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# **Le Sueur County, MN**

**Thursday, July 9, 2015**

**Regular session**

## **Item 1**

### **Valiant/Simonette Packet**

**Staff Contact: Kathy Brockway or Michelle Mettler**

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Hugh Valiant

**OWNER:** Marty & Christina Simonette

**911 ADDRESS:** 6109 Kerry Court, Madison Lake MN 56082

**PROJECT DESCRIPTION:** to allow grading, excavating and filling of approximately 71 cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington.

**ZONING ORDINANCE SECTIONS:** Section 13, (Pages 13-16 through 21) Section 13.2, Section 21 (pages 21-2 thru 21-5)

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

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

**GOALS & POLICIES:** Le Sueur County will adopt and enforce the following land use goals and policies to enhance land use regulation efficiencies, use County resources to meet County residents' needs, and protect County residents' health, safety, and welfare.

**Goal 2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

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

## SITE INFORMATION

**LOCATION:** Lot 5, Block 1, Connor's Pt. Subdivision, Section 7, Washington Township.

**ZONING:** Recreational Residential "RR" District

**GENERAL SITE DESCRIPTION:** Residential Development

**ACCESS:** Existing

### EXISTING LAND USE WITHIN ¼ MILE:

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

## BACKGROUND INFORMATION

See Narrative

## TOWNSHIP BOARD NOTIFICATION

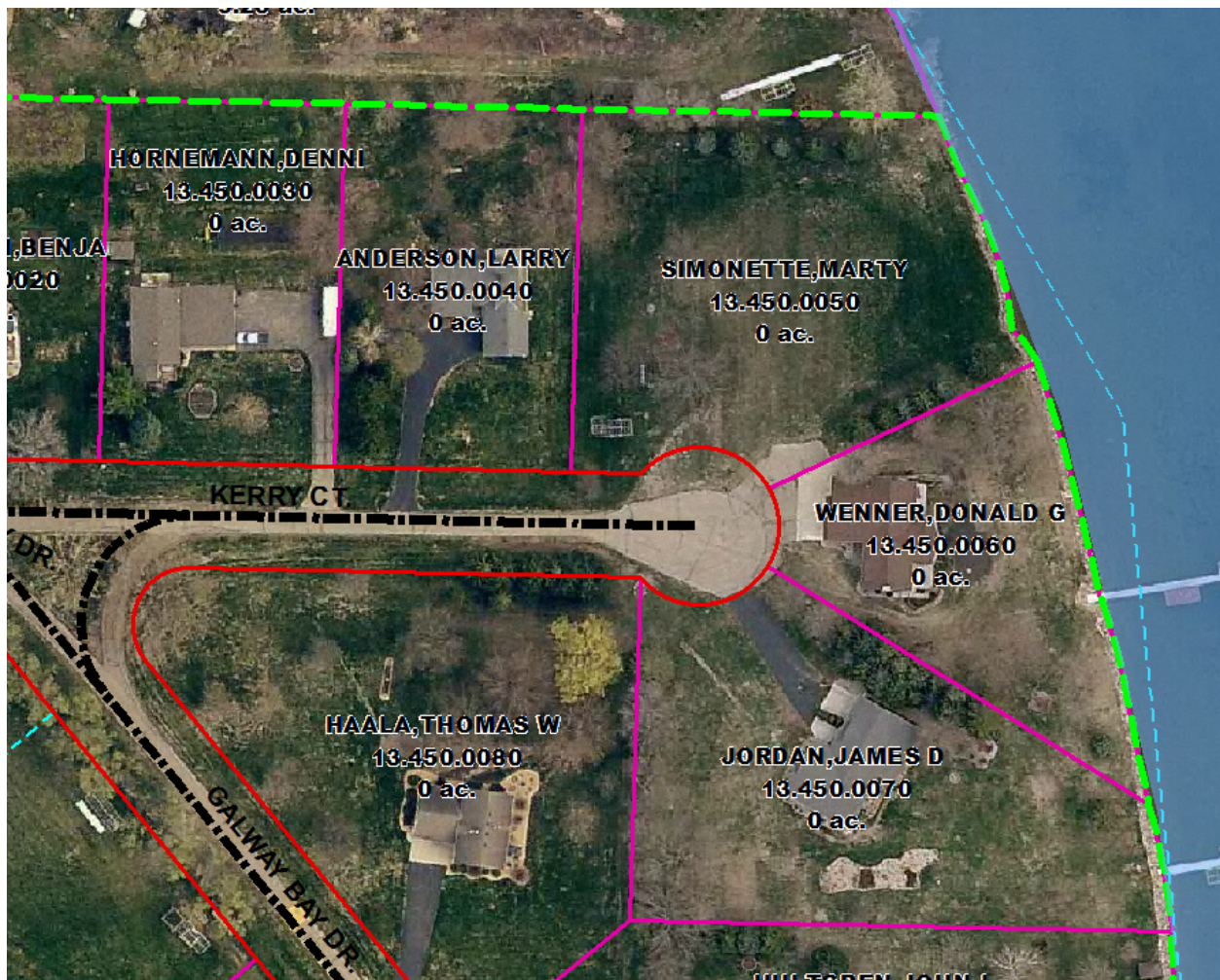
The applicant has notified Susan Ziebarth, Washington Township on May 26, 2015.

