



# **Le Sueur County, MN**

**Thursday, December 10, 2015**

**Regular session**

## **Item 3**

**Chris Short Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/ OWNER:** Chris Short

**911 ADDRESS:** 22069 Lake Francis Road, Elysian, MN

**PROJECT DESCRIPTION:** An After-The-Fact Conditional Use Permit to allow grading, excavating, and filling of approximately 2441 cubic yards of material to establish a site for a walkout basement in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Frances.

**ZONING ORDINANCE SECTIONS:** Section 13, Subdivision. 5 Shorland Alterations. B. 3 (pg 17-19) & Section 13.2 (pg 38-51)

### 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.

## SITE INFORMATION

**LOCATION:** Lot 3, Block 1, Han's Hideaway, Section 27, Elysian Township.

**ZONING:** Recreational Residential

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

### GENERAL SITE DESCRIPTION:

Shoreland, residential

**ACCESS:** New access off Lake Francis Road, approved by the Township

### EXISTING LAND USE WITHIN ¼ MILE:

**North:** Wooded & Ag land

**South:** Clustered lakeshore residences, Shoreland, Lake Frances

**West:** Ag land, scattered residences

**East:** Shoreland, Lake Frances, scattered residences, City limits

## BACKGROUND INFORMATION

Property was previously rezoned and platted. Permit was issued on October 20, 2015 (permit #15266) for a single-family dwelling with walkout basement, attached garage, and deck. Site plan indicated required setbacks were to be met. Sloped area of lot was feasible for walkout construction. Driveway length indicated on site plan less than 150 feet, would locate the proposed walkout dwelling in the sloped area. Page A3 of the house plans indicates the attached garage and porch areas to be unexcavated. Page A6 of the house plans stated 4 inches of granular fill under the basement only. Permit covers construction of the dwelling, **excavation** of the basement and construction of the driveway. Landowner/contractor excavated out 'inadequate soils' for construction, filled in site with compacted sand for adequate base. Area of proposed walkout is on a flat area. Driveway location and length changed from proposed site plan. Grading, excavating, and filling was found to be above and beyond the permitted use. Stop work order issued. Additional grading, excavating, and filling greater than 50 cubic yards beyond the permitted use requires a Conditional Use Permit.

\*See Violation Notes

\*\*New driveway is more than 150 feet long and will require a 60 x 60 turnaround. See letter dated November 30, 2015.

\*\*\*Assurance required for grading, excavating, and filling projects greater than 1500 cubic yards. See letter dated November 30, 2015.

## TOWNSHIP BOARD NOTIFICATION

Applicant notified Linus Hebl from Elysian Township on October 9, 2015.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is located within the Shoreland District on a Recreational Development lake, Lake Frances.

**Recreational Development Lake** - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

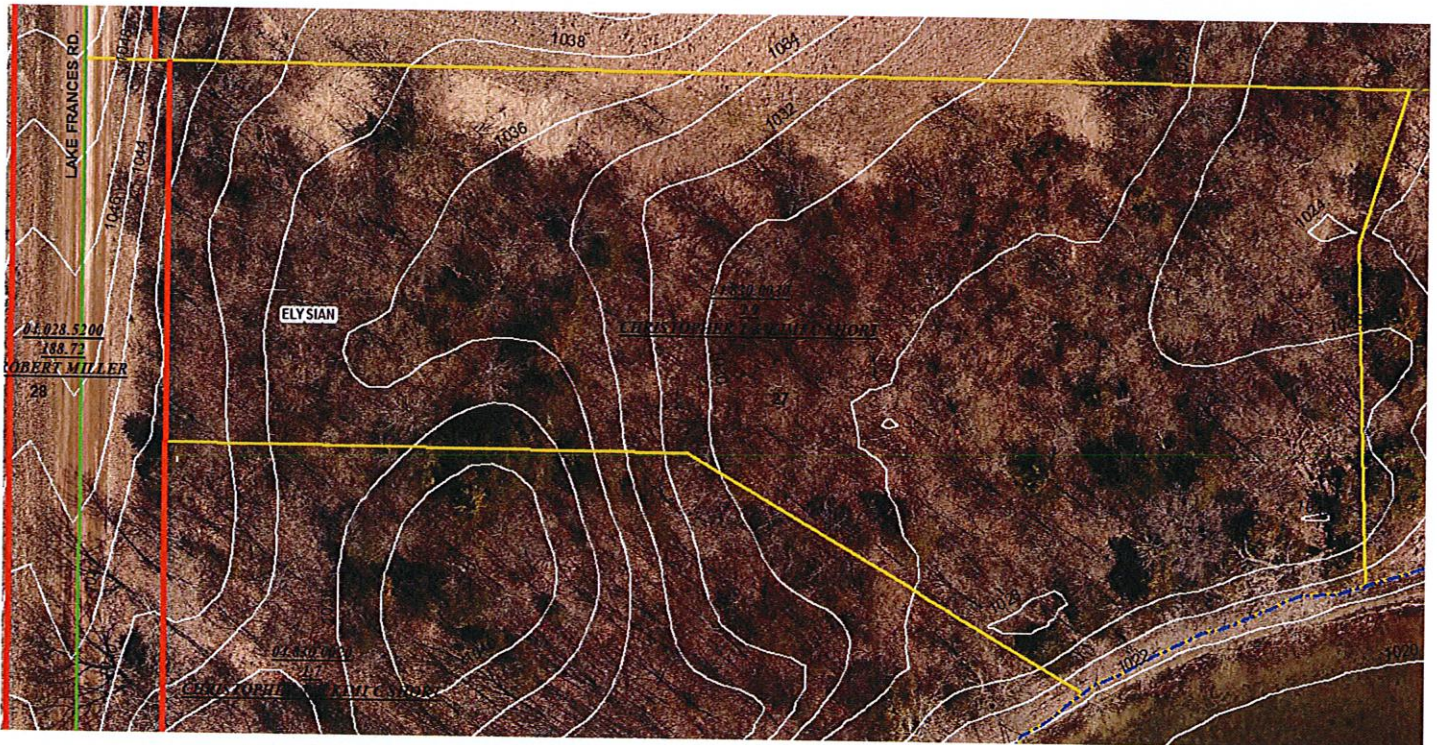
**Regulatory Flood Protection Elevation (RFPE): 1025.7.** Top of lowest floor must meet RFPE.

**WETLANDS:** According to the National Wetlands Inventory, Type 3-8 wetlands located in the quarter-quarter section where the project is proposed.

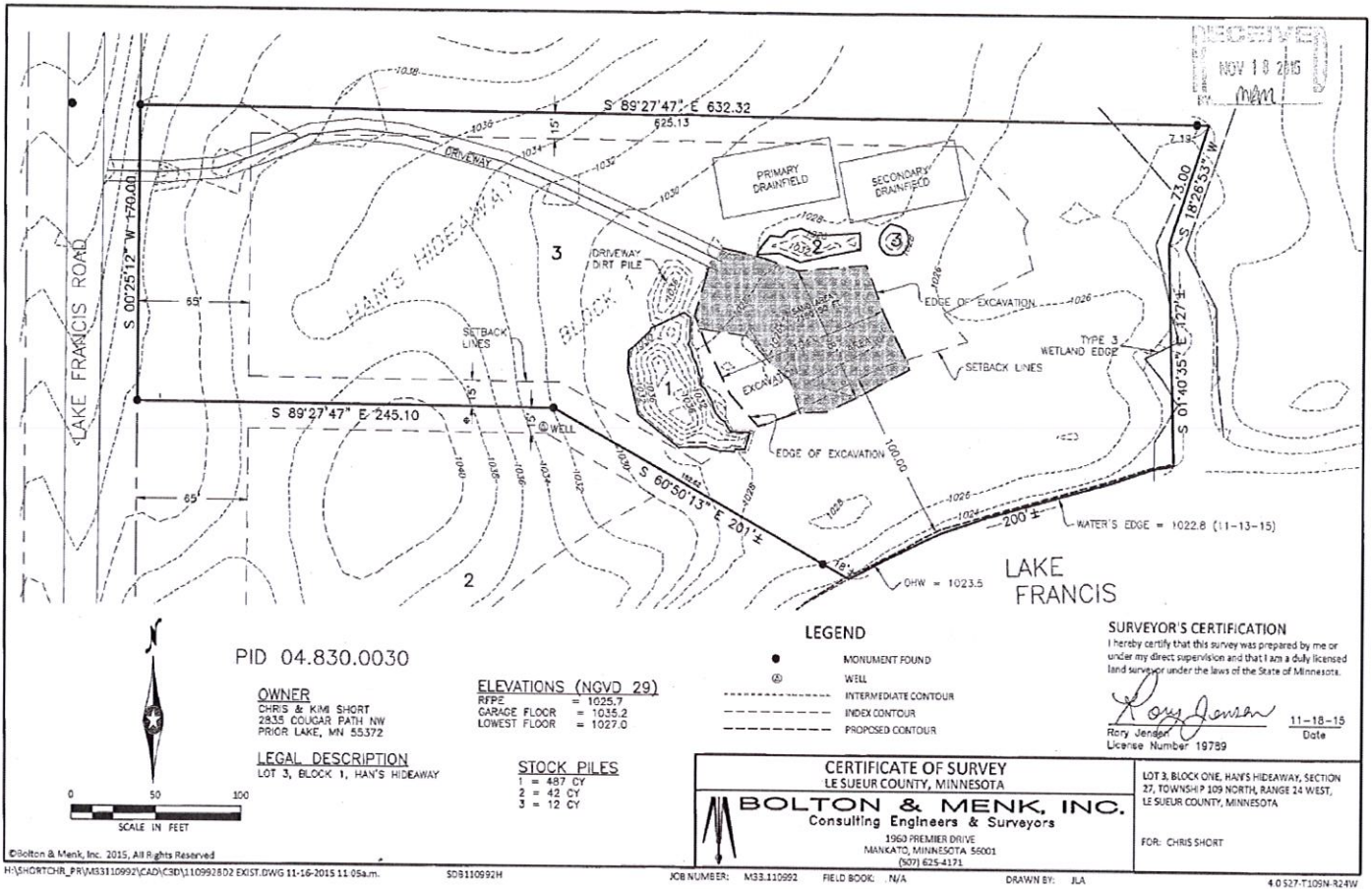
There was discussion as to whether a wetland was located on the property. Property was previously rezoned and platted. See Mike Schultz statement regarding the wetland.

## SITE PLAN/AERIAL PHOTO

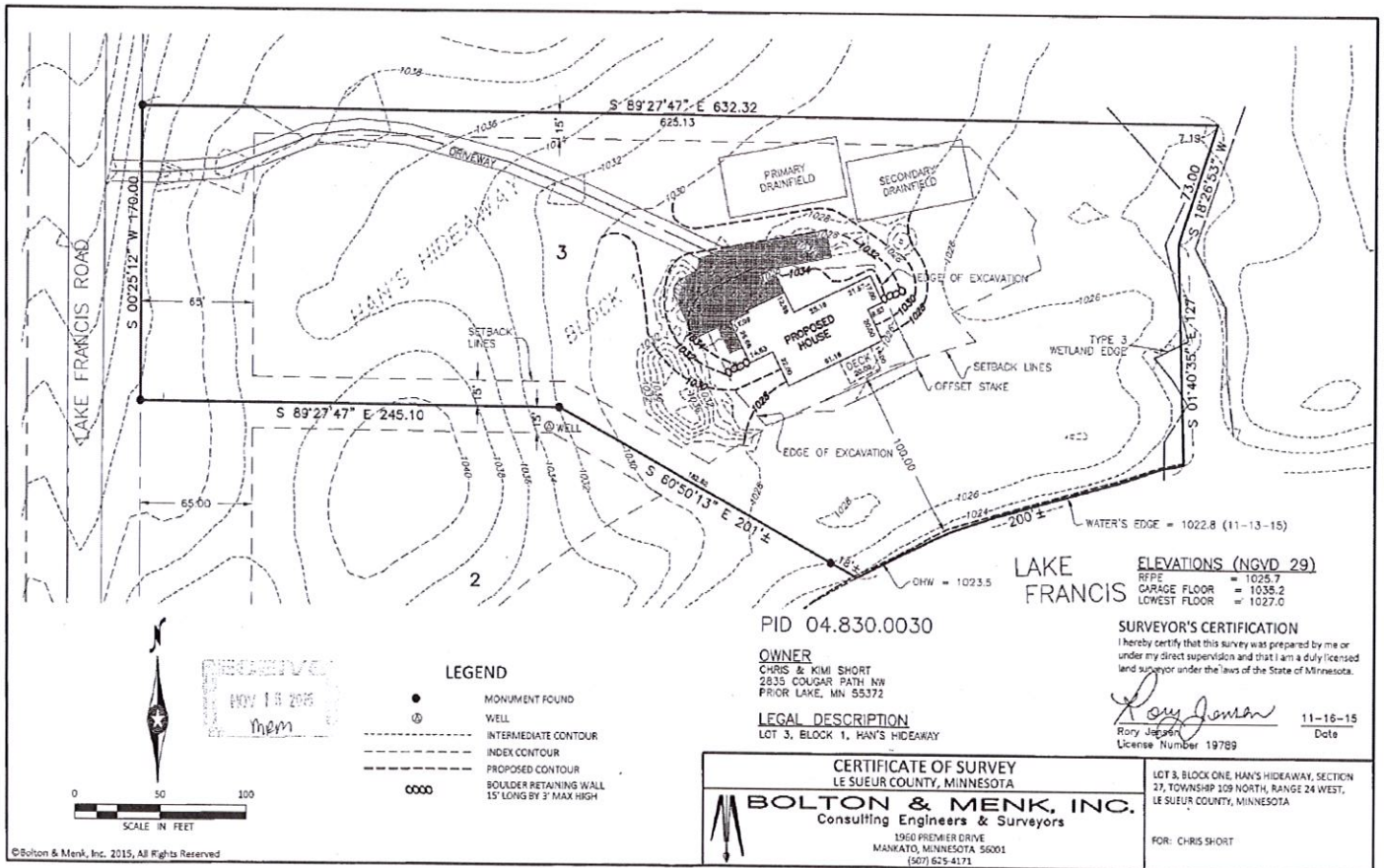
Aerial photo



Existing Conditions



Proposed Plan



## ATTACHMENTS

Conditional Use Application; Applicant's Description of Request, Site Plan-existing conditions & proposed, Erosion Control Plan, Letter from Contractor Wayne James of James Brothers Construction, Certificate of Insurance, calculation of cubic yards, violation notes, Letter from Michelle Mettler dated November 30, 2015, Josh Mankowski dated December 1, 2015, email from Mike Schultz at SWCD dated November 10, 2015, Report from DNR-Dan Girolamo, photos.

Zoning permit; Zoning Permit Application, site plan, house plans, erosion control plan, Township access approval; Letters from Anton Cheskis dated October 28, 2015. Michelle Mettler dated November 2, 2015.

## 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.

## CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The following additional evaluation criteria and conditions apply within the Shoreland Districts of the County.

1. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - b. The visibility of structures and other facilities as viewed from public waters is limited.
  - c. The site is adequate for water supply and on-site sewage treatment.
  - d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
2. **Conditions attached to Conditional Use Permits in Shoreland Districts.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
  - a. Increased setbacks from the ordinary high water level.
  - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
  - c. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and

## 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.*

# CONDITIONAL USE PERMIT

## LE SUEUR COUNTY PLANNING AND ZONING

88 SOUTH PARK AVENUE  
LE CENTER MN 56057

Direct Dial (507) 357-8538 Fax (507) 357-8541

APPLICATION DATE: 11/12/2015	PERMIT NUMBER: 15299	FEE: #####
60 DAY RULING DATE: 1/11/2016	**FEES ARE NON-REFUNDABLE**	
APPLICANT: CHRIS SHORT	PROPERTY OWNER: CHRIS SHORT	
ADDRESS: 2835 COUGAR PATH	ADDRESS: 2835 COUGAR PATH	
CITY: PRIOR LAKE	CITY: PRIOR LAKE	
STATE: MN ZIP: 55372	STATE: MN	ZIP: 55372
PHONE: 763-739-1812	PHONE: 763-739-1812	
911: NEW LAKE FRANCIS RD, ELYSIAN		

PARCEL #: 04.830.0030	TOWNSHIP: ELYSIAN	
SEC: 27	SUBDIV: HAN'S HIDEAWAY	DISTRICT: RR
TWP: 109	LOT: 3	FEMA PANEL # 27079C0425D
RANGE: 24	BLOCK: 1	FLOOD ZONE: X OUTSIDE
QTR/QTR:	ROAD: TWP	

I (We), the undersigned, owner(s) and or applicant(s) of the property described herein, do hereby respectfully petition your Honorable Bodies to grant a Conditional Use Permit, as hereinafter designated, and in support thereof, the following facts are presented:

**1.) Reason for Requested Conditional Use Permit.**


TO ALLOW AN AFTER-~~THE~~-FACT CUP FOR GRADING, EXCAVATING & FILLING OF APPROXIMATELY 244 CUBIC YARDS OF MATERIAL MOVEMENT TO ALLOW FOR THE CONSTRUCTION OF A WALKOUT DWELLING.

**2.) Reason for Approval or Denial of Request as Listed in Findings.**

**3.) Special Conditions of Conditional Use Permit.**

RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD.

2441 24  
-mem  
11-15-15

 APPLICANT/PROPERTY OWNER	11/12/15 DATE
Michelle R Mitts LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	11-12-15 DATE

PUBLIC HEARING DATE: 12/10/2015	ACTION: _____	
<input type="checkbox"/> AS WRITTEN		<input type="checkbox"/> WITH CONDITIONS
COUNTY BOARD DATE: _____	ACTION: _____	
<input type="checkbox"/> AS WRITTEN		<input type="checkbox"/> WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION	DATE
CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS	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: 12/01/2015

To: Le Sueur County Planning and Zoning Commission

From: Joshua Mankowski, Environmental Resources Specialist

---

**Applicant:** Chris Short

**Property owner:** Chris Short

**Property:** 04.830.0030

**Description:**

Application for an After-The-Fact CUP for grading, excavating & filling of approximately 2441 cubic yards of material movement to allow for the construction of a walkout dwelling.

**Recommendation:**

I recommend denial of the extra 1575 cu yds of material movement needed to backfill in order to create a walkout on a flat area of the lot. The extra fill that would need to be brought in to backfill the flat area in order to bring up the grade to create an area for a walkout would be excessive, much more than what would be needed just for construction. The site prep for the house was done on flat area of the lot, not on the area with adequate slope to accommodate a walkout home.

I recommend approval of the 541 cubic yds of material excavated for site preparation, the 170 cu yds of material movement already done to construct the building pad and the 155 cu yds of material movement needed to complete the building pad. This approval would allow for the construction of a slab-on-grade structure.

Critical habitat for Lake Francis is located just two lots down from this location and must be protected. If the CUP is approved, I would recommend the following conditions: 1) A natural buffer is created along the shoreline and 15 feet inland from the lake to add protection and 2) any future grading on site be kept to a minimum and conform to zoning ordinance requirements.

Sincerely,



Joshua Mankowski  
Le Sueur County  
Environmental Resources Specialist



**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**

**88 SOUTH PARK AVE.**

**LE CENTER, MINNESOTA 56057**

(507) 357-8538

Fax (507) 357-8541

November 30, 2015

Chris Short  
2835 Cougar Path  
Prior Lake MN 55372

Parcel Number: 04.830.0030

RE: Conditional Use Permit application

Dear Mr. Short:

This letter is in regards to your Conditional Use Permit application.

I have received your application for the After-The-Fact Conditional Use Permit (CUP) for the grading, excavating & filling project.

Your request has been added to the December 10, 2015 Planning & Zoning Commission Public Hearing agenda.

Per my email to you on November 18, 2015, after receiving the final dimensions and survey on November 16<sup>th</sup>, the total cubic yards of grading, excavating, and filling was calculated to be approximately 2441 cubic yards of material.

Le Sueur County Zoning Ordinance has assurance requirements for grading, excavating, and filling projects that involve more than 1500 cubic yards of material movement. This can be a performance bond, letter of credit, or other improvement security satisfactory to the County.

This is a requirement of the CUP process. Please submit your assurance to this office prior to December 10, 2015.

Also mentioned in my email on November 18<sup>th</sup>, you may want to update your description of request.

Please do not hesitate to contact this office if you have any questions or concerns.

Respectfully,



Michelle R. Mettler  
Le Sueur County  
Assistant Planning & Zoning Administrator

## Mettler, Michelle

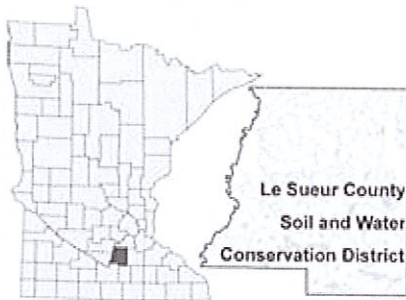
---

**From:** Schultz, Michael  
**Sent:** Tuesday, November 10, 2015 11:00 AM  
**To:** Mettler, Michelle  
**Subject:** RE: Chris Short

I am unable to verify if there are actual wetland violations on this site. The site is so gray area that I am not going to pursue any further than documenting the photos of the existing site. Please let me know if any future work is proposed on the site.

**Michael Schultz** | Senior District Technician  
Le Sueur SWCD | 181 W. Minnesota St. | Le Center, MN 56057  
p. (507) 357-4879, ext 3 | c. (952) 807-3423 | [mschultz@co.le-sueur.mn.us](mailto:mschultz@co.le-sueur.mn.us)

[www.lesueurswcd.org](http://www.lesueurswcd.org) ■ [www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us)



---

**From:** Mettler, Michelle  
**Sent:** Tuesday, November 10, 2015 7:50 AM  
**To:** Schultz, Michael  
**Subject:** Chris Short

Hi Mike-

I need to discuss with you the Chris Short violation. He is coming in at 8:30 to apply for an ATF CUP for grading, excavating and filling.

Wetland?

**Mettler, Michelle**

---

**From:** Girolamo, Daniel (DNR) [Daniel.Girolamo@state.mn.us]  
**Sent:** Monday, November 09, 2015 11:15 AM  
**To:** Wigen, Katie (DNR); Mettler, Michelle; Mankowski, Joshua  
**Cc:** Piepho, Todd (DNR); Soupir, Craig (DNR); Ihnen, Brent (DNR); Kolander, Todd D (DNR)  
**Subject:** Trip Report - Chris Short - Le Sueur County  
**Attachments:** Short\_Trip Report\_110415.pdf

FYI as a follow up to our 11/4/15 onsite investigation at the Chris Short site on Lake Frances, Le Sueur County.



Daniel Girolamo  
Area Hydrologist  
MN DNR

**Trip Report**

Chris Short –Notice of Violation  
22083 Lake Francis Road, Elysian, MN – Le Sueur County  
November 4, 2015\_dg

**In Attendance:** Mr. Chris Short - Landowner, Mr. LaFrance, landowner’s banker, Michelle Mettler, Le Sueur County, Joshua Mankowski, Le Sueur County, Brent Ihnen, DNR CO, Todd Piepho, EWR DNR, Craig Soupir, DNR Fisheries, Dan Girolamo, EWR DNR.

**Summary of the Public Waters Violation**

This report documents the findings from the November 4, 2015 onsite investigation. The landowner, Chris short, owns three adjacent lake lots with two under development and the third platted as an out lot. The public water violations are located on the center lot (PID 04.830.0020) and include an excessive beach improvement and unauthorized fill in Lake Frances due to uncontrolled erosion of the beach. The north lot (PID 04.830.0030) is currently under development to add a driveway and cabin but received a stop work order from Le Sueur County. This north lot does not currently include a public waters violation.



Beach on Center Lot, Looking South



Beach on Center Lot, looking North



Beach Erosion on Center Lot, looking West



Fill in lake at OHWL, looking down and East

RECEIVED  
NOV 09 2015  
BY: mem

**County Violations**

**North Lot** - Parcel 04.830.0030: Le Sueur County issued a Stop Work Order due to work outside of the permit. Michelle Mettler mentioned excessive excavation for the cabin site and changing the location of the driveway. The setback to the lake was measured and found to be exactly 100 feet. The County is also reviewing the site for compliance with the Minnesota Wetland Conservation Act.

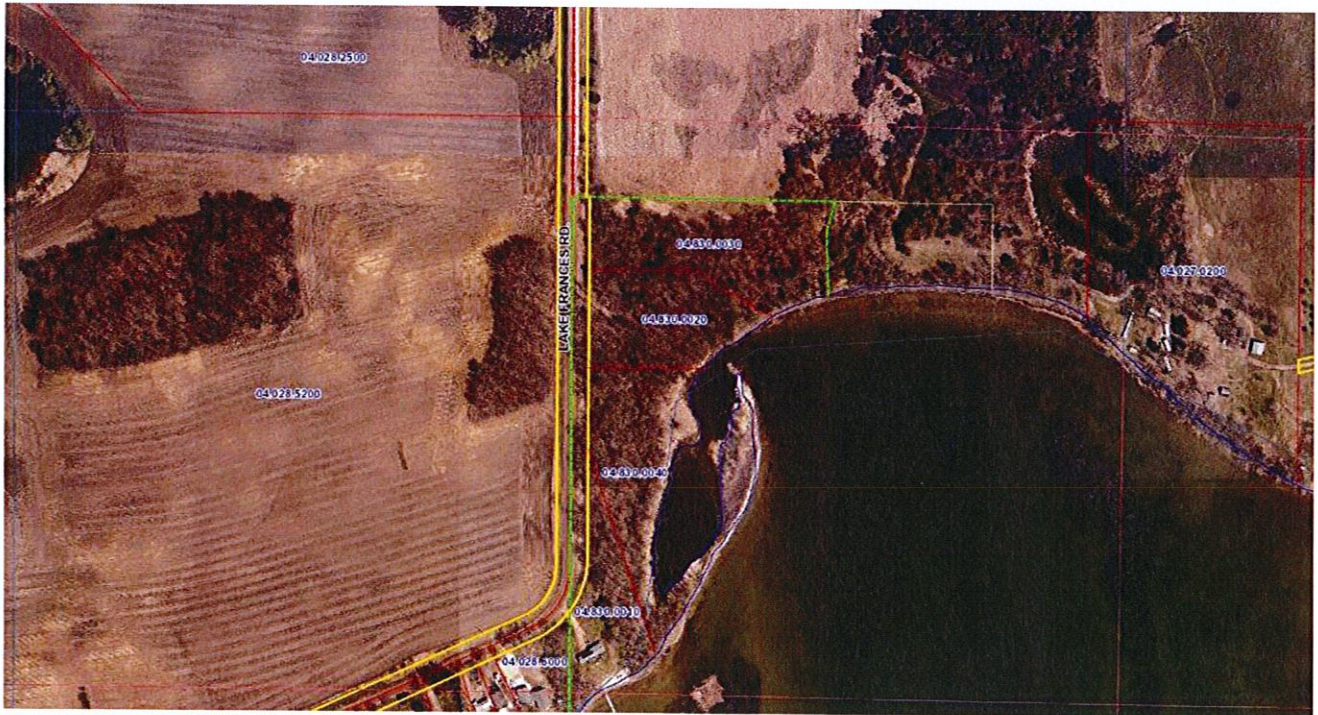
**Center Lot** – Parcel 04.830.0020: Michelle Mettler mentioned the existing beach is a violation and the landowner must applied for a Conditional Use Permit (CUP) to remove sand to restore the site.

**Conclusion**

**North Lot** – Parcel 04.830.0030: Le Sueur County will require a Conditional Use Permit for the changes to the building permit including additional excavation for the cabin and changing the location of the driveway.

**Center Lot** – Parcel 04.830.0020: Michelle Mettler mentioned the existing beach is a violation and the landowner must applied for a Conditional Use Permit (CUP) to remove sand to restore the site. The landowner will develop a restoration plan and send it to DNR (Girolamo) and Le Sueur County for review prior to applying for the CUP. DNR will send the landowner a Notice of Violation and submit restoration requirements to Le Sueur County for inclusion into the CUP. If the CUP process fails to resolve the public water violations a Restoration Order will be prepared and mailed.

**PARCEL MAP**



RECEIVED  
NOV 09 2015  
BY: mm

541 cy = ATF Excavated/stockpiled onsite - per surveyor

170 cy = ATF compacted sand

(7081 square feet-per surveyor, 6" depth of compacted sand per landowner/contractor)

$7081 \times .5 / 27 = 131 \times 1.3 = 170$  cubic yards (Takes 1.3 cy loose volume for 1 cy compacted vol.)

155 cy = Additional sand requested - per landowner/contractor

1575 cy = Additional grading requested - per surveyor (800-900 cubic yards of clay from offsite)

2441 TOTAL cubic yards grading, excavating, and filling.

11 18-15 mm

## Chris Short Violation Notes

- 10/19/15** Application approved for a 7 bedroom single-family dwelling (no vrbo) on Lot 3, Block 1, Han's Hideaway. House plans needed to be revised to show the change to the deck. Basement floor plans state "unexcavated" under front entrance and attached garage. (A3) Section detail states 4" granular fill for and unexcavated areas. (A6) Site plan was submitted showing that the required setbacks were met. Site plan indicates driveway will be less than 150' long, does not require a 60' x 60' turnaround. (150' driveway would locate the proposed dwelling at the sloped area of the lot.)
- Topography of lot indicated an area with adequate slope to excavate a basement to accommodate a walkout dwelling and still be able to meet the Regulatory Flood Protection Elevation (RFPE) 1025.7.
- 10/20/15** Permit was issued. Discussed with landowner no VRBO. Short-term lodging not allowed in the RR district. Would need to rezone then apply for a CUP.
- 10/27/15** Received complaint that was reported to the DNR of cutting trees, hauling in fill, filling in a wetland. Visited site. Issued stop work order (verbal) to contractor (Jake James-James Bros). Grading, excavating, and filling beyond limits of permit. Approximate measurements of excavation were approx. L-106 & 69 x W-66 & 87. Excavation depth approximately 2 feet. Will need a CUP. Talked with landowner (Chris Short) and contractor (Wayne James-James Bros) on the telephone. Stop work order issued (verbal). Chris to call office and make appt to meet in the office on Thursday the 29th.
- 10/29/15** Landowner did not show for meeting. Letter from Chris's attorney was hand-delivered to the office. Was their opinion that a CUP was not necessary and the work was covered under permit. Notifying the department that they were going to continue with work.
- 10/29/15** Made site visit with Sgt Struckman (Sheriffs Dept). More material movement was done after last site visit. Issued another stop work order (written) to contractor (Jake James-James Bros.) 2 more dump trucks came to site when at the site. Directed them not to dump at the site.
- 10/30/15** Chris Short & Wanye James came to office to meet with KB and MM at 8:30. Discussed what is covered under the permit. Landowner wanted Kathy Brockway to visit the property. Removing undesirable soil for construcion and filling with different material is above and beyond permit. Measurements taken from site visit on 10-27-15 were approximately L-106 & 69 x W-66 & 87. Landowner and contractor disagreed on excavation size. Landowner/contractor stated material excavated out was inadequate for construction & needed other material brought in to construct house in that location. Staff stated this would require a CUP. Grading, excavating, and filling to create a walkout on a flat area is beyond the permitted use as well and would also need a CUP. CUP approved by the County Board. Landowner and contractor did not agree with determination. Cannot commence work on project unless public hearing is held and CUP is approved by the County Board. If disagree with determination can appeal the department's decision to the Board of Adjustment. Landowner gave permission to revisit the property.
- 10/30/15** Revisited site with Kathy Brockway and Josh Mankowski. Remeasured excavated area. Approximately L-106 & 101 x W - 67 & 76, mean L-103.5 x W-71.5 = 7400 sq ft. excavated area.

