

LE SUEUR COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 (507) 357-8538

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: FEBRUARY 21, 2019

TIME: 3:00 PM

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

PURPOSE: To hear testimony from interested parties and consider Variance Applications as provided by the Zoning

Ordinance of Le Sueur County as described below:

ITEM #1 Board of Adjustment Notice of Public Hearing

ITEM #2 Board of Adjustment Agenda

ITEM #3 Kopesky-Deatley Packet

ITEM #4 Camas Packet

ITEM #5 Approved February 21, 2019 Meeting Minutes

INFORMATION AVAILABLE FOR REVIEW AT THE ENVIRONMENTAL SERVICES DEPARTMENT APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT February 21, 2019.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR



Le Sueur County, MN

Thursday, February 21, 2019 Regular Session

Item 1

Board of Adjustment Notice of Public Hearing

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING BOARD OF ADJUSTMENT 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 (507) 357-8538

www.co.le-sueur.mn.us

TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD

DATE: FEBRUARY 21, 2019

TIME: 3:00 PM

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

PURPOSE: To hear testimony from interested parties and consider Variance and Appeal 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 FEBRUARY 12, 2019.

ITEM #1: ADAM KOPESKY & JAMIE DEATLEY, JANESVILLE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water Level (OHWL) and 48 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development Lake. Property is located at Lots 7, 8, & 9, Tomahawk Point 1st Addition, Section 4, Washington Township. VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS.

ITEM #2: CAMAS, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact (ATF) Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a 10,000-gallon wastewater tank 4 feet from the State Highway 99 road Right-of-Way (ROW) in an Agriculture "A" District. Property is located in the NW 1/4 & SW 1/4, Section 1, Cleveland Township. ATF VARIANCE IS FOR ROAD ROW SETBACK.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD. ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT FEBRUARY 21, 2019.

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



Le Sueur County, MN

Thursday, February 21, 2019 Regular Session

Item 1

Board of Adjustment Agenda

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

MEETING AGENDA

Meeting Date: February 21, 2019

Time: 3:00 pm

Place: Le Sueur County Environmental Services Building

515 South Maple Ave, Le Center, MN

Onsite Date: February 21, 2019

Onsite Time: 1:45 pm

- 1. Call to Order
- 2. Agenda: Additions/Corrections/Approval
- 3. Meeting Minutes: November 15, 2019 Meeting. Additions/Corrections/Approval
- 4. Applications

ITEM #1: ADAM KOPESKY & JAIMIE DEATLEY, JANESVILLE, MN, (APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water Level (OHWL) and 48 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development Lake. Property is located at Lots 7, 8, & 9, Tomahawk Point 1st Addition, Section 4, Washington Township. VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS.

ITEM #2: CAMAS, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact (ATF) Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a 10,000-gallon wastewater tank 4 feet from the State Highway 99 road Right-of-Way (ROW) in an Agriculture "A" District. Property is located in the NW 1/4 & SW 1/4, Section 1, Cleveland Township. ATF VARIANCE IS FOR ROAD ROW SETBACK.

- 5. Discussion Items
- 6. Warrants/Claims
- 7. Adjourn

Board of Adjustment 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 Board of Adjustment publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

^{**}Board of Adjustment Members if you CANNOT be at the meeting contact Mindy at 357-8538.



Le Sueur County, MN

Thursday, February 21, 2019 Regular Session

Item 1

Kopesky-Deatley Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

Adam Kopesky & Jamie Deatley

911 ADDRESS:

28236 Ridge Rd, Cleveland, MN

VARIANCE REQUEST:

To allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water

Level (OHWL) and 48 feet from the road Right-Of-Way (ROW).

VARIANCE NUMBER:

19005

PARCEL NUMBER:

13.651.0070

SITE INFORMATION

LOCATION:

Lots 7, 8, & 9, Tomahawk Point 1st Addition, Section 4 Washington Township.

ZONING & PURPOSE:

Recreational Residential

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

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to shoreland development and

stormwater.

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 resource areas.

Objective 2:

Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design

that protects the resource.

Action 1:

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

Action 2:

Adopt the water quality protections standards and design standards specified under goal #3, actions #1 & #2 to

protect lake water quality.

GOAL #3:

Improve water quality in Le Sueur County.

Objective 1:

The County will undertake actions to help protect groundwater as well as surface water features.

Action 1:

The County will adopt and implement the goals, objectives and actions of the County's Local Water Management

Plan.

GENERAL SITE

DESCRIPTION:

Shoreland, peninsula, three non-conforming lots, one building eligibility.

ACCESS:

Access off Ridge Road

LAKE:

Lake Jefferson, Recreational Development lake

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

Page 1 of 3

BACKGROUND INFORMATION

The property is comprised of three non-conforming lots. The lots are undeveloped and are considered to be one parcel with one building eligibility. Property is located on a cul de sac (not a through street) on a peninsula on Lake Jefferson. The request is build closer to road ROW and OHWL.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, House plans, Holly Kalbus letter

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

1.	Va	riance:	Required:		Ordinance:	Page:							
	a. b.	Dwelling to OHWL: Dwelling to road ROW:	77 feet 48 feet	100 feet 65 feet	Section 13.2, Subdiv. 5.E.1. Section 13.2, Subdiv. 5.B.3.	13-45 13-43							
2.	Re	Refer to DNR Guidance Letters:											
	a.	Administration, Compliance, and I	Enforcement			pg. 1							
	b. The Role of the Variances in Shoreland Management Ordinances												
•	c. Non-conforming Lots of Record in Shoreland Areas												
	d. Structure Setback Requirements												

- 3. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- 4. A Variance may be granted only where the strict enforcement of the official controls will result in a practical difficulty.
- 5. It is the responsibility of the <u>applicant</u> and/or landowner to prove evidence that a practical difficulty exists.
- 6. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

- 1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

2. Additional Considerations:

- a. The exemptions to setbacks for non-conforming lots to the road ROW and OHWL do not help the applicant in this situation. The exemption allows the new dwelling to go closer to the OHWL or ROW as long as it is no closer than the dwelling on either side and at least half the setback to the ROW (32.5') or outside the shore impact zone (50'). The dwelling on one side meets both setbacks.
- b. A Conditional Use Permit will be required for grading, excavating, and filling more than 50 cubic yards to accommodate a lookout and partial walkout basement, and retaining wall.

Page 2 of 3

CONDITIONS

- 1. In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially the objectives of the Ordinance, regulation or provision to which the application is granted.
- 2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
- 3. If approved, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.
- 4. If approved, a zoning permit must be purchased prior to starting construction, Section 26.
- 5. Extension must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.



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

	Direct Dia	(001) 001 0000	1 ax (001) 00	1-0041		
APPLICATIO			IT NUMBER			\$0.00 446
	NG DATE: 3/23/2019		017	GE RD, CLEVELAI		
	ADAM KOPESKY & JAN				Y & JAMII	E DEATLEY
DDRESS:	33546 15TH ST		DRESS:	33546 15TH ST		
CITY:	JANESVILLE	CIT		JANESVILLE	ZID	70017
TATE: PHONE:	MN ZIP: 507-340-0898	116.0000000	ATE: ONE:	MN 507-380-3984	ZIP:	56017
OWNSHIP:	WASHINGTON	PARCEL NO	***************************************	4.008,0070		
EC:	4	SUBDIV:		K POINT 1ST ADD		
WP:	109	LOT:	7,8,9	ZONE:	RR	
ANGE:	25	BLOCK:		FEMA PAN	EL# 270	79C0265D
/Q:	SE/NE	ROAD:	RIDGE RD	FLOOD ZO	NE· XO	UTSIDE
(We), the unde	rsigned, owner(s) and/or a	pplicant of the pro	perty describe	d herein, do hereby	respectful	lly
etition your Ho ollowing facts a	onorable Bodies to grant a	variance, as herei	nafter designa	ted, and in support	thereof, th	ie
	on $for\ Requested\ Va$	rian <i>ce</i> :				
	ALLOW THE APPLICANT		T A SFD 77FT	FROM THE OWH	L AND 48	FT FROM
	E ROW					
•		(*)				
0 \ D		D: 1 CD	, ,	. 1 . 77 . 11		
2.) Keaso	ns for Approval or	Deniai of Req	uest as Lis	sted in Finding	₹S•.	
3) Specie	al Conditions of Var	rianco:				
	ORDED LEGAL DESCRIP		RTY MUST B	E SUBMITTED PR	IOR TO	
ISSU	JANCE OF ZONING PERM					
REC	ORD:					
(-	Mall			\ 1 - 0	·) -	. (1)
	1 May		92	1/2	3/2	019
	APPLICANT/PROPE	RTY OWNER	•	/ 1	DATE	
	1					
				1/23	119	
D SPACES TO	UNTY PLANNING AND	ZONING AUTH	HODITY		DATE	
E SOUBLE CO	UNII FLANNING AND	ZONING AUTI	IORITI		DATE	
		** FEES ARE NO	N-REFUNDAE	BLE**		
	ON-SITE TO	UR DATE:	2/21/	2019		
PUBLIC H	EARING DATE:	2/21/2019	A	CTION:		19
,	o l					-
	A C MDIMMEN				IDIMI 63.1	
[53]	AS WRITTEN			WITH CON	IDITIONS	
				10		
PΩ	ARD OF ADJUSTMENT	CHAIRMAN			ATE	
ъО	TITLE OF PROPERTY	OHAIRMAN		D		

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

VARIANCE FINDINGS OF FACT

Name of Applicant: ADAM KOPESKY & JAMIE DEATLEY

Variance # 19005

Variance Request: TO ALLOW THE APPLICANT TO CONSTRUCT A SFD 77FT FROM THE OWHL AND 48FT FROM THE ROW

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

Υ	N	1.	Does the pr	operty o	wner prop	ose to	o use the pro	perty	in reasonab	le mar	nner?				
			Jim M		John W		Jeanne D		Colin H		Fritz C	Г	Majority		
			Explain			,									
Y	N	2	Is the allege	ed practi	cal difficul	hy uni	que to the nr	onert	12	,			12		
		۷.	Jim M	Ju practi	John W	ly urn	Jeanne D	Operty	Colin H	П	Fritz C	Γ	Majority		
			Explain								11120		I majornaj		
Υ	N	3.	Were the cir				e practical di	ifficult		some	one other			¥.	
			Jim M		John W	-	Jeanne D		Colin H		Fritz C		Majority		
			Explain _												
Υ	N	4.	Will the issu	ance of	the Variar	nce m	aintain the e	ssent	ial character	of the	locality?				
			Jim M		John W	-	Jeanne D		Colin H		Fritz C		Majority		
			Explain _												
Υ	N _.	5.	Does the all	eged pra	actical diffi	culty	involve more	than	economic co	onside	erations?				
			Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
			Explain					1							
Va	riar	1000	e chall only l	he norm						noral	nurnagaa a	nd in	tent of the o	fficial conf	
Y													I and objectiv		rois.
	•	0.	the Ordinand	ce?	sistem with	anu	supported by	, uie s	statement of	purpo	ses, policies	s, gua	r and objectiv	es III	
			Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
			Explain											0	
Υ	N	7.	Is the Varian	nce cons	sistent with	the C	Comprehensi	ive Pl	an?						
			Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
			Explain												
IE	۸۱۱	LT								NC T	LIE WADIA	NOF	HAVE BEE	N NACT	
		5000						AFU	R GRANTI	NG I	HE VARIA	NCE	HAVE BEE	N WEI.	
AC	TIO)N:	() APPR	OVE	() DENY								
CC	ND	ITIC	DNS:												
Ар	plic	ant	response to	o condit	tions:	Agi	ree ()		Disagre	e()					
Re	easc	ons:												2	
													-		
Boa	ard c	of Ac	ljustment Chai	rman		-					Date		,		

F.

G.

PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE LE CENTER MN 56057

Date: 02/11/2019

To: Le Sueur County Planning and Zoning Board of Adjustment

From: Holly Kalbus, Environmental Resources Specialist

Applicant:

Adam Kopesky & Jamie Deatley

Property owner:

Adam Kopesky & Jamie Deatley

Property:

13.651.0070, 13.651.0080, & 13.651.0090

Description:

Variance request to allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water Level (OHWL) and 48 feet from the road Right of Way (ROW) in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development t Lake.

Recommendation:

It would be my recommendation to approve the application due to the house being located outside of the shore impact zone and steep slope. Additionally, the proposed project will be under the 25% impervious surface for the lot.

