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# Le Sueur County, MN

Thursday, August 13, 2015

Regular session

## Item 1

### Rivers

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/ OWNER:** Robert & Monica Rivers

**911 ADDRESS:** 37618 Sugar Maple Lane, Montgomery MN 56069

**PROJECT DESCRIPTION:** To allow grading, excavating and filling of 2 cubic yards of material in the bluff for the construction of a stairway.

**ZONING DISTRICT PURPOSE:** A District, adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this District to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses may be allowed.

### DEFINITIONS:

**BLUFF** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**SHORELAND** - The land located within the following distances from public waters:

1. One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage.

**ZONING ORDINANCE SECTIONS:** Sections 13 (pages 13-13-14), Section 13.2

### 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.

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

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

## SITE INFORMATION

**LOCATION:** Property is located at Lot 3, Block 4, Greenleaf Lake Estates, Section 20, Montgomery Township.

**ZONING:** Recreational Residential "RR" District on a Recreational Development "RD" lake, Greenleaf Lake.

**GENERAL SITE DESCRIPTION:** Platted Subdivision

**ACCESS:** Existing

### EXISTING LAND USE WITHIN ¼ MILE:

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

## TOWNSHIP BOARD NOTIFICATION

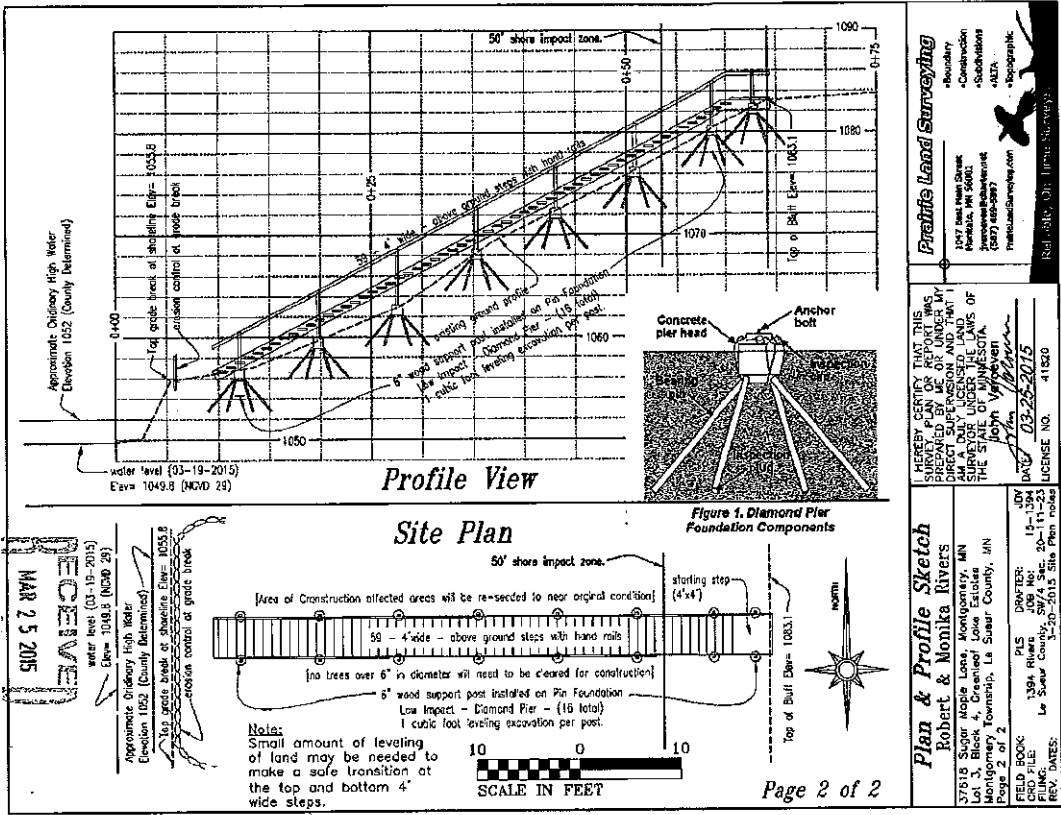
The applicant's notified Dale Korbel, Montgomery Township Board member on April 27, 2015.

