



Le Sueur County, MN

Thursday, September 13, 2018

Regular session

Item 4

Guyer/Weiss Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Russ Guyer & Deanna Weiss

911 ADDRESS: 47854 Outback LN, Elysian MN

PROJECT DESCRIPTION: After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 54.9 cubic yards within the shore impact zone; 38.8 cubic yards within the bluff impact zone; 106.1 cubic yards within the bluff; total of 145 cubic yards on the lot for a shoreland project to for the construction of a path and retaining walls.

PARCEL NUMBER: 04.740.0350

CUP NUMBER: 18202

SITE INFORMATION

LOCATION: Lot 35, Roemer's Cove, Section 7, 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, bluff, non-buildable non-conforming lot

ACCESS: Existing off Outback Lane

EXISTING LAND USE WITHIN ¼ MILE:

North: Residential development, Lake Jefferson	South: Residential Development, Ag land
East: Ag land	West: Lake Jefferson

BACKGROUND INFORMATION

This parcel was recently purchased by the landowner. In order to gain access to the lake, construction of a path through the bluff to the lake was started prior to obtaining a CUP. This is a violation of the zoning ordinance. The landowner was issued a cease and desist stop work order when the violation was discovered. The landowner contacted the Department right away to address the violation. Erosion control measures were established immediately. Any digging in the bluff requires a CUP. Path to the lake must not be more than 4 feet in width. In addition to the path the proposal includes tiered-retaining walls.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Doug Swedberg from Elysian Township was contacted on May 31, 2018 by applicant.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

LAKE: Lake Jefferson

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.

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

ATTACHMENTS

Application, description of request, site plan, aerial photo, Findings of Fact sheet, Holly Kalbus letter

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 13, Shoreland; Section 18, Environmental Performance Standards; Section 21, Conditional Use Permits

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 does reference to shoreland development, water quality and bluff preservation.

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.

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.

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

BLUFF:

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

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

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

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

STAIRWAYS, LIFTS, LANDINGS, AND PATHS: Stairways, lifts and paths must not exceed four (4) feet in width on residential lots. Must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

RETAINING WALLS: Retaining walls located within the shore impact zone or outside the shore impact zone, but greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes require a CUP. Scaled site plan with 2-foot contours depicting existing topography, As-Built upon completion. As-Built and site plan must be completed by a surveyor or engineer. Inconspicuous location and vegetative screening as viewed from the water, assuming summer, leaf-on conditions.

GRADING, EXCAVATING, OR FILLING: More than 50 cubic yards of material on lot in a shoreland district requires a CUP. Filling and cutting activity in any bluff or bluff impact zone shall be considered a conditional use. In no case shall cutting or filling be allowed for the purpose of establishing a site for the erection of a structure. The proposed grading, excavating or filling activities shall occur within one (1) year of permit issuance.

EROSION CONTROL: Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited. Erosion control measures must be implemented prior to commencing construction.

DRAINAGE: Any proposed development of land shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

PLANNING AND ZONING COMMISSION CONDITIONS

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

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

SHORELAND DISTRICT-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.
3. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.

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.


FLOOD PLAIN OVERLAY DISTRICT-EVLAUATION CRITERIA

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
12. Such other factors which are relevant to the purpose of this Ordinance.

FLOOD PLAIN OVERLAY DISTRICT CONDITIONS
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1. Modification of waste treatment and water supply facilities.
2. Limitations on period of use, occupancy, and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

 **Le Sueur**
COUNTY ENVIRONMENTAL SERVICES
PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE
LE CENTER MN 56057

Date: 9/4/18

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

Applicant:

Russ Guyer & Deanna Weis

Property owner:

Russ Guyer & Deanna Weis

Property:

04.740.0350

Description:

Application for an After-The-Fact Conditional Use Permit to allow Grading, Excavating, and Filling of 54.9 cubic yards within the shore impact zone; 38.8 cubic yards within the bluff impact zone; 106.1 cubic yards within the bluff; total of 145 cubic yards on the lot for a shoreland project for the construction of a path and retaining walls in a Recreational Residential "RR" district on Lake Jefferson, a Recreational Development "RD" lake.

Recommendation:

It would be my recommendation to approve the application with the condition(s) listed below. Installment of the retaining walls will help provide slope stability and prevent further runoff and erosion occurring in the bluff.

Condition(s):

1. If trees are removed due to construction, replacement trees at least 2 inches in diameter and 4.5 feet tall should be planted.
2. Plant vegetation that is native to Minnesota in order to prevent runoff and erosion into Lake Jefferson. Native vegetation will protect the bluff and provide slope stability.

Sincerely,



Holly Kalbus
Le Sueur County
Environmental Resources Specialist

CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING
 88 SOUTH PARK AVENUE
 LE CENTER MN 56057
 Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 8/15/2018	PERMIT NUMBER: 18202	FEE: \$3,046.00
60 DAY RULING DATE: 10/14/2018		<i>*FEES NON-REFUNDABLE</i>
APPLICANT: RUSS GUYER & DEANNA WEIS	LAND OWNER: RUSS GUYER & DEANNA WEIS	
ADDRESS: 1603 16TH ST SW	ADDRESS: 47854 OUTBACK LN	
CITY: AUSTIN	CITY: ELYSIAN	
STATE: MN ZIP: 55912	STATE: MN ZIP: 56028	
PHONE: 507-951-2033	PHONE: 507-440-1919	
911: 47854 OUTBACK LN. ELYSIAN		

PARCEL #: 04.740.0350	TOWNSHIP: ELYSIAN	
SEC: 7	SUBDIV: ROEMERS COVE	DISTRICT: RR/FF
TWP: 109	LOT: 35	FEMA PANEL # 27079C0270D
RANGE: 24	BLOCK:	FLOOD ZONE: A
QTR/QTR:	ROAD: PVT	

I (We), the undersigned, owner(s) and or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Conditional Use Permit, as hereinafter designated, and in support thereof, the following facts are presented:


1.) Reason for Requested Conditional Use Permit.

TO ALLOW AN ATF CUP FOR GRADING, EXCAVATING, AND FILLING OF 54.9 CY W/IN SIZ, 38.8 CY W/IN BIZ, 106.1 CY W/IN BLUFF, AND TOTAL 145 CY ON LOT FOR A SHORELAND PROJECT TO INCLUDE THE CONSTRUCTION OF A PATH AND RETAINING WALLS IN THE

2.) Reason for Approval or Denial of Request as Listed in Findings.

3.) Special Conditions of Conditional Use Permit.

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD.

