

#### 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: DECEMBER 13, 2018

TIME: 7:00 PM

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

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

- ITEM #1 Planning Commission Notice of Public Hearing
- ITEM #2 Planning Commission Agenda
- ITEM #3 Mostaghimi Packet
- ITEM #4 Approved December 13, 2018 Meeting Minutes

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

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



## Le Sueur County, MN

Thursday, December 13, 2018 Regular session

## ltem 1

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

Staff Contact: Joshua Mankowski or Michelle R. Mettler

#### LE SUEUR COUNTY PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 507-357-8538 www.co.le-sueur.mn.us

#### NOTICE OF PUBLIC HEARING

#### TO WHOM IT MAY CONCERN:

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

- DATE: DECEMBER 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 **DECEMBER 4, 2018**.

**ITEM #1: ESMAIL & BARBARA MOSTAGHIMI, LE SUEUR, MN, (APPLICANT/OWNER):** Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 25.73 cubic yards within the shore impact zone, 27.93 cubic yards within the bluff, total 61.24 cubic yards on the lot for the construction of retaining walls and patio in a Recreational Residential "RR" District, and a Flood Fringe "FF" Floodplain Overlay District on Lake Tetonka, on a Recreational Development "RD" lake. Property is located in the Lot 11, Auditor's Subdivision, Section 28, Waterville Township.

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

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



## Le Sueur County, MN

Thursday, December 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:** December 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: November 8, 2018 Additions/Corrections/Approval
- 4. Applications

**ITEM #1: ESMAIL & BARBARA MOSTAGHIMI, LE SUEUR, MN, (APPLICANT/OWNER):** Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 25.73 cubic yards within the shore impact zone, 27.93 cubic yards within the bluff, total 61.24 cubic yards on the lot for the construction of retaining walls and patio in a Recreational Residential "RR" District, and a Flood Fringe "FF" Floodplain Overlay District on Lake Tetonka, on a Recreational Development "RD" lake. Property is located in the Lot 11, Auditor's Subdivision, Section 28, Waterville 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.



## Le Sueur County, MN

Thursday, December 13, 2018 Regular session

## ltem 1

Mostaghimi Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

## STAFF REPORT

GENERAL INFORMATION					
APPLICANT/ OWNER:	Esmail & Barbara Mostaghimi				
911 ADDRESS:	50411 Mortensen Lane, Waterville, MN				
PROJECT DESCRIPTION:	To allow After-The-Fact grading, excavating & filling of approximately 25.73 cy in the shore impact zone, 27.93 cy w/in bluff, (.38 w/in biz & 7.2 w/in siz) for total of 61.24 on the lot for the construction of retaining walls and patio.				
PARCEL NUMBER:	14.420.0100				
CUP NUMBER:	18307				
	SITE INFORMATION				
LOCATION:	Lot 11, Auditor's Subdivision, Section 28, Waterville Township				
ZONING DISTRICT:	Recreational Residential and Flood Fringe Floodplain Overlay District				

#### 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.

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

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

GENERAL SITE DESCRIPTION:	Shoreland, residential, bluff, lake frontage
ACCESS:	Existing access off Mortensen Lane
EXISTING LAND USE WITHIN ¼ MIL North: Lake Tetonka East: Residential Development	E: South: Scattered residences West: Residential Development

#### **BACKGROUND INFORMATION**

The applicant was granted a Variance in 2016 to repair an existing deck located within the bluff. Variance was approved as submitted which included the removal of 242 sq feet of concrete in the shore impact zone, 606 sq feet of parking and steps, and also 22 square feet of concrete up near the deck for a total of 870 square feet removal of impervious surface to bring total down to 24.9 % impervious surface on the lot. In follow up to the Variance the Department found that the required impervious surface was not removed and that there had been extensive work done on the property without an approved Conditional Use Permit. By not removing the 870 square feet of impervious surface, the Landowner was in violation of the Variance that had been granted. The ATF project involves grading,

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excavating and filling within the bluff and within the shore impact zone that exceeded the maximum permitted use. Also the retaining walls had been constructed without an approved Conditional Use Permit. The landowner did purchase more land from the neighbor so that the total impervious surface of the lot is less than 25%. The ATF CUP proposal includes the removal of 40 square feet of impervious surface from the concrete in the shore impact zone.

#### TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Tracy Murphy from Waterville Township was contacted on November 13, 2018 by the applicant.

#### NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

LAKE: Lake Tetonka, 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: No wetlands located where the project is proposed.

#### ATTACHMENTS

Application, description of request, site plan, aerial photo, Findings of Fact sheet, Holly Kalbus letter, photographs, Erosion Control Plan, Engineer letter, 2016 Variance and site plan

#### **STAFF FINDINGS**

**ZONING ORDINANCE SECTIONS:** Section 13 Shoreland, Section 18 Environmental Performance Standards, Section 19 Land Use Performance Standards, Section 21 Conditional Use Permits

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 makes reference to shoreland development 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.

#### **DNR GUIDANCE LETTERS:**

1.	Administration, Compliance, and Enforcement	12	pg. 1
2.	Grading & Filling within Shoreland Areas		pg. 3
3.	Natural Shorelines		pg. 5

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- 4. Bluffs and Steep Slopes
- 5. Non-conforming Lots of Record in Shoreland Areas

#### **ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18**

#### **BLUFF:**

- 1. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
- No structure shall be constructed in any bluff or bluff impact zone as defined in this Ordinance. Essential Services shall be exempt from this standard.
- 3. 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.
- 4. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.

#### GRADING, EXCAVATING, OR FILLING:

- 1. There shall be no substantial environmental impact or that such impact shall be alleviated through the County's Erosion Control Standards and other conditions of the permit.
- 2. There shall be no substantial adverse impact on surrounding properties.
- 3. Grading, excavating or filling activities within a shoreland district shall conform to the regulations of this Ordinance.
- 4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
- 5. Fill or excavated material must not be placed in a manner that creates an unstable slope.

Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals as approved by the Department for continued slope stability and must not create finished slopes of thirty (30) percent or greater.

#### **EROSION CONTROL:**

- 1. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
- 2. Erosion and siltation control measures shall be coordinated with the different stages of development.
- 3. Appropriate control measures shall be installed prior to development, when necessary to control erosion.
- 4. Erosion control and stormwater control methods as indicated by the Le Sueur County SWCD shall be implemented.
- 5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

#### DRAINAGE:

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

#### SPECIFIC LAND USE:

#### **Retaining Walls:**

Retaining walls located within the shore impact zone require a Conditional Use Permit.

#### **Impervious Surface:**

- 1. Impervious surface coverage of lots shall not exceed twenty five (25) percent of the lot area.
- 2. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
- 3. Impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, landings, paths and wateroriented accessory structures.

#### **Vegetation Alterations:**

- 1. All vegetative alterations are subject to the following conditions.
- 2. Exposed bare soil shall be covered with mulch or similar materials within twenty four (24) hours.
- 3. A permanent vegetation cover shall be established within fourteen (14) days of completion of the project through a revegetation plan as approved by the Department.
- 4. Removal of vegetation shall not be greater than fifteen (15) feet in width in any contiguous strip.
- 5. Screening of structures or other improvements, including but not limited to parking areas as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced.
- 6. Along rivers, existing shading of water surfaces must be preserved.

#### 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. Proposed drainage plan sufficient to manage stormwater runoff on property.
- b. Retaining wall construction to meet engineer specifications.
- c. Removal of concrete in shore impact zone.

#### PLANNING AND ZONING COMMISSION CONDITIONS

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

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

#### SHORELAND DISTRICT-EVLAUATION CRITERIA

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- 2. The visibility of structures and other facilities as viewed from public waters is limited.
- 3. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this\_watercraft.

#### SHORELAND DISTRICT CONDITIONS

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

#### FLOOD PLAIN OVERLAY DISTRICT-EVLAUATION CRITERIA

- 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- 2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- 3. The proposed water supply and sanitation systems and the ability of these systems to\_prevent disease, contamination, and unsanitary conditions.
- 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5. The importance of the services provided by the proposed facility to the community.
- 6. The requirements of the facility for a waterfront location.

- 7. The availability of alternative locations not subject to flooding for the proposed use.
- 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- 12. Such other factors which are relevant to the purpose of this Ordinance.

#### FLOOD PLAIN OVERLAY DISTRICT CONDITIONS

- 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.

## 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

APPLICATIO 60 DAY RUL		5	1 11	RMIT NUMBER		FEE: \$3,046.00 ES NON-REFUNDABLE
			MOSTAGHIMI	LAND OWNER	: ESMAIL & BARE	BARA MOSTAGHIM
ADDRESS:	113 S PA	RK LANE		ADDRESS:	113 S PARK LAN	IE
CITY:	LE SUEU	JR		CITY:	LE SUEUR	
STATE:	MN	ZIP	56058	STATE:	MN	ZIP: 56058
PHONE:	507 - 351 - 6	644		PHONE:	507 - 351 - 6644	
<b>911:</b> 50411 M	ORTENSEN	LANE. WAT	ERVILLE			
PARCEL #:	14.420.0100				TOWNSHIP:	WATERVILLE
SEC:	28	SUBDIV:	AUDITORS S	UBDIVISION	DISTRICT:	RR/FF
TWP:	109	LOT:	11			
RANGE:	23	BLOCK:			FEMA PANEL #	# 27079C0430D
QTR/QTR:		ROAD:	PVE		FLOOD ZONE:	AE

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 ATF GRADING, EXCAVATING & FILLING OF APPROXIMATELY 25.73 CY IN THE SIZ, 27.93 CY W/IN BLUFF, (.38 W/IN BIZ & 7.2 W/IN SIZ) FOR TOTAL OF 61.24 ON THE LOT FOR THE CONSTRUCTION OF RETAINING WALLS AND PATIO.

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

#### 3.) Special Conditions of Conditional Use Permit.

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

kand Mal	upm	WOV-14-18	
APPLICANT/PROPE	RTY OWNER	DATE	
Michelle XM	ISLA	11-12-18	
LE SUEUR COUNTY PLANNING A	ND ZONING AUTHORITY	DATE	
PUBLIC HEARING DATE: _	12/13/2018	ACTION:	
AS WRITTEN -		WITH CONDITIONS	
COUNTY BOARD DATE:		ACTION:	
AS WRITTEN		WITH CONDITIONS	
CHAIRMAN, LE SUI PLANNING AND ZONII		_ DATE	

CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS DATE

### LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18307

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Explain         7. The conditional use is consistent with the Comprehensive Land Use Plan.         Don Rk       Pam         Doug       Jeanne         Shirley       Don Ry         Al       TOTAL         Explain	6.	The condition objectives in	onal use i n the Ordi	s consister nance.	nt with and	supported	l by the sta	tement of	purposes, p	policies, goals and	
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	e:					DENIE	DP	Z Chairpers	son		
COUNTY BOARD MEETING DATE											
			COL	JNTY BOA	RD MEET	ING DATE					



Date: 11/28/18

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

Applicant: Esmail & Barbara Mostaghimi

**Property owner:** Esmail & Barbara Mostaghimi

**Property:** 14.420.0100

#### **Description:**

Application for an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 25.73 cubic yards within the shore impact zone, 27.93 cubic yards within the bluff, total of 61.24 cubic yards on the lot for the construction of retaining walls and patio in a Recreational Residential "RR" district, and a Flood Fringe "FF" Floodplain Overlay district on Lake Tetonka, on a Recreational Residential "RD" lake.