## Chris Short Violation Notes

- 11/2/15** Letter of response sent to attorney. Stated again stop work order in place. Information submitted by landowner did not indicate excessive grading, excavating, and filling. Can appeal decision to the Board of Adjustment or apply for an After-The-Fact CUP. Deadline of December 2, 2015. (*Typo in letter. Calculated at 1-foot depth instead of 2-foot depth, and transposed 247 cy, instead of 274. Should have stated  $7400 \times 2 / 27 = 548\text{cy}$ .*)
- 11/4/15** Met onsite with Josh Mankowski, Chris Short, Josh LaFrance, DNR representatives: Dan Girolamo, Todd Piepho, Craig Soupir, Brent Ihnen. Discussion regarding grading, excavating, filling work done beyond permit limits, erosion control fence inadequately installed. Will need to be trenched or 'keyed' in. Josh Mankowski to contact contractor to correct silt fence installation. DNR questioned whether the lot was a wetland. Not an inventoried wetland, was platted in 2012. Staff to look into preliminary plat and grading plan. Discussed violation on Lot 2-separate violation, not connected to the violation on Lot 3. Minimum setbacks met. Not putting dwelling on sloped area of lot but on flat area of lot, not conducive to walkout. Michelle to check preliminary plat and grading plan for Han's Hideaway for wetland. MM to contact Mike Schultz regarding WCA.
- 11/6/15** MM Emailed Preliminary Plat for Hans' Hideaway to Dan Girolamo, DNR. No grading plan as there was no road proposed in the plat and no additional grading required/proposed. Wetland indicated on drawing, but no delineation done.
- 11/6/15** Response email from Dan Girolamo regarding the possibility of a wetland. Recommended delineation
- 11/9/15** Report received from Dan Girolamo regarding the site visit on November 4th. The report stated the 'north lot' (Lot 3) does not have a public waters violation.
- 11/9/15** Email received from James Brothers re Short CUP application, 450 cy. Returned call to Terri James, discussed application and cy.
- 11/10/15** Email received from Mike Schultz regarding the wetland, unable to verify that was an actual wetland violation.
- 11/10/15** Appointment with Chris Short @8:30 to apply for ATF CUP. **Application** stated 290 cubic yards of clean sand-need detail. Need detail on 1 thru 8 of application. **Survey**-Needs 2-foot contours existing and proposed, current driveway location (driveway location changed from submitted site plan-no longer shared and moved to the north side of the lot), show retaining wall details L, W, H, show correct deck location (original plans showed deck along the entire back of the dwelling w/ wrap around-changed to a 20 x 10 wrap around), describe all exposed soil areas to determine if NPDES permit is needed. **Description**-Stated removal of 145 cy of black dirt, 80 yard of sand delivered, 65 yards to finish, Total 290 cubic yards. Needs detail on grading, excavating, and filling, area, depth, cubic yards, address if need any more fill from offsite, boulders from site for retaining wall, trees removed. Erosion Control Plan and certificate of insurance received. Application incomplete. Appointment with Chris on Thursday November 12th at 1pm to apply for the ATF CUP. (If application wasn't a violation, would not take application past deadline of Nov 10th at noon.)



## Chris Short Violation Notes

- 11/10/15** Emails received from Chris. CUP application 290 cy, Description of request updated. Excavated 70 x 80 x 1.5 D = 371 cy; Sand brought in 70 x 80 x 6" D = 103 cy; Additional sand needed 70 x 60 1' D = 155 cy; Black dirt excavated from driveway 300 x 20 x 1.5' D = 333 cy. Field stone onsite for proposed retaining walls <3 H, < 25' L. Tree inventory, NPDES not needed, Restoration Plan included in description.
- 11/12/15** Appointment with Chris Short @ 1pm to apply for ATF CUP. CUP application 629 cy, did not include additional grading to create proposed contours for walkout. Did not have survey yet. If number of cy changes once survey submitted, MM can make change to application and initial to save Chris a trip back to the office. MM didn't agree with measurements or calculations provided in description. Will update report when full details are submitted from surveyor.
- 11/12/15** Letter received from Wayne James-James Brothers regarding foundation preparation to be added to the file.
- 11/13/15** Call from surveyor. Working on survey. Will submit on 11-16.
- 11/16/15** Surveys received for existing and proposed. **Existing Conditions**-Soils piles onsite along the driveway were not shown on survey (constructing driveway part of permitted use). These soils piles (333 cy) were from excavated material for driveway construction, per contractor/landowner. 541 cubic yards of material excavated from 104 x 81 area. **Proposed Conditions**-Need cy of grading necessary build up area for walkout shown on drawing for proposed contours.
- 11/16/15** Email received from surveyor, 1575 grading required to create proposed contours. (Part of the 1575 cy, 800-900 cy will need to be hauled in clay material from offsite.)
- 11/18/15** Updated survey received. 7180 sq ft fill sand area. Per landowner/contractor, compacted sand onsite at 6" depth. (New driveway is 361 feet long-required to have a 60 x 60 turnaround. Site plan from permit indicated driveway would be <150'.
- 11/18/15** Emailed Chris the updated cy based on surveyor information and landowner/contractor. Total 2441 cy grading, excavating, and filling. Recommended updating request.
- 11/30/15** Letter sent to Chris regarding the assurance requirement for applications >1500 cubic yards of material movement. Requested updated request. (Scanned letter and emailed to Chris also.)

\*Numerous requests to lift stop work order were denied.

# 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 Short  
Mailing Address 2835 Couger path.  
City Polar Lake State mn Zip 55372  
Phone # 763-439-1812 Phone # \_\_\_\_\_

### II. Landowner:

Name Same  
Mailing Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Property Address XXX Lake Francis Rd.  
City Elysian mn State mn Zip 56028  
Phone # 763-439-1812 Phone # \_\_\_\_\_

### III. Parcel Information:

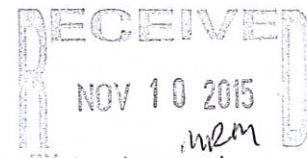
Parcel Number 04, 830, 0030 Parcel Acreage ~~1.9~~ 2.9  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 27  
Subdivision Hans Hedaway Lot 003 Block 1

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

Elysian Township notified on 10/9/15  
(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.**

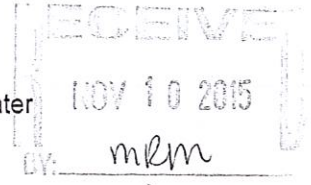


**VI. Fees: Must be paid at the time of application.**

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.**

**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: 6,290  
 Within Shore Impact Zone 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:** 6,290

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

**VIII. Description of Request: Please see Appendix A.**

Appendix A.

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: \_\_\_\_\_
2. ADVERSE IMPACT ON SURROUNDING AREAS: \_\_\_\_\_
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 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 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** *N/A*  
-Must meet NPDES requirements and prepared by a licensed professional engineer.

RECEIVED  
NOV 10 2015  
BY: *MEM*

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.

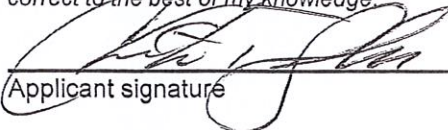
Action by the County Board shall be a majority vote of its members.

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.

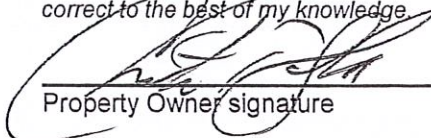
XIII. **Signatures:**

*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

*Nov 10 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.*

  
\_\_\_\_\_  
Property Owner signature

*Nov 10 2015*  
\_\_\_\_\_  
Date

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: 2441  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_  
 Cubic yards of material movement: \_\_\_\_\_

TOTAL cubic yards of material movement: 2441

Pre-App Date 11-10-15  
 Meeting Date 12-10-15  
 60 Day 1-11-16  
 Zoning District RR

Lake Classification RD  
 Lake France  
 FEMA Panel # 27079C0 425  
 Flood Zone Y-outside

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

Mike S. letter

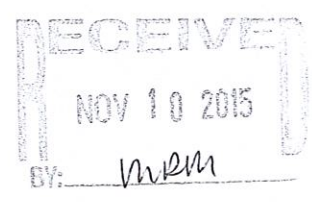
- |                                                         |                                                          |                                             |                           |
|---------------------------------------------------------|----------------------------------------------------------|---------------------------------------------|---------------------------|
| <input checked="" type="checkbox"/> Request Description | <input checked="" type="checkbox"/> Access Approval      | <input checked="" type="checkbox"/> Septic  | Comp Insp / <u>Design</u> |
| <input checked="" type="checkbox"/> Site Plan           | <input checked="" type="checkbox"/> Erosion Control Plan | <input type="checkbox"/> Meeting            | Reg / <u>ATF</u> / Spec   |
| <input checked="" type="checkbox"/> Full Legal          | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> Fee     | \$ <u>1546</u> } 3,046    |
| <input checked="" type="checkbox"/> Ordinance           | <input type="checkbox"/> Other _____                     | <input checked="" type="checkbox"/> Penalty | \$ <u>1500</u>            |

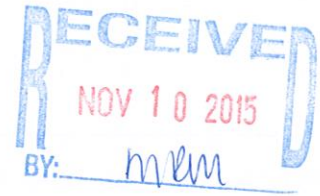
Application Complete Michelle R Mitta 11-18-15 15299  
 Planning & Zoning Department Signature Date Permit #

Penalty - Estimate on work done < \$15,000-  
Per lender

11-18-15 Emailed w/ update description of request.

Needs assurance > 1500 cy





Appendix A.

Section VIII Description of Request

a. A full description of request:

- Site is 2.9 Acres
- Home location has not changed per site plan
- Road was approved and installed up to house (Part of Residential Building Permit)
- Setbacks have been met and have not changed per site plan and Residential Building Permit
- When prepping site for Dwelling black dirt was excavated under dwelling 70' x 80' x 1.5 = 371Cy
- Sand was brought in to support footings and drainage under dwelling 70' x 80' x 6" = 103 Cy
- Additional Sand is needed to finish prepping under dwelling 70' x 60' x 1' = 155 Cy
- Black dirt excavating for driveway to house is a part of the Residential Building Permit 300' x 20' x 1.5 = 333 Cy
- Black dirt will be used around the house to maintain 4-6" depth and for back fill
- Boulder/Field stone piles on site will be used for retaining walls
- Retaining walls per site plan will be less than 3' high and less than 15' long

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

1. Environmental Impact: None-Meets setbacks, Not Shore Impact Zone, Erosion Control in place
2. Adverse Impact on Surrounding Areas: None, Meets setbacks, Not Shore Impact Zone, Erosion control in place
3. Storm Water Runoff: Gutters will be used with corrugated tile ran away from house and natural swale
4. Does any part of the project extend below OHWL: No
5. Wetland Impact: Reviewed by DNR, County, and SWCD
6. Slope Stability: Gutters will be used with corrugated tile ran and natural swale per survey
7. Certificate of Insurance: Yes-Copy provided
8. Meet all applicable county and state and federal regulations: Yes-No additional permitting seen at this time.

Tree inventory has been established by Le Sueur County and followed with 6 trees being planted around the septic system per site plan. Josh from Le Sueur County met on site prior to Application for Building permit to analyze plan for Tree inventory. After tree inventory was taken it was submitted on site plan and has not changed.

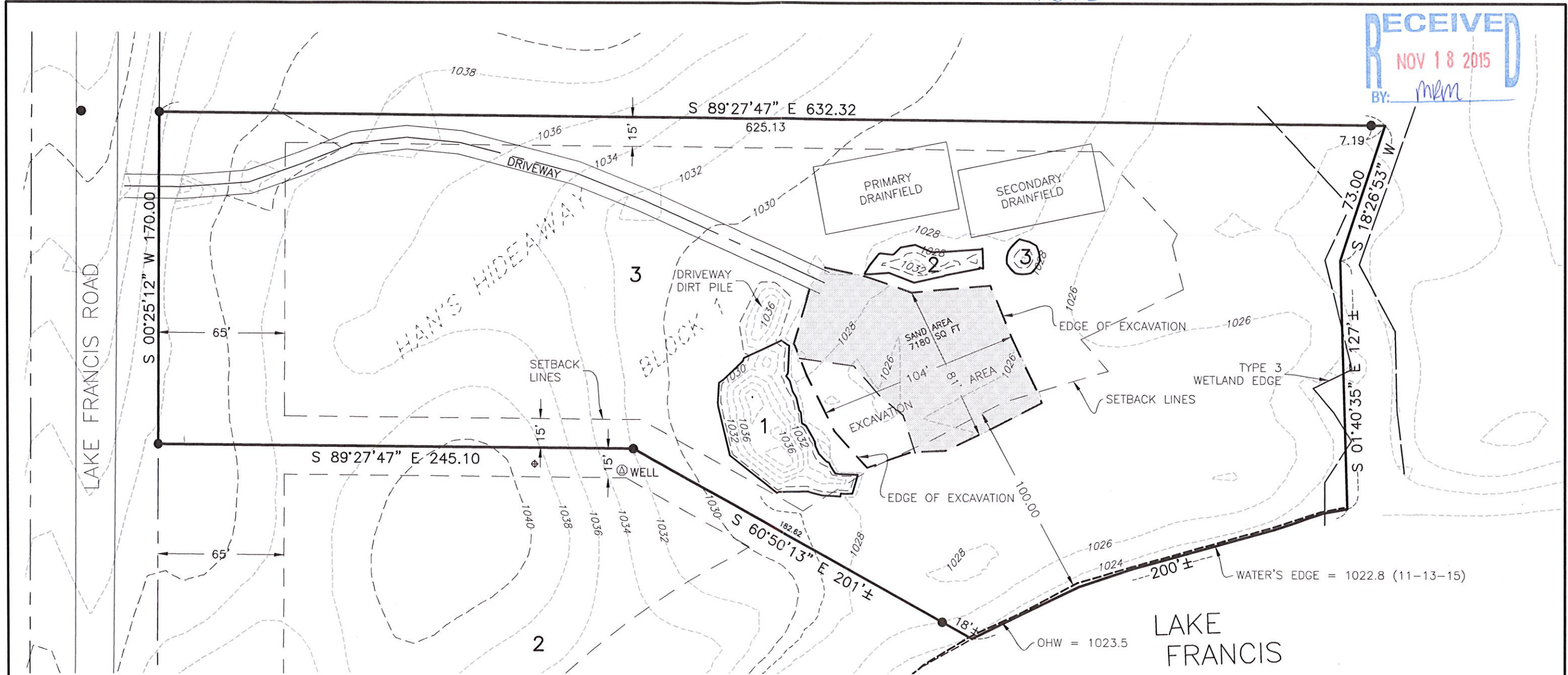
A MNPDS is not needed per survey. Less than one acre is being disturbed- disturbed area to include driveway and house is 23,800sq. ft.

Restoration Plan: A min. of 4" of top soil will be placed around the dwelling. The property will be sodded in the spring and six trees with a 2" diameter at 4.5' will be replanted per site plan and residential permit.

Erosion Control: Silt fences are in place and approved per Erosion Control Plan. All fill areas will have a min. of 4" of black dirt and be sodded.