Condition(s):

None

Sincerely,

Holly Kalbus Le Sueur County

Environmental Resources Specialist



a	riance Application		· · · · · · · · · · · · · · · · · · ·
	Applicant:		
	Name Adam Kopesky and Jamie DeAtley	,	
	Mailing Address 33546 15th Street		
	City Janesville	State MN	Zip 56048
	Phone # 507-340-0898	Phone # 507-380-3984	
			•
	Landowner:		
	Name Adam Kopesky	E .	
	Property Address 28236 Ridge Road		-
		State MN	Zip 56017
	Phone # 507-340-0898	Phone #	
	.,		
	Parcel Information:		145
	Parcel Number 13.651.0070	1	Parcel Acreage .75 acres
	Township Washington Township	Section Section	on 4
	Subdivision Tomahawk Point - First Addi		
	Cubalvioloti	201 11 01 0	Blook
	Full Legal Description must be attache	d	
	(Full legal description can be found on deed,		ntion from toy statement)
	(Full legal description can be found on deed,	not appreviated legal descrip	otion nom tax statement).
	Variance Request: List requested alto	arnativa ta davalanman	t atandard(a)
	Requesting a variance to the front an		
	the non-conforming lot of record.	d Ordinary high water	Level (OTTVL) Setbacks off
	the non-comorning for or record.		
	a. A <u>full written description</u> of the propose	ed variance request with d	letailed information must be attached.
	a. A <u>full written description</u> of the propose Township Notification :	ed variance request with d	letailed information must be attached.
	Township Notification:		
	Township Notification: Township must be notified prior to a	application. (County Comm	missioners are <u>not</u> the Township Board.)
	Township Notification: Township must be notified prior to a Washington		missioners are <u>not</u> the Township Board.) January 15th, 2019
	Township Notification: Township must be notified prior to a	application. (County Comm	missioners are <u>not</u> the Township Board.)
	Township Notification: Township must be notified prior to a Washington (Township Name)	application. (County Community Commu	missioners are <u>not</u> the Township Board.) January 15th, 2019 (Date)
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney	application. (County Community Commu	missioners are <u>not</u> the Township Board.) January 15th, 2019
	Township Notification: Township must be notified prior to a Washington (Township Name)	application. (County Community Commu	missioners are <u>not</u> the Township Board.) January 15th, 2019 (Date)
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney	application. (County Community Commu	missioners are <u>not</u> the Township Board.) January 15th, 2019 (Date)
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney	application. (County Comm Township notified on _ regarding the	January 15th, 2019 (Date) proposed request.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of S North point Lakes	Township notified on _ regarding the	January 15th, 2019 (Date) e proposed request. not limited to:
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of See North point North point Setbacks Rivers	application. (County Comments) Township notified on regarding the regarding the survey to include, but expected on	January 15th, 2019 (Date) e proposed request. not limited to:
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of See North point Setbacks Property lines Bob Kaveney (Name)	application. (County Communication). (County Communication). Township notified on regarding the regarding the regarding the survey to include, but explices a explices System explices System explices Structures	January 15th, 2019 (Date) e proposed request. not limited to: cess sements
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of See North point Setbacks Property lines Road Right-Of-Way Streams Notification:	application. (County Communication). (County Communication). Township notified on regarding the regarding the regarding the series of the regarding the existing structures - Within an reposed Structures - Within an reposed Structures - Within an regarding structures - Within an	January 15th, 2019 (Date) e proposed request. not limited to: cess sements and adjacent to project area.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of See North point Setbacks Property lines Road Right-Of-Way Streams Notification:	application. (County Communication). (County Communication). Township notified on regarding the regarding the regarding the survey to include, but explices a explices System explices System explices Structures	January 15th, 2019 (Date) e proposed request. not limited to: cess sements and adjacent to project area.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Communication). (County Communication). Township notified on regarding the regarding the regarding the series of the regarding the existing structures - Within an reposed Structures - Within an reposed Structures - Within an regarding structures - Within an	January 15th, 2019 (Date) e proposed request. not limited to: cess sements and adjacent to project area.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	regarding the regarding structures existing structures - Within an adustrial Districts.	January 15th, 2019 (Date) e proposed request. not limited to: cess sements and adjacent to project area. red - Shoreland Districts.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the septices a consistency for the group of the grou	January 15th, 2019 (Date) proposed request. not limited to: cess sements and adjacent to project area. yed - Shoreland Districts.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	regarding the regarding structures Existing structures - Within an according of the regarding the regarding structures - Within an according of trees to be removed.	January 15th, 2019 (Date) proposed request. not limited to: cess sements nd adjacent to project area. yed - Shoreland Districts. ercentages. decks, driveways, parking lots, storage
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	regarding the regarding structures Existing structures - Within an according of the regarding the regarding structures - Within an according of trees to be removed.	January 15th, 2019 (Date) proposed request. not limited to: cess sements nd adjacent to project area. yed - Shoreland Districts. ercentages. decks, driveways, parking lots, storage
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the regarding the regarding the reads, or tightly compacted s	January 15th, 2019 (Date) proposed request. not limited to: cess sements nd adjacent to project area. yed - Shoreland Districts. ercentages. decks, driveways, parking lots, storage
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the	January 15th, 2019 (Date) e proposed request. not limited to: cess sements nd adjacent to project area. ved - Shoreland Districts. ercentages. decks, driveways, parking lots, storage soils.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the regarding the regarding the reads, or tightly compacted surveyed.	January 15th, 2019 (Date) e proposed request. not limited to: cess sements nd adjacent to project area. ved - Shoreland Districts. ercentages. decks, driveways, parking lots, storage soils.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the regarding the regarding the reads, or tightly compacted surveyed.	January 15th, 2019 (Date) e proposed request. not limited to: cess sements nd adjacent to project area. ved - Shoreland Districts. ercentages. decks, driveways, parking lots, storage soils.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the regarding the regarding the reads, or tightly compacted surveyed.	January 15th, 2019 (Date) proposed request. not limited to: cess sements ad adjacent to project area. yed - Shoreland Districts. procentages. decks, driveways, parking lots, storage soils.
	Township Notification: Township must be notified prior to a Washington (Township Name) Board Member Bob Kaveney (Name) Site Plan - Shall be a Certificate of Selection of	application. (County Command) Township notified on regarding the regarding the regarding the regarding the reads, or tightly compacted surveyed.	January 15th, 2019 (Date) e proposed request. not limited to: cess sements nd adjacent to project area. ved - Shoreland Districts. ercentages. decks, driveways, parking lots, storage soils.

VIII. Practical Difficulty:

- Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:
 - 1. Describe how the Variance request is reasonable compared to the ordinance requirements being varied from.

This request is reasonable because the current setbacks cannot accommodate the development of a residential single family home. Within current setbacks, the home depth would need to be under approximately 20'.

What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty?

Although 3 lots of record were combined to create one larger building lot, the size and shape of the lot creates a depth far too narrow to build a single family residence. Meeting setbacks due to the buildable area would require a home under approximately 20' deep.

Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner.

The applicant combined 3 lots of record to increase the setbacks, however, the shape of the lot is what is creating the practical difficulty. The applicant did not create the practical difficulty.

4. How will the request maintain the essential character of the locality?

The request will maintain the character of the locality because the style, shape, and size of the home is consistent with neighboring properties.

It also maintains the character by minimizing alteration of vegetation and maintains an appropriate distance from neighboring properties to respect privacy of others. The proposed location of the home is in line with neighboring properties.

- 5. Does the alleged practical difficulty involve more than economic considerations?
- No economic considerations were made when determining practical difficulty. It is solely the issue of the depth of the lot causing a practical difficulty.
- Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?

The request considers preservation of the natural characteristics of the property, It is utilizing shorelands on a Recreational

Development Lake for housing. The combination of 3 lots of record supports the goal of utilizing a larger lot for a single family residence

Describe how the request is consistent with the Comprehensive Land Use Plan.

This request is consistent with the Comprehensive Land Use Plan because it is not affecting the shore impact zone the shoreline is not being altered, there is no bluff, and the development will continue to protect the natural resource area.

Describe the properties current, and any proposed, onsite sewage treatment and water

capabilities.

The property has a well agreement with the neighboring properties and proposed septic plan adheres to the current code while also being conducive to future sewer changes

9. Explain why this request is the minimum variance amount to afford relief.

This is the minimum variance amount due to the size and location of the space provided within current setbacks. Adhering to the current setbacks

would not afford the ability to construct a single family residence. Although the depth on the East side of the lot would have approximately 40' depth within the setbacks, it tapers quickly down to 20' depth. Extensive research of floorplans for shallow lots resulted in no other reasonable options which could mae the setback.

2

IX. Attachments shall include but not limited to:

a. Site Plan-survey

A e. Floor plans and/or blue prints (For structures)

b. Surveyor Certification

☐ f. Septic System Compliance Inspection

C. Access approval

X g. Erosion control plan

X d. Full legal description

M h. Description of request

The Department may request additional information regarding the application.

X. Quantities and Submittal Formats:

- a. One (1) reproducible copy of the request and all other supporting documents.
- b. Ten (10) copies must be submitted for documents larger than 11 x 17, documents in color, aerials or photographs.
- c. Electronic version of any supporting documents if available.
- d. Additional copies may be requested as deemed necessary by the Department.

XI. Fees:

Variance:

\$ 600

Filing Fee:

\$ 46

Variance for Clusters:

\$ 600 + \$200 per household

Filing Fee:

\$ 46

Additional Fees:

Special Meeting:

\$1,200

After-The-Fact meeting fee:

Doubled + After-The-Fact Penalty.

After-The-Fact Penalty:

\$1,500 OR 10% of the improvement, whichever is greater.

Fees must be paid at the time of application, cannot be accepted by mail, and are non-refundable. Cash or check. Credit cards will not be accepted.

XII. Procedure: See Section 22 of the Zoning Ordinance for full details.

- a. Pre-application meeting is recommended prior to making application to ensure submittal completion.

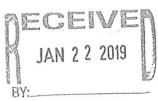
 Appointment is necessary.
- b. Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
- c. All required information must be correct and submitted <u>at the time of application</u>, or the application will not be accepted.
- d. Fees will not be accepted by mail and must be paid at the time of application.
- e. Notification will be sent to all landowners within 500 feet of the affected property, (minimum of 10 landowners) as well as the affected Town Board, any municipality within 2 miles, and other applicable agencies.
- f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

JAN 2 2 2019

22

- g. The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment

	decision.												
m.	 The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder. 												
n.	 A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit. 												
XIII. Sig	natures:												
true		my signature that all one best of my knowled		122/19	upporting data are								
true 		my signature that all one best of my knowled		erein as well as all s	upporting data are								
		OFFIC	E USE ONLY										
Date recei	ved 1/22/19	Present Zoning Classific		_ Feedlot within 500'	1000' (N								
Meeting da	ate <u>- , - , </u>	Lake Classification			n Y N								
	3/23/19	Lake Jefferson		_ Water courses	N N								
RFPE _/(022.86	FEMA Panel# 270	7960265D	Bluff	$Y \qquad \widehat{(N)}$								
Site Pla	n -survey	Flood Zone V - O	utside	Other									
□Śurveyo	or Certificate	Full legal description		Septic	_ COC NONC/Waiver								
Floor pl	ans/blue prints	Access approval		-	Design								
☑Descrip	tion of Request			Fee \$ 640	_ ATF / SPEC MTG								
Applicat	tion complete Plan	ning & Zoning Department Sig	gnature										
01-15-16					MECEIVE								
			4		JAN 2 2 2019								
					BY:								



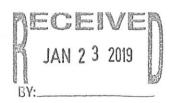
Letter of Intent (full written description) In Support of Request for Variance 28236 Ridge Road Cleveland, MN 56017

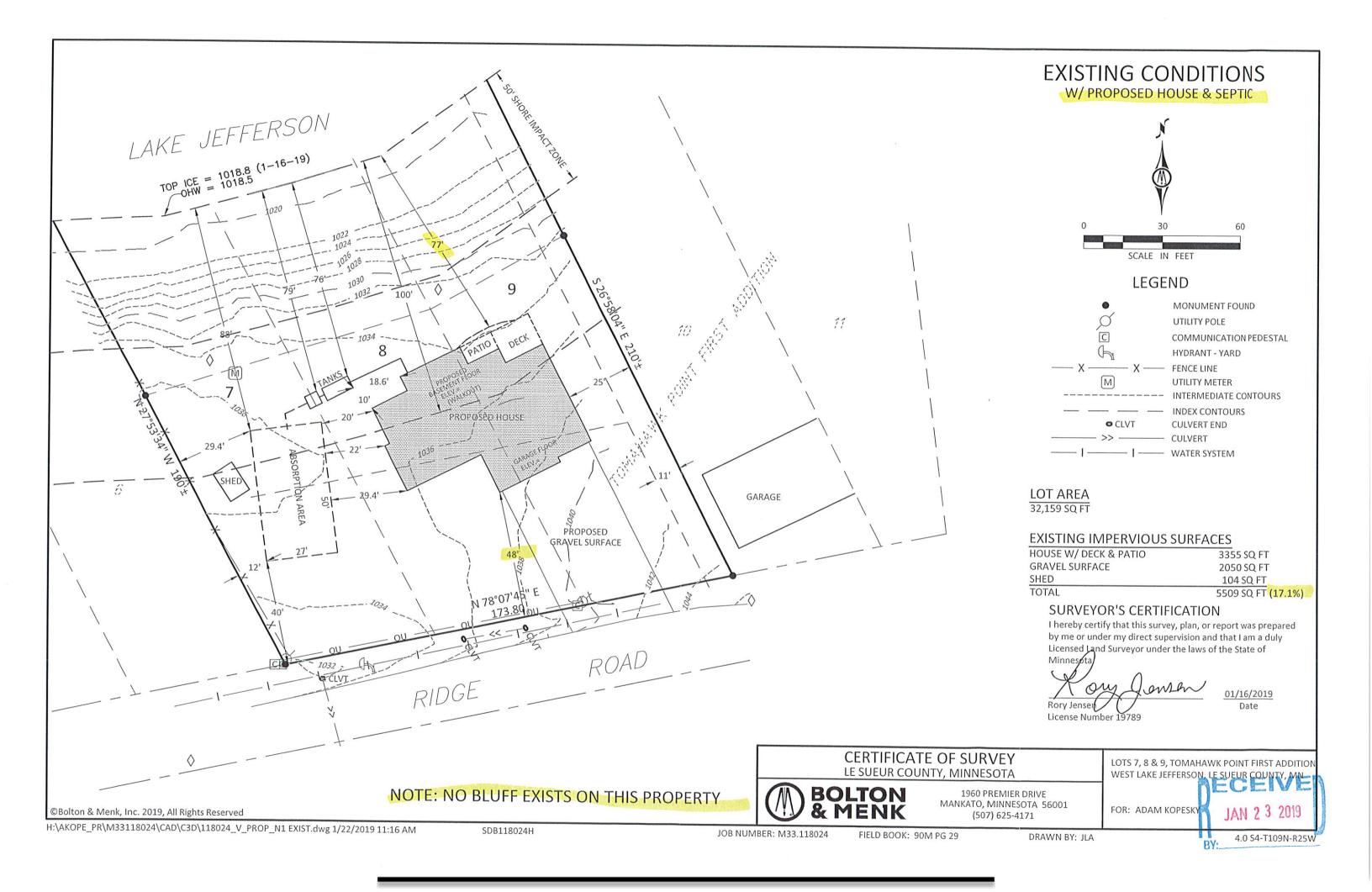
This Letter of Intent is in support of my request for a variance to the front and OHWL setback requirements for an existing non-conforming lot. The intention is to build a new single family residence with an attached 3 stall garage. The proposed new home is 56' deep and 71' wide. Based on the current zoning ordinance, Section 13.2, Subdivision 5, Section B. 3. states "there shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way (ROW)". Section E 1. states "the structure must be 100' from Ordinary High Water Level (OHWL)". The depth of the lot from ROW to OHWL is approximately 185' within the center two thirds of the lot, creating a narrow strip of land approximately 20' deep within the current setbacks which would not support the construction of a single family home. This request is not in attempt to circumvent the general purpose of the ordinance. The ordinance creates an exceptional hardship to the applicant due to the inability to develop the lot.