#### **Recommendation:**

It would be my recommendation to approve the application with the condition(s) listed below. The existing retaining walls were failing and needed to be replaced. A tile was installed on the property to help mitigate stormwater runoff.

#### Condition(s):

- 1. Improve the rain gardens that were previously installed by adding deep rooted Minnesota native vegetation.
- 2. Install rock and native vegetation around tile intakes in order to help infiltrate and remove sediment from the stormwater on the property.
- 3. Remove concrete surface 4 in addition to the 40 square feet that is proposed to be removed by the applicant. As part of the variance that was granted in 2016, the entire concrete surface near the boat house was to be removed. This will decrease a significant amount of impervious surface located in the shore impact zone, and thus, reduce sediment to the lake.
- 4. Reduce the height of Retaining Wall 16 to be similar height to the ground level (approximately 3 landscaping timbers to be removed). The current height of the wall is unnecessary and would require additional fill in order to have a functional retaining wall.
- 5. Install erosion control measures (coir logs, erosion control blanket, etc.) on the southern section of the property on hillside near the gravel road in order to help prevent runoff and erosion to the applicant's property.

6. Install at least one best management practice such as a tile intake or planting deep rooted Minnesota native vegetation on the hillside near the gravel road. This should help slow down and prevent runoff and erosion to the applicant's property.

Sincerely,

 $q^{ij}$ 

al.

Holly Kalbus Le Sueur County Environmental Resources Specialist

## Le Sueur County

## Conditional Use Application-Grading, Excavating & Filling

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

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

1.	Applicant: Name <u>Esmail and Barbara Mostazhimi</u> Mailing Address <u>113 S. Part Lane</u> City <u>Le Sueur</u> <u>State MN Zip SLOS8</u> Phone # <u>SD7-351-6644</u> Phone # <u>SD7-351-6645</u>
11.	Landowner:
	Name Esmail and Barbara Mostaghim: Mailing Address 1135, Park Lane
	City Le Sucer State MN Zip SE058
	Property Address <u>SD411 Mortensen Lane</u> City <u>Waterville</u> State <u>MN</u> Zip <u>Sb096</u>
	Phone # $507 - 351 - 6644$ Phone # $507 - 351 - 6645$
III.	Parcel Information:         Parcel NumberKIY, 420,0100       Parcel AcreageS5_526_Sq_Ff-         Attach Full Legal Description ( <u>NOT</u> abbreviated description from tax statement)         TownshipIIGN NorthSectionSectionSectionSubdivisionSbLotBlock

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

Waterville Township Township notified on 11-13-18 (Township Name) (Date)

Board Member Mirphy. regarding the proposed use.

#### V. Quantities and Submittal Formats:

- a. 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.
- 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.



	ditional Fees: ecial Meeting	\$ 2,000	
-Afte	er-The-Fact Penalty \$1	,500 ØR 10% of improvement, which	hever is greater
Туре	of Request: Gradin	g, Excavating or Filling.	
	n-Shoreland	Cubic yards of materia	al movement:
	J Within Bluff Impact Zor J Within Bluff		al movement:
L		TOTAL cubic yards of materia	al movement: I movement:
📮 Sh	oreland- Outside Shore	Impact Zone Cubic yards of materia	al movement:7.20
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3	Within Bluff	TOTAL cubic yards of materia	al movement: <u>27.93</u> movement: <u>61.24</u>
L C	Assurance security sha	all be required for projects that are >1	500 cubic vards
		Stells / M M	
	A second second second second	-see attached	
a. A	full description of reques hat general types of equ	st with detailed information including ipment may be used in the operation	what operations are to occur and must be attached.
<b>b.</b> C	Complete the following in	relationship to the proposed Condition	onal Use Permit.
1.	ENVIRONMENTAL IMPAC	Ст:	Paper Alustican ( 1995)
2.	ADVERSE IMPACT ON SU	JRROUNDING AREAS:	
3.	STORMWATER RUNOFF:	<u>han an tao bhaile da bh</u>	Cualityser (1996)
4.	DOES ANY PART OF THE	PROJECT EXTEND BELOW OHWL:	a (
5.	WETLAND IMPACT:		and the second
6.	SLOPE STABILITY:		
7.	CERTIFICATE OF INSURA	NCE:	and all all all all all all all all all al
	MEET ALL APPLICABLE (	COUNTY STATE & FEDERAL REGULATION ansing and/or permitting)	IS:
8.	(i el example daditorial noo	net limited to the fallowing	
	Plan: Shall include but	not limited to the following:	
Site I	Plan: Shall include but		oposed topography
Site F	Plan: Shall include but i Parcels < 5 AC = 2-fo Parcels 5-20 AC = 5-fo	oot contours depicting existing and pro ot contours depicting existing and pro	oposed topography.
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Site F	Plan: Shall include but i Parcels < 5 AC = 2-fo Parcels 5-20 AC = 5-fo Parcels >20 AC = 10-f Location of grading, exca Location of areas for obt Tree inventory of all tree (Caliper of 6 inches) North point Setbacks Property Lines	oot contours depicting existing and pro- foot excavated not any and/or filling sites. to pro- foot excavated not any and/or filling sites. to pro- foot excavated not any	oposed topography. oroposed topography. materials. ed. <i>cound level</i> ). s • Septic system res • Well • Access (size & location)
Site F	Plan: Shall include but i Parcels < 5 AC = 2-fo Parcels 5-20 AC = 5-fo Parcels >20 AC = 10-f Location of grading, exca Location of areas for obt Tree inventory of all tree (Caliper of 6 inches) North point Setbacks Property Lines	oot contours depicting existing and pro- foot contours depicting existing existing and pro- foot contours depicting existing and pro- foot contours depicting existing and pro- foot contours depicting existing and pro- avating indicating transmission of excavated noise.• Lake• Existing Structures • Proposed Structures • Lot Dimensions • Ponds	oposed topography. proposed topography. materials. ed. ound level). s • Septic system
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### X. Restoration Plan: Shall include but not limited to the following:

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

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

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

-Must meet NPDES requirements and prepared by a licensed professional engineer.

XII.

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J.

Procedure:

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

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

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

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

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

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

#### XIII. Signatures:

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

Applicant signature

NOV-11-18 Date U-U-18

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

<u>NOV-11-18</u> Date 11-11-18 3

#### OFFICE USE ONLY

### Request: GRADING, EXCAVATING & FILLING

<ul> <li>Shoreland - Outside Shore Impact Zone</li> <li>Within Shore Impact Zone</li> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	Cubic yards of material movement: Cubic yards of material movement
<ul> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> <li>TOTAL</li> <li>Shoreland - Outside Shore Impact Zone</li> <li>Within Shore Impact Zone</li> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	Cubic yards of material movement: Cubic yards of material movement wovement: Cubic yards of material movement wovement
<ul> <li>Within Bluff</li> <li>TOTAL</li> <li>Shoreland - Outside Shore Impact Zone</li> <li>Within Shore Impact Zone</li> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	Cubic yards of material movement: cubic yards of material movement wovement wovement wovement wovement wovement wovement
TOTAL Shoreland - Outside Shore Impact Zone Within Shore Impact Zone Within Bluff Impact Zone Within Bluff	cubic yards of material movement:       7,20         e       Cubic yards of material movement:       25,73         Cubic yards of material movement:       258         Cubic yards of material movement:       27,03
<ul> <li>Shoreland - Outside Shore Impact Zone</li> <li>Within Shore Impact Zone</li> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	e Cubic yards of material movement: 7,20 Cubic yards of material movement: 25,73 Cubic yards of material movement: 238 Cubic yards of material movement: 27,20
<ul> <li>☐ Within Shore Impact Zone</li> <li>☐ Within Bluff Impact Zone</li> <li>☐ Within Bluff</li> </ul>	Cubic yards of material movement: 25,73 Cubic yards of material movement: 27,93 Cubic yards of material movement: 27,93
<ul> <li>Within Shore Impact Zone</li> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	Cubic yards of material movement: 25,73 Cubic yards of material movement: 27,93 Cubic yards of material movement: 27,93
<ul> <li>Within Bluff Impact Zone</li> <li>Within Bluff</li> </ul>	Cubic yards of material movement: <u>38</u> Cubic yards of material movement: <u>27, 93</u>
Within Bluff	Cubic yards of material movement: 27,93
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Site Plan	ontrol Plan Meeting Reg (ATF) Spec
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□ Ordinance □ Other	□ Penalty \$ 1500 -
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Application Complete	2 Mit 1/14/18 1 8307

Project stalue \$ 6,000

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#### Le Sueur County Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi 50411 Mortensen Lane Waterville, MN 56096

Page 1 of 2

#### **VIII. Description of Request**

- a. Full Description of Request
  - 1. Operations Occurred
    - i. Retaining Walls
      - Old retaining walls were failing. We left most of the existing timber & stone and put new timber in front. We installed 4" drainage tile behind the new timber.
      - The length & height of the retaining walls remained about the same as what they were with the exception of the retaining wall adjacent to the boat house (Retaining Wall 13 see drawing (B) C1 for measurements). Because this wall is taller than 4 feet, we had an engineer look at it. The engineer provided us with a proposal to secure it. The existing drain tile that starts in front of the house by Mortensen Lane runs along the west side of the house. The existing drain tile then continues by running under the boat house and finally exiting at the lake.
      - The work on the retaining walls was done by hand. There is no access to enable use of any equipment.
      - Some landscaping timber was used along the walkways and around the gardens.
    - ii. Rain Gardens
      - We added multiple rain gardens to help prevent soil erosion (see drawing).

#### 2. Operations to Occur

- i. Secure Retaining Wall 13 drawing (B) C1
  - Secure Retaining Wall 13 adjacent to the boat house using proposal provided by engineer.
    - Dig 5 holes 3' x 6" with 12" diameter, 3.5' apart
      - Dirt from holes will be used to help fill in space after removing portion of Concrete Surface 4 mentioned below (0.31 cubic yards of dirt movement).
    - Put 5 channel flat C4x5.4 in holes and fill in with concrete
    - Each channel flat will be secured on top with a cable clamp
- ii. Remove Portion of Concrete Surface 4
  - Concrete Surface 4 next to the boat house was reviewed by contractor. Contractor's recommendation is to remove 40 sq. ft., which should have no impact on boat house. The concrete will be removed in winter utilizing the ice on the lake to get access. After concrete is removed, 0.69 cubic yards of dirt will be used to fill in (0.31 cubic yards will come from holes dug to secure Retaining Wall 13 mentioned above) and grass will be planted.



