



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

**NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:**

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

**DATE:** DECEMBER 10, 2015

**TIME:** 7:00 PM

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

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

- ITEM #1** Planning and Zoning Commission Notice of Public Hearing
- ITEM #2** Planning and Zoning Commission Agenda
- ITEM #3** Le Sun/Gregor Packet
- ITEM #4** Winge/Kaplan Packet
- ITEM #5** Chris Short Packet
- ITEM #6** Approved Planning and Zoning Commission 11-12-15 Minutes

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR  
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR





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# **Le Sueur County, MN**

**Thursday, December 10, 2015**

**Regular session**

## **Item 1**

### **Planning and Zoning Commission Notice of Public Hearing**

Staff Contact: Kathy Brockway or Michelle Mettler

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

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

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

DATE: DECEMBER 10, 2015

TIME: 7:00 P.M.

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and consider Rezoning, Amendments and Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **DECEMBER 1, 2015**.

**ITEM #1: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township. **APPLICATION WAS TABLED AT THE NOVEMBER 12, 2015 MEETING.**

**ITEM #2: WINGE CONSTRUCTION, COON RAPIDS, MN, (APPLICANT); TAMARA KAPLAN, SAVAGE, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to elevate the lowest floor of an existing dwelling to meet the Regulatory Flood Protection Elevation and meet FEMA general design standards in a Recreational Residential "RR" District and a Flood Plain Overlay Flood Fringe "FF" District on a Recreational Development Lake, Lake Frances. Property is located at Lot 6, Dick's Southside, Section 34, Elysian Township.

**ITEM #3: CHRIS SHORT, PRIOR LAKE, MN, (APPLICANT/OWNER):** Requests that the County grant 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. Property is located at Lot 3, Block 1, Han's Hideaway, Section 27, Elysian Township.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

KATHY BROCKWAY, LE SUEUR COUNTY PLANNING & ZONING ADMINISTRATOR  
MICHELLE R. METTLER, ASSISTANT PLANNING & ZONING ADMINISTRATOR



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# **Le Sueur County, MN**

**Thursday, December 10, 2015**

**Regular session**

## **Item 1**

### **Planning and Zoning Commission Agenda**

Staff Contact: Kathy Brockway or Michelle Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  
MEETING AGENDA**

**ORGANIZATION:** LE SUEUR COUNTY PLANNING/ZONING COMMISSION

**MEETING DATE:** December 10, 2015

**MEETING PLACE:** Le Sueur County Environmental Services Building  
515 South Maple Ave, Le Center, MN

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

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

**AGENDA:**

Meeting Called  
to Order

**ITEM #1:** LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township. *APPLICATION WAS TABLED AT THE NOVEMBER 12, 2015 MEETING.*

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**DISCUSSION;  
MINUTES-WARRANTS**

**ADJOURN      9:00 P.M.**

**Planning & Zoning Commission Public Hearing Procedure:** The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed to the board, NOT THE APPLICANT.** After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.



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# Le Sueur County, MN

Thursday, December 10, 2015

Regular session

## Item 1

**Le Sun/Gregor Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** LeSun LLC      **OWNER:** Pat Gregor

**911 ADDRESS:** New Off Hwy 60

**PROJECT DESCRIPTION:** Establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District.

**ZONING ORDINANCE SECTIONS:** Section 8

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2009, does not make reference to the use of solar energy or any other type of renewable energy in Le Sueur County.

## SITE INFORMATION

**LOCATION:** 76.08 acre parcel in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

**ZONING:** Agriculture "A" District

**GENERAL SITE DESCRIPTION:** AG LAND

**ACCESS:** New off Hwy 60-pending MN DOT approval

**EXISTING LAND USE WITHIN ¼ MILE:**

North: Wooded (State Park), City Limits, Business, Single Family Dwelling  
East: Ag Land, Cemetery

South: Ag land, Cemetery, Scattered residential  
West: City of Elysian, Business

## TOWNSHIP BOARD NOTIFICATION

The applicants contacted Al Gehrke, Waterville Township Board member on October 12, 2015.

## NATURAL RESOURCES INFORMATION

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

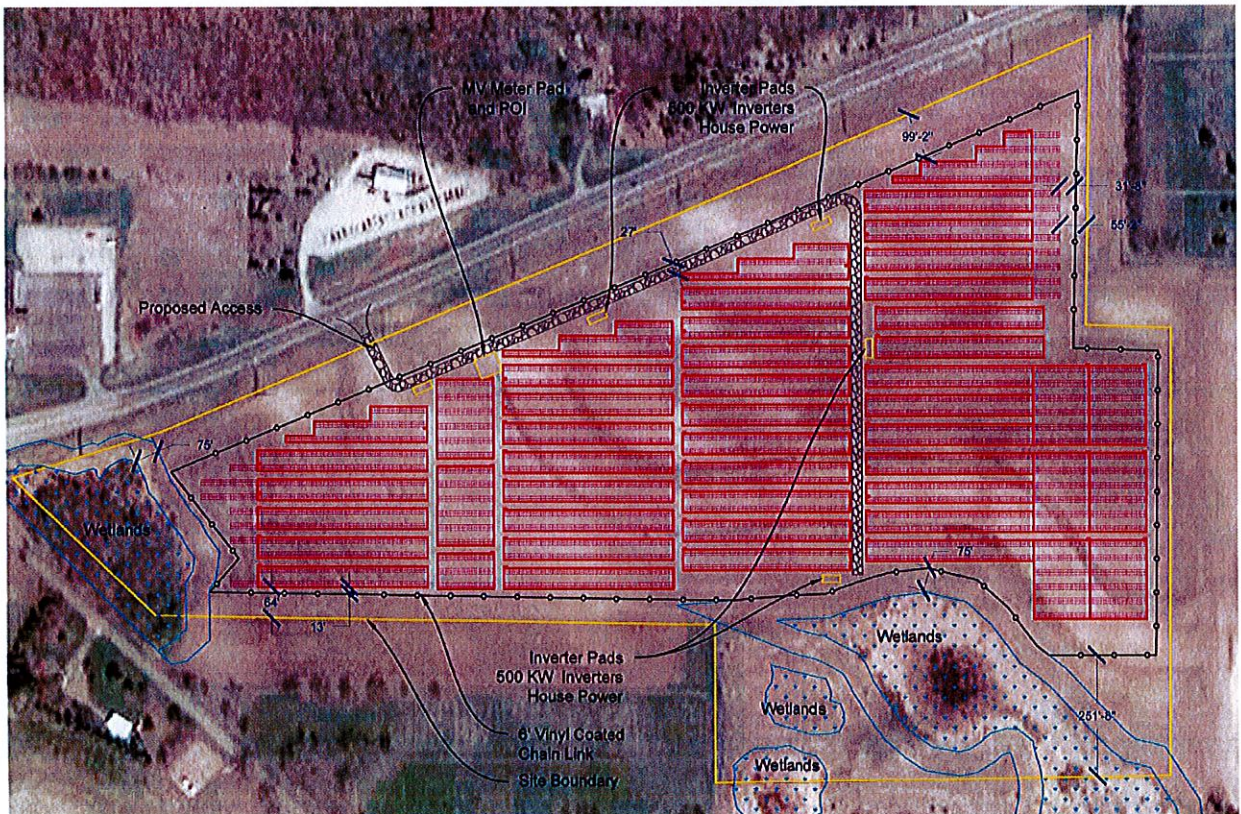
**WETLANDS:** According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

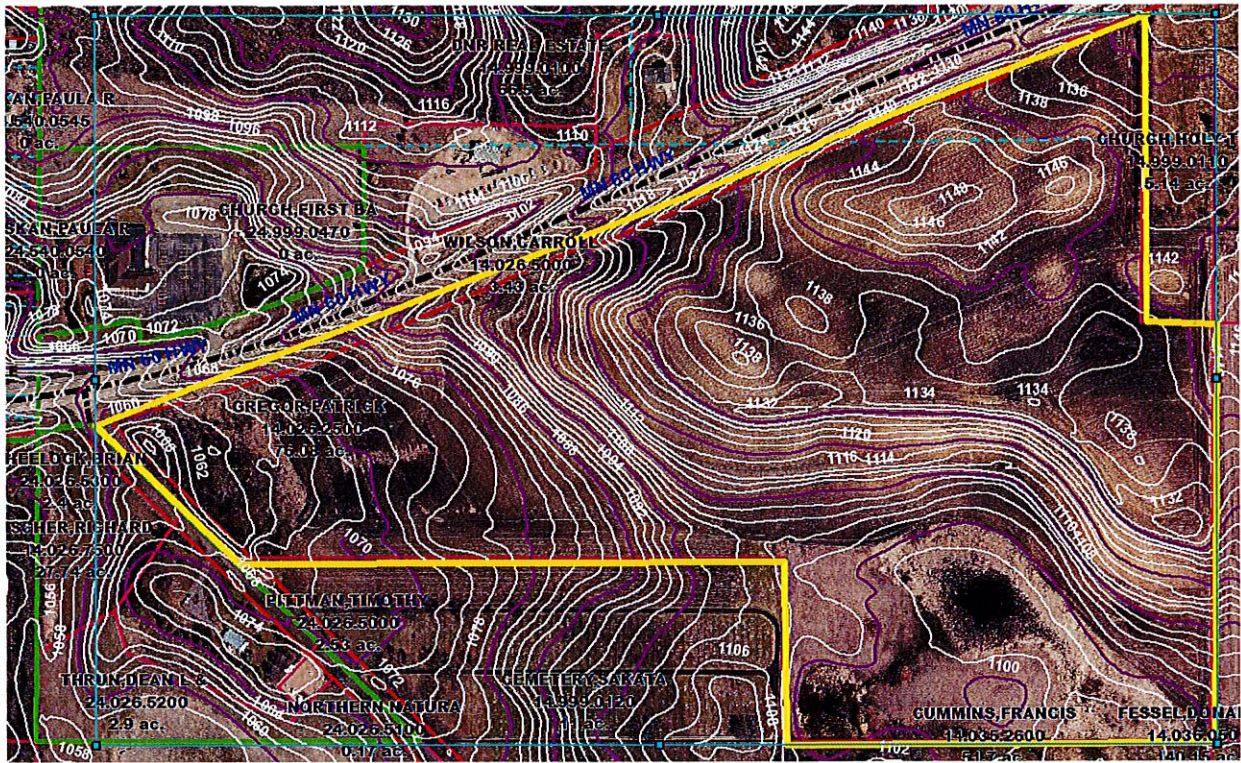
Narrative, Site Plans, Wetland Delineation Report, MNDOT Access Application



# AERIALS/SITE PLAN







### 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.
  - *Although the project proposes natural groundcover beneath the solar arrays, the applicant must maintain this area and remove all noxious weeds on a regular basis.*
8. Designating sites for open space.