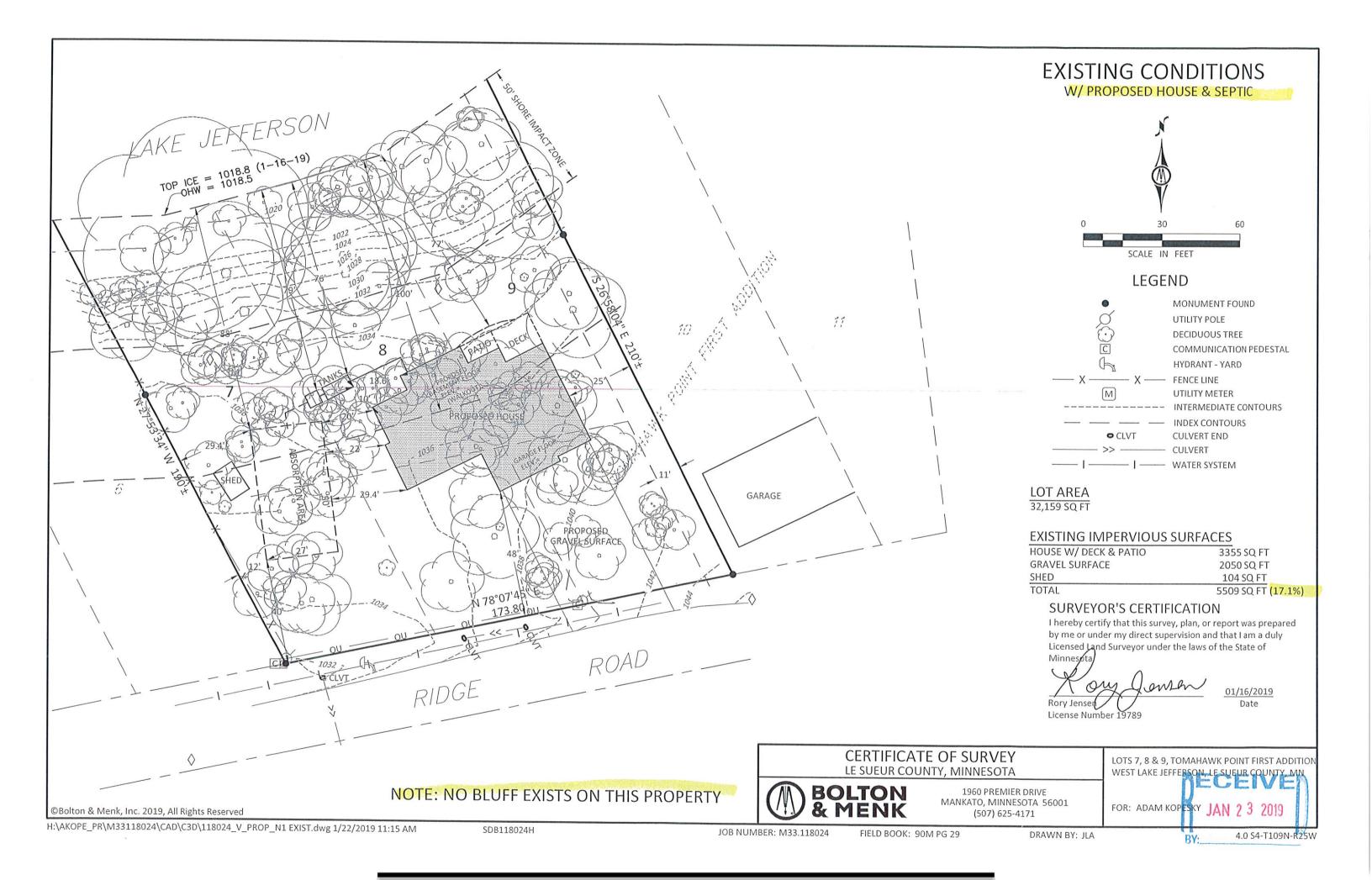
I am requesting a variance to decrease setbacks of the ROW to 48' and OHWL to 77' in order to allow the construction of a single family home. The proposed location of the home does not result in increased flood heights, threats to public safety, create a nuisance, or endanger adjacent properties. It also allows the septic to meet all setbacks. What is perhaps most relevant here, and what I would ask the board to consider, is (1) all factors were considered when determining the best placement including existing setbacks, neighboring property impact, minimizing vegetation and land alteration; (2) the proposed home and septic location maintains space between neighboring structures to prevent fire hazards and ensuring adequate yard space for neighbor privacy; (3) the proposed style and structure of the home fits in with existing neighboring properties; and (4) the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Adam Kopesky and Jamie DeAtley

