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

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

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

DATE: **SEPTEMBER 11. 2014**

TIME: 7:00 PM

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

AVE, LE CENTER, MN

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

ITEM #1 Planning & Zoning Commission Notice of Public Hearing

Planning and Zoning Meeting 09-11-14 **ITEM #2**

ITEM #3 Approved Minutes

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

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

Le Sueur County, MN

Thursday, September 11, 2014 Regular Session

Item General1

Planning & Zoning Commission Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

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

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

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

DATE: SEPTEMBER 11, 2014

TIME: 7:00 P.M.

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

PURPOSE: To hear testimony from interested parties and consider Rezoning, Amendments and

Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur

County, as described below.

Applications are available for review at the Environmental Services Building during normal

business hours and on the website on or after SEPTEMBER 3, 2014.

ITEM #1: OMG MIDWEST DBA SMC, MANKATO MN (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow mineral extraction of 89 acres in an Agriculture "A", Conservancy "C" & Special Protection "SP" District, on Shanaska Creek. Property is located in Sections 28 & 33, Kasota Township. Application was tabled at the September 14, 2014 due to mandatory EAW.

ITEM #2: GENESIS COOPERATIVE, LE SUEUR, MN, (APPLICANT\OWNER): Requests that the County rezone of 21.19 acres from an Agriculture "A" District to a General Industry "I" District. Property is located in the NE 1/4, Section 31, Lexington Township.

ITEM #3: ALLIANCE PIPELINE, EDEN PRAIRIE, MN, (APPLICANT); WAYNE TIMM, KASOTA, MN & UNIMIN MINNESOTA CORPORATION, LE SUEUR. MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 3400 cubic yards of material movement for a bank stabilization project in a Special Protection "SP" District on the Minnesota River, and also in a Mineral Resources "MR" Overlay District & Floodway FW" Overlay District. Property is located in Sections 7, 12 & 18, Kasota Township.

ITEM #4: PAUL ARDISON, ST PETER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Emily. Property is located at Lot 1, Selly Bay Estates, Section 26, Kasota Township.

ITEM #5: ERIC & DIANA LOMEN, ST PAUL, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township

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

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

Le Sueur County, MN

Thursday, September 11, 2014 Regular Session

Item General2

Planning and Zoning Meeting 09-11-14

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION MEETING AGENDA

ORGANIZATION: LE SUEUR COUNTY PLANNING/ZONING COMMISSION

MEETING DATE: September 11, 2014

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M.

If you CANNOT be at the meeting, contact DENISE at 357-8538

AGENDA: Meeting Called to Order:

ITEM #1: OMG MIDWEST DBA SMC, MANKATO MN (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow mineral extraction of 89 acres in an Agriculture "A", Conservancy "C" & Special Protection "SP" District, on Shanaska Creek. Property is located in Sections 28 & 33, Kasota Township. Application was tabled at the September 14, 2012 due to mandatory EAW.

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ITEM #4: PAUL ARDISON, ST PETER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Emily. Property is located at Lot 1, Selly Bay Estates, Section 26, Kasota Township.

ITEM #5: ERIC & DIANA LOMEN, ST PAUL, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township.

MINUTES-WARRANTS

ADJOURN

Planning & Zoning Commission Public Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed** *to the board, NOT THE APPLICANT.* After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

STAFF REPORT

GENERAL INFORMATION

APPLICANT: OLDCASTLE MATERIALS GROUP (OMG) MIDWEST dba SOUTHERN MINNESOTA CONSTRUCTION (SMC)

OWNER: LUNDIN FAMILY LLC

(Applicants applied for the Conditional Use Permit in August of 2012, the application was PROJECT DESCRIPTION: tabled at the September 2012 meeting as it met the Mandatory Environmental Assessment Worksheet (EAW) threshold)

Mandatory EAW was completed and a Negative Declaration was declared by the County Board in May of 2014.

Allow mineral extraction of 89 acres in an Agriculture "A", Conservancy "C" & Special Protection "SP" District, on Shanaska Creek. Property is located in Sections 28 & 33, Kasota Township.

ZONING ORDINANCE SECTIONS: Sections 6, 7, 8, 13(13.1), Section 20.

The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

DEFINITIONS:

EXTRACTION PIT - Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter; or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

EXTRACTIVE USE - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota statutes, sections 93.44 to 93.51 and as amended from time to time.

GOALS AND POLICIES:

Goal 6: Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development.

Policy: The County should adopt an aggregate resource protection ordinance.

SITE INFORMATION

LOCATION:

89 Acres within Sections 28 & 33 of Kasota Township

ZONING:

Agriculture "A", Conservancy "C" and Special Protection "SP" and the Mineral Extraction Overlay District.

GENERAL SITE

DESCRIPTION:

Existing mining/ag land

ACCESS:

Existing Accesses- see email from County Highway Dept.

EXISTING LAND USE WITHIN 1/4 MILE:

North: Existing Mining/Ag

South:

Existing mining/Ag

East: Winery/Vineyard/wooded area/

West:

Industrial/City of Kasota

BACKGROUND INFORMATION

Refer to narrative in Attachment C.

TOWNSHIP BOARD NOTIFICATION

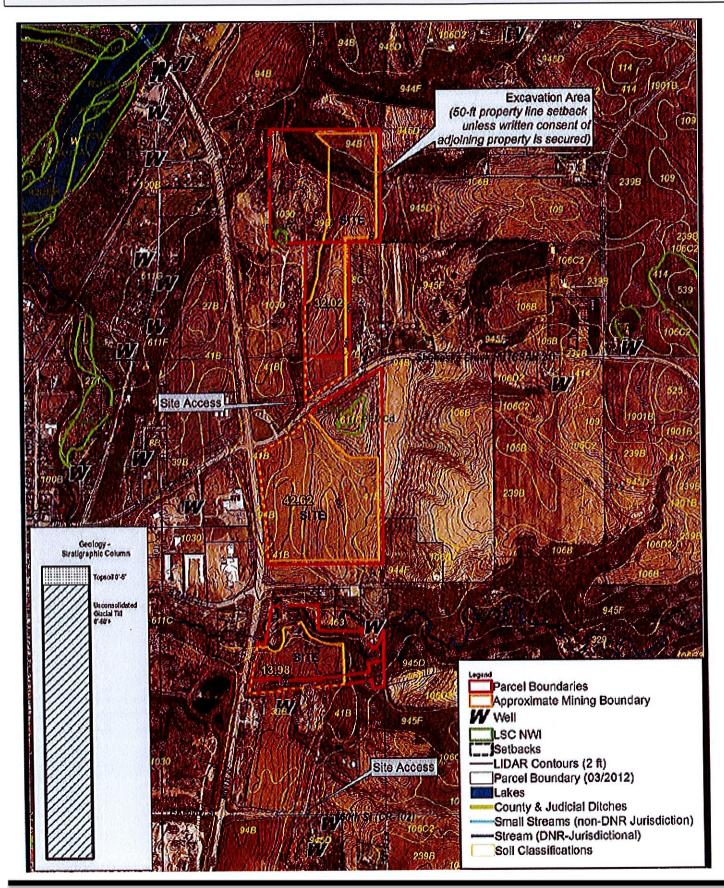
The applicants notified Joe Kienlen of Kasota Township.

NATURAL RESOURCES INFORMATION

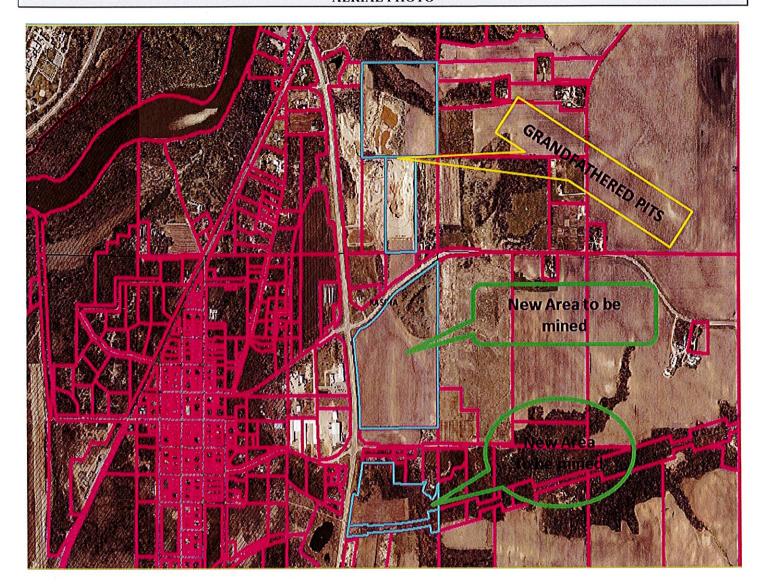
SHORELAND: The part of the proposal is located within the Shoreland District.

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

SITE PLAN



AERIAL PHOTO



ATTACHMENTS

Narrative, maps, aerial photos.

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.)

- 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

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

Le Sueur County

Co	nditional Use Application						
Ī.	Applicant:						
	Name OMG Midwest dba Southern Minnesota Construction Company, Inc.						
	Mailing Address 1905 3rd Ave. PO Box 3069						
	City Mankato State MN Zip 56002-3069						
	City Mankato State MN Zip 56002-3069 Phone # 507-625-4848 Phone #						
II.	Landowner:						
	Name I and Francisco						
	Mailing Address <u>4460 Washington Blvd</u>						
	City Madison Lake State MN Zip 56063						
	Property Address						
	City State Zip						
	Property Address						
III.	Parcel Information:						
	Parcel Number See Attachment A Parcel Acreage Approx. 89+/- acres						
	Attach Full Legal Description (NOT abbreviated description from tax statement)						
	Township Kasota (T110N R26W) Section 28 & 33						
	Township Kasota (T110N R26W) Section 28 & 33 Subdivision Lot Block						
IV.	Township Notification: Township must be notified of proposed use prior to application.						
	Kasota Township notified on 8/26/14 Township Name) Board Member regarding the proposed use. (Name)						
	(Township Name) (Date)						
	les tours						
	Board Member regarding the proposed use.						
	(ivarne)						
٧.	Quantities and Submittal Formats:						
	a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.						
	b. Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.						
	c. Electronic version of any supporting documents if available.						
	c. Additional copies may be requested as deemed necessary by the Department.						
	 d. Application must be made <u>in person</u> by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. 						
	e. Appointment is necessary.						
	f. Applications will not be accepted by mail.						
VI.	Fees: Must be paid at the time of application.						
	Conditional Use Permit \$ 750 After-The-Fact fee is doubled . Filing Fee \$ 46						
	Additional Fees: Special Meeting \$ 2,000 After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater						

		 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 finings 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 unowledge.
		Applicant signature Date
	1.5	I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.
		Property Owner signature Date
		OFFICE USE ONLY
	Req	juest:
	Meet 60 D	App Date
	□ Si	equest Description Access Approval Septic Comp Insp / Design
	- A	Application Complete Should Planning & Zoning Department Signature Date Permit #
*	Cu	Papplied for in Aug 2012-tabled in Sept. 2012 & EAW.

Attachments: shall include but not limited to:

X.

VII.	Ту	pe c	of Request:					
		J Sc J Re	If Service Storage hool/Church/Cemeter tail Nursery/Greenho hool/Church/Cemeter	y (use (☐ Value Added Agriculture☐ Antique Sales/Service/Repa☐ Substation/Transmission Li☐ Other Mineral Extraction			
VIII.	De	scri	iption of Reques <mark>t:</mark>	See Attachem	ent C			
	a.	A fu	ull description of requ	est with detaile	d information must be attache	ed.		
	b.	Со	emplete the following i	n relationship t	o the proposed Conditional U	se Permit.		
		1.	PROPOSED DAYS AND	HOURS OF OPER	RATION:			
		2.	ESTIMATED NUMBER OF WEEKLY BASIS:	F PERSONS TO	ATTEND PLACE OF BUSINESS/LC	CATION ON A DAILY OR		
		3.	LIST OF PUBLIC HEALT	H PLANS:				
			i. Water Supply: _					
			ii. Toilet facilities:					
			iii. Solid Waste Coll	ection:				
		4.	FIRE PREVENTION:					
		5.	SECURITY PLANS:					
		6.	RETAIL SALES:					
		7.	FOOD OR ALCOHOL SE	ERVED OR FOR S	SALE:			
		8.	DESCRIBE IF THE APP PERSONNEL: (For exam	LICANT REQUES nple, pedestrian an	TS THE COUNTY TO PROVIDE AN ad/or vehicular traffic control.)	Y SERVICES OR COUNTY		
		9.	SOUND AMPLIFICATIO	N, PUBLIC ADDR	ESS SYSTEM, PLAYING OF MUSIC	:		
		10.	EXTERIOR LIGHTING:					
		11.	PARKING AND LOADIN	IG:				
		12.	SIGNAGE:			-		
		13.	ROAD ACCESS: (Appro	ved by the road at	uthority)			
		14.	CERTIFICATE OF INSU	RANCE:				
		15.			E & FEDERAL REGULATIONS: ermitting)	<u> </u>		
IX.	Si	ite F	Plan: Shall include b	ut not limited to	the following: See Attachem			
			North point Setbacks	● Lake ● River	Existing StructuresProposed Structures	Septic systemWell		
		•	Property Lines Road Right-Of-Way	 Wetland 	Lot DimensionsPonds	Access (size & location)Easements		
	Parking (Size & location-if applicable to application) Landscape, screening and buffering (if applicable to application)							

Landscape, screening and buffering (if applicable to application)
Location of significant trees to be removed (if applicable to application)

Le Sueur County

Conditional Use Permit Specific Use Form

/lir	neral Extraction:	Permit #
۸.	No person, firm, or corporation shall engage in the minir limestone or other minerals on any land within Le Sueur Cour any city, village or incorporated town without first obtaining Permit.	nty, located outside the boundaries of
3.	Specific Use Form : The Specific Use Form for Minera Conditional Use Permit application, as well as any supplication <i>and</i> listed below	al Extraction must accompany the porting documentation listed on the
	1. Estimated life expectancy of the proposed operation. 2. Detailed site plan indicating: a. Existing topographical features at 10-foot contours. b. Location of water courses, drainage systems and impound c. Outline of the maximum area to be mined. d. Vertical profile of area to be excavated indicating over-bucknown. e. The proposed location of any buildings, equipment storage excavating process. f. Location and names of existing roads, trails, railroads, buckner features within and adjacent to the proposed excavag. Access routes within one mile of the site. 3. Erosion control plan. 4. Dust and noise control plan. 5. Bond. 6. Recycling plan for concrete or other forms of aggregate, if ap	rden and other geological layers to the extent ge areas, and any other uses incorporated in the uildings, utility ROW, vegetation, wells and any ation area within 500 feet.
C.	Reclamation Plan: A reclamation plan shall be prepared for areas and the nature and extent of reclamation. The reclamation:	or the planned after-use of the affected following are minimum standards for
	 1. Proposed contours after any proposed filling. 2. Depth of restored top soil if restoration is proposed. 3. Type of fill, if applicable. 4. Type of planting and restoration. 5. Estimated progress and completion dates. Reclamation shall 6. Written statement containing an explanation of the character surrounding territory, the reclamation plan, and the schedule include phase development. 	of the site to be mined, the
D.	. Signatures:	
	I hereby certify with my signature that all data contained herein as well as all support knowledge.	rting data are true and correct to the best of my
	Applicant signature	Date
	I hereby certify with my signature that all data contained herein as well as all support knowledge.	rting data are true and correct to the best of my
	Property Owner Signature	Date
_	OFFICE USE ONLY	
	Date Received 1-201 Erosion Control Plan Initials Restoration Plan Life Expectancy	Dust & Noise Control Plan Recycling Plan Bond

CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING

88 SOUTH PARK AVENUE LE CENTER MN 56057

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

Mankato (507) 388-5302 St. Peter (507) 931-5751 Metro (952) 445-7543

APPLICATE 60 DAY RUE APPLICAN ADDRESS: CITY: STATE: PHONE:	LING DATE T: OMG MIDW	VEST DBA SM VE PO BOX 30 ZIP:	C	PROPERT ADDRESS CITY: STATE: PHONE:	Y OWNE: 4460	FEES ARE NO R: LUNDIN D WASHINGT DISON LAKE	N-REFU FAMILY	LLC	
PARCEL NO SEC: TWP: RANGE: QTR/QTR:	28 & 33 110 26	SUBDIV: LOT: BLOCK: ROAD:	NA NA NA CR	A CREEK RD	ZO FEI FLO	WNSHIP: NE: MA PANEL OOD ZONE	: X OUT	C DC0237D TSIDE	
petition your I thereof, the fol	lersigned, owner Honorable Bodies Iowing facts are son for Requ ALLOW THE A	s to grant a Co presented: uested Con APPLICANT M	onditional U ditional IINERAL E	Jse Permit, as l L Use Permi EXTRACTION (nereinafter t. DF APPRO	designated, a	nd in sup 9 ACRES	pport	
Ju Mic	ccial Condit CORDED LEGA ZONING PERM APPLICANT Melle J	AL DESRIPTION MITS. ADDITION VPROPERTY MITS. ADDITION MITS. ADDITI	ON OF PROTONAL CO	OPERTY MUST NDITIONS AS	BE SUBM		/12 E	SUANCE 2	
AS WR	BOARD DA	Not	9/14/20	2012	ACTI	ON: Jak Clue ITH COND ON: Jak TH COND	Plu	<u>d</u>	VL
	CHAIRMAN PLANNING AN 72 CHAIRMAN	N, LE SUEUR ND ZONING I, LE SVEUR F COMMISSI	COUNTY				ATE ATE		



CONDITIONAL USE PERMIT APLICATION

SMC DAVIS PIT

Le Sueur County, Minnesota



August 2014 Project No. 12-14609

info@is-grp.com + www.is-grp.com

ATTACHMENT A: LEGAL DESCRIPTION OF PARCEL

Le Sueur County Conditional Use Permit Application Oldcastle Materials Group (OMG) Midwest dba Southern Minnesota Construction (SMC) Inc.

The applicant has the right to lease to mine and to reclaim the land described herein.

There is five (5) parcel number associated with the property as indicated below:

Map ID: 1

Harcel Acreage
40.00 acres
The Mithers
n/a
of Section 28, Township, 110 North, Range 26 West, Le

Sueur County, Minnesota.(abstract property).

Map ID: 2

िक्षावर्षा /५७।वस्तुरः
16 acres
Sho/dhass
n/a

िम्मीसिल्युद्धाः विलड्डवानीभित्यक

All that part of the Southeast Quarter of the Southeast Quarter of Section 28, Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as: Commencing at the Northeast corner of Section 33, Township 110 North, Range 26 West; thence South 00 degrees 56 minutes 12 seconds West (assumed bearing) on the East line of said Northeast 73.05 feet; thence South 64 degrees 38 minutes 29 seconds West 103.70 feet; thence South 60 degrees 44 minutes 29 seconds West, 323.08 feet; thence North 01 degrees 01 minutes 25 seconds East, 27 4.96 feet to the South line of said Southeast Quarter of the Southeast Quarter, the point of beginning; thence continuing North 01 degrees 01 minutes 25 seconds East, 1313.49 feet to the North line of said Southeast Quarter of the Southeast Quarter; thence North 89 degrees 58 minutes 19 seconds West on the North line of said Southeast Quarter of the Southeast Quarter, 530.08 feet to the Northeast corner of the West 412.75 feet of said Southeast Quarter of the Southeast Quarter; thence South 01 degrees 01 minutes 25 seconds West on the East line of said West 412.75 feet, 1314.39 feet to the South line of said Southeast Quarter of the Southeast Quarter of Section 28; thence Easterly along said South line of the Southeast Quarter of the Southeast Quarter of Section 28 to the point of beginning.

OMG Midwest dba SMC Inc **CUP** Application

Aug 2014

Map ID: 4

trained the (Second for Land example)	Reference
05.033.5200	42.74 acres
(Alynon	Sile /sectors:
Lundin Family LLC 4460 Washington Blvd Madison Lake, MN 56063	n/a

Pull Ecopy Description

All that part of the Southeast Quarter of Section 33 lying North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, and that part of the West Half of the West 60 acres of the Southwest Quarter of Section 34lying South of the creek centerline and North of the right of way line of the Chicago, Milwaukee & St. Paul Railroad, all in Township 110 North, Range 26 West, more particularly described as: Commencing at the point of intersection of the Easterly right of way line of Minnesota Trunk Highway No. 22 with the East West centerline of Section 33; thence Southerly along said Easterly Highway right of way line, 229.15 feet to a point on the South line of the North 225.00 feet of the Southeast Quarter of Section 33, said point being the point of beginning; thence. Easterly along a line parallel with and distant 225.00 feet Southerly of the East-West centerline of Section 33, a distance of 860 feet, more or less, to a point on the West line of the East 570 feet of the Southeast Quarter of Section 33, thence Southerly along said west line 305.00 feet; thence Easterly along a line parallel with and distant 530.00 feet Southerly of the East-West centerline of Section 33, a distance of 300.00 feet; thence Northerly along a line parallel with and distant 270.00 feet Westerly of the East line of Section 33, a distance of 35.00 feet to a point on the South line of the North 495.00 feet of the Southeast Quarter of Section 33;

thence Easterly along said South line, 65 feet, more or less, to a point on the centerline of Chankaska Creek as the same is now located; thence in a Southerly, Easterly, and Northeasterly direction, along said creek's centerline, 1140 feet, more or less, to the intersection with the East line of the West half of the West 60 acres of the Southwest Quarter of Section 34; thence Southerly along said East line, 500 feet, more or less, to the intersection with the Northerly right of way line of the Chicago, Milwaukee and St. Paul railroad; thence southwesterly along said railroad right of way line, 2125 feet, more or less, to the intersection with the Easterly right-of-way line of Highway 22; thence Northerly along said Easterly highway right-of-way line 880 feet, more or less, to the point of beginning. EXCEPT that part of the Southeast Quarter of Section 33. Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as: Commencing at the Northeast corner of the Southeast Quarter of Section 33; thence North 89 degrees 30 minutes 39 seconds West (assumed bearing) on the North line of the Southeast Quarter of Section 33, a distance of 570.00 feet; thence South 00 degrees 54 minutes 21 seconds West, parallel with the East line of the Southeast Quarter of Section 33, a distance of. 225.00 feet to the point of beginning; thence North 89 degrees 30 minutes 39 seconds West, parallel with the North line of the Southeast Quarter of Section 33, a distance of 200.00 feet; thence South 00 degrees 54 minutes 21 seconds West; parallel with said East line, 287 feet more or less to the centerline of a creek; thence easterly along the centerline of said creek, 219 feet more or less to a point on a line which bears South 00 degrees 54 minutes 21 seconds West from the point of beginning; thence North OO degrees 54 minutes 21 seconds East, parallel to said East line 301 feet more or less to the point of beginning. Said exception contains 1.3 acres of land more or less.

OMG Midwest dba SMC Inc CUP Application

Map ID: 3a & 3b

Parontido, (Geometro, in parent lecutions)	Parest Acreage
05.033.2900	69.04 acres
Lundin Family LLC 4460 Washington Blvd	Gifc Address 34322 Shanaska Creek Rd St Peter, MN
Madison Lake, MN 56063	

| will eggl Description

Parcel 3a:

That part of the following described tract lying north of Le Sueur County Road #21: Commencing at the Northeast corner of Sec. 33-11.0-26, thence running South on the East line of Section 58 1/2 rods, thence running at right angles West 54 rods and 21lin.ks, thence running North at right angles 58 % rods to the North line of said Section, thence running East on the North line of said Section 54 rods and 21links to the place of beginning.

EXCEPT that part of both parcels lying east of a line parallel with and 367.45 feet west of the east line of said Section 33-110-26. Said exception containing 20 acres, more or less.

Parcel 3b:

All that part of the Northeast Quarter of Section 33-110-26, Le Sueur County, Minnesota, described as:.. Commencing at the Northeast corner of said Northeast Quarter; thence South 00 degrees 56 minutes 12 8econds West (assumed bearing) on the East line of said Northeast Quarter, 73.05 feet to the point of beginning; thence continuing South 00 degrees 56 minutes 12 seconds West oil said East line, 2349.32 feet to the Northeast corner of a tract of land recorded in Book 118 of Deeds, page 511; thence North 88 degrees 50 minutes 27 seconds West on the North line of said tract 1391.29 feet to a point on the easterly right of way line of MTH #22 said easterly right-of-way line being on a circular curve concave to the West; thence northerly along said curve an arc length of 514.60 feet, central angle, 1 07 degrees 37 minutes 09 seconds, a chord bearing North 01 degrees 32 minutes 43 seconds West, a chord length of 514.22 feet to the point of tangency of said curve; thence North 05 degrees 21 minutes 09 seconds West on said easterly right of way line 796.39 feet; thence North 21 degrees 00 minutes 25 seconds East on said easterly right of way line 185.54 feet; thence North 29 degrees 06 minutes 00 seconds West on said easterly right of way line 33.00 feet to a point on the centerline of Le Sueur County State Aid Highway #21; thence North 60 degrees 54 minutes 00 seconds East along said centerline 638.80 feet; thence North 60 degrees 44 minutes 29 seconds East along said centerline 934.48 feet; thence North 64 degrees 38 minutes 29 seconds East along said centerline 103.70 feet to the point of beginning.

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Map ID: 5

Pareni No. (See map to pared tecations)	Parect /weepp
05.033.5300	4.38 acres
Омнет	She://detes:
Lundin Family LLC 4460 Washington Blvd Madison Lake, MN 56063	n/a

Full Coopi Prescriptions

The entire right of way (now abandoned) of the Chicago, Milwaukee, St. Paul and Pacific Railroad and located within the following described tracts:

That part of the North Half of the Southeast Quarter of Section 33, Township 110, Range 26, Le Sueur County, Minnesota, lying Easterly of the centerline of State Highway No. 22; and the West Half of the West 60 acres of .the Southwest Quarter of Section 34, Township 110, Range 26, Le Sueur County, Minnesota, the centerline of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad Company right of way over and across the above described tract (and adjacent portions of Section 34) is described as follows:

Commencing at a found 3/4" diameter iron pipe monument designating the East Quarter corner of Section 34; thence North 00 degrees 04 minutes 07 seconds West (assumed bearing) along the East line of the Northeast Quarter of Section 34 a distance of 312.90 feet to a point on the centerline of the abandoned railroad; thence South 76 degrees 02 minutes 12 seconds West along said abandoned railroad centerline, 5227.50 feet to the point of curvature of a circular curve to the right; then Southwesterly along said railroad centerline along a 01 degree 00 minute 00 second circular curve, central angle= 10 degrees 41 minutes 00 seconds, an arc distance 1068.30 feet to the point of tangency of said curve: thence South 86 degrees 43 minutes 12 seconds west along the tangent of said curve along the centerline of said abandoned railroad centerline, 809.15 feet to the intersection with the centerline of Highway No. 22 and there- terminating. Said termination point being 1503.8 feet Northerly of the South line of the Southeast Quarter of Section 33, Township 110 North, Range 26 West, as measured along the centerline of said Highway No. 22.

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ATTACHMENT B

Le Sueur County Conditional Use Application Oldcastle Materials Group (OMG) Midwest dba Southern Minnesota Construction (SMC) Inc.

IX. Site Plan

Maps of the land drawn at a scale of one inch equals 100 feet or larger showing the following are attached.

- a. Existing topographical features at ten (10) foot contour intervals.
- b. Location of watercourses, drainage systems and impounded waters.

Watercourses and impounded waters are shown on the map, however drainage tile locations, if present, are unknown. Should mining activity impact a drainage tile, the outlet will perform to similar functions as to not impact upstream landowners.

- c. Outline of the maximum area to be excavated.
- d. Vertical profile of area to be excavated indicating overburden and other geological layers to the extent known.
- e. The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.

There will be no permanent buildings proposed in the project area.

- f. Location and names of existing roads, trails, railroads, buildings, utility rights-of-way, vegetation, wells and other cultural features within and immediately adjacent (500 feet) to the proposed excavation area.
- g. Access routes within one mile of the site.

These maps also include easements, property lines, and the anticipated setbacks are listed below.

The setback requirements followed are laid out in the Le Sueur County Zoning Ordinance, Section 20, Subdivision 4.B. Setback Requirements. The setback requirements follow the local ordinances and are based on the adjoining land use, which is outlined below:

- 50 feet to the boundary of any adjoining property line, unless the written consent of the owner of such adjoining property is first secured.
- Excavation or stockpiling shall not be conducted closer than 100 feet to the right-of-way line of any street, road or highway, where such excavation may create a traffic or line of site problem.
- Dust and noise producing processing or loading shall not be conducted closer than three hundred (300) feet to the boundary of any residential or commercial structures existing prior to the commencement of mining and processing operations without written consent of all owners and residents of said structures.

Attached Maps:

Figure 1 - Site Location Map

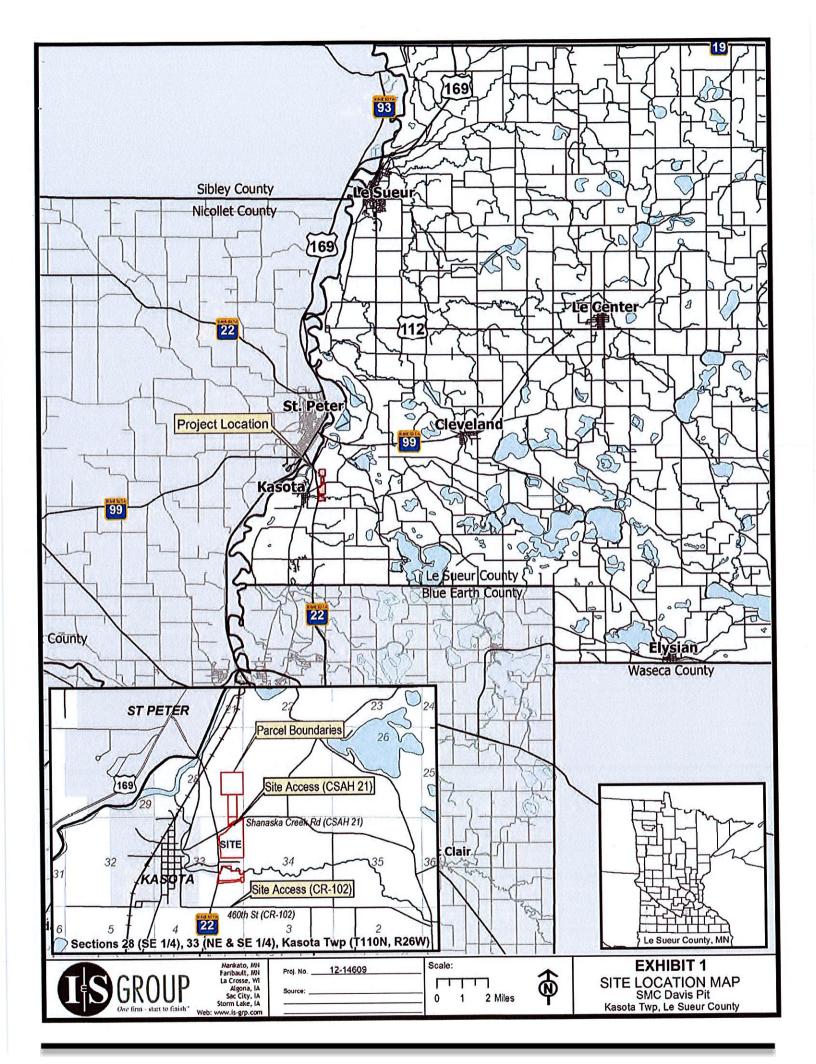
Figure 2- USGS Topography Map

Figure 3 - 2010 Aerial Photograph

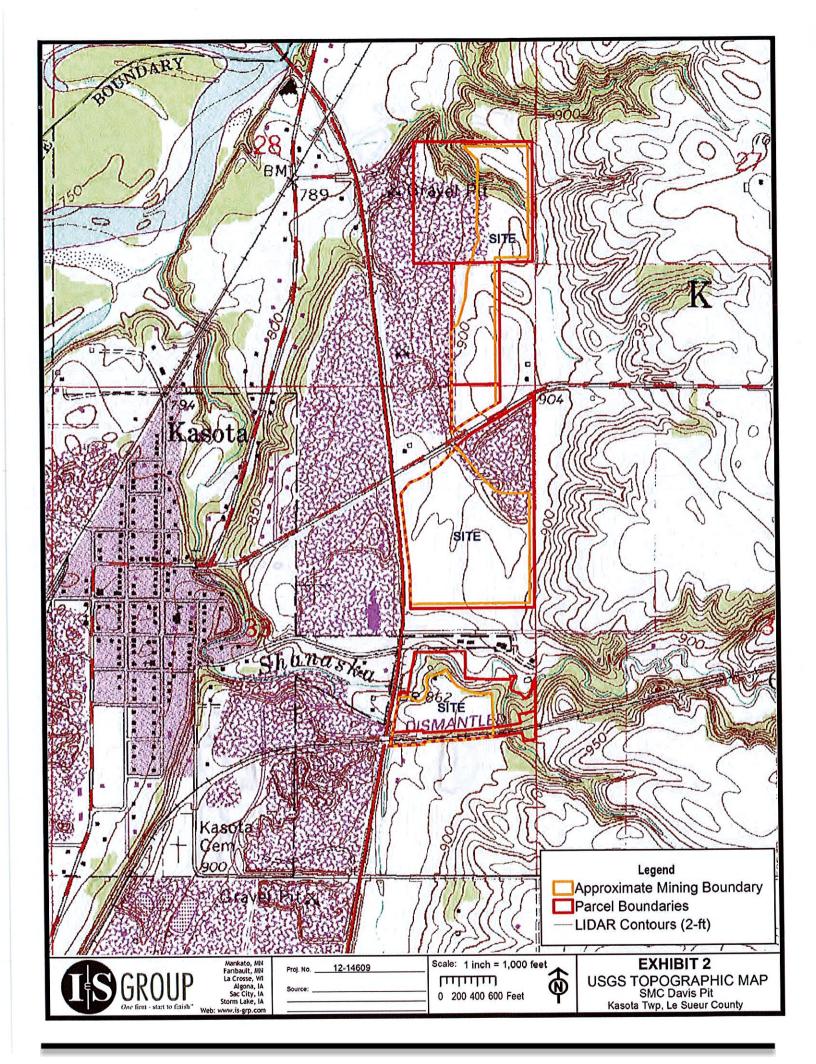
Figure 4 - Zoning Map

Figure 5 - Site Plan - Existing Condition

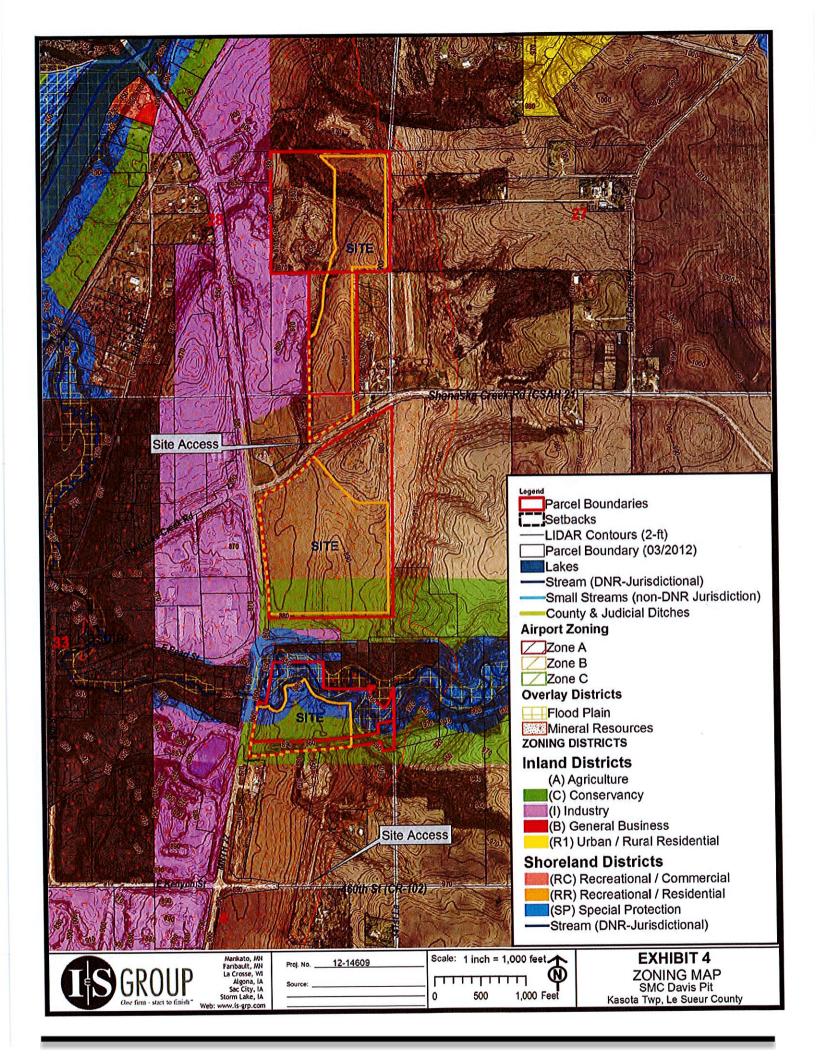
Figure 6 - Reclamation Plan

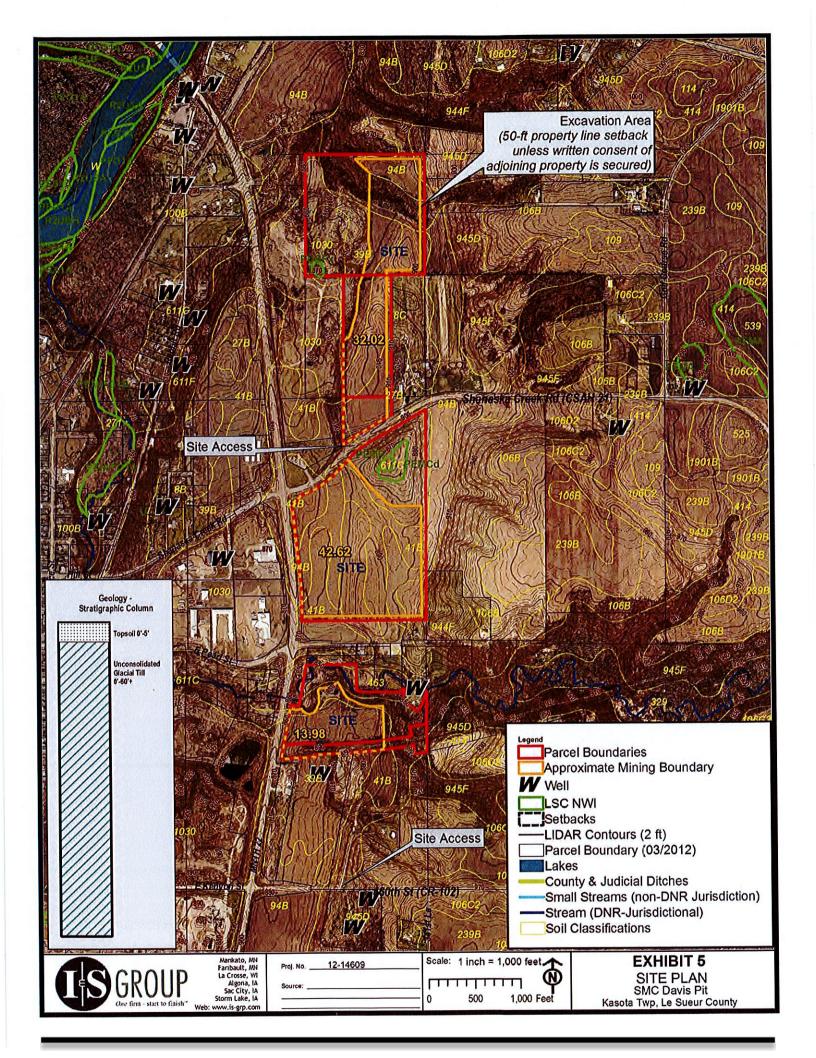


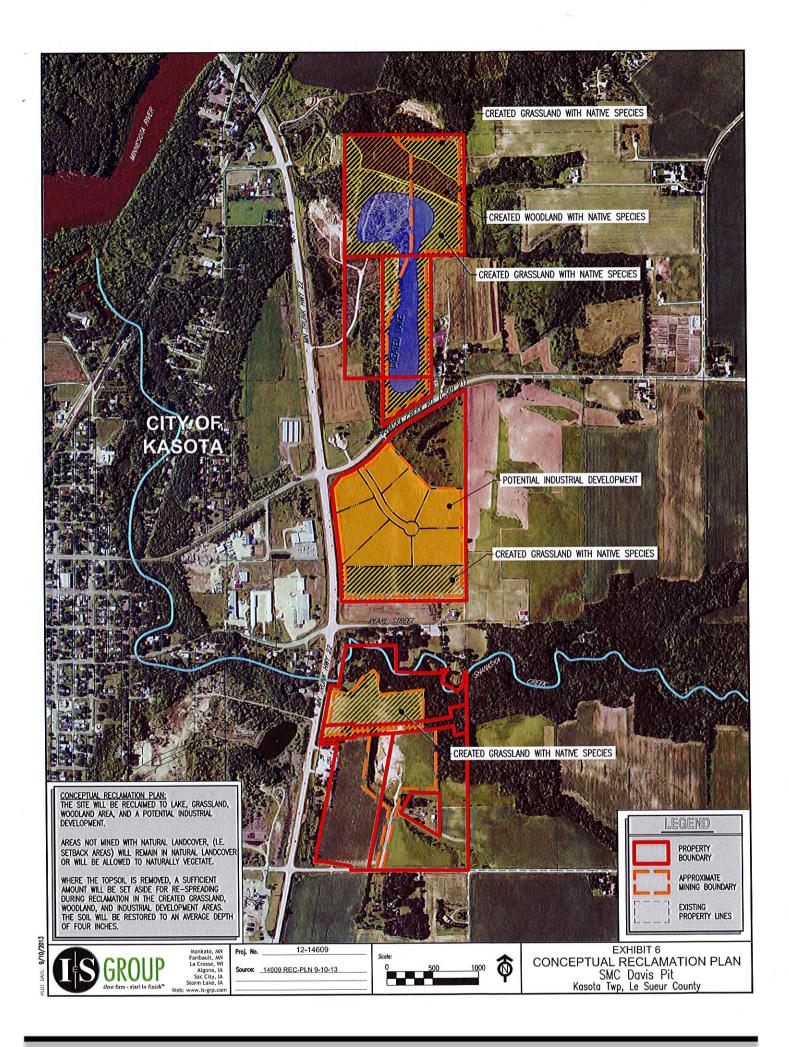












ATTACHMENT C

Le Sueur County Conditional Use Application Oldcastle Materials Group (OMG) Midwest dba Southern Minnesota Construction (SMC) Inc.

VII (a).

This Description of Request serves to address the requirements of Section 20- Mineral Extraction, Le Sueur County Zoning Ordinance.

The Applicant is requesting a Conditional Use Permit for the expansion of the pre-existing Davis Pit for mineral extraction and processing on an estimated area of approximately eight-nine (89) acres within five (5) parcels located in 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 (CUP) in 1973. The existing pit is approximately 32 acres. The proposed project is similar in operation and appearance as the applicant's current mine site adjacent to the north and the landowners adjacent pit to the south. The proposed mining activities will include mining and processing of sand and gravel and may include temporary storage and crushing of recycled bituminous and/or concrete products and temporary hot mix and/or concrete batching plants if the need arises. Conceptual reclamation includes future industrial land uses and open space including grassland and open water.

This CUP request triggers the preparation of a mandatory EAW per MN Rules 4410.4300, subt 12 for the extraction of sand and gravel that excavates 40 or more acres of land to a mean depth of ten feet or more.

The mining involves the removal of topsoil (overburden) to expose the mineral material consisting of sand and gravel. Overburden will be removed sequentially as mining progresses (not prematurely stripped) utilizing typical mining equipment and used in visual screening berms (as necessary) and then utilized during the final reclamation process to top dress the site. The topsoil will be removed and stockpiled within the mine boundary and setbacks and seeded to protect from erosion. Material will be removed and processed on site as it is mined. As operations move into a new mining area, reclamation will be conducted sequentially. The approximate highest site elevations are between 890 and 910 ft above msl, with mining taking place to a depth of approximately 850 to 860 ft above msl, with a total depth of approximately 40-60 feet on average. As described in the environmental review, an additional 50 to 60 feet of mine depth (100-110 feet total depth, to an elevation of approximately 780 – 800 amsl) may occur in the Davis Pit based on market demands and quality of material. Since the water table elevation is at approximately 750-800 ft amsl across the mining area, mining below the water table may be conducted to produce sand and gravel. The decision to mine below the water table will be based on market demand, mineral quantity, and cost of extraction.

No permanent buildings, structures, or equipment will be located in the expansion area. Storm water runoff will be kept on site by the depression created by the mining and will be used to create basins and aid in the mining process. All setbacks will be adhered to, or mutual agreement between landowners is obtained.

Mix and process activities are include in the following list of operations and will be addressed as site operations herein:

- Clearing and grubbing the site of vegetation as necessary.
- Stockpiling topsoil (overburden) to be used in later reclamation.
- Excavation and transport of raw aggregate materials including sand and gravel.
- Crushing and recycling of aggregate, bituminous, and concrete materials using aggregate processing equipment including portable crushers, vibrating screens, and conveyors
- Washing, wet-process, grading, and stockpilling aggregate materials, including sand gravel, stone, clay and shale for sale or later use.

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- Blending of various virgin and recycled aggregate materials such as, sand, gravel, cobbles, boulders, concrete, bituminous, crushed dolomite, quartzite, granite, and various rock materials, to produce blends suitable for use in road maintenance, construction projects and in hot-mix and/or ready-mix production.
- Importing, grading, and stockpilling aggregates to be blended with local aggregates in the production of various products which will increase the effective use of the local aggregates and extend the life of the resource.
- Importing, crushing, and stockpiling bituminous (including milling) and concrete/concrete products for recycling and reuse.
- Establishment of a temporary concrete batching plant including the manufacture, and transport of readymixed concrete. if needed.
- Establishment of a temporary hot mix asphalt plant including the manufacture and transport of hot-mix asphalt, if needed.
- Storing and stockpiling of aggregate, clay, and shale, bituminous, concrete, and other associated materials within the project area.
- Transporting of aggregate and associated materials (listed above) within and outside of the project area.
- Transporting, accepting, and stockpiling of clean organic soil material (ie peat) for potential later use in reclamation.
- Eventual redistribution, compacting, grading of overburden and clean fill materials to reclaim the site.

Life Expectancy

Now that the environmental review process is complete, the applicant seeks to commence mining activities once a conditional use permit has been granted and any required state permits have been obtained. The mine life is inevitably dependant on mining practices, site characteristics, and many unknown variables such as the volume and quality of materials available and market demand. Given these variables, the actual mine life will vary, however using assumed setbacks, maximum production rates and conservative estimates for the other variables; the life of mine is estimated at 20-30 years. However, the mine life is dependent on mining practices, site characteristics, and many unknown variables such as the volume and quality of materials available and market demand. Long-term continued mining operations (over five (5) years) can make it difficult to predict a schedule and life expectancy of the site and forecast when future reclamation activities will be conducted. The mining plan submitted with the CUP was prepared as a general concept for mining and reclamation, depending on mining practices and site characteristics. The mining plan will remain sufficiently flexible to accommodate fluctuations in market demand for aggregate products. The plan will be updated to reflect operating plan changes as necessary.

Soil Erosion & Sediment Control Plan

Le Sueur County and the MPCA have extensive requirements for erosion and sediment control for mining, extraction, and excavation projects. As required for the existing mine sites, the Proposer operates under and in compliance with NPDES permit requirements, including a Stormwater Pollution Prevention Plan (SWPPP) for mining activities. A Stormwater Pollution Prevention Plan (SWPPP) has been developed for both Davis and Gunderson Pits to meet the NPDES requirements and County regulations. These SWPPPs will be updated to include the additional phases. The SWPPPs include the following information:

- Management of stormwater discharge during construction.
- Use of BMPs to control erosion.
- Inspection of all erosion controls at least once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours, to the extent possible.

Effective erosion and sediment control measures using BMPs are required to control water runoff and sediment erosion on adjacent properties or other water courses.

Current mitigation measures meet or exceed County and State rules to control erosion and prevent sedimentation. The mandatory setbacks around the perimeter of the site have been and will be followed. This allows established

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vegetation to aid in controlling erosion and sedimentation from leaving the site. BMPs for activity on the site include items such as: temporary and permanent vegetative seeding, mulch, buffer zones, earthen dikes, drainage swales, sediment traps, riprap, sediment basins, and silt fencing, where applicable. A sample of the requirements is also summarized below.

- Property and roads adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes or sediment basins, by stockpiling soil in appropriate locations or by a combination of such measures
- Property and waterways downstream from the Project shall be protected from flooding and erosion
 due to increases in the volume, velocity and peak water flow rate of stormwater runoff. Concentrated
 stormwater runoff leaving a site must be discharged directly into a well-defined natural or man-made
 off-site receiving channel or pipe.
- A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized after land disturbing activity is complete.
- Whenever construction vehicles access public roads, provision shall be made to minimize the
 transport of sediment by runoff or vehicle tracking onto the surface. Where sediment is transported
 onto a public road surface, the roads shall be cleaned thoroughly as needed.
- All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
- All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.

These activities help to prevent or reduce, to the most practical extent, erosion and sedimentation and their associated effects within the County and to provide protection of adjacent properties and the preservation of soil and water resources.

Dust & Noise Control Plan

Noise

The processes that generate noise that will continue with the Project including the following sources:

- Daily Vehicular movements: equipment reverse signals, trucks and vehicles hauling and excavating within the interior of the mine, trucks entering and leaving the site.
- Daily Processing: day-to-day operations of the equipment used in the dredging, excavation, screening, crushing, stockpiling, and loading of processed materials on trucks and/or conveyors.

The majority of the noise occurring at the site is a steady noise from the use of processing equipment, and the random intermittent (impulse) noise generated by equipment reverse signals during the day as required by the MSHA, and by trucks loading and unloading. Mufflers are used on all equipment and the berms of topsoil/overburden created along the perimeter of the mine will act as sound buffers to an extent. Activities are conducted in conformance with the Minnesota Noise Standards.

<u>Dust</u>

Dust is generated during existing operations and will continue with the Project. This includes topsoil and overburden stripping during general operations, hauling, conveying, and screening, and from stockpiles of raw materials.

Fugitive dust is controlled at the site with the use of water tanks spraying haul roads, stockpiles as needed, conveyors and screening equipment. Other dust control products, such as the use of typical chemical additives (calcium chloride or a comparable alternative), may be applied to haul roads and the entrance as needed and

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dependent on the frequency and amount of traffic and rainfall. Opacity testing is also conducted at the site to ensure levels meet or exceed MPCA standards in accordance with the Proposer's State General Permit for Air Quality Facility (#1300091-001).

Every effort possible will continue to be made to minimize the dust and noise generated in order to sustain a good relationship with neighboring properties.

Bond

The applicant will submit the required bond at the approximate time, in compliance with the County Codes. The applicant shall also furnish proof to the County yearly that the bond has been renewed upon request.

Recycling Plan for Concrete or other Forms of Aggregate

Storing and recycling of aggregate, bituminous and concrete materials are anticipated at this site with the associated activities listed previously. The recycling plan will be developed in conformance with Local and State standards and in association with the environmental review process and amended to the CUP.

Traffic

Ingress and egress to the site will utilize the existing location from Shanaska Creek Road (CSAH 21) for the north and middle parcels, and from the existing location to the south for the south parcel through an existing pit owned by the landowner onto 460th St (CR-102).

Term of Permit

The applicant requests to keep similar terms for this permit as other CUPs for sand and gravel mining operations within the county with no renewals or expirations for the CUP.

Reclamation Plan

A Reclamation Plan has been developed in conformance with Le Sueur County requirements for the planned afteruse of the affected areas and the nature and extent of reclamation. This plan includes the following:

- 1. Proposed contours after any proposed filling
- 2. Depth of restored top soil
- 3. Type of fill
- 4. Type of planting and restoration
- 5. Estimated progress and completion dates for reclamation activities
- 6. An explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan.

Conditional Use Permit Standards

An explanation of how the proposed operations will comply with each of the standards is either listed below or will be addressed as in association with the environmental review process and amended to the CUP:

1. The project will not create an excessive burden on public facilities including public parks, schools, and/or streets.

The project will not create an excess burden on public facilities including public parks or schools. Public streets are discussed below under item 6.

2. The proposed use is sufficiently compatible with surrounding uses, will be separated by sufficient distance and screened from adjacent agricultural or residential zoned land uses, and will not be unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the adjacent properties.

The proposed project will be of similar appearance as adjacent properties currently mined by the applicant and will meet or exceed standards outlined in Sec. 20 Mineral Extraction, Le Sueur County

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Zoning Ordinance.

3. The appearance of the site will be designed so that it is not unsightly or hinder development of adjacent properties.

The proposed project will be of similar appearance as adjacent properties currently mined by the applicant and will meet or exceed standards outlined in Section 20, Mineral Extraction, Le Sueur County Zoning Ordinance.

4. The use is consistent with the purposes of the Le Sueur County goals and zoning ordinances.

Portions of the property are zoned differently and include 'A – Agricultural', C- Conservancy, and 'SP-Special Protection' Districts according to the Le Sueur County Zoning map. Extraction of minerals is allowed as a conditional use within these Districts.

5. The use is consistent with the Le Sueur County Comprehensive Land Use Plan.

According to Le Sueur County's Land Use Goals and Policies, "Goal #14. Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development."

6. Adequate measures will be taken to address traffic, access and parking needs and to provide adequate access to public roads.

The Project uses two existing site accesses along County State Aid Highway 21/Shanaska Creek Road (CSAH 21) as the main vehicular access points for the Davis Phases 1, 2, and 3. The CSAH 21 entrance is the main entrance used for trucks and employees and is near the scale and office. CSAH 21 is a two-lane bituminous-surface county highway (Exhibit 5 – Proposed Mining Plan). Minnesota State Highway 22 (MN 22) is a primary transportation route near the Project and acts as a secondary access (as an inlet only) for Davis Phase 1. This access is intermittently used by employees and accounts for less than ten percent of the total traffic generated at the site.

The Gunderson Phases 1 and 2 access points will be via existing site access on County Road 102 (460th Street).

The majority of trucks utilize MN 22 as the main haul route with the majority of truck traffic heading north or south. Current traffic levels include approximately 150 vehicles (tractor-trailer) trips per day, on average, during the hours of operation within the construction season. The Proposer does not anticipate an increase in production from current forecasted operations; therefore, the vehicle traffic volumes on the public roadways should remain similar to the current levels. There is potential for a temporary increase to traffic generated due to the placement of either a temporary portable asphalt plant or ready-mix plant. Although the traffic generated by either of these temporary plants is unknown at this time and is dependent upon market demands, the increased volume is anticipated to be less than 50 truck trips per day.

7. Erosion control and stormwater management will be provided in accordance with applicable standards.

A plan for erosion control and stormwater management is described above.

8. The site is adequate for water supply and sewage treatment.

At this time, the mining process does not require a water supply or sewage treatment system. The Proposer currently has an appropriation permit for sand and gravel washing (permit # 2011-0432-1) at the Davis Pit. Water is appropriated from a 462 ft deep well (Unique #780933). This permit provides an appropriation of 500 GPM and 120.0 million gallons per year. 32.1 million gallons was reported in 2011.

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Current and projected future mining operations at the site are not anticipated to require mine dewatering since excavation is only anticipated to occur above the water table. However, based on information available from MN DNR Land and Minerals, saleable material is located below the water table. Therefore, mining below the water table may occur in the future depending upon the mineral resources and market demands. This environmental review considers potential environmental effects associated with mining below the water table as a worse-case scenario.

Dewatering is one option in order to mine below the water table. The Proposer does not anticipate that the appropriation of groundwater for dewatering will be needed and will be avoided where possible. As mining progresses, extraction of material may occur below the water table if feasible by one or both of the following described methods. If needed, the first option for extraction of material below the water table may occur with draglines and backhoes. The second option includes a 2-cell system which would be utilized in order keep the water onsite. Two areas within each phase, approximately five-acres in size would be excavated to just above the water table. As excavation is continued in the first cell to elevations below the water table, the water would be pumped to the second cell. Once extraction in the first cell is completed, the water would be pumped back to the first cell from the second cell so that the second cell can be further excavated. Once both cells have been excavated, temporary reclamation occurs (until complete site grading can be achieved), including grading to establish soils that allow seeds to become established and to ensure stormwater runoff enters the created open water features. The open water area will increase groundwater recharge, decrease the volume of off-site runoff, and provide habitat for wildlife.

At this point in project development, the need for, as well as specific plans related to dewatering activities, have not been developed. Therefore, it is beyond the scope of this EAW to include an evaluation of the potential for significant environmental impacts related to dewatering. If in the future, the Proposer decides to mine below the water table and appropriate groundwater, a new EAW or a supplemental EAW containing a detailed hydrogeologic investigation will be mandatory if the new water appropriation averages 30,000,000 gallons per month and before the Proposer obtains a water appropriation permit from the MN DNR for mine dewatering (per Minn. R. 4410.4300, subpt 24).

Depending upon the mining methods, a water appropriation for mine dewatering of groundwater in order to efficiently mine materials below the water table may be necessary. An appropriations permit will be required for any user withdrawing more than 10,000 gallons of water per day or 1 million gallons per year (GPY) for groundwater dewatering for water level purposes. Prior to mine dewatering activities, the Proposer will be required to obtain a new water appropriation permit with the MN DNR. This includes consideration of the following items per Minn. R. 6115 (Minn. R. 6115.0670)1:

- The location and type of the appropriation and its impact on the availability, distribution, and condition of water and related land resources in the area
- The hydrology and hydraulics of the water resources involved and the capabilities of the resource to sustain the appropriation.
- · The effects on the environment
- The consistency and compliance with all federal, state, and local rules
- · The public health, safety, and welfare
- The quantity, quality, and timing of the appropriation
- Water conservation practices
- The characteristics of the appropriation (discharge, depth, temperature, etc.)
- Type and thickness of the aquifer, area of influence, existing and projected water levels

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Note: this is not a comprehensive list of parameters of the rule, but rather select parameters listed in order to provide an example of regulations currently in place.

In regards to perceived well interference, no permit can be granted if there is a conflict between competing users or the quantity of available waters is inadequate.

Typically, mine dewatering does not occur year-round, rather it occurs intermittently during the months of April through November, which allows groundwater levels to recover during the winter months. A typical method of mining below the water table includes an open-pit wet-mining method called dip dragline excavation. This is conducted by removing material from the sideslope of the pit underwater. The water level of the waterbody is maintained by a float and pump system at a level to be utilized as a tool by allowing efficient wet-mining operations. The significance of the drawdown and the potential reduction of water level within the area of influence at surrounding wells are dependent upon the location, depth, and condition of the well. These issues are thoroughly addressed through the water appropriations permit process administered by the MN DNR.

9. The use is reasonably related to the overall needs of the County and to the existing land use.

According to Le Sueur County's Land Use Goals and Policies, "Goal #14. Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development." The Project is located within Le Sueur County's Mineral Resources (MR) Overlay District which is intended to protect areas with existing significant mineral resources from other forms of development (i.e. residential, commercial, etc.). This area has also been identified by the MN DNR as an area of high potential for aggregate resources, including 'highly and moderately desirable sand and gravel deposits'.

10. Nuisance issues such as noise, odors, glare, or dust will be appropriately mitigated.

Odors

Significant odors do not occur and are not anticipated to occur with the Project. However, common nuisance odors may be associated with a temporary/portable asphalt plant when in operation, dependent upon weather conditions, wind direction and speed. The temporary asphalt plant will only operate on an as-needed basis pending nearby projects and market demands and would only operate during the months of April through November. Odors are regulated through the Proposer's State General Permit for Air Quality Facility (#1300091-001) by limiting the temporary asphalt plant's potential to emit (PTE) regulated pollutants.

Noise and Dust

A plan for noise and dust control is described above.

VII (b).

1. Proposed days and hours of operation:

Weekdays: 5am-8pm with equipment warmup from 5am-6am.

Saturday: 7am-4pm for internal and external sales and processing as needed.

2. Estimated number of persons to attend place of business/location on a daily or weekly basis:

10-20 employees will be onsite during typical hours of operation

3. List of public health plans:

i. Water supply: This item is discussed above (see item 8).

- ii. Toilet facilities: No on-site sewage treatment systems are located at the site nor are any proposed. Portable toilets are provided for site workers. The agent renting or leasing the facilities to the Proposer also maintains them. The units contain an internal reservoir that will be evacuated by the supplier on a weekly or monthly schedule dependent upon the volume of wastes generated.
- iii. Solid waste collection: Solid waste will be disposed of in a dumpster and picked up by a license garbage

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service provider. All solid waste generated will be managed and will be disposed of at an approved facility.

4. Fire prevention:

Kasota Fire Department

5. Security plans:

The site contains a gate at the entrance that is locked during non-operating time periods.

6. Retail sales:

Sales of aggregate materials will occur at the site during hours of operation.

7. Food or alcohol served or for sale:

Not applicable

8. Describe if the applicant requests the county to provide any services or county personnel: (For example, pedestrian and/or vehicular traffic control.)

Not applicable

9. Sound amplification, public address system, playing of music: Not applicable

10. Exterior lighting:

Typical lighting is included as part of the temporary structures in order to proceed with operations during the times of year when the sun rises late and sets early, such as the spring and late fall. Visible impacts will be mitigated by the construction of berms and vegetative plantings and are temporary until the site is reclaimed. Every effort will continue to be made to sustain a good relationship with neighboring properties and all possible mitigation efforts will be used. With the setback distances followed and with the mitigation efforts proposed, the Project will comply with the County's ordinance.

11. Parking and loading:

Employees at the site will park personal vehicles in designated areas.

12. Signage:

An existing sign is located at the site entrance and will continue to be displayed in that location for the life of the mine.

13. Road Access:

Refer to traffic section above (item 6).

14. Certificate of Insurance:

Will be provided by the applicant to the County.

15. Meet all applicable county, state and federal regulations: (For example additional licensing and/or permitting)
The Project will comply with the applicable county ordinance sections as well as state and federal regulations.

Le Sueur County and the MPCA have extensive requirements for erosion and sediment control for mining, extraction, and excavation projects. As required for the existing mine sites, the Proposer operates under and in compliance with NPDES permit requirements, including a Stormwater Pollution Prevention Plan (SWPPP) for mining activities. A Stormwater Pollution Prevention Plan (SWPPP) has been developed for both Davis and Gunderson Pits to meet the NPDES requirements and County regulations. These SWPPPs will be updated to include the additional phases.

OMG Midwest dba SMC Inc CUP Application

The EPA and MPCA have specific regulations in place regarding the handling, transport, and disposal of various hazardous waste products. Should a spill occur, notification of the MN Duty Officer is required. The site operators are responsible for proper management and disposal of any wastes generated. Any storage, inspection, and maintenance of BMPs for hazardous waste areas at the site is managed in accordance with Proposer's Spill Prevention Control and Countermeasures Plan (SPCC) developed for the site.

The recycling of used/waste oil may also be included during asphalt production. If required, a small quantity generator's license for waste oil would be applied for through the MPCA if waste oil is collected for asphalt production.

OMG Midwest dba SMC Inc CUP Application

Mettler, Michelle

From: Gehrke, Bob

Sent: Monday, August 20, 2012 7:54 AM

To: Mettler, Michelle

Michelle the two driveways on county road 21 that SMC wants to use are both ok by the county for them to use. They are across from each other , about 775' east of state hwy 22 . Also the driveway on county road 102 just a little east of state hwy 22, that SMC is using is ok also.

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

GENESIS COOPERATIVE ASSOCIATION

911 ADDRESS:

1273 West Derrynane St. Le Center MN 56057

PROJECT DESCRIPTION:

REZONE 21.19 ACRES FROM AGRICULTURE "A" TO GENERAL INDUSTRY "I."

PROPERTY IS LOCATED IN THE NEI/4 OF SECTION 31, LEXINGTON TWP.

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 8, Section 11, Section 19 (page 19-41) Section 23

SITE INFORMATION

LOCATION:

21.19-acre parcel in Section 31, LexingtonTownship.

CURRENT ZONING:

Agriculture

PROPOSED ZONING:

General Industry

GENERAL SITE

DESCRIPTION:

ACCESS:

Existing Fertilizer Business Existing off State Hwy 99

EXISTING LAND USE WITHIN 1/4 MILE:

North: AG

South: TYPE 1 WETLAND/AG

East: AG

AG West:

TOWNSHIP BOARD REVIEW

NOTIFICATION: Applicant's contacted Daryl Wondra, Lexington Township Board member on July 21, 2014.

BACKGROUND INFORMATION

The property on which Genesis Cooperative Association is located is currently zoned Agricultural. In the Agricultural District, fuel, fertilizer (containerized or bulk) processing and storage are not an allowed use. Therefore, Genesis Cooperative Association is requesting to rezone 21.19 acres from Ag to General Industry in order to bring the property into compliance. The applicant's are proposing to add additional bulk storage tanks and additional structures on the property. Genesis Cooperative Association formerly the Hwy Ag business was granted a Conditional Use Permit in 1978 at this location with liquid bulk storage as part of their business operations. If the rezoning is approved, the use of the property complies with the current Le Sueur County Zoning Ordinance requirements for the General Industry Zoning District.

NATURAL RESOURCES INFORMATION

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

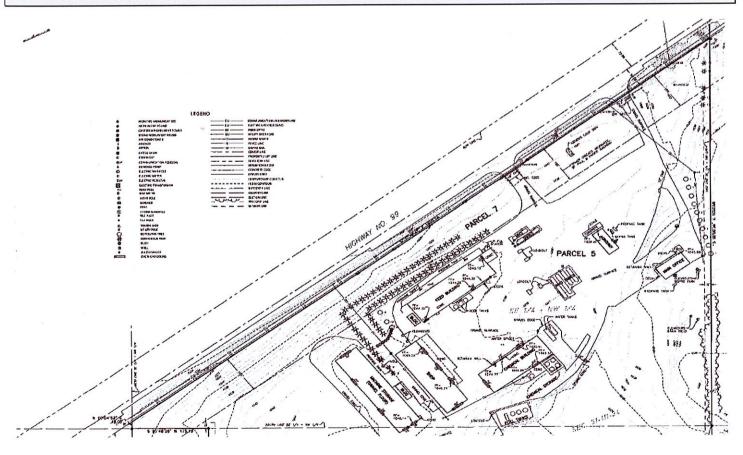
WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the rezone

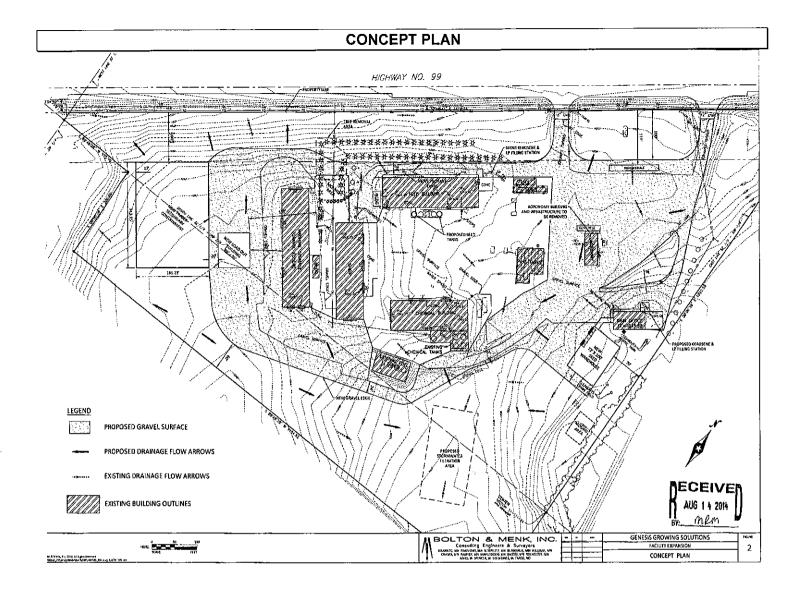
is proposed.

AERIAL PHOTO



SITE PLAN





ATTACHMENTS

Narrative, Survey, Concept Plan, Aerial Photo

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:

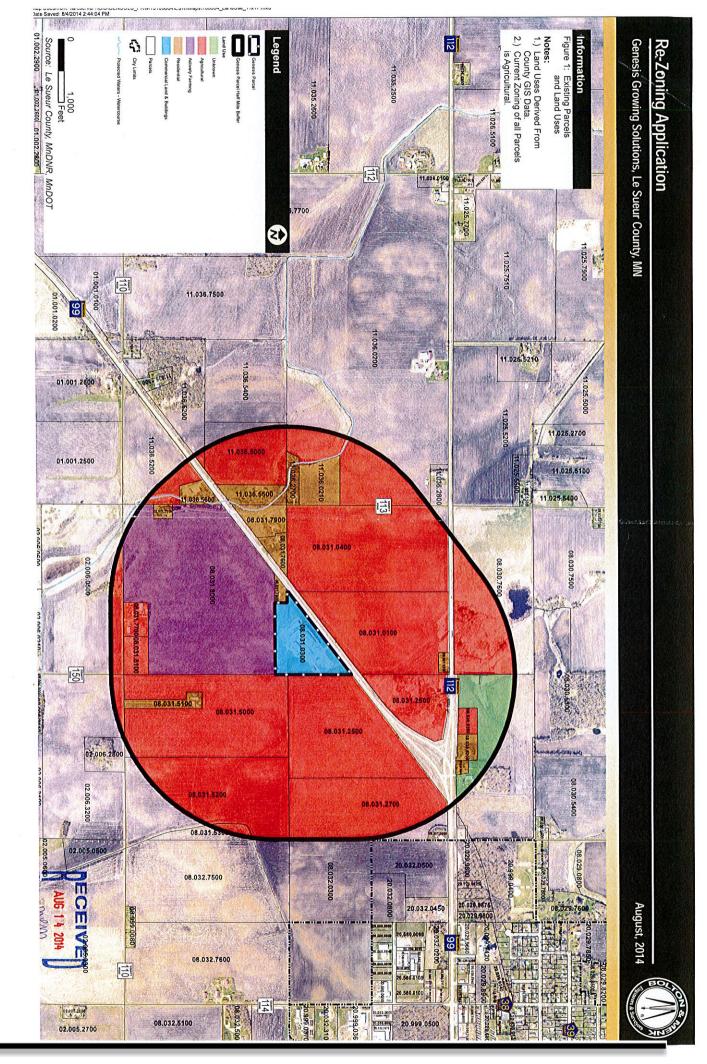
- 1. Relationship to County plans.
- 2. The geographical area involved.
- 3. Whether such zoning district will negatively affect surrounding properties in the area in which it is proposed.
- 4. The character of the surrounding area.
- 5. Whether such zoning district would inherently lead to or encourage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

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:

- 1. The proposal reflects and is consistent with the goals and polices 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 Rezone Request



Le Sueur County

Re	zone Application				
l.	Applicant: Name Genesis Cooperative ASSC. Mailing Address 901 N. 4th Sticet City Le Sueur State MN Zip 56058 Phone # \$07-665-6270 Phone #				
II.	Name Genesia Cooperative Assa. Mailing Address 901 N. YHL Street City Le Super State M. Zip 56058				
	Property Address 12 73 West Delly Nane Street City Le Center State MN Zip 56 057 Phone # 501 - 357 - 6965 Phone #				
111.	Parcel Information: Parcel Number _08.03(.0300 Parcel Acreage2\.\^\circ				
	Attach Full Legal Description (NOT abbreviated description from tax statement)				
	Township <u>Lexington</u> Section 31				
	Subdivision Lot Block				
IV.	Township Notification: Township must be notified of proposed rezone prior to application. Township Notified on 7/21/14 (Township Name) Board Member 1/21/14 regarding the proposed rezone. (Name)				
V.	Quantities and Submittal Formats:				
,	a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.				
	b. If any documentation is in color, an aerial photo, photographs, or larger than 8 $\frac{1}{2}$ x 11, then twenty three (23) copies must be submitted.				
	c. Electronic version of any supporting documents if available.				
	c. Additional copies may be requested as deemed necessary by the Department.				
	 d. Application must be made <u>in person</u> by the applicant and/or landowner no later than 12 P.M. on the date of application deadline. 				
	e. Appointment is necessary.				
	f. Applications will not be accepted by mail.				
VI.	Fees: Must be paid at the time of application. Rezone \$ 750 Filing Fee \$ 46				
	Special Meeting \$ 2,000 (Additional fee)				

VII.	Rezon	e Request:						
	21.19	acres from _	Aa		District to	Indust,	cial	District
VIII.	Descri	ption of Re	quest:					
	a. As	pecific writter	n description	n of the area to	be rezoned	must be attached.		
		•		lationship to the				
	4			T CLASSIFICATIO	4			
	 2.			ICT CLASSIFICAT	,	dustrial		
	3.					for Aq	fertil	12er
	0.			Protection		,		
	4.			See At		Paper F	ig. #2	
	5.			LAND USE PLAN	AND STATEM	ENT OF CONDITIONS	WARRANTING	
		CHANGES IN	zoning: 	to Inc	lustrial	for bu	IK fertil	lizer
		Storage	also	to make	· this	Conformi	11 CAS	<i>e.</i>
	6.					ISTING DEVELOPME		
		VICINITY:				1 03 1		
		beine	T+ is_	also Clos	se to	the industr	al part	of Le Center.
	7.	ADEQUATE U	TILITIES, AC	CESS ROADS, DR	AINAGE, AND	OTHER NECESSARY	INFRASTRUCTU	IRE:
								ofosed drawage Pond
	8.					ROPOSED REZONE:		
		COLUNI.		•				from Web soil succel
	9.	WILL THE PR				R DEGRADE WATER (
		NO Even	' '					in Containment
	10.					ffs, wetlands, water boo		in is 1000 Feet
		•						7.20.20
	11.	GENERAL W	ELFARE?: 🕖	0 1+ WI	() no+	CTION OF THE PUBLIC	Jar-ey an	O Apala-1-
		of the	Public c	ve have s.	41.ck+	Policys for	both health	n and safrey
	15.	MEET ALL AI	PPLICABLE C	OUNTY STATE & asing and/or permitt	FEDERAL REG	SULATIONS:	Current W	ist department of
IX.	Site F					zoned shall include		1 -
								,
				res of adjacent inincorporated		vithin 500 feet in th	e incorporated	i area
		Zoning of adj	acent prope	rties		• Existing Structu	res	
		Location Lot Dimensio	ns			Septic systemWell		
		North point				Water feature (iii		
		Setbacks				Access (size & lEasements	location)	
		Property Line Road Right-C				- Egodilello		

2

Attachments: shall include but not limited to: X. Description of Request - See Part VIII for full details and requirements. Site Plan - See Part IX for full details and requirements. Full legal description - Not abbreviated description from tax statement. d. Access approval - Attach approval in writing from proper road authority. Township Notification - See Part IV for details and requirements. **Septic System Compliance Inspection Concept Plan** XI. Procedure: The Planning & Zoning Commission shall hold a public hearing on the proposed Rezone 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 County Board decision 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. Applicant signature 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. 111 Property Owner signature OFFICE USE ONLY Request: 500' Lake Classification Feedlot Pre-App Date ________ Wetland Type (Meeting Date 3 Lake Water courses FEMA Panel # 27079C0 60 Day Bluff Zoning District Flood Zone Comp Insp / Design ☐ Access Approval ~ 2X+ ₩ Septic Request Description Site Plan ☑ Meeting Spec Concept plan 196 Fee ☐ Other / Full Legal Ordinance Application Complete

Genesis is going through the rezoning process do to the liquid bulk fertilizer storage. Genesis is currently AG and needs to be industrial. Genesis has had liquid bulk fertilizer for over forty years.