 APPLICANT/PROPERTY OWNER	8-15-18 DATE
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	8/15/18 DATE

PUBLIC HEARING DATE: <u>9/13/2018</u>	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: <u>9/25/2018</u>	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION	DATE
CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS	DATE

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18202

Applicant: RUSS GUYER & DEANNA WEIS

Land Owner: RUSS GUYER & DEANNA WEIS

Conditional Use Permit Request: TO ALLOW AN ATF CUP FOR GRADING, EXCAVATING, AND FILLING OF 54.9 CY W/IN SIZ, 38.8 CY W/IN BIZ, 106.1 CY W/IN BLUFF, AND TOTAL 145 CY ON LOT FOR A SHORELAND PROJECT TO INCLUDE THE CONSTRUCTION OF A PATH AND RETAINING WALLS IN THE BLUFF, BIZ, AND SIZ.

- 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 _____

- 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 _____

- 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 _____

- 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 _____

- 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 _____

- 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 _____

- 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 Russ Guyer & Deanna Weis
Mailing Address 1603 - 16th ST. S.W.
City AUSTIN State MN Zip 55912
Phone # 507-951-2033 Phone # 507-440-1919

II. Landowner:

Name Russ Guyer & Deanna Weis
Mailing Address 1603-16th ST. S.W.
City AUSTIN State MN Zip 55912
Property Address 47854 Outback Lane
City Elysian State MN Zip 56028
Phone # _____ Phone # _____

III. Parcel Information:

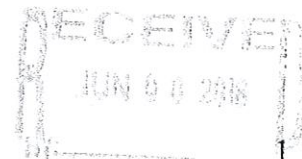
Parcel Number 04.740.0350 Parcel Acreage _____
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Elysian Section 7-109-24
Subdivision Roemers Cove Lot 35 Block _____

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

Elysian Township notified on 5-31-18
(Township Name) (Date)
Board Member Douglas Swedberg 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

\$3,046.00



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: 76 90 *du*
 Cubic yards of material movement: 53.9 54.9 *du*
 Cubic yards of material movement: 36.8 38.8 *du*
 Cubic yards of material movement: 105.7 106.1 *du*
TOTAL cubic yards of material movement: 172 175 *du*

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

VIII. Description of Request:

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.

1. ENVIRONMENTAL IMPACT: none, negative effect on the environment
2. ADVERSE IMPACT ON SURROUNDING AREAS: None
3. STORMWATER RUNOFF: No - terraced to slow storm water runoff
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No: No changes at water's edge
5. WETLAND IMPACT: None - No wetland involvement
6. SLOPE STABILITY: _____
7. CERTIFICATE OF INSURANCE: Cray Insurance Co 208 S Main ST Chester, IA 52134
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.



Restoration Plan: Shall include but not limited to the following:

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

XI. Attachments: Shall include but not limited to:

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

XII. Procedure:

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

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

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

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

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

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

XIII. Signatures:

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

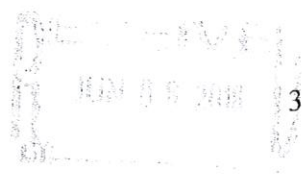
Russell Meyer Deanna Weis
Applicant signature

June 8 2018
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.

Russell Meyer Deanna Weis
Property Owner signature

June 8 2018
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: 90
 Cubic yards of material movement: 54.9
 Cubic yards of material movement: 38.8
 Cubic yards of material movement: 106.1

TOTAL cubic yards of material movement: 145

Pre-App Date 8/15/18 Lake Classification RD Feedlot 500' 1000' N
 Meeting Date 9/13/18 Lake Jefferson Wetland Type 1-2 3-8 N
 60 Day 10/14/18 FEMA Panel # 27079C0 270 D Water courses Y N
 Zoning District RP/PP Flood Zone A-X-outside Bluff Y N

- Request Description Access Approval Septic Comp Insp / Design
- Site Plan Erosion Control Plan Meeting Reg ATF / Spec
- Full Legal Other _____ Fee \$ 1546.00
- Ordinance Other _____ Penalty \$ 1500.00 3,046.00

Application Complete _____
 Planning & Zoning Department Signature 8/15/18 Date 16202 Permit #



Description of request and restoration plan for property:

Lot 35 Roemers Cove

47854 Outback Lane, Elysian MN

Seeking a "conditional use permit" to finish, restore the bluff area, and improve the safety of reaching the lake.

The purpose of this project is to prevent current and future erosion of the bluff

Realtor involved with sale of property, said that there was an understanding that the steps on neighboring property could be used to access shore of lake. It became apparent early on that the steps would not be used for access to the lake as neighbor disagreed with that idea. Steps were unsafe anyway.

Bluff was too steep, making it extremely difficult to get down to the lake

A path down to the lake from atop the hill seemed an option to solve this issue not only for our access, but also for lawn mower, boating equipment etc.

DESCRIPTION OF REQUEST

After construction of pathway began, it was brought to our attention that there was definite criteria that needed to be followed with renovation of lake property. We are sorry we had no idea.

With the help of Michelle Mettler, Joshua Mankowski, Holly Kalbus (Le Sueur County Environmental Services) and John Weis, landscaper (former co-owner of Rocks and Blocks, Bismarck ND) we have been diligently working on a restoration/erosion control plan to restore, stabilize slopes, maintain and produce property helpful and attractive to ourselves and the native habitat of this region.

John Weis - Phone number 701-390-3896 certified – by Concrete Masonry Association

Erosion control measures were put into place between the dates of 10-12-17 and 10-18-18. Currently, in place, are silt fences, silt socks and grass blankets in place to prohibit any erosion.

Attachment 1: Diagrams of their placements

Rory Jensen, surveyor from Bolten and Menk (507-625-4171) Mankato, provided us with the information of material movement and the (amounts) of boulder needed for retaining walls.

- Attachment 2: Scale diagram from Bolten and Menk with landscaping notes on sizes and lineal feet required for completion of retaining walls.

RESTORATION PLAN

An investment in permanent stabilization for long term protection of shore land and bluff area.

A skid loader will be used for minimal clearing, grading on the slope and boulder placement. Install boulders along pathway. Average size of boulders 1' to 3' average width and 1' to 3' average height. 24 lineal ft. of boulder retaining wall.