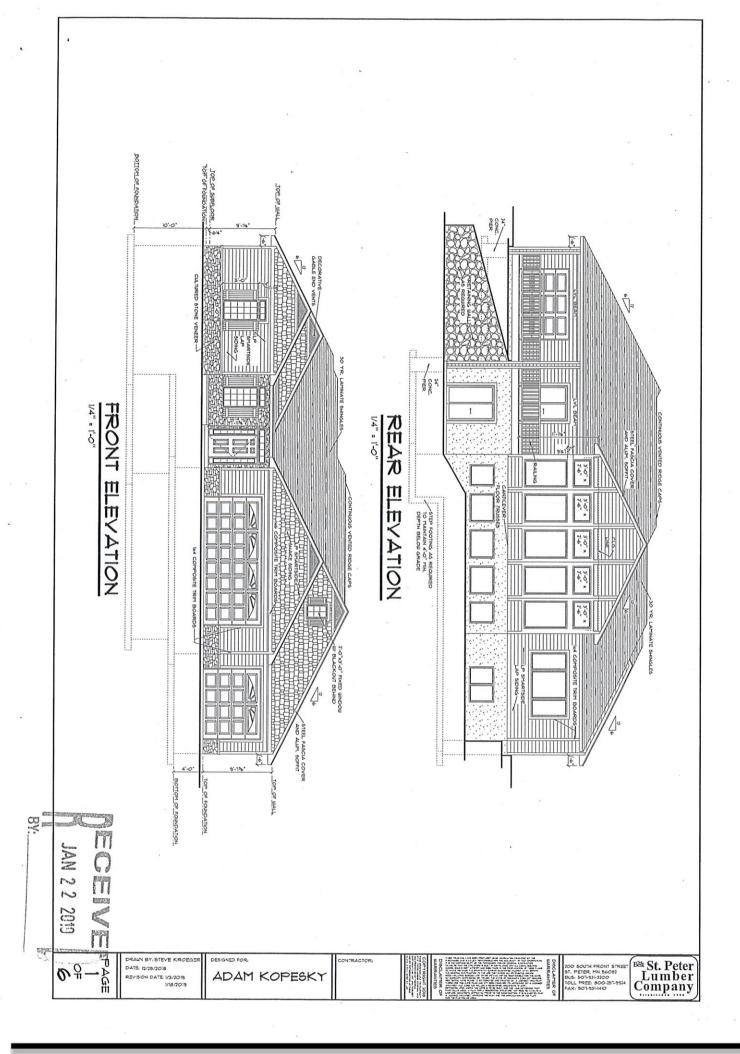


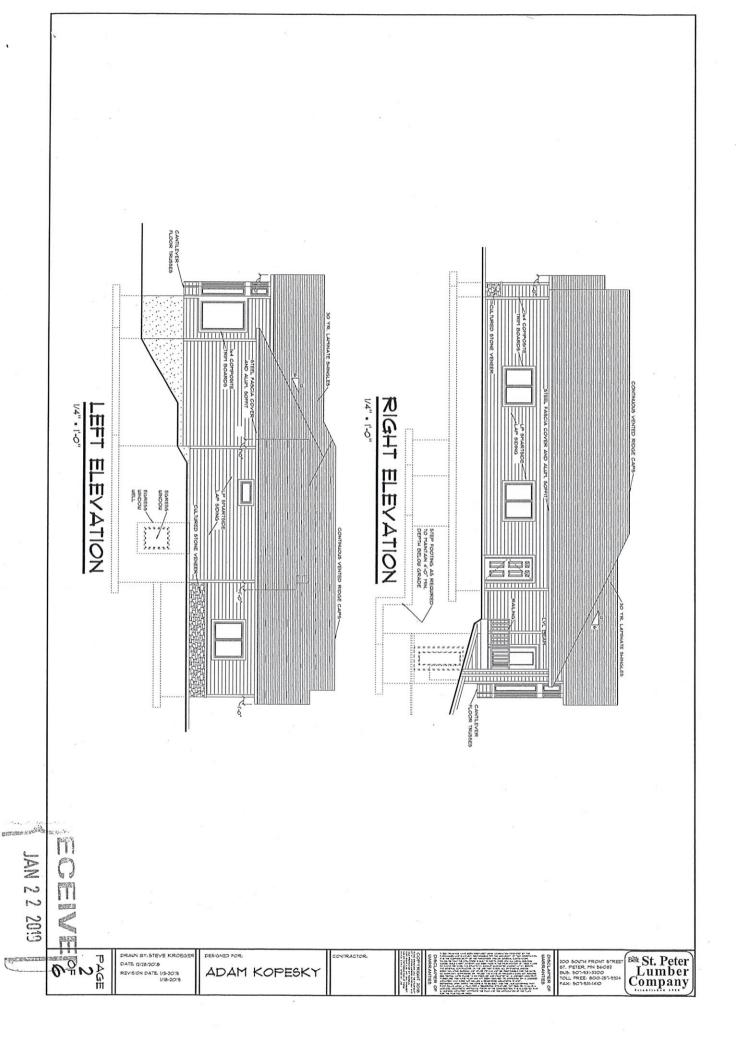


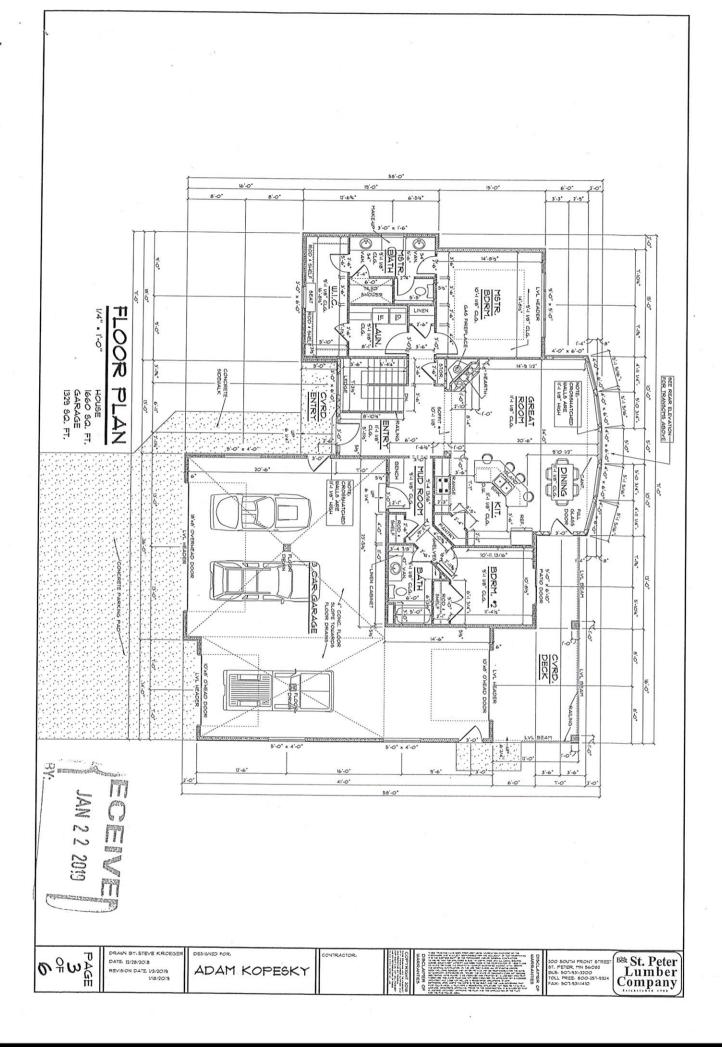


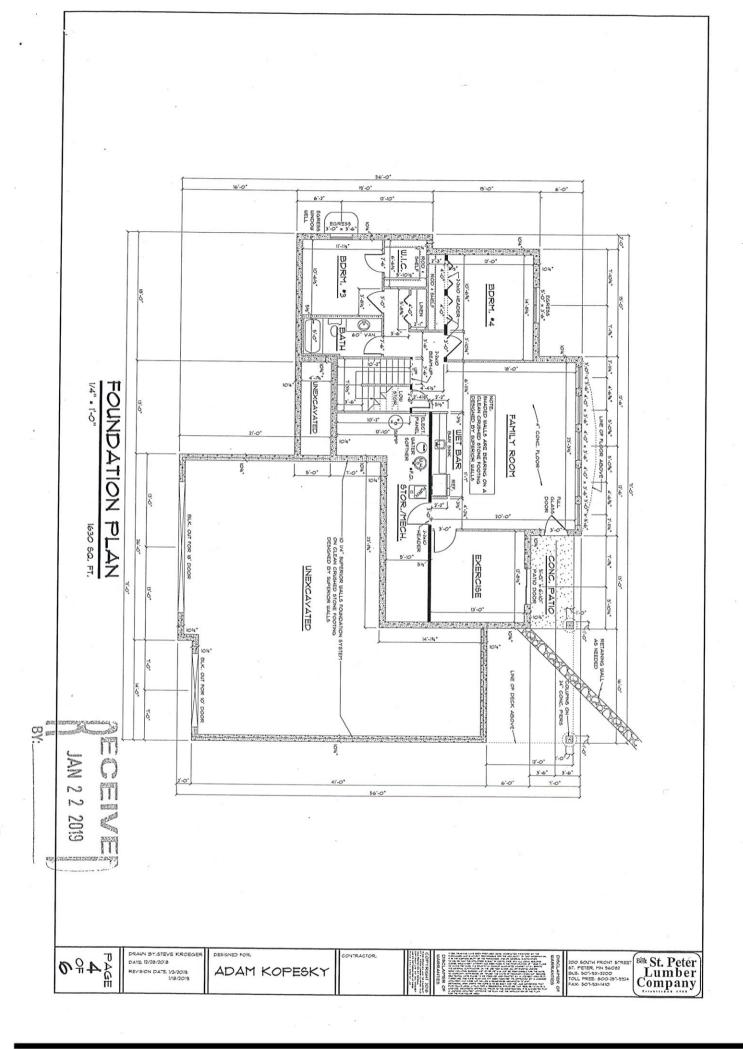


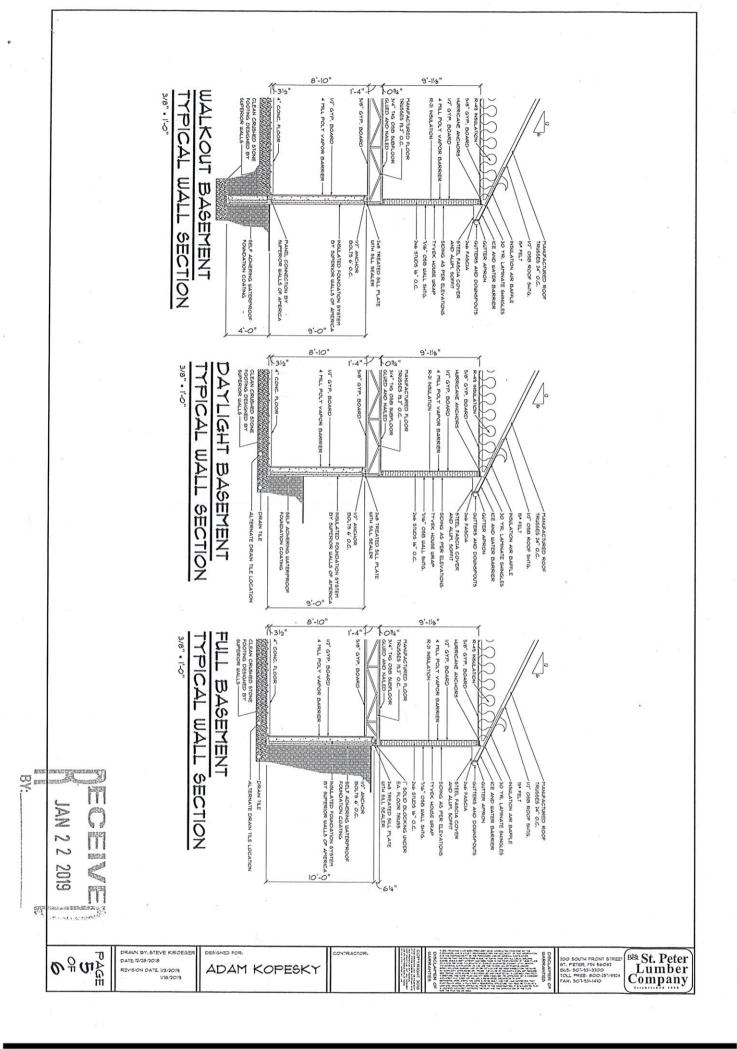
37	rveyor Certification
I.	Name ADAM KOPESKY
II.	Name ADAM KO PRESKY
	Property Address 28236 RIDGE RD
	City CLEVELAND State MN Zip 56017
III.	Parcel Number 13,651.6670, 13,651.0080, 13.651.0090
IV.	Site Plan - Shall be a Certificate of Survey to include, but not limited to:
	 North point Setbacks Rivers Well Access Easements
	Property lines Wetlands Proposed Structures
	 Road Right-Of-Way Lot Dimensions Streams Existing structures - Within and adjacent to project area. Location of trees to be removed - Shoreland Districts
	 Impervious Surface Required for Shoreland, Business, & Industrial Districts. Itemized current & proposed impervious surfaces to include total percentages. Examples include but are not limited to: rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils.
	*Site shall be physically staked, <i>then</i> surveyed. *Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled. *Stakes must remain in place until construction commences.
′ .	Quantities and Submittal Formats: a. One (1) reproducible copy of the request and all other supporting documents.
	b. Ten (10) copies must be submitted for documents <u>larger than 11 x 17</u> , documents in <u>color</u> , <u>aerials or photographs</u> .
	c. Electronic version of any supporting documents if available.
	 Pre-application meeting is recommended prior to making application to ensure submittal completion. Appointment is necessary.
	Application must be made in person by the applicant and/or landowner prior to 12 P.M. on the date of application deadline. Appointment is necessary.
	All required information must be correct and submitted <u>at the time of application</u> , or the application will not be accepted.
1.	Gignatures: The proposed improvements have been physically staked onsite then surveyed on or by Feb 15, 201,9 or reflect an accurate account of current and proposed conditions of the property identified above.
	hereby certify with my signature that all data contained herein as well as all supporting data are true and orrect to the best of my knowledge.
	1 22 10
	Surveyor Signature Date Lic #
	OFFICE USE ONLY
i	ate Received Planning & Zoning Department Signature
-15-1	ate Received Planning & Zoning Department Signature JAN 2 3 201
	BY:

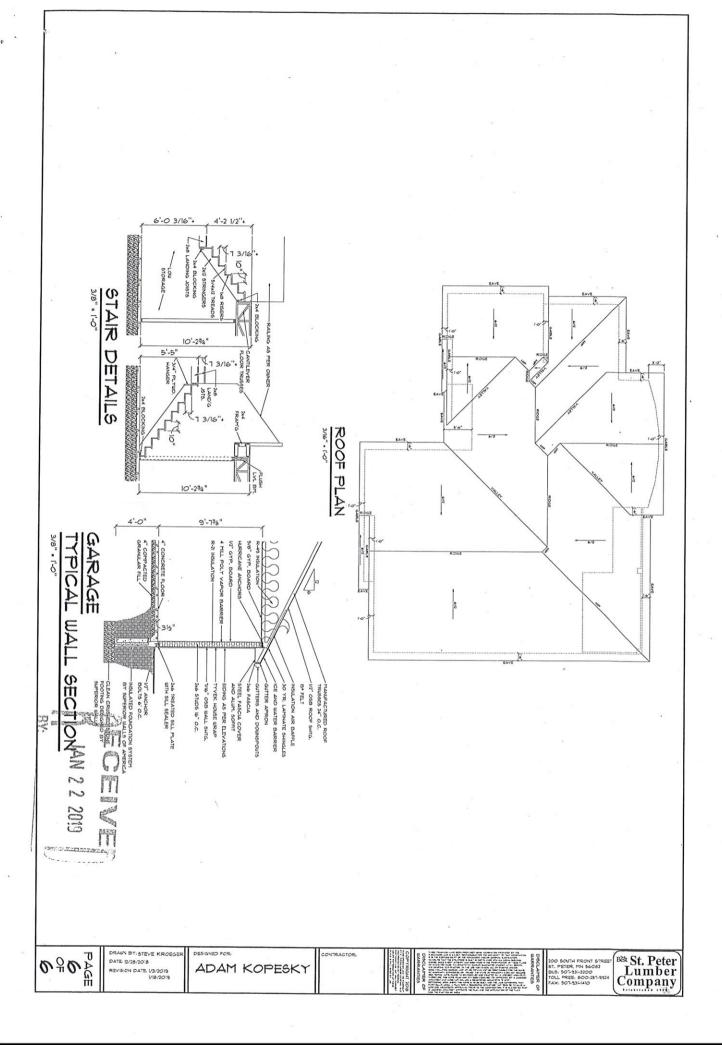












LE SUEUR COUNTY ENVIRONMENTAL SERVICES 88 SOUTH PARK AVE.

LE CENTER, MINNESOTA 56057-1620

(507) 357-2251 FAX (507) 357-8541

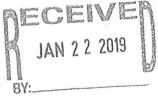
Erosion and Sediment Control Plan

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 Kopesky and Jamie DeAti	PID:	13.651.0070				
Mailing Address:	33546 15th Street Janesville, MN		-				
Property Address:	28236 Ridge Road Cleveland, MN 56						
Phone:(507)	340-0898) 380-39) 380-3984				
	/ for Implementation/Inspect n Street Janesville, MN 56048	ion: Adam Kopesky		-			
Phone:(507) 34	0-0898	_Mobile/Cell:(1			

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.
- 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.
- 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.



) ECEIVE JAN 2 2 2019

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 BY:

according to the manufacturer's instructions:

2:1 slopes or steeper

Straw/Coconut Blanket or High Velocity Wood Blanket

3:1 slopes or steeper

Wood or Straw Blanket with net on both sides

4:1 slopes or steeper

Wood or Straw Mulch blanket with net on one side

Flat areas

Straw Mulch w/disc anchoring

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

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

Inspection and Maintenance

- 16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
- 17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
- 18. Clean out sediment basins on a regular basis to maintain capacity.

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

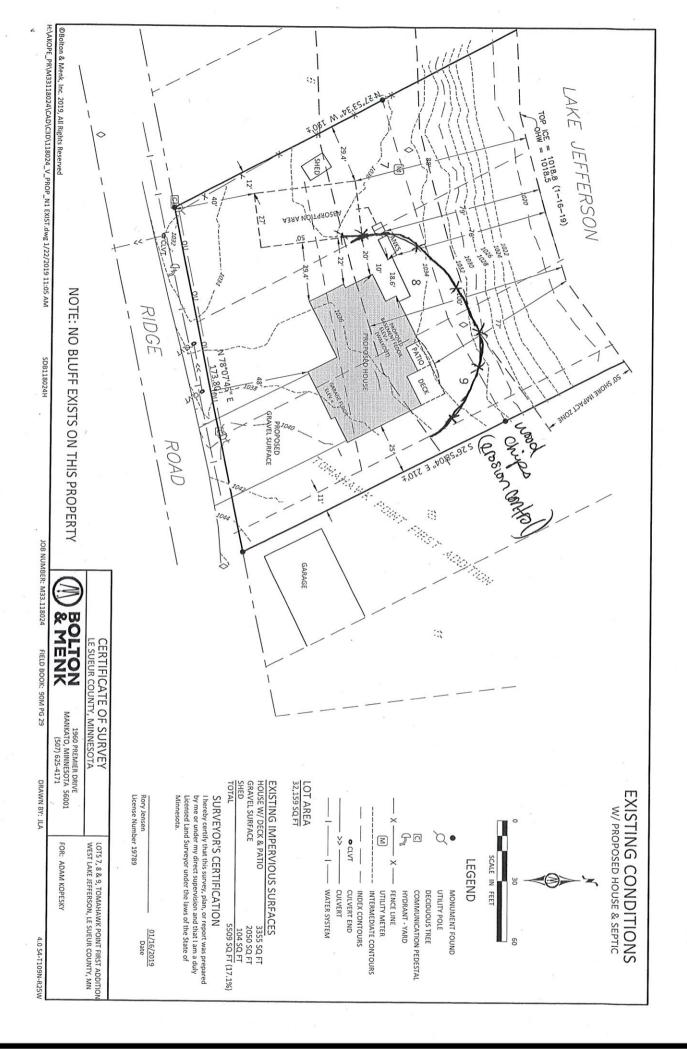
(Property Owner)

(Person Responsible for Implementation)

(Date)

1/27/19 (Date)

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



Recreational -Outside 022.86

PID: DATE: FIRM #: District: -Zone: RFPE:

Residential

ENVIRONMENTAL SERVICES LE SUEUR COUNTY

507-357-8538



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



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Created By: MRM

Photo dated April/May 2017

Le Sueur County



Le Sueur County, MN

Thursday, February 21, 2019 Regular Session

Item 2

Camas Packet

Staff Contact: Joshua Mankowski or Michelle Mettler

ATF VARIANCE STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

Camas Inc.

911 ADDRESS:

40463 261st Ave, Le Center, MN

ATF VARIANCE REQUEST:

To allow the applicant to install a 10,000-gallon wastewater tank 4 feet from the State Highway 99

road Right-of-Way (ROW).

ATF VARIANCE NUMBER:

19007

PARCEL NUMBER:

01.001.0400

SITE INFORMATION

LOCATION:

Part of the SW/NW and the NW/SW, Section 1, Cleveland Township

ZONING & PURPOSE:

Agriculture

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.

GOALS AND POLICIES:

The current Land Use Plan as adopted in 2007 makes reference to water quality.

GOAL #3:

Improve water quality in Le Sueur County.

Objective 1:

The County will undertake actions to help protect groundwater as well as surface water features.

GENERAL SITE

DESCRIPTION:

4.77-acre parcel, existing building, rural ag business

ACCESS:

Existing access off State Highway 99 and an existing access off 261st Ave (County Road 112).