Genesis formerly Hwy AG has been at this location since 1972. On the concept plan we are looking at adding more liquid storage to meet the need for our costumer's. Genesis is not going to change what we do.

Genesis does not need to change any utilities or any access driveways to hwy 99.

Genesis has containment for all chemicals, fuel and liquid fertilizer. There is no threat for degrading water quality or pollution. Our well is not in the water shed it is at one of the highest point on our property.

There is a wetland a 1000 feet north of our property across HWY 99. Genesis is planning a storm water pond at south east corner of property.

Genesis has a very strong safety program. Genesis also has a safety committee that meets once a month to discuss any safety or health concerns.



CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING

88 SOUTH PARK AVENUE

LE CENTER MN 56057

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

Mankato (507) 388-5302 St. Peter (507) 931-5751 Metro (952) 445-7543

APPLICATI 60 DAY RUI APPLICAN' ADDRESS: CITY: STATE: PHONE:	LING DATE	E: 10/13/2014 COOPERATIV ST ZIP:		RMIT NUMBI PROPERTY O ADDRESS: CITY: STATE: PHONE:	**FEES ARE NO	FEE: \$796.00 DN-REFUNDABLE** S COOPERATIVE ZIP: 56058
PARCEL NO SEC: TWP: RANGE: QTR/QTR:	08.031.0300 31 1111 24 NE	911: 1273 V SUBDIV: LOT: BLOCK: ROAD:			TOWNSHIP: ZONE: FEMA PANEL FLOOD ZONE	
petition your H thereof, the fol	Ionorable Bodie lowing facts are	es to grant a C e presented: uested Cor	onditional I Iditional	the property descr Jse Permit, as here Use Permit. LTURE TO GENE	ribed herein, do herel einafter designated, a CRAL INDUSTRY.	oy respectfully and in support
3.) Spe	cial Condit CORDED LEG ZONING PER	tions of Co AL DESRIPTI MDTS. ADDIT T/PROPERT	nditional CON OF PROFICE ON AL CO	<i>l Use Permit.</i> DPERTY MUST BI NDITIONS AS ST	E SUBMITTED PRICATED IN RECORD. DAT	DR TO ISSUANCE Y TE Y -14
PUBLIC H	EARING D	ATE:	9/11/20	014	ACTION: WITH CONI ACTION:	200
AS WR	ITTEN				WITH COND	ITIONS
	CHAIRMA PLANNING A	N, LE SUEU ND ZONING			D	ATE
		N, LE SUEUI OF COMMISS			D	ATE



Sodic Spot Slide or Slip Severely Eroded Spot

Sinkhole

Sandy Spot Saline Spot Rock Outcrop Perennial Water Miscellaneous Water

MAP LEGEND

Area of Interest (AOI) Special Point Features Blowout Gravel Pit Clay Spot Borrow Pit Soil Map Unit Points Soil Map Unit Lines Soil Map Unit Polygons Area of Interest (AOI) Closed Depression Water Features Transportation 0 Streams and Canals Special Line Features Wet Spot Stony Spot Other Very Stony Spot Spoil Area Interstate Highways

US Routes

Major Roads

Local Roads

Landfill Gravelly Spot

Background Aerial Photography

(6) X

> Mine or Quarry Marsh or swamp Lava Flow

Survey Area Data: Soil Survey Area:

Le Sueur County, Minnesota Version 11, Dec 26, 2013

Date(s) aerial images were photographed: Sep 8, 2011—Apr 6, 2012

The orthophoto or other base map on which the soil lines were

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

misunderstanding of the detail of mapping and accuracy of soil line Enlargement of maps beyond the scale of mapping can cause soils that could have been shown at a more detailed scale. placement. The maps do not show the small areas of contrasting

Please rely on the bar scale on each map sheet for map measurements.

Coordinate System: Web Mercator (EPSG:3857) Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov Source of Map: Natural Resources Conservation Service

distance and area. A projection that preserves area, such as the Maps from the Web Soil Survey are based on the Web Mercator calculations of distance or area are required. Albers equal-area conic projection, should be used if more accurate projection, which preserves direction and shape but distorts

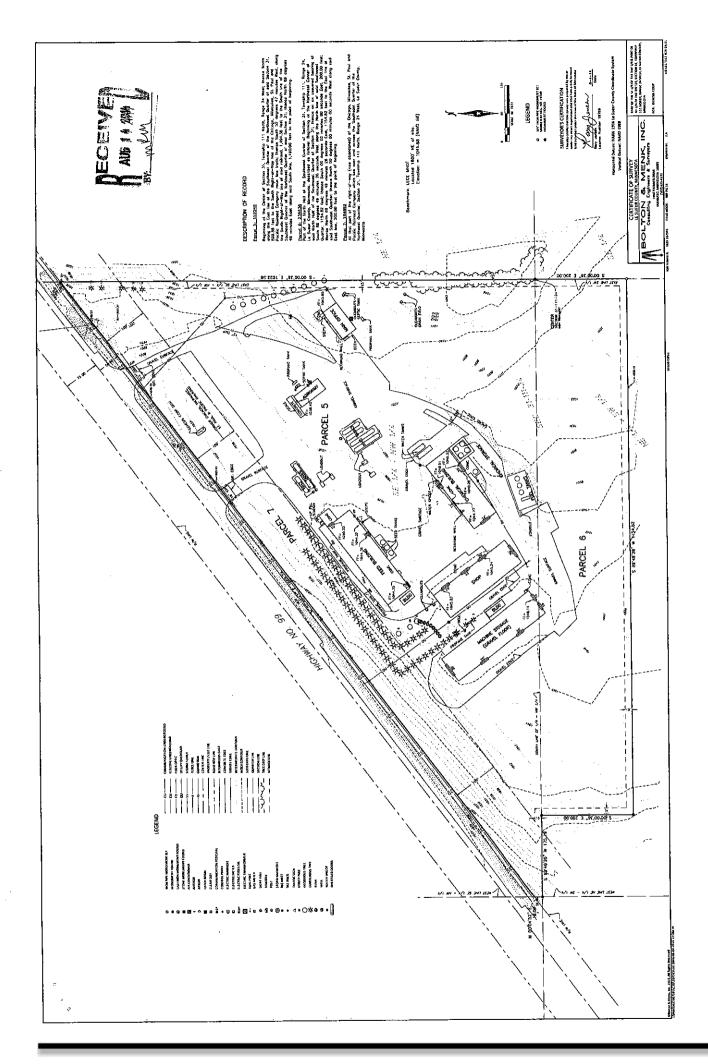
the version date(s) listed below. This product is generated from the USDA-NRCS certified data as of

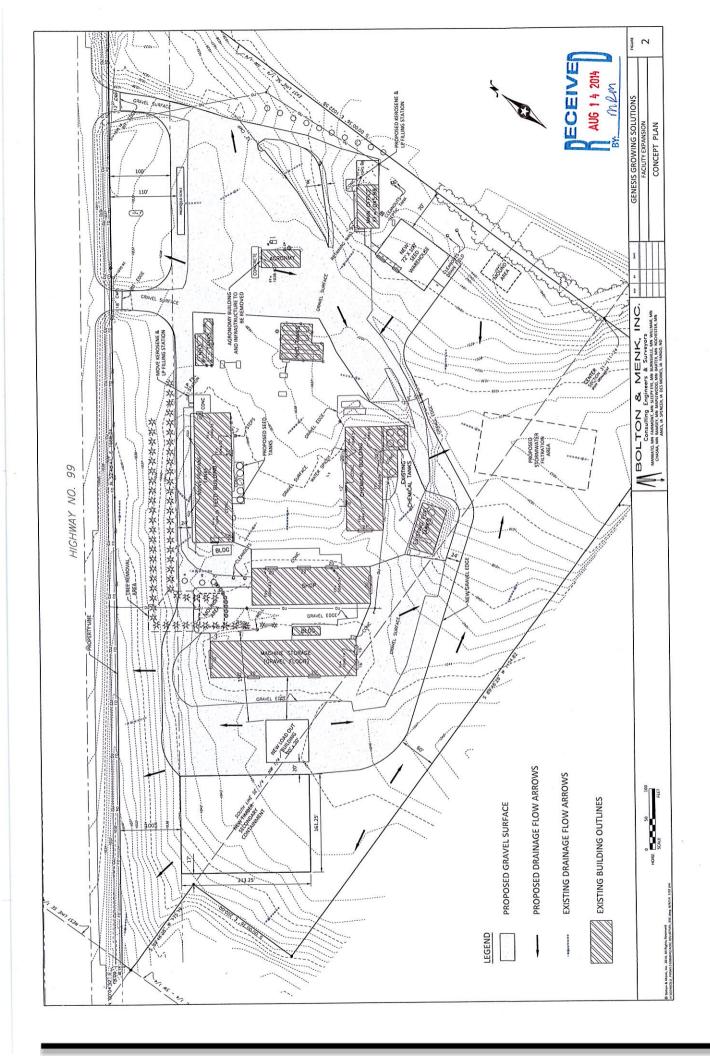
Soil map units are labeled (as space allows) for map scales 1:50,000

of map unit boundaries may be evident. imagery displayed on these maps. As a result, some minor shifting compiled and digitized probably differs from the background

Map Unit Legend

Le Sueur County, Minnesota (MN079)					
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI		
106B	Lester loam, 2 to 6 percent slopes	3.6	6.7%		
106C2	Lester loam, 6 to 12 percent slopes, eroded	16.6	31.4%		
109	Cordova clay loam	13.8	26.1%		
239B Le Sueur clay loam, 1 to 4 percent slopes		10.1	19.0%		
414	Hamel clay loam	1.5	2.8%		
525 Muskego soils, 0 to 1 percent slopes		1.4	2.7%		
1901B	Le Sueur-Lester complex, 1 to 6 percent slopes	5.9	11.1%		
Totals for Area of Interest	•	52.8	100.0%		





STAFF REPORT

GENERAL INFORMATION

APPLICANT: Alliance Pipeline **OWNER:** Wayne Timm and Unimin Minnesota Corporation

PROJECT DESCRIPTION: Grading, Excavating and filling of 3400 cubic yards of material for bank stabilization on the

Minnesota River. (1000 cyds outside shoreland district, 2400 cyds within shore impact zone)

ZONING ORDINANCE SECTIONS: Sections 6, Section 13, Subdivision 13.1, Section 18

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: The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

SITE INFORMATION

LOCATION: Sections 7, 12, and 18, Kasota Township

ZONING: Speical Protection "SP" Shoreland District, Mineral Extraction "MR" and Floodway "FW" Overlay District

GENERAL SITE

DESCRIPTION: Minnesota River

EXISTING LAND USE WITHIN 1/4 MILE:

North: Unimin owned property
East: Scattered Residential West: Nicollet County

BACKGROUND INFORMATION

See attached detailed narrative.

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Joe Kienlen, Kasota Township Board member on July 8, 2014.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, Type 3 and Type 1 wetlands located in the quarter-quarter section

where the project is proposed.

ATTACHMENTS

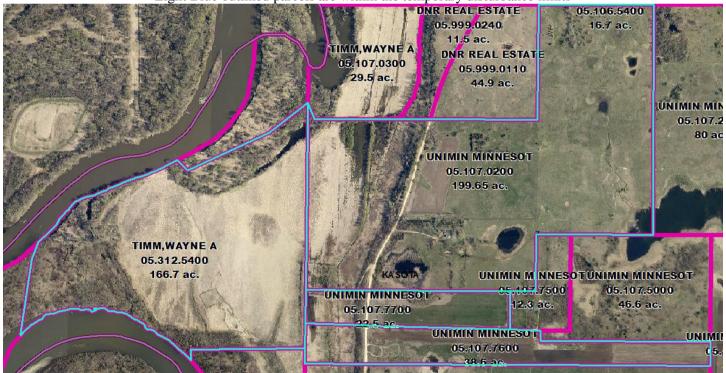
Narrative, engineering plans, letter from Lauren Klement, LSC Resource Specialist

SITE PLAN

Light Blue outlined parcels indicate where bank treatment will be constructed



Light Blue outlined parcels are within the temporary disturbance limits



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: A gree, D isagree, Not A pplicable.)

- 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

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



Applied River and Wetland Restoration

Founded 1983

August 15, 2014

Le Sueur County Planning and Zoning Commissioners Le Sueur County Environmental Services 88 South Park Ave Le Center, MN 56057

Dear Commissioners:

On behalf of our client, Alliance Pipeline, Ltd., I appreciate the opportunity to submit this application for a Conditional Use Permit for construction of bank stabilization measures along the Minnesota River near Kasota, MN. As you will see in the application materials, the purpose of the project is to halt erosion of the bank toward the 36" diameter gas pipeline owned by Alliance Pipeline. This project is necessary for the safety of the community and to protect infrastructure.

The project consists of excavating the existing river bank to create a gentler slope, placing riprap along the slope, and placing surplus "launchable" riprap designed to slide down the slope to protect the bank to the full depth of scour anticipated within the river. The bank does not currently contain any mature trees in the area proposed for excavation and riprap placement. As part of the project, the upper portion of the graded slope will be planted with trees and shrubs, and plantings will be protected to ensure that they are not destroyed by browsing animals. The graded bank will also be seeded and covered with erosion control fabric to protect the bank from erosion while the vegetation becomes established.

The areas proposed for grading and riprap placement are within the Special Protection (Shoreland) zoning district. The entire area is also within the Floodway overlay district and a portion of the area is within the Mineral Resources overlay district. No structures are proposed as part of this project, and none of the excavated material will be disposed within the floodplain. The proposed excavation and riprap placement will result in a net increase in the channel cross section, thereby increasing flood storage volume. Therefore, no negative impacts to flood elevations of flooding extent will occur as a result of the project.

Erosion control is listed as a permitted use within the Conservancy District (Section 7. Subdivision 2 of the Le Sueur County Zoning Ordinance), but erosion control is not specifically listed as a permitted use within the Shoreland District. The volume of material that will be excavated above the ordinary high water level (OHWL) is 2400 cubic yards, which exceeds the threshold for permitted grading within the Shoreland District (Section 13.1 Subdivision 2). Larger excavations are identified as Conditional Uses (Section 13.1 Subdivision 3).

Offices Nationwide

301 S. Livingston Street, Suite 200, Madison, WI 53703

608.441.0342 www.interfluve.com

Criteria for Conditional Uses associated with grading within the Shoreland District are described in Section 13. Subdivision 5. B. 3. of the Zoning Ordinance. The proposed project adheres to all of the requirements of that section, except that we are proposing riprap on a 2:1 slope, rather than the suggested 3:1 maximum slope described in subsection c.11. The steeper slope is proposed to reduce the total disturbance area and reduce impacts to floodplain wetlands consistent with US Army Corps of Engineers Requirements. Bank treatments constructed with angular riprap at a slope of 2:1 will be stable under the anticipated flow conditions within the river. Additionally, all riprap placement will be below the OHWL, so the zoning ordinance does not apply to that portion of the project.

The majority of the excavation and the entire riprap placement will occur below the Ordinary High Water Level (OHWL). We have been coordinating with the U.S. Army Corps of Engineers, the Minnesota Department of Natural Resources, and the Le Sueur County Soil and Water Conservation District to ensure that all local, state, and federal regulations are satisfied. We will obtain permits from these agencies prior to commencement of construction activities.

It is my professional opinion that the proposed project satisfies the intent and letter of the Le Sueur County Zoning Ordinance as well as applicable state and federal regulations. I also feel that it represents the best solution for protecting the community from potential hazards that could develop if the river continues to migrate toward the pipeline.

I appreciate your review of the enclosed information and look forward to answering any questions you may have at your meeting on September 11.

Sincerely,

M. Beth Wentzel, PE

M. Bus of

MN License Number: 51128

bwentzel@interfluve.com

cell: 608-332-9883

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.		licant:	Allianaa Dinali	ing I D
		me <u>Troy Meinke, Director, HSE</u> iiling Address 6385 Old Shady Ro		
		-		
	Ph	y <u>Eden Prairie</u> one # <u>952-983-1009</u>	Phone #	Zip <u></u>
		One # <u>302 300 1003</u>	_ 1 110110 #	
II.	Land	downer:		
		me See attached pages for prope	erty owners	
	Ma	ailing Address		
	Cit	у	State	Zip
	Pro	pperty Address		
	Cit	у	State	Zip
	Ph	one #	_ Phone #	
	Done			
III.		el Information:	Doro	ol Aoroogo
		rcel Number See attached pages ach Full Legal Description (NOT		
	Λιι			
		TownshipSubdivision	l ot	Block
IV.	_	Kasota TownshipTov		
		(Township Name)		(Date)
	Во	ard MemberJoe Kienlen	rega	arding the proposed use.
		(Name)		
V.	Oua	ntities and Submittal Formats:	•	
٧.	Qua	intities and Submittal Formats.	•	
	a.	One (1) reproducible 8.5" x 11" cop	py of the reques	et and all other supporting documents.
	b.	Twenty Three (23) copies must be larger than 8.5" x 11" in size.	submitted, if ar	ny documents are in color, an aerial, or
	C.	Electronic version of any supporting	ng documents if	available.
	C.	Additional copies may be requested	ed as deemed no	ecessary by the Department.
	d.	Application must be made in per P.M. on the date of application dea		olicant and/or landowner no later than 12
	e.	Appointment is necessary.		

f. Applications will not be accepted by mail.

	F	iling	Fee	\$	46			
	S	рес	tional Fees: ial Meeting ·The-Fact Penalty \$1,500 O		,000)% o		s greate	r
VII.	Туј	ре с	of Request: Grading, Exc	avat	ing	or Filling.		
	1		-Shoreland Within Bluff Impact Zone Within Bluff	TAI	C	Cubic yards of material mov Cubic yards of material mov Cubic yards of material mov oic yards of material move	ement: _ ement:	
		⊠ \	reland- Outside Shore Impact Within Shore Impact Zone Within Bluff Impact Zone Within Bluff	Zone	e C		ement: _ ement: _ ement: _ ement: _	2400
			Assurance security shall be re-	quire	d fo	r projects that are >1500 cu	ıbic yard	S.
VIII.	De	scri	ption of Request: See atta	ched	d pa	ges		
	a.		ull description of request with o at general types of equipment					
	b.	Сс	emplete the following in relation	nship	to t	he proposed Conditional U	se Permi	it.
		1.	ENVIRONMENTAL IMPACT: _Sec	e atta	ache	ed pages		
		2.	ADVERSE IMPACT ON SURROUN	DING	ARE	AS:		
		3.	STORMWATER RUNOFF:					
		4.	DOES ANY PART OF THE PROJEC	CT EX	TEN	D BELOW OHWL:		
		5.	WETLAND IMPACT:					
		6.	SLOPE STABILITY:					
		7.	CERTIFICATE OF INSURANCE: _					
		8.	MEET ALL APPLICABLE COUNTY (For example additional licensing an					
IX.	Sit	e P	lan: Shall include but not limi	ted to	o the	e following:		
		• P • P • L	Parcels < 5 AC = 2-foot cont Parcels 5-20 AC = 5-foot cont Parcels >20 AC = 10-foot cor- ocation of grading, excavating ocation of areas for obtaining free inventory of all trees, indic (Caliper of 6 inches or great	ours ntours , and fill or ating	dep s de d/or f disp g tree	icting existing and propose picting existing and propos filling sites. posing of excavated materials to be cut or removed.	d topogra ed topog als.	aphy.
		• S • P • R • L	lorth point Setbacks Property Lines Road Right-Of-Way andscape, screening and buff	r and am ering	I	 Existing Structures Proposed Structures Lot Dimensions Ponds 	EasenDraina	s (size & location) nents age
								_

\$ 750 After-The-Fact fee is **doubled.**

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

Conditional Use Permit

2

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

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

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

X		Description of Request-See Part VIII for full details and requirements.
X] b.	Site Plan-See Part IX for full details and requirements.
X		Full Legal Description-Not abbreviated description from tax statement.
X] d.	Access approval-Attach approval in writing from proper road authority.
X] e.	Township Notification-See Part IV for details and requirements.
	f	Septic System Compliance Inspection Not applicable
X] g.	Erosion Control Plan-Attach completed and signed plan including map.
X] h.	Restoration Plan-See Part X for full details and requirements.
X	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 finings and recommendations of the Planning Commission to the County Board for final decision.

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

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

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

XIII. Signatures:

I hereby certify with my signature that all data contained he correct to the best of my knowledge.	erein as well as all supporting data are true and
Applicant signature	Date
I hereby certify with my signature that all data contained he correct to the best of my knowledge. Manual Walls Property Owner signature	erein as well as all supporting data are true and \[\frac{14/14}{Date} \]

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X	b.	Site Plan-See Part IX for full details and requirements.
X	C.	Full Legal Description-Not abbreviated description from tax statement.
\mathbf{x}	d.	Access approval-Attach approval in writing from proper road authority.
x	e.	Township Notification-See Part IV for details and requirements.
	f.	Septic System Compliance Inspection Not applicable
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XIII. Signatures:

I hereby certify with my signature that all data contain correct to the best of my knowledge.	ned herein as well as all supporting data are true and
Applicant signature	Date
I hereby certify with my signature that all data contai correct to the best of my knowledge.	ned herein as well as all supporting data are true and
Wayne A- Jim Property Owner signature	<u> August 1 2014</u>

OFFICE USE ONLY

Request: GRADING, EXCAVATING & FILLING ☐ Non-Shoreland Cubic yards of material movement: _____ Cubic yards of material movement: _____ □ Within Bluff Impact Zone ■ Within Bluff Cubic yards of material movement: TOTAL cubic yards of material movement: _____ □ Shoreland - Outside Shore Impact Zone Cubic yards of material movement: ______ ☐ Within Shore Impact Zone Cubic yards of material movement: ☐ Within Bluff Impact Zone Cubic yards of material movement: ☐ Within Bluff Cubic yards of material movement: TOTAL cubic yards of material movement: ___ Pre-App Date _____ Lake Classification ____ 500' 1000' N Feedlot Meeting Date ____ Wetland Type _____ Lake _ 1-2 3-8 Ν FEMA Panel # 27079C0 _____ D Water courses 60 Day Ν _____ Flood Zone _____ Zoning District ___ Bluff N ☐ Request Description ☐ Access Approval ☐ Septic Comp Insp / Design ☐ Site Plan ☐ Erosion Control Plan Reg / ATF / Spec ☐ Meeting ☐ Full Legal ☐ Fee ☐ Other _____ ☐ Ordinance ☐ Penalty ☐ Application Complete _

Planning & Zoning Department Signature

Date

Permit #

Supplementary Information

Le Sueur County Conditional Use Application - Grading, Excavating and Filling Form Alliance Pipeline Minnesota River Bank Stabilization Project

CONDITIONAL USE APPLICATION

II. LANDOWNER(S)

Name: Unimin Corporation

Address: 258 Elm Street, New Canaan, CT 06840

Phone: 203-966-8888

Name: Wayne Timm

Address: 48461 367th Avenue, Kasota, MN 56050

Phone: NA

III. PARCEL INFORMATION

Parcels and parcel owners where bank treatment will be constructed (See Figure 1):

- Parcel ID 05.312.5000 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 33.45 acres; T109N, R27W, Section 12
- Parcel ID 05.107.7800 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 120.0 acres; T109N, R26W, Sections 7 and 18
- Parcel ID 05.118.3400 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 13.0 acres; T109N, R26W, Section 18

Parcels within the temporary disturbance limits (See Figure 2):

- Parcel ID 05.107.0200 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 199.65 acres; T109N, R26W, Section 7
- Parcel ID 05.107.7700 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 –
 22.5 acres; T109N, R26W, Section 7
- Parcel ID 05.107.7600 Unimin Corporation, 258 Elm Street, New Canaan, CT 06840 38.6 acre; T109N, R26W, Section 7
- Parcel ID 05.312.5400 Wayne A. Timm, 48461 367th Ave, Kasota, MN 56050 166.7 acres; T109N, R27W, Section 12

Full legal descriptions of each of these parcels are attached as Appendix A.

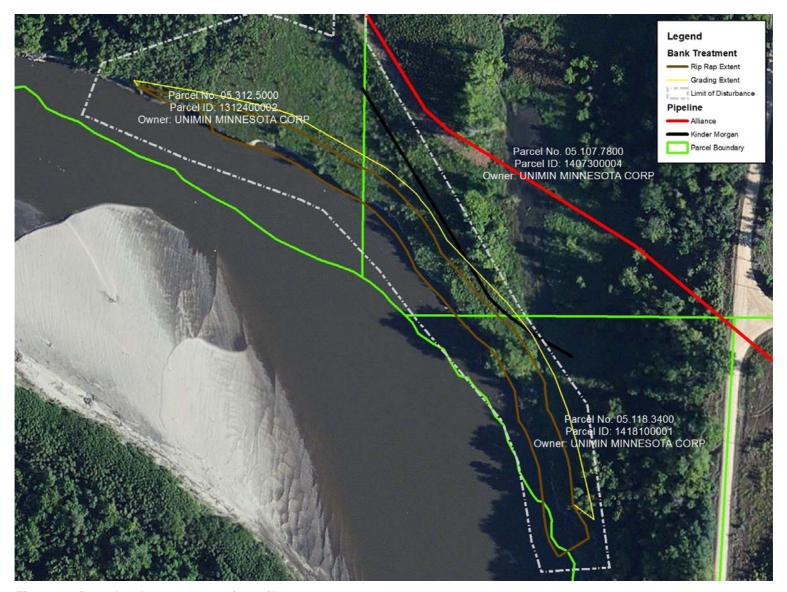


Figure 1. Parcels where construction will occur

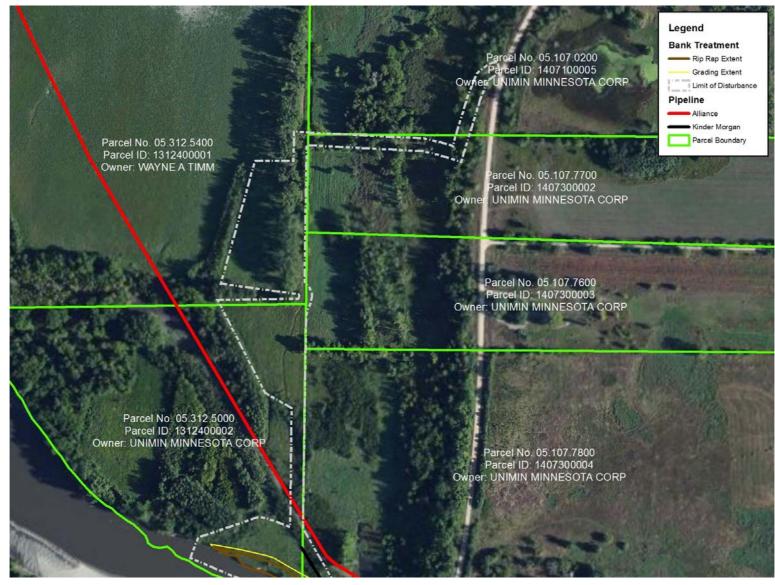


Figure 2. Parcels encompassing limits of disturbance

VIII. DESCRIPTION OF REQUEST

a. The project consists of grading, rip rap, and vegetation to stabilize approximately 1,050 linear feet of the east/north bank of the Minnesota River to prevent the continued lateral and downstream migration of the river towards a buried gas pipeline owned by Alliance Pipeline, L.P. (Alliance). Up to 150 ft of abandoned pipeline will be removed where it would interfere with the proposed grading. Currently, the top of river bank is approximately 150 feet from the pipeline and without bank stabilization the migration is expected to continue, eventually exposing the pipeline. The pipeline is approximately 4-6 feet below grade (approximately elevation 753 feet) while the low point in the river bed is at an elevation between approximately 728 and 729 feet. Ordinary High Water Level (OHWL) is estimated by Minnesota DNR staff to be approximately 756 feet (Personal Correspondence, 1/16/13). The vast majority of the grading and the entire riprap placement will be below the OHWL. The only work above the OHWL will be removal of 2400 cubic yards of material, grading, revegetating, erosion control, and up to 1000 cubic yards of stone placement to ensure that the existing access road remains suitable for clean and efficient access.

The project area includes the approximately 1.1 acre (2,500 feet long by 20 feet wide) access route from Township Road 140 (367th Avenue) to the river bank area where construction will occur. The access route is currently used as an access road by the landowner, and though located within the floodplain does not support vegetation. The disturbance footprint also includes the north and south staging areas, which are approximately 5.0 total acres within the floodplain. These areas were recently used as staging areas during construction associated with the Kinder Morgan pipeline, which also runs through land owned by the landowners who are signatories to this permit application. Reuse of these recently disturbed areas is proposed to minimize disturbance to areas with higher quality vegetation. The disturbance area also includes an approximately 1.7 acre area in the floodplain that will be used for access and staging near the construction area. The total excavation area is approximately 1.5 acres. Of this, approximately 1.0 acre will be excavated for rip rap placement. As mentioned previously, all riprap will be below the OHWL. Above the rip rap approximately 0.5 acres will be graded to achieve a 3:1 slope up to the existing floodplain elevation. A portion of this graded area will be above the OHWL. This graded area and all staging areas will be re-vegetated.

Bed and bank material will be excavated to an elevation of 739 feet, if water levels within the river allow excavation to this depth without dewatering. To avoid disturbance associated with extensive excavation below the water level, 5 ft of riprap will be placed on a flat bench between elevation 739 and 744, and allowed to gradually "launch" over time to the depth of scour when the bank material below it is eroded at critical flows. This design is based on the US Army Corps of Engineers (USACE) method for riprap design. The riprap will extend up the excavated bank at a slope of 2:1 to an elevation of 752 feet. This slope was selected to minimize disturbance of floodplain wetlands, consistent with US Army Corps of Engineers guidelines. The bank above 752 feet elevation will be graded to achieve a 3:1 slope. The slope will be seeded with temporary cover crop and permanent grasses and forbs, and covered with biodegradable erosion control fabric. Trees and shrubs will be planted to increase the bank strength. The approximately 17,000 cubic yards of material excavated for rip rap placement and bank grading will be reused or disposed outside of the floodplain at locations to be determined. The cross sectional area of the river will not be reduced as only 4,000 cubic yards of riprap will be placed and approximately 17,000 cubic yards of material will be excavated

from the bed and bank. A gravel construction entrance and silt fence will be installed for erosion control, and a silt curtain will be installed within the river if conditions are such that a silt curtain would be effective and necessary.

Construction activities will be carried out using standard excavating and construction equipment and may include some or all of the following: front-end loader, excavator, bulldozer, skid-steer, and dump truck. Access to the project site will be via an existing access road and no permanent new paths or roads associated with access will be constructed. No structures will be constructed on fill, piles or a float-supported platform.

Construction is anticipated to occur in late summer to fall of 2014, but if water is too high in 2014, construction may occur during late summer to early fall 2015.

Figures 3-6 show existing river bank conditions. Construction drawings showing proposed conditions are attached as Appendix B.



Figure 3. Looking west and downstream along eroded north bank



Figure 4. Looking downstream along eroded north bank



Figure 5. Looking upstream along eroded north bank



Figure 6. Looking west at eroded north bank

b.

- 1. ENVIRONMENTAL IMPACT: Environmental impacts of the project will be avoided and minimized using BMPs per plans and specifications, and by adhering to the stipulated conditions of the Conditional Use Permit (Grading, Excavating and Filling) and the Le Sueur County Zoning Ordinance. Temporary impacts include disturbance of the staging areas, which were selected because there were recently disturbed and therefore do not contain mature vegetation. Permanent impacts include removal of floodplain wetlands where excavation is proposed. These wetland areas would be destroyed through migration of the river if the project were not implemented. Regardless, the loss of these wetlands will be mitigated by purchase of mitigation credits from a mitigation bank identified by the USACE.
- 2. ADVERSE IMPACTS ON SURROUNDING AREAS: Materials placed for bank stabilization treatment will not affect channel hydraulics or floodplain function of the Minnesota River, and will not lead to any increase in usage of public facilities in the surrounding area. No excavation of the bluff toe is proposed. Excavation and fill will not affect any roads near the project.

Rip rap placement is necessary because the bank experiences high shear forces during flood events, and variable water level conditions along the lower portion of the bank make establishing vegetation difficult. Above the rip rap, the slope will be graded to a 3:1 slope and tied into the existing floodplain. Appropriate native vegetation will be used to restore the disturbed areas. No residential or commercial developments are in the vicinity of the project area. Recreational activities associated with the Minnesota River will not be adversely impacted by the project. No future development of the immediate area is expected given the project is located within the floodway.