Two trees were removed. One of which was removed before property was purchased. Tree roots have been left intact. Two trees will be replaced. (placement shown on diagram)

1. Excavate area where the walls will be built.
 - Need to excavate to allow for the "setback"
 - Needed to attain the height desired. (Each row sets back as it climbs so the wall isn't vertical- vertical walls tend to go "negative" or lean forward in time.
 - Need to excavate enough for proper drainage behind the wall. ie. Crushed rock
2. Place and pack substrate material (class 5 gravel)
Should have 3" compacted, using a plate compactor.
3. Using landscape fabric, large enough to drape up the backside of the wall, place over compacted base.
Leave back side loose as it "climbs" up the exposed dirt in the back of where the wall will be.
4. Place base row of boulders. Use larger boulders on the bottom rows
5. Before placing the second row, set drain tile at the appropriate grade or slope to achieve positive drainage. Tiling along base row and it needs to be on fabric
Use a "T" to daylight the tile to face the wall where hydrostatic pressure may be the greatest.
6. Begin the climb. Add subsequent rows of boulders, (not to exceed) 3.5 Ft. – **see picture for how to reach 6.5 ft. height.**
Areas where the wall is 6.5 Ft. will be tiered (2 tiers) with 3 Ft. between walls.
7. After each row is placed, fill behind the boulders with 1" clean crushed rock. Be sure to maintain the separation between crushed rock and the excavated dirt behind.
8. Once reached necessary height, fold fabric over and backfill with dirt.
9. If base row is exposed, push dirt up against the face of the wall carefully so as not to move the wall. Pack carefully
10. Tile placed on both sides of the grassed path with rock wall on both sides
11. In order to stop erosion path will be grassed and maintained

Attachment 7,8, 9 &10: Diagrams of wall restoration

Replacement of two trees. Placement on diagram

Planting and placement of vegetation (natural grasses and flowers) as recommended by Holly Kalbus and purchased at Albert Lea Seed house. Albert Lea MN

With consideration and guidance, we have chosen vegetation conducive to the environment. All wildflower and grass seeds have extensive root systems to aid in the erosion control of the area.

- **Attachment 3: Native grasses and wildflowers**
- **Attachment 4: Diagram of placement of grasses and wildflowers**

Also included are:

Attachment 5 & 6 receipts for purchases of erosion control materials.



On Application, Description of request, #1 Environmental impact. Tiered walls and water flow will be channeled to the grassed path with continual maintenance.

On Application, Description of request, #6 slope stability. Placement of retaining walls and vegetation.
(attachment 3)

Thank you very much for your consideration in issuing a Conditional Use Permit

Sincerely,

Russ Guyer and Deanna Weis



*Side Oats
 "sod grass"*



*Little Blue Stem
 "bunch grass"*

Midwest Native Mix

LOT: MWNA03181-N

Weed: 0.15%
 Total Viable: 83%
 Packed For: 2018

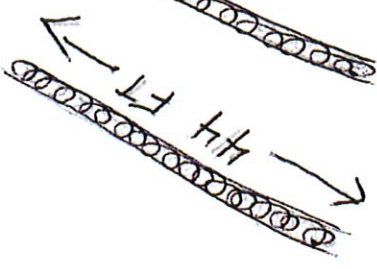
Noxious: None
 Test: 3/18

% Species:

21.39 Coneflower, Purple
 15.68 Indian Blanket
 14.26 Coreopsis, Lance Leaved
 7.13 Aster, Prairie
 7.13 Evening Primrose, Dwarf
 7.13 Prairie Clover, Purple
 5.82 Coneflower, Claspig
 3.56 Milkweed, Butterfly
 3.56 Coneflower, Pale Purple

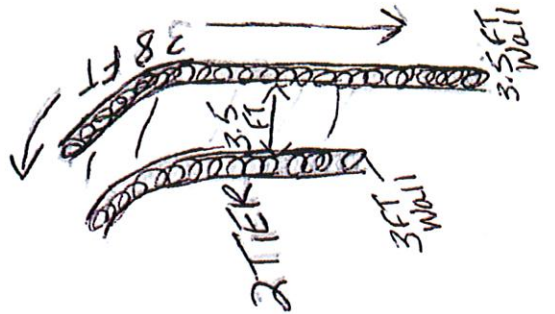
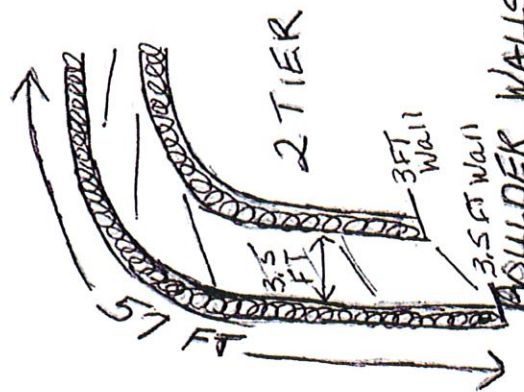
3.56 Coneflower, Prairie
 3.56 Spiderwort, Ohio
 1.78 Sunflower, Ox-Eye
 1.78 Black-Eyed Susan
 1.43 Coreopsis, Plains
 0.89 Aster, New England
 0.89 Aster, White Upland
 0.43 Hyssop, Lavender

← WATERS EDGE →



Replacement
Trees

Replacement
Trees



BOULDER WALLS 3.5 FT
2 TIER WHERE TOTAL HT = 6.5 FT

WILL BRING IN
MORE BOULDERS
AS NEEDED

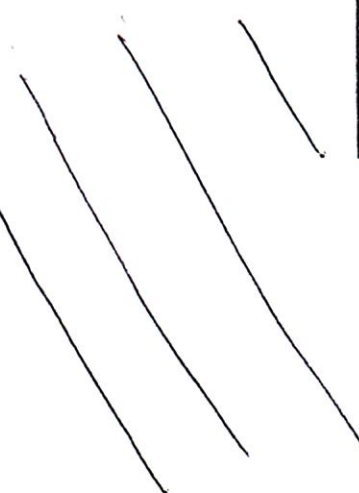
Before

Waters edge

Shoreland



Bluff



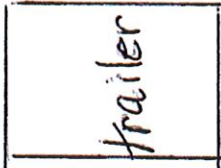
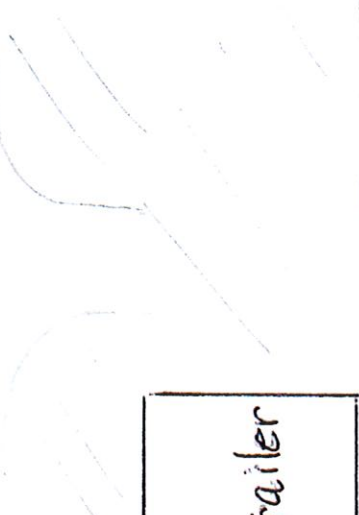
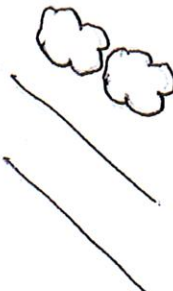
Garage

