



**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: MARCH 12, 2015

TIME: 7:00 PM

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

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

- ITEM #1 Planning Commission Notice of Public Hearing**
- ITEM #2 Planning & Zoning Commission Agenda**
- ITEM #3 Samuelson Packet**
- ITEM #4 Tupy Packet**
- ITEM #5 Lake Washington Improvement Association Packet**
- ITEM #6 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, March 12, 2015

Regular session

Item 1

Planning 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: MARCH 12, 2015

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 **MARCH 3, 2015**

ITEM #1: JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township.

ITEM #2: TIM & CHRISTINE TUPY, NEW PRAGUE, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, Lanesburgh Township.

ITEM #3: LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington 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, March 12, 2015

Regular session

Item 1

Planning & Zoning Commission Agenda

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: March 12, 2015

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M. **Ending Time:** Approx. 8:30 P. M.

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

AGENDA:

Meeting Called
to Order

ITEM #1: **JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township.

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DISCUSSION;

Ordinance revision workshop following public hearing.

MINUTES-WARRANTS

ADJOURN 8:30 P.M.

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



Le Sueur County, MN

Thursday, March 12, 2015

Regular session

Item 1

Samuelson Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: *JESSE & TAMMY SAMUELSON*

PROJECT DESCRIPTION: Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson.

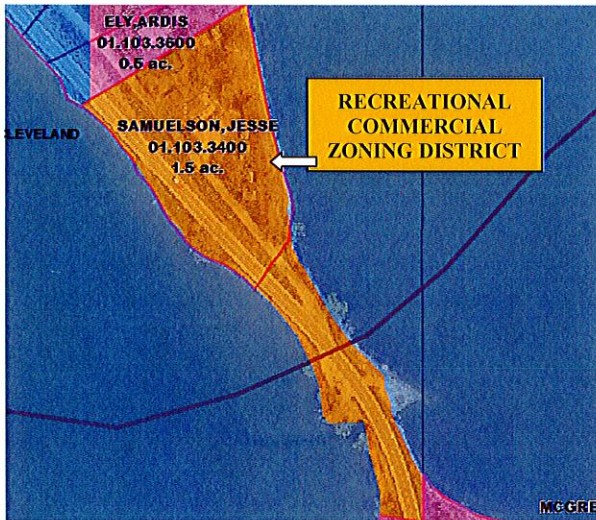
PROPERTY LOCATION: Government Lot 1, Section 3, Cleveland Township

SHORELAND DISTRICT DESCRIPTION: The intent of the **Recreational Commercial (RC) District** is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

LIQUOR STORE, OFF-SALE - A structure primarily used for the sale of alcoholic beverages.

ZONING ORDINANCE: SECTIONS 13, Subdivision 13.3, Section 19

ZONING MAP:



SITE INFORMATION

LOCATION: Government Lot 1, Section 3, Cleveland Township

ZONING: "RC" Recreational Commercial

GENERAL SITE DESCRIPTION: Existing Site-

ACCESS: Existing Access, See Co. Hwy approval

EXISTING LAND USE WITHIN ¼ MILE:

North: Residential/Ag
East: Lake (Middle Jeff)

South: Residential/Ag
West: Lake (West Jeff)

BACKGROUND INFORMATION

See Narrative

TOWNSHIP BOARD NOTIFICATION

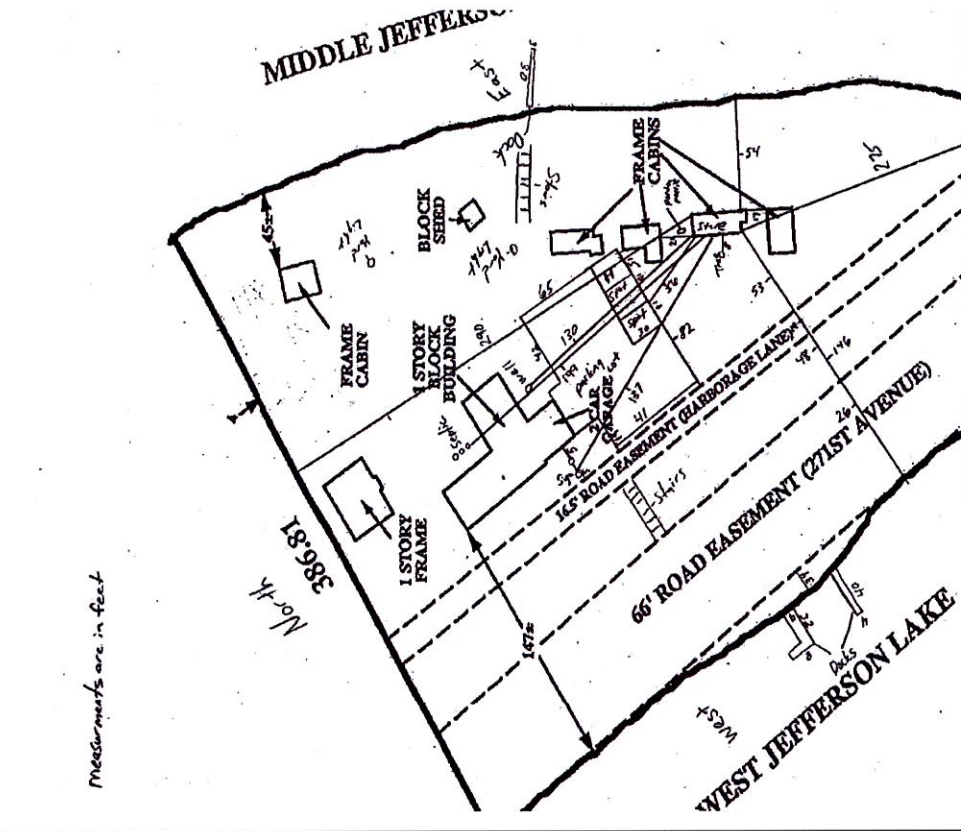
The applicant contacted Pat Mc Cabe of Cleveland Township on December 16, 2014.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

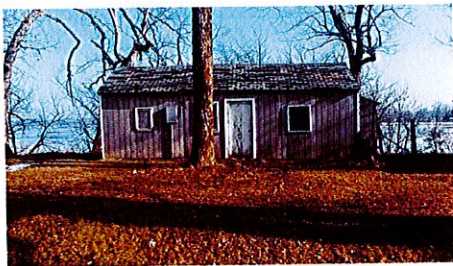
WETLANDS: According to the National Wetlands Inventory, no wetlands located in the quarter-quarter section where the construction company is proposed.

SITE PLAN



PHOTOS

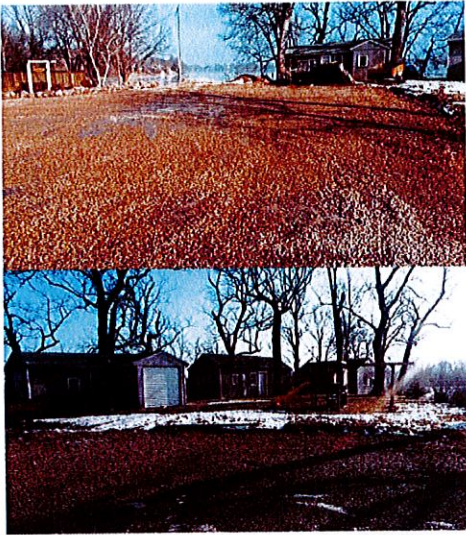
Picture of Cabin #3. The future store:



Inside the store:



Parking Lot:



Picture of the Sign that will be changed

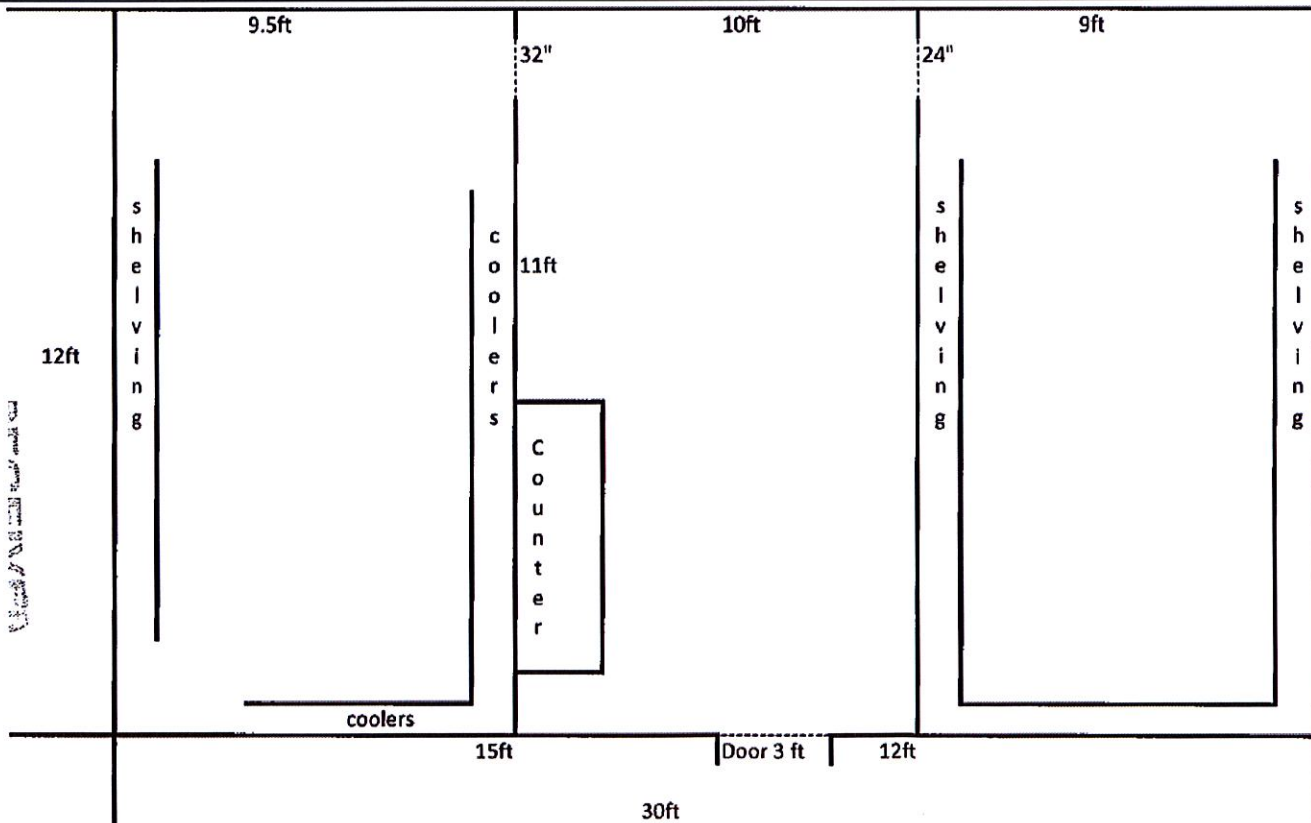


RECEIVED
FEB 03 2015



Restaurant, cafe, tavern, bar, or adult use establishment. One (1) parking space per each four (4) seats and one (1) space for each two (2) employees on the major shift.

FLOOR PLAN



PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

OFF-SALE LIQUOR STORES AND TAVERNS

Landscaping and screening shall be constructed along the property lines when abutting a Residential zoning district

SUBDIVISION 6. LANDSCAPING AND SCREENING

- A. It is the intent of this Subdivision to provide that uses of land and structures shall be established and maintained.
- B. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped to include but not limited to; lawns, trees, shrubs etc. Any areas left in a natural state shall be maintained. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.
- C. All exterior storage shall be screened. The exceptions are:
 1. Merchandise being displayed for sale.
 2. Materials and equipment presently being used for construction on the premises.
- D. The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.
- E. All junk yards, salvage yards, and open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval.
- F. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained.

SUBDIVISION 7. SIGN STANDARDS

A. PURPOSE

The intent of this subdivision is to provide for necessary visual communications and to preserve and promote a pleasant physical environment within the County by regulating the type, number, size, height, lighting, maintenance, and erection of sign structures.

RECREATIONAL COMMERCIAL (RC) DISTRICT

1. **Ground/ Pylon Signs**
 - a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
 - b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
 - c. The maximum height shall not exceed twenty (20) feet.
 - d. The maximum area shall not exceed one hundred (100) square feet.
2. **Wall Signs**
 - a. The signs shall not exceed twenty (20) percent of the wall area.
 - b. The signs shall not project above the roof level.