## NATURAL RESOURCES INFORMATION

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

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

## AERIAL PHOTO



## ATTACHMENTS

Narrative, Plans, Photos

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

## PLANNING AND ZONING COMMISSION FINDINGS

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

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

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 Hugh Valiant  
Mailing Address 10475 440th Ave  
City Waterville State MN Zip 56096  
Phone # 507-469-3325 Phone # \_\_\_\_\_

### II. Landowner:

Name Marty & Christina Simonette  
Mailing Address 621 Inverness Lane  
City St. Peter State MN Zip 56082  
  
Property Address 6109 Kerry Court  
City Madison Lake State MN Zip 56063  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 13.450.0050 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Washington Section 7  
Subdivision Connors Point Lot 005 Block 001

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

Washington Township notified on May 26, 2015  
(Township Name) (Date)

Board Member Susan Ziebarth regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

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



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

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

**Additional Fees:**

Special Meeting \$ 2,000

After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater.



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

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone  
☐ Within Bluff

Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** \_\_\_\_\_

☐ **Shoreland- Outside Shore Impact Zone**

- ☒ Within Shore Impact Zone  
☐ Within Bluff Impact Zone  
☐ Within Bluff

Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: 71  
Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: \_\_\_\_\_

**TOTAL cubic yards of material movement:** 71

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

**VIII. Description of Request:**

- a. A full description of request with detailed information including what operations are to occur and what general types of equipment may be used in the operation must be attached.

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

1. ENVIRONMENTAL IMPACT: Project will improve water quality by addressing active erosion concerns.
2. ADVERSE IMPACT ON SURROUNDING AREAS: None- adjacent property has rip rap in place.
3. STORMWATER RUNOFF: Native plant buffer will be established to treat stormwater runoff.
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No
5. WETLAND IMPACT: no wetland within work area.
6. SLOPE STABILITY: final grade of slope will not exceed 3:1.
7. CERTIFICATE OF INSURANCE: not required.
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
(For example additional licensing and/or permitting) yes - no DNR permit required.

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

- **Parcels < 5 AC =** 2-foot contours depicting existing and proposed topography.
- **Parcels 5-20 AC =** 5-foot contours depicting existing and proposed topography.
- **Parcels >20 AC =** 10-foot contours depicting existing and proposed topography.
- Location of grading, excavating, and/or filling sites.
- Location of areas for obtaining fill or disposing of excavated materials.
- Tree inventory of all trees, indicating trees to be cut or removed.  
(Caliper of 6 inches or greater measured 4.5 feet from ground level).