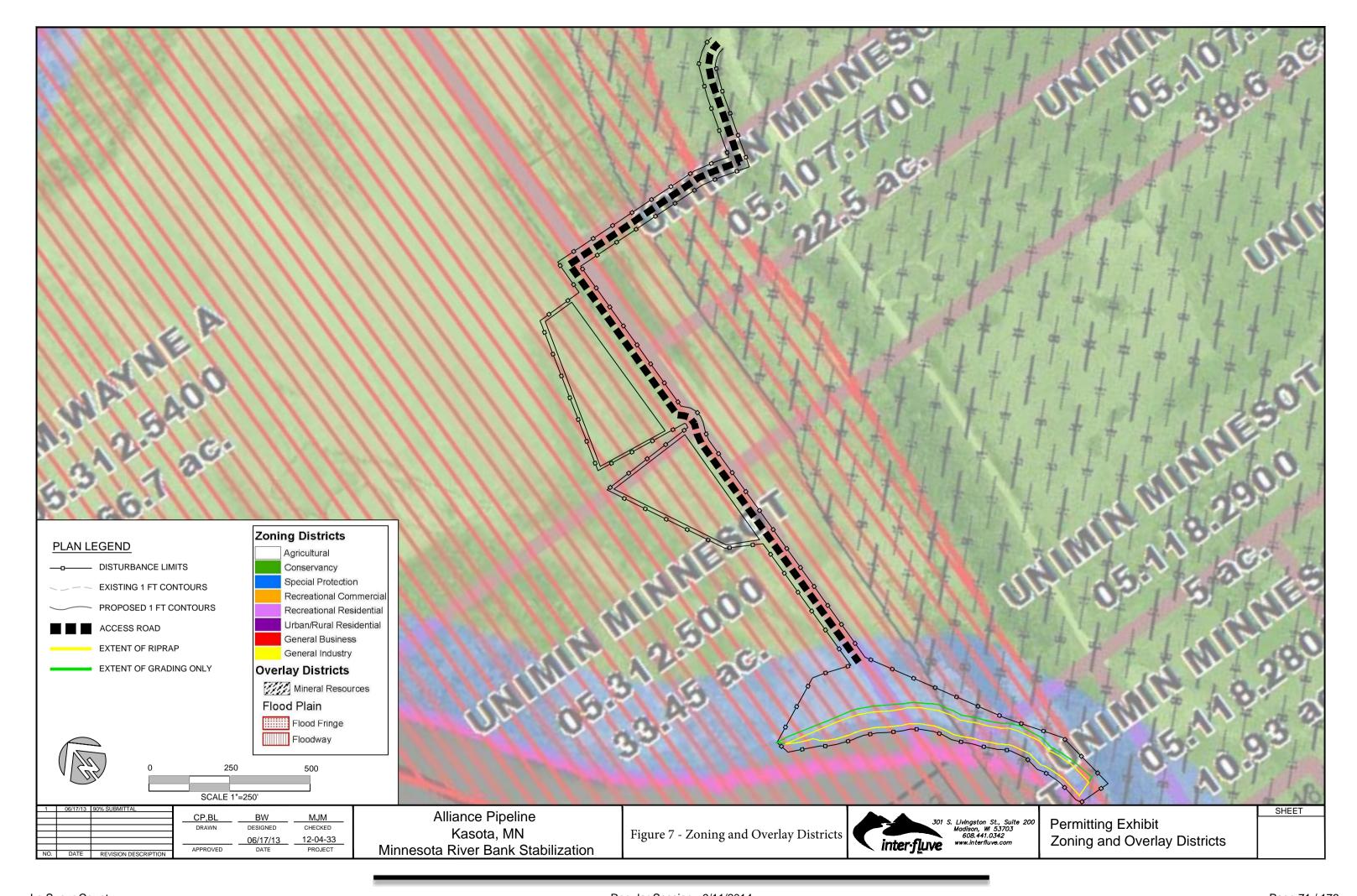
Construction activities are not expected to create noise or odor issues given the distance from commercial or residential dwellings. Dust will be minimal given that the excavated soils will have high moisture content. Measures to control dust will be taken as needed during construction. A gravel construction entrance will be installed prior to material hauling to minimize the amount of soil that is tracked onto the public roadway.

The project area is within the Conservancy and Special Protection districts with Floodway and Mineral Resources Overlay Districts (see Figure 7). The project will meet the conditions attached to the required Conditional Use Permit as described in Sections 6 and 7 of the Le Sueur County Zoning Ordinance.

The portion of the Minnesota River in the project site is considered an Agricultural River under the Shoreline Classification System, and subject to Special Protection and Recreational/Commercial Districts' land use and development criteria. The grading, excavation or filling, and vegetation alteration activities of the project will meet the criteria as described in Section 13 of the Le Sueur County Zoning Ordinance.

- 3. STORMWATER RUNOFF: Coverage under the NPDES Construction Stormwater General Permit will be obtained and associated Stormwater Pollution Prevention Plan (SWPPP) will be developed. A gravel construction entrance will be installed to minimize tracking soil onto local roadways. The existing access road will be supplemented with additional stone to minimize the disturbance of soils due to vehicle traffic. Silt fences will be installed along the access road to minimize transport of soil from the road to the adjacent natural areas. A silt curtain will be installed along the toe of the bank to be excavated to capture soil that may fall into the river during bank excavation. See plan set for details.
- 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: The rip rap treatment and most of the graded portion of the bank will extend below the OHWL of 756 feet. See Section VIII.a. above and the construction drawings.
- 5. WETLAND IMPACT: Circular 39 wetland types 1 (seasonally flooded basin or flat), 2 (wet meadow), 4 (deep marsh) and 6 (shrub-carr) are present in or near the project area based on the 2010 Wetland Investigation conducted as part of an Environmental Impact Statement for Unimin Minnesota Corporation's nearby proposed South Mine. On the eastern side of the project, approximately 0.57 acres of types 1, 2, 4, and/or 6 wetlands will be permanently altered by grading and/or riprap placement. On the western side of the project, approximately 0.087 acres of type 1 wetland will be permanently altered by grading and/or riprap placement. See Figure 8 for wetland boundaries and project area. Impacts to wetlands will be mitigated through avoidance whenever possible. The access road to the river bank will follow an existing gravel access road to avoid disturbing vegetation and soils in the project area. The staging areas were selected because they were recently used as staging areas when Kinder Morgan conducted work on their pipeline, and therefore, no disturbance of established vegetation will occur in these areas. Where avoidance is not possible, impacts will be minimized and wetlands temporarily impacted by construction activities will be returned to pre-project conditions.

Channel migration to date has destroyed wetlands along the bank, evident by the superimposition of National Wetland Inventory wetland boundaries from 1980 over the current path of the River as shown in Figure 9. A geomorphic assessment and meander limit study conducted by the Inter-Fluve, Inc., in 2012 indicates that the river is currently migrating in a northeast direction and is predicted to continue moving in a north-northeast



direction. The analysis predicts the channel will be within 100 feet of the Alliance pipeline by 2017, if rates of migration remain the same over the next few years as they have been in recent years. Left unchecked this migration would continue the historic pattern of shoreline wetland destruction. While the primary objective of the project is protection of the gas pipeline, an additional benefit of the project will be protection of the wetlands that are located on the floodplain adjacent to the eastern valley wall. Minor reductions to the total area of this wetland through grading and riprap placement are mitigated by the long term protection of the system as a whole. Additionally, all permanently altered wetlands will be mitigated through purchase of mitigation credits. As prescribed by the USACE, compensatory mitigation will consist of purchase of 0.98 wetland credits from mitigation bank #1468 in Le Sueur County.

- **6. SLOPE STABILITY:** The rip rapped bank will be constructed at a 2:1 slope, and the portion of the bank above the rip rap will be graded to a 3:1 slope. No problems related to slope stability in or around the project area are expected during or after construction. See Section VIII.a. above. The 2:1 slope for riprap is below the OHWL and was selected to minimize floodplain wetland disturbance in accordance with USACE guidelines.
- 7. **CERTIFICATE OF INSURANCE:** Certificate of Insurance is attached as Appendix C.
- **8. MEET ALL APPLICABLE COUNTY, STATE & FEDERAL REGULATIONS:** Pending permit applications include:
 - a. Minnesota Pollution Control Agency Storm Water Permit for Construction Activity
 - b. Minnesota DNR and U.S. Army Corps of Engineers Minnesota Local/ State/ Federal Application Forms for Water/ Wetland Project permit application
 - c. Minnesota Bureau of Water and Soil Resources Additional recipient of Minnesota Local/ State/ Federal Application Forms for Water/ Wetland Project permit application

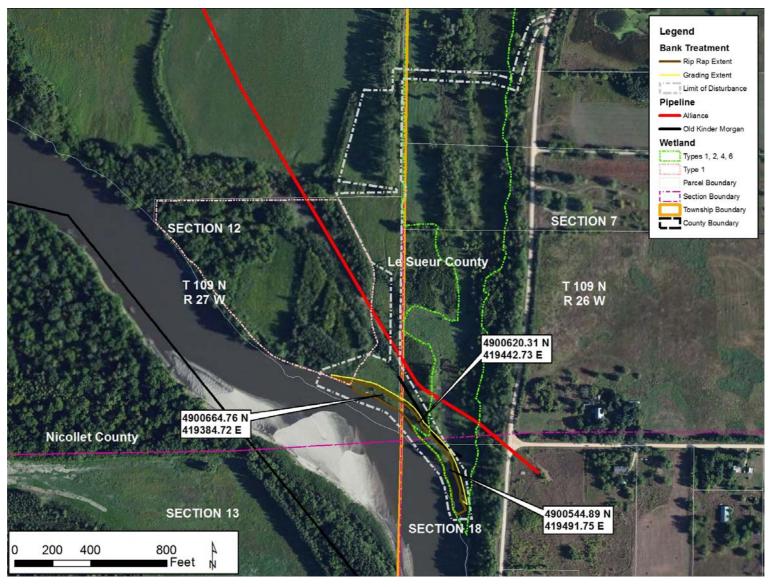


Figure 8. Site Locator Map with wetland boundaries

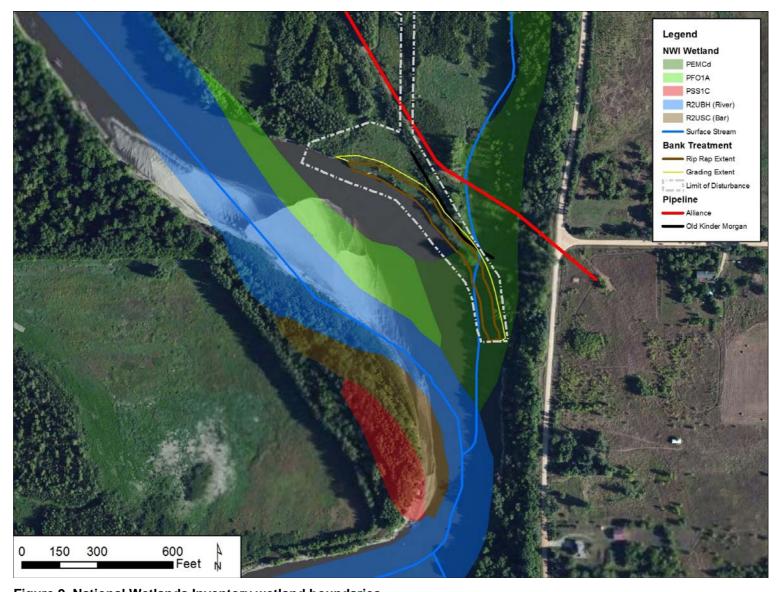


Figure 9. National Wetlands Inventory wetland boundaries

- **IX. SITE PLAN** See attached construction drawings (Appendix B).
- X. RESTORATION PLAN Top soil excavated during construction will be salvaged for later use as a 4 inch top dressing to promote and support plant growth after completion of construction activity. Disturbed areas will be reseeded according to SWCD standards using seed mixes appropriate for different site conditions. Any mature trees destroyed during construction will be replaced per county specifications. See attached construction drawings, specifically planting plan sheet that shows the planting zones. (Appendix B)

XI. ATTACHMENTS

- **c.** Full Legal Description Full legal descriptions of all parcels subject to grading, fill, and/or enhancement of access routes are attached as Appendix A.
- **d.** Access Approval The access road from the public road is owned by the landowners who are signatories to this permit application. The public road is Kasota Township. Written approval is attached as Appendix E
- **f. Septic System Compliance Inspection –** There are no septic system structures present in the project area.
- **g.** Erosion Control Plan The erosion control measures are included on the attached construction drawings. A signed copy of the County's Erosion Control Plan form is attached as Appendix D.
- **h. Restoration Plan** The restoration plan is included in the construction drawings and the Technical Specifications. The relevant section of the Technical Specifications is attached as Appendix G.
- i. **Stormwater Pollution Prevention Plan –** The Stormwater Pollution Prevention Plan is attached as Appendix F.



OFFICE OF COUNTY RECORDER Document No. County of Le Sueur, MN 347289 No. of Pages: Well Cert, NOT REQ'D Well Cert. Rec'd I hereby certify that the within instrument was filed in this office 04-06-2007 at 08:30 ☑ AM ☐ PM for record on A062007 DAVID A. SEXE. COUNTY RECORDER

CORRECTIVE DEED

Please note that there has been a change to the legal description. The original Warranty Deed dated January 8, 2007, filed January 11, 2007 as Document Number 345424 reads as follows: 05-107-1800

Tract I:

The South Sixty-eight and eight-fourteenths (68 8/14) rods of the Southwest Ouarter and the South Sixty-eight and Eight-fourteenths (68 8/14) rods of the West Half of the Southeast Quarter and of the West Half of the East Half of the Southwest Quarter all in Section 7, Township 109 North of Range Twenty-six West, Le Sueur County, Minnesota, Containing 120 acres of land more or less.

Tract II:

05-312-5000

Government Lot 6, Section 12, Township 109 North, Range 27 West, Le Sueur County, Minnesota.

Subject to easements of record including a perpetual RIM Easement of record.

Also subject to Agreement and Option between Richard Paul Klaseus and Joan Klaseus, Vendor, and Unimin Minnesota Corporation, Vendee dated May 25, 2005.

The new Legal Description should read as follows:

Legal Description

Tract I:

05-107-7800

05.107.7800

The South Sixty-eight and eight-fourteenths (68 8/14) rods of the Southwest Quarter and the South Sixty-eight and Eight-fourteenths (68 8/14) rods of the West Half of the Southeast Quarter and of the West Half of the East Half of the

Southeast Quarter all in Section 7, Township 109 North of Range Twenty-six West, Le Sueur County, Minnesota. Containing 120 acres of land more or less.

Tract II:

05-312-5000

05.312. 500

Government Lot 6, Section 12, Township 109 North, Range 27 West, Le Sueur County, Minnesota.

Subject to easements of record including a perpetual RIM Easement of record.

Please return recorded document to:

Anderson Law Office 108 South Main Street Le Sueur, MN 56058

CORRECTIVE				
Millocs 3-M - WARRANTY DEED (Top 3 inche. Individual(s) to Corporation, Partnership or Limited Liability Company	s Reserved for Recording Data) Miller/Davis Co. © St. Paul, MN 851-842-1988 Minnesota Uniform Conveyancing Blanks (6/1/97)			
DEED TAX DUE: \$1.65				
Date:April 5, 2007				
FORWALUABLE CONSIDERATION Richard Pau	l Klaseus and Joan Klaseus, husband and wife			
	·			
Grantor, hereby conveys and warrants to Unimin Min	nnesota Corporation (marinal status)			
Grantee, a corporation	under the laws of Delaware			
real property in Le Sueur County, See attached description	Minnesota, described as follows:			
This total consideration of this transaction is \$500.00	or less.			
together with all hereditaments and appurtenances be	longing thereto, subject to the following exceptions:			
Check box if applicable:				
The Seller certifies that the seller does not know of	of any wells on the described real property.			
A well disclosure certificate accompanies this do	nument. instrument and I certify that the status and number of wells on			
the described real property have not changed since	e the last previously filed well disclosure certificate.			
	2.			
LeSueur 28266	Richard Paul Klaseus Richard Paul Klaseus Roan Klaseus			
1420-15	Richard Paul Klaseus			
Dog Flax & Joan Haseus				
Date	Q Woan Klaseus			
STATE OF MINNESOTA				
COUNTY OF Le Sueur				
This instrument was acknowledged before me o	n April 5, 2007			
_	Date			
by Richard Paul Klaseus and Joan Klaseus, husband	and wife			
NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK):	SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL			
ARTHUR E ANDERSON				
NOTARY PUBLIC - MINNESOTA	Check here if part or all of the land is Registered (Torrens)			
My Commission States Ann. 34, 2010	Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):			
THIS INSTRUMENT WAS DRAPTED BY (NAME AND ADDRESS):	, , , , , , , , , , , , , , , , , , ,			
	Unimin Minnesota Corporation 258 Elm Street			
Arthur E. Anderson Anderson Law Office	New Canaan, CT 06840-5300			
108 South Main	T.T. Summing Of VOOTO 9900			
I G NOV COMO				
Le Sueur, MN 56058- 507 665-3349				
1594				
WARNING: UNAUTHORIZED COPYING OF THIS FORM PROHIBITED.				

Legal Description

Tract I:

The South Sixty-eight and eight-fourteenths (68 8/14) rods of the Southwest Quarter and the South Sixty-eight and Eight-fourteenths (68 8/14) rods of the West Half of the Southeast Quarter and of the West Half of the East Half of the Southeast Quarter all in Section 7, Township 109 North of Range Twenty-six West, Le Sueur County, Minnesota. Containing 120 acres of land more or less.

Tract II:

Government Lot 6, Section 12, Township 109 North, Range 27 West, Le Sueur County, Minnesota.

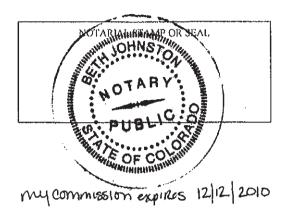
Subject to easements of record including a perpetual RIM Easement of record.

TRANSFER ENTERED This J day of FEB 20 99 County Auditor by	360423 County of Le Sueur, MN No. of Pages: □ Well Cert. NOT REC Well Cert. Rec'd I hereby certify that the within instrument was filed in this office for record on 02-13-2009 at 08:30 ☒ AM □ Pi
28816	DAVID A. SEXE, COUNTY RECORDER
WARRANTY DEED Individual(s) to Corporation, Partnership or Limited L	iability Company
DEED TAX DUE: \$_825.00	
Date: Feb 9, 2009	
FOR VALUABLE CONSIDERATION, Reconveys and warrants to Unimin Minnesota Consideration Delaware real property in Le Sueur County, N	Corporation, Grantee, a corporation under the laws of Minnesota, described as follows:
See attached.	
together with all hereditaments and appurte exceptions:	enances belonging thereto, subject to the following
Check box if applicable: ☐ The Seller certifies that the Seller does not kn ☐ A well disclosure certificate accompanies this ☐ I am familiar with the property described in wells on the described real property have no certificate.	
LeSueur 23 30299	Kussell C. Maiers

Deed Tax

STATE OF COLORADO)
CONDUMENTOR GOOD) ss.
COUNTY OF EAGLE)

This instrument was acknowledged before me on <u>February 9 2009</u>, by <u>Russell C. Maiers</u>, a single person, Grantor.



This Instrument Was Drafted By: Andrew A. Willaert Gislason & Hunter, LLP P.O. Box 4157 Mankato, MN 56002-4157 507-387-1115

MKLIB:93526.1

SULTANT SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens)

Tax Statements for real property described in this instrument should be sent to: (include name and address of Grantee)

Unimin Minnesota Corporation
x3ch7/0km/timemankond 258 Elm Street
Ixm/Supenxm/timemot/Stk New Canann, CT 06840

LEGAL DESCRIPTION

fored # 05. 118-3400

That part of Government Lot 2, Section 18, Township 109 North, Range 26 West, Le Sueur County, Minnesota, described as:

Commencing a the North Quarter Corner of Section 18; thence South 88 degrees 40 minutes 06 seconds West, (assumed bearing) along the North line of the Northwest Quarter of Section 18 a distance of 2050.00 feet to a point on the centerline of the Township road, said point being the point of beginning; thence South 01 degrees 28 minutes 00 seconds West, along said Township Road centerline, 786.47 feet; thence South 02 degrees 06 minutes 30 seconds East, along said Township Road centerline; 535.70 feet to a point on the South line of Government Lot 2 in Section 18; thence South 88 degrees 38 minutes 37 seconds West, along said South line, 380 feet more or less to a point on the Easterly waters edge of the Minnesota River; thence Northerly along said Easterly waters edge, 550 feet more or less to the point of intersection with the West line of Government Lot 2 in Section 18; thence Northerly along said West line, 800 feet more or less to the Northwest Corner of said Government Lot 2: thence North 88 degrees 40 minutes 06 seconds East, along the North line of Government Lot 2, a distance of 580 feet to the point of beginning. EXCEPTING therefrom the Southerly 200 feet of Government Lot 2, Section 18, Township 109 North, Range 26 West, Le Sueur County, Minnesota.

Said tract contains 13 acres more or less subject to an easement for roadway purposes over and across the Easterly boundary. Also subject to any other easements of record.

TRANSFER ENTERED
This Cay of Mov 2005
Lon County Auditor
by Deputy

Document No. OFFICE OF COUNTY RECORDER

335668 County of Le Sueur, MN

No. of Pages: Well Cert. NOT REQ'D

Well Cert. Rec'd

I hereby certify that the within instrument was filed in this office for record on 11-28-2005 at 08:15 🖎 AM PM

11282005

DAVID A. SEXE, COUNTY RECORDER

Manager 3-M - WARRANTY DEED (Top 3 inches Individual(s) to Corporation, Partnership or Limited Liability Company	Reserved for Recording Data) Miller/Davis Co. © St. Paul, MN 651-842-1988 Minnesota Uniform Conveyancing Blanks (6/1/97)
DEED TAX DUE: \$ 1567.50	16. Co
Date: November 23, 2005	
	auley aka Jean M. Pauley, a single person
The second secon	(marital status)
Grantor, hereby conveys and warrants to Unimin Mini	nesota Corporation
Grantee, a corporation Real property in Le Sueur County, No See attached description	under the laws of Delaware
	longing thereto, subject to the following exceptions:
Check box if applicable: The Seller certifies that the seller does not know o A well disclosure certificate accompanies this doe I am familiar with the property described in this i the described real property have not changed since LeSueur County Deed Tax 5-6-7 Date Date	
STATE OF MINNESOTA COUNTY OF Le Sueur	
This instrument was acknowledged before me of by Jean Marie Pauley aka Jean M. Pauley, a single pe	Date
ARTHUR E. ANDERSON NOTARY PUBLIC - MINNESOTA My Commission Expires Jan. 31, 2010	SIGNATURE OF TOTARY PUBLIC OR OTHER OFFICIAL Check here if part or all of the land is Registered (Torrens) Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):
THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS): Arthur E. Anderson Anderson Law Office 108 South Main	Unimin Minnesota Corporation 39770 Ottawa Road Le Sueur, Mn 56058
Le Sueur, MN 56058- 507 665-3349 1594	
WARNING: UNAUTHORIZE	D COPYING OF THIS FORM PROHIBITED.

Schedule "A" Legal Description

That part of the North Half of the Southwest Quarter of Section 7, and that part of the South Half of the Northwest Quarter of Section 7-109-26 Le Sueur County, Minnesota, described as: Commencing at the Southeast corner of Section 7 (the South line of Section 8-109-26 to have an assumed bearing of North 90 degrees 00 minutes East); thence South 89 degrees 09 minutes 42 seconds West 2600.1 feet; thence North 0 degrees 50 minutes 18 seconds West, 1523.63 feet; thence South 89 degrees 09 minutes 42 seconds West, 353.16 feet; thence North 1 degree 29 minutes 42 seconds East, 451 feet more or less to a point on the North line of the South 120 rods of the Southwest Quarter of Section 7; thence Westerly along said North line, 524 feet to the point of beginning; thence North 00 degrees 03 minutes 42 seconds East, 807.5 feet; thence South 88 degrees 25 minutes 40 seconds West 770 feet, more or less, to a point on the centerline of County Road No. 101; thence Southwesterly along said County Road centerline, 865 feet to the point of intersection with the North line of the South 120 rods of the Southwest Quarter of Section 7; thence Easterly along said North line, 1080 feet to the point of beginning. Said tract contains 17.3 acres, subject to an easement for County Road No. 101 right-of-way, over and across the Westerly boundary.

05,107.0300



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS): LAMM, NELSON & CICH Attorneys at Law 316 Belle Avenue Mankato, MN 56001

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee):

Unimin Minnesota Corporation 39770 Ottawa Road Le Sueur, MN 56058

EXHIBIT "A"

Tract 1 05,107, 0/00

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼); Government Lot 3; the North Half (N½) of the North Half (N½) of the Southwest Quarter (SW¼); the Southeast Quarter (SE¼)of the Northwest Quarter (NW¼); and the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); all in Section 7, Township 109 North, Range 26 West of the Fifth Principal Meridian, County of Le Sueur, State of Minnesota.

Tract 2 25/107, 770 = 05.07.7700 J

All that part of the North 51 6/14 rods of the South 120 rods of the Southwest Quarter of Section 7, Township 109 North, Range 26 West described as: Commencing at the Southeast corner of Section 7 (The South line of Section 8 to have an assumed bearing of North 90 degrees 00 minutes East); thence South 89 degrees 09 minutes 42 seconds West, 2600.1 feet; thence North 0 degrees 50 minutes 18 seconds West, 1523.63 feet; thence South 89 degrees 09 minutes 42 seconds West, 353.16 feet to the point of beginning; thence North 1 degree 29 minutes 42 seconds East, 451 feet more or less to a point on the North line of the South 120 rods of the Southwest Quarter of Section 7; thence Westerly along said North line a distance of 2320 feet more or less to a point on the West line of the Southwest Quarter of Section 7; thence Southerly along said West line, 385 feet more or less to the intersection with a line, which bears North 89 degrees 42 minutes 48 second West from the point of beginning; thence South 89 degrees 42 minutes, 48 seconds East, 705 feet more or less to a point on the centerline of County Road No. 101; thence continuing South 89 degrees 42 minutes 48 seconds East along said centerline of a 66.00 foot roadway easement, a distance of 1615 feet more or less to the point of beginning. Said tract contains 22 acres and is subject to an easement for roadway purposes for County Road No. 101 and also subject to an easement for roadway purposes 33.00 feet in width along the Southerly boundary of the above described tract lying East of County Road No. 101.

Excepting from the above described tracts 1 & 2 the following:

That part of the North Half of the Southwest Quarter of Section 7, and that part of the South half of the Northwest Quarter of Section 7, all in Township 109 North, Range 26 West, described as:

Commencing at the Southeast corner of Section 7 (the South line of Section 8, Township 109 North, Range 26 West to have an assumed bearing of North 90

05.107.02.08

degrees 00 minutes East); thence South 89 degrees 09 minutes 42 seconds West 2600.1 feet; thence North 0 degrees 50 minutes 18 seconds West, 1523.63 feet; thence South 89 degrees 09 minutes 42 seconds West, 353.16 feet; thence North 1 degree 29 minutes 42 seconds East, 451 feet more or less to a point on the North line of the South 120 rods of the Southwest Quarter of Section 7; thence Westerly along said North line, 524 feet to the point of beginning; thence North 00 degrees 03 minutes 42 seconds East, 807.5 feet; thence South 88 degrees 25 minutes 40 seconds West, 770 feet more or less, to a point on the centerline of County Road No. 101; thence Southwesterly along said County Road centerline, 865 feet to the point of intersection with the North line of the South 120 rods of the Southwest Quarter of Section 7; thence Easterly along said North line, 1080 feet to the point of beginning.

Said tract contains 17.3 acres, subject to an easement for County Road No. 101 right-of-way, over and across the Westerly boundary.

docs.agree.pauley.legal

TRANSFER ENTERED
This 3 day of ALM 20 (5)

025631

Document No. 330575

OFFICE OF COUNTY RECORDER County of Le Sueur, MN

No. of Pages: Well Cert. NOT REQ'D 2 Mell Cerl. Rec'd

I hereby certify that the within instrument was filed in this office for record on 06-03-2005 at 09:00 (2) AM PM

DAVID A. SEXE, COUNTY RECORDER

MDOCS** 3-M WARRANTY DEED (Top 3 inches Reserved for Recording Data) Miller/Davis Co. © St. Paul, MN 651-642-1988 Individual(s) to Corporation, Partnership or Limited Liability Company Minnesota Uniform Conveyancing Blanks (6/1/97)				
DEED TAX DUE: \$ 1213.08				
Date: June 1, 2005				
FOR VALUABLE CONSIDERATION, Ove Garver and Phyllis J. Garver, husband and wife				
Grantor, hereby conveys and warrants to Unimin Minnesota Corporation (marital status)				
Grantee, a corporation under the laws of Delaware real property in Le Sueur County, Minnesota, described as follows: See attached description				
together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Easements, restrictions, covenants and ordinances of record, if any.				
Check box if applicable: The Seller certifies that the seller does not know of any wells on the described real property. A well disclosure certificate accompanies this document. I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate. LeSueur County 30575 25 459 Deed Tax \$ 1213 - Ove Garver Date 6-3-05 STATE OF MINNESOTA STATE OF MINNESOTA STATE OF MINNESOTA				
This instrument was acknowledged before me onJune 1, 2005				
Date by Ove Garver and Phyllis J. Garver, husband and wife NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR BANK): ARTHUR E. ANDERSON NOTARY PUBLIC - MINNESOTA My Commission Expires Jan. 31, 2010 Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):				
THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS): Anderson Law Office 108 South Main Street Le Sueur MN 56058 507 665 3349 WARNING: UNAUTHORIZED COPYING OF THIS FORM PROHIBITED.				

SCHEDULE "A"

All that part of the North 51 6/14 rods of the South 120 rods of the Southwest Quarter and all that part of the North 91 6/14 rods of the West 120 rods of the Southeast Quarter all in Section 7, Township 109 North, Range 26 West described as: Commencing at the Southeast Corner of Section 7 (the South line of Section 8 to have an assumed bearing of North 90° 00' East); thence South 89° 09' 42" West, 2600.1 feet; thence North 0° 50' 18" West, 1523.62 feet; thence North 89° 09' 42" West 353.16 feet to the point of beginning; thence North 89° 09' 42" East 353.16 feet; thence South 0° 50' 18" East, 118.63 feet; thence North 89° 04' 12" East, 1942 feet more or less to a point on the East line of the West 120 rods of the Southeast Quarter of Section 7; thence southerly along said East line, 280 feet more or less to a point on the South line of the North 91 6/14 rods of the Southeast Quarter of Section 7; thence westerly along said South line, 1980 feet more or less to a point on the North-South Quarter line of Section 7; thence continuing Westerly along the South line of the North 51 6/14 rods of the South 120 rods of the Southwest Quarter of Section 7, a distance of 2630 feet more or less to a point on the West line of the Southwest Quarter of Section 7; thence northerly along said West line, 440 feet more or less to the intersection with a line which bears North 89° 42' 48" West from the point of beginning; thence South 89° 42' 48" East, 705 feet more or less to a point on the centerline of County Road No. 101; thence continuing South 89° 42' 48" East along the centerline of a 66.00 foot roadway easement, a distance of 1615 feet more or less to the point of beginning. Said tract contains 38 acres and is subject to an easement for roadway purposes for County Road No. 101 and also subject to an easement for roadway purposes 33.00 feet in width along the northerly boundary of the above described tract lying East of County Road No. 101 and extending West for a distance of 353.16 feet from the point of beginning.

05-107-7600

TRANSFER ENTERED 20 (2

County Auditor-Treasurer

Deputy

Document # 380875

Office of County Recorder Le Sueur County, Minnesota

I hereby certify that the within instrument was filed in this office for record on May 17, 2012 8:30 AM Sharon J. Budin, Recorder

Pages 4

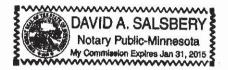
(Top 3 inches rese	erved for recording data)
DEED OF DISTRIBUTION by Individual Personal Representative	
NO DEED TAX DUE	DATE: April 30, 2012
Wayne Allan Timm, as Personal Representative of the Esconveys and quitclaims to Wayne Allan Timm ("Grantee described as follows:	state of Armand J. Timm, Decedent ("Grantor"), hereby "), real property in Le Sueur County, Minnesota, legally
See attached legal description	
Check here if all or part of the described real property in E	Pagintarad (Tarrana)
Check here if all or part of the described real property is F	Registered (Torrens) 🔲
ogether with all hereditaments and appurtenances belong	ging thereto.
	By: Wayne Allan Vinner Wayne Allan Timm
Note: This dead should	be used only for distribution.
ECB-1051 (v2)	De used only for distribution. Page 1 of 2

S. W. T. A. L.

State of Minnesota, County of Blue Earth

This instrument was acknowledged before me on April 35, 2012, by Wayne Allan Timm as Personal Representative of the Estate of Armand J. Timm, Decedent.

(Stamp)



THIS INSTRUMENT WAS DRAFTED BY:

David A. Salsbery (#95321) FARRISH JOHNSON LAW OFFICE 1907 Excel Drive Mankato, MN 56001 Telephone: (507) 625-2525 (signature of notarial officer)

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Wayne Allan Timm 48461 367th Avenue Kasota, MN 56050

Armand Timm Estate Le Sueur County

Lots 7, 8 and 9 and the NE 1/4 of the SE 1/4 of Section 12-109-27, Le Sueur County,

Minnesota, AND +05-313-5400 Lot 2 and the NE 1/4 of the NW 1/4 in Section 7-109-26, Le Sueur County,

Minnesota, EXCEPT THE FOLLOWING PARCELS: 05-107-0300

That part of the NW 1/4 of Section 7-109-26, Le Sueur County, Minnesota, bounded as follows: Commencing at a point where the North line of said NW 1/4 of Section 7 intersects the center line of the Township Road which runs in a Northeasterly and Southwesterly direction through said Northwest Quarter; thence West along the Northerly line of Section 7, a distance of approximately 48 rods to the center of a ditch; thence Southerly along the center line of said ditch to a point 52 rods from the North line of said Section 7; thence East approximately 23 rods to the center line of said Township Road; thence Northeasterly along the center line of said Township road to the place of beginning, subject to the public easement in said road.

All that part of Government Lot 2 and of the NE 1/4 of the NW 1/4 of Section 7-109-26, lying Easterly of Ditch; excepting that part thereof conveyed to Harvey L. Andersen, which deed is recorded in Book 113 of Deeds, page 190 Le Sueur County, Minnesota; and is described as follows: That part of the NW 1/4 of Section 7-109-26. Le Sueur County, Minnesota, bounded as follows: Commencing at a point where the North line of said NW 1/4 of Section 7 intersects the center line of the Township Road which runs in a Northeasterly and Southwesterly direction through said Northwest Quarter; thence West along the Northerly line of Section 7, a distance of approximately 48 rods to the center of a ditch; thence Southerly along the center line of said ditch to a point 52 rods from the North line of said Section 7; thence East approximately 23 rods to the Center line of said Township Road; thence Northeasterly along the center line of said Township road to the place of beginning, subject to the public easement in said road.

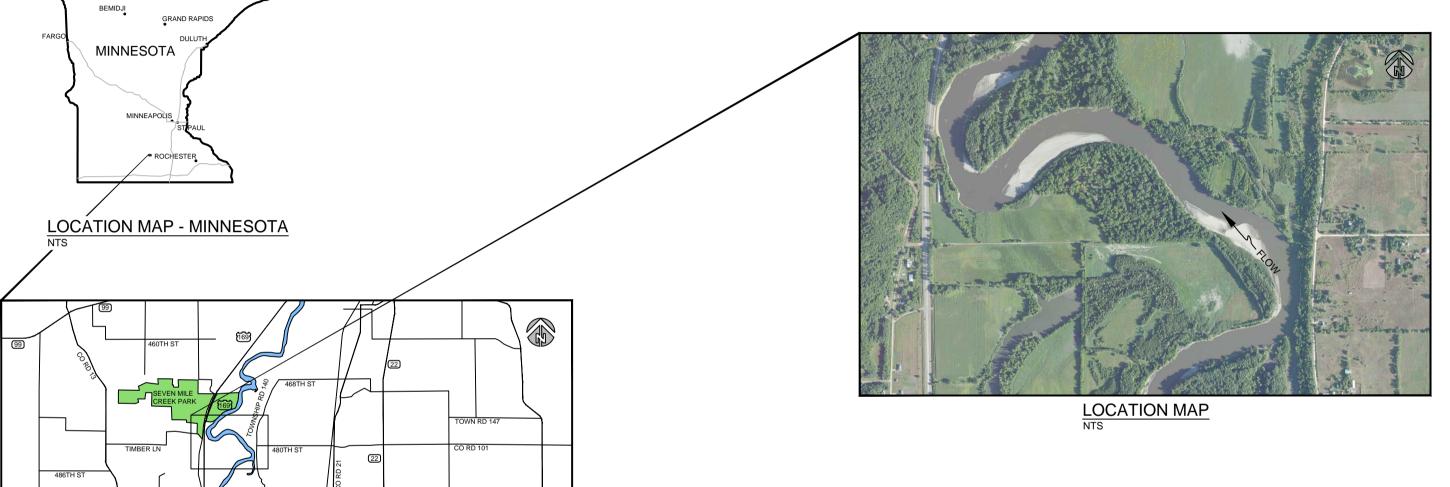
Subject to Perpetual RIM Conservation Easement in favor of the State of Minnesota dated December 15, 2000, and recorded December 18, 2000, as Document No. 284818, for the following property: That part of Government Lots 7 and 8 and that part of the NE 1/4 of the SE 1/4, all in Section 12, T.109N., R.27W. and that part of Government Lot of Section 7, T.109N., R.26W., shown as the "Easement Area" on Exhibit "A" attached to the original document and made a part of said Conservation Easement, and described as follows: Part of the east 1115 feet of said Government Lot 8 of Section 12; Part of east 1025 feet of said Government

Lot 7 of Section 12; Part of the NE 1/4 of the SE 1/4 of Section 12; Part of said Government Lot 2 of Section 7.