BACKGROUND INFORMATION

The property is a triangular-shaped 4.77-acre parcel in an Ag district, between two roads, with existing buildings located on the site, existing access to County Road, existing access to State Highway. Originally the site was McCabe Tiling, a permitted use in the Ag district. In 2005 a Conditional Use Permit (CUP) was approved for Agri-Polymerix to operate a production facility to include warehouse and office space. A large addition was constructed to the existing building and a new septic system was installed. In 2008 a CUP was approved for Fantini North America LLC to operate an Ag Machinery sales and service to include a paint shop and office space. Both CUP's have since expired for lack of use. A Conditional Use Permit was approved by the County Board on May 22, 2018 for a Value-Added Ag use. Camas is using the existing structures, with some interior modifications, and existing septic system. A new Industrial By-Product (IBP) tank was be stalled for processing waste, requiring the (ATF) Variance to deviate from road ROW setback.

ATTACHMENTS

Application, Written Detail of Request, Survey, Surveyor Certification, Aerial photo, Findings of Fact, MPCA letters

STAFF FINDINGS

Staff findings per Le Sueur County Ordinance, the following findings have been developed for this request:

Page 1 of 2

- 1.ATF Variance:
a.Request:
4 feetRequired:
85 feetOrdinance:
Section 8, Subdiv.5.B.1.Page
8-7
- 2. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- 3. A Variance may be granted <u>only</u> where the strict enforcement of the official controls will result in a **practical** difficulty.
- 4. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- 5. A determination that a practical difficulty exists upon the consideration of the findings of fact.

CONSIDERATIONS

- 1. The following shall be considered at the hearing:
 - a. There are special circumstances or conditions affecting the land, structures or use referred to in the Variance.
 - b. The granting of the application will not be a detriment to the public health, safety, and general welfare or injurious to property or improvements in the area adjacent to the property of the applicant/landowner.
 - c. Consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CONDITIONS

- In granting any Variance, the Board of Adjustment may designate such conditions in connection that will secure substantially
 the objectives of the Ordinance, regulation or provision to which the application is granted.
- 2. Conditions must be directly related to and bear a rough proportionally to the impact created by the Variance.
- 3. If approved, construction must be completed prior to the Variance expiration, Section 22; Subdivision 7.
- 4. If approved, a zoning permit must be purchased prior to starting construction, Section 26.
- 5. Extension must be requested 30 days prior to Variance expiration, Section 22; Subdivision 7.

VARIANCE

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

APPLICATIO 60 DAY RULI	N DATE: 1/23/2 NG DATE: 3/24/2		PE	RMIT NUMBER 911: 40463 261S	: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		\$0.00 27, 46.00					
APPLICANT: CAMAS ADDRESS: PO BOX 10 CITY: LE CENTER		ZIP:	56057	LAND OWNER ADDRESS: CITY: STATE: PHONE:		ZIP:	56057					
TOWNSHIP:	CLEVELAND		DADGET		301-331-4323							
SEC:	1			NO: 01.001.0400								
TWP:	110		SUBDIV:	NA NA	ZONE:	A						
RANGE:	25		LOT: BLOCK:	NA	FEMA PAN		79C0260D					
Q/Q:	NW & S		ROAD:	CR/ST HWY	FLOOD ZO		UTSIDE					
following facts a 1.) Reaso TO	norable Bodies to g re presented: n for Requeste	rant a v d <i>Var</i> -THE-F	ariance, as l iance: 'ACT VARIA	te property described hereinafter designate ANCE FOR A 10,000 RIGHT-OF-WAY.	ed, and in support	thereof, th	e					
 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/PF	OPER	TY OWNER	3 W	1-22	DATE						
LE SUEUR COL	Michelle	RI	NALA	3	1/23	/19						
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY DATE ** FEES ARE NON-REFUNDABLE**												
	ON-SITE	TOU	R DATE:	2/21/2	019							
PUBLIC H	EARING DATE	:	2/21/	2019 A	CTION:							
	AS WRITTEN		3		WITH CON	DITIONS						
		x:	2									
BOA	ARD OF ADJUST	MENT (CHAIRMAN	N	DA	TE						

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

VARIANCE FINDINGS OF FACT

Name of Applicant: CAMAS

Variance # 19007

Variance Request: TO ALLOW AN AFTER-THE-FACT VARIANCE FOR A 10,000 GALLON WASTEWATER TANK 4 FEET FROM STATE HIGHWAY 99 ROAD RIGHT-OF-WAY.

- A. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.
- B. Facts supporting the answer to each question must be documented below, and are hereby certified to be the Findings of Fact of the Board of Adjustment.
- C. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- D. It is the responsibility of the applicant / landowner to prove evidence that a practical difficulty exists.
- E. A determination that a practical difficulty exists upon the consideration of the following criteria.

	Υ	N	1.	Does the pr	operty	owner prop	oose t	o use the pro	perty	in reasonal	ole ma	nner?				**
				Jim M		John W	Г	Jeanne D		Colin H		Fritz C	T .	Majority		
				Explain _												
	Υ	N	2.	Is the allege	ed pra	ctical difficu	lty uni	que to the pr	opert	/?						
				Jim M		John W	Ĺ	Jeanne D		Colin H		Fritz C		Majority	\neg	
				Explain _										, ,		
	Υ	N	3.	Were the cir than the app	cums olicant	tances caus / landowne	sing th	e practical d	ifficult	y created by	some	eone other		1 .		
				Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
				Explain _												
	Υ	N	4.	Will the issu	ance	of the Varia	nce m	aintain the e	ssenti	al character	of the	locality?				
				Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
				Explain _												
	Υ	N	5.	Does the alle	eged p	oractical diff	iculty	involve more	than	economic c	onside	erations?				
				Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
				Explain _												
F.	Va	rian	ces	shall only b	e per	mitted whe	n the	v are in harr	nonv	with the ae	neral	nurnosos a	nd in	tont of the of	£: . : . I	
			6.	Is the Varian the Ordinanc	ce coi											controls
				Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
				Explain												
	Υ	Ν	7.	Is the Varian	ce cor	nsistent with	the C	Comprehensi	ve Pla	ın?						
				Jim M		John W		Jeanne D		Colin H		Fritz C		Majority		
				Explain												
G.	IF /	٩LL	. TI	HE ANSWE	RS A	RE " YES"	, THE	E CRITERIA	FOI	R GRANTII	NG TI	HE VARIAN	ICF F	AVE BEEN	MET	
		TIOI) APP		() DENY						WAL DELIV	IVILI	
	СО	NDI	TIO	NS:				,								
				response to	cond	itions:	Aar	ee ()		Disagree	. / \					-
										Disagree	; ()					
	кe	aso	115.			15 										
	Boa	rd of	Adi	ustment Chairi	man		- 7									
		01	. 10]	- Striont Onairi	iiuii							Date				H



After-The-Fact Variance Application Applicant: Name CAMAS Mailing Address PO BOX City Le Center State MW Phone # 507-357-4929 Phone # II. Land Owner: Name CAMAS, Inc Property Address 40463 ST Ave City Le Center State MN Phone # 507-357-4929 Phone # III. Parcel Information: Parcel Number <u>01.001.0400</u> Parcel Acreage Township 110N Section Subdivision NA Lot NA Block Full Legal Description must be attached. (Full legal description can be found on deed, not abbreviated legal description from tax statement). Variance Request: List requested alternative to development standard(s). To have an underground storage tank that meets MPCA equipments for anallessary estations. The tank cannot meet the setback requirements for anallessary 85 from the right of way on highway 99. 4 to ROW structure of -m2m ٧. **Description of Request:** a. A full written description of the proposed variance request with detailed information must be attached. VI. **Township Notification:** Township must be notified prior to application. (County Commissioners are not the Township Board.) (Township Name) _____Township notified on _ Board Member Pat Mcabe _____ regarding the proposed request. VII. Site Plan - Shall be a Certificate of Survey to include, but not limited to: North point • Well Lakes Access Septic System Setbacks Rivers Easements Property lines Wetlands Proposed Structures Road Right-Of-Way Streams • Existing structures - Within and adjacent to project area. • Location of trees to be removed - Shoreland Districts. Lot Dimensions Ponds Impervious Surface - Required for Shoreland, Business, & Industrial Districts. - Itemized current & proposed impervious surfaces to include total percentages. - Examples include but are not limited to: rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. *Site shall be physically staked, then surveyed.

^{*}Stakes shall be in place at the time of onsite visit/meeting, or the application will be tabled.

^{*}Stakes must remain in place until construction commences.

VIII. Practical Difficulty:

- a. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official controls and are consistent with the comprehensive plan.
- b. A Variance may be granted only where the strict enforcement of the official control will result in a practical difficulty.
- c. It is the responsibility of the applicant and/or landowner to prove evidence that a practical difficulty exists.
- d. A determination that a practical difficulty exists upon the consideration of the following criteria:

1. Describe how the ATF Variance request is reasonable compared to the ordinance requirements being varied from. The request is reasonable in order for the tank to lomply with MPCA permits
2. What are the unique circumstances of this property that prevent compliance with the Zoning Ordinance that will result in a practical difficulty? This is the Daly location an underground tank could go on the property with respect to property with and well.
3. Describe how the unique circumstances causing the practical difficulty were created by someone other than the applicant/landowner. The MPCA has setbacks obtained in SDS from to take 4
4. How will the request maintain the essential character of the locality?
5. Does the alleged practical difficulty involve more than economic considerations?
6. Is the request consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?
7. Describe how the request is consistent with the Comprehensive Land Use Plan.
8. Describe the properties current, and any proposed, onsite sewage treatment and water capabilities. Current 5575 is compliant, last inspection 4-30-18, and checked read, 1-2-19. IBP will be stored in underground tank and will follows in per-
Explain why this request is the minimum variance amount to afford relief. De had to comply with which only lactor axideble
10. Explain how the applicant/landowner acted in good faith to obtain a Variance or comply with the applicable requirements prior to commencing work?
11. Describe how the applicant/landowner attempted to comply with the Ordinance by obtaining the proper permits prior to commencing work? De Cit Complete Demit application Constration fineline Character Constration

IX.	A	ttachments shall include	but not	limited to:
		☐ a. Site Plan -survey		☐ e. Floor plans and/or blue prints (For structures)
	[b. Surveyor Certification		f. Septic System Compliance Inspection
	[c. Access approval		g. Erosion control plan
	[d. Full legal description		h. Description of request
X.	Q	uantities and Submittal Fo	ormats:	
	a.	One (1) reproducible copy	of the r	request and all other supporting documents.
	b.	Ten (10) copies must be saerials or photographs.	submitte	d for documents larger than 11 x 17, documents in color,
	C.	Electronic version of any	supportir	ng documents if available.
	d.	Additional copies may be	requeste	ed as deemed necessary by the Department.
XI.	Fe	ees:		
		riance: ing Fee:	\$ 600 \$ 46	
		riance for Clusters: ng Fee:	\$ 600 - \$ 46	+ \$200 per household
	Sp Aft	Iditional Fees: ecial Meeting: er-The-Fact meeting fee: er-The-Fact Penalty:		t + After-The-Fact Penalty. DR 10% of the improvement, whichever is greater.
	Fe Ca	es must be paid at the time o sh or check. Credit cards w	of applica ill not be	ation, cannot be accepted by mail, and are non-refundable.
XII.	Pr	ocedure: See Section 22 of the	e Zoning (Ordinance for full details.
	a.	Pre-application meeting is rec Appointment is necessary.	commend	ded prior to making application to ensure submittal completion.
	b.	Application must be made in application deadline. Appoin	person by	y the applicant and/or landowner prior to 12 P.M. on the date of necessary.
	c.	All required information must will not be accepted.	be correc	ct and submitted at the time of application, or the application
	d.	Fees will not be accepted by	mail and	I must be paid at the time of application.
	e.	Notification will be sent to all I landowners) as well as the affagencies.	andowne ected To	ers within 500 feet of the affected property, (minimum of 10 bwn Board, any municipality within 2 miles, and other applicable

3

f. Notice will be published in the newspaper of general circulation in the area concerned and the official newspaper of the County.

- The Board of Adjustment may conduct an onsite visit to the affected property prior to the scheduled meeting. Any conversation with the Board of Adjustment during the onsite visit is prohibited.
- h. The Board of Adjustment shall hold a public hearing on the proposed Variance at a scheduled Board of Adjustment meeting.
- The applicant or representative must appear before the Board of Adjustment in order to answer questions concerning the request, or the application will be tabled.
- The Board of Adjustment has the authority to request additional information or designate conditions.
- k. The Board of Adjustment has the authority to determine Variance approval or denial. No Variance may be granted that allow any use that is prohibited in the Zoning District in which the property is located.
- The Department shall notify the applicant and/or landowner in writing of the Board of Adjustment decision.
- m. The Department will file a certified copy of any order or decision issued by the Board of Adjustment with the County Recorder.
- n. A zoning permit is required prior to starting construction however zoning permits will not be available the day of the Board of Adjustment meeting. Zoning permit application must be approved prior to obtaining a zoning permit.

Alli. Signatures:	
I hereby certify with my signature that all data certified and correct to the best of my knowledge. Applicant signature	contained herein as well as all supporting data are
I hereby certify with my signature that all data contract to the best of my knowledge. Landowner signature	ontained herein as well as all supporting data are (
OEEICE LISE	ONLY
Date received 1 2 3 1 9 Present Zoning Classification	Feedlot within 500' 1000' N Erosion Control Plan Y N Water courses Y N Bluff Y N
Application complete	Date 19 19 19 19 19 19 19 19 19 19 19 19 19
01-15-16 Penalty \$1500 HIFFER \$1200 Her \$ 416	Tankvalu \$15,000.00



After-The-Fact Variance Application

Concerning 40463 261st Ave., Le Center; Parcel ID # 01.001.0400

Part V of the application: A full description of request

Camas is asking for a variance for an underground storage tank. The tank is considered an accessory structure and by zoning requirements is to meet an 85' setback from the right of way on highway 99. The right of way at this location is 100'. In order to comply with the Minnesota Pollution Control industrial-by-product storage requirements the tank cannot meet this setback. This is the only location on the property the tank can be located based on separation distances put forth by the MPCA.

