
Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

Item 3

9:05am Kathy Brockway - Environmental and P& Z Director

Conditional Use Permits

Blight

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
March 25, 2014

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: KERRY & JESSE LINDSAY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

- The proposed use will not adversely increase the quantity of water runoff.
- The proposed use will not create a potential pollution hazard.
- The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- The establishment of the Conditional Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Therefore, the Planning Commission recommends approval of the application as written.

ITEM #2: LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

- The proposed use will not adversely increase the quantity of water runoff.
- The proposed use will not create a potential pollution hazard.
- The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- The establishment of the Conditional Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Therefore, the Planning Commission recommends approval of the application as written.

ITEM #3: WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN: Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

1. The proposal is not consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will have an adverse effect on the value of adjacent properties.

Therefore, the Planning Commission recommends denial of the application as written.

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, Kerry & Jesse Lindsay has applied for a Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential “RR” District.

Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 13, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

WHEREAS, On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by Kerry & Jesse Lindsay

WHEREAS, the reasons for **ACTION** were **REASONS**:

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*

4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential “RR” District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township **is ACTION**

ATTEST:

Steve Rohlfling, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District.

Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 13, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

WHEREAS, On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by Kerry & Jesse Lindsay.

WHEREAS, the reasons for **ACTION** were **REASONS:**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and*

loading space to serve the proposed use.

5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.
is ACTION

ATTEST:

Steve Rohlfig, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN: Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility.

Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **March 18, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends denial of the application due to the following findings:

1. The proposal is not consistent with the goals and polices of the Le Sueur County Land Use Plan.
2. The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will have an adverse effect on the value of adjacent properties.

WHEREAS, On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Rezone application as requested by **WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:**

WHEREAS, the reasons for **ACTION** were:

1. *The proposal is not consistent with the goals and polices of the Le Sueur County Land Use Plan.*
2. *The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *he proposal will have an adverse effect on the value of adjacent properties.*

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, the REZONE request to allow the applicant to rezone 20 acres from an Agricultural District to an Industrial District is **ACTION**

ATTEST:

Steve Rohlffing, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

STAFF REPORT

APPLICANT/OWNER: Kerry Lindsay

911 ADDRESS: 46223 Jefferson Shores, Cleveland MN 56017

PROJECT DESCRIPTION: Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

ZONING ORDINANCE SECTIONS: Section 13, Subd. 5 (pages 13-13, 13-14, 13-16, 13-17, 13-18, 13-20) Sections 13, Subd. 13.2 (page 13-38 thru 13-51), Section 18, Subd 3 (pages 18-3 thru 18-6)

GOALS AND POLICY

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.

Policy: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

LOCATION: LOT 4, BLOCK 2, JEFFERSON SHORES, SECTION 1, CLEVELAND TWP.

ZONING: 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.

GENERAL SITE

DESCRIPTION: Shoreland, Residential

ACCESS: Existing access from Jefferson Shore Drive

EXISTING LAND USE WITHIN ¼ MILE:

| | |
|-----------------------|--------------------|
| North: Residential/Ag | South: Residential |
| East: Lake Jefferson | West: Residential |

Mr. Lindsay was issued a zoning permit for the construction of a single family dwelling on his property in June of 2013. Late fall the Department received an inquiry with concerns as to excavation activity going on at the Lindsay property within the bluff. The Department issued a Cease and Desist Order to Mr. Lindsay stating that there were shoreland and bluff violations on his property and that erosion control measures needed to be put into place immediately. Mr. Lindsay was advised to contact the Department as soon as possible. Mr. Lindsay abided by the request immediately and hired representatives from I & S Engineering to assist him with plans for corrective measures on his proposed project.

Therefore, at this time Mr. Lindsay is applying for an After-The-Fact (ATF) Conditional Use Permit (CUP) for grading and filling within the bluff, bluff impact zone, and the shore impact zones in order to construct a path in order to gain access to the lake. He is also applying for a CUP for grading, filling and excavating within the bluff, bluff impact zone and shore impact zone in order to complete his project. The amount of material movement for the **ATF permit is 255 cubic yards**, an **additional 196 cubic yards** of material movement is necessary to **complete the project for a total of 451 cubic yards of material movement on site**.

Mr. Lindsay was granted a variance on February 25, 2014 to allow a shoreland alterations project to have a finished slope of 51%. The Ordinance requires the finished grade not to exceed 30%; however the grade on this property exceeded 30% prior to Mr. Lindsay's project.

TOWNSHIP BOARD NOTIFICATION

Mr. Lindsay contacted the Cleveland Township Board by letter on December 4, 2013.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

SITE PLAN



LAND USE APPLICATION PERFORMANCE STANDARDS

- Name and Address of Applicant and Landowner: Kerry Lindsay
- Legal Description- Attached

PERFORMANCE STANDARDS

Path must not exceed 4' in width;
Placement of Rip Rap, per LSC Ordinance and DNR regulations;
Submittal of As-Built upon completion of project by a Surveyor or Engineer;
Erosion Control Measures.

ATTACHMENTS

Narrative, site plan, survey, letter from Lauren Klement (LSC Resources Specialist) Aerial Photo

FINDINGS

BURDEN OF PUBLIC FACILITIES: none

COMPATIBLE WITH SURROUNDING USES: Residential, have access to lakeshore

APPEARANCE : Single Family Dwellings

ZONING DISTRICT PURPOSES: 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.

TRAFFIC, ACCESS, PARKING: Existing Access

SEWER & WATER: Existing Septic/Well

PLANNING AND OTHER COMMISSION CONSIDERATIONS

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

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

PLANNING AND OTHER COMMISSION FINDINGS

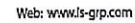
Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: **Agree**, **Disagree**, **Not Applicable**.)

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided. **A D NA**
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **A D NA**

COMMENTS:

Recommend (circle one) approval / denial / table / of Conditional Use Permit.



C2.1

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LE SUEUR COUNTY ENVIRONMENTAL SERVICES
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057-1600
Direct Dial (507) 357-8540 (direct line) Fax (507) 357-8541

March 4, 2014

To: Le Sueur County Planning and Zoning Commission; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist



Re: Kerry and Jesse Lindsay Shoreland

Property: Lot 4, Block 2, Jefferson Shores Subdivision, Section 1, Cleveland Twp

Request: Conditional Use Permit After the Fact for grading and filling in shoreland and bluff

The bluff has been altered after-the-fact. I do believe property owners have a right to access their shoreline. The land alteration process should have been followed.

Mr. Lindsay met with Kathy Brockway and me on the restoration plan for the after-the-fact grading and filling done on the Lindsay property. I & S Group created a restoration plan. I reviewed the plan. The plan is a thorough plan that includes a reduced width path, native vegetation and excellent erosion control. Rip rap, which is included in the application as additional grading and filling request, is being added to the shoreline to avoid future erosion as a result of the path.

Recommendation:

My recommendation is to accept the grading and filling request for restoration following the plan and design of I&S Group. This request goes hand in hand with the variance for a final grade of 51% slope for a shoreland alteration project.

November 12, 2013

Lauren Klement
Le Sueur County Environmental Services
88 South Park Avenue
Le Center MN 56057-1600

Parcel ID: 01.620 0090
Property Address: 46223 Jefferson Shores Drive

I would like to address why I decided to do landscaping on my property before I secured the proper permit.

I was unaware I needed a permit to do any type of work on my own property. I was in the process of building a new home, and I thought that since the builder had a permit to build my house then it would be covered. I was not given any county rules when I closed on the lot. I had no idea I needed a permit to make a path to the lake on my own property. I looked at what other residents around the lake had done, and I modeled my idea from what their properties look like. I modeled my ideas after the residents' paths and not stairs. I wanted to have the ability to drive a UTV or golf cart from my home to my dock. I have an elderly grandfather with Diabetes, and he struggles walking. I also have Diabetes, and I was planning for the future. My family and I plan on living here forever. I can walk down stairs today, but in the future I don't know if I will be able as my Diabetes progresses. I know I want to be able to give my Grandfather access to my dock for fishing and boat rides. I know I want to be able to access by dock for fishing and boat rides today and in the future. I never intentionally broke any rules. I am not applying for the conditional use permit after the fact.

Sincerely,

Kerry Lindsay

December 4, 2013

Cleveland Township Board of Supervisors
c/o Susan Ely
41862 271st Avenue
Cleveland, MN 56017

Re: Conditional Use Permit Notice
46223 Jefferson Shore Drive

Board Members:

Please accept this letter as notice that I am submitting a Conditional Use Permit to Le Sueur County for grading operations that have been performed at my future residence at 46223 Jefferson Shore Drive. We anticipate the permit application will be reviewed by the Le Sueur County Planning Commission at their regularly scheduled meeting in January. A full copy of the application and supporting materials is available from the County Environmental Services Department.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kerry Lindsay
Property Owner
46223 Jefferson Shore Drive

pAttachment A

Parcel ID: 01.620 0090

Property Address: 46223 Jefferson Shore Drive

Site ConditionsExisting Conditions

Construction is currently under way for the future home for Kerry Lindsay. The home is located in the Jefferson Shore subdivision towards the southeast end of the Jefferson Shore Drive Cul-de-Sac on the north side of East Lake Jefferson. The site has 1.35 acres of land with approximately 154 feet of lakeshore. The existing side slopes of the lake shore bluff are approximately 50 to 75 percent with a variety of brush, native grasses, and trees along the bluff. During construction, Mr. Lindsay excavated material to create a traversable access down to the lake shore. The excavation was approximately 10 feet in width and varies in depth. Mr. Lindsay received a halt work order at the home from Ms. Klement stating that there were shoreland and bluff violations and that silt fence was to be put up immediately. Silt fence was installed on site after the request and Mr. Lindsay contacted I&S for direction and assistance in corrective measures. The excavation was done prior to obtaining a Conditional Use Permit (CUP) which is required for grading, excavating, or filling in a shore impact zone and bluff zone therefore the applicant wishes to apply for an after-the-fact CUP.

Restoration Plans

A Restoration Plan is proposed to help restore the ground around the excavated area. Side slopes similar to the existing 50% slope terrain will be graded along the new aggregate path to tie into the existing slope. These will be covered in blanket and will be planted with native vegetation to match the existing ground cover and to help stabilize the slope. An aggregate path will lead down to the lake where it will transition into a stabilized blanket buffer which will lead to a rock riprap areas which will be placed near the waters edge to help stabilize and control erosion. The riprap will provide erosion control for the short and long term.

Restoration Goals

The grading, excavating, and filling as shown in the plan as well as the vegetation measures described in detail below are designed to help accomplish multiple goals. The goals are designed to transform the existing site into a conforming lot that meets all of the county's environmental standards and requirements. We aim to stabilize the hillside to acceptable erosion control standards consistent with the field office technical guides of the Le Sueur County soil and water conservation district and the United States Natural Resource Conservation Service, minimize soil erosion and trap sediment before reaching waters by utilizing guidelines set by the Board of Water and Soil Resources' "Minnesota Construction Site Erosion and Sediment Control Planning Handbook," and alter the topography in a manner that will not adversely affect adjacent or nearby properties.