**PLANNING AND ZONING COMMISSION FINDINGS**

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
  
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**
  
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided. **A D NA**
  
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
  
5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **A D NA**

*Recommend (circle one) approval / denial / table / of Conditional Use Permit.*

LE SUEUR COUNTY  
**CONDITIONAL USE PERMIT CRITERIA**  
 PERMIT # 15259  
 Applicant: Le Sun LLC, Owner: Pat Gregor Date: 11/12/15

**ROLL CALL VOTE**

**Conditional Use Permit Request:** To allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

	CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL
1.											
2.											
3.											
4.											
5.											

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will maintain the goals of safety, health and the general welfare of the public.

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ PZ CHAIRPERSON: \_\_\_\_\_

COUNTY BOARD MEETING DATE: \_\_\_\_\_



**MINNESOTA DEPARTMENT OF TRANSPORTATION  
APPLICATION FOR ACCESS (DRIVEWAY) PERMIT**

Document Management System # \_\_\_\_\_  
 District \_\_\_\_\_ Permit # \_\_\_\_\_  
 C.S. \_\_\_\_\_ T.H. \_\_\_\_\_  
 R.P. \_\_\_\_\_  
*(THIS SECTION FOR MnDOT OFFICE USE ONLY.)*

**ATTACH A SKETCH OF THE PROPOSED WORK AREA AND RELATION TO TRUNK HIGHWAY.  
 SUBMIT TO DISTRICT OFFICE OF MINNESOTA DEPARTMENT OF TRANSPORTATION.**

<b>APPLICANT</b> LsSun LLC	<b>TELEPHONE</b> 612-701-4855	<b>ADDRESS (Street, City, State, Zip)</b> 609 South 10th Street, #210, Minneapolis, MN 55404
<b>PROPERTY OWNER</b> Patrick Gregor	<b>TELEPHONE</b> 507-521-5525	<b>ADDRESS (Street, City, State, Zip)</b> 40102 - 120th Street, Waseca, MN 56903

**LOCATION OF PROPOSED WORK** (City/Township) (County) (Distance) (N-S-E-W) **SPECIFIC ROAD INTERSECTION OR LANDMARK**

Highway MN 60 in Waterville Le Sueur .17 Miles East of Sakatah Cemetary Lane

**WILL THIS ACCESS BE WITHIN TRIBAL LANDS?**  Yes  No **IF YES, WHICH ONE?**

<b>PURPOSE OF DRIVEWAY</b> <input type="checkbox"/> Temporary <input type="checkbox"/> Field Entrance <input type="checkbox"/> Residential <input type="checkbox"/> Proposed Public Street <input checked="" type="checkbox"/> Commercial (Specify Type)	<b>REQUESTED ENTRANCE WIDTH</b> Feet _____	<b>PROPERTY IS IN</b> <input type="checkbox"/> Platted Area <input checked="" type="checkbox"/> Unplatted Area	<b>ZONING FOR PROPERTY IS</b> Ag.
<b>IS BUILDING TO BE CONSTRUCTED</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Specify Type) NA	<b>WILL BUILDING BE</b> <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	<b>NUMBER OF PRESENT DRIVEWAYS TO PROPERTY</b> _____	

**EXACT LOCATION OF PRESENT DRIVEWAY(S)**  
None

**EXACT LOCATION OF PROPOSED DRIVEWAY(S)**  
900 feet East of Sakatah Cemetary Lane on South side of road

**LEGAL DESCRIPTION OF PROPERTY**  
 PID# 14.026.250 (Legal description attache)

**WORK TO START ON OR AFTER** April 1, 2016 **WORK TO BE COMPLETED BY** August 1, 2016

**APPLICANT'S ACCEPTANCE, WAIVER AND INDEMNIFICATION**

The undersigned applicant hereby agrees to comply with applicable statutes, rules, and all the standard conditions and special provisions of this permit. The applicant understands and agrees that no work in connection with this application will be started until the application has been approved and the permit issued.

The applicant also understands that this permit may also be subject to the approval of local road authorities having joint supervision over said street or highway, and may be subject to applicant's compliance with the rules and regulations of the Minnesota Environmental Quality Board and/or any other affected governmental agencies.

The applicant is aware of circumstances or hazards that may arise while performing the work associated with this application that could result in injury, loss, damage or death, and the applicant assumes the risk of such circumstances, dangers or hazards, whether reasonably foreseeable or not.

The undersigned applicant expressly agrees that except for negligent acts of the State, its agents and employees, the applicant or his/her agents or contractor shall assume all liability for, and save the State, its agents and employees, harmless from any and all claims for damages, actions or causes of action arising out of the work to be done in connection with this application and permit.

<b>NAME AND TITLE</b> Chuck Beisner / Land Specialist	<b>EMAIL ADDRESS</b> CBeisner@mysunshare.com
<b>DATE</b> 10/13/2015	<b>SIGNATURE</b>

**DO NOT WRITE BELOW THIS LINE**

**PERMIT NOT VALID UNLESS BEARING SIGNATURE AND NUMBER**

**AUTHORIZATION OF PERMIT**

In consideration of the applicant's agreement to comply in all respects with the applicable laws and the conditions of the Commissioner of Transportation pertaining to this permit, permission is hereby granted for the work to be performed as described in the above application, said work to be performed in accordance with the following standard conditions and special provisions:

**SEE ATTACHED STANDARD CONDITIONS AND SPECIAL PROVISIONS**

_____	_____	_____
Date All Work To Be Completed By	Authorized MnDOT Signature	Date of Authorized Signature

<b>DISTRIBUTION</b> Original to Area Maintenance Engineer Applicant Subarea Supervisor Roadway Regulations Supervisor	<b>DEPOSIT REQUIREMENTS</b> <input type="checkbox"/> No Deposit Required <input type="checkbox"/> Deposit Required in the Amount of \$ _____ Date Deposit Received _____ <i>Deposit to be returned upon satisfactory completion of all work</i>	<b>DEPOSIT TYPE</b> Cashier's Check # _____ Certified Check # _____ Money Order # _____ Bond # _____
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**DATE WORK COMPLETED** \_\_\_\_\_ *(The date when the work is completed must be reported to the MnDOT District Permits Office)*





December 1, 2015

Kathy Brockway  
Environmental Services Department  
Le Sueur County  
88 South Park Avenue  
Le Center, MN 56057

**RE: Supplemental Information to the CUP application by LeSun LLC**

Dear Kathy:

At the last Planning Commission meeting the commission requested additional information regarding the proposed project. This letter and the attachments should contain all of the requested information. It was:

- 1) Introduction to Solar – attached
- 2) Alta Survey – attached
- 3) Wetland Delineation – attached
- 4) Critical Issues Analysis – attached
- 5) Vegetation Plan –
- 6) Drain Tile Map – attached
- 7) Decommissioning Plan – attached
- 8) Purchase Agreement – attached
- 9) Grading and SWPPP – attached
- 10) Soil Coverage – After construction the site will be planted with native grasses that are pollinator friendly to promote the healthy existence of pollinators (bees & butterflies). This will also reduce the noxious weeds on the property and decrease any water runoff.
- 11) Fence Type – The fence proposed is a 6' high vinyl coated chain link fence.
- 12) Are of site used – The site is 50 acres in size, of which 9.5 acres will have roads, solar panels or inverters located on it.

This should answer the questions that were raised by the Planning Commission. I would also recommend the following standard conditions when approving the CUP:

- 1) Any required building permits must be obtained prior to construction of the Facility.
- 2) Any grading or filling must be done in accordance with the Le Sueur County Water Management Guidelines including the submittal and approval of a Grading and SWPPP plan.
- 3) All Federal, State and Le Sueur County wetland requirements be complied with at all times.
- 4) Signage will be at the site providing any necessary emergency information.

If you have any questions, please feel free to call me anytime.

