



**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: AUGUST 13, 2015

TIME: 7:00 PM

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

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

- ITEM #1** Planning and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning Commission Agenda
- ITEM #3** Rivers
- ITEM #4** Walsh
- ITEM #5** Biehn
- ITEM #6** July 7, 2015 Draft Minutes
- ITEM #7** July 9 2015 Draft 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, August 13, 2015

Regular session

Item 1

Planning and Zoning Commission Notice of Public Hearing

Staff Contact: Kathy Brockway or Michelle Mettler

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

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

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

DATE: **AUGUST 13, 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 **AUGUST 4, 2015**.

ITEM #1: ROBERT & MONIKA RIVERS, MONTGOMERY, MN, (APPLICANT/OWNER):
Request that the County 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.

ITEM #2: TIM & ANN WALSH, CLIVE IA, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 6 cubic yards of material outside the shore impact zone, 69 cubic yards within the shore impact zone for a project total of 75 cubic yards and for the construction of 2 retaining walls in a Recreational Residential "RR" District, on a Recreational Development Lake, Lake Frances. Property is located at Lot 11, Warner's Subdivision, Section 33, Elysian Township.

ITEM #3: CHRIS BIEHN, MANKATO, MN, (APPLICANT\OWNER): Requests that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating and filling of 114 cubic yards of material within the bluff, bluff impact zone and the construction of a retaining wall outside the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located in Government Lot 7, Section 4, 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, August 13, 2015

Regular session

Item 1

Planning 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: Thursday, August 13, 2015

MEETING PLACE: Le Sueur County Environmental Service

Beginning Time: 7:00 P.M. **Ending Time:** Approx. 9:00 P.M.

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

AGENDA:

Meeting Called
to Order.

ITEM #1: ROBERT & MONIKA RIVERS, MONTGOMERY, MN, (APPLICANT/OWNER): Request that the County 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.

ITEM #2: TIM & ANN WALSH, CLIVE IA, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 6 cubic yards of material outside the shore impact zone, 69 cubic yards within the shore impact zone for a project total of 75 cubic yards and for the construction of 2 retaining walls in a Recreational Residential "RR" District, on a Recreational Development Lake, Lake Frances. Property is located at Lot 11, Warner's Subdivision, Section 33, Elysian Township.

ITEM #3: CHRIS BIEHN, MANKATO, MN, (APPLICANT/OWNER): Requests that the County grant an After-The-Fact Conditional Use Permit to allow grading, excavating and filling of 114 cubic yards of material within the bluff, bluff impact zone and the construction of a retaining wall outside the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located in Government Lot 7, Section 4, Washington Township.

ELECTION OF OFFICERS

MINUTES-WARRANTS

ADJOURN 9:00 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, 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

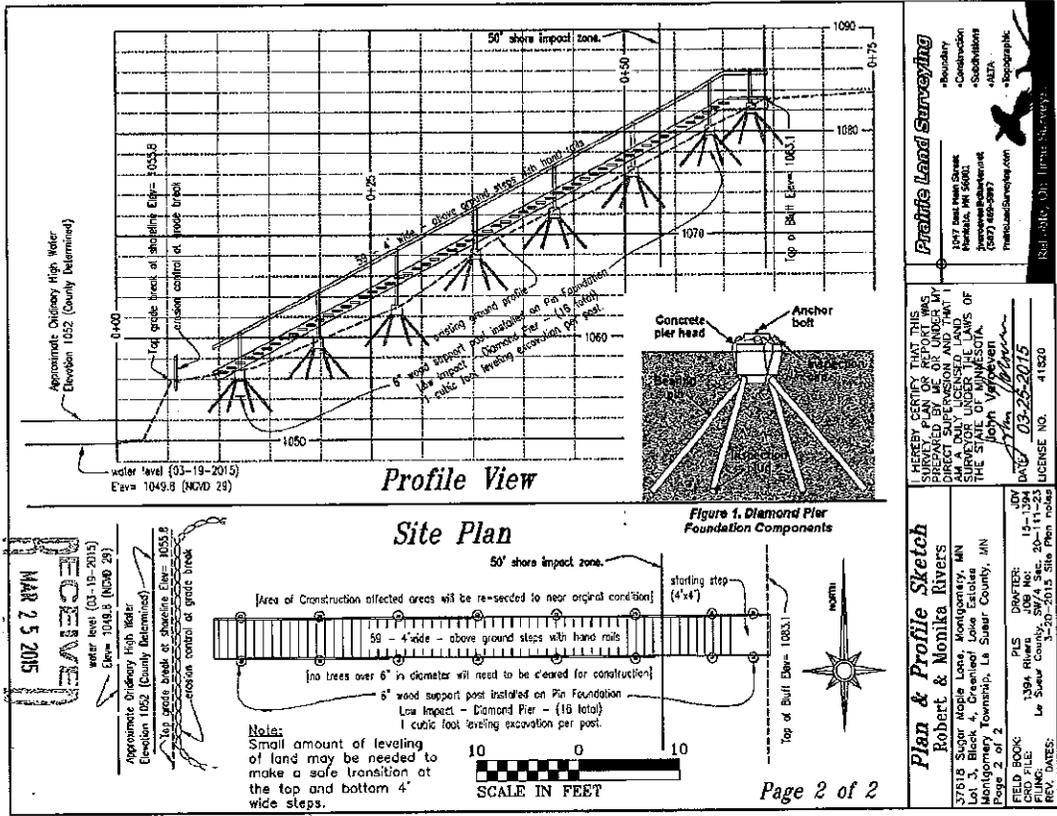
The applicant's notified Dale Korbel, Montgomery Township Board member on April 27, 2015.

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



Prairie Land Surveying
 Boundary
 Construction
 Subdivisions
 ALTA
 Topographic
 1394 River Surveying
 1394 River Surveying
 (877) 465-8987
 prairielandsurveying.com

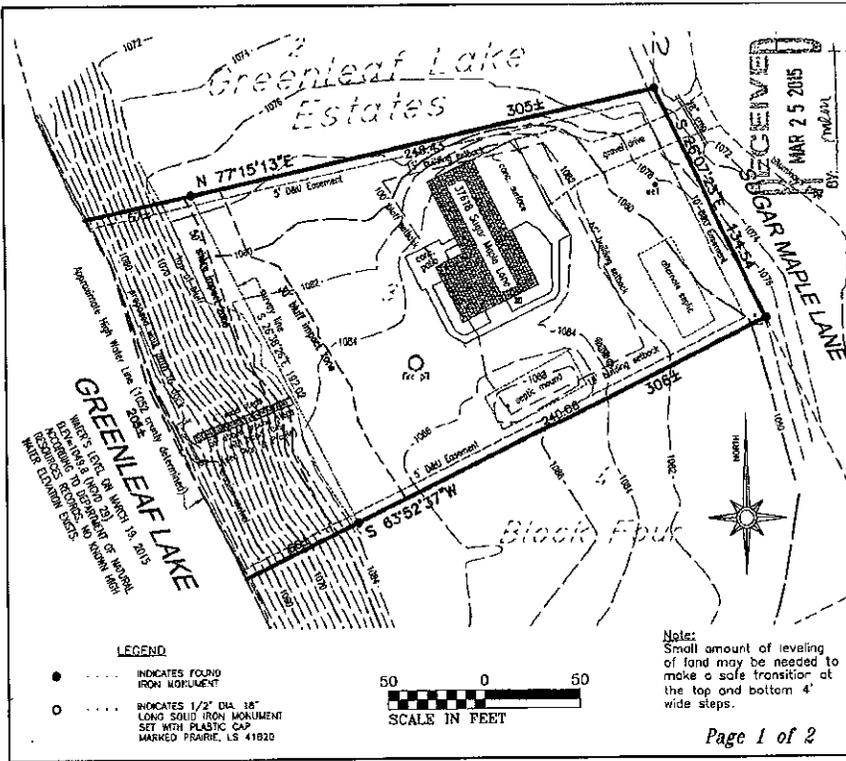
HEREBY CERTIFY THAT THIS SURVEY PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 03-25-2015
 LICENSE NO.: 41820

Plan & Profile Sketch
 Robert & Monika Rivers
 37818 Sugar Maple Lane, Monticoney, MN
 Lot 3, Block 4, Greenleaf Lake Estates
 Monticoney Township, Le Sueur County, MN

PLS DRAWER: 15-1394
 JOB NO.: 1394
 FIELD BOOK: Le Sueur County, SW/4, Sec. 26-11-23
 FILED: 3-25-2015 Site Plan notes
 REV. DATES: 3-25-2015 - 4:58 PM
 1394 River Surveying Mar-25-2015 - 4:58 PM

SITE PLAN



Prairie Land Surveying
 Boundary
 Construction
 Subdivisions
 ALTA
 Topographic
 1394 River Surveying
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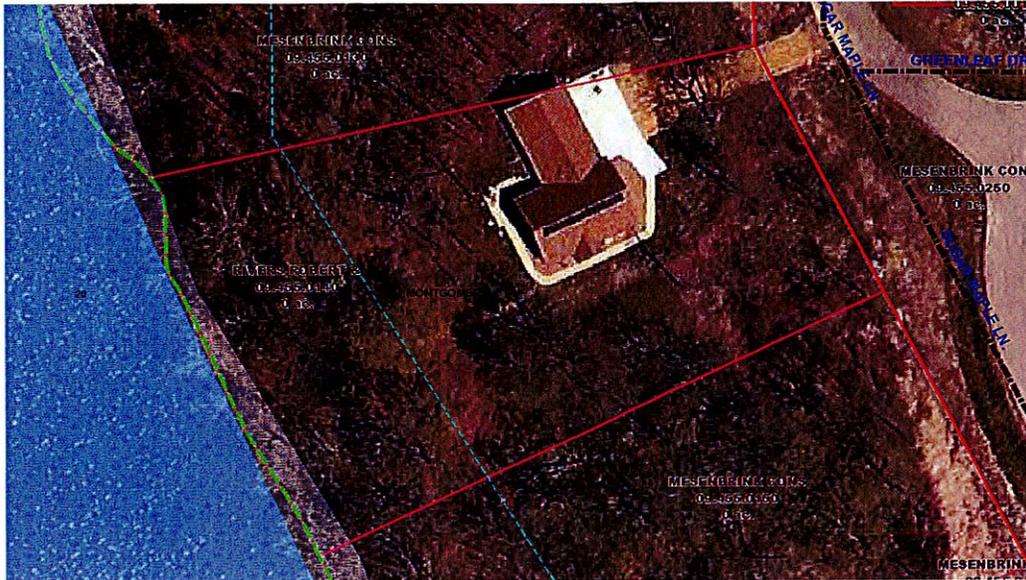
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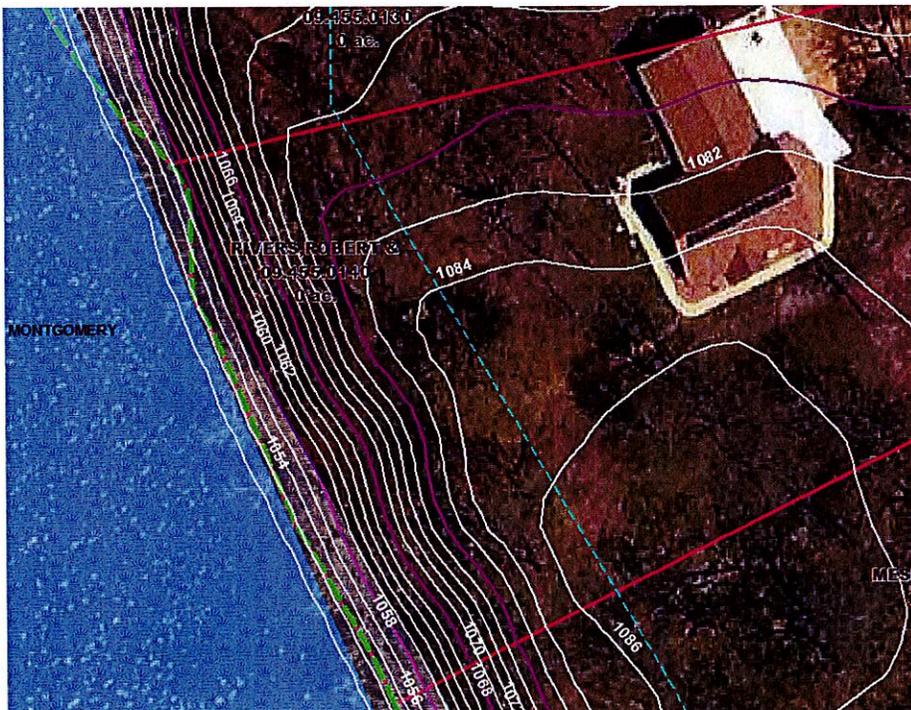
Certificate of Survey
 Robert & Monika Rivers
 37818 Sugar Maple Lane, Monticoney, MN
 Lot 3, Block 4, Greenleaf Lake Estates
 Monticoney Township, Le Sueur County, MN

PLS DRAWER: 15-1394
 JOB NO.: 1394
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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

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:

- 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.
- N/A d. **Access approval**-Attach approval in writing from proper road authority.
- N/A e. **Township Notification**-See Part IV for details and requirements.
- N/A 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.
- N/A 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.