Site Details

Temporary and Permanent Erosion and Sediment Control

Temporary sediment control will be maintained with silt fence and hay bale checks. Improved temporary erosion control measures will continue to be used until vegetation is established. The erosion control will be inspected every weekly and after every rain event to ensure the practices are working properly and will be repaired or replaced when they become 1/2 full of sediment.

Permanent erosion control system will be added as well. This will include seeding as well as the use of blankets for establishing and reinforcing vegetation on slopes and shorelines. There are several categories with different service application and specific uses. If any areas have eroded, washed away, blown off, the area will be mulched and seeded. Other vegetation (including trees, shrubs, and plants) will be added into the blanket once the erosion control system is in place to help provide roots and stability on the slope. Sediment and erosion control will also be accomplished with a 20 foot vegetated buffer above the lake as well as placed riprap at the waters edge.

Blanket Plan

This site will follow MnDOT recommendations for a category 6 with a permanent service application. This includes the use of blankets with Straw/Coconut with netting on two sides, or wood fiber high velocity with netting on both sides. The blankets will have sufficient porosity to shield the underlying soil surface from erosion and promote plant growth. The blanket will be installed according to manufacturer's requirements to maximize effectiveness. The blanket will be maintained after installation which consists of thoroughly watering the blankets immediately after placement, with additional watering performed as necessary.

RipRap Plan

The riprap will conform to DNR specifications and will extend no more than 6 feet waterward of the ordinary high water (OHW) level which is 1018.5 feet. The DNR states in their riprap specifications that if the DNR conditions are followed (details are included on the plan) that a permit is not required for riprap placement. It will conform to the natural alignment of the shoreline. The riprap will be placed along the bank for a width of approximately 30 feet. A filter in the form of crushed rock or filter fabric material will be placed underneath the riprap. Riprap materials must not include any limestone materials. Vegetation will be placed in the riprap to transition to the existing vegetation. Willow or Dogwood cuttings or plant plugs of native emergent species will be planted in the outer 5 feet of riprap on each side. This provides 20 feet of unvegetated riprap for lake access. Twenty feet is less than 15% of the 150 feet of shoreline for this site which leaves a significant amount of undisturbed shoreline.

Vegetation Plan

A vegetation plan has been developed to provide stabilization, habitat and visual appeal. A mix of trees, shrubs and grasses will be utilized. All of the vegetation selected is native and will grow in partial shade. Plant substitution may be allowed with approval from the County Environmental Services Department.

Tree Removal and Replacement Plan

It is recommended that any trees that were removed are to be replaced at a 1:1 density, this includes any tree with a caliper of 6 inches at 4.5 feet above ground level. This can be accomplished by using one or more of the following types and should have a minimum caliper of 2 inches measured 4.5 feet above ground level.

- Hackberry
- Black Cherry
- Basswood
- Elm which is resistant to Dutch Elm disease.

Small Trees/Tall Shrubs

Small trees/tall shrubs will be used as accent plants at a spacing of 5-8 feet on center from other trees and shrubs. Most of the species selected produce fruit and flowers for wildlife and visual appeal. They will grow to approximately 20 to 30 feet tall. Being smaller than most trees they allow the homeowner a view of the lake while the roots provide stabilization.

- Allegheny Serviceberry
- Ironwood
- American Plum
- Pagoda Dogwood
- Pussy Willow
- Nannyberry

Medium/Low Shrubs

Shrubs could be used on side slopes to provide root stabilization at a spacing of 5-8 feet on center from other trees and shrubs. This provides a more natural appearance, stabilization and wildlife value. Both low and medium height options are provided. A single species or a mix of species could be used.

- American Hazelnut
- Early Wild Rose
- New Jersey Tea
- Prairie Ninebark
- Black Chokeberry
- Meadowsweet

Seeding

It is recommended that the seeding mix to be used is 32-241. This seed is a Native Construction mix that is to be applied at a rate of 38 lbs/acre. The mix has a blend of big bluestem, oats, rye, wheatgrass, and several other blends that will help stabilize and flourish on the sloped hill side.

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: Kerry Lindsay **PID:** 01.620.0090
Mailing Address: 24298 Geldners Lane, Cleveland, MN 56017
Property Address: 46223 Jefferson Shore Drive, Cleveland, MN 56017
Phone: (507) 386-7800 **Mobile/Cell:** ()

Responsible party for Implementation/Inspection: Kerry Lindsay
Address: 24298 Geldners Lane, Cleveland, MN 56017
Phone: (507) 386-7800 **Mobile/Cell:** ()

Erosion & Sediment Control Measures

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

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 13, 2014

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz

MEMBERS ABSENT: Don Reak, Steve Olson, Betty Bruzek

OTHERS PRESENT: Kathy Brockway, Amy Beatty, Commissioners Connolly & Rohlfing

The meeting was called to order at 7PM by Chairperson, Jeanne Doheny.

ITEM #1: KERRY & JESSE LINDSAY, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

Kathy Brockway explained the application. Matt Brand, Engineer from I & S Engineering and Kerry Lindsay were present for application.

TOWNSHIP: Notification. DNR: No comments

LETTERS: Lauren Klement, LSC Resource Specialist, Kurt Ross (email) see file.

PUBLIC COMMENT: Mike Sieberg, adjoining property owner, questioned the finished slope next to his property line. Engineer stated that there will be no disturbance to the slope next to his property line.

Discussion was held regarding: applicant did not realize he needed a permit to gain access to the lake; grading and excavating coincided with new home construction; remaining 196 cubic yards of material is necessary for the stability of the slope as designed by the engineer; erosion control methods in place; entire area will be revegetated; applicant was granted a variance for a finished grade of more than a 30% slope.

Motion was made by Doug Krenik to approve the application as written. Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #2: LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

Kathy Brockway explained the application. Shawn Onken, co-owner Legacy Farms was present for application.

TOWNSHIP: Notified. DNR: N/A. LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: location of wetlands to the west; drainage; state permitting; annual reports; manure management; approximately 2000 acres for manure application, only required to have 300 acres; empty manure pit in the spring and fall; storage of manure for 12 months; inspection process through the state at time construction as well as annually of the facility; if conditional use permit approved a 30-day comment period required through the MPCA; permit issued for 5 years; conditional use permit goes with the land.

Motion was made by Chuck Retka to approve the application as written. Seconded by Al Gehrke. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by Pam Tietz. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Chuck Retka. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
By Kathy Brockway

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

CONDITIONAL USE PERMITS APPLICATION #14005

LE SUEUR COUNTY

**IN AN AGRICULTURAL ZONING DISTRICT,
A NEW ANIMAL FEEDLOT CAPABLE OF HOUSING
900 ANIMAL UNITS (3,000 HEAD OF SWINE FINISHING PIGS
WEIGHING 55 TO 300 POUNDS)**

**NAME: LEGACY FAMILY FARMS EAST
JEFF GIBBS AND SHAWN ONKEN**

Subject: Conditional Use Permit Application #14005

Applicant: LEGACY FAMILY FARMS EAST - JEFF GIBBS AND SHAWN ONKEN

Property Owner: PATRICIA GIBBS

Location: SW1/4 OF THE SE ¼ OF SECTION 32, MONTGOMERY TOWNSHIP

Existing Zoning: A- AGRICULTURAL

Date of Hearing: MARCH 13, 2014

Reported by: Kathy Brockway-Le Sueur County P & Z Administrator
Amy Beatty- Le Sueur County Feedlot Officer

Applicant Received:

The applicant has received copies of the Le Sueur County Zoning Ordinance Sections 8: Agriculture District, Section 16: Animal Feedlot and Manure Management, and Section 21: Conditional Use Permit.

Township Notification:

The applicants contacted Dale Korbel, Montgomery Township Board member on February 17, 2014.

Zoning District:

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. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

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

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

Policy: An adequate supply of healthy livestock is essential to the well being of Le Sueur County. The location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts. An effort to combine local needs with state feedlot regulations will ensure local involvement in this issue, help provide minimal disruption to existing agricultural businesses, and help provide rules to protect the environment.

Site Information:

The proposed new animal feedlot is to be located on a parcel in the SW ¼ of the SE ¼ of Section 32, Montgomery Township. The site is to be located off 400th Street or County Road 138.

Surrounding Land Uses:

The predominant use of the surrounding land is agricultural. To the north, south, east, and west, the property is used for agricultural/row crop purposes with Type 3 wetlands.

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

Wetlands: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

Minnesota Pollution Control Agency (MPCA) Application Submittal Process:

The applicant is requesting to house 3,000 head of swine finishing pigs weighing 55 to 300 pounds. A site that is capable of housing 2,500 head or more of swine finishing pigs is required to apply for a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System Permit (SDS). This permit is a federal permit that the Minnesota Pollution Control Agency (MPCA) is delegated to issue.

The proposed animal feedlot's NPDES/SDS permit application is comprised of:

1. Permit Application
2. Air Emissions and Odor Management Plan
3. Animal Mortality Plan
4. Emergency Response Plan
5. Operation and Maintenance Plan
6. Manure Management Plan
7. Soils Investigation and Liquid Manure Storage Structure Plans prepared and signed by a design engineer.
8. Public notification, as required by Minnesota State Statutes 116.07 and Minnesota Rules, Chapter 7020.2000, subpart 4. Notification was published in the *Le Center Leader's* March 5, 2014 edition.

MPCA staff will

1. Review the application, and a staff engineer will review the liquid manure storage structure plans.
2. Issue a permit notice for thirty (30) days that will be posted on its website in which the public will have an opportunity to comment.

County Requirements

The proposed animal feedlot is located in the Agricultural Zoning District, which allows animal feedlots up to 3,000 animal units through the Conditional Use Permit process.

The minimum lot size is ten (10) acres for an animal feedlot between 101 to 2,000 animal units. The parcel on which the proposed animal feedlot would be constructed on is 25 acres; therefore, the applicant meets the minimum lot size as set forth in the Le Sueur County Zoning Ordinance.

The proposed site plan meets or exceeds all requirements for the proposed animal feedlot in the Agricultural Zoning District.

- The proposed feedlot facility is not
 - Within 1,000 feet of a lake or within 300 feet of a stream;
 - Located within a delineated floodplain;
 - Located in a state or federally designated wild and scenic river district, a Minnesota River Project Riverbend Area, or the Mississippi Headwaters Area; and
 - Located in a drinking water supply management area.

- The applicant will meet or exceed all setback requirements as listed in the Le Sueur County Zoning Ordinance, Section 16.
 - Property line – 100 feet;
 - Well – 100 feet;
 - Road right-of-way – 100 feet;
 - Cemetery – 500 feet; and
 - Existing dwelling, school, park, golf course, licensed campground, or residential zoning district – 1000 feet.

Proposed Animal Feedlot Structures:

- The proposed total confinement building will measure 102 feet by 240 feet and house 3,000 head of swine finishing pigs weighing 55 to 300 pounds.
- The proposed liquid manure storage structure will measure 100 feet by 238.67 feet by 8 feet with a volume of 100 feet by 238.67 feet by 6.5 feet or 155,135 cubic feet. The Le Sueur County Zoning Ordinance requires twelve (12) months of storage. Per the design engineer, the liquid manure storage structure will have 369 days of storage.
- A proposed animal mortality composting facility that will measure 14 feet by 40 feet.