ATTACHMENTS

Application, Narrative, Map, Letters: Access Approval, DNR, Photos, Insurance

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 Conditional Use Permit does conform with the County Land Use Plan.
2. The Conditional Use Permit will not degrade the water quality of the County.
3. The proposed use will not adversely increase the quantity of water runoff.
4. The soil conditions are adequate to accommodate the proposed use.
5. The proposed use does not create a potential pollution hazard.
6. Adequate utilities, access roads, drainage and other necessary facilities have been or are provided.
7. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

8. The establishment of the Conditional Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
9. The specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.
10. The intensity of the proposal is not greater than the intensity allowed in the Applicable Zoning District.

| |
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| 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**

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

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

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

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

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

LE SUEUR COUNTY
 CONDITIONAL USE PERMIT CRITERIA
 PERMIT # 15013 Date: March 12, 2015

Applicant: Jesse & Tammy Samuelson

ROLL CALL VOTE

Conditional Use Permit Request: Establish and operate an off-sale liquor store

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

| | CR | AG | PT | DR | BB | JD | SO | SK | DK | DRY | TOTAL |
|----|----|----|----|----|----|----|----|----|----|-----|-------|
| 1. | | | | | | | | | | | |
| 2. | | | | | | | | | | | |
| 3. | | | | | | | | | | | |
| 4. | | | | | | | | | | | |
| 5. | | | | | | | | | | | |

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.

DATE: _____ APPROVED: _____ DENIED: _____

PZ CHAIRPERSON _____

COUNTY BOARD MEETING DATE: _____

Le Sueur County

Conditional Use Application

I. **Applicant:**
Name Jesse & Tammy Samuelson
Mailing Address 46469 Harborage Ln
City Cleveland State MN Zip 56017
Phone # 507-327-7983 Phone # _____

II. **Landowner:**
Name Jesse & Tammy Samuelson
Mailing Address 46469 Harborage Ln
City Cleveland State MN Zip 56017
Property Address 46469 Harborage Ln
City Cleveland State MN Zip 56017
Phone # 507-327-7983 Phone # _____

III. **Parcel Information:**
Parcel Number R 01.103.3400 Parcel Acreage 1 1/2
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Cleveland Section 3
Subdivision _____ Lot _____ Block _____

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

Cleveland Township notified on 12/16/14
(Township Name) (Date)

Board Member Pat McCabe regarding the proposed use.
(Name)

V. **Quantities and Submittal Formats:**

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

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

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

Additional Fees:

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

VII. Type of Request:

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

VIII. Description of Request:

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

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

1. PROPOSED DAYS AND HOURS OF OPERATION: Mon-Sat 9am-10pm
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 30 daily
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: existing well
 - ii. Toilet facilities: port-a-pottie
 - iii. Solid Waste Collection: weekly pick-up
4. FIRE PREVENTION: fire extinguishers
5. SECURITY PLANS: lights & locks
6. RETAIL SALES: all lines of beer, wine & liquor. Also see
7. FOOD OR ALCOHOL SERVED OR FOR SALE: alcohol not served, off sale narrative only.
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) no additional help needed.
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: none proposed.
10. EXTERIOR LIGHTING: Motion-sensored lights & 2 yard lights
11. PARKING AND LOADING: (1) 450 sq. ft handicapped stall, (2) 300 sq. ft stalls
12. SIGNAGE: Use existing sign & change the face of the sign.
13. ROAD ACCESS: (Approved by the road authority) See attachment
14. CERTIFICATE OF INSURANCE: See attachment
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) If approved, we will apply for a liquor license through the County Board.

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

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

X. Attachments: shall include but not limited to:

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

XI. Procedure:

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

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

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

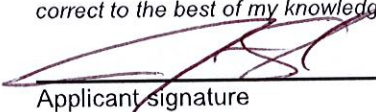
Action by the County Board shall be a majority vote of its members.

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

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

XII. Signatures:

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


Applicant signature

2/3/15
Date

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


Property Owner signature

2/3/15
Date

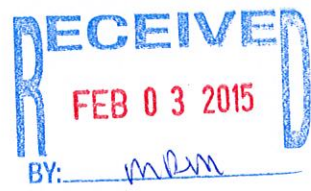
OFFICE USE ONLY

Request: Off-Sale Liquor store

| | | | | | |
|-----------------------------|----------------------------------|---------------|------|-------|---------------------------------------|
| Pre-App Date <u>2-3-15</u> | Lake Classification <u>RD</u> | Feedlot | 500' | 1000' | <input checked="" type="checkbox"/> N |
| Meeting Date <u>3-12-15</u> | Lake <u>J. Hersem</u> | Wetland Type | 1-2 | 3-8 | <input checked="" type="checkbox"/> N |
| 60 Day <u>4-4-15</u> | FEMA Panel # 27079C0 <u>0270</u> | Water courses | | | <input checked="" type="checkbox"/> N |
| Zoning District <u>RC</u> | Flood Zone <u>X-outside</u> | Bluff | | | <input checked="" type="checkbox"/> N |

- | | | | |
|---|--|---|---|
| <input checked="" type="checkbox"/> Request Description | <input checked="" type="checkbox"/> Access Approval | <input checked="" type="checkbox"/> Septic | <input checked="" type="checkbox"/> Comp Insp / Design |
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Erosion Control Plan | <input checked="" type="checkbox"/> Meeting | Reg / ATF / Spec |
| <input checked="" type="checkbox"/> Full Legal | <input checked="" type="checkbox"/> Blue Prints | <input checked="" type="checkbox"/> Fee | \$ <u>7960</u> |
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Penalty | \$ _____ |

Application Complete Michelle R Mettler 2-3-15 15013
Planning & Zoning Department Signature Date Permit #



We, Jesse and Tammy Samuelson, would like to open and operate an off-sale liquor store on our property at 46469 Harborage Lane, Cleveland MN 56017. The name of the store will be BoonDocks Liquor. The store hours would consist of Monday thru Saturday from 8am to 10pm. If the state passes Sunday liquor sales we will be open Sundays from 8am to 10pm. We plan to sell all lines of beer, wine, and liquor. We also plan to sell pop, ice, and have propane tank exchange.

Our store will be unique in that we will supply the needs/wants of our customers. They will be able to suggest items to have available for purchase. The business operation will be family members and us to start. We plan to take cash, check, or credit card as a form of payment.

The location of the store will be in cabin number three which is located on the south side of our property. There are also three other cabins that are used for personal storage. Customers will access the store off of Harborage Lane and into the parking lot on the south side. Pictures of the future site are attached. If approved, we plan to side, shingle, install new windows, and install a new front door to the store. We will install motion sensed light for security on the front and the back of the store. The lights will face in the downward direction when on. The inside needs very little work and has a concrete floor already. We plan to cut the tree down in the front of the store.

We will also have docks on West and Middle Jefferson Lakes where customers can walk up and access the store. We plan to use a port-a-pottie for a restroom. We will have the waste and recycling picked up weekly by LJP Waste and Recycle. Our business cell phone will be the main line for the store.

I, Jesse, am the Director of Finance and Operations for LJP Waste & Recycle. I have worked there for 14+ years and understand how running a business works. My wife, Tammy, has worked in an office setting for 15+ years where she has developed excellent customer service skills.

Please consider our application for this conditional use permit as we think it will be a great business addition to the Lakes Area and LeSueur County.

RECEIVED
FEB 04 2015
BY: m/rm



Le Sueur County Highway Department

88 SOUTH PARK AVENUE • LE CENTER, MINNESOTA 56057
TEL: 507-357-8536; FAX: 507-357-4520
dtiegs@co.le-sueur.mn.us
David Tiegs, Assistant Highway Engineer

January 16, 2015

Mr. Jesse Samuelson
46469 Harborage LN
Cleveland, MN 56017

Re: Entrance Review

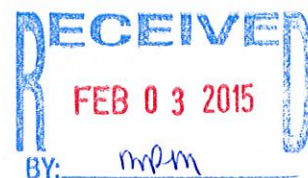
Dear Mr. Samuelson:

At your request I have reviewed the entrances at 46469 Harborage Lane. The proposed land use is not significantly different than what the property has been historically used for. Therefore I see no issues with the current property access.

Should you have any questions or need anything else please feel free to contact me.

Thanks,

Dave Tiegs
Le Sueur County
Assistant Highway Engineer



Minnesota Department of Natural Resources
DNR ECOLOGICAL & WATER RESOURCES
20596 HIGHWAY 7
HUTCHINSON, MN 55350
(320) 234-2550



January 12, 2015

Jesse and Tammy Samuelson
46469 Harborage Ln.
Cleveland, MN 56017-4420

Dear Mr. and Mrs. Samuelson:

Re: Shoreland Ordinance - Change of Land Use for parcel #01.103.3400 - Le Sueur County.

This letter is in response to your request for comment regarding a proposed change of use for cabin #3 in parcel 01.103.3400 LeSueur County. The development on this parcel currently includes a restaurant with four cabins. The proposed change would convert cabin #3 to a commercial business.

Zoning for this parcel is administered by LeSueur County. The Department participates in zoning decisions when parcels are located within the shoreland area of public water basins. The Department also administers the public water permit program. If activities are proposed below the ordinary high water elevation (OHWL) for Lake Jefferson you should contact me regarding possible permit requirements. The OHWL for Lake Jefferson is elevation 1018.50 feet.

The current development on this lot appears to be in conformance with Minnesota Rules, chapter 6120. Any proposed change to this parcel should consider zoning controls such as setback and percent impervious so the parcel does not become nonconforming. If the change in use does not require a variance to Minnesota Rules Chapter 6120, the Department does not object to the change in land use.

You also mentioned the possibility of adding one or two new docks to provide public access to your business from Lake Jefferson. You are encouraged to use the attached brochure to plan for any new dock structures that would be placed below the OHWL. Also, you will need to work with LeSueur County to determine the number, size and location of any new dock(s). Please be aware that a DNR public waters work permit is necessary should you provide mooring or docking facilities for seven or more watercraft and ancillary services common to marinas, such as boat storage, fueling, launching, repair, sanitary pumpout or restaurant services are provided.

Area Hydrologist Dan Girolamo discussed your proposed land use change with Michelle Mettler, at LeSueur County, and she explained the proposal in more detail. I copied her on this letter to document the Department's position on this requested land use change. Thank you for your inquiry and call me at (320) 234-2550, ext. 230 if you have any questions.

Best regards,

A handwritten signature in cursive script that reads "Garry M. Bennett".