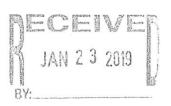
Camas, Inc. was granted a conditional use permit in May 2018 at the address of 40463 261st Avenue in Le Center, Minnesota. Camas purchased the facility on July 24, 2018. Under the CUP Camas was to apply for and operate under a State Disposal System Permit with Minnesota Pollution Control for handling waste generated from the manufacturing processes. The plan at filing of the CUP was to install a 10,000-gallon underground storage tank on the north side of the building.

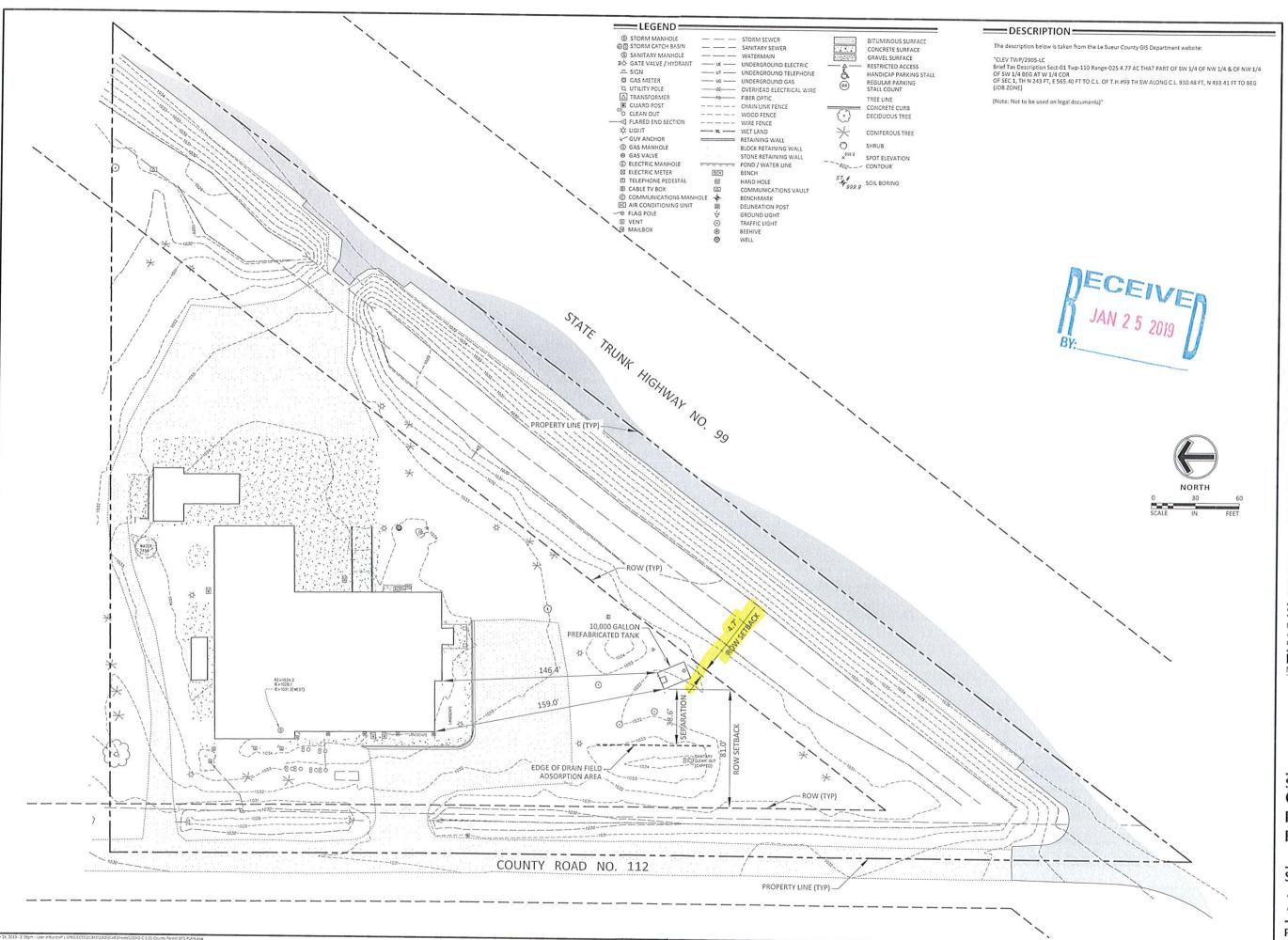
Camas began paperwork needed for the MPCA SDS permit filing in May 2018, shortly after the CUP was granted. It was quickly realized that engineers were needed to design the waste line including the interior plumbing plans and the holding tank plans. Two engineering firms, Sambatek and LKPB, agreed to design plans for permit filing with the MPCA, the Minnesota Department of Labor and Industry, and Le Sueur County.

The setback for the underground tank requirements is outlined on table 9 of the MPCA general SDS permit. Camas was given a triangle on the property where the tank would meet MPCA requirement. This setback increased the cost of the project significantly but was necessary to meet the requirements of the MPCA SDS permit.

Camas, Sambatek, the tank manufacturer (Weiser concrete), the SSTS installer (James Brothers Construction) and the MPCA were in constant contact trying to meet the SDS permit requirements. An SDS permit was granted on November 15, 2018, but this was still pending tank approval. The holding tank design/plans were approved by MPCA on December 11, 2018. James Brothers Construction contacted Camas on December 14th with plans to install the tank the following week. The tank was installed on December 21, 2018 by a licensed SSTS installer, James Brothers, and with the MPCA engineer, Brian Schweiss, on site. All the tank requirements were met with respect to installation and leak testing overseen by the MPCA.

Unfortunately, where the tank must go on the property per MPCA, the tank does not meet the setback requirements from highway 99. The underground storage tank is 4.7 feet from the right of way of highway 99. With this we are asking for an after- the-fact variance. The tank is crucial to comply with the SDS MPCA permit.







12800 Whitewater Drive, Suite 300 Minnetonka, MN 55343 763.476.6010 telephone 763.476.8532 facsimile

Engineering | Surveying | Planning | Environmental

Client CAMAS, INC.

Project CAMAS -WASTEWATER

Location 40463 261ST. AVE.

LE CENTER, MN.

Certification

I hereby certify that this survey, plan or report or prepared by me or under my direct supervision and that I am a duly Licensed LAND SURVEYOR under the laws of the State of Minnesora

Keith E. Dahl
Registration No. 18418 Date: 01/16/2019
If applicable, contact us for a wet signed conv of this

Summary

Designed: Drawn: MJB
Approved: KED Book / Page:
Phase: Initial Issue: 01/16/2019

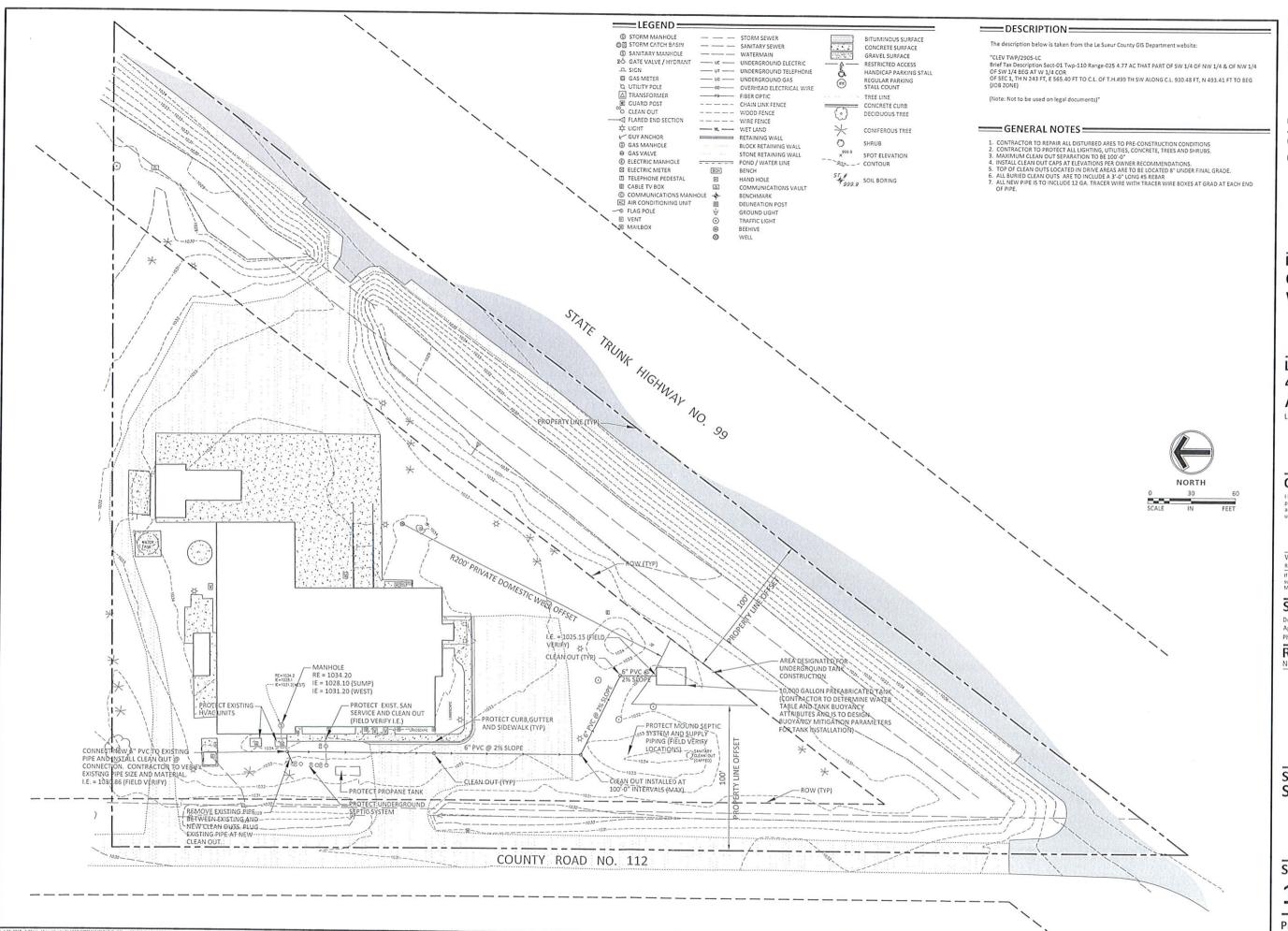
Revision History
No.Date By Submittal / Revision

Sheet Title COUNTY PERMIT - SITE RECORD PLAN

Sheet No. Revision

7/ 1

Project No. 21342



Sambatek

Minnetonka, MN 55343
763.476.6010 telephone
763.476.8532 facsimile
Engineering I Surveying I Planning I Environmental

Client CAMAS, INC.

Project CAMAS -WASTEWATER

Location 40463 261ST. AVE.

LE CENTER, MN.

Certification

I hereby certify that this survey, plan or report w 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.

WILLIAM DAVID WRIGHT

Registration No. 53899 Date: 08/23/2018
If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Designed: BDW Drawn: MJB
Approved: BDW Book / Page:
Phase: Initial Issue: 08/23/2018

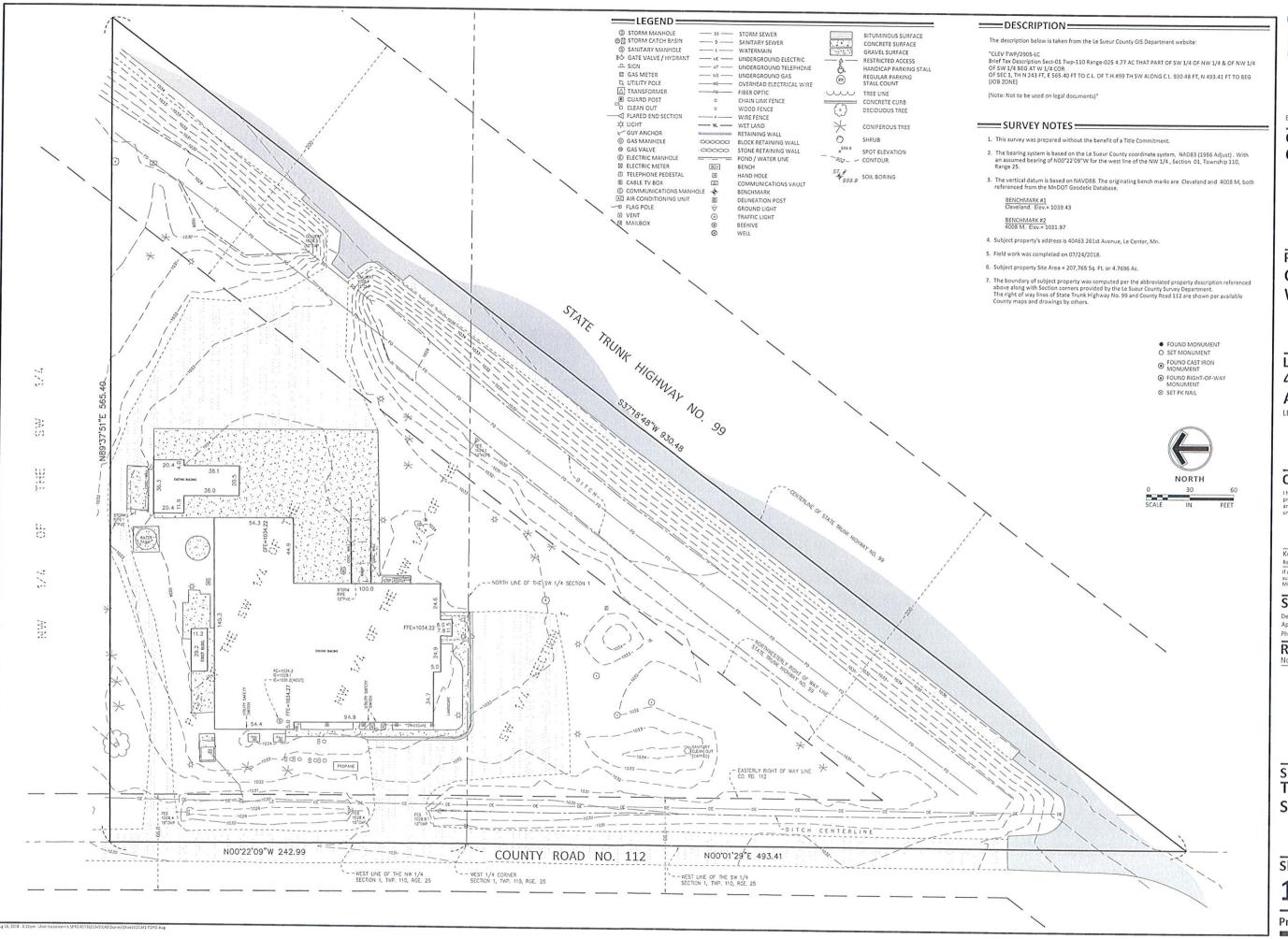
Revision History

Sheet Title SITE PLAN

Sheet No. Revision **1/1**

Project No.

lo. 21342



Sambatek

12800 Whitewater Drive, Suite 300 Minnetonka, MN 55343 763.476.6010 telephone 763.476.8532 facsimile

Engineering | Surveying | Planning | Environmental

Client CAMAS, INC.