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

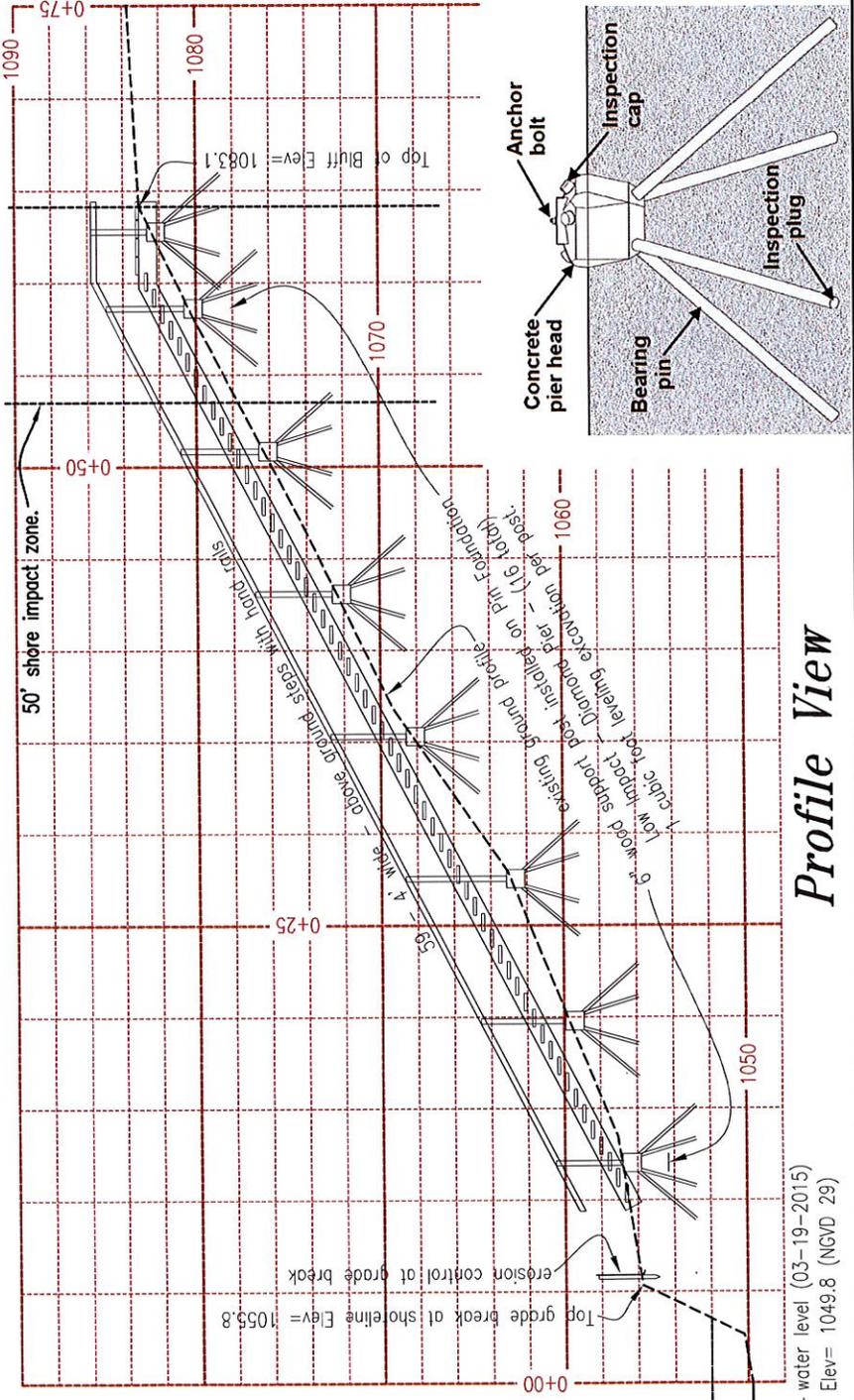
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
John Veroyen
 DATE: 03-25-2015
 LICENSE NO. 41820

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

Reliable, On-Time Surveys.

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

Plan & Profile Sketch
 Robert & Monika Rivers



Profile View

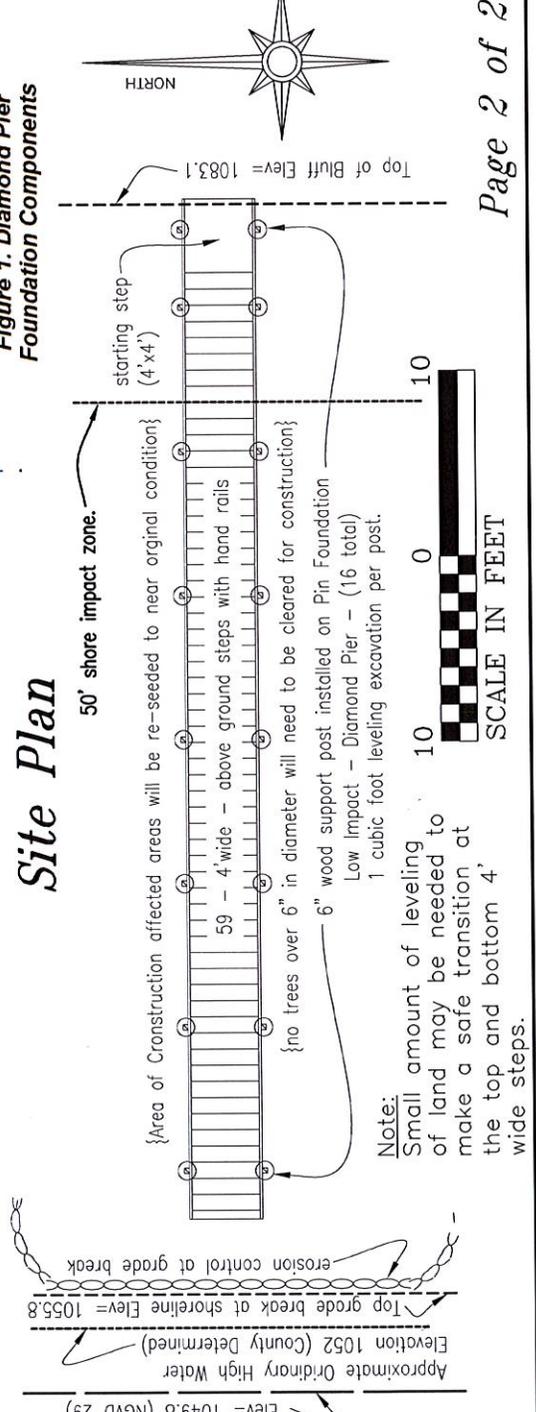


Figure 1. Diamond Pier Foundation Components

Site Plan

RECEIVED
 MAR 25 2015
 BY: *mm*

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



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

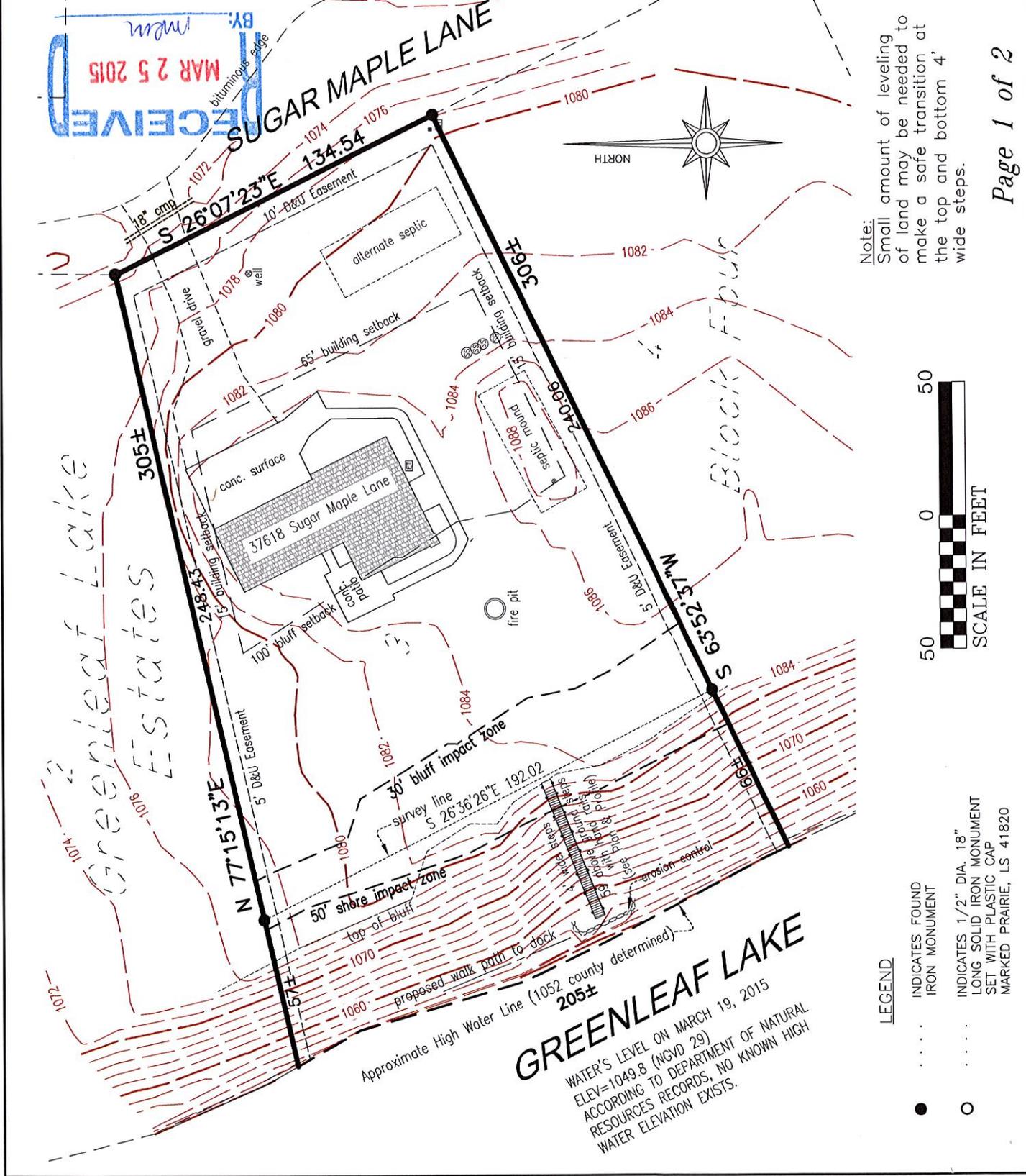
DATE: 03-25-2015
 LICENSE NO. 41820
 John Veroven
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Prairie Land Surveying
 1047 East Main Street
 Mankato, MN 56001
 jveroven@charter.net
 (507) 469-5997
 PrairieLandSurveying.com
 • Topographic
 • ALTA
 • Subdivisions
 • Construction
 • Boundary

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 |

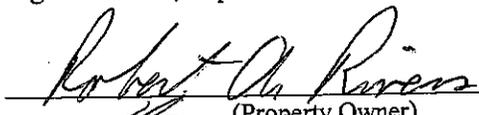
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1st. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the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

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

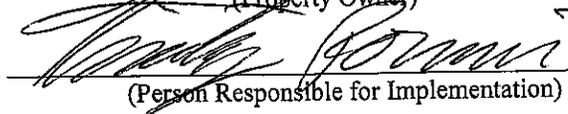
Inspection and Maintenance

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

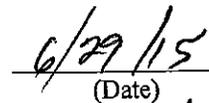
I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.