Manure Management Plan:

The manure management plan has been submitted and is the process of being reviewed by MPCA staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16. In addition, all liquid manure shall be injected or incorporated within twenty-four (24) hours. All the liquid manure from the proposed facility will be applied via sweep injection; therefore, meeting the requirement to be incorporated within twenty-four (24) hours.

Odor Control:

An Air Emissions and Odor Management Plan has been submitted and is the process of being reviewed by MPCA staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16.

Feedlot Officer Findings:

1. This operation shall be operated in a manner consistent with the NPDES/SDS permit as issued. Any deviation from the NPDES/SDS permit will necessitate modification of said NPDES/SDS permit.
2. Per Minnesota Chapter 7020.2100, subpart 5, notification shall be made to the Department three (3) business days prior to onset of construction and three (3) business days following completion of construction of the manure storage area liner (prior to backfilling the pit walls).
3. Per Minnesota Rule, Chapter 7020.2100, subpart 5.D, the animal feedlot owner shall submit a copy of the construction report to the Department within sixty (60) days of the completion of the manure storage structure.
4. Per Minnesota Rule, Chapter 7020.2100, subpart 6, the animal feedlot owner shall have inspections completed during the construction that comply with this subpart.

5. All animal manure from the operation shall be utilized in accordance to the MPCA-approved Manure Management Plan.
6. Animal mortalities shall meet the requirements of the Minnesota Board of Animal Health.
7. The permit holder shall allow the County Feedlot Officer or assigned representee to inspect the site whenever necessary upon notification to permit holder.
8. No animals shall be brought into the newly constructed portion of the facility until all conditions have been met.
9. All applicable requirements as stated in Section 16, Subdivision 9, Standards for Conditional Use Permits, and any additional standards or requirements imposed by the Le Sueur County Board of Commissioners shall be met.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

FINDINGS OF FACT AND CONCLUSIONS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: Agree, Disagree, Not Applicable.)

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**

3. The adequate utilities, access roads, drainage and other facilities have been or are being provided.
A D NA
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
A D NA

COMMENTS:

Recommend (circle one) approval / denial / table / of Conditional Use Permit.

Legacy Family Farms

18036 400th Street
Killkenny, MN 56052
Phone: (507) 357-4186
Fax: (507) 357-4186
E-Mail: legacyfamilyfarm@frontiernet

February 18, 2014

Le Sueur County Planning and Zoning,

Legacy Family Farms consists of a combining of two farms and their farm families, Jeff and Christy Gibbs along with Jeff's mother, Patty as Gibbs Farms and Shawn and Randee Onken along with Randee's parents, Jerry and Patty Scheffert as the Onken Farms. It was decided in 2011 to combine farms and equipment after helping each other with planting and harvesting for 2 years. With this combination of resources and efforts the partners see the potential for this legacy to carry on in their families. With this foresight in mind, it was decided that one of the best ways to ensure a future for their children and grandchildren, who have expressed an interest in carrying on in their family, agri-business, was to expand and pursue the swine production entity of their business.

In 1997 and EAW was completed and approved to facilitate a site for nursery hogs containing 2000 animal units. With the farm situation at that time being what it was, this was not acted upon. Now that the potential for future generations is becoming more and more evident, we feel that this is the best time to expand our swine entity on this sight.

With this background information Legacy Family Farms requests a feedlot Conditional Use Permit (CUP) for the sole purpose of feeding out 3000 hogs from receiving weights of 40-45 pound feeder pigs to finishing weights of 275-300 pounds.

The dimensions that this structure requires are 102'-6" x 240' with an accompanying office space of 24' x 20' area that will be attached to the southeast corner of this structure. The office area will contain a restroom, showers and a clothes washing area to ensure the biosecurity of our operation, there will be a full 8' concrete pit under the main structure providing for one full year manure containment.

The hours of operation will vary depending on the growth stage of the pigs. When the pigs first arrive they are generally 45 pounds and only require 1 person to walk through the barns daily generally taking 1 hour or less of time. When the pigs reach market size we will begin loading onto semi's where 3 people and 1 trucker will load 180 pigs on a truck taking less than 1 hour to accomplish this. Total trucks hauling pigs will average 41 per year. Feed trucks will deliver feed 1 to 2 times per week on weekdays. Two times per year a licensed manure pumper will empty the pits taking approximately 16 hours per time.

The estimated number of people to attend this place of business will be 3 on a daily or weekly basis. During load out times there will be 4 people.

The site will have a new well drilled by St. Peter Well Company maintaining all county setbacks and regulations. The attached office will have a toilet, shower, and washer/dryer. The wastes generated by the office amenities will be handled by a septic system designed and installed by St. Peter Well Company. The septic system will be sized accordingly to handle all wastes and meet county requirements.

The building will be wired with a complete security system to monitor high temp, low temp, power supply, water pressure, smoke detectors, and door alarms. The system will be monitored by a 24 hour a day monitoring center. In addition to the smoke and temp sensors the yard will be kept free of clutter and obstacles allowing emergency crews complete access in the event of a fire or a security breach.

The location will not have any retail sales and will have no food or alcohol sales.

Legacy Family Farms is not requesting any services by the county or the need for any personnel from the county.

The location will have no sound equipment.

The building will be well lit having night lights mounted on the exterior of the building.

The location will have a gravel yard where personal can park by the office. The Building will have a 12' x 9' 6" load out for loading and unloading pigs.

The only signage at the location will be safety warnings around pit load outs and bio-security signs at each entrance door.

Road access will be gained by a driveway built to county specifications off of 400TH St. Attached you will find the permit for the approved driveway signed by Dave Tiegs Asst. Hwy Eng.

State farm Insurance has provided a signed certificate of insurance.

All additional permitting required for a feedlot of this size in Le Sueur County has been provided

A dumpster will be provided 365 days per year as well as a state approved composting system to accommodate any animal mortality. This composting system will be engineered by NRCS and will be located Northeast of the facility.

We as a family operation have participated and worked closely with our local lake associations and county and state environmental officials. We comply with mandates as they pertain to us and our business. We respectfully ask that you approve us for this expanded venture of Legacy Family Farms.

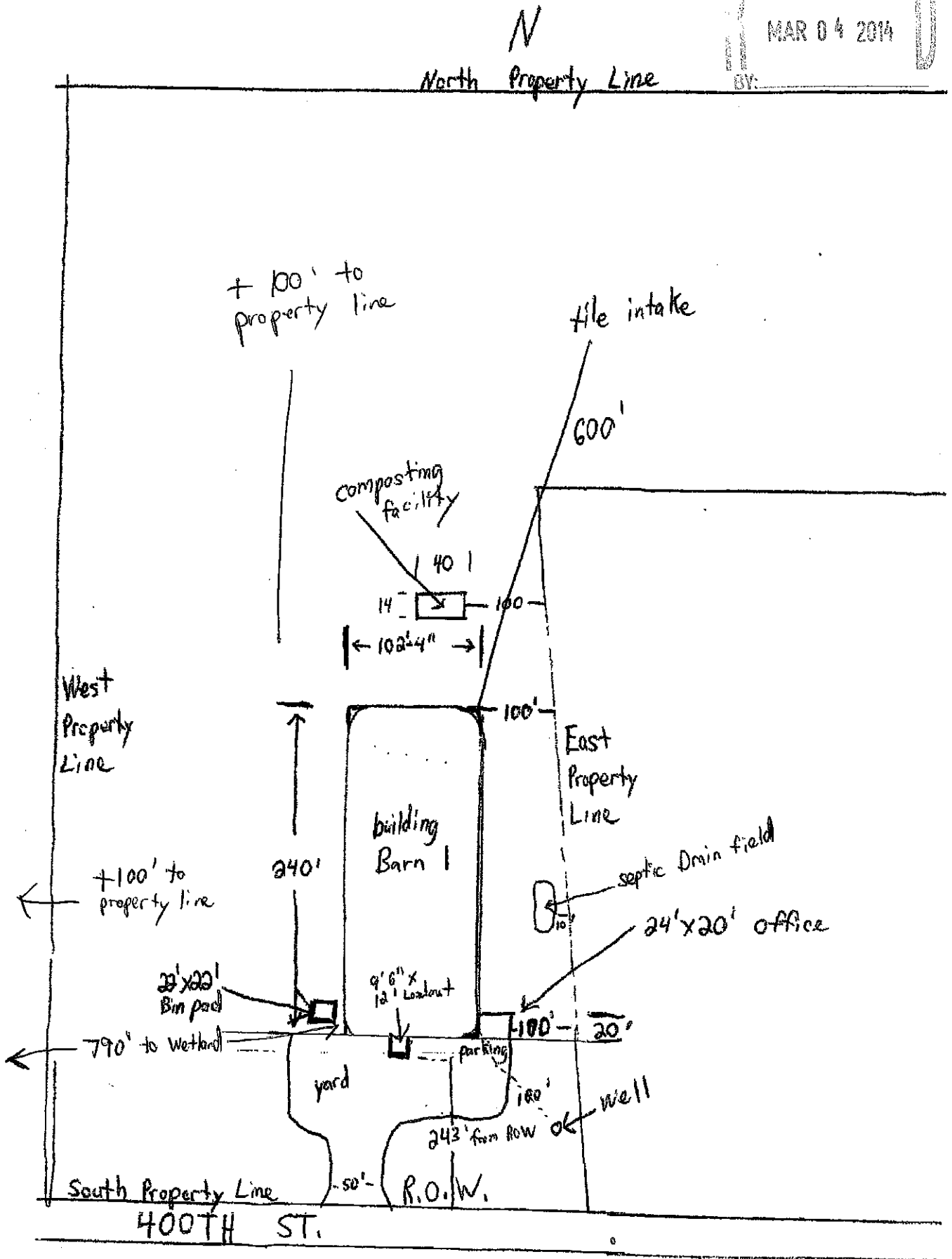
Sincerely,

Legacy Family Farms



The Southwest Quarter of the Southeast Quarter of Section 32, Township 111 North, Range 23 West, Le Sueur County, Minnesota, EXCEPT the following parcel:

Part of the West Half of the Southeast Quarter of Said Section 32, Township 111, Range 23, Le Sueur County, Minnesota, described as follows: Beginning at the southeast corner of said West Half of the Southeast Quarter of Section 32; thence on an assumed bearing of North 89 degrees 51 minutes 57 seconds West along the South line of said Southeast Quarter 743.40 feet; thence North 05 degrees 16 minutes 47 seconds West 870.62 feet; thence South 88 degrees 48 minutes 21 seconds East 842.80 feet to the East line of said West Half of the Southeast Quarter; thence South 01 degrees 17 minutes 11 seconds West along said East line 851.32 feet to the point of beginning.