## NATURAL RESOURCES INFORMATION

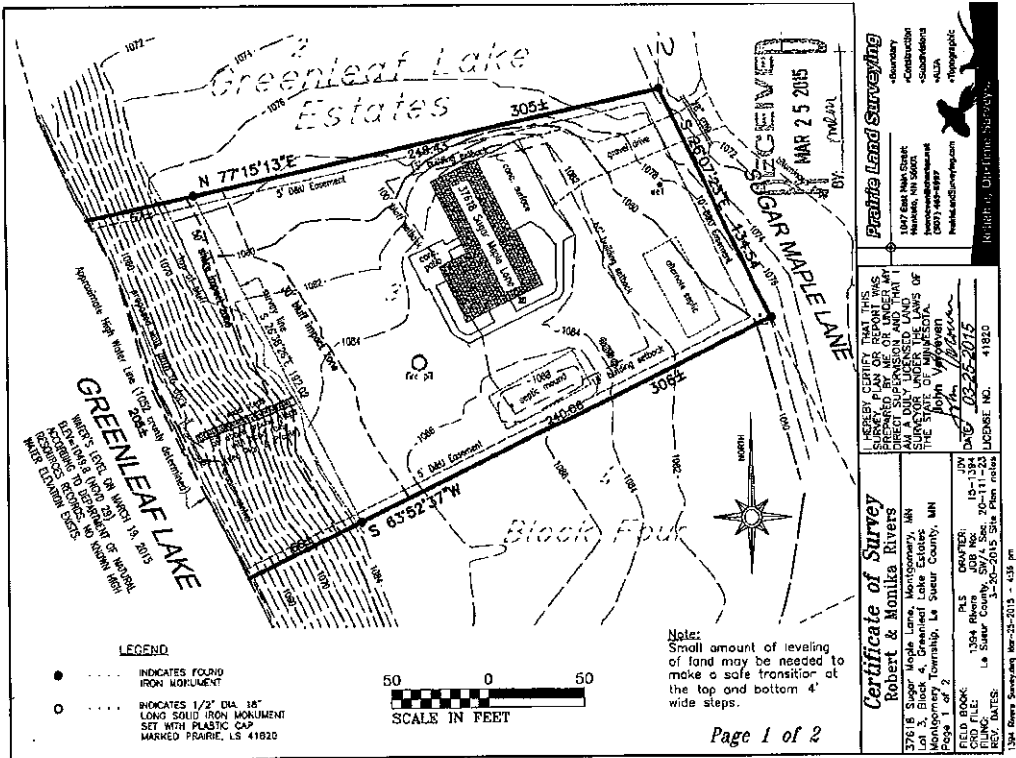
**SHORELAND:** The proposal is located within the Shoreland District.