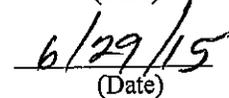
(Property Owner)



(Person Responsible for Implementation)



(Date)



(Date)

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



Le Sueur County, MN

Thursday, August 13, 2015

Regular session

Item 2

Walsh

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Tim & Anne Walsh

911 ADDRESS: 22146 Warner Lane, Elysian MN 56028

PROJECT DESCRIPTION: to allow grading, excavating and filling of approximately 6 cubic yards of material outside the shore impact zone, 69 cubic yards within the shore impact zone for a project total of 75 cubic yards and for the construction of 2 retaining walls in a Recreational Residential "RR" District, on a Recreational Development Lake, Lake Frances.

ZONING DISTRICT PURPOSE: Recreational Residential "RR" District, 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:

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.

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

ZONING ORDINANCE SECTIONS: Section 13.2, Section 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.

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 11, Warner's Subdivision, Section 33, Elysian Township.

ZONING: Recreational Residential "RR" District, on a Recreational Development Lake, Lake Frances

GENERAL SITE DESCRIPTION: Platted Subdivision

ACCESS: Existing access off Warner Lane

EXISTING LAND USE WITHIN ¼ MILE:

| | |
|-------------------------|----------------------------|
| North: Residential/Lake | South: Residential/Lake/Ag |
| East: Lake Francis | West: Ag |

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Linus Hebl, Elysian Township Board member on February 11, 2015

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 project is proposed.

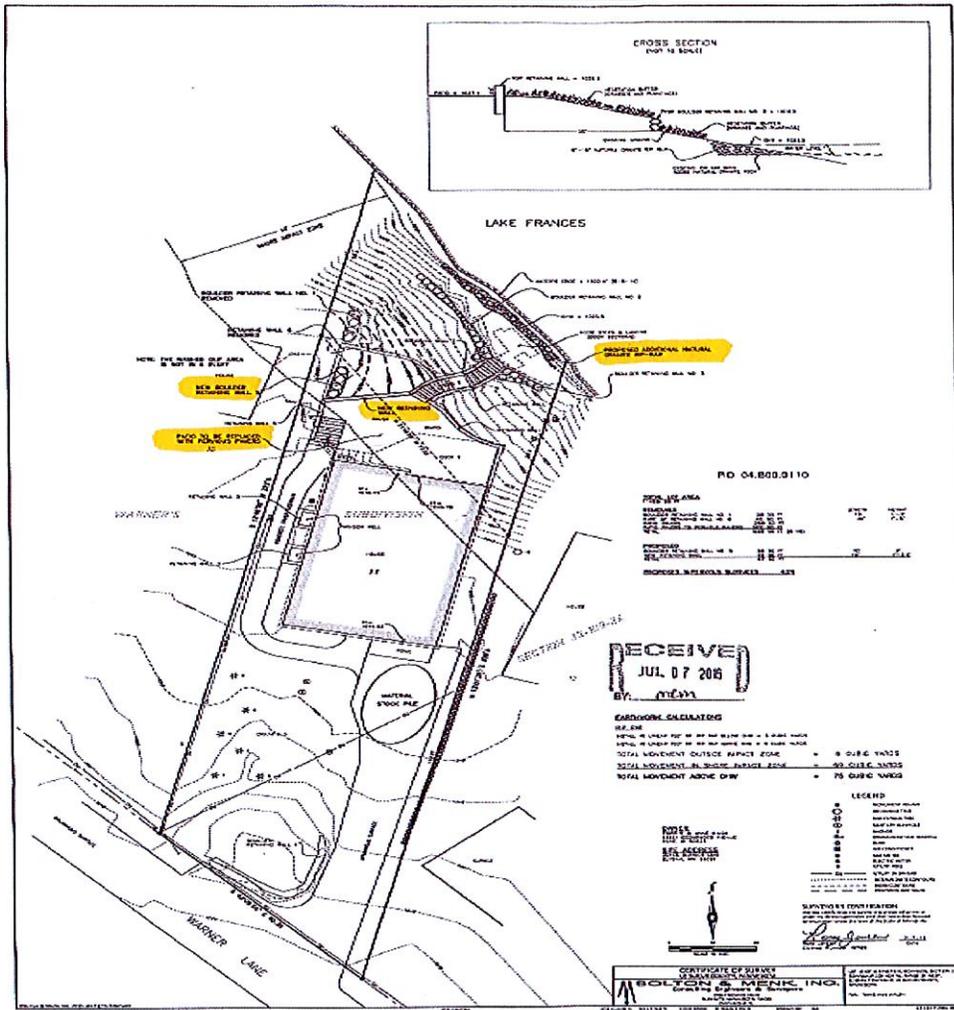
AERIAL PHOTO



PHOTO



SITE PLAN



ATTACHMENTS

Narrative, Site Plan, Survey, Erosion Control, Letter LSC Resource Specialist, Photo

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
CONDITIONAL USE PERMIT CRITERIA
PERMIT # 15141**

Applicant: Tim & Anne Walsh

Date: August 13, 2015

Conditional Use Permit Request: to allow grading, excavating and filling of approximately 6 cubic yards of material outside the shore impact zone, 69 cubic yards within the shore impact zone for a project total of 75 cubic yards and for the construction of 2 retaining walls in a Recreational Residential "RR" District, on a Recreational Development Lake, Lake Frances. Property is located at Lot 11, Warner's Subdivision, Section 33, Elysian 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 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 Tim and Anne Walsh
Mailing Address 13221 Cedarwood Avenue
City Clive State IA Zip 50325
Phone # 515 710 5711 Phone # 515 226-0200

II. Landowner:

Name Tim and Anne Walsh
Mailing Address 13221 Cedarwood Avenue
City Clive State IA Zip 50325
Property Address 22146 Warner Lane
City Elysian State IA Zip _____
Phone # 515 710 5711 Phone # 515 226-0200

III. Parcel Information:

Parcel Number 04.800.0110 Parcel Acreage 0.00
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Elysian Section 33
Subdivision Warners Sub div Lot 11 Block -

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

Elysian Township notified on 7-11-2015
(Township Name) (Date)
Board Member Linus Hebl 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.**

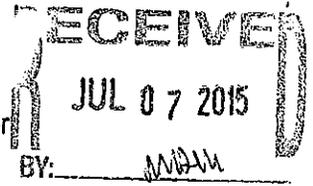


VI. Fees: Must be paid at the time of application.

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.

| | |
|--|--|
| <input type="checkbox"/> Non-Shoreland | Cubic yards of material movement: _____ |
| <input type="checkbox"/> Within Bluff Impact Zone | Cubic yards of material movement: _____ |
| <input type="checkbox"/> Within Bluff | Cubic yards of material movement: _____ |
| | TOTAL cubic yards of material movement: _____ |
| | |
| <input checked="" type="checkbox"/> Shoreland- Outside Shore Impact Zone | Cubic yards of material movement: <u>6</u> |
| <input type="checkbox"/> Within Shore Impact Zone | Cubic yards of material movement: <u>69</u> |
| <input type="checkbox"/> Within Bluff Impact Zone | Cubic yards of material movement: _____ |
| <input type="checkbox"/> Within Bluff | Cubic yards of material movement: _____ |
| | TOTAL cubic yards of material movement: <u>75</u> |

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

VIII. Description of Request:

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

- ENVIRONMENTAL IMPACT: Correct erosion problem caused by runoff.
- ADVERSE IMPACT ON SURROUNDING AREAS: Correct erosion problem caused by runoff.
- STORMWATER RUNOFF: erosion control with riprap and other project repair plan.
- DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: yes, see drawing.
- WETLAND IMPACT: No, there is no wetland
- SLOPE STABILITY: no, slope will be stabilized, as necessary.
- CERTIFICATE OF INSURANCE: not applicable
- MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
 (For example additional licensing and/or permitting) no, not required by DNR

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:

*10 yards of topsoil added with various grasses and plantings, as needed. * this is included in total of 75.*

- 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 SWGD)*
- 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.

*Not applicable **

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. *n/a*
- e. **Township Notification**-See Part IV for details and requirements.
- f. **Septic System Compliance Inspection** *n/a*
- 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** *n/a*
-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.

Anne Habich
Applicant signature

7-7-2015
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.

Anne Habich
Property Owner signature

7-7-2015
Date



**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: 7/30/2015

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Tim & Anne Walsh

Property owner: Tim & Anne Walsh

Property: 04.800.0110

Description: Application for a Conditional Use Permit to allow Grading, Excavating and Filling of 6 cubic yards of material outside the Shore Impact Zone, 69 cubic yards within the Shore Impact Zone for a total of 75 cubic yards for the construction of 2 retaining walls, shoreland restoration project and Rip Rap.

Recommendation: I recommend approval of permit with conditions. This project will reduce the size of the current patio and replace the existing impervious surface with pervious pavers. If installed correctly, pervious pavers allow for some water retention and will reduce the amount of runoff from the area. As a condition of my recommendation for approval, the areas designated as vegetation buffers should be planted with native plant species. The native plants will slow runoff to the lake and their deep roots will add stability to the soils.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

Mettler, Michelle

From: TimAnne Walsh [twalsh5@msn.com]
Sent: Tuesday, July 07, 2015 12:40 PM
To: Mettler, Michelle

Michelle

Please accept this full description of request for the CUP application.

The project is necessary to correct an erosion problem caused by runoff from the land across from the property. The culvert structure was determined inadequately maintained and therefore unable to handle to volume of water. The culvert has since been repaired.

The project entails the following: Grading excavating and filling- approximately 6 cubic yards outside the shore impact zone and 69 cubic yards within shore impact zone, for a total of 75 cubic yards. We will be removing a section of the patio and retaining wall and replacing the retaining wall. The new retaining wall will be 19' in length and 1- 2 1/2 feet in height. A new boulder retaining wall will be added 10 length and 2 width. *ngt (mkm)*
Approximately 40 feet of Rip Rap be added to the existing rock rip rap with additional natural granite rock, vegetation of grasses and various planting materials, as needed. The project will have erosion control measures at the shoreline and at the material stock pile on driveway. The restoration plan includes proposed removal of patio pavers to pervious pavers, new retaining wall, erosion control- with the end goal of completing the project in accordance of the Conditional Use Application.