Road

Current

WATERS EDGE

Shoreland



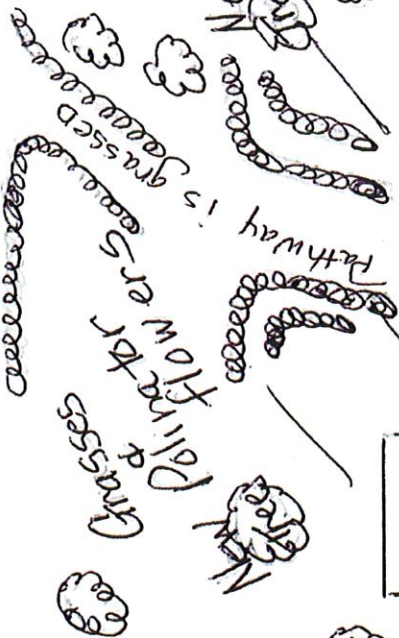
trailer



Garage

Road

Shoreland

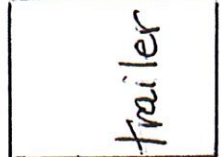


Grasses

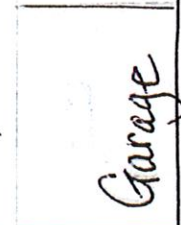
fallow

new

pathway is grassed



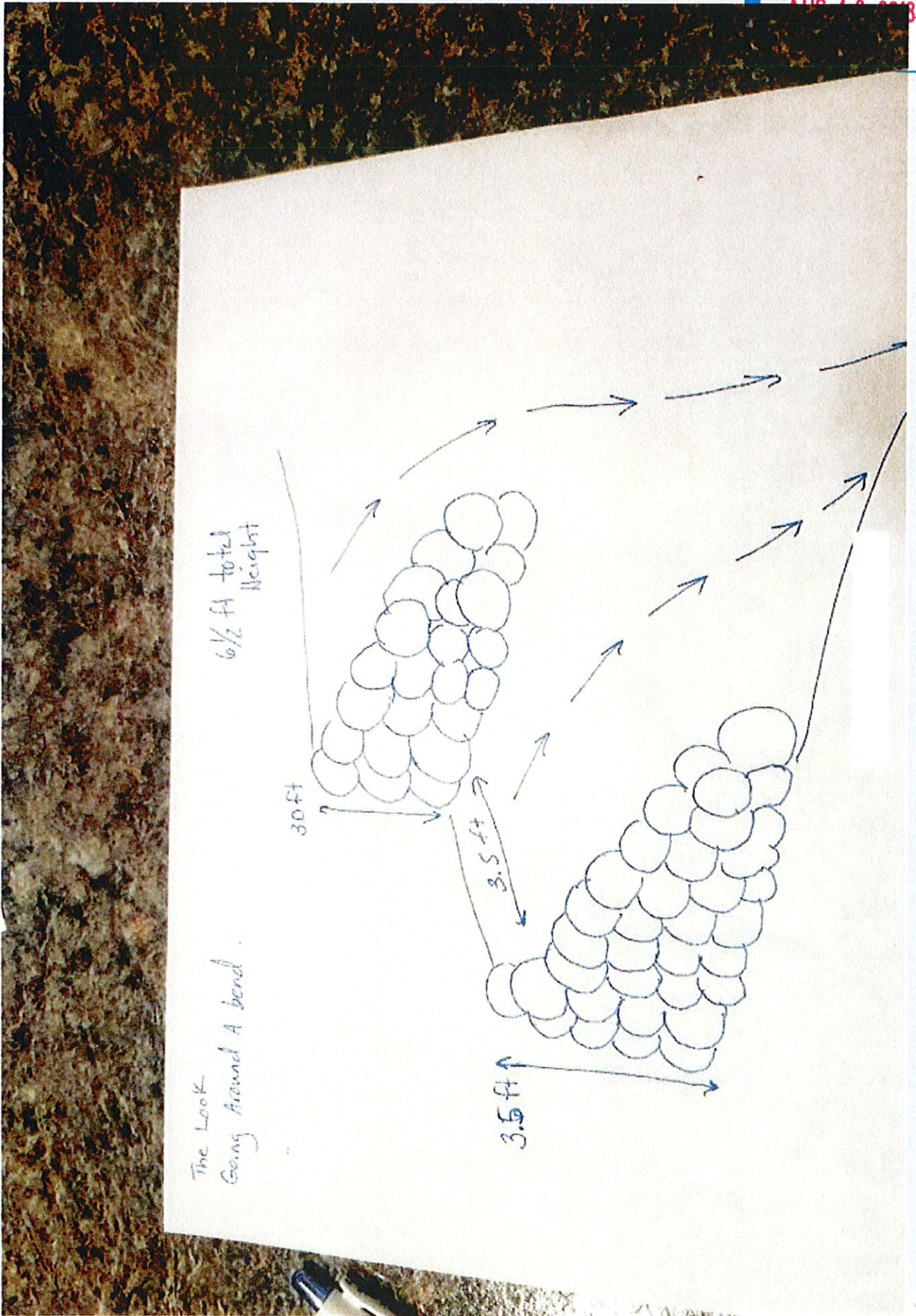
trailer



Garage

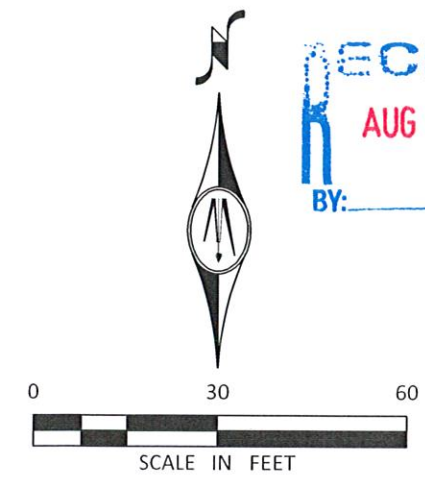
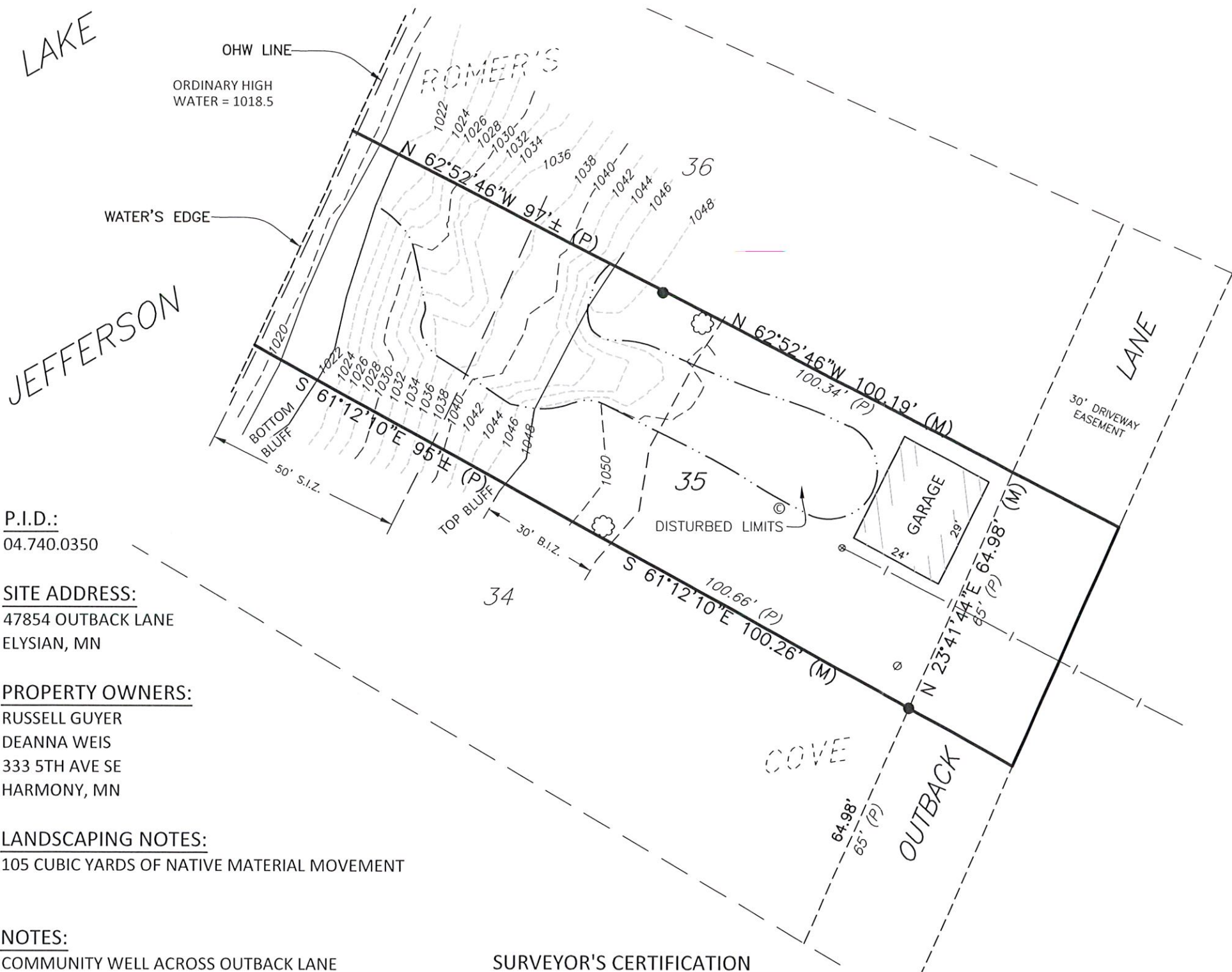
Road

work_output.jpg



RECEIVED
AUG 1 2 2018
1/1

EXISTING CONDITIONS



Horizontal Datum: HARN 1996
 Le Sueur County Coordinate System
 Vertical Datum: NGVD 1929

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND
- UTILITY POLE
- B.I.Z. BLUFF IMPACT ZONE
- S.I.Z. SHORE IMPACT ZONE
- SEPTIC CLEANOUT
- CURB STOP
- PROPOSED TREE LOCATION
- PROPOSED BOULDERS

P.I.D.:
04.740.0350

SITE ADDRESS:
47854 OUTBACK LANE
ELYSIAN, MN

PROPERTY OWNERS:
RUSSELL GUYER
DEANNA WEIS
333 5TH AVE SE
HARMONY, MN

LANDSCAPING NOTES:
105 CUBIC YARDS OF NATIVE MATERIAL MOVEMENT

NOTES:
COMMUNITY WELL ACROSS OUTBACK LANE
SEPTIC SHARED ON LOT 36

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
 08/10/2018
 Date

PROPOSED LANDSCAPING LE SUEUR COUNTY, MINNESOTA		LOT 35, ROEMER'S COVE ELYSIAN TOWNSHIP
BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	FOR: RUSSEL GUYER

