
Le Sueur County, MN

Tuesday, May 20, 2014

Board Meeting

Item 4

10:10am Kathy Brockway

Rusty Tiede, Mark and Amanda Jacoby, OMG Midwest dba SMC

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
May 20, 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: RUSTY TIEDE, LE CENTER, MN (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to expand an existing animal feedlot from 999 animal units to 1409.7 animal units in an Agriculture "A" District. Property is located in the SW 1/4, Section 27, Derrynane Township.

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

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

ITEM #2: MARK & AMANDA JACOBY, MADISON LAKE, MN (APPLICANT/OWNER): Request that the County grant an extension for an existing Conditional Use Permit # 13026, approved May 7, 2013 to allow the applicant to bring in 2000 cubic yards of material to establish a site for a walkout basement in a Recreational Residential "RR" District. Property is located at Lot 14, Block 1, Hinikers Rolling Acres, Section 17, Washington Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission recommends approval of the 1-year extension in order to complete the project.

ITEM #3: OMG MIDWEST DBA SMC, MANKATO MN, (APPLICANT); LUNDIN FAMILY LLC, MADISON LAKE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of approximately 89 acres in a Conservancy "C", Agricultural "A", Industrial "I" and Special Protection "SP" District, Shanaska Creek; and also within Mineral Resources "MR" and Flood Fringe "FF" Overlay Districts. Property is located in Sections 28 & 33, Kasota Township. The application was tabled at the September 14, 2012 meeting for a Mandatory Environmental Review. Environmental Assessment Worksheet has been completed and the 30-day public comment period ended therefore, the Planning Commission recommends a negative declaration with the attached findings on the Environmental Assessment Worksheet.

Due to the attached findings of fact, the Planning Commission recommends a negative declaration on the project.

ACTION: ITEM #1: _____

 ITEM #2: _____

 ITEM #3: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, Rusty Tiede has applied for a Conditional Use Permit Conditional Use Permit to allow the applicant to expand an existing animal feedlot from 999 animal units to 1409.7 animal units in an Agriculture "A" District.

Property is located in the SW 1/4, Section 27, Derrynane Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on May 8, 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 are being provided.
4. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. Adequate measures 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 May 30, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners approved/denied the Conditional Use Permit application as requested by the Rusty Tiede.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the May 20, 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 are being provided.
4. Adequate measures have been 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 expand an existing animal feedlot from 999 animal units to 1409.7 animal units in an Agriculture "A" District. Property is located in the SW 1/4, Section 27, Derrynane Township, is approved.

ATTEST:

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

_Darrell Pettis, Le Sueur County Administrator

Date

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
May 8, 2014

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

MEMBERS ABSENT: Don Reak

OTHERS PRESENT: Kathy Brockway, Amy Beatty, Commissioner Connolly

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: RUSTY TIEDE, LE CENTER, MN (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to expand an existing animal feedlot from 999 animal units to 1409.7 animal units in an Agriculture "A" District. Property is located in the SW 1/4, Section 27, Derrynane Township.

Kathy Brockway presented power point presentation. Rusty Tiede was present for application.

TOWNSHIP: Applicant notified, no comments received. **DNR:** N/A **LETTERS:** N/A

PUBLIC COMMENT: Terry Kimmet, landowner approximately ¾ miles from the feedlot site, concerns with odor, never complained about it, didn't think it would do any good; lower property values; most counties try to keep the large operations out of the county; hogs are owned by large farmers in Chicago; Elaine Kimmet, landowner, cannot leave windows open due to the odor, must run the air conditioner all summer; cannot hang clothes outside due to the odor; daily odor 24/7; odors cause respiratory problems; why not build next to their own home site; Ralph Sullivan, property owner adjacent to the site, does not want the expansion, odors, property values; separation distances from new homes; George Wohlers, adjacent landowner, not against the operation, very clean site; odors occasionally; possibility of planting a windbreak; Ken Kimmet, farms the adjoining land, leaves approximately ¾ miles from the site; agrees with everything that was said so far.

Discussion was held regarding: Rusty Tiede clarified the statement of ownership; he does own the pigs; over 700 acres of land for spreading of manure; additives added to manure; contacts the County Feedlot Officer when land applying; 12 months of manure storage, does pump spring and fall; if trees were planted for a windbreak, they would slow down the air flow; type of buildings to be constructed; family operated; Amy Beatty explained the County permits vs. State permit requirement. This will be a State permit due to the size of the operation.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed (8-1)*
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. (Agreed 9-0)*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. (Agreed 9-0)*
4. *Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use. (Agreed 9-0)*
5. *Adequate measures 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. Agreed (8-1)

Motion was made by Doug Krenik to approve the application as submitted. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #2: MARK & AMANDA JACOBY, MADISON LAKE, MN (APPLICANT/OWNER): Request that the County grant an extension for an existing Conditional Use Permit # 13026, approved May 7, 2013 to allow the applicant to bring in 2000 cubic yards of material to establish a site for a walkout basement in a Recreational Residential "RR" District. Property is located at Lot 14, Block 1, Hinikers Rolling Acres, Section 17, Washington Township.

The applicant was present and explained the need for an extension on the Conditional Use Permit granted in May of 2013. The work needs to be completed within the 1-year time frame and due to the weather, they were not able to finish the project before the deadline, and therefore an extension is being requested. They have approximately 100 cubic yards of material to be spread in order to complete their project.

Motion was made by Steve Olson to approve the 1-year extension request. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #3: OMG MIDWEST DBA SMC, MANKATO MN, (APPLICANT); LUNDIN FAMILY LLC, MADISON LAKE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow mineral extraction of approximately 89 acres in a Conservancy "C", Agricultural "A", Industrial "I" and Special Protection "SP" District, Shanaska Creek; and also within Mineral Resources "MR" and Flood Fringe "FF" Overlay Districts. Property is located in Sections 28 & 33, Kasota Township. The application was tabled at the September 14, 2012 meeting for a Mandatory Environmental Review. Environmental Assessment Worksheet complete, 30-day public comment period ended therefore, The Planning Commission will make a recommendation to the County Board to declare a negative declaration on the Environmental Assessment Worksheet.

Kathy Brockway explained the conditional use permit was tabled due to the environmental review process. The Environmental Review process has now been completed and therefore, a decision on the document must be made. Due to the findings during the review process, it was recommended that a negative declaration be made to the County Board.

Kirsten Pauley, Consultant on behalf of the County, explained her role in the review process and felt that all potential environmental concerns have been addressed. She explained the environmental review process to the commission as well as the terms negative declaration vs positive declaration.

Motion was made by Pam Tietz to recommend a Negative Declaration. Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Chuck Retka to approve the minutes from the April 10, 2014 meeting. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Chuck Retka. Seconded by Betty Bruzek. 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 PERMIT APPLICATION #14021

LE SUEUR COUNTY

**IN AN AGRICULTURAL ZONING DISTRICT,
AN EXPANSION OF AN EXISTING ANIMAL FEEDLOT
CAPABLE OF HOUSING 1409.7 ANIMAL UNITS
OR 4699 HEAD OF FINISHING PIGS**

**NAME: RUSTY TIEDE – YKEMA SITE
RUSTY TIEDE**

Subject: Conditional Use Permit Application #14021

Applicant: RUSTY TIEDE

Property Owner: RUSTY & NANCY TIEDE TRUST

Location: SW1/4 OF SECTION 27, DERRYNANE TOWNSHIP

Existing Zoning: A- AGRICULTURAL

Date of Hearing: MAY 8, 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 applicant contacted Cindy Jirak, Derrynane Township, on April 14, 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.

