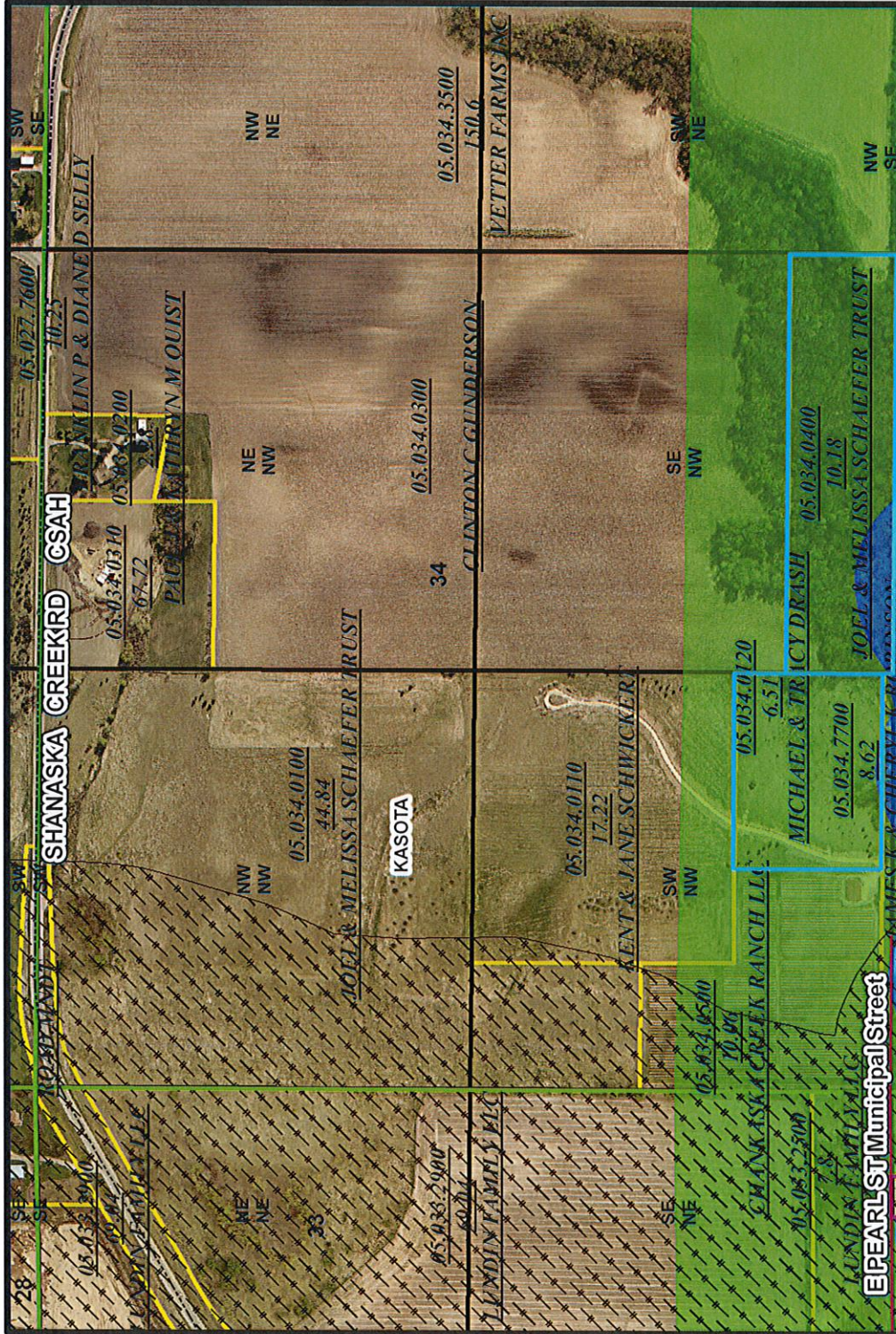
4.0 S34-T110N-R26W

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Drash Schaefer
PID: 05.034.0120
05.034.0400

DATE: 01-22-18
FIRM #: 27079C0 237D
F-Zone: X-Outside
RFPE: NA
District: Conservancy

	<all other values>
RDCODE	
	CSAH; County Road
	MN Highway; Ramp; US Highway
	Private Road - Open to public
	Township Road
	Unspecified
	Incorporated
	Townships
	Sections
	MR
	Airports
Zone	
	Zone A
	Zone B
	Zone C
	Flood Fringe
	Floodway
	Conservancy
	General Business
	Industry
	Recreational / Commercial
	Recreational / Residential
	Special Protection
	Urban / Rural Residential
	Quarter Quarter
	Parcel



Map Disclaimer
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation, however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
*The maps are date specific and are intended for use only at the published scale.
*These maps should not be used for navigational, engineering, legal, or any other site-specific use.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
ENVIRONMENTAL SERVICES
507-357-8538



Le Sueur County, MN

Thursday, February 8, 2018

Regular session

Item 2

Bode Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: David & Kelly Bode

911 ADDRESS: 46571 Evergreen Ln, Cleveland, MN

PROJECT DESCRIPTION: Request that the County grant an After-The-Fact Conditional Use Permit to allow the applicant to construct a retaining wall within the shore impact zone, create a 10 x 50 beach sand blanket within the shore impact zone; Grading, Excavating, and Filling of 19.25 cubic yards within the shore impact zone and a total of 54.25 cubic yards of material on the lot.