Existing

RECEIVED  
NOV 18 2015  
BY: *mem*



PID 04.830.0030

**OWNER**  
CHRIS & KIMI SHORT  
2835 COUGAR PATH NW  
PRIOR LAKE, MN 55372

**LEGAL DESCRIPTION**  
LOT 3, BLOCK 1, HAN'S HIDEAWAY

**ELEVATIONS (NGVD 29)**  
RFPE = 1025.7  
GARAGE FLOOR = 1035.2  
LOWEST FLOOR = 1027.0

**STOCK PILES**  
1 = 487 CY  
2 = 42 CY  
3 = 12 CY

**LEGEND**

- MONUMENT FOUND
- ⊕ WELL
- - - INTERMEDIATE CONTOUR
- - - INDEX CONTOUR
- - - PROPOSED CONTOUR

**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.

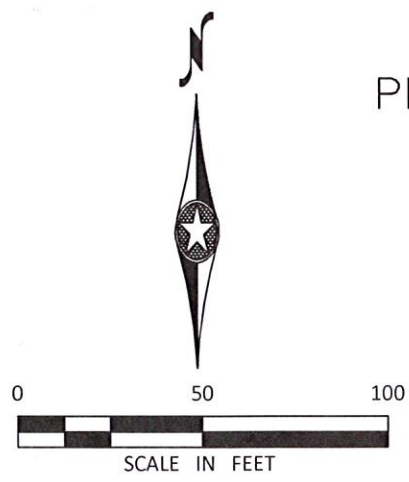
*Rory Jensen*  
Rory Jensen 11-18-15  
License Number 19789 Date

**CERTIFICATE OF SURVEY**  
LE SUEUR COUNTY, MINNESOTA

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
1960 PREMIER DRIVE  
MANKATO, MINNESOTA 56001  
(507) 625-4171

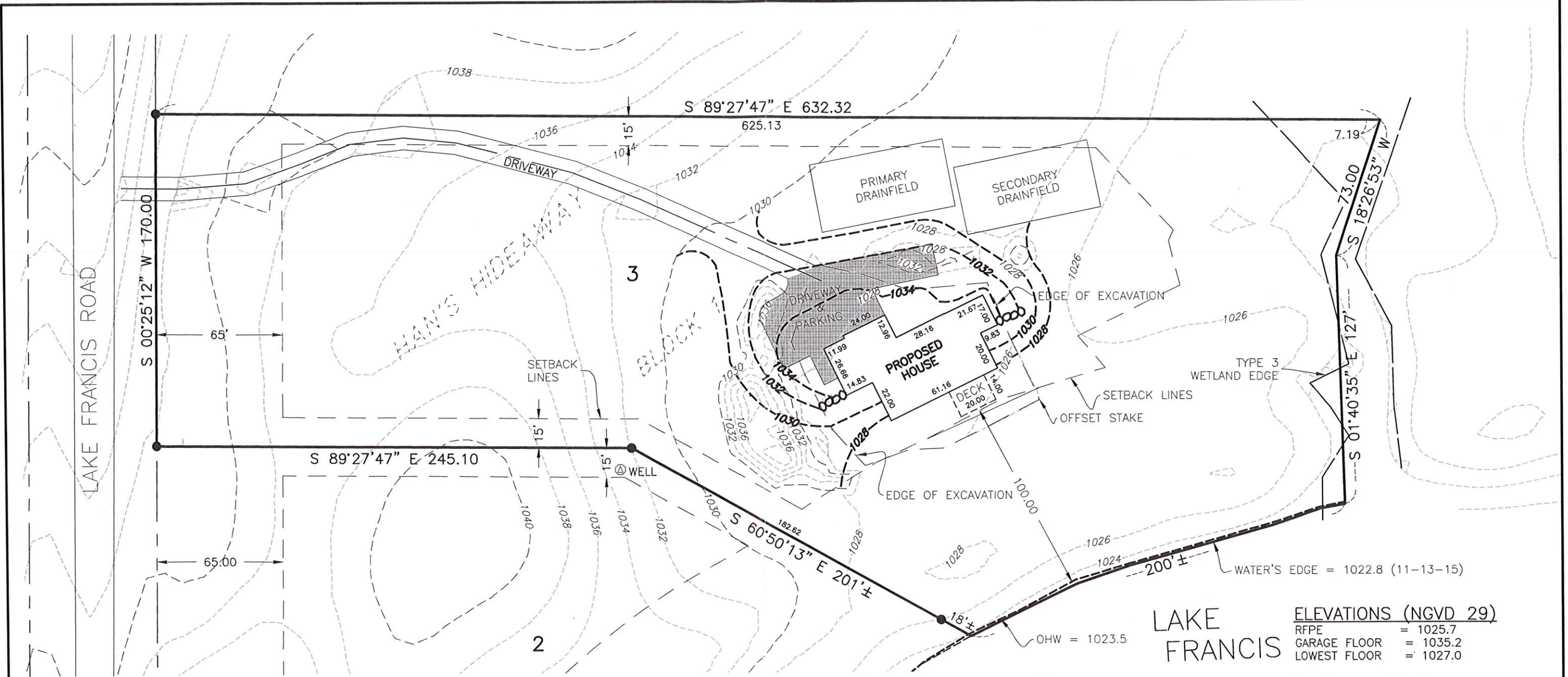
LOT 3, BLOCK ONE, HAN'S HIDEAWAY, SECTION 27, TOWNSHIP 109 NORTH, RANGE 24 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: CHRIS SHORT



©Bolton & Menk, Inc. 2015, All Rights Reserved

Proposed



ELEVATIONS (NGVD 29)	
RFPE	= 1025.7
GARAGE FLOOR	= 1035.2
LOWEST FLOOR	= 1027.0

PID 04.830.0030

**OWNER**  
 CHRIS & KIMI SHORT  
 2835 COUGAR PATH NW  
 PRIOR LAKE, MN 55372

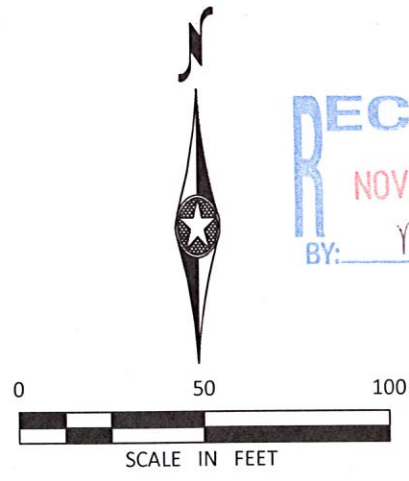
**LEGAL DESCRIPTION**  
 LOT 3, BLOCK 1, HAN'S HIDEAWAY

**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  
 11-16-15  
 Date

**RECEIVED**  
 NOV 16 2015  
 BY: mem

- LEGEND**
- MONUMENT FOUND
  - ⊕ WELL
  - - - INTERMEDIATE CONTOUR
  - - - INDEX CONTOUR
  - - - PROPOSED CONTOUR
  - ⊖ BOULDER RETAINING WALL  
15' LONG BY 3' MAX HIGH



**CERTIFICATE OF SURVEY**  
 LE SUEUR COUNTY, MINNESOTA

**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 1960 PREMIER DRIVE  
 MANKATO, MINNESOTA 56001  
 (507) 625-4171

LOT 3, BLOCK ONE, HAN'S HIDEAWAY, SECTION 27, TOWNSHIP 109 NORTH, RANGE 24 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: CHRIS SHORT



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

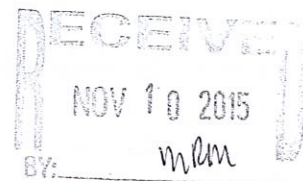
Erosion and Sediment Control Plan

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

Property Owner: Chris Short PID: 048300030  
Mailing Address: 2835 Couer Lake Dr. Prer. L.R. MN 55372  
Property Address: XXX L.R. Francis Rd.  
Phone: (763) 439-1812 Mobile/Cell: ( )  
Responsible party for Implementation/Inspection: James Bros. Const.  
Address: Flygman MN.  
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 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

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

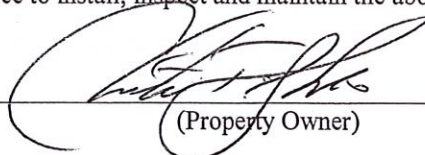
#### Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).

17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.

18. Clean out sediment basins on a regular basis to maintain capacity.

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

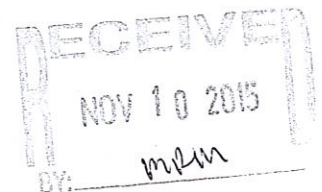
  
\_\_\_\_\_  
(Property Owner)

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

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

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

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

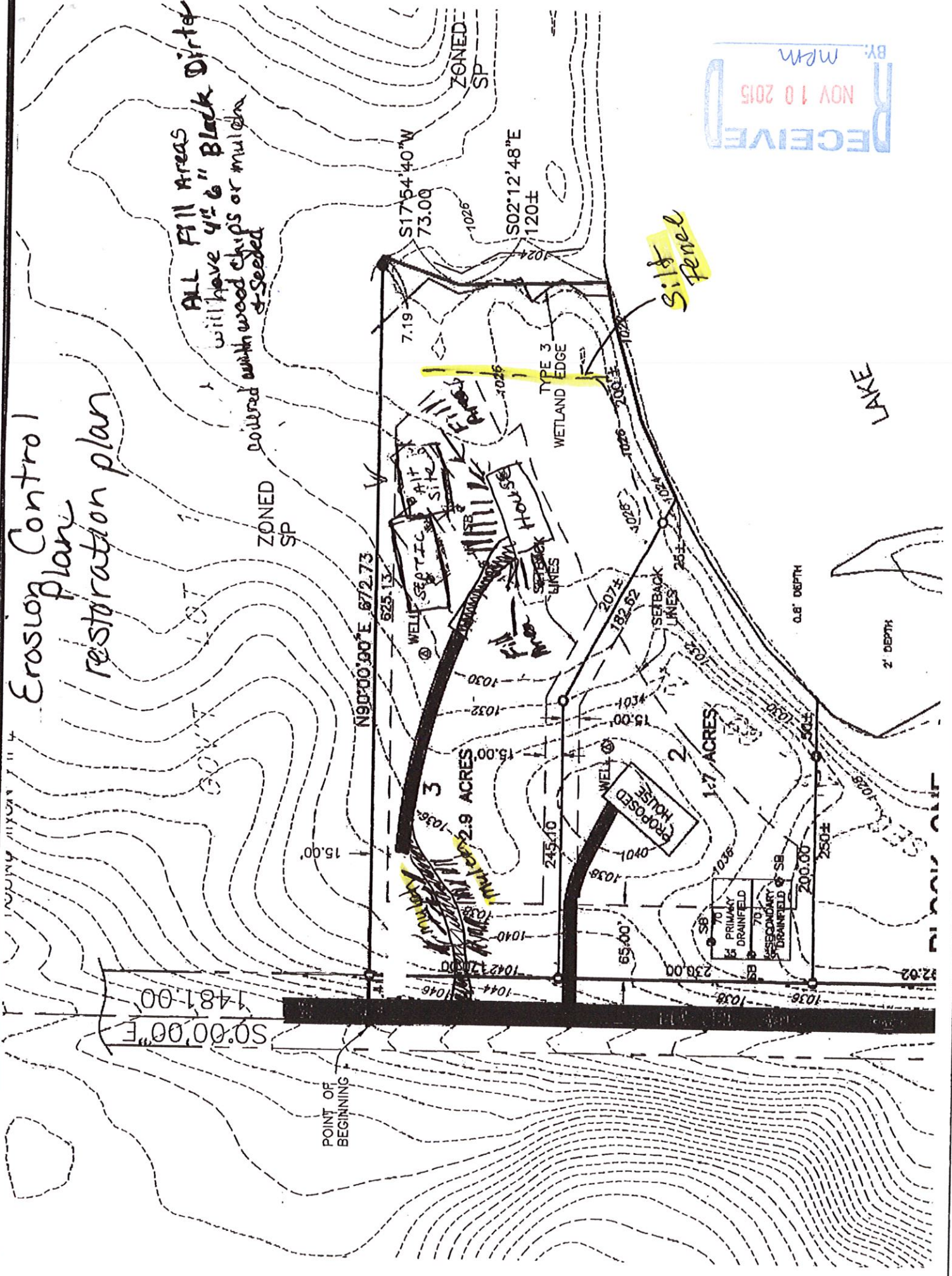


RECEIVED  
 NOV 10 2015  
 BY: MPM

Erosion Control  
 plan  
 restoration plan

ALL FILL AREAS  
 will have 4 1/2" Black Dirt  
 covered with wood chips or mulch  
 & Seeded

Silt  
 Fence





*James Bros. Construction, Inc.*

11/12/15

RE: reference Chris Short CUP

To whom it may concern: This is exactly what was needed on this project.

**Subject: USDA Construction Inspection Nation Engineering Handbook**  
United States Department of Agriculture Natural Resources Conservation Service  
Part 645 Construction Inspection National Engineering Handbook  
Chapter 7 Foundation Preparation, Removal of Water, and Excavation



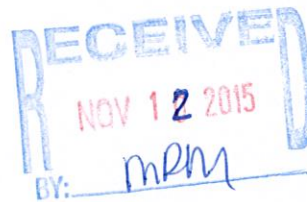
645.0700 Introduction

Earthwork operations on a project consist of working with the native soil or rock and existing terrain. The success and stability of most projects rely heavily on a properly designed and properly prepared foundation. Preparing the foundation typically involves removal of topsoil, grubbing to remove roots, excavation, and often requires dewatering. The importance of preparing the foundation as specified cannot be overemphasized

Sincerely,



Wayne James



43963 43rd St.  
PO Box 59  
Elysian, MN 56028

Phone: 507-267-4789  
Fax: 507-267-4379

E-mail: [\\_jamesbc@frontiernet.net](mailto:_jamesbc@frontiernet.net)



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/2/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> The MacKenzie Agency P.O. Box 120 St. Peter MN 56082		<b>CONTACT NAME:</b> PHONE (A/C, No. Ext.): 507-931-4482 E-MAIL ADDRESS: FAX (A/C, No.): 507-931-4544															
<b>INSURED</b> James Brothers Const. Co. P O Box 59 Elysian MN 56028		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: West Bend Mutual Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: West Bend Mutual Insurance Co.		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #																
INSURER A: West Bend Mutual Insurance Co.																	
INSURER B:																	
INSURER C:																	
INSURER D:																	
INSURER E:																	
INSURER F:																	

**COVERAGES**      **CERTIFICATE NUMBER:** 362195072      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPN2046331	11/1/2015	11/1/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$200,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			CPN2046331	11/1/2015	11/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$0			CUN2033091	11/1/2015	11/1/2016	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000 \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCN2033090	11/1/2015	11/1/2016	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$100,000 E.L. DISEASE - EA EMPLOYEE \$100,000 E.L. DISEASE - POLICY LIMIT \$500,000
A	Rented or Leased Equipment			CPN2046331	11/1/2015	11/1/2016	Limit \$100,000 Deductible \$500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RECEIVED  
NOV 10 2015  
BY: mfm

<b>CERTIFICATE HOLDER</b>	<b>CANCELLATION</b>
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

ACORD 25 (2010/05)      The ACORD name and logo are registered marks of ACORD      © 1988-2010 ACORD CORPORATION. All rights reserved.

LE SUEUR COUNTY ENVIRONMENTAL SERVICES

88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057  
Direct Dial (507) 357-8538  
Fax (507) 357-8541

November 2, 2015

Huemoeller & Gontarek PLC  
Attn: Anton Cheskis  
16670 Franklin Trail  
PO Box 67  
Prior Lake MN 55372

Parcel Number: 04.830.0030  
Property Address: NEW Lake Frances Rd, Elysian MN

RE: Notice of Zoning Violation

Dear Mr. Cheskis:

This letter is in response to the letter hand delivered to our office October 29, 2015 regarding the Chris Short property, described as Lot 3, Block 1, Han's Hideaway, Section 27, Elysian Township.

As your letter stated, a zoning permit application was received on October 12<sup>th</sup> for a single-family dwelling, attached garage and deck. A site plan was drawn up by Mr. Short as well as the Erosion Control Plan, and tree removal and replacement plan.

The site plan submitted by Mr. Short does not indicate any additional grading, excavating, or filling on the parcel. The site plan shows that the proposed structure will meet the minimum required setbacks of 65 feet from the road Right-Of-Way, 15 feet from the side-yard property lines and 100' from the Ordinary High Water Level of the lake.