- |                                      |           |                       |                            |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point                        | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks                           | • River   | • Proposed Structures | • Well                     |
| • Property Lines                     | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way                  | • Stream  | • Ponds               | • Easements                |
| • Landscape, screening and buffering |           |                       | • Drainage                 |

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



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

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*
- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD))*
- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy 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 findings and recommendations of the Planning Commission to the County Board for final decision.

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

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

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

**XIII. Signatures:**

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

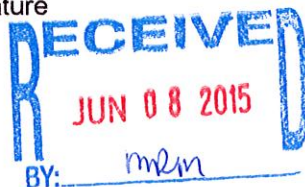
Hugh Valiant  
Applicant signature

6-6-2015  
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.*

[Signature]  
Property Owner signature

6/6/15  
Date



**OFFICE USE ONLY**

**Request: GRADING, EXCAVATING & FILLING**

☐ **Non-Shoreland**

- ☐ Within Bluff Impact Zone  
☐ Within Bluff

Cubic yards of material movement: \_\_\_\_\_  
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**TOTAL cubic yards of material movement:** \_\_\_\_\_

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Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: 71  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: 71

**TOTAL cubic yards of material movement:** 71

Pre-App Date 6-8-15  
 Meeting Date 7-9-15  
 60 Day 8-7-15  
 Zoning District RR

Lake Classification RD  
 Lake Washington  
 FEMA Panel # 27079C0 265  
 Flood Zone A-outside

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

☒ Request Description

☐ Access Approval

☐ Septic Comp Insp / Design

☒ Site Plan

☒ Erosion Control Plan

☒ Meeting Reg / ATF / Spec

☒ Full Legal

☐

☒ Fee \$ 794

☒ Ordinance

☐ Other \_\_\_\_\_

☐ Penalty \$ \_\_\_\_\_

☒ Application Complete

Michelle R. Metz  
 Planning & Zoning Department Signature

6-8-15  
 Date

15163  
 Permit #

KWASD

**RECEIVED**  
 JUN 01 2015  
 BY: M. RM



Marty and Christina Simonette

PROJECT DESCRIPTION

Marty and Christina propose to restore their Lake Washington lakeshore located at 6109 Kerry Court by means of a combination of native plant buffer and rock riprap. The eroded lakeshore bank would be graded to a smooth contour, natural field rock riprap placed at the toe of the slope and native plants placed adjacent to the riprap to form a riparian buffer. A sand blanket would also be installed.

A common-use well is located off the property.

Access to the property is directly off of Kerry Court; the property is currently maintained as lawn.

Proposed Work Activities:

A silt fence will be installed prior to any work activity.

Re-grading of the the shoreline (21 cu.yds.) using a track excavator and track skid loader, will match the natural contour and will not exceed 3:1 (5:1 average).

All excess material will be removed from the site and disposed of at 11063 423rd Avenue, Waseca.

Top soil (9 cu. yds.) will be stockpiled on site, then applied to the disturbed area at a 6" thickness. The stockpile will be covered to prevent any movement prior to installation.

The 12 to 24 inch rock (24 cu. yds,) will be placed following DNR and LeSueur County riprap guidelines. All riprap will be placed above the OHWL. Riprap will extend the 168 foot length of the shoreline and will not exceed 3 feet high; the average height will be 2 feet. Fabric will be installed prior to placement of the rock.

A native buffer consisting of forbs, grasses, sedges and shrubs will be established in an area 6 feet wide by 122 feet long along the lakeshore. The 420 plants will be planted in a naturalistic manner at 12 to 18-inch spacing and will include little bluestem, blue flag iris, prairie phlox, blazing star, cardinal flower, coneflower, prairie onion, dogwood, dwarf honeysuckle and dwarf burning bush.

Four inches of wood mulch (7 cu. yds.) will be spread over the planting area.

A 30' x 25' semi-circle sand blanket (6" sand layer/8 cu. yds.) will be added above the OHWL.