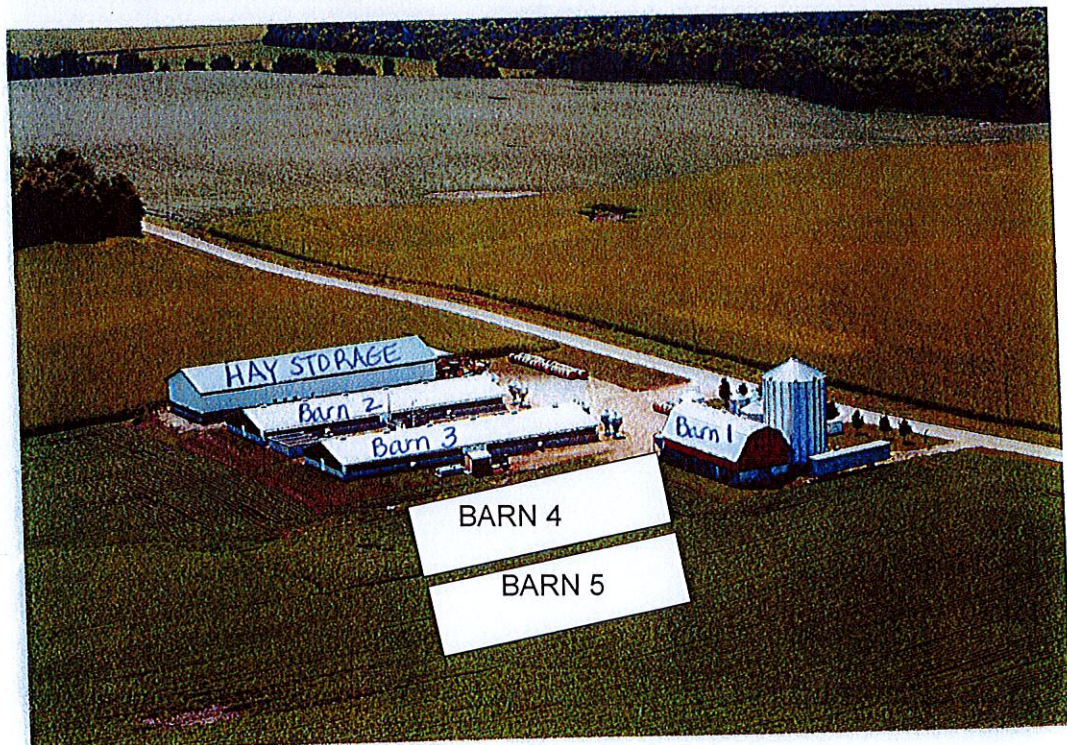
Policy: The County will protect the best of its agricultural land as a resource for long term agricultural use.

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 existing animal feedlot is located on a parcel in the SW ¼ of Section 27, Derrynane Township. The site address is 32787 221st Avenue Le Center and off County Road 121.

Aerial photo:



Surrounding Land Uses:

The predominant use of the surrounding land to the north, south, east and west is agricultural.

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 4,699 head of finishing pigs at an existing animal feedlot site.

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 applicant's NPDES/SDS permit application was received by the MPCA-Mankato office on April 10, 2014 and was 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 Jason Hoehn, a design engineer with I & S Group.

Per Minn. Stat. §116.07, subd. 7(a), as amended in 2003:

(a) A person who applies to the pollution control agency or a county board for a permit to construct or expand a feedlot with a capacity of 500 animal units or more shall, not less than 20 business days before the date on which a permit is issued, provide notice to each resident and owner of real property within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot.

The applicant's notification was published in the *Le Center Leader's* April 16, 2014 edition.

MPCA staff will

1. Review the application.
2. A staff engineer will review the liquid manure storage structure plans.
3. Once the application is deemed complete, a permit notice will be issued for thirty (30) days that will be posted on its website in which the public will have an opportunity to comment.
 - a. The permit application was deemed complete. The public comment period started April 25, 2014 and will end May 27, 2014.

County Requirements

The existing 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 existing animal feedlot is on a parcel that is 115 acres; therefore, the applicant meets the minimum lot size as set forth in the Le Sueur County Zoning Ordinance.

The site plan meets or exceeds all requirements for the expansion of the existing 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.

Permitting History

- The site was first permitted in March of 1977 by the MPCA for the Construction and Operation of a Livestock Feedlot, Poultry Lot, or Other Animal Lot.
- The applicant was granted a CUP in November 2003 to expand an existing animal feedlot from 110 animal units (275 head of finishing pigs) to 510 animal units (1275 head of finishing pigs). In 2003, Le Sueur County used 0.4 animal units for finishing pigs.
- The applicant was granted a CUP in November 2007 to expand an existing animal feedlot from 510 animal units (1275 head of finishing pigs) to 999.6 animal units (2499 head of finishing pigs). In 2007, Le Sueur County used 0.4 animal units for finishing pigs.

Existing and Proposed Animal Feedlot Structures:

Per the submitted site sketch and animal feedlot application,

- Structure 1 is
 - An existing 34 ft x 78 ft total confinement barn that houses 349 head of finishing pigs with an existing 11 ft x 88 ft x 8 ft liquid manure storage structure.
 - This structure was permitted by the MPCA in 1977.
- Structure 2 is
 - An existing 51 ft x 168 ft total confinement barn that houses 1075 head of finishing pigs with an existing 51 ft x 168 ft x 8 ft liquid manure storage structure.
 - This structure was constructed in June/July of 2008.
- Structure 3 is
 - An existing 51 ft x 168 ft total confinement barn that houses 1075 head of finishing pigs with an existing 51 ft x 168 ft x 8 ft liquid manure storage structure.
 - This structure was constructed in November/December of 2003.
- Structures 4 and 5 are
 - Proposed 51 ft x 168 ft total confinement barns that will each house 1100 head of finishing pigs with each structure having a liquid manure storage structure measuring 51 ft x 168 ft x

8 ft with a volume of 51 ft x 168 ft x 6.5 ft or 426,000 gallons of storage. Per the design engineer, the liquid manure storage structure will have twelve (12) months of storage.

- Structure 6 is an existing 30 ft x 40 ft animal mortality composting structure that was constructed in 2008.
- Structure 7 is a proposed 30 ft x 40 ft animal mortality composting structure.

Manure Management Plan:

The manure management plan has been submitted and was found to be complete by MPCA staff as of April 25, 2014. 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 existing facility is applied via sweep injection by a licensed manure applicator; 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 was found to be complete by MPCA staff as of April 25, 2014. 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.

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 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.

Le Sueur County

Conditional Use Application

I. Applicant:

Name Rusty Tiede
Mailing Address 34415 221st Ave
City Le Center State Mn Zip 56057
Phone # 507-357-4329 Phone # 507-323-5072 - cell

II. Landowner:

Name Same
Mailing Address _____
City _____ State _____ Zip _____
Property Address 32787 221st Ave
City Le Center State Mn Zip 56057
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 03 027.7550 Parcel Acreage 115.22
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Derrymane Section 27
Subdivision _____ Lot _____ Block _____

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

Derrymane Township notified on 4-14-14
(Township Name) (Date)

Board Member Cindy Jivak 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>Feedlot Expansion</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: 7 Days a week 24 hrs a day
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: NA
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: private well
 - ii. Toilet facilities: none
 - iii. Solid Waste Collection: Collected in garbage Cans
4. FIRE PREVENTION: None
5. SECURITY PLANS: Night Lights and Alarm System
6. RETAIL SALES: NA
7. FOOD OR ALCOHOL SERVED OR FOR SALE: NA
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None Needed
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: NA
10. EXTERIOR LIGHTING: Night Light on the West End of Each Building
11. PARKING AND LOADING: Area is covered with Crush Rock
12. SIGNAGE: None
13. ROAD ACCESS: (Approved by the road authority) Using existing Driveway
14. CERTIFICATE OF INSURANCE: provided
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) yes

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. - Existing Drive ways
- ☒ 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.