ZONING ORDINANCE SECTIONS: Section 13.2 Recreational Residential District, Section 6.2 Flood Plain Overlay District, Section 18 Environmental Performance Standards, Section 19 Land Use Performance Standards, Section 21 Conditional Use Permits.

GOALS AND POLICIES: The current Land Use Plan as adopted in 2007 does make reference to shoreland development design.

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

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

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

SITE INFORMATION

LOCATION: Lots 18 & 19 Edgewater Terrace Subdivision,
Section 3, Cleveland Township

ZONING: Flood Fringe "FF" Floodplain Overlay District and Recreational Residential

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

Floodplain Overlay District. It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

Flood Fringe (FF) District: The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

GENERAL SITE DESCRIPTION: Shoreland, residential

LAKE:

Lake Jefferson, Recreational Development lake

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

ACCESS:

Existing off Evergreen Lane

EXISTING LAND USE WITHIN ¼ MILE:

North: Scattered Residences

South: Lake Jefferson

East: Lake Jefferson

West: Residences

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

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

ATTACHMENTS

Application, Site Plan-Existing and Proposed, Description of Request, Aerial photo, Erosion Control Plan, Email from St Peter Well, Letter from Joshua Mankowski

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:

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

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

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

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

I. Applicant:

Name DAVID + KELLY BODE
Mailing Address 44316 490th STREET
City W. MANICATO State MN Zip 56003
Phone # (507) 327-2634 Phone # (507) 380-8525

II. Landowner:

Name DAVID + KELLY BODE
Mailing Address 44316 490th STREET
City W. MANICATO State MN Zip 56003

Property Address 46571 EVERGREEN LANE
City CLEVELAND State MN Zip 56017
Phone # (507) 327-2634 Phone # (507) 380-8525

III. Parcel Information:

Parcel Number 01.550.0180 Parcel Acreage 15820 Sq Ft.
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township CLEVELAND TWP/391 Section
Subdivision EDGEWATER Lot 18+19 Block

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

CLEVELAND Township notified on 7/7/17
(Township Name) (Date)

Board Member PAT MCCABE 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.



COVER

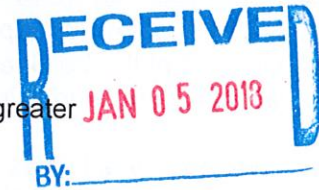
Conditional Use Permit
Filing Fee

\$ 750 After-The-Fact fee is doubled.
\$ 46

Additional Fees:

Special Meeting \$ 2,000

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



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

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

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

TOTAL cubic yards of material movement: _____

☐ **Shoreland- Outside Shore Impact Zone**

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

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

TOTAL cubic yards of material movement: _____

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

VIII. Description of Request:

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. ENVIRONMENTAL IMPACT: _____
 2. ADVERSE IMPACT ON SURROUNDING AREAS: _____
 3. STORMWATER RUNOFF: _____
 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: _____
 5. WETLAND IMPACT: _____
 6. SLOPE STABILITY: _____
 7. CERTIFICATE OF INSURANCE: _____
 8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

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

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

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

Conditional Use Permit Application

- 46751 Evergreen Lane

Edgewater Terrace (Jefferson), Lot 18 & 19, Parcel ID 01.550.0180



VII. Type of Request: Grading, Excavating or Filling

- | | |
|--|--|
| • Shoreland – Within shore impact zone (Landscaping) | Cubic yards of material movement - 10 |
| • Shoreland – Within shore impact zone (Beach sand) | MAX. Cubic yards of material movement - 9.25 |
| • Shoreland – Outside shore impact zone (Driveway) | Cubic yards of material movement - 35 |

VIII. Description of Request

Request 1: Landscape Erosion Control - Installation of Boulder Retaining Wall & Steps

Since our purchase of property, we have witnessed ongoing erosion of slope and hillside with the significant rain events over the past couple of years. The slope area is dense with trees which prohibit sunlight, therefore ground cover is almost non-existent.

The boulder stone retaining wall will protect and minimize down slope movement and provide support for slope. The choice of boulder stones over other retaining wall options was that of it being natural to a lake setting, not man made.

The original stairway to lake had concrete pad at top and bottom with steel steps between. Stairway was shaded by trees and exposed ground beneath 100% black dirt. With years of erosion, the stairway structure was shifting and starting to slide down the slope. The top concrete pad had an obvious downward grade and was extremely unsafe.

The installation of boulder cut stepping stones will eliminate the soil erosion and aesthetically blend into natural environment better than any other material option available.

8'x 8' storage shed will be removed from shoreline impact zone, leaving only one water orientated structure (deck).

Request 2: Removal of Asphalt Driveway & Install of Permeable Paver Driveway

Deteriorating asphalt will be removed from garage cement apron to township road and hauled away. The driveway will be excavated and prepared for installation, based upon manufacturers guidance, of TRUEGRID® Eco permeable pavers.

The TrueGrid® product is 100% post-consumer recycled HDPE and 100% permeable. The system is designed to infiltrate storm water runoff by allowing water to pass through a load bearing surface and aggregate sub based. The runoff is stored in the stone aggregate sub base, or storage layer, and allowed to infiltrate into the surrounding soil. In theory, this new driveway option is a very large french drain.

The aggregate sub base will be 1 ½" angular red stone, 6" in depth, with a storm water detention capacity of 344.9cf. The load bearing surface will be ½" angular red stone, 1 to 1 1/2" in depth which includes the height of the TRUEGRID® 24x24x1 permeable paver.

