



**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:** APRIL 12, 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 & Zoning Commission Notice of Public Hearing
- ITEM #2** Planning Commission Agenda
- ITEM #3** Margenthaler-Fazio Packet
- ITEM #4** Peters Packet
- ITEM #5** Approved April 12, 2018 Meeting Minutes

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





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# **Le Sueur County, MN**

**Thursday, April 12, 2018**

**Regular session**

## **Item 1**

### **Planning & Zoning 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](http://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:** APRIL 12, 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 **APRIL 2, 2018**.

**ITEM #1: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

**ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential "R1" District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

**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, April 12, 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:** April 12, 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: March 8, 2018 Additions/Corrections/Approval
4. Applications

**ITEM #1: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

**ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential "R1" District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

5. Discussion Items:
6. Warrants/Claims
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.



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# Le Sueur County, MN

Thursday, April 12, 2018

Regular session

## Item 1

### Margenthaler-Fazio Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:/OWNER:** Matt Morganthaler & Dawn Fazio

**911 ADDRESS:** 22694 Lake Francis Lane, Elysian, MN

**PROJECT DESCRIPTION:** To allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately **9.06** cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of stairs and riprap shoreland restoration project.

**PARCEL NUMBER:** 04.670.0120

**CUP NUMBER:** 18016

## SITE INFORMATION

**LOCATION:** Lot 12, Muellerleile Subdivision, Section 33, Elysian Township

**ZONING DISTRICT:** Recreational Residential

**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.

**GENERAL SITE DESCRIPTION:** Shoreland, residential

**ACCESS:** Existing off Lake Francis Lane

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Lake Francis	South: Residences
East: Residences	West: Residences

## BACKGROUND INFORMATION

The previous landowner replaced/repared existing retaining wall without a Conditional Use Permit(CUP). The application is an after-the-fact CUP to remove the retaining wall and construct stairs in the bluff, construct 99 lineal feet of rip rap in the shore impact zone and bluff. Majority of the rip rap project is below the Ordinary High Water Level (OHWL) and is within the DNR jurisdiction. Only the portion of the project that extends landward from the OHWL is part of the CUP.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Linus Hebl from Elysian Township was contacted on January 9, 2018 by applicant, per application.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is located within the Shoreland District.

**LAKE:** Lake Frances, 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.

1

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

## ATTACHMENTS

Application, description of request, site plan, aerial photo, Holly Kalbus letter, photographs

## STAFF FINDINGS

**ZONING ORDINANCE SECTIONS:** Section 13, Section 18, Section 19, & Section 21

**STRUCTURE REQUIREMENTS:** Detached deck will need to either apply for a Variance to be 8 feet from the property line, reduce the size of the deck to meet setback (10') to property line, or remove deck.

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007 does 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 1:** The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

**Action 3:** Amend the County's Zoning controls to require all structures to meet a minimum 30' setback from the top of a bluff.

**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.

**Action 2:** Adopt the water quality protections and standards specified under goal #3, actions #1 and #2 to protect lake water quality.

**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.

## DNR GUIDANCE LETTERS

1. Administration, Compliance, and Enforcement pg. 1
2. Grading & Filling within Shoreland Areas pg. 3
3. Natural Shorelines pg. 5
4. Bluffs and Steep Slopes pg. 11
5. Non-conforming Lots of Record in Shoreland Areas pg. 19



## ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

<b>WETLAND:</b>	Type 1 wetland located to the south of the property.
<b>BLUFF:</b>	Project is located within the bluff.
<b>GRADING, EXCAVATING, OR FILLING:</b>	Grading, excavating, and filling greater than 10 cubic yards within the shore impact zone and within the bluff.
<b>EROSION CONTROL:</b>	In place prior to starting any part of the project.

## PERFORMANCE STANDARDS-SECTION 13 & 18

<b>LANDSCAPING &amp; SCREEENING:</b>	Condition recommended in Environmental Resource Specialist, Holly Kalbus letter for vegetative planting.
<b>SPECIFIC LAND USE:</b>	<b>Shoreland Alterations:</b> Section 13, Subdivision 5. B. (page 13-16) <b>Bluff Standards:</b> Section 18, Subdivision 2. (page 18-2) <b>Grading, Excavating, and filling:</b> Section 18, Subdivision 3. (page 18-3)

## 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.
11. **Additional considerations:**
  - a. The site is adequate for water supply and on-site sewage treatment.
  - b. Resolving unpermitted retaining wall violation.

## 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.
9. See staff recommended condition (Holly Kalbus letter).

#### **SHORELAND DISTRICT-EVLAUATION CRITERIA**

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.

#### **SHORELAND DISTRICT CONDITIONS**

1. Increased setbacks from the ordinary high water level.
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
3. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18016

**Applicant:** MATT MARGENTHALER & DAWN FAZIO    **Land Owner:** MATT MARGENTHALER & DAWN FAZIO

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT GRADING EXCAVATING AND FILLING OF APPROXIMATELY 20.4 CUBIC YARDS OF MATERIAL WITHIN THE SHORE IMPACT ZONE, INCLUDING \_\_\_ CY WITHIN THE BLUFF FOR THE REMOVAL OF AN ATF RETAINING WALL AND CONSTRUCTING RIP RAP.

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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_



LE SUEUR COUNTY ENVIRONMENTAL SERVICES  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057-1600

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 04/02/2018

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

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**Applicant:**

Matt Margenthaler & Dawn Fazio

**Property owner:**

Matt Margenthaler & Dawn Fazio

**Property:**

04.676.0120

**Description:**

Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis.

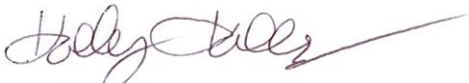
**Recommendation:**

It would be my recommendation to approve with the following condition(s) listed below. The existing limestone retaining wall is failing, and does not fulfill the intent of preventing and reducing erosion due to poor construction and the use of erosive material. The riprap would be placed in the current location of the retaining wall, thus reducing the amount of material movement.

**Condition(s):**

1. Plant deep rooted Minnesota native vegetation within the riprap. The vegetation will provide more stability and reduce soil erosion within the shore impact zone and bluff.

Sincerely,



Holly Kalbus  
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 MATT MARGENTHALER, DAWN FAZIO  
Mailing Address 47 NEWCASTLE COURT  
City N MANKATO State MN Zip 56003  
Phone # 507/317-2548 Phone # 507/380-6206

### II. Landowner:

Name MATT MARGENTHALER, DAWN FAZIO  
Mailing Address 22694 LAKE FRANCIS LN  
City ELYSIAN State MN Zip \_\_\_\_\_  
Property Address 22694 Lake Francis Lane Elysian  
City \_\_\_\_\_ State MN Zip 56028  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 04670 0120 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 33  
Subdivision Muelleleite Lot 12 Block \_\_\_\_\_

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

Elysian Township notified on 1/9/18  
(Township Name) (Date)  
Board Member Linus Hebel regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

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



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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** Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Cubic yards of material movement: \_\_\_\_\_  
**TOTAL cubic yards of material movement:** \_\_\_\_\_

**Shoreland- Outside Shore Impact Zone** Cubic yards of material movement: \_\_\_\_\_  
 Within Shore Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Cubic yards of material movement: \_\_\_\_\_  
**TOTAL cubic yards of material movement:** \_\_\_\_\_

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

**VIII. Description of Request:**

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

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

1. ENVIRONMENTAL IMPACT: 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: SEE ATTACHED
5. WETLAND IMPACT: SEE ATTACHED
6. SLOPE STABILITY: SEE ATTACHED
7. CERTIFICATE OF INSURANCE: SEE ATTACHED
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.

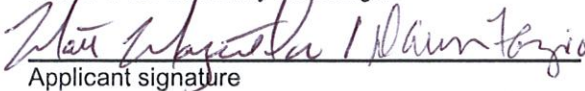
Action by the County Board shall be a majority vote of its members.

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

3/14/18  
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

3/14/18  
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: 20.4  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: 9.00

**TOTAL cubic yards of material movement:** 20.4

Pre-App Date 3-14-18 Lake Classification RD Feedlot 500' 1000' N  
 Meeting Date 2-12-18 Lake Tranah Wetland Type 1-2 3-8 N  
 60 Day 5-13-18 FEMA Panel # 27079C0 425 D Water courses Y N  
 Zoning District RR Flood Zone X - outside Bluff Y N

- Request Description
- Site Plan
- Full Legal
- Ordinance
- Access Approval
- Erosion Control Plan
- Other \_\_\_\_\_
- Septic Comp Insp / Design ccc
- Meeting Reg / ATF / Spec
- Fee \$ 3,046-
- Penalty \$ 15,000.00

Application Complete Michelle R Mitts 3-14-18 18016  
 Planning & Zoning Department Signature Date Permit #



## Mettler, Michelle

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**From:** Bryan Suemnick <bryansuemnick@yahoo.com>  
**Sent:** Monday, March 19, 2018 2:19 PM  
**To:** Mettler, Michelle  
**Subject:** matt margenthaler

Suemnick's Final Cut Tree Service L.L.C

105 1st street south p.o box 182 Elysian,Mn 56028

507-317-4323

1. property issue:

I have been contacted by matt margenthaler to address some violations on his shoreline that were done by the previous owner on the property he purchased in late 2017

the violations include the patio wooden deck by the water front and a limestone retaining wall that was constructed on the shore line.

we are requesting a permit be granted to the property owner to remove and place the wooden deck in the approved spot as shown on the site plan drawn up by bolten and menk

as well as removing the limestone retaining wall that's been built on the shoreline and is also a violation. to fix the issue with the limestone retaining wall we will be removing the 88ft long is equal to 10 cubic yards the area back to as close to natural slope as we can get.

equipment used will be skidloader mini excavator dump truck for hauling out debris from limestone retaining wall 10 cubic yards will be removed .

we will replace the area were the wall is at with ( rip rap) field stone rock 6"-18" in size with no more than a 3 to 1 slope placing fabric down than the rip-rap rock over the top 88ft in total length. 20.4 cubic yards total

2.total material movement in zones will be as follows:

a.shore impact zone will be 20.4 total cubic yards of movement.

b.outside bluff zone there will be 2.6 cubic yards moved. I found this number by taking 1.5ft wide multiplied by 20ft long multiplied by 2.4 ft thick=72 divided by 27 gives you cubic yards of 2.6

c. bluff zone there will be 9.067 cubic yards moved. I found this number by taking 1.5ft wide multiplied by 68 long multiplied by 2.4 ft thick =244.8 divided by 27 gives you your cubic yards of 9.067

d. bluff zone there will be 6 yards of limestone retaining wall removed

e. outside the bluff zone there will be 2.733 cubic yards of lime stone retaining wall removed

f.  $2.6+9.067+6.2.733=20.4$  cubic yards of movement



**PROPOSED CONDITIONS**

PID 04.670.0120

OWNER ADDRESS

Matt Margenthal & Dawn Fazio

SITE ADDRESS

22694 WEST FRANCIS LANE  
ELYSIAN, MN 56028

TOTAL LOT AREA

20,301 SQ FT

PROPOSED IMPERVIOUS SURFACES

HOUSE W/ OVERHANG	2383 SQ FT
SHED	106 SQ FT
CONCRETE 1	266 SQ FT
CONCRETE 2	508 SQ FT
CONCRETE 3	100 SQ FT
BITUMINOUS SURFACE	401 SQ FT
DECK 1	145 SQ FT
DECK 2	365 SQ FT
DECK 3	115 SQ FT
BLOCK STEPS	107 SQ FT
<b>NEW STEPS</b>	<b>24 SQ FT</b>
STEP	3 SQ FT
PAVERS	7 SQ FT
RETAINING WALL 2	10 SQ FT
RETAINING WALL 3	5 SQ FT
LANDSCAPING 2	116 SQ FT
<b>TOTAL</b>	<b>4661 SQ FT (22.9%)</b>