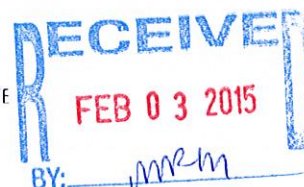
Garry M. Bennett
Area Hydrologist

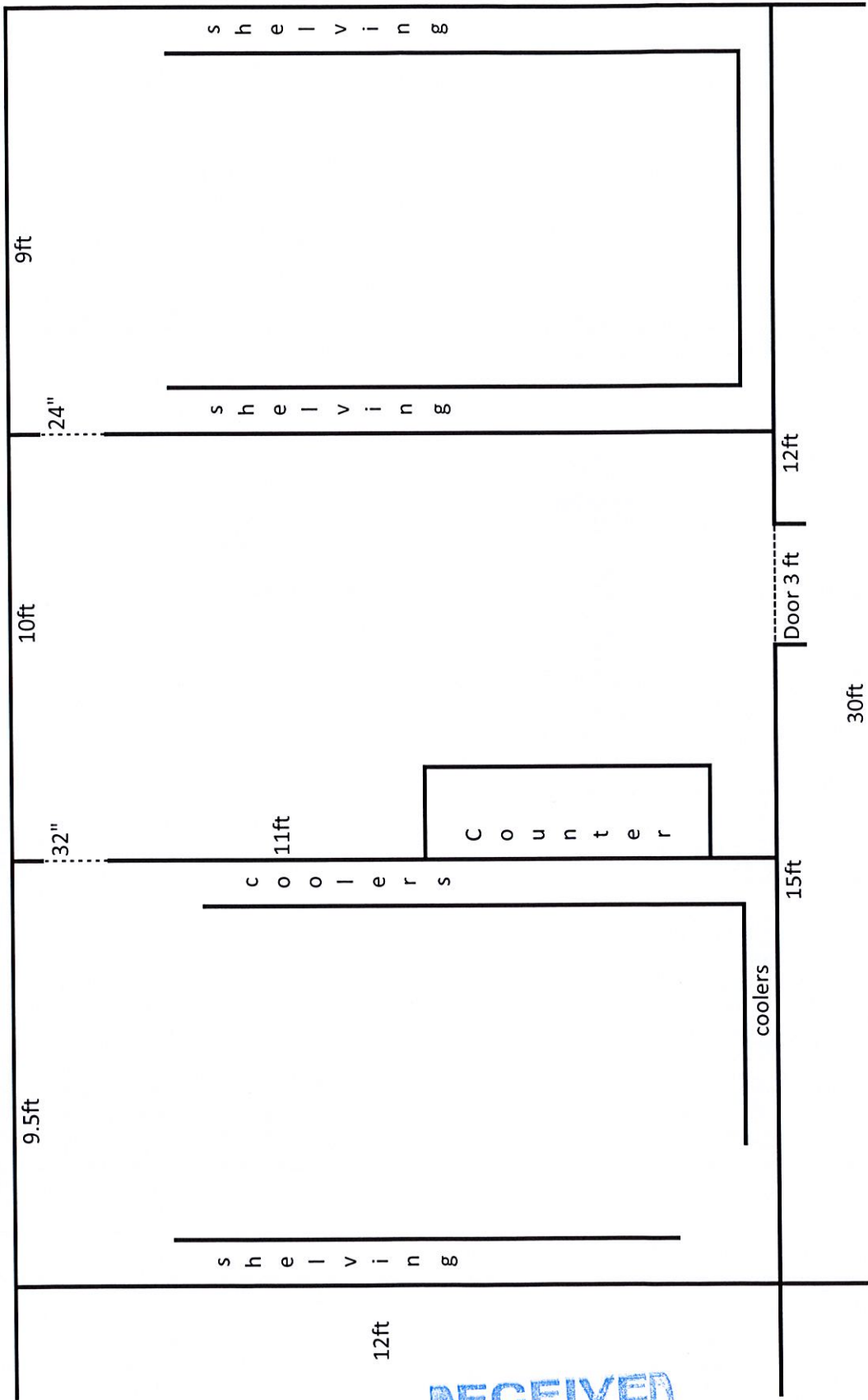
Enclosure

cc: Michelle Mettler, LeSueur County
Dan Girolamo, Area Hydrologist, DNR EWR



www.dnr.state.mn.us
AN EQUAL OPPORTUNITY EMPLOYER
PRINTED ON RECYCLED PAPER CONTAINING A MINIMUM OF 10% POST-CONSUMER WASTE

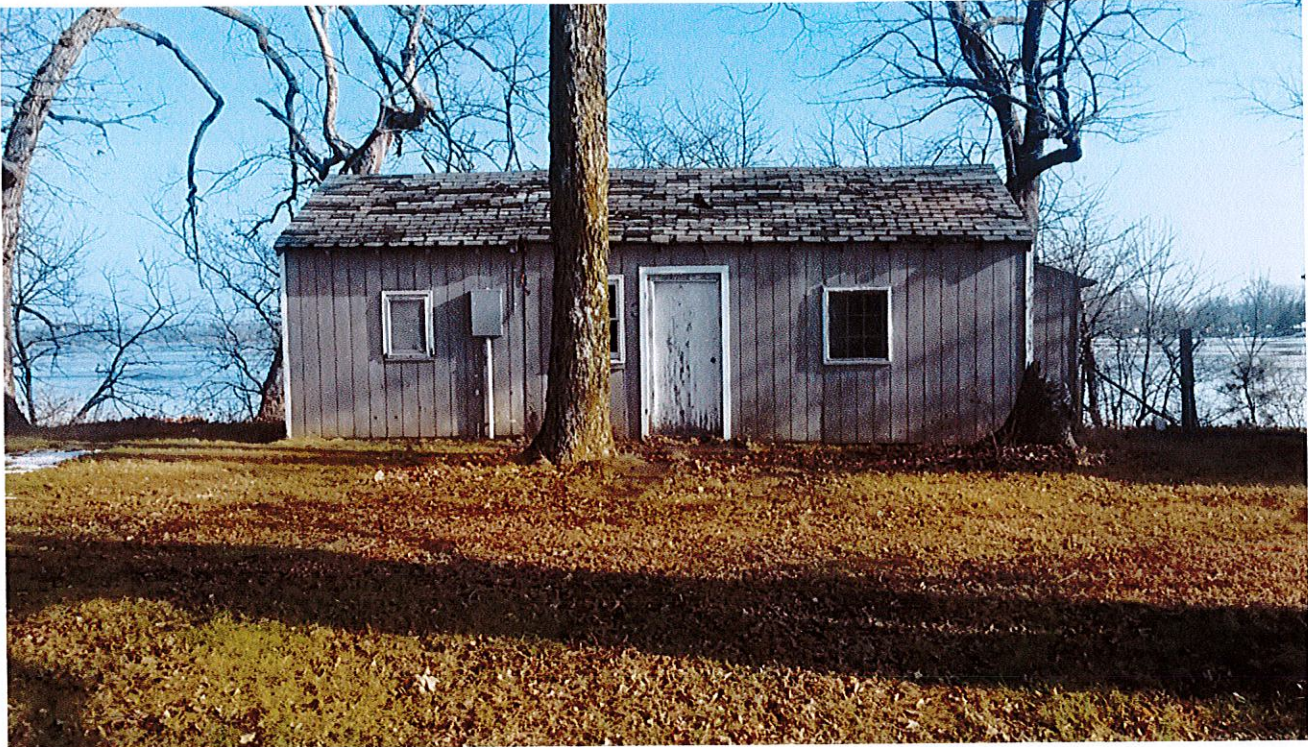




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 FEB 03 2015
 BY: mkm

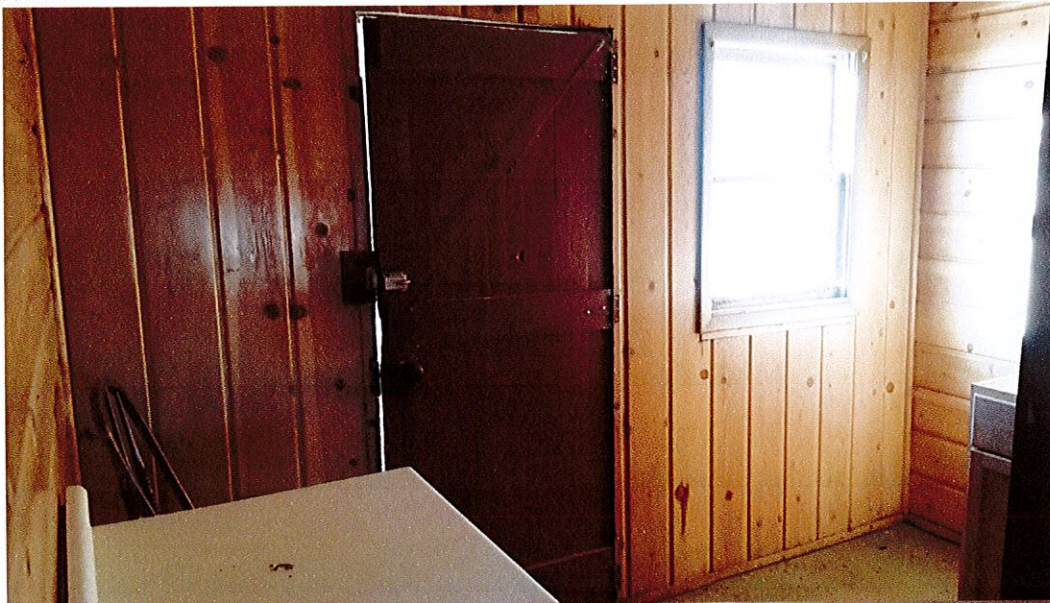
01.103, 3400
 Samuelson

Picture of Cabin #3. The future store:



RECEIVED
FEB 03 2015
BY: mem

Inside the store:



RECEIVED
FEB 03 2015
BY: mfm

Parking Lot:



Picture of the Sign that will be changed



RECEIVED
FEB 03 2015
BY: mlm



Le Sueur County, MN

Thursday, March 12, 2015

Regular session

Item 2

Tupy Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: TIM & CHRISTINE TUPY

911 ADDRESS: NEW 151ST AVE, NEW PRAGUE MN 56071

PROJECT DESCRIPTION: Transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19 and 21

GOALS AND POLICIES:

Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

SITE INFORMATION

LOCATION: SW1/4 NW1/4 SECTION 23, LANESBURGH TOWNSHIP

ZONING: "A"- Agricultural District

GENERAL SITE DESCRIPTION: Ag land

ACCESS: New off County Road 3

EXISTING LAND USE WITHIN ¼ MILE:

North: Single Family Dwellings/Ag Land
East: Ag Land

South: Wooded/Single Family Dwellings/Ag Land
West: Ag Land/Scattered Single Family Dwellings

TOWNSHIP BOARD NOTIFICATION

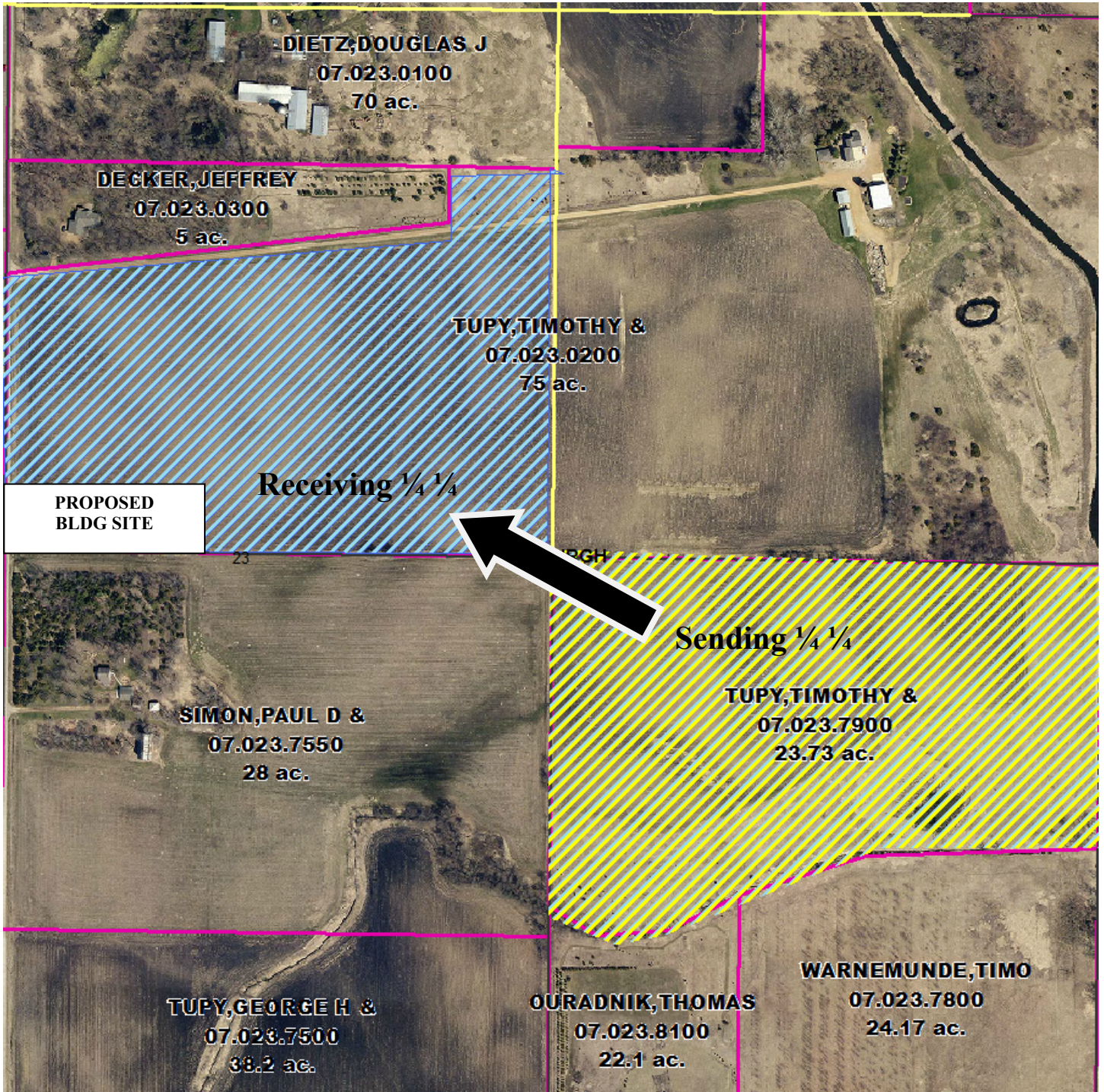
The applicant notified Karen Schoenecker, Lanesburgh Township Board member on January 28, 2015.