In addition to the field rock used to stabilize the toe of the slope, a 36-foot field rock retaining wall (12 to 18-inch rock, 12 x 18-inch cross section, 2 cu yds volume) will be installed adjacent to the sand blanket.

No trees will be removed from the property, except for one boxelder, which will be cut and treated with approved systemic herbicide to prevent stump sprouting.



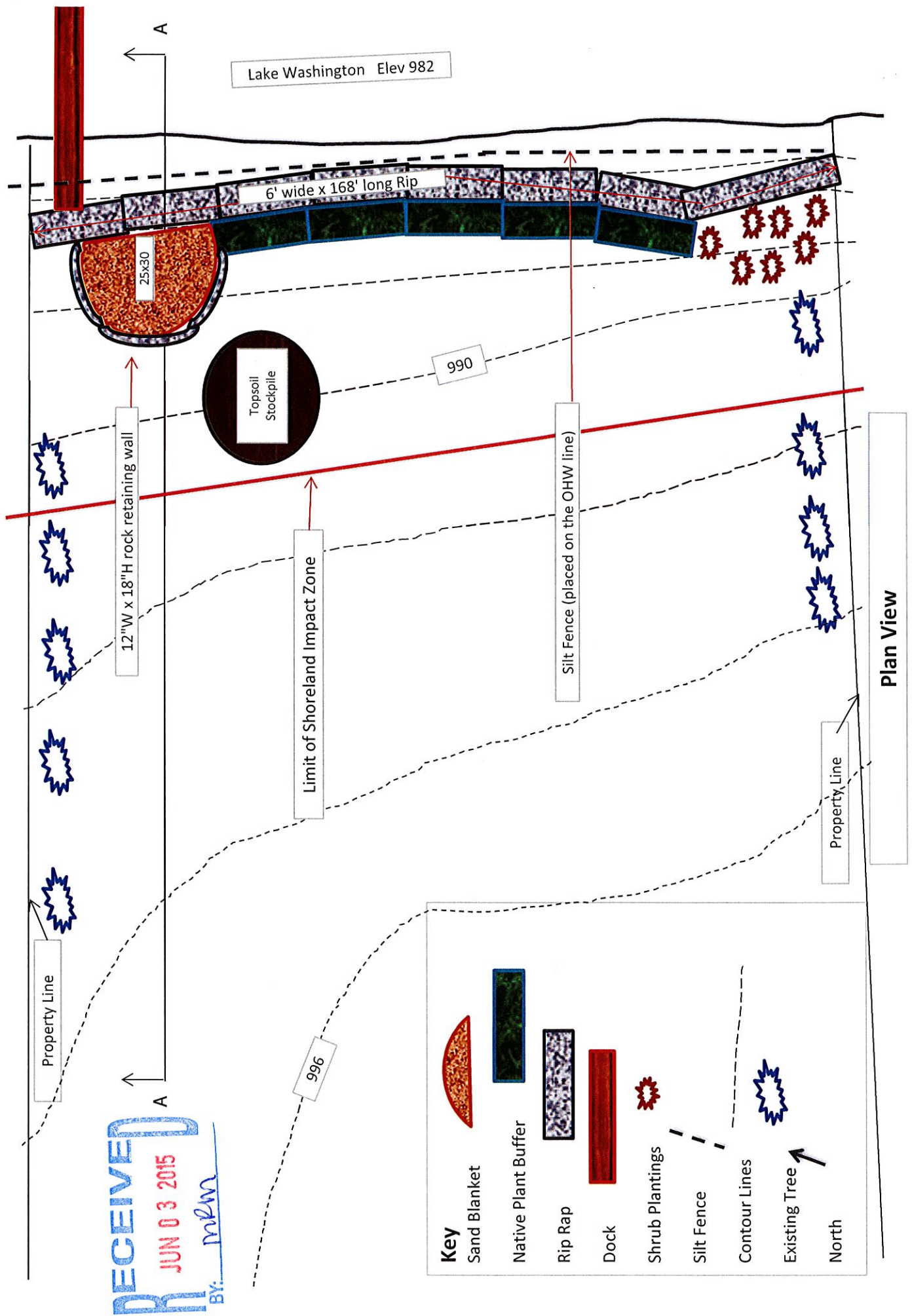
A silt fence will be installed immediately to prevent any additional sediment eroding into the lake prior to project installation.