NOTE: LANDSCAPING 1 & 3-7 ARE NOT CALCULATED IN THE IMPERVIOUS AREA. THEY HAVE NO PLASTIC BARRIER TO MAKE THEM IMPERVIOUS

SURVEYOR'S CERTIFICATION

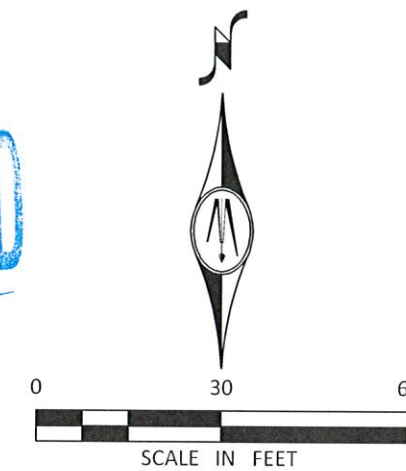
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Rory Jensen*  
Rory Jensen  
License Number 19789

3/06/2018  
Date

REVISED ORIGINAL SURVEY: 3-13-18  
3-14-18

**RECEIVED**  
APR 04 2018  
BY: \_\_\_\_\_



EARTHWORK CALCULATIONS

REMOVALS

10 CUBIC YARDS EXISTING LIMESTONE RETAINING WALL

RIP RAP

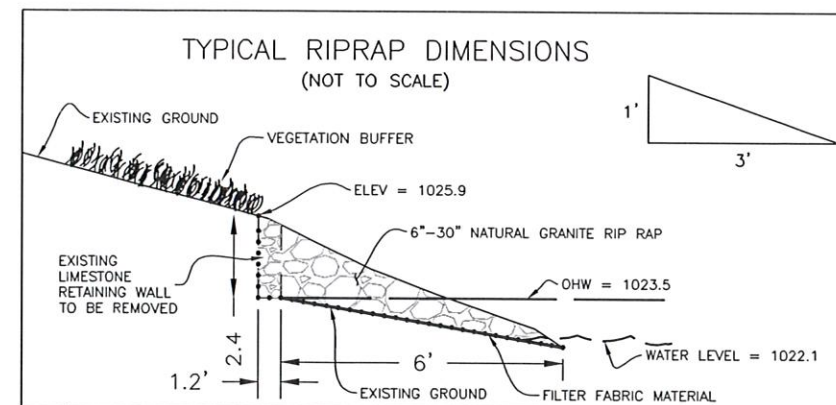
INSTALL 88 LINEAR FEET OF RIP RAP BELOW OHW = 23.5 CUBIC YARDS

INSTALL 88 LINEAR FEET OF RIP RAP ABOVE OHW = 9.4 CUBIC YARDS

NEW STEPS & DECK

REMOVE AND REPLACE 1 CUBIC YARD OF MATERIAL FOR DECK POST HOLES AND NEW STEPS

**TOTAL MOVEMENT ABOVE OHW = 20.4 CUBIC YARDS**



**CERTIFICATE OF SURVEY**  
LE SUEUR COUNTY, MINNESOTA



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

LOT 12, MUELLERLEILE SUBDIVISION, SECTION 33,  
TOWNSHIP 109 NORTH, RANGE 24 WEST, LE  
SUEUR COUNTY, MINNESOTA

FOR: MATTHEW MARGENTHALER & DAWN FAZIO  
FORMER BARBARA GLASS PROPERTY



**EXISTING CONDITIONS**

PID 04.670.0120

**OWNER**  
MATT MARGENTHALER & DAWN FAZIO

**SITE ADDRESS**  
22694 WEST FRANCIS LANE  
ELYSIAN, MN 56028

**LEGEND**

- IRON PIPE MONUMENT SET
- MONUMENT FOUND
- ⊙ WELL
- ⊗ DECIDUOUS TREE

**TOTAL LOT AREA**  
20,301 SQ FT

**EXISTING IMPERVIOUS SURFACES**

HOUSE W/ OVERHANG	2383 SQ FT
SHED	106 SQ FT
CONCRETE 1	266 SQ FT
CONCRETE 2	508 SQ FT
CONCRETE 3	100 SQ FT
BITUMINOUS SURFACE	401 SQ FT
DECK 1	145 SQ FT
DECK 2	365 SQ FT
DECK 3	115 SQ FT
BLOCK STEPS	107 SQ FT
STEP	3 SQ FT
PAVERS	7 SQ FT
RETAINING WALL 1 (1' W x 89' L x 3' H)	89 SQ FT
RETAINING WALL 2	10 SQ FT
RETAINING WALL 3	5 SQ FT
LANDSCAPING 2	116 SQ FT
<b>TOTAL</b>	<b>4726 SQ FT (23.3%)</b>

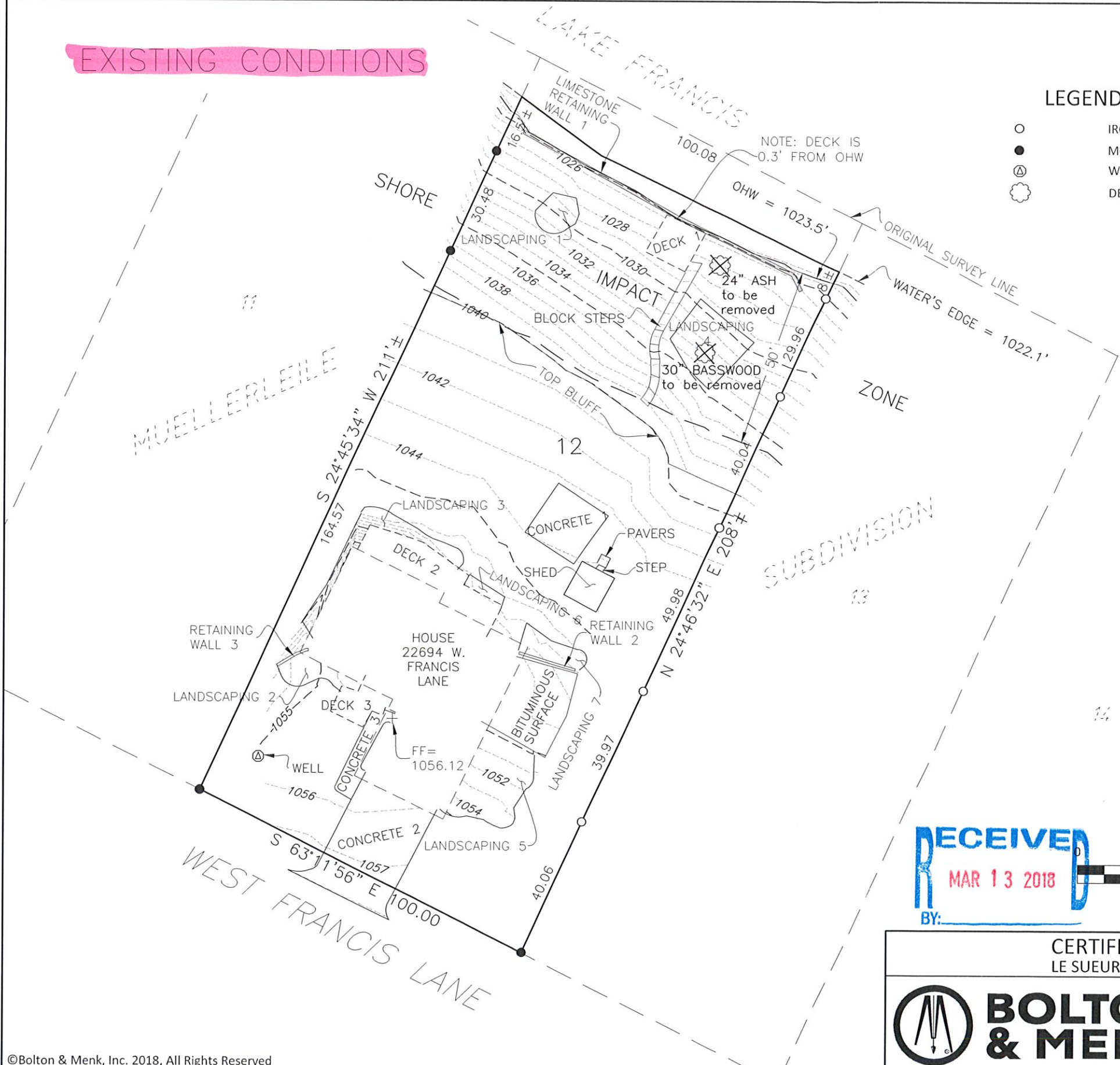
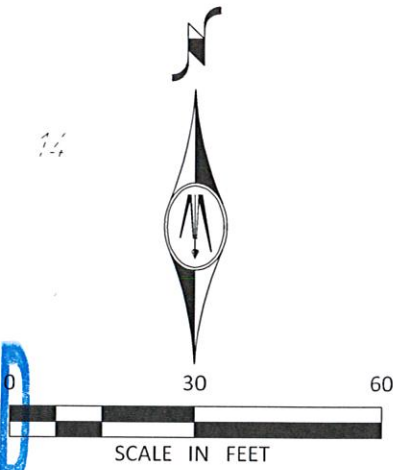
NOTE: LANDSCAPING 1 & 3-7 ARE NOT CALCULATED IN THE IMPERVIOUS AREA. THEY HAVE NO PLASTIC BARRIER TO MAKE THEM IMPERVIOUS

**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  
11/28/2017  
Date

REVISED ORIGINAL SURVEY: 2-22-18



**CERTIFICATE OF SURVEY**  
LE SUEUR COUNTY, MINNESOTA



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

LOT 12, MUELLERLEILE SUBDIVISION, SECTION 33,  
TOWNSHIP 109 NORTH, RANGE 24 WEST, LE  
SUEUR COUNTY, MINNESOTA

FOR: BARBARA GLASS







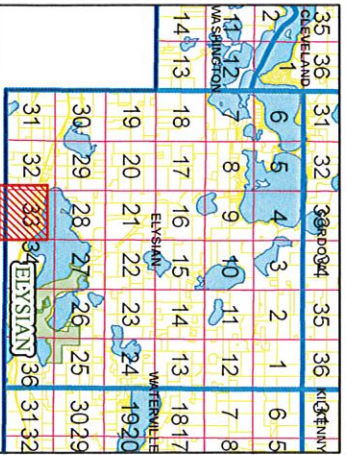
RECEIVED  
MAR 14 2018  
BY: [Signature]





# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Margenthaler/Fazio  
**PID:** 04.670.0120  
**DATE:** 01-15-18  
**FIRM #:** 27079C0325D  
**F-Zone:** X-outside  
**RFPE:** 1024.7  
**District:** Recreational Residential



**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



	Cadastral Line
<all other values>	
<b>AlphaTag</b>	
	Corp Line
	County Line
	Easement Line
	Geo Twp Line
	Gov Lot
	Misc Line
	Parcel Line
	Pol Twp Line
	Railroad Centerline
	Railroad ROW
	Road Centerline
	Road ROW
	Road ROW Vac
	Section Line
	Sub Line 400
	Water
	Townships
	Sections
	Parcel

LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538





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# Le Sueur County, MN

Thursday, April 12, 2018

Regular session

## Item 2

### Peters Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** David & Denise Peters

**911 ADDRESS:** 40709 Ottawa Rd, St Peter, MN

**PROJECT DESCRIPTION:** To allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling.

**PARCEL NUMBER:** 05.650.0090

**CUP NUMBER:** 18016

## SITE INFORMATION

**LOCATION:** Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township

**ZONING DISTRICT:** Urban/Rural Residential "R1"

**ZONING DISTRICT PURPOSE:** The **Urban/ Rural Residential (R1) District** is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

**GENERAL SITE DESCRIPTION:** Rural development

**ACCESS:** Existing off Ottawa Road

**EXISTING LAND USE WITHIN ¼ MILE:**  
North: Bluff & rural development                      South: Wetlands  
East: Bluff, ravine & scattered residences              West: Wetlands

## BACKGROUND INFORMATION

The property is an existing building site in a rural development, platted subdivision River View Heights. The property was recently purchased by the landowner and was destroyed by fire. The property is considered to be a legal non-conformity. In order to reconstruct the dwelling will require a Conditional Use Permit for Grading, Excavating, and Filling within the bluff impact zone and a portion of the structure is within the bluff. Deck to have diamond pier foundation system to lessen the impact of the bluff. Proposed reconstruction is the same as the previous structure except the deck was reduced in order to be further away from the existing septic tank. A variance was granted for setbacks to the bluff and existing septic tank. The existing septic system has a valid compliance inspection deeming the system to be compliant.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Daren Barfnecht from Kasota Township was contacted on February 12, 2018 by applicant, per application.

## 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, description of request, site plan, aerial photo, Diamond Pier foundation system pamphlet,

## STAFF FINDINGS

**ZONING ORDINANCE SECTIONS:** Section 9, Section 18, Section 19, Section 21, Section 24.

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to bluffs.

**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 1:** The County should continue its preservation of significant bluff areas ad river valleys through its use of a Conservancy Zone.

**Action 3:** Amend the County's Zoning controls to require all structures to meet a 30' minimum setback from the top of a bluff.

## ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

<b>BLUFF:</b>	<b>Bluff Standards:</b> Section 18, Subdivision 2. (page 18-2). Portion of the structure (deck) is proposed to be reconstructed in the bluff, and majority of the reconstructed structure within the bluff impact zone.
<b>GRADING, EXCAVATING, OR FILLING:</b>	<b>Grading, Excavating, and filling:</b> Section 18, Subdivision 3. (page 18-3). Grading, excavating, and filling is proposed to be a majority within the bluff impact zone for the footing trench and partially within the bluff.
<b>EROSION CONTROL:</b>	Erosion control plan attached. Erosion control must be implemented prior to starting any part of the project and remain in place until vegetation is re-established.
<b>DRAINAGE:</b>	Four-inch drainage tile is proposed around the perimeter of the foundation to daylight to rock rip rap.

## 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.
11. **Additional considerations:**
  - a. The site is adequate for water supply and on-site sewage treatment.

<b>PLANNING AND ZONING COMMISSION CONDITIONS</b>
--

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.



# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18016

**Applicant:** DAVID & DENISE PETERS

**Land Owner:** DAVID & DENISE PETERS

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO EXCAVATE 134 CUBIC YARDS OF GRADING, EXCAVATING, & FILLING WITHIN THE BLUFF IMPACT ZONE & <1 CUBIC YARD WITHIN THE BLUFF.

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	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 DAVID & DENISE PETERS  
Mailing Address 40709 OTTAWA RD  
City ST PETER State MN Zip 56082  
Phone # 952-210-6047 Phone # 507 382 5436

### II. Landowner:

Name DAVID & DENISE PETERS  
Mailing Address 40709 OTTAWA RD  
City ST PETER State MN Zip 56082  
Property Address 40709 OTTAWA RD  
City ST PETER State MN Zip 56082  
Phone # 507 382 5436 Phone # 952 210 6047

### III. Parcel Information:

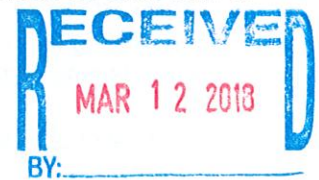
Parcel Number 05.650.0090 Parcel Acreage 5.73  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township KASOTA Section 2+3  
Subdivision RiverView Heights Lot 9+10 Block \_\_\_\_\_

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

KASOTA Township notified on 2-12-18  
(Township Name) (Date)  
Board Member DANIEL BAREKLUCHT 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.
- <sup>15</sup> ~~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: 134  
 Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** 134 cubic yards

**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:** none

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.

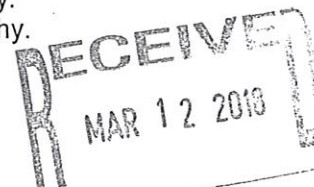
1. ENVIRONMENTAL IMPACT: THERE will be no to minimal environmental impact
2. ADVERSE IMPACT ON SURROUNDING AREAS: DO NOT EXPECT ANY IMPACT ON NEBS
3. STORMWATER RUNOFF: Silt Fence
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No IT will NOT
5. WETLAND IMPACT: There are no wetlands on this project.
6. SLOPE STABILITY: Grass is stable around site.
7. CERTIFICATE OF INSURANCE: Tax Reduced IF NEEDED
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
 (For example additional licensing and/or permitting) BC-692371 - License #  
No additional FED or MW Regulations APPLY

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

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

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

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



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

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

**XI. Attachments:** Shall include but not limited to:

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

**XII. Procedure:**

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

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

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

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

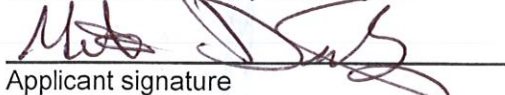
The Department shall notify the applicant and/or landowner in writing of the County Board decision.

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

**XIII. Signatures:**



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

  
 \_\_\_\_\_  
 Applicant signature

3-10-18  
 \_\_\_\_\_  
 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

3-12-18  
 \_\_\_\_\_  
 Date



Request: **GRADING, EXCAVATING & FILLING**

**Non-Shoreland**

- Within Bluff Impact Zone
- Within Bluff

Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: 134  
 Cubic yards of material movement: 41

**TOTAL cubic yards of material movement:** 134

**Shoreland - Outside Shore Impact Zone**

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

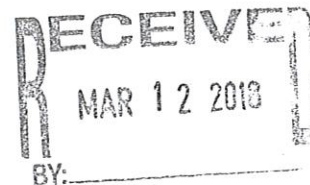
Cubic yards of material movement: 3  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** \_\_\_\_\_

Pre-App Date 3-12-18 Lake Classification \_\_\_\_\_ Feedlot 500' 1000' N  
 Meeting Date 4-12-18 Lake \_\_\_\_\_ Wetland Type 1-2 3-8 N  
 60 Day 5-14-18 FEMA Panel # 27079C0 235 D Water courses Y N  
 Zoning District R1 Flood Zone X-outside Bluff Y N

- Request Description
- Site Plan
- Full Legal
- Ordinance
- Access Approval Existing
- Erosion Control Plan
- 
- Other \_\_\_\_\_
- Septic Comp Insp / Design ccc
- Meeting Reg / ATF / Spec
- Fee \$ 7900
- Penalty \$ \_\_\_\_\_

Application Complete Michelle Q. Matthews 3-15-18 18010  
 Planning & Zoning Department Signature Date Permit #



- The house foot print is the same as existing house that burnt down.
- The wrap around deck is smaller on new proposed plan due to septic tank location.
- Purple line is footing trench that will be 4' x 4' and total length of 158'.  
 $4 \times 4 \times 158 = 2,528$       $2,528$  divided by  $27 = 97$  cubic yards of fill removed.
- Blue line is digging the side of dirt wall that is existing to set form up for basement walls. 2' x 6' and total length of 82'.  
 $2 \times 6 \times 82 = 984$       $984$  divided by  $27 = 37$  cubic yards of fill removed.
- There will be  $97 + 37 = 134$  total cubic yards of dirt excavated in bluff impact zone.
- There will be no dirt excavated or moved in bluff area because deck footing will be constructed with Diamond Piers that set on top of grade.
- 72 cubic yards of dirt that was excavated will be used to back fill around exterior of house.
- We will be over back filling height of dirt to divert water run off around house.
- 52 yards of fill sand will be used to back fill inside of foundation.
- 66 cubic yards of dirt in green circle that will be left over from excavating, the rest will be used in spring of 2019 for back fill around house.
- Yellow dotted line is 4" drain tile that is daylighted to rip rap rock.
- Excavator and skid steer will be used to perform work.





A Track Record of Over 25 Years...

# Testimonials

...Proven Performance

"I'm very impressed with the performance, ease of installation, and the no-mess application of the Diamond Pier. I will continue to use them on my future deck projects."

*Jon Trax* • *Tru Decks, LLC* • *Twin Cities Area, MN*

"...After Hurricane Dennis AND Hurricane Katrina, not a single Diamond Pier had been compromised."

*Taj Goodpastor* • *Construction Project Manager* • *North Wind, Inc.*

"After believing in and selling Diamond Piers for a year and a half now, I personally installed 5 piers in 1 hour 15 minutes total. Amazing product!"

*Shayne Jordan* • *Contractor Sales* • *Maki Building Centers*  
*President of Home Builders & Remodelers Association of Central Massachusetts.*

"I've been using these all over the west metro area...all the piers have remained structurally sound through repeated frost cycles."

*Bob Janulik* • *Precision Decks* • *Mound, MN*

"...A lifetime warranty on one of the most critical elements of a deck is why my clients choose Diamond Pier."

*Brian Jacobson* • *4 Quarters Design & Build* • *Plymouth, MN*

"Started with Diamond Pier in May 2015 and they have made a WORLD OF DIFFERENCE to my business opening up an entire new world in terms of revenue!"

*Norm Buteau* • *Norm Buteau Construction* • *Millbury, MA*

"This is an amazing product...it is incredibly low-impact and very easy to install."

*José Galarza* • *Prof. of Sustainable Design/Build* • *Ultras Architecture-Design*

"We have installed over 5,000 piers in the past 8 years. DP has changed the way we build decks. Time and cost savings, ease of install and lifetime warranty makes it a better foundation system."