#### Le Sueur County Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi 50411 Mortensen Lane Waterville, MN 56096

Page 1 of 2

#### VIII. Description of Request (continued)

- (a. Full Description of Request 2. Operations to Occur)
  - iii. Expand Rain Gardens
    - We need to expand the rain gardens to decrease the amount of stormwater runoff. We also need to add some native vegetation to the gardens.
  - iv. Remove Concrete Surface Under Deck and Install Pavers
    - Remove Concrete Surface under deck due to broken and cracked concrete that's lead to safety concerns. After concrete is removed, 3 cubic yards of sand will be used for leveling when installing pavers.
- b. Following are in Relationship to the Proposed Conditional Use Permit
  - 1. Environmental Impact
    - i. We added multiple rain gardens to help prevent soil erosion. We are planning on adding some native vegetation to the gardens.
  - 2. Adverse Impact on Surrounding Areas
    - i. Minimal to none
  - 3. Stormwater Runoff
    - i. During heavy periods of rain dirt was washing away because of the hills on either side of the roadway leading to our house. We saw where the water was flowing and how the existing retaining walls were not stopping the water from washing away the dirt. Therefore we added new timber in front of the existing retaining walls and added multiple rain gardens.
  - 4. Does Any Part of the Project Extend Below OHWL
    - i. No
  - 5. Wetland Impact
    - i. Not applicable
  - 6. Slope Stability
    - i. We made the slope more stable with adding new timber for reinforcement.
  - 7. Certificate of Insurance
    - i. See attached
  - 8. Meet All Applicable County State & Federal Regulations
    - i. Increased lot size by purchasing additional land, which decreased our impervious surface to 22.8%.



Le Sueur County Conditional Use Application-Grading, Excavating & Filling

Esmail and Barbara Mostaghimi 50411 Mortensen Lane Waterville, MN 56096 VII. Type of Request: Grading, Excavating or Filling

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Outside Bluff Impact Zone

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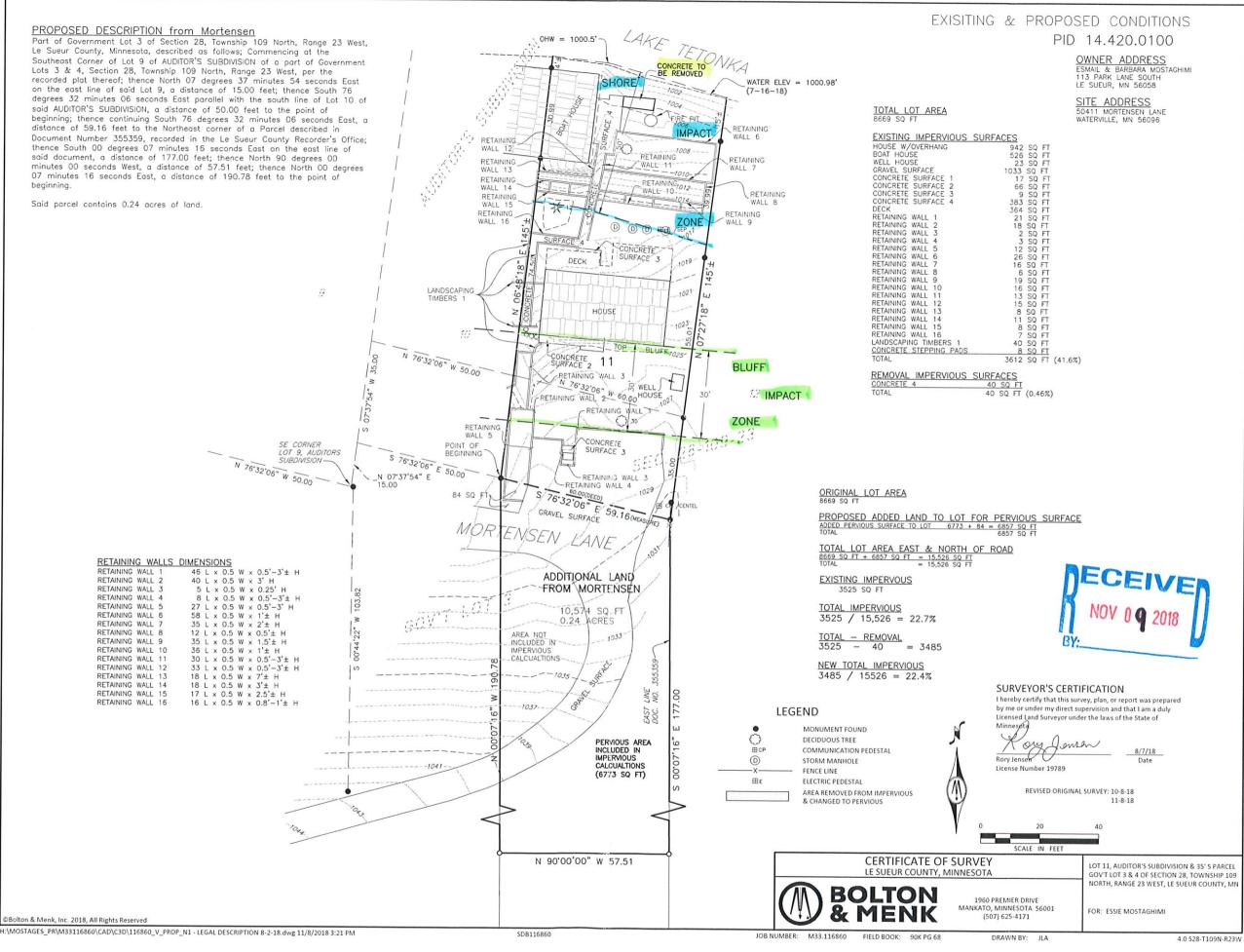
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# SITE PLAN







November 1<sup>st</sup>, 2018

Brosisco LLC 113 S Park LN Le Sueur Mn 56058

RE: Timber retaining wall evaluation 50411 Mortensen Ln Waterville, MN

Thank you for the opportunity to perform a structural evaluation of the timber retaining wall at the address indicated above. It is our understanding that the retaining wall adjacent to the boat house at the above referenced address requires an engineering review because it exceeds the allowed height by the jurisdiction for non-engineered retaining walls.

GP Engineering PLLC performed a visual inspection during our visit on June 6<sup>th</sup>, 2018. The wall was in good condition with no signs of settlement, sliding or overturning at the time of our visit. GP Engineering also measured and documented the existing construction while on site for the purpose of analyzing the 'as-is' wall construction.

Some elements typical of timber retaining wall construction were observed to be present, however, because the wall had already been backfilled, accurate measurements for analysis could not be taken. For example, tieback timbers were observable on the face of the retaining wall but the length of tiebacks and presence of cross plates could not be verified and so they were neglected in the analysis.

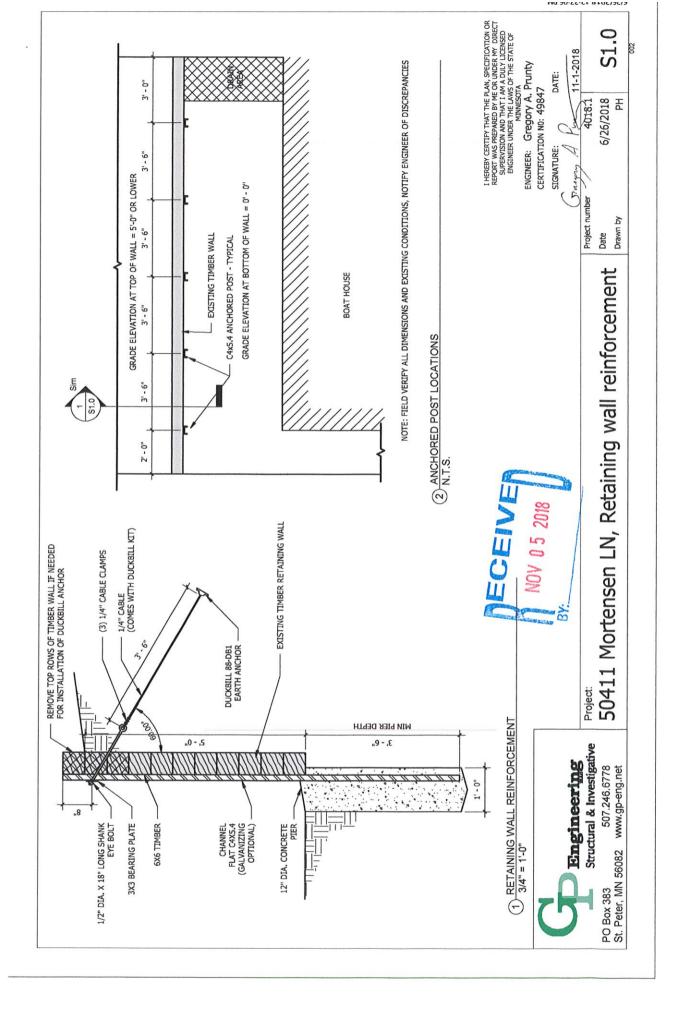
Since we were not able to verify the adequacy of the existing design and construction of the timber retaining wall, we have provided the design for a soldier pile and tieback system that can be retrofit to the existing wall and allow limited reconstruction of elements already in place.