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

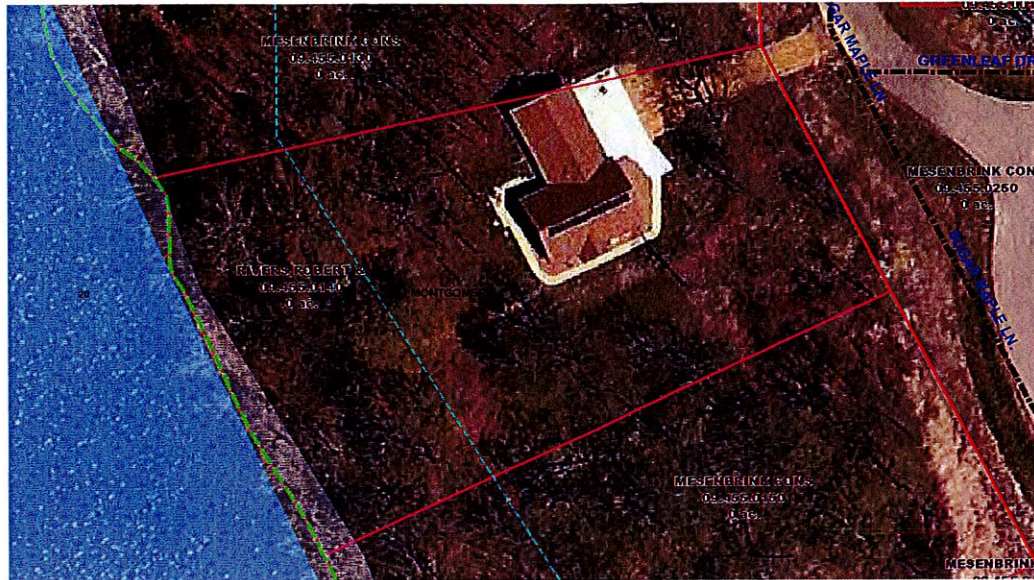
CONSTRUCTION PLAN



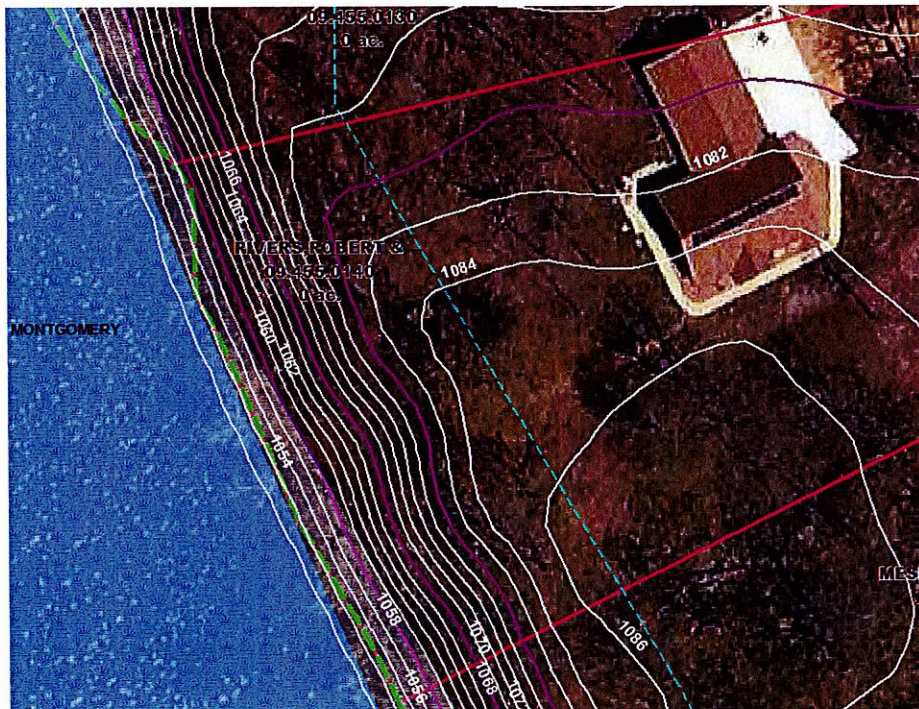
SITE PLAN



## AERIAL PHOTO



## AERIAL PHOTO WITH CONTOURS



## LE SUEUR COUNTY ZONING ORDINANCE REQUIREMENTS

- Stairways must not exceed four (4) feet in width;
- Landings for stairways shall not exceed thirty two (32) square feet in area;
- Stairways constructed above ground on posts or pilings or placed in the ground shall be designed and built in a manner that ensures control of soil erosion;
- Stairways must be located in the most visually inconspicuous portions of the lot as viewed from the surface of the public waters, assuming summer, leaf-on conditions whenever possible.