*Pat Noonan* • *O'Noonan Construction* • *Richfield, MN*



**Diamond Pier Foundations, with Pin Pile Technology, Handle Loads Differently and More Efficiently than Conventional Methods.**



Featured on Public Television's

**HOMETIME**



## Diamond Pier<sup>®</sup> Limited

# Lifetime Warranty

Covering Parts and Labor

The Pin Foundations, Inc., Diamond Pier DP-50, and DP-75 Foundation Systems are warranted to perform to the published capacities for the life of the original supported structure.

The above warranty shall apply only if the product is used in accordance with Pin Foundation's published "Use and Applications" document and installed in accordance with Pin Foundation's published "Residential Load Chart" and "Installation Manual".

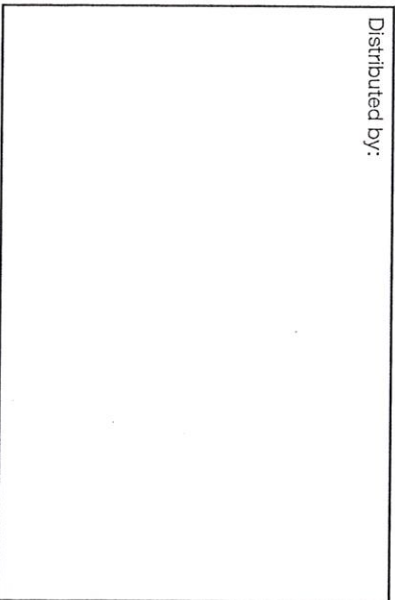
Visit [www.DiamondPiers.com/residentialdecks/warranty](http://www.DiamondPiers.com/residentialdecks/warranty) for complete warranty information.

## Diamond Pier<sup>®</sup>

FOUNDATION SYSTEM  
with Pin Pile Technology

[www.DiamondPiers.com](http://www.DiamondPiers.com)

Distributed by:



**PIN FOUNDATIONS INC**

*Beyond The Standard*

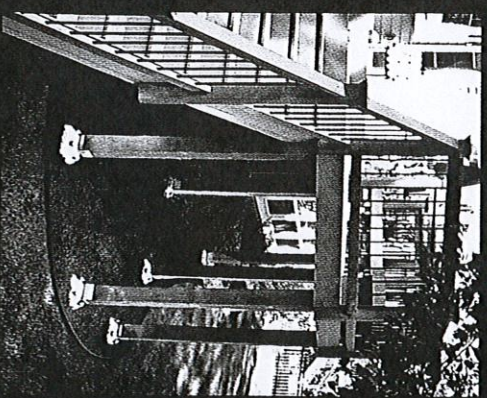
Form #DPSOT1 - 02-2018

Printed in U.S.A.

# Diamond Pier<sup>®</sup>

## FOUNDATION SYSTEM

with Pin Pile Technology



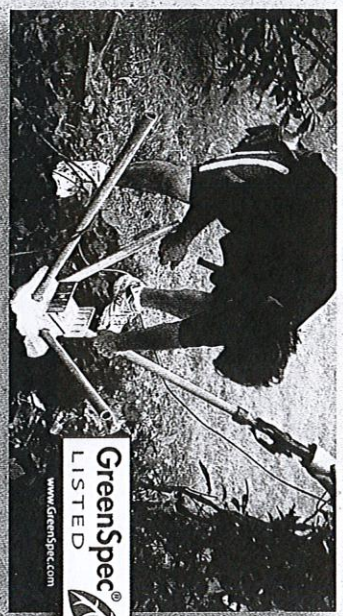
Install in Minutes  
...Frame Immediately

**Code COMPLIANT**  
MODELS  
DP-50  
AND DP-75

Structurally Rated • Code Compliant

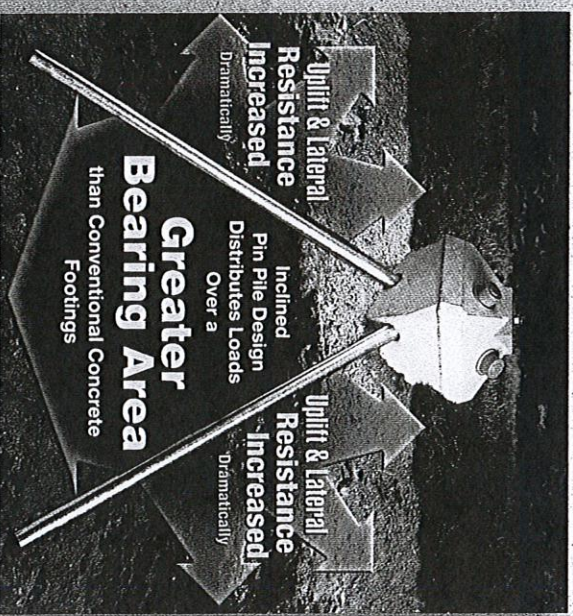


**Building Beyond the Standard...**  
**Construction without Excavation!**



**GreenSpec LISTED**  
 www.Greenspec.com

**Low Environmental Impact**  
 Undisturbed Soil for a Clean Job Site



**Diamond Pier FOUNDATION SYSTEM**  
 with Pin Pile Technology

© Copyright 2017 Pin Foundations, Inc. All Rights Reserved.

**Diamond Pier**  
 Meets or Exceeds the Performance of Conventional Concrete Footings

**A Structurally Rated, Code Compliant Foundation System**

- Combines Pin Pile Technology with High-Strength Concrete
  - Install in Minutes... Frame Immediately
  - Complete Projects 1 to 2 Days Faster
  - Low Environmental Impact... a Clean Job Site
  - Can be Removed and Reinstalled
  - Proven Performance... Over 25-Year Track Record
- ...with a Lifetime Warranty Covering Parts and Labor!

For over 25 years, the US Department of the Interior has chosen Diamond Pier as the foundation system for some of their most demanding projects.



The U.S. Fish and Wildlife Service Nisqually Estuary Boardwalk

**Silts/Clays Minimum 1500 psf (CL, ML, MH, CH)\*\***

Model No./ Pin Length	Bearing Load Capacity	Equivalent Base Area	Cylinder Comparison	Frost Zone	Uplift Load Capacity	Lateral Load Capacity
DP-50/36"	2700#	1.8 sf	18" dia	24"	600#	600#
DP-50/42"	* 3000#	2.0 sf	19" dia	36"	* 900#	* 600#
DP-50/50"	3300#	2.2 sf	20" dia	48"	1200#	600#
DP-75/50"	* 3750#	2.5 sf	21" dia	48"	* 1400#	* 600#
DP-75/63"	4200#	2.8 sf	22" dia	60"	1600#	600#

**Sands/Gravels Minimum 2000 psf (SW, SP, SM, SC, GM, GC)\*\***

Model No./ Pin Length	Bearing Load Capacity	Equivalent Base Area	Cylinder Comparison	Frost Zone	Uplift Load Capacity	Lateral Load Capacity
DP-50/36"	3600#	1.8 sf	18" dia	24"	600#	600#
DP-50/42"	* 4000#	2.0 sf	19" dia	36"	* 900#	* 600#
DP-50/50"	4400#	2.2 sf	20" dia	48"	1200#	600#
DP-75/50"	* 5600#	2.8 sf	22" dia	48"	* 1400#	* 600#
DP-75/63"	6400#	3.2 sf	24" dia	60"	1600#	600#

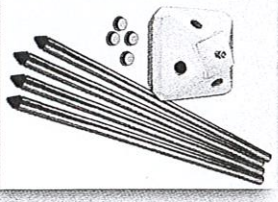
**Equivalency to Traditional Concrete Footings** \* Interpolated from field test values

Load Chart to be used for Normal Soil Conditions Only. See Manufacturer's Installation Manual for definitions and additional chart notes. DP-50 and DP-75 capacities used in conjunction with Manufacturer's "Use and Applications" document. \*\* See IRC Table R401.4.1 (Presumptive Load Bearing Values of Foundation Materials) for a full description of applicable 1500 psf and 2000 psf soil types. For soils below 1500 psf, or soils with unknown characteristics, additional site and design analysis is required. For soils above 2000 psf, the values in this chart shall apply.

**LOAD CHART**

**Diamond Pier**  
 FOUNDATION SYSTEM!

- Pin Pile Technology combined with a High-Strength Concrete Head that Meets or Exceeds ACI 318 Standards
  - Galvanized Pins Meet or Exceed ASTM Standards
  - High-Impact Inspection Plugs • Pin Caps Install After Inspection
  - Cast-in, Galvanized Anchor Bolt to Secure Standard Post Brackets
- For all applications, refer to the manufacturer's complete Installation Manual.



- MODEL DP-50**
- Loads Up To 4400#
  - 36", 42" or 50" Pins
  - Use in Areas with a Frost Depth Up To 48"
- MODEL DP-75**
- Loads Up To 6400#
  - 50" or 63" Pins
  - Use in Areas with a Frost Depth Up To 60"



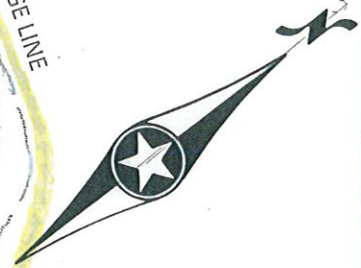
**Pin Driving Bit**  
 For use with most breaker hammers that accept a 1-1/8" hex shaft.