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JOB NUMBER: M33.115102

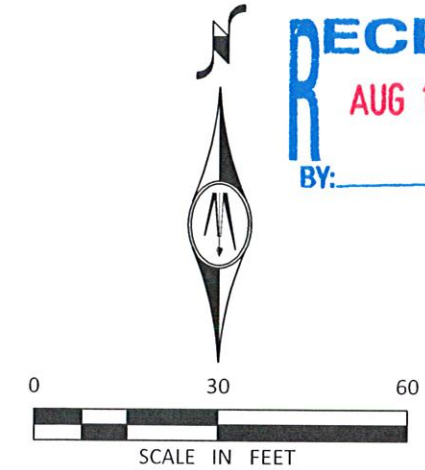
FIELD BOOK: 90A-1

DRAWN BY: ASL

4.0 S7-109-24-34

PROPOSED CONDITIONS

RECEIVED
AUG 15 2018
BY: _____

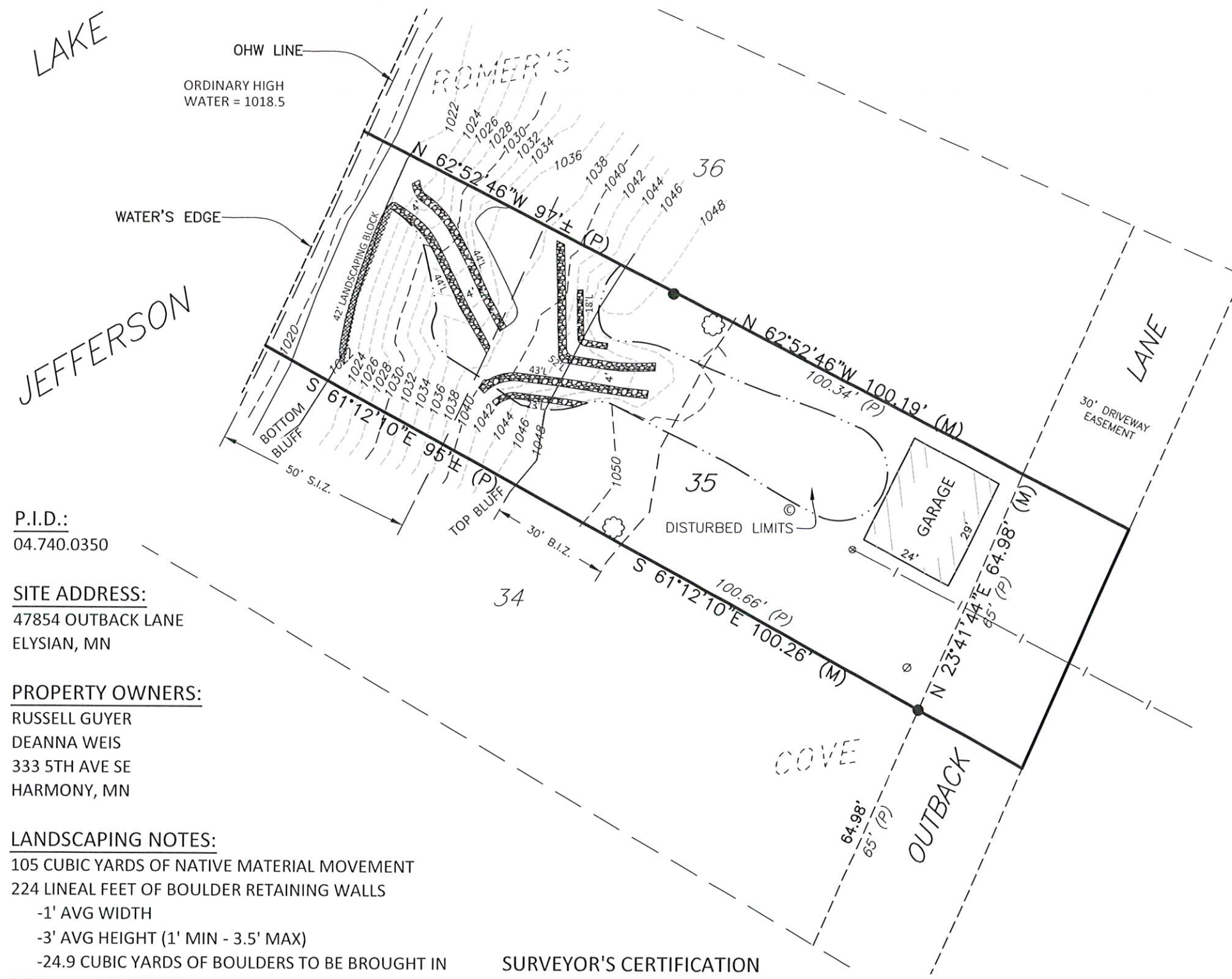


Horizontal Datum: HARN 1996
Le Sueur County Coordinate System
Vertical Datum: NGVD 1929

LEGEND

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- SEPTIC CLEANOUT
- CURB STOP
- PROPOSED TREE LOCATION
- PROPOSED BOULDERS

MATERIAL MOVEMENT				
MATERIALS	BOULDERS	CLASS V	ROCK	NATIVE MATERIAL MOVEMENT
OUTSIDE S.I.Z.	15.5	3.2	6.2	65.1
IN S.I.Z. (CU.YDS.)	9.4	1.8	3.8	39.9
IN B.I.Z. (CU.YDS.)	6.4	2.5	2.6	27.3
IN BLUFF (CU.YDS.)	18.5	2.5	7.4	77.7
LANDSCAPING BLOCK	-	0.3	-	-
TOTAL CUBIC YARDS OF MATERIAL MOVEMENT: 145				



P.I.D.:
04.740.0350

SITE ADDRESS:
47854 OUTBACK LANE
ELYSIAN, MN

PROPERTY OWNERS:
RUSSELL GUYER
DEANNA WEIS
333 5TH AVE SE
HARMONY, MN

LANDSCAPING NOTES:
105 CUBIC YARDS OF NATIVE MATERIAL MOVEMENT
224 LINEAL FEET OF BOULDER RETAINING WALLS
-1' AVG WIDTH
-3' AVG HEIGHT (1' MIN - 3.5' MAX)
-24.9 CUBIC YARDS OF BOULDERS TO BE BROUGHT IN
DIRT MOVEMENT WAS DONE IN A BLUFF

NOTES:
COMMUNITY WELL ACROSS OUTBACK LANE
SEPTIC SHARED ON LOT 36

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
08/10/2018
Date

PROPOSED LANDSCAPING LE SUEUR COUNTY, MINNESOTA		LOT 35, ROEMER'S COVE ELYSIAN TOWNSHIP
	BOLTON & MENK	FOR: RUSSEL GUYER
		1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171

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LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1620
(507) 357-2251
FAX (507) 357-8541

Erosion and Sediment Control Plan

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

Property Owner: Russ Guyer & Deanna Weispid
Mailing Address: 1603-16th St. S.W. Austin, MN 55912
Property Address: 47854 Outback Lane, Elysian, MN
Phone: (507) 951-2033 Mobile/Cell: ()

Responsible party for Implementation/Inspection: _____
Address: _____
Phone: () Mobile/Cell: ()

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

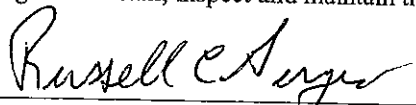
Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

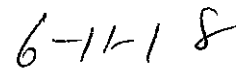
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

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



(Property Owner)