## ATTACHMENTS

Narrative, Site Plan, Survey, Erosion Control Plan, Letter from Environmental Services Resource Specialist

## 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 ENVIRONMENTAL SERVICES  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057-1600

Phone (507) 357-8540 (direct line)

Fax (507) 357-8541

Date: 7/28/2015

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

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**Applicant:** Robert & Monika Rivers

**Property owner:** Robert & Monika Rivers

**Property:** 09.455.0140

**Description:** Application to allow the grading, excavation and filling of approximately 2 cubic yards of material in the bluff to allow for the installation of stairs to access Greenleaf Lake, a Recreational Development lake.

**Recommendation:** I recommend approval of a Conditional Use Permit for the grading, excavation and filling of approximately 2 cubic yards of material within the bluff to construct stairs to access the lake. The use of diamond pier footings will cause less impact to bluff stability than the use of traditional footings. All disturbed soils should be stabilized immediately once work is completed in that area.

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist

LE SUEUR COUNTY  
 CONDITIONAL USE PERMIT CRITERIA  
 PERMIT # 15136

ROLL CALL VOTE

Applicant: Robert & Monica Rivers Date: August 13, 2015

**Conditional Use Permit Request:** grant a Conditional Use Permit to allow grading, excavating and filling of 2 cubic yards of material in the bluff for the construction of a stairway in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Greenleaf Lake. Property is located at Lot 3, Block 4, Greenleaf Lake Estates, Section 20, Montgomery 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 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.											

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-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 BOB RIVERS  
Mailing Address 37618 SUGAR MAPLE LANE  
City MONTGOMERY State MINN Zip 56069-3700  
Phone # 507-369-5984 Phone # \_\_\_\_\_

### II. Landowner:

Name ROBERT & MONIKA RIVERS  
Mailing Address 37618 SUGAR MAPLE LANE  
City MONTGOMERY State MINN Zip 56069  
  
Property Address 37618 SUGAR MAPLE LANE  
City MONTGOMERY State MINN Zip 56069  
Phone # 507-369-5984 Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 09,455,0140 Parcel Acreage 51,200 Sq. FT.  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township MONTGOMERY TWP Section 20  
Subdivision GREEN LEAF LAKE Lot 3 Block 4  
ESTATES

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

MONTGOMERY Township notified on April 27, 2015  
(Township Name) (Date)

Board Member DALE KORBEL regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

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



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

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

**Additional Fees:**

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

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

**Non-Shoreland** Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Impact Zone Cubic yards of material movement: \_\_\_\_\_  
 Within Bluff Cubic yards of material movement: \_\_\_\_\_  
**TOTAL cubic yards of material movement:** \_\_\_\_\_

**Shoreland- Outside Shore Impact Zone** Cubic yards of material movement: 1  
 Within Shore Impact Zone Cubic yards of material movement: 1  
 Within Bluff Impact Zone Cubic yards of material movement: 1  
 Within Bluff Cubic yards of material movement: 1  
**TOTAL cubic yards of material movement:** 2

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: NONE
2. ADVERSE IMPACT ON SURROUNDING AREAS: NONE
3. STORMWATER RUNOFF: NONE
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: NO
5. WETLAND IMPACT: NONE
6. SLOPE STABILITY: IMPROVEMENT
7. CERTIFICATE OF INSURANCE: N/A
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:  
 (For example additional licensing and/or permitting) YES

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

- **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:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | a. <b>Description of Request</b> -See Part VIII for full details and requirements.   |
| <input checked="" type="checkbox"/> | b. <b>Site Plan</b> -See Part IX for full details and requirements.  |
| <input checked="" type="checkbox"/> | c. <b>Full Legal Description</b> -Not abbreviated description from tax statement.  |
| N/A <input type="checkbox"/>        | d. <b>Access approval</b> -Attach approval in writing from proper road authority.  |
| <input checked="" type="checkbox"/> | e. <b>Township Notification</b> -See Part IV for details and requirements.   |
| N/A <input type="checkbox"/>        | f. <b>Septic System Compliance Inspection</b>  |
| <input checked="" type="checkbox"/> | g. <b>Erosion Control Plan</b> -Attach completed and signed plan including map.  |
| <input checked="" type="checkbox"/> | h. <b>Restoration Plan</b> -See Part X for full details and requirements.  |
| N/A <input type="checkbox"/>        | i. <b>Approved Stormwater Pollution Prevention Plan</b><br>-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.*