Project CAMAS -**WASTEWATER**

Location 40463 261ST. AVE.

LE CENTER, MN.

Certification

Keith E. Dahl

Registration No. 18418 Date: 08/15/2018

If applicable, contact us for a wet signed copy of this survey which is available upon request at Sambatek's, Minnetonka, MN office.

Summary

Drawn: LCC Book / Page: 1274/62 Initial Issue: 07/27/20

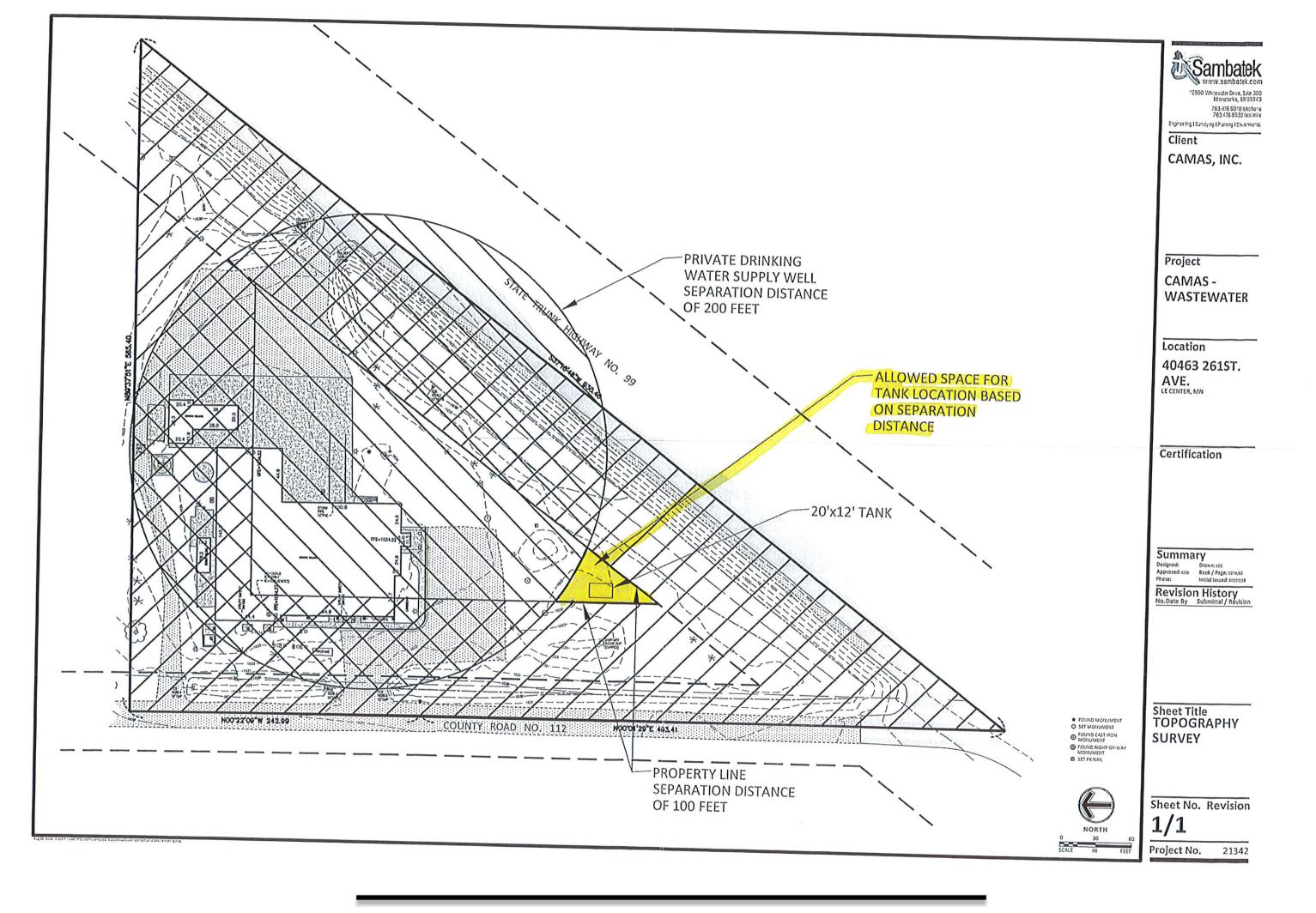
Revision History

Sheet Title TOPOGRAPHY SURVEY

Sheet No. Revision

Project No.

21342





Su	rv	<u>eyor Certificat</u>	tion				
l.		pplicant: Name <u>(am u</u> s	S. Inc.				
II.		andowner: Name <u>Carras</u> Property Address <u></u> City <u>LL Cente</u>	40463 3	3 61 St AVE	MN Z	ip_5605	<u></u>
III.		arcel Information: Parcel Number	01.001	.0400			
IV.		 North point Setbacks Property lines Road Right-Of-Way Lot Dimensions 	Certificate Lakes Rivers Wetlands Streams Ponds	of Survey to include Well Septic System Proposed Structures Existing structures - W Location of trees to be	Access Easements //thin and adjacent	to project area	2 5 2019
	•	 Itemized current & Examples include b 	proposed imper out are not limite	& Industrial Districts. vious surfaces to include td to: rooftops, sidewalks, evel roads, or tightly comp	patios, decks, driv	BY:	y
	*51		e at the time	n surveyed. of onsite visit/meetin onstruction commend		ation will be	e tabled.
V.	Qı a.	uantities and Subm One (1) reproducible co		s: est and all other supporting	g documents.		
	b.	Ten (10) copies must be photographs.	e submitted for	documents <u>larger than 11</u>	1 x 17, documents	in <u>color</u> , <u>aeria</u>	als or
	c.	Electronic version of ar	ny supporting do	ocuments if available.			
	d.	Pre-application meeting Appointment is neces		ed prior to making applica	ation to ensure sub	omittal comple	etion.
	e.	Application must be madeadline. Appointment		the applicant and/or land.	lowner prior to 12	P.M. on the d	ate of application
	f.	All required information accepted.	must be correc	t and submitted <u>at the tin</u>	me of application	, or the applic	ation will not be
VI.	Sig The to r	gnatures: e proposed improvemente effect an accurate acc	ents have been	n physically staked ons it and proposed conditi	site <u>then</u> surveye ons of the prope	ed on donoted	ury (0, 201, 9) above.
		ereby certify with my s rect to the best of my		all data contained herei			- (10
	Sur	rveyor Signature			Date Date	1,20101 Lie	# #
•		1		OFFICE USE ONLY			
	Date	1/25/19 e Received	Planning	mul 1 g & Zoning Department Sign	ature		
01-15-	16						1

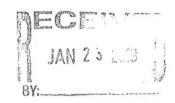


520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300 800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

November 15, 2018

Ms. Michelle Hawkins Director of Operations Camas, Inc. 40463 261st Avenue Le Center, MN 56057

RE: Final Issuance State Disposal System General Permit No. MNG960000 Land Application of Industrial By-Products General Permit Notice of Coverage-MNG960128 Camas, Inc.



Dear Ms. Hawkins:

Enclosed is a copy of the final State Disposal System (SDS) General Permit authorizing land application of wastes generated from food, beverage and agro-industrial processing facilities (industrial by-product). All comments submitted in writing during the public notice period for the general Permit have been considered.

Effective with the date of this Notice of Coverage (NOC), Camas, Inc (Facility) is covered and authorized to land apply industrial by-product(s) (IBP) in accordance with the general permit which expires November 30, 2018. Permit number MNG960128 has been uniquely assigned to your Facility to track compliance with the general Permit terms and conditions.

Facility Description

The Facility is located in Le Center, La Sueur County, Minnesota.

Camas, Inc. is an egg processing facility. The processing wastes may include wash water from eggs, chemical additives used for cleaning, broken eggs and eggs blended with food grade ingredients. Eggs are processed into a liquid pasteurized product that is sent off site to a spray drying facility. Egg process wastewater is stored in a 10,000 gallon tank prior to land application. Land application is conducted with a truck by injection. As a back-up, the facility can send IBP to the city wastewater treatment facility.

The submitted permit application indicates that the waste produced at your facility consists of one waste stream (WS-301) of industrial by-product. This letter authorizes the land application of IBP that is a mix of egg processing waste/washwater/animal feed ingredient in accordance with the terms and conditions of the General Permit.

Chemical Additives

Chemical additives are used according to the chemical manufacturer's recommendations. This approval shall not justify any exceedances of permit limits or water quality standards.

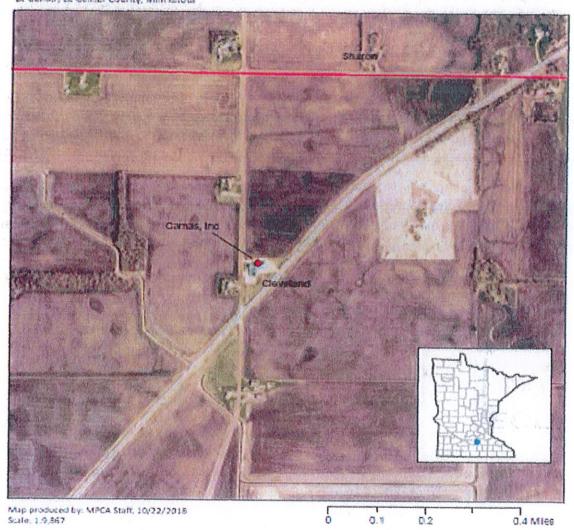
Chemical additives currently used at the Facility include the following:

Product Name	Process in which Used and Purpose	Dosage Frequency	Ma	ximum Rate of Use
Quant Sani-T 100	Cleaning Process	6 ounces/week	800	ounces/year
LFC additive	Cleaning Process	7gallons/wk		gals/year
			14	JAN 2 3 2013

BY:

Facility Map

Topographic Map of Permitted Facility
MNG960128: PERMIT NAME: Camas, Inc. Le Center
TILON, 825W, Section 1
Le Center Caurity, Militairota



Limits and Monitoring Requirements

The Permittee is required to follow the Limits and Monitoring Requirements on Page 5 of the General Permit.

The required monitoring station(s) and land application site(s) for your Facility are listed on the enclosed Summary of Stations page.

Please keep in mind that any changes to the waste type must be approved by the MPCA via permit modification.

Submittals

Sampling, Analysis and Field Equipment Calibration Plan

 A Sampling, Analysis and Field Equipment Calibration Plan is due by 60 days after permit issuance. This submittal is required for all permitted facilities. If the plan was submitted as part of a previous permit term, an updated version is acceptable under the terms of this permit.

Site Notification Form

- Prior to the use of a site for land application of an industrial by-product for the first time, the Permittee shall submit a completed 'Industrial By-Products Site Notification Form,' at least 30 days prior to application of IBP at the respective site.
- This notification must be repeated if any of the properties or conditions of the site changes.

Annual Report

• The Industrial By-Product Land Application Annual Report is due December 31 of each year. This submittal is required for all permitted facilities. If there was no land application during that cropping year, indicate that on the annual report.

Facilities with Pond Storage

- An inspection and certification by a registered professional engineer is due 180 days prior to permit expiration.
- A Pond Performance Evaluation Report is due 180 days prior to permit expiration.

Facilities with Pond Tile Line Discharges

 Submit a Discharge Monitoring Report DMR by 21 days after the end of each calendar month for which sampling is required.

Transfer to Manure Storage

 MPCA approval is required before transferring IBP to a manure storage structure. Submit the completed Transfer to Manure Storage form at least 30 days prior to a planned transfer.

Submittals related to this permit should be mailed to the following address:

Water Quality Submittal Center Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155-4194

Other

A *Permit Users Manual* can be found on the internet at: http://www.pca.state.mn.us/index.php/view-document.html?gid=6267. The Permit Users Manual includes Permit definitions and provides basic information to help the Permittee with general questions about such things as how to complete DMRs, perform calculations and renew operator certification.

Please refer to our website at https://www.pca.state.mn.us/waste/land-application-industrial-products for additional information and forms.