The house plans submitted by Mr. Short do not indicate additional grading, excavating, or filling. Page A3 'Basement Floor Plan' indicates the attached garage and porch areas to be unexcavated. Page A6 'Building Sections' details clearly there will be 4" *clean granular fill* under the proposed basement only as well as the drafting symbol for unexcavated areas beneath the deck are at the walkout elevation of the dwelling. This page of the plans also specifies the area below the proposed front porch to be unexcavated.

274  
From observations at the site and in discussion with the contractor, the area excavated was found to be approximately 7400 square feet at an average depth of 2 feet excavated out. This equates to approximately 247 cubic yards of the excavated area. Sand material was then brought in. Due to the stop work order issued all the sand material had been brought in.

The walkout dwelling was placed on a flat area of the lot rather than the sloped area of the lot that would accommodate walkout construction. The flat area of the lot is not conducive to walkout construction, which is essentially backfilling around the basement foundation on the level area of the lot. This activity is also above and beyond the permitted use and is additional grading, excavating, and filling not covered by the zoning permit.

Typical basement excavation would be 2-3 feet beyond the foundation area to accommodate the construction activities to the footings and foundation wall.

As stated on the zoning permit, "*Permit does not cover any additional grading and/or filling*". The grading, excavating, and filling activities allowed under the permit were the excavation of the basement, construction of the septic system, and the construction of the driveway.

According to the Le Sueur County Zoning Ordinance Section 13.2, Subdivision 2, O. the maximum grading, excavating, and filling beyond the permitted use in the Recreational Residential District outside the Shore Impact Zone is 50 cubic yards of material. Additional grading, excavating, and filling activities beyond 50 cubic yards requires a Conditional Use Permit (CUP). The Planning Commission holds the public hearing and makes a recommendation to the County Board. The County Board has the authority to make the final decision as to the presented CUP.

On October 27, 2015 I received a complaint that there was tree cutting, fill brought in and filling in a wetland. I visited the site, evaluated the work and discussed with the construction contractor, James Brothers Construction, (representative Jake James) regarding the work that had been done. The work was above and beyond the permitted use and issued a verbal stop work. I also spoke the owner of the business (Wayne James) via telephone as to the violation as well as the landowner, Chris Short. Mr. Short was to contact the office and set up a meeting for Thursday morning October 29, 2015.

On October 29, 2015 your letter was hand-delivered to our office stating that the on-site grading is in compliance and that Mr. Short intended to continue with his project.

On October 29, 2015 I again visited the site with a Le Sueur County Sheriffs Deputy to issue a written stop work order on the project to Mr. Short as well as James Brothers.

October 30, 2015 I met with Mr. Short, Wayne James of James Brothers Construction, and Kathy Brockway, Le Sueur County Planning & Zoning Administrator. We discussed the fact that the additional grading, excavating, and filling activities required a CUP, the work that had already been done was a violation of the Le Sueur County Zoning Ordinance and what Mr. Short's options were.

This letter is a follow up to the above stated stop work order that the construction immediately stop until the necessary permit has been obtained and the violation has been resolved.

A CUP is necessary for the amount of grading, excavating, and filling. Since this activity has already been started this will be an After-The-Fact (ATF) CUP. The CUP application will need to be completed as well as the required documentation submitted for the application to be complete. The fee is \$750, however doubled when it is ATF, \$1,500. There is also a penalty of \$1,500 or 10 % of the project, whichever is greater. There is also a \$46 filing fee. All fees are due at the time of application and are non-refundable. If Mr. Short would like to apply for a special meeting there is an additional \$2,000 fee.

The deadline for the next regularly scheduled Planning Commission meeting is November 10, 2015 for the December 10, 2015 meeting. The deadline for the January 14, 2016 regular meeting is December 15, 2015.

If Mr. Short does not agree with this decision, he can apply for an appeal to the Le Sueur Board of Adjustment, as defined in Section 22 of the Le Sueur County Zoning Ordinance.

Mr. Short or his representative shall contact this office to address this violation and apply for the Conditional Use Permit no later than December 2, 2015.

Respectfully,



Michelle R. Mettler  
Le Sueur County  
Assistant Planning & Zoning Administrator

CC:

Le Sueur County Attorney

Commissioner Rohlfing

Chris Short  
2835 Cougar Path NW  
Prior Lake MN 55372



# HUEMOELLER & GONTAREK PLC

ATTORNEYS AT LAW  
16670 FRANKLIN TRAIL  
P.O. BOX 67

PRIOR LAKE, MINNESOTA 55372  
(952) 447-2131 (Office)  
(952) 447-5628 (Fax)  
Email: ac@priorlakelaw.com

ANTON CHESKIS  
ALLISON J. GONTAREK  
BRYCE D. HUEMOELLER



October 28, 2015

SENT VIA HAND DELIVERY

Le Sueur County Environmental Services  
Attn: Kathy Brockway and Michelle Mettler  
515 South Maple Ave  
Le Center, MN 56057

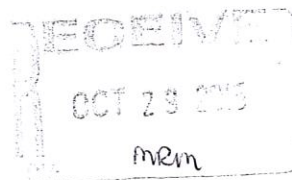
**Re: Han's Hideaway, Lot 3, Block 1**  
**PID: 048300030**

Dear Ms. Brockway and Ms. Mettler:

This office represents Christopher Short. On October 12, 2015, your office received a Zoning Permit Application from Mr. Short for new construction of a single-family home with a basement on the above-referenced property. The Application included engineering site plans, an erosion control plan, and otherwise complied with the County's permit application requirements. After receiving the application, the County has made three (3) site visits to address tree removal, septic, and other lot-related issues. The Department of Natural Resources has also been on-site and confirmed the builder's compliance with its applicable standards.

Based on Mr. Short's Application and the County's review, a Le Sueur County Building & Septic Zoning Permit ("Permit") was issued to Mr. Short on October 20, 2015 for new construction of a 7 bedroom single-family dwelling with a three-car attached garage and a wrap around deck. The Permit is attached to this letter for your reference. **The Permit does not require any variances or conditional use permits.** In reliance on the Permit, Mr. Short hired approximately 20 subcontractors on a tight building schedule to complete the project. The first phase of the project requires Mr. Short to grade the lot to install the basement.

On October 27, your office verbally informed Mr. Short's builder that they were grading "excessively" and that a conditional use permit would be required before they continued. This allegation is blatantly false and is not based on any actual evidence or legal justification. The on-site grading is being completed in compliance with the building specifications that were provided to the County as part of the permitting process and within amounts permitted by Section 13.2 of the Le Sueur County Zoning Code.

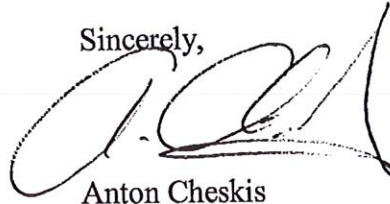


1

In summary, Mr. Short has a valid building permit issued by Le Sueur County for building and septic to build a new single-family home. The minimal amount of grading to the site is being completed to install a basement that was included in the site plans submitted during the permit process and allowed pursuant to the County's Zoning Ordinance. There is no legal basis for the County to now require Mr. Short to apply for a conditional use permit. Mr. Short intends on sticking to his building schedule and completing this project promptly.

Please contact me if you wish to discuss the matter further.

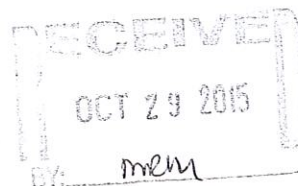
Sincerely,



Anton Cheskis

Enclosure

cc: Chris Short



# LE SUEUR COUNTY ZONING PERMIT

**Permit Type:** BUILDING & SEPTIC

**Application Date** 10/20/2015      **Permit Number** 15266      **PID Number** 04.830.0030

**Applicant:** CHRIS SHORT      **Phone #:** 763-439-1812  
**Mailing Address:** 2835 COUGAR PATH NW      PRIOR LAKE      MN 55372  
**911 Address:** NEW LAKE FRANCES RD  
**Building Contractor:** SELF      **Lic #**      **City:**

**Septic Information Only**      **Installation Deadline**

**Date Design Received** 9/25/2015      **Date Design Approved** 10/19/2015

**DESIGNER:** JAMES BROTHERS      **INSTALLER:** JAMES BROTHERS  
**Address:** P O BOX 59      **Address:** P O BOX 59  
**City/St:** ELYSIAN MN      **City/St:** ELYSIAN MN  
**Zip Code:** 56028      **Lic. No.** 73      **Zip Code:** 55372      **Lic. No.** 73  
**Phone Number:** 507-267-4789      **Phone Number:** 507-267-4789

### SITE INFORMATION

**Township:** ELYSIAN      **Bldg Elig:** PLATTED SUB      **Lake/Stream:** FRANCIS  
**Section:** 27      **Subdiv:** HAN'S HIDEAWAY      **Fema Panel #:** 27079C0425D  
**TWP:** 109      **Lot:** 3      **Road:** TWP      **Flood Zone:** X OUTSIDE  
**Range:** 24      **Block:** 1      **Zone:** RR / FF      **RFPE:** 1025.7  
**Q/Q:** NW      **Acres:** NA      **VAR:**      **CUP:**

### SETBACKS

<b>SEPTIC</b>	<b>Front ROW:</b> 20 Ft	<b>Rear:</b> 10 Ft	<b>Side:</b> 10 Ft	<b>OHWM</b> 75 Ft
<b>DWELLING</b>	<b>Front ROW:</b> 65 Ft	<b>Rear:</b> 15 Ft	<b>Side:</b> 15 Ft	<b>OHWM</b> 100 Ft
<b>ACCESSORY</b>	<b>Front ROW:</b> 0 Ft	<b>Rear:</b> 0 Ft	<b>Side:</b> 0 Ft	<b>OHWM:</b> 0 Ft

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling. Structures must be placed in accordance with any flood plain regulations and the lowest floor elevation must be 3 feet above the Ordinary High Water Mark or the highest known water level, whichever is higher. Peak height not to exceed 35' for dwellings. Accessory structures to be in compliance of the Le Sueur County Zoning Ordinance. Permit does not cover any additional grading and/or filling (for example raising the elevation of the dwelling site). Existing dwelling must be removed within one year from the date of permit issuance.

**Description of Activity:** NEW MOUND  
 7 BEDROOM SINGLE-FAMILY DWELLING /W 3-CAR ATTACHED GAR / 5 X 72 & 20 X 10 WRAP AROUND DECK

RECEIVED  
 OCT 29 2015  
*mnm*

Value	\$250,000.00	Fee	\$750	Acc Value	\$0	Acc Fee	\$0	Septic	\$300	911	\$100	Total	\$1,150.00
-------	--------------	-----	-------	-----------	-----	---------	-----	--------	-------	-----	-------	-------	------------

Applicant agrees and understands that the permit being applied for is to comply with the laws, rules and regulations pertaining to land use and applicable regulations subject to jurisdiction and control of Le Sueur County. The County through its officials in investigating, considering, and acting upon this application is not responsible for interpreting and ruling on any private right or obligation such as private agreements, easements, conditions or covenants, boundary locations, suitability or performance of any equipment or construction methods. The only goal of the County is to require compliance with its land use regulations.

*Chris Short*  
 \_\_\_\_\_  
 Signature of Applicant      Date 10/20/15

*Kathy Brockway*  
 \_\_\_\_\_  
 Planning and Zoning Authority      Date 10-20-15

PROPERTY OWNER/SEPTIC CONTRACTOR IS RESPONSIBLE TO CALL FOR SEPTIC SYSTEM INSPECTION BEFORE COVERING. FOR INFORMATION CALL 507-357-8538  
 CONSTRUCTION MUST BE COMPLETE PRIOR TO PERMIT EXPIRATION\*\*\*\*\*PERMIT BECOMES NULL AND VOID ONE YEAR AFTER DATE OF ISSUANCE\*\*\*\*\*

FEES ARE NON-REFUNDABLE



# LE SUEUR COUNTY

## ZONING PERMIT APPLICATION

Estimated Build \$250,000

### 1. Owner/Applicant

Name: Chris Short  
Mailing Address: 2835 Coucor Pathe Pkwy Lake, MN 55372  
Phone: (763) 439-1812 Cell Phone: (763) 439-1812

### 2. Parcel Information

Property Address: XXX Lake Francis Rd.  
City: Elyson State: MN Zip: 56028  
Parcel Number: 048300030 Parcel Acreage: 2.9  
Lot Dimension: Unique 2.9 Acres

### 3. General Information

General Contractor: Chris Short Owner  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

#### Sewage Disposal:

- Municipal
- SSTS (Subsurface Sewage Treatment System)
- Individual SSTS
- Cluster SSTS
- Holding Tank

Per Urbanc James James Bros.

#### Water Supply:

- Municipal
- Community Well (15 Connections)
- Location \_\_\_\_\_
- Private/Shared Well (Less than 15 Connections)
- On-site location per site plan
- Off-site location per site plan

### 4. Project Information

#### Type of Project:

- New Construction
- Addition
- Repair
- Relocation

#### Proposed Use:

- Residential
- Non-Residential
- Agricultural
- Commercial
- Industrial
- Other \_\_\_\_\_

#### Structure Type:

- Dwelling
- Deck/Porch
- Attached Garage
- Detached Garage
- Water-Oriented
- Shed
- Grain Bin, Bushels \_\_\_\_\_
- Pool
- Depth \_\_\_\_\_
- Dimensions \_\_\_\_\_
- Gallons \_\_\_\_\_
- Other \_\_\_\_\_

#### Structure Data:

- Length 61'
- Width 37'
- Peak Hgt 35' (Dwelling max peak hgt-35')
- Square ft (Main level) 1856

#### For parcels less than 5 acres:

Square footage of **all accessory structures**

TOTAL square feet up to 4,500 (future)

#### Total maximum size & height allowed:

Lot size less than 1 ac	2,000 sq ft	20' Pk Hgt
Lot size 1-1.99 ac	3,600 sq ft	20' Pk Hgt
Lot size 2-4.99 ac	4,000 sq ft	25' Pk Hgt

RECEIVED  
OCT 12 2015

## 5. Shoreland Information:

### For lands not located within a Shoreland District skip to part 6.

(Shoreland = Special Protection, Recreational Residential, Recreational Commercial)

#### High Water Elevation Information:

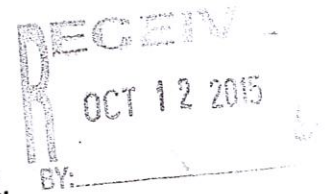
- The lowest floor for structures in all Shoreland and Floodplain Districts must meet elevation requirements.
- Full details in Section 6.2 and Section 13 of the Zoning Ordinance.
- Elevation Certificate shall be issued with the zoning permit and must be returned to the Department indicating the elevation of the lowest floor of the proposed structure.
- Indicate lowest floor of proposed project.
  - Basement
  - Slab on Grade
  - Crawl Space
  - Deck Post/Ground Surface Interface

#### Impervious Surface:

- **Definition** - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include but are not limited to, rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
- **Impervious surface coverage of lots shall not exceed 25% of the lot area.**
- Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
- Impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, landings, paths and water-oriented accessory structures.
- Additional information can be found in Section 13 of the Zoning Ordinance.
- **Indicate all impervious surface with dimensions on site plan\*.**

#### Tree Inventory & Replacement Plan:

- Required if cutting or removing of trees on site.
- Tree Inventory of all trees with a caliper of 6 inches or greater.
- Replacement Plan requires 1 tree for every tree that is removed.
- Replacement trees shall have a minimum caliper of 2 inches.
- Inventoried & replacement trees shall be measured at 4.5 feet above ground level.
- Intensive clearing in Shore & Bluff Impact Zones is prohibited.
- Root zone of existing trees shall be preserved and protected during development.
- Trimming of lower branches to provide a view to the lake from the lower story of the principal structure is allowed.
- Trimming and/or removal of trees is allowed if in connection with permitted use.



