



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
507-357-8538**

**NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

**NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.**

**DATE: SEPTEMBER 13, 2018**

**TIME: 7:00 PM**

**PLACE: ENVIRONMENTAL SERVICES, 515 SOUTH MAPLE AVE, LE CENTER, MN**

**PURPOSE:** To hear testimony from interested parties and consider Rezoning and Conditional Use Permit Applications and other questions pertaining to and as provided by the Zoning Ordinance of Le Sueur County as described below. *Information regarding the applications is available for review at the Environmental Services Building during normal business hours.*

- ITEM #1 Planning Commission Notice of Public Hearing**
- ITEM #2 Planning Commission Agenda**
- ITEM #3 Williams Packet**
- ITEM #4 Nesbit Packet**
- ITEM #5 Miller Packet**
- ITEM #6 Guyer/Weiss Packet**
- ITEM #7 Approved September 13, 2018 Planning Commission Meeting Minutes**

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

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR  
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



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# **Le Sueur County, MN**

**Thursday, September 13, 2018**

**Regular session**

## **Item 1**

### **Planning Commission Notice of Public Hearing**

Staff Contact: Joshua Mankowski or Michelle R. Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**507-357-8538**  
[www.co.le-sueur.mn.us](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: SEPTEMBER 13, 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 **AUGUST 31, 2018**.

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1008.5 cubic yards of material for the repair of an existing boat house, stairs and retaining wall located within the bluff and shore impact zone in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 22, Block 1, Da Mar Estates, Section 6, Washington Township.

**ITEM #2: ADAM NESBIT, NEW PRAGUE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 of the NW 1/4 to the NW 1/4 of the NE 1/4 in an Agriculture "A" District. Property is located in the NW quarter and NE quarter, Section 13, Derrynane Township.

**ITEM #3: MICHAEL & SHELLY MILLER, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1454 cubic yards of material in a Recreational Residential "RR" District. Property is located at Revised Lots 50 & 51, Auditor's Subdivision, Section 6, Elysian Township.

**ITEM #4: RUSS GUYER & DEANNA WEIS, AUSTIN, MN, (APPLICANT/OWNER):** Request that the County grant 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 to for the construction of a path and retaining walls a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 35, Roemer's Cove, Section 7, Elysian 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



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# Le Sueur County, MN

Thursday, September 13, 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:** September 13, 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: **August 9, 2018 & August 23, 2018** Additions/Corrections/Approval
4. Applications

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1008.5 cubic yards of material for the repair of an existing boat house, stairs and retaining wall located within the bluff and shore impact zone in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 22, Block 1, Da Mar Estates, Section 6, Washington Township.

**ITEM #2: ADAM NESBIT, NEW PRAGUE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 of the NW 1/4 to the NW 1/4 of the NE 1/4 in an Agriculture "A" District. Property is located in the NW quarter and NE quarter, Section 13, Derrynane Township.

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**ITEM #4: RUSS GUYER & DEANNA WEIS, AUSTIN, MN, (APPLICANT/OWNER):** Request that the County grant 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 to for the construction of a path and retaining walls a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 35, Roemer's Cove, Section 7, Elysian 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, September 13, 2018

Regular session

## Item 1

### Williams Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** James & Jane Williams

**911 ADDRESS:** 7022 Da Mar Estates, St Peter, MN

**PROJECT DESCRIPTION:** To allow grading, excavating, and filling of 1008.5 cubic yards of material for the repair of an existing boat house, stairs and retaining wall located within the bluff and shore impact zone.

**PARCEL NUMBER:** 13.470.0230

**CUP NUMBER:** 18179

## SITE INFORMATION

**LOCATION:** Lot 22, Block 1, Da Mar Estates, Section 6, Washington 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 Da Mar Estates

### EXISTING LAND USE WITHIN ¼ MILE:

North: Residential Development and Ag land  
East: Residential Development and Ag land

South: Lake Washington  
West: Lake Washington

## BACKGROUND INFORMATION

The property is located in a platted subdivision on Lake Washington. The applicant recently purchased the property. There is an existing boat house on the property that is located within the bluff and is in disrepair. Digging in the bluff will be necessary in order to make the repairs to the structure as well as grading to avoid future damage.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Bob Kaveney from Washington Township was contacted on June 19, 2018 by applicant.

## NATURAL RESOURCES INFORMATION

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

**LAKE:** Lake Washington, 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.

**WETLANDS:** According to the National Wetlands Inventory, no wetlands 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, photograph

## 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 make reference to bluffs shoreland development.

- |                     |   |
|---------------------|---|
| <b>GOAL #2:</b>     | 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. |
| <b>Objective 1:</b> | The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.   |
| <b>Action 3:</b>    | Amend the County's Zoning controls to require all structures to meet a 30' minimum setback from the top of a bluff.   |
| <b>Objective 2:</b> | Utilize shorelands on Recreational Development Lakes (RD) for housing but with focus on development design that protects the resource.  |
| <b>Action 1:</b>    | Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.   |

## 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 be 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.

**GRADING, EXCAVATING, OR FILLING:**

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.

**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. Structure is existing.

**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.

<b>SHORELAND DISTRICT-EVLAUATION CRITERIA</b>
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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.

<b>SHORELAND DISTRICT CONDITIONS</b>
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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 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

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**Applicant:**

James & Jane Williams

**Property owner:**

James & Jane Williams

**Property:**

13.470.0230

**Description:**

Application for a Conditional Use Permit to allow Grading, Excavating, and Filling of 1008.5 cubic yards of material for the repair of an existing boat house, stairs and retaining wall located within the bluff and shore impact zone in a Recreational Residential "RR" district on a Recreational Development "RD" lake, Lake Washington.

**Recommendation:**

It would be my recommendation to approve the application with the condition(s) listed below. The existing boathouse is in need of repair due to it being unstable. Fixing the boathouse should prevent it from collapsing into the lake. The existing retaining walls are failing, and do not fulfill the intent of preventing and reducing erosion, and thus need to be replaced. Lastly the stairway down to the lake is in poor condition and poses a safety hazard if not replaced.

**Condition(s):**

1. The stairway that is to be replaced and the proposed 8 additional steps should be constructed with wood in order to reduce the amount of disturbance to the bluff and shore impact zone.
2. If trees are removed due to construction, replacement trees at least 2 inches in diameter and 4.5 feet tall should be planted.

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: 8/3/2018	PERMIT NUMBER: 18179	FEE: \$796.00
60 DAY RULING DATE: 10/2/2018		<i>*FEES NON-REFUNDABLE</i>
APPLICANT: JAMES & JANE WILLIAMS	LAND OWNER: JAMES & JANE WILLIAMS	
ADDRESS: 7022 DA MAR ESTATES	ADDRESS: 2022 DA MAR ESTATES	
CITY: ST PETER	CITY: ST PETER	
STATE: MN	STATE: MN	ZIP: 56082
PHONE: 612-978-0578	PHONE: 612-978-0578	
911: 7022 DA MAR ESTATES		

PARCEL #: 13.470.0230	TOWNSHIP: WASHINGTON	
SEC: 6	SUBDIV: DA MAR ESTATES	DISTRICT: RR
TWP: 109	LOT: 22	FEMA PANEL # 27079C0245D
RANGE: 25	BLOCK: 1	FLOOD ZONE: X OUTSIDE
QTR/QTR:	ROAD: TWP	

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:

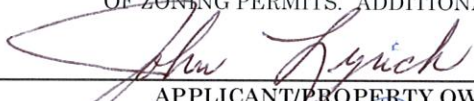
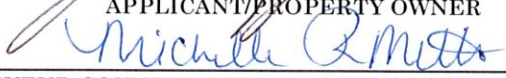
**1.) Reason for Requested Conditional Use Permit.**

TO ALLOW GRADING, EXCAVATING AND FILLING OF APPROXIMATELY 1008.5 CUBIC YARDS OF MATERIAL FOR THE REPAIR OF A BOATHOUSE, STAIRS AND RETAINING WALL IN THE BLUFF AND SHORE IMPACT ZONE.

**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	8/3/18 _____ DATE
 _____ LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	8-3-18 _____ DATE

PUBLIC HEARING DATE: 9/13/2018	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: 9/25/2018	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
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# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18179

**Applicant:** JAMES & JANE WILLIAMS

**Land Owner:** JAMES & JANE WILLIAMS

**Conditional Use Permit Request:** TO ALLOW GRADING, EXCAVATING AND FILLING OF APPROXIMATELY 1008.5 CUBIC YARDS OF MATERIAL FOR THE REPAIR OF A BOATHOUSE, STAIRS AND RETAINING WALL IN THE BLUFF AND SHORE IMPACT ZONE.

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	Al	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	Al	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	Al	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	Al	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	Al	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	Al	TOTAL

**Explain** \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	Al	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 \_\_\_\_\_

Step 2  
Aug. 14<sup>th</sup>

# 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 James and Jane Williams  
Mailing Address 7022 Da Mar Estates  
City Saint Peter State MN Zip 56082  
Phone # 612-978-0578 Phone # 612-978-0581

**II. Landowner:**

Name James and Jane Williams  
Mailing Address 7022 Da Mar Estates  
City Saint Peter State MN Zip 56082  
Property Address 7022 Da Mar Estates  
City Saint Peter State MN Zip 56082  
Phone # 612-978-0578 Phone # 612-978-0581

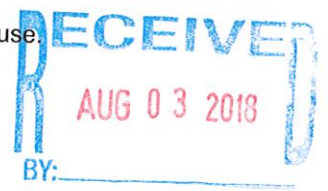
**III. Parcel Information:**

Parcel Number 13.470.0230 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Washington Section 7  
Subdivision Da Mar Estates Lot 521422 Block \_\_\_\_\_

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

Washington Township notified on 6-19-18  
(Township Name) (Date)

Board Member Robert Kaveney regarding the proposed use.  
(Name)



**V. Quantities and Submittal Formats:**

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

**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: 1008.5  
 Within Bluff Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Cubic yards of material movement: 1008.5  
**TOTAL cubic yards of material movement:** 1008.5

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

**VIII. Description of Request:**

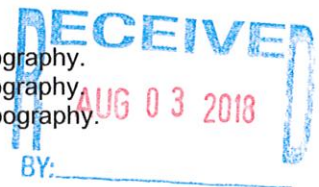
a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

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

1. ENVIRONMENTAL IMPACT: see attached site plan
2. ADVERSE IMPACT ON SURROUNDING AREAS: \_\_\_\_\_
3. STORMWATER RUNOFF: \_\_\_\_\_
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: \_\_\_\_\_
5. WETLAND IMPACT: \_\_\_\_\_
6. SLOPE STABILITY: \_\_\_\_\_
7. CERTIFICATE OF INSURANCE: \_\_\_\_\_
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) \_\_\_\_\_

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

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



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

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

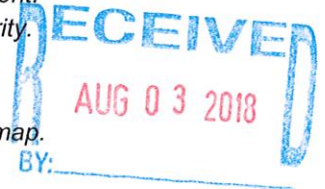


**X. Restoration Plan:** Shall include but not limited to the following:

- 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 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** *NA*
- 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.*

*Jane Williams*  
Applicant signature

*7/29/18*  
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.*

*Jane Williams*  
Property Owner signature  
*James F. Williams*

*7/29/18*  
Date

OFFICE USE ONLY

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: 1008.5  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: 1008.5

**TOTAL cubic yards of material movement:** 1008.5

Pre-App Date 8-3-18 Lake Classification / Feedlot 500' 1000' N  
 Meeting Date 9-13-18 Lake / Wetland Type 1-2 3-8 N  
 60 Day 10-2-18 FEMA Panel # 27079C0 245 D Water courses Y N  
 Zoning District RL Flood Zone X-outside Bluff Y N

- Request Description
- Site Plan
- Full Legal
- Ordinance
- Access Approval
- Erosion Control Plan
- 
- Other \_\_\_\_\_
- Septic
- Meeting
- Fee
- Penalty

Comp Insp / Design  
 Reg / ATF / Spec  
 \$ 796.00  
 \$ \_\_\_\_\_

Application Complete Michelle R Mittler 8-3-18 18179  
 Planning & Zoning Department Signature Date Permit #



**Conditional Use Application**  
**Due Date: August 14, 2018**  
**Description of Request**



This request is to repair the accessory structure on our property commonly referred to as "the boathouse." The boathouse is constructed of cement blocks and the 18' X 9' back wall is bowing inward and is near complete failure according to contractors who have inspected it. Additionally, we request consideration of the replacement of our current driveway which is crumbling.

We purchased the home in December 2016 from two college professors (husband and wife) who did not put a dock out, mow the lower lawn, or have anything in the boathouse except the badly damaged pulley and rudder system from the original owner/builder of the home twenty plus years earlier. As a result of ignoring the boathouse for decades, the water runoff caused the steps and landings to lean heavily into the cement block wall nearest the house. The pulley system attached to the same interior wall has also pulled the wall into the structure causing bowing and cracking of the block in a pyramid fashion. The block wall is now near possible collapse. The cement cap roof is cracked with water intrusion as well. To verify this situation we have included comments from an inspection done by Prokore Property Resources On December 7, 2016 who noted three major issues with the boathouse.

In their summary report under structure, foundations, condition: lateral movement, they note:

First-"A large amount of lateral movement and inward bowing was observed in the center of the front foundation wall for the boat house at the rear exterior of the home (lot). Large amounts of lateral movement and bowing can cause an increased chance for further movement and a weakened wall structure. As such the foundation wall should be further evaluated and repaired or replaced as necessary by a qualified foundation specialist or structural engineer."

Second-The masonry stairway leading to and around the boat house labeled, condition: "Unsafe."  
"The masonry stairway at the lower rear exterior of the home near the boat house contained a large amount of settling and masonry deterioration and cracking. Stairs which have experienced large amounts of movement and deterioration can cause an increased chance for tripping and falling hazards and as such the affected stairs should be repaired or replaced."

Third-The roof of the boat house, condition: cracking and leaking.  
"A good amount of cracking and water intrusion was identified in the roof for the boat house at the rear of the home. Cracking and continued leakage can cause an increased chance for accelerated degradation of the roof and water damage to surrounding and underlying building materials. As such the roof should be further evaluated and repaired or replaced as necessary by a qualified concrete contractor."

Another 18 months have passed and we are witnessing the accelerated degradation of the boathouse structure as forecasted by Prokore. It is now an obvious safety concern for anyone near the structure and an eye sore from the lake's view.

Our intended use of the boathouse is primarily storage of items used down by the water and yard maintenance equipment. It has electricity but no sewage waste system or running water.

To repair the boathouse we will need to excavate around the parts of the boathouse that are in the bluff, remove all current cement stairway/landings on the perimeter of the boathouse and reroute eight steps into the central grassy area away from the boathouse. Also, the existing retaining walls on either side of the boathouse are failing and need replacement.

The operation to repair the wall will require excavating 32 feet by 4 feet wide of dirt averaging 7 feet high or 896 cubic yards of dirt. The dirt removed will be the same dirt used to back fill the excavation site after the new 18' long rear block wall is rebuilt and approximately 33% of the east wall and 20% of the west wall are repaired.

The discarded masonry from the wall, roof and the steps/landings will be hauled up the hill in a trailer pulled by an ATV to a dumpster located on the driveway. The old landscaping timbers from the rotting steps will be removed and disposed of in the dumpster as well. Landscaping stones/pavers or green treated landscape timbers will replace the old steps in the same location except for the last eight steps that need to be constructed to enter the central grassy area of the lower yard. Where the old steps/landings were around the perimeter of the boathouse will be back filled with dirt and excavated/sloped away from the structure. The current steps are 36 inches wide by 15 inches deep by 5 inches tall. Another 112.5 cubic yards of dirt will be affected with the new construction of the additional 8 steps. This extra dirt will be additional back fill for the block wall to correct the grade (less than 2 feet) against the structure for storm water runoff. The existing retaining walls would be replaced with the same kind of structurally sound stone/paver materials to match the steps. All excavated areas would be planted with grass seed. The cement roof cap will be replaced with a new roof cap. A new railing that meets current code requirements will be installed around the perimeter of the new cement roof cap. Two double hung windows will be replaced and a new single stall garage door installed. Lastly, the exterior facing cement block walls will be painted gray to match the house.

The proposed equipment to do the work is a Case cx75 excavator, cat 277 c2 skid loader, and a pump truck. A gravel surface on the northwest side of the lot will be used to access the location. (See site map labeled as such)

For the driveway located in the front of the home property, all asphalt and concrete will be removed (5700 sf). The sidewalks on the west side of garage and the retaining wall will be replaced. The sidewalk to the front door will also be replaced. No non-porous square feet will be added. The grade will be altered for storm water runoff to the northwest of the driveway. The grade will be altered on an area 52' by 50' nearest the garage with a 6" or less slope to the northwest of the driveway. In addition, due to water intrusion in the basement, the grade against a 20' section in the front of the house will be corrected where a cistern is currently located. The cistern will be removed. Only 60 cubic feet of back fill will be needed. Additional shrubbery and plants will be planted throughout; mulch will be added.

**1. Environmental impact:** Kept to minimum requirements to get the job done. All dirt removed will be backfilled after the block wall(s) are rebuilt and reseeded with grass. One large Ash tree 20" in diameter and 10.5' from the rear boathouse wall may have its roots affected. If this occurs, we will replace the tree as required. (See Environmental Impact Site Map)

**2. Adverse Impact on Surrounding Areas:** None except current vegetation

**3. Storm water Runoff:** Will be slightly altered to flow around the boathouse and into the central yard rather than onto the steps and landings and into the boathouse by appropriate grade against a structure.

**4. Does any part of the project extend below OHWL:** No

**5. Wetland Impact:** None

**6. Slope Stability:** Currently unsafe especially if wall collapses. Slope would be more stable after the block wall is rebuilt and the storm water runoff is shifted to move around the building.

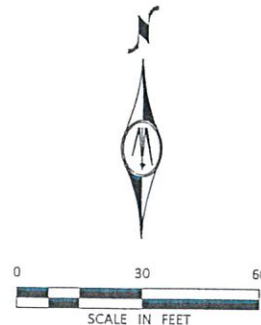
**7. Certificate of Insurance:** State Farm (Certificate of Liability Insurance attached)

**8. Meet all applicable county state and federal regulations:** No additional licensing and/or permitting is required.

Thank you for your time and consideration,

James & Jane Williams  
7022 Da Mar Estates  
Saint Peter, MN 56082  
612-978-0578 James' cell  
612-978-0581 Jane's cell





Horizontal Datum: HARN 1996  
 Le Sueur County Coordinate System  
 Vertical Datum: NAVD 1988

PARCEL ID: 13.470.0230  
 OWNER ADDRESS: JAMES & JANE WILLIAMS  
 1306 ASPEN WAY  
 MENDOTA HEIGHTS, MN 55118  
 PROPERTY ADDRESS: 7022 DA MAR ESTATES  
 SAINT PETER, MN 56082

LOT AREA  
 53,990 SQ FT

**EXISTING IMPERVIOUS SURFACES**

HOUSE & GARAGE W/ OVERHANG	3377 SQ FT
BOAT HOUSE	456 SQ FT
GRAVEL SURFACE 1	2960 SQ FT
GRAVEL SURFACE 2	1680 SQ FT
CONCRETE SURFACE 1	2138 SQ FT
CONCRETE SURFACE 2	118 SQ FT
CONCRETE SURFACE 3	134 SQ FT
CONCRETE SURFACE 4	83 SQ FT
RAISED STONE PLANTERS	48 SQ FT
DECK 1 W/ STEPS	165 SQ FT
DECK 2 W/ STEPS	169 SQ FT
DECK 3	13 SQ FT
DECK 4	65 SQ FT
DECK 5	27 SQ FT
RETAINING WALL 1	8 SQ FT
RETAINING WALL 2	15 SQ FT
RETAINING WALL 3	15 SQ FT
RETAINING WALL 4	3 SQ FT
37 - 15" DIAMETER PAVERS	44 SQ FT
STEPS	38 SQ FT
WOOD STAIRS	134 SQ FT
CONCRETE STAIRS	99 SQ FT
PLASTIC UNDER LANDSCAPING	66 SQ FT
<b>TOTAL</b>	<b>11,855 SQ FT (21.9%)</b>