Rusty Teed
Applicant signature

4-14-14
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.

Rusty Teed
Property Owner signature

4-14-14
Date

OFFICE USE ONLY

Request: Feedlot expansion 1409.7 Animal Units

Pre-App Date <u>4-15-14</u>	Lake Classification <u>NA</u>	Feedlot <u>500'</u>	1000' <u>N</u>
Meeting Date <u>5-8-14</u>	Lake <u>NA</u>	Wetland Type <u>1-2</u>	3-8 <u>N</u>
60 Day <u>6-14-14</u>	FEMA Panel # 27079C0 <u>175</u>	Water courses <u>D</u>	Y <u>N</u>
Zoning District <u>A</u>	Flood Zone <u>X-outside</u>	Bluff	Y <u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic	Comp Insp / Design
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting	Reg / ATF / Spec
<input checked="" type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	\$ <u>796</u>
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty	\$ _____

☒ Application Complete

Michelle R. Mittles
Planning & Zoning Department Signature

4-15-14
Date

14021
Permit #

4-14-2014

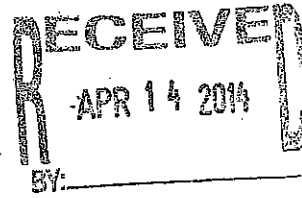
Description of Project

I am requesting a Conditional Use Permit to add two 51 X 168 hog barns to my existing feedlot located in the SW1/4 of the SW1/4 of Section 27 in Derrynane township. The barns would be curtain styled with a 51 X 168 X 8 manure pit under each barn which would give me thirteen months of manure storage. The new barns will look exactly like the two existing barns.

This will increase our capacity to 4699 head or 1409.7 animal units($4699 \times .3 = 1409.7$) Each of the new barns will hold 1100 head of hogs. I presently have a permit for 999 animal units. I will also be adding another 24 X 30 compost facility between the two new barns which would be exactly like the one that is between the two existing barns.

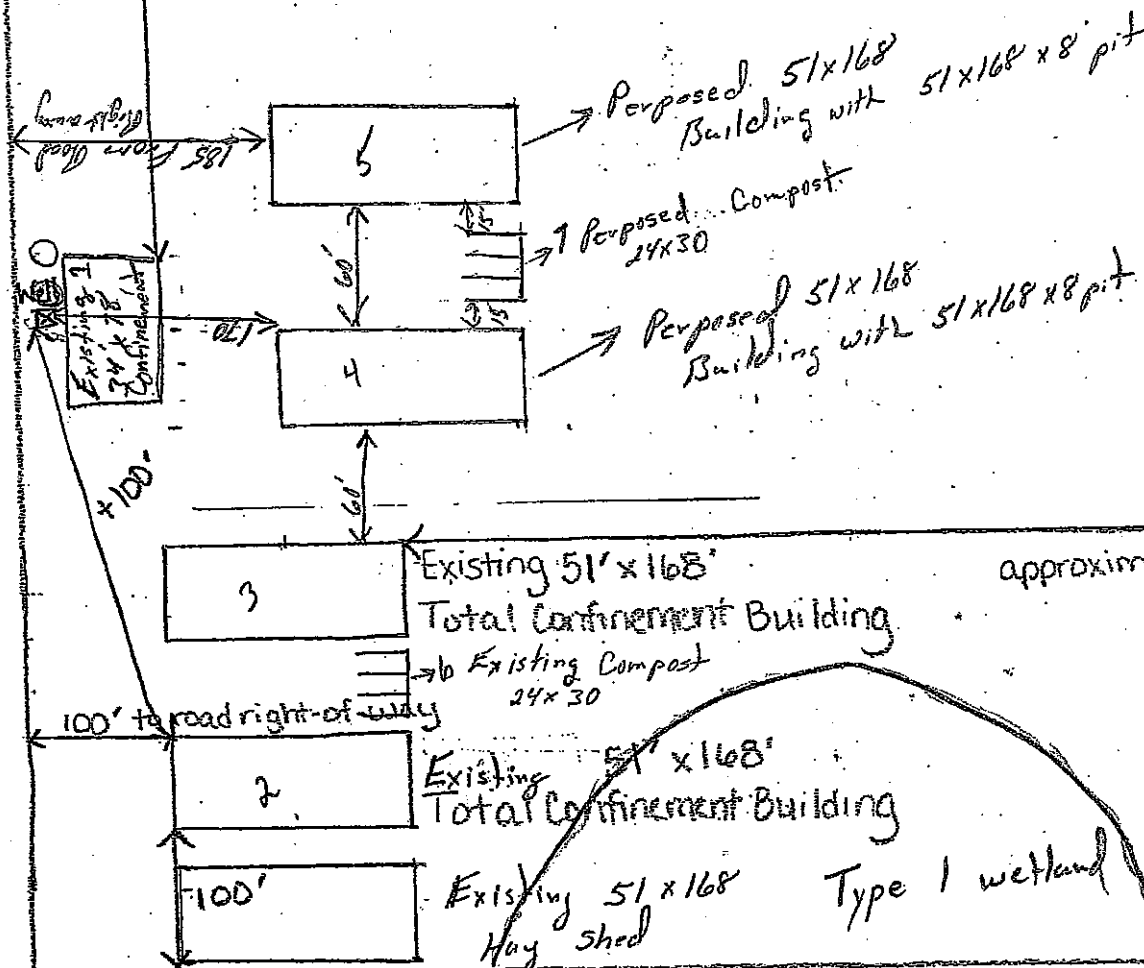
Rusty Tiede

North Property Line



approximately 1300'