Sincerely,

Chuck Beisner  
Site Acquisition and Permitting Specialist  
612-701-4855

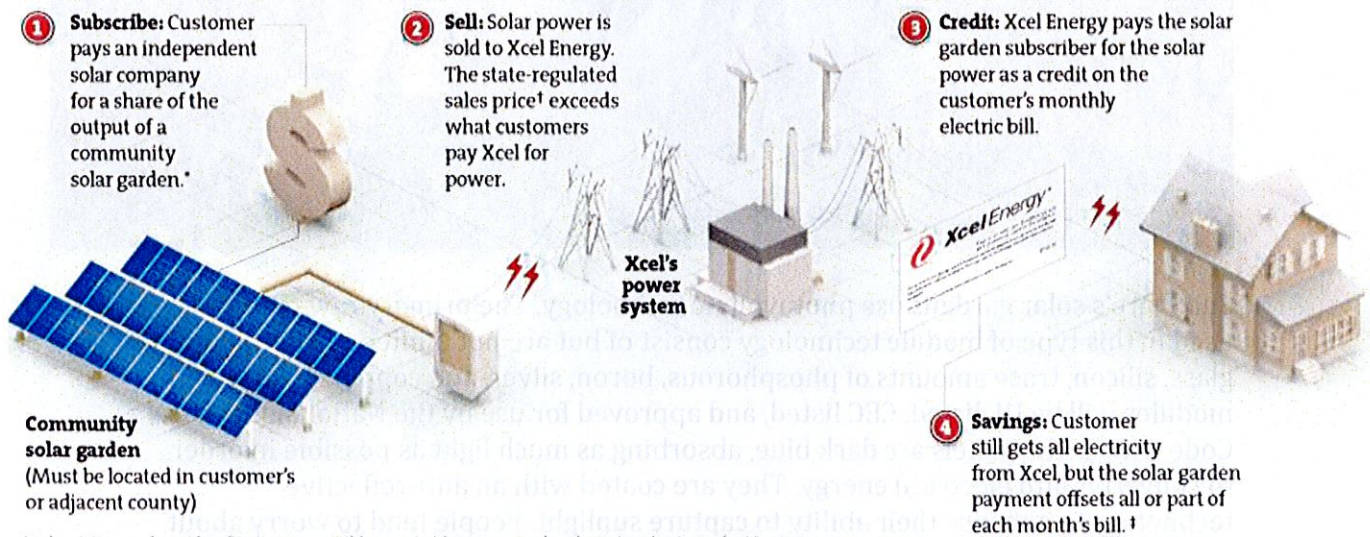
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609 South 10<sup>th</sup> Street, Suite 210 | Minneapolis, MN 55404  
612.345.8881 | info@mysunshare.com | www.mysunshare.com

## What is Community Solar?

In 2013, the Minnesota State Legislature passed a landmark Community Solar Garden law that established a new market in the solar industry, providing Xcel Energy customers with additional energy choices.

Community Solar Gardens are field installations of solar panels connected directly to Xcel Energy's distribution grid. Residents, businesses, and governmental customers can opt to use the solar energy from those panels to offset their electricity bill instead of installing panels on their property. It works much the same way as putting a rooftop solar system on a house. This provides a viable alternative for those who would like to use solar power but cannot install a rooftop system. The following image, published by the Star Tribune, depicts how the program works.



\* Subscription can be paid up front or as a monthly payment for energy produced; most contracts run for 25 years.  
<sup>†</sup> Rate is 2 cents to 3 cents more than the subscriber's retail electric rate because of the renewable energy credit value.  
<sup>‡</sup> If solar generation credits exceed customer's annual electric bill, Xcel cuts a check for the extra amount.

Source: Star Tribune research

MARK BOSWELL and DAVID SHAFFER • Star Tribune

## What Does a Solar Garden Look Like?

It is best to look at a picture to understand what a solar garden looks like.





SunShare's solar gardens use photovoltaic technology. The primary raw materials used in this type of module technology consist of but are not limited to aluminum, glass, silicon, trace amounts of phosphorous, boron, silver, and copper. Solar modules will be UL listed, CEC listed, and approved for use by the National Electrical Code (NEC). The panels are dark blue, absorbing as much light as possible in order to convert it into electrical energy. They are coated with an anti-reflective technology to enhance their ability to capture sunlight. People tend to worry about glare from these systems, but with this technology it is really not a problem. Many solar installations have been completed at airports. The photo below is of a solar installation at the Indianapolis Airport.





Each solar module is composed of multiple panels and the modules will be attached to the ground surface using a fixed racking system. Each row of modules will be spaced approximately 15 feet apart and reach about 8.5 feet in height. The system is made of steel vertical posts installed directly into the ground without the use of concrete foundations. Each post will penetrate approximately 8 – 12 feet into the ground. We make every effort to avoid drain tile, working with all stakeholders to identify tile lines and ensure that drainage will not be negatively impacted by our project. One way to further avoid negative drainage impacts is to minimize grading, which we are able to do by following the contours of the land. The following image shows how the modules can do that.



The panels can follow up to a 10% slope in an east/west direction. This site has some locations that exceed that grade, so some grading will be required. However,

this site also has south facing slopes that we can use to our advantage, allowing us to place rows of panels closer together and use less land area than we might otherwise.

Through these measures, and by planting a low-growth vegetative ground cover underneath the panels, our systems often reduce surface water runoff relative to the previous land use. By hosting a community solar garden, your community can not only benefit from locally generated power, but can take a step toward improving local water quality, something all Minnesotans appreciate.

### **Who is SunShare?**

SunShare was one of the first community solar developers in the country, pioneering the development of this concept in Colorado and Minnesota. Our customers are residents, community leaders, renowned institutions, and local businesses. Our appeal to the residential customer base sets us aside from our competition - we have hundreds of homeowners participating in each of our current Solar Gardens and have consistently sold out our Solar Gardens before construction begins, an accomplishment no other Community Solar company can claim.

We have a local presence in Minnesota, with an office located in downtown Minneapolis and a strong leadership team, comprised of experienced renewable energy developers. This experience is further bolstered through our partnership with Mortenson Construction. Mortenson was incorporated in Minneapolis, Minnesota in 1954. Today, Mortenson has grown to over 2,100 team members with project operations across 48 states and select international locations. Mortenson has been ranked as the nation's 5<sup>th</sup> largest solar EPC contractor and has the breadth of experience needed to build successful Community Solar Gardens in Minnesota.



# CRITICAL ISSUES ANALYSIS

Prepared for:

**SUNSHARE**

609 South 10th Street, Suite 210  
Minneapolis, MN 55404

## Gregor Site

Waterville Township, Le Sueur County, Minnesota  
July 2, 2015

WSB Project No. 2977-06



701 Xenia Avenue South, Suite 300  
Minneapolis, MN 55416  
Tel: (763) 541-4800 · Fax: (763) 541-1700  
wsbeng.com

## **Critical Issues Analysis**

### **Gregor Site, Waterville Township - Le Sueur County, Minnesota**

**Prepared For:**

SunShare, LLC  
609 S 10th Street – Suite 210  
Minneapolis, MN 55404

**July 2, 2015**

**Prepared By:**

WSB & Associates, Inc.  
701 Xenia Avenue S – Suite 300  
Minneapolis, MN 55416  
763-541-4800

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**List of Appendices**

- Appendix A – Level 1 Wetland Delineation
- Appendix B – Zoning Ordinance Review
- Appendix C – Permit Matrix
- Appendix D – Potential Contamination Review

# 1 Introduction & Purpose

## 1.1 Project Location

The Gregor Site (project area, site) is located in the SE 1/4 of Section 26, T109N, R23W in Le Sueur County Minnesota, in Waterville Township (**Figures 1-3**). The total project area is approximately 76 acres.

## 1.2 Project Purpose

On behalf of SunShare, LLC (SunShare), WSB & Associates, Inc. (WSB) completed a Critical Issues Analysis via desktop review for the Gregor Site. The purpose of this review was to identify if critical environmental, biological, cultural or historical features are present on-site or in proximity to the site that may affect development of a solar project. .

# 2 Methods

Reasonably available data were reviewed to determine the potential for environmental, biological, cultural, or historical features present on the project area or within one mile of the proposed project area. This analysis included reviewing remote sensing data, publically available GIS data, and information from local, state, and federal agencies. Historical photos were also obtained. Mapping from various sources was also obtained. This data collection effort included obtaining information from the following resources:

- Minnesota Department of Natural Resources (DNR)
- Minnesota County Biological Survey (MCBS)
- Minnesota State Historic Preservation Office (SHPO)
- Minnesota Pollution Control Agency (MPCA)
- Minnesota Geological Survey (MGS)
- US Environmental Protection Agency (EPA)
- US Fish and Wildlife Service (FWS)
- US Natural Resources Conservation Service (NRCS)
- US Federal Aviation Administration (FAA)
- National Register of Historic Places
- Federal Emergency Management Agency (FEMA)
- Recent and Historic Aerial Photography
- County and/or Township Zoning Map

No on-site reviews were conducted for this analysis. Early coordination or request for concurrence by the regulatory agencies was not completed as part of this study.

### 3 Results

#### 3.1 Surface Hydrological Resources

Based on a review of the DNR's Public Waters Inventory, there are no public waters within the project's boundary (**Figure 4**). DNR Public Waters within the one mile buffer include: Sakatah Lake, which is approximately 1/3 of a mile north.

The U.S. FWS National Wetlands Inventory (NWI) was reviewed for presence of wetland areas. Six NWI wetlands are mapped within the site. These wetlands are mapped as a palustrine forested/shrub hardwood (PFO1A), three wetlands mapped as a palustrine emergent seasonally flooded basin (PEM1A) wetlands and two wetlands mapped as a palustrine emergent shallow marsh (PEM1C) wetland (**Figure 4**). For additional wetland information, see **Section 3.2**.

A review of the MPCA's special and impaired waters indicates Waterville Creek is located approximately 0.60 mile west of the site. Waterville Creek is impaired for E. coliform bacteria. Therefore, if the Gregor site were to drain to this water feature, the project would not be subject to special conditions of the general stormwater permit because of the E. coliform impairment. E. Coliform is not one of the subject impairments that require special stormwater permit coverage.

No new impervious surfaces are proposed within the project area, so post-construction water quality requirements are not anticipated. Best management practices such as silt fence, wildlife friendly erosion control blanket, and (if necessary) floating silt curtain are recommended to limit the risk of erosion and sedimentation.

