

Le Sueur County, MN

Thursday, September 10, 2015 Regular session

Item 3

Solheid Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Eric Solheid Construction

OWNER: Joel & Debbie Solheid

911 ADDRESS: 8961 280th St W. New Prague MN 56071

PROJECT DESCRIPTION: Allow grading, excavating, and filling of 330 cubic yards of material outside the shore impact zone in a Special Protection "SP" District, on an un-named stream.

ZONING DISTRICT CLASSIFICATION:

The intent of the Special Protection (SP) District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

ZONING DISTRICT PURPOSE:

Lands within this Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

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

ZONING ORDINANCE SECTIONS: Section 6, Section 13.1, Section 18

ORDINANCE REQUIREMENT:

Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

Conditional Use	Conditional Use Requirements
>50 cubic yards outside Bluff and Shore Impact Zones	<u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.
	Site Plan(s) and As-Built completed by a surveyor or engineer.

TOWNSHIP BOARD NOTIFICATION

The applicant contacted Cyndi Jirik, Derrynane Township Board member on July 3, 2015.

SITE INFORMATION

LOCATION:

78.5 acre parcel, Section 3, Derrynane Township.

ZONING:

Special Protection "SP" District (un-named stream), Flood Fringe Overlay District.

GENERAL SITE

DESCRIPTION:

Existing building site, wetlands

ACCESS:

Existing access off 280th St (Hwy 19)

EXISTING LAND USE WITHIN 1/4 MILE:

North:

Ag Land/Scott County

South: Wetlands/Ag

East:

Ag

West:

NATURAL RESOURCES INFORMATION

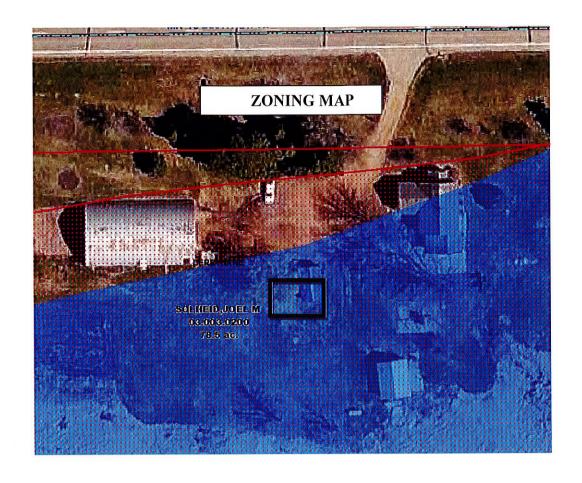
SHORELAND: The proposal is located within the Shoreland District.

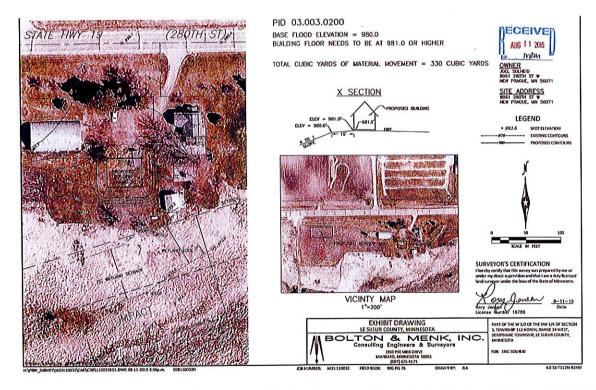
WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the

project is proposed.

AERIAL PHOTOS /SITE PLAN







ATTACHMENTS

Application, Letter LSC Resource Specialist, Survey, Narrative, Erosion Control Plan, Building Plans

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.)

- 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.

CONDITIONAL USE PERMIT CRITERIA LE SUEUR COUNTY **PERMIT # 15193**

Applicant: ERIC SOLHEID CONSTRUCTION OWNER: JOEL & DEBBIE SOLHEID

Date: Sept. 10, 2015

located in the W 1/2 NW 1/4, Section 3, Derrynane Township. impact zone in a Special Protection "SP" District, on an un-named stream. Property is to allow grading, excavating, and filling of 330 cubic yards of material outside the shore Conditional Use Permit Request: Request that the County grant a Conditional Use Permit

ROLL CALL VOTE

- i٦ of other property in the immediate vicinity for the purposes already within the immediate vicinity. permitted, nor substantially diminishes and impairs property values The conditional use will not be injurious to the use and enjoyment
- ? vacant property for uses predominant in the area normal and orderly development and improvement of surrounding The establishment of the conditional use will not impede the
- Adequate utilities, access roads, drainage and other facilities have been or are being provided

