



Le Sueur County, MN

Thursday, September 10, 2015

Regular session

Item 2

Helmstetter Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Stevan Helmstetter

911 ADDRESS: 47738 State Hwy 22, Kasota MN 56050

PROJECT DESCRIPTION: Allow grading, excavating, and filling of **1439** cubic yards of material in an Urban/Rural Residential "R1" District.

ZONING ORDINANCE SECTIONS: Sections 9 & 18

ORDINANCE REQUIREMENTS:

- L. Grading, excavating or filling activities within the bluff.
- M. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or more of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Conditional Use	Conditional Use Requirements
>50 cubic yards outside Bluff Impact Zone	
	Parcels 5-20 ac: Scaled site plan w/ 5-foot contours Depicting existing and proposed topography. As-Built upon completion. Site Plan (s) and As-Built completed by a surveyor or engineer.

BLUFF REGULATIONS--GENERAL STANDARDS

1. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
2. No structure shall be constructed in any bluff or bluff impact zone as defined in this Ordinance. Essential Services shall be exempt from this standard.
3. Filling and cutting activity in any bluff or bluff impact zone shall be considered a conditional use. In no case shall cutting or filling be allowed for the purpose of establishing a site for the erection of a structure.
4. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
5. Development on steep slopes with a grade between eight (8) to eighteen (18) percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.

SITE INFORMATION

LOCATION: Property is located in the NE 1/4 SW 1/4, Section 9, Kasota Township.

ZONING: Urban/Rural Residential "R1"

GENERAL SITE DESCRIPTION: Existing Building Site

ACCESS: Existing Access

EXISTING LAND USE WITHIN ¼ MILE:

North:	Residential	South:	Residential/Ag
East:	Ag	West:	Ag/Mineral Extraction

TOWNSHIP BOARD NOTIFICATION

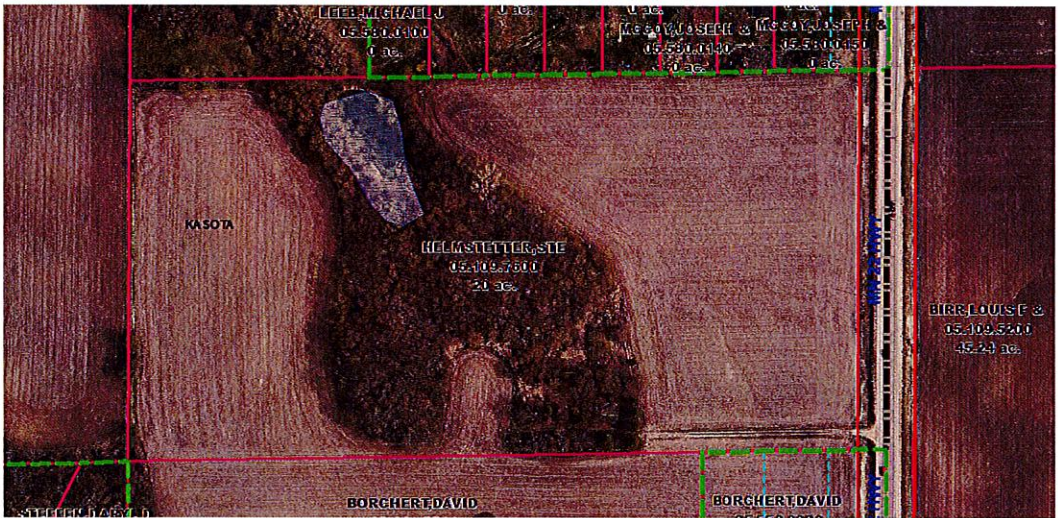
The applicant contacted Joe Kienlen, Kasota Township Board member on August 10, 2015. Joe Kienlen contacted Environmental Services Department and stated that the Township has no objections to the application.

NATURAL RESOURCES INFORMATION

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

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

AERIAL/SITE PLAN



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 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).