County Road 121 & 221st Avenue



Fasty Tie die

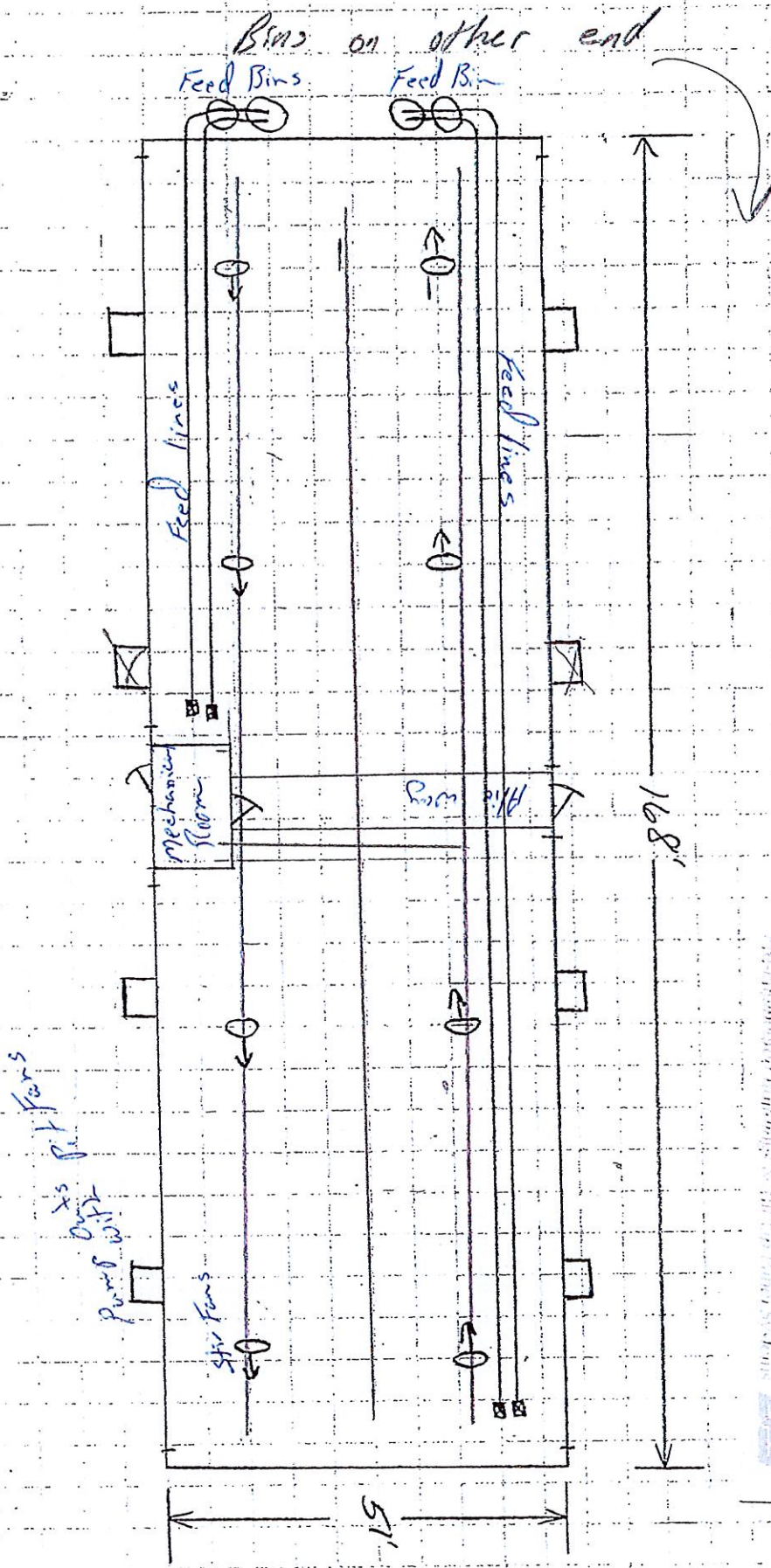
Equipment Outlet

MIKE JEWISON

205 E. Front Street
P.O. Box 457
Janesville, MN 56048

Local: 507-234-6111
Phone: 800-843-1914
Cell: 507-381-3557
Fax: 507-234-6351

1892-1893



507-357-4329

Rick Tiede

Floor Plans

"J", "T", "H"
gates swing.

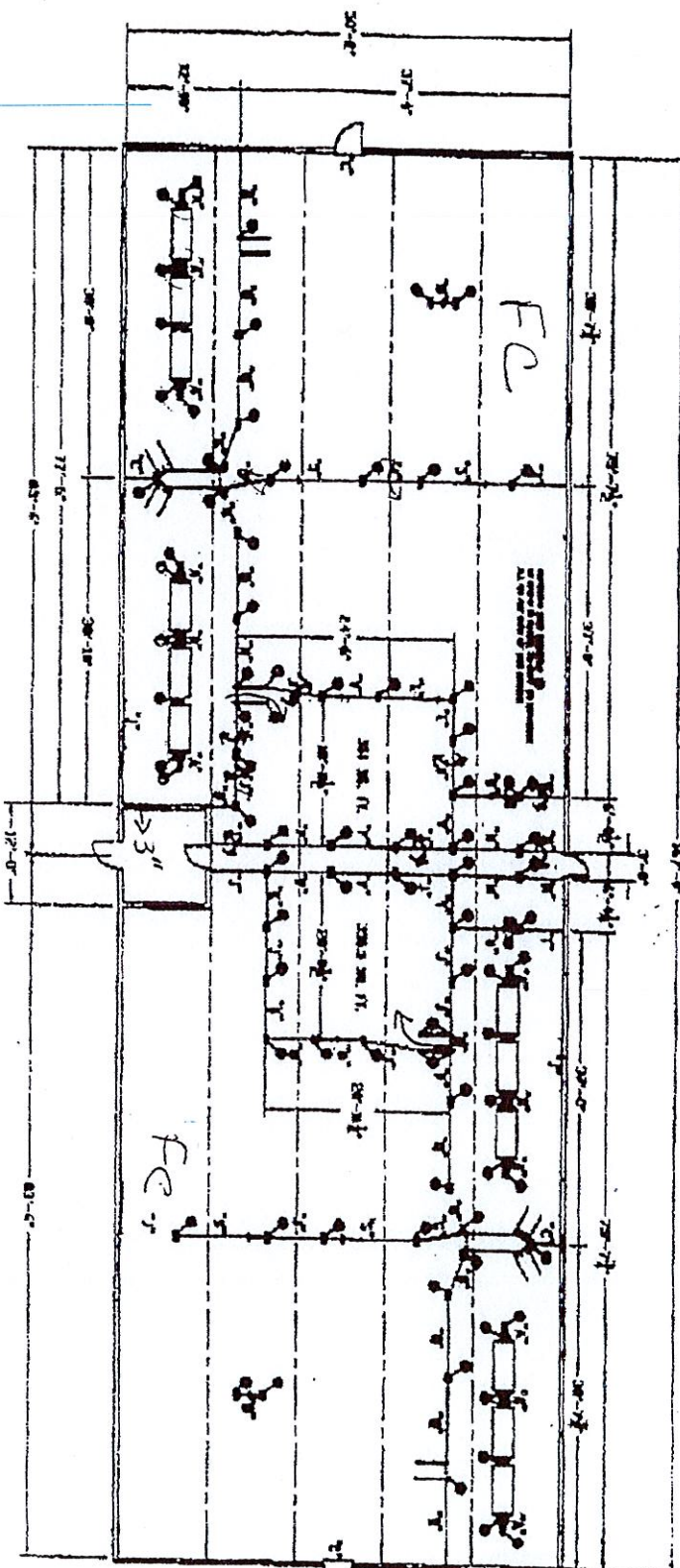
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N

FAST BARN

everything moved over 3"



00

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FARMWELD

W

PAGE 32

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: Rusty Tiede PID: _____
Mailing Address: 344157 221st Ave Le Center, MN 56057
Property Address: 32787 221st Ave Le Center, MN 56057
Phone: (507) 357-4329 Mobile/Cell: (507) 323 5072

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

Erosion & Sediment Control Measures

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

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

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

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

Inspection and Maintenance

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

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

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

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

Rusty Teed
(Property Owner)

Rusty Teed
(Person Responsible for Implementation)

4-14-14
(Date)

4-14-14
(Date)

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

* Not to Scale

North Property Line

↑
N

approximately 1300'

Red Line shows Location
of Silt Fence, also corn
will be planted on east and
North sides of project to hold
soil in place

Proposed 51x168
Building with 51x168 x 8' pit

→ 7 Per^{ised} 24x30 . Compost.

→ Proposed 51x168
Building with 51x168x8 p.f.

Existing 51' x 1168'
Total Confinement Building

→ Existing Compost
24 x 30

Existing 51' x 168'