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4. neighboring properties will result. signs and other lights in such a manner that no disturbance to none of these will constitute a nuisance, and to control lighted control offensive odor, fumes, dust, noise and vibration, so that Adequate measures have been or will be taken to prevent and

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DATE: main the goals of safety, health and the general welfare of the public 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 APPROVED: COUNTY BOARD MEETING DATE: DENIED_ PZ CHAIRPERSON

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).

l.	Name Enc Solherd Const
	Mailing Address 312 Lyndale Ave w
	City New Progre State Mn Zip 5607)
	Phone # Phone Phone # Phone P
II.	Name Joel Debbie Scheid
	Mailing Address 8961 280 4 Situ
	City New Pragne State Mr Zip 56071
	Property Address 8961 280+ Stw
	City New Prague State mn Zip 56071
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III.	Parcel Information:
	Parcel Number <u>03. 003.0200</u> Parcel Acreage <u>78.5</u>
	Attach Full Legal Description (<u>NOT</u> abbreviated description from tax statement)
	Township Werrynane Section 3
	SubdivisionLotBlock
IV.	Township Notification: Township must be notified of proposed use prior to application.
IV.	Tacci in Ann 7
	Cynd Tirrita Township notified on 7-3-15
	(Date)
	Board Member (Name) regarding the proposed use.

V. Quantities and Submittal Formats:

- a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- b. Twenty Three (29) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- c. Electronic version of any supporting documents if available.
- c. Additional copies may be requested as deemed necessary by the Department.
- d. **Application must be made in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- e. Appointment is necessary.
- f. Applications will not be accepted by mail.

		750 After-The-Fact fee is <u>de</u> . 46	<u>oubled.</u>
	Additional Fees: Special Meeting \$ After-The-Fact Penalty \$ 1,500 OR	2,000	ver is greater
	Alter-The-Fact Charty & 1,000 Oft	1070 Of Improvement, which	io giodio.
VII.	Type of Request: Grading, Excav	ating or Filling.	•
	☐ Non-Shoreland ☐ Within Bluff Impact Zone ☐ Within Bluff TOTA	Cubic yards of material (Cubic yards of material)	movement: movement: movement:
	☐ Shoreland- Outside Shore Impact Zo ☐ Within Shore Impact Zone ☐ Within Bluff Impact Zone ☐ Within Bluff TOTA	Ouble yards of material	movement:
	☐ Assurance security shall be requ	red for projects that are >150	00 cubic yards.
VIII.	Description of Request:		
	A full description of request with de what general types of equipment mb. Complete the following in relations	ay be used in the operation n	nust be attached.
	1. ENVIRONMENTAL IMPACT:		
	2. ADVERSE IMPACT ON SURROUNDI		
	3. STORMWATER RUNOFF:		
	4. DOES ANY PART OF THE PROJECT	EXTEND BELOW OHWL:	
	5. WETLAND IMPACT:	·	
	6. SLOPE STABILITY:		
	7. CERTIFICATE OF INSURANCE:		
	8. MEET ALL APPLICABLE COUNTY S (For example additional licensing and		
IX.			
	 Parcels < 5 AC = 2-foot conto Parcels 5-20 AC = 5-foot conto Parcels >20 AC = 10-foot conto Location of grading, excavating, Location of areas for obtaining fi Tree inventory of all trees, indica (Caliper of 6 inches or great North point Setbacks River Property Lines Wetlate Road Right-Of-Way Landscape, screening and buffer 	urs depicting existing and propurs depicting existing and propurs depicting existing and propurs depicting sites. I or disposing of excavated nating trees to be cut or remover measured 4.5 feet from grader measured 4.5 feet from grader proposed Structures Proposed Structures Lot Dimensions Ponds	posed topography. roposed topography. naterials. ed. ound level). s • Septic system
	- Landsoapo, solocining and bunc		· · · · · · · · · · · · · · · · · · ·

rees: must be paid at the time of application.

VI.