RECEIVED
JUL 07 2015
BY: *mkm*





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

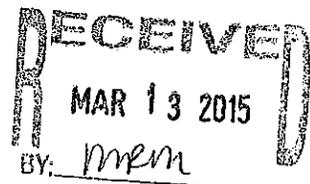
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Timothy & Anne Walsh Trust PID: 04.800.0110
Mailing Address: 13221 Cedarwood Ave, Clive, IA 50325
Property Address: 2246 Warner Lane, Elysian, MN 56028
Phone: (515) 2260200 Mobile/Cell: (515) 7105111

Responsible party for Implementation/Inspection: Carey Atherton / Anne Walsh
Address: 13221 Cedarwood Ave, Clive, IA 50325
Phone: (515) 2260200 Mobile/Cell: (515) 7105111

Erosion & Sediment Control Measures

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Inspection and Maintenance

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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.

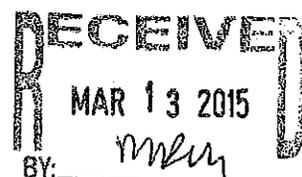
Anne Walsh
(Property Owner)

3-9-2015
(Date)

Anne Walsh
(Person Responsible for Implementation)

3-9-2015
(Date)

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



PROPOSED
 GOLDER RETAINING WALL NO. 5 28 SQ FT
 NEW RETAINING WALL 19 SQ FT
 TOTAL 47 SQ FT

PROPOSED IMPERVIOUS SURFACES 43%

RECEIVED
 JUL 07 2015
 BY: *mlm*

EARTHWORK CALCULATIONS
 RIP RAP
 INSTALL 40 LINEAR FEET OF RIP RAP BELOW OHW = 5 CUBIC YARDS
 INSTALL 40 LINEAR FEET OF RIP RAP ABOVE OHW = 5 CUBIC YARDS
 TOTAL MOVEMENT OUTSIDE IMPACT ZONE = 6 CUBIC YARDS
 TOTAL MOVEMENT IN SHORE IMPACT ZONE = 69 CUBIC YARDS
 TOTAL MOVEMENT ABOVE OHW = 75 CUBIC YARDS

OWNER
 TIMOTHY & ANNE WALSH
 13221 CEDARWOOD AVENUE
 CLIVE, IA 50325
SITE ADDRESS
 22146 WARNER LANE
 ELYSIAN, MN 56028

- LEGEND**
- MONUMENT FOUND
 - DECIDUOUS TREE
 - ★ CONIFEROUS TREE
 - ⊙ SANITARY MANHOLE
 - ⊙ ANCHOR
 - ⊙ COMMUNICATION
 - ⊙ PEDESTAL
 - ⊙ BUSH
 - ⊙ AIR CONDITIONER
 - ⊙ GAS METER
 - ⊙ ELECTRIC METER
 - ⊙ UTILITY POLE
 - OU — UTILITY OVERHEAD
 - INTERMEDIATE CONTOURS
 - INDEX CONTOURS
 - PROPOSED CONTOURS



SURVEYOR'S CERTIFICATION
 I hereby certify that this survey 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.
Rory Jensen
 License Number 19789 Date 7-7-15

CERTIFICATE OF SURVEY
 LE SUEUR COUNTY, MINNESOTA
BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 1960 PREMIER DRIVE
 MANKATO, MINNESOTA 56001
 (507) 252-2121
 LOT 11 OF WARNER'S SUBDIVISION, SECTION 33,
 TOWNSHIP 109 NORTH, RANGE 24 WEST,
 ELYSIAN TOWNSHIP, LE SUEUR COUNTY,
 MINNESOTA
 FOR: TIM & ANN WALSH
 DRAWN BY: JJA



Le Sueur County, MN

Thursday, August 13, 2015

Regular session

Item 3

Biehn

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Chris Biehn

911 ADDRESS: Off 470th St (County Road 105)

PROJECT DESCRIPTION: After-The-Fact Conditional Use Permit to allow grading, excavating and filling of 114 cubic yards of material within the bluff, bluff impact zone and the construction of a retaining wall outside the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson.

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:

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.

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).

BLUFF IMPACT ZONE - Land located within 30 feet from the top or toe of a bluff.

BLUFF, TOE - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

BLUFF, TOP - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

ZONING ORDINANCE SECTIONS: Sections 13 (pages 13-13) (13-16-20), Section 13.2, Section 18, Subdivision 2 and 3 (pages 18-2-6)

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: 12.88 acres in Government Lot 7, Section 4, Washington Township.

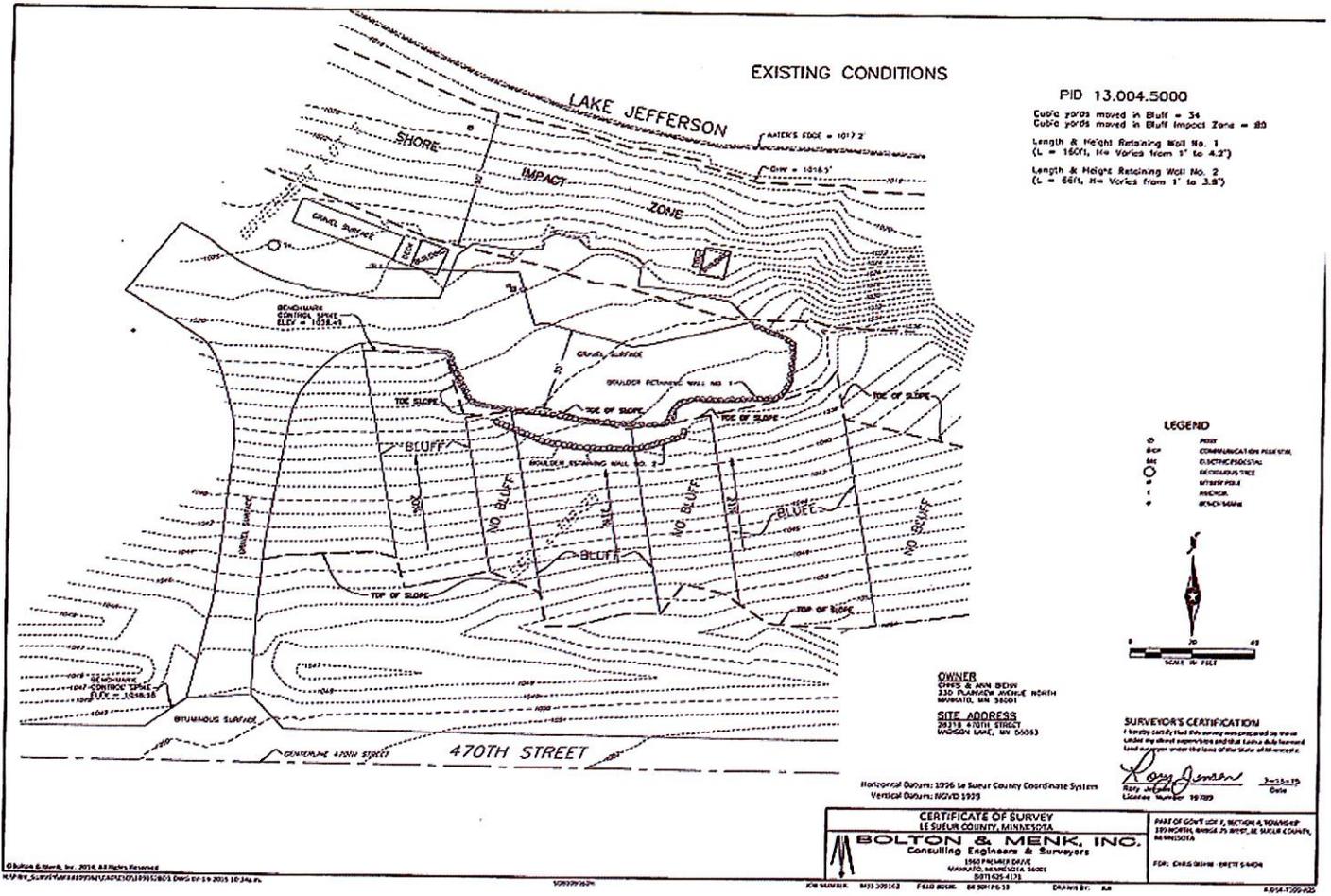
ZONING: Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Jefferson.

GENERAL SITE DESCRIPTION: Scattered seasonal cabins

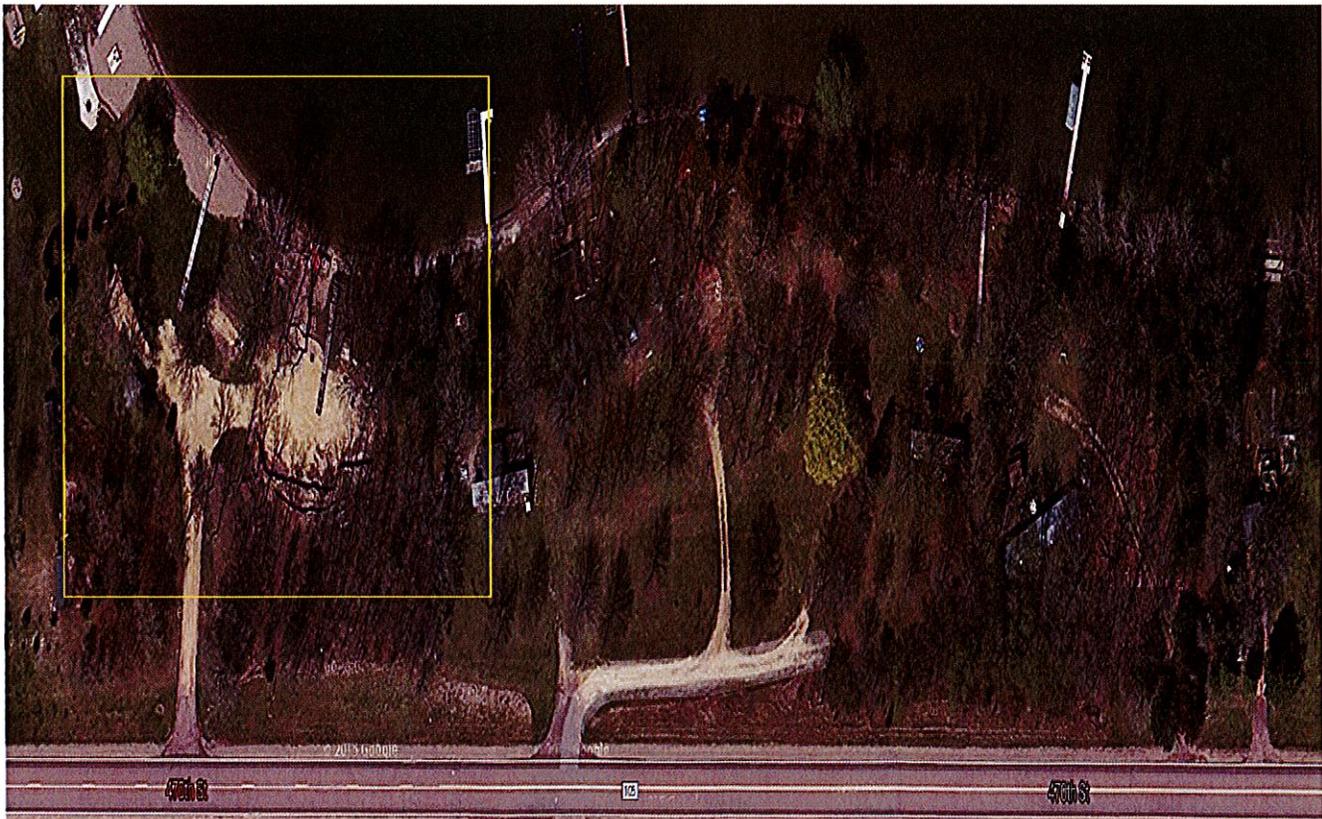
ACCESS: Existing access off 470th St. (County Road 105)

EXISTING LAND USE WITHIN ¼ MILE:

| | |
|------------------------|---------------------------------|
| North: Lake Jefferson | South: Scattered Residential/Ag |
| East: Lake/Residential | West: Residential/Ag |



AERIAL PHOTO



ATTACHMENTS

Narrative, Surveys, Photo's, Letter from LSC 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 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: 7/29/2015

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Chris Biehn

Property owner: Chris Biehn

Property: 13.004.5000

Description: Application for an After The Fact permit for Grading, Filling and Excavating of 114 cubic yards of material within the Bluff and Bluff Impact Zone and the construction of a retaining wall at a height greater the three feet.