**REMOVAL IMPERVIOUS SURFACES**

CONCRETE STAIRS	131 SQ FT
WOOD STAIRS	40 SQ FT
<b>TOTAL</b>	<b>171 SQ FT (0.3%)</b>

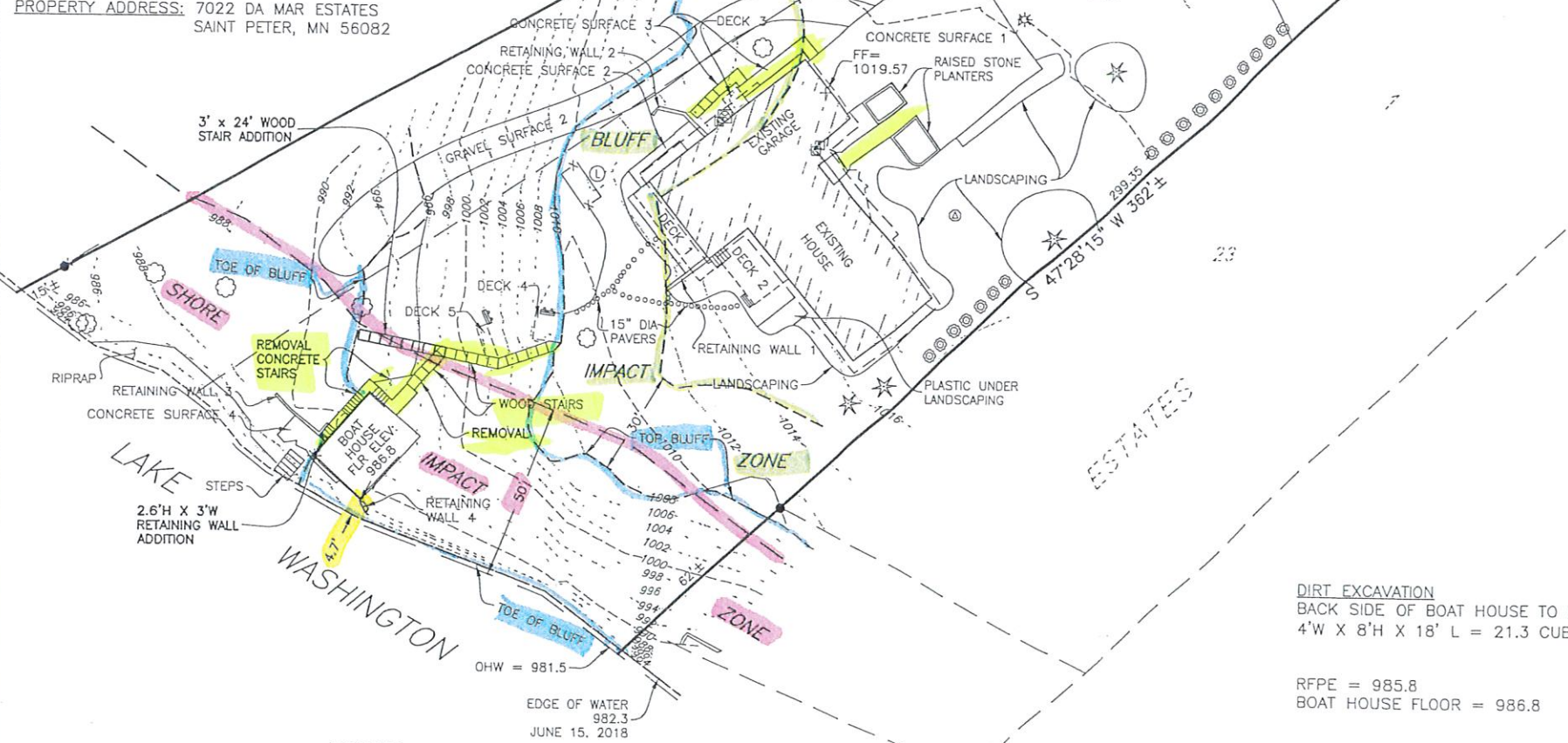
**PROPOSED IMPERVIOUS SURFACES**

WOOD STAIRS	72 SQ FT
RETAINING WALL ADDITION	8 SQ FT
<b>TOTAL</b>	<b>80 SQ FT (0.1%)</b>

EXISTING - REMOVAL + PROPOSED = TOTAL  
 11,855 - 171 + 80 = 11,764 (21.7%)

**DIRT EXCAVATION**  
 BACK SIDE OF BOAT HOUSE TO FIX WALL  
 4'W X 8'H X 18' L = 21.3 CUBIC YARDS

RFPE = 985.8  
 BOAT HOUSE FLOOR = 986.8



- LEGEND**
- IRON PIPE MONUMENT SET MARKED WITH LS #19789
  - MONUMENT FOUND
  - ⊠ AIR CONDITIONER
  - ⊞ BENCH
  - ⊞ ELECTRIC METER
  - ⊞ ELECTRIC TRANSFORMER
  - ⊞ GAS METER
  - ⊞ LIGHT POLE
  - ⊞ MAILBOX
  - ⊞ SEPTIC "GRINDER"
  - ⊞ DECIDUOUS TREE
  - ⊞ CONIFEROUS TREE
  - ⊞ BUSH
  - ⊞ WELL

**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  
 6/19/2018  
 Date

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

**BOLTON & MENK**  
 1960 PREMIER DRIVE  
 MANKATO, MINNESOTA 56001  
 (507) 625-4171

LOT 22 & PART OF LOT 21, DAMAR ESTATES, SECTION 7, TOWNSHIP 109 NORTH, RANGE 25 WEST, WASHINGTON TOWNSHIP, LE SUEUR CO. MINNESOTA  
 FOR: JAMES & JANE WILLIAMS

RECEIVED  
 JUN 19 2018  
 BY: \_\_\_\_\_

©Bolton & Menk, Inc. 2018, All Rights Reserved  
 H:\WILLIAMS\_PR\M35116708\CAD\C3D\116708BD1.dwg 6/19/2018 7:57 AM

SDB116708

JOB NUMBER: M35.116708 FIELD BOOK: SEE FILE

DRAWN BY: ASL/JLA

4.0 57-T109N-R25W

# McCabe Masonry, LLC

Cell: 507-317-7791

P.o. Box 11 Cleveland MN, 56017

To:

**James Williams**

7022 Da Mar Estates

St. Peter, MN 56082

**Dat**

**Est**

Project: **Removal and replacement of block on boathous**

Qty:

Removal and replacement of block (32Ft.x12 Courses) 300

Tear out and haul away block

Corefill: 32ftx 12 Courses of grout and 1/2" rebar in every core

Pump truck: for placment of concrete

This is only a estimate prices are subject to change, winter fees apply

Projcet total:

**[**

Excludes the following: utility locations, all earthwork, vapor barrier, cold weather provisions, any materials n sealers, caulk, anchor bolts, unforeseen conditions, grouting, winter conditions, wet cure, imbeds, testing.

No extra work will be preformed unless approved in writing.

Approval: \_\_\_\_\_

Thank you fc

Please note that concrete cracks and pops on the surface. It will also spall on the surface from salt and de-icer

# McCabe Masonry, LLC

Cell: 507-317-7791

P.o. Box 11 Cleveland MN, 56017

To:

**James Williams**

7022 Da Mar Estates

St. Peter, MN 56082

Project:

**Removal & Replacement of Concrete**

concrete cap-- 18'8"x24'6"x2"1/4"

457sqft.

pump truck rental for concrete placment

3/8" rebar 2' on center

removal of concrete and labor

install of banister

This is only a estimate prices are subject to change, winter prices a

**Projcet total:**

Excludes the following: utility locations, all earthwork, vapor barrier, cold weather provisions, any material sealers, caulk, anchor bolts, unforeseen conditions, grouting, winter conditions, wet cure, imbeds, testing.

No extra work will be preformed unless approved in writing.

**Approval:** \_\_\_\_\_

Thank you

Please note that concrete cracks and pops on the surface. It will also spall on the suface from salt and de-ic



# Veith Construction, LLC

23342 589<sup>th</sup> ave  
Mankato, MN  
(507)351-2195

## PROPOSAL

Date: 6/18/18

James Williams 7022 DaMar

Excavation for repairing boat house wall

4x20x9 = 27 cubic yards

Excavation and replacement = 1500.00

All work to be completed will be done in a workmanlike manner according to standard practices. Any alterations or deviation from the above specifications involving extra costs will over and above the estimate. Payment shall be made within 30 days of invoice date. Interest will be charged on all overdue accounts at the legal rate.

\*\*\*\*\*

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to complete the work as specified. Payments will be made as outlined above.

Accepted By: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

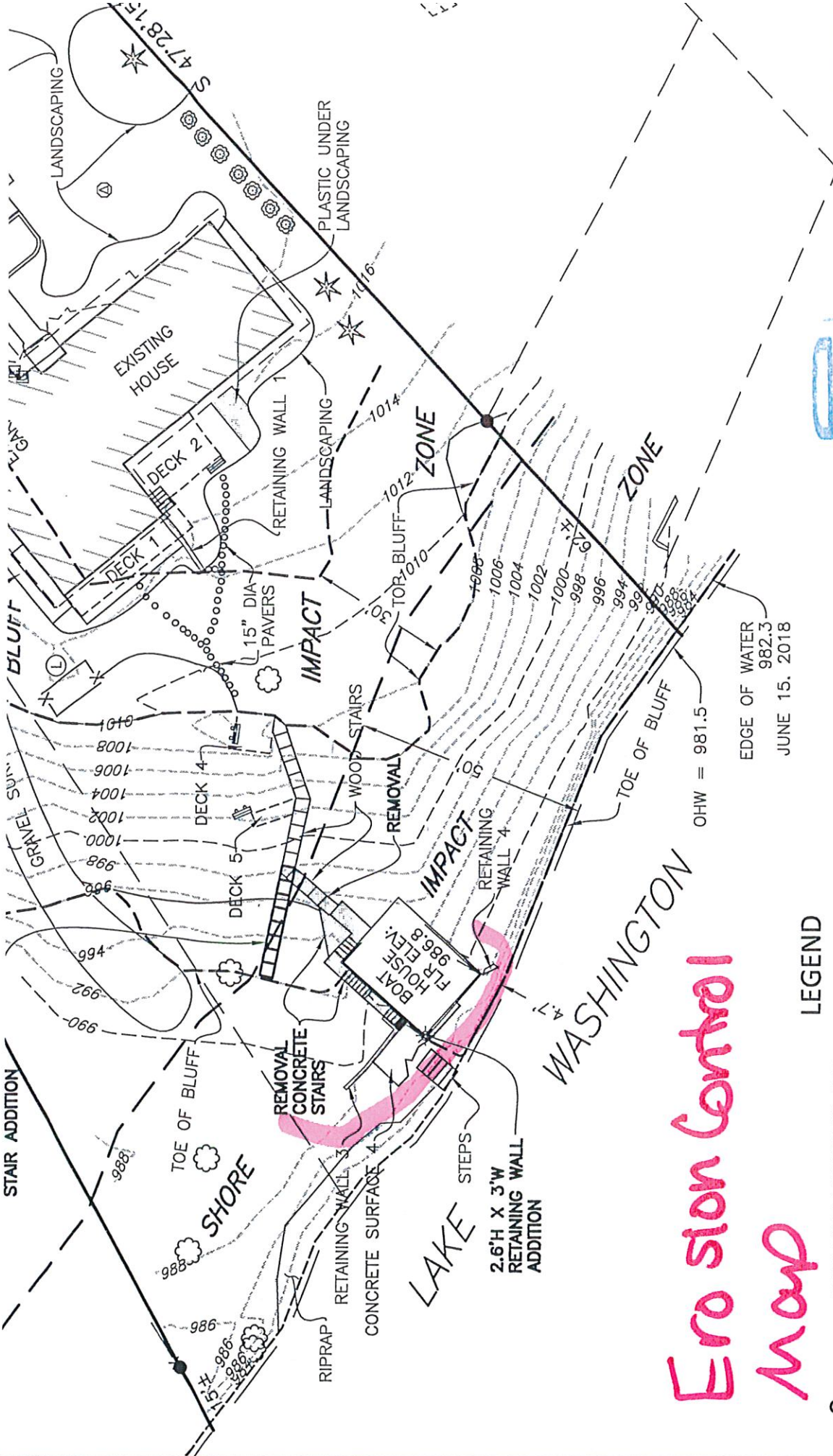




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JUN 21 2018  
BY:

## Erosion Control Plan

1. Minimize disruption of soil around boat house to what is absolutely necessary.
2. Divert storm water away from disrupted soil area
3. Use silt fences to protect lake shore from runoff.
4. Keep weather forecasts in consideration when scheduling the work/digging.
5. Revise the plan as needed.



# Erosion Control Map

- IRON PIPE MONUMENT SET MARKED WITH LS #19789
- MONUMENT FOUND
- ⊗ AIR CONDITIONER
- ⊞ BENCH
- ⊞ ELECTRIC METER
- ⊞ ELECTRIC TRANSFORMER
- ⊞ GAS METER

## LEGEND

- ☆ LIGHT POLE
- ⊞ MAILBOX
- ⊞ SEPTIC "GRINDER"
- ⊞ DECIDUOUS TREE
- ⊞ CONIFEROUS TREE
- ⊞ BUSH
- ⊞ WELL

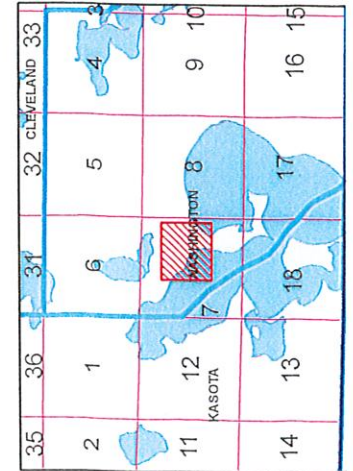
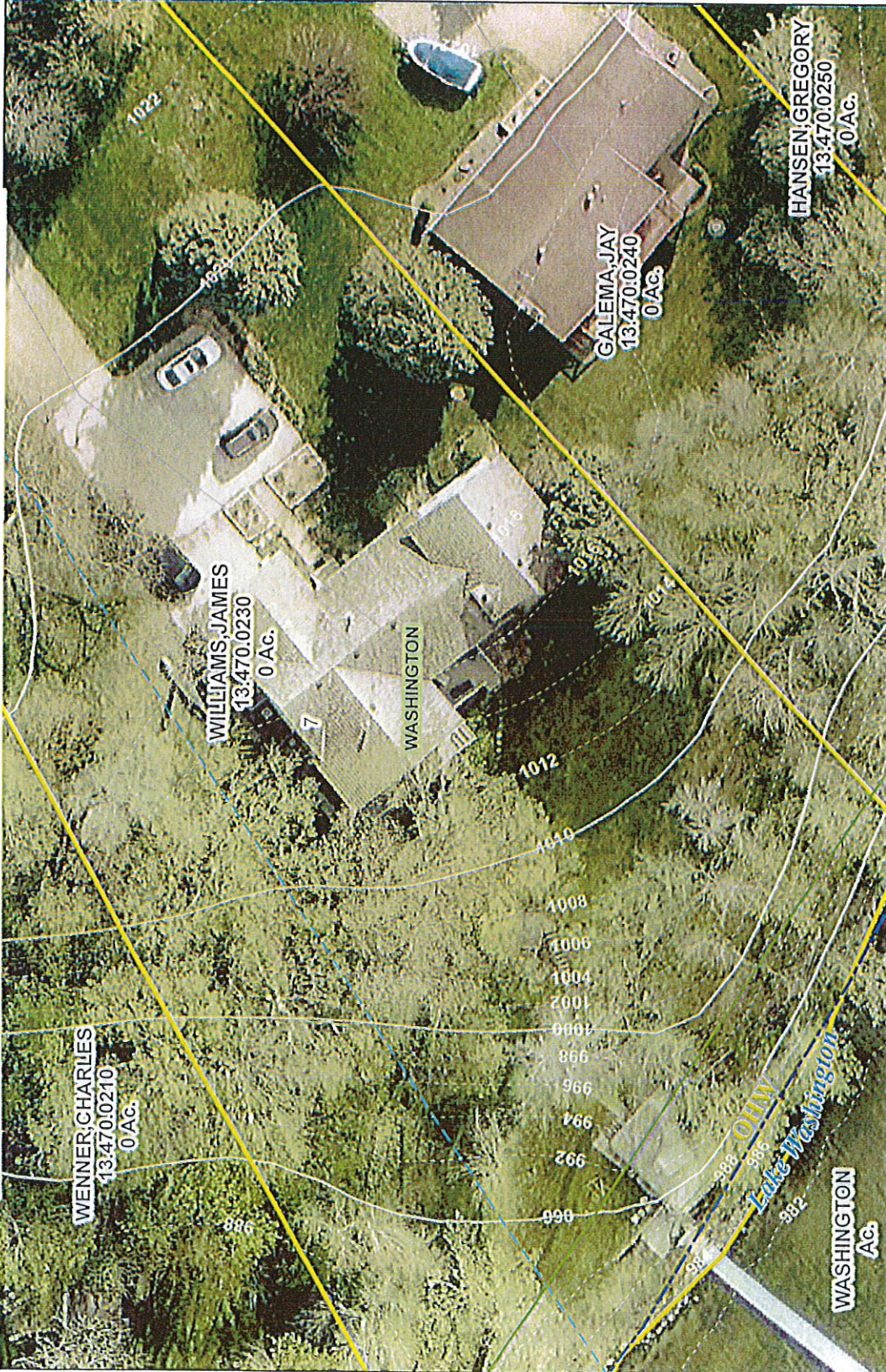
OHW = 981.5  
 EDGE OF WATER 982.3  
 JUNE 15, 2018

RECEIVED  
 JUN 19 2018  
 BY: \_\_\_\_\_

**SURVEYO**  
 I hereby certifi  
 by me or unde  
 Licensed Land  
 Minnesota.  
 Rory Jensen  
 License Numbr

# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Williams  
**PID:** 13.470.0230  
**DATE:** 06-27-18  
**FIRM #:** 27079C0245D  
**F-Zone:** A-100\_yr flood pl  
**RFPE:** 985.8  
**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. 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

LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICE  
 507-357-8538



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# Le Sueur County, MN

Thursday, September 13, 2018

Regular session

## Item 2

### Nesbit Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Adam Nesbit  
**OWNER:** John Hoefs  
**911 ADDRESS:** New 300<sup>th</sup> St, New Prague, MN  
**PROJECT DESCRIPTION:** To allow the applicant to transfer the development right from the NE/NW to the NW/NE.  
**PARCEL NUMBER:** 03.013.2610  
**CUP NUMBER:** 18182

## SITE INFORMATION

**LOCATION:** NW quarter & NE quarter, Section 13, Derrynane Township  
**ZONING DISTRICT:** Agriculture  
**ZONING DISTRICT PURPOSE:** The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.

**GENERAL SITE DESCRIPTION:** Rural, Ag land, wetland scattered residences.

**ACCESS:** New access off 300<sup>th</sup> Street, shared driveway with 2 other properties. Shared driveway serving more than 2 dwellings is required to have a minimum right-of-way of 66 feet with a driving surface of 24 feet.

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Ag land, wetland  
East: wetland

South: Ag land, County Ditch  
West: Ag land

## BACKGROUND INFORMATION

This parcel is a proposed lot split. There is already a permit issued for a dwelling in the quarter/quarter. The building eligibility is being transferred from the NE/NW to the adjacent quarter/quarter NW/NE between County Ditch 31 and the property line. New parcel meets minimum lot size, buildable area, setbacks, septic requirements.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Cindy Jirak from Derrynane Township was contacted on August 3, 2018 by applicant.

## NATURAL RESOURCES INFORMATION

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

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

## ATTACHMENTS

## STAFF FINDINGS

**ZONING ORDINANCE SECTIONS:** Section 8, Agriculture; Section 19, Environmental Performance Standards; Section 21, Conditional Use Permits

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to ag preservation and clustered development.

**GOAL #1:** Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

**Objective 1:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**GOAL #4:** Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of Opportunity for Urban and Rural Housing Development.

**Objective 1:** Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

**Action 4:** Single family housing development in the agricultural district should be encouraged to develop in a clustered fashion rather than as scattered single sites.

**Action 6:** Adopt a Transfer of Development Rights component to the zoning ordinance in which a property owner could transfer one development right from  $\frac{1}{4}$   $\frac{1}{4}$  to an adjacent  $\frac{1}{4}$   $\frac{1}{4}$ .

## ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

**WETLAND:** There is no wetland located on the proposed parcel.

**GRADING, EXCAVATING, OR FILLING:** No additional grading, excavating, or filling is required to establish the building site beyond the permitted use.

**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.

## 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.

<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.



# 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: 8/6/2018	PERMIT NUMBER: 18182	FEE: \$796.00
60 DAY RULING DATE: 10/5/2018		<i>*FEES NON-REFUNDABLE</i>
APPLICANT: ADAM NESBITT	LAND OWNER: JOHN HOEFS	
ADDRESS: 309 KENNEDY AVE NW	ADDRESS: 29354 195TH AVE	
CITY: NEW PRAGUE	CITY: NEW PRAGUE	
STATE: MN ZIP: 56071	STATE: MN ZIP: 56071	
PHONE: 952-217-2699	PHONE:	
911: NEW 300TH ST NEW PRAGUE MN		

PARCEL #: 03.026.2610	TOWNSHIP: DERRYNANE
SEC: 13 <sup>013</sup> SUBDIV: NA	DISTRICT: A
TWP: 112 LOT: NA	FEMA PANEL # 27079C0075D
RANGE: 24 BLOCK: NA	FLOOD ZONE: X OUTSIDE
QTR/QTR: NW&NE ROAD: CR	

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 THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/NW TO NW/NE.