Robert Rivers  
Applicant signature

6/29/15  
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.*

Robert Rivers  
Property Owner signature

6/29/15  
Date

TO WHOM IT MAY CONCERN:

We are applying for a Conditional Use Permit for the purpose of constructing stairs from the top of the bluff down to 4ft above the ordinary high water line. The OHWL-1052 as per Environmental Services Dept. Bottom of stairs will be at 1056 as per drawings. Small amounts of leveling of land may need to be done to make to make safe transition at the top and bottom for the posts and 4'wide steps. There will be no environmental impact to the bluff at all because the stairs will be built above ground on poles and side rails.

No trees will be removed, only underbrush for the 4ft path down to the lake. All drawings attached.

The type of construction will actually improve slope stability, because the diamond piers (16) will be installed with a jackhammer to support the posts and act like roots of a tree, see drawing. The only other equipment will be hand tools. Erosion will be controlled by the placement of a silk sock, called a grade break on the drawing.

The stairs will be 4ft wide with 59 steps with hand rails. The only excavation needed-1 cubic foot per post for leveling before jackhammer pounds in the diamond piers for the posts on drawing. *AND A SMALL OF GRADING AT TOP & BOTTOM OF STEPS, FOR A TOTAL FOR THE PROJECT 2 CUBIC YARDS*  
Respectfully submitted:

Bob & Monika Rivers  
37618 Sugar Maple Ln  
Montgomery, Mn 56069-3700  
507-364-5984

RECEIVED  
JUN 29 2015  
BY: *mkm*

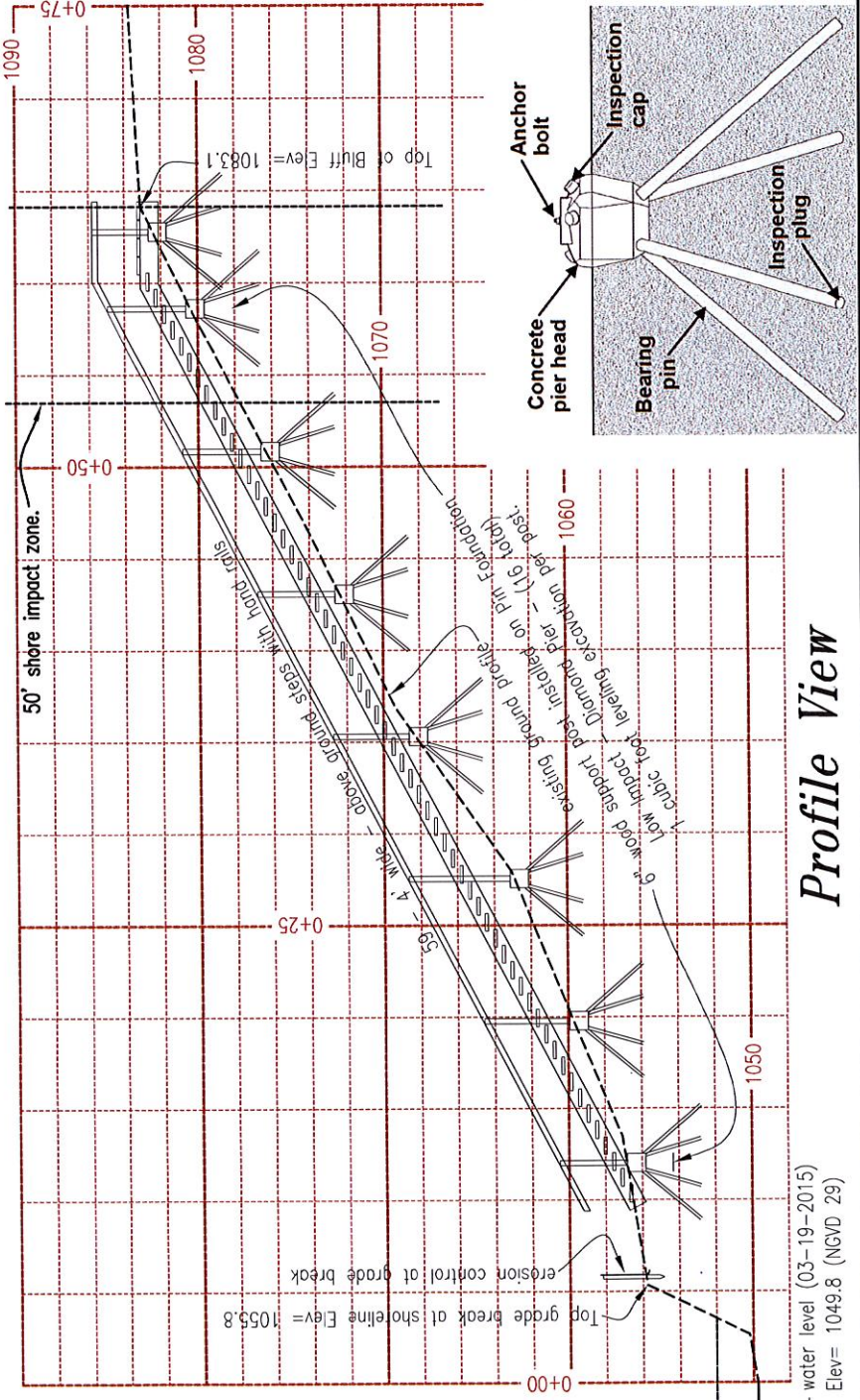
FIELD BOOK: PLS  
 DRAFTER: JPL  
 JOB NO: 15-1394  
 1394 Rivers  
 SW/4 Sec. 20-11-23  
 Le Sueur County, MN  
 REV. DATES: 3-20-2015 Site Plan notes