Request 3: Beach Sand Blanket

Request to include a beach sand blanket layer within following maximum perimeters outlined by County – no more than 6" in depth, 50' in shoreline length (total shoreline is 131') and extending no more than 10' above the ordinary high-water level.

b. 1 - Environmental Impact

- The landscaping project will positively diminish soil erosion from slope into the lake.
- The driveway update will allow water to infiltrate the soil, significantly reducing run off down the slope of our property into the lake.
- Beach sand blanket is simply replenishing what has been lost to erosion from rain events.

b. 2 - Adverse Impact on Surrounding Areas

- None of projects requested will adversely impact surrounding areas.

b. 3 – Storm Water Runoff

- Storm water runoff by elimination of impervious driveway and install of TRUEGRID® product will result in reduction of impervious surface by approximately 1478 sq ft. or 9.3%. This aligns with County goals to reduce impervious surfaces on non-conforming lots/properties.

b. 4 - Does any part of the Project Extend Below Ordinary High-water Level

- No

b. 5 - Wetland Impact

- None

b. 6 - Slope Stability

- The addition of small boulder retaining wall will positively help stabilize the slope from further erosion, as will the change in steps to boulders versus previous steel grid tread steps.

b. 7 - Certificate of Insurance

- Project(s) size does not meet requirements need to supply certificate of insurance.

b. 8 - Meet All Applicable County, State & Federal Regulations

- No additional permitting required



IX. Site Plan (includes but not limited to following)

Parcel > 5 AC – 2' contours depicting existing and proposed topography

Locations 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.

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 & buffering			Drainage

X. Restoration Plan

- The landscaping project includes new sod at base of boulders versus alternative of reseeding with grass.
- No trees, within shore impact zone, were impacted by landscaping project.
- Plants suitable for steep slopes such as lilies, hosta's, etc.. will be planted on slope beyond the boulder retaining wall. (<https://www.extension.umn.edu/garden/yard-garden/landscaping/best-plants-for-tough-sites/>)
- Perennials will be planted along base of boulder retaining wall to minimize sight of boulders.

XI Attachments

- Description of Request, see page 1
- Site Plan - Before and Proposed, attached
- Full Legal Description, see cover page and/or page 1
- Access approval – NA
- Township Notification, see cover page
- Septic System Compliance Inspection, see attached
- Erosion Control Plan, see attached
- Restoration Plan, see page 2-3
- Approved Storm Water Pollution Prevention Plan – NA



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.

Kelly A. Bode
Applicant signature

12/27/17
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.

Kelly A. Bode
Property Owner signature

12/27/17
Date

3



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: 35
 Cubic yards of material movement: 1925
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 54.25

Pre-App Date 1-5-18
 Meeting Date 2-8-18
 60 Day 3-6-18
 Zoning District RR/FF

Lake Classification RD
 Lake Jefferson
 FEMA Panel # 27079C0 265
 Flood Zone A-100 yr

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

NOVC

☒ Site Plan☒ Erosion Control Plan☒ Meeting☒ Reg / ATF / Spec

-Petitioned

☒ Full Legal☐☒ Fee\$ 1546.00

West

☒ Ordinance☐ Other _____☒ Penalty\$ 1500.00

Jeff Pipe

☒ Application CompletePlanning & Zoning Department Signature Michelle R. MuthDate 1/5/18Permit # 18001

\$

3-109-25



\$1500.00 (ATF Fee)

\$ 46.00 (Filing Fee)

\$ 1500.00 (Penalty)

\$ 3,046.00 Total Fee

PROPOSED CONDITIONS

PID 01.550.0180

OWNER ADDRESS
DAVID & KELLY BODE
44316 490TH STREET
NORTH MANKATO, MN 56003

SITE ADDRESS
46571 EVERGREEN LANE
CLEVELAND, MN

REMOVALS IMPERVIOUS SURFACES

SHED	66 SQ FT
BITUMINOUS SURFACE	1478 SQ FT
BOULDERS	26 SQ FT
TOTAL	1570 SQ FT (9.9%)

TOTAL LOT AREA

15820 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	1633 SQ FT
GARAGE W/ OVERHANG	591 SQ FT
CONCRETE 1	82 SQ FT
CONCRETE 2	185 SQ FT
CONCRETE 3	51 SQ FT
CONCRETE 4	315 SQ FT
STONE STAIRS	84 SQ FT
LARGE BOULDER RETAINING WALL (APPROX. 50'L x 36"H x 28"-30"D)	140 SQ FT
SMALL BOULDER RETAINING WALL (APPROX. 12'L x 36"H x 28"-30"D)	20 SQ FT
DECK 1	111 SQ FT
DECK 2	46 SQ FT
DECK 3	38 SQ FT
DECK 4 (12' x 16')	192 SQ FT
WATER WELL COVER	14 SQ FT
WATER LINE COVER	8 SQ FT
TOTAL	3510 SQ FT (22.1%)

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Rory Jensen
Rory Jensen
License Number 19789

07/06/2017
Date

REVISED ORIGINAL SURVEY: 7-10-17
10-03-17
10-09-17
12-06-17

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



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

LOTS 18 & 19, EDGEWATER TERRACE, LE SUEUR COUNTY, MINNESOTA

FOR: DAVID & KELLY BODE

LEGEND

- MONUMENT FOUND
- ⊞ CP COMMUNICATION PEDESTAL
- UTILITY POLE
- Ⓜ MB MAILBOX
- OU — UTILITY OVERHEAD
- ⌋ FLAG POLE
- Ⓜ GAS METER
- Ⓜ ELECTRIC METER
- Ⓜ AIR CONDITIONER