**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	8/6/18 DATE
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	8-6-18 DATE

PUBLIC HEARING DATE: 9/13/2018	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: 9/25/2018	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 #: 18182

**Applicant:** ADAM NESBITT

**Land Owner:** JOHN HOEFS

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/NW TO NW/NE.

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

### I. Applicant:

Name Adam Nesbitt  
Mailing Address 309 Kennedy Ave NW  
City New Prague State MN Zip 56071  
Phone # \_\_\_\_\_ Phone # 952-217-2699

### II. Landowner:

Name John J. Hoeks  
Mailing Address 29354 195th Ave  
City New Prague State Mn Zip 56071  
Property Address xxx 300th St  
City New Prague State MN Zip 56071  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 03.013.2610 Parcel Acreage 5.92  
Attach Full Legal Description (NOT abbreviated description from tax statement)  
Township Derrynane Section \_\_\_\_\_  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

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

Derrynane Township notified on 8/3/18  
(Township Name) (Date)

Board Member Cindy Jirak regarding the proposed use.  
(Name) Left message @ 758-2027

### V. Quantities and Submittal Formats:

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

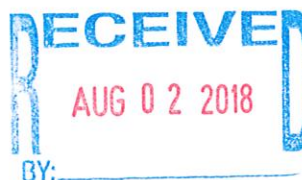
### VI. Fees: Must be paid at the time of application.

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

#### Additional Fees:

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

1



**VII. Type of Request:**

- |  |  |
|--|--|
| <input type="checkbox"/> Self Service Storage      | <input type="checkbox"/> Value Added Agriculture                         |
| <input type="checkbox"/> School/Church/Cemetery    | <input type="checkbox"/> Antique Sales/Service/Repair                    |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc.              |
| <input type="checkbox"/> School/Church/Cemetery    | <input checked="" type="checkbox"/> Other <u>Building Right transfer</u> |

**VIII. Description of Request:**

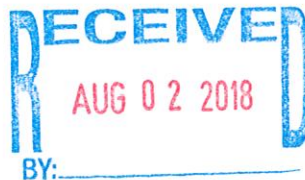
a. A full description of request with detailed information must be attached. - See attachment

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

1. PROPOSED DAYS AND HOURS OF OPERATION: NA
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: NA
3. LIST OF PUBLIC HEALTH PLANS:
  - I. Water Supply: share well with parcel 4
  - II. Toilet facilities: on site septic system
  - III. Solid Waste Collection: Lakers NP Sanitary
4. FIRE PREVENTION: \_\_\_\_\_
5. SECURITY PLANS: \_\_\_\_\_
6. RETAIL SALES: \_\_\_\_\_
7. FOOD OR ALCOHOL SERVED OR FOR SALE: \_\_\_\_\_
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control) \_\_\_\_\_
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: \_\_\_\_\_
10. EXTERIOR LIGHTING: \_\_\_\_\_
11. PARKING AND LOADING: \_\_\_\_\_
12. SIGNAGE: \_\_\_\_\_
- \* 13. ROAD ACCESS: (Approved by the road authority) Approved by Dave Tiejs
14. CERTIFICATE OF INSURANCE: \_\_\_\_\_
16. 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:

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • 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                |
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to:

- a. Description of Request-See Part VIII for full details and requirements. *see attachment*
- b. Site Plan-See Part IX for full details and requirements. *submitted*
- c. Full legal description-Not abbreviated description from tax statement.
- d. Access approval-Attach approval in writing from proper road authority. *Existing Access*
- e. Township Notification-See Part IV for details and requirements.
- f. Septic System Compliance Inspection *Design submitted*
- g. Erosion control plan-Attach completed and signed plan including map. *submitted*
- h. Floor plans and/or blue prints *submitted*

XI. Procedure:

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

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

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

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

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

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

XII. Signatures:

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

*[Signature]*  
Applicant signature

8-1-18  
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.

*[Signature]*  
Property Owner signature

7-28-2018  
Date

OFFICE USE ONLY

Request: TOR NE/NW to NE/NE

Pre-App Date <u>8-6-18</u>	Lake Classification <u>                    </u>	Feedlot	500' 1000' <u>N</u>
Meeting Date <u>9-13-18</u>	Lake <u>                    </u>	Wetland Type	<u>1-2</u> 3-8 <u>N</u>
60 Day <u>10-5-18</u>	FEMA Panel # 27079C0 <u>075</u>	Water courses	Y <u>N</u>
Zoning District <u>A</u>	Flood Zone <u>Koutside</u>	Bluff	Y <u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic	Comp Insp / <u>Design</u>
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting	Reg / ATF / Spec
<input checked="" type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>296</u>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other <u>                    </u>	<input type="checkbox"/> Penalty	\$ <u>                    </u>

Application Complete Michelle R. Mitts 8-6-18 18182  
Planning & Zoning Department Signature Date Permit #

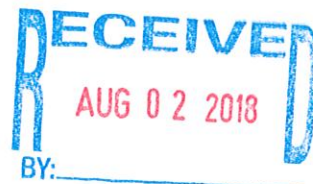


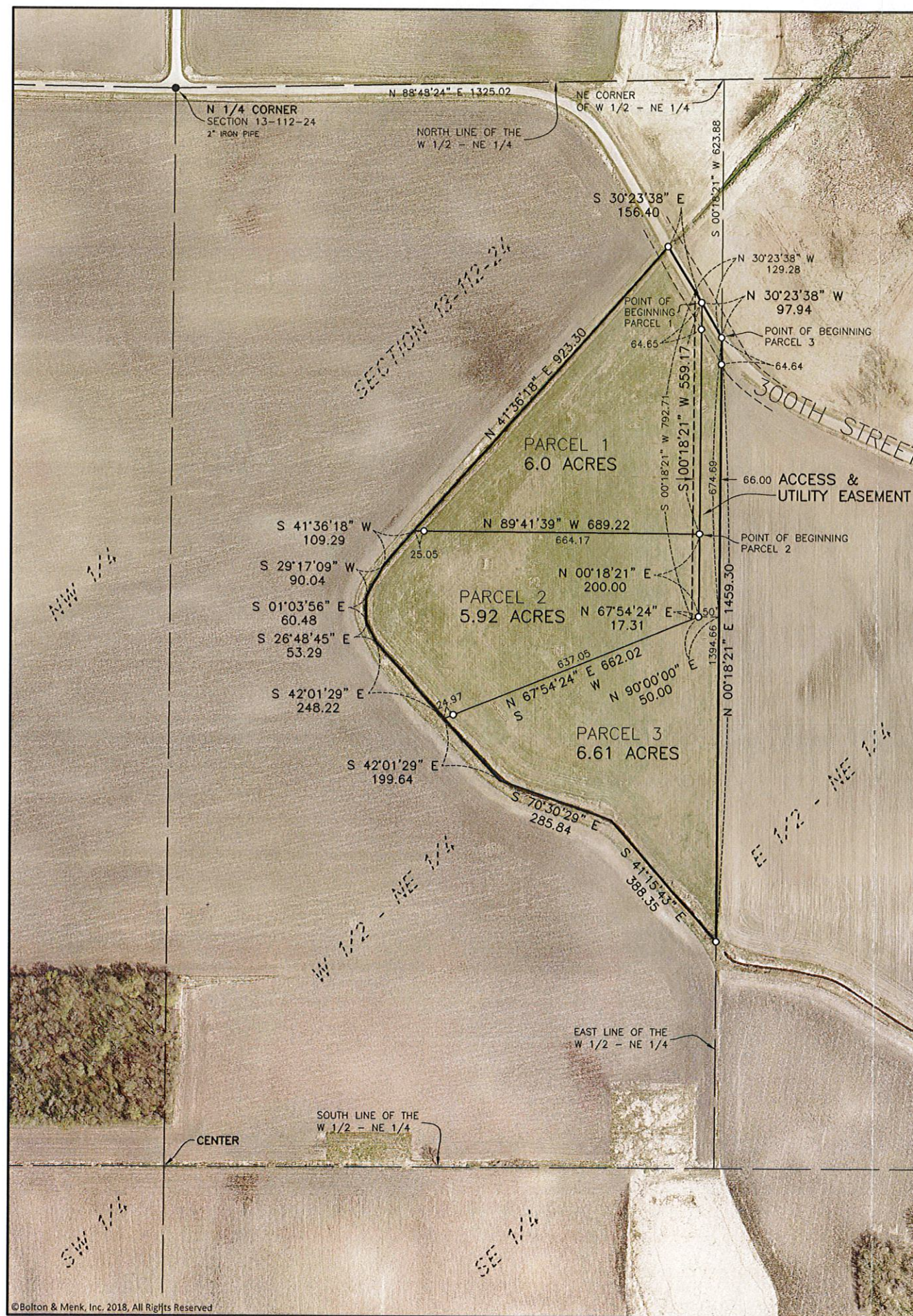
VIII.a. Description of request – Transferring a building eligibility

Adam Nesbitt is purchasing Parcel 2 in section 13, NE quarter or NE quarter in the attached survey from John Jr Hoefs. to construct a single family residence. This request is to transfer a building eligibility to this lot. The eligibility is coming from a parcel owned by John Hoefs Jr. That parcel is in the same township, section 13, the NE quarter of the NW quarter. Parcel 1 and 3 have building eligibilities on them.

Transferring from – Derrynane Township, Section13, NE quarter of NW quarter

Transferring to - Derrynane Township, Section13, ~~NE~~ quarter or the NE quarter  
NW





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**PROPOSED DESCRIPTIONS**

**PARCEL 1**

That part of the West Half of the Northeast Quarter of Section 13, Township 112 North, Range 24 West, Le Sueur County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 13; thence North 88 degrees 48 minutes 24 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 1325.02 feet to the Northeast Corner of said West Half of the Northeast Quarter; thence South 00 degrees 18 minutes 21 seconds West on the East line of said West Half of the Northeast Quarter, a distance of 623.88 feet; thence North 30 degrees 23 minutes 38 seconds West, a distance of 97.94 feet to the point of beginning; thence South 00 degrees 18 minutes 21 seconds West, a distance of 559.17 feet; thence North 89 degrees 41 minutes 39 seconds West, a distance of 689.22 feet; thence North 41 degrees 36 minutes 18 seconds East, a distance of 923.30 feet; thence South 30 degrees 23 minutes 38 seconds East, a distance of 156.40 feet to the point of beginning.

Said parcel contains 6.0 acres of land.

**PARCEL 2**

That part of the West Half of the Northeast Quarter of Section 13, Township 112 North, Range 24 West, Le Sueur County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 13; thence North 88 degrees 48 minutes 24 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 1325.02 feet to the Northeast Corner of said West Half of the Northeast Quarter; thence South 00 degrees 18 minutes 21 seconds West on the East line of said West Half of the Northeast Quarter, a distance of 623.88 feet; thence North 30 degrees 23 minutes 38 seconds West, a distance of 97.94 feet; thence South 00 degrees 18 minutes 21 seconds West, a distance of 559.17 feet to the point of beginning; thence North 89 degrees 41 minutes 39 seconds West, a distance of 689.22 feet; thence South 41 degrees 36 minutes 18 seconds West, a distance of 109.29 feet; thence South 29 degrees 17 minutes 09 seconds West, a distance of 90.04 feet; thence South 01 degrees 03 minutes 56 seconds East, a distance of 60.48 feet; thence South 26 degrees 48 minutes 45 seconds East, a distance of 53.29 feet; thence South 42 degrees 01 minutes 29 seconds East, a distance of 248.22 feet; thence North 67 degrees 54 minutes 24 seconds East, a distance of 17.31 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 50.00 feet to the point of beginning.

Said parcel contains 5.92 acres of land.

**PARCEL 3**

That part of the West Half of the Northeast Quarter of Section 13, Township 112 North, Range 24 West, Le Sueur County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 13; thence North 88 degrees 48 minutes 24 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 1325.02 feet to the Northeast Corner of said West Half of the Northeast Quarter; thence South 00 degrees 18 minutes 21 seconds West on the East line of said West Half of the Northeast Quarter, a distance of 623.88 feet to the point of beginning; thence North 30 degrees 23 minutes 38 seconds West, a distance of 97.94 feet; thence South 00 degrees 18 minutes 21 seconds West, a distance of 559.17 feet; thence North 89 degrees 41 minutes 39 seconds West, a distance of 689.22 feet; thence South 41 degrees 36 minutes 18 seconds West, a distance of 109.29 feet; thence South 29 degrees 17 minutes 09 seconds West, a distance of 90.04 feet; thence South 01 degrees 03 minutes 56 seconds East, a distance of 60.48 feet; thence South 26 degrees 48 minutes 45 seconds East, a distance of 53.29 feet; thence South 42 degrees 01 minutes 29 seconds East, a distance of 248.22 feet; thence North 67 degrees 54 minutes 24 seconds East, a distance of 17.31 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 50.00 feet to the point of beginning.

Said parcel contains 6.61 acres of land.

**ACCESS AND UTILITY EASEMENT**

That part of the West Half of the Northeast Quarter of Section 13, Township 112 North, Range 24 West, Le Sueur County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 13; thence North 88 degrees 48 minutes 24 seconds East (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 1325.02 feet to the Northeast Corner of said West Half of the Northeast Quarter; thence South 00 degrees 18 minutes 21 seconds West on the East line of said West Half of the Northeast Quarter, a distance of 623.88 feet to the point of beginning; thence North 30 degrees 23 minutes 38 seconds West, a distance of 97.94 feet; thence South 00 degrees 18 minutes 21 seconds West, a distance of 559.17 feet; thence North 89 degrees 41 minutes 39 seconds West, a distance of 689.22 feet; thence South 41 degrees 36 minutes 18 seconds West, a distance of 109.29 feet; thence South 29 degrees 17 minutes 09 seconds West, a distance of 90.04 feet; thence South 01 degrees 03 minutes 56 seconds East, a distance of 60.48 feet; thence South 26 degrees 48 minutes 45 seconds East, a distance of 53.29 feet; thence South 42 degrees 01 minutes 29 seconds East, a distance of 248.22 feet; thence North 67 degrees 54 minutes 24 seconds East, a distance of 17.31 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 50.00 feet to the point of beginning.

Said parcel contains 1.11 acres of land.

**LEGEND**

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 19789
- MONUMENT FOUND

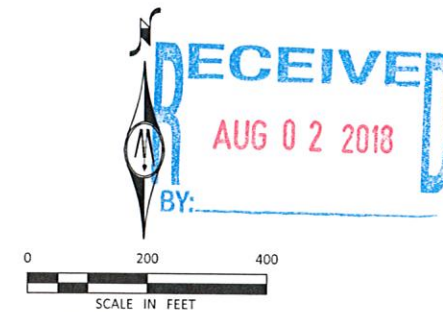
**SURVEYOR'S CERTIFICATION**

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

9/19/2017  
 Date  
 REVISED CERTIFICATE OF SURVEY ON 8/2/2018

Horizontal Datum: 1996 Le Sueur County Coordinate System



<b>CERTIFICATE OF SURVEY</b> DERRYNANE TOWNSHIP, LE SUEUR COUNTY, MINNESOTA		PART OF THE W 1/2 - NE 1/4 OF SECTION 13-112-24, DERRYNANE TWP
<b>BOLTON &amp; MENK</b> 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		FOR: KUBES REALTY

JOB NUMBER: M33.114535 FIELD BOOK: 343, PAGE 38 DRAWN BY: CDS 4.0 S13-T112-R24-(12,13)

PARCEL 2  
XXXX 300TH ST  
5.92 ACRES



K. A. WITT CONSTRUCTION, INC.  
1530 W 280TH ST  
NEW PRAGUE, MN 56071  
OFFICE: (952) 758-2108  
FAX: (952) 758-5159

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REVISIONS
7/13/18
7/13/18
8/2/18

ADAM & EMILY NESBITT  
RESIDENTIAL RAMBLER  
XXXX 300TH ST, NEW PRAGUE, MN 56071

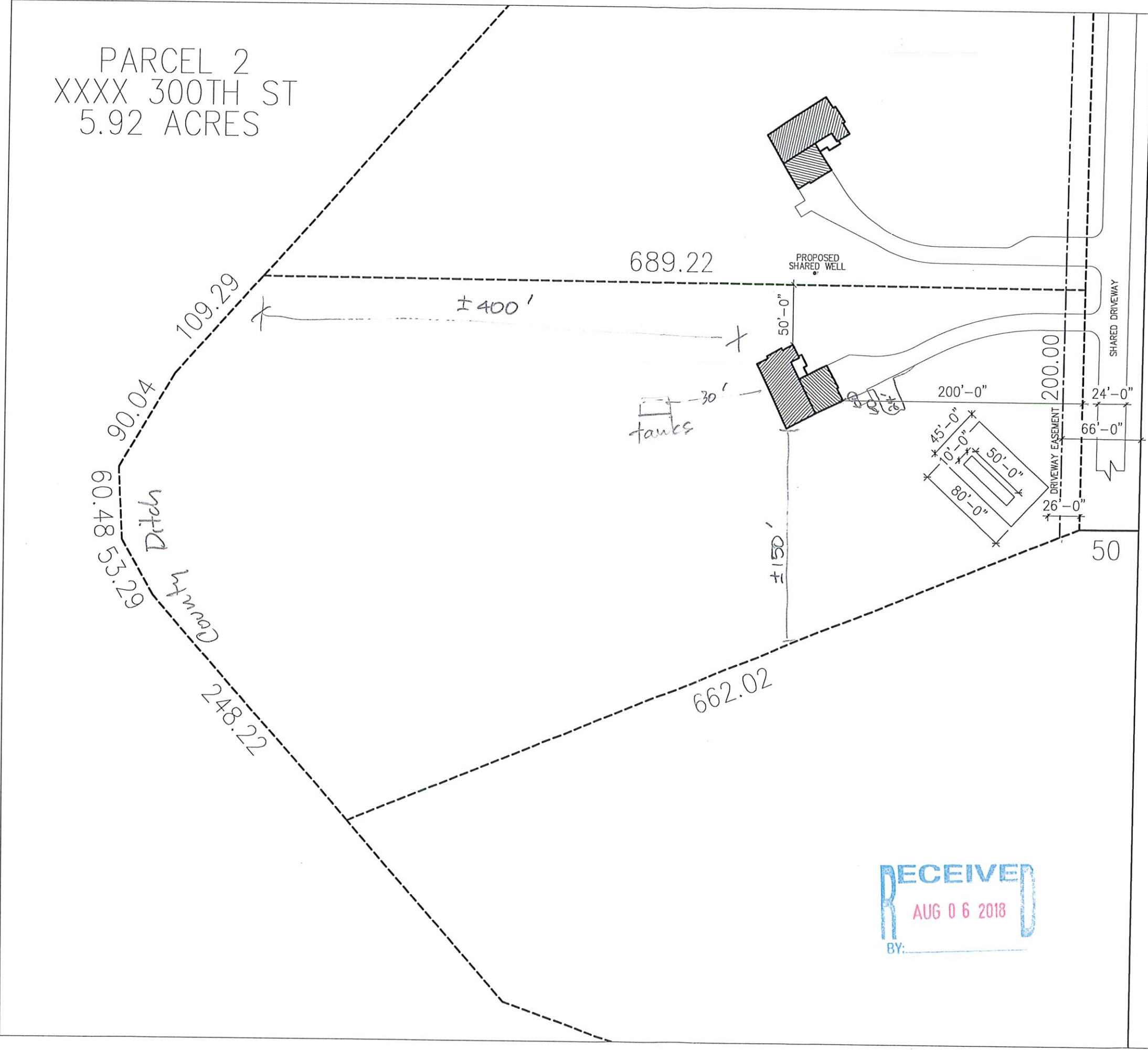
JASON WITT  
PROJECT MANAGER

COREY EIDEM  
DRAWN BY

4/10/18  
DATE

18-4-10  
JOB NUMBER

C1  
PAGE NUMBER



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BY: \_\_\_\_\_



SITE PLAN

03.013.2610





AWITT ARCHITECTURE, INC.  
 1000 W. 10TH STREET, SUITE 100  
 OMAHA, NE 68104  
 PHONE: (402) 734-5018  
 FAX: (402) 734-5159