GEO THERMO
11th AUG.
FOR SEPT 10
MEETING

I. Applicant:

Name Steven G. Helmstetter
Mailing Address 47738 State Hwy 22
City Kasota State MIN Zip 56050
Phone # 218-689-6872 Phone # _____

II. Landowner:

Name Steven G. Helmstetter
Mailing Address 47738 State Hwy 22
City Kasota State MIN Zip 56050
Property Address Same
City _____ State _____ Zip _____
Phone # _____ Phone # _____

III. Parcel Information:

Parcel Number 05.109.2600 Parcel Acreage 20.00
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township 109-R26 Section 9
Subdivision _____ Lot _____ Block _____

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

Kasota Township notified on 8/10/15
(Township Name) (Date)
Board Member Joe Kienlen regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:

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

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

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

Additional Fees:

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

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

☒ **Non-Shoreland**

- ☒ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: 1310
Cubic yards of material movement: 76
Cubic yards of material movement: 53
TOTAL cubic yards of material movement: 1439

☐ **Shoreland- Outside Shore Impact Zone**

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

Cubic yards of material movement: _____
Cubic yards of material movement: _____
Cubic yards of material movement: _____
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: Remove Material 8' Deep + Replace.
 2. ADVERSE IMPACT ON SURROUNDING AREAS: Remove + Replace Material
 3. STORMWATER RUNOFF: NA
 4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: Remove + Replace
 5. WETLAND IMPACT: NA
 6. SLOPE STABILITY: NA
 7. CERTIFICATE OF INSURANCE: _____
 8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:
(For example additional licensing and/or permitting) _____

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

- **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 Districts)*
 - Root zone of existing trees shall be preserved and protected during development.
 - Replace one tree for every tree that is removed.
 - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

XI. Attachments: Shall include but not limited to:

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

XII. Procedure:

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

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

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


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

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

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

XIII. Signatures:

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

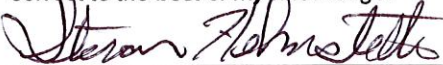


Applicant signature



Date

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



Property Owner signature



Date

Request: **GRADING, EXCAVATING & FILLING**☒ **Non-Shoreland**

- ☐ Within Bluff Impact Zone
☐ Within Bluff

Cubic yards of material movement: 1310
 Cubic yards of material movement: 76
 Cubic yards of material movement: 53

TOTAL cubic yards of material movement: 1439 *mem*

☐ **Shoreland - Outside Shore Impact Zone**

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

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

TOTAL cubic yards of material movement: _____

Pre-App Date 8/10
 Meeting Date 9/10
 60 Day 10/9
 Zoning District R1

Lake Classification /
 Lake _____
 FEMA Panel # 27079C0240 D
 Flood Zone X outside

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

☒ Request Description☒ Access Approval☒ Septic Comp Insp / Design☒ Site Plan☒ Erosion Control Plan☒ Meeting Reg / ATF / Spec☒ Full Legal☐☒ Fee \$ 796.00☐ Ordinance☐ Other _____☐ Penalty \$ _____☒ Application Complete

K Brackway
 Planning & Zoning Department Signature

8/11/15
 Date

15192
 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: 8/31/15

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Stevan G. Helmstetter

Property owner: Stevan G. Helmstetter

Property: 05.109.7600

Description: To allow for the excavation, grading and filling of 1310 Cubic Yards of material outside the BIZ, 53 Cubic Yards of material in the Bluff and 76 Cubic Yards of material within the BIZ for a total of 1439 Cubic Yards of material movement.

Recommendation: I recommend approval of the permit with the conditions listed below.

Conditions: All planned work in the bluff should be restricted to remain within the driving path that has been used to access the lowland area. This area is already a disturbed area of the bluff and it is less steep than the surrounding terrain. The trench must be filled in immediately once the pipes have been installed. The disturbed soils within the trench should be compacted to reduce the chances of washout. Silt fence needs to be correctly installed (staked and keyed into the ground) to protect the wetland and sloped areas should be covered with erosion control blanket. Once work is done, the entire area should be seeded with native vegetation to stabilize the area and reduce colonization from noxious weeds. Special attention should be paid to the weather forecast to reduce the chance of washout while work is done within the bluff.

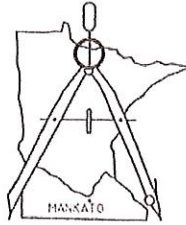
Sincerely,



Joshua Mankowski
Le Sueur County
Environmental Resources Specialist

SURVEY SERVICES, INC.

151 St. Andrews Court
Suite 400
Mankato, MN 56001
Phone: 1-507-345-1003
FAX: 1-507-345-4604



Warren P. Smith, L.S.
Mike M. Eichers, L.S.
Robert P. Smith, Tech.
Nate P. Myhra, Tech.