RECEIVED
DEC 07 2017
BY:

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H:\BODDA_PR\M33114281\CAD\C3D\114281BD2 Proposed.dwg 12/6/2017 1:11 PM

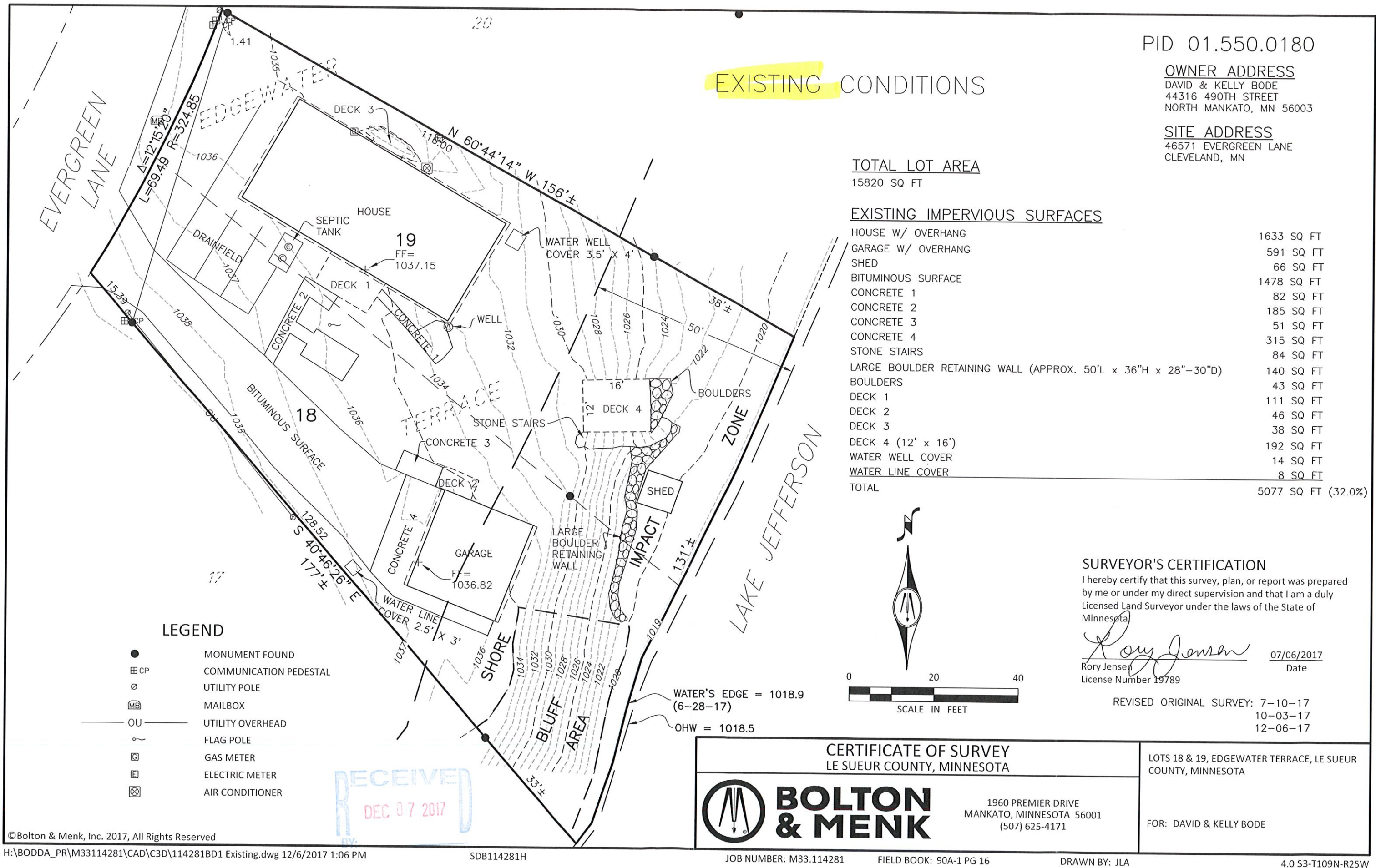
SDB114281H

JOB NUMBER: M33.114281

FIELD BOOK: 90A-1 PG 16

DRAWN BY: JLA

4.0 S3-T109N-R25W



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: DAVID + KELLY BODE PID: 01.550.0180
Mailing Address: 44316 490th ST N. MAHICATO MN 56003
Property Address: 46571 EVERGREEN LANE CLEVELAND MN 56017
Phone: (507) 327-2634 Mobile/Cell: (507) 380-8529

Responsible party for Implementation/Inspection: SMITH LANDSCAPING
Address: 23371 6100th AVE MADISON LAKE, MN 56063
Phone: () _____ Mobile/Cell: (507) 243-3363

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.

RECEIVED
JAN 05 2013
BY: _____

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.