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

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

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

XI. Attachments: Shall include but not limited to:

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

XII. Procedure:

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

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

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

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

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

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

XIII. Signatures:

3.	
I hereby certify with my signature that all data contained her correct to the best of my knowledge.	rein as well as all supporting data are true and
Ene Solh Ed	8-6-15
Applicant signature	Date
I hereby certify with my signature that all data contained he correct to the best of my knowledge.	rein as well as all supporting data are true and
Property Owner signature	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:

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

Applicant: Eric Solheid Construction

Property owner: Joel & Debbie Solheid

Property: 03.003.0200

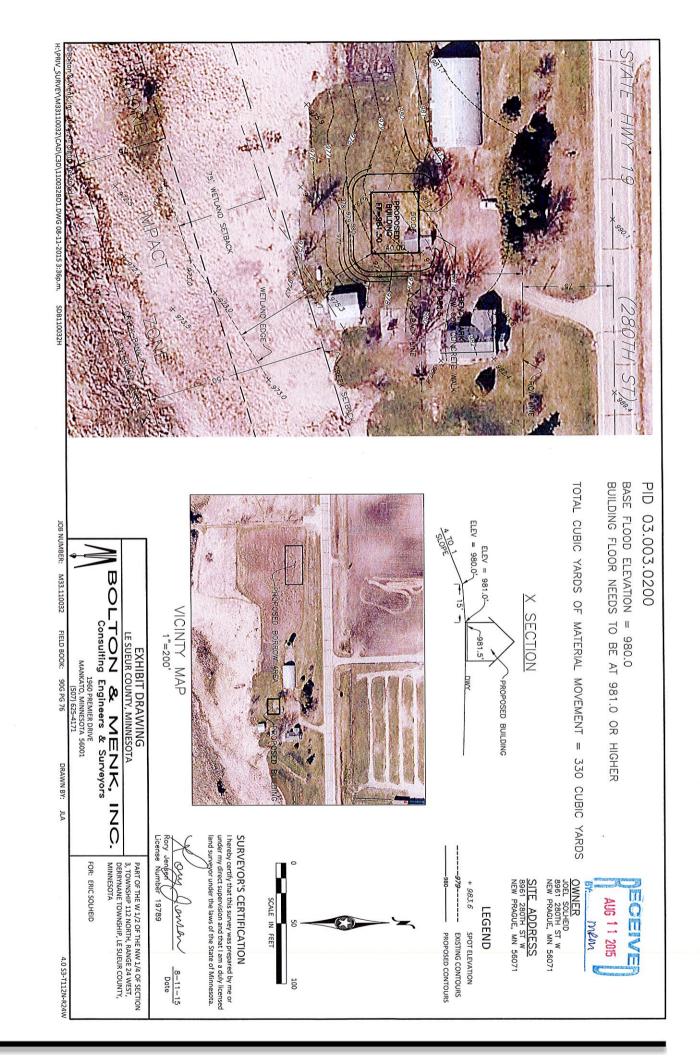
Description: To allow for the excavation, grading and filling of 330 Cubic Yards of material to create a building pad for a 40x50 ft shed.

Recommendation: I recommend the approval of the Conditional Use Permit for the excavation, grading and filling of 330 Cubic Yards of material.

Sincerely,

Joshua Mankowski Le Sueur County

Environmental Resources Specialist



A. full Despription of Project

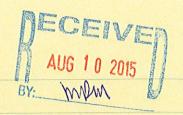


The project has been serveyed to make sure it reaches above and beyond the 100 year flood plain. Vick Braith is going to come in and dig footings for the 40 x 50' Shed. Then Deke Concrete is going to Come in and pour 16 wide & 8' footings and lay 4 courses of block. Then Eric Solheid Const. is going to put 2' fram on the inside of the Bokh. Braith excavating will come back and back fill the pad inside and out. He will be moving approximately] Cubic yards of Material. As it is being moved in the found to the west it will be compacted in stages. There will also fibe Silt fence Set up at both Sites to protect the exosion from going into the wetlands if it does rain. After that is all done Eric Jolheid Const. Will build the exterior wall out of 2x6 at 16" on center. They will have 1/2 OSB Sheating and Typek on it. The roof trusses will be 2 on Center with 9/8 OSB on them. The roof will have Image IT Steel rooking on it also with L.P. Siding on the walls. Connelly plumbing and heating will come in and Install the infloor heat for the whole building. There will be 2" foam under that also Oche Concrete will pour a 4" thich floor on top of that. The Shed will be fully Insulated by Gibbs insulation walls and Caling.