Recommendation: This project entailed Grading, Filling and Excavation in a Bluff and the Bluff Impact Zone as well as the construction of two boulder retaining walls. A large gravel surface (pad) was also installed on site. I recommend that the retaining walls be allowed to remain as constructed. The removal of the walls could destabilize the bluff and cause a larger erosion issue that would negatively impact Lake Jefferson. The large gravel pad should be removed and the entire area seeded with native grasses (including the tops of the retaining walls). Being this is not a camp site, there is no reason for a gravel pad. By planting native grasses, the area will be covered with deep rooted vegetation that will increase the stability of the soils on site and reduce colonization by noxious vegetation.

Alternative: If you approve the application without the removal of the gravel pad, a condition should be placed on the Permit that the gravel pad be reduced in size to allow it to only act as access to the site. The area should be planted with native grasses to stabilize the soils and reduce colonization by noxious vegetation.

Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

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 Chris C. Biehn
Mailing Address 230 W. Plainview Ave
City Mankato State MN. Zip 56001
Phone # _____ Phone # _____

II. **Landowner:**

Name (Same as Above)
Mailing Address _____
City _____ State _____ Zip _____
Property Address 28318 470th St. Sect-04 Twp-109 Range-025
City Madison Lake State MN. Zip 56003
Phone # 507-327-9737 Phone # 507-388-2892

III. **Parcel Information:**

Parcel Number R 13.004.5000 Parcel Acreage 12.88
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Twp-109 Range-025 Section 04
Subdivision _____ Lot _____ Block _____

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

Washington Township notified on July 7 - 2015
(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.
- 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: 8
 Within Shore Impact Zone Cubic yards of material movement: 80
 Within Bluff Impact Zone Cubic yards of material movement: 34
 Within Bluff Cubic yards of material movement: 114
TOTAL cubic yards of material movement: _____

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

VIII. Description of Request:

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

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: No
6. SLOPE STABILITY: Very stable now -
7. CERTIFICATE OF INSURANCE: Yes
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
 (For example additional licensing and/or permitting) _____

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

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

- | | | | |
|--------------------------------------|-----------|-----------------------|----------------------------|
| • North point | • 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.

Request: **GRADING, EXCAVATING & FILLING**

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

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

TOTAL cubic yards of material movement: _____

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

Cubic yards of material movement: _____
 Cubic yards of material movement: 8 LAP
 Cubic yards of material movement: 80
 Cubic yards of material movement: 34

TOTAL cubic yards of material movement: 114

Pre-App Date 7/10
 Meeting Date 8/13
 60 Day _____
 Zoning District OC 9/10

Lake Classification RD
 Lake Jefferson
 FEMA Panel # 27079C0265D D
 Flood Zone X Outside

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

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

Application Complete

Kathy Brockway
 Planning & Zoning Department Signature

7/13/15
 Date

15750
 Permit #

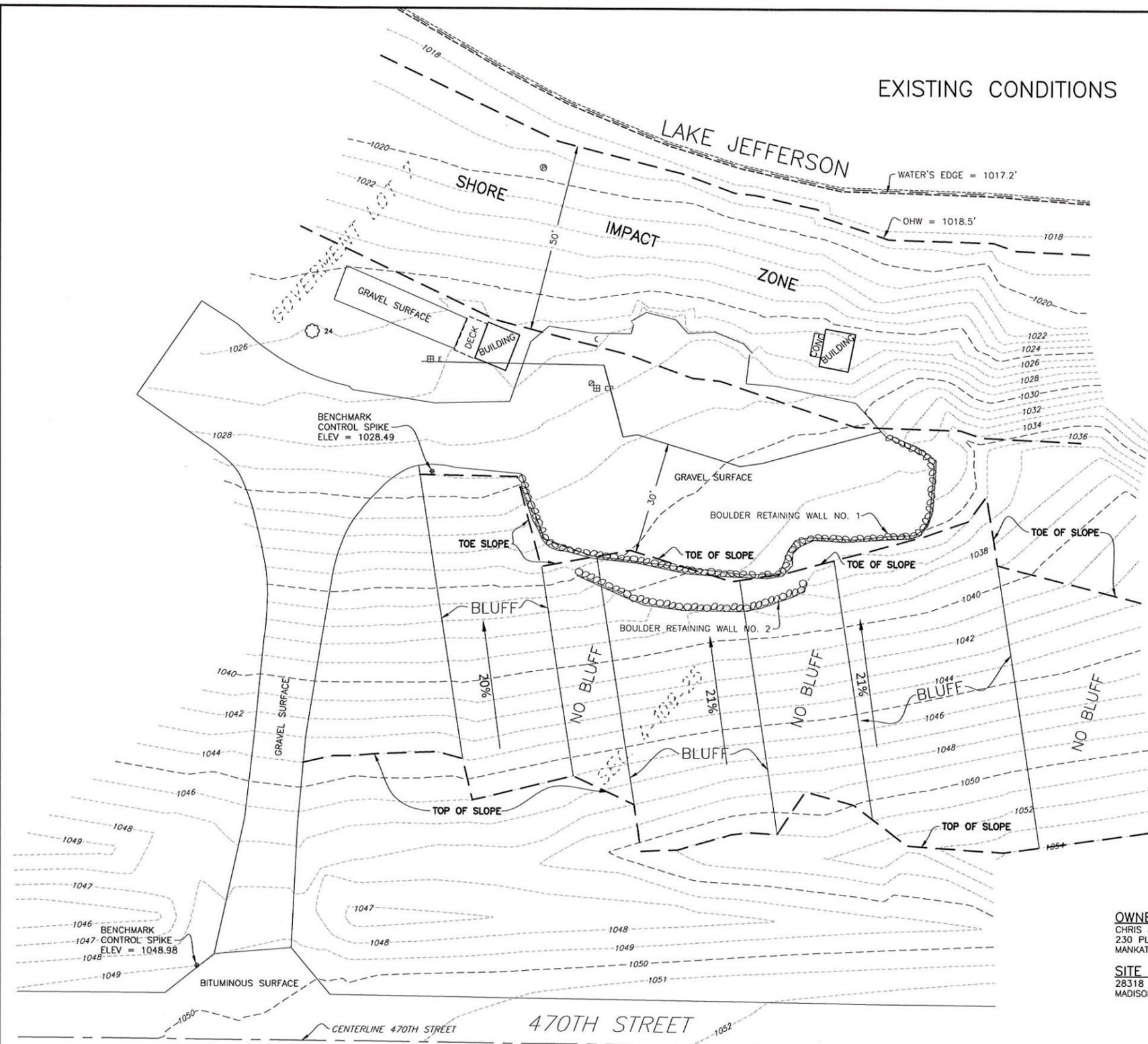
EXISTING CONDITIONS

PID 13.004.5000

Cubic yards moved in Bluff = 34
Cubic yards moved in Bluff Impact Zone = 80

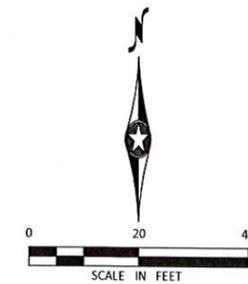
Length & Height Retaining Wall No. 1
(L = 160ft, H= Varies from 1' to 4.2')

Length & Height Retaining Wall No. 2
(L = 66ft, H= Varies from 1' to 3.8')



LEGEND

- ⊙ POST
- ⊕ CP COMMUNICATION PEDESTAL
- ⊕ E ELECTRIC PEDESTAL
- ⊙ DECIDUOUS TREE
- ⊙ UTILITY POLE
- ⊕ ANCHOR
- ⊙ BENCH MARK



OWNER
CHRIS & ANN BIEHN
230 PLAINVIEW AVENUE NORTH
MANKATO, MN 56001

SITE ADDRESS
28318 470TH STREET
MADISON LAKE, MN 56063

SURVEYOR'S CERTIFICATION
I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789
7-13-15
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System
Vertical Datum: NGVD 1929

| | |
|---|---|
|  BOLTON & MENK, INC. Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171 | PART OF GOV'T LOT 7, SECTION 4, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA |
| | FOR: CHRIS BIEHN - BRETT SIMON |

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H:\PRIV_SURVEY\M33109162\CAD\C3D\109162BD1.DWG 07-13-2015 10:34a.m.