Kelly A Bode
(Property Owner)

Kelly A Bode
(Person Responsible for Implementation)

12/27/17
(Date)

12/27/17
(Date)

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



Erosion Control- 46751 Evergreen Lane

Edgewater Terrace (Jefferson), Lot 18 & 19, Parcel ID 01.550.0180

10/05/17

Description

Two Silt socks 8" diameter x 20' as well as upright silt fence 40' in length



RECEIVED
JAN 05 2013
BY: *mm*

Dave and Kelly Bode

2 messages

St. Peter Well Drilling <spwell2@gmail.com>
To: environmental services@co.le-sueur.mn.us
Cc: kbode8529@gmail.com

Wed, Aug 23, 2017 at 8:47 AM

Dear Michelle:

I am writing on behalf of:

Dave and Kelly Bode
45655 Evergreen Lane
Cleveland MN
01.103.8600

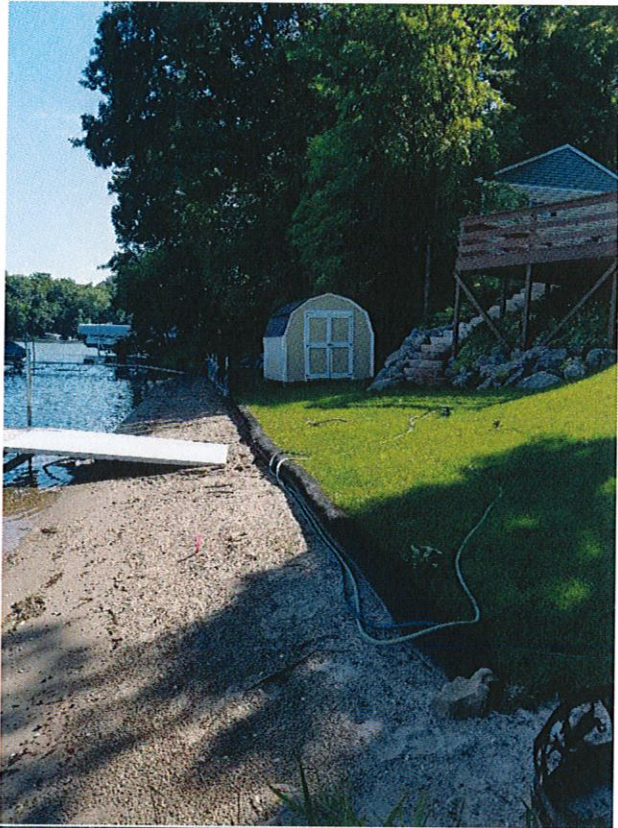
If the city sewer pipe is not available for connection, the existing compliant septic tank can be converted to a holding tank; at the following address:

45655 Evergreen Lane
Cleveland MN
01.103.8600

Sincerely,

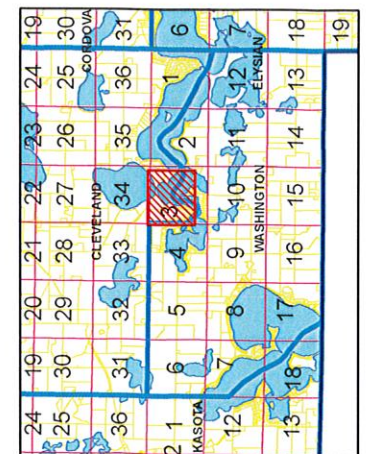
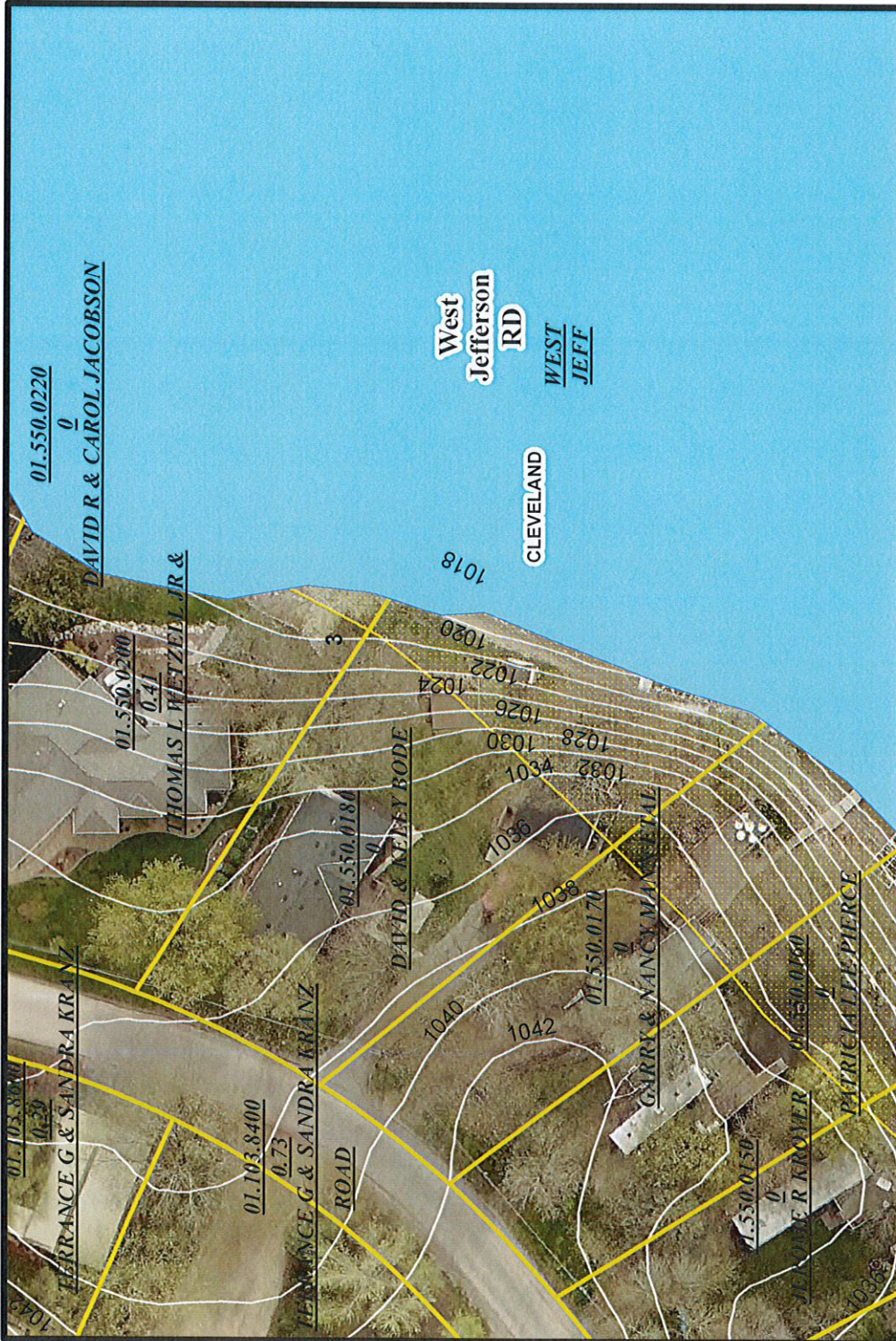
Glen Schilling
St. Peter Well Drilling
45823 State Highway 22
Kasota, MN 56050
507-931-1340
Spwell2@gmail.com