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
**John Veroyen**  
 DATE: 03-25-2015  
 LICENSE NO. 41820

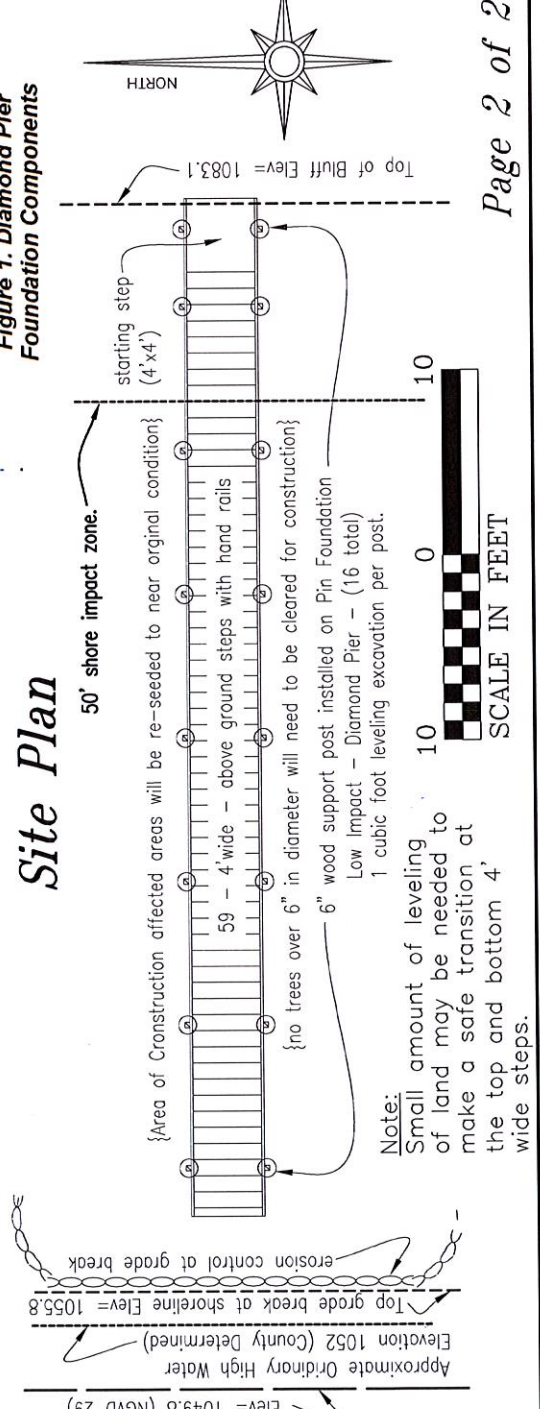
**Prairie Land Surveying**  
 1047 East Main Street  
 Mankato, MN 56001  
 jveroyen@charter.net  
 (507) 469-5997  
 • Boundary  
 • Construction  
 • Subdivisions  
 • ALTA  
 • Topographic  
 Reliable, On-Time Surveys.