Previous owners installed a lawn watering system which drew water from the lake. The hardware will be removed and discarded. Removal of this system will not have any impact on the project or application.

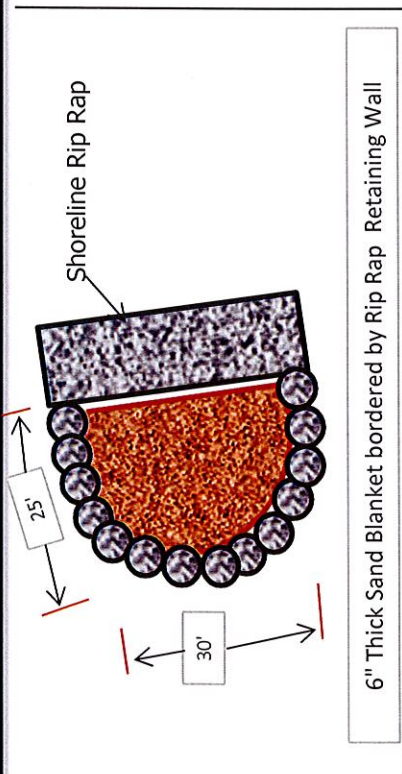
Any disturbance to the yard outside of the project dimensions will be restored to lawn.



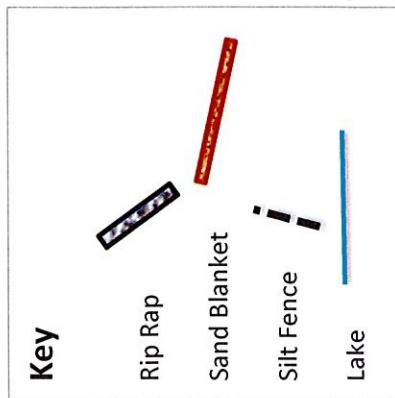
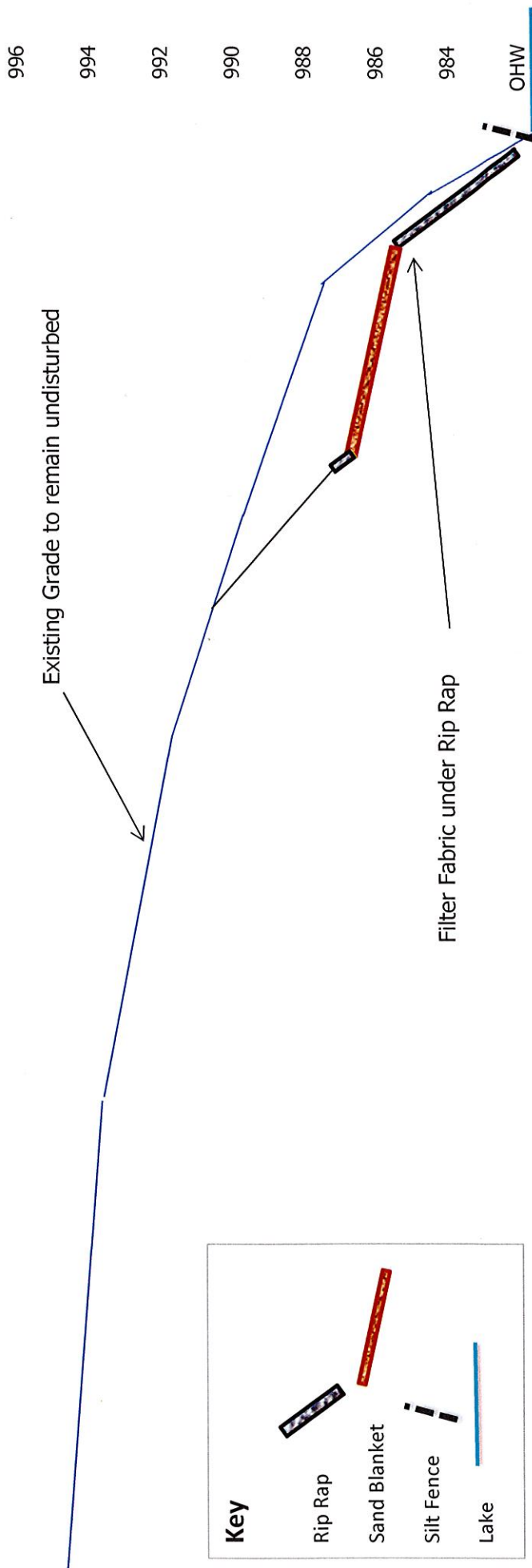