#### 3.2 Level 1 Wetland Delineation

A review of recent aerial photography, the FWS NWI Map, and the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) *Web Soil Survey* was completed to identify potential wetland areas within the project area. As previously described, six wetlands are depicted by the FWS NWI Map, within the project area (**Figure 4**). There are seven soil types within the project area, some of which are non-hydric (upland), as described further in **Section 3.6**. Several of the soil types are hydric, and it is possible that hydric soil inclusions may exist at depression landforms. Based on this review, it appears that wetlands may exist at the following locations:

- West end of project area
- Southeast portion of project area

Impacts to wetlands may occur with the construction of a solar array at this location. However, impacts may be avoidable with project planning. If impacts are proposed, coordination with the Wetland Conservation Act (Le Sueur County), DNR, and the COE may be required. Replacement of wetland impacts at a ratio of 2 to 2.5:1 may be required. Le Sueur County requires a 75-foot setback of structures from Type 3-8 wetlands, which it appears the potential

wetlands onsite may be subject. Several NWI wetlands do exist within the 1-mile buffer, but are no impacts anticipated these wetlands, as they are outside of the project area. A Level 1 wetland review was completed for the site, and is included in **Appendix A**.

### 3.3 Environmental Conditions

WSB reviewed available public MPCA database information to identify verified or potentially contaminated sites that may be encountered at or near the site. The results of the “What’s in My Neighborhood?” data review are shown in **Figure 6**. Based on the databases reviewed, no listings were identified at the project area, no listings were identified on properties adjoining the project area, and forty-five (45) listings were identified in the surrounding area. None of the listings directly indicated a hazardous materials spill or release except for Sites 7, 13, 22, 23, 26, 27, 28, 29, 31, 32, 33, 38 and 43 which are located at least 1,000 feet from the project area. Therefore, the potential to encounter contamination during construction at the project area is low at this time. A detailed memorandum regarding the review is included in **Appendix D**.

### 3.4 Wildlife Resources Conservation Areas

There are no designated wildlife resources conservation areas located within the project area, but the Sakatah Lake State Park is located adjacent to the project site to the north. No impacts to the State Park are anticipated based on the location of the project.

The Minnesota County Biologic Survey (MCBS) for Le Sueur County indicates that there is a site of Biodiversity Significance located within the Sakatah Lake State Park, which there are no anticipated impacts to, based on the location of the project. This site is located north of State Highway 60.

#### 3.4.1 Wildlife Resources

The majority of the project area is currently agricultural land use, and habitat diversity is low in areas of row crops and hay fields. The potential wetland areas appear to be dominated by Reed canary grass (*Phalaris arundinacea*), a non-native species of grass, along the fringes, but may include more diverse plant species within other areas, such as the open water and forested areas of the wetlands. Wildlife present would be accustomed to frequent disturbances by the nearby highway and agricultural activities. There are some deciduous trees in the west corner of the property, mostly near the wetlands which may provide a perch for song birds and birds of prey. This small patch of forest could likely provide habitat for common species such as Whitetail deer, Wild turkey, Coyote, Owls, Striped skunk, Eastern cottontail rabbit, various song birds and birds of prey, and the potentially bats, among other species.

The area adjacent to the project location to the north is listed as containing a MCBS Site of Biodiversity Significance (**Figure 7**). As described, the project itself is not anticipated to impact this resource.



Given the potential for wetland impacts within the project area, wildlife habitat on the project area may be impacted, but the wildlife habitat appears to be low in quality because of the predominant agricultural land use disturbances, adjacent highway traffic, and because the wetlands appear to be dominated by Reed canary grass along the fringes.

To minimize the risk of impacting wildlife habitat, the DNR has provided several recommendations:

- Following construction, seed disturbed areas with native grasses and leave undisturbed to create habitat for area wildlife.
- Place solar panels at a height that allows for grasses to grow beneath them.
- Place fenced areas such that waterfowl, that may mistake the solar arrays for water, can take off again.
- Stripe solar panels with white to detract insects from the area, and therefore help prevent birds and bats from congregating.
- Use wildlife-friendly erosion control mesh as erosion control in disturbed areas.
- Install bird diverters and raptor shields on transmission wires and utility poles to reduce the risk of bird mortality.

#### 3.4.2 Endangered / Protected Species

Data were obtained from both the DNR and the FWS regarding state and federally threatened or endangered species. The potential for rare species occurrences near the project area exists, but impacts to these species as a result of the project, is unlikely.

- State-Listed Species

A data request was submitted to the DNR for review of the DNR's Natural Heritage Information System. Results of this review are pending. A results summary will be provided to SunShare upon receipt.

- Federally-Listed Species

The FWS Endangered Species list for Le Sueur County, MN lists the following species:

One federally threatened species, the Northern long-eared bat, (*Myotis septentrionalis*) is listed for Le Sueur County. The general habitat for this species varies by season. In the summer, the bat roosts in trees, especially near upland forests and riparian areas, and in the winter the bat hibernates in caves and mines. Potential habitat for this species is located at the far west portion of the site, at the wooded area.

The FWS recommends that any tree removal that is required for project be completed during the winter months, when the bat is not utilizing the area. If tree removal is completed in the winter months for the construction of a solar array, the project is anticipated to have *no effect* on the Northern long-eared bat.

The Bald Eagle (*Haliaeetus leucocephalus*), although removed from the Endangered Species List, is continued to be protected by the Federal *Bald and Golden Eagle Protection Act* (BGEPA). The Golden Eagle is protected as well, but would not likely occur at or near the project site, as their preferred habitat is not present. The nearby Sakatah Lake, to the north, includes a diverse forested area that may provide sufficient habitat for the Bald Eagle. Although the project location does not specifically support Bald Eagle habitat, it is probable that Bald Eagles occur in the area. Suitable Bald Eagle habitat (large trees and aquatic resources), associated with the Sakatah Lake appears to be present approximately 0.33 mile north of the site. However, according to the DNR NHIS (Bald Eagle data only), there are no documented Bald Eagle nests within the project's one mile buffer. Prior to construction, the project site and surrounding area should be surveyed for Bald Eagle nests. NHIS records do not exclude the possibility that new nest sites may exist.

### 3.5 Archaeological, Cultural, and Historical Resources

If a "Federal Action" occurs such as use of Federal Funds or issuance of a Federal Permit (i.e. Corps of Engineers 404 Wetland), Section 106 of the National Historic Preservation Act would be triggered, and the potential for the site to be surveyed for historic properties could be required.

No known archaeological, cultural, or historical resources are documented for the site. However, there are two adjacent cemeteries located directly next to the site. Calvary Cemetery abuts the site to the northeast and Sakatah Cemetery abuts the site at portions of the south/west property boundary. These sites may be considered historic, and because of the visual landscape change that a solar array project would create, there may be potential to affect the historic setting of these cemeteries. Coordination with the MN State Historic Preservation Office is suggested, if the project advances.

### 3.6 Land Use Constraints

#### 3.6.1 Project Location Setting

Based on a review of recent aerial photos, the primary land use for this project area is agricultural and has typically been planted as row crops (e.g., corn). Approximately 90% of the project area is agricultural/hay field, while approximately 10% is potential wetland. Impacts to the wetlands located at the western and southeast portion of the site should be avoided during project planning, if possible.

Topographic relief at the site is relatively significant; logistics and site planning for potential construction on such slopes should be considered. The USGS topographic map indicates elevations ranging from approximately 1,150 feet (msl) at the northern/central portion of the site to approximately 1,100 feet (msl) at the southern portion. Because of the topography, there are two erosion prevention vegetated strips (areas not tilled) that extend across the site, as a best-management practice related to agricultural tilling.



There is 100 year floodplain nearby, but outside of the project site. The floodplain is from the Sakatah Lake, starting north of the project site, dropping down to the west, and finally ending south east of the site. Floodplain associated with Waterville Creek is located west of the site. There is no foreseeable impact to the project site, as the floodplain ends approximately one half mile before the project site.

Within the one mile buffer, land use varies including residential and commercial development associated with the City of Waterville, cropland, wetlands, woodland, open fields/prairie, State and County highways, City Parks, cemeteries, powerline ROW (north), a natural gas pipeline surface access facility (west), and Sakatah Lake State Park. Residences exist northwest of the site, as well as a few rural residences just south of the project area.

### 3.6.2 County & Township Zoning

After reviewing the Le Sueur County Zoning Ordinance, it does not appear that the County has an ordinance that addresses solar energy systems as a principal land use. In order to allow for the proposed solar garden project, an amendment to the County zoning ordinance would be necessary. **Appendix B** includes a summary of the zoning ordinance review completed by WSB. Please refer to this document for an interpretation of the data sources that were reviewed.

### 3.6.3 Soil

According to the NRCS *Web Soil Survey*, seven soil types exist within the project area. The predominantly hydric soil types mapped include: Hamel clay loam (414), Cordova clay loam (109), and Glencoe clay loam (114). The remainder of the project area is mapped with predominantly non-hydric soils, including: Lester loam (106B) and Lester-Storden loams (945 B, 945C, 945 D). Lester-Storden loam (12-18% slopes, 945 D) is classified as moderately Erodible Land soil type, according to the *Web Soil Survey* (**Figure 8**).

### 3.6.4 Geology

According to the Minnesota Geological Survey Surficial Geologic Mapping Mosaic, the surficial geology (map units) at the project area consists of mostly “Till and sand and gravel complex” from the Pleistocene Epoch (resulting from recent glaciation).

“Till and sand and gravel complex” is described as: “Sand and gravel overlain by till; includes small areas of sand and gravel at the surface. The large area shown in the center of the map was deposited by large amounts of meltwater draining from the ice in the area later occupied by Glacial Lake Minnesota. The topography is hummocky and irregular due to the melting of buried ice.”

Depth to bedrock at the project site is listed as 301-350 feet below ground surface, according to the MN Geological Survey *Bedrock Topography and Depth to Bedrock Map*. Assuming the

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Le Sueur SWCD</b>	Address <b>181 W. Minnesota Street          Le Center, Mn 56057</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Alison Smyth          Sunshare</b>	Project Name <b>LeSun LLC</b>	Date of Application <b>10/20/2015</b>	Application Number <b>5-15</b>
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Attach site locator map.