**6. Site Plan**

- Each application shall include a detailed site plan, and **shall not** include an aerial photo.
- For parcels < 5 acres, indicate total square feet of **all** accessory structures.
- **Bluff**- A slope > 18% and 15 feet from the toe of the bluff to the top of the bluff.
- Site plan shall include, but not limited to, the following information:

- |                                                    |                                          |                                                                        |                                                         |
|----------------------------------------------------|------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------|
| <input checked="" type="checkbox"/> North point    | <input checked="" type="checkbox"/> Lake | <input type="checkbox"/> Existing Structures                           | <input checked="" type="checkbox"/> Impervious Surface* |
| <input checked="" type="checkbox"/> Setbacks       | <input type="checkbox"/> River           | <input checked="" type="checkbox"/> Proposed Structures                | <input type="checkbox"/> Well                           |
| <input checked="" type="checkbox"/> Property Lines | <input type="checkbox"/> Pond            | <input checked="" type="checkbox"/> Dimensions                         | <input type="checkbox"/> Bluff                          |
| <input checked="" type="checkbox"/> Easements      | <input type="checkbox"/> Stream          | <input checked="" type="checkbox"/> ACCESS (size & location)           | <input checked="" type="checkbox"/> Road Right-Of-Way   |
| <input checked="" type="checkbox"/> Septic system  | <input type="checkbox"/> Wetland         | <input checked="" type="checkbox"/> Landscape, screening and buffering |                                                         |

**7. Attachments**

Site Plan - See part 6

Existing Subsurface Sewage Treatment System Compliance Inspection  
 Required if property is located within a Shoreland District or project is for dwelling or dwelling addition.

New Subsurface Sewage Treatment System Design

Blue prints and/or floor plans

Photograph of structure - For moved-in structures only.

Access approval from Road Authority *Approved Mr. Hebl (Wayne Jenner Hebl Docs.)*

Erosion Control Plan *Site plan*

Tree Inventory & Replacement Plan - See part 5. *Site plan*

Mineral Resources Notification Form - Shall include additional filing fee.  
 (Form required if dwelling is located within the Mineral Resources Overlay District.)

**8. Fees are based on the finished value of the proposed project (not including the land value).**

Residential Dwelling	\$3 per \$1,000 of finished value. Minimum \$100.00
Accessory Structure	\$2 per \$1,000 of finished value. Minimum \$ 50.00
Commercial Structure	\$5 per \$1,000 of finished value. Minimum \$150.00
Signs	\$2 per \$1,000 of finished value. Minimum \$ 50.00
911 Sign	\$100.00
Mineral Extraction Notification	\$ 46.00

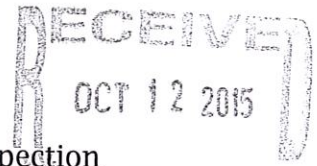
After-The-Fact Permits are **DOUBLE THE FEE.**

**9. Signature**

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

*[Signature]*  
 Landowner Signature

*10/12/15*  
 Date



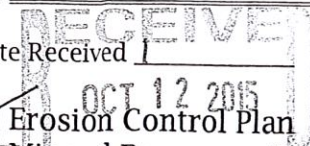
*wms Bros.*

*wms Bros. + fence.*

Office Use Only

Project: 7 BR SFD, att 3-car garage  
14x20 deck + 10x20 deck

Date Received 1 Initials mpm



- Site Plan
- Septic CI and/or Design
- Blue Prints/Floor Plan
- Photograph-Moved-in Structure
- Access Approval  NA Existing

- Erosion Control Plan
- Mineral Resources Notification Form
- Tree Inventory & Replacement Plan
- Land Alterations Plan

Zoning District ll  
 Overlay Districts \_\_\_\_\_  
 Lake Frances  
 Lake Classification RD  
 Highest Recorded Elev 10

River/Stream \_\_\_\_\_  
 Wetland Type \_\_\_\_\_  
 Bluff Y (N) \_\_\_\_\_ %  
 FEMA Panel # 27079C0 425 \_\_\_\_\_ D  
 FEMA Flood Zone X-outside + A

Building Eligibility

- Existing Building Site
- Platted Subdivision
- Lot of Record
- 1<sup>st</sup> in Q/Q
- TDR Approved Date \_\_\_\_\_

Road Type

- County Road
- Township LC Frances Rd
- Private \_\_\_\_\_
- State Highway \_\_\_\_\_
- Federal Highway \_\_\_\_\_

Feedlot Separation Distance (NA)  
 500 feet  
 1,000 feet  
 1,500 feet

Density (NA) Met Not Met  
 Formula \_\_\_\_\_  
 Existing \_\_\_\_\_  
 Allowed \_\_\_\_\_

Buildable Area

- New 40,000 sq ft less: (NA)
  - Floodplain
  - Wetland
  - Bluff
  - Steep Slope
  - Below OHWL

Buildable Area

- Existing less than 10% comprised of: NA
  - Area of Slope > 18 %
  - Impact Zone
  - Floodplain
  - Wetland

Minimum Lot Size

- 40,000 sq feet.....150 x 260
- 1.5 acres.....200 x 300
- 5 acres .....400 x 400

Impact Zone

- SIZ  Inside  Outside NA
- BIZ  Inside  Outside

SETBACKS

Front ROW 7.5  
 Side Yard 5  
 Rear Yard 5  
 OHWL 100  
 Wetland \_\_\_\_\_  
 Bluff \_\_\_\_\_  
 Other structure 5  
 Septic Drainfield 20  
 Septic Tank 10  
 Well 3

Accessory Structure Size

- Peak Height 35 20' 25' 150' (NA)
- Size \_\_\_\_\_
- Parcel less than 5 acres:
  - Total accessory size \_\_\_\_\_

Structure

- Conforming  Lot Conforming
- Non-Conf  Non-Conf

Dwelling/Dwelling Addn NA  
 Bedrooms 7 #  
 Peak Height 35' MAX

- Elevation Certificate Enter Panel #, Flood Zone, Elevation; Print; Highlight date & permit #; Attach.
  - Variance approved Date \_\_\_\_\_ Variance # \_\_\_\_\_  Attach Var  NA
  - Application Complete Michele K. Metts 10-19-15 15266
- Planning & Zoning Department Signature Date Permit #

04/04/13

Single Family Dwelling, V RBO prohibited. 4

XXX Lake Francis Rd.  
Elysiun, MN 56032

Lake Francis Rd.

Driveaway length,  
less than 150'

Impervious 23m x 23m  
2904sq Ft.  
# Elysiun Township  
Mr. Hill per Wayne  
James of Shared Rd

Tree Removal

Wet. Per Chris

Smart and Josh

The property has

mostly small trees

2 6" @ 41 I

have to trees that

will be removed

and replanted

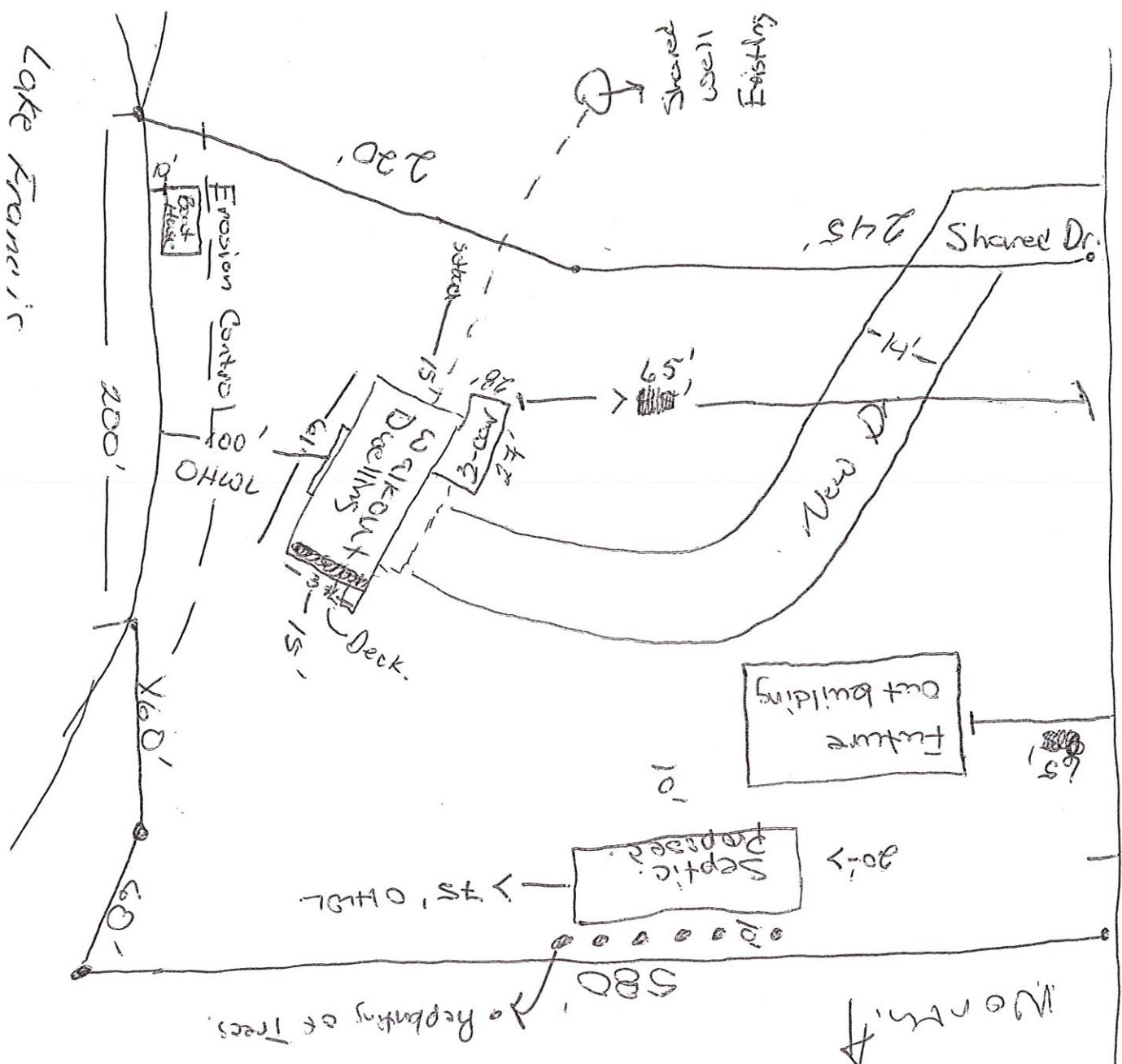
~~and~~ they are

existing on proposed

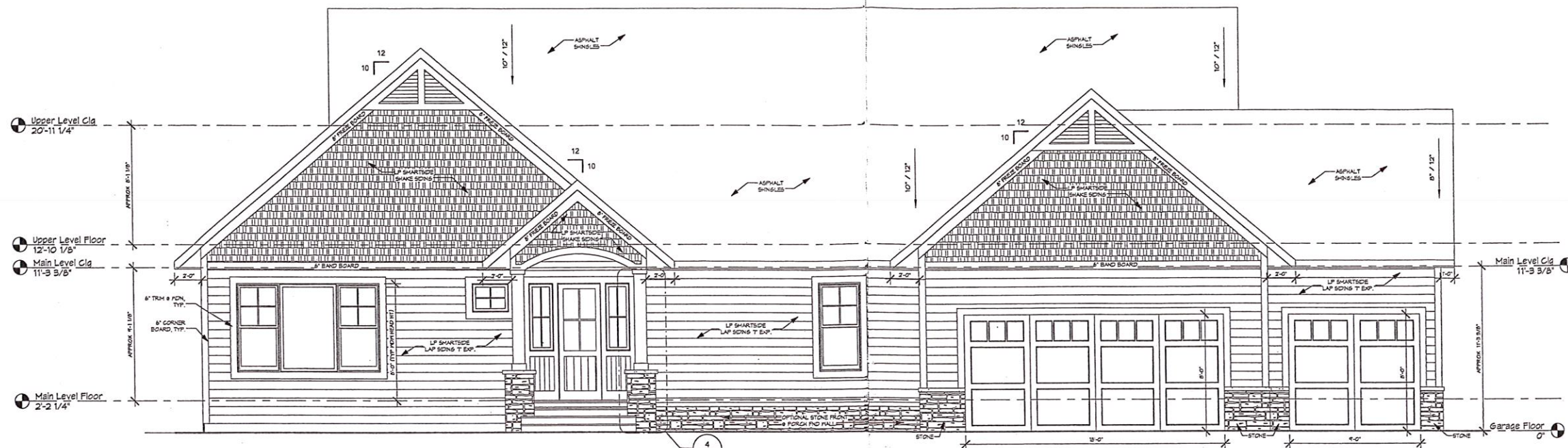
house location.

**RECEIVED**  
OCT 12 2015  
BY: mm

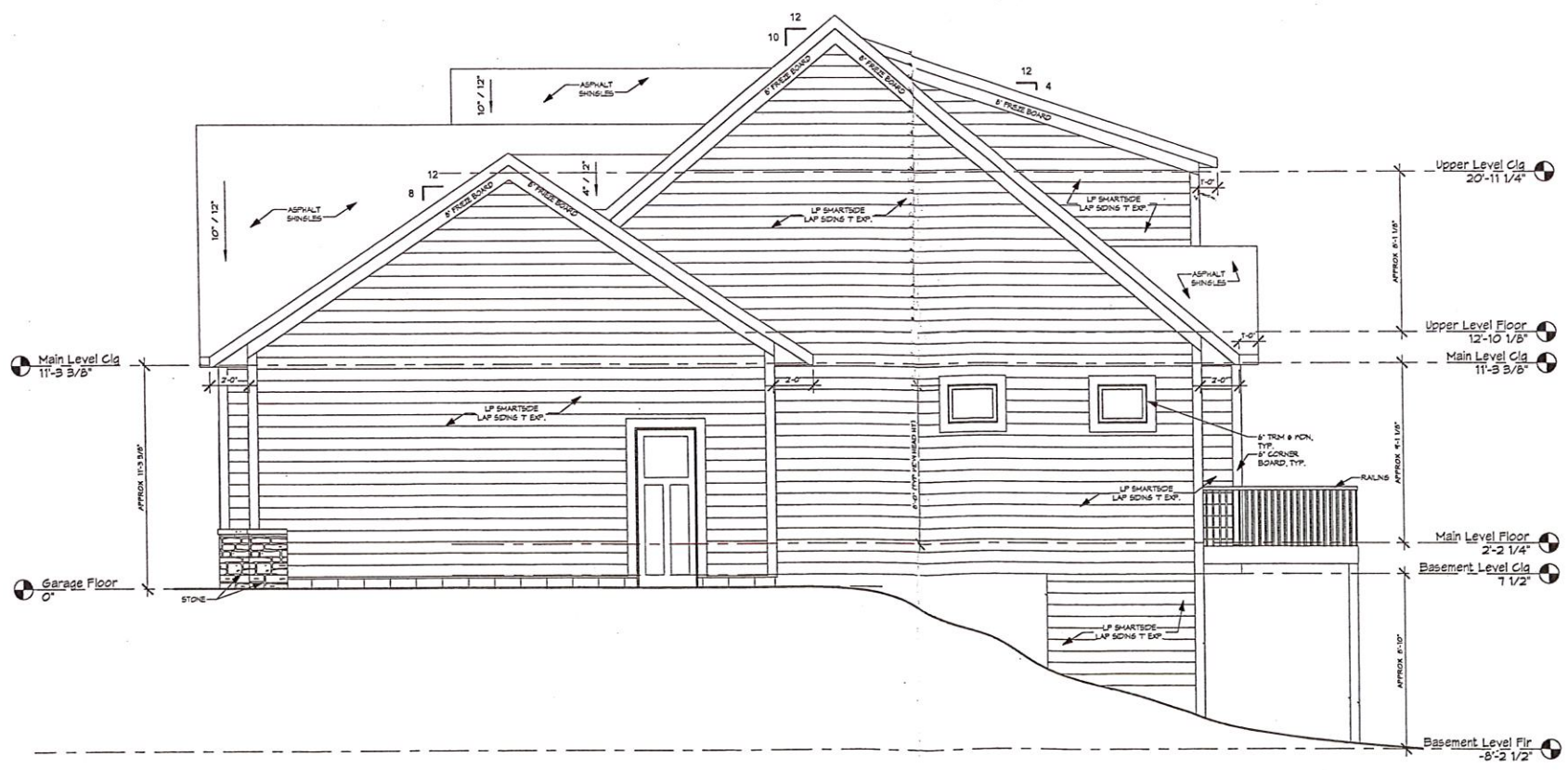
Owner:  
Chris Short  
204 W. 2 139 191







1 FRONT ELEVATION  
 A1 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
 A1 1/4" = 1'-0"

**RECEIVED**  
 SEP 23 2015  
 BY: mem

Chris Short



BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGES TO THE PROPERTY OR PERSONS ARISING FROM THE USE OF ANY INFORMATION CONTAINED HEREIN. THE USER ASSUMES ALL LIABILITY FOR ANY SUCH DAMAGE. BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR DAMAGES TO THE PROPERTY OR PERSONS ARISING FROM THE USE OF ANY INFORMATION CONTAINED HEREIN. THE USER ASSUMES ALL LIABILITY FOR ANY SUCH DAMAGE.