The Diamond Pier DP-50 and DP-75 Models are recognized by the International Code Council (ICC) for residential applications. The ESR Code Compliance Document and Detail Drawings are available on our website... [www.DiamondPiers.com/ESR](http://www.DiamondPiers.com/ESR)

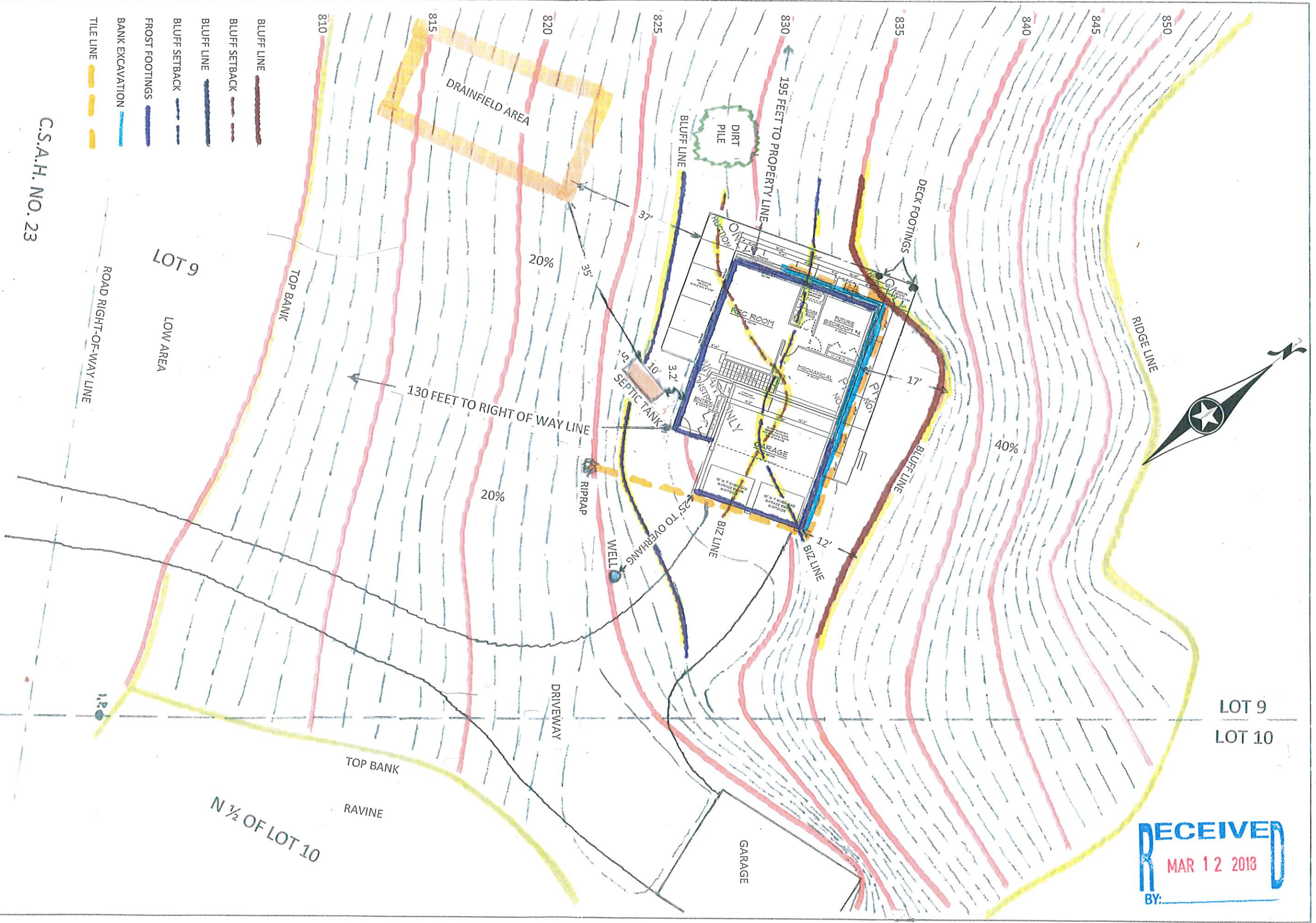
Documents to Submit with a Permit Application

- ESR-1895 Code Compliance Document
- Wisconsin UIC Approval Evaluation
- Detail Drawings and Load Chart





RECEIVED  
MAR 12 2018  
BY: \_\_\_\_\_



C.S.A.H. NO. 23

- BLUFF LINE
- BLUFF SETBACK
- BLUFF LINE
- BLUFF SETBACK
- FROST FOOTINGS
- BANK EXCAVATION
- TILE LINE

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

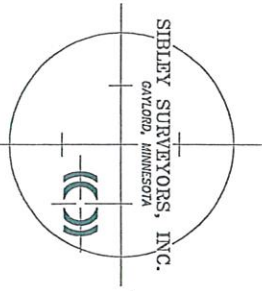
*Denise and David Peters*

Date March 8<sup>th</sup>, 2018 Registration No. 15475

BUILDING PERMIT SURVEY FOR  
DENISE AND DAVID PETERS

OF LOT 9 & NW 1/4 OF LOT 10  
PLAT OF 'RIVER VIEW HEIGHTS'  
Sec. 2 & 3-110-26, Le Sueur County, MN  
Scale: 1 inch = 20 feet

March 8<sup>th</sup>, 2018 File No. 110

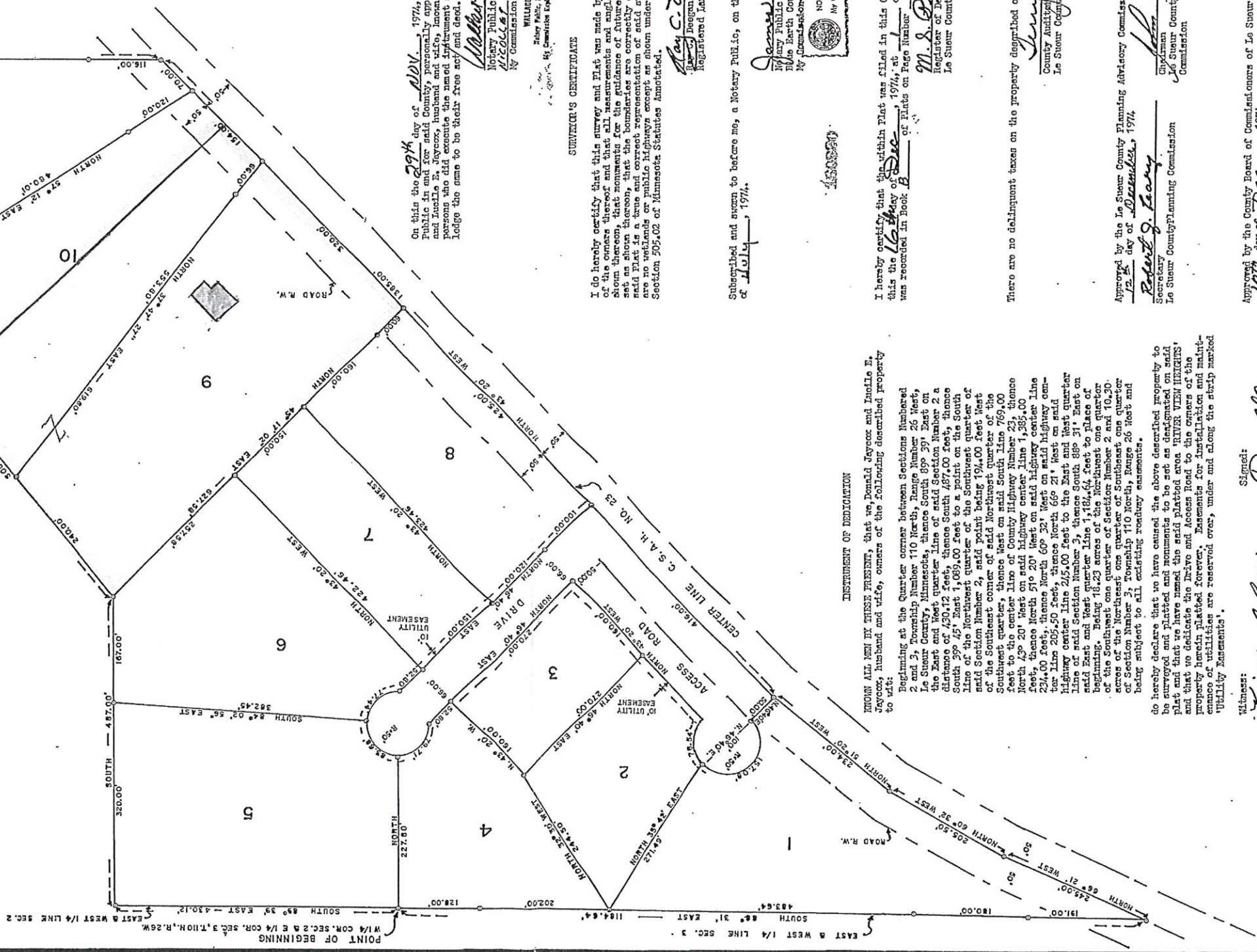




**' RIVER VIEW HEIGHTS '**  
**PART OF THE NW 1/4 OF THE SW 1/4 OF SEC. 2 & 8**  
**PART OF THE NE 1/4 OF THE SE 1/4 OF SEC. 3,**  
**T. 110 N. , R. 26 W. , LE SUEUR COUNTY, MINNESOTA.**

**STANDARD RESTRICTIONS:**

1. All construction as done on each lot shall be new construction and shall be done in a good and workmanlike manner and no used houses or other used buildings shall be moved to or upon any lots no tent, shack, garage or other outbuilding shall be at any time used as a residence, temporarily or permanently.
2. No basement dwelling shall be erected for permanent use with the exception of the without type of residence.
3. No mobile homes, except new ones or used ones in good condition, shall be placed on the lots for the use as a residence and such mobile home shall be removed within a period of one year. These shall be deemed temporary dwellings until permanent house has been constructed.
4. All lots and construction thereon shall at all times be kept in a neat, clean and respectable condition.
5. The developer shall maintain the drives until such as all lots are sold and then said drive shall be transferred to and maintained by the lot owners.
6. These restrictions and conditions shall run with the land and may be enforced in any manner permitted by law.



On this the 29th day of NOV 1974, before me, a Notary Public in and for Le Sueur County, Minnesota, appearing in person and known to me to be the husband and wife of the said James W. Joyce and Lucille E. Joyce, husband and wife, known to me to be persons who did execute the named instrument and who did acknowledge the same to be their free act and deed.

*James W. Joyce*  
*Lucille E. Joyce*

Notary Public, Le Sueur County, Minnesota  
 My Commission expires 12-10-76

WILLIAM F. REINKE  
 State Public Notary, Le Sueur County, Minnesota  
 My Commission Expires 12-10-76

**SURVEYOR'S CERTIFICATE**

I do hereby certify that this survey and Plat was made by me at the request of the owners thereof and that all measurements were made in accordance with the provisions of the laws of the State of Minnesota, and that the boundaries shown thereon, that monuments for the guidance of future surveys have been set as shown thereon, that the boundaries are correctly designated, that said Plat is a true and correct representation of said survey, and that there are no wetlands or public highways except as shown under the provisions of Section 505.02 of Minnesota Statutes Annotated.

*Ray C. Deegan*  
 Registered Land Surveyor No. 927

Subscribed and sworn to before me, a Notary Public, on this the 18th day of July, 1974.

*James W. Joyce*  
 Notary Public, Le Sueur County, Minnesota  
 My Commission Expires 12-10-76

*James W. Joyce*  
 Notary Public, Le Sueur County, Minnesota  
 My Commission Expires 12-10-76

**INSTRUMENT OF DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that we, Donald Joyce and Lucille E. Joyce, husband and wife, owners of the following described property to wit:

Beginning at the Quarter corner between Sections Numbered 2 and 3, Township 110 North, Range Number 26 West, Le Sueur County, Minnesota, thence South 89° 39' East on the East and West quarter line of said Section Number 2 a distance of 430.12 feet, thence South 45° 00' East on the South line of the Northwest quarter of the Southwest quarter of said Section Number 2, said point being 194.00 feet West of the Southeast corner of said Northwest quarter of the Southwest quarter, thence West on said South line 769.00 feet, thence North 51° 20' West on said highway center line 224.00 feet, thence North 69° 32' West on said highway center line 205.50 feet, thence North 66° 21' West on said highway center line 245.00 feet to the East and West quarter line of said Section Number 3, thence South 89° 39' East on the East and West quarter line of said Section Number 3, thence North 60° 32' West on the Southwest quarter of Section Number 2, a distance of 10.30 acres of the Northeast one quarter of Southwest one quarter of Section Number 3, Township 110 North, Range 26 West and being subject to all existing roadway easements.

do hereby declare that we have caused the above described property to be surveyed and platted and the plat to be recorded on said plat and that we dedicate the highway and easements on the property herein related forever. Easements for utilities and the easement of utilities are reserved over, under and along the strip marked 'UTILITY EASEMENTS'.