Subject to Perpetual RIM Conservation Easement in favor of the State of Minnesota dated February 8, 2002, and recorded February 11, 2002, as Document No. 295142, for the following property: That part of Government Lots 7, 8, and 9 and the NE 1/4 of the SE 1/4, all of Section 12, T.109N., R.27W. and that part of Government Lot 2 of Section 7, T.109N., R.26W., shown as the "Easement Area" on Exhibit "A" attached to the original document and made a part of said Conservation Easement, and described as follows: Part of the north 670 feet of said Government Lot 2 of Section 7; Part of the east 510 feet of said Government Lot 8 of Section 12; Part of said Government Lot 9 of Section 12; Part of the north 145 feet of the east 90 feet of said Government Lot 7 of Section 12; Part of the north 645 feet of said NE 1/4 of the SE 1/4 of Section 12.



MINNESOTA RIVER BANK STABILIZATION **ALLIANCE PIPELINE** JULY 21, 2014



SHEET INDEX:

- TITLE SHEET & INDEX
 EXISTING CONDITIONS
 SITE PLAN

- 4. PROPOSED CONDITIONS5. PROPOSED CONDITIONS6. PROPOSED CONDITIONS
- 7. PROPOSED CONDITIONS
- 8. CROSS SECTIONS
- 9. PLANTING PLAN 10. TYPICAL SECTIONS
- 11. SEDIMENT CONTROL DETAILS
- 12. SURFACE FABRIC DETAILS

1	07/21/14	FINAL SUBMITTAL			
			CP.BL	MBW	MJM
			<u> </u>		
			DRAWN	DESIGNED	CHECKED
			MDM	07/04/44	12-04-33
			MBW	07/21/14	12-04-33
			APPROVED	DATE	PROJECT
NO.	DATE	REVISION DESCRIPTION	ATTROVED	DATE	TROOLOT

VICINITY MAP

ALLIANCE PIPELINE KASOTA, MN MINNESOTA RIVER BANK STABILIZATION

EAGLE LAKE

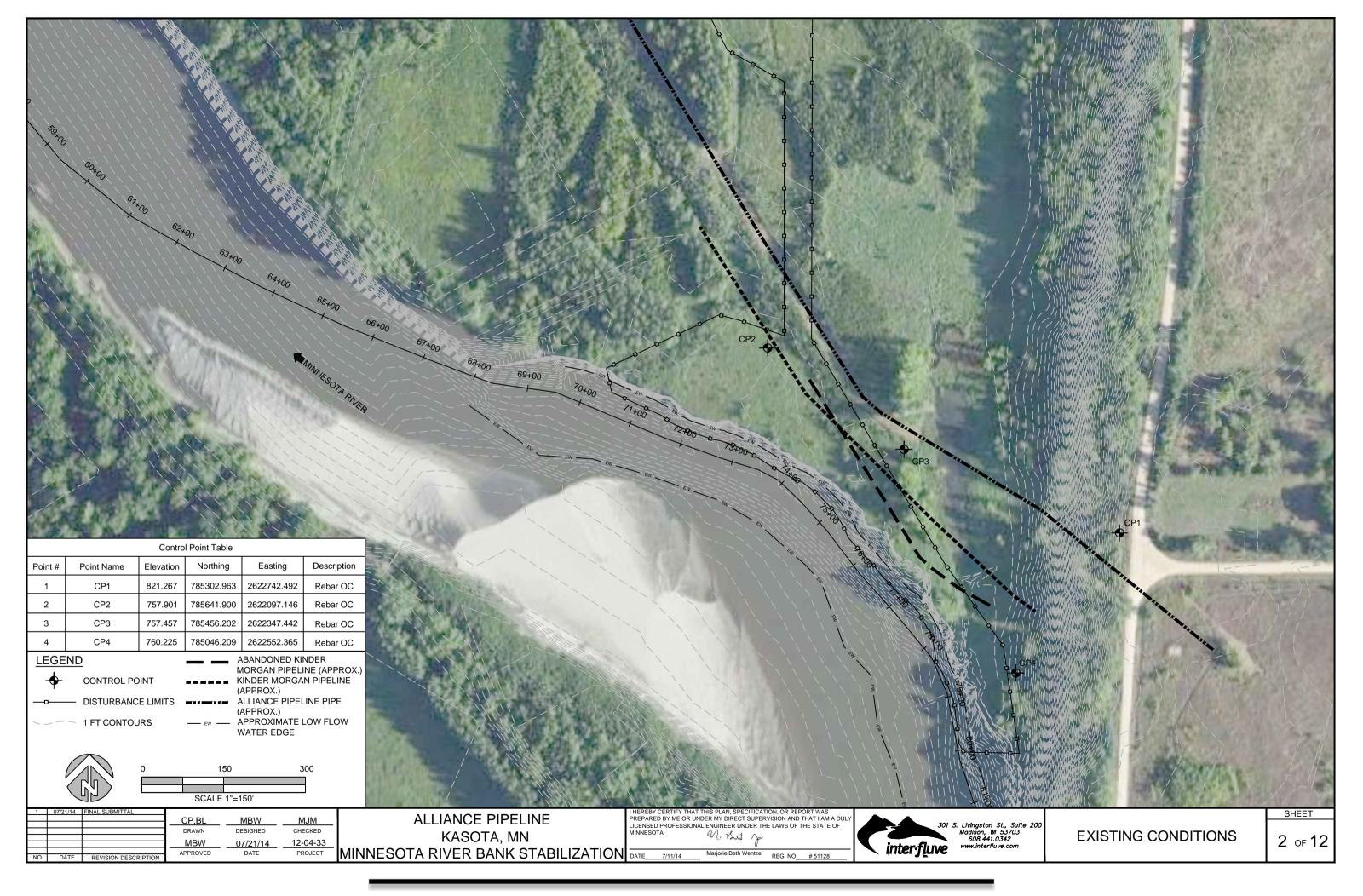
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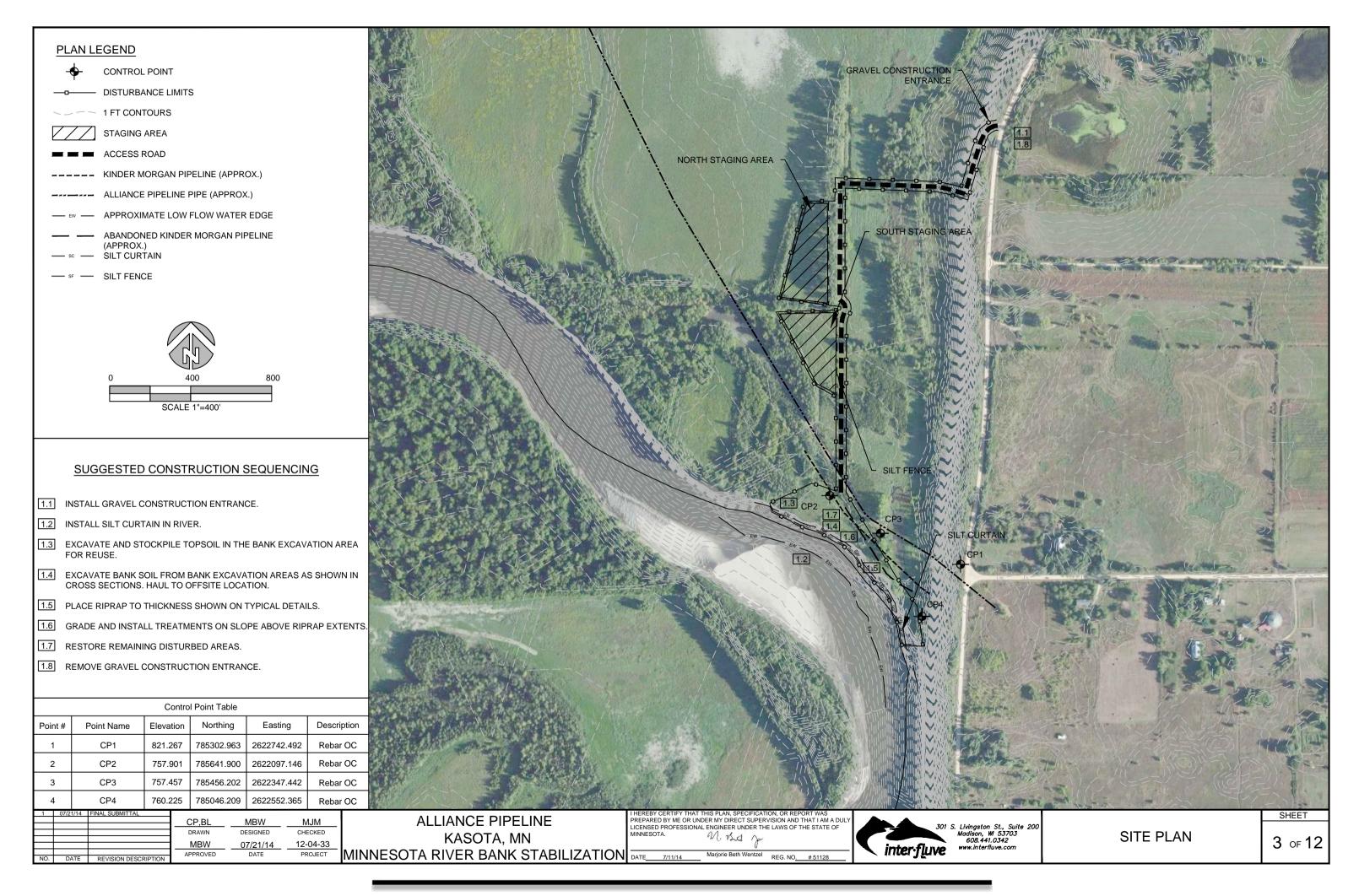


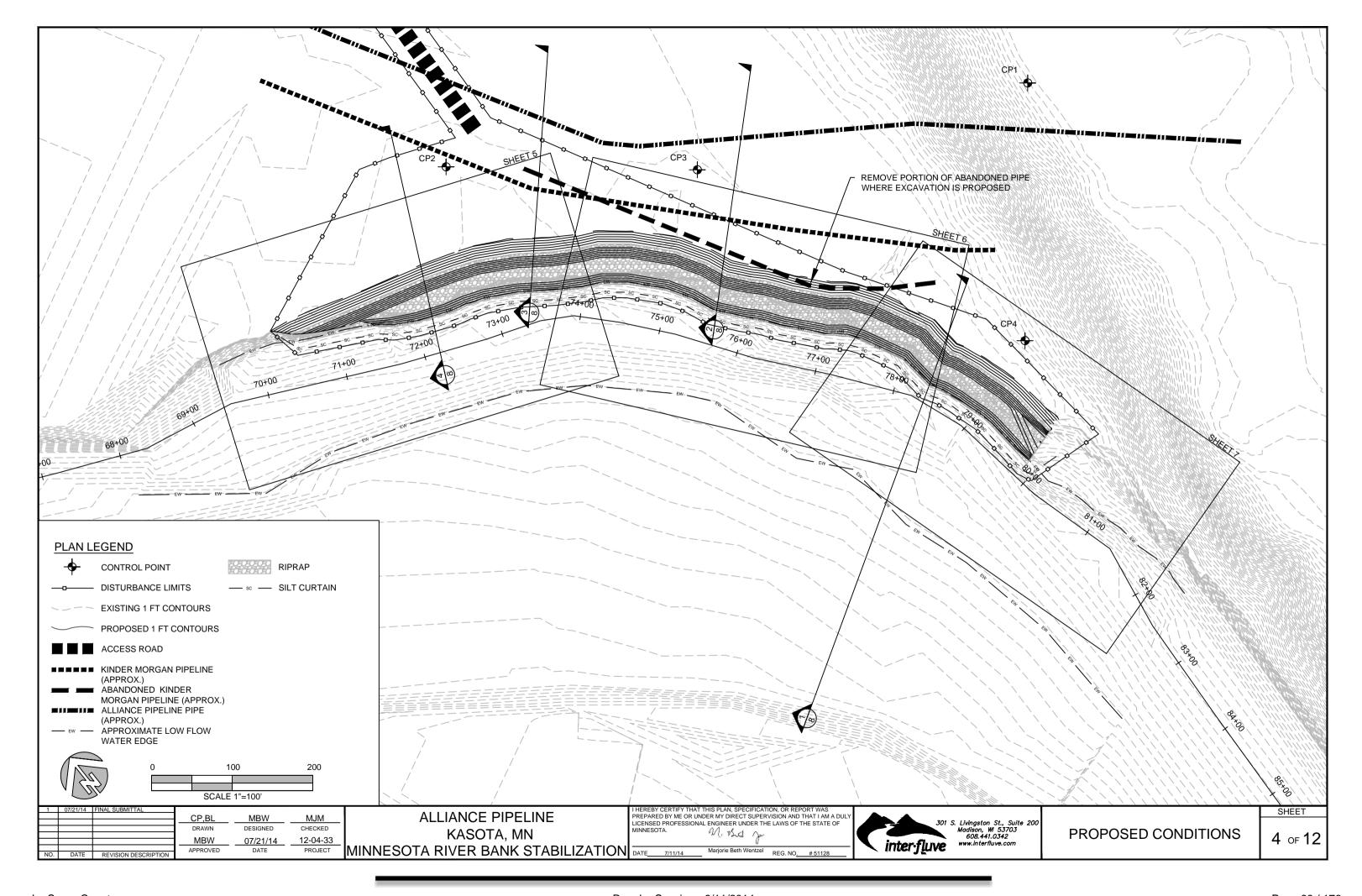
TITLE SHEET & SHEET INDEX

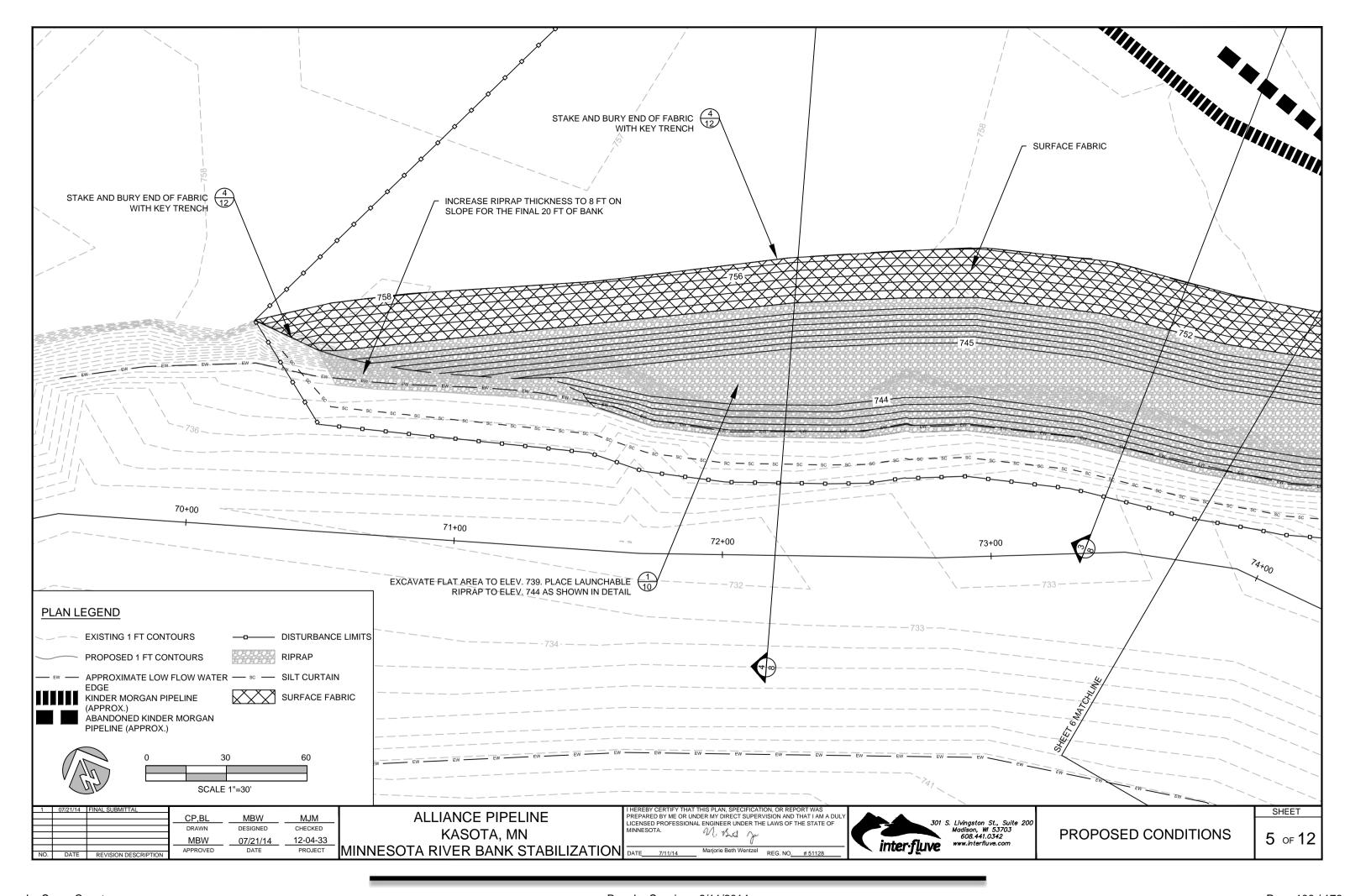
1 of 12

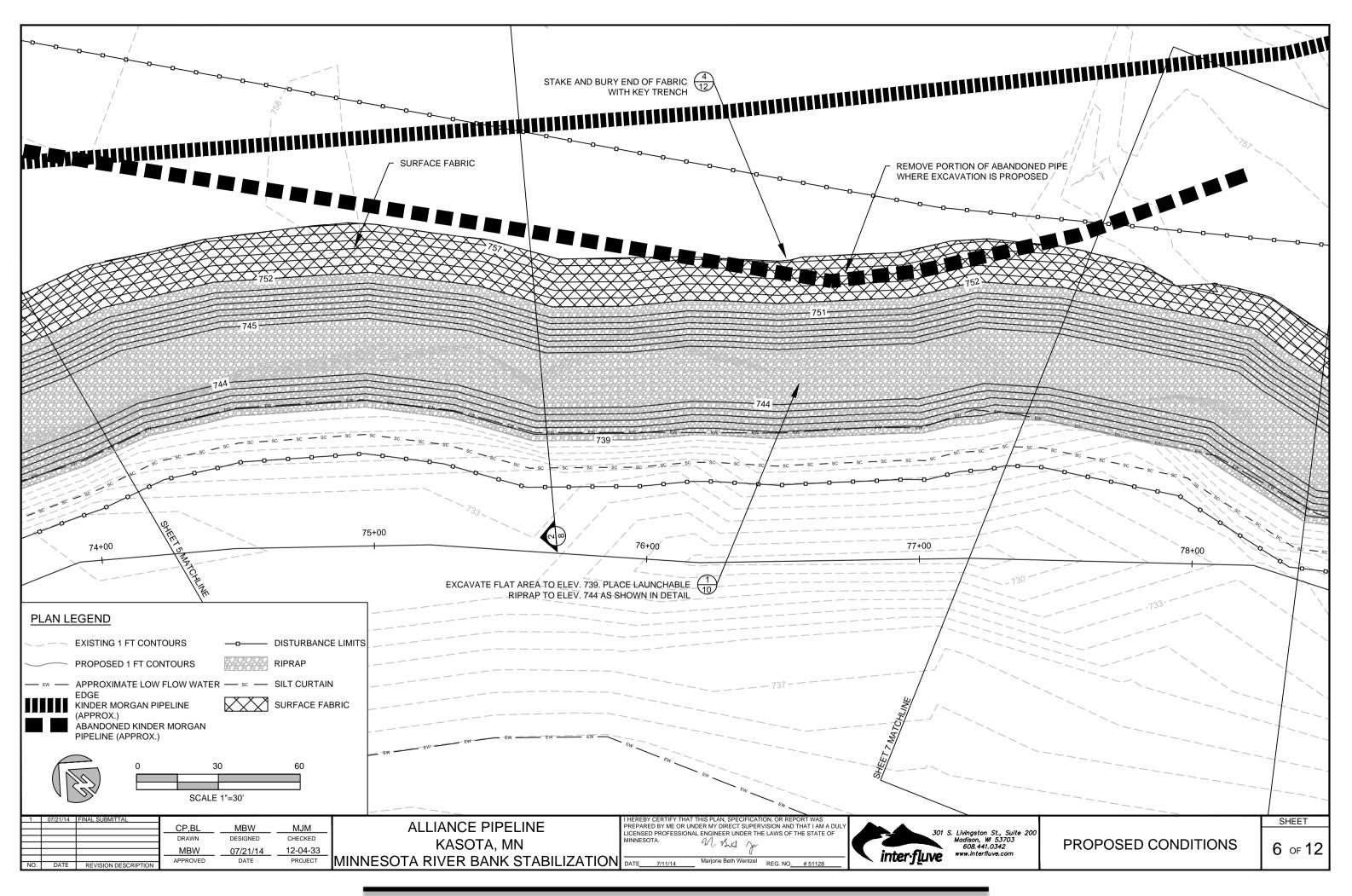
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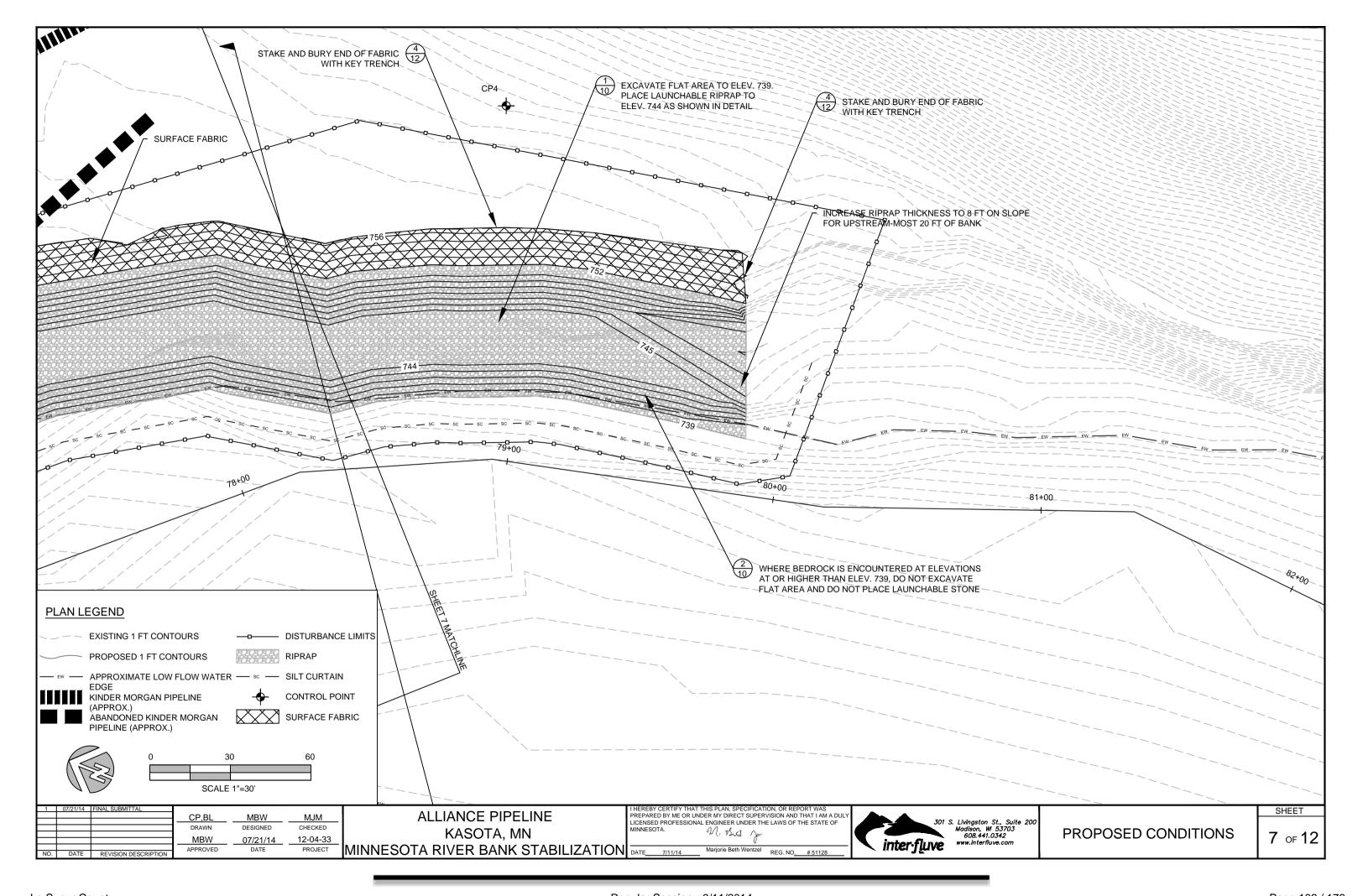