LE SUEUR COUNTY HIGHWAY DEPARTMENT

Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 138 Name of Twp. Montgomery

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Legacy Family Farms / Shawn Onken Telephone No.: (507) 340-8446

Address: 18036 400th St. Kilkenney, MN 56052

Name of Property Owner: Patty Gibbs Telephone No.: (507) 357-4302

Address: 18036 400th St. Kilkenney, MN 56052

Location: Co Hwy. No.: 138 in Le Sueur Co. 0.4 Miles N-S-E-W of T.H. 13
(circle one) (Specify Road, or Intersection)

Legal Description of Property Parcel I.D. 09.032.5300

Purpose of Driveway: Farm Residence X Field

Is a Building to be Constructed: Yes X No What kind swine barn

Possible replacement cost of this pipe will be the responsibility of the owner: Yes/No
(Circle One)

Will the Building be Temporary: no Permanent yes

Distance from center of highway to front of building is 330 feet.

Is land higher? yes lower? or level? with highway.
(show feet & inches) (show feet & inches)

Number of present driveways to property 1 Date Proposed driveway will be needed 5-1-14

Give exact location to Proposed Driveway to Property: (Give lath to mark center of Proposed Driveway)

- Owner responsible for installation & required culverts & aprons.

- Owner to remove existing entrance East of proposed location.

* Culverts may be purchased from Le Sueur Co. Highway Dept.

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety.

legacyfamilyfarms@frontier.com

Access drives which traverse wooded, steep, or open field areas shall be constructed and maintained to a minimum ten (10) foot width base material depth sufficient to support access by emergency vehicles and have an unobstructed width of not less than fourteen (14) feet and an unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches. Access drives outside the road rights of ways shall not exceed twelve percent (12%) grade unless approved by the local fire chief.

Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that drive accesses.

All lots or parcels with dwellings shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.

All roads serving more than one (1) lot or parcel with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty-four (24) feet.

Access drives in excess of one hundred fifty (150) feet shall provide a minimum turn-around of forty (40) feet in width by forty (40) feet in length.

BE IT RESOLVED: That the County Highway Engineer is hereby authorized and instructed to control farm and field entrances on all County State Aide Highways, including roads scheduled for new construction, under the following regulations.

- A: One field and one farm entrance shall be allowed per owner or approved additional access at no cost to owner.
- B: A permit shall be required on all additional entrance requests.
- C: All new culverts and aprons on additional entrance requests shall be furnished by the private owner, and constructed according to the Engineer's specifications.
- D: All new culvert materials and aprons shall become the property of the County Highway Department and entrances shall be maintained by same.
- E: There shall be no distinction for entrances with or without culvert.
- F: The relocation of existing entrances shall be accomplished at the private owner's expense and according to the Engineer's specifications, except where the County is proved negligent.

BE IT RESOLVED: That the design standards for County Roads be the same as those currently listed in State Aid Rules for County State Aid Highways.

2-14-14

Date



Signature of Applicant

NOT VALID UNLESS SIGNED AND NUMBERED

Access Driveway or Entrance Permit: 2014-02
Permit No.

Permission is hereby granted for the construction of the driveway as described in the above application, said driveway to be constructed in accordance with the Minnesota Highway Departments Driveway Standard Plate Nos. 9000B and 9001A and subject to the requirements on the next page and the following special provisions:

It is expressly understood that this permit is conditioned upon replacement or restoration of the County Highway to its original or to satisfactory condition.

2/14/14
Date

David Ring
Le Sueur County Highway Engineer
Asst. Hwy. Eng.

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: Patricia Gibbs PID: _____
Mailing Address: 18036 400th St. Kilkenny, MN 56052
Property Address: _____
Phone: (507) 357-4302 Mobile/Cell: (____) _____

Responsible party for Implementation/Inspection: Legacy Family Farms
Address: 18036 400th St Kilkenny, MN 56052
Phone: (507) 357-4186 Mobile/Cell: (507) 390-8446

Erosion & Sediment Control Measures

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

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

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

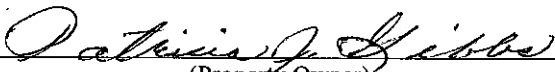
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the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

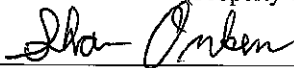
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

Inspection and Maintenance

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

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


(Property Owner)


(Person Responsible for Implementation)

2-17-14
(Date)

2-17-14
(Date)

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

EROSION
CONTROL
MAP

N

North Property Line

West
Property
Line

East
Property
Line

silt fence

← 102'-4" →

building

24'x20' office

22'x22'
Bin pad

240'

100'

20'

12'

255' to
R.O.W.

9'-6"

24'

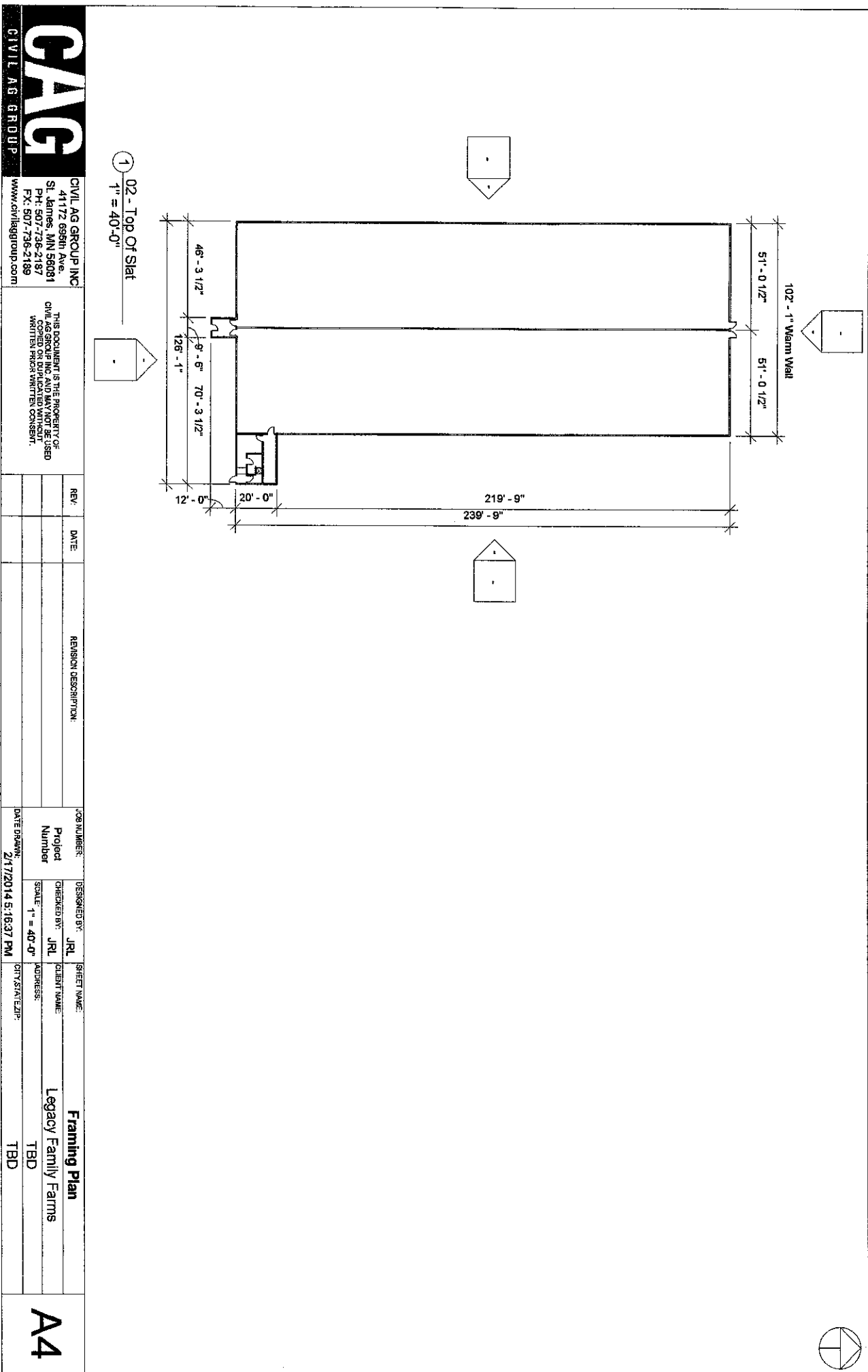
100'

well

South Property Line

R.O.W.

400TH ST.



Mettler, Michelle

From: St.Peter Well Drilling [spwell2@gmail.com]
Sent: Tuesday, February 18, 2014 1:43 PM
To: Environmental Services
Subject: Attn: Michelle

Michelle,

Regarding Legacy Family Farms (Jeff or Donald Gibbs) at parcel number 09.032.5300 (farm field, future hog barn site), the septic system and well that is to be installed in 2014 will meet all of the required setbacks (from hog building, from property line, road right of way, etc).

The frozen soil conditions won't allow the necessary soil borings needed for a septic system design at this moment in time. Glen Schilling from St. Peter Well Drilling will perform the soil borings and will be submitting the design for a septic system at a later date when site conditions improve.

Please let me know if you have any questions or concerns.

Thank you,
Glen Schilling
St. Peter Well Drilling
45823 State Highway 22
Kasota, MN 56050
507-931-1340
spwell2@gmail.com

****SEE NEW E-MAIL ADDRESS ABOVE****




CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/14/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


| | | | |
|--|--|------------------------------------|---------------|
| PRODUCER  Heidi Baker Insurance Agency Inc 350 W Derrynane St Le Center, MN 56057 | CONTACT NAME: Heidi Baker | | |
| | PHONE (A/C, No, Ext): 507-357-4141 | FAX (A/C, No): 507-357-4491 | |
| | E-MAIL ADDRESS: heidi@heidibaker.biz | | |
| INSURED Legacy Family Farms Jeff Gibbs; Shawn Onken 18036 400th St Kilkenny, MN 56052-4188 | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| | INSURER A: State Farm Fire and Casualty Company | | 25143 |
| | INSURER B: | | |
| | INSURER C: | | |
| | INSURER D: | | |
| | INSURER E: | | |
| INSURER F: | | | |

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|--------------------|---------------|-------------------------|-------------------------|---|
| | COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Farm/Ranch <input type="checkbox"/> Commercial Liability Umbrella GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | | 93-BL-Y976-5 | 08/13/2013 | 08/13/2014 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ OTHER \$ |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$ |
| | <input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ OCCUR CLAIMS-MADE | | 93-BY-E175-4 | 09/14/2013 | 09/14/2014 | EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ OTHER \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N <input type="checkbox"/> N / A | | | | | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

| | |
|--|---|
| CERTIFICATE HOLDER Le Sueur County Planning and Zoning RFD 1 Le Center, MN 56057 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Heidi Baker by  LS4-5 |
|--|---|

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ACORD 25 (2014/01)

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1001486 132849.9 02-04-2014

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 18, 2014

MEMBERS PRESENT: Don, Reak, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Doug Krenik, Al Gehrke,

MEMBERS ABSENT: Jeanne Doheny, Steve Olson, Betty Bruzek, Pam Tietz

OTHERS PRESENT: Michelle R. Mettler, Commissioner Gliszinski, Commissioner Rohlfing, Commissioner Connolly

The meeting was called to order at 7PM by acting Chairperson, Shirley Katzenmeyer.