NATURAL RESOURCES INFORMATION

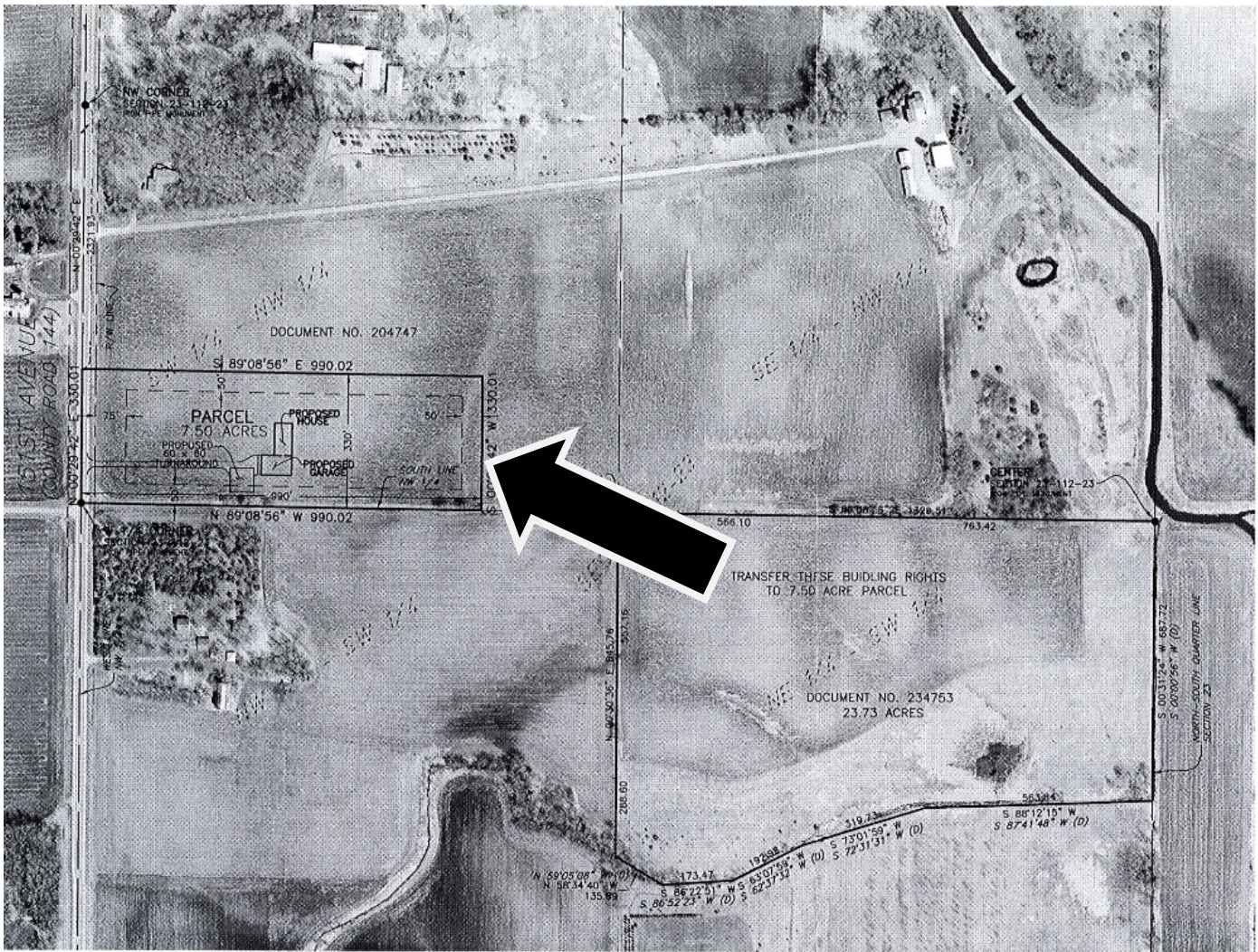
SHORELAND: The proposal is not located within the Shoreland District.

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

SITE PLAN



SURVEY



PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agricultural District, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

Right to Farm-Per Section 19, Subdivision 11.

ATTACHMENTS

Application, Survey, Narrative, Letters-Septic Contractor/Well Driller, Access Approval/

STAFF FINDINGS

Both the sending and receiving quarter-quarter sections meet the building eligibility standards of the Ordinance. Each new building site must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area and sufficient area for two (2) on-site sewage treatment systems.

BURDEN OF PUBLIC FACILITIES: The proposed use will not have a negative impact to the public facilities, and utilities that serve the area.

COMPATIBLE WITH SURROUNDING USES: Scattered single-family dwellings and farmland surround the proposed building site.

APPEARANCE: Farmland

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.

COMPREHENSIVE PLAN: The proposed use meets the Comprehensive Land Use Plan.

TRAFFIC, ACCESS, PARKING: Approval of driveway access from the County Hwy Department.

SEWER & WATER: Adequate water supply and sewage treatment system exist on the site.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

PLANNING AND ZONING COMMISSION FINDINGS

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

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

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

Thursday, March 12, 2015

Regular session

Item 3

Lake Washington Improvement Association Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Lake Washington Improvement Association
OWNERS: Kevin Clinton, Collette Krenik, Martha Weisgram
ADDRESS: Located off County Road 103 (North Shore Drive)-104 (Ridgetop Road)

PROJECT DESCRIPTION: Grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District.

PROPERTY LOCATION: N 1/2 SW 1/4, Section 9, Washington Township.

ZONING ORDINANCE: Sections 8,18

GOALS AND 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.

SITE INFORMATION

LOCATION: N 1/2 SW 1/4, Section 9, Washington Township.

ZONING: Ag

GENERAL SITE DESCRIPTION: Wetlands, wooded

ACCESS: Existing

EXISTING LAND USE WITHIN ¼ MILE:

North: Ag South: Ag
East: Ag West: Scattered Residential, wooded, Lake Washington

BACKGROUND INFORMATION

See narrative

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Steve Biehn of Washington Township on February 16, 2015

NATURAL RESOURCES INFORMATION

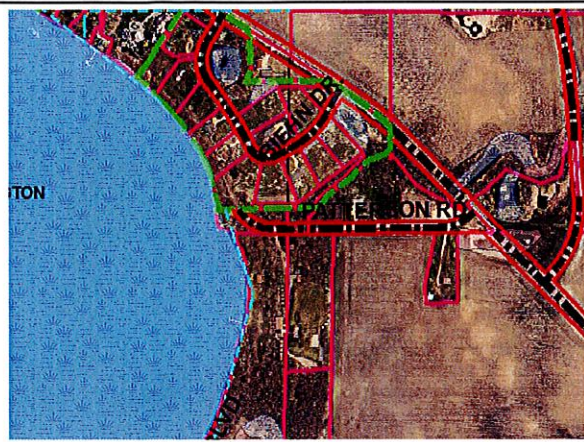
SHORELAND: The proposal is not located within the Shoreland District.

WETLANDS: According to the National Wetlands Inventory, types 1 & 3 wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Narrative, Site Plan, Survey, Erosion Control Plan

SITE PLAN



PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:
(Please circle one for each item: *Agree, Disagree, Not Applicable.*)

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

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).

I. Applicant:

Name Lake Washington Improvement Association - Pam Olson, President
Mailing Address 5512 N Shore CT
City Madison Lake State MN Zip 56063
Phone # 507-327-4111 Phone # 507/327-4111

II. Landowner:

Name Kevin Clinton (See attached)
Mailing Address 32204 Sandborn Drive
City Montgomery State MN Zip 56069
Property Address (See attached)
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III.

Parcel Information: (See attached) 7610
Parcel Number 13.009.7700 & 13.009.7600 Parcel Acreage _____
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township _____ Section _____
Subdivision _____ Lot _____ Block _____

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

Washington Township notified on Letter Hand delivered 2/16/15
(Township Name) (Date)
Board Member Steve Biehn regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.

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

** See 501 3c*

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

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

3408 total cy. - project

TOTAL cubic yards of material movement: 3408 cy

- Shoreland- Outside Shore Impact Zone
 - Within Shore Impact Zone
 - Within Bluff Impact Zone
 - Within Bluff

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
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: (See Attached for a. and b.)

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: _____
2. ADVERSE IMPACT ON SURROUNDING AREAS: _____
3. STORMWATER RUNOFF: _____
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: _____
5. WETLAND IMPACT: _____
6. SLOPE STABILITY: _____
7. CERTIFICATE OF INSURANCE: _____
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: (See Attached)

- 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

Brockway, Kathy

From: Chantill Kahler-Royer [chantillka@bolton-menk.com]
Sent: Tuesday, February 17, 2015 11:10 AM
To: 'Pam Olson'; Brockway, Kathy
Subject: RE: CUP

Not sure why the line breaks went away. Here it is again, hopefully clearer:

Site 7 and Site 4 total excavation/grading/filling = 3,546 CY = 3,348 CY (Site 7 excavation) + 30 CY (Site 7 Class 3 riprap) + 30 CY (Site 7 crushed rock) + 46 CY (Site 4 excavation) + 46 CY (Site 4 Class 3 riprap) + 46 CY (Site 4 crushed rock)

Breakdown of excavation/grading/filling by site:

Site 7 (pond excavation, larger rock weeper and rerouting) total = 3,348 + 30 + 30 CY = 3,408 CY
Site 4 (rock weepers in stream bed) = 46+46+46 CY = 138 CY

Breakdown of excavation/grading/filling by property owner:

Clinton property - pond, drainageway and rock weeper = 2530 CY

Krenik property - drainageways and berm = 878 CY

Steve Biehn and Darryl Biehn (stream bed) property - 2 rock weepers = 92 CY

Mark Stenzel (Lot 5) - 1 rock weeper = 46 CY

Chantill A. Kahler Royer, PE, LEED AP ND
Wetland Delineator in Training No. 5197
Project Engineer
Bolton & Menk, Inc.
Consulting Engineers & Surveyors
1960 Premier Drive
Mankato, MN 56001
P: (507) 625.4171 ext. 2636
M: (507) 327.8430
F: (507) 625.4177
email: chantillka@bolton-menk.com
www.bolton-menk.com

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

From: Chantill Kahler-Royer
Sent: Tuesday, February 17, 2015 11:04 AM
To: 'Pam Olson'; kbrockway@co.le-sueur.mn.us
Subject: RE: CUP

Site 7 and Site 4 total excavation/grading/filling = 3,546 CY = 3,348 CY (Site 7 excavation) + 30 CY (Site 7 Class 3 riprap) + 30 CY (Site 7 crushed rock) + 46 CY (Site 4 excavation) + 46 CY (Site 4 Class 3 riprap) + 46 CY (Site 4 crushed rock)

Breakdown of excavation/grading/filling by site:

Site 7 (pond excavation, larger rock weeper and rerouting) total = 3,348 + 30 + 30 CY = 3,408 CY
Total Site 4 (rock weepers in stream bed) = 46+46+46 CY = 138 CY

Breakdown of excavation/grading/filling by property owner:

- Property Lines
- Wetland
- Lot Dimensions
- Access (size & location)
- Road Right-Of-Way
- Stream
- Ponds
- Easements
- Landscape, screening and buffering
- Drainage

Site plan & As-Built must be completed by a surveyor or professional engineer.

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

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

XI. Attachments: Shall include but not limited to:

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

XII. Procedure:

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

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

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

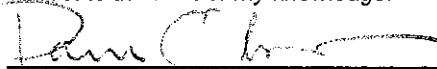
Action by the County Board shall be a majority vote of its members.

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

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

XIII. Signatures:

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


Applicant signature

2/12/15
Date

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

Kevin J. Clinton
Property Owner signature

2-16-15
Date

Mona A. Desigam

2-17-15

Collette D. Krenik

OFFICE USE ONLY

2-24-15

Request: GRADING, EXCAVATING & FILLING

- Non-Shoreland
- Within Bluff Impact Zone
- Within Bluff

Cubic yards of material movement: 3408
 Cubic yards of material movement: _____
 Cubic yards of material movement: _____

TOTAL cubic yards of material movement: 3408

- Shoreland - Outside Shore Impact Zone
- Within Shore Impact Zone
- Within Bluff Impact Zone
- Within Bluff

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

TOTAL cubic yards of material movement: _____

Pre-App Date 2/17
 N
 Meeting Date 3/12
 N
 60 Day 4/17
 N
 Zoning District AG
 N

Lake Classification /
 Lake /
 FEMA Panel # 27079C0 265
 Flood Zone X outside

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

- Request Description
- Site Plan Spec
- Full Legal Ordinance

- Access Approval
- Erosion Control Plan
- Other _____

Septic Comp Insp / Design NA
 Meeting / ATF /
 Fee \$ Exempt.
 Penalty \$

Application Complete K Brockway
 Planning & Zoning Department Signature

2/17
Date

15019
Permit #

**LE SUEUR COUNTY
CONDITIONAL USE PERMIT CRITERIA
PERMIT # 15019 Date 03-12-15**

Applicant: LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER)

Conditional Use Permit Request: grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington Township.