SDB109162H

JOB NUMBER: M33.109162 FIELD BOOK: BK 90H PG 10 DRAWN BY: JLA

4.0 54-T109-R25

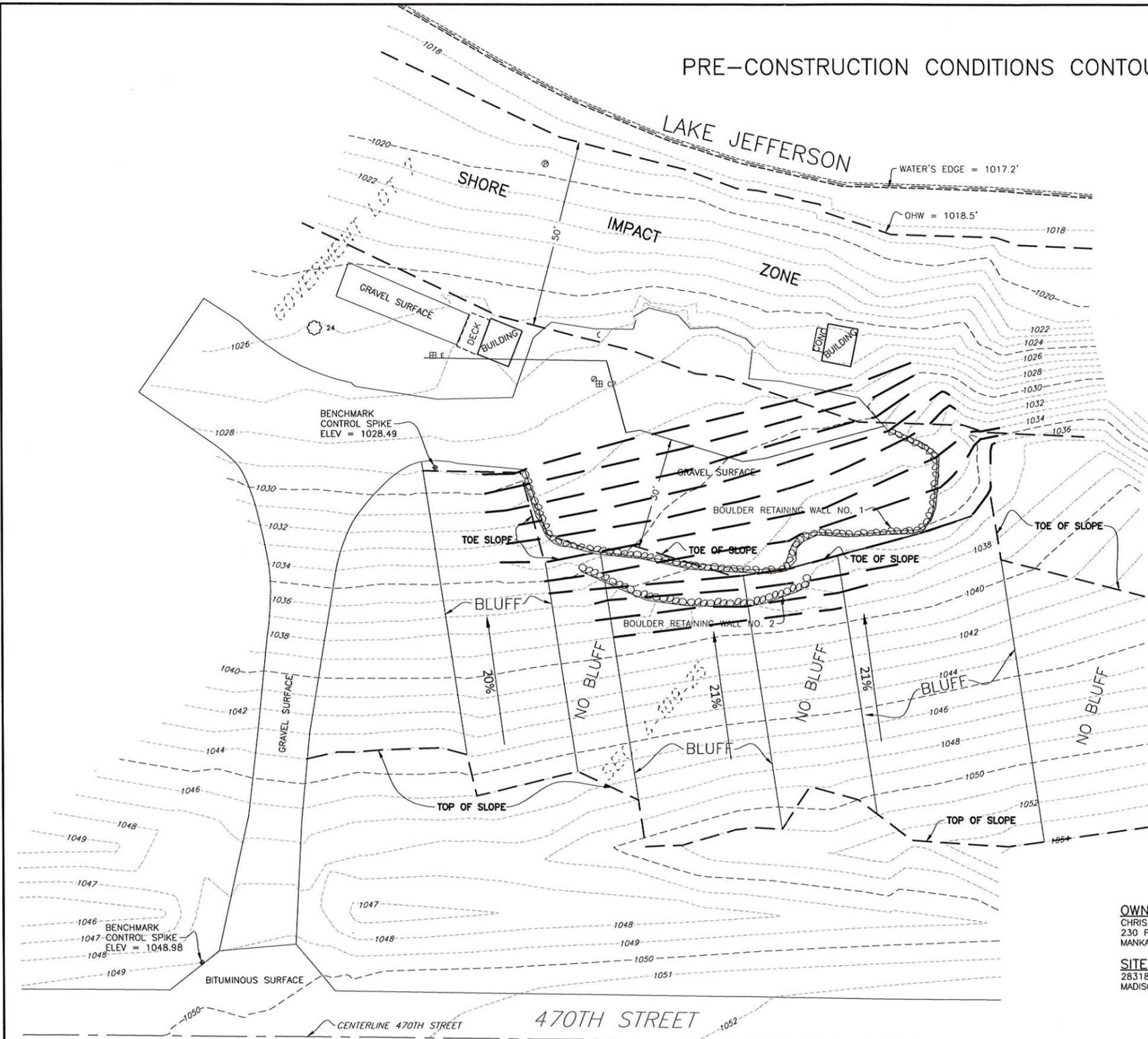
PRE-CONSTRUCTION CONDITIONS CONTOURS

PID 13.004.5000

Cubic yards moved in Bluff = 34
Cubic yards moved in Bluff Impact Zone = 80

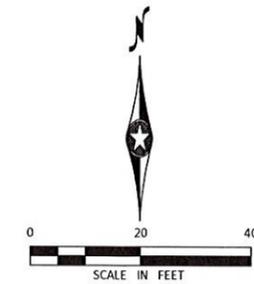
Length & Height Retaining Wall No. 1
(L = 160ft, H= Varies from 1' to 4.2')

Length & Height Retaining Wall No. 2
(L = 66ft, H= Varies from 1' to 3.8')



LEGEND

- ⊙ POST
- ⊕ CP COMMUNICATION PEDESTAL
- ⊕ E ELECTRIC PEDESTAL
- ⊙ DECIDUOUS TREE
- ⊙ UTILITY POLE
- ⊙ ANCHOR
- ⊕ BENCH MARK
- INTERMEDIATE CONTOURS
- - - INDEX CONTOURS
- - - ESTIMATED ORIGINAL CONTOURS PRIOR TO ANY GRADING.



OWNER
CHRIS & ANN BIEHN
230 PLAINVIEW AVENUE NORTH
MANKATO, MN 56001

SITE ADDRESS
28318 470TH STREET
MADISON LAKE, MN 56063

SURVEYOR'S CERTIFICATION

I hereby certify that this survey 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.

Rory Jensen
Rory Jensen
License Number 19789
7-13-15
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System
Vertical Datum: NGVD 1929

| | | |
|--|--|---|
| <p>CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA</p> <p>BOLTON & MENK, INC. Consulting Engineers & Surveyors</p> <p>1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p> | | <p>PART OF GOVT LOT 7, SECTION 4, TOWNSHIP 109 NORTH, RANGE 25 WEST, LE SUEUR COUNTY, MINNESOTA</p> <p>FOR: CHRIS BIEHN - BRETT SIMON</p> |
|--|--|---|

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SDB109162H

JOB NUMBER: M33.109162 FIELD BOOK: BK 90H PG 10 DRAWN BY: JLA

4.0 54-T109-R25

Equipment used on the Retaining wall by Brett Simon
2014

1. Mini excavator with an oscillating grapple
2. Bobcat
3. Dump truck

Thank you
Chris C. Biehn

Equipment used on the Retaining wall by Brett Simon
2014

1. Mini excavator with an oscillating grapple
2. Bobcat
3. Dump truck

Thank you
Chris C. Biehn

Biehn Narrative
Land ID Parcel Number-R.13.004.5000
12.88 AC
G. L. 7
Sect-04 TWP 109 Range 025
28318 470th St.
Madison Lake, Minnesota 56063
June 24-2015

The property in question that we inherited in 1996 had three trailers on this spot. The gravel that is there now is some of the original gravel. There have been minimal improvements there, only in terms of adding gravel to the existing access road to help prevent washouts. Over the years of ownership, mobile trailers have been replaced by seasonal mobile campers. As the new renters moved in, the property improved, with people doing a marvelous job of cleaning up waste material and removing dead and decaying brush and other trash. In fact, since our ownership of this property, our land is some of the most beautiful property on this lake and in the county. It has become so clean and environmentally friendly compared to other spots on the lake. Our renters have been great stewards of the land.

In response to the violation letter received from the county Environmental Services office, we have started the process of addressing the issue of the placement of a retaining wall that was done without prior approval and permit from the county. The wall was put in to stop erosion on our property and prevent it from running up against the camper that was sitting on this leased spot. One only needs to visit the site to see the drastic improvement to the property. We cannot plead ignorance in this situation, as both the owner and the lessee are at fault for not paying attention to detail, in terms of me not knowing what exactly was going on there, and the lessee knowing that a permit was required to alter the landscape of this ground. To be honest, I did give permission to make changes; However, I didn't realize at the time what the scope of these changes would be. At the time of these improvements, I was residing in Mankato and was not on site to monitor. Had I been living out there, I most certainly would have questioned all of the material being brought in. The landscaping was done to try and improve the property. It certainly does not present any problems to the lake itself, and it is far enough away from the water to cause any pollution problems. In fact, I believe it has helped stop runoff into the lake. I am

not a professional when it comes to erosion and the prevention of it, but I know from years of experience teaching Science that to remove what has been done would only cause more damage than what was originally done.

We have taken all the steps necessary to move forward on this issue including having the area professionally surveyed. Both parties want to resolve this issue as soon as possible. We know that there will be fines that have to be addressed here.

Lets please work together on this and move forward.

Thank you for taking the time to read this.

Chris C. Biehn

Date: June 29, 2015
To: Whom It May Concern
Re: West Jefferson Property

Please accept our apologies for any inconveniences and hardships that our actions have caused everyone involved. Our intentions were to improve the West Jefferson lake lot by creating a clean natural environment for our family to enjoy, while maintaining the integrity of the lakeshore.

In June 2010, we were granted permission to camp by West Jefferson lake; at that time, the lot was in a unusable condition. Overgrown with thistle, weeds, thorny shrubs and dead trees it was not possible to safely camp. Resembling a mini-landfill the debris strewn about included: a large pile of brick and mortar that looked as if it was a chimney or fireplace at one time, metal pipes, rusted out tire rims, a dilapidated deck and out building, glass bottles, aluminum cans, cinder block, and lots of other trash. That is what was visible on shore it did not include the debris that was in the lake: tire rims, fence post, and glass bottles. There was a lot of work to be done before we could truly enjoy ourselves without worrying that our children would be hurt while playing. We immediately started cleanup; hauling out loads of debris and dead trees. Each year, we have continued improving the property by cleaning up debris and correcting the erosion problem.

After the first summer, we realized there was a discouraging challenge. The sloped nature of the property was causing the hill to erode, not only into our camper, but into the lake. After each rainstorm, we needed to bring a skid loader in to fix the gullies and cleanup debris that continually washed down the hill. We knew that a retaining wall was needed to slow the erosion. The first few years, we just cleaned up the mess because a boulder retaining wall is a large investment. After five years, of cleanup and disappointment, we decided it was time to fix the problem. We looked at the landscaping around other properties on West Jefferson, we noticed there were many different ways people approached shoreline landscaping. Many looked very beautiful but they did not look natural. We decided that whatever we do, we want it to look like it has been there forever. Using boulders that came from the local area and design a rain garden using native plants, that would establish a deep root system to slow the water running off the roadway, would achieve a natural look.

Last summer, we met with Chris and Ann to discuss: building a boulder retaining wall, removing the dead vegetation, and replacing it with native grasses and flowers creating a rain garden above the boulder wall. The boulders that would be used would be boulders from the local area, to ensure that the wall looked as natural as possible. They agreed that it would maintain the integrity of the lakeshore and slow the erosion. We also, discussed removing the dead trees and shrubs to allow sunlight to pass through for successful growth of the rain garden. Also, giving the existing spindly trees a chance to establish a stronger root system, to ensure their success.

Last fall, we completed the retaining wall but the project was placed on hold at the county's request. We were told that a complaint was filed with the DNR stating that the retaining wall had impacted the fishing on the lake. The retaining wall is over 100' from the lakeshore, so the complaint seems to be out-of-spite rather than having a factual basis. As with any construction, a landscape project always looks most drastic and draws a lot of attention when it is new; once it has time to grow and mature it will blend into its surroundings, if completed properly. Later, we found out that the county considers a portion of the area to be a bluff. We did not know that this area was considered a bluff and feel that the county's rules are stringent as to what is considered a bluff. From the information that we were

given, the whole lot is not a bluff, two portions are and one of them is the driveway. The only alterations that we have made to the driveway were completed to fix the gullies, we have not changed the dimensions or location. We also, did not consider the driveway to be a bluff because you can drive a car up it, please keep in mind the driveway is the steepest part of the lot. According to the MN DNR's fact sheet on bluff management, "Allowing water to flow over bluffs or steep slopes will cause erosion problems. Designing the site so infiltration is promoted and runoff is directed away from the steep areas is crucial to protecting our lakeshores." Even though we did not know that a portion of the lot is considered a bluff, by creating a rain garden at the top of the boulder wall, we were try to do exactly what the DNR recommends. The rain garden allows the water to infiltrate the ground before reaching the lake. We do not believe that the retaining wall has impacted the fishing on the lake and due to the fact that the whole property is not a bluff our requests should be carefully considered.

In our opinion, if the property is left as-is, the rainwater will continue creating gullies allowing sediment and chemicals to run into the lake. Native plants, not weeds, are needed to establish a stable ground cover that would absorb the water rather than shed it into the lake. The extensive roots of native plants improve the ability of the water to penetrate soil and to resist erosion. Most often, native plants have more root mass below the surface than plant matter above. The deep roots absorb and filter runoff more effectively than the short roots of many other plants, including weeds and grass. If the retaining wall is removed the site will continually erode into the lake contaminating it with pollutants from the roadway. The natural limestone rock is a great alternative to a non-permeable surface, it allows the rain water to filter through without runoff to the lake. In some situations the limestone is not recommended, with heavy traffic it can become compacted and shed water, but due to the extremely low level of traffic this area receives the natural limestone is a better option than grass because grass does not have a good root mass. We are requesting that you consider leaving the retaining wall and limestone as-is and allow us to continue improving the quality of the lakeshore and lake by planting a native rain garden which would limit the contaminants that have been running into the lake for years.