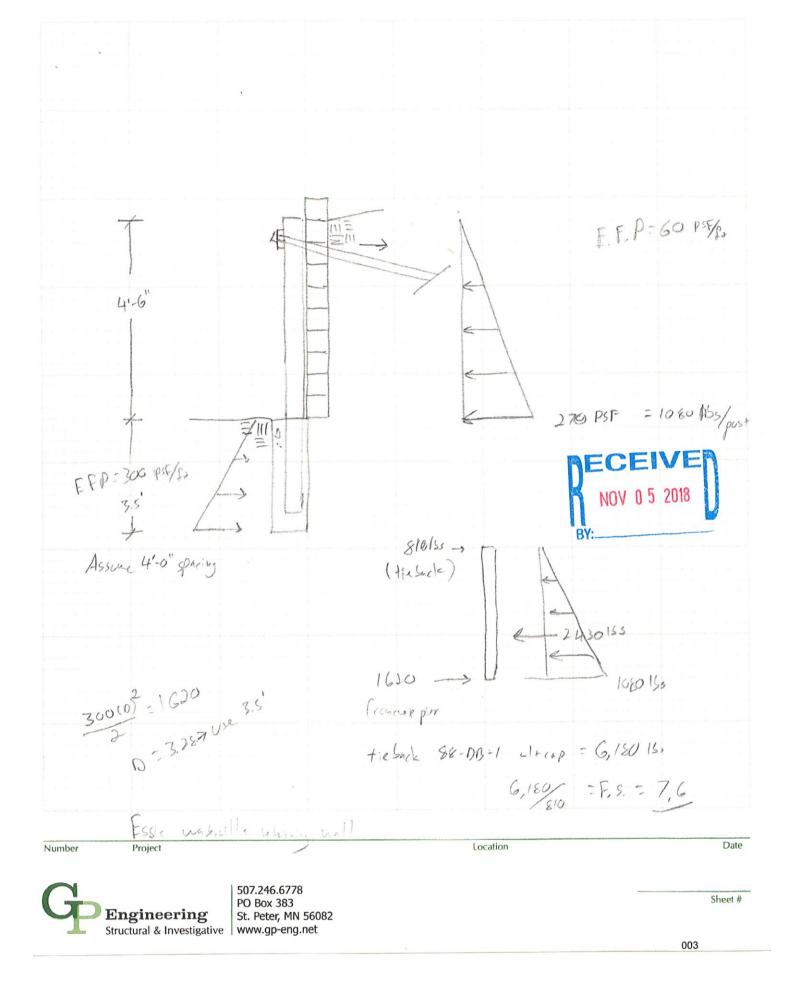
Thank you for the opportunity to work with you on this evaluation. Please contact us at 507-246-6778 if you have any further questions regarding this letter.

Respectfully submitted,

11-1-2018 Gregory A. Prunty PE Lic. # MN 49847

PO Box 383 • St. Peter, MN 56082 gp@gp-eng.net • www.gp-eng.net • Cell 701.367.8926 • Office 507.246.6778 001





## **Duckbill Earth Anchors Holding Capacity**

Duckbill Model	Ultimate Capacity	<u>Normal Soil</u> *	Normal Installation Depth
40	580 lbs	300 lbs	20 inches
	(261 kg)	(135 kg)	(.5m)
68	2,045 lbs	1,100 lbs	30 inches
	( 920 kg )	(495 kg)	(.75m)
88	6,180 lbs	3,000  lbs > 810  lbs	42 inches
	( 2,781 kg )	(1,350 kg)	(1.05m)
138	10,670 lbs	5,000 lbs	60 inches
	( 4,802 kg )	( 2,250 kg )	(1.5 m)

.

Typical Blow Count Per ASTM-D1586. Normal Soil Blow Count Range 24-40. Common Soil Type – Dense Fine Sand; Very Hard Silts and Clays; Dense Clays; Sands; and Gravel; Hard Silts and Clays.

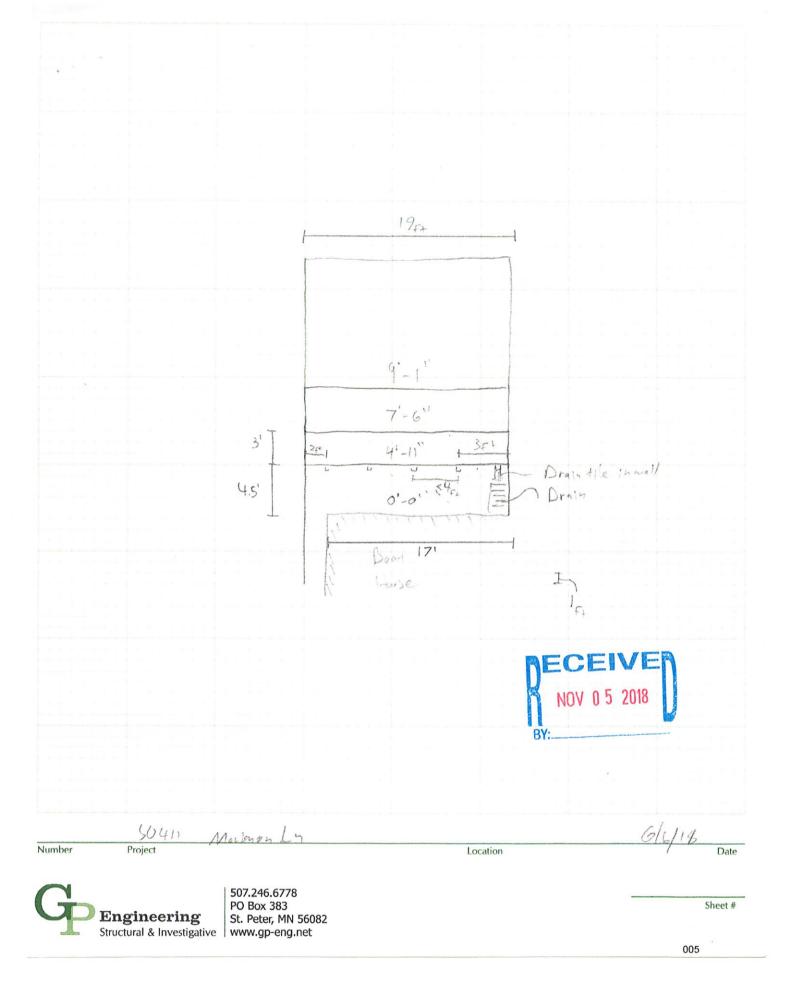


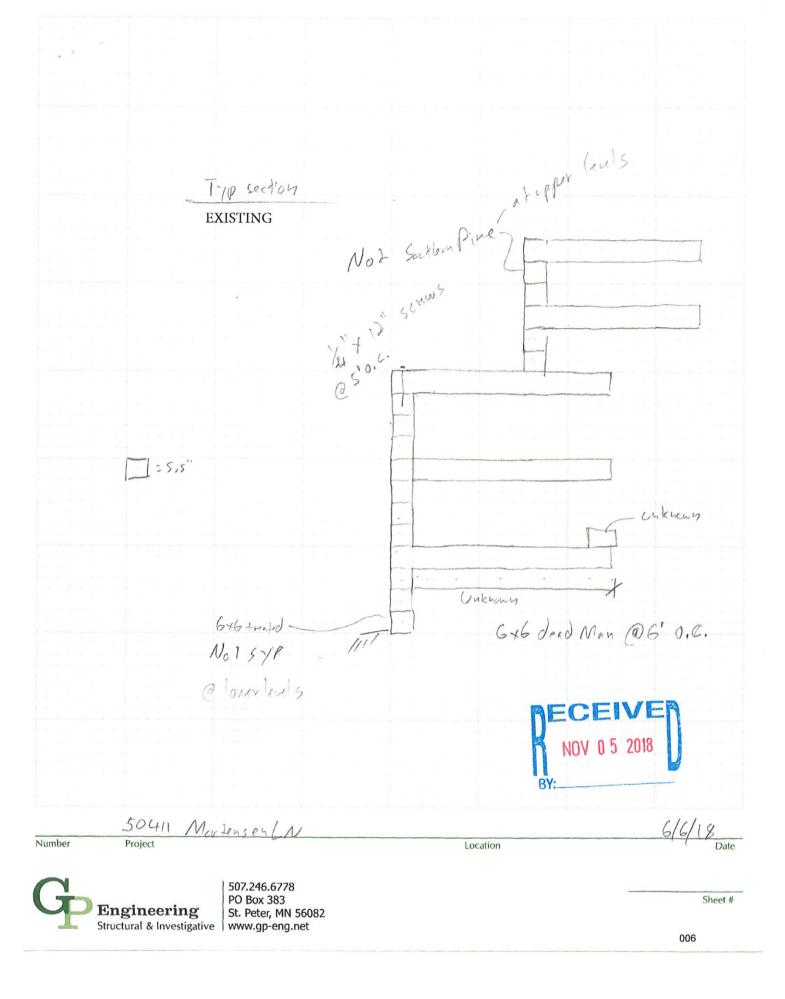


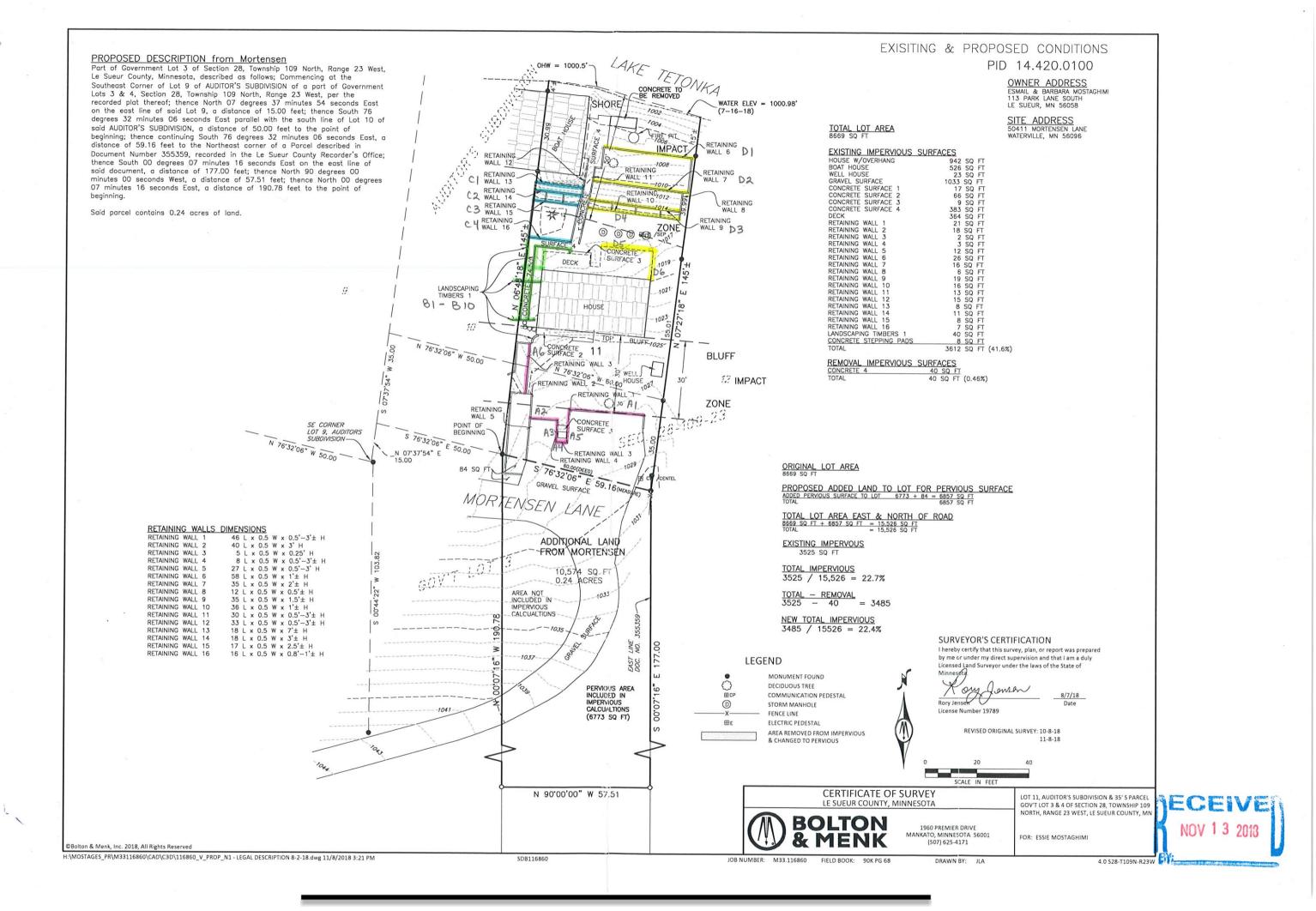
6430 East 49th Drive Commerce City, CO 80022 (USA) WATS: 1-800-325-5360 TEL: 303-286-8955 FAX: 303-287-3866 WEB: www.duckbill.com E-Mail: sales@earthanchor.com