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.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

| | CR | AG | PT | DR | BB | JD | SO | SK | DK | DRY | TOTAL |
|----|----|----|----|----|----|----|----|----|----|-----|-------|
| 1. | | | | | | | | | | | |
| 2. | | | | | | | | | | | |
| 3. | | | | | | | | | | | |
| 4. | | | | | | | | | | | |
| 5. | | | | | | | | | | | |

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.

DATE: _____ APPROVED: _____ DENIED _____ PZ CHAIRPERSON _____

COUNTY BOARD MEETING DATE: _____

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P O BOX A-3290 DPN 22-2
CHICAGO, IL 60690

DEPARTMENT OF THE TREASURY

Date: JAN 16 1992

Employer Identification Number:
41-1657571

Contact Person:
L. HALL

Contact Telephone Number:
(312) 886-1278

LAKE WASHINGTON IMPROVEMENT
ASSOCIATION INC
ROUTE 1 BOX 220
KASOTA, MN 56050

Accounting Period Ending:
December 31

Form 990 Required:
Yes

Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

Letter 947(DO/CG)



February 12, 2015

Steve Biehn
Washington Township Board
48001 Deer Lane
Madison Lake, MN 56063

Dear Steve,

On behalf of the Lake Washington Improvement Association, I am writing to formally notify you, a board member of Washington Township, that we are submitting a Conditional Use Permit (CUP) application to LeSueur County. The proposed water conservation project and supporting documents are enclosed.

Please feel free to contact me if you have any questions or concerns.

Thank you,

Pam Olson
President
Lake Washington Improvement Association

www.lakewashingtonmn.com

II. Landowner and III. Parcel Information

Loretta Clinton, with son Kevin Clinton having power of attorney over her affairs

Mailing address:

32204 Sanborn Drive

Montgomery, MN 56069

Home: (952) 758-4225

Cell: (651) 338-7222

E-mail: Kevin.Clinton@SaintWenceslaus.org

* LORETTA HAS PASSED. KEVIN NOW
CO-OWNS WITH MARTHA WEISGRAM,
HIS SISTER.

Parcel ID 13.009.7700

Property address: 47615 Ridgetop Road, Madison Lake

Section/Township/Range: 09-109-025

Brief Tax Description: Sect-09 Twp-109 Range-025 51.00 AC E 60 AC of N ½ of SW ¼ LESS 9 AC

Colette Biehn Krenik

Mailing address:

29217 Dog Creek Rd

Cleveland, MN 56017

Home: 507-931-2541

Work: 507-931-4000

Cell: (612) 599-1409

E-mail: messages4colette@yahoo.com

Parcel ID 13.009.7600

Property address: 5015 Patterson Road, Madison Lake

Section/Township/Range: 09-109-025

Brief Tax Description: Sect-09 Twp-109 Range-025 11.23 AC THAT PART OF W ½ OF NW ¼ OF SW ¼ BEG AT SE COR, TH N 515.65 FT to S'LY LINE OF BIEHN ISLAND VIEW, TH SW'LY ALONG SE'LY LINE OF BIEHN'S ISLAND VIEW 603.95 FT, SW 87.45 FT, S 94.77 FT, E 533 FT TO BEG & 7.29 AC OF E ½ of NW ¼ OF SW 1/4

VIII. Description of Project

a.

The project site is actually two pieces of property; one owned by ~~Ms. Loretta Clinton, with son Kevin Clinton having power of attorney over her affairs;~~ ^{and Martha Weisgram} and one owned by Ms. Colette Biehn Krenik. An unnamed creek flows from northeast to southwest through the project site. Currently there are two ponds on Ms. Biehn Krenik's property (Ponds 1 and 2, as labeled on the plan) and one pond on Mr. Clinton's property (Pond 3). The creek flows through the culvert under Ridgetop Road (County Road 104), then from Pond 1 to Pond 2 on Ms. Biehn Krenik's property and then bypasses Pond 3 on Mr. Clinton's property before it goes to the culvert under North Shore Drive (County Road 103). The ponds were created, from the naturally existing creek, by the late Mr. Terry Biehn and by Mr. Kevin Clinton many years ago. Because the ponds are man-made, these ponds are considered incidental wetlands and are exempt from wetland requirements. After flowing through the culvert under North Shore Drive (County Road 103), the creek flows on for approximately 1,700 feet before entering Lake Washington.

This project will not affect Ms. Biehn Krenik's potential residential building site on her property. We have estimated that there is at least 52,411 square feet available for a building site on her property that will not be impacted by this project.

The intended result of this proposed project is to route the water more thoroughly through each pond, preventing stagnant areas in the ponds; give the water additional time for sediments and nutrients to settle out by creating more volume in Mr. Clinton's Pond 3; and for the water to be filtered through the rock weeper structure, thus improving water quality in Lake Washington. The Lake Washington Improvement Association is pursuing this project in order to improve the water quality entering the lake.

One of the goals of this project is to ensure that all three ponds on the project site have water flowing through them and are not stagnant. A new 10-ft wide channel is proposed to be constructed from Pond 1 to the southeast corner of Pond 2. A small diversion berm will be constructed in Pond 2 to route the water in a U shape around the islands and then back north before it exits on the northeast corner of Pond 2 and enters Mr. Clinton's expanded Pond 3. This ensures that the entire Pond 2 receives water flow and does not become stagnant.

Pond 3 on Mr. Clinton's property currently receives creek flow into the pond very close to, if not directly at, the exit of water from the pond as it goes into the culvert under County Road 103. Pond 3 receives only a small amount of flow from the drainage tile under the farm field to the north of the pond, as well as overland flow from the farm field. Because the creek flow essentially bypasses Pond 3, this causes Pond 3 to be stagnant. The existing channel leaving Pond 2 has been severely eroded and the culvert placed there no longer functions (it is just sitting on top of the riprap). The proposed project will block the existing channel leaving Pond 2 and reroute flow to go through a larger portion of Pond 3 on Mr. Clinton's property by excavating a new 10-ft wide flow channel in the existing channel on the northeast corner of Pond 2 and entering Pond 3 as far east on that pond as possible. The project will also increase Mr. Clinton's pond's volume by excavating additional volume on the eastern side of Pond 3.

A rock weeper (basically an earthen berm with riprap on the top to help filter the water) will be installed on the southwest side of Mr. Clinton's Pond 3, where the water exits the pond and goes to the culvert under North Shore Drive (County Road 103). A cross section and profile view of the rock weeper are included on the plan. This rock weeper will be constructed as shown in the rock weeper detail and cross section on plan. The culvert and the County Road will not be altered by this proposed project.

A portion of the drain tile that drains Mr. Clinton's farm field and outlets into his pond may need to be abandoned and re-tiled to outlet at Point #1 shown on the site plan, due to the excavation in order to expand Pond 3. No other modifications are anticipated to be made to the field tile.

Soil from excavating additional volume in Mr. Clinton's Pond 3 and creating new channels between Ms. Biehn Krenik's Ponds 1 and 2 and Mr. Clinton's Pond 3 will be spread thinly and evenly on the farmland that is owned by Mr. Clinton to the immediate north of the project area (see area labeled "spoil" on plan). Care will be taken to smooth out the soil to allow even stormwater drainage over the area and not create any berms that would hold back water. Care will also be taken not to drive construction equipment over the existing farm field tile, in order to protect it. This farmland is currently rented out for row crops and will be planted as usual this May. The project will mostly likely be constructed in late July or early August when the creek has essentially stopped flowing. At this time, the soil will be spread in the field and the renting farmer will lose that portion of his farm field crop that will be covered with soil. In addition, if any clay is needed in order to construct the berms or rock weeper structure, Mr. Clinton has given his permission to borrow that clay from the top of the ridge in the farm field, immediately north of the area designated for spoil disposal. Mr. Clinton has made and will continue to make his renter aware of these planned disturbances and will account for it in the rental agreement. The area of disturbance in the farm field due to spoil disposal and clay borrow are not accounted for in the total area disturbed because this is a farm field which would normally be disturbed every year anyway.

Two hydrologic models were created in the software SSA, in order to determine the elevation of the ponds due to a 100-year storm in the existing and proposed conditions. The normal water levels and high

water levels for the existing and proposed conditions are compared in the table below. The ponds have higher normal and high water levels in the proposed conditions, except for Pond 1 has a lower high water level. This is due to the fact that the channel connecting Pond 1 to Pond 2 is wider in the proposed conditions, so it passes more water along from the smaller Pond 1 to Pond 2 during a large storm event. These elevations are not anticipated to cause any concern to any property.

| Existing Conditions | Pond 1 | Pond 2 | Pond 3 |
|----------------------------------|---------------|---------------|---------------|
| Normal Water Level | 991.0 | 988.0 | 988.0 |
| 100-year High Water Level | 1003.38 | 991.0 | 991.0 |
| Proposed Conditions | Pond 1 | Pond 2 | Pond 3 |
| Normal Water Level | 991.5 | 989.5 | 988.5 |
| 100-year High Water Level | 993.17 | 992.12 | 991.86 |

VIII. Description of Project:

b.

1. ENVIRONMENTAL IMPACT: The project will not be adding any impervious surfaces. The site does not currently have parking facilities, nor will it need parking in the future. The project land use will be sufficiently compatible with, separated by sufficient distance or screened from adjacent agricultural or residential zoned land and uses so that there will be no deterrence to the use or development of the adjacent land and uses. The project will not create an excessive burden on existing public parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area. No drinking water supply or sewage treatment will be taking place on site.

2. ADVERSE IMPACT ON SURROUNDING AREAS: The project is not anticipated to have adverse impacts on surrounding areas. The site is designed and will be constructed so that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the adjacent properties. No noise, odors, glare, dust or similar nuisances will be caused by the site after construction is completed. The proposed land use is not in conflict with the County Comprehensive Land Use Plan. The project site use is consistent with the purposes of the Zoning Ordinance and the purpose of the zoning district in which the applicant intends to locate the proposed use.

3. STORMWATER RUNOFF: Erosion control and/or stormwater management are provided in accordance with applicable standards. The project plan set has a Stormwater Pollution Prevention Plan component that covers erosion control and reclamation. This project is intended to improve surface water quality before it reaches Lake Washington, by providing opportunity for suspended sediments and associated nutrients time to settle out in the pond before filtering through several rock weepers.

4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No

5. WETLAND IMPACT: No filling in a wetland will occur as part of the project.

6. SLOPE STABILITY: No steep slopes will be impacted by this project. The steepest slopes called for in the project plans are 3:1.

7. CERTIFICATE OF INSURANCE: A contractor has not been officially selected yet, but the selected contractor will be licensed and bonded.

8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
The project is designed to meet all applicable county, state and federal regulations.

X . Restoration Plan

The proposed final land use is for water quality improvement and wildlife habitat, as well as a potential residential building site on Ms. Biehn Krenik's property. There will be no slopes that are steeper than 3:1. All areas that are disturbed by excavation will be covered with at least 4 inches of topsoil and planted as soon as excavation is complete. The Le Sueur Soil and Water Conservation District was consulted on seed mixes that would be appropriate. Mn/DOT Seed Mix 33-261 or CP 25 mix (usually used for CREP areas) should be used. 3 acres are anticipated to be seeded. No trees are anticipated to be replanted because this project is not in the bluff impact zone, bluff, shoreland or conservancy districts.

XI. Attachments

- a. Description - see VIII.
- b . Site Plan - attached
- c. Full Legal Description - see III.
- d. Access Approval - Utilizing existing access.
- e. Township Notification- see IV. and attached letter
- f. Septic System Compliance Inspection - No septic, water or sewer on construction site, so NA
- g. Erosion Control Plan-

See Storm Water Pollution Prevention Plan. The total area to be disturbed as a result of this project is estimated to be 3 acres. The volume of soil excavated is estimated to be 3,348 cubic yards. Some ³⁴⁰⁸ small boxelder trees will need to be removed to create the new channels and berms, but the alignments have been chosen to minimize the number of trees impacted. No impervious area currently exists, and no impervious area will be created by this project. The existing field entrance on the northeast side of the site will be used. Any eroded material that leaves the construction zone shall be collected by the contractor and returned to the site at the contractor's expense. The rock weeper will be constructed first, in order to provide sediment removal before the water enters the culvert under North Shore Drive (County Road 103).