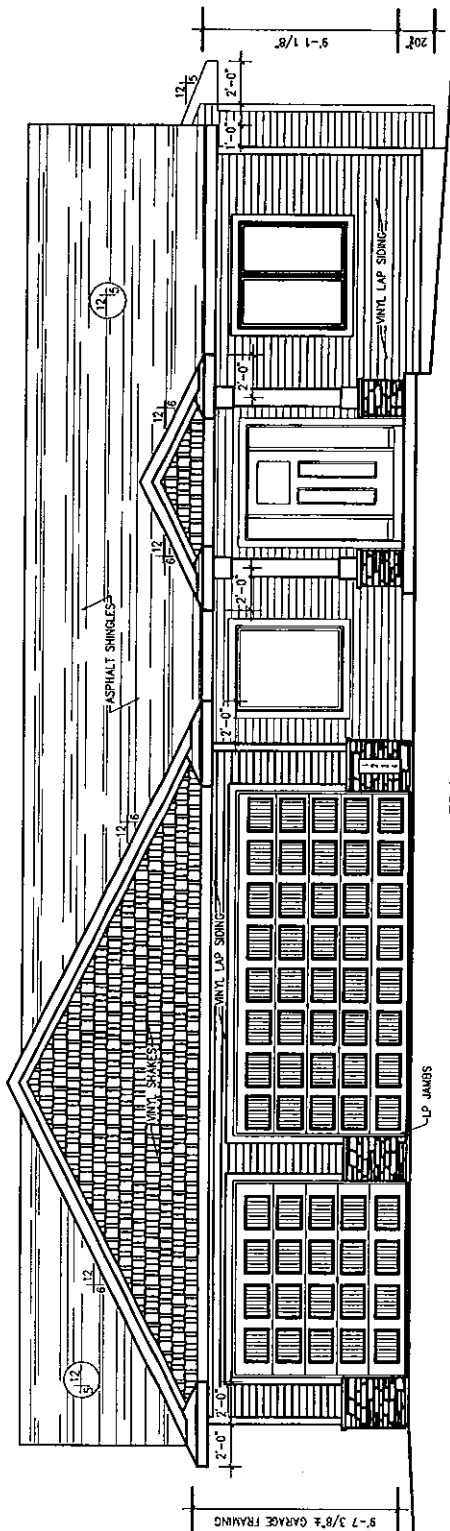
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REVISIONS
4/18/18
4/30/18
5/18/18
7/16/18

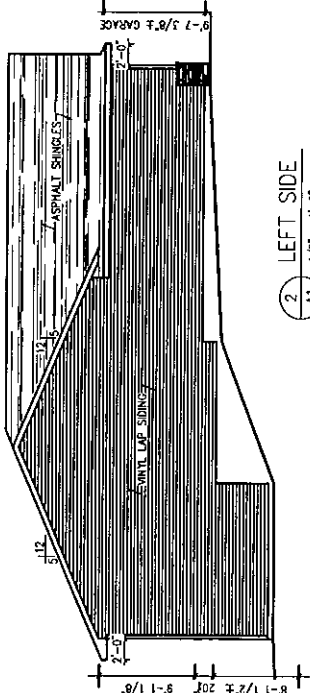
ADAM & EMILY NESBITT  
 RESIDENTIAL RAMBLER  
 Site Address

JASON WITT PROJECT MANAGER
COREY EIDEM DRAWN BY
4/10/18 DATE
18-4-10 JOB NUMBER

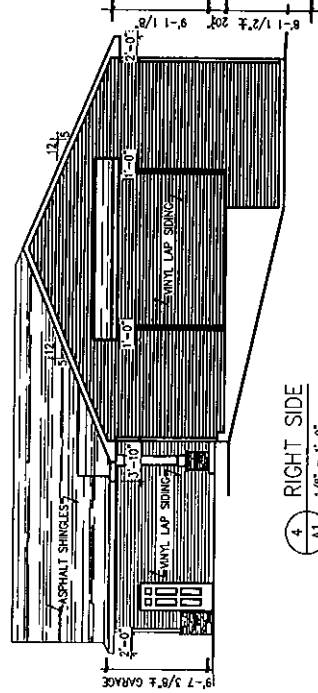
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PAGE NUMBER



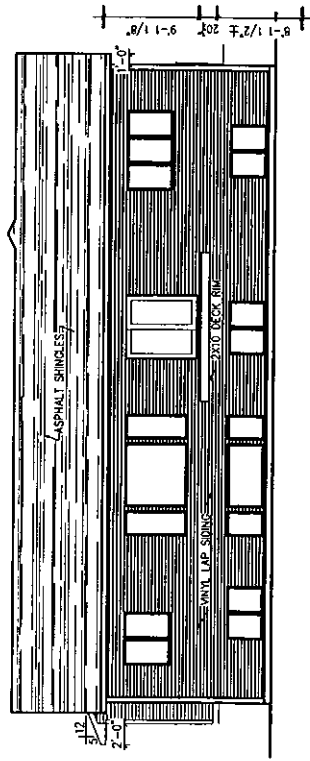
1 FRONT ELEVATION  
 A1 1/4" = 1'-0"



2 LEFT SIDE  
 A1 1/8" = 1'-0"



4 RIGHT SIDE  
 A1 1/8" = 1'-0"



3 REAR ELEVATION  
 A1 1/8" = 1'-0"

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ELEVATIONS

03-03-2010



A. WIT CONSULTING, INC.  
 1125 W. 20TH ST.  
 OMAHA, NE 68104  
 TEL: (402) 342-2108  
 FAX: (402) 342-0188

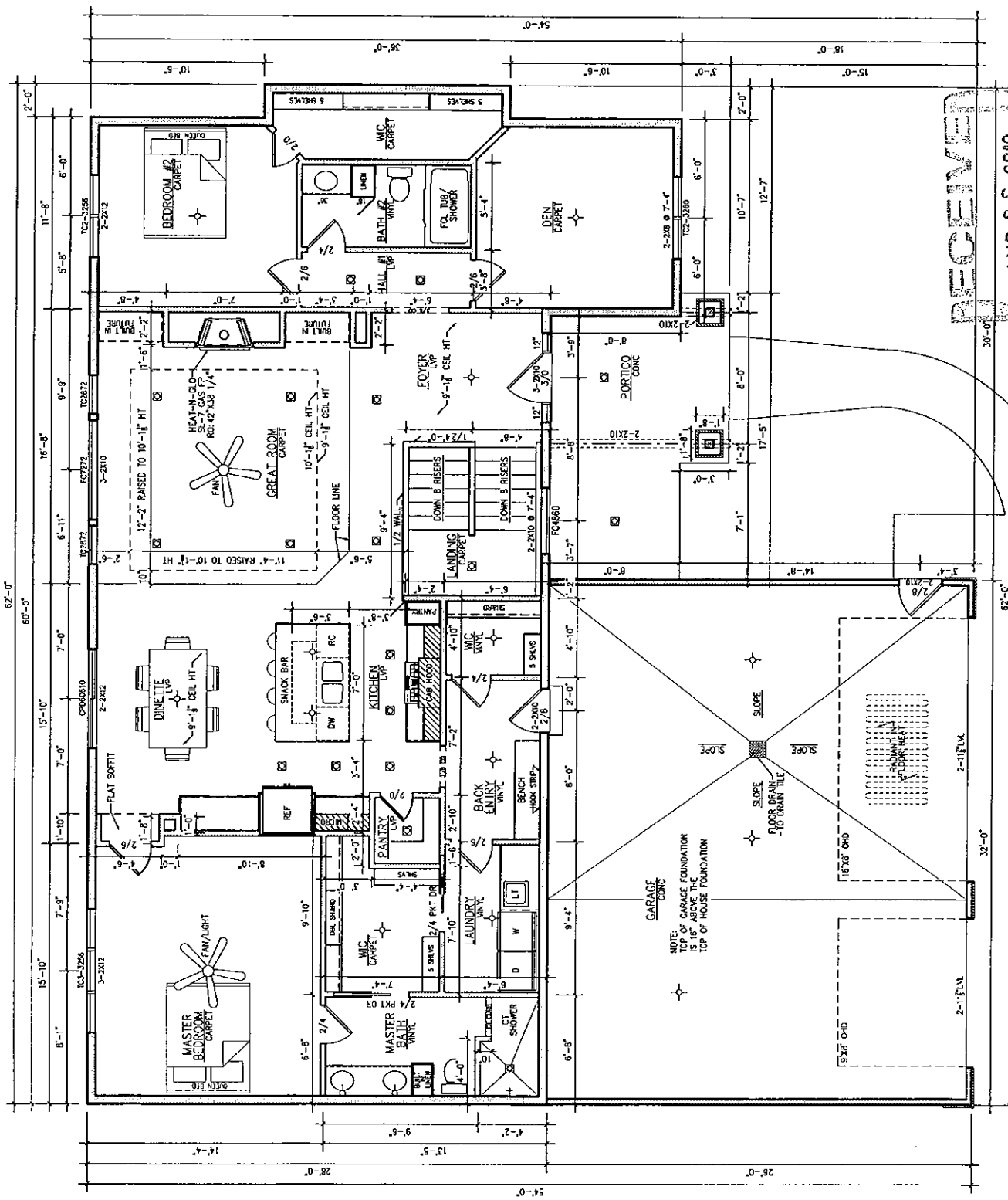
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REVISIONS
4/18/18
4/18/18
4/30/18
7/18/18
7/18/18
7/19/18

ADAM & EMILY NESBITT  
 RESIDENTIAL RAMBLER  
 Site Address

JASON WITT
PROJECT MANAGER
COREY EDEM
DRAWN BY
4/10/18
DATE
18-4-10
JOB NUMBER

A2  
 PAGE NUMBER



1 MAIN FLOOR PLAN  
 A2 1/4" = 1'-0"  
 MAIN FLOOR 1806 SQ FT  
 GARAGE 832 SQ FT

MAIN FLOOR PLAN



AWTT  
 A. A. WITT & SONS, INC.  
 1000 W. 10TH ST., INC.  
 1000 W. 10TH ST., INC.  
 1000 W. 10TH ST., INC.  
 1000 W. 10TH ST., INC.

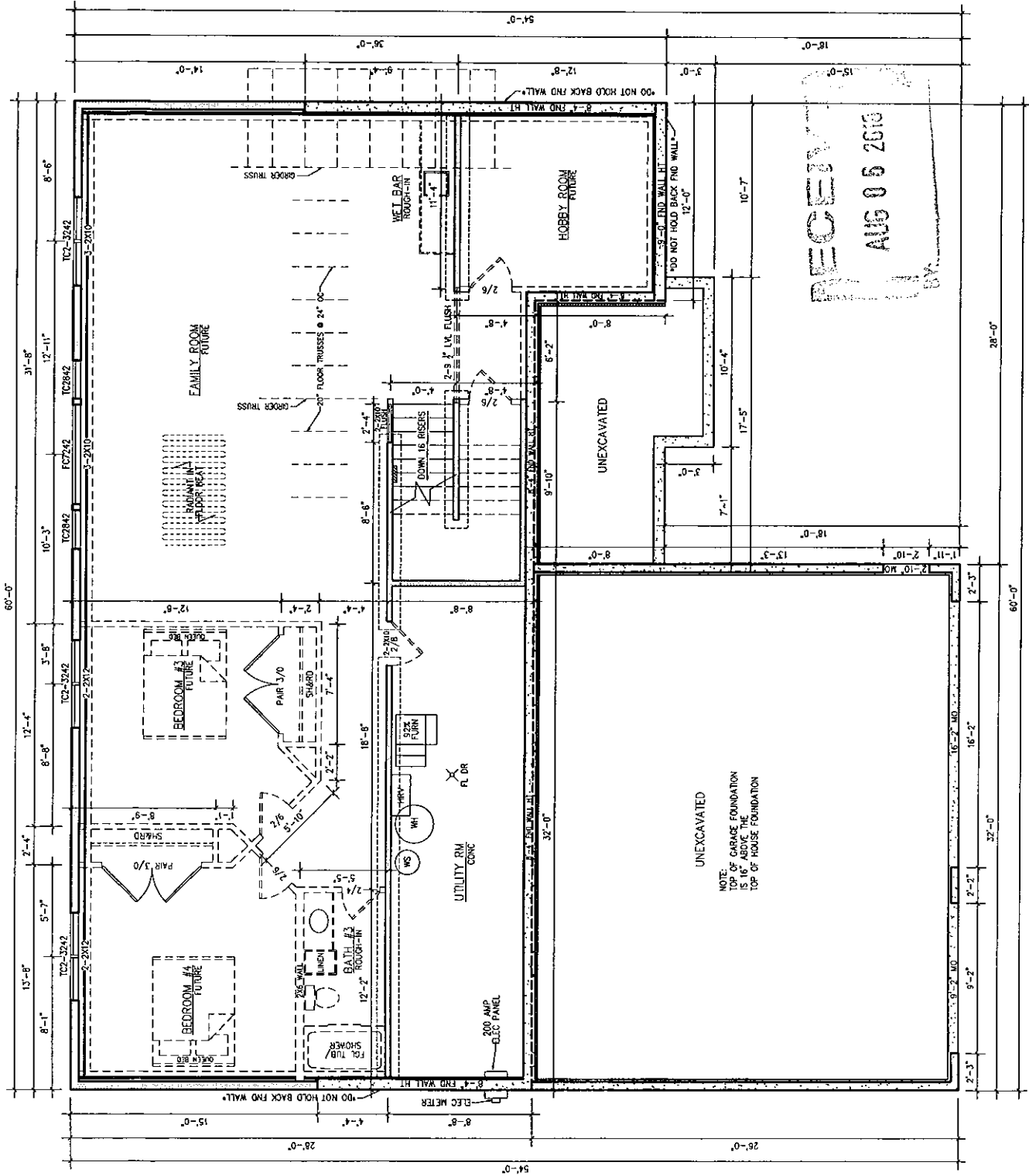
REVISIONS	DATE
4/18/18	
4/30/18	
5/8/18	
7/16/18	
7/18/18	

ADAM & EMILY NESBITT  
 RESIDENTIAL RAMBLER  
 Site Address

JASON WITT  
 PROJECT MANAGER  
 COREY EIDEM  
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 4/10/18  
 DATE  
 18-4-10  
 JOB NUMBER

A3  
 PAGE NUMBER

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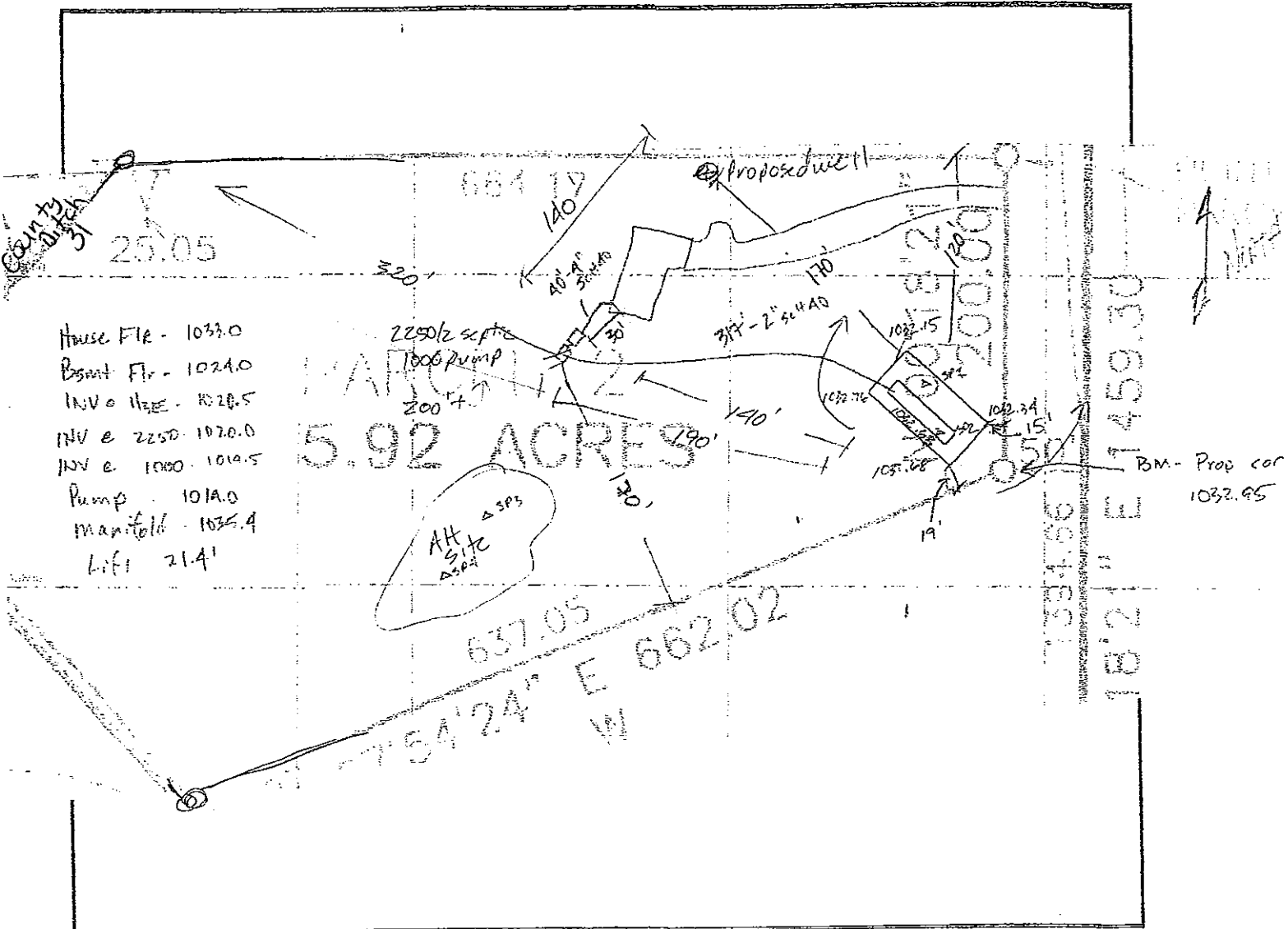
UNEXCAVATED  
 NOTE:  
 TOP OF GARAGE FOUNDATION  
 IS 16" ABOVE THE  
 TOP OF HOUSE FOUNDATION

FOUNDATION PLAN  
 1/4" = 1'-0"

FOUNDATION PLAN 1776 SQ FT

FOUNDATION PLAN

Property Owner: Adam Nesbitt  
 Property Address: \_\_\_\_\_  
 Parcel Number: Part of 030132610



I hereby certify as a State of Minnesota Licensed Septic Contractor that the subsurface sewage treatment system diagrammed above was designed/installed in accordance with all applicable requirements of MN Rules Chapters 7080 &/or 7081 and the Le Sueur County Zoning Ordinance. The drawing is accurate as of the date at the bottom of this form for the site identified at the top of this form. No determination of the future hydraulic performance can be made due to future water usage over the life of the system.

Septic Designer Signature: <u>[Signature]</u>		
Septic Designer Company: <u>KA With Construction</u>		
License Number: <u>230</u>	Certification Number: <u>2775</u>	Date: <u>6/1/15</u>
Septic Installer Signature: _____		
Septic Installer Company: _____		
License Number: _____	Certification Number: _____	Date: _____

Mailing: 88 South Park Avenue  
Le Center, MN 56057

Physical: 515 South Maple Avenue  
Le Center MN 56057

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AUG 02 2015

Revised: 3/2016

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

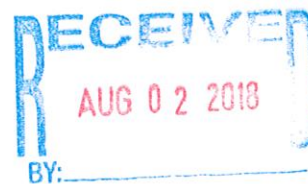
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Adam Nesbitt PID: 03.013.2610  
Mailing Address: 309 Kennedy Ave NW, New Prague  
Property Address: XXX 300<sup>th</sup> St, New Prague  
Phone: ( ) Mobile/Cell: ( )

Responsible party for Implementation/Inspection: KA Witt Construction  
Address: 1530 W 280<sup>th</sup> St, New Prague, MN  
Phone: (952) 753 2108 Mobile/Cell: (612) 369 3362

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

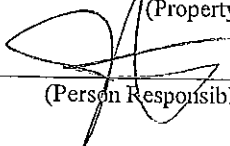
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

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.