Witness:  
*Donald Joyce*  
*Lucille Joyce*

I hereby certify that the within Plat was filed in this Office for record on this the 16th day of Dec, 1974, at 1 o'clock P.M., and was recorded in Book B of Rites on Page Number 633.

*M. J. Pumper*  
 Notary Public, Le Sueur County, Minnesota

There are no delinquent taxes on the property described on the within Plat.

*James W. Joyce*  
 County Auditor  
 Le Sueur County, Minnesota

Approved by the Le Sueur County Planning Advisory Commission on this the 12th day of December, 1974.

*Robert J. Feary*  
 Secretary  
 Le Sueur County Planning Commission

Approved by the County Board of Commissioners of Le Sueur County on this the 12th day of Dec, 1974.

*Clarence Miller*  
 Chairman  
 County Board of Commissioners  
 Le Sueur County, Minnesota



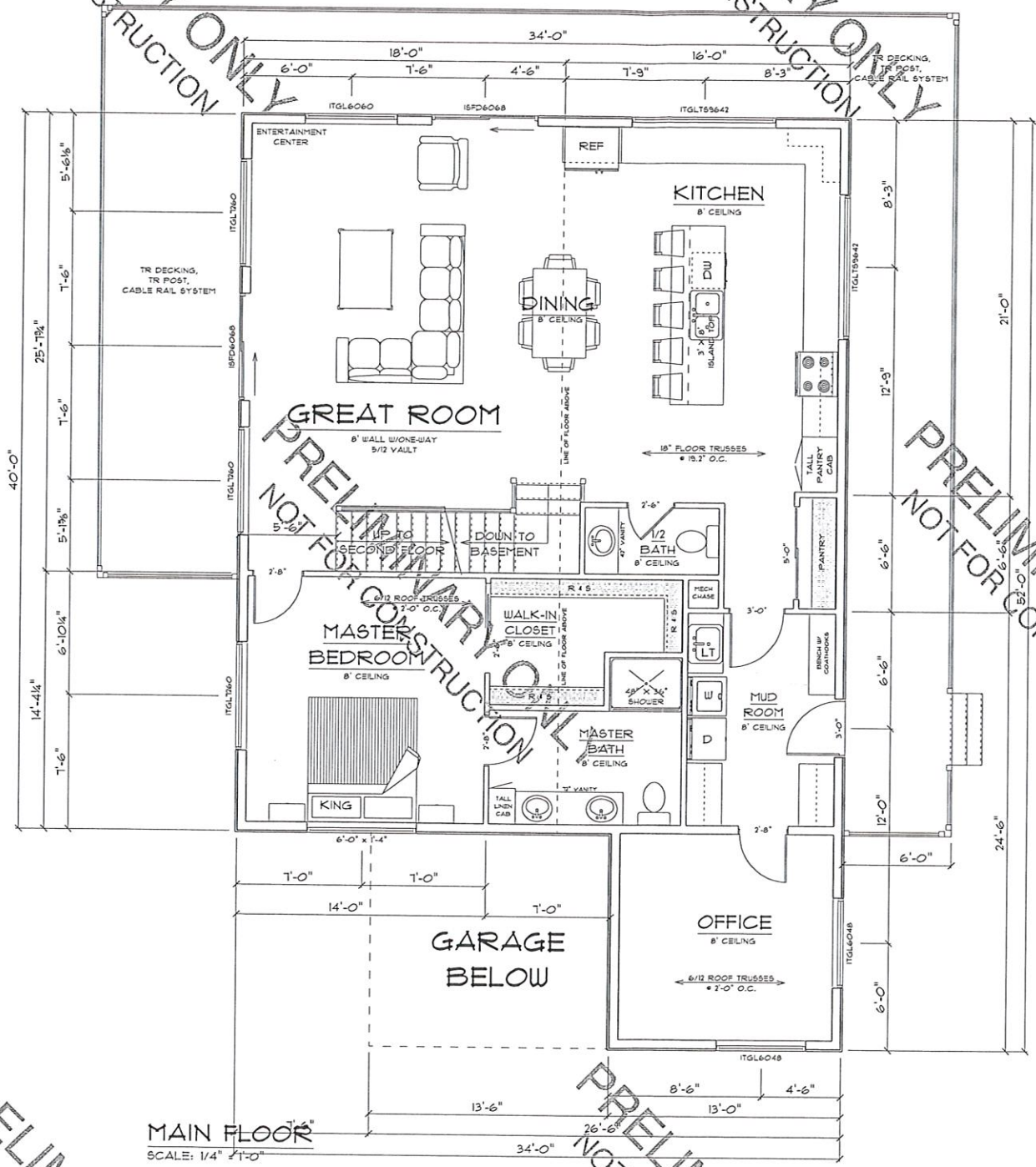
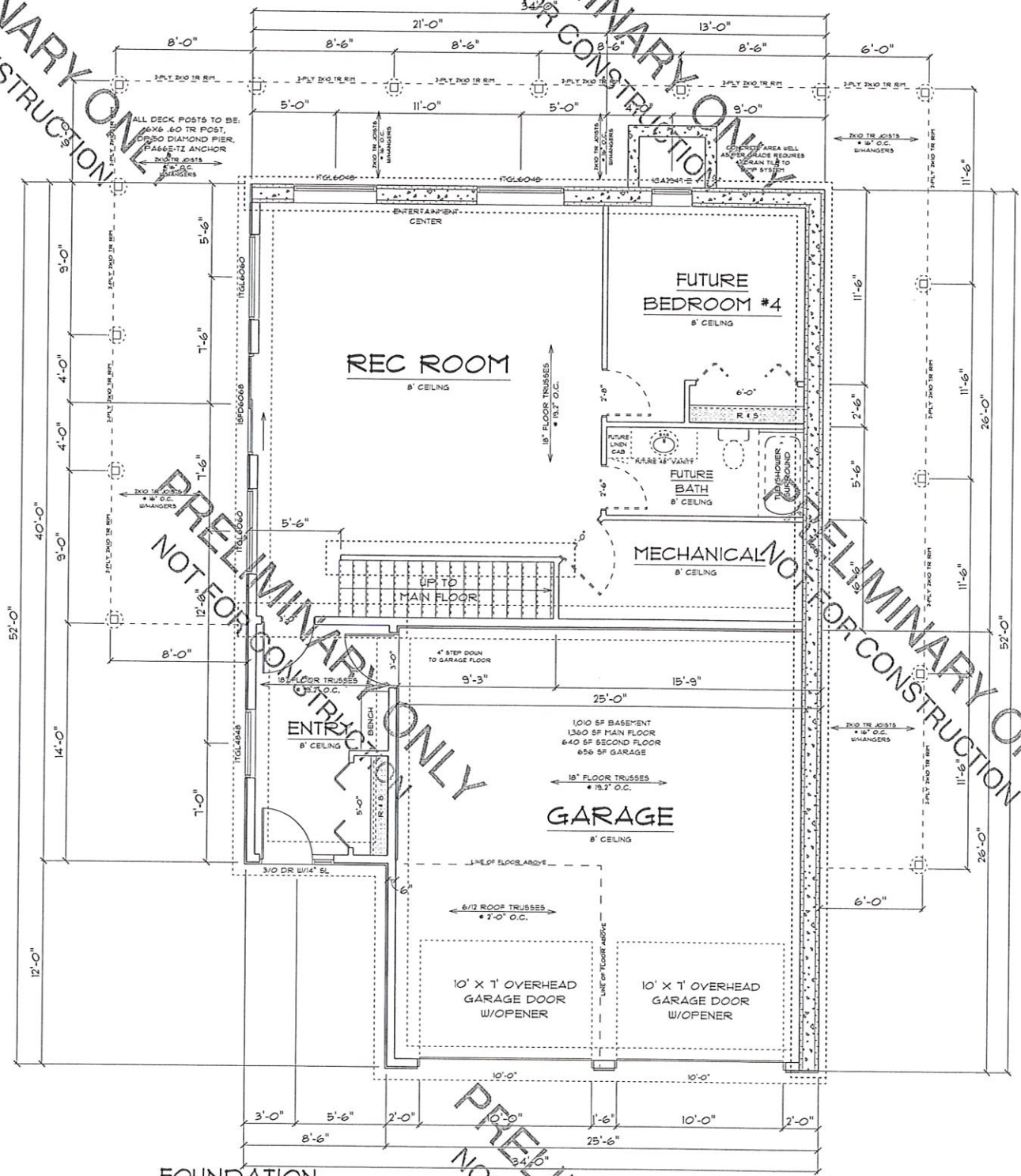
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NOT FOR CONSTRUCTION

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MAR 07 2013  
BY: \_\_\_\_\_

**HAGGENMILLER LUMBER**

Property of Haggemiller Lumber Inc. For Estimation And Quotation Only

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DRAWN BY: SEM

DATE: \_\_\_\_\_ REVISED: \_\_\_\_\_

DAVE & DENISE PETERS  
NEW HOME

2380 401 AV.  
ARLINGTON TX 76010

PHONE: 807-264-2263  
FAX: 807-264-2263

DRYING NUMBER



PRELIMINARY ONLY  
NOT FOR CONSTRUCTION

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NOT FOR CONSTRUCTION

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MAR 07 2013  
BY: \_\_\_\_\_