August 11, 2015

Stevan Helmstetter
5082 Rock Point Road NW
Roosevelt, MN. 56673


Stevan: Attached is a copy of the Survey Drawing of your 20 acres parcel described as the South Half of the Northeast Quarter of the Southwest Quarter of Section 9 Township 109 North Range 26 West.

Also attached is a Detail Drawing of the area where you intend to construct a 40 foot wide X 90 foot long geothermal "bed" at the bottom of the hill northerly of your new home.

The 40 foot X 90 foot "bed" would be excavated to a depth of 8 feet and 5 separate 720 foot long coil "loops" would be laid in the bottom of the hole and the excavated soil would be replaced. Each of these "loops" would be run back to the "manifold" and a line would be run from the new home to the "manifold" and back to the home.

I have calculated the volume of the excavation to be 1310 cubic yards removed and replaced. No additional materials will be "trucked" onto the site. The area will be returned to its original condition and native grasses will be planted.

Respectfully submitted;


Warren P. Smith, Land Surveyor
Minnesota License No. 14701



See page 2 for "supply lines" narrative.

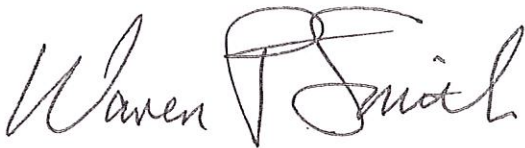
Addendum to Report
August 21, 2015
Stevan Helmstetter
Page 2

The LeSueur County Zoning office contacted me today in regards to the lines connecting the geothermal bed at the bottom of the hill to your home. Attached is an Exhibit Drawing showing the approximate location of the lines and the various cubic yards using a 3 foot wide trench, 6 feet deep for 50 feet across the top ground area from the house to the bluff impact zone (33 cubic yards); 32 feet across the bluff impact zone (21 cubic yards); 80 feet across the bluff (53 cubic yards); and the remaining 30 feet across the bluff impact zone at the bottom of the hill connecting to the manifold at the geothermal bed.

A total length of approximately 192 feet and a total excavation of approximately 128 cubic yards of material removed and replaced.

The total cubic yards of material removed and replaced for the geothermal bed and the supply lines between the new home and the bed would be 1438 cubic yards.

Respectfully re-submitted;



Warren P. Smith, Land Surveyor
Minnesota License No. 14701



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: Steven Helmsstetter PID: _____
Mailing Address: 47738 State Hwy 22
Property Address: SAME
Phone: (____) _____ Mobile/Cell: (218) 689-6872

Responsible party for Implementation/Inspection: _____
Address: _____
Phone: (____) _____ Mobile/Cell: (____) _____

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.

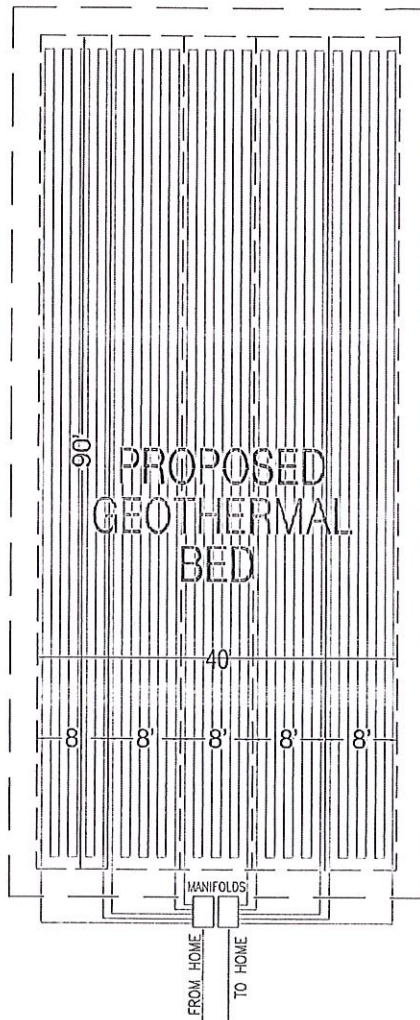

(Property Owner)

8/14/15
(Date)

(Person Responsible for Implementation)