Existing 51 x 168
Hay shed

Type 1
wetland

South Property Line

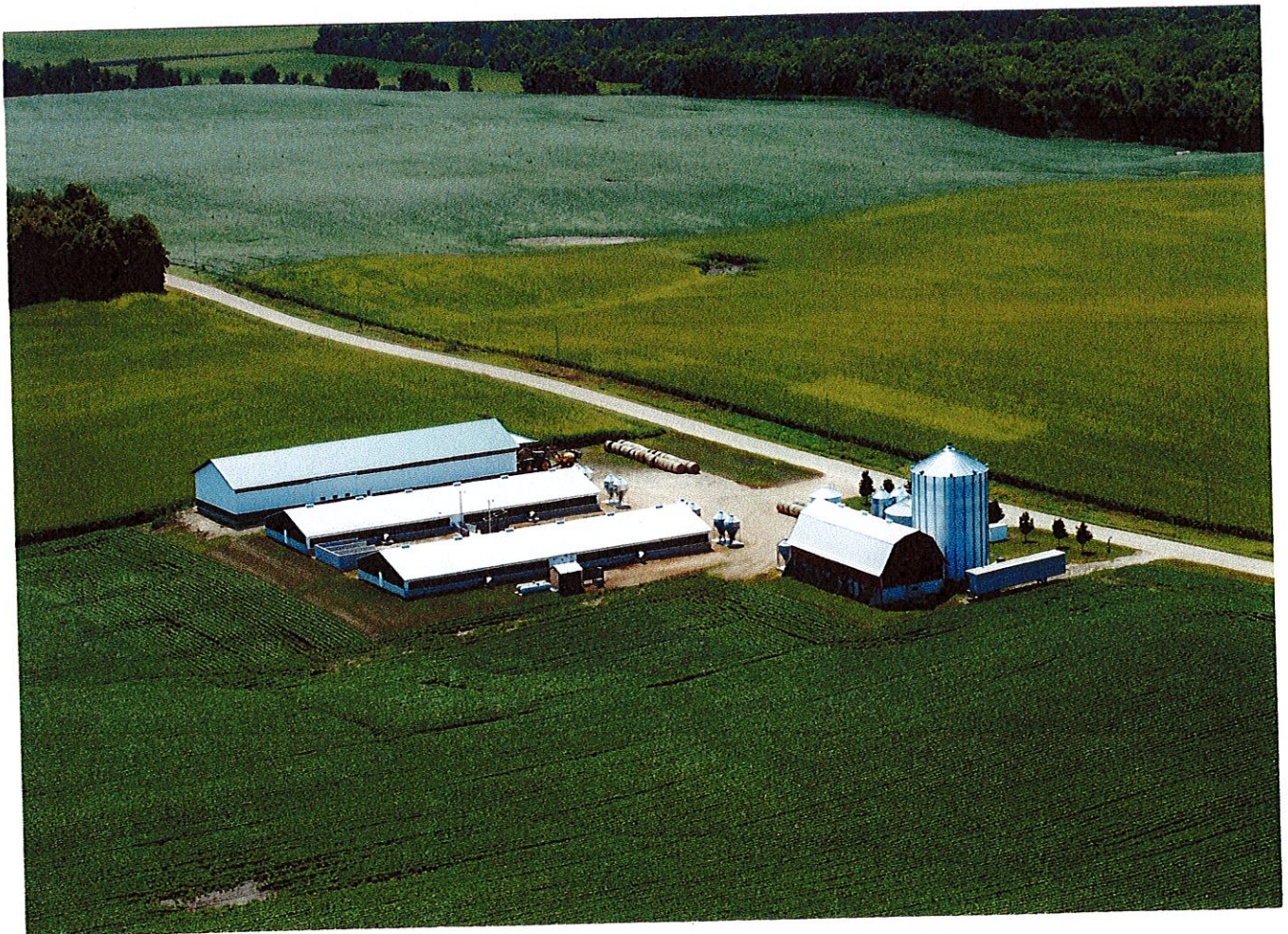
approximately 2000'

County Road 121 & 221st Avenue

Le Sueur

Board Meeting - 5/20/2014

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STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Mark & Amanda Jacoby

PROJECT DESCRIPTION: Grant an Extension for an Ext. Conditional Use Permit (CUP) approved in May of 2013 for Grading and filling in a Shoreland District- (Project was not completed within the year of granting the CUP)

ZONING ORDINANCE SECTIONS: 13 (pages 13-17, 13-18) (Subd. 13.2), 18 (pages 18-3-6) Section 21

SECTION 21, SUBDIVISION 5. LAPSE CONDITIONAL USE PERMIT BY NON-USE

A. After granting a Conditional Use Permit, if the work as permitted by the permit shall not have been completed within one (1) year.

- 1. Such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of County Commissioners.*
- 2. Such extension shall be requested in writing and filed with the Department at least thirty (30) days before the expiration of the original Conditional Use Permit.*
- 3. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Conditional Use Permit.*
- 4. Such petition shall be presented to the Planning Commission and Board of County Commissioners for decision.*

B. In the event a Conditional Use Permit is discontinued or its approved operation is stopped for a period of one (1) year, the Conditional Use Permit shall become null and void.

GOALS & POLICIES:

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.

SITE INFORMATION

LOCATION: Lot, 14, Block 1, Hinikers Rolling Acres, Section 17, Washington Township

ZONING: "RR" Recreational-Residential

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Township Road

EXISTING LAND USE WITHIN ¼ MILE:

North:	Wetlands	South:	Residential
East:	Wetlands/Ag	West:	Residential/Lake Washington

BACKGROUND INFORMATION

The applicant is requesting a Conditional Use Permit for grading and filling. They would like to raise the elevation of their lot to accommodate for a walkout basement. The fill is being moved from a neighbor's lot within the development. The fill proposed for the site is clay with 6" of topsoil. It will be placed according to the contours of the lot. The plans as submitted by the surveyor indicate that the applicant will need 2000 cubic yards of material to change the elevation of the lot in order to construct a walkout basement. The surveyor will submit an as-built at the completion of the project. Erosion control methods will be in place during

construction.

TOWNSHIP BOARD NOTIFICATION

Applicants notified Steve Biehn and Greg Davis, Washington Township Board members on April 3, 2013.

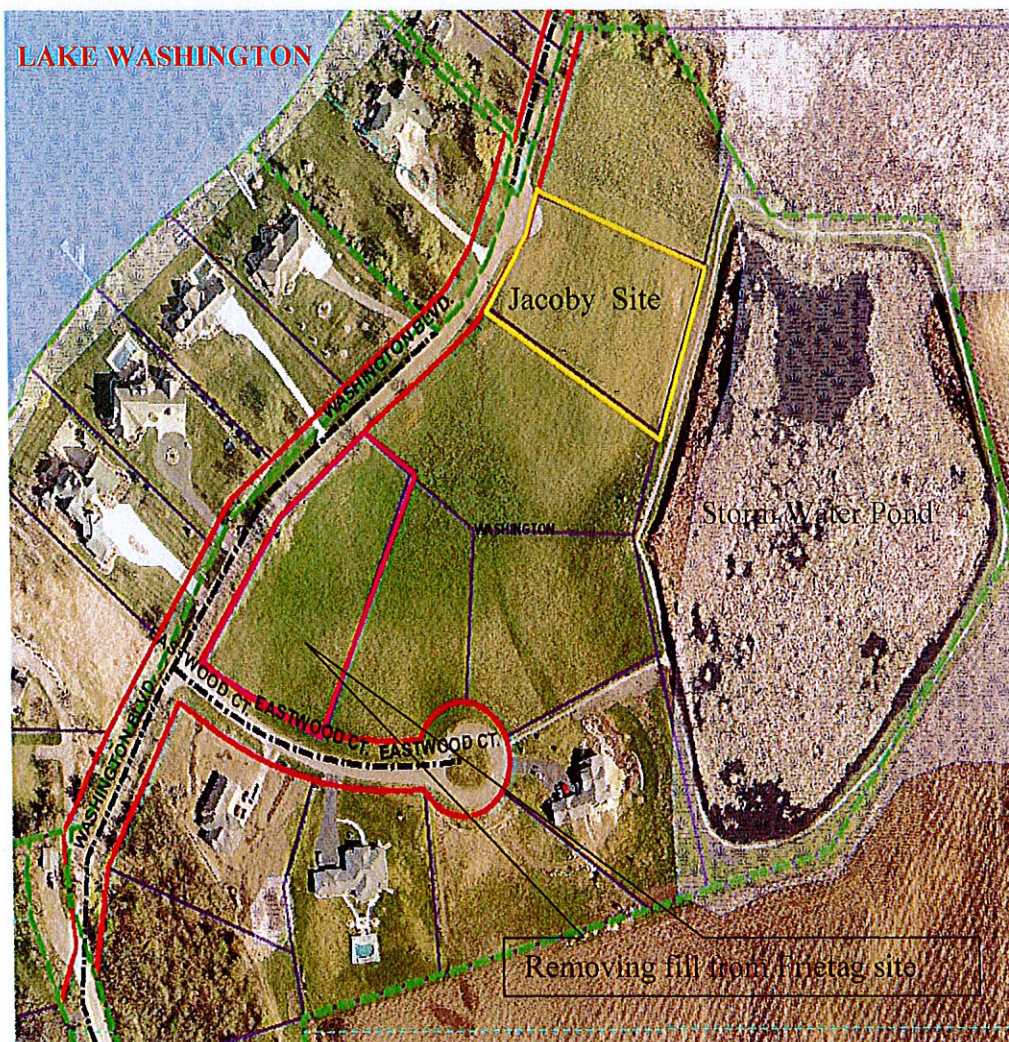
NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the construction company is proposed.