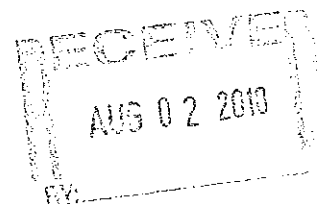
  
\_\_\_\_\_  
(Property Owner)

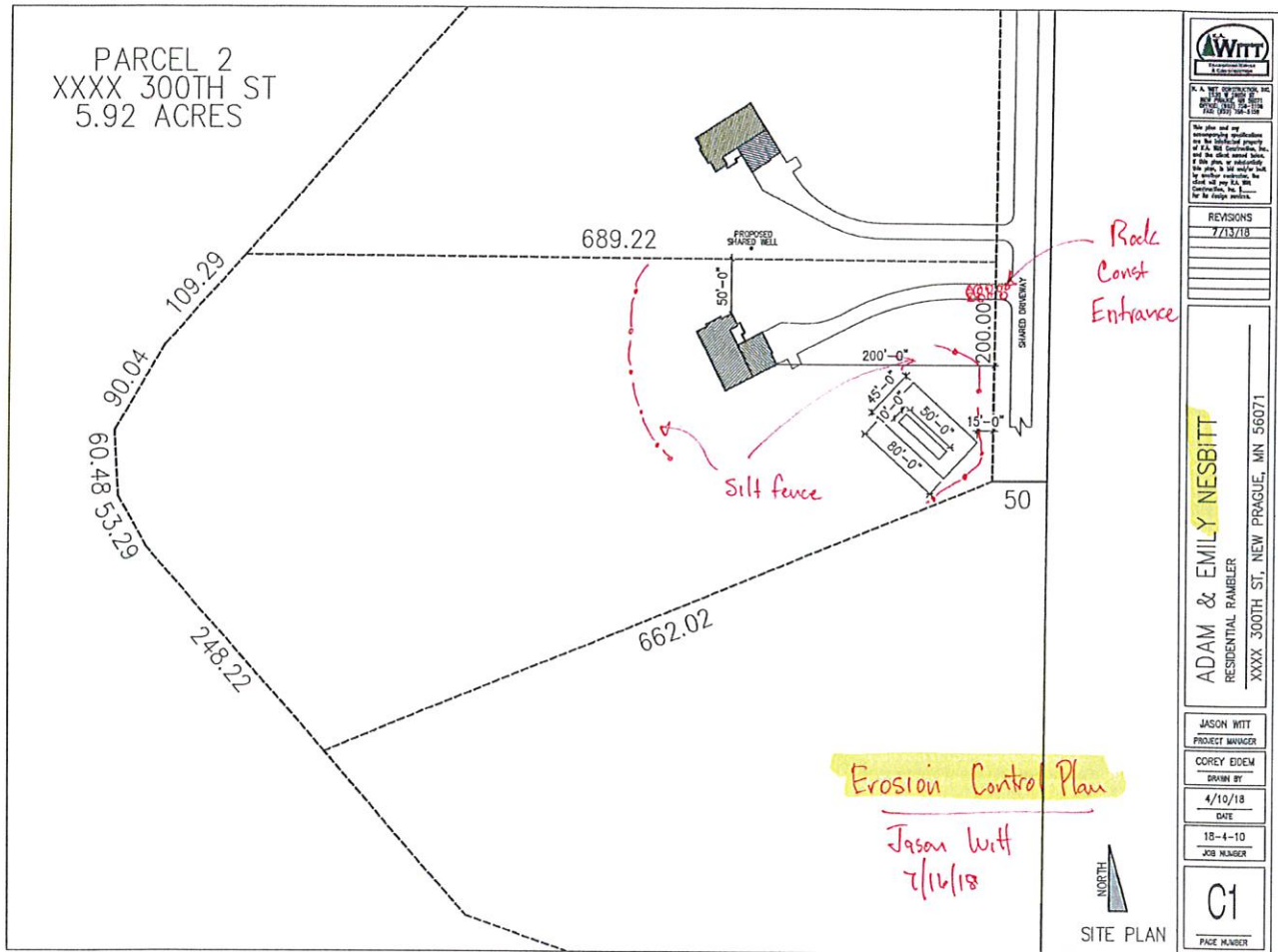
  
\_\_\_\_\_  
(Person Responsible for Implementation)

8-1-18  
\_\_\_\_\_  
(Date)

8/1/18  
\_\_\_\_\_  
(Date)

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





**RECEIVED**  
JUL 30 2018  
BY: \_\_\_\_\_

**Mettler, Michelle**

Nesbit

03.93.2610

**From:** Tiegs, David  
**Sent:** Tuesday, July 31, 2018 8:09 AM  
**To:** Mettler, Michelle  
**Cc:** Jason Witt (jason@kawitt.com)  
**Subject:** FW: Driveway access  
**Attachments:** 20180627152853619.pdf

Hi Michelle, I was able to review this access prior to Parcel 3 being sold. Access is approved for use by parcels 1, 2, and 3. If you need any more information let me know.

Thanks,  
Dave Tiegs  
Le Sueur County  
Highway Engineer

---

**From:** Jason Witt [mailto:jason@kawitt.com]  
**Sent:** Monday, July 30, 2018 4:27 PM  
**To:** Tiegs, David  
**Cc:** Jason Witt  
**Subject:** Driveway access

Dave,

Michelle Mettler said I need to email you about this. We are applying for building permits for parcels 1 and 2 on the attached Survey. This will out 3 homes on this driveway. Can you let me know if this approved or if you need more info? Michelle will be waiting for approval from you. Thanks!

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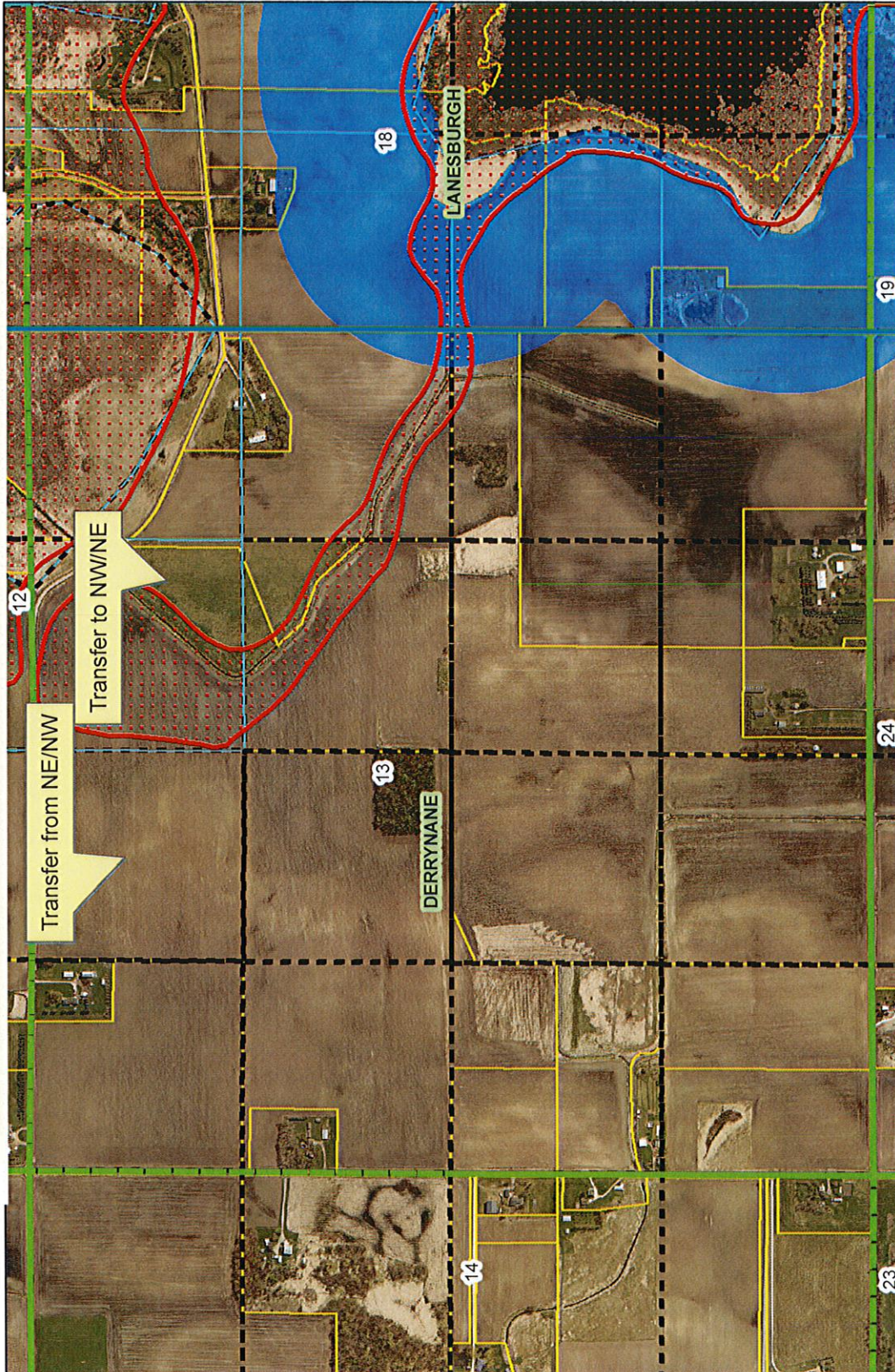
**From:** Jason Witt  
**Sent:** Monday, July 30, 2018 12:59 PM  
**To:** 'Nikki Kupser' <NKupser@greatermngas.com>  
**Cc:** Jason Witt <jason@kawitt.com>  
**Subject:** Duede Nesbitt survey

JASON WITT  
KA WITT CONSTRUCTION, INC  
1530 W 280<sup>TH</sup> ST  
NEW PRAGUE, MN 56071  
OFFICE 952.758.2108  
CELL 612.369.3362  
KAWITT.COM  
PINPOINT-REALTY.COM



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Adam Nesbit  
**PID:** 03.013.2610  
**DATE:** 09-04-18  
**FIRM #:** 27079C0075D  
**F-Zone:** X-outside  
**RFPE:** na  
**District:** Agriculture



**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



LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538

2	1	6	5	3	2	1	6	5	3	2	1	6	5
12	7	8	9	10	11	12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31	32	33	34	35	36	31



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# Le Sueur County, MN

Thursday, September 13, 2018

Regular session

## Item 3

### Miller Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/ OWNER:** Michael & Shelly Miller  
**911 ADDRESS:** New 247<sup>th</sup> Ave, Cleveland, MN  
**PROJECT DESCRIPTION:** To allow grading, excavating, and filling of 1454 cubic yards of material.  
**PARCEL NUMBER:** 18198  
**CUP NUMBER:** 04.410.0018 & 04.410.0021

## SITE INFORMATION

**LOCATION:** Revised lots 50 & 51, Auditor's Subdivision, Section 6, 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, ag land  
**ACCESS:** New driveway access off 247<sup>th</sup> Avenue  
**EXISTING LAND USE WITHIN ¼ MILE:**  
North: Ag land                      South: Residential, Lake Jefferson  
East: Residential                    West: Residential

## BACKGROUND INFORMATION

The property is located in Auditor's Subdivision. The proposal is to create a new driveway to access the Miller property from 247<sup>th</sup> Avenue. The

## TOWNSHIP BOARD NOTIFICATION

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

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is located within the Shoreland District.  
**LAKE:** Lake Jefferson, Recreational Development  
**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 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 make reference to shoreland development and water quality.

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

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

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

**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.

## DNR GUIDANCE LETTERS

1. Administration, Compliance, and Enforcement pg. 1
2. Grading & Filling within Shoreland Areas pg. 3

## ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

### GRADING, EXCAVATING, OR FILLING:

The proposed grading, excavating or filling activities shall occur within one (1) year of permit issuance. More than 50 cubic yards of material on lot in a shoreland district requires a CUP.

**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 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.

<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.

<b>SHORELAND DISTRICT-EVLAUATION CRITERIA</b>
---

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.

<b>SHORELAND DISTRICT CONDITIONS</b>
--------------------------------------

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 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:**

Michael & Shelly Miller

**Property owner:**

Michael & Shelly Miller

**Property:**

04.410.0018 & 04.410.0021

**Description:**

Application for a Conditional Use Permit to allow Grading, Excavating, and Filling of 1454 cubic yards of material in a Recreational Residential "RR" district.

**Recommendation:**

It would be my recommendation to approve the application with the condition(s) listed below. The proposed project will assist with current runoff and drainage issues that are occurring on the property.

**Condition(s):**

1. If current runoff and drainage issues do not improve after project is installed, work with Environmental Services Department staff to address the issues.

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: 8/10/2018	PERMIT NUMBER: 18198	FEE: \$796.00
60 DAY RULING DATE: 10/9/2018		<i>*FEES NON-REFUNDABLE</i>
APPLICANT: MICHAEL & SHELLY MILLER	LAND OWNER: MICHAEL & SHELLY MILLER	
ADDRESS: 24751 FRENCH DR	ADDRESS: 24751 FRENCH DR	
CITY: CLEVELAND	CITY: CLEVELAND	
STATE: MN ZIP: 56017	STATE: MN ZIP: 56017	
PHONE: 507-381-0438	PHONE: 507-381-0438	
911: NEW 247TH AVE. CLEVELAND. MN		

PARCEL #: 04-410.0018 +0021		TOWNSHIP: ELYSIAN
SEC: 6	SUBDIV: LAUD <i>mem</i>	DISTRICT: RR
TWP: 109	LOT: 50, 51	FEMA PANEL # 27079C0270D
RANGE: 24	BLOCK:	FLOOD ZONE: X OUTSIDE
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 GRADING, EXCAVATING AND FILLING OF 1454 CUBIC YARDS OF MATERIAL.

**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	8-10-18 DATE
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	8-10-18 DATE

PUBLIC HEARING DATE: 9/13/2018	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: 9/25/2018	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 #: 18198

**Applicant:** MICHAEL & SHELLY MILLER

**Land Owner:** MICHAEL & SHELLY MILLER

**Conditional Use Permit Request:** TO ALLOW GRADING, EXCAVATING AND FILLING OF 1454 CUBIC YARDS OF MATERIAL.

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	Al	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	Al	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	Al	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	Al	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	Al	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	Al	TOTAL

Explain \_\_\_\_\_

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

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	Al	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 Michael & Shelly Miller  
Mailing Address 24751 French Drive  
City Cleveland State MN Zip 56017  
Phone # 507-381-0438 Phone # 507-327-7519  
Mike Shelly

### II. Landowner:

Name Michael & Shelly Miller  
Mailing Address 24751 French Drive  
City Cleveland State MN Zip 56017  
Property Address Same  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

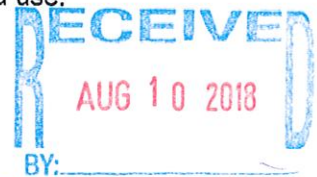
### III. Parcel Information:

04.640.0030, 04.410.0018, 04.410.0021  
Parcel Number \_\_\_\_\_ Parcel Acreage 2.15 Acres  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 6  
Subdivision Trisly & Audette Lot 50 & 51 Block \_\_\_\_\_  
+ 32

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

Elysian Township notified on 7-31-2018  
(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

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 Cubic yards of material movement: 1454 cy  
 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: 1454 cy

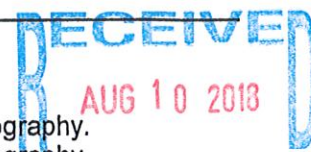
Assurance security shall be required for projects that are >1500 cubic yards.

VIII. Description of Request:

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

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

- 1. ENVIRONMENTAL IMPACT: See Attached
- 2. ADVERSE IMPACT ON SURROUNDING AREAS: \_\_\_\_\_
- 3. STORMWATER RUNOFF: \_\_\_\_\_
- 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: \_\_\_\_\_
- 5. WETLAND IMPACT: \_\_\_\_\_
- 6. SLOPE STABILITY: \_\_\_\_\_
- 7. CERTIFICATE OF INSURANCE: \_\_\_\_\_
- 8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) \_\_\_\_\_



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

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

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

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

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

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy 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.*

RECEIVED  
AUG 10 2018  
BY: \_\_\_\_\_

**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.

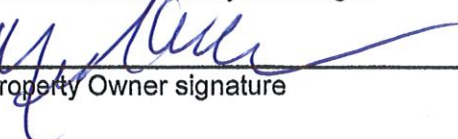
**XIII. Signatures:**

*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

8-10-18  
\_\_\_\_\_  
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

8-10-18  
\_\_\_\_\_  
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: 1454  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** 1454

Pre-App Date 8-10-18  
 Meeting Date 9-13-18  
 60 Day 10-9-18  
 Zoning District R2

Lake Classification R2  
 Lake Jefferson  
 FEMA Panel # 27079C0 270 D  
 Flood Zone X=outside

Feedlot 500' 1000' N  
 Wetland Type 1-2 3-8 N  
 Water courses Y N  
 Bluff Y N

*COC*

- Request Description
- Site Plan
- Full Legal
- Ordinance
- Access Approval
- Erosion Control Plan
- 
- Other \_\_\_\_\_
- Septic **Comp Insp / Design**
- Meeting **Reg / ATF / Spec**
- Fee \$ 790
- Penalty \$ \_\_\_\_\_

Application Complete Michelle R. Mutt 8-10-18 18198  
 Planning & Zoning Department Signature Date Permit #





**JONES  
HAUGH  
SMITH**  
Engineers + Surveyors

**PRINCIPALS**

Steven J. Thompson, P.L.S.  
Brian J. Johnson, P.E.  
Steven J. Penkava, P.E.  
John H. Schulte V, P.E.  
Scott A. Tuchtenhagen, P.L.S.

Established 1945

Memorandum

Conditional Use Permit Request  
Mike Miller  
2018 Shed & Driveway Construction  
Prepared by: John H. Schulte V, PE

August 1, 2018

**Description of Request** *Grading Excavating + Filling at 1454 cy*  
Mike Miller is proposing to construct an approximate 2400 sf shed and access road on his property adjacent to Lake Jefferson. Mike owns 4 parcels totally approximately 2.15 acres.

Grading activities will proceed as follows:

1. The topsoil from the area to be disturbed will be removed utilizing a bulldozer and windrowed along the southern portion of the site, then stabilized with seed and mulch, hydromulch, or tarps.
2. Roadway materials will be excavated from the ditch areas along the road and compacted under the roadway with sheepsfoot or vibratory rollers.
3. Roadway gravel will be imported to the site utilizing dump trucks, spread with a bulldozer, and compacted with a vibratory roller.
4. Topsoil materials will be re-spread near the roadway and stabilized with trailer mounted equipment pulled by a pick-up truck.
5. After the building pad is completed with clay materials to sub-grade, an excavator will remove materials below the building's footings.
6. Once the buildings footings are complete, sand and gravel materials will be brought in to construct the area under the building's concrete slab. Material will be spread via skid-steer or excavator and compacted with small steel drum or sheepsfoot rollers.
7. Topsoil materials will re-placed around the building using a skidsteer, bulldozer, or excavator, and re-vegetated. Slopes will be stabilized with erosion control blankets, seed, mulch, and bio-roll ditch checks. Any extra topsoil will be shaped on the agricultural area around the site.

**Environmental Impact**

The only environmental impact anticipated is construction stormwater and is discussed further below.

OFFICES | 515 S. Washington Ave. 415 W. North St.  
Albert Lea, MN 56007 Owatonna, MN 55060  
507.373.4876 507.451.4598



JHSENG.COM

**Adverse Impact on Surrounding Areas**

The proposed project is a continuation of the existing use. The surrounding area is residential and agricultural. The proposed use is consistent with the current use and will not adversely impact the adjacent areas.

**Stormwater Runoff**

The project will not be required to obtain an NPDES stormwater permit due to a land disturbance of less than 1 acre. The only stormwater treatments required are erosion and sediment control best management practices. The site plan includes construction requirements including those measures.

**Does Any Part of the Project Extend Below the OHWL / Wetland Impact**

This project does not extend into any OWHL nor is adjacent to wetlands.

**Slope Stability**

The project extends existing slopes or constructs new non-bluff slopes. No slope stability issues are anticipated for new slopes.

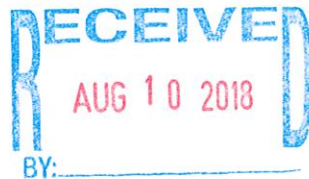
**Certificate of Insurance:**

The Owner will provide a Certificate of Insurance if required.

The Owner’s Contractor will provide a Certificate of Insurance if required.

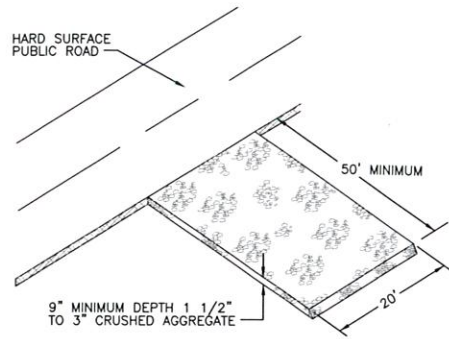
**Meet All Applicable County, State, & Federal Regulations:**

A Le Sueur County building permit and State of Minnesota electrical permit will be required. The Owner will request relevant permits and inspections as the project progresses.



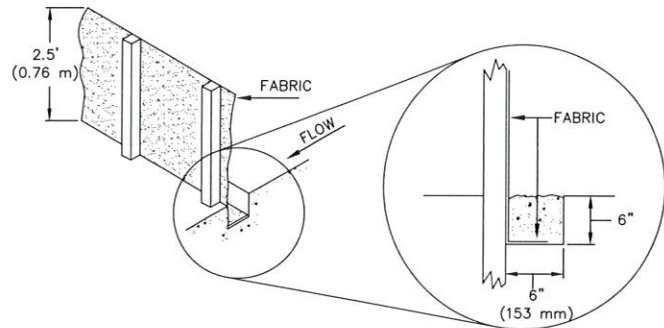
OFFICES | 515 S. Washington Ave. 415 W. North St.  
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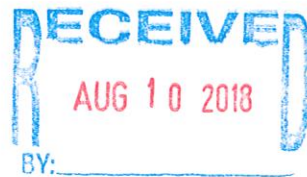
- NOTES:
1. FILTER FABRIC SHALL BE PLACED UNDER ROCK TO STOP MIGRATION OF MUD THROUGH ROCK.
  2. ENTRANCE MUST BE REGULARLY MAINTAINED TO PREVENT SEDIMENTATION ON PUBLIC ROADWAYS. FUGITIVE ROCK WILL BE REMOVED FROM ADJACENT ROADWAYS DAILY OR MORE FREQUENTLY AS NECESSARY.