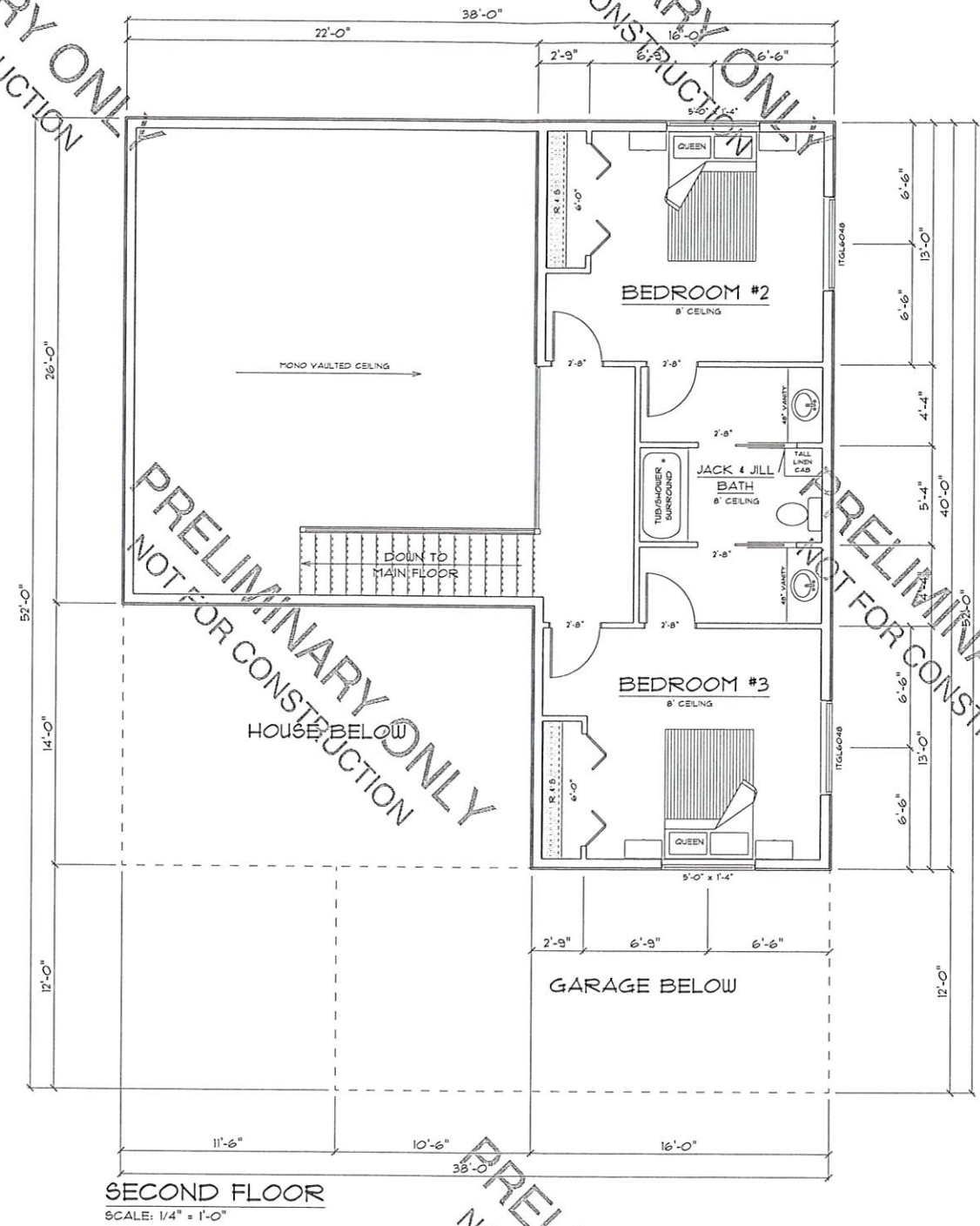
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NOT FOR CONSTRUCTION

NC



**HAGGENMILLER LUMBER**

Property of Haggenniller Lumber Inc. For Estimation And Quotation Only

DATE: March 15, 2013

APPROVED: DAVE & DENISE PETERS

NEW HOME

2380 401 AV. ARLINGTON TN, 38001

PHONE: 501-964-2563 FAX: 501-964-2568



**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 & DENISE PETERS PID: \_\_\_\_\_  
Mailing Address: 219 S MINNESOTA AVE ST PETER MN 56082  
Property Address: 40709 OTTAWA RD ST PETER MN 56082  
Phone: (507) 934 2640 Mobile/Cell: (952) 210 6047

Responsible party for Implementation/Inspection: Mich Dietz  
Address: 221 Sibley Ave Gaylord, MN 55334  
Phone: ( ) Mobile/Cell: (507) 381-8534

**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 1<sup>st</sup>. 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)

2/12/18  
(Date)

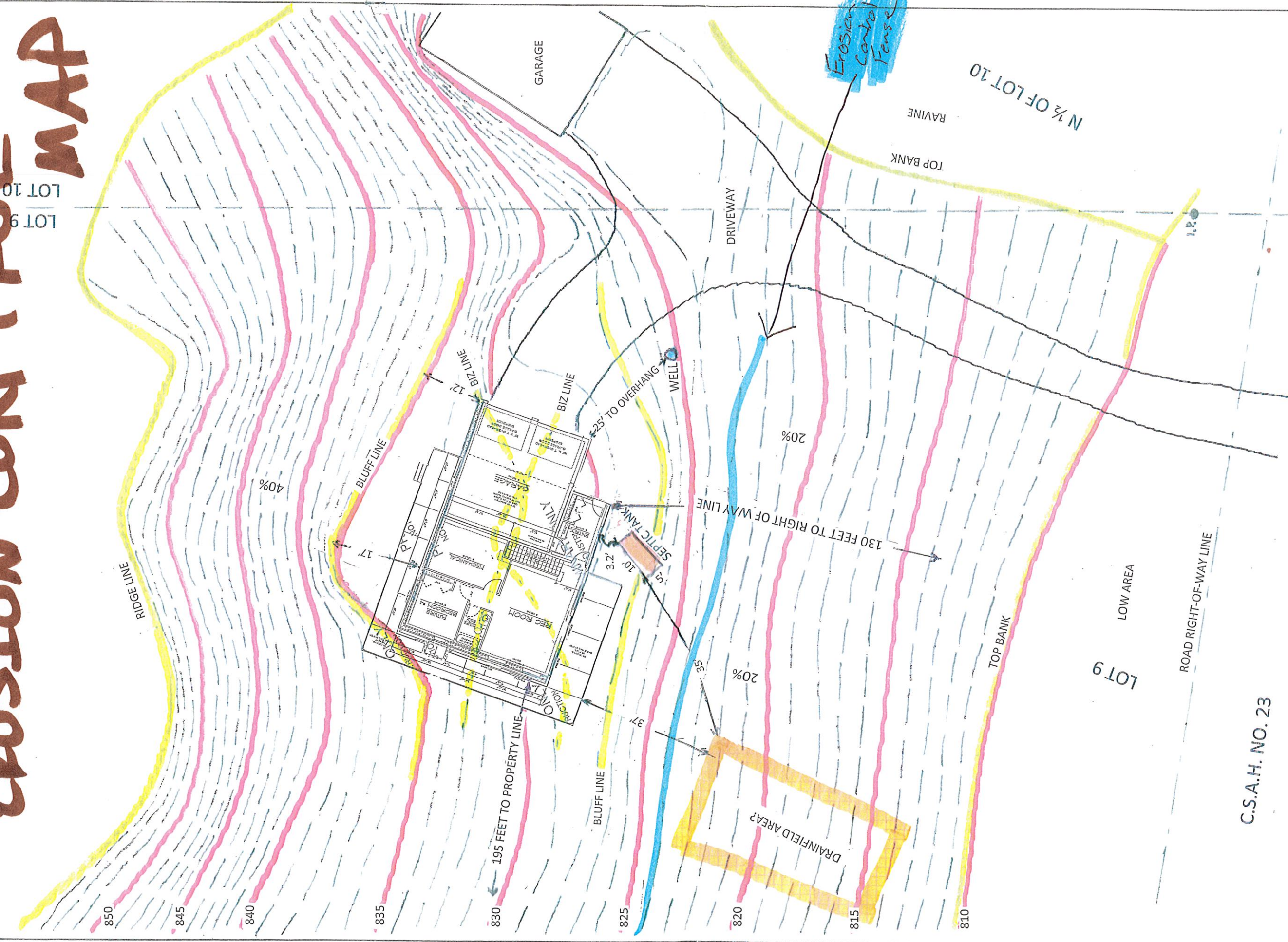
  
\_\_\_\_\_  
(Person Responsible for Implementation)

2/12/18  
(Date)

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



# EROSION CONTROL MAP



C.S.A.H. NO. 23

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

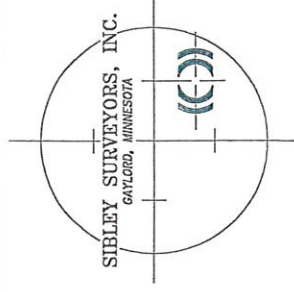
*David J. Peters*

Date Jan. 30<sup>th</sup>, 2018 Registration No. 15475

BUILDING PERMIT SURVEY FOR  
**DENISE AND DAVID PETERS**  
 OF LOT 9 & NW 1/4 OF LOT 10  
 PLAT OF 'RIVER VIEW HEIGHTS'

Sec. 2 & 3-110-26, Le Sueur County, MN

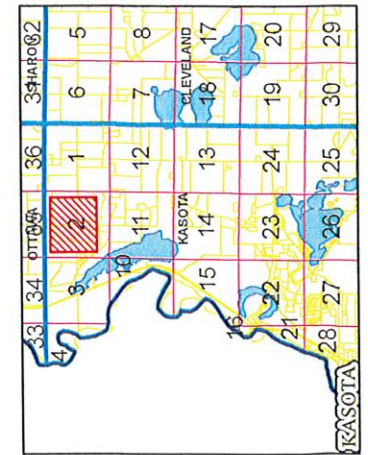
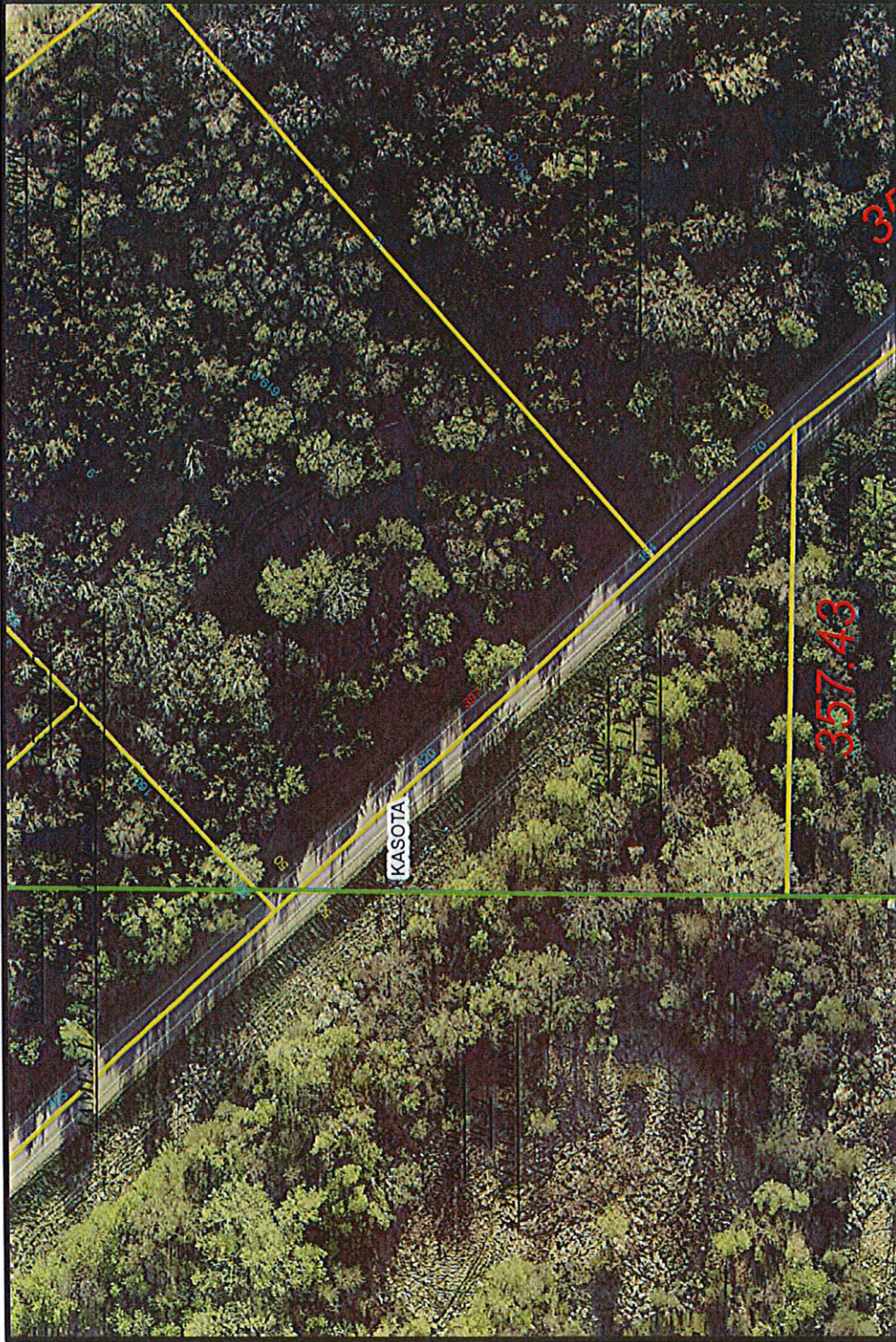
Scale: 1 inch = 20 feet  
 January 30th, 2018 File No. 110