SITE PLAN/AERIAL PHOTO

SEE ENCLOSED SURVEY



LAND USE APPLICATION PERFORMANCE STANDARDS

- Name and Address of Applicant and Landowner:
- Legal Description- Attached
 - Driveway Access approved by the Road Authority:
 - *Minimum driving surface width fourteen (14) feet.*
 - *Inslope no greater than 4 to 1, as measured horizontal to vertical.*
 - *Based material depth sufficient to support access by emergency vehicles*
 - *Unobstructed width of not less than twenty (20) feet.*
 - *Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.*
 - *All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.*
- A performance bond, letter of credit, or other improvement security satisfactory to the County shall be required to be filed with the Department for grading, excavating, or filling activities involving the movement of more than fifteen hundred (1500) cubic yards of material.

STAFF FINDINGS

BURDEN OF PUBLIC FACILITIES: none

COMPATIBLE WITH SURROUNDING USES: Single-family dwellings with walkout basements.

ZONING DISTRICT PURPOSES: A Recreational Residential District is adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, 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 may be allowed.

TRAFFIC, ACCESS, PARKING: Township approval required

SEWER & WATER: Municipal sewage

SIGNAGE: N/A

LIGHTING: N/A

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 Conditional Use Permit does conform with the County Land Use Plan.
2. The Conditional Use Permit will not degrade the water quality of the County.
3. The proposed use will not adversely increase the quantity of water runoff.
4. The soil conditions are adequate to accommodate the proposed use.
5. The proposed use does not create a potential pollution hazard.
6. Adequate utilities, access roads, drainage and other necessary facilities have been or are provided.
7. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
8. 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.
9. The specific conditions and such other conditions are established as required for the protection of the public's health, safety,
10. The intensity of the proposal is not greater than the intensity allowed in the Applicable Zoning District.

The following additional evaluation criteria and conditions apply to conditional uses within shoreland areas:

- a. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 2. The visibility of structures and other facilities as viewed from public waters is limited.
 3. The site is adequate for water supply and on-site sewage treatment.
 4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.

The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

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

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 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.

Mettler, Michelle

From: Mandy Jacoby [mandy.j.jacoby@gmail.com]
Sent: Wednesday, April 23, 2014 8:55 PM
To: Mettler, Michelle; Mark Jacoby; mejacoby@navitor.com
Subject: Re: Conditional Use Permit
Attachments: Conditional Use Permit Extension Request.docx

Mark & Amanda Jacoby
4501 Washington Blvd
Madison Lake, MN 56063

April 15, 2014

Le Sueur County Environment Services
88 South Park Ave.
Le Center MN 56057-1620

RE: Extension of Conditional Use and other Permits

Dear Board of County Commissioners:

On May 7, 2013 Conditional Use Permit #13026 was granted along with the building permit for the construction of our home and for a volume of dirt that exceeded the 50 cubic limit to be moved onto our property.

A delayed start as a result of unseasonably cold and rainy weather in May and an abrupt stop in the fall due to the early arrival of freezing weather along with this winter's extreme cold weather has prolonged our efforts to continue moving, grading, and completing the final stages of our construction project. These 'acts of God' have resulted in the continued presence of frost in the fill used to build up our structure, which has not dissipated as quickly as we had anticipated. Our inability to compact the nearly 9' of fill and grade our soil, due to the frost levels, would result in the fracturing of any concrete still needing to be completed.

As of a result of these weather related delays we are requesting an extension of our Conditional Use Permit to allow the completion of our project. To date our structure is complete with a few cosmetic needs still outstanding, which will be addressed shortly. With regards to the fill that was brought in to provide a suitable grade, relative to our house plan, we are seeking an extension to allow time to properly fill, compact, grade and otherwise complete necessary final grading to support the concrete drive, sidewalks, and patio previously included in the As Built plan submitted last year.

Our contractor is confident the project will be completed in a short period once the frost has left and he is able to move, fill and provide final grading necessary to properly support our concrete driveway, sidewalk and patio surfaces. Our expectation was to meet this previous deadline of May 7th as our home is part of the tour of homes this spring – as you may be aware this is a substantial advertising opportunity for the builder and is in his best interest for the home to show well. This is why every effort to complete as much as possible will be done. However, with the unseasonable weather we have experienced this last year and now into spring we are requesting this extension "in case" the need arises and we are unable to complete all outstanding requirements prior to May 7th. We would be disappointed to have the project run over by a month, due to the weather delays, and having not had this extension in place.

Thank you for your consideration,

Mark Jacoby

Amanda Jacoby

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

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

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

I. Applicant:

Name Amanda J. Jacoby
Mailing Address 4501 Washington Blvd
City Madison Lake State MN Zip 56063
Phone # 507 385 0085 Phone # 507 327 7070

II. Landowner:

Name Mark and Amanda Jacoby
Mailing Address 4501 Washington Blvd
City Madison Lake State MN Zip 56063
Property Address 4501 Washington Blvd
City Madison Lake State MN Zip 56063
Phone # 507 385 0085 Phone # 507 327 7070

III. Parcel Information:

Parcel Number 13.485.0140 Parcel Acreage 1.4
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Washington Section _____
Subdivision Thinker's Rolling Acres Lot 14 Block One

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

Washington Township notified on 4/17/14
(Township Name) (Date)
Board Member Greg Davis regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

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

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

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

Additional Fees:

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

VII. Type of Request: Grading, Excavating or Filling.

- ☐ **Non-Shoreland** Cubic yards of material movement: _____
☐ Within Bluff Impact Zone Cubic yards of material movement: _____
☐ Within Bluff Cubic yards of material movement: _____
TOTAL cubic yards of material movement: _____
- ☒ **Shoreland- Outside Shore Impact Zone** Cubic yards of material movement: 2000 cu yds
☐ Within Shore Impact Zone Cubic yards of material movement: _____
☐ Within Bluff Impact Zone Cubic yards of material movement: _____
☐ Within Bluff Cubic yards of material movement: _____
TOTAL cubic yards of material movement: 2000 cu yds

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

VIII. Description of Request:

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.
1. ENVIRONMENTAL IMPACT: there will be no impact due to BMP, erosion control plan, and grading plan
 2. ADVERSE IMPACT ON SURROUNDING AREAS: there will be no impact on surrounding areas due to BMP, erosion control plan and grading plan
 3. STORMWATER RUNOFF: will be addressed by BMP, erosion control plan and grading plan. Utilizing existing Subdivision storm water ~~pan~~ Pond.
 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No
 5. WETLAND IMPACT: there won't be because of BMP, erosion's grading plans
 6. SLOPE STABILITY: 4:1 Slopes or less
 7. CERTIFICATE OF INSURANCE: see attached
 8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) NA

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

- Parcels < 5 AC = 2-foot contours depicting existing and proposed topography.
 - Parcels 5-20 AC = 5-foot contours depicting existing and proposed topography.
 - Parcels >20 AC = 10-foot contours depicting existing and proposed topography.
 - Location of grading, excavating, and/or filling sites.
 - Location of areas for obtaining fill or disposing of excavated materials.
 - Tree inventory of all trees, indicating trees to be cut or removed.
(Caliper of 6 inches or greater measured 4.5 feet from ground level).
 - North point
 - Lake
 - Existing Structures
 - Septic system
 - Setbacks
 - River
 - Proposed Structures
 - Well
 - Property Lines
 - Wetland
 - Lot Dimensions
 - Access (size & location)
 - Road Right-Of-Way
 - Stream
 - Ponds
 - Easements
 - Landscape, screening and buffering
 - Drainage
- Site plan & As-Built must be completed by a surveyor or professional engineer.**

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

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

XI. Attachments: Shall include but not limited to:

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

XII. Procedure:

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

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

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

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

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

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

XIII. Signatures:

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

Amanda J. Jaly
Applicant signature

4/17/14
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.