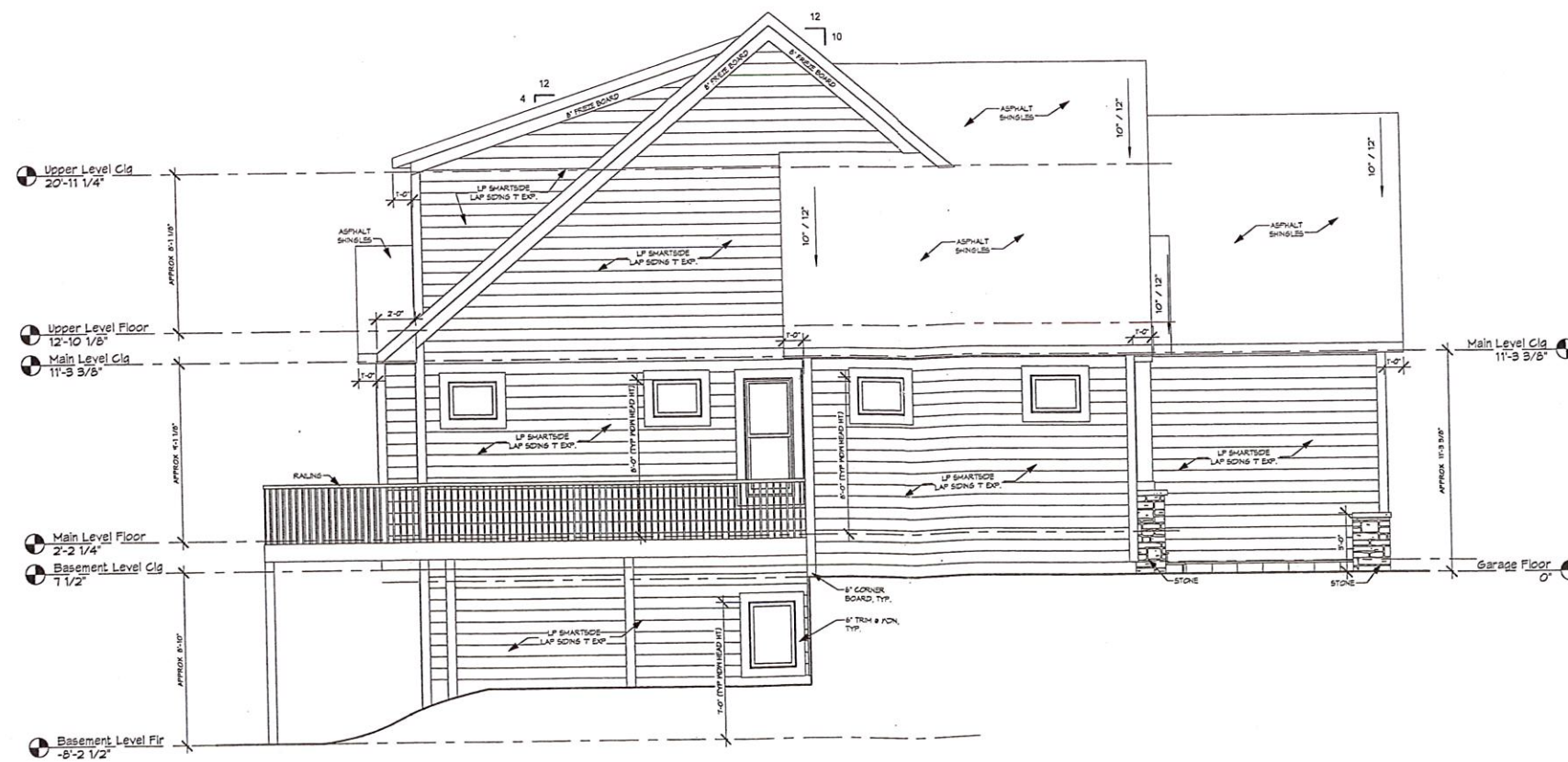
**CHRIS SHORT RESIDENCE**

DRAWN BY: COLIN P.  
 DATE: 10/22/2015  
 CHECKED BY: MASON WOODRUFF  
 PROJECT: CHRISTIAN AND INTERIOR  
 APPROVED FOR CONSTRUCTION BY: MASON WOODRUFF  
 MASON WOODRUFF

SHEET NO.  
**A1**  
 Ext Elevations



1 REAR ELEVATION  
A2 1/4" = 1'-0"



2 LEFT SIDE ELEVATION  
A2 1/4" = 1'-0"

RECEIVED  
SEP 23 2015  
BY: *MEM*

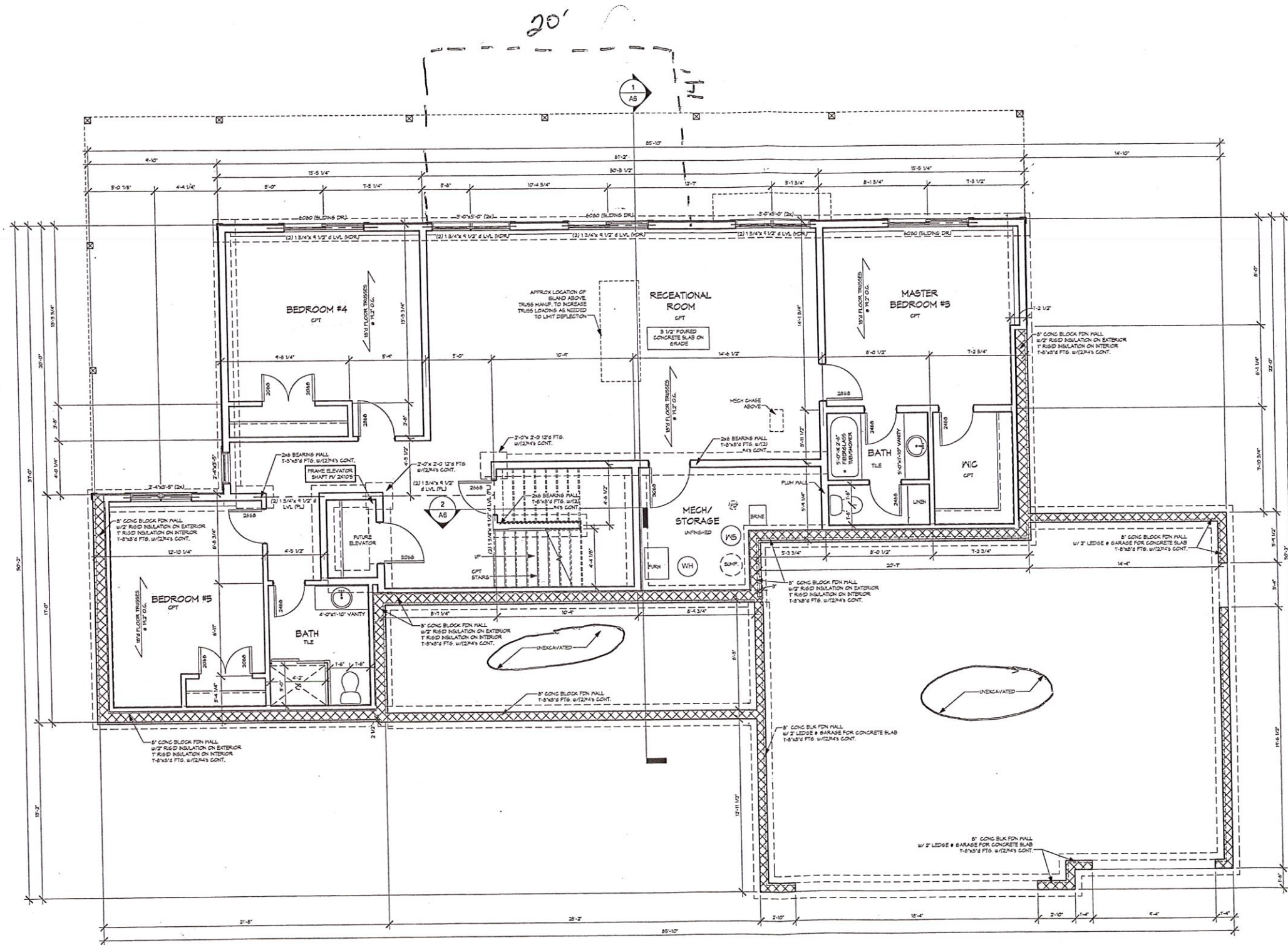
**BEHR DESIGN INC**  
Creating Timeless Designs  
OFFICE (952) 746-7702 | FAX (952) 746-7703  
CELL (952) 994-6682 | E-MAIL: mbehr@behrdesigninc.com

BEHR DESIGN INC. IS AN ARCHITECTURAL FIRM AND DOES NOT PROVIDE ENGINEERING SERVICES. THIS DRAWING IS THE PROPERTY OF BEHR DESIGN INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN INC. THE USER OF THIS DRAWING AGREES TO HOLD BEHR DESIGN INC. HARMLESS FROM ANY AND ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR OUT OF ANY AND ALL SUCH REPRODUCTION OR TRANSMISSION. BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS THAT MAY OCCUR DURING THE CONSTRUCTION OF ANY PROJECT BASED ON THIS DRAWING. BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY AND ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM OR OUT OF ANY AND ALL SUCH REPRODUCTION OR TRANSMISSION.

CHRIS SHORT RESIDENCE

DATE: 09/23/2015  
DRAWN BY: COLIN P.  
DATE: 09/23/2015  
CHECKED BY: MCK  
PROJECT: CHRIS SHORT RESIDENCE  
PROJECT LOCATION: 1113 1/2 S. 11TH ST. W. WYOMING, MN  
SHEET NO. A2

SHEET NO.  
A2  
Ext Elevations



1 BASEMENT FLOOR PLAN  
AS 1/4" = 1'-0"

RECEIVED  
SEP 23 2015  
BY: mem

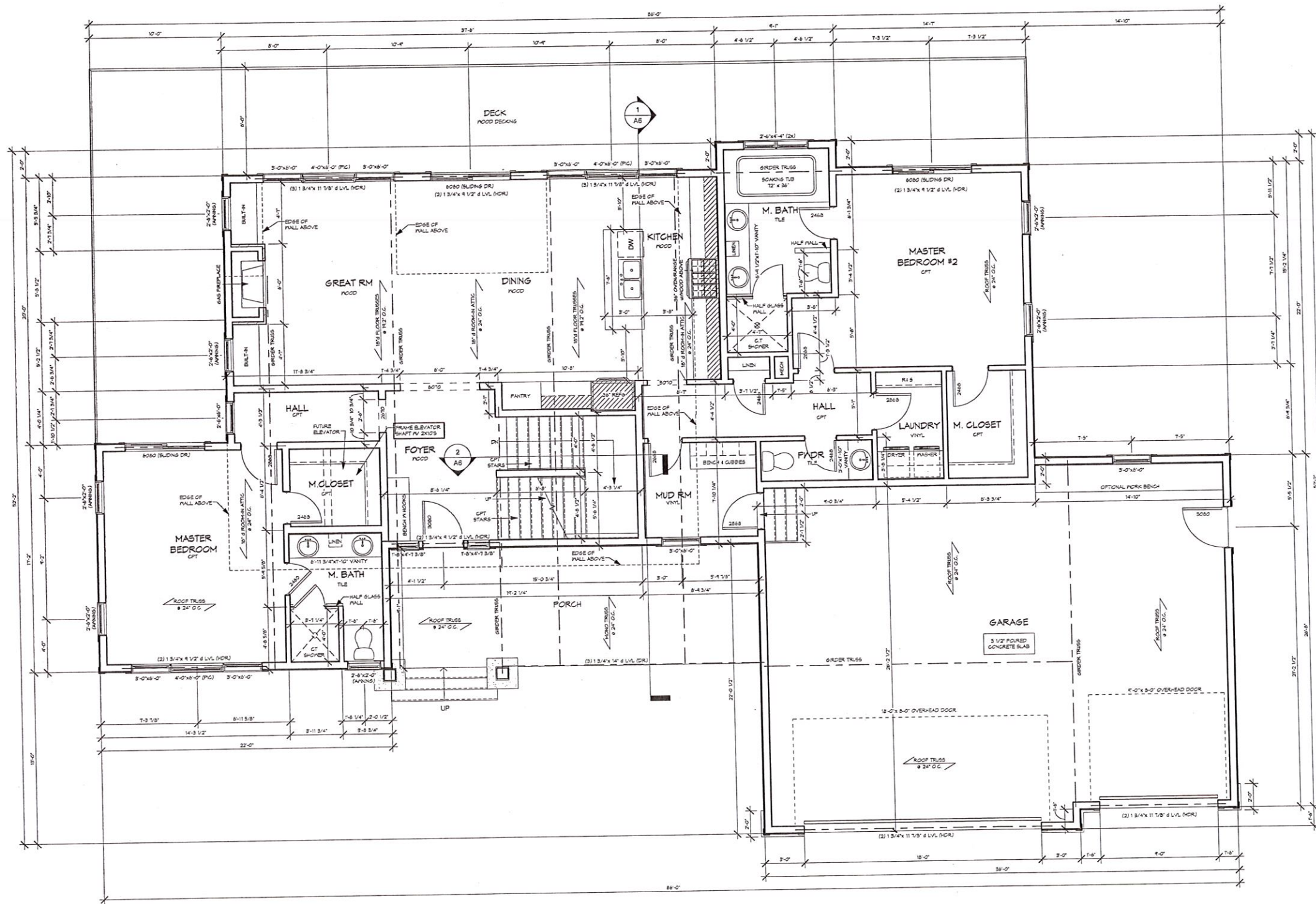


THIS PLAN IS THE PROPERTY OF BEHR DESIGN INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN INC. THE USER OF THIS PLAN AGREES TO HOLD BEHR DESIGN INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN. BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE USER OF THIS PLAN AGREES TO HOLD BEHR DESIGN INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN. BEHR DESIGN INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.

CHRIS SHORT RESIDENCE

DATE: 02/27/2015  
DRAWN BY: [unintelligible]  
CHECKED BY: [unintelligible]  
© 2015 BEHR DESIGN INC.  
ALL RIGHTS RESERVED.  
NO PART OF THIS PLAN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN INC.

SHEET NO.  
A3  
Basement Plan



**1 MAIN FLOOR PLAN**  
 A4 1/4" = 1'-0"

MAIN LEVEL FLOOR AREA = 1315 SQ. FT.  
 LOWER LEVEL FLOOR AREA = 1891 SQ. FT.  
 UPPER LEVEL FLOOR AREA = 813 SQ. FT.  
 TOTAL MAIN LEVEL UPPER FLOOR AREA = 2921 SQ. FT.  
 GARAGE FLOOR AREA = 814 SQ. FT.