Type of Decision:

<input checked="" type="checkbox"/> Wetland Boundary or Type	<input type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>11/12/2015</b>		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The application for LeSun, Le Sueur County is approved.

For Replacement Plans using credits from the State Wetland Bank:


Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Michael Schultz</b>	Title <b>Le Sueur SWCD District Technician</b>	
Signature 	Date <i>11/2/15</i>	Phone Number and E-mail <b>507-357-4879 x3 michael.schultz@mn.nacdn.net</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---



#### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Josh Mankowski, Water Planner &amp; TEP member</b> <input checked="" type="checkbox"/> BWSR TEP member: <b>Jeremy Maul</b> <input type="checkbox"/> LGU TEP member (if different than LGU Contact): <input checked="" type="checkbox"/> DNR TEP member: <b>Garry Bennett</b> <input type="checkbox"/> DNR Regional Office (if different than DNR TEP member) <input type="checkbox"/> WD or WMO (if applicable): <input type="checkbox"/> Applicant and Landowner (if different) <input type="checkbox"/> Members of the public who requested notice:  <input checked="" type="checkbox"/> Corps of Engineers Project Manager <input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)
---

#### 5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)

➤ For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)

➤ Department of Natural Resources Regional Offices:

<b>NW Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	<b>NE Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	<b>Central Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	<b>Southern Region:</b> Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
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For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

➤ For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
 St. Paul District, ATTN: OP-R  
 180 Fifth St. East, Suite 700  
 St. Paul, MN 55101-1678

➤ For Wetland Bank Plan applications, also send a copy of the application to:  
 Minnesota Board of Water and Soil Resources  
 Wetland Bank Coordinator  
 520 Lafayette Road North  
 St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments: <input checked="" type="checkbox"/> <b>App</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
--





**Type and Boundary Application**

**LeSun LLC**

Waterville Township  
Le Sueur County, Minnesota

October, 2015

**Submitted by:**  
Bolton & Menk, Inc.  
1960 Premier Drive  
Mankato, MN 56001-5900  
P: 507-625-4171  
F: 507-625-4177

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**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors





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## APPENDIX

WETLAND INVESTIGATION REPORT

LeSun LLC Property  
Waterville Township, Le Sueur County, MN  
Prepared by: Bolton & Menk, Inc. – M34.110714

*Table of Contents*

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:** LeSun LLC with co-applicants Lake Calhoun 24 L.L.C.; Lake Calhoun 25 L.L.C.; Lake Calhoun 26 L.L.C.; Lake Calhoun 38 L.L.C.; Lake Calhoun 39 L.L.C.; Lake Calhoun 40 L.L.C.; Lake Calhoun 41 L.L.C.  
**Mailing Address:** 609 S 10th Street, Ste 210 | Minneapolis, MN 55404  
**Phone:** 612.345.8881  
**E-mail Address:** mndevelopment@mysunshare.com

**Authorized Contact (do not complete if same as above):** Alison Smyth | Project Development Associate | SunShare  
**Mailing Address:**  
**Phone:** 651.315.7629  
**E-mail Address:** asmyth@mysunshare.com

**Agent Name:** Chantill Kahler Royer, Water Resources Engineer, Bolton & Menk, Inc.  
**Mailing Address:** 1960 Premier Drive, Mankato, MN 56001  
**Phone:** 507-625-4171 ext. 2636  
**E-mail Address:** chantillka@bolton-menk.com

## PART TWO: Site Location Information

**County:** Le Sueur **City/Township:** Waterville  
**Parcel ID and/or Address:** 14.026.2500  
**Legal Description (Section, Township, Range):** S26, T109N, R23W  
**Lat/Long (decimal degrees):** 44°12'47.91"N, 93°32'59.20"W  
**Attach a map showing the location of the site in relation to local streets, roads, highways. See Delineation Report attachments**  
**Approximate size of site (acres) or if a linear project, length (feet):** 76.08 Acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

N/A

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

LeSun LLC is proposing to construct solar panels on their land near Waterville, MN. The attached Wetland Investigation Report details the results of the off-site and field investigation conducted in October of 2015 of the subject parcel.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: *David C. ...* Date: 10/19/2015

I hereby authorize **Bolton & Menk, Inc.** to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.



## Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

**Wetland Type Confirmation**

**Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

**Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

**Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

# **Storm Water and Erosion Control Plan**

Preliminary Summary—details pending final design and analysis

Lesun Community Solar Garden

14437 State HWY 60 Waterville, MN 56096

## **Section 1: Contact info/Project team**

### Developer

SunShare LLC  
Will Cooksey, Director Land and Legal - Minnesota  
609 S 10th Street, Suite 210, Minneapolis, MN 55404  
651-314-4119

### Contractor

Mortenson Construction  
Brad Heitland, Design Phase Manager  
700 Meadow Lane N  
Minneapolis, MN 55422  
612-260-2057

## **Section 2: Site Evaluation, Assessment, and Planning**

### Project name and location

Lesun Community Solar Garden  
14437 STATE HWY 60 WATERVILLE, MN 56096  
La Sueur County

### Site Info

Location: South of Minnesota 60 and easterly of Sakatah Cemetery Lane

Parcel Number(s): 14.026.2500

Legal Description: All that part of the Southeast Quarter and Government Lot 6, Section 26, Township 109 North, Range 23 West, LeSueur County, Minnesota, lying South of the centerline of Minnesota Trunk Highway No. 60

### Nature of Construction Activity

#### General Description of Project

The construction project is a proposed photovoltaic electricity generation solar facility. It will include solar panels mounted on steel piles, inverter stations and access roads throughout the site

#### Size of Construction Project

The property is 57.55 acres.

The total disturbed area is not yet determined

The maximum area to be disturbed at one time is not yet determined

### Sequence and Estimated Dates of Construction Activities

#### Phase I Initial Erosion Control

Project will begin with installation of perimeter control including silt fence and rock construction entrance. The temporary sediment trap/basin will be excavated and stabilized including the resulting stockpile.

#### Phase II Site Grading

Once initial erosion control is in place, the site will be mass graded. Topsoil will be stripped, stockpiled, and stabilized, then reapplied to the site once the mass grading is complete. This phase includes the construction of onsite gravel roads, which consist of stripping topsoil and constructing an aggregate section 6 inches thick. Topsoil stripped from the aggregate roadways will be respread elsewhere onsite.

#### Phase III Solar Construction

After completion of the site work, construction of the solar features will begin with pile driving. Piles will be directly driven with no excavation required. Trenching for underground electrical will commence at the completion of pile driving. Any stabilized ground that is disturbed by trenching process will be immediately restabilized. Concrete equipment pads will be constructed to support the inverters and transformers. Racking and solar modules will be installed on the steel piles

Storm Water Discharge details pending

Site Maps pending

Calculations pending

### **Section 3: Documentation of Compliance with other Federal Requirements**

To be completed at a later date.

### **Section 4: Erosion and Sediment Controls**

(Final design to include a mixture of the following, To be determined later.)

1. Natural Buffers
  - a. Applicable if surface waters within 50 feet of project earth disturbance
2. Perimeter Controls
  - a. Silt fences to be installed around perimeter of site
  - b. Fiber rolls used to compliment silt fences on steeper slopes
3. Sediment track-out
  - a. Rock construction entrance used to minimize sediment track out

- b. Gravel pad installed at site entrance
- 4. Stockpiled Sediment/Soil
  - a. Topsoil stockpiles may periodically occur throughout project construction. Topsoil will be re-distributed over graded areas to be used for seeding
  - b. Silt fences temporarily installed around stockpiles
- 5. Minimize dust
  - a. Sprinkling used to minimize dust on site
- 6. Minimize disturbance on steep slopes
  - a. Erosion control blankets will be used on steep slopes to minimize discharge
- 7. Soil Compaction
  - a. Soil compaction is required for support of structural elements, i.e. roads, concrete pads, etc. Outside of structural areas, compaction will be limited by minimizing unnecessary vehicle or equipment traffic.
- 8. Storm water conveyance channels
  - a. Erosion control trenches that are approximately 6 inches deep by 12 inches wide may be dug across the width of the subcatchment area. Individual trenches will be spaced approximately 20 feet apart across the length of the subcatchment area. They will be dug perpendicular to the ground slope. The cut material from the trench will be placed immediately to the side of the trench as a small berm. The trench and adjacent berm will create localized storage, which will reduce runoff velocity.
- 9. Sediment basins
  - a. Temporary sediment control basin at perimeter of site
- 10. Site Stabilization
  - a. Stockpiles and disturbed areas will be temporarily stabilized.
  - b. Any stockpiles that occur or any ground that is has not been permanently graded but work has temporarily ceased shall be temporarily stabilized by seeding, erosion control blankets or another qualified stabilization method. They must be stabilized within 7 days of work ceasing.
  - c. Unless precluded by moderate or heavy snow cover, stabilize all exposed inactive disturbed soil areas within 100 feet of any water of the state, or within 100 feet of any conveyance to a water of the state with sod, seed, or weed free mulch.
  - d. An acceptable method of stabilization will be chosen by the contractor.
- 11. Final Site stabilization
  - a. The site will be permanently stabilized by the methods described above. In order to achieve Final Stabilization, the following process is standard:
    - i. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetative cover with a density of 70% of its expected final growth
    - ii. The permanent stormwater management system is constructed, meets all requirements and is operating.
    - iii. Sediment basins must be removed, graded to final elevation and stabilized.
    - iv. All temporary synthetic and structural BMPs must be removed

Further details to be completed at later date.