**Plan & Profile Sketch**  
 Robert & Monika Rivers

37618 Sugar Maple Lane, Montgomery, MN  
 Lot 3, Block 4, Greenleaf Lake Estates, MN  
 Montgomery Township, Le Sueur County, MN  
 Page 2 of 2



**Profile View**



**Site Plan**

**Figure 1. Diamond Pier Foundation Components**

**RECEIVED**  
 MAR 25 2015  
 BY: *mm*

FIELD BOOK: PLS  
 DRAFTER: JLD  
 JOB NO: 15-1394  
 1394 Rivers SW/4 Sec. 20-111-23  
 Le Sueur County, MN  
 REV. DATES: 3-20-2015 Site Plan notes

DATE: 03-25-2015  
 LICENSE NO. 41820  
 John Veroven  
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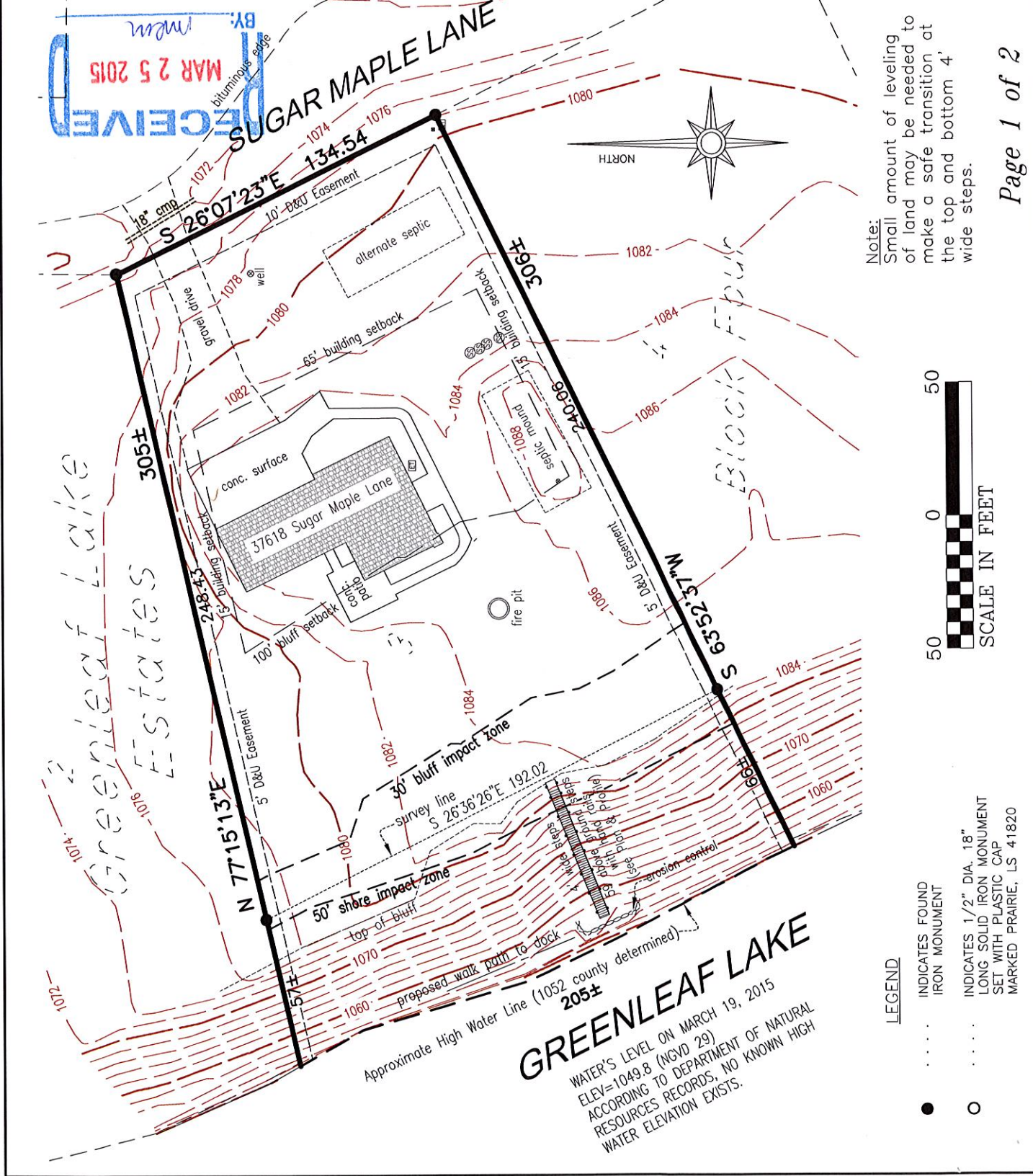
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 prairielandsurveying.com