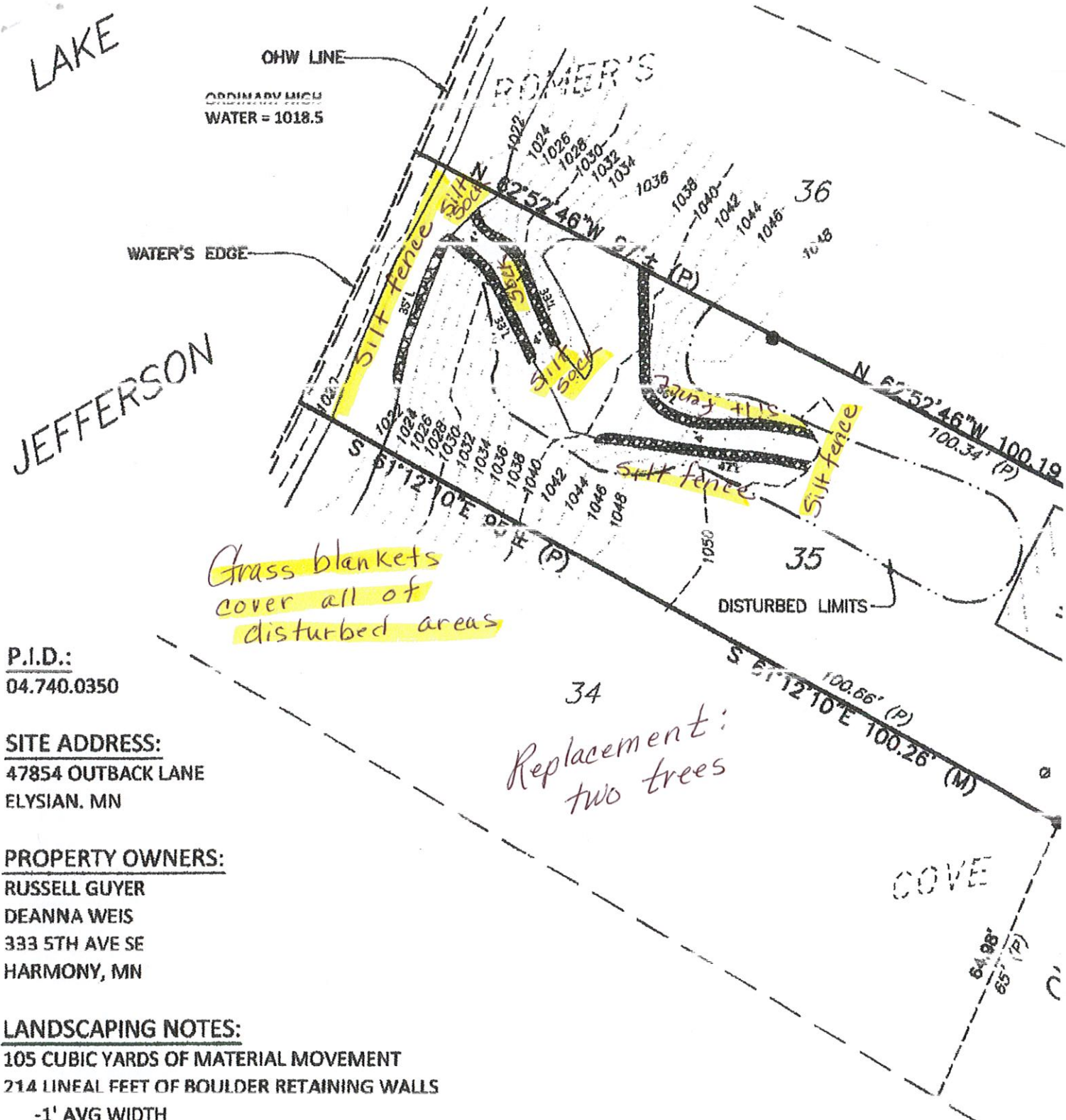


(Date)

(Person Responsible for Implementation)

(Date)

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

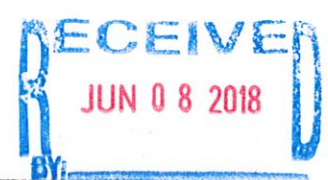


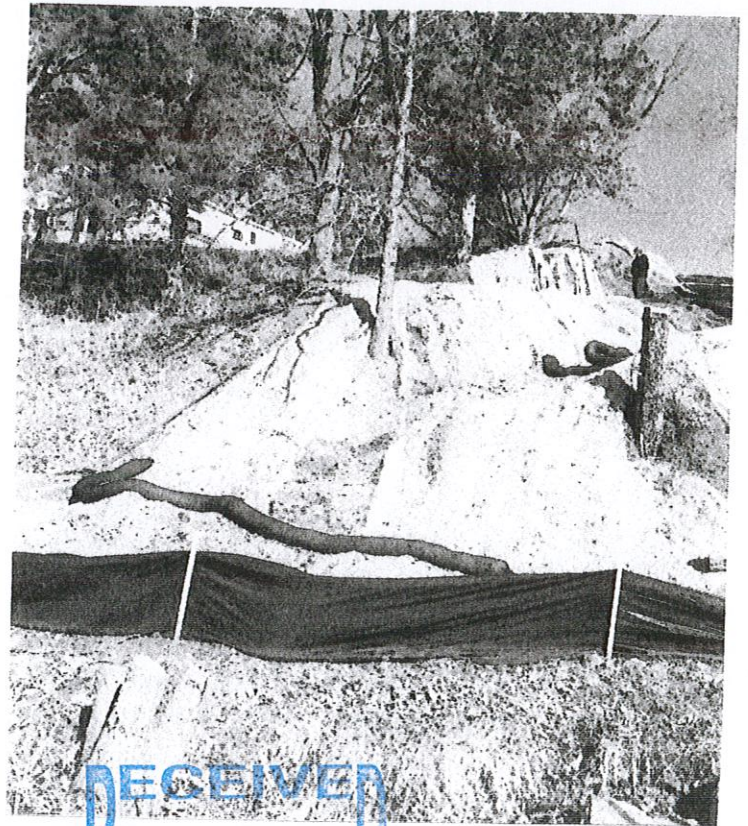
P.I.D.:
04.740.0350

SITE ADDRESS:
47854 OUTBACK LANE
ELYSIAN, MN

PROPERTY OWNERS:
RUSSELL GUYER
DEANNA WEIS
333 5TH AVE SE
HARMONY, MN

LANDSCAPING NOTES:
105 CUBIC YARDS OF MATERIAL MOVEMENT
214 LINEAL FEET OF BOULDER RETAINING WALLS
-1' AVG WIDTH
-3' AVG HEIGHT
24 CUBIC YARDS OF BOULDERS TO BE BROUGHT IN
DIRT MOVEMENT WAS DONE IN A BLUFF