- h. Restoration Plan - see X.
- i. Approve Stormwater Pollution Prevention Plan - attached

OPINION OF PROBABLE COST

Kevin Clinton - Excavate northeast end of pond, add rock weeper, and add overflow from Collette Biehn-Krenik's pond into Clinton's pond

1/12/2015

H:\PRIVM13101742\Cost Estimate 1-12-15.xls\Site 7\Clinton Pond CostEstimate

| ITEM NO. | ITEM | UNIT | ESTIMATED QUANTITY | UNIT PRICE | AMOUNT |
|---|--|------|--------------------|------------|--------|
| Pond, in southwest quarter, Section 9, R25W, T109N | | | | | |
| 1 | MOBILIZATION | LS | 1 | | |
| 2 | EXCAVATION | CY | 3348 | | |
| 3 | CLASS 3 RIPRAP - ROCK WEEPER | CY | 30 | | |
| 4 | 2 INCH CRUSHED ROCK - ROCK WEEPER | CY | 30 | | |
| 5 | TEMP DITCH CHECK BIROLL | EACH | 2 | | |
| 6 | EROSION CONTROL BLANKET | SY | 560 | | |
| 7 | MACHINE SLICED SILT FENCE | LF | 660 | | |
| 9 | SEEDING (MN/DOT 33-261 SEED MIX, 35 lb/ac) | AC | 3.0 | | |
| TOTAL CONSTRUCTION COSTS | | | | | |

Engineering and surveying fees are not included in this cost estimate.

OPINION OF PROBABLE COST

Three Rock Weepers, spaced approximately 50 feet apart, in unnamed creek near Camp Patterson

1/12/2015

H:\PRIVM13101742\Cost Estimate 1-12-15.xls\Site 7\Clinton Pond CostEstimate

| ITEM NO. | ITEM | UNIT | ESTIMATED QUANTITY | UNIT PRICE | AMOUNT |
|---|----------------------------------|------|--------------------|------------|--------|
| Rock Weepers, in southwest quarter, Section 9, R25W, T109N | | | | | |
| 1 | MOBILIZATION | LS | 1 | | |
| 2 | EXCAVATION | CY | 46 | | |
| 3 | CLASS 3 RIPRAP | CY | 46 | | |
| 4 | 2 INCH CRUSHED ROCK | CY | 46 | | |
| 5 | SEEDING (MN/DOT 33-261 SEED MIX) | AC | 0.5 | | |
| TOTAL CONSTRUCTION COSTS | | | | | |

Mobilization will be included as part of Site 7.
 Engineering and surveying fees are not included in this cost estimate.

SECTION 02660 - DETENTION POND EXCAVATION & EMBANKMENT

PART 1 -- GENERAL

1.1 GENERAL

- A. This section covers the furnishing of all labor, materials, tools, equipment and performances of all work and services necessary or incidental to the construction of storm water detention ponds as indicated on the drawings or as specified herein.

1.2 METHOD OF MEASUREMENT AND PAYMENT

- A. Measurement and compensation for the following items shall be paid according to the referenced specification or as modified below:
- B. Payment for all labor, equipment, materials, and supplies necessary to complete the work specified in this section shall be included in the lump sum bid for the project or appropriate bidding section.
- C. The furnishing and installing of specific items and/or the performance of work under certain circumstances shall not be individually paid. All costs shall be included in the lump sum bid. Such items of work include but are not limited to:
 - 1. Salvaging, stockpiling and restoring topsoil to the disturbed areas where turf restoration is required.
 - 2. Earthwork balancing including adjustments for shrinkage loss.
 - 3. All labor, equipment and materials necessary for the disposal of excess excavated materials and excavated materials unsuitable for use in the construction. The required work includes, but is not limited to: preparation of the disposal area, loading, hauling, dumping, spreading, shaping and compacting the disposed material.
 - 4. All labor, equipment and materials necessary for density testing, as specified.
 - 5. All labor, equipment and materials for dewatering, if necessary.
 - (1) All labor, equipment and water used in constructing and compacting the embankment or protection layer materials.

1.3 SPECIFICATION REFERENCES

- A. Mn/DOT Specification Section 2105.1 through 2105.3 shall apply to all excavation and embankment, except as modified in these Special Provisions.
- B. Reference to "roadway" and "roadbed" in the MN/DOT Specifications shall be used interchangeably with "dike" and/or "embankment."
- C. Unless noted otherwise, the provisions in this section are in addition to the referenced specification.

PART 2 -- PRODUCTS

2.1 MATERIALS

- A. All suitable excess excavated material shall remain the property of the Owner and shall be loaded, hauled, placed and compacted at a site chosen by the Owner within 2 miles of the pond site.

PART 3 -- EXECUTION

3.1 CONSTRUCTION REQUIREMENTS

A. EXCAVATION/EMBANKMENT CONSTRUCTION

1. At the end of each day the Contractor shall eliminate surface indentations, including those caused by sheeps foot rollers and tractor cletes, and roll the surface with a steel wheel or rubber tired roller.
2. The Contractor shall disc, scarify, shape and compact the upper twelve (12) inches of the pond subgrade, adding water or drying as may be necessary to give uniform and desired density.
3. If the subgrade is unstable and the instability is due to excessive moisture, the subgrade shall be scarified and dried over a reasonable time period. When the material has reached acceptable moisture limits, the material shall be returned to the pond bed and compacted into place to the proper elevation. The pond bed will once again be test rolled. If the material continues to be unstable, the Engineer may authorize the removal of the undesirable material as subgrade excavation.
4. Design contours representing the finished surface are shown on the grading plan at this site. The Contractor shall excavate, haul, place and compact the material as needed to be within +/- 0.5' of the finished subgrade of the site.
5. Embankments shall be constructed in eight-inch (loose thickness) lifts.
6. All embankments and subcuts shall be compacted using the Specified Density Method. Testing shall be by the Contractor. Compacted density shall be at least 95% of ASTM:D698-78, Standard Proctor Density. Certified copies of all density test reports shall be provided to the Engineer.
7. Topsoil unsuitable for protection layer construction can be used as embankment material beyond the four to one pond slopes.
8. All rock six-inches and larger encountered during any embankment construction shall be removed and disposed of as directed by Engineer.
9. All embankment shall be compacted using the Quality Compaction Method.

3.2 SOURCE QUALITY CONTROL

- A. The Owner may arrange for having the following testing performed:
1. One (1) gradation test per each 500 tons or 275 cubic yards (CV) of granular borrow.
 2. One (1) Standard Proctor test per each 500 cubic yards of clay borrow.
- B. All testing shall be performed by an independent testing laboratory approved by the Engineer.
- C. Samples for testing shall be taken from material at locations approved by the Engineer. All sampling methods shall be in accordance with the Mn/DOT Schedule of Materials Control.

3.3 FIELD QUALITY CONTROL

- A. "Blue top" stakes shall be provided by the Contractor at 100 foot intervals to confirm that the subgrade is constructed to the required grades and elevations. Methods other than "blue top" staking may be allowed, if approved by the Engineer.

****** END OF SECTION ******

STORMWATER POLLUTION PREVENTION PLAN NARRATIVE

Information contained in this SWPPP summarizes requirements of the GENERAL DEBARMENT AUTHORIZATION TO DISCHARGE STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM'S (NPDES) DISCHARGE STATEMENT (DSE) for the National Pollutant Discharge Elimination System (NPDES) for the project. All provisions of the permit, including those not specifically cited herein, shall apply to this project. The permit is available at: <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/construction-stormwater/npdes-to-re-construct-stormwater-general-permit.html>

SWPPP AMENDMENTS

- Permittee must amend SWPPP as necessary to include additional requirements to correct problems identified or address the following situations:
1. There is a change in design, construction, operation, maintenance, weather or seasonal conditions.
 2. Inspections or investigations by site owner or operators, USEPA or MPCA officials determine the SWPPP is not minimizing discharges of pollutants to surface waters or underground waters or discharges are causing water quality standard exceedances.
 3. The SWPPP is not achieving the objectives of minimizing pollutants in stormwater discharges associated with construction activity, or the SWPPP is not consistent with the terms and conditions of the permit.
 4. The MPCA determines that the project's stormwater discharges may cause, have reasonable potential to cause, or contribute to non-attainment of any applicable water quality standard, or the SWPPP does not incorporate the applicable requirements of the permit.

EROSION PREVENTION PRACTICES

The location of areas not to be disturbed must be delineated on the project before site work begins. Disturbance on steep slopes (>33%) shall be minimized. Where required, techniques such as piling and stabilizing practices designed for steep slopes shall be used.

All exposed soils must be stabilized as soon as possible, but in no case later than 7 days after the construction activity has temporarily or permanently ceased.

For public works that have been promulgated, "work in water restriction" during fish spawning time frames, all exposed soil areas that are within 200 feet of the water's edge, and drain to these waters must complete stabilization within 24-hours during the time period.

Stormwater conveyance channels shall be routed around unstabilized areas. Erosion controls and velocity stabilization devices shall be used at outlets within and along the length of any constructed conveyance channel. The normal wetted perimeter of all ditches or swales, including storm water management pond slopes, that drain waters from the site must be stabilized within 200' of any property edge or discharge point, including storm sewer inlets, within 24 hours of connection.

Stabilization of the remaining portions of any temporary or permanent ditches or swales within 14 calendar days after connecting to a surface water or property edge and construction in that portion of the ditch has temporarily or permanently ceased.

Temporary or permanent ditches or swales used as sediment containment during construction do not need to be stabilized during temporary periods of use and shall be stabilized within 24 hours after no longer used as sediment containment.

Mulch, hydromulch, seedler, or similar practice shall not be used in any portion of a temporary or permanent drainage ditch, inlet to erosion and sediment control plan or temporary and permanent stabilization measures for ditches and swales.

Stormwater discharge shall be directed to vegetated areas where feasible. Velocity dispersion devices shall be used at discharge point.

Physical construction will be used to extend practical or as indicated in the plans to minimize exposed soils.

Rapid stabilization shall be of type and quantity indicated in the project specifications. Additional rapid stabilization may be necessary to minimize erosion throughout the duration of the project. Type and quantity shall be determined by the engineer or inspector prior to installation. In extreme cases, contractor shall use any available rapid stabilization to immediately mitigate erosion, then further remedy the situation with approval by owner or engineer.

SEDIMENT CONTROL PRACTICES

Practices must be established on all down gradient perimeters and be located up gradient of any buffer zones. Perimeter controls must be in place before up gradient band disturbing activities begin and shall remain in place until final stabilization.

All sediment control practices shall be re-installed if they have been adjusted or removed to accommodate short-term activities and replaced immediately after the short-term activity has ceased. Short term activities shall be performed as quickly as possible. Sediment control practices shall be re-installed even before the next precipitation event if the activity is not complete.

All storm drains must be protected by appropriate BMPs during construction until all sources to the inlet have been stabilized. Inlet protection may be removed for specific areas of concern identified by the Permittee or Jurisdictional Authority. The removal shall be documented in the SWPPP and retained on file. Temporary structures must have silt fence or other effective sediment control and shall not be placed in surface waters or riparian buffers.

Vehicle tracking BMPs shall be installed to minimize track out of sediment from the construction site. Method shall be approved by engineer prior to commencement of construction activities. Street sweeping shall be used if vehicle tracking BMPs are not adequate to prevent sediment from being tracked onto the street.

Soil compaction shall be minimized and topsoil shall be preserved, unless feasible or if construction activities dictate soil compaction or topsoil striping.

A 50 foot natural buffer, or equivalent (where a buffer is infeasible) must be maintained where a surface water is located within 50 feet of disturbance activities and site runoff flows to the surface water.

If polymers, flocculants, or other sedimentation treatment chemicals are used on site, 3) conventional erosion and sediment control BMPs shall be spaced prior to chemical placement, 2) chemicals shall be chosen based on soil types, and expected conductivity, pH, and flow rate of stormwater flowing into the treatment system, and 3) chemicals shall be used with accepted engineering practices and labeling specifications.

TEMPORARY SEDIMENTATION BASINS

The temporary sedimentation basin shall be constructed and made operational prior to disturbance of 10 or more acres draining to a common location.

Temporary sedimentation basins are required prior to runoff leaving the construction site or entering surface waters when 10 or more acres of disturbed soils drain to a common location. The basin must provide 3,000 cubic feet of storage below the outlet per acre drained. If the calculations are available, the temporary sedimentation basin must provide a surge volume sedimentation basin must be constructed and made operational prior to disturbance of 10 or more acres.

Temporary sedimentation basins shall be designed to remove floatable debris, allow for complete separation of the pond for maintenance activities, and have energy dissipation. The emergency spillways shall be stabilized.