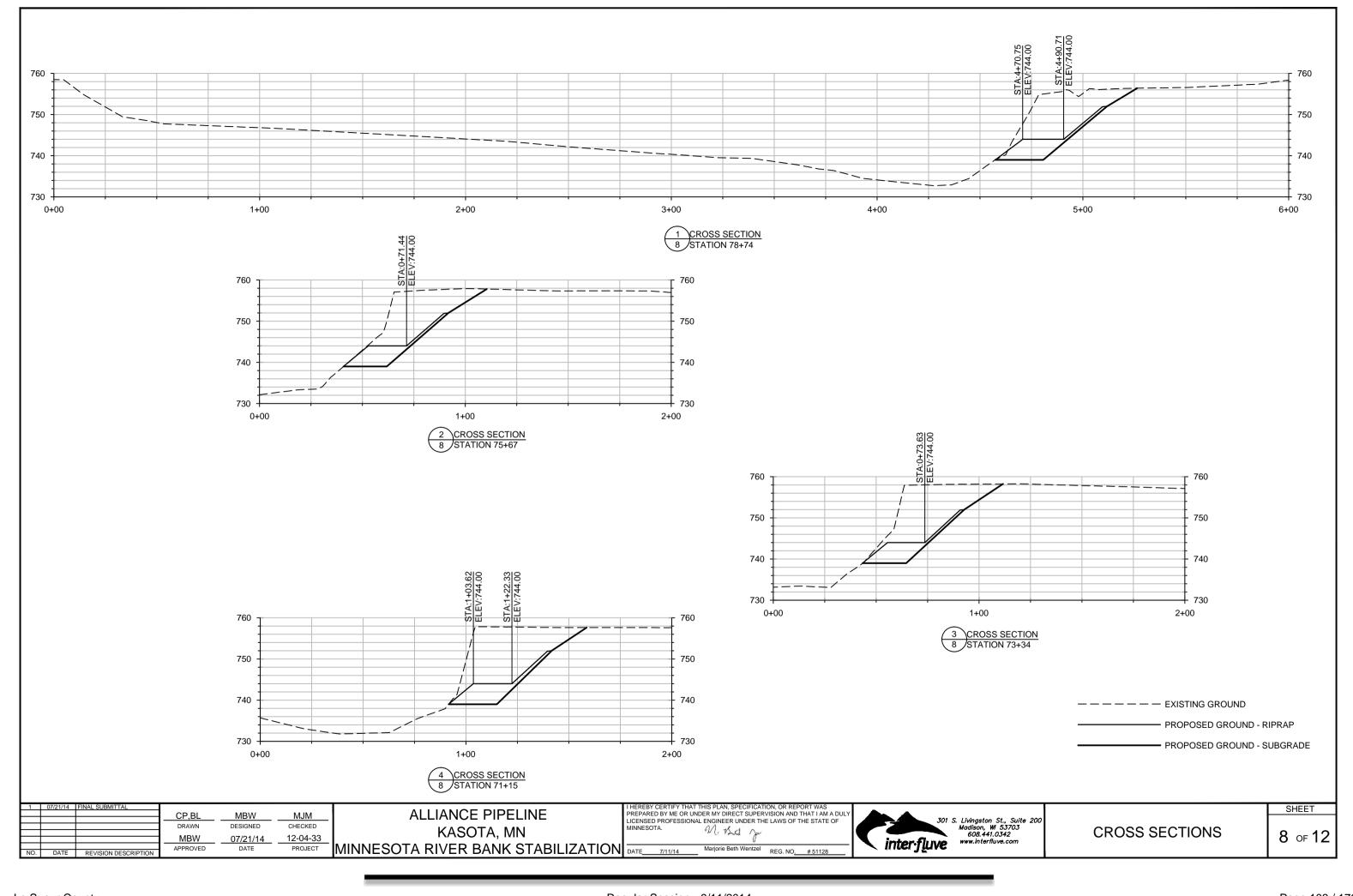


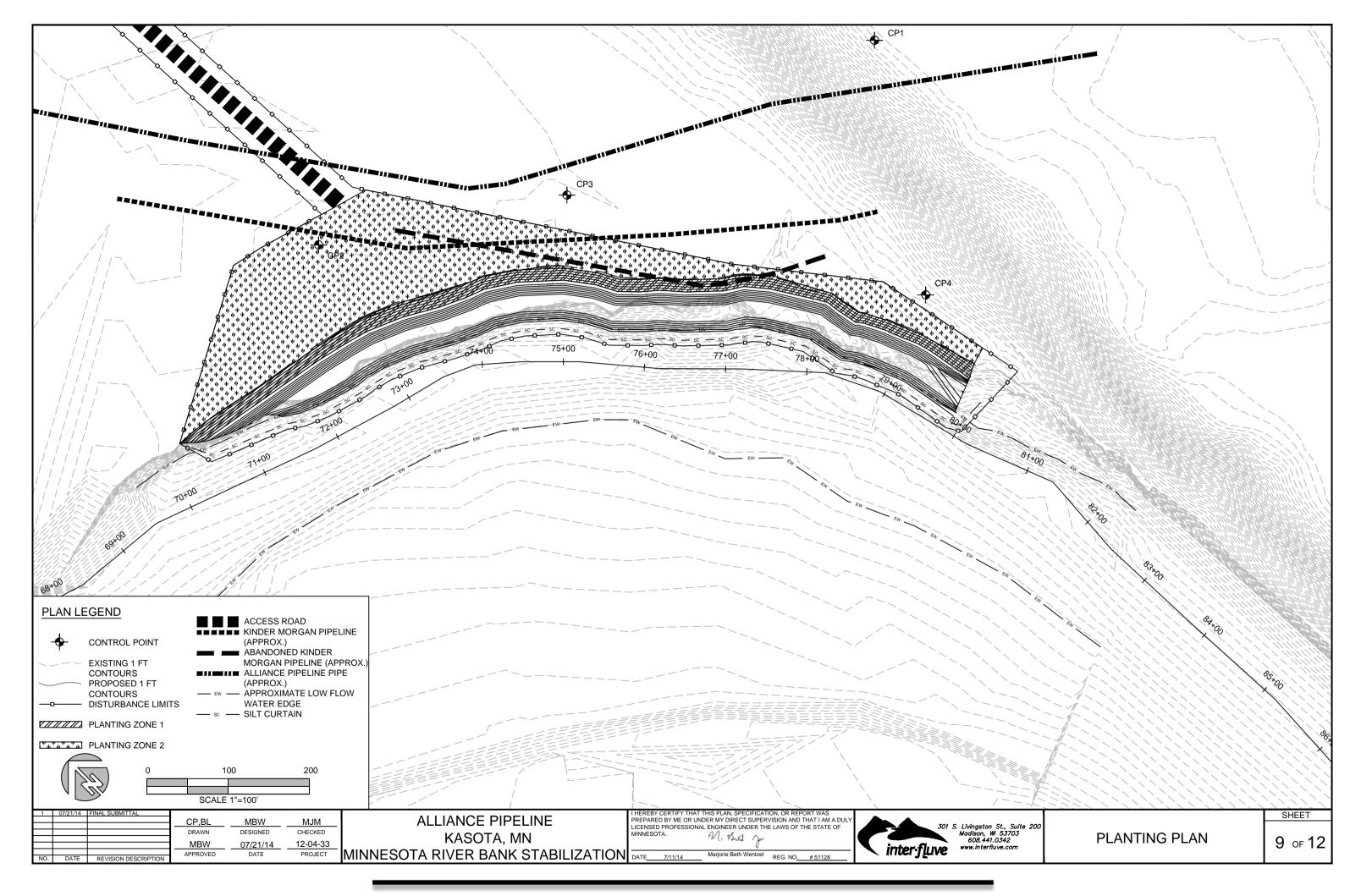


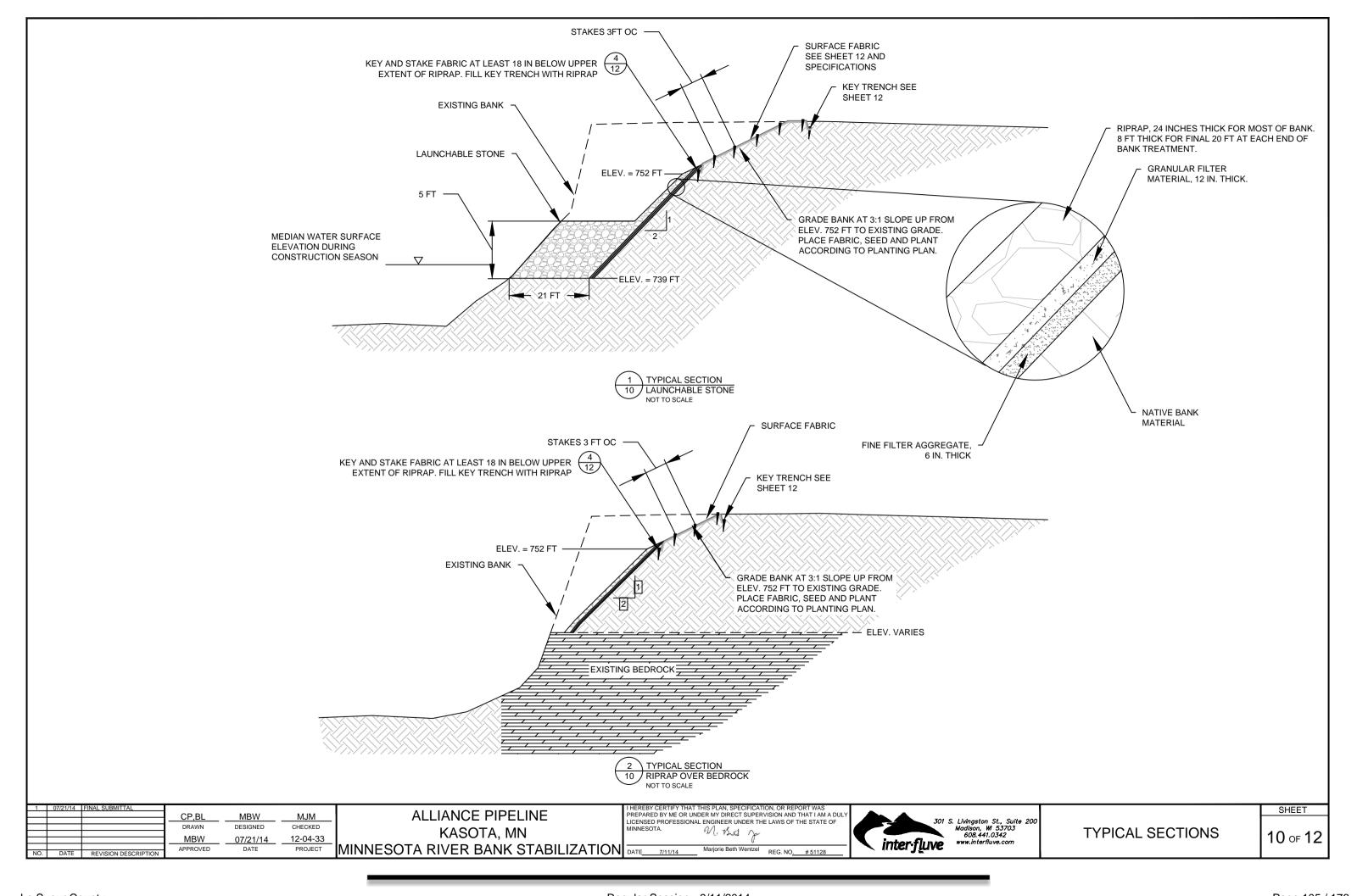


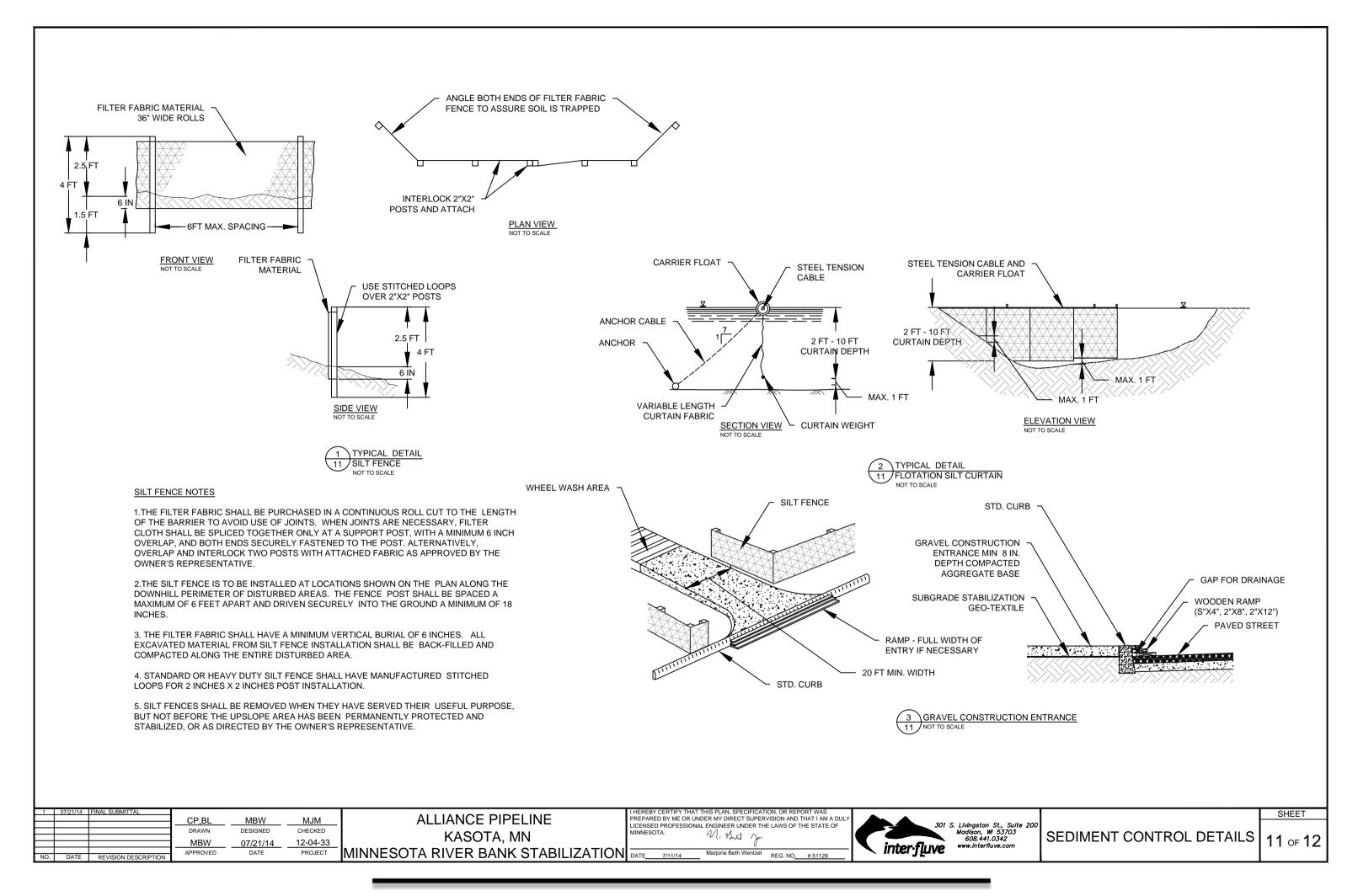


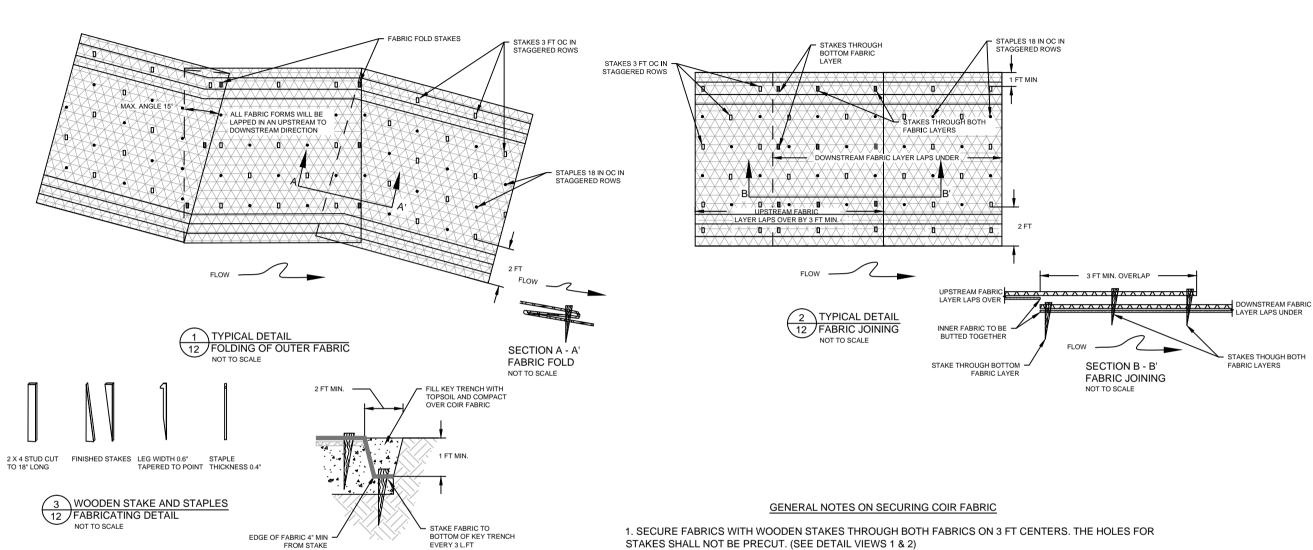












- STAKES SHALL NOT BE PRECUT. (SEE DETAIL VIEWS 1 & 2) ALLOW THE STAKE TO BREAK THE MINIMUM NUMBER OF STRANDS AS IT IS BEING DRIVEN IN. DRIVE STAKES SO THAT 2" TO 3" OF THE TOP OF THE STAKE IS LEFT EXPOSED.
- 2. OUTER FABRIC ENDS SHALL BE JOINED BY LAPPING THE UPSTREAM PIECE OF FABRIC OVER THE DOWNSTREAM PIECE AS SHOWN IN DETAIL B-B. OVERLAPS SHALL BE A MINIMUM OF 3 FT, INNER FABRIC ENDS SHALL BE BUTTED TOGETHER, NOT OVERLAPPED.
- 3. KEY TRENCH SHALL BE USED TO ANCHOR ALL ENDS OF THE TREATMENT INCLUDING THE TOE OF THE SLOPE, THE TOP OF THE SLOPE THE UPSTREAM EXTENT OF THE TREATMENT AND THE DOWNSTREAM EXTENT OF THE TREATMENT

1	07/21/14	FINAL SUBMITTAL			
			CP.BL	MBW	MJM
			DRAWN	DESIGNED	CHECKED
			A ADVA	0=101111	40.04.00
			MBW	07/21/14	12-04-33
			APPROVED	DATE	PROJECT
NO.	DATE	REVISION DESCRIPTION	ATTROVED	DATE	TROOLOT

WOODEN STAKES ON 3 FT CENTERS

TOE DETAIL

NOT TO SCALE

12 BIODEGRADABLE FABRICS AND STAKES

NATIVE SEED MIX FILL OR NATIVE SOIL WOVEN (OUTER)

NON-WOVEN (INNER) COIR FABRIC

COIR FABRIC

ALLIANCE PIPELINE KASOTA, MN MINNESOTA RIVER BANK STABILIZATION DATE_

4 KEY TRENCH DETAIL

12 TERMINATION TRENCH

EVERY 3 L.FT

PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. M she of

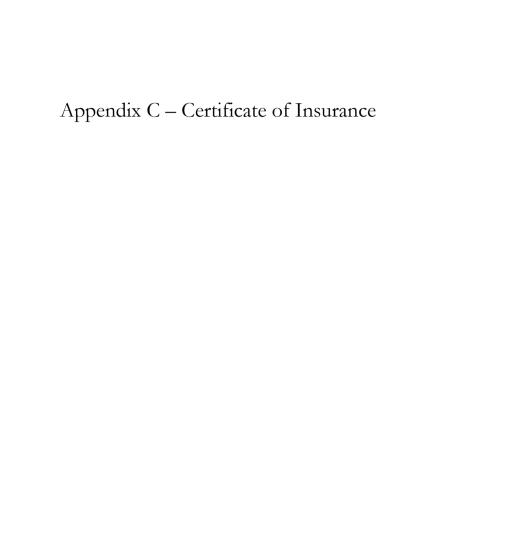
REG. NO. # 51128

301 S. Livingston St., Suite 200 Madison, WI 53703 608.441.0342 inter fluve

SURFACE FABRIC DETAILS

12 of 12

SHEET











March 28, 2014

Laurie Lyons Peterson Companies, Inc. 8326 Wyoming Trail Chisago City, MN 55013-9382

Re: Insurance Premiums

Dear Laurie:

This is to confirm that to date, Peterson Companies is current on Insurance Premiums with CNA Insurance Company and SFM Mutual in regard to the following policies:

- -5090748190
- -5090748223
- -5090748206
- -44839.204

Please feel free to call me with any questions.

Sincerely

Michele Miller, CISR Sr. Account Manager

651-379-7864

2010 Centre Pointe Blvd. • Mendota Heights, MN 55120 • T 651.379.7800 • F 651.379.7801 • www.bearence.com



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/27/2014

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 liqu of such endorsement(s)

certificate florider in fled of such endorsement(s).		
PRODUCER	CONTACT Michele Miller, CISR	
Bearence Management Group	PHONE (A/C, No, Ext): (651)379-7800 FAX (A/C, No): (651)3'	79-7801
2010 Centre Pointe Blvd	E-MAIL ADDRESS: mmiller@bearence.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
Mendota Heights MN 55120	INSURER A:Continental Casualty Company	20443
INSURED	INSURER B:Continental Insurance Company	42625
Peterson Companies, Inc.	INSURER C:SFM Mutual Insurance Company	11347
8326 Wyoming Trail	INSURER D:	
	INSURER E:	
Chisago City MN 55013-9382	INSURER F:	

COVERAGES CERTIFICATE NUMBER:CL13123025153

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 S	SUBR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP	LIMIT	s	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual	INOIX				1/1/2015	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY	\$ \$ \$	1,000,000 300,000 10,000 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO- POLICY X JECT LOC						PRODUCTS - COMP/OP AGG	\$ \$	2,000,000
В	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED X SCHEDULED			5090748206	1/1/2014	1/1/2015	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident)	\$ \$	1,000,000
	X HIRED AUTOS X AUTOS NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) Hired Physical Damage	\$	75,000
	X UMBRELLA LIAB X OCCUR						EACH OCCURRENCE	\$	5,000,000
A	EXCESS LIAB CLAIMS-MADE DED X RETENTION\$ 10,000			5090748223	1/1/2014	1/1/2015	AGGREGATE	\$	5,000,000
С	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		44839.204	1/1/2014	1/1/2015	X WC STATU- TORY LIMITS OTH- E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	•	1,000,000 1,000,000 1,000,000

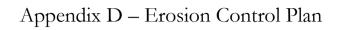
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER	CANCELLATION
Proof of Coverage	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
	M Miller, CISR/MILLER - Thuchellautan Includ

ACORD 25 (2010/05) INS025 (201005) 01

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LE SUEUR COUNTY ENVIRONMENTAL SERVICES 88 SOUTH PARK AVE.

LE CENTER, MINNESOTA 56057-1620

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

Erosion and Sediment Control Plan

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

streams	, wettands, and storm drain systems during construction.
Propert	y Owner: Unimin Corporation PID: multiple (see Section III)
Mailing	Address: 258 Elm Street, New Canaan, CT 06840
Property	Address:
Phone:(_	203 <u>) 966-8888</u> Mobile/Cell:()
Resnons	ible party for Implementation/Inspection: Alliance Pipeline, L.P.
Address	6385 Old Shady Road, Suite 150, Eden Prairie, MN 55344
	952) 983-1009 Mobile/Cell:()
1 110110.(_	132) 203 1002 1002
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. Note: grading must occur along bank; natural vegetation strip will be restored.
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 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.

Muhael Wall (Property Owner)	8/14/14 (Date)
(Person Responsible for Implementation)	(Date)

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

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
3:1 slopes or steeper
4:1 slopes or steeper
Wood or Straw Blanket with net on both sides
Wood or Straw Mulch blanket with net on one side
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.
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Inspection and Maintenance

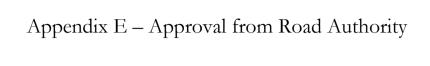
- 16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
- 17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
- 18. Clean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

(Person Responsible for Implementation)

8-13-14
(Date)

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



Beth Wentzel

From: daren b

Sent: Thursday, August 14, 2014 2:46 PM

To: Beth Wentzel

Subject: RE: Minnesota River Bank Stabilization - approval to access from Township road

I don't see any issues with using our township road.

thanks, Daren Barfknecht Kasota Township Clerk

From: bwentzel@interfluve.com

Date: Thu, 14 Aug 2014 09:00:43 -0500

Subject: Minnesota River Bank Stabilization - approval to access from Township road

To: daren601@hotmail.com

Hi, Daren. Thank you for accommodating this need for written approval to access our project from a township road. We will be accessing the river bank along a private access road that comes off of route 140 (367th Ave) ~0.4 miles north of the intersection with 480th St (route 360). No disruption of traffic along this road will occur, but soil will be hauled out along this road and riprap, trees, shrubs, and erosion control bmps will be hauled in to the project site.

The contractor will comply with any load restrictions along this road and in the unlikely event that there is damage to the road, the contractor will repair it.

Please send an email to me at this address with approval to access the site from this road. If there are other conditions we need to meet, feel free to include them in the email.

Thanks,

Beth

M. Beth Wentzel, P.E.



Applied River and Wetland Restoration – Founded 1983

Inter-Fluve, Inc.

301 S. Livingston St., Suite 200, Madison, WI 53703

Main Office 608.441.0342 | Cell 608.332.9883 | Fax 608.441.0218

www.interfluve.com

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Think green! – Please only print this message if needed, and then recycle!

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SWPPP Template for Small Construction Sites

Stormwater Pollution Prevention Plan (SWPPP)

Doc Type: Stormwater Pollution Prevention Plan

Instructions: This Stormwater Pollution Prevention Plan (SWPPP) Template is intended to provide a means for small (three acres or less) construction sites to comply with the General Stormwater Permit for Construction Activity. Before completing this SWPPP, you must read and understand the requirements in the Minnesota General Stormwater Permit for Construction Activity (MN R100001) available from Minnesota Pollution Control Agency (MPCA) website at http://www.pca.state.mn.us/water/stormwater/index.html. A list of the SWPPP requirements can be found at http://www.pca.state.mn.us/index.php/view-document.html?gid=7423. This template will help you complete the SWPPP components required in Part III and IV of the permit. Persons preparing SWPPPs are required to have had training in preparation of SWPPPs (Part III.F.). [Note: To check the checkboxes, 'double click' the box and select "checked" and select "okay".]

escribe the construction project location (addre ddress or describe area: Outer bend of river near	n				
ddress or describe area. Outer hend of river near	ess/city or townsh	nip/cou	ınty/latitu	ıde/longitude	e):
duress of describe area. Outer bend of fiver field	intersection of rout	tes 140	and 360.	•	
ity or Township: Kasota Township	S	State:	MN	Zip code:	56050
atitude/Longitude of approximate centroid of projec	t: 44d15'15.51"N	94d0'3	32.77"W		
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Residential ☐ Commercial ☐ Residential and road construction ☐ Other (desumber total of acres to be disturbed:	al/Industrial cribe): Bank si 2.0 acres	tabilizat	Road contion (tenths of	an acre)	".)
	end other pollutants, etc.): Minnesota River Bank Stabilization Project of the Minnesota River near Kasota, MN, for the purpositive proposed grades, a section of existing about a section additional stone will be placed on the ress and egress from the site. Staging areas look to store topsoil for reuse, subsoil for export, as previously used during construction activities. The bank treatment will consist of riprap that is prent of the bank toe to the limit of scour. The upport vegetation will be seeded with native verthat portion of the bank. Trees and shrubs will turbance of the site includes 1.0 acre of excavate turbance t	end other pollutants, etc.): Minnesota River Bank Stabilization Project consists of grading annesota River near Kasota, MN, for the purpose of protecting a lieve proposed grades, a section of existing abandoned pipe with used, and additional stone will be placed on that access route a ress and egress from the site. Staging areas located on flat area and to store topsoil for reuse, subsoil for export, and riprap for personal previously used during construction activities on the site; vegos. The bank treatment will consist of riprap that is placed to allow veent of the bank toe to the limit of scour. The upper portion of the portion of the bank toe to the limit of scour we getation and plant that portion of the bank. Trees and shrubs will be protected to turbance of the site includes 1.0 acre of excavation with riprap	e Minnesota River Bank Stabilization Project consists of grading and a mesota River near Kasota, MN, for the purpose of protecting an exist lieve proposed grades, a section of existing abandoned pipe will be reused, and additional stone will be placed on that access route as neces ress and egress from the site. Staging areas located on flat areas at lead to store topsoil for reuse, subsoil for export, and riprap for placements previously used during construction activities on the site; vegetation established to the limit of scour. The upper portion of the bar opport vegetation will be seeded with native vegetation and planted we that portion of the bank. Trees and shrubs will be protected to minimulturbance of the site includes 1.0 acre of excavation with riprap placer	e Minnesota River Bank Stabilization Project consists of grading and riprap planesota River near Kasota, MN, for the purpose of protecting an existing gas lieve proposed grades, a section of existing abandoned pipe will be removed. used, and additional stone will be placed on that access route as necessary to ress and egress from the site. Staging areas located on flat areas at least 700 ft d to store topsoil for reuse, subsoil for export, and riprap for placement along a previously used during construction activities on the site; vegetation in the los. The bank treatment will consist of riprap that is placed to allow vertical movement of the bank toe to the limit of scour. The upper portion of the bank that is portion of the bank. Trees and shrubs will be protected to minimize brow turbance of the site includes 1.0 acre of excavation with riprap placement, 0.4	e Minnesota River Bank Stabilization Project consists of grading and riprap placement aloranesota River near Kasota, MN, for the purpose of protecting an existing gas pipeline. As sieve proposed grades, a section of existing abandoned pipe will be removed. An existing used, and additional stone will be placed on that access route as necessary to allow clean, ress and egress from the site. Staging areas located on flat areas at least 700 ft from the rived to store topsoil for reuse, subsoil for export, and riprap for placement along the bank. To previously used during construction activities on the site; vegetation in the area is limited as a bank treatment will consist of riprap that is placed to allow vertical movement over time and of the bank toe to the limit of scour. The upper portion of the bank that is located high port vegetation will be seeded with native vegetation and planted with trees and shrubs that portion of the bank. Trees and shrubs will be protected to minimize browsing by aniturbance of the site includes 1.0 acre of excavation with riprap placement, 0.4 acres of excavation with riprap placement.

wq-strm2-12 • 8/16/13

Page 1 of 6

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11	DACAIMA	Whatare
II.	Receiving	vvalet 5

a. List all waters within one mile (nearest straight line distance) that are likely to receive stormwater runoff from the project site both during or after construction:

Receiving waters within one mile of project property edge:

Name of water body	Type (ditch, pond, wetland, calcareous fen, lake, stream, river)	Special water? (See Stormwater Permit Appendix A)	Impaired Water?** (See Stormwater Permit Appendix A)
Minnesota River	river	☐ Yes ⊠ No	
		☐ Yes ☐ No	☐ Yes ☐ No
		☐ Yes ☐ No	☐ Yes ☐ No
		☐ Yes ☐ No	☐ Yes ☐ No
	•	(ditch, pond, wetland, calcareous fen, lake, stream, river)	Name of water body (ditch, pond, wetland, calcareous fen, lake, stream, river) Special water? (See Stormwater Permit Appendix A) Minnesota River river Yes No Yes No Yes No Yes No

- b. Use the Special and Impaired Waters Search Tool to locate special and impaired waters at http://www.pca.state.mn.us/wfhya5b).
- c. Incorporate into this SWPPP any additional Best Management Practices (BMPs) or other specific construction related implementation activities identified in an approved Total Maximum Daily Load and Waste Load Allocations.

none

d. Identify adjacent public waters where the Minnesota Department of Natural Resources (DNR) has declared "work in water restrictions" during fish spawning timeframes:

None. Regardless, all work that affects the river will be completed in the late summer and early fall, which is not within a critical fish spawning window.

e. Attach maps (U.S. Geologic Survey 7.5 minute quadrangle, National Wetland Inventory maps or equivalent) showing the location and type of all receiving waters, including wetlands, drainage ditches, stormwater ponds or basins, etc. that will receive runoff from the project. Use arrows showing the direction of flow and distance to the water body.

See construction drawings

- f. Identify wetland impacts:
 - 1. Will construction result in any potential adverse impacts to wetlands, including excavation, degradation of water quality, draining, filling, permanent inundation or flooding, conversion to a stormwater pond?

 Yes

 No
 - 2. If yes, describe impacts and mitigation measures that were taken to address the impacts (in accordance with Part D of Appendix A of the permit) and attach to this SWPPP, copies of permits or approvals from an official state wide wetland program issued specifically for this project or site:

Mitigation credits will be purchased consistent with requirements prescribed by the USACOE.

g. Describe any stormwater mitigation measures that will be implemented, as a result of an environmental review, endangered or threatened species review or archeological site review:

none

h. Describe any additional (or different) stormwater management measures required for karst or drinking water supply management areas to protect groundwater standards:

none

III. Project Plans and Specifications

- a. Attach to this SWPPP site maps and/or plan sheets that depict the following features:
 - The project location and construction limits.
 - Existing and final grades, including dividing lines and direction of flow for all pre and post-construction stormwater runoff drainage areas located within the project limits.
 - Soil types at the site.
 - Locations of impervious surfaces.

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^{*} Water Body identification (ID) might not be available for all water bodies. Use the Special and Impaired Waters Search Tool at: http://www.pca.state.mn.us/water/stormwater/stormwater-c.html.

^{**} Impaired water for the following pollutant(s) or stressor(s): phosphorus, turbidity, dissolved oxygen, or biotic impairment.

- Locations of areas not to be disturbed (e.g., buffer zones, wetlands, etc.).
- Steep slope locations.
- Locations of areas where construction will be phased to minimize duration of exposed soils.
- Portions of the site that drain to a public water with DNR work in water restrictions for fish spawning timeframes.
- Locations of all temporary and permanent erosion and sediment control BMPs as required in Part III. C & D. and Part IV of the permit.
- Buffer zones as required in Part IV.C.9 or Appendix A, Part C.3. of the permit.
- Locations of potential pollution-generating activities identified in Part IV. F. of the permit.
- Standard details for erosion and sediment control BMPs to be installed at the site.
- b. List all anticipated erosion prevention and sediment control BMP quantities needed for the life of the project (e.g., linear ft. silt fence, square feet erosion blanket, tons mulch, etc.):

Gravel construction entrance - 1

Silt fence - 2570 ft

Gravel for access road - up to 1000 cy

Erosion control blanket - 25,000 sf

Silt curtain - up to 1050 ft

Seed, trees, and shrubs – see construction drawings and specifications

IV. Temporary Erosion Prevention Practices

- a. Describe the types of temporary erosion prevention BMPs expected to be implemented on this site during construction:
 - 1. Methods of temporarily stabilizing soils and soil stockpiles (e.g., mulches, hydraulic tackifiers, erosion blankets, etc.):

Soil stockpiles that are stored for more than 14 days will be seeded with cover crop and silt fence will be placed around the perimeter.

2. Methods of dissipating velocity along stormwater conveyance channels and at channel outlets (e.g., check dams, sediment traps, rip rap, etc.):

No conveyance channels will be utilized

3. Methods to be used for stabilization of ditch and swale wetted perimeters (Note that mulch, hydraulic soil tackifiers, hydromulches, etc. are not acceptable soil stabilization methods for any part of a drainage ditch or swale):

No ditches or swales will be utilized

4. Methods to be used for energy dissipation at pipe outlets (e.g., rip rap, splash pads, gabions, etc.):

There will be no pipe outlets

5. Methods to be used to promote infiltration and sediment removal on the site prior to offsite discharge, unless infeasible (e.g., direct stormwater flow to vegetated areas):

The flat nature of the site and existence of no conveyance channels will enhance infiltration.

b. Describe timelines to be implemented at this site for completing the installation of the erosion prevention BMPs listed in i, ii, iii, and iv. (see Part IV. B. of the permit for minimum requirements). If applicable, include the timeline for completing soil stabilization for areas within 200 feet of a public water with work in water restrictions due to fish spawning time frames (Part IV.B.2.) and soil stabilization timelines for portions of the site that drain to special or impaired waters as required in Appendix A Part C. 1.a.:

All erosion and sediment control BMPs will be installed prior to the beginning of excavation at the site.

c. Describe additional erosion prevention measures that will be implemented at the site during construction (e.g., construction phasing, minimizing soil disturbance, vegetative buffers, horizontal slope grading, slope draining/terracing, etc.):

Soil disturbance will be minimized. The excavated area adjacent to the river will include a flat bench that will capture soil if it slumps down slope. The excavated area will be covered with riprap that will also capture soil within void spaces. If water velocities do not preclude effectiveness, a silt curtain will be installed in the river to limit downstream migration of soil.

d. If applicable, include additional requirements in Appendix A Part C.3 regarding maintaining a 100-foot buffer zone or installing redundant BMPs for portions of the site that drain to special waters:

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does make its way to the river. 8. Describe plans for use of sedimentation treatment chemicals (e.g., polymers, flocculants, etc.) see Part IV.C.10 of the permit: none b. Is the project required to install a temporary sediment basin due to 10 or more acres draining to a common location or 5 acres or more if the site is within 1 mile of a special or impaired water?		e.		pplicable, describe additional erosion prevention BMPs to be implemented at the site to protect planned Itration areas:
1. Methods to be used for down gradient perimeter control: Sit fence will be used where feasible for down gradient perimeter control. 2. Methods to be used to contain soil stockpiles: Soil stockpiles that are stored for more than 14 days will be seeded with cover crop and silt fence will be placed around the perimeter. 3. Methods to be used for storm drain inlet protection: There are no storm drains within or near the project area. 4. Methods to minimize vehicle tracking at construction exits and street sweeping activities: Gravel construction entrance will be installed at the access location. The access road will be enhanced with additional stone to limit erosion near the road and capture soil from haul truck tires. 5. If applicable, additional sediment controls (e.g., diversion berms) to be installed to keep runoff away from planned infiltration areas are planned. 6. Describe methods to be used to minimize soil compaction and preserve top soil (unless infeasible) at this site: Top soil will be stockpiled and respread after vehicle traffic is primarily complete. 7. Describe plans to preserve a 50-foot natural buffer between the project's soil disturbance and a surface water or plans for redundant sediment controls if a buffer is infeasible: A buffer is feasible during construction due to the need to excavate river bank material. The work is timed to limit bank erosion due to river flow and limit construction in wet conditions. A silt curtain will be used to trap sediment that does make its way to the river. 8. Describe plans for use of sedimentation treatment chemicals (e.g., polymers, flocculants, etc.) see Part IV.C.10 of the permit: none b. Is the project required to install a temporary sediment basin due to 10 or more acres draining to a common location or 5 acres or more if the site is within 1 mile of a special or impaired water? □ Yes □ No If yes, describe (or attach plans) showing how the basin will be designed and constructed in accordance with Part III.C of the permit. c. Will the proj	٧.	Τe	emp	orary Sediment Control Practices
Silt fence will be used where feasible for down gradient perimeter control. 2. Methods to be used to contain soil stockpiles: Soil stockpiles that are stored for more than 14 days will be seeded with cover crop and silt fence will be placed around the perimeter. 3. Methods to be used for storm drain inlet protection: There are no storm drains within or near the project area. 4. Methods to minimize vehicle tracking at construction exits and street sweeping activities: Gravel construction entrance will be installed at the access location. The access road will be enhanced with additional stone to limit erosion near the road and capture soil from hauf truck tires. 5. If applicable, additional sediment controls (e.g., diversion berms) to be installed to keep runoff away from planned infiltration areas when excavated prior to final stabilization of the contributing drainage area: No specific infiltration areas are planned. 6. Describe methods to be used to minimize soil compaction and preserve top soil (unless infeasible) at this site: Top soil will be stockpiled and respread after vehicle traffic is primarily complete. 7. Describe plans to preserve a 50-foot natural buffer between the project's soil disturbance and a surface water or plans for redundant sediment controls if a buffer is infeasible: A buffer is feasible during construction due to the need to excavate river bank material. The work is timed to limit bank erosion due to river flow and limit construction in wet conditions. A silt curtain will be used to trap sediment the does make its way to the river. 8. Describe plans for use of sedimentation treatment chemicals (e.g., polymers, flocculants, etc.) see Part IV.C.10 of the permit: none b. Is the project required to install a temporary sediment basin due to 10 or more acres draining to a common location or 5 acres or more if the site is within 1 mile of a special or impaired water? Yes No If yes, describe how filter backwash water will be managed on the site or properly disposed (see Part III.		a.		
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- b. If yes, a water quality volume of one inch of runoff from the cumulative new impervious surfaces must be retained on site (see Part III.D of the permit) through infiltration unless prohibited due to one of the reasons in Part III.D.1.j. If infiltration is prohibited identify other method of other volume reduction (e.g., filtration system, wet sedimentation basin, regional ponding or equivalent method:
- c. Attach design parameters (see Part III.D.) for the planned permanent stormwater management system, including volume calculations, discharge rate calculation, construction details including basin depth, outlet configurations, location, design of pre-treatment devices and timing for installation. For more design information consult the *Minnesota Stormwater Manual* on the MPCA website at http://stormwater.pca.state.mn.us/index.php/Main_Page.
- d. For infiltration systems attach on site soil testing results verifying soil type and distance to the seasonal water table or bedrock (from bottom of the basin) in the location of the infiltration or filtration system.
- e. For linear projects with lack of right of way to install treatment systems capable of treating the entire water quality volume, identify other method(s) for providing treatment of runoff prior to discharge to surface waters (e.g., grassed swales, filtration systems, smaller ponds or grit chambers, etc.):
 - 1. Attach to this SWPPP documentation of reasonable attempts made to obtain right of way for stormwater treatment systems.
- f. For projects that discharge to trout streams, including tributaries to trout streams, identify method of incorporating temperature controls into the permanent stormwater management system:

VII. Inspection and Maintenance Activities

a. Identify the trained individual(s) responsible for installing, supervising, repairing, inspecting, and maintaining erosion prevention and sediment control BMPs at the site:

Curt Peterson, Peterson Companies, Inc.

b. Attach training documentation for each individual:

Construction Site Management (2/19/13) taught by the University of Minnesota.

- c. Describe procedures to routinely inspect the construction site, including:
 - 1. A description of record-keeping requirements and content (see Part IV.2. of the permit):

Stormwater management inspections will be documented on forms. Information to be noted includes date and time of inspection; name of person conducting the inspection, findings of the inspections, corrective actions taken, date and amount of rainfall events greater than 0.5 inches, any discharge observed from the site, and any amendments to this SWPPP proposed as a result of the inspection.

2. Frequency of inspections (see Part IV.E.1. and 3 of the permit.):

Inspections will occur at least once every 7 days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.

3. Areas to be inspected and maintained (see Part IV.E.5. and 6. of the permit):

All silt fences will be inspected. Any accumulated soil will be removed; any damaged silt fence will be replaced or repaired. All disturbed areas will be inspected. Any concentrated flow paths that develop will be repaired.

VIII. Pollution Prevention Management Measures

a. Describe practices for storage of building products with a potential to leach pollutants to minimize exposure to stormwater:

No building products will be utilized.

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b. Describe practices for storage of pesticides, herbicides, insecticides, fertilizers, treatment chemical, and landscape materials:

None of these materials will be utilized.

c. Describe practices for storage and disposal of hazardous materials or toxic waste (e.g., oil, fuel, hydraulic fluids, paint solvents, petroleum-based products, wood preservative, additives, curing compounds, and acids) according to Minn. R. ch. 7045, including restricted access and secondary containment:

Equipment will be stored away from the river on flat ground. Spills will be promptly cleaned.

d. Describe collection, storage and disposal of solid waste in compliance with Minn. R. ch. 7035:

The only waste material that will be generated at this site is a small section of abandoned pipeline and native soil material. The pipe section will be recycled or disposed at an approved landfill site. The soil will be hauled off site for reuse or disposal.

e. Describe management of portable toilets to prevent tipping and disposal of sanitary wastes in accordance with Minn. R. ch. 7040:

Temporary onsite sanitary waste management will be provided thorugh use of a portable toilet.

f. Describe spill prevention and response for fueling and equipment or vehicle maintenance:

Equipment fueling will occur away from the river on flat ground. Spills will be promptly cleaned.

g. Describe containment and disposal of vehicle and equipment wash water and prohibiting engine degreasing on the site:

Vehicles and equipment will not be washed on the site. Engine degreasing will be prohibited on the site.

h. Describe storage and disposal of concrete and other washout wastes so that wastes do not contact the ground:

No concrete or other washout wastes will be generated at the site.

IX. Final Stabilization

a. Describe method of final stabilization (permanent cover) of all disturbed areas:

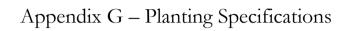
All disturbed areas will be seeded with cover crop and native seed appropriate to the moisture regime of the site. Trees and shrubs will be planted. Areas that are graded steeper than 4:1 will be covered with erosion control fabric.

b. Describe procedures for completing final stabilization and terminating permit coverage (see Part IV.G.1-5):

When all disturbed areas have been seeded, planted and covered with fabric where necessary, the site will be inspected. If vegetative cover is insufficient, additional seeding and/or planting will be completed. Following stabilization, a Notice of Termination will be submitted to MPCA.

Documentation of infeasibility:

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SECTION 32 90 10 REVEGETATION

PART 1 - GENERAL

1.1 SUMMARY

- A. Revegetation includes:
 - 1. Site Preparation.
 - 2. Seeding.
 - 3. Planting.
 - 4. Vegetation Maintenance
 - 5. Guarantee.
- B. Work shall include, but not be limited to purchase, storage, installation and maintenance of seed, tree and plant stock as determined in the Plans and described herein.

1.2 SUBMITTALS

- A. Submit the following to the Owner and Owner's Representative prior to installation:
 - 1. For Seeds, information indicating vendor, species botanical and common names, gross weight, seed purity (% PLS), harvest date, and origin.
 - 2. For Potted Stock, information indicating vendor, species botanical and common names, and pot size.

1.3 QUALITY ASSURANCE

- A. Referenced Standards:
 - 1. Seeding shall be performed in accordance with the provisions of MNDOT Section 2575, Controlling Erosion and Establishing Vegetation, and as described below.
 - 2. American Water Works Association (AWWA).
 - 3. Standard Methods of the Association of Official Agricultural Chemists.
 - 4. United States Department of Agriculture (USDA), Federal Seed Act.