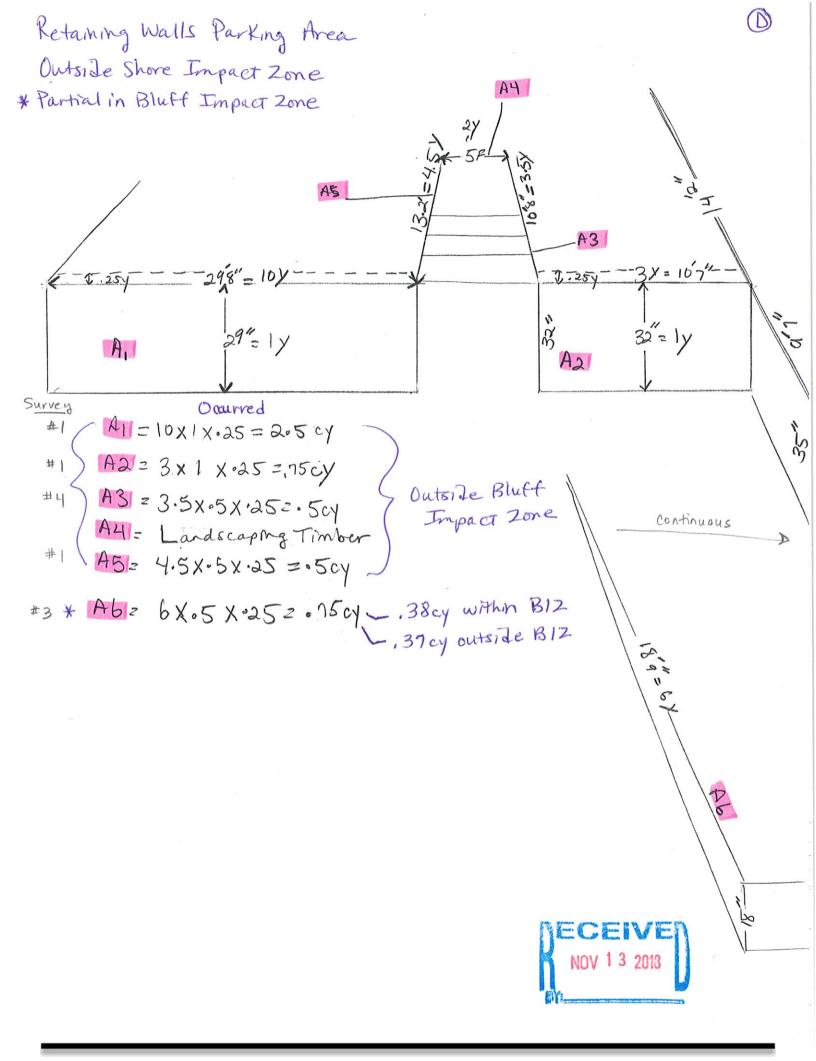


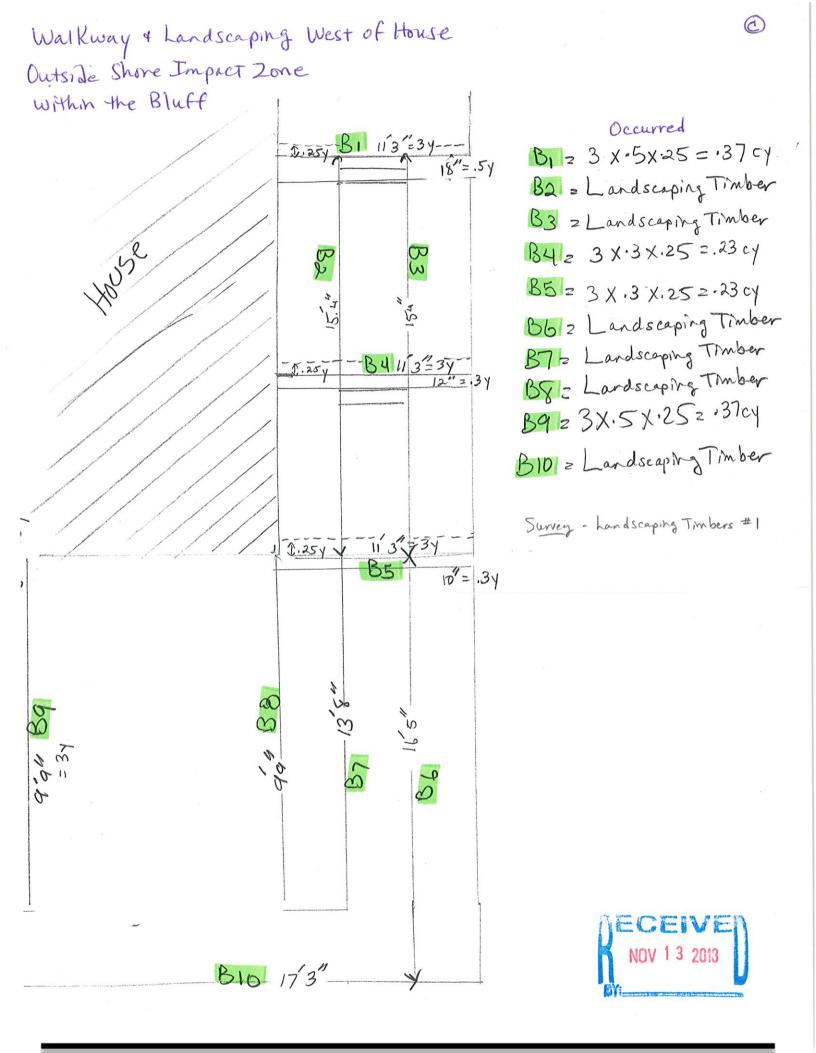
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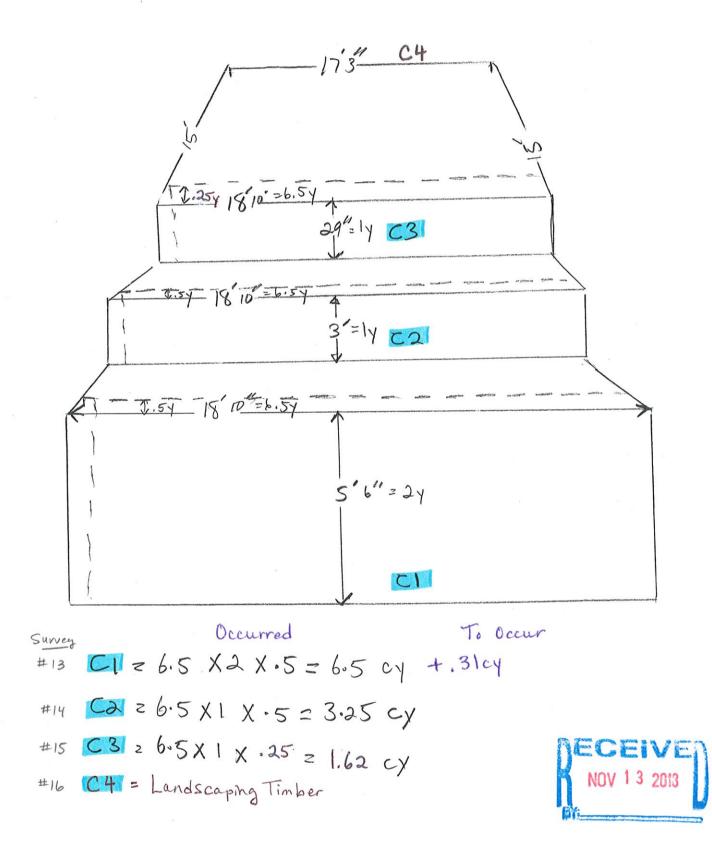




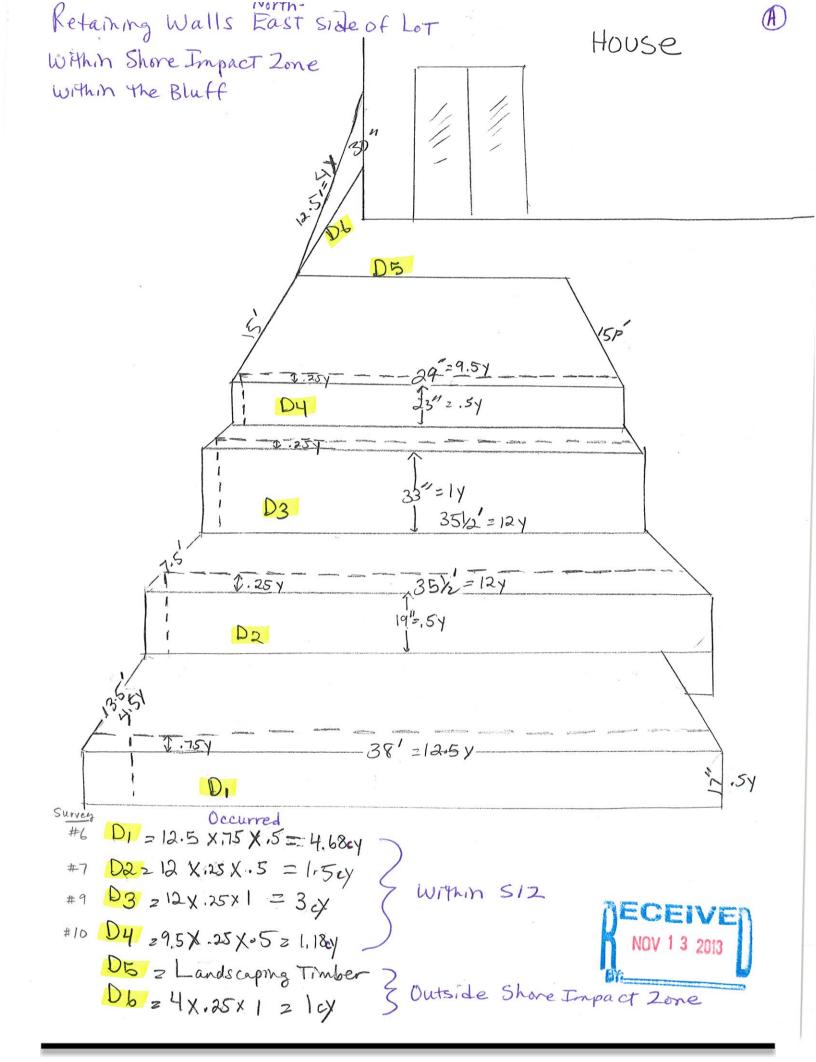




Retaining Walls behind Boat House Within Shore Impact Zone Within the Bluff



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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

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#### **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.