8/23/2017 10:17 AM



LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Bode
 PID: 01.550.0180
 DATE: 01-30-18
 FIRM #: 27079C0265D
 F-Zone: A-100 Year
 RFPE: 1022.86
 District: Recreational
 Residential &
 Flood Fringe



Map Disclaimer

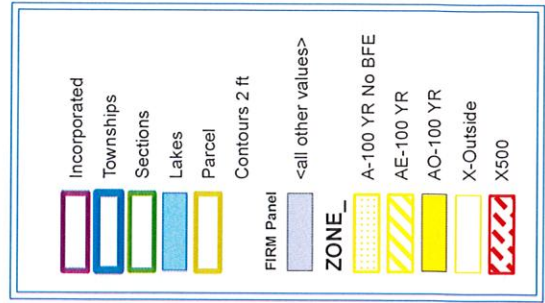
*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.
 *The maps are date specific and are intended for use only at the published scale.
 *These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2013

Created By: MRM

LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538





Le Sueur County, MN

Thursday, February 8, 2018

Regular session

Item 3

Ordinance Amendment Request Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Glen Sohre

AMENDMENT REQUEST: Amend the Le Sueur County Zoning Ordinance to allow Retreat/Vacation/Private home rental (VRBO Vacation Rental By Owner) in the Recreational Residential District.

NATURAL RESOURCES INFORMATION

SHORELAND: Proposal is to allow in shoreland district, Recreational Residential District

ATTACHMENTS

Application, proposed amendment,

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance:

1. Currently Le Sueur County Zoning Ordinance does not allow short-term transient lodging in a Recreational Residential District.
2. Resorts, Campgrounds, Hotel/Motel, Bed & Breakfast, Commercial Planned Unit Development (PUD)

RESORT - A structure or group of structures containing guest rooms, with a large portion of the site devoted to recreational activities.

CAMPGROUND - An area of property used on a daily, nightly or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer, made for camping where proper sanitation facilities and spacing of camp units are provided and maintained.

MOTEL - A structure or group of structures used primarily for the temporary residence of motorists or travelers.

BED AND BREAKFAST INN - An owner-occupied dwelling unit where short-term lodging rooms with or without meals, are provided for compensation.

PLANNED UNIT DEVELOPMENT, COMMERCIAL - Typically uses that provide transient, short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle, camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Le Sueur County

Zoning Ordinance Amendment Application

I. **Applicant:**
Name Glen M. Sohre
Mailing Address 57157 153rd St.
City Good Thunder State MINN Zip 56037
Phone # 507 381 2104 Phone # gmsohre@gmail.com

II. Description of Amendment Request:

Attach the following required information accompanying the application to amend the wording of this Ordinance.

1. Stated reason for the amendment requested.
2. Statement of compatibility to the Le Sueur County Land Use Plan.
3. Text of the portion of the Ordinance to be amended.
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
5. Any additional information as may be requested by the Department and/or the Planning Commission.

III. Quantities and Submittal Formats:

- a. **One (1)** reproducible copy of the request and all other supporting documents.
- b. However if any documentation is in color, an aerial photo, photographs, or larger than 11 x 17, then **twenty three (23)** copies must be submitted.
- c. Electronic version of any supporting documents *if available*.
- d. Additional copies may be requested as deemed necessary by the Department.
- e. Application appointment for the amendment must be made **in person** prior to 12 P.M. on the date of application deadline. Fees are due at the time of application.
- f. **Appointment is necessary.**
- f. **Applications and fees will not be accepted by mail.**

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

Amendment	\$ 750
Filing Fee	\$ 46

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

XI. Procedure:

The Planning & Zoning Commission shall hold a public hearing on the proposed amendment 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 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.