It is the Permittee's responsibility to ensure compliance with the terms and conditions of the General Permit. The MPCA must be notified immediately if conditions change.

This NOC does not impart construction approval of the plans and specifications for the proposed 10,000 gallon wastewater holding tank. MPCA approval of plans and specifications must be obtained separately prior to discharging wastewater into the proposed storage tank.

If you have any questions regarding the terms and conditions of this general Permit, please visit our website and then contact Beth Gawrys at 651-757-2380 or by email at elizabeth.gawrys@state.mn.us.

Sincerely,

Theresa Hangen

This document has been electronically signed.

Theresa Haugen Supervisor, Water Quality Permits Unit Water Section Industrial Division

TH/EG:ss

Enclosures:

Final Permit and Appendix

Subject Item Inventory

Industrial By-Product Site Notification Form

Industrial By-Product Land Application Annual Report

Industrial By-Product Land Application Transfer to Manure Storage Application Form

Industrial By-Product Transfer to Manure Storage Fact Sheet

Municipal and Industrial Pond Attachment

Desktop Water Balance Worksheet





520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300 800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

December 11, 2018

Ms. Michelle Hawkins Director of Operations Camas, Inc. 40463 261st Street Le Center, MN 56057

RE:

Holding Tank installation
State Disposal System Permit No. MNG960128
Le Sueur County, Township 110N, Range 25W, Section 1, SW% of NW%

Dear Ms. Hawkins:

The Minnesota Pollution Control Agency (MPCA) has completed review of the proposed underground holding tank for storage of waste washwater from egg processing at the Camas, Inc facility located in Township 110N, Range 25W, Section 1, SW¼ of NW¼. The holding tank is a prefabricated 10,000 gallon concrete holding tank. The MPCA is hereby approving installation of the holding tank for the permitted facility described above.

The tank is provided by Wieser Concrete and the tank design is certified by Cory A. Fisher, P.E. The tank installation shall be completed by a licensed subsurface sewage treatment system (SSTS) installer in accordance with Minn. R. ch 7080. Documents pertaining to the structure will be maintained on file with the MPCA. The following conditions apply to this approval:

- 1. The tank must be installed in accordance with all applicable state and local requirements;
- The tank must be installed in accordance with all manufacturer recommendations and design limitations, including (but not necessarily limited to): burial depth, subgrade preparation, flotation protection, and groundwater depth;
- 3. Leak testing must be conducted on the in-place tank and shown to meet the watertightness criteria of 7080.2010 Subp. 3.A. (1) or (2) prior to use. If the tank does not pass the watertightness test, it must be repaired or replaced and retested until it does pass;
- 4. The permittee shall notify the MPCA at least seven (7) days prior to installation of the tank;
- The permittee shall provide as-built drawings and certifications verifying that location, installation, and leak testing meet the applicable requirements of 7080.1900 through 7080.2020. This documentation shall be submitted to MPCA within 30 days after installation.

The MPCA's officers, employees, and agents review, comment upon, and approve plans and specifications for the limited administrative purpose of determining whether there is reasonable assurance that the treatment system, when constructed, will comply with the regulations and criteria of the MPCA. This approval shall not in any way relieve the Permittee or the engineer of responsibility, nor shall it make the MPCA responsible for the technical adequacy of the engineer's work. This approval shall not relieve the Permittee from complying with all conditions and requirements of the Permit and shall be retained by the Permittee with the Permit.

Any alterations or additions to the approved plans and specifications must be submitted to the MPCA as a Plan and Specification Addendum and be approved by the MPCA. Significant alterations or additions to the treatment system's approved plans and specifications must be submitted to and approved by the MPCA.

Significant change orders require prior approval from the MPCA before the work can be done. Verbal approval may be agreed to if the work is of an emergency nature. All change orders shall be retained by the Permittee for review by the MPCA. Each change order shall include an execution date, a complete description of the change, and signatures from the Permittee's authorized representative, the engineer, and the contractor.

The Permittee shall notify the MPCA when construction is complete. Please note that this approval is independent from any pending permit actions, and does not constitute an approval by the MPCA for any requests included in an application for modification or reissuance of the Permit.

If you have any questions regarding this approval, please feel free to contact me, at 651-757-2709 or via email at brian.schweiss@state.mn.us.

Sincerely,

Brian Schweiss

This document has been electronically signed.

Brian Schweiss, P.E.
Senior Engineer
Land and Water Quality Permits
Industrial Division

BS:ss



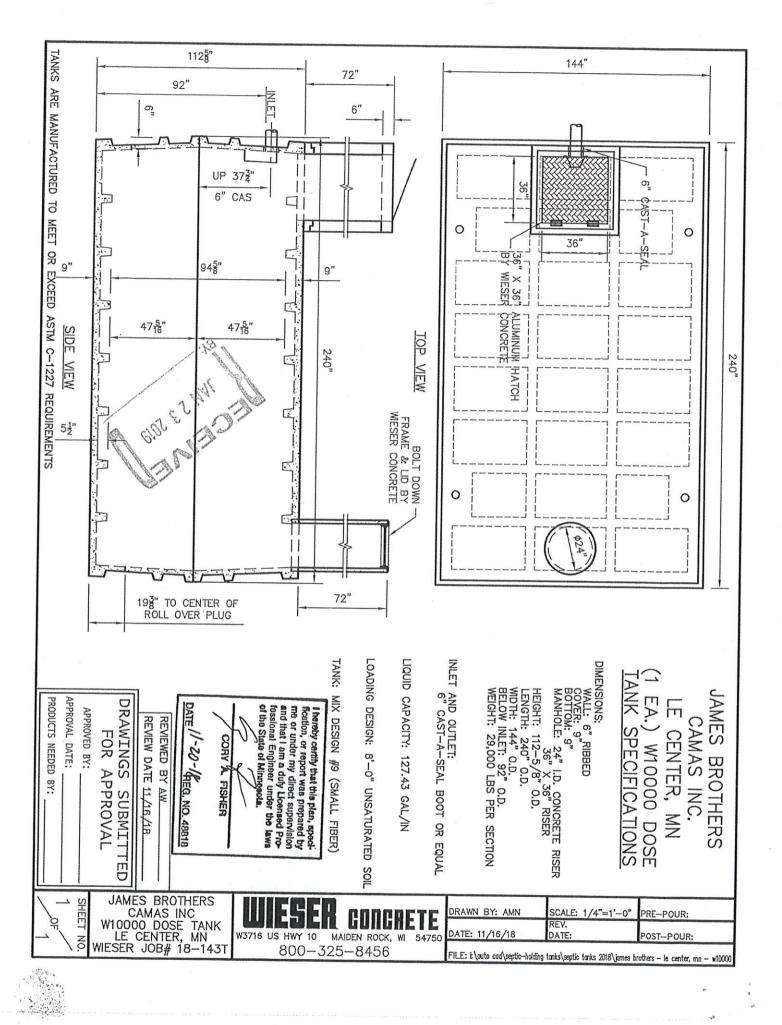


Table 9. Minimum separation distances for storage areas and structures of industrial by-products.

]	Feature	Short-Term Storage Area/Structure	Long-Term Storage Area/Structure	Permanent Storage Structure
Depth to Bedrock		3 feet	5 ¹ feet	3 feet
Depth to Seasonal High	Water Table or drain tile ²	3 feet	5 feet	3 feet
Private drinking water s	upply wells	200 feet	200 feet	
Public drinking water su	ipply wells	1000 feet	1000 feet	200 feet
Irrigation Wells		50 feet	50 feet	1000 feet
Residences		200 feet	1000 ³ feet	50 feet 1000³ feet
Residential Developmer	nt	600 feet	1000 feet	1000 feet
Public Contact Site		600 feet	1000 feet	1000 feet
Adjacent Properties/Roa	ds	100 feet	100 feet	1000 feet
Down gradient lakes, rivers, streams, type 3, 4, and 5 wetlands, intermittent streams, or tile inlets connected to these surface water features, 5 and sinkholes	Slope 0 % to 2 % Slope 2 % to 12 %	200 feet Not Allowed	1000 ⁴ feet Not Allowed	1000 ⁴ feet Not Allowed
Grassed Water Ways ⁶	Slope 0 % to 2 % Slope 2 % to 12 %	100 feet Not Allowed	100 feet Not Allowed	100 feet Not Allowed

¹ The separation distance may be decreased to 3 feet if the storage area or structure includes an engineered pad or liner.

²The depth to subsurface drainage tiles shall be considered the depth to the seasonal high water table for sites that are designed according to Natural Resources Conservation Services engineering standards and criteria.



Storage of industrial by-products at a location of 40 acres or less shall not take place within 400 feet from any residence. This separation distance shall increase 100 feet for every additional ten acres of land application area, or portion thereof, up to a maximum of 1,000 feet. Separation distances may be reduced if written permission is obtained from all persons residing within the otherwise protected distance.

⁴ Storage of industrial by-product shall not take place within 1,000 feet of any downgradient surface waters, wetlands, tile inlets, or sinkholes unless measures are taken to control runoff; in which case, the separation distance may be reduced to 200 feet.

Intermittent stream means a drainage channel with definable banks that provides for runoff flow to any of the surface waters listed in the above table during snow melt or rainfall events.

⁶Grassed waterways are natural or constructed and seeded to grass as protection against erosion. Separation distances are from the centerline of grassed waterways. For a grassed waterway which is wider than the separation distances required, application is allowed to the edge of the grass strip.

27079C0**260D** .001.0400 X-Outside

PID: DATE: FIRM #: F-Zone: RFPE:

Agriculture

District:

ENVIRONMENTAL SERVICES

507-357-8538

LE SUEUR COUNTY

accurately interpret the source data used in their preparation. However, a degree of error is inherent in all maps, Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps

330

220

110

55

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. ate System: NAD 1983 HARN Adj MN Le Sueur Feet

ated April/May 2017

Created By: MRM

Coording	Photo da	
25	र्क	
22	36	
97	35	
17	8	
700	£83	
87	32	
Š	27	71117

	SE SILINA	LAND		
CH-M2-264ST-AWE	CONTRACTOR OF THE PROPERTY AND ADDRESS OF THE PROPERTY OF THE	e	EVA, F3102-\$11	He



Le Sueur County, MN

Thursday, February 21, 2019 Regular Session

Item 1

Approved February 21, 2019 Meeting Minutes

Staff Contact: Joshua Mankowski or Michelle Mettler

LE SUEUR COUNTY BOARD OF ADJUSTMENT

Mailing address: 88 SOUTH PARK AVE
Physical Address: 515 SOUTH MAPLE AVE
LE CENTER. MINNESOTA 56057

February 21, 2019

MEMBERS PRESENT: Colin Harris, Jeanne Doheny, John Wolf, Francis Cummins

MEMBERS ABSENT: Jim Mladek

OTHERS PRESENT: Joshua Mankowski

1. Call to Order at 3:00 by Chairperson Jeanne Doheney.

- 2. **Agenda:** Additions/Corrections None. Motion to approve agenda by Colin Harris. Seconded by John Wolf. Motion approved. Motion carried.
- 3. **Meeting Minutes:** November 15, 2018 Additions/Corrections None. Motion to approve minutes by Fritz Cummins. Seconded by John Wolf. Motion approved. Motion carried.
- 4. Applications

ITEM #1: ADAM KOPESKY & JAIMIE DEATLEY, JANESVILLE, MN,

(APPLICANT\OWNER): Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to construct a single-family dwelling 77 feet from the Ordinary High Water Level (OHWL) and 48 feet from the road Right-Of-Way (ROW) in a Recreational Residential "RR" District on Lake Jefferson, a Recreational Development Lake. Property is located at Lots 7, 8, & 9, Tomahawk Point 1st Addition, Section 4, Washington Township. VARIANCE IS FOR OHWL AND ROAD ROW SETBACKS.

No one was present for application. Township: None. DNR: None. Letters submitted: Holly Kalbus, Environmental Resources Specialist stating her recommendation of approval.

Discussion was held regarding the site not being stacked as required.

Motion was made by John Wolf to Table the application because the site was not properly staked. Seconded by Colin Harris. Motion approved. Motion carried.

ITEM #2: CAMAS, LE CENTER, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact (ATF) Variance from the Le Sueur County Zoning Ordinance to allow the applicant to install a 10,000-gallon wastewater tank 4 feet from the State Highway 99 road Right-of-Way (ROW) in an Agriculture "A" District. Property is located in the NW 1/4 & SW 1/4, Section 1, Cleveland Township. ATF VARIANCE IS FOR ROAD ROW SETBACK.

Michelle Hawkins was present for application. Township: None. DNR: None. Letters submitted: None.

Discussion was held regarding the After-The-Fact variance for the install of a holding tank for industrial byproduct. The need to meet all setback requirements for the MPCA was given as a reason for requesting a variance from County setbacks. To meet all MPCA setback, there was only a small area for install, this area did not meet ROW setback requirements for the County. The MPCA was onsite to observe tank installation. Camas worked with an engineering company to meet permit requirements with the MPCA. The engineering company stated that they had called the County but did not ask the appropriate questions as pertaining to setback

requirements. The tank is currently not in use since a County permit has not yet been obtained and the alarm still needs to be installed. There was discussion on how and where the industrial byproduct will be disposed of once it is pumped form the tank and about maintaining appropriate rates for land application. Tank construction was also talk about. It was indicated that the current means of disposal was through the City of Mankato's wastewater treatment plant.

Motion was made by Fritz Cummins to Approve the application. Seconded by John Wolf. Motion approved. Motion carried.

- 5. **Discussion Items**: Ordinance Amendment adopted by the County Board to be effective March 1, 2019.
- 6. Warrants/Claims: Sign warrants/claim sheets
- 7. **Adjourn:** Motion to adjourn meeting by Colin Harris. Seconded by John Wolf. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted,

Joshua Mankowski

Approved March 21, 2019

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