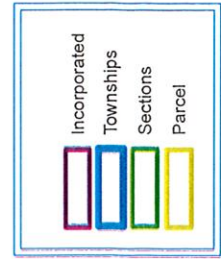
# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: David & Denise Peters  
 PID: 05.650.0090  
 DATE: 03-06-18  
 FIRM #: 27079CC0335D  
 F-Zone: X-Outside  
 RFPE: na  
 District: Urban/Rural Residential



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

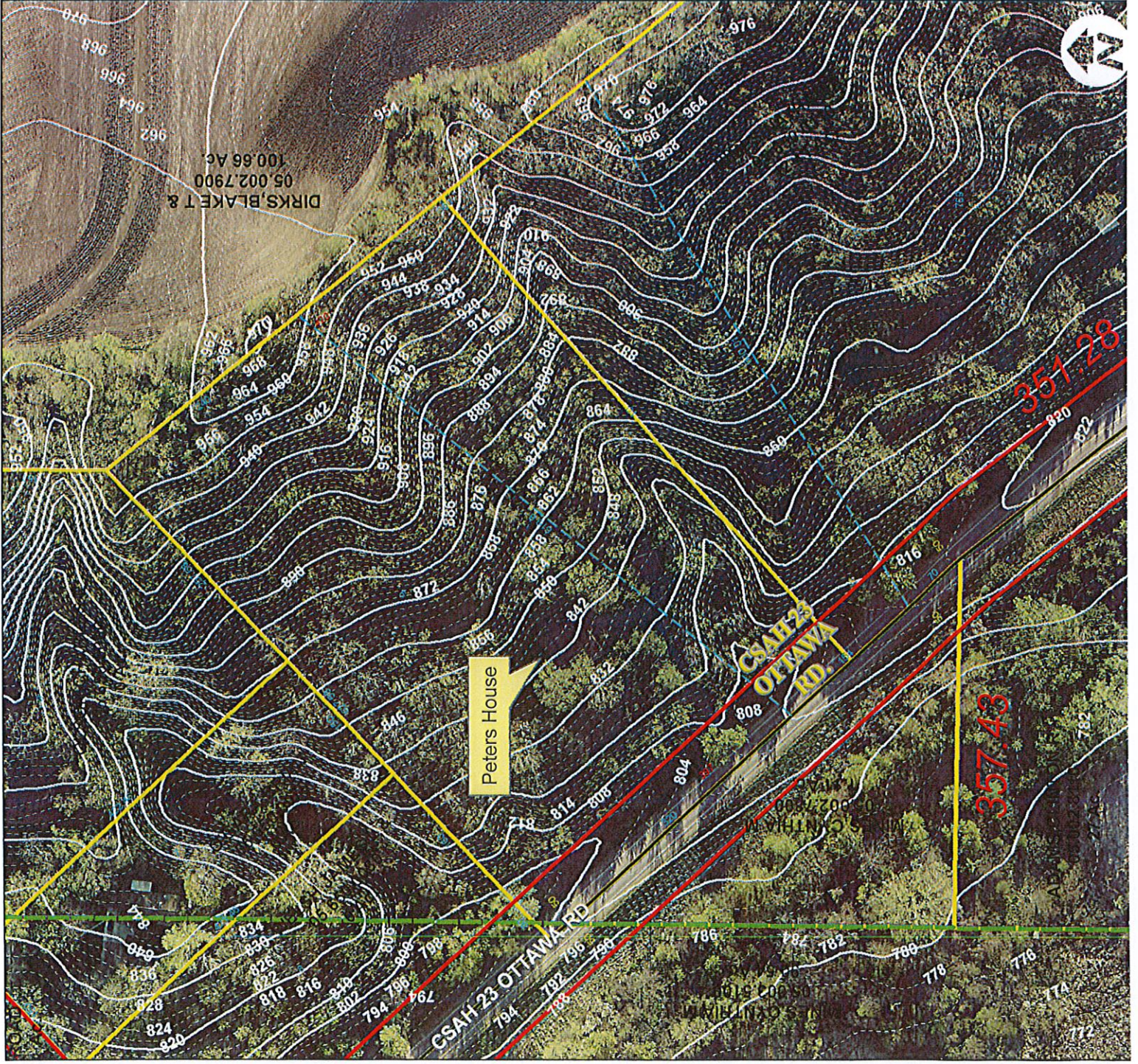
LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538



**Le Sueur County**  
**Road Centerlines**

**RDCODE**

- CSAH; County Road; Ramp
- Private Road - Open to public
- Parcel



Coordinate System: NAD 1983 HARN Adj MN Le Sueur F  
 Projection: Lambert Conformal Conic  
 Datum: NAD 1983 HARN Adj MN Le Sueur  
 False Easting: 500,000.0000  
 False Northing: 100,000.0000  
 Central Meridian: -93.1333  
 Standard Parallel 1: 44.3000  
 Standard Parallel 2: 44.6667  
 Latitude Of Origin: 44.1947  
 Units: Foot US

Date: 3/7/2018 User Name: mmettlfe









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# **Le Sueur County, MN**

**Thursday, April 12, 2018**

**Regular session**

## **Item 1**

**Approved April 12, 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**  
**April 12, 2018**

**MEMBERS PRESENT:** Jeanne Doheny, Don Rynda, Doug Krenik, Al Gehrke,  
Pam Tietz, Commissioner John King

**MEMBERS ABSENT:** Don Reak, Shirley Katzenmeyer

**OTHERS PRESENT:** Joshua Mankowski, Michelle Mettler

1. The meeting was called to order at 7:00 p.m. by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Don Rynda. Approved.
3. Minutes from March 8, 2018 Meeting. Motion to approve minutes was made by Don Rynda. Second by Al Gehrke. Approved.
4. Applications

**ITEM #1: MATT MARGENTHALER & DAWN FAZIO, NORTH MANKATO, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 20.4 cubic yards of material in the shore impact zone to include approximately 18 cubic yards in the bluff for removal of an After-The-Fact retaining wall and construction of a riprap shoreland restoration project in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Francis. Property is located at Lot 12, Muellerleile Subdivision, Section 33, Elysian Township.

Joshua Mankowski presented a power point presentation. Matt Margenthaler, Dawn Fazio, and Bryan Suemnick (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist, regarding recommendation for approval of the application with the conditions that the applicant plant deep rooted Minnesota native vegetation within the riprap.

PUBLIC COMMENT: Don Schuldt regarding concerns about how the project may impact the road because it is a private roadway owned by the residents. Don also voiced concern about an access easement to the lake that is located on the property. Jeanne Doheny stated that the lake access and Right of Way issues are not something that can be addressed at this level. Michelle Mettler stated that this is a private issue between landowners, this is not something Planning and Zoning can address.

Discussion was held regarding: Dawn Fazio stated that they purchased the property in November, the property was already in violation, and they would like to correct the issue. Matt Margenthaler informed the Board that they were notified before closing so they worked with the previous landowner to hold funds in escrow to help address the issue. Jeanne Doheny inquired about the planned start date for the project and access to the property. Brian Suemnick replied



that he plans to start early June. The area needs to dry out before they can start construction. Access to the site will not be an issue and they will use tracked equipment. Doug Krenik inquired about the neighbors to the east and west. Matt Margenthaler replied that the property to the east is okay and the property to the west is installing a new retaining wall. Doug Krenik inquired about the possibility of reusing the limestone from the failed wall to limit the amount of rock being brought in for the riprap. Joshua Mankowski state that limestone is not allowed to be used as riprap by the zoning ordinance. Doug then asked Matt Margenthaler if they had a chance to review the condition listed in Holly Kalbus' letter and if they would have issues meeting this condition. Matt Margenthaler stated that they had reviewed the letter and that they would be able to meet the condition. Commissioner John King asked if the property would be used as a primary residence or seasonally, to which Matt Margenthaler replied that it would be a primary residence.

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 Al Gehrke to approve the application with the condition listed in the letter from Holly Kalbus.

Second by Pam Tietz. Motion approved. Motion carried.

**ITEM #2: DENISE & DAVID PETERS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 134 cubic yards of material within the bluff impact zone, and less than 1 cubic yard within the bluff to replace a single-family dwelling in a Urban/Rural Residential "R1" District. Property is located in the Lots 9 & 10, River View Heights Subdivision, Section 2, Kasota Township.

Joshua Mankowski presented a power point presentation. Denise and David Peters and Mitch Dietz (Contractor) were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Doug Krenik inquired about the ability to reuse the old foundation. Denise Peters stated that the old foundation is gone. It was damaged by the fire and removed. Doug Krenik then asked staff if a Condition Use Permit would be needed to fill in the hole from

the foundation. Joshua Mankowski stated that, because it is located in the Bluff Impact Zone and the amount of fill that would be required, it would require a Conditional Use Permit. Commissioner John King asked if the applicants were going to be any changes to the driveway. Being on the crew to put out the fire, the access was difficult to use. Denise Peters stated that they did not plan to change the driveway. Doug Krenik then asked the applicants about the planned timeline to begin work. Denise Peters state they will start as soon as possible. Pam Tietz asked about the plan to use diamond piers as footings. Denise stated that the one footing would be in the bluff and their contractor thought the use of the diamond piers in the bluff would be less impact. Mitch Dietz elaborated that the use of the pier would result in little to no digging in the bluff. Pam Tietz asked about the requested material movement in the bluff. Michelle Mettler then stated that a Conditional Use Permit is still required to put the deck in the bluff but the diamond piers would be less intrusive.

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.

Second by Don Rynda. Motion approved. Motion carried.

5. Discussion Items: None

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Pam Tietz. Second by Doug Krenik. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

**Approved May 10, 2018**

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