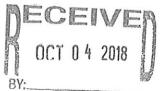
Property Owner:	Esmail and Barbara Mostalghimi PID:
Mailing Address:	1135. Park Lane, Le Sueur, MN 56058
Property Address:	50411 mortensen Lane, waterville, MN SLOGE
Phone: (507) 6	

Responsible party for Implementation/Inspection:

Address: 113 S. Park Ln	LESULURY MN/ 50058
Phone: (507) 351-6644	Mobile/Cell: Sany,

#### 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:

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

- 12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
- 13. Apply fertilizer according to soil test recommendations.
- 14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, 15. 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.

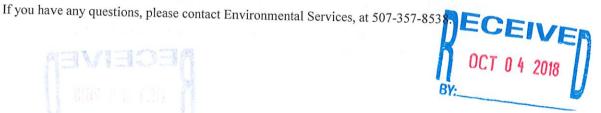
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

Natur

(Person Responsible for Implementation)

001-4-2018





### LE SUEUR COUNTY ENVIRONMENTAL SERVICES 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 (507) 357-8538

Fax (507) 357-8541

5/25/2018

with - 3

Esmail & Barbara Moshtaghimi 113 S Park Ln Le Sueur, MN 56096

Parcel Number: 14.420.0100

To whom it may concern:

As part of your variance that was granted in July 2016, Le Sueur County needs to verify that the proposed conditions were completed for the property located at 50411 Mortensen Ln, Waterville, MN 56096. A site visit was made on Friday, May 25<sup>th</sup> 2018. The variance was approved to allow the applicant to repair an existing deck located within the bluff. During the site visit, it was determined that the conditions listed as part of your variance, specifically removal of the following impervious services: gravel parking & steps, lower concrete pad, and upper concrete pad, was not completed. Presently there is work being done that was not included as part of your variance and are in violation. Any work being done needs to stop immediately.

Le Sueur County Planning and Zoning Ordinance states that the following violations need to be addressed:

- 1) Grading, Excavating, or Filling that is greater than 10 cubic yards within the Bluff Impact Zone (BIZ) requires a Conditional Use Permit (CUP). The BIZ is defined as 30 feet from the top of bank of a bluff.
- 2) Grading, Excavating, or Filling that is greater than 10 cubic yards within the Shore Impact Zone (SIZ) requires a CUP. The SIZ for Tetonka Lake is defined as 50 feet from the OHWL.
- 3) A CUP is required if a retaining wall is placed within the SIZ or within a bluff.
- 4) A CUP is required if Grading, Excavating, or Filling occurs within the bluff.
- 5) A CUP is required if impervious surface exceeds 25% of the total lot area.

Another issue on site that could be in violation includes:

• Greater than a total of 50 cubic yards lot material being Graded, Excavated, or Filled within shoreland. Shoreland for a lake is defined as the distance of 1000 feet from the OHWL.

You must inform your contractor immediately to stop all work, and put erosion control measures in place. Please contact me in order to address the violations that were listed. I can be reached by phone at (507) 357-8540, via e-mail at <u>hkalbus@co.le-sueur.mn.us</u> or at the address located below. Once we discuss the violations, you need to come into our office to apply for a permit. Michelle Mettle or Josh Mankowski

will be your point of contact at that time. Your timely response to this matter is appreciated; please notify us within two weeks of receiving this letter.

Respectfully,

1.1 "

Sally Haler

Holly Kalbus Le Sueur County Environmental Services Environmental Resources Specialist

Physical Address: 515 South Maple Ave, Le Center, MN 56057

### Michelle-

I meet with Essie on 10/5/2018 to discuss with him how to address stormwater runoff and improve drainage for his lot. After talking with Essie, we had agreed on a few projects/ideas that would work .

- First, we discussed adding rock and native vegetation around tile intakes to help slow the stormwater and infiltrate any sediment.
- Secondly, Essie would like to add some vegetation near his trees that are closest to the lake. It is difficult for him to mow in this area, and again it will help with runoff.
- Another area that Essie would like to add some native plants is just to the west of his steps that head down to the lake.
- One project that I believe will help tremendously is adding some kind of best management practice (such as a rain garden, grassed waterway, etc.) near the road and steep hillside. It sounds like the water is creating major erosion problems in that area, and eventually the water drains to his lot.
- It didn't sound like Essie had a problem with removing the concrete surface near his boat house, but he is concerned on how to go about getting it removed. I suggested that utilizing the ice in winter in order to get access to the concrete pad would be ideal. Essie said he was having difficulty finding a contractor that would do this. I gave him a list of local contractors to call and let us know if he finds someone who would be able to do the work.

My biggest concern with this lot is the amount of water that is coming from the steep road and hillside to his property. We came up with some ways that will hopefully slow down the water, but also infiltrates some of the nutrients and sediments that it will carry.

D	ECEIVE	R
n.	NOV 0 5 2018	-
BY:_		2

Holly telbus

### DOCUMENT NO. 405273 July 26, 2016 2:50 PM

Certified filed and or recorded on above date

SHARON J. BUDIN, RECORDER Le Sueur County, Minnesota Pages 2

Well Cert Received Well Cert Not Required

### STATE OF MINNESOTA COUNTY OF LE SUEUR

### LE SUEUR COUNTY BOARD OF ADJUSTMENT VARIANCE PROCEEDINGS

### IN THE MATTER OF: ESMAIL AND BARBARA MOSTAGHIMI

REQUEST: Allow the applicant to repair an existing deck located within the bluff in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Tetonka.

#### **ORDER GRANTING VARIANCE # 16157**

### OWNER: ESMAIL AND BARBARA MOSTAGHIMI

The above entitled matter came on to be heard before the Le Sueur County Board of Adjustment on the 21 day of July, 2016, on a petition for a Variance pursuant to the Le Sueur County Zoning Ordinance, for the following described property: **SEE ATTACHED** 

IT IS ORDERED that the Variance be granted as written with the following conditions or reasons:

- 1. The Variance is reasonable.
- 2. The alleged practical difficulty is unique to the property.
- 3. The circumstances causing the practical difficulty were created by someone other than the landowner.
- 4. The issuance of the Variance will maintain the essential character of the locality.
- 5. The alleged practical difficulty involves more than economic considerations.
- 6. The Variance is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.
- 7. The Variance is consistent with the Comprehensive Plan.

SS.

8. The footprint of the deck remains the same and the existing footings are used.

DATED THIS	22 <sup>nd</sup>	DAY OF	Juli	1	_, 2016.
			Hathy	Brock	way
		LES	SUEUR COL	INTY ZONIN	G AUTHØRITY

STATE OF MINNESOTA )

LE SUEUR COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OF LE SUEUR )

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my hand at Le Center, Minnesota, in the County of Le Sueur, on the  $26^{rr}$  day of 5cr, 2016.

LE SUEUR COUNTY ADMINISTRATOR

SEAL AFFIXED

### ARIANC

#### LE SUEUR COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT 88 SOUTH PARK AVENUE LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATI 60 DAY RUI		4/2016 P. /13/2016	ERMIT NUMBE	R 16157 FEE	\$646.00
APPLICAN' ADDRESS:	T: ESMAIL & BAR 113 S PARK LN	BARA MOSTAGHI	PROPERTY OV ADDRESS:	WNER: ESMAIL & BARI 50411 MORTENSEN LN	BARA MOSTAGHIMI
CITY: STATE: PHONE:	LE SUEUR MN 507-351-6644	ZIP: 56096	CITY: STATE: PHONE:	WATERVILL MN ZIP: 507-351-6644	56096
PARCEL NO:	14.420.0100	TOWNSHIP	WATERVILLE	911: 50411 MORTEN	SEN LN, WATERVILLE
SEC:	28	SUBDIV:	AUDITORS PLAT		
TWP:	112	LOT:	11	ZONE:	RR
RANGE:	23	BLOCK:		FEMA PANEL #:	27079C0430D
Q/Q:		ROAD:	PVT	FLOOD ZONE:	X OUTSIDE

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

1.) Reason for Requested Variance:

,

TO ALLOW THE APPLICANT TO REPAIR AN EXISTING DECK LOCATED WITHIN THE BLUFF.

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

### 3.) Special Conditions of Variance:

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

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

BOARD OF ADJUSTMENT CHAIRMAN

\*\* FEES ARE NON-REFUNDABLE\*\*

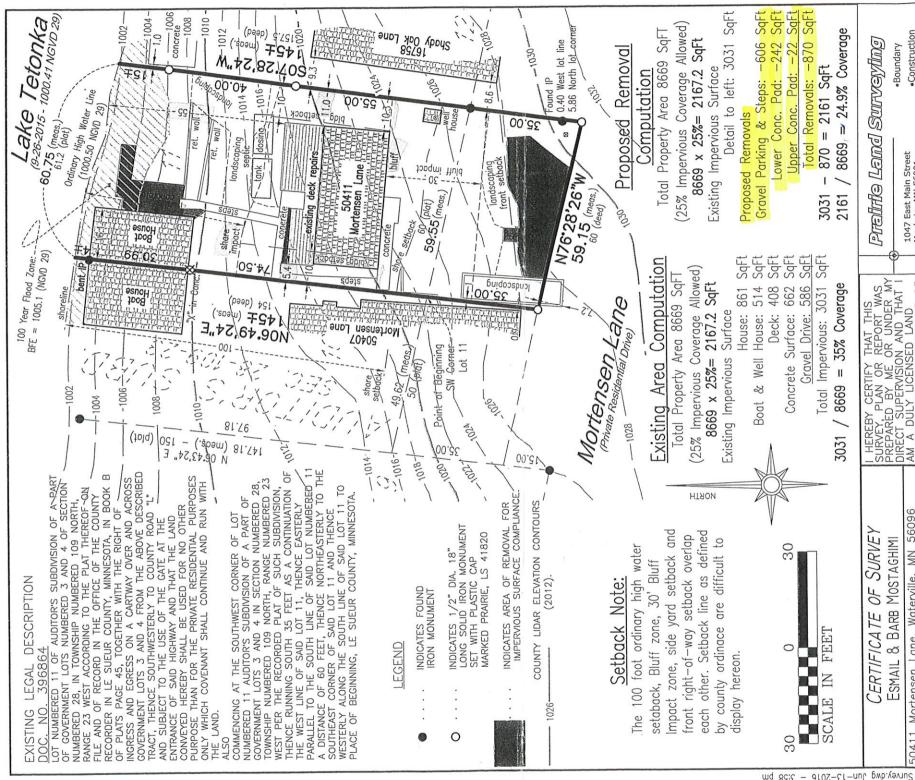
<u>6-14-16</u> DATE

<u>Le-14-16</u> DATE

DATE

ON-SITE TOU	R DATE:	7/21/2016
PUBLIC HEARING DATE:	7/21/2016	_ ACTION: Approved
AS WRITTEN		WITH CONDITIONS
QUANNES. Dohuman		7-21-16

BUILDING SITE MUST BE STAKED OUT THE MONDAY PRIOR TO THE MEETING OR THE APPLICATION WILL BE TABLED.