**EROSION CONTROL PROTECTION AT CONSTRUCTION ACCESS**

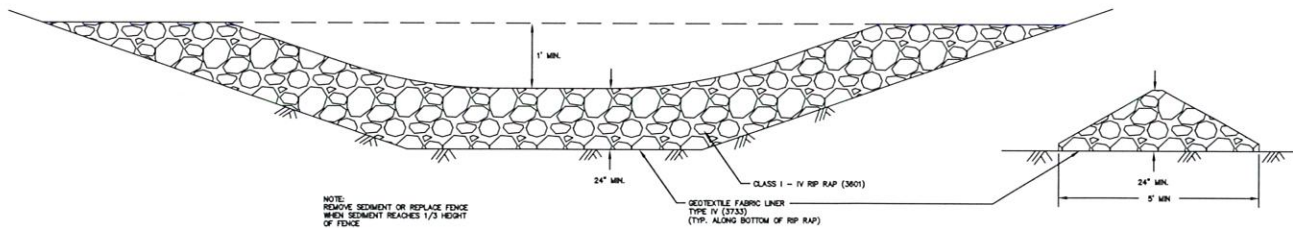


- NOTES:
- PLACE BOTTOM EDGE OF FENCE INTO 6" (153 mm) DEEP
  - POSTS SHALL BE:
    - 4' (1.22 m) ON CENTER
    - 2" (50.8 mm) X 2" (50.8 mm) HARDWOOD, PINE OR STANDARD STEEL FENCE POSTS
    - DRIVEN 2' (0.61 m) INTO THE GROUND.

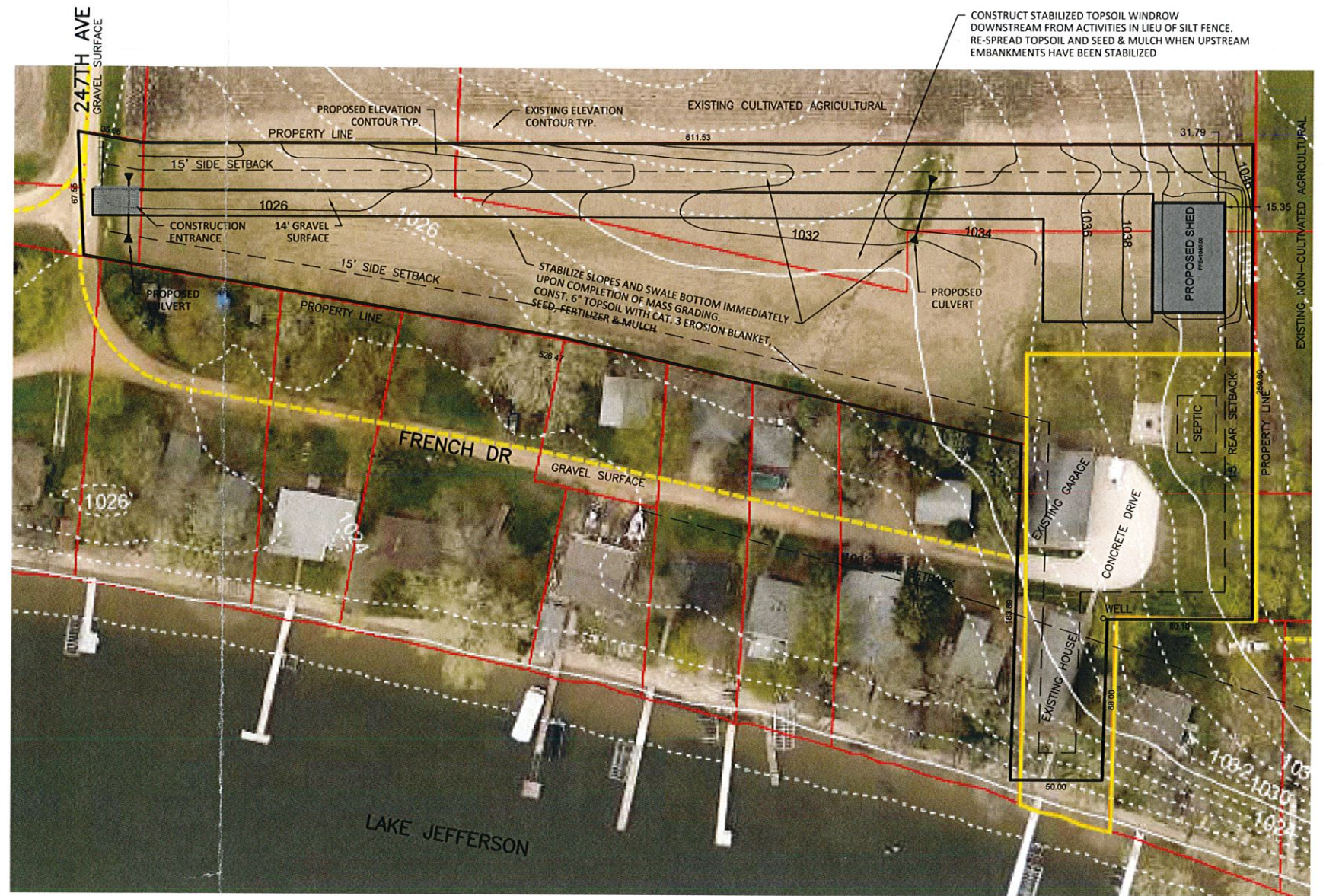
**EROSION CONTROL FENCE (MACHINE SLICED)**



SPACING OF CHECKS:  
SPACING (FT) = LENGTH OF CHECK (FT) X 100  
RICH GRASS (R)



**ROCK CHECK DAM**



**Zoned: Recreational Residential**

Setbacks for Buildings:  
Rear Yard = 15  
Side Yard = 15  
OHWL = 100  
Allowed Impervious Surface = 25%

**Grading Data:**

Disturbed Area: 38152 sf  
Cut Volume: 867 cy  
Fill Volume: 587 cy  
Total Grading: 1454 cy

- SWPPP NOTES:
1. NO CONCRETE WASHOUT ON-SITE.
  2. STABILIZE ALL AREAS WITHIN 7 DAYS OF CESSATION OF GRADING ACTIVITIES
  3. STABILIZE ALL DRAINAGE CHANNELS WITHIN 24 HOURS OF CESSATION OF GRADING

**Impervious Surface Calculation**

Parcel Area: 93848 sf  
25% Allowed Impervious Surface: 23462 sf  
Existing Impervious Surface: 6529 sf  
New Impervious Surface: 13927 sf  
Total Proposed Impervious Surface: 20456 sf

**Tree Removal Note:**

No removal of trees is proposed

**GENERAL NOTES:**

1. FINISH GRADE ADJACENT TO BUILDING IS MIN. 6" BELOW TOP OF FOUNDATION, EXCEPT AT PAVED AREAS.
2. FINISH GRADE 10' FROM BUILDING IN MIN. 6" BELOW FINISH GRADE ADJACENT TO BUILDING.
3. SILT FENCE LINES AND TOP OF BACKSLOPE OF SWALE ARE CONSTRUCTION LIMITS
4. NO CONCRETE WASHOUT ON SITE.



**TURF ESTABLISHMENT**

1. PROVIDE A MINIMUM OF 6" OF TOPSOIL OVER ALL DISTURBED AREAS NOT TO BE RETURNED TO CULTIVATION. THIS GENERALLY INCLUDES SLOPE AREAS AROUND THE BUILDING AND THE DIVERSION SWALE, INCLUDING SLOPES.
2. STABILIZE ALL OTHER DISTURBED AREAS OF THE SITE NOT SHOWN TO RECEIVE SPECIAL TREATMENT ON THIS PLAN WITH HYDROSEED MIXTURE AS MNDOT RAPID STABILIZATION METHOD 3 WITH:  
SEED MIX 260 @ 100 LB/ACRE  
FERTILIZER 22-5-10 @ 300 LBS/ACRE  
TYPE 1 HYDRAULIC SOIL STABILIZER



DRAWINGS ON 11x17 SHEETS ARE HALF SCALE

REV.	BY	DATE



415 West North Street Owatonna, MN 56057-4598

DESIGNED: JHSS  
DRAWN: JHSS  
CHECKED: BUJ  
Date: 8/9/18  
DWG: 18-1168

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
John H. Schulte V  
License No. 44639 Date: 8/9/18

24751 FRENCH DR  
MIKE MILLER  
SECTION 6-T109N-R24W  
SITE PLAN/SWPPP

SHEET  
1  
OF  
1

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

**Erosion and Sediment Control Plan**

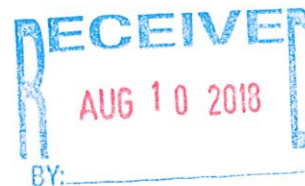
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Michael Miller PID: \_\_\_\_\_  
Mailing Address: 24751 French Dr Cleveland MN 56007  
Property Address: 24751 French Dr. Cleveland MN 56007  
Phone: (\_\_\_\_) \_\_\_\_\_ Mobile/Cell: (507) 381-0438

Responsible party for Implementation/Inspection: Dirt Merchant, Inc.  
Address: 3301 3rd Ave Mankato MN 56001  
Phone: (507) 389-9129 Mobile/Cell: (507) 381-2980

**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

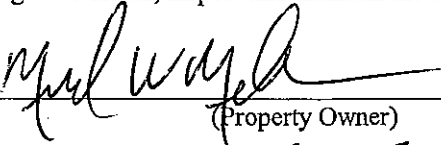
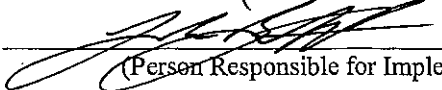
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November.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

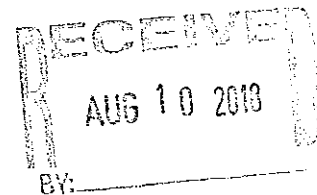
**Inspection and Maintenance**

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.

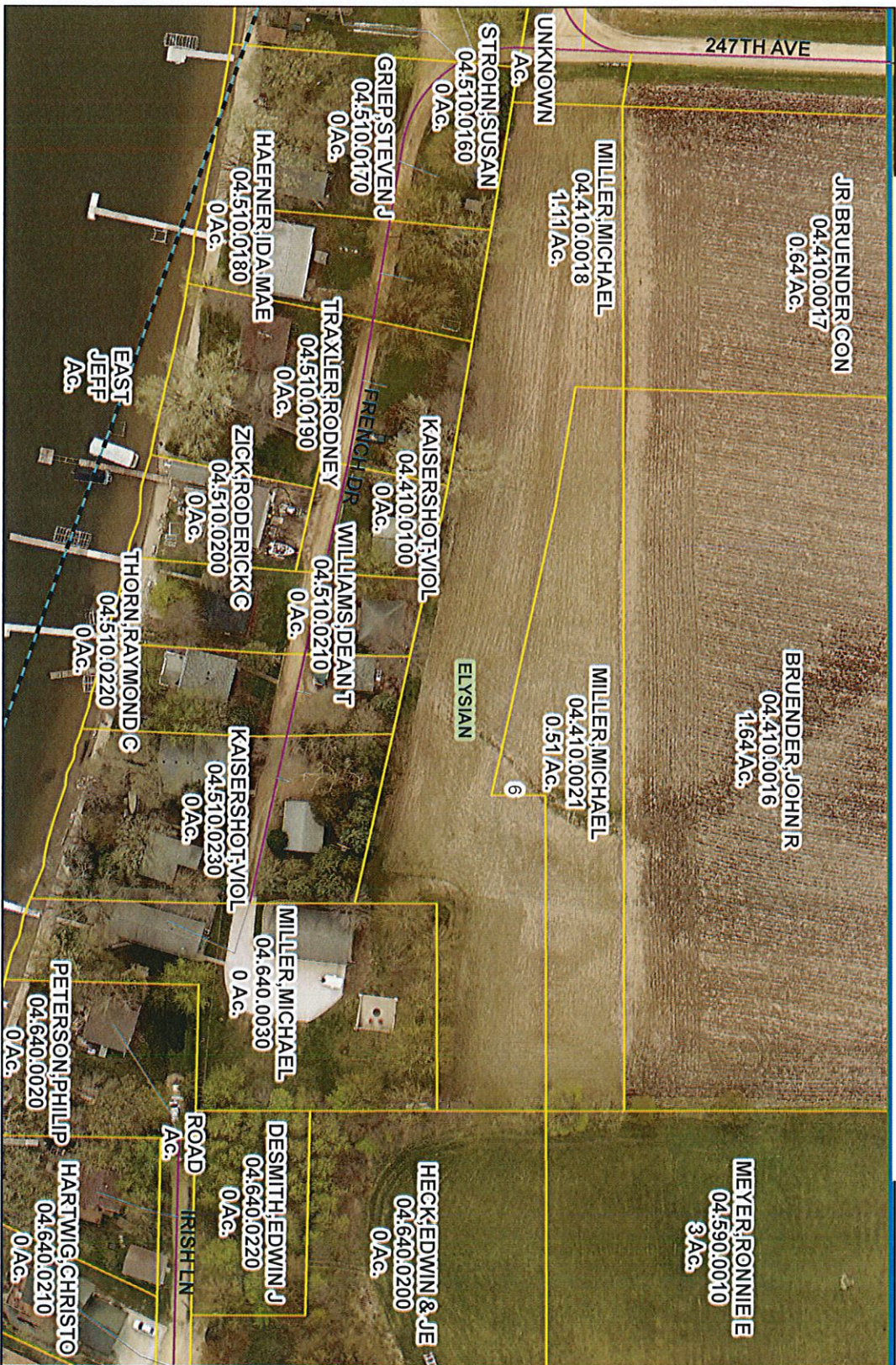
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

 _____ (Property Owner)	8-10-18 _____ (Date)
 _____ (Person Responsible for Implementation)	DIET MERCHANT, INC. LUKE STOFFEL 8/10/18 _____ (Date)

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



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES



**NAME:** Mike & Shelly Miller  
**PID:** 04.410.0018  
**DATE:** 09-04-18  
**FIRM #:** 27079C0270D  
**F-Zone:** X-outside  
**RFPE:** 1022.86  
**District:** Recreational Residential

35	36	31	32	33	34	35	36	31
1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27
28	29	30	31	32	33	34	35	36



**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.  
 \*These 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



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# 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.

<b>FLOOD PLAIN OVERLAY DISTRICT CONDITIONS</b>
--

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: 9/13/2018	ACTION: _____
<input type="checkbox"/> AS WRITTEN	<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: 9/25/2018	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 - 16<sup>th</sup> 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 1603-16<sup>th</sup> 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:

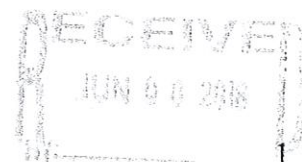
Parcel Number 04.740.0350 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 7-109-24  
Subdivision Roemers Cove Lot 35 Block \_\_\_\_\_

### 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 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: 76 90 *du*  
 Within Shore Impact Zone Cubic yards of material movement: 53.9 54.9 *du*  
 Within Bluff Impact Zone Cubic yards of material movement: 36.8 38.8 *du*  
 Within Bluff 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.*

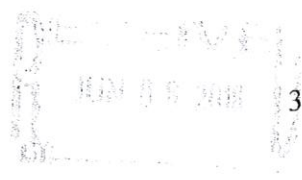
Russell Meyer Deanna Weis  
Applicant signature

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 18202 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 Pats*  
 "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

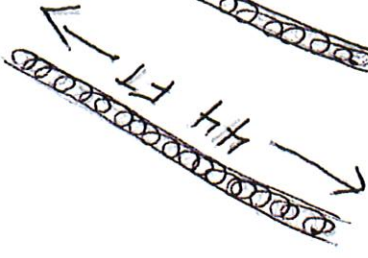
**% Species:**

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

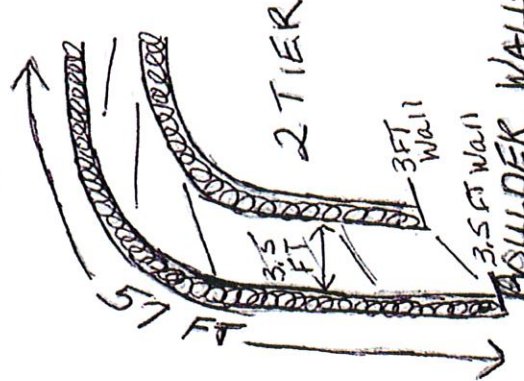
3.56 Coneflower, Prairie  
 3.56 Spiderwort, Ohio  
 1.78 Sunflower, Ox-Eye  
 1.78 Black-Eyed Susan  
 1.43 Coreopsis, Plains  
 0.89 Aster, New England  
 0.89 Aster, White Upland  
 0.43 Hyssop, Lavender

← WATERS EDGE →

← 42 FT →

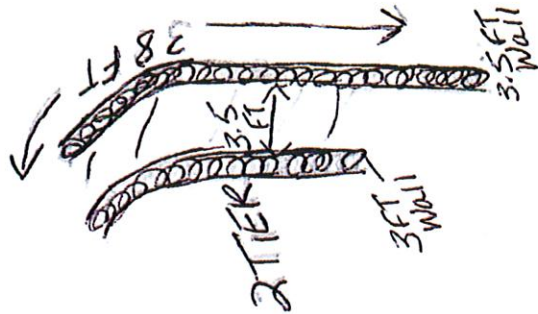


Replacement



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

Replacement

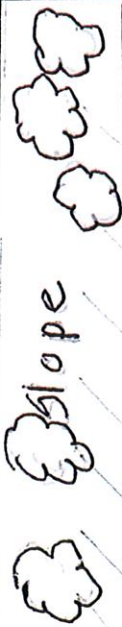


WILL BRING IN  
 MORE BOULDERS  
 AS NEEDED

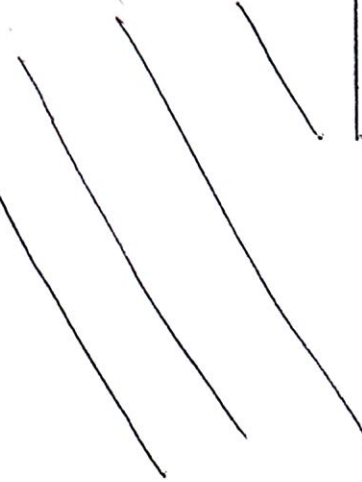
Before

Waters edge

Shoreland



Bluff



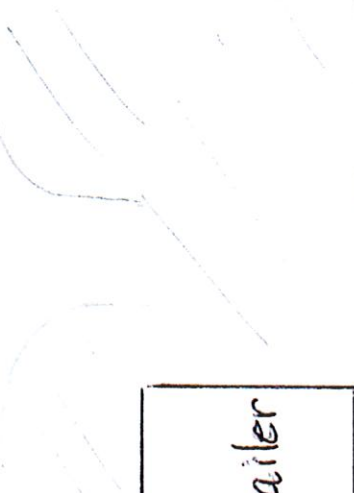
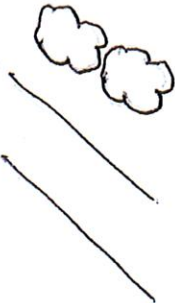
Garage