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JUN 02 2015  
BY: *mem*



Sand Blanket Detail



Scale:

Vertical 1" = 4'

Horizontal 1" = 25'

Cross Section A - A

**Marty & Christina Simonette**

6109 Kerry Court

Connors Point Lake Washington

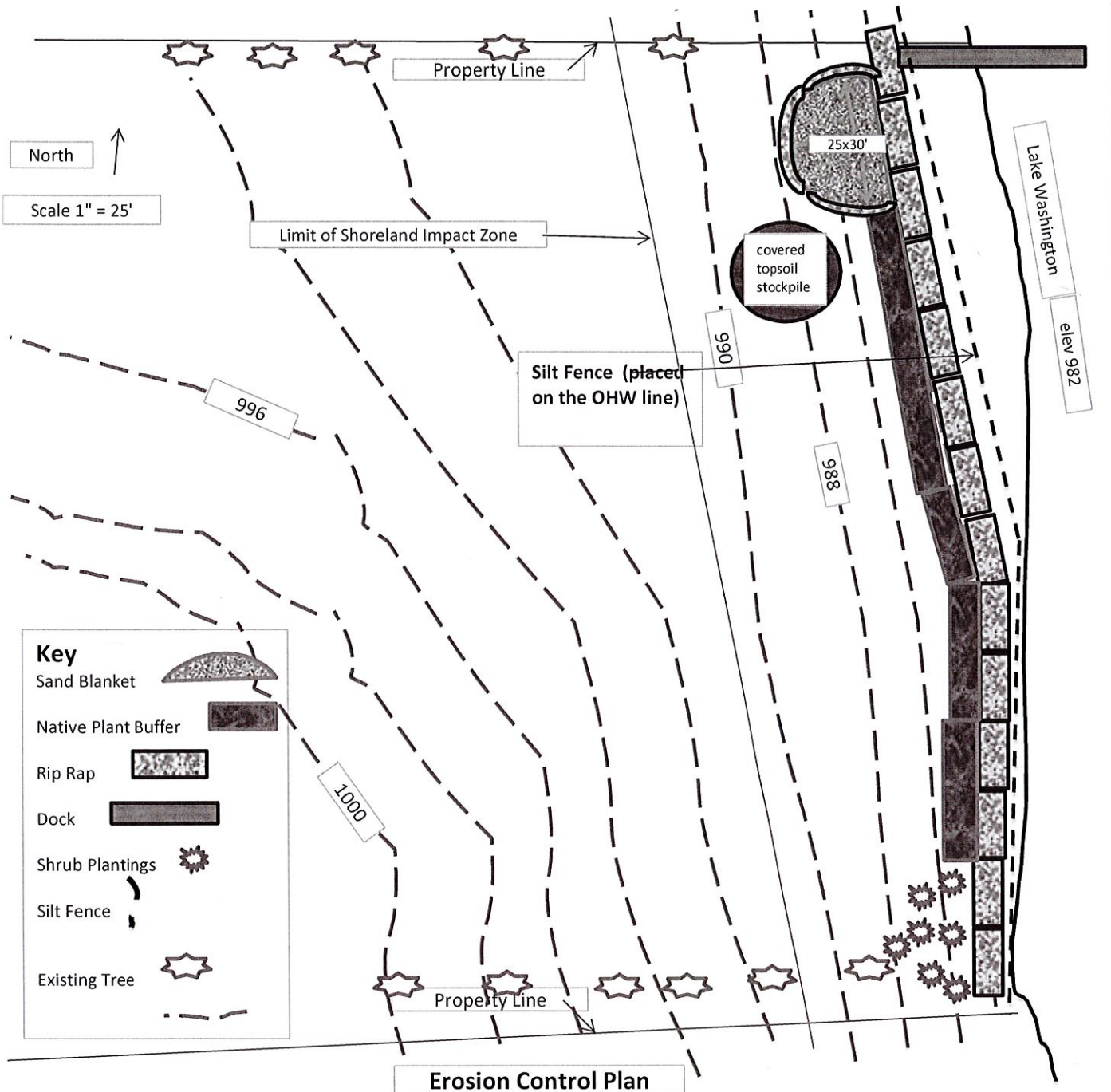
Washington Township, LeSueur County

# Lakeshore Restoration Project

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

*Curtiss R. Kloss*

Curtiss R. Kloss P.E. No. 14031



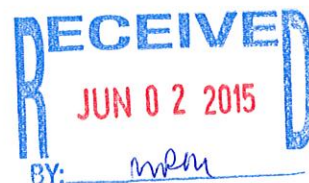
**Lakeshore Restoration Project**

**Owner: Marty & Christina Simonette**  
**Location: 6109 Kerry Court Connor Point**  
**Lake Washington**  
**Washington Township, LeSueur County**

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

*Curtiss R. Kloss*

Curtiss R. Kloss P.E. No. 14031





**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057-1620**  
**(507) 357-2251**  
**FAX (507) 357-8541**

**Erosion and Sediment Control Plan**

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

Property Owner: Marty & Christina Simonette PID: 13.450.0050  
Mailing Address: 621 Inverness Lane St. Peter MN 56082  
Property Address: 6109 Kerry Court Madison Lake MN 56063  
Phone: ( ) Mobile/Cell: (507) 317-3416

Responsible party for Implementation/Inspection: Hugh Valiant  
Address: 10475 440<sup>th</sup> Ave. Waterville MN 56096  
Phone: ( ) Mobile/Cell: (507) 461-1267