Amanda J. Jaly
Property Owner signature

4/17/14
Date

OFFICE USE ONLY

Request: GRADING, EXCAVATING & FILLING

- ☐ **Non-Shoreland**
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: _____

- ☒ **Shoreland - Outside Shore Impact Zone**
☐ Within Shore Impact Zone
☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: 2000
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 2000

Pre-App Date 4-17-14
 Meeting Date 5-8-14
 60 Day 6-17-14
 Zoning District RR

Lake Classification R0
 Lake Washington
 FEMA Panel # 27079C0 0380 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

☐ Access Approval

☐ Septic Comp Insp / Design

☒ Site Plan

☒ Erosion Control Plan

☒ Meeting Reg / ATF / Spec

☒ Full Legal

☐

☒ Fee \$ 796.00

☒ Ordinance

☐ Other _____

☒ Penalty \$ NA

☒ Application Complete

Michelle R. Mueller
 Planning & Zoning Department Signature

4-17-14
 Date

14025
 Permit #

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: Mark and Amanda Jacoby **PID:** 13.485.040
Mailing Address: 4532 Washington Blvd Madison Lake MN 56063
Property Address: 4501 Washington Blvd Madison Lake MN 56063
Phone: (507) 385 0085 **Mobile/Cell:** (507) 327 7070 Amanda
(507) 381 3101 Mark
Responsible party for Implementation/Inspection: Troy Donahue
Address: 43 Deerwood Court North Mankato, MN 56003
Phone: (507) **Mobile/Cell:** (507) 380-8277

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.

Amanda J. Jarley
(Property Owner)

4/4/13
(Date)

Troy →

[Signature]
(Person Responsible for Implementation)

4/4/13
(Date)

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



1445 Lookout Drive
North Mankato, MN 56003
507-388-7283 • 877-666-7283
www.simpsonagencyonline.com

April 4, 2013

Le Sueur County Board of Commissions
88 South Park Ave
Le Sueur MN 56058

ATTN: Kathy Brockway

Subject: Mark & Amanda Jacoby

Property Address: 4501 Washington Blvd.
Madison Lake MN 56063

Year Round Comfort LLC is the company who is doing the General Contracting on this project. In regard to the project as a whole there is coverage for all activities related to the building of the home. Specifically there is coverage in place to cover any wash out or other complications with the fill being hauled in.

Year Round Comfort, LLC has been fully insured with our company for several years under Policy #0000599680.

Regards,

A handwritten signature in black ink, appearing to read 'Thad J. Simpson', is written over a horizontal line.

Thad J. Simpson
President
Simpson Insurance Agency, Inc.

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Mark & Amanda Jacoby
 PID: 13.485.0140
 DATE: 04.04.13
 FIRM #: 27079C0380D
 F-Zone: X-outside
 Elevation: 986.86
 District: Recreational
 Residential



0 200 400 800 1,200 1,600 Feet

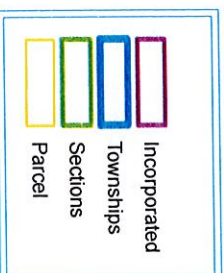
Map Disclaimer

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

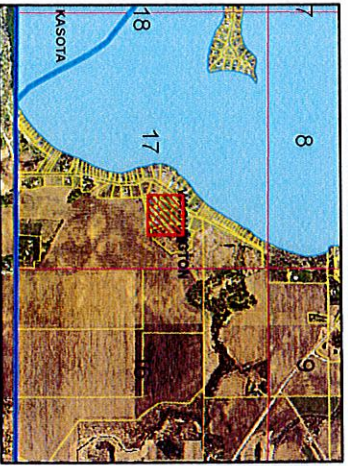
Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April 2010

Created By: MRM



LE SUEUR COUNTY
 ENVIRONMENTAL SERVICES
 507-357-8538



**APPROVING THE FINDINGS OF FACT AND RECORD OF DECISION FOR THE ENVIRONMENTAL
ASSESSMENT WORKSHEET PREPARED FOR THE SMC DAVIS PIT, KASOTA TOWNSHIP,
LE SUEUR COUNTY, MINNESOTA;**

**AND MAKING A NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT
STATEMENT**

WHEREAS, a Mandatory Environmental Assessment Worksheet (EAW) was required by MN Rule 4410.4300, subp 12, Non-metallic Mineral Mining for the proposed expansion of the **SMC DAVIS PIT**; and

WHEREAS, Le Sueur County is the Responsible Governmental Unit (GRU) as specified in MN Rules 4410.0500 to carry out the project, and

WHEREAS, an EAW was prepared by I&S Group, Inc. on behalf of Oldcastle Materials Group (OMG) Midwest dba Southern Minnesota Construction Company, Inc. (SMC) (Proposer) with the document reviewed, determined complete, and approved for distribution by the Responsible Governmental Unit (RGU), Le Sueur County Board of Commissioners, on January 28, 2014, as outlined in MN Rules 4410.1400.

WHEREAS, publication and distribution of the notice and summary of the EAW was published in the Environmental Quality Board (EQB) Monitor January 28, 2014 as required; and

WHEREAS, copies of the EAW were distributed to people/agencies listed on the EQB Distribution List and made available to interested persons at the Le Sueur County Environmental Services Building, the MN Valley Regional Library Reference Department, the St Peter Public Library, and online via the Le Sueur County website at www.co.le-sueur.mn.us, and provided to all requests as required; and

WHEREAS, a press release containing the following: notice of the availability of the EAW for public review, the name and location of the project, a brief description of the project, the location at which copies of the EAW were available for review, the date the comment period expired, and the procedures for commenting as required by MN Rules 4410.1500, was submitted on February 3, 2014 to the *Le Sueur News Herald*, *St Peter Herald* and the *Mankato Free Press*, three (3) newspapers of general circulation in the project area within five (5) working days of EAW distribution; and

WHEREAS, a thirty (30) day comment period for review and comment on the EAW began on February 3, 2014 and ended on March 5, 2014; and

WHEREAS, three (3) comments were received by March 5, 2014, within the 30-day comment period as required and an additional comment letter was received after the close of the public comment and although not required, it was included in the response to comments; and

WHEREAS, Consultant hired on behalf of Le Sueur County, County staff, I&S Group, Inc. and the Proposer have considered, evaluated, and constructed a *Response to Comments* document, and is attached; and

WHEREAS, based upon the EAW and the Response to Comments, the Findings of Fact and Record of Decision has been prepared and is attached; and

WHEREAS, Le Sueur County is basing the decision of either a negative or positive declaration regarding the need for an EIS on the information gathered during the EAW process and on the comments received on the EAW, specifically considering the criteria and factors outlined in MN Rules 4410.1700, as required, including the following:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects of related or anticipated future projects;
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and
- D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

NOW, THEREFORE, BE IT RESOLVED, by Le Sueur County, as follows:

- 1. The EAW and Response to Comments are hereby approved.
- 2. The SMC Davis Pit as described in the EAW does not have potential for significant environmental impacts.
- 3. A negative declaration on the need for an Environmental Impact Statement (EIS) is hereby approved for the **SMC DAVIS PIT** as defined in the EAW.
- 4. The Findings of Fact and Record of Decision are hereby approved in order to maintain the record supporting its decision.