ITEM #1: **WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:** Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

Michelle Mettler presented power point presentation. Todd Ludwid from WFS, was present for application.

TOWNSHIP: None. DNR: None. LETTERS: Paul Vogel, City of Mankato-opposed; Bruce & Helen Klugherz-opposed; Maruta Grean-opposed; Linda Schoemaker-opposed, Dennis Erickson-opposed; Bob & Stacy Bosse-opposed; Andrew Grean-opposed. See file.

PUBLIC COMMENT: Jerry Lucas-opposed. Proposed use not allowed without rezone, look at other Industrial uses, no other Industrial zone in area, spot zone. Read case law. Not supported by land use plan. Helen Klugherz-opposed. Truck traffic, busy intersection, rezone is for business. Ron Grueness-Concerned with 20 acre rezone to Industrial, proposed plan uses only a small area of the 20 acres, evacuation issue if hazard, will change the character of the area, infrastructure. Bob Vetter, President Lake Washington Lake Improvement Association-opposed. High traffic area. Joann Stofel-opposed. Maintain agricultural property, will be all black-topped if rezoned, keep valuable farmland. Bob Schmillen, Lake Washington Sewer District-opposed. Main lift station across the road, lake association and sewer district has gone to great lengths to protect the lake, infrastructure, natural gas pipeline, emergency services. Cally Gosch-opposed. Flight traffic, higher risk area, number of children in area, keep natural. Brian Ebonga-opposed. Noise, truck traffic, damage to roads, warning system would not be enough for immediate neighbors if there were an evacuation, potential pollution hazard, close proximity to lake Wita and Washington, loss in property values. Wayne Balbach-opposed. Safety, fumes, explosion, wetland, lakes. Mark Conrad-Traffic, increased traffic magnifies possible accidents, evacuation difficult, will make it easier for future rezones.

Discussion was held regarding: Site location, roads, lack of shoulder on roads, proposed entrance off county road 19 approved by highway dept, road tonnage, large equipment on roads, spot zone, application for rezone not for specific use, Type 1 wetland in quarter section, road counts, rezone acreage size, land use plan.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **Disagree**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **Disagree**

3. The proposal will not have an adverse effect on the value of adjacent properties. **Disagree**
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **Agree**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Tie.**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Not applicable.**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. **Disagree**
8. Soil conditions are adequate to accommodate the proposal. **Agree**
9. The proposal will not create a potential pollution hazard. **Disagree**
10. The proposal will not degrade the water quality of the County. **Agree**
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **Disagree**
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **Agree**

Motion was made by Don Reak to deny the application. Reason for denial: Spot zone, not a good location for Industrial District. Seconded by Doug Krenik. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Chuck Retka. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

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

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Watonwan Farm Service Coop

OWNER: STEVE & THOMAS SCHOLTZ

911 ADDRESS: New- Off 355th Ave

PROJECT DESCRIPTION: Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the S1/2 SW1/4, Section 13, Kasota Township.

ZONING DISTRICT PURPOSES: 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. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

ZONING ORDINANCE SECTIONS: Section 6, Section 8, Section 11, Section 23

SITE INFORMATION

LOCATION: 20 acres within a 56.94 acre parcel located in Section 13, Kasota Township

CURRENT ZONING: AGRICULTURE/MANKATO AIRPORT OVERLAY DISTRICT

REQUESTED CHANGE: INDUSTRIAL

GENERAL SITE DESCRIPTION: AGRICULTURAL

ACCESS: APPROVED BY COUNTY HIGHWAY DEPT. (SEE ATTACHED)

EXISTING LAND USE WITHIN ¼ MILE:

North: AG/ ZONE C AIRPORT OVERLAY /scattered residential
South: AG/ ZONE C AIRPORT OVERLAY—BLUE EARTH COUNTY
East: AG/ ZONE C AIRPORT OVERLAY/ scattered residential
West: AG/ ZONE C AIRPORT OVERLAY

BACKGROUND INFORMATION

Watonwan Farm Service Co. is proposing to rezone approximately 20 acres from Agricultural to Industrial in Section 13, of Kasota Township. Reason for the request is to allow the applicant to establish a site for containerized bulk fertilizer in the form of anhydrous ammonia. The surrounding area is zoned agricultural, where agriculture uses are seen as the best and highest long term use of the land. Scattered residential dwellings are located north east of the property.

If the rezone is approved, the applicants will be required to go through the conditional use permit process for the use proposed on the property.

TOWNSHIP BOARD NOTIFICATION

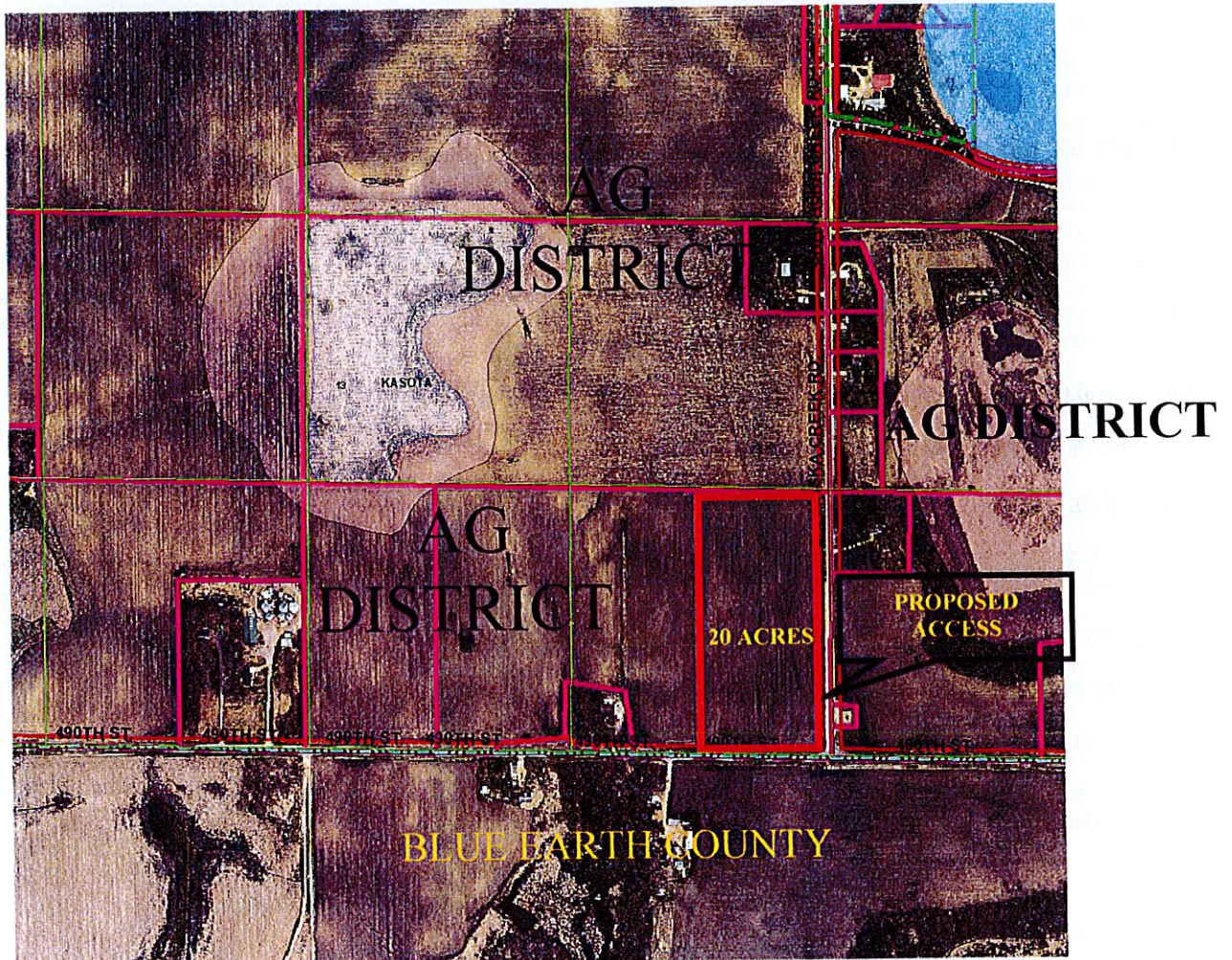
The applicant attended the Kasota Township Board meeting on November 18, 2013.

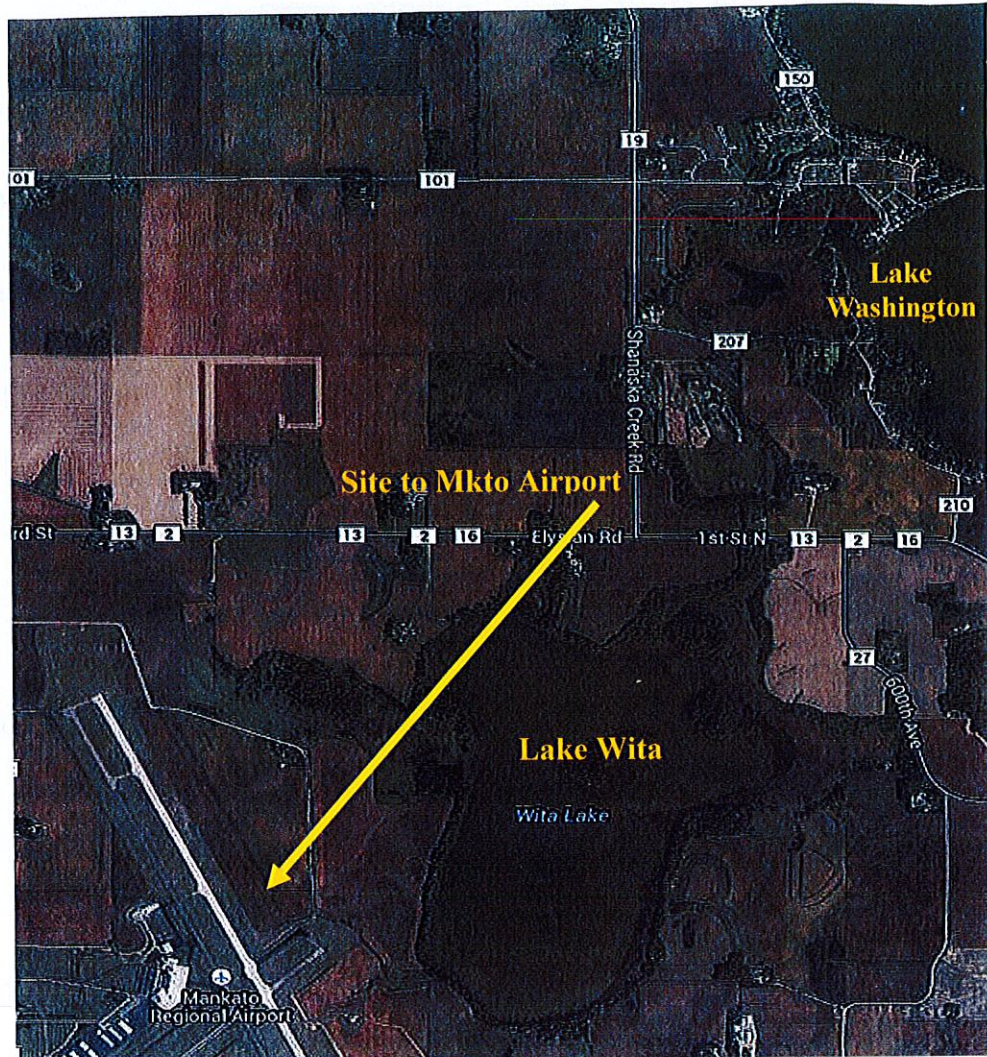
NATURAL RESOURCES INFORMATION

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

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

SITE PLAN





ATTACHMENTS

Narrative, Survey, Site Plan, Aerial, Email from the City of Mankato, Driveway Access Approval, email

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such zoning district will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. Whether such zoning district would inherently lead to or encourage disturbing influences in the neighborhood.
6. Other factors impacting the public health, safety and welfare.