- Boundary
- Construction
- Subdivisions
- ALTA
- Topographic

Reliable, On-Time Surveys.

37618 Sugar Maple Lane, Montgomery, MN  
 Lot 3, Block 4, Greenleaf Lake Estates, Montgomery Township, Le Sueur County, MN  
 Page 1 of 2

**Certificate of Survey**  
 Robert & Monika Rivers



**Note:**  
 Small amount of leveling of land may be needed to make a safe transition at the top and bottom 4' wide steps.



**LEGEND**

- INDICATES FOUND IRON MONUMENT
- INDICATES 1/2" DIA. 18" LONG SOLID IRON MONUMENT SET WITH PLASTIC CAP MARKED PRAIRIE, LS 41820

**GREENLEAF LAKE**  
 WATER'S LEVEL ON MARCH 19, 2015  
 ELEV=1049.8 (NGVD 29)  
 ACCORDING TO DEPARTMENT OF NATURAL RESOURCES RECORDS, NO KNOWN HIGH WATER ELEVATION EXISTS.

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: BOBY MONIKA RIVERS PID: 09.455.0140  
Mailing Address: 37618 SUGAR MAPLE LANE, MONT GOMERY, MN. 56069-3700  
Property Address: SAME  
Phone: (507) 364-5984 Mobile/Cell: (657) 503-6572

Responsible party for Implementation/Inspection: PORCIN CONSTRUCTION/TIM PORCIN.  
Address: 14826 PINE GROVE LANE NEW PRAGUE MN  
Phone: (952) 788 7274 Mobile/Cell: (612) 490-5874

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

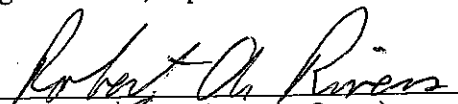
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. 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.

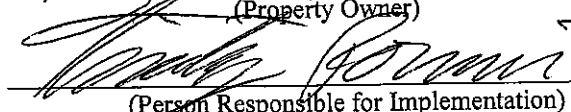
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

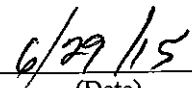
#### Inspection and Maintenance

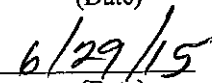
16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out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

  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Date)

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