This decision will be provided to all persons on the EQB Distribution list, to all persons that commented in writing during the 30-day comment period, and to all other persons upon written request within five (5) days of this decision.

The foregoing Resolution was offered by Commissioner _____ and, upon his motion, supported by Commissioner _____, and was declared adopted this ____ day of _____, 2014, by the following roll call vote:

Rohlfing–
Connolly –
Wetzel –
King–
Glizinski –

Le Sueur County Chairperson

ATTEST:

Le Sueur County Administrator

RECORD OF DECISION AND FINDINGS OF FACT May 2014

Determination on the Need for an Environmental Impact Statement (EIS)

SMC Davis Pit Kasota Township, Le Sueur County, Minnesota

BACKGROUND

Oldcastle Materials Group (OMG) Midwest dba Southern Minnesota Construction Company, Inc. (SMC) proposes to continue mining and processing sand and gravel at their existing SMC Davis Pit located in Sections 28 and 33 of Kasota Township, Le Sueur County. Portions of the existing pit and mining operations have been in operation since the 1940s, and are a legal pre-existing, non-conforming use (grandfathered-in). Portions of the existing operations were issued a Conditional Use Permit in 1973. The existing pit is approximately 32 acres. To expand mining acreage at the site, SMC submitted a Conditional Use Permit application for an eighty-nine (89) acre expansion for a total mining area of approximately one hundred twenty one (121) acres requiring a mandatory EAW. The Conditional Use Permit was tabled by the County until the environmental review is completed.

This Environmental Assessment Worksheet (EAW) has been prepared because the project exceeds the mandatory EAW thresholds in Minnesota (MN) Rules 4410.4300, subp 12, Nonmetallic Mineral Mining, for the "extraction or mining of sand, gravel, stone or other nonmetallic minerals which will excavate 40 or more acres of land to a mean depth of ten feet or more".

An EAW was prepared by I&S Group, Inc. on behalf of OMG Midwest dba Southern Minnesota Construction Company, Inc. (Proposer) with the document reviewed, determined complete, and approved for distribution by the RGU, Le Sueur County Board of Commissioners, on January 28, 2014, as outlined in MN Rules 4410.1400.

The EAW was filed with the EQB, and a "Notice of Availability" was published in Environmental Quality Board (EQB) Monitor as required. Copies of the EAW were distributed to people/agencies listed on the EQB Distribution List and made available to interested persons at the Le Sueur County Environmental Services Building, the MN Valley Regional Library Reference Department, the St Peter Public Library, and online via the Le Sueur County website at www.co.le-sueur.mn.us, and provided to all requests as required.

A press release containing the following: notice of the availability of the EAW for public review, the name and location of the project, a brief description of the project, the location at which copies of the EAW were available for review, the date the comment period expired, and the procedures for commenting as required by MN Rules 4410.1500, to the *Le Sueur Herald* (County Official paper) *St Peter Herald* and the *Mankato Free Press*, three (3) newspapers of general circulation in the project area within five (5) working days of EAW distribution.

The thirty (30) day comment period for review and comment on the EAW began on February 3, 2014 and ended on March 5, 2014.

COMMENTS RECEIVED

Three (3) comments were received by March 5, 2014 within the 30-day comment period as required. And one (1) comment letter was received after the close of the public comment, and although not required, it is included in the response to comments as well. These comment letters are attached and include the following:

3 March 2014	Sarah J. Beimers	Minnesota Historical Society (MHS), State Historic Preservation Office (SHPO)
4 March 2014	Kevin Kain	Minnesota Pollution Control Agency (MPCA)
27 Feb 2014	Kevin Mixon	Minnesota Department of Natural Resources (MN DNR)
March 20, 2014	Chad Konickson	US Army Corps of Engineers

RESPONSE TO COMMENTS

The Consultant hired on behalf of Le Sueur County, County staff and the Proposer considered and evaluated the comments received. A response to comments document has been prepared and is attached.

FINDINGS OF FACT

The following section summarizes the issues and findings regarding potential environmental impacts that may result from the proposed project:

The EAW served to identify potential environmental impacts that may result from the proposed project. This information and the comments received will be used as a guide in issuing, amending, denying permits, and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality. The potential for environmental impact from the project is not significant based upon the following criteria:

- The potential extent of environmental effects from continued mining activity and potential cumulative effects of this project are localized and do not add cumulative detrimental environmental impacts to the area.
- All mining actions, stormwater discharge, and dewatering activities will be in accordance with all local, state, and federal regulations.
- Environmental effects are subject to mitigation by ongoing public regulatory authority of both Le Sueur County and the State of Minnesota. The ongoing County regulatory authority occurs through the Conditional Use Permit process. The State of Minnesota also has ongoing regulatory authority over the appropriation of water for the purposes of dewatering through the MN DNRs Water Appropriation Permit if water is pumped from the pit that exceeds either 10,000 gpd or 1 million gallons per year; a stormwater discharge through the MPCA's National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit MNG490000 for Construction Sand & Gravel, Rock Quarrying and Hot Mix Asphalt Production Facilities.
- Air Emissions Permits. Prior to initiating any additional activities (e.g. operation of portable concrete and/or asphalt plants, etc.) on the site that may require a change in the Air Emissions Permit for the facility; the Proposer will review the General Air Emission Permit language that specifically identifies those activities that are allowed under that permit to ensure compliance. Should there be a need to revise or amend the permit, the Proposer will secure any required permits and comply with any requisite permit conditions prior to initiating those activities.
- Noise Standards. Hours of operations will be addressed within the Conditional Use Permit. The applicant shall abide by regulations set forth by the State of Minnesota.

- Geologic hazards and soil conditions. The karst features in the Minnesota River Valley have not been systematically surveyed like they have in other parts of the state. Therefore, a geologic cross section has been prepared by the Proposer and is included as Attachment 1 to the response to comments.
- Phase 1 Archeological Survey. A Phase 1 Archeological Survey will be required to be conducted prior to disturbing additional property for mining to verify no cultural resource impacts as a result of the project.
- A field delineation of wetland areas will be required to be conducted on Phase 2 Gunderson and Davis Phase 2a. Mining plans will be modified as may be necessary to avoid and minimize potential impacts to the greatest extent possible.

The items outlined above and the items indicated through the EAW, as mitigation will be addressed during the CUP Application.

DECISION ON NEED FOR ENVIRONMENTAL IMPACT STATEMENT

1. Type, Extent, and Reversibility of Environmental Effects.
2. Cumulative Potential Effects of Related or Anticipated Future Projects.
3. Extent to Which Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority.
4. Extent to Which Environmental Effects Can Be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer.

CONCLUSIONS

Based on the EAW prepared for SMC Davis Pit, comments on information contained within the EAW, evaluation of the criteria set forth in the EQB rules for determining whether a project requires an EIS, and all other documents that are part of this environmental review, the County concludes the following:

1. The EAW and permit/approval processes related to the SMC Davis Pit have generated information, which is adequate to determine if the proposed project has the potential for significant environmental effects.
2. The EAW serves to identify environmental issues, not to solve or approve of mitigation efforts. This information is then used as a guide in issuing, amending, denying permits, and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality. The EAW is not used to justify a decision, nor do indications of adverse environmental effects necessarily require that a project be disapproved.
3. Based on the criteria established in Minnesota Rules 4410.1700, SMC Davis Pit does not have the potential for significant environmental effects.
4. Minor environmental effects associated with the project will be further controlled by the County and other regulatory authorities, specifically the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources, to a sufficient extent so as not to become significant in the future nor when combined with other similar projects in the County.