Road

Current

WATERS EDGE

Shoreland

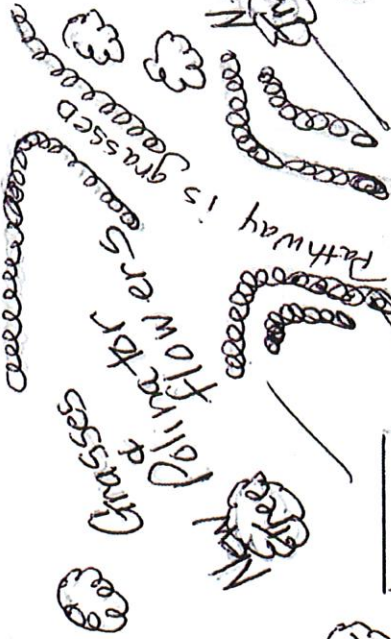


trailer

Garage

Road

Shoreland

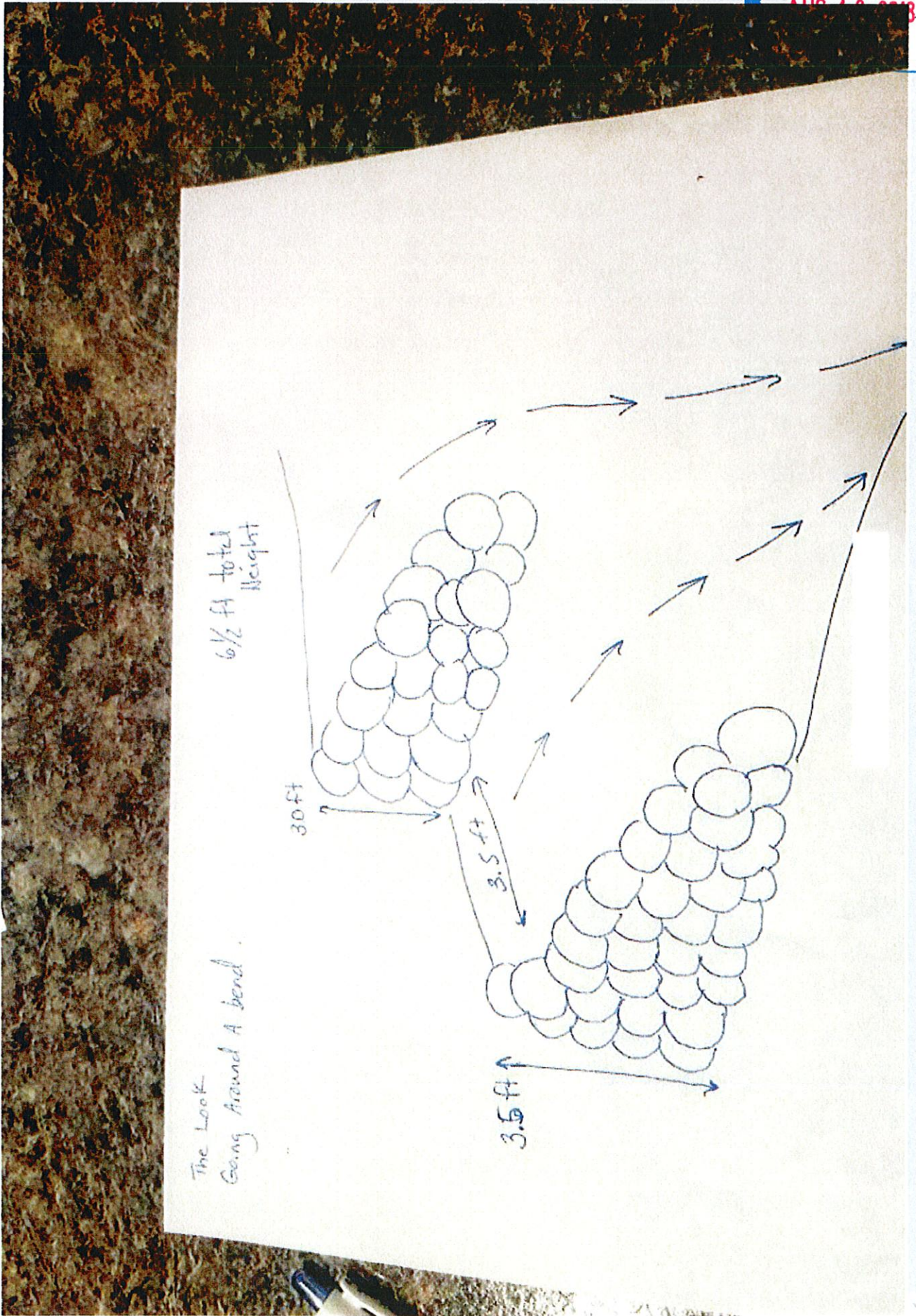


trailer

Garage

Road

work\_output.jpg



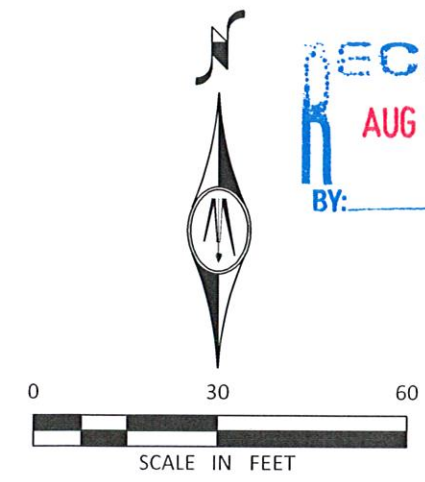
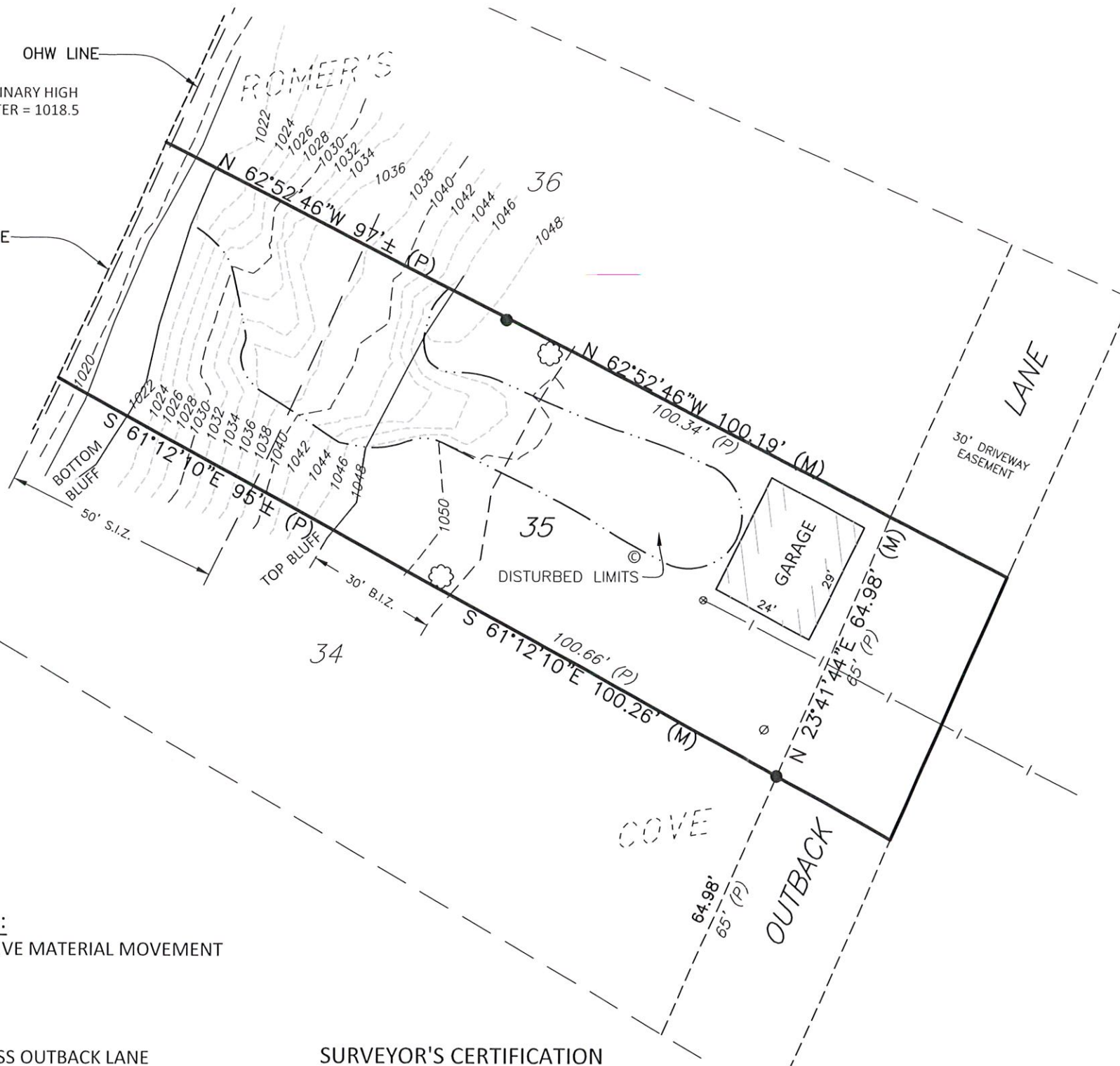
# EXISTING CONDITIONS

LAKE

OHW LINE  
ORDINARY HIGH WATER = 1018.5

WATER'S EDGE

JEFFERSON



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

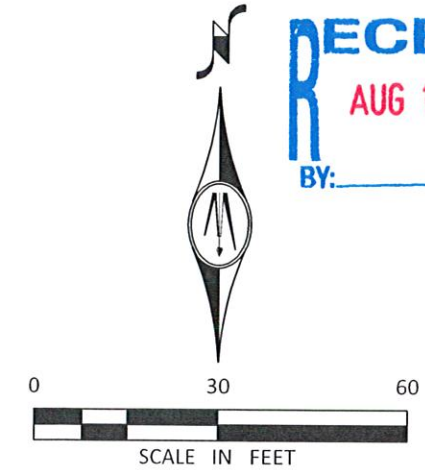
<b>PROPOSED LANDSCAPING</b> LE SUEUR COUNTY, MINNESOTA		LOT 35, ROEMER'S COVE ELYSIAN TOWNSHIP
	<b>BOLTON &amp; MENK</b>	FOR: RUSSEL GUYER
	1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171	

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# PROPOSED CONDITIONS

**RECEIVED**  
AUG 15 2018  
BY: \_\_\_\_\_

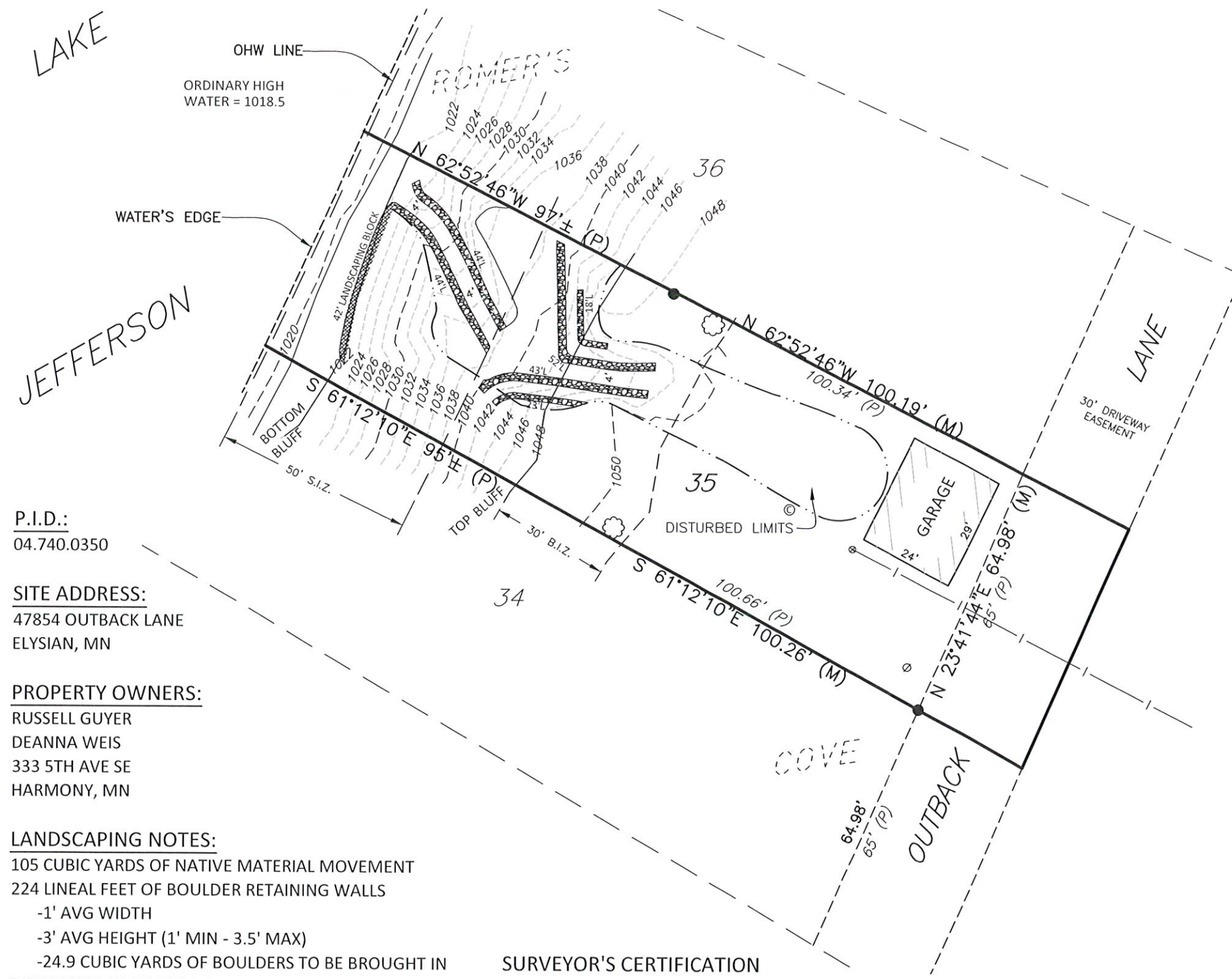


Horizontal Datum: HARN 1996  
Le Sueur County Coordinate System  
Vertical Datum: NGVD 1929

### 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

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	-	-
<b>TOTAL CUBIC YARDS OF MATERIAL MOVEMENT: 145</b>				



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

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

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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 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.

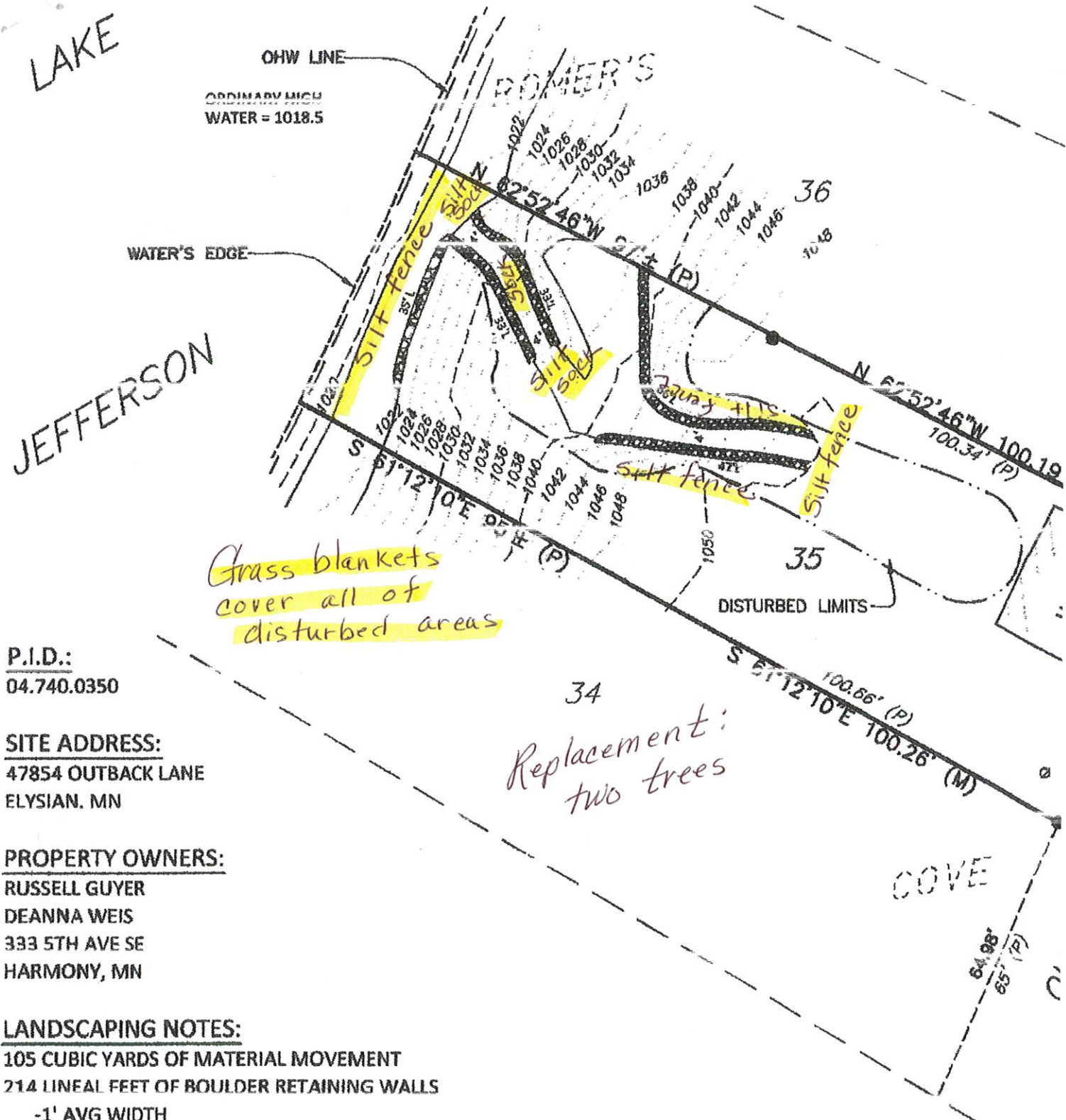
Russell C. Argo  
(Property Owner)

6-11-18  
(Date)

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

\_\_\_\_\_  
(Date)

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



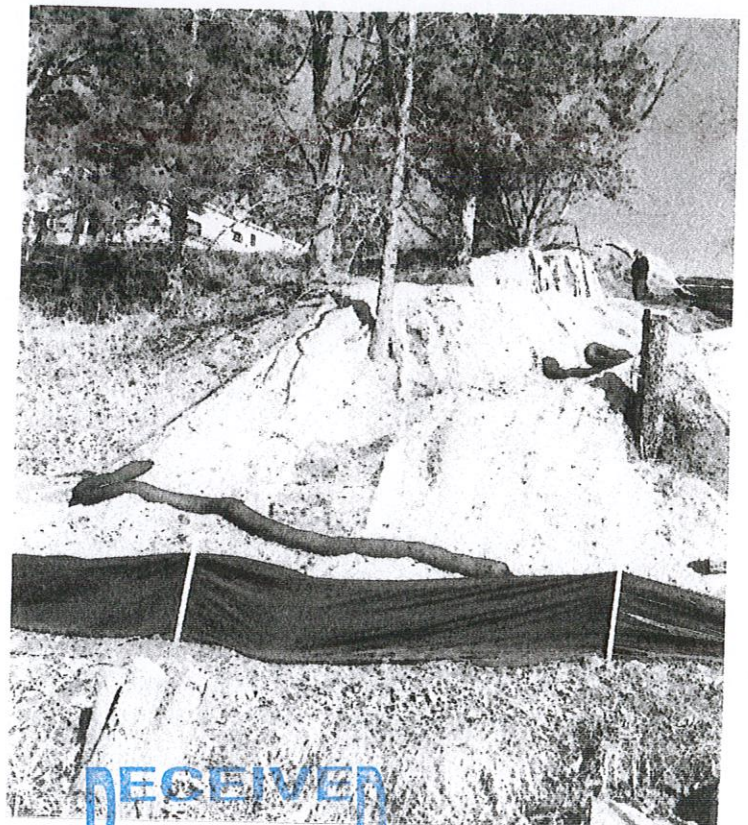
**P.I.D.:**  
04.740.0350

**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





RECEIVED  
JUN 25 2018  
BY: \_\_\_\_\_

















October 18, 2017

Russell Guyer & Deanna Weis  
1603 15<sup>th</sup> 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.

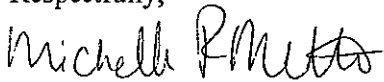
The Planning Commission holds the Public Hearing and will make a recommendation to the County Board. The Zoning Administrator will take that recommendation to the County Board for final decision approximately two weeks later.

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.