With Respect, Brett and Tammy Simon

Date: July 13, 2015
To: Whom It May Concern
Re: West Jefferson Property

Material brought into West Jefferson Lake Property:

12 Yards limestone
58 Yards boulders

Material exported:

10 Yards dirt

Total material moved:

80 Yards

With Respect, Brett and Tammy Simon











Le Sueur County, MN

Thursday, August 13, 2015

Regular session

Item 1

July 7, 2015 Draft Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 7, 2015

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

OTHERS PRESENT: Kathy Brockway, Michelle Mettler, Commissioners King, Connolly, Glizinski, Rohlffing

The meeting was reconvened at 7:00PM by Chairperson, Jeanne Doheny.

ITEM #1: MINNESOTA VALLEY ELECTRIC COOP, (APPLICANT) JORDAN MN; GARY & SUSAN WITT, (OWNER) LE SUEUR, MN: Request that the County grant a Conditional Use Permit to allow the applicant to establish an Electric Substation in an Agriculture "A" District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township. ***TABLED FROM THE JUNE 11, 2015 MEETING***

Commission member Chuck Retka, requested to remove himself from the table due to a conflict of interest.

Ron Jabs was present for application.

Discussion was held regarding:

Ron Jabs, representing MVEC; MVEC is co-op owned by the customers, approximately 37,000 members; started the discussion with the 4 points that were requested of MVEC from the June 11, 2015 meeting; Costs of the proposed substation vs. adding onto the St. Thomas substation; reliability, optional sites/criteria; work plan/future growth.

Location of 12 sites that were reviewed and the criteria used when reviewing each site, map included in presentation(file).

Jeanne Doheny: Questioned the St. Thomas substation, received lots of data, lots of statistics as to reasons why MVEC feels it is not feasible to add on to St. Thomas. What reasons other than costs?

Ron Jabs: Referred to Exhibit H in the file regarding costs, carrying distribution load, long distances have greater line loss, "wasted electricity" Enlarging conductors very expensive. Costs are passed on to the consumers. Tyrone Substation costs approximately \$3,452,050, St. Thomas expansion roughly \$6,457,900. St. Thomas substation additional land would need to be purchased, willing landowner needed, feeder upgrade, volt regulators, temporary substation, no back up close enough to handle.

Jeanne Doheny: clarify the Sheas Lake site?

Steve Lawler: Great River Energy, the Sheas Lake Site owned by Xcel Energy, Existing 345kV line, transforms to 115kV then to 69kV. St. Thomas is a 69kV level.

Ron Jabs: discussed additional line loss, no safety net of the 2nd substation location, reasonably close for backup, reliability, overloading of system, presently close to not being able to provide backup, closest substations Montgomery and New Prague. St. Thomas does not solve the issue of reliability, environmentally much more responsible to construct a new facility.

Don Reak: Questioned whether a new location was looked at since the last meeting and if there is the possibility of relocating the proposed substation to the Industrial Park in Le Sueur.

Ron Jabs: MVEC thoroughly exhausted that at the beginning of the project. Need to tie into the existing feeder station, and provide backup to the St. Thomas site. Out of the 12 sites 4 sites were suitable, again needed a willing landowner.

Shirley Katzenmeyer: Isn't it unusual to have a substation located at the end of a service district?

Ron Jabs: mandated by the Public Utility Commission to serve the industrial park as well as the residents, regional needs, MVEC is not totally focused on the Industrial Park.

Shirley Katzenmeyer: Main reason for this location is the Industrial Park.

Ron Jabs: Substations work together for reliability.

PUBLIC COMMENT: **Carol Overland**, Atty. Representing Emily Pollack as an intervener. Questioned the line losses, charge a commission for losses.

Ron Jabs: 10 different substations, line costs for line losses, \$46,763 annual line loss, \$271,115 annual line loss, those that request special services pay such as underground premium rate.

Emily Pollack: questioned the substation locations, costs per member vs. usage, residential use is stable, industrial usage is growing, why pay per member cost for residential when usage is for industrial.

Ron Jabs: Location distances between substations, not unique circumstances, transformers go down can back feed into substation to power up quickly, lots of different factors. Members owned, reserves goes back to members.

Ron Weyl: Where is the St. Thomas back up located now?

Ron Jabs: Montgomery or New Prague locations. Increase in electric services, due to electronics, cell phones etc.

Mark Katzenmeyer: the substations that were previously discussed were in high draw areas, we are in the rural areas with an industrial park that is not growing.

Jim Connelly: serves on the Board of Directors for MVEC, we need to provide adequate services to the customers in this area, should not matter who we are serving whether it is residential, Cambria, or Genesis. (Could not hear the rest of his presentation).

Mark Katzenmeyer: Genesis is not part of MVEC.

Beth Pollack: just because the costs of the substation and line are cheaper to build new does not make it right.

Jeanne Doheny: Upgrade at the St. Thomas substation won't solve the problem of the backup.

Beth Pollack: Is cost and reliability the only factors? What other factors taken into account?

Ron Jabs: Design guide for rural substations from USDA, follow, extensive manual, discussed previously A-X all different factors. Site manual for location and siting, take into consideration, road right of way, setbacks, environmental concerns, highway access.

Doug Krenik: Outage times, calculate causes, higher outage rate at St. Thomas than other areas.

Ron Jabs: weather, wear and tear on the lines, loading heavier, upgrades, regulators, increased land, cars hitting poles, first call logged as outage, can determine if more calls come in with the same, number of customers on the feeders, different methods of tracking them.

Kurt Kourt, MVEC: most are feeder based.

Jeanne Doheny: Calculate for outage consistent?

Marvin Denzer, MVEC: If St. Thomas outage no other site to switch to if feeder is out.

Irene Casey: Is the St. Thomas substation in jeopardy? Why not hook onto St. Thomas site and send directly to Cambria via the existing 69kV line.

Ron Jabs: MVEC does not run any 69kV line, load was much less than was practical at the time to run off that substation, engineering and costs. Feeders will be re-utilized to back feed to St. Thomas if Tyrone Substation is approved.

Kurt Kourt: Engineers looked at the substation in 1999, projections were 4-6 years out, instead of investing the feeder from St. Thomas to Cambria, idea was to have a second substation.

Ron Weyl: Cambria needs to have a special line to St. Thomas Substation. Part of St. Thomas if from that line.

Kurt Kourt: Initially yes, nowhere near what Cambria was seeing.

Marvin Denzer: Customer needs is customer needs, regardless of industrial, business or residential.

Ron Weyl: Because of a business, this is putting a burden on the rest of the members.

Carol Overland: provided with information showing feeder lines from St. Thomas substation, peak loads. Is the buried Cambria line in these reports for the St. Thomas substation?

Ron Jabs: any existing feeder line is included in the record and study.

Paul Kotasek: Alliant Energy-taking over their substations.

Marvin Denzer: Alliant, different system voltage than MVEC, 2 different distribution systems at different voltages.

John May: Alliant Energy would be left out as stated at the last meeting. (Transmission line question).

Decision delayed until such time that Great River Energy presents as well as the Intervener.

ITEM #2: GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN: Request that the County grant a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20,21,22,23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township. **TABLED FROM THE JUNE 11, 2015 MEETING.**

Commission member Chuck Retka, requested to remove himself from the table due to a conflict of interest.

Peter Schoeb was present for application. Discussed the email sent to Emily Pollack from the DNR, DNR sent back their response, "The DNR appreciates your concern for wildlife in the area of the proposed Tyrone Transmission Upgrade. The Minnesota Biological Survey has identified a Moderate Site of Biodiversity near the proposed transmission line (light green on the attached map). However, the proposed line does not impact the Site of Biodiversity. Great River Energy will need to obtain a DNR Utility License to cross the public watercourse that flows through the ravine. The DNR does recommend avian flight diverters for the length of the wooded portion of the ravine." If needed additional permitting from the DNR which is a standard for all projects.

Discussion was held regarding:

Peter Schoeb: GRE will install bird diverters per DNR regulations if necessary. CRP land, the line doesn't go into CRP land, will need overhang easements, won't cause issues with erosion, wildlife habitat, ravine stabilization, poles in the ravine area will be approximately 90' in height to avoid extensive vegetation removal, going to try a longer span across the ravine, 700 ft. on either side of the creek, Erosion not caused by the line, there is an on-going issue with the road, we will be sensitive to the erosion issue.

Jeanne Doheny: Will you take over the current erosion problem?

Peter Schoeb: Along the route will prevent/repair or correct any erosion that might occur when placing the poles, County/DNR corrected the ravine erosion problem, new culvert installed. If erosion occurs, will contact and work with the proper agency.

Jeanne Doheny: Discussed the shallow well at the Pollack's and type of pole placement near their home.

Peter Schoeb: Doesn't agree with Pollack's interpretation but if the Board requires ductile adjacent to the Pollack's property, they will agree to it. Ductile iron poles safe for drinking water.

Rick Jeanson, GRE: ductile poles are new- more for lines, drinking water lines.

Jeanne Doheny: depending on the placement of the poles, questioned water testing at the Pollack site in order to get a base line and continue testing possibly twice a year for a period of time.

Rick Jeanson, felt there should be some perimeters set up and an end point to testing water.

Peter Schoeb: Not a problem with water testing at the Pollack site, but agrees needs to set perimeters, as they have a shallow well, are in the middle of an agricultural district, would remedy the issues from the poles itself, not going to be responsible for other factors. Timeline would establish the base points.

Jeanne Doheny: Company knows what the coating and what could leach out, have an initial test for baseline.

Steve Lawler GRE: Ductile Iron poles at this site vs. wood pole with the PCB coating.

Jeanne Doheny: Baseline test regardless of what type of poles, assurance measure.

Doug Krenik: Timeframe of project, time of year for construction, restoration of road, ditches, funding responsibilities.

Jeanne Doheny: Funding for road repair, right of way, if necessary would be set by the County Board.

Steve Lawler: Timeframe is estimated at 2 months weather permitting, traffic will not be impacted by construction.

Peter Schoeb: If approved, applied for permits from the road authority, send out letters to the property owners to notify that construction is starting, send cards out that work is completed, if anyone notices that something is not done right, they go back out to the site and correct the problem if necessary. No major road closings.

Don Reak: Talked about the power line route, is this the best route to take? At the May Hill where bio-diversity is at can you stretch it out to 1700 feet?

Peter Schoeb: Several routes looked at, this would be the best route line to tap in to and where the proposed substation is located.

Steve Lawler: rough engineering for the river crossing, need to look at horizontal as well as vertical spacing 1700' would need to expand the arms, would hang towards the road, maximum is a 1400' span.

Doug Krenik: Longer lines, weather conditions, horizontal spacing.

Jeanne Doheny: PCP treated cross arms on poles.

Rick Jeanson: Only at river crossing and will be steel poles.

Pam Tietz: concerns at the last meeting were in regards to making upgrades to the system.

Peter Schoeb: Can put in the permit/easements for 69kV line only. If they need to upgrade they would have to amend the conditional use permit, voltage, topography drives the size of poles. Next step would be 115kV and would most likely go directly to the Public Utility Commission.

Shirley Katzenmeyer: Clarify Mr. Schoeb's statement in regards to CRP, not a correct statement. Substation is located on CRP land. Ravine is already eroding, who is responsible.

Peter Schoeb: reason land is put into CRP is because it is not prime farmland, it is typically not the top-yield property. MVEC purchased the 8 acres, 3 acres will be used for the substation, and the surrounding area will be left in CRP. No poles will be installed in CRP. Vegetation will be allowed.

Marsha Pawlow, GRE: Environmental Permitting Specialist for GRE, put together the environmental review document, discussed the erosion, public waters, will need the necessary permitting from the DNR, working with the MCPA in regards to the stormwater permit, best management practices are used at all sites.