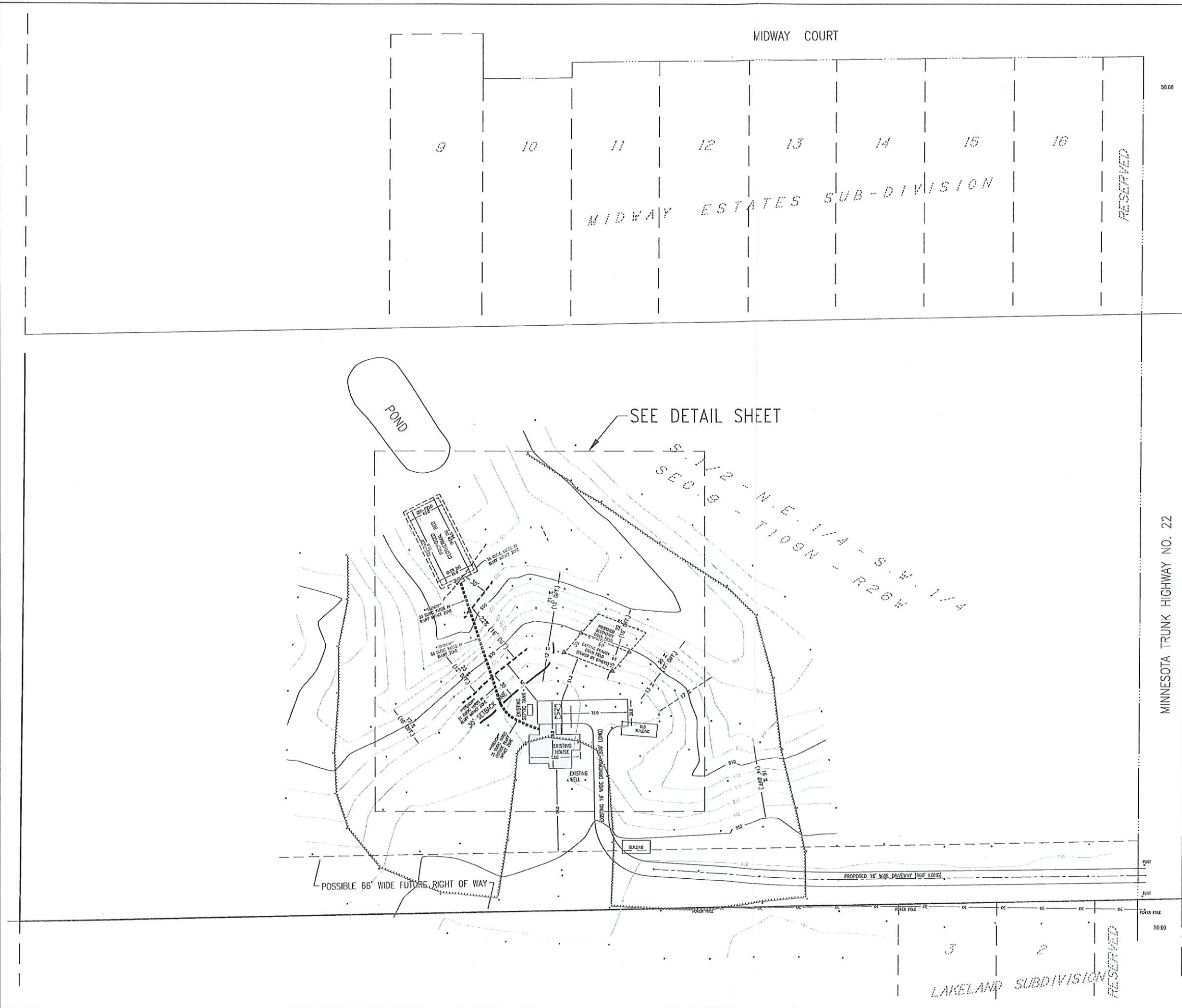
(Date)

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

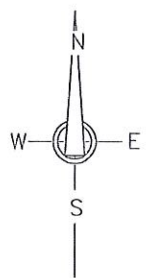


GEOHERMAL DETAIL

NOT TO SCALE



RECEIVED
AUG 24 2015
BY:



I hereby certify that this survey, plan, specification, 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.

Signature: *Warren P. Smith*
Print Name: WARREN P. SMITH
Date: 8/24/15 License No.: 14701

	SURVEY DRAWING	
	LeSUEUR COUNTY, MINNESOTA	
	THE S. 1/2 - N.E. 1/4 - S.W. 1/4, SEC. 9, T109N - R26W	
	FOR: HELMSTETTER, STEVEN 47738 STATE HIGHWAY 22 YACOTA, MN 56093 218-689-6872	
SCALE: NTS		DATE: AUG, 2015
		F.B.: FILE 14412