Temporary sedimentation basins shall be situated outside of surface waters and any required buffer zone and must be designed to avoid draining wetlands, unless the impact is compliance with the requirements of this permit.

Excessive sediment-laden water that is not properly filtered will not be permitted to discharge from site.

DEWATERING AND BASIN DRAINING

Turbid or sediment-laden waters related to dewatering or basin draining shall be discharged to a temporary or permanent sedimentation basin on the project site unless infeasible. The temporary or permanent basin may discharge to surface waters if the basin water has been visually checked to ensure adequate treatment has been obtained in the basin and that the nuisance conditions will not result from the discharge. Discharge points shall be adequately protected from erosion and proper velocity dispersion provided.

All water from dewatering or high-drawdown activities must be discharged in a manner that does not cause nuisance conditions, results in the working channels or on down slope properties, or inundation in wetlands causing significant adverse impacts to the wetland.

If filters with backwash waters are used, the backwash water shall be hauled away for disposal, returned to the beginning of the treatment process, or incorporated into site in a manner that does not cause erosion. Backwash water may be discharged to sanitary sewer if permission is granted by the sanitary sewer authority.

POLLUTION PREVENTION

Building products that have the potential to leach pollutants must be under cover to prevent discharge or protection by an effective means designed to minimize contact with stormwater.

Pesticides, herbicides, insecticides, fertilizers, treatment chemicals, and landscape materials must be under cover. Hazardous materials and toxic wastes must be properly stored in sealed containers to prevent spills, leaks or other discharge. Restricted access storage areas must be provided to prevent vandalism.

Solid waste must be stored, collected and disposed of in compliance with Minn. R. CH 7035.

Portable toilets must be positioned so that they are secure and will not be tipped or knocked over. Sanitary waste must be disposed of properly in accordance with Minn. R. CH 7034.

Discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded shall be prevented using drip pans or absorbents. Supplies shall be available at all times to clean up spilled materials and that an appropriate disposal method must be available for recovered spilled materials.

Spreader, vehicle or equipment washing on the project site shall be limited to a defined area of the site. Runoff from the washing area shall be contained in a sediment basin or other similarly effective control and waste from the washing activity must be properly disposed of. No engine degreasing is allowed on site. Effective containment for all liquid and solid wastes generated by concrete and other washout operations related to construction activity shall be effectively contained. Liquid and solid washout waste shall not contact the ground, and containment must be designed so that it does not result in runoff from the washout operations or areas. A sign must be installed adjacent to each washout facility that requires site personnel to utilize the proper facilities for disposal of concrete and other washout wastes.

INVESTED WEATERS

MN DNR permits are not valid for work in waters that are designated as Infeeder waters unless accompanied by a valid Water Use Permit or written notification from MN DNR that an Infeeder Water Permit is not required, and Infeeder Waters Permit or written notification from MN DNR that an Infeeder Water Permit is not required. There is no exception for installing permits. If a MN DNR permit has been issued for the project and the water is hereafter designated as Infeeder, the Contractor shall halt all work covered by the MN DNR permit until an Infeeder Water Permit or written notification that Infeeder Water is not required is obtained.

INSPECTION & MAINTENANCE

A trained person shall routinely inspect the entire construction site at least once every 7 days during active construction and within 24-hour after a rainfall event greater than 0.5 inches in 24 hours. Following an inspection that occurs within 24-hours after a rainfall event, the next inspection must be conducted within 7 days.

All inspections and maintenance conducted during construction must be recorded within 24 hours in writing and records must be retained with the SWPPP. Inspection report forms are available in the project specifications. Inspection report forms other than those provided shall be approved by the engineer.

Where parts of the project site have permanent cover, but work remains on other parts of the site, inspections may be reduced on these areas to once per month.

Where the site has permanent cover on all exposed areas and no construction activity is occurring anywhere on site, the site must be inspected during non-construction conditions at least once per month for 12 months. Following the 12th month of permanent cover or notification from MPCA has been issued that erosion has been detected at the construction activity resumption or notification from MPCA has been issued that erosion has been detected at the site.

During frozen ground conditions, inspections may be suspended and shall resume within 24 hours after snowmelt occurs or 24 hours prior to resuming construction activity, whichever is first.

Inspection and maintenance shall resume until another Permittee has obtained coverage under this Permit or the project has undergone Final Stabilization, and an NOI has been submitted.

All erosion prevention and sediment control BMPs shall be inspected to ensure integrity and effectiveness during all routine and post-rainfall inspections. All non-functional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery, or as soon as field conditions allow access.

All perimeter control devices must be repaired, replaced, or supplemented when they become non-functional or the sediment reaches one-half (1/2) of the height of the device. These repairs must be made by the end of the next business day after discovery, or as soon as field conditions allow.

Temporary and permanent sediment basins must be defined and the sediment removed when the depth of sediment collected within 72 hours of discovery, or as soon as field conditions allow.

Surface waters, including drainage ditches and conveyance systems, must be inspected for erosion and sediment deposition during each inspection. All debris and sediment deposited in drainage ways, catch basins, and other drainage systems shall be removed. The removal and stabilization must be done within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee is responsible for obtaining all applicable permits prior to conducting any work in surface waters.

Construction site vehicle exit locations must be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment must be removed from all paved surfaces upon on and off site within 24-hours of discovery, or if applicable, within a shorter time to comply with the permit.

Streets and other areas subject to the project must be inspected for evidence of off-site accumulations of sediment. If sediment is present, it must be removed in a manner and at a sufficient frequency to minimize off-site impacts.

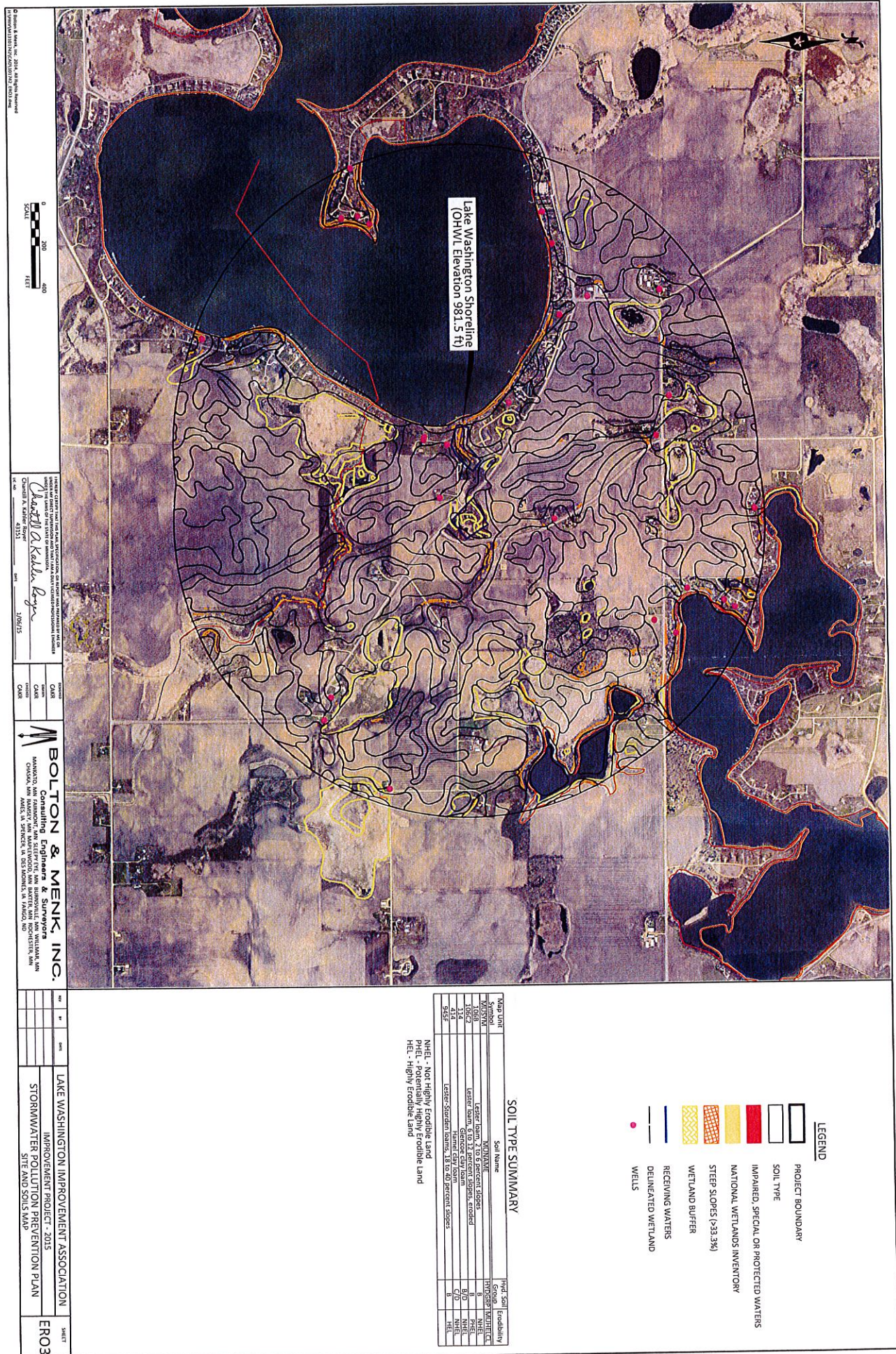
All infiltration areas must be inspected to ensure that no sediment from ongoing construction activity is reaching the infiltration area and that equipment is not being driven across the infiltration area.

FINAL STABILIZATION

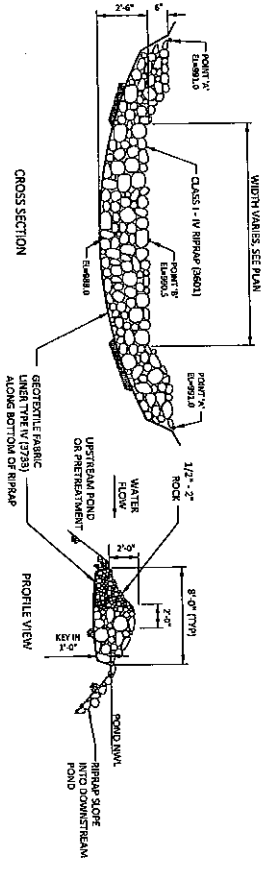
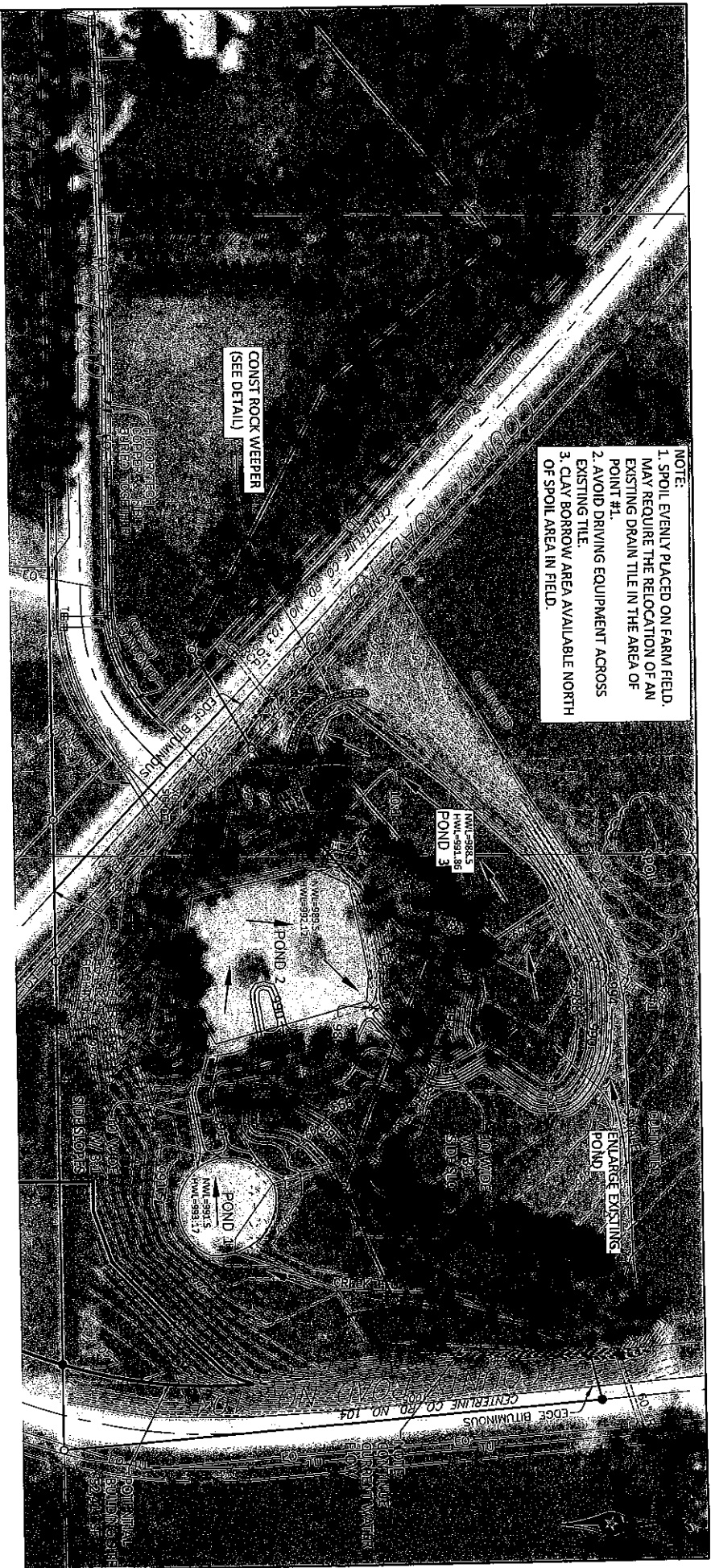
Final Stabilization is not complete until all of the following requirements have been met:

1. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetative cover with a density of 70% of its expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under eroded conditions.
2. Permanent stormwater management system is constructed, meets all requirements of the permit, and operating as designed. Temporary or permanent sedimentation basins on site have been removed, water quality management basins have been cleaned of any accumulated sediment. All sediment has been removed from conveyance systems, and inlets are stabilized with permanent cover.
3. All temporary synthetic and structural erosion prevention and sediment control BMPs have been removed. BMPs designed to decompose on site may be left in place.

| | | | |
|---|--|--|--|
| <p>PROJECT: LAKESHORE DRIVE, ST. LOUIS, MO CONTRACT NO.: 2015-001 DATE: 1/6/15</p> | | <p>OWNER: CITY OF ST. LOUIS PROJECT MANAGER: [Signature] DATE: 1/6/15</p> | <p>DESIGNER: [Signature] DATE: 1/6/15</p> |
| <p>BOLTON & MENK, INC. Consulting Engineers & Surveyors 1000 N. GARDNER AVENUE, SUITE 100 ST. LOUIS, MO 63102 PHONE: 314.433.1100 FAX: 314.433.1101 WWW.BOLTONMENK.COM</p> | | <p>LAKE WASHINGTON IMPROVEMENT ASSOCIATION STORMWATER POLLUTION PREVENTION PLAN NARRATIVE</p> | <p>3487 ERO2</p> |



NOTE:
 1. SPOIL EVENLY PLACED ON FARM FIELD.
 MAY REQUIRE THE RELOCATION OF AN
 EXISTING DRAIN TILE IN THE AREA OF
 POINT #1.
 2. AVOID DRIVING EQUIPMENT ACROSS
 EXISTING TILE.
 3. CLAY BORROW AREA AVAILABLE NORTH
 OF SPOIL AREA IN FIELD.



NOTES:
 POINT 'W' MUST BE A MINIMUM OF 8" HIGHER THAN POINT 'W' TO ENSURE
 WATER FLOWS OVER THE SILL AND NOT AROUND THE ENDS.
 CLASS I-IV RIPRAP (M/N/DOT SPEC 3803) WITH GEOTEXTILE FABRIC LINER,
 TYPE IV (M/N/DOT SPEC 3733).
 THE ROCK WEEPER FILTERS SEDIMENT OUT OF THE WATER BETTER THAN
 OTHER FILTER CHECKS. THE ROCK WEEPER SHOULD BE USED AS A PERMANENT
 WATER FILTER FEATURE.
 ROCK WEEPER SHOULD BE KEPT INTO THE SLOPE 1:1 TO HOLD ROCK IN PLACE.
 SLOPE ON DOWNSTREAM SIDE IF ROCK WEEPER INTO POND SHOULD BE CLASS
 IV RIPRAP
 SEEDING: M/N/DOT 33-321 SEED MAT IN EXPOSED SOIL AREAS.
 ROCK WEEPER - RIPRAP
 NOT TO SCALE

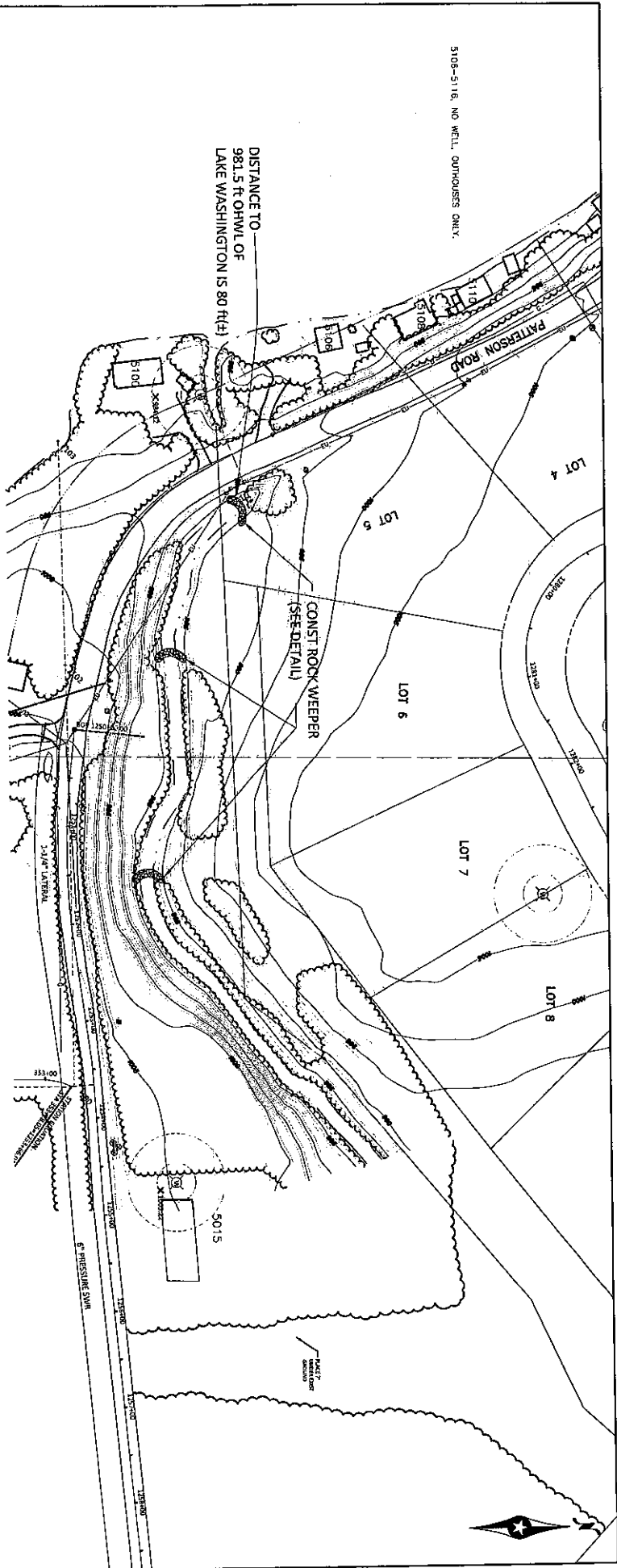


DATE: 10/15/15
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 150615

BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 1000 W. 10th Street, Suite 100
 Ames, IA 50010
 PHONE: 515-281-1111
 FAX: 515-281-1112
 WWW: www.boltonmenk.com

LAKE WASHINGTON IMPROVEMENT ASSOCIATION
 IMPROVEMENT PROJECT - 2015
 STORMWATER POLLUTION PREVENTION PLAN
 SITE 7 - POND AND WETLANDS

LEGEND
 CLIVERT
 DRAIN TILE
 SURVEYED PROPERTY LINE
 WATER FLOW DIRECTION
 ESTIMATED AREA TO BE
 DISTURBED = 3.0 ACRES



NOTES:

POINT 'A' MUST BE A MINIMUM OF 6" HIGHER THAN POINT 'B' TO ENSURE WATER FLOWS OVER THE DIRT AND NOT AROUND THE END.

CLASS I - IV RIPRAP (MIN/DOT SPEC 3601) WITH GEOTEXTILE FABRIC LINER TYPE IV (MIN/DOT SPEC 3793).

THE ROCK WEEPER SHOULD BE INSTALLED OUT OF THE WATER BETTER THAN DOWNSTREAM. THE ROCK WEEPER SHOULD BE USED AS A REMANENT WATER FILTER FEATURE.

ROCK WEEPER SHOULD BE SET INTO THE SLOPE 1" TO HOLD ROCK IN PLACE. SLOPE ON DOWNSTREAM SIDE IF ROCK WEEPER INTO POND SHOULD BE CLASS IV RIPRAP.

ROCK WEEPER - RIPRAP

NOT TO SCALE

Scale: 1" = 10' (1" = 10')

BOLTON & MENK, INC.

MANAGED BY: [Signature]

CHIEF ENGINEER: [Signature]

PROJECT: LAKE WASHINGTON IMPROVEMENT ASSOCIATION

IMPROVEMENT PROJECT - 2015

STORMWATER POLLUTION PREVENTION PLAN

SITE 4 - PROPOSED IMPROVEMENTS

ER08



Le Sueur County, MN

Thursday, March 12, 2015

Regular session

Item 1

MINUTES

Staff Contact:

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
March 12, 2015

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

MEMBERS ABSENT: Don Reak, Shirley Katzenmeyer, Betty Bruzek

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly

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

ITEM #1: JESSE & TAMMY SAMUELSON, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate an off-sale liquor store in a Recreational Commercial "RC" District on a Recreational Development "RD" lake, Lake Jefferson. Property is located in Government Lot 1, Section 3, Cleveland Township.

Kathy Brockway presented power point presentation. Applicants were present for the application.

TOWNSHIP: notification per application process by applicant. DNR: see file LETTERS: DNR letter

PUBLIC COMMENT: no comments

Discussion was held regarding: discussed history of parcel, restaurant at one time, security, lighting, parking, restroom facilities, additional cabins on site are used for personal storage, propane tanks, applicants live on site, open year round, hours of operation as stated in application, licensing.

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

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

ITEM #2: TIM & CHRISTINE TUPY, NEW PRAGUE, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 NW 1/4 in an Agriculture "A" District. Property is located in the W 1/2, Section 23, Lanesburgh Township.

Kathy Brockway presented power point presentation. Tim Tupy was present for application.

TOWNSHIP: notified the township per application process. DNR: N/A LETTERS: N/A

PUBLIC COMMENT: no comments

Discussion was held regarding: transferring the development right from one quarter quarter to another contiguous quarter quarter, both parcels have buildable area, exempt from project completion in 1 year for Conditional Use Permits, length of driveway, site is closer to the road, 7.5 acre building site, putting the 23+ acre parcel into a conservation program, documents are recorded against both the sending and receiving property..

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
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Motion was made by Steve Olson to approve the application as written. Reason for approval/denial: Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #3: LAKE WASHINGTON IMPROVEMENT ASSOCIATION, (APPLICANT); KEVIN CLINTON, COLLETTE BIEHN KRENIK, MARTHA WEISGRAN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of 3,408 cubic yards of material for the reconstruction of a sediment pond in an Agriculture "A" District. Property is located in the N 1/2 SW 1/4, Section 9, Washington Township.

Kathy Brockway presented power point presentation. Chantel Kahler Royer was present for application.

TOWNSHIP: Notification by the applicant during the application process. DNR: N/A LETTERS: N/A

PUBLIC COMMENT: Pam Olson, President of Lake Washington Association- clarified questions from the planning commission.

Discussion was held regarding: project has been in the works for several years, Clinton property approximately 2,530 cy of material for the pond, drainage way, and rock weeper, the Krenik property is approximately 878 cy of material for the drainage way and berm, approved cost share project with the County, time line, rock weeper-filter, man-made ponds, goal of ponds is to have water flowing through them and are not stagnant, re-route the drainage flow, maintenance of the pond, periodic maintenance of the pond will be necessary in order to ensure the ponds continue timeline, early summer or late fall, 6" tile line will be fixed and outlet to the pond.

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Motion was made by Chuck Retka to approve the application with the condition; that an on-going agreement between the Lake Association and Landowners is in place for the maintenance of the ponds. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Al Gehrke to approve the minutes from the February 12, 2015 meeting. Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. 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 PLANNING AND ZONING COMMISSION
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