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: *Agree, Disagree, Not Applicable.*)

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **A D NA**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. **Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.** **A D NA**
3. The proposal will not have an adverse effect on the value of adjacent properties. **A D NA**
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **A D NA**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **A D NA**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **A D NA**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. **A D NA**
8. Soil conditions are adequate to accommodate the proposal. **A D NA**
9. The proposal will not create a potential pollution hazard. **A D NA**
10. The proposal will not degrade the water quality of the County. **A D NA**
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **A D NA**
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **A D NA**

Recommend (circle one) approval / denial / table / of the Rezone Request

Le Sueur County

Conditional Use Application

I. Applicant:

Name Watsonwan Farm Service Co.
Mailing Address P.O. Box 68
City Truman State MN Zip 56088
Phone # 507-776-2831 Phone # _____

II. Landowner:

Name Steven Scholtz / Thomas Scholtz
Mailing Address 48213 355th Ave
City Kasota State MN Zip 56050
Property Address If permit is granted an address will be given
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number R05,113,7700 Parcel Acreage 20
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Kasota South Section 13
Subdivision _____ Lot _____ Block _____

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

Kasota South Township notified on November 18, 2013
(Township Name) (Date)
Board Member Entire board @ mtg. regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

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

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

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

Additional Fees:

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

VII. Type of Request:

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

VIII. Description of Request:

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

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

1. PROPOSED DAYS AND HOURS OF OPERATION: 365 days/year 7am - 7pm
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: Three (3)
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: private well if permitted
 - ii. Toilet facilities: holding tank
 - iii. Solid Waste Collection: Waste Management
4. FIRE PREVENTION: Attached
5. SECURITY PLANS: Attached
6. RETAIL SALES: Seed, crop protection products, Anhydrous Ammonia
7. FOOD OR ALCOHOL SERVED OR FOR SALE: None
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) No
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: No
10. EXTERIOR LIGHTING: Yes
11. PARKING AND LOADING: Yes
12. SIGNAGE: Yes
13. ROAD ACCESS: (Approved by the road authority) Yes
14. CERTIFICATE OF INSURANCE: Attached
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes, a copy will be supplied when approved

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

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
 - Landscape, screening and buffering (if applicable to application)
 - Location of significant trees to be removed (if applicable to application)

X. Attachments: shall include but not limited to:

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

XI. Procedure:

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

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

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

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

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

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

XII. Signatures:

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

WFS By Michael Minick
Applicant signature

2-26-14
Date

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

Steven Scholty
Property Owner signature

12-7-13
12-7-13
Date

OFFICE USE ONLY

Request: _____

Pre-App Date _____
Meeting Date 3/18
60 Day 4/26
Zoning District A

Lake Classification _____
Lake _____
FEMA Panel # 27079C0 3600 D
Flood Zone X outside

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

☒ Request Description
☒ Site Plan
☒ Full Legal
☒ Ordinance

☒ Access Approval
☒ Erosion Control Plan
☒ Blue Prints NA
☒ Other mk to August

☐ Septic
☐ Meeting
☒ Fee
☐ Penalty

Comp Insp / Design
Reg / ATF / Spec NA
\$ 2796.00
\$ _____

☐ Application Complete

B Broadway
Planning & Zoning Department Signature

2/26
Date

14007
Permit #

Le Sueur County Conditional Use Application

E. Rezoning

1. Required information:

a. Watonwan Farm Service

1. 233 West Ciro St.
2. Truman, MN 56088
3. Mike Minnehan, VP of Operations:

Michael Minnehan

- b. See attached surveyor report – Item 1
- c. Current classification is agricultural. We are asking to be zoned industrial.
- d. The land will be used to build storage for anhydrous ammonia to be sold to farmers. We will also use the land to build storage for ag crop protection products and seed to be sold to farmers.
- e. To establish an agricultural retail business at this location.
- f. Compatibility with Le Sueur County Land Use Plan: this project falls short of the meeting requirements. It is, however, an agricultural related business which will benefit area producers by offering them an opportunity to buy products locally for their farming operation.
- g. See attached – Item 2
- h. See attached – Item 3

Rezone Application – Le Sueur County

Request details:

WFS would like to rezone a 20 acre parcel in Sec. 13 Twp-109-Range-026. It is a part of a 56 acre parcel owned by Steven and Thomas Scholtz.

WFS is requesting that Le Sueur County **rezone the property from agricultural to industrial** to allow WFS to establish a retail location for bulk storage of anhydrous ammonia, seed, and crop protection products. The anhydrous ammonia site will include a **45,000 gallon storage tank** with pump to fill farm delivery tanks and a scale to weigh tanks in and out. A 60' x 120' warehouse will be constructed to house seed inventory to be sold to farmers, as well as crop protection products to be sold to farmers for application on their crops.

WFS will meet all state and local ordinances for doing business. We realize that this project may not meet the requirements of the Le Sueur County Land Use Plan entirely, but we feel it will benefit area producers by offering them an opportunity to buy products locally for their farming operation. The majority of the area around the site is agricultural. Currently our customers in that area have to drive quite a distance to get product or have product delivered.

WFS has an option to buy this parcel if all local and state permits are granted.

That part of the South Half of the Southwest Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, described as follows: Beginning at the South Quarter Corner of said Section 13; thence North 00 degrees 19 minutes 37 seconds East (bearings based on Le Sueur County Coordinate System NAD 83, 1996 Adjustment) on the east line of said Southwest Quarter, a distance of 1324.64 feet to the Northeast Corner of said South Half of the Southwest Quarter; thence North 88 degrees 32 minutes 58 seconds West on the north line of said South Half of the Southwest Quarter, a distance of 657.97 feet; thence South 00 degrees 19 minutes 36 seconds West, a distance of 1324.37 feet to the south line of said Southwest Quarter; thence South 88 degrees 31 minutes 33 seconds East on said south line, a distance of 657.97 feet to the point of beginning.

Said parcel contains 20 acres of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Janele Fowlds

Janele Fowlds
License Number 26748

11/06/13
Date

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SHEET 2 OF 2

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors



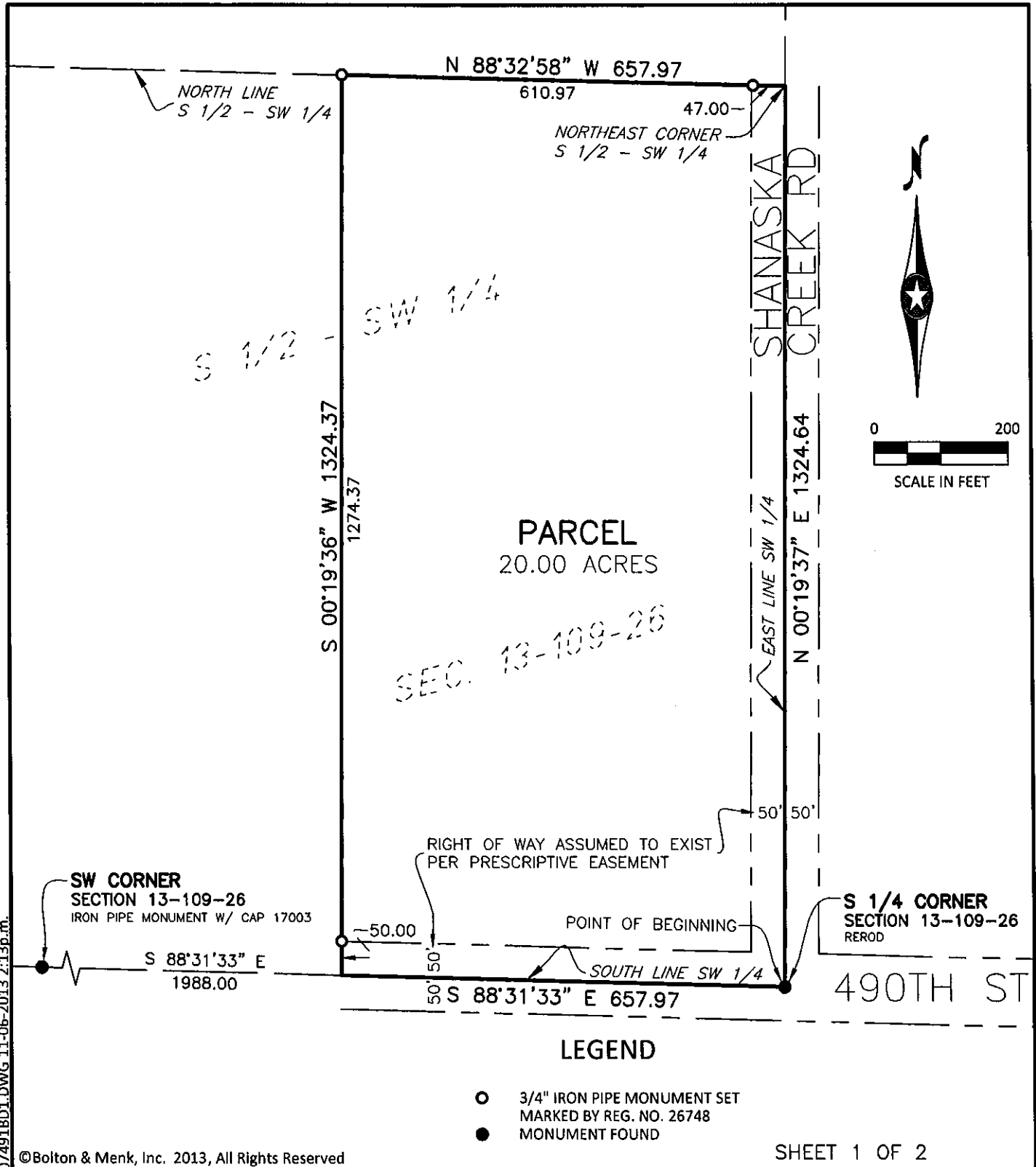
PART OF THE S 1/2 OF THE SW 1/4, SECTION 13,
TOWNSHIP 109 NORTH, RANGE 26 WEST, SOUTH
KASOTA TOWNSHIP, LE SUEUR COUNTY,
MINNESOTA