Jeanne Doheny: possible condition that the remaining property at the substation is maintained to CRP standards.

Ron Jabs: has been talking with Gary Kunz from the FSA department. MVEC does not qualify for credits. Intent is to leave the undisturbed areas in the present cover.

PUBLIC COMMENT:

Ron Weyl: stated that the original culvert failed due to the erosion in the area. At the previous meeting, it was stated that Alliant customers are on both sides and that MVEC customers going to get lines buried.

Peter Schoeb: 2 systems, GRE overtaking MVEC lines and would be buried. Alliant different system and different characteristics.

Steve Lawler: Project manager, route submitted portion of MVEC distribution and transmission on the same side of the road.

Jim Connelly, Board of Directors MVEC 4-5 year plan, engineering looking at the Alliant system, cannot make commitment at this time.

Shirley Katzenmeyer: question whether he was qualified to make that statement, would rather hear from an engineer than a board member.

Marsha Pawlow: discussed environmental issues, biodiversity area, clearance issues, Hwy 169 was not a good option.

Ron Weyl: questioned costs, we heard from MVEC as to the substation costs, what are the line costs, distance for power pole.

Steve Lawler: transmission line is 4.25 to 4.5 miles, 69kV into the City of Le Sueur. Approximately \$1.5 million.

Mark Katzenmeyer: better idea to use the money for the line and run it to St. Thomas.

Steve Lawler: Better investment in transmission system, need for distribution, need to supply transmission substation.

Beth Pollack: Peter Schoeb made the comment that they will do what they are told to do, work with the land owner, follow DNR recommendations, what assurances are given to the citizens that they will follow their plan, 5 year plan, locations of the other substations.

Jeanne Doheny: concerns will be addressed in the conditional use permit.

Rick Jeanson: agreements with landowners, transmission level sharing doesn't address the distribution. Sheas Lake.

John May: questioned clear cutting in ravine area, cheaper to bury that 1700 feet.

Peter Schoeb: Not cheaper to buy the transmission line, generates more heat, lose vegetation in the area.

Marsha Pawlow: leave vegetation in road right of way, DNR has conditions for herbicides, some tree trimming.

Shirley Katzenmeyer: Did you view the site, drive the route?

Marsha Pawlow: yes, several times, also viewed aerials.

Mark Katzenmeyer: Clear cutting near the substation?

Peter Schoeb: any vegetation 15-18' will need to be cut, will leave the stumps.

Mark Katzenmeyer: biodiversity area, any tree cutting.

Marsha Pawlow: trees on the opposite side of the road will be cut.

John May: concerned with steep slopes.

Doug Krenik: river crossing, DNR permits required, all poles located in the road right of way.

Decision delayed until such time that the intervener presents.

Intervener:

Carol Overland, intervener representing Emily Pollack. Passed out power point presentation.

3 areas of concern:

Environmental

Immediate proximity to MCBS Biological Site
Intrusion on Big Woods remnant near Forest Prairie Creek
Potential for damage to surface and groundwater
Public safety and human and animal health impacts

Property values

Decreased value and decreased tax revenue

Use existing infrastructure – Sheas Lake

Large new substation built to tap into Wilmarth 345 kv transmission line to serve Le Sueur load – why build new when infrastructure already present for that purpose

Many questions have come up during the conditional use permit process but feels the applicants have not provided the answers.

Property values could decrease, number of poles, shallow wells, public and animal health, Sheas Lake, CapX 2020 route was looked at earlier, preferred route was through Le Sueur County, but it didn't go through, refer to maps in packet, many false statements by the applicants, Xcel came to Le Sueur County a few years ago, built at Sheas Lake, but CapX project failed through Le Sueur County.

Neither applicant has provided the need, why not tap into Sheas Lake, record does not support the approval.

Doug Krenik: Did you read the Ordinance? Where in the Ordinance does it state that the applicant is required to show us costs and how much it costs to operate, business plans.

Pam Tietz: questioned the property values, evidence and by how much?

Carol Overland: 7-30% roughly, affects the adjacent properties.

Kathy Brockway, talked with the County Assessor's office, nothing on file indicates that a transmission line or substation affect property values, property values are based on sales in the area.

Shirley Katzenmeyer: it does affect property values, go on line.

Carol Overland: you can go on line tomorrow and I will post them on my website.

Betty Bruzek: knows that there is a lot of opposition, but if this keeps getting refused, the state can come in and do the regulating.

Carol Overland: legitimate, but they would have to file a Certificate of Need to the PUC.

Don Reak: GRE- Carol said a 9kV coming out of a 69kV only using 7MW.

Steve Lawler: GRE-confusion need, transmission vs. distribution. 7 related to St. Thomas distribution substation, substation is overloaded. Sheas Lake is transmission substation, lot of investment.

Emily Pollack: Concerned about the environmental well-being of the area. Any project will have environmental concerns, county has to decide what is right. State could not address the environmental concerns due to the project not meeting the requirements for an environmental review.

Kathy Brockway read the findings of fact.

Findings by majority roll call vote MVEC:

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 7-2***
Nay reasons: Impact on the big woods. Property in the immediate vicinity of the proposal is not Ag in nature and will negatively impact property values in the area.
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 7-2.***
Nay reasons: Priority is to preserve Ag land, will affect the orderly development in the area. Geographic's of the area, change will impede the normal and orderly development of the area.
3. ***Adequate utilities, access roads, drainage and other facilities are being provided. Agreed 7-2***
Nay reasons: Other routes feasible out of St. Thomas. Blanket statement parts of the proposal are in question.
4. ***Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 7-2***
Nay reasons: Do not believe #4 applies
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. Agreed 7-2***
Nay reasons: Lighting concerns, offensive odors, dust will affect surrounding properties.

Motion was made by Don Reak to approve the application and is open to any and all conditions.

Conditions:

1. ***MVEC shall maintain the area around the substation to CRP standards;***
2. ***Investigate/install a permeable base material around substation if feasible;***
3. ***Operating procedures at the substation shall be utilized to control dust and noise so as not to be in conflict with adjoining property and shall meet the Agency standards;***
4. ***Obtain state and federal permits as required.***

Seconded by Doug Krenik. 7-2. Reasons for Nay votes; lighting will affect the wildlife, proposal will affect the health, safety and general welfare of the citizens of Tyrone Township. Motion approved. Motion carried.

If application warrants additional conditions, may be set by the County Board not staff.

Shirley Katzenmeyer questioned the enforcement of conditions to ensure the surrounding property remains in CRP.

Kathy Brockway, Planning and Zoning Department enforces conditions on all applications. We will work with the SWCD office in regards to the standards of CRP land. If complaints are brought to the attention of the Department, they are investigated.

Kathy Brockway read the findings of fact for Item #2:
Findings by majority roll call vote Great River Energy (GRE):

1. ***The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. Agreed 8-2***
Nay reasons: through the testimony provided it will affect the health and safety of the residents of Tyrone Township. Concur with Commission Member Katzenmeyer, also will affect the wildlife in the area and create a disruption to this pristine area of the County.
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 7-3.***
Nay reasons: the poles will diminish the affected properties, property values will be decreased, visual effects and health concerns.
3. ***Adequate utilities, access roads, drainage and other facilities are being provided. Agreed 8-2***
Nay reasons: blanket statement, parts of the proposal are still in question.
4. ***Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 8-2***
Nay reasons: Does not apply. The use of large trucks for the installation and repair of the poles will affect the area.
5. ***Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed 8-2***
Nay reasons: Winter months in this area are serene, this application will create a nuisance for the property owners, concur with statement and the application will affect the health, safety and welfare of the citizens of Tyrone Township. Agree, but can be addressed with the proper conditions.

Motion was made by Doug Krenik to approve the application and is open to any and all conditions.

1. ***Ductile iron poles shall be placed adjacent to the Pollack property;***
2. ***Testing of the water from the shallow well at the Pollack site in order to establish a baseline, follow up annually and submit the reports to the County Health Department and Environmental Services Department. The water testing is done at the applicant's expense;***
3. ***Phase 1 Archeological Study shall be conducted and reviewed by the consultant;***
4. ***Utilize Best Management Practices when installation takes place over Forrest Prairie Creek;***
5. ***Work with DNR and US Fish and Wildlife to install the most effective measures for avian migration;***
6. ***Obtain necessary State and Federal Permits;***
7. ***Utilize Best Management Practices to minimize erosion control;***
8. ***Applicants shall work with the landowners in regards to the feasible placement of the poles.***

Seconded by Betty Bruzek. Motion approved. 8-2 Nay reasons: Preservation of the Ag land, disruption to the wildlife in the area, through public testimony the proposal will affect the health, safety and general welfare of the citizens of Tyrone Township. Motion carried.

Motion to adjourn meeting by Don Reak. Seconded by Steve Olson. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway for
Shirley Katzenmeyer.

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

DRAFT



Le Sueur County, MN

Thursday, August 13, 2015

Regular session

Item 2

July 9 2015 Draft Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 09, 2015

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

MEMBERS ABSENT: Jeanne Doheny, Don Reak

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly,

The meeting was called to order at 7:00PM by Vice-Chairman, Steve Olson.

ITEM #1: HUGH VALIANT, WATERVILLE, MN, (APPLICANT); MARTY & CHRISTINA SIMONETTE, ST PETER, MN (OWNER): Request that the County grant a Conditional Use Permit 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. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township.

Kathy Brockway presented power point presentation. Curt Kloss, Engineer representing the applicant was present for application.

TOWNSHIP: Notified through the application process. Greg Davis, Washington Township, Township has some concerns and would like to address them with the applicants at their next meeting on Monday, July 13, 2015. DNR: no comments LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: Erosion problem along the shoreline, entire project is above the Ordinary High Water Level, no DNR permits required, but will place rip rap along shoreline per the DNR standards, pickup trucks will be used for hauling of material, timeframe of the project; mid-August, several weeks to complete the project, depends on weather, sand blanket area is a play area.

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 have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. N/A*
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 with the condition that the applicants work with the township to address the township concerns. Seconded by Chuck Retka. Motion approved. Motion carried.

ITEM #2: BERNARD & HELEN BAUMANN, SHAKOPEE, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 26 x 36 detached garage that does meet the Regulatory Flood Protection Elevation "RFPE" to allow flood-proofing in a Recreational Residential "RR" District and a Flood Plain, Flood Fringe "FF" Overlay District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township.

Kathy Brockway presented power point presentation. Sam Brockhaus, I & S Engineering, representing the applicant was present for application.

TOWNSHIP: Notified through the application process DNR: no comments LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: FEMA standards, garage is only to be used for parking of vehicles and storage; utilities must be elevated above the RFPE; Flood Damage-resistant materials must be used below the RFPE; A minimum of 2 openings on the exterior walls below the RFPE, there will be 5; Openings will be located on 3 of the 4 exterior walls of the garage; sensors are used to open the vents; storage of hazardous material; ordinance regulations; Seasonal use dwelling on site.

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 have been or are being provided. agreed*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. N/A*
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 Al Gehrke to approve the application as presented with the condition that the applicant abides by FEMA regulations and Section 6 of the LSC Ordinance. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Betty Bruzek to approve the minutes from the May 14, 2015 meeting by Seconded by Pam Tietz. Motion approved. Motion carried.

Discussion: Election of Officers at the August 2015 meeting.

Motion was made by Chuck Retka to approve the minutes from the June 11, 2015 meeting by Seconded by Al Gehrke with the change as stated on page 3. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. Seconded by Pam Tietz Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Shirley Katzenmeyer
By Kathy Brockway

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