PART 2 - PRODUCTS

2.1 NATIVE SEED

A. Seed mix material for Planting Zone 1 shall be MNDOT 33-261 Stormwater South and West (replaces MNDOT 328), in accordance with MNDOT Section 3876, Seed. MNDOT 33-261 seed mix is comprised of the following species and quantities:

Spo	Required	
Common Name	Scientific Name	Pounds Per Acre
GRASSES:		
Slender Wheatgrass	Agropyron trachycaulum	1

Big Bluestem	Andropogon gerardii	2			
Fringed Brome	Bromus ciliatus	2			
Blue Joint Grass	Calamagrostis canadensis	0.06			
Virginia Wild Rye	Elymus virginicus	1.5			
Switchgrass	Panicum virgatum	0.38			
Fowl Bluegrass	Poa palustris	1.06			
Indiangrass	Sorghastrum nutans	0.12			
Prairie Cord Grass	Spartina pectinata	0.38			
SEDGES & RUSHES:					
Awl-fruited Sedge	Carex stipata	0.25			
Green Bulrush	Scirpus atrovirens	0.19			
Woolgrass	Scirpus cyperinus	0.06			
FORBS:					
Canada Anemone	Anemone canadensis	0.07			
Swamp Milkweed	Asclepias incarnata	0.11			
New England Aster	Aster novae-angliae	0.07			
Flat-topped Aster	Aster umbellatus	0.06			
Beggar's Tick	Bidens frondosa	0.11			
Joe Pye Weed	Eupatorium maculatum	0.06			
Sneezeweed	Helenium autumnale	0.13			
Obedient Plant	Physostegia virginiana	0.07			
Wild Golden Glow	Rudbeckia laciniata	0.07			
Blue Vervain	Verbena hastata	0.05			
Golden Alexanders	Zizia aurea	0.2			
COVER CROP:					
Spring and Summer					
Planting:					
Oats	Avena sativa	25			
Annual rye grass	Loliuum italicum	10			
Fall Planting:					
Oats	Avena sativa	25			
Winter rye*	Secale cereal	10			
Winter wheat*	Triticum aestivum	10			
*To be added to MNDOT 33-261 Stormwater South and West seed					
mixture					

B. Seed mix material for Planting Zone 2 shall be MNDOT 35-241 Mesic Prairie General (replaces MNDOT 350), in accordance with MNDOT Section 3876, Seed. MNDOT 35-241 seed mix is comprised of the following species and quantities:

	Required Pounds Per Acre	
Common Name	Scientific Name	
GRASSES:		
Slender Wheatgrass	Agropyron trachycaulum	1
Big Bluestem	Andropogon gerardii	2
Sideoats Grama	Bouteloua curtipendula	1.6
Prairie Brome	Bromus kalmii	0.5

	Charing	Required Pounds Per
	Species	Acre
Common Name	Scientific Name	
Canada Wild Rye	Elymus canadensis	1.17
Switchgrass	Panicum virgatum	0.06
Little Bluestem	Schizachyrium scoparium	1.6
Indiangrass	Sorghastrum nutans	2
Prairie Dropseed	Sporobolus heterolepsis	0.07
FORBS:		
Anise Hyssop	Agastache foeniculum	0.06
Lead Plant	Amorpha canescens	0.06
Common Milkweed	Asclepias syriaca	0.04
Butterfly Milkweed	Asclepias tuberosa	0.04
Heath Aster	Aster ericoides	0.03
Smooth Blue Aster	Aster laevis	0.06
Canada Milk Vetch	Astragalus canadensis	0.06
White Prairie Clover	Dalea candidum	0.06
Purple Prairie Clover	Dalea purpurea	0.19
Showy Tick Trefoil	Desmodium canadense	0.06
Showy Sunflower	Helianthus laetiflorus	0.06
Ox-eye Sunflower	Heliopsis helianthoides	0.13
Button Blazingstar	Liatris aspera	0.03
Prairie Blazingstar	Liatris pycnostachya	0.03
Wild Bergamot	Monarda fistulosa	0.06
Black-eyed Susan	Rudbeckia hirta	0.31
Stiff Goldenrod	Solidago rigida	0.06
Blue Vervain	Verbena hastata	0.04
Hoary Vervain	Verbena stricta	0.06
Golden Alexanders	Zizia aurea	0.06
COVER CROP:		
Spring and Summer		
Planting:		
Oats	Avena sativa	25
Annual rye grass Fall Planting:	Loliuum italicum	10
Oats	Avena sativa	25
Winter rye*	Secale cereal	10
Winter wheat*	Triticum aestivum	10

C. Further information regarding native seed mixes and establishment of native seed can be found by contacting MNDOT Office of Environmental Services Erosion Control Unit and through the MNDOT Seeding Manual (2007 Edition), available for download from: http://www.dot.state.mn.us/environment/erosion/pdf/seedingmanual.pdf

- D. The requirements specified in MNDOT Section 3876.3, Inspection and Acceptance shall apply to each bag of seed delivered to the site.
- E. The delivered seed shall be healthy and vigorous and free of noxious weed seeds. Seeds that have become wet, moldy, or otherwise damaged, or do not meet the Specifications will be rejected and replaced at no cost to the Owner.
- F. Seed shall not be more than one year old at time of seeding.

2.2 POTTED/CONTAINER GROWN PLANTS

A. Tree and Shrub species and quantities:

Speci	es			
Common Name Scientific Name		Planting Zone 1 Zone 2 Size Quantity		Size
TREES:				
Silver maple	Acer saccharinum	20	10	5 gallon
Hackberry	Celtic occidentalis	10	20	5 gallon
Swamp white oak	Quercus bicolor	20	10	5 gallon
Black Willow	Salix nigra	20	-	5 gal, or 8 ft long, 3-6 in caliper live stakes
SHRUBS:				
Red osier dogwood	Cornus sericea	60	15	2 gallon
Ninebark	Physocarpus opulifolius	30	40	2 gallon
Pussy willow	Salix discolor	50	15	2 gallon
Sandbar willow	lbar willow Salix interior		-	2 gallon
American Black Elderberry	Sambucus nigra	30	40	2 gallon
Nannyberry	Viburnum lentago	30	40	2 gallon

- B. Plant material size and specifications shall be in accordance with the special provisions below and of MNDOT 3861, Plant Stock.
- C. Plant materials must originate from no more than 100 miles from the project site, unless approved by the Owner's Representative.
- D. Any adjustments or substitutions in plant species, sizes, container types, or quantities shall be preapproved in writing by the Owner.
- E. Potted stock shall conform to American Standard for Nursery Stock guidelines for caliper versus container size (ASNS Z60.1-2004).

2.3 MULCH

A. Straw mulch material general specifications shall be in accordance with the special provisions below and MNDOT 3882, Mulch Material.

- B. Mulch shall be MNDOT Type 3, oat or wheat straw air-dried, free of noxious and invasive weed species including reed canary grass, and other objectionable foreign matter.
- C. Wet and/or moldy straw is not acceptable and shall be removed from the site by the Contractor.

PART 3 - EXECUTION

3.1 PROJECT/SITE CONDITIONS

A. Inspection:

- 1. Prior to beginning work, Contractor shall examine and verify acceptability of Project Site for conditions under which seeding and planting are to be performed. Contractor shall not proceed with work until satisfactory conditions are present.
- 2. Starting work constitutes acceptance of conditions under which work is to be performed. After such acceptances, Contractor shall be responsible for correcting unsatisfactory and defective work resulting from such unsatisfactory conditions.
- 3. When Revegetation work is executed in conjunction with construction of other work, schedules shall be coordinated to permit execution of Revegetation work.

3.2 SEEDING

A. Seeding within Surface Fabric Treatments:

- 1. Dry seed shall be broadcast on the soil prior to placement of Surface Fabric Treatment at densities shown in the tables in the previous section and otherwise in accordance with MNDOT 2575
- 2. Contractor shall not walk on seeded areas after germination period has commenced to the extent possible.

B. Seeding disturbed areas that will not have Surface Fabric Treatments:

1. Dry seed shall be broadcast according to the tables, and otherwise in accordance with MNDOT 2575.

C. Mulching:

- 1. Areas to be covered by coir fabrics will not be mulched. In all other areas, the mulch shall be disc anchored on the same date it is applied to the extent practicable.
- 2. Mulch shall be applied within 72 hours of seeding.
- 3. Mulch shall not be placed during high wind velocity conditions.
- 4. Mulch shall be placed loosely enough to allow some sunlight penetration and air circulation, but thickly enough to partially shade the ground, conserve moisture and reduce erosion

D. Seeding shall not be permitted during the following conditions unless otherwise approved:

- 1. Saturated soil conditions.
- 2. Frozen soil conditions.
- 3. Wind speeds >15 miles per hour.
- 4. Temperatures less than 32 degree Fahrenheit.
- 5. Temperatures greater than 90 degrees Fahrenheit.

E. Irrigation

- 1. Fall and Winter Irrigation If seeding is completed between October 1 and March 31, planted areas shall receive irrigation after April 1 of the spring following fall construction, applied as is described in MNDOT, Plant Installation
- 2. Spring and Summer Irrigation If seeding is completed between April 1 and September 30, irrigation shall be applied as described in MNDOT 2571, Plant Installation.

3. This plan may be altered given unusually warm weather forecasted conditions, but must be prior approved by the Owner's Representative.

F. Quality Control and Assurance

- 1. The contractor shall provide all equipment, labor, materials, and technical expertise to install, maintain and irrigate site plantings through the completion of the project, demobilization, and for a minimum 3-year period.
- 2. Minimum guarantee requirements:
 - a. Seeded areas guarantee: Areas that do not meet seed success criteria for native seed mix establishment on July 1st after the Final Completion Date shall be re-seeded during the first available seeding period, as determined by the Owner. Re-seeding shall be performed at the Contractor's expense, and in conformance with re-seeding specifications.
 - b. Seeding success criteria: The Owner will conduct surveys to verify seeding success. It is understood that some native grasses and forbs sometimes require 2-5 years to become established in a planting, and thus overall coverage will be the dominant criteria, not species assemblage. An area will be considered satisfactory if it meets the following criteria:
 - 1) A minimum of 80 percent intended vegetative cover (noxious weeds and undesirable non-native species will not be considered to be intended vegetation);
 - 2) Not more than 10 percent of the seeded area with bare spots larger than 1 square foot; and
 - 3) Vegetation in healthy condition.

3.3 TREE AND SHRUB PLANTING

- A. Installation of potted stock shall be in accordance with the Standard Specification, described herein, and as directed by the Owner's Representative.
- B. Trees and in zone 1 shall be planted at an average spacing of 20 ft. Trees shall be set back from the top of the riprap by a minimum of 6 ft. Shrubs shall be planted at an average spacing of 8 ft. Trees and shrubs shall be installed in random patterns; they shall not be planted in straight rows.
- C. Trees and shrubs in planting zone 2 shall be planted at a density that will create a park-like or savanna setting. Additional trees and shrubs will be concentrated near the wetland outlet channel.
- D. Tree shall not be planted in any pipeline easement corridor.
- E. Planting hole size: Minimum excavated planting hole size for potted plants shall be as directed by the Owner's Representative. The depth of the hole shall conform to MNDOT 2571.3
- F. Subsurface conditions: The Owner shall be notified immediately of all subsurface drainage or soil conditions which the Contractor shall consider detrimental to growth or survival of plant material. Contractor shall state condition and submit proposal for correction, including the cost of the correction. No work shall be performed on the affected portion until approval of the correction method is obtained from the Owner in writing.
- G. Small cuts may be made in the coir fabric to allow for plant installation. Cuts shall be a single slit no longer than 12 inches and parallel to the river bank and shall be sealed with stakes, sewing or other means as approved by the Owner's Representative.

H. Irrigation:

1. Immediately prior to and following the installation of all woody plants, all soil that contacts the woody plants shall be thoroughly watered with 0.15 gallons per square foot. Irrigation of plants

shall otherwise be in accordance with MNDOT 2571 and the requirements of these Specifications.

I. Tree and shrub protection:

- 1. Potted shrubs and trees: Al shrubs and trees shall be protected from animal damage including rodents, deer browsing and antler damage according to MNDOT 2571.
- 2. Protection shall include hardwire cloth sufficient to prevent deer antler damage.
- 3. Protection must be held in place for the duration of the guarantee period unless directed in writing by the Owner. Upon final acceptance of the project by the Owner, all plant protection shall be removed.

J. Quality Control and Assurance

- 1. The contractor shall provide all equipment, labor, materials, and technical expertise to install, maintain and irrigate site plantings through the completion of the project, demobilization, and for a minimum 3-year period.
- 2. Minimum guarantee requirements:
 - a. Tree and Shrub guarantee: The Contractor shall replace all potted plants judged by the Owner, within 1, 2 and 3 years of the Final Completion Date, to be dead or in less than vigorous health. Plant replacements shall be of the same species, quality and size as originally installed, or with substitutes pre-approved in writing by the Owner. Replanting shall be performed at the Contractor's expense.
 - b. Replanting shall be conducted according to the original planting specifications.
 - c. The Owner will conduct inspections at 1, 2 and 3 year dates following Final Completion Date, and will notify Contractor of plants needing replacement.
 - d. Replanting must be conducted within 30 days of notification during acceptable planting period (March-July, October-November). Deviations from this plan must be preapproved in writing by the Owner.

END OF SECTION 32 90 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:

Paul Ardison

PROJECT DESCRIPTION: To allow grading, excavating and filling of 47.7 cubic yards of material in the shore impact zone in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Emily. Property is located at Lot 1, Selly Bay Estates, Section 26, Kasota Township.

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

DEFINITION:

SHORE IMPACT ZONE - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

ZONING ORDINANCE SECTIONS: Section 13, Subdivision 13.2, Section 18, Section 19

GOALS & POLICIES:

Goal 3: Improve water quality in Le Sueur County.

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

SITE INFORMATION

LOCATION:

Lot 1, Selly Bay Estates, (2.46 acres), Section 26, Kasota Township

ZONING:

Recreational Residential "RR"

GENERAL SITE

DESCRIPTION:

Existing platted subdivision

ACCESS:

Existing

EXISTING LAND USE WITHIN 1/4 MILE:

North: Lake Emily/Residential

East: Lake Emily

South: Ag/Residential

West: Ag

BACKGROUND INFORMATION

The applicant is requesting to grade, fill, or excavate approximately 47.7 cubic yards of material to allow for a walking path, steps, and retaining wall on his property. Erosion control methods will be installed prior to commencing the project. See applicant's narrative for more details.

TOWNSHIP BOARD NOTIFICATION

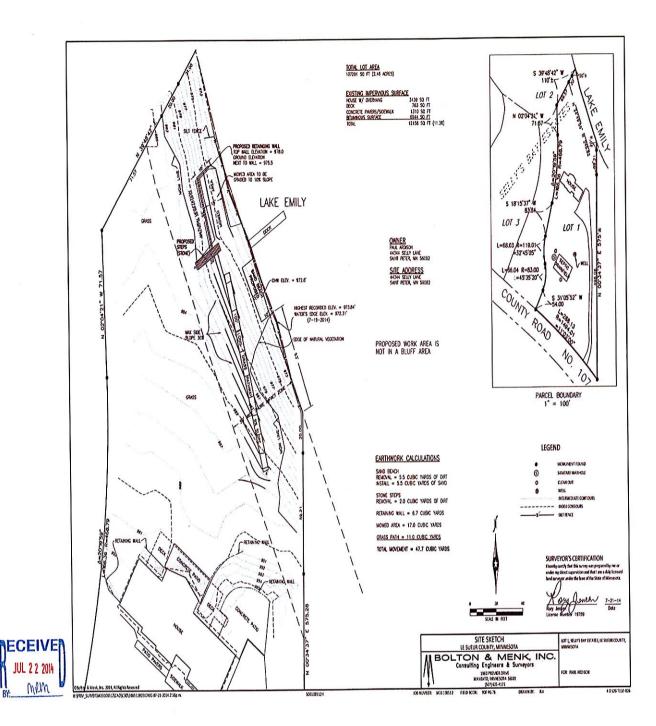
Applicant contacted Joe Kienlen, Kasota Township Board member on June 16, 2014.

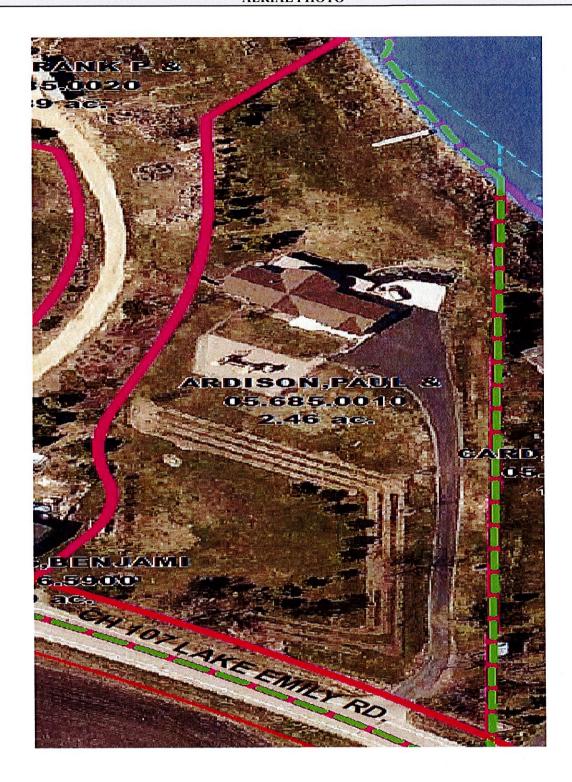
NATURAL RESOURCES INFORMATION

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

construction company is proposed.





ATTACHMENTS

Narrative, site plans, letters from Lauren Klement, LSC Resource Specialist, Jim & Amy Card, Frank & Diane Selly, DNR

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. 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.
 - 5. Relationship to County plans.
 - 6. The geographical area involved.
 - 7. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
 - 8. The character of the surrounding area.
 - 9. The demonstrated need for such use.
 - 10. 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.
 - 11. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
 - 12. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
 - 13. Abatement of Environmental Hazards as regulated in this Ordinance
 - 14. 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.)

- 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

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

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).

l.	Name Pauc ARAISON
	Mailing Address 44344 SELLY CV.
	City ST. PETER State MN. Zip 5608Z
	Phone # 507-93/- 5329 Phone # 507-479-0694
II.	Landowner.
	Name PAUL ARDISON
	Mailing Address 44344 SELLY CV.
	City ST, PETER State MAr Zip 5608Z
	Property Address 44344 Sercy Cut
	City ST. PETER State MAR Zip 5608Z
	Phone # 507-931-5329 Phone # 507-479-0694
III.	Parcel Information:
	Parcel Number RO5. 685, 0010 Parcel Acreage 2, 46 ac.
	Attach Full Legal Description (NOT abbreviated description from tax statement)
	Township RASOTA Section
	Subdivision SECU BAY ESTATES Lot OO/ Block
IV.	Township Notification: Township must be notified of proposed use prior to application.
	CASOTA .
	Township notified on 6/16/14
	(Township Name) (Date)
	Board Member
	(Name)

V. Quantities and Submittal Formats:

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

Conditional Use Permit Filing Fee 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	VI.	Fees: Must be paid at the time of application.
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: Cubic yards of material yards of material movement: Cubic yards of material movement: Cubic yards of mate		
Non-Shoreland Within Bluff Impact Zone Cubic yards of material movement: Cubic yards of materi		Special Meeting \$ 2,000
Within Bluff Impact Zone	VII.	Type of Request: Grading, Excavating or Filling.
Within Bluff Impact Zone		☐ Within Bluff Impact Zone Cubic yards of material movement: ☐ Within Bluff Cubic yards of material movement:
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: No The proposed Conditional Use Permit. 2. ADVERSE IMPACT ON SURROUNDING AREAS: NO ALL MEAST TO BE SEED & COVERED A. ADVERSE IMPACT ON SURROUNDING AREAS: NO ALL MILLS AND ALL MEAST OF PROPERTY. 3. STORMWATER RUNOFF: No There will be not all Mills and To take with a strong of provided to the proposed to the provided of the provide		✓ Within Shore Impact Zone ☐ Within Bluff
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8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) IX. Site Plan: Shall include but not limited to the following: Parcels < 5 AC = 2-foot contours depicting existing and proposed topography. Parcels 5-20 AC = 5-foot contours depicting existing and proposed topography. Parcels >20 AC = 10-foot contours depicting existing and proposed topography. Location of grading, excavating, and/or filling sites. Location of areas for obtaining fill or disposing of excavated materials. Tree inventory of all trees, indicating trees to be cut or removed. (Caliper of 6 inches or greater measured 4.5 feet from ground level). North point Setbacks River Proposed Structures Well Property Lines Wetland Lot Dimensions Road Right-Of-Way Stream Ponds		5. WETLAND IMPACT: NO There is no wetland
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		Landscape, screening and buπering 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 Distircts)
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI.	Attachments:	Shall	include	but	not	limited	to:
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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.
Д 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 finings and recommendations of the Planning Commission to the County Board for final decision.

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

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

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

(no	
XIII. Signatures:	
hereby celtify with my signature that all data contained here	rein as well as all supporting data are true and
Teel led	6/16/14
Applicant signature	Date
hereby certify with my signature that all data contained here	rein as well as all supporting data are true and
follow	6/16/14
Property Owner signature	Date

3

COLUMN TWO AVAITING OF THE INC	
Request: GRADING, EXCAVATING & 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 Within Shore Impact Zone Within Bluff Impact Zone Within Bluff Cubic yards of material movement:	3-14
TOTAL cubic yards of material movement:	
Pre-App Date 17-14 Lake Classification 20 Feedlot Wetland Type Water courses Bluff Pre-App Date 17-14 Lake Emily Wetland Type Water courses Bluff Pre-App Date 17-14 Lake Emily Wetland Type Water courses Bluff	sidu
Request Description Access Approval Septic Comp Insp / Design	
Site Plan Erosion Control Plan Meeting Reg / ATF / Spec	le-12-1
Full Legal	
Ordinance	

Application Complete Michael R Matter 8-13-14 14/10/ - Permittee

Planning & Zoning Department Signature Date Permit # (-65446)

14/10/ The complete application - Letter Sent 10-19-14 (14/102)

mn Lic Enginer

JUN 17 2014 BY: MRM

REPE = 976.84

CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING

88 SOUTH PARK AVENUE

LE CENTER MN 56057
Direct Dial (507) 357-8538 Fax (507) 357-8541 Mankato (507) 388-5302 St. Peter (507) 931-5751 Metro (952) 445-7543

	ION DATE:		\mathbf{PE}	RMIT NUMBE		FEE: \$796.00
	LING DATI					ON-REFUNDABLE**
APPLICAN	T: PAUL ARD	ISON		PROPERTY O		
ADDRESS:	44.44 SELI	Y LN		ADDRESS:	44344 SELLY LN	
CITY:	ST PETER			CITY:	ST PETER	
STATE:	MN	ZIP:	56082	STATE:	MN	ZIP: 56082
PHONE:	507-931-53	29		PHONE:	507-479-0694	
PARCEL NO	05 685 0010		CDLLVIN	r car board	mouniquin.	KASOTA
SEC:	26	911: ⁴⁴³⁴⁴		AY ESTATES	TOWNSHIP:	
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RANGE:	26	LOT:	1		FEMA PANEL	#: 27079C0245D
QTR/QTR:		BLOCK: ROAD:	CR-LK EN	MIT.	FLOOD ZONE	: X OUTSIDE
I (We), the un	dersigned, owne	er(s) and or app	olicant(s) of	the property descri	bed herein, do herel	by respectfully
	Honorable Bodie llowing facts are		onditional	Ose Permit, as nere	inafter designated, a	and in support
			dition~	l Use Permit.		
					OXIMATELY 47.7 C	UBIC YARDS OF
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2.) Rea	son for App	roval or D	enial of	Request as Lis	ted in Finding	s.
3) Sn	ecial Condi	tions of Co	ndition	ıl Use Permit.		
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	DOADD (OF COMMISS	HONERS			

The following letter details the landscape project for Paul Ardison at 44344 Selly Lane, St Peter, MN. This project does fall within the shore land impact zone; therefore we are applying for a CUP. This landscape project does not require DNR approval, but Gary Bennett with the DNR has been notified and has approved project.

Silt fence to be installed along shoreline prior to start of project. The entire landscape project will be completed out of the bluff zone and no trees or shrubs will be removed during project. All disturbed areas will be seeded into lawn with a sun tolerant seed mix of bluegrass and perennial ryegrass. Seeded areas will be covered with straw type erosion mat and pinned in place.

A 4' wide by 100' long grass walking path will be created down to lake with a 9% grade. Upper and lower side slopes will be at a 15% grade with material movement of // cubic yards total. Sand beach installation to be 30' by 10' and 6" deep. 5.5 cubic yards of soil will be removed and replaced with 5.5 yards of sand in this area.

Cut fieldstone boulder steps will be 3-4' wide and will be installed up slope with a total of two cubic yards of material moved. Steps will be simply hand dug into slope with very minimal soil disturbance.

A level area 15' by 35' will be created at bottom of pathway with 17 cubic yards of material movement. No soil will be hauled in or removed to create level area.

A natural stone retaining wall will be built above level area. Approximately 45' long by 4' high. Wall to have 4 ounce felt type fabric between stone and back fill material. 6.7 cubic yards of soil will be moved for this area.

Equipment to be used on project includes a rubber tracked skid loader and mini excavator. Sand for beach area will be dumped in beach area with small truck.

All grading, seeding, and sand beach creation will be completed in one 12 hour work day. Stone step installation will be completed in one 12 hour work day.

A total of 47.7 cubic yards of material will be moved for this project. Any soils not suitable or needed for project will be hauled to SMC Compost Site.

Slope stability will not be compromised during or after this project. All exposed soils will be reseeded and covered with erosion mat as described above.

Thank You,

Jim Thomas



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: PAUL ARA-180N PID:
Mailing Address: 44344 SEZCU LANE ST. PETER NW 56082
Property Address: 44344 SERCY CANE ST. PETER, MH \$6082
Property Address: 44344 SERCY CAME ST. PETER, MH \$6082 Phone: (507) 931-5329 Mobile/Cell: (507) 479-0694
Λ_{α} , Λ_{α} , Λ_{α}
Responsible party for Implementation/Inspection: PARL ARDISON
Address: 44344 SERCY CN. ST. PETER, MN. 5608Z
Phone: (507) 931-5329 Mobile/Cell: (507) 479-0694

Erosion & Sediment Control Measures

M.

M

- 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)

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



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

August 25, 2014

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

From: Lauren Klement, Environmental Resources Specialist

Applicant: Paul Ardison

Property owner: Paul Ardison

Property: Lot 1, Selly Bay Estates, Section 26, Kasota Twp

Description: Request for a CUP to allow grading, excavating and filling of 47.7 cubic yards of material for the shoreland projects described in the application. This project is made up of five sub-projects: create an area for a sand beach excavated into the shoreline; 4'x100 ft grass walking path; stone steps; a leveled area; boulder retaining wall.

Discussion: From a shoreland perspective, this is altering quite a bit of the shoreline. The ordinance does not provide for this much activity in the shoreland impact zone. My concern is that there is no mention of native vegetation that the ordinance states is required. The retaining wall is not screened by native plants or shrubs. This shoreline is void of trees or shrubs from the aerial map on ArcMap. I do not know when the clearing occurred or by whom. When permits are applied for, this is the time to make corrections.

Recommendation: As it is, I feel that this application should be denied as it is altering too much of the shoreline. If approved, an approved a vegetation plan that included approved native plants (grasses and shrubs) should be included in this application.

To whom it may concern,

Paul and Cindy Ardison have contacted us about their proposed yard project and we have no objections to this project.

If you have any questions, please contact us at the information below.

Jim and Amy Card

32886 Lake Emily Rd

St. Peter, MN 56082

507-934-5010



Date: 6-15-2014

To: Whom May Concern

From: Frank and Diane Selly 32928 Lake Emily Road St. Peter, MN 56082 507-382-9337

Re: Paul and Cindy Ardison Proposed Landscape Project

On 6-15-2014, I reviewed the proposed plan with Paul Ardison. Our property adjoins Ardisons property to the west. Paul explained in detail what their proposed plan is. His plan would certainly make that lot useful for recreation, as it is extremely sloped. We have no concerns with his project, and we are in favor of it.





Store Address: 19922 State Hwy 22 Mankato, MN 56001 Mailing Address: 58192 191st Ln. Mankato, MN 56001

(507) 625-4960

fax: (507) 625-5043

Lauren Klement Le Sueur County Environmental Services 88 South Park Ave. Le Center, MN 56057

May 8, 2014

Dear Lauren, here is the work description for the Paul Ardison property at 44344 Selly Lane.

Work Description:

- Install 10 cubic yards of washed sand along shoreline as per plan.
- Install approximately 12 tons of fieldstone boulders in three separate areas with landscape fabric under boulders.
- Level two areas as per plan.
- Install approximately 18 3'-4' wide natural stone steps up slope to new proposed new patio.
- Install 20' diameter paverstone patio above bluff line.
- All areas disturbed will be seeded into grass and will be covered with erosion fiber matting and staked down.
- Silt fencing will be installed prior to project start.

Sincerely,

Jim Thomas

Mettler, Michelle

From:

Bennett, Garry (DNR) [garry.bennett@state.mn.us]

Sent:

Friday, June 13, 2014 9:59 AM

To:

Mettler, Michelle

Subject:

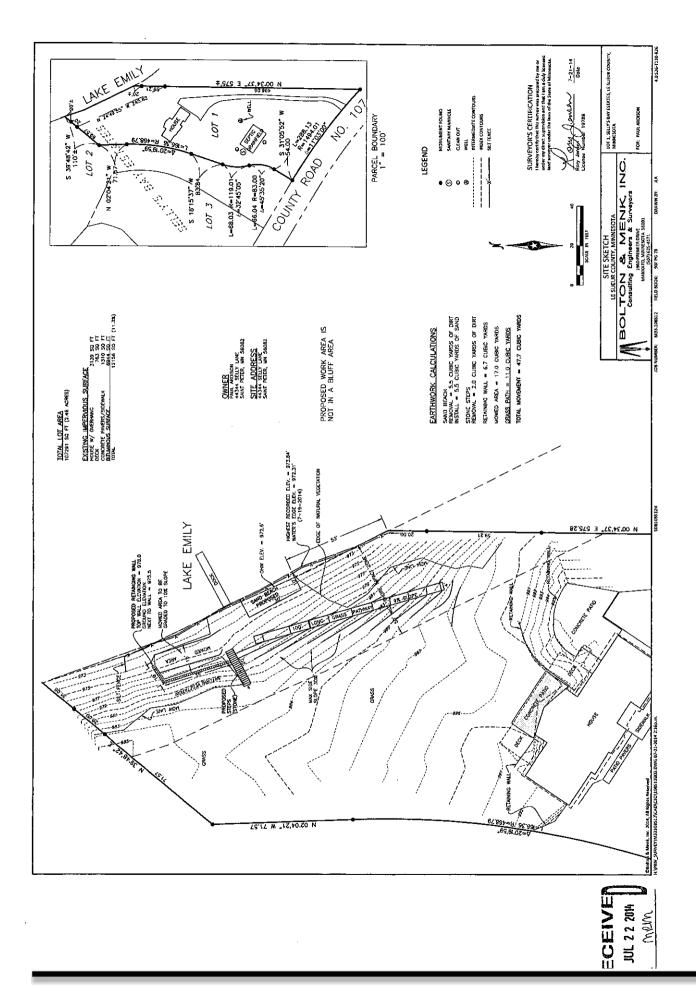
Shoreland Project, Lake Emily

Michele,

Please be aware that I had a conversation with Paul regarding his shoreland project on June 12, 2014. Based on this conversation, it is my understanding that the majority of the work will take place above the ordinary high water level of Lake Emily, with the exception of the beach sand blanket. Sand blankets are generally allowable without a permit from the Department of Natural Resources, provided the placement of sand does not include the need to install a filter fabric, the sand does not cover emergent vegetation, the lakebed is capable of supporting the sand (i.e. not mucky or boggy), the width of the blanket does not exceed 50 feet, and the depth of sand is not greater than six inches. It is my understanding these conditions can and will be met by this project. Therefore, a DNR public waters permit would not be required.

Regards,

Garry M. Bennett Area Hydrologist DNR Ecological & Water Resources 20596 Highway 7 Hutchinson, MN 55350 (320) 234-2550, ext. 230



STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Eric & Diana Lomen

911 ADDRESS:

50452 Sunset LN, Waterville

PROJECT DESCRIPTION: To allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township

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

ZONING ORDINANCE SECTIONS: Section 13, Subdivision 13.2, Section 18 & 19

GOALS & POLICIES:

Goal 3: Improve water quality in Le Sueur County.

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

SITE INFORMATION

LOCATION:

Govt. Lot 2, Section 28, Waterville Township

ZONING:

Recreational Residential

GENERAL SITE

DESCRIPTION:

Shoreland, residential

ACCESS:

Existing driveway off the new Sunset Lane.

EXISTING LAND USE WITHIN 1/4 MILE:

North:

Lake Tetonka

Residential/Ag/wetland East:

South: Ag/type 1 wetland West: Residential/wooded

BACKGROUND INFORMATION

In order to construct a tuck-under detached garage on his property, the applicant is requesting to grade, excavate or fill approximately 693 cubic yards of material on his property. Due to the reconstruction of County Road 14, and the elimination of Bayfield Lane, the applicant would like to construct the garage at this location in order to screen his seasonal cabin from traffic lights and dust.

TOWNSHIP BOARD NOTIFICATION

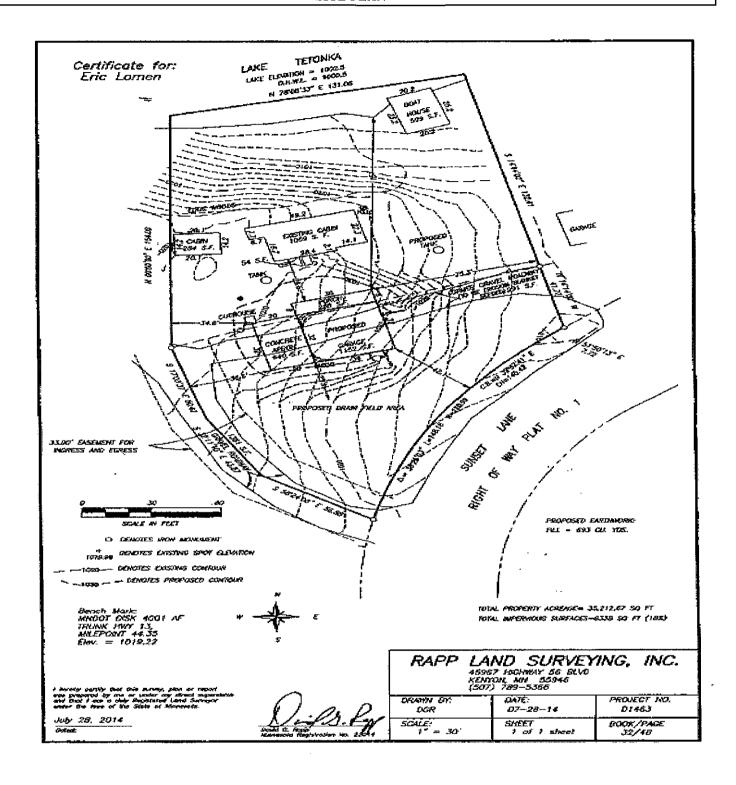
The applicant contacted Fritz Cummins & Al Gehrke of the Waterville Township Board on July 16, 2014.

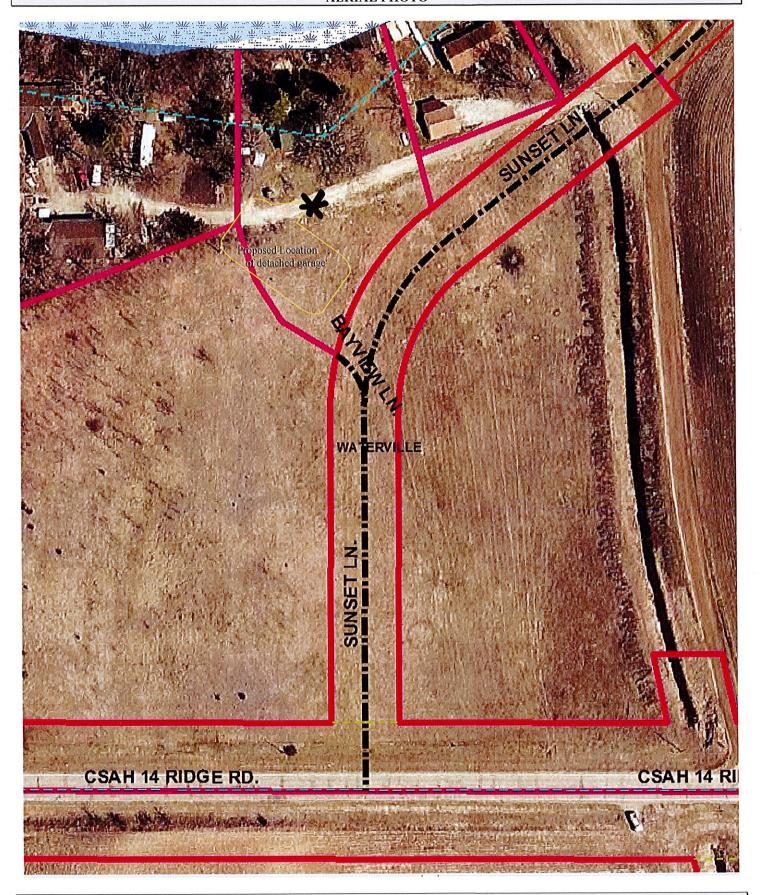
NATURAL RESOURCES INFORMATION

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.