1432 Mostaghimi Deck Survey.dwg Jun-13-2016 - 3:58 pm

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<ul> <li>Construction</li> <li>Subdivisions</li> <li>ALTA</li> </ul>		) , ,
8	ł	Survey
1047 East Main Street Mankato, MN 56001 jveroeven@drafter.net (507) 469-5997 Prairial and Sirinavino com	בומווורדמומסמ אלאייואייסוו	Reliable, On-Time Surveys.
OF		
AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINJESOTA.	DATE: 06-13-2016	LICENSE NO. 41820
s I, of Ir Co.	15-1432 DATE	-109-23 ty review
50411 Mortensen Lane, Waterville, MN 56096 Lot 11, Auditor's Subdivision & 35' S. parcel, of Gov't Lot 3 & 4, Sec. 28-109-23, Le Sueur Co. Record Deed Doc. No. 396864	DRAFTER: JOB No: 1	, NW/4 Sec. 28-109-23 06-02-2016 Cnty review
Lane, Water Subdivision Sec. 28-1( No. 39686	PLS Mostaahimi	Le Sueur Co.,
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50411 Mortensen Lane, Wate Lot 11, Auditor's Subdivision Gov't Lot 3 & 4, Sec. 28-1 Record Deed Doc. No. 39686	FIELD BOOK: PLS CRD FILE: 1432 Mostaahimi	FILING: REV. DATES:



AE 100 vr flood 7079C0430D

> F-Zone: RFPE:

Mostaghim

VV

NAME: PID: Date: Firm #:

Recreational/ Residential & Flood Fringe

District:

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Floodplain







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

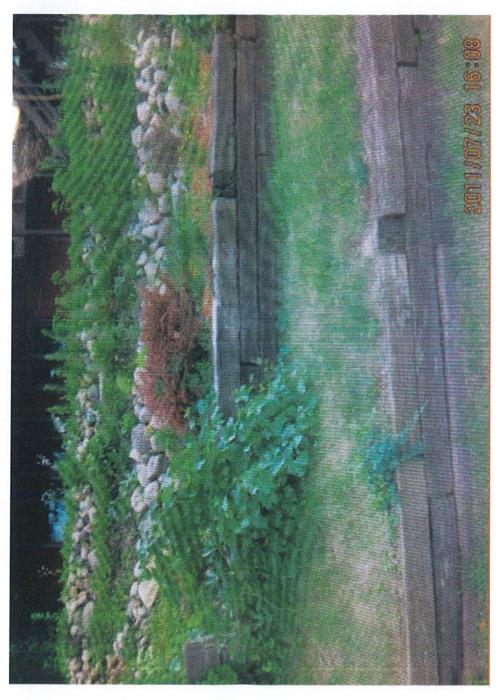




Le Sueur County



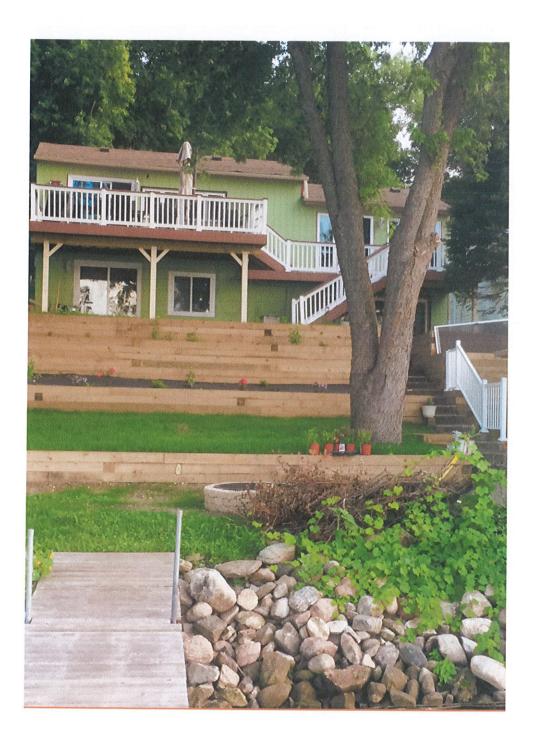






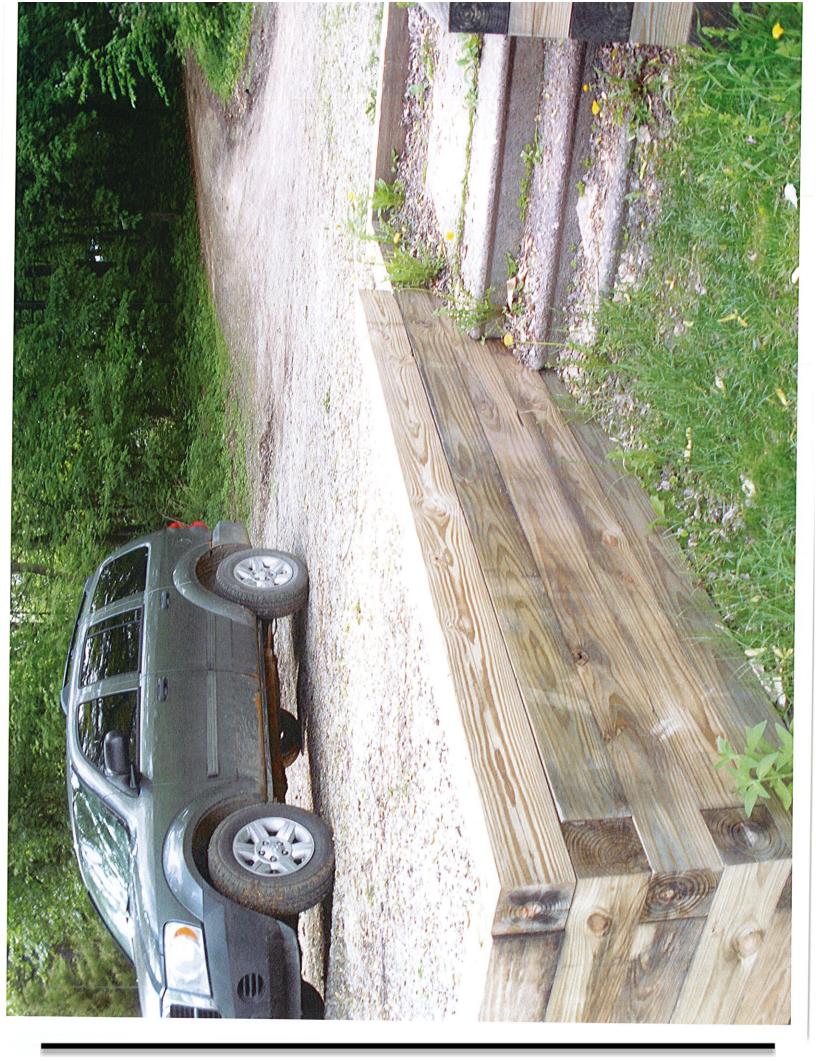


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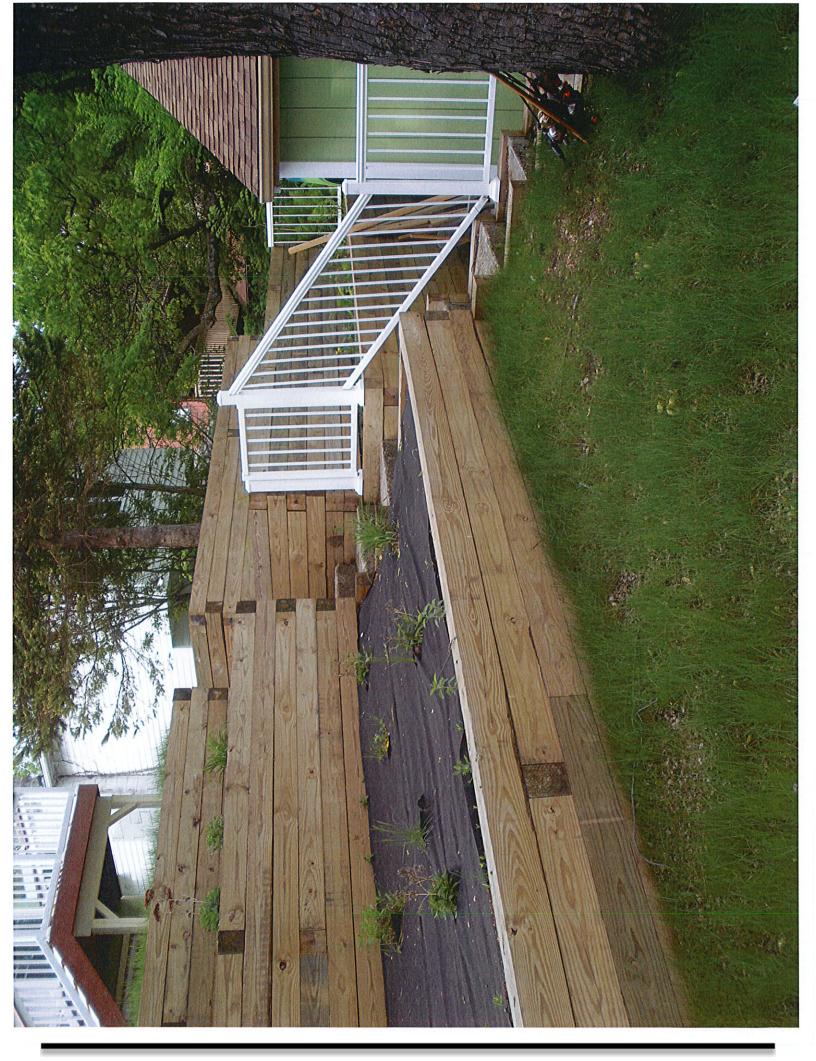