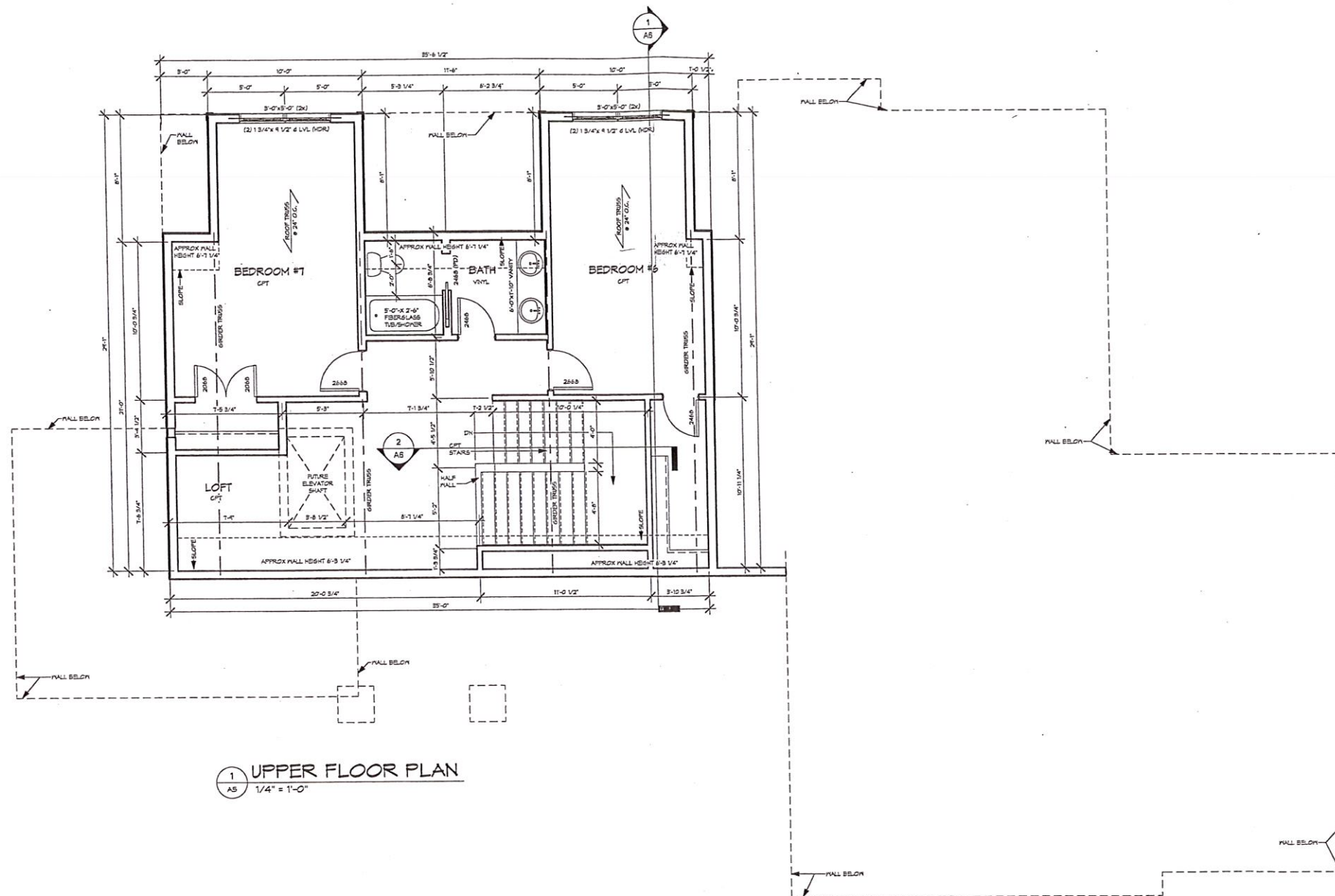


BEHR DESIGN INC. is a professional architectural and engineering firm. The firm is licensed in the State of Wisconsin. The firm's services include architectural design, engineering, and construction management. The firm is committed to providing high-quality, professional services to its clients. The firm's contact information is as follows: OFFICE (953) 746-7702, FAX: (953) 746-7703, CELL: (953) 994-6681, EMAIL: mikel@behrdesigninc.com.

**CHRIS SHORT RESIDENCE**

DATE: 02/27/2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: CHRIS SHORT RESIDENCE  
 PROJECT NO: [Number]  
 SHEET NO: [Number]  
 SCALE: 1/4" = 1'-0"

**SHEET NO. A4**  
 First Floor Plan



1 UPPER FLOOR PLAN  
AS 1/4" = 1'-0"

RECEIVED  
SEP 23 2015  
BY: *msk*

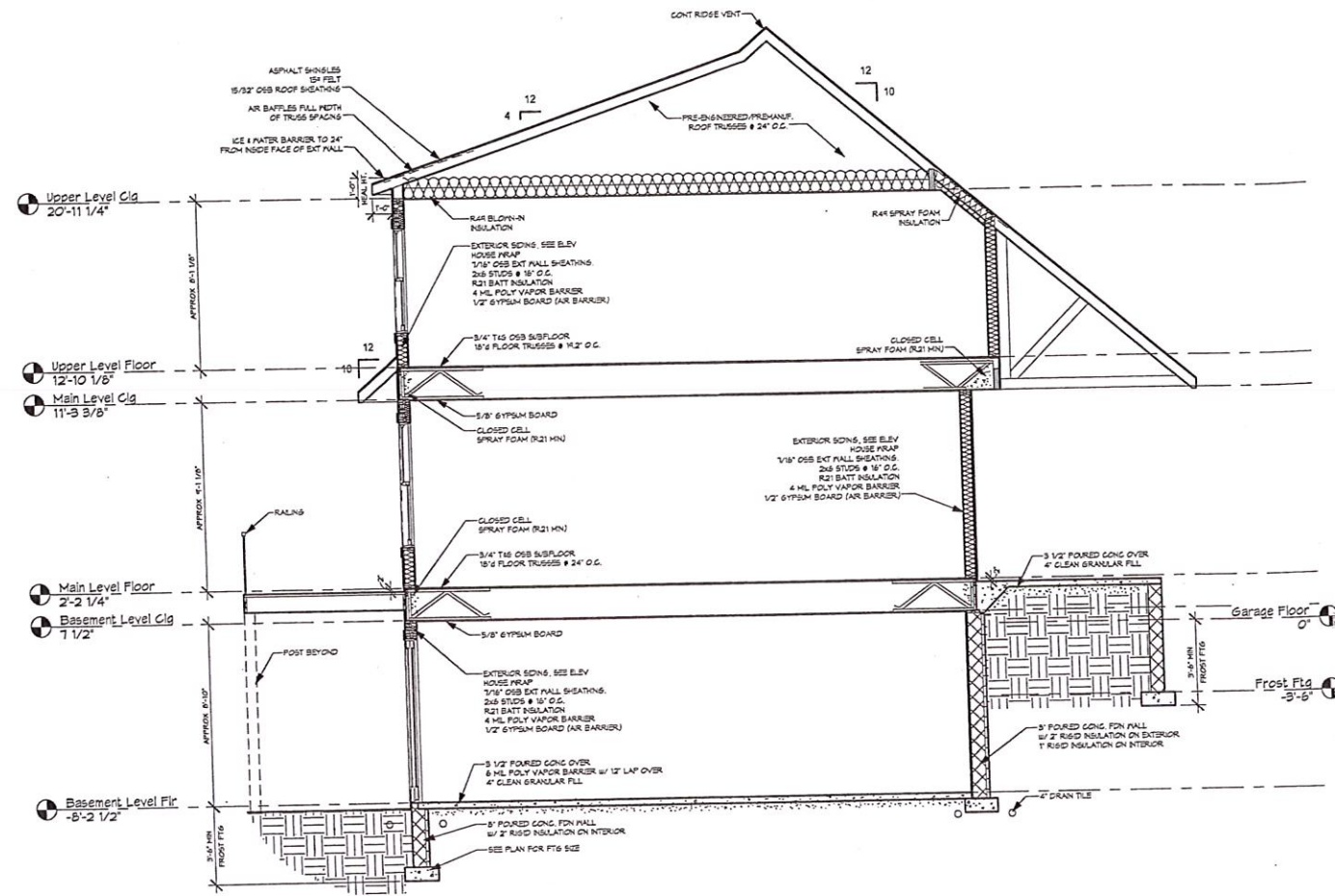


THIS DOCUMENT IS THE PROPERTY OF BEHR DESIGN, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN, INC. BEHR DESIGN, INC. SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT. BEHR DESIGN, INC. SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DOCUMENT. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS DOCUMENT.

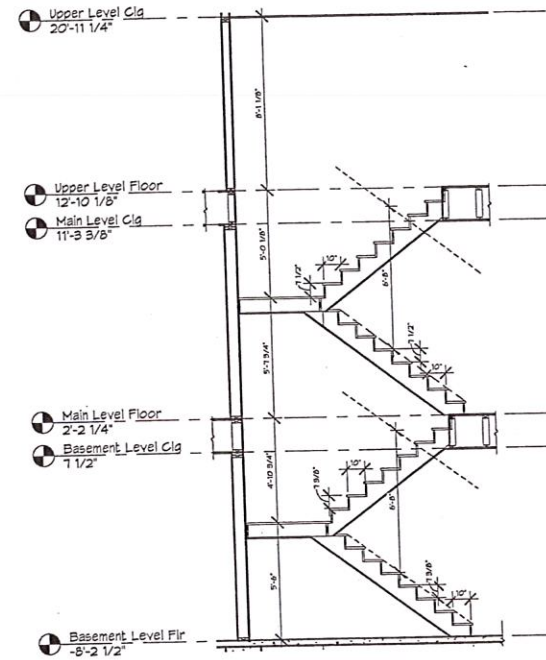
CHRIS SHORT RESIDENCE

DATE: 9/22/2015  
DRAWN BY: OSBERG DESIGN, INC.  
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OSBERG DESIGN, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF OSBERG DESIGN, INC.

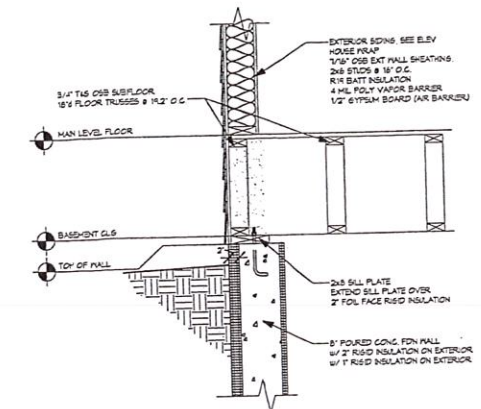
SHEET NO.  
A5  
Upper Floor Plan



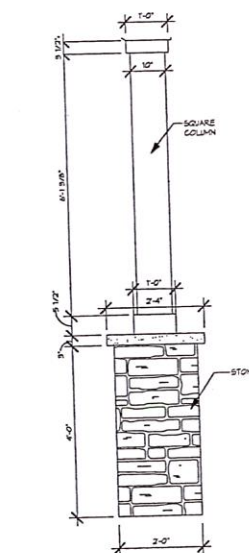
1 SECTION @ HOUSE  
1/4" = 1'-0"



2 STAIR SECTION  
1/4" = 1'-0"



3 FDN/RIM DETAILS  
3/4" = 1'-0"



4 Column Detail  
1/2" = 1'-0"



THIS DOCUMENT IS THE PROPERTY OF BEHR DESIGN INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN INC. ANY UNAUTHORIZED USE OF THIS DOCUMENT IS PROHIBITED AND WILL BE SUBJECT TO LEGAL ACTION. BEHR DESIGN INC. SHALL NOT BE LIABLE FOR ANY DAMAGE OR LOSS OF PROFITS, BUSINESS, OR REPUTATION, ARISING FROM THE USE OF THIS DOCUMENT. BEHR DESIGN INC. IS NOT PROVIDING ANY PROFESSIONAL SERVICES AND IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. BEHR DESIGN INC. IS NOT PROVIDING ANY CONTRACT DOCUMENTS AND IS NOT A CONTRACTOR. BEHR DESIGN INC. IS NOT PROVIDING ANY FINANCIAL ADVICE AND IS NOT A FINANCIAL ADVISOR. BEHR DESIGN INC. IS NOT PROVIDING ANY LEGAL ADVICE AND IS NOT A LAWYER. BEHR DESIGN INC. IS NOT PROVIDING ANY MEDICAL ADVICE AND IS NOT A PHYSICIAN. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER PROFESSIONAL SERVICES AND IS NOT A PROFESSIONAL IN THAT FIELD. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER SERVICES AND IS NOT A SERVICE PROVIDER. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER INFORMATION AND IS NOT AN INFORMATION PROVIDER. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER DOCUMENTS AND IS NOT A DOCUMENT PROVIDER. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER SERVICES AND IS NOT A SERVICE PROVIDER. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER INFORMATION AND IS NOT AN INFORMATION PROVIDER. BEHR DESIGN INC. IS NOT PROVIDING ANY OTHER DOCUMENTS AND IS NOT A DOCUMENT PROVIDER.

CHRIS SHORT RESIDENCE

DESIGNED BY: COLIN P.  
DATE: 4/22/2015  
© 2015 BEHR DESIGN INC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BEHR DESIGN INC.

SHEET NO.  
A6  
Building Sections

RECEIVED  
SEP 23 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**

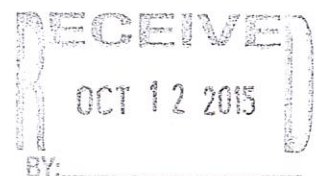
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Chris Short PID: 48300030  
Mailing Address: 2835 Conger Road Fridley Lake, MN 55372  
Property Address: 264 L.K. Francis Rd. Elyson, MN 56028  
Phone: (763) 439 1815 Mobile/Cell: (763) 439 1812

Responsible party for Implementation/Inspection: Wayne James (Contact) Responsible:  
Address: James Bros. Const. Elyson, MN 56028 Chris Short  
Phone: ( ) Mobile/Cell: (507) 380-6323

**Erosion & Sediment Control Measures**

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



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

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

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

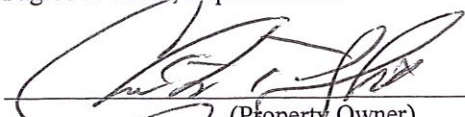
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

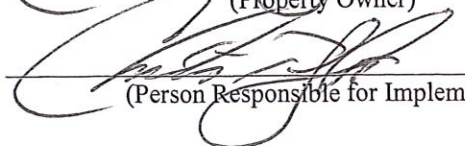
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### Inspection and Maintenance

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

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

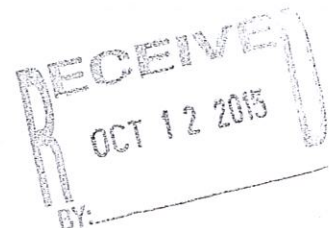
  
\_\_\_\_\_  
(Property Owner)

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

10/12/15  
(Date)

10/12/15  
(Date)

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





**Mettler, Michelle**

---

**From:** Brockway, Kathy  
**Sent:** Thursday, October 01, 2015 1:53 PM  
**To:** Mettler, Michelle  
**Subject:** FW: approval

---

**From:** Kathy Rients [<mailto:dkrients@frontiernet.net>]  
**Sent:** Thursday, October 01, 2015 12:48 PM  
**To:** Brockway, Kathy  
**Subject:** approval

To Planning and Zoning:

Chris Short has notified us requesting permission to use an existing driveway as his permanent driveway on property he owns on Lake Francis Road. It has met the approval of the Elysian Township Supervisors.

Elysian Township Clerk,  
Kathy Rients  
19919 Ridge Road  
Elysian, MN 56028

507 267-4554