ATTACHMENTS

Narrative, survey, detached garage plans, Letter from Lauren Klement, LSC Resource Specialist

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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.)

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. 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.
 - 5. Relationship to County plans.
 - 6. The geographical area involved.
 - Whether such use will negatively affect surrounding properties in the area in which it is proposed.
 - 8. The character of the surrounding area.
 - 9. The demonstrated need for such use.
 - 10. 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.
 - 11. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
 - 12. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
 - 13. Abatement of Environmental Hazards as regulated in this Ordinance
 - 14. 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

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

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA PERMIT # 14146

Applicant/Owner: ERIC & DIANA LOMEN

Date: 09-11-14

Conditional Use Permit Request:, allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township

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

- 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.
- Adequate utilities, access roads, drainage and other facilities have been or are being provided.

μ

- Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 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.

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DATE: If all answers are ""YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will main the goals of safety, health and the general welfare of the public. APPROVED: COUNTY BOARD MEETING DATE: DENIED PZ CHAIRPERSON

Le Sueur County

Conditional Use Application-Grading, Excavating & Filling

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

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

1.	Nar Mai City	teant: EVIC & DIANA LOMEN ling Address 1216 Schoffer Ne State MN Zip 55/16 one #65/ 698 5280 Phone # 612 280 35/7
II.	Nar Mai City	owner: Same
		perty Address 50452 SUNSET LANE WATERNILE State MN Zip 56096 Phone #
111.	Att:	rcel Number 14.028.2600 Parcel Acreage 0.81 such Full Legal Description (NOT abbreviated description from tax statement) Township Wata/VILU Section 28 Subdivision Lot 2 Block
IV.	W	Township notified on 7/16/2014 (Township Name) Township notified on 7/16/2014 (Date) Township Name) Township notified on 7/16/2014 (Date) Township Name) Township notified on 7/16/2014 (Date) Township Name) Township notified on 7/16/2014 (Date)
٧.	Qua	ntities and Submittal Formats:
	a.	One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
	b.	Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than $8.5" \times 11"$ in size.
	C.	Electronic version of any supporting documents if available.
	C.	Additional copies may be requested as deemed necessary by the Department.
	d.	Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
	e.	Appointment is necessary.
	f.	Applications will not be accepted by mail.

nien

	Conditional Use Permit \$ 750 After-The-Fact fee is doubled. Filing Fee \$ 46
	Additional Fees: Special Meeting \$ 2,000 After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater
VII.	Type of Request: Grading, Excavating or Filling.
	□ Non-Shoreland □ Within Bluff Impact Zone □ Within Bluff □ Within Bluff □ TOTAL cubic yards of material movement:
•	Shoreland-Outside Shore Impact Zone Within Shore Impact Zone Within Bluff Impact Zone Cubic yards of material movement: TOTAL cubic yards of material movement:
	☐ 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.
14	b. Complete the following in relationship to the proposed Conditional Use Permit. 1. ENVIRONMENTAL IMPACT: WILL BY MIMMA 2. ADVERSE IMPACT ON SURROUNDING AREAS: This Should Improve the Surroundi 3. STORMWATER RUNOFF: This will control prount erosion 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: NO 5. WETLAND IMPACT: None 6. SLOPE STABILITY: This will help stab alize the green Support. 7. CERTIFICATE OF INSURANCE: NR 8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes it does.
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 • Access (size & location)
	Property Lines

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

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

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

XI. Attachments: Shall include but not limi	ited	te	0:
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	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.
\sqcap	d.	Access approval-Attach approval in writing from proper road authority.
	e.	The state of the s
	f.	Septic System Compliance Inspection
	g.	Erosion Control Plan-Attach completed and signed plan including map.
靣	h.	The state of the s
	i.	Approved Stormwater Pollution Prevention Plan Must meet NPDFS 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 finings and recommendations of the Planning Commission to the County Board for final decision.

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

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

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

XIII. Signatures:

I hereby certify with my signature that all data cont correct to the best of my knowledge.	tained herein as well as all supporting data are true and
Applicant signature	Date
I hereby certify with my signature that all data con correct to the best of my knowledge.	tained herein as well as all supporting data are true and
Property Owner signature	Date '

OFFICE USE ONLY Request: GRADING, EXCAVATING & FILLING Cubic yards of material movement: ___ □ Non-Shoreland Cubic yards of material movement: ☐ Within Bluff Impact Zone Cubic yards of material movement: _ ☐ Within Bluff TOTAL cubic yards of material movement: _ Shoreland - Outside Shore Impact Zone Cubic yards of material movement: ___ Cubic yards of material movement: ☐ Within Shore Impact Zone Cubic yards of material movement: ☐ Within Bluff Impact Zone Cubic yards of material movement: ☐ Within Bluff TOTAL cubic yards of material movement: 500' 1000' N Feedlot Pre-App Date 7-29-14 Lake Classification 1-2 Wetland Type Meeting Date G - 11-Lake Water courses FEMA Panel # 27079C0 _ 60 Day _____ Zoning District Bluff Flood Zone X-outside Comp Insp / Design , ☑ Septic - Access Approval Request Description (Reg / ATF / Spec , DErosion Control Plan | □ Meeting Site Plan Fee Full Legal □ Penalty ☐ Other _____ ☑ Ordinance



Application Complete _

CONDITIONAL USE PERMIT

LE SUEUR COUNTY PLANNING AND ZONING 88 SOUTH PARK AVENUE

LE CENTER MN 56057
Direct Dial (507) 357-8538 Fax (507) 357-8541

St. Peter (507) 931-5751 Metro (952) 445-7543 Mankato (507) 388-5302

APPLICAT			\mathbf{PE}	RMIT NUMB		FEE: \$796.00 ON-REFUNDABLE**
60 DAY RU				DD ODEDWY (EDIO 6 D	IANA LOMEN
APPLICAN				PROPERTY (50452 SUNSET L	
ADDRESS:	ST PAUL	FFER AVE		ADDRESS: CITY:	WATERVILLE	
CITY: STATE:	MN	ZIP:	55116	STATE:	MN	ZIP: 56096
PHONE:	651-698-528		00110	PHONE:	612-280-3517	211.
THORE.				11101121	1	
PARCEL NO	14.028.2600	911: 50452	SUNSET I	LN WATERVILLE	TOWNSHIP:	WATERVILLE
SEC:	28	SUBDIV:			ZONE:	RR
TWP:	109	LOT:	NA		FEMA PANEL	#• 27079C0430D
RANGE:	23	BLOCK:	NA			
QTR/QTR:	PT GOV	ROAD:	PVT		FLOOD ZONE	: X00131DE
I (We), the undersigned, owner(s) and or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Conditional Use Permit, as hereinafter designated, and in support thereof, the following facts are presented: 1.) Reason for Requested Conditional Use Permit. TO ALLOW GRADING EXCAVATING & FILLING OF APPROXIMATELY 693 CUBIC YARDS OF MATERIAL FOR THE CONSTRUCTION OF A DETACHED GARAGE.						
2.) Rea	son for App	proval or L	Penial of	Request as Li	sted in Finding	s.
				al Use Permit.	E SUBMITTED PRIC	OR TO ISSUANCE
OF	ZONINGPER	MITS. ADDI'	FIONAL CC	ONDITIONS AS ST	CATED IN RECORD.	nt 10 lbbc/htch
	Hr.				7-2	9-14
APPLICANT/PROPERTY OWNER DATE					E	
mich lle 2 mittle					7-29	-14
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY DATE						
PUBLIC H	IEARING D	OATE:	9/11/2	2014	ACTION:	
AS WR	ITTEN			-	WITH COND	DITIONS
COUNTY	BOARD DA	ATE:			ACTION:	
AS WR	ITTEN				WITH COND	ITIONS
	CHAIRMA	N, LE SUEU	R COUNTY	Y	D	ATE
	PLANNING A	AND ZONING	COMMIS	910N		
		N, LE SUEU		Ĭ	D	ATE

I wish to build a garage at my house on Lake Tetonka near Waterville.

My lot has quite a bit of slope to it. We intend to excavate and retain approximately 693 cubic yards of fill. An area needs to be dug out for a foundation and some dirt will need to be retained between the garage and the house and between the garage and the road.

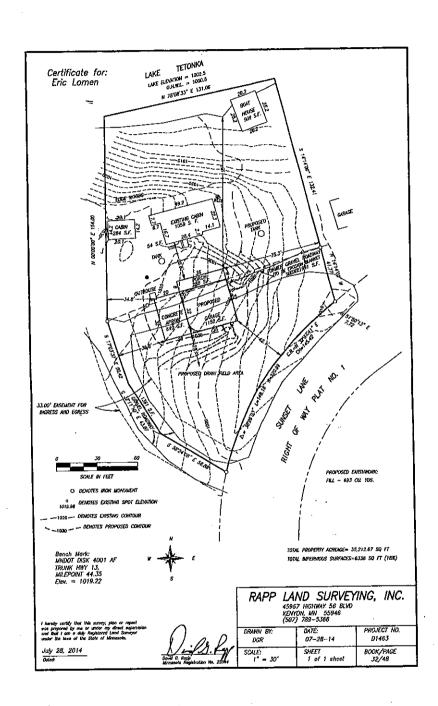
The excavating contractor will use an excavator or a backhoe. The landscaper will use a bobcat, front-end loader and a dump truck. This work will all be done by licensed contracting and performed according to all applicable county, state, and federal legislation.

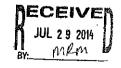
This project will not cause any environmental impact or adverse impact on the surrounding areas. In fact it will help stabilize a slope that is presently subject to erosion. It will also enable us to improve and upgrade our present on-site sewage system.

Thank you for your consideration.

Eric Lomen







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: Eric Lomen	PID: 14.028.2600
Mailing Address: 1216 Schoffen Ave, 5	T Pauc Ma 55116
Property Address: 50452 Sunfit L	Cell: (6/2) 280 3517
. none.(-)1	_ /
Responsible party for Implementation/Inspection:	ric Lompn
Address: Same Mobile/	(Cell:()
Phone: () Sq Me Mobile/	<u> </u>

Erosion & Sediment Control Measures

- Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and
 protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is
 the best and most cost-effective erosion control practice).
- 2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
- Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
- 4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
- 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.
- Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

CONSTRUCTION SITE WORK PROPOSAL

OWNER INFORMATION

Name

Eric Lomen

Address

16558 Bayview LN

City, State ZIP

Project name

Phone

Email

Waterville, MN 56096

City, State ZIP Phone

Name

Address

Email

Completion date

Tuck under garage and storage

CONTRACTOR INFORMATION

Company

River Street Nursery, Timms Excavating

Cory and Rod Culbert

721 River St

Waterville, MN 56096

507-271-3727

corv.culbert@gmail.com

SCOPE OF WORK

Construction of a 32' by 36' tuck under garage. River Street Nursery will begin by installing slit fence around construction limits on bottom side of slopes. Timms Trucking and Excavating will do rough grade work and excavate for foundation of building. Soil will be kept onsite for later use, and be protected from erosion with silt fence and erosion blanket if necessary. Old driveway will be removed and the new driveway on top will be used to approach new garage from west side of property. This new driveway was the result of last summer's road construction on Le Sueur County 14. Timms Trucking will bring in 80 yard's of granular fill for backfill around foundation and 20 yards of black dirt for finish site restoration and seeding. A retaining wall will be built between new storage building and house to help with existing steep slope. Old driveway will be removed, and replaced with black dirt. This area will be seeded and covered with erosion blanket. All disturbed areas will be seeded and mulched after construcion is complete.



COMPANY PROPOSAL

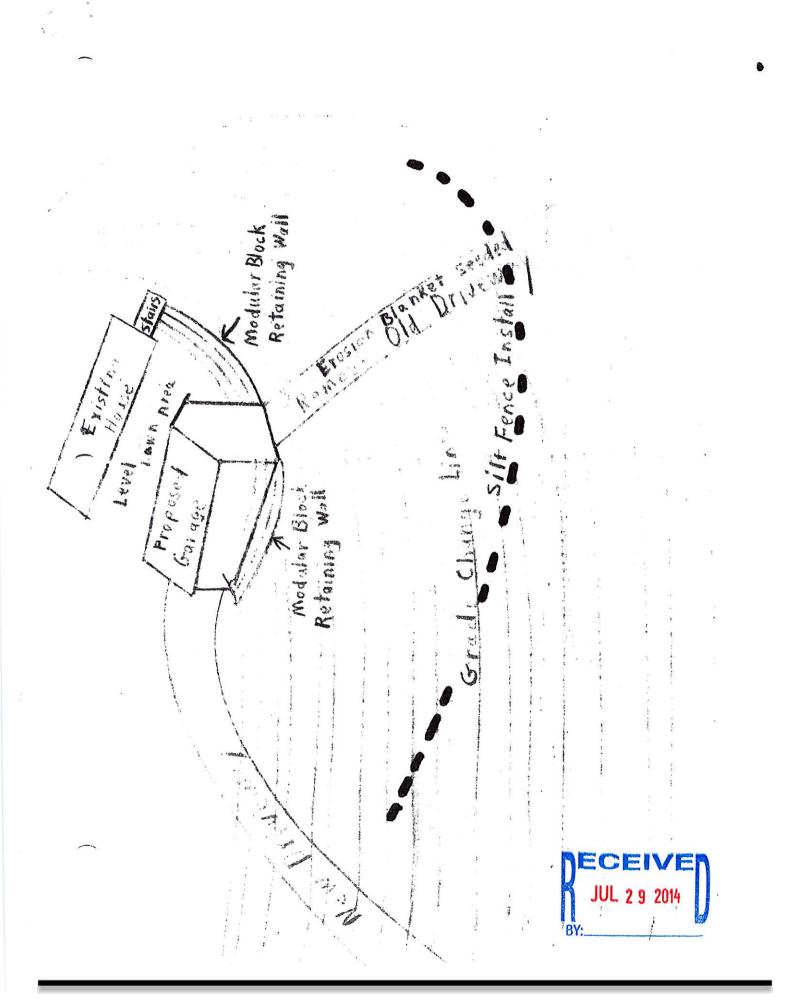
Excavation of site will be performed by Timms Trucking and Excavating, from Morristown, River Street Nursery LLC, from Waterville MN will perform erosion control, and site resoration.

Submitted by (Company Representative)

OWNER ACCEPTANCE

Sign here





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

August 25, 2014

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

From: Lauren Klement, Environmental Resources Specialist

Applicant: Eric and Diana Lomen

Property owner: Eric and Diana Lomen

Property: Government Lot 2, Section 28, Waterville Twp

Description: Request for a CUP to allow grading, excavating and filling of 693 cubic yards of material for the

building up a garage.

Discussion: I did not meet with the Lomens on this project. This project exceeds grading and filling by 643 cubic yards. I find that extreme in shoreland. Bringing in this much fill can cause runoff issues with neighbors. Runoff is not mentioned except with regards to the current slope of the land. I am working with landowners that currently have erosion issues from runoff from their neighbor's past grading and filling CUP's.

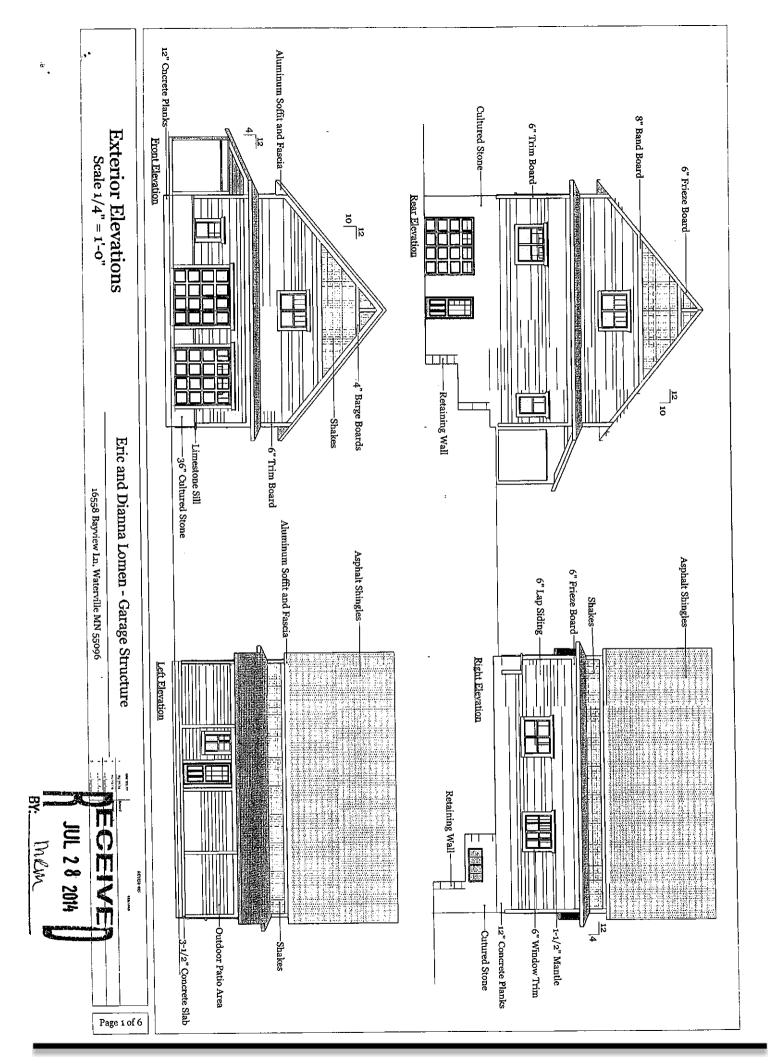
My questions are:

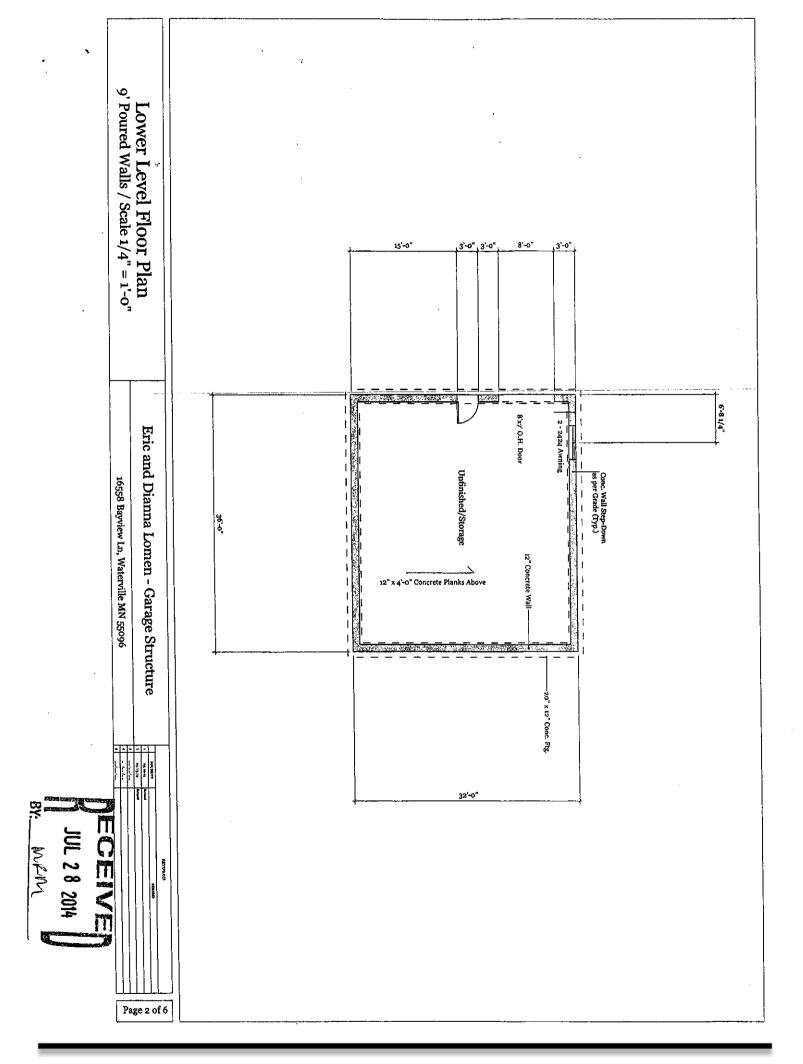
The application states that it improves the surroundings. I do not know exactly what this means.

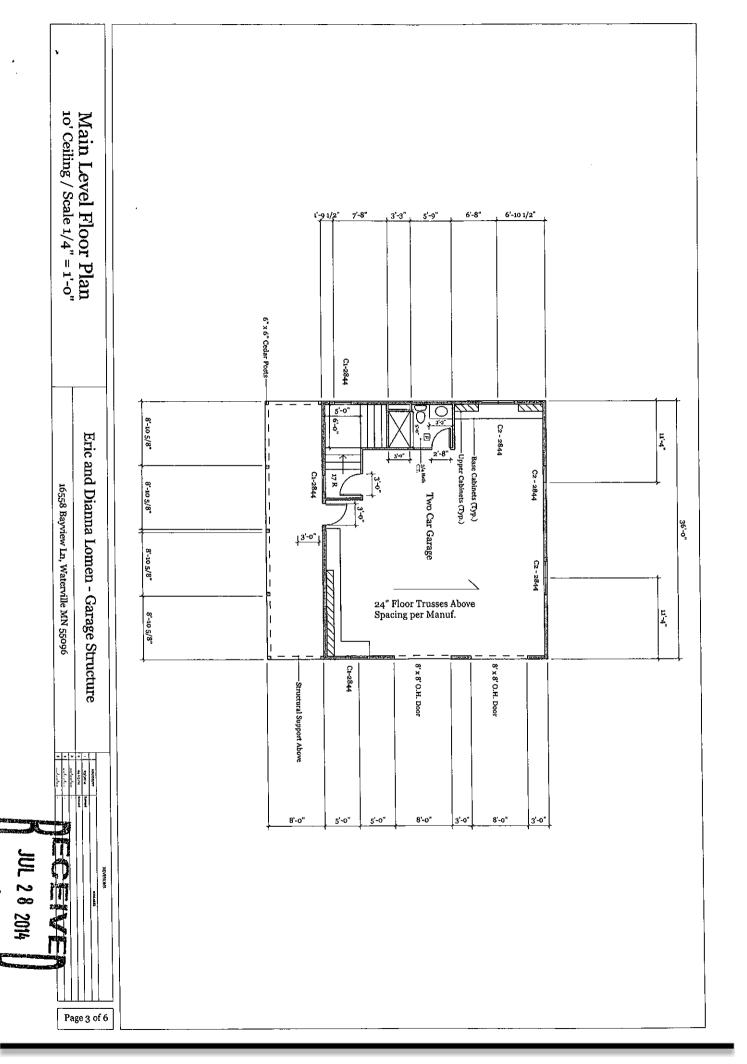
How is stormwater runoff going to be addressed?

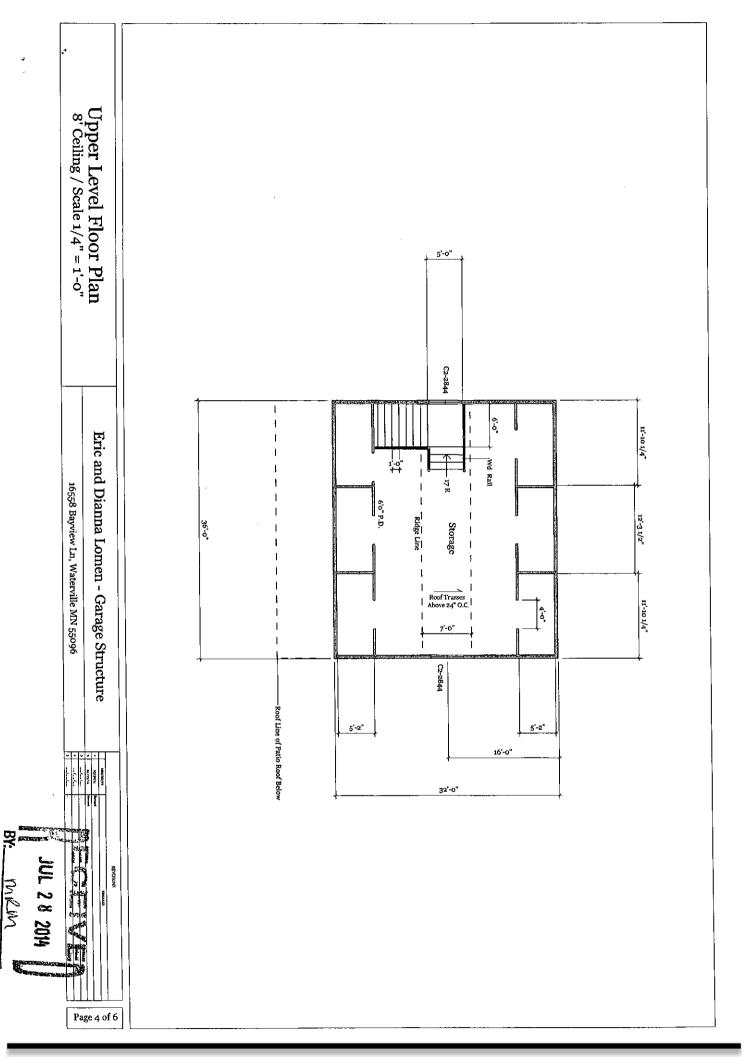
Is there a better site where less fill has to be brought in?

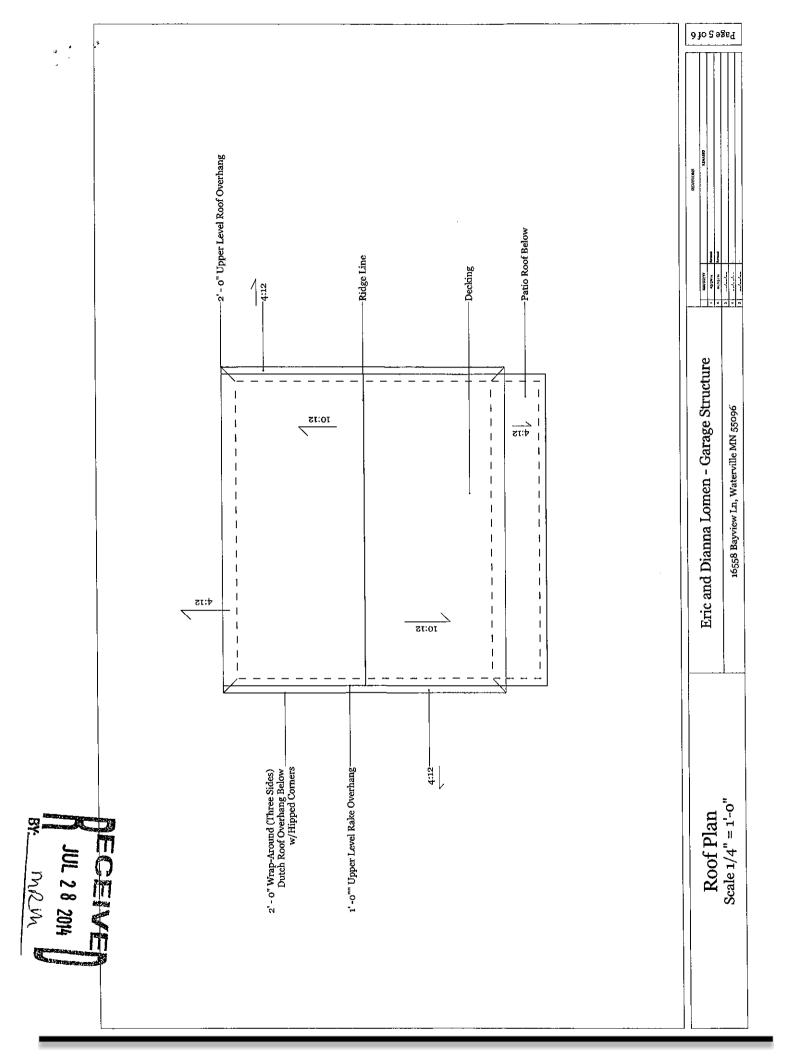
Recommendation: My position is to follow the ordinance as close as possible. This is extreme to me and by looking at the slope of the land; it will impact the neighbor's property with regards to runoff. I do not approve of this project. If approved, there should be a condition of the addition of gutters that direct water to an approved area where it can either be slowed down or retained.











LE SUEUR COUNTY PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 August 14. 2014

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Chuck Retka, Steve Olson, Doug Krenik, Al

Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Don Reak, Shirley Katzenmeyer,

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

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

ITEM #1: BARB & ALAN SCHWARTZ, LE SUEUR, MN (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing feedlot with the addition of a new structure (no increase in animal units) in an Agriculture "A" District. Property is located in the SE 1/4 SW 1/4, Section 9, Sharon Township.

Kathy Brockway presented power point presentation. Alan Schwartz was present for application.

TOWNSHIP: Notified per application process DNR: N/A LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: expansion of an existing registered feedlot with the addition of a structure, no increase in animal units, more manure storage, under the threshold of 500 AU, therefore applicant was not required to notify neighbors within 5000 ft., meets or exceeds all ordinance requirements, building was designed by an engineer, timeframe for construction September or October with a completion date of mid November.

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
- 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. <u>Agreed</u>
- 3. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. <u>Agreed</u>
- 4. 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

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

Motion was made by Al Gehrke to approve the minutes from the July 10, 2014 meeting. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Steve Olson. Seconded by Don Rynda. Motion approved. Motion carried. Meeting Adjourned.

Respectfully submitted, Kathy Brockway Acting Secretary for Shirley Katzenmeyer

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

Le Sueur County, MN

Thursday, September 11, 2014 Regular Session

Item General3

Approved Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION 88 SOUTH PARK AVE. LE CENTER, MINNESOTA 56057 September 11, 2014

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Steve Olson, Doug

Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Don Reak, Chuck Retka

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly, Wetzel, Rohlfing

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

ITEM #1: OMG MIDWEST DBA SMC, MANKATO MN (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow mineral extraction of 89 acres in Agriculture "A", Conservancy "C" & Special Protection "SP" District, on Shanaska Creek. Property is located in Sections 28 & 33, Kasota Township. *Application was tabled at the September 14, 2012 due to mandatory EAW*.

Kathy Brockway presented power point presentation. Terry Overn, representative for SMC and Nick Mc Cabe, Engineering Consultant, I & S Engineering were present for the application.

TOWNSHIP: Joe Kienlen, Kasota Township Board Member, township has a good working relationship with SMC, no problems with the proposal. DNR: N/A LETTERS: none

PUBLIC COMMENT: Debra Bauernfiend, questioned whether work would be done on State Hwy 22, safety concerns, left turns can be dangerous. Terry Overn responded that there is a turn lane off 22 to County Road 102.

Discussion was held regarding: Utilizing the existing accesses, mining below water table, would require permitting from the MPCA and DNR, no plans at this time, bond set by the county board, life expectancy of the pit, depends on the demand, hours of operation, environmental review.

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
- 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
- 3. Adequate utilities, access roads, drainage and other facilities are being provided <u>Agreed</u>
- 4. Adequate measures will be taken to provide sufficient off-street parking and loading space to serve. the proposed use. <u>Agreed</u>
- 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

Motion was made by Doug Krenik to approve the application as written with the condition that the hours of operation follow the zoning ordinance, and should the need arise to deviate from the hours, the applicant must notify the Department. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #2: GENESIS COOPERATIVE, LE SUEUR, MN, (APPLICANT\OWNER): Requests that the County rezone of 21.19 acres from an Agriculture "A" District to a General Industry "I" District. Property is located in the NE 1/4, Section 31, Lexington Township.

Don Rynda, removed himself from the discussion due to a conflict of interest with the application.

Kathy Brockway presented power point presentation. Chris Baker, Tim Griep and Bill Rynda were present for application.

LETTERS: None

PUBLIC COMMENT: none

Discussion was held regarding: business has been established at this site since the early 70's, Conditional Use Permit granted in 1978 that included bulk storage; rezoning the property brings the property into compliance.

Findings by majority roll call vote:

- 1. The proposal reflects and is consistent with the goals and polices of the Le Sueur County Land Use Plan. Agreed
- 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. Agreed
- 3. The proposal will not have an adverse effect on the value of adjacent properties. Agreed
- 4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. <u>Agreed</u>
- 5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. <u>Agreed</u>
- 6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. <u>Agreed</u>
- 7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. <u>Agreed</u>
- 8. Soil conditions are adequate to accommodate the proposal. Not applicable
- 9. The proposal will not create a potential pollution hazard. Not applicable
- 10. The proposal will not degrade the water quality of the County. Agreed
- 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. <u>Agreed</u>
- 12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. <u>Agreed</u>

Motion was made by Al Gehrke to approve the application as presented. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #3: ALLIANCE PIPELINE, EDEN PRAIRIE, MN, (APPLICANT); WAYNE TIMM, KASOTA, MN & UNIMIN MINNESOTA CORPORATION, LE SUEUR. MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 3400 cubic yards of material movement for a bank stabilization project in a Special Protection "SP" District on the Minnesota River, and also in a Mineral Resources "MR" Overlay District & Floodway "FW" Overlay District. Property is located in Sections 7, 12 & 18, Kasota Township.

Kathy Brockway presented power point presentation. Randy Phillips, Alliance Pipeline and Beth Wentzel, Inter-fluve were present for application.

TOWNSHIP: Joe Kienlen, Kasota Township Board, township has no issues with the proposal DNR: Working with the applicants on the project, permitting from the DNR is required. LETTERS Lauren Klement, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: construction timeframe, 1 month or less to complete the project, once all permits are in order, safety issues, halt erosion of the bank towards the 36" natural gas line, addressed Lauren Klement's concerns regarding native plantings, working with the Army Corp of Engineers, most of the work is going to be below the Original High Water level, therefore is not the County's jurisdiction, 1000 cubic yards of material outside shore impact zone, 2400 cubic yards of material within the shore impact zone, riprap placement, necessity of the project to protect the community and to protect infrastructure.

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
- 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
- 3. Adequate utilities, access roads, drainage and other facilities are being provided. Agreed
- 4. 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

Motion was made by Shirley Katzenmeyer to approve the application as written. Seconded by Don Rynda Motion approved. Motion carried.

ITEM #4: PAUL ARDISON, ST PETER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Emily. Property is located at Lot 1, Selly Bay Estates, Section 26, Kasota Township.

Kathy Brockway presented power point presentation. Paul Ardison, landowner and Jim Thomas contractor were present for application.

TOWNSHIP: Joe Kienlen, Kasota Township Board member, not part of the townships jurisdiction, however, the Ardison's did go over the proposal with the township prior to meeting. DNR: No comments LETTERS: Lauren Klement ,LSC Resource Specialist (see file), Jim and Amy Card, neighbors and Dianne Selly, neighbor, in favor of the proposal (see file).

PUBLIC COMMENT: none

Discussion was held regarding: access to lake would be safer and easier, unique piece of property, retaining wall will be screened by natural vegetation, no removal of vegetation that is existing, disturbance to the shoreline was due to natural causes, 2006 tornado, type of vegetation to be planted, path grass way, no other options for placement of stairways, all work to be done within the shore impact zone.

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
- 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. <u>Agreed</u>
- 3. Adequate utilities, access roads, drainage and other facilities are being provided. Agreed
- 4. 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. <u>Agreed</u>

Motion was made by Steve Olson to approve the application with the condition that a vegetation plan be developed and approved by Lauren Klement, Le Sueur County Resource Specialist. Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #5: ERIC & DIANA LOMEN, ST PAUL, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township.

Kathy Brockway presented power point presentation. Eric Lomen was present for application.

TOWNSHIP: no comments DNR: no comments LETTERS: no comments

PUBLIC COMMENT: none

Discussion was held regarding: addressed Lauren Klement's concerns, will be incorporating rain gardens and installation of gutters on his structure, placement of garage will help with the current erosion problem on the site, due to the relocation of the road, the new structure will help screen the headlights into his home, size of garage, bathroom facilities proposed in garage, lengthy discussion on placement of structure.

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 *
- 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
- 3. Adequate utilities, access roads, drainage and other facilities are being provided. Agreed*
- 4. 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

*(possible drainage issues for the neighbors)

Motion was made by Al Gehrke to approve the application with the condition that a plan to direct water to an area be developed and approved with Lauren Klement, Le Sueur County Resource Specialist. Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Doug Krenik to approve the minutes from the August14, 2014 meeting by Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. 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