### **Section 5: Pollution Preventions Standards**

1. Spill kits to be made readily available to eliminate discharge of spilled chemicals; spills cleaned up immediately using dry clean up methods where possible, and materials will be disposed of in accordance with federal, state, or local requirements.
2. Vehicles will be washed in designated areas where wash water will be directed to sediment basin
3. Dumpsters will be provided to contain construction and domestic waste and waste will be cleaned up and disposed of into designated dumpster at the end of each work day.
4. Portable toilets will be provided and position so that they are secure and not tipped or knocked over.
5. Concrete washout area will be designated in centralized and accessible location. Will be leak proof pit.
6. Discharge of fertilizers containing nitrogen and phosphorus will be minimized.

Further details to be completed at later date.

### **Section 6: Inspection and Corrective Action**

The onsite superintendent will be responsible for conducting site inspections in compliance with the SWPPP permit. If superintendent is not onsite, other qualified personnel shall inspect. Site should be routinely inspected every 7 days of active construction and within 24 hours after a significant rainfall event.

Further details to be completed at later date.

### **Section 7: Training**

The onsite superintendent will be responsible for conducting stormwater and BMP training for all staff and subcontractors on site. Training will focus on avoiding damage to stormwater BMPs and preventing discharges; topics may include installing and maintaining erosion control, sediment control, waste management, and material storage BMPs

Further details to be completed at later date.

### **Section 8: Certification and Notification**

Further details to be completed at later date.

400306

Document No. 400306

Office of County Recorder  
Le Sueur County, Minnesota

I hereby certify that the within instrument  
was filed in this office for record on  
September 04, 2015 11:00 AM  
Sharon J. Budin, Recorder

Pages 9 *SJB*

Well Cert Received  
Well Cert Not Required

PREPARED BY AND  
WHEN RECORDED RETURN TO:

MN Land Acquisitions LLC  
609 South 10<sup>th</sup> Street, Suite 210  
Minneapolis, MN 55404

---

The space above this line is reserved for recording purposes.

#### MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE

THIS MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE ("Memorandum") is made as of the effective date set forth below, by and between Colleen A. Lavin and Donald Lavin, married to each other, and Patrick G. Gregor, unmarried ("Seller"), whose address is 40102 140<sup>th</sup> St., Waseca, MN 56093 and MN Land Acquisitions, LLC, a limited liability company duly organized under and by virtue of the laws of the State of Colorado, whose address is 609 South 10<sup>th</sup> Street, Suite 210, Minneapolis, MN 55404, or its assignee ("Purchaser") (Seller and Purchaser the "Parties" and each a "Party").

A. The Parties have entered into a certain Agreement to Option and Purchase Real Estate ("Agreement") dated August 25, 2015 ("Effective Date"), whereby Seller has granted Purchaser an exclusive and irrevocable option ("Option") to purchase approximately fifty-seven and fifty-five one-hundredths (57.55) acres of real property ("Property"), owned by Seller and identified on Exhibit A attached hereto and made a part hereof, in the County of LeSueur, State of Minnesota, on the terms and conditions set forth in the Agreement.

B. The Parties wish to give notice of the existence of such Agreement.

For good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree and give notice that, pursuant to the Agreement, Purchaser has the Option to purchase the Property during the two (2) year period beginning on the Effective Date.

Memorandum of Agreement to Option and Purchase Real Estate - Execution Copy  
Lavin-Gregor\_SunShare (MN Land Acquisitions LLC); 8/25/2015  
Page 1 of 9

400306

**[SIGNATURE AND ACKNOWLEDGMENT PAGES FOLLOW]**

**Memorandum of Agreement to Option and Purchase Real Estate – Execution Copy  
Lavin-Gregor\_SunShare (MN Land Acquisitions LLC); 8/25/2015  
Page 2 of 9**



**SIGNATURE PAGE TO MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE**

IN WITNESS WHEREOF, the Parties have executed this MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE as of the date set forth above.

Owner:

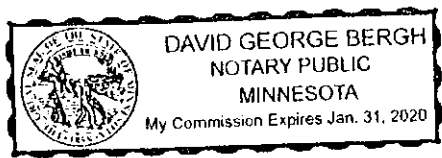
Colleen A. Lavin

Colleen A. Lavin

STATE OF MN )  
 )ss.  
COUNTY OF Hennepin )

On 8/28, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Colleen A. Lavin, married to Donald Lavin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument. WITNESS my hand and official seal.

David George Bergh  
Notary Public  
Commission Expires: 1/31/2020



**SIGNATURE PAGE TO MEMORANDUM OF AGREEMENT TO OPTION  
AND PURCHASE REAL ESTATE**

IN WITNESS WHEREOF, the Parties have executed this MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE as of the date set forth above.

Owner:

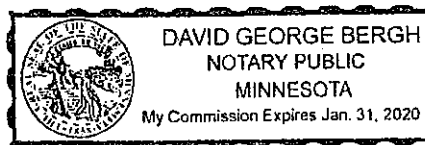
Donald Lavin

Donald Lavin J

STATE OF MN )  
 )ss.  
COUNTY OF Hennepin )

On 8/28, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donald Lavin, married to Colleen A. Lavin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument. WITNESS my hand and official seal.

D.G. Bergh  
Notary Public  
Commission Expires: 1/31/2020



**SIGNATURE PAGE TO MEMORANDUM OF AGREEMENT TO OPTION  
AND PURCHASE REAL ESTATE**

IN WITNESS WHEREOF, the Parties have executed this MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE as of the date set forth above.

Owner:

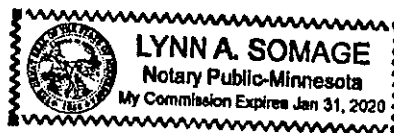
Patrick G. Gregor

Patrick G. Gregor

STATE OF MO )  
 )ss.  
COUNTY OF Waseca )

On August 27, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Patrick G. Gregor, unmarried, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.  
WITNESS my hand and official seal.


Lynn A. Somage  
Notary Public  
Commission Expires:



**SIGNATURE PAGE TO MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE**

IN WITNESS WHEREOF, the Parties have executed this MEMORANDUM OF AGREEMENT TO OPTION AND PURCHASE REAL ESTATE as of the date set forth above.

MN Land Acquisitions LLC:



By: David Amster - Olszewski  
Its: President / CEO

STATE OF Colorado )  
COUNTY OF Denver )ss.

On Aug 28, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared David Amster - Olszewski, as President / CEO of MN Land Acquisitions LLC, a Colorado limited liability company, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the within instrument.

WITNESS my hand and official seal.



Notary Public  
Commission Expires;

Mary Isabel McCan  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20154021215  
MY COMMISSION EXPIRES MAY 29, 2019

**EXHIBIT A**  
**TO MEMORANDUM OF AGREEMENT TO**  
**OPTION AND PURCHASE REAL ESTATE**

**LEGAL DESCRIPTION OF THE PROPERTY**

THE FOLLOWING REAL PROPERTY LOCATED IN THE COUNTY OF LE SUEUR,  
STATE OF MINNESOTA:

**Location:** South of Minnesota 60 and easterly of Sakatah Cemetery Lane

**Parcel Number(s):** 14.026.2500

**Legal Description:** See following page



## Exhibit A – Legal Description

All that part of the Southeast Quarter and Government Lot 6, Section 26, Township 109 North, Range 23 West, LeSueur County, Minnesota, lying South of the centerline of Minnesota Trunk Highway No. 60,

## EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS, TO-WIT:

Real estate described in deed recorded in Book 18 of Deeds, page 455: Commencing at a point 1035.54 feet West from the Southeast Corner of Section 26-109-23, thence North 9 rods, thence West 856 1/2 feet to public highway at a point 9 rods North of the South line of said Section, thence Southeasterly along said highway to said Section line, thence East along said Section line to point of beginning, to include all land within said bounds, excepting the piece of land 8 rods North and South and 20 rods East and West situated North of said Section line 1 rod West of the point of beginning herein, deduced to Sakatah Cemetery Association in 1868.

Real estate described in deed recorded in Book 54 of Deeds, page 33: Commencing at a point 16 1/2 feet East of a point 15 chains and 94 links West of the Southeast Corner of Section 26-109-23, thence East 4 rods, thence North 17 rods, thence West 40 rods, thence in a Southwesterly direction to a point on East side of public highway 9 rods North of the South line of said Section 26, thence East to a point directly North of the point of beginning, thence South to the place of beginning.