FOR: WFS

SDB107491H

JOB NUMBER: F13.107491

FIELD BOOK: LSCO 90G PG 23 DRAWN BY: JLA



CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

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

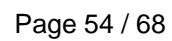
PART OF THE S 1/2 OF THE SW 1/4, SECTION 13,
TOWNSHIP 109 NORTH, RANGE 26 WEST, SOUTH
KASOTA TOWNSHIP, LE SUEUR COUNTY,
MINNESOTA

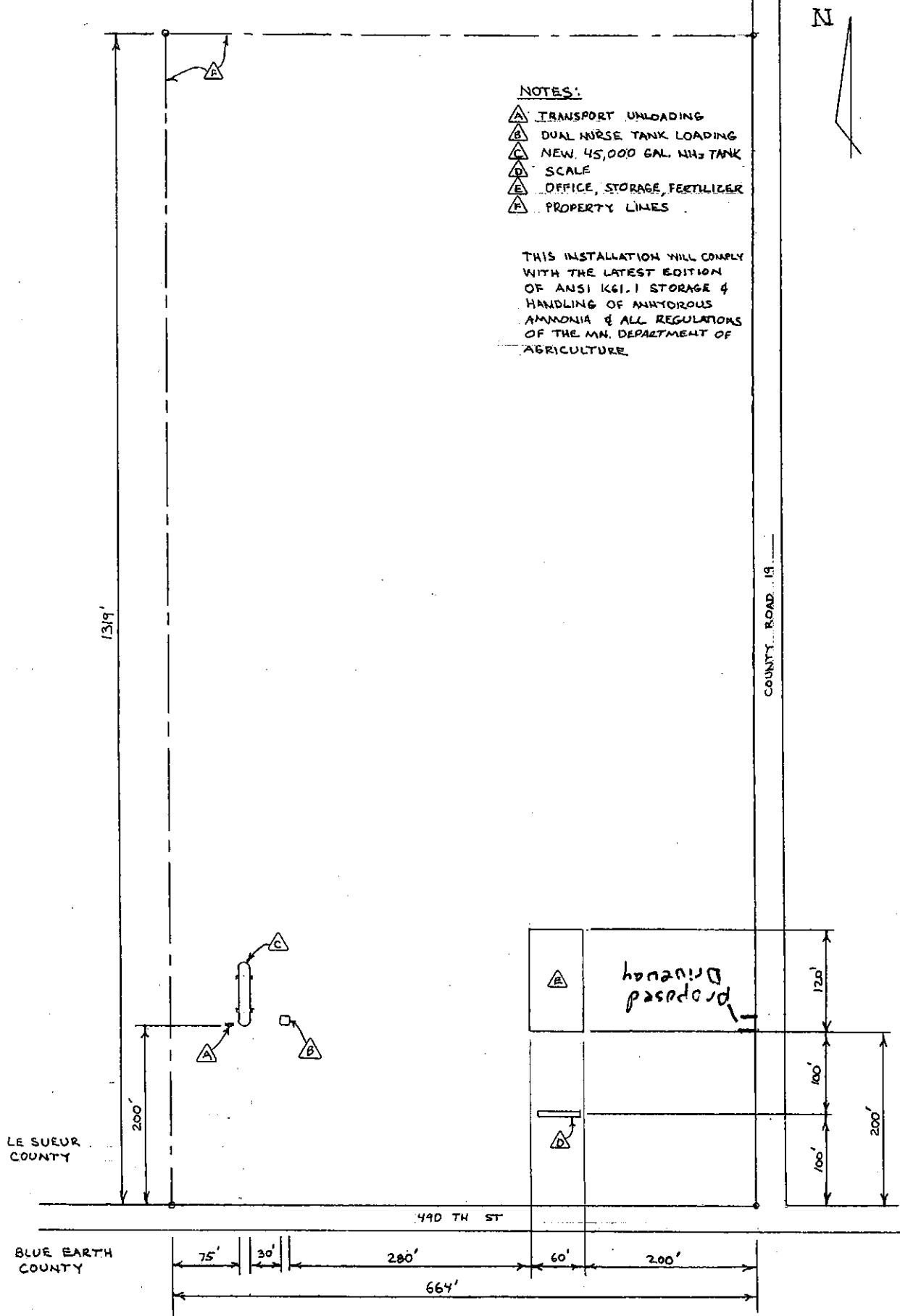
FOR: WFS

SDB107491H

JOB NUMBER: F13.107491

FIELD BOOK: LSCO 90G PG 23 DRAWN BY: JLA



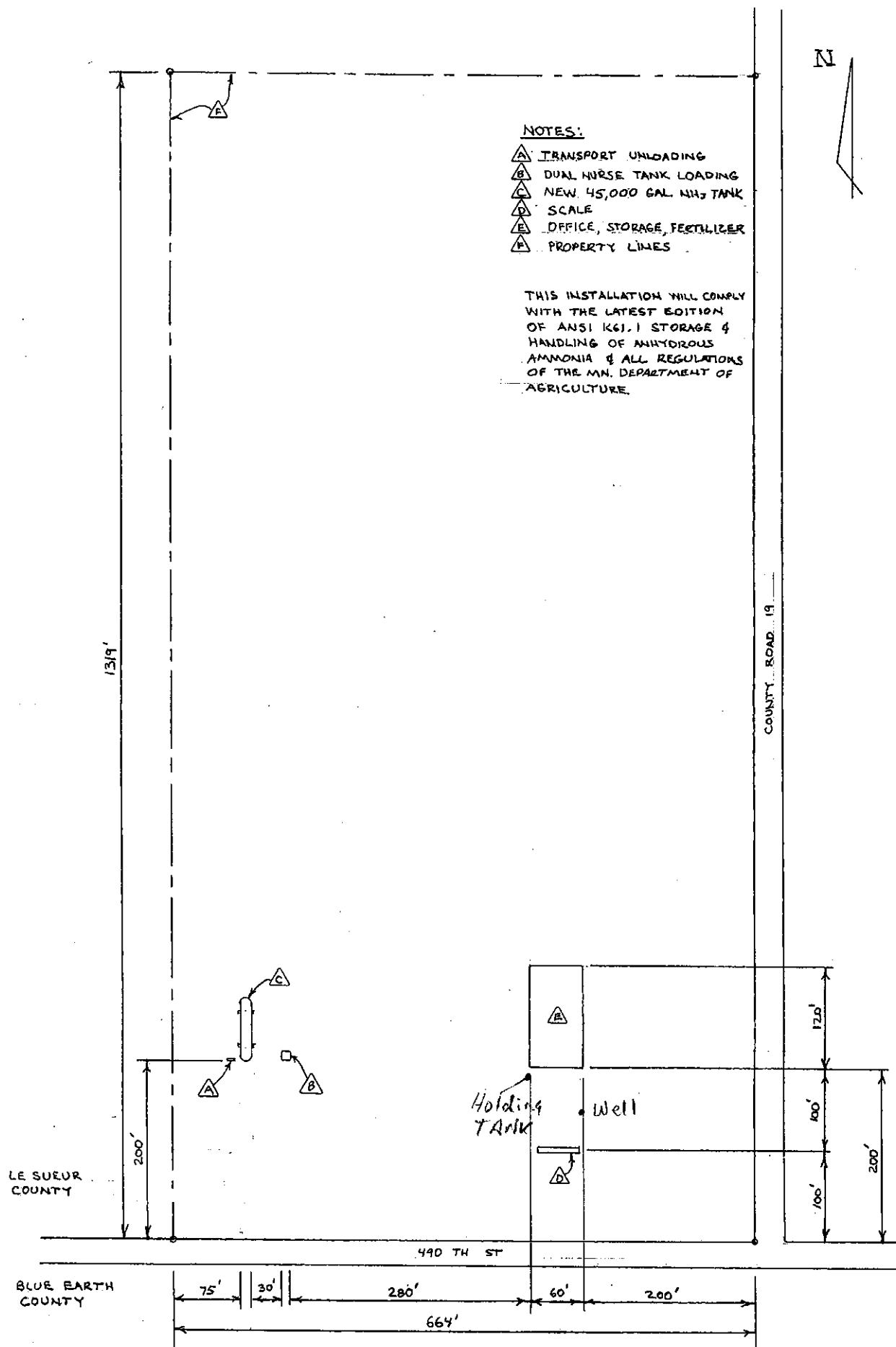


NOTES:

- A TRANSPORT UNLOADING
- B DUAL NURSE TANK LOADING
- C NEW 45,000 GAL. NH₃ TANK
- D SCALE
- E OFFICE, STORAGE, FERTILIZER
- F PROPERTY LINES

THIS INSTALLATION WILL COMPLY WITH THE LATEST EDITION OF ANSI K61.1 STORAGE & HANDLING OF ANHYDROUS AMMONIA & ALL REGULATIONS OF THE MN. DEPARTMENT OF AGRICULTURE

INSTALLATION FOR: WFS
MADISON LAKE, MN
INSTALLATION BY: LPG & NH₃, INC.
BUFFALO, MN.



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MADISON LAKE, MN
INSTALLATION BY: LPG & NH₃, INC.
BUFFALO, MN.

Nov 26 2013 10:23AM WFS TRUMAN AGRONOMY

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p.2

LE SUEUR COUNTY HIGHWAY DEPARTMENT

Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 19 Name of Twp. Kasota South

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Watsonwan Farm Service Telephone No.: (507) 381 - 4337Address: 233 West Ciro St., Truman, MN 56088

Name of Property Owner: _____ Telephone No.: () _____

Address: WFS will own the property if all permits are obtainedLocation: Co Hwy. No.: 19 in Le Sueur Co. 200 Feet
Miles (N-E-W) of 490th Street
(circle one) (Specify Road, or Intersection)Legal Description of Property See AttachedPurpose of Driveway: Farm Residence _____ Field Business entranceIs a Building to be Constructed: Yes X No _____ What kind Warehouse with office
and a anhydrous ammonia tankPossible replacement cost of this pipe will be the responsibility of the owner: Yes/No _____ and scale
(Circle One)Will the Building be Temporary: _____ Permanent XDistance from center of highway to front of building is 200 feet.Is land higher? _____ lower? 4 ft or level? _____ with highway.
(show feet & inches) (show feet & inches)Number of present driveways to property 0 Date Proposed driveway will be needed April 1, 2014

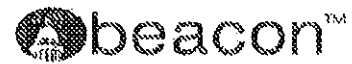
Give exact location to Proposed Driveway to Property: (Give lath to mark center of Proposed Driveway)

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

11-15-13
Date
12/3/13

WFS By Michael Minneman
Signature of Applicant
Daniel
Asst. Highway Eng.

Le Sueur County, MN



Date Created: 12/3/2013



**Sight is clear each direction.*

Last Data Upload: 12/3/2013 4:44:27 AM

Photo from April 2013

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The Schneider Corporation
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Site Security Plan

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Site Security plan for WFS _____ (insert site name and address)

It is the objective of all WFS _____ (insert site name and address) management and employees to secure the storage and shipment of all hazardous materials. WFS _____ (site name) will use the procedures listed in this plan to reduce the threat to our community from the misuse of these materials.