[Signature]
Applicant signature

1-6-18
Date

OFFICE USE ONLY

Request: Ord Rev

Pre-App Date 1-8-18

Meeting Date 2-8-18

60 Day 3-9-18

Zoning District

Lake Classification

Lake

FEMA Panel # 27079C0

Flood Zone

Feedlot

Wetland Type

Water courses

Bluff

500'

1000'

N

1-2

3-8

N

Y

Y

N

N

NA

- ☒ Request Description
☒ Site Plan
☐ Full Legal
☒ Ordinance

- ☐ Access Approval
☐ Erosion Control Plan
☐ Blue Prints
☐ Other

- ☐ Septic
☒ Meeting
☒ Fee
☐ Penalty

Comp Insp / Design
Reg / ATF / Spec
\$ 700
\$

- ☒ Application Complete

[Signature]
Planning & Zoning Department Signature

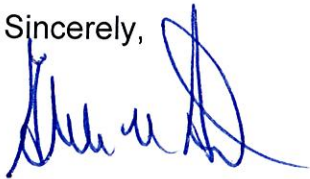
1-8-18
Date

18003
Permit #

To whom it may concern:

The reason for this request is to amend or add the ordinance to include(Retreat/Vacation/Private home rental, VRBOs) as a conditional use within the recreational residential district in the Le Sueur county.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Glen Sohre', with a stylized flourish at the end.

Glen Sohre

Craft Retreat/Vacation/Private Home Rental

The owner of the homes renting for thirty (30) consecutive days or less shall be allowed, providing the following requirements are met:

- A. The owner must apply for and receive a conditional use permit from Le Sueur county. The county will establish fees for the application and renewal.
- B. The owner/operator will post rules/regulations and emergency contact information (police, fire, hospital, and septic) inside the home.
- C. On-site parking shall be provided which is sufficient to accommodate the occupants of the home. Any designated off-site parking needs to be approved by owners prior to use. Parking should be set back a minimum of five feet from the property line.
- D. The owner shall provide a visual demarcation of the property lines.
- E. The owner shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The owner may determine quiet hour standards in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.
- F. The owner shall establish a detailed plan for garbage disposal that will be posted in the home. The owner will be responsible for ensuring proper garbage disposal is done.
- G. Any premises used for human occupancy must be provided with an adequate method of sewage treatment. Publicly owned sewer systems must be used where available. All private sewage treatment systems must meet or exceed the Le Sueur County Subsurface Sewage Treatment System Ordinance and subsequent amendments.
- H. If pets are allowed in the home, renters must ensure that they are in compliance with individual owners rules and regulations.
- I. The owner will keep a report of the renters who have used the property. This will include the renters first/last name, address and phone number. The report will be available to the county upon request.



Le Sueur County, MN

Thursday, February 8, 2018

Regular session

Item 1

APPROVED February 8, 2018 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle R. Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
February 8, 2018

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer,
Doug Krenik, Al Gehrke, Commissioner King

MEMBERS ABSENT: Pam Tietz,

OTHERS PRESENT: Joshua Mankowski, Michelle Mettler, Commissioner Rohlfing

1. The meeting was called to order at 7:00 by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Don Reak. Second by Doug Krenik. Approved.
3. Minutes from January 11, 2018 Meeting. Motion to approve minutes was made by Al Gehrke. Second by Shirley Katzenmeyer. Approved.
4. Applications

ITEM #1: JOEL & MELISSA SCHAEFER, CLEVELAND, MN, (APPLICANT); MIKE & TRACY DRASH, KASOTA, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right for a building eligibility from the SE/NW to the SW/NW in a Conservancy "C" District. Property is located in the NW quarter, Section 34, Kasota Township.

Joshua Mankowski presented power point presentation. Joel Schaefer was present for the application.

TOWNSHIP: Notified. Response: None.

DNR: Notified. Response: None.

LETTERS: None

PUBLIC COMMENT: Mike Drash stated that the TDR was coming from a heavily wooded lot of Schaeffer's to the new location.

Discussion was held regarding: Joel Schaefer explained why they are seeking to transfer the development rights. It will be moving from an adjacent quarter-quarter that is less suitable for building to an area where development has already taken place. Discussion about building eligibility per quarter-quarter was had. This is not transferring all the building eligibilities in the quarter-quarter, just this one building eligibility.

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 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?*

Motion was made by Doug Krenik to approve the application.

No further discussion.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #2: DAVID & KELLY BODE, NORTH MANKATO, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact Conditional Use Permit to allow the applicant to construct a retaining wall within the shore impact zone, create a 10 x 50 beach sand blanket within the shore impact zone; Grading, Excavating, and Filling of 19.25 cubic yards within the shore impact zone and a total of 54.25 cubic yards of material on the lot in a Flood Fringe "FF" Floodplain Overlay District and a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located at Lots 18 & 19, Edgewater Terrace Subdivision, Section 3, Cleveland Township.

Joshua Mankowski presented power point presentation. David Bode was present for the application.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

LETTERS: Joshua Mankowski regarding recommendation to approve the application on the grounds that the project will help address an ongoing erosion issue on the lot and will reduce the total impervious surface on the lot from 32% to 22.1%. Recommended conditions for approval included maintaining vegetative cover on the slope and along the shoreline (excluding the location of the sand blanket) to reduce erosion issues.

PUBLIC COMMENT: None

Discussion was held regarding: The project starting out as boulder stairs that then grew to include retaining walls. They did not have any formal drawing done before the work was started. The applicant thought the addition of the retaining wall would help with erosion issues on the hill. Work was stopped once the Cease and Desist order was issued. Plans for a sand blanket were added in later. Don Reak discussed using native vegetation along the steps, on the slope, and along the shoreline. Joshua Mankowski stated that, due to shading issues, it would be difficult to establish the typical native vegetation. Don Reak then recommended possibly trimming trees to allow more light. Discussion on the removal of the existing shed. This shed is proposed to be removed as part of the application. Discussion on the negative impacts of manicured lawn and sand blankets on the lake.