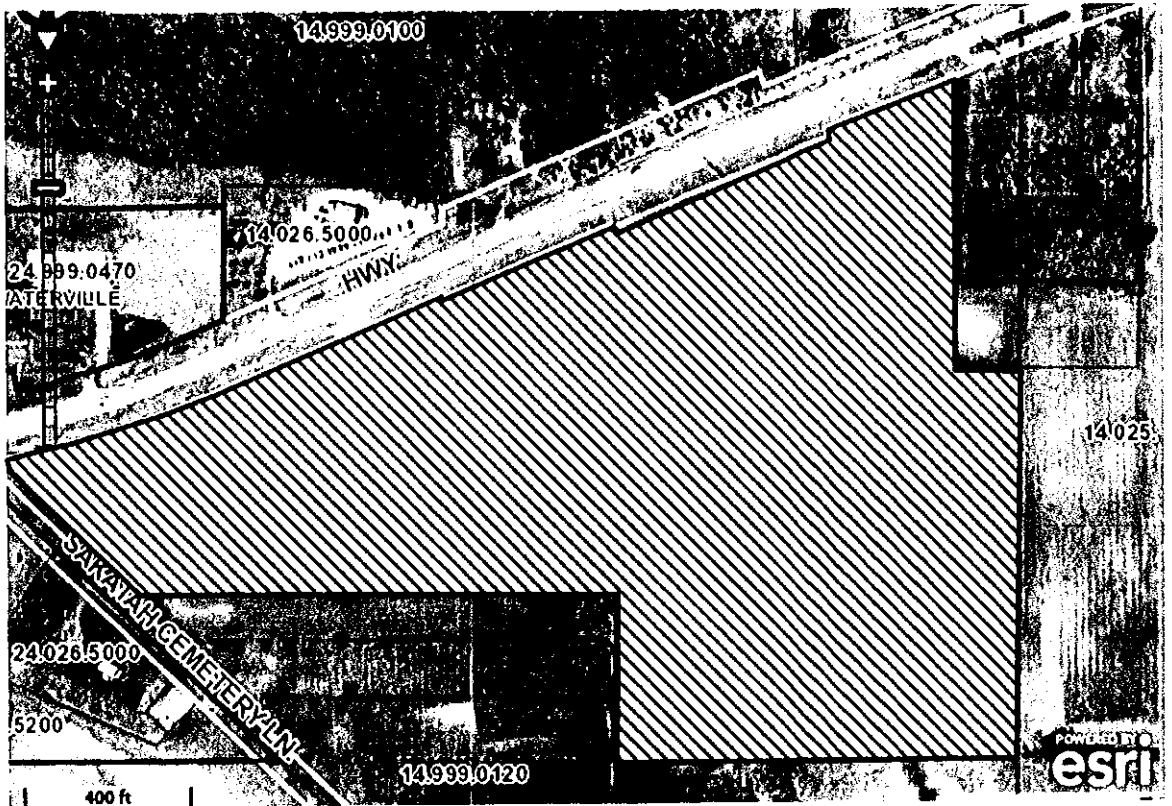
Real estate described in deed recorded in Book 112 of Deeds, page 225: Commencing at a point 40 rods or 660 feet West and 17 rods or 280.5 feet North of a point 969.54 feet West of the Northeast corner of Section 35-109-23 West, thence continuing West 452.3 feet to the center of public highway, thence South 51 degrees 30 minutes East along the center of the public highway a distance of 189.7 feet, thence South 42 degrees 15 minutes East along the center of the public highway a distance of 198.3 feet to a point on the North line of said Section 35-109-23 West, 1781.94 feet West of the Northeast Corner of said Section 35-109-23, thence North 36 degrees 30 minutes West a distance of 182.7 feet which point is 1035.54 feet West, 148.5 feet North and 856.5 feet West of the Northeast corner of said Section 35-109-23, thence North 63 degrees 15 minutes East a distance of 291.7 feet to a point of beginning.

Real estate described in deed recorded in Book 112 of Deeds, page 514: Commencing at a point 17 rods, or 280.5 feet North of a point 969.54 feet West of the Northeast Corner of Section 35-109-23, thence North 125 feet, thence West 1269.4 feet to the center of the Public Highway, thence South 51 degrees and 30 minutes East along the center of the highway a distance of 200.8 feet, thence North 112.3 feet to the point of beginning.

Real estate described in deed recorded in Book 116 of Deeds, page 503: Commencing at a point 1225.4 feet due North and 164.0 feet West of the Southeast corner of Section 26-109-23 West, thence running East 164.0 feet to the Section line between Sections 25 and 26, in said Township and Range, thence North on such Section line 550.00 feet, more or less, and to the South line of Minnesota Trunk Highway No. 60, as now located, such point being the Northwest Corner of the Cemetery as conveyed by that certain Deed made to the Catholic Diocese of St. Paul, which deeds appears of record in the Office of the Register of Deeds of Le Sueur County, Minnesota, in Book 47 of Deeds, on page 108 thereof, thence running Southwesterly along the Southerly line of Trunk Highway No. 60, to a point due North of the point of beginning, and thence running South to the point of beginning, containing 2.00 acres, more or less, and being in the Southeast Quarter of the Southeast Quarter and Government Lot 6 of said Section 26, Township and Range aforesaid.

All that part of the Southeast Quarter (SE 1/4), Section 26, Township 109 North, Range 23 West, Le Sueur County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 26, thence on an assumed bearing of North a distance of 922.90 feet to the point of beginning, thence on a bearing of West 164 feet, thence on a bearing of North a distance of 302.5 feet, thence on a bearing of East a distance of 164 feet, more or less, to the East Section line, and thence on a bearing of South a distance of 302.5 feet to the point of beginning, containing 1.14 acres.

Map:



**Total Acres:** Approximately 57.55 acres as depicted above by diagonal shading

## Decommissioning Plan

- 1) Defined conditions upon which decommissioning will be initiated:

A solar farm/garden that ceases to produce energy on a continuous basis for 12 months shall be considered abandoned and the property owner or other responsible party shall be required to decommission the facility and restore the site to substantially its prior condition within 12 months from the time that the facility is deemed to be abandoned, unless substantial evidence is presented to the Environmental Services Director of the intent to maintain and reinstate the operation of the facility.

- 2) The anticipated manner in which the solar farm project will be decommissioned and the site restored:

The facility will first be disconnected from the grid. The PV modules will then be disconnected and removed. The above ground electrical interconnection, distribution cables, transformers and inverters will be removed. The racking and support posts will then be removed. The fencing will then be removed. Lastly, the site will then be harrowed and seeded to return it to substantially its condition prior to the installation as an agricultural field.

- 3) Timetable for completion of decommissioning:

The decommissioning will be completed within 9 months of the commencement of decommissioning.

- 4) The party responsible for decommissioning:

The permittee or its assignee shall be responsible for the decommissioning. In the event the property owner and/or responsible party fail to timely decommission the solar farm/garden facility as required above, Le Sueur County shall be entitled to take all measures allowed by the Minnesota State Statutes, as well as the right to levy penalties as provided in the Le Sueur County Land Use Ordinance, the right to obtain a permanent injunction ordering the removal of such solar farm/garden facility, and the right to obtain a court order permitting Le Sueur County to remove such solar farm/garden facility.

5) Financial Assurance:

The County requires assurance that funds will be there for the necessary decommissioning work when the project reaches the end of its purposeful life, been condemned, or has been abandoned. To that end, a “financial assurance level” of 20% of total project decommissioning cost shall be established by year 10 with increases over time until it reaches 100% for year 20 of operation. Assurance can be achieved via Bond, Letter of Credit or cash set aside in an escrow account controlled by a third-party insurance company.

**Solar Garden  
Decommissioning Cost Estimate**

Remove modules.....	\$20,000
Package & ship modules .....	\$5,000
Disassemble rack.....	\$5,000
Pull posts.....	\$12,000
Package & ship rack & posts .....	\$3,000
Remove & ship inverter sheds.....	\$3,000
Remove electrical equipment & wiring.....	\$15,000
Remove DC conduit & inverter foundation .....	\$8,000
Dispose of material with no salvage value.....	\$5,000
Ag soil restoration - harrow & seed .....	<u>\$13,000</u>
<i>Total Decommissioning Cost.....</i>	<u>\$89,000</u>



**LESUN SITE  
WATERVILLE, MINNESOTA**

**LEGAL DESCRIPTION**

The following were provided in Old Republic National Title Insurance Company Commitment Number ORIE742438, Effective Date of August 27, 2015, at 7:00 a.m., Schedule A.

All that part of the Southeast Quarter (SE 1/4), Section 26, Township 109 North, Range 23 West, Le Sueur County, Minnesota, lying South of the centerline of Minnesota Trunk Highway #60;

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS, TO-WIT:

**EXCEPTION 1**  
Real estate described in deed recorded in Book 18 of Deeds, page 455: Commencing at a point 1035.54 feet West from the Southeast Corner of Section 26-109-23, thence North 9 rods (148.5 feet), thence West 856 1/2 feet to public highway at a point 9 rods (148.5 feet) North of the South line of said Section, thence Southwesterly along said highway to said Section line, thence East along said Section line to point of beginning, to include all land within said bounds, excepting the piece of land 8 rods (132 feet) North and South and 20 rods (330 feet) East and West situated North of said Section line 1 rod (16.5 feet) West of the point of beginning herein, deeded to Sakalah Cemetery Association in 1868.

**EXCEPTION 2**  
Real estate described in deed recorded in Book 54 of Deeds, page 33: Commencing at a point 1/2 feet East of a point 15 chains and 94 links (1052.04 feet) West of the Southeast Corner of Section 26-109-23, thence East 4 rods (66 feet), thence North 17 rods (280.5 feet), thence West 40 rods (660 feet), thence in a Southwesterly direction to a point on East side of public highway 9 rods (148.5 feet) North of the South line of said Section 26, thence East to a point directly North of the point of beginning, thence South to the piece of beginning.

**EXCEPTION 3**  
Real estate described in deed recorded in Book 112 of Deeds, page 225: Commencing at a point 40 rods or 660 feet West and 17 rods or 280.5 feet North of a point 869.54 feet West of the Northeast corner of Section 35-109-23 West, thence continuing West 452.3 feet to the center of public highway, thence South 51 degrees 30 minutes East along the center of the public highway a distance of 189.7 feet, thence South 42 degrees 15 minutes East along the center of the public highway a distance of 198.3 feet to a point on the North line of said Section 35-109-23 West, 1781.94 feet West of the Northeast Corner of said Section 35-109-23, thence North 36 degrees 30 minutes West a distance of 182.7 feet which point is 1035.54 feet West, 148.5 feet North and 856.5 feet West of the Northeast corner of said Section 35-109-23, thence North 63 degrees 15 minutes East a distance of 291.7 feet to a point of beginning.

**EXCEPTION 4**  
Real estate described in deed recorded in Book 112 of Deeds, page 514: Commencing at a point 17 rods, or 280.5 feet North of a point 869.54 feet West of the Northeast Corner of Section 35-109-23, thence North 125 feet, thence West 1269.4 feet, to the center of the Public Highway, thence South 51 degrees 30 minutes East along the center of the highway a distance of 200.8 feet, thence North 1112.3 feet to the point of beginning.