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JUN 25 2018
BY: _____

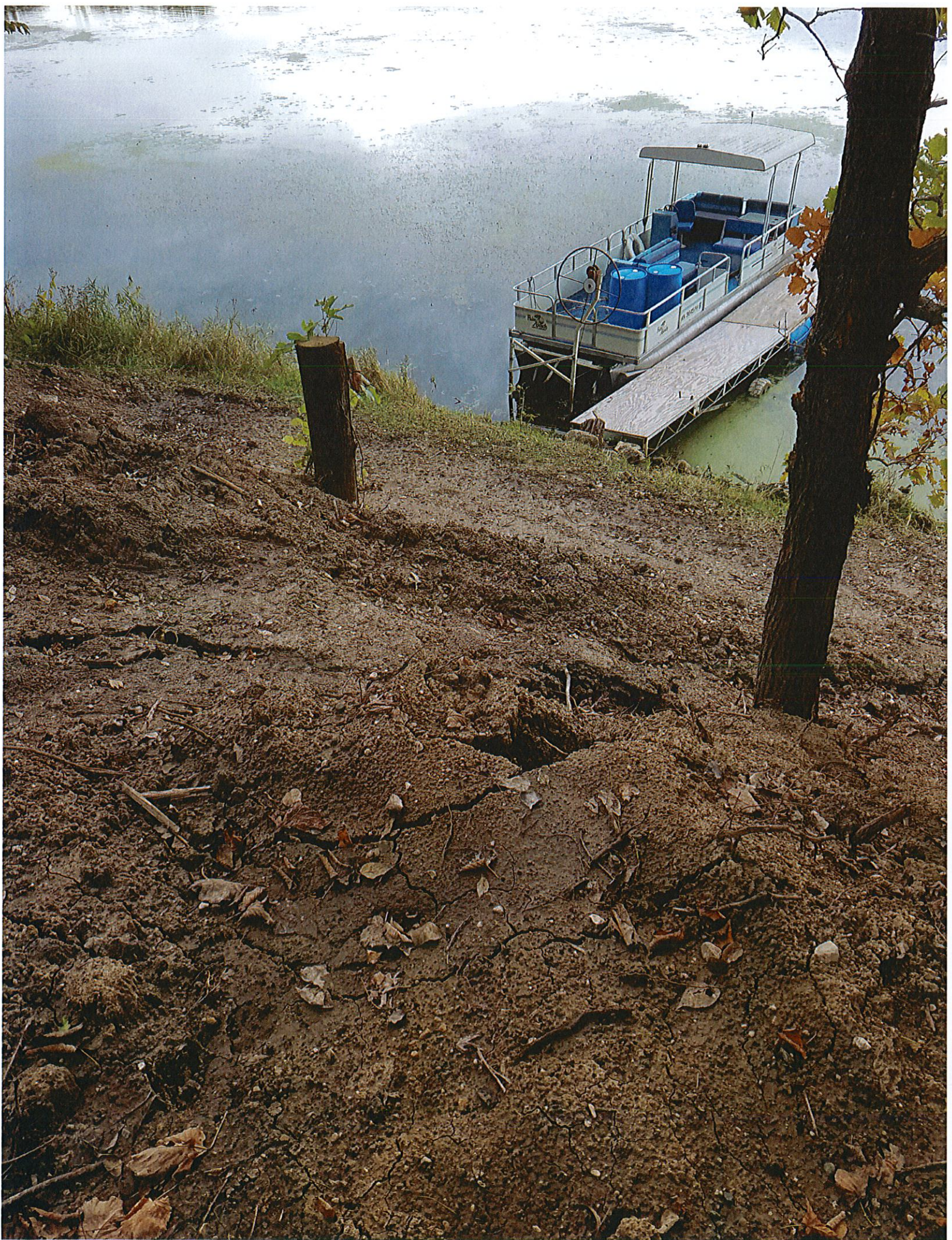














October 18, 2017

Russell Guyer & Deanna Weis
1603 15th St SW
Austin MN 55912

RE: Notice of Violation

Parcel Number: 04.740.0350

Dear Mr. Guyer & Ms. Weis:

It is the purpose of the Le Sueur County Planning & Zoning Office to provide for and enforce the regulations of the Le Sueur County Zoning Ordinance which will affect the public health and safety of the residents of Le Sueur County and further preserve the aesthetic values of the County and individual neighborhoods.

As you are aware from our conversation on October 12, 2017, a we have documented a zoning violation on your property located at Lot 35, Roemer's Cove, Section 7, Elysian Township, 47854 Outback LN, Elysian, MN.

A stop work order was issued, you contacted our office and we were able to meet onsite to discuss the zoning violation. As we had discussed last week you were going to install erosion control measures to prevent sediment from entering the lake and also to prevent erosion in the excavated area on the lot, which is predominantly located within the bluff.

Thank you for contacting this office today with notification that the erosion control measures are in place. You have also been in contact with Joshua Mankowski regarding the project. Your prompt response is much appreciated.

Continue to work with Joshua regarding the proposed project. In order to address the violation and complete/revise your project, this will require a Conditional Use Permit (CUP). I have enclosed the application and pertinent sections of the Zoning Ordinance.

The violations to be addressed are as follows:

1. Grading, excavating and filling within the shore impact zone.
2. Grading, excavating and filling within the bluff.
3. Grading, excavating and filling within the bluff impact zone.

Depending on the full scope of the project, your CUP request will need to include the different aspects of the project, for example retaining walls, path, slope, cubic yards of material movement, stairs in the bluff, rip rap, etc. When you have determined what your plan will entail, give me a call or set up an appointment so that we can review your proposal.

You will need to apply for an After-The-Fact (ATF) Conditional Use Permit for the grading, excavating and filling that has already occurred, as well as the proposal to complete the project. The site plan will need to be done by a surveyor or engineer. The fee for a CUP is \$750.00, however is doubled when ATF, which will become \$1,500.00. Plus there is a penalty of \$1,500.00 or 10% of the project whichever is greater. There is also a \$46 filing fee. The minimum fee for an ATF CUP is \$3,046.00.

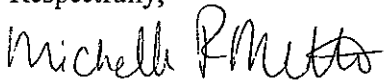
The Planning Commission holds the Public Hearing and will make a recommendation to the County Board. The Zoning Administrator will take that recommendation to the County Board for final decision approximately two weeks later.

I have enclosed some of the zoning information for you as well as the CUP application and Zoning Permit application.

Please contact me as soon as possible in order to apply for the Conditional Use Permit and to address any questions or concerns you may have. The Planning Commission meets the second Thursday of the month however the deadline is approximately a month earlier.

I look forward to working with you and helping you through this process to resolve this zoning violation.

Respectfully,



Michelle R. Mettler

Le Sueur County

Assistant Planning & Zoning Administrator

Enclosures

LE SUEUR COUNTY ENVIRONMENTAL SERVICES



NAME: Guyer / Weis
PID: 04.740.0350
DATE: 09-04-18
FIRM #: 27079C0270D
F-Zone: A-100 Year & X-out
RFPE: na
District: Recreational Residential & Flood Fringe



35	36	31	32	33	34	35	36	31
11	12	7	8	9	10	11	12	7
14	13	18	17	16	15	14	13	18
19	20	21	22	23	24	19		
30	29	28	27	26	25	30		

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. 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 2017
 Created By: MRM