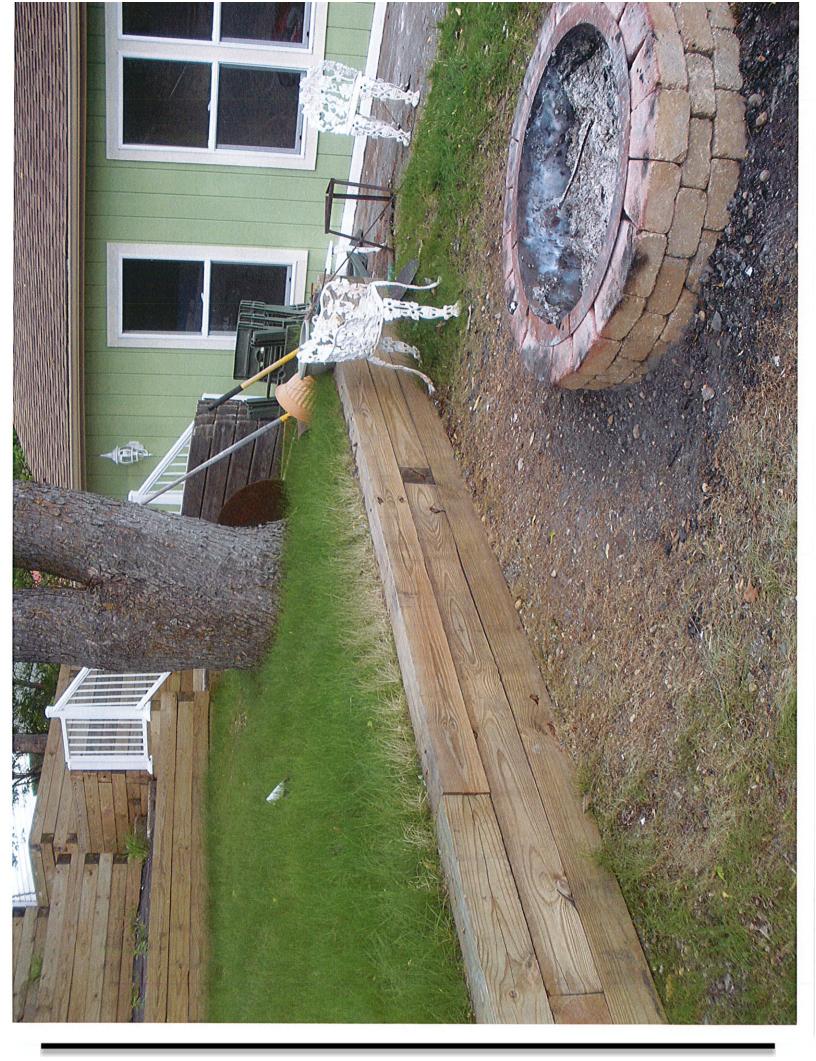


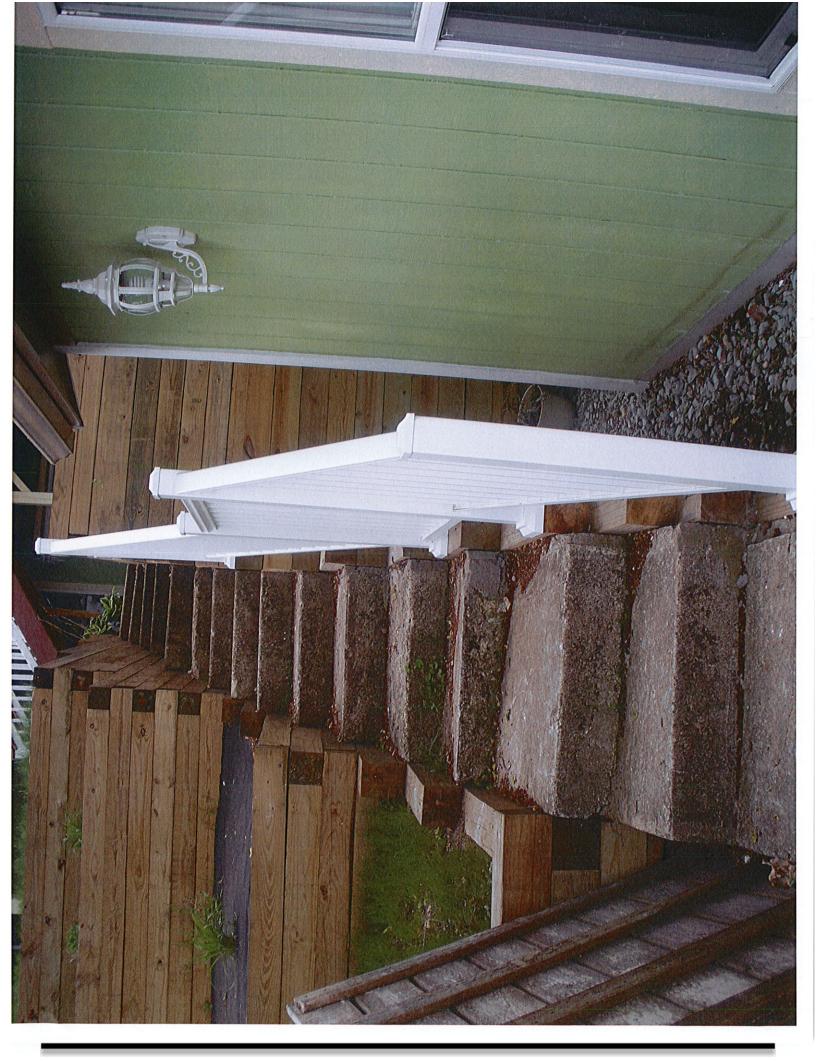


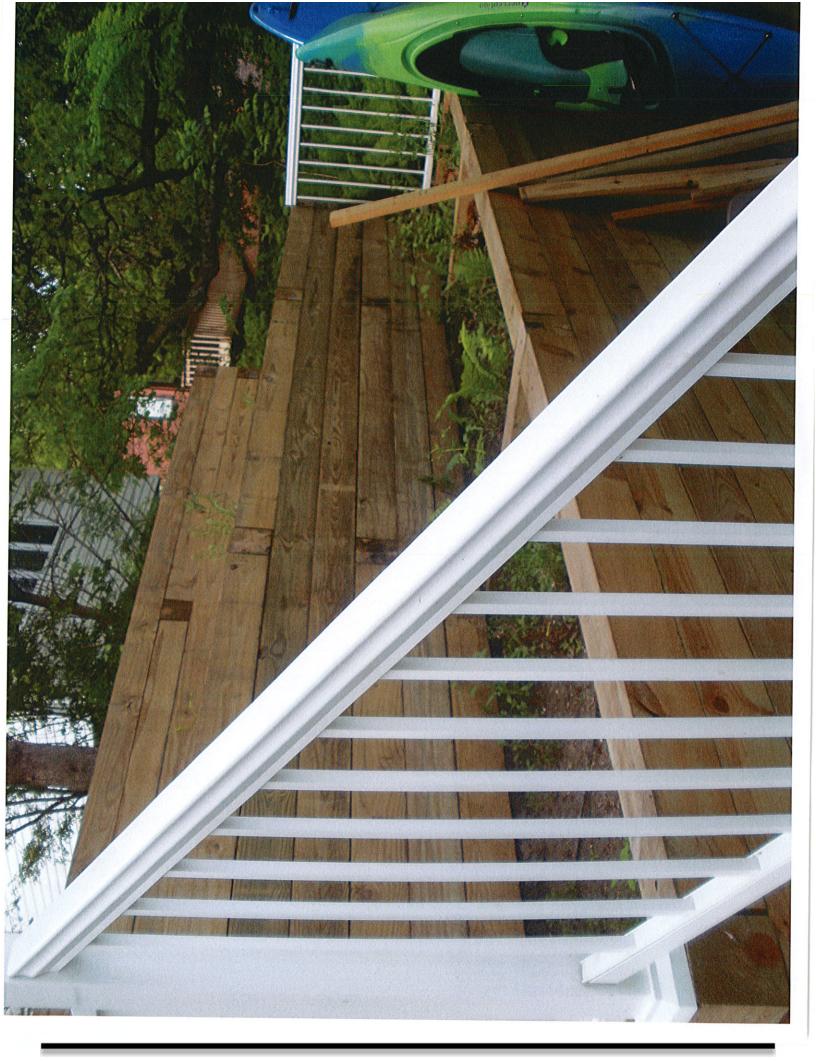














# Le Sueur County, MN

Thursday, December 13, 2018 Regular session

## ltem 1

### Approved December 13, 2018 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle R. Mettler

### LE SUEUR COUNTY PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 December 13, 2018

MEMBERS PRESENT:	Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz, Commissioner John King
MEMBERS ABSENT:	Don Reak
OTHERS PRESENT:	Joshua Mankowski

- 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 Doug Krenik. Approved.
- 3. Minutes from November 8, 2018 Meeting. Motion to approve minutes, was made by Doug Krenik. Second by Shirley Katzenmeyer. Approved.
- 4. Applications

**ITEM #1: ESMAIL & BARBARA MOSTAGHIMI, LE SUEUR, MN, (APPLICANT/Owner):** Request that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of 25.73 cubic yards within the shore impact zone, 27.93 cubic yards within the bluff, total 61.24 cubic yards on the lot for the construction of retaining walls and patio in a Recreational Residential "RR" District, and a Flood Fringe "FF" Floodplain Overlay District on Lake Tetonka, on a Recreational Development "RD" lake. Property is located in the Lot 11, Auditor's Subdivision, Section 28, Waterville Township.

Joshua Mankowski presented power point presentation. Esmail Mostaghimi was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

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

PUBLIC COMMENT: None

Discussion was held regarding: Esmail Mostaghimi explained that the old retaining walls on the property were failing. A lot of water runs down to his home from the road and surrounding area and runs along both sides of the house to the lake. Water would run off his property and was getting into his neighbor's house. The work was done to address the water issues on his property. It was clarified that the additional material movement needed to meet the engineer's recommendations for reinforcing the retaining walls was included in the requested material movement. Continued discussion on the impacts water runoff was having on the lot and steps taken to address this issue, including replacing retaining walls and the addition of drain tile. Issue of erosion around the boat house was discussed.

Discussion on the type of conditions that could be imposed on permit approval was had, including placing conditions on permit approval in relation to conditions that were not met for a variance from impervious surface that was previously approved. The conditions of that variance were not meet and still need to be addressed. Impacts the proposed conditions may have on the boathouse and retaining wall longevity was debated.

Motion was made by Al Gehrke to Table the application. Reason for tabling was to allow for staff to provide additional information on possible conditions and how they relate to conditions set by the Board of Adjustment for a variance on the property.

Discussion was held regarding: None.

Second by Doug Krenik. Motion approved. Motion carried.

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

Respectfully submitted,

Joshua Mankowski

Approved January 10, 2019

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