**Erosion & Sediment Control Measures**

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



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

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

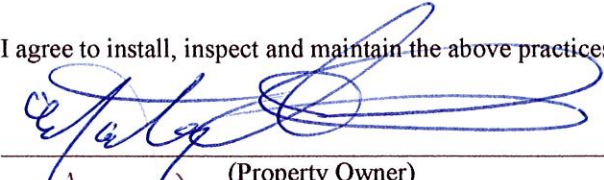
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November.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


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

#### **Inspection and Maintenance**

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

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

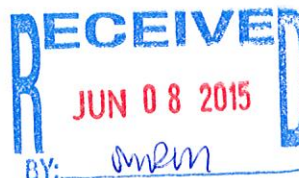
  
\_\_\_\_\_  
(Property Owner)

  
\_\_\_\_\_  
(Person Responsible for Implementation)

6/6/15  
(Date)

5-29-2015  
(Date)

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





Reed 12-1-15





Rec'd  
4-1-15









LE SUEUR COUNTY  
CONDITIONAL USE PERMIT CRITERIA  
PERMIT # 15113  
July 9, 2015

ROLL CALL VOTE

Applicant: HUGH VALIANT OWNER: MARTY & CHRISTINA SIMONETTE

**Conditional Use Permit Request:** allow grading, excavating and filling of approximately 71 cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township.

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 maintain the goals of safety, health and the general welfare of the public.

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ PZ CHAIRPERSON \_\_\_\_\_

COUNTY BOARD MEETING DATE: \_\_\_\_\_