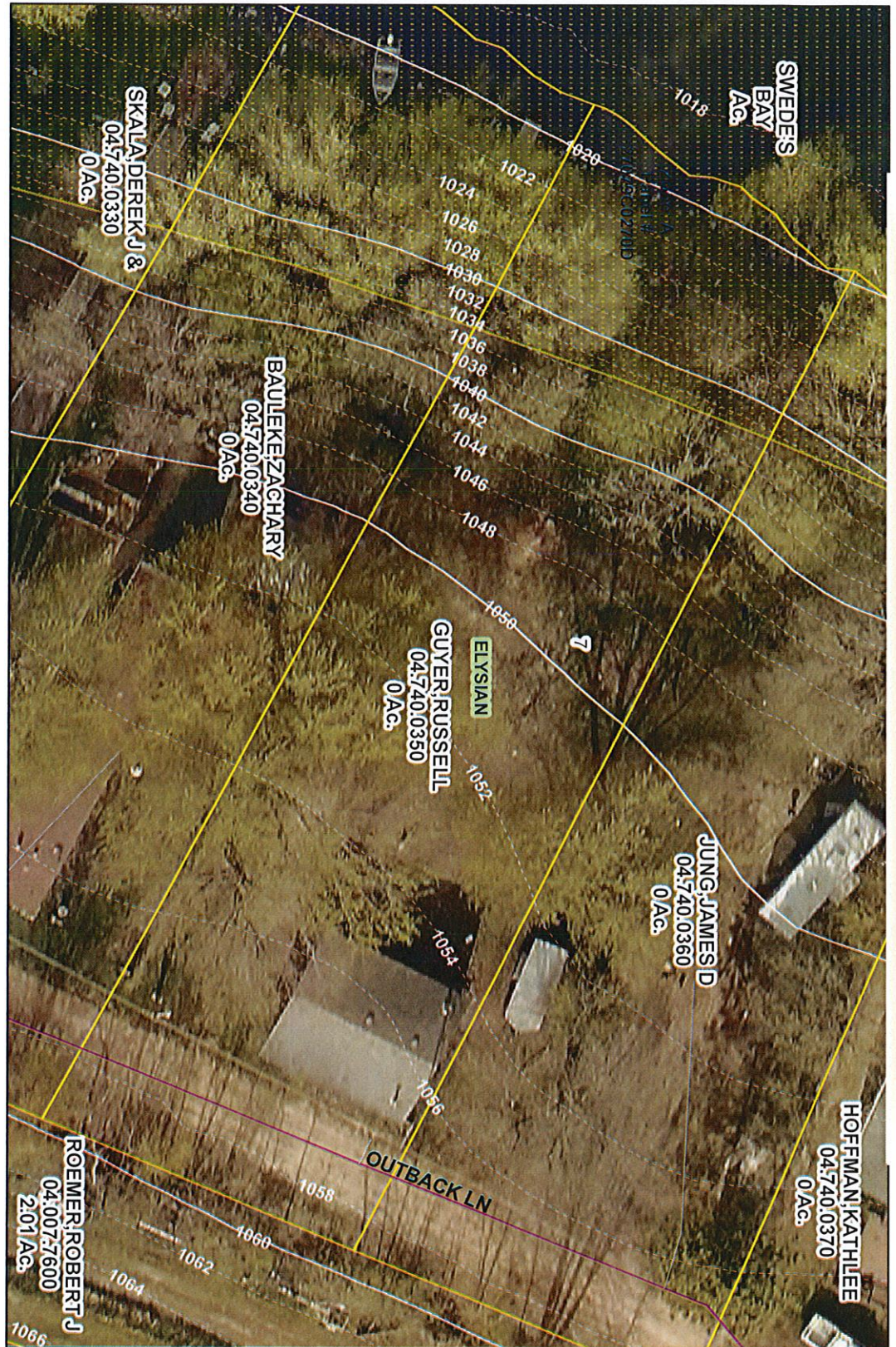
Respectfully,



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
1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	27
28	29	30	31	32	33	34	35	36



**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



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# **Le Sueur County, MN**

**Thursday, September 13, 2018**

**Regular session**

## **Item 1**

**Approved September 13, 2018 Planning Commission 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**  
**September 13, 2018**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Shirley Katzenmeyer,  
Al Gehrke, Pam Tietz,

**MEMBERS ABSENT:** Don Rynda, Doug Krenik, Commissioner King

**OTHERS PRESENT:** Joshua Mankowski, Commissioner Steven Rohlffing

1. The meeting was called to order at 7:00 by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Shirley Katzenmeyer. Second by Don Reak. Approved.
3. Minutes from August 9, 2018 Meeting. Motion to approve minutes, was made by Don Reak. Second by Pam Tietz. Approved.

Minutes from August 23, 2018 Meeting. Motion to approve minutes, was made by Don Reak. Second by Shirley Katzenmeyer. Approved.

4. Applications

**ITEM #1: JAMES & JANE WILLIAMS, ST PETER, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1008.5 cubic yards of material for the repair of an existing boat house, stairs and retaining wall located within the bluff and shore impact zone in a Recreational Residential "RR" District on Lake Washington, a Recreational Development "RD" lake. Property is located at Lot 22, Block 1, Da Mar Estates, Section 6, Washington Township.

Joshua Mankowski presented power point presentation. Jane Williams was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation for approval with conditions. 1. The stairway that is to be replaced and the proposed 8 additional steps should be constructed with wood in order to reduce the amount of disturbance to the bluff and shore impact zone. 2. If trees are removed due to construction, replacement trees at least 2 inches in diameter and 4.5 feet tall should be planted.

PUBLIC COMMENT: None

Discussion was held regarding: Jane Williams stated that at the last meeting, a statement was made that it would be more detrimental to leave the structure cave in. Jeanne Doheny asked Jane Williams to clarify what was meant by last meeting. Is this in reference to the Board of Adjustment Meeting. Jane Williams conferred. Don Reak asked why the project needed to a Variance. Joshua Mankowski clarified that the boat house did not meet setback



requirements. Don Reak then asked if the plan was to repair or replace the structure. Jane Williams responded repair. Jeanne Doheny stated that what was there now was dangerous to traverse, the back wall is buckling, and that repairing the existing structure would be preferred over replacing it because there would be less material movement. Jeanne Doheny then asked the applicant about their expected timeline. Jane Williams responded that they hope to get everything done this fall, before everything freezes. Don Reak asked if the plan was to replace the steps with wood. Jane Williams replied that she thought Holly Kalbus originally recommended paver stones but now recommended wood. If we used landscaping timbers, there would be less disturbance to the ground. Don Reak asked for some clarification on the plan, it appears that the steps around the boat house are being removed. Jane Williams responded yes. Shirley Katzenmeyer asked if they did plan to remove any trees. Jane Williams answered that they didn't want to but that the roots for one tree may be impacted. Jeanne Doheny asked Joshua Mankowski if they could change the should be to stall in Holly Kalbus' recommended conditions. Joshua Mankowski stated that the Board can make that change and that Holly Kalbus' recommendation for the tree replacement is the County's policy on tree replacement. Don Reak stated that when he initially read the application he thought the amount of material movement was a lot. Jeanne Doheny asked if any additional fill was being brought in. Jane Williams responded no, just for rebuilding the wall. Pam Tietz asked about the area to be graded by the house. Application states 52x50-foot area near the garage and a 20-foot section in front of the house will be graded. What will it be graded too? Jane Williams responded that it will be graded just enough to redirect water away from the structure. Pam Tietz asked if that material movement was included in the total on the application. Jane Williams responded yes, she believes she included that in the total, but that area is not in the bluff. It is near the road. Joshua Mankowski clarified that there only a maximum of 50 cubic yards of material that can be moved lot total in the RR District.

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. **Will be an improvement to the property.***
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. **There will be no adverse impact to the surrounding 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. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **Proposal appears to be the best options with the least impact to the bluff.***
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Al Gehrke to approve the application with the following conditions. 1. The stairway that is to be replaced and the proposed 8 additional steps shall be constructed with wood in order to reduce the amount of disturbance to the bluff and shore impact zone. 2. If trees are removed due to construction, replacement trees at least 2 inches in diameter and 4.5 feet tall shall be planted.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #2: ADAM NESBIT, NEW PRAGUE, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 of the NW 1/4 to the NW 1/4 of the NE 1/4 in an Agriculture "A" District. Property is located in the NW quarter and NE quarter, Section 13, Derrynane Township.

Joshua Mankowski presented power point presentation. Randy Kubes was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Randy Kubes stated that this is why we have the Transfer of Development Right (TDR). Transfer the TDR from an area in active production to an area that is cut off by a drainage ditch. The access has already been approved for three homes. This will move the eligibility from highly productive land to less productive land. Randy Kubes also wanted to clarify, the area on the map that is labeled as flood plain is normally dry but water can back up from the ditch and flood this area. Don Reak wanted to go on record to state that the TDR is a good thing. Pam Tietz asked for some clarification, there are two driveways but three lots. Randy Kubes explained that they had gotten two driveway permits. All the owners ended up knowing each other so they decided to share. The plan grants 66 feet of Right of Way. We are eliminating one of the driveways. Pam Tietz asked if each driveway needed a 60'x60' turn-around. Randy Kubes explained that they have it at the end, they have the required clearance and they are level.

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

Motion was made by Pam Tietz to approve the application. Reason for approval is that doing this TDR is good for the agricultural ground.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #3: MICHAEL & SHELLY MILLER, CLEVELAND, MN, (APPLICANT\OWNER):**  
Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1454 cubic yards of material in a Recreational Residential “RR” District. Property is located at Revised Lots 50 & 51, Auditor’s Subdivision, Section 6, Elysian Township.

Joshua Mankowski presented power point presentation. Michael Miller was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation for approval with conditions. 1. If current runoff and drainage issues do not improve after project is installed, work with Environmental Services Department staff to address the issues.

PUBLIC COMMENT: None

Discussion was held regarding: Don Reak asked for clarification on something that was depicted on the plan. Michael Miller informed the Board that the structure in questions was a fire pit. Michael Miller stated that, since they purchased the parcel and planted grass, the water running off the area has been much cleaner. In talking with Mike Schultz, Le Sueur County Soil and Water Conservation District (SWCD), there are also plans to install some check dams to slow the water down even more to help improve water quality. Don Reak inquired about the planned location of the check dams. Michael Miller responded after the driveway culvert. Don Reak then asked for clarification on the current direction of the run-off waters. Michael Miller showed the water’s path on the drawing and that it then flows to the lake. Don Reak asked if there were plans to install swales. Michael Miller responded no, will have a ditch along the road. Don Reak asked the applicant if he thought that this project would improve the flow, it didn’t seem from Holly Kalbus’ letter that she was sure if that. Michael Miller stated that he believes it will. There already was an improvement just form planting grass in the area. There won’t be any additional issues. Michael Miller then explained, how in the past when the area in questions was in crop production, how there was a lot of sediment that was carried by the runoff and that they have noticed a lot of improvement since switching that area to grass. Pam Tietz asked the applicant if the proposed driveway will by for use by the applicant or will it be used for access for other homes on French Dr. Michael Miller stated that it is for his use. The road would need to be larger in order to meet County requirements. Jeanne Doheny asked if the water negatively impacted any of the other homes. Michael Miller explained that the water did not impact the homes as much as the garages on that side of the road. The runoff would sediment in the swale and run up the sides of the garages. Jeanne Doheny asked what the applicant might do if the water issue isn’t improved by completing the project. Michael Miller explained that some work would need to be done on the ditch that leads from the field to better handle the water including deepening the ditch and installing riprap. Jeanne Doheny asked if it was a county ditch. Michael Miller explained that the ditch is on private property and runs through an easement. Michael Miller then went on to describe some of the other options as discussed with Mike Schultz including sediment ponds on drain tile. Al Gehrke explained that he had seen a lot of success in the past in areas like this with installing drain tile. Jeanne Doheny stated that is something that can be discussed.

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

Discussion was held about the conditions that should be imposed if the application is approved.

Motion was made by Shirley Katzenmeyer to approve the application with the following condition. 1. If current runoff and drainage issues do not improve after project is installed, work with Environmental Services Department and Soil and Water Conservation District staff to address the issues.

Second by Al Gehrke. Motion approved. Motion carried.

**ITEM #4: RUSS GUYER & DEANNA WEIS, AUSTIN, MN, (APPLICANT/OWNER):** Request that the County grant 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 to for the construction of a path and retaining walls a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lot 35, Roemer's Cove, Section 7, Elysian Township.

Joshua Mankowski presented power point presentation. Russ Guyer & Diana Weis were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding recommendation for approval with conditions. 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.

PUBLIC COMMENT: None

Discussion was held regarding: Russ Guyer explained that they were seeking approval to complete restoration of the bluff and provide a safe access to the lake. When they purchased the property they were told they would be able to use the neighbor's access. After purchasing, they realized the access was unsafe and that they did not have permission from the neighbor to use the access. The bluff on their property was too steep to walk down to gain access to the lake. Creating a path down to the lake seemed a viable option to gain access for themselves and the lawnmower. After starting the work, it was brought to their attention that they needed approval for this type of work. Jeanne Doheny asked Russ Guyer if they lived on the property fulltime. Russ responded no, just during the summer. Jeanne Doheny asked if he had done the work himself. Russ Guyer replied that he did. Pam Tietz stated that she thought there was a landscaper from North Dakota that was involved according to the application. Russ Guyer stated that he is a relative and

recommended the use of retaining walls. Jeanne Doheny asked about tree removal. Russ Guyer stated there was one tree done when they purchased the property and they removed one tree that was in the path. The trees will be replaced. Jeanne Doheny inquired about the anticipated time to complete the project. Russ Guyer responded that they need to do the retaining walls. Jeanne Doheny asked if he was going to do the walls himself. Russ Guyer said yes. Jeanne Doheny asked if there was any assurance that the walls will work. Russ Guyer responded that they will work because they are terraced, they are stepped. Pam Tietz asked if the walls were going to be constructed with boulders. Boulders and they think they will use landscaping block in some places too. Jeanne Doheny asked if the design was the applicant's or Bolton & Menk's. Bolton & Menk replied Russ Guyer. Pam Tietz asked for clarification on the material for wall construction. Russ Guyer responded that boulders will be used for the walls in the bluff at the top and landscaping block will be used at the bottom. Pam Tietz asked how the boulder walls will be stabilized at the top of the bluff. How is bluff stability being maintained? Russ Guyer said he would know more once he does the work. The boulders will be placed against the bank and tile will be installed behind the boulders. Landscaping fabric and crush walked will be installed on top of the tile to convey water. Don Reak asked about the location of the tile outlets. Russ Guyer stated that they would outlet at the ends of the terraces. Don Reak stated that it would have been a lot easier to have just installed steps. Russ Guyer responded that probably would have been. Don Reak said the pictures of this project almost made him want to cry. They looked terrible. Russ Guyer explained that they had a lot of trouble getting up and down to the lake and getting the mower down there was easy but getting it back up for difficult. Don Reak asked if the applicant mowed the bank. Russ Guyer responded no, that they mowed down by the lake. There is about eight feet down there that is flat. Don Reak stated that he didn't know how the applicant is going to do this project himself, this is a huge job. Jeanne Doheny and Pam Tietz agreed. Don Reak recommended a contractor. Russ Guyer responded that he does have help. He has son-in-laws and that he has an idea of what to do. Don Reak retorted that he had an idea of doing this project and look how that turned out. Don Reak asked the chair, Jeanne Doheny, if they could require the applicant to contact a contractor to help complete the project. Jeanne Doheny mulled the questions and then asked Joshua Mankowski if that was a viable condition. Joshua Mankowski responded that he hadn't looked into requiring the use of a contractor but he didn't think that condition could be added. Pam Tietz brought up the fact that the applicant had consulted with a former contractor that worked for a landscaping company. Pam Tietz asked if that was one of his son-in-laws. Russ Guyer said it was his son. Pam Tietz asked about the availability of equipment. Russ Guyer stated that they have a skid loader and that should be all that is needed. Pam Tietz then inquired about who will be monitoring the project, is that Environmental Services. Joshua Mankowski responded that Environmental Services doesn't normally check and certify construction like this. In the past, staff has gone out to check on projects of concern. Russ Guyer stated that you, referring to Joshua Mankowski, did check on all the erosion control that they had installed. Joshua Mankowski replied in the affirmative, the department had recommended erosion control blanket be installed on the site and the applicant did install erosion control blankets. The site was covered. Pam Tietz said that is partly why she is concerned. The erosion control wasn't there before it was recommended, so she is worried about every step. Russ Guyer responded that you have his word that the construction will be done as described. We want the property to be useful so we can enjoy it and we couldn't get from the top to the bottom stated Russ Guyer. Al Gehrke stated that the project was started and now it needs to be finished. Don Reak asked if the retaining wall was designed by an engineer, by Bolton & Menk. Russ Guyer said it was. Al Gehrke stated that the tile needs to be installed or the walls will fail. Shirley asked the applicant if they will construct the walls as designed by Bolton & Menk. Russ Guyer said he would. Don Reak asked if the project will be done this fall. Russ Guyer responded that they plan too, they have been on hold all summer because of all the hoops they had to jump through. Al Gehrke and Don Reak both said they would like to see what the project looks like when it is done. A letter from Holly Kalbus, Environmental Resources Specialist was read into record. Jeanne Doheny said to the applicant that he had receive a letter about the violation almost a year ago, what took so long to get to this point. Russ Guyer stated that he didn't know, Planning and Zoning kept putting it off. Joshua Mankowski stated that there were complications in getting a complete application. The applicant went to Texas during the winter, staff told them not to worry about getting on a meeting while they were gone but

to keep working on the application for when they came back. Then there were complications with obtaining a complete application. Once the application was complete, it was scheduled for a meeting. Don Reak asked what would be used on the path down to the lake. Russ Guyer said it would be grass, it is already grassed. Grass was seeded down when the blankets were installed. Don Reak reiterated that this is a huge job. Jeanne Doheny said to the applicant that you can tell we are little apprehensive; you tell us you are going to do this and that all the steps are going to be taken. Russ Guyer responded that he is going to do this and he had already paid the fine and he has good intentions about finishing this project. Jeanne Doheny reminded the applicant that the Conditional Use Permit is only good for one year. Shirley Katzenmeyer asked the applicant what his back-up plan was if he finds the project is too much for himself. Russ Guyer responded Deanna, refereeing to Deanna Weis, was his back-up. Dianna Weis asked when the one-year start. Joshua Mankowski said it starts after the County Board meeting. Dianna Weis was concerned that the timeframe started from last year when they received stop-work order. They wouldn't be able to finish the project in one month. Jeanne Doheny informed the applicants that they do have the option of requesting an extension if they don't think they will be done in time. Don Reak voiced concern about possible tile lines on the project site that appear to be exposed during the construction. Russ Guyer stated that the area was used as a landfill before they purchased it. They dug up a number of items on the site. Pam Tietz raised concern about access to the lake once the project is done. Russ Guyer responded that they will use the grassed path between the retaining walls. Pam Tietz asked for clarification about the path. Russ Guyer responded that it will be a grassed path that they use to access the lake. Pam Tietz asked if there were plans to install railings. Russ Guyer responded no, the walls are only planned to be approximately three feet high. Continued discussion about the safety of using the grassed path to access the lake. Shirley Katzenmeyer asked what will prevent erosion issues on the site. Russ Guyer responded that it will be grassed. Shirley Katzenmeyer expressed continued concern about erosion issues caused by runoff. Russ Guyer responded that the retaining walls and terraces will stop the water. Shirley Katzenmeyer stated that she thinks this type of project would have worked better in the past. She has more of a concern with our changed rain pattern, receiving larger amounts of rain at once. Al Gehrke recommended the applicant have a back-up plan, maybe steps. Russ Guyer stated it is difficult to move a lawnmower up and down steps. Pam Tietz asked the applicant if he had worked with Environmental Service about the possibility of planting different vegetation down by the lake. Russ Guyer responded yes, Holly Kalbus has recommended wild flowers and plants and grasses. Pam Tietz then said you wouldn't have to mow down there if you had that type of vegetation. Russ Guyer said it is lawn clear down to the lake and that needs to be mowed. Pam Tietz reiterated that she is still concerned about the applicants' safety, not having hand rails. Russ Guyer stated that the access they were told they could use by the realtor didn't have handrails. Pam Tietz said that this would be an opportunity to address this issue. Russ Guyer said they could install handrails. Jeanne Doheny asked if the grassed path was part of the design put together by Bolton & Menk. Russ Guyer said yes. The path is in two different levels. Jeanne Doheny clarified that the path is in two different levels. Russ Guyer responded yes. Don Reak referred to the flat area between two of the retaining walls on the plans. He asked if this is a flat area or area that is already flat. Russ Guyer responded yes. Don Reak then asked if the applicant had hauled some dirt offsite. Russ Guyer replied no, they spread it out. Don Reak then asked if that is where the flat area had come from. Russ Guyer said yes. Don Reak stated he can see how this design will work but he is concerned about the applicant doing the project and getting it completed. Don Reak clarified that the path will only be four feet wide. Russ Guyer said that was right. Pam Tietz wanted to go back to discussing the native plants and flowers. According to the plans, none of the native vegetation is being placed by the water. It is all being planted on the first landing? Russ Guyer responded that there is still a bank that will need to have wild flowers planted on it. We didn't change that area; we will plant wild flowers in it. Pam Tietz spoke with Russ Guyer on clarifying where the different native plants and turf grasses are planned to be planted. Pam Tietz asked how the shoreline was disturbed. Russ Guyer said it was left the way it was.

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. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. **Health and Safety of the owner is an issue. This project needs to be finished and can't be left as is.***
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Discussion was held on the conditions that should be listed for approval and if they should require handrails.

Motion was made by Don Reak to approve the application with the following conditions. 1. If trees are removed due to construction, replacement trees at least 2 inches in diameter and 4.5 feet tall shall 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. 3. Adequate erosion control will be provided during and after construction.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: None
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Pam Tietz. Second by Shirley Katzenmeyer. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

**APPROVED OCTOBER 11, 2018**

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