The ceiling will have tin on the ceiling and Sheetrock on the walls. While this is going on Braigh executing will come in and du the first grade to get it to the same height as the garage floor and at 16 feet out from the building. Thus creating like istand around the steel also be a tree plant to the west of the new shed and south of the existing Shed. is getting planded cause we removed one the new shed is going. The dirt that got moved in is going to be reserded or sad this gear get. After the project is done BBdton and menk are going to come out and resurvey the project to make sure Im above the 100 year flood plain. guipment used Braith excavating Backhove umptruch Bob Cart

VIII Description of Request



- 1. Environmental Impact There will be no impact on the environment & due to we are far enough away from the wetland. We cut down ?!

 tree and Joel will be planting another one in the yard.
- 2. Adverse impact on Surrounding Areas
 We are up dateing buildings on A Joels Place

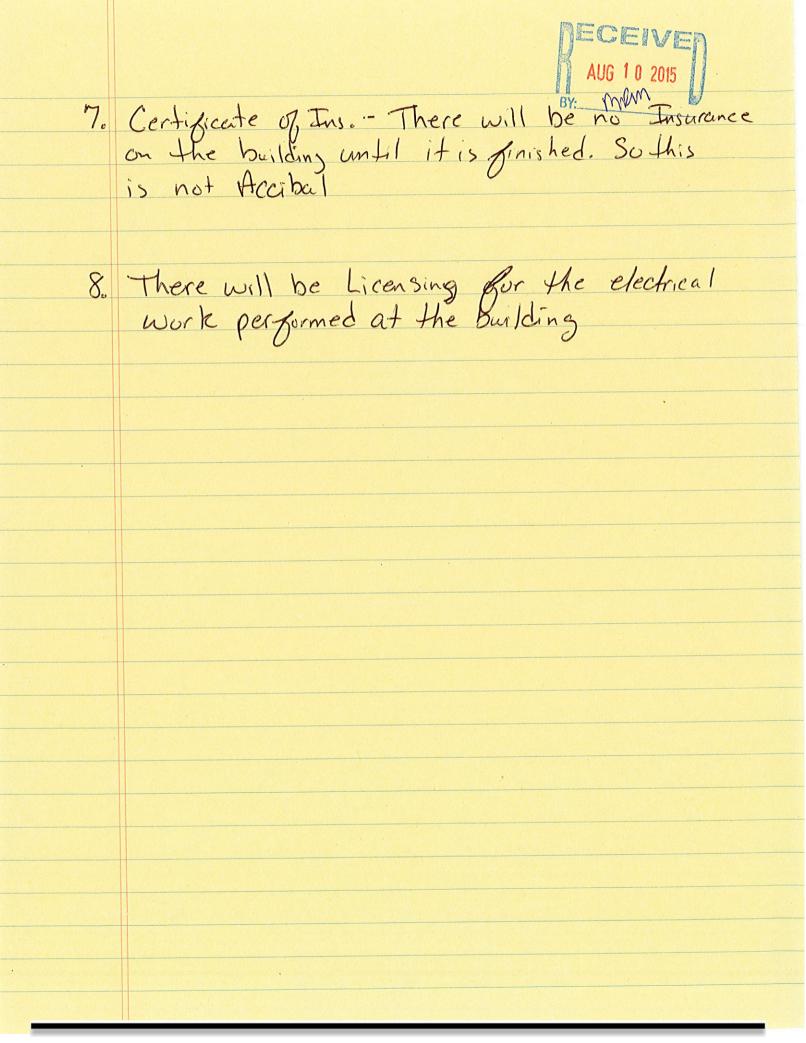
 So we can store Vechiles inside insted of outside.

 This way the Salt run off is in the garage

 instead of out Side.
- 3. Stormwater runoff All Stormwater run floff
 we be diverted to the wetland area. This
 way it will make more water for the Ducks
 and geese. There will also be gatters on the
 building so it will not eroide the Soil. All new
 Soil brought in will either be seeded or sod.
 4. The only part that will extend below the

OHWL will be the footings.

- 5. Wetland Impact. We will not be doing anything in the wetland So there will Bnot be any impact. Also no soil runoff cause it will be Seeded or Sod.
- 6. Sto Slope Stability-The garage floor will be higher then the 100 year mark. Also 16' feet around the building will be Like a Island at the Same height.



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: Soll Debbie Solked PID: 03.003.02 Mailing Address: 8961 280 + S+ Wes+ Property Address: 8961 280 + S+ Wes+ Phone: Mobile/Cell: (952) 393-4745 Responsible party for Implementation/Inspection: Sollie Address: 312 4nd - Ave W	00					
Property Address: 8961 280 4 5+ West Phone: Mobile/Cell: (952) 393-4745 Responsible party for Implementation/Inspection: Fice Sale d						
Responsible party for Implementation/Inspection: Enc Sakeid						
Responsible party for Implementation/Inspection: Enc Syled						
Address: 23 (and by three a)	Responsible party for Implementation/Inspection: Enc Saked					
Addiess. Af STE ESTREET						
Phone: () Mobile/Cell: (95) &2 292-0924						

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).
- Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
- 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.
- 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.
- 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.

(Person Responsible for Implementation)

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