Review:

This site security plan will be periodically reviewed and updated to account for any changes in storage areas or procedures. Any industry trends or changing hazards should also be considered. A list of reviews can be found in the table below.

Plan Review Date

Reviewed By _____ **Review Date** _____

Organizational Security Structure:

_____ (insert location manager's name) will be responsible for the site security plan at this facility. It will be _____ (insert location manager's name) responsibility to implement the site security plan and make sure that all employees are trained on the contents of this plan. The complete organizational structure is listed below. In the event of a hazardous material incident or any suspicious activities, employees should report to _____ (insert location manager's name). If they are unavailable, the employee should try the next person on the list.

Organizational Structure

| Rank Name | Title | Office Phone | Cell Phone | Home Phone |
|-----------|-------|--------------|------------|------------|
|-----------|-------|--------------|------------|------------|

Security Areas:

The storage and transportation of hazardous materials can create many security risks. Materials can be stolen or tampered with during any of these activities. WFS (insert location name) has identified the following storage areas as risk areas. A list of these areas and a plan for securing them follows.

Hazardous Materials Storage Areas

Area

Method

Personnel Security:

It is the duty of all _____ (insert WFS location name) employees to participate in this site security plan. _____ (insert WFS location name) requires training meetings be held to discuss security issues. It is _____ (insert location manager's name) responsibility to assure all employees are trained on site security. Employees are to be trained on hire, and additional meetings will be held at a determined frequency. Training will be recorded using the training module on this site. In order to reduce the threat that a job applicant may pose a security threat, the following procedures will be used to screen all applicants.

_____ (insert location manager's name) will assure that the procedures above are performed on all potential employees. Results of any background checks that may be completed should be kept in a personnel file and stored in a secure place with limited access.

All Employee Duties:

Employees should verify all paperwork that accompanies any deliveries or pickups of hazardous materials. If a person delivering or picking up hazardous material is unknown to employees, the employee should verify the order with or their designate. Areas where hazardous materials are stored should be secured during non-business hours. A list of these locations can be found in the Security Areas portion of this document. All security incidents including thefts, break-ins, missing inventories or suspicious activities should be reported immediately to _____ (insert location's name). A log of these incidents will be kept by _____. Any incidents should be reviewed periodically to look for trends or vulnerabilities.

Facility Security:

Facility security is an important part of this site security plan. All employees are responsible to assure that the areas listed in this program are secured during non-business hours. Any suspicious activities around the facility should be immediately reported to _____ (insert location manager's name). Local law enforcement can aid _____ (insert location name) in implementing this plan. Local authorities should be notified of any theft, tampering or suspicious activities at this facility. Local law enforcement contacts are listed below:

_____ County Sheriff's Department 507-_____
_____ County Sheriff's Department 507-_____
_____ Minnesota State Patrol 800-422-0798

In order that the objectives of this plan are being met, _____ (insert location manager's name) will arrange an annual review of on-site security with local law enforcement officials. A log of these visits can be found in the table below. Any recommendations made because of these visits will be considered when reviewing or updating the site security plan.

Law Enforcement Inspections

Date of Inspection _____ Name _____
Department _____

Comments _____

WFS requires that all visitors to this site sign our visitor's log. The log is located in the main office.

En Route Security:

Hazardous materials in transport can pose additional threats due to increased potential of theft and hijacking. All employees that transport hazardous materials should be aware of the following rules:

In the event that an employee transporting hazardous materials encounters any suspicious activities, they should immediately notify the office. The method of communication is _____.

Once a driver has notified the office of any incident, local law enforcement will be immediately notified.

Other en route rules:

- Minimize product exposures to communities or populated areas, including downtown areas; avoid tunnels and bridges where possible.
- Make all deliveries by the most direct route to the final destination.
- Minimize stops en route; if you must stop, select locations with adequate lighting on well-traveled roads.
- Check your vehicle after each stop to make sure nothing has been tampered with.
- Avoid casual conversations with strangers about cargoes and routes.
- Be alert when driving. Look for vehicles following you, especially if there are 3 or more people in the car.
- If you believe you are being followed, call the office or authorities immediately.
- When leaving your facility, be aware of any possible surveillance of your facility or your truck.
- Don't discuss your cargo, destination, or trip specifics with people you don't know or on open channels.
- When stopped at a traffic light or in traffic, be aware of anyone approaching your vehicle.

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Note: a 13 page Site Vulnerability Assessment is required to be completed as part of the overall Site Security Plan



FIRE PREVENTION PLAN

Responsibilities:

_____ (insert location manager) as the facility manager is responsible for eliminating fuel source hazards from the warehousing areas. In the absence of the facility manager, the designated assistant has this responsibility. _____ (Insert location manager) also has the responsibility to ensure all fire extinguishers are properly maintained, have clear access, and ignition sources are eliminated from the facility. In the absence of the facility manager, the designated assistant has this responsibility.

Fire Hazards:

Trash bins, dry brush or grass around buildings, oil and lubricant storage areas, and vehicle fueling areas could all be potential workplace hazards unless appropriate care and attention is given to reduce fire hazards. At all times these areas are to remain free from unnecessary combustible materials or spills, and maintained in a clean orderly fashion. Smoking and welding are potential ignition sources. For these reasons, smoking is prohibited in all warehouses, oil/lubricant storage areas, and vehicle fueling areas. All welding operations or other hot work being performed in these areas require additional fire precaution measures such as ready access to fire extinguishers and additional personnel observing and ready to respond to an incident.

Housekeeping:

Proper housekeeping procedures will be exercised at all times to prevent the accumulation of flammable or combustible waste materials in the warehouse, office, oil/lubricant storage, and vehicle fueling areas. Trash bins for the collection of general office and warehouse waste will be emptied on a routine basis. All will be kept free of trash accumulation. All trash will be disposed of in accordance with good operating procedures. See the WFS Housekeeping Program for further clarification of housekeeping policies and procedures.

Storage Requirements:

Product storage of all chemicals and fertilizer materials will be in accordance with recognized industry practices, allowing for modifications if requested by the local fire department. Such storage procedures provide for:

- Pesticides are stored separately from fertilizer materials.
- Liquid materials will not be stored over dry materials.
- All materials stacked in a neat and orderly fashion.
- Any product spills are immediately cleaned up, using appropriate protective measures for the hazards involved and in accordance with the established decontamination procedures.

- NFPA placarding on all buildings that contain more than 5 gallons or 50 lbs. of a hazardous material.

LOCAL FIRE DEPARTMENT PREPAREDNESS:

In accordance with OSHA 1910.120, it is WFS _____ (site name) policy that the facility manager arranges a site visit by the _____ Fire Department on an annual basis. At the time of the visit, the following areas will be discussed:

- Locations of hydrants, normal and alternate access roads, any gates, fences, etc.
- Surrounding buildings, industries and hazards.
- Precautions for fighting agricultural chemical fires.
- Site emergency coordinators and alternates' day and 24 hr. phone numbers.
- Means of controlling drainage to adjacent facilities.
- Signs and symptoms of chemical poisoning.
- Decontamination procedures.
- Normal working areas.
- Location of utility shut offs.
- Grain Bin Entrapment Rescue Training taken by the Fire Department and their ability to respond in the event of an emergency
- Confined spaces and all procedures, including air testing and the permit procedures for permit-required confined spaces entries.

HAVE THE FIRE DEPARTMENT SIGN IN ON THE ATTACHED FIRE AND ANNUAL REVIEW FORM

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: Watouwan Farm Service applicant
Mailing Address: 33 West Coast Truman Minn
Property Address: _____
Phone: (____) _____ Mobile/Cell: (507) 381-4327

Responsible party for Implementation/Inspection: W. Lorentz CON
Address: PO Box 847 Le Sueur, MN 56057-0847
Phone: (507) 353-4182 Mobile/Cell: (507) 340-8707

Erosion & Sediment Control Measures

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

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

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

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

Inspection and Maintenance

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

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

WFS By Michael Mink
(Property Owner)

2-26-14
(Date)

Andrew J. Jensen
(Person Responsible for Implementation)

12/8/13
(Date)

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

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

10/24/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | |
|--|---|--|
| PRODUCER Parthenon Agency, LLC Kristina Dillon 1107 Hazeltine Blvd. Ste 400 Chaska, MN 55318 | CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS: | |
| | INSURER(S) AFFORDING COVERAGE INSURER A: National Specialty Ins Co. INSURER B: Genesis Insurance Company INSURER C: Lloyds of London/Atlantic INSURER D: Specialty Insurance Co. INSURER E: INSURER F: | |
| INSURED Watowan Farm Service Company WFS Rail Terminal, LLC WFSPP, Inc., WFSPP, LLC P.O. Box 68 Truman, MN 56088 | NAIC # | |
| | | |

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|--------------------|---------------------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | PIL13000012 | 08/01/2013 | 08/01/2014 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 0 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Emp Ben. \$ 1,000,000 |
| | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS | | PIL13000012 | 08/01/2013 | 08/01/2014 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$ \$ |
| B | <input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$ | | YUB301148A | 08/01/2013 | 08/01/2014 | EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000 \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N N/A | | | | WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$ |
| A | Primary Property | | PIL13000012 | 08/01/2013 | 08/01/2014 | Primary 1,000,000 |
| C | EX Lloyds/Atlantic | | CPP77013/PP76913/YSPP6191 | 08/01/2013 | 08/01/2014 | Excess 149,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

| | |
|--|---|
| LESUCOU LeSueur County Environmental Services 88 South Park Avenue LeCenter, MN 56057-1652 | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE <i>Kristina Dillon</i> |

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Brockway, Kathy

From: Bruce & Helen Klugherz [klugh001@hickorytech.net]
Sent: Saturday, March 08, 2014 12:04 PM
To: Brockway, Kathy
Subject: Rezone for ammonia facility

Dear Kathy,

I am not in favor of rezoning the property for the containerized bulk fertilizer facility at S1/2 SW ¼ Section 13 Kasota Township.

I will not be able to attend the Public Hearing on March 18 because of a previously scheduled meeting.

I request that the rezoning not be approved.

Bruce & Helen Klugherz
2116 Limberdink Road
Kasota MN 56050

Brockway, Kathy

Subject:

FW:

-----Original Message-----

From: Vogel, Paul [mailto:pvogel@city.mankato.mn.us]

Sent: Tuesday, March 11, 2014 8:44 AM

Cc: Hentges, Patrick

Subject: RE:

I confirmed with Mark the conversations with the person were only in regards to the height restrictions in Zone C. There was no mention or any rezoning and it was assumed that the zoning would remain unchanged.

With that said, I believe the County needs to fully consider the long range ramifications of rezoning a parcel for what amounts to permitting non-farm development that does not have the necessary infrastructure to support the land uses that may and could be allowed. Considering the location and the fact that it is surrounded by ag land that is similar, it also would be considered a classic case of "spot zoning". Again, I would refer to your land use plan and if the land use plan needs to be updated, I suggest the county pursue that course.

FYI. Such a rezoning would not even be considered if the property were located to the south in Lime Township. We have annexation agreements with all our townships and the agreements prohibit rezoning that would result in additional non-farm development.