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 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?*

Motion made by Al Gehrke to approve the application

Discussion was held regarding: Statement from Joshua Mankowski that nothing can be placed under the sand blanket such as landscaping fabric. Including with approval the conditions stated in the letter from Joshua Mankowski that the applicant is to maintain vegetative cover on the slope and along the shoreline (except the location for the sand blanket), from Don Reak that the trees are to be trimmed, as stipulated by the Le Sueur County Planning & Zoning Ordinance, to provide additional light in the sloped area to help establish better vegetative cover, and that no plant barrier, liner, or filter fabric material shall be placed underneath the beach sand blanket per Le Sueur County Planning & Zoning Ordinance.

Second by Don Reak. Motion approved. Motion carried.

ITEM #3: Request to amend the Le Sueur County Zoning Ordinance to allow for short-term transient rental.

Joshua Mankowski presented power point presentation. Glen Sohre was present for the application.

TOWNSHIP: Notified. Response: None

DNR: Notified. Response: None

Discussion was held regarding: Glen Sohre state that he would like the County to add this use. He currently has operated a vacation rental in the County not knowing it was not allowed. The intent of applying for the ordinance revision is also to allow for public discussion on this topic. He would like to have this added. Need to bring in public input.

PUBLIC COMMENT:

Bruce Klugherz regarding concerns with allowing VRBOs in the Recreational Residential District including lot size, placement of residents on lot (proximity form lot line). Read a letter from Jerold Lucas of Brandt Law Office. The letter outlined five items that are required to apply for an ordinance amendment that Mr. Lucas believes were not met. They are as follows 1) The applicant is required to state the reason for the amendment request, 2) the applicant provides a statement of compatibility to the Le Sueur County Land Use Plant, 3) the applicant must submit test of the portion of the ordinance to be amended, 4) proposed amended test and statement

outline any other facts that the amendment may have on other areas of the ordinance, and 5) applicant is required to submit any additional information which may be requested by the department or by the commission. This is a difficult decision and hopes that final ordinance will consider safety for the community.

Dorothy Jacobson regarding observed issues including constant campfires, increased traffic, noise, large numbers of people and vehicles. This is a residential neighborhood and this use does not fit.

Brenda Henneck regarding her issues. VRBOs are not regulated as rental property, why allow spot zoning, she purchased the property because it was not near a resort or rental property, this use creates a big change in the neighborhood, what is in it for the County, costs and resources, monitoring and police. renters do not know lake rules, big change to the lake.

Seth Hammond asked if the County has considered the concerns and comments that have been received from the public in the past. Joshua Mankowski stated that the comments and concerns were discussed during a previous work session and that there are some letters that were requested to be read into the meeting during the public comment period.

Brian Swanson regarding his property that has been in the family for 50+ years. Would like a good reason why this use isn't allowed, would like to rent out his basement, understands that this is a difficult decision, there are loud noises anywhere on the lake, noise from the landing, this use could be controlled and operated properly, noise is an issue from some people who own/live on the lake, purchase the house for this purpose, allows for extra income to pay for the property.

Questions for clarification from Don Reak about Bed & Breakfast in the County. Michelle stated that these uses do still require Planning and Zoning approval.

Helen Klugherz regarding trying to sell her property next to a VRBO. She had to disclose that the home is next to a VRBO, decreased value.

Rodney Cruze regarding allowing this use in Le Sueur County. He owns a cabin in a neighboring county that he rents out. He works with his neighbors; he doesn't want his place damaged by renters. There are owner occupied properties that are unkempt and remain in disrepair. There are always different people using the rental. We are limiting how people can use their property. He would like to have the ability to rent out his current property in the future. He works with his neighbors, even paying one to help care for the cabin. Didn't realize there was this restriction.

LETTERS:

Brenda and Kevin Roemhildt regarding the issues they have had owning property next to a current VRBO in the County. Issues include: number of people staying compared to the size of the lot, the number of tents, drinking, number of cars, trash left on their lot, their property being used as overflow parking, difficulties their lawn service have had completing their work due to the aforementioned issues, large parties with a lot of drinking. They have personally used VRBOs when they have traveled and have always found a rule book/guide upon arrival. They are excited to learn that some rules and regulations might be put in place, this is a neighborhood, not a party rental.

Dennis and Mary Jo Erickson submitted a letter stating their concerns about this type of businesses in their neighborhood. There is a lack of on-site management, the property owner resides out-of-state, noise, parking, trespassing, decrease in property values.

Bruce & Helen Klugherz email stating their experience residing near a VRBO on Limberdink Road. Noise is a problem, it doesn't stop at 10:00 pm, excess speed on private road, drinking and driving, underage use of ATVs on the road, excess speed and not maintaining appropriate distances while using personal watercraft, VRBO customers claiming ignorance of the laws/rules and does not care because they are only there for a short time, lude behavior while intoxicated, and not cleaning up after pets while walking down the road.

Motion was made by Don Reak to Deny the application. The County should review this type of ordinance revision during our regular review process.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

5. Discussion Items: Discussed possibly holding another work session to continue the discussion of ordinance revisions. Time and date will be determined at a later date.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Al Gehrke. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

Approved March 8, 2018

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