**EXCEPTION 5**  
Real estate described in deed recorded in Book 116 of Deeds, page, 503: Commencing at a point 1225.4 feet due North and 184.0 feet West of the Southeast corner of Section 26-109-23 West, thence running East 184.0 feet to the Section line between Sections 25 and 26, in said Township and Range, thence North on such Section line 550.00 feet, more or less, and to the South line of Minnesota Trunk Highway No. 60, as now located, such point being the Northeast Corner of the Cemetery as conveyed by that certain Deed made to the Catholic Diocese of St. Paul, which deeds appears of record in the Office of the Register of Deeds of Le Sueur County, Minnesota, in Book 47 of Deeds, on page 108 thereof, thence running Southwesterly along the Southerly line of Trunk Highway No. 60, to a point due North of the point of beginning, and thence running South to the point of beginning, and being in the Southeast Quarter of the Southeast Quarter and Government Lot 6 of said Section 26, Township and Range aforesaid.

**EXCEPTION 6**  
All that part of the Southeast Quarter (SE 1/4), Section 26, Township 109 North, Range 23 West, Le Sueur County, Minnesota, described as follows:  
Commencing at the Southeast corner of said Section 26, thence on an assumed bearing of North a distance of 922.50 feet to the point of beginning, thence on a bearing of West 164 feet, thence on a bearing of North a distance of 302.5 feet, thence on a bearing of East a distance of 164 feet, more or less, to the East Section line, and thence on a bearing of South a distance of 302.5 feet to the point of beginning.

**NOTES TO LEGAL DESCRIPTION**

- The parent parcel description doesn't reference Government Lot 6, which subject property is part of.
- There are various gaps/overlaps and ambiguous calls within the Exceptions to the Legal Description. The Surveyor has not specifically labeled all of them on the survey map.
- The Legal Description provided does not include an exception for the property lying in the Southeast Quarter which lies on the West side of Old State Highway No. 13.
- The parent parcel description references "the centerline of Minnesota Trunk Highway #60". This is an ambiguous call.
- The descriptions have multiple references "to the public highway" and "to the center of the public highway". These terms are ambiguous therefore the surveyor has only shown an approximate location for subject property's west boundary line.
- The Exception 4 description has ambiguous references. The point of commencement does not establish a bearing basis which causes ambiguity with the entire legal description. The description also appears to contain an error. The last call to the point of beginning references a direction of "North" but it appears the direction should have been defined as "East".
- There appears to be a gap in title between Exception 1 and Exception 3.
- The Exception 1 description calls "to the public highway". It is not known if the intent of this call is to the centerline of the traveled roadway or to a possible right of way line.

**SURVEYOR'S NOTES**

- The subject property has constructed vehicular access via a field entrance to and from the Minnesota Trunk Highway 60 right of way. Surveyor does not know if the State of Minnesota has controller access to Trunk Highway 60 adjacent to subject property.
- A 66 foot right of way is shown for Sakalah Cemetery Lane. This right of way is assumed to exist per a prescriptive easement. Surveyor was provided no record documentation indicating public rights have been formally granted for this Lane.
- There are no buildings on the subject property.
- Subject property is Abstract property.
- No field survey was performed in conjunction with this drawing. All information shown is approximate.
- The areas that appeared to be wetlands within subject property's boundary are graphically depicted on this survey map. Wetland boundaries were delineated by Bolton & Menk, Inc. on October 8, 2015. A "Wetland Investigation and Delineation Report, SunShare, Waterville Township, Le Sueur County" dated October, 2015 was prepared by Bolton & Menk, Inc.

**NOTES CORRESPONDING TO SCHEDULE B - EXCEPTIONS**

The following were provided in Old Republic National Title Insurance Company Commitment Number ORIE742438, Effective Date of August 27, 2015 at 7:00 a.m., Schedule B - Exceptions. The items referenced correspond to the items defined in the Title Commitment's Schedule B - Section II, Exceptions. The items referenced are followed by comments made by Bolton & Menk, Inc. addressing the item and are referenced on survey map by item number.

Items 1 through 7, Schedule B - Section II, Exceptions are not addressed on this survey.

**8** Easement to construct, operate and maintain lines and appurtenances for the transmission of electrical energy together with incidental rights thereof in favor of Northern States Power Company as evidenced by Easement dated July 28, 1925, filed December 15, 1925 as Document No. 62719.

The approximate survey limits of said easement are graphically depicted on the survey map. The limits of the easement aren't mathematically defined within said document. The easement location described within said document is ambiguous.

**9** Easement for highway purposes together with incidental rights thereof including the right to erect temporary snow fences upon said lands adjacent thereto in favor of the State of Minnesota as evidenced by Final Certificate dated October 14, 1952, filed February 14, 1953 as Document No. 109909.

The approximate location of Parcel 2 and Parcel 4 defined within said document are shown on the survey map. There are various ambiguous calls within said legal descriptions.

**10** Easement to construct, operate and maintain electric transmission lines and appurtenances together with incidental rights thereof in favor of Northern States Power Company as evidenced by Easement dated May 1, 2000, filed June 27, 2000 as Document No. 281718.

The approximate survey limits of said easement are graphically depicted on the survey map.

**UTILITY & SITE DATA**

All Zoning and Setback information was obtained from SunShare on October 7, 2015. For detailed zoning information and specific interpretation of code requirements, contact the Le Sueur County Zoning Office (507)-357-2251).


ZONING: Subject Property - Agricultural

- SETBACKS:**  
Minimum setbacks from property edge to:
- Front
    - Fence line: 1' from the property line (State Hwy Right of Way)
    - Equipment: 5' from the property line. (State Hwy Right of Way)
  - Rear
    - Fence line: 1' from the property line.
    - Equipment: 50' from the property line.
  - Side
    - Fence line: 1' from the property line.
    - Equipment: 50' from the property line.

**FLOOD ZONE:** Subject property lies in Zone X of the Flood Insurance Rate Map, Panel No. 27079C0433D, dated July 21, 1999 and is NOT in a Special Flood Hazard Area. Zone X is defined as AREAS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

**UTILITIES:** A field survey was not conducted on this site. No utilities are shown.

SHEET 1 OF 2

	EXHIBIT DRAWING WATERVILLE, MINNESOTA <b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors 1960 PREMIER DRIVE MAWKATO, MINNESOTA 56001 (507) 832-4371	PART OF THE SOUTHEAST QUARTER SECTION 26-109-23 FOR: SUNSHARE
	JOB NUMBER: M34-130714 FIELD BOOK: DRAWN BY: LB 4.0 526-1309-R23-40	

LESUN SITE  
WATERVILLE, MINNESOTA



GOV'T LOT 5  
SECTION 26 - 109 - 23

MINNESOTA TRUNK HIGHWAY 60  
MAP 30-73

PATRICK G GREGOR  
COLLEEN A LAVIN  
PID 14.026.2500

75.00 ELECTRIC TRANSMISSION LINE EASEMENT IN FAVOR OF NORTHERN STATES POWER COMPANY

AREA APPROXIMATELY 49 ACRES

SEE SURVEYOR'S NOTE 3  
UNDER LEGAL DESCRIPTIONS

SAKATAH CEMETERY LANE  
(AKA OLD STATE HIGHWAY NO. 13 IN 1946)

SAKATAH CEMETERY  
PID 14.999.0120

EXCEPTION TO PARCEL 1  
BOOK 6 OF DEEDS

SECTION 35 - 109 - 23

SHEET 2 OF 2

EXHIBIT DRAWING WATERVILLE, MINNESOTA <b>BOLTON &amp; MENK, INC.</b> Consulting Engineers & Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171		PART OF THE SOUTHEAST QUARTER SECTION 26-109-23  FOR: SUNSHARE
JOB NUMBER: M34.110714	FIELD BOOK:	DRAWN BY: LB

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HPERRY\_SURVEY\M34110714\CAD\C30\110714A1.DWG 11-30-2015 11:09am



Allison Smyth <asmyth@sunsharecorp.com>

**Gregor & Lavin Property Info**

Tue, Nov 17, 2015 at 7:44 AM

**Kunz, Gary - FSA, Le Center, MN** <Gary.Kunz@mn.usda.gov>  
To: Allison Smyth <asmyth@sunsharecorp.com>

Allison,

You could contact Michael Schultz at the Le Sueur Co. SWCD. They have some tile maps.

[mschultz@co.le-sueur.mn.us](mailto:mschultz@co.le-sueur.mn.us)

We do not have that information in our office.

**Gary R. Kunz**

USDA Farm Service Agency  
LeSueur County FSA  
County Executive Director  
181 West Minnesota St.  
Le Center, Minnesota 56057

507-357-6858 ext. 112  
Fax: 1-855-823-7649

This e-mail and any files transmitted with it may contain confidential information and is intended solely for use by the individual to whom it is addressed. If you received this e-mail in error, please notify the sender, do not disclose its contents to others and delete it from your system.

**From:** Allison Smyth [mailto:[asmyth@sunsharecorp.com](mailto:asmyth@sunsharecorp.com)]  
**Sent:** Monday, November 16, 2015 2:49 PM  
**To:** Kunz, Gary - FSA, Le Center, MN <[Gary.Kunz@mn.usda.gov](mailto:Gary.Kunz@mn.usda.gov)>  
**Subject:** Re: Gregor & Lavin Property Info

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<https://mail.google.com/mail/?ui=2&ik=36b3863c12&view=pt&as=drum%20table&qs=raw&search=query&msg=1511390f0d0d88&siml=1511390f0d0d88>

11/30/2015

SunShare Mail - Looking for drain tile maps on a Le Sueur County property



Allison Smyth <asmyth@sunsharecorp.com>

### Looking for drain tile maps on a Le Sueur County property

1 message

Allison Smyth <asmyth@sunsharecorp.com>  
To: mschultz@co.le-sueur.mn.us

Tue, Nov 17, 2015 at 12:52 PM

Michael,

I am with SunShare, a community solar company looking to install a solar garden on a property near Waterville off Highway 60. The PID is 14.026.2500 and we were wondering if you have any tile maps for it. If not, do you know where we might be able to find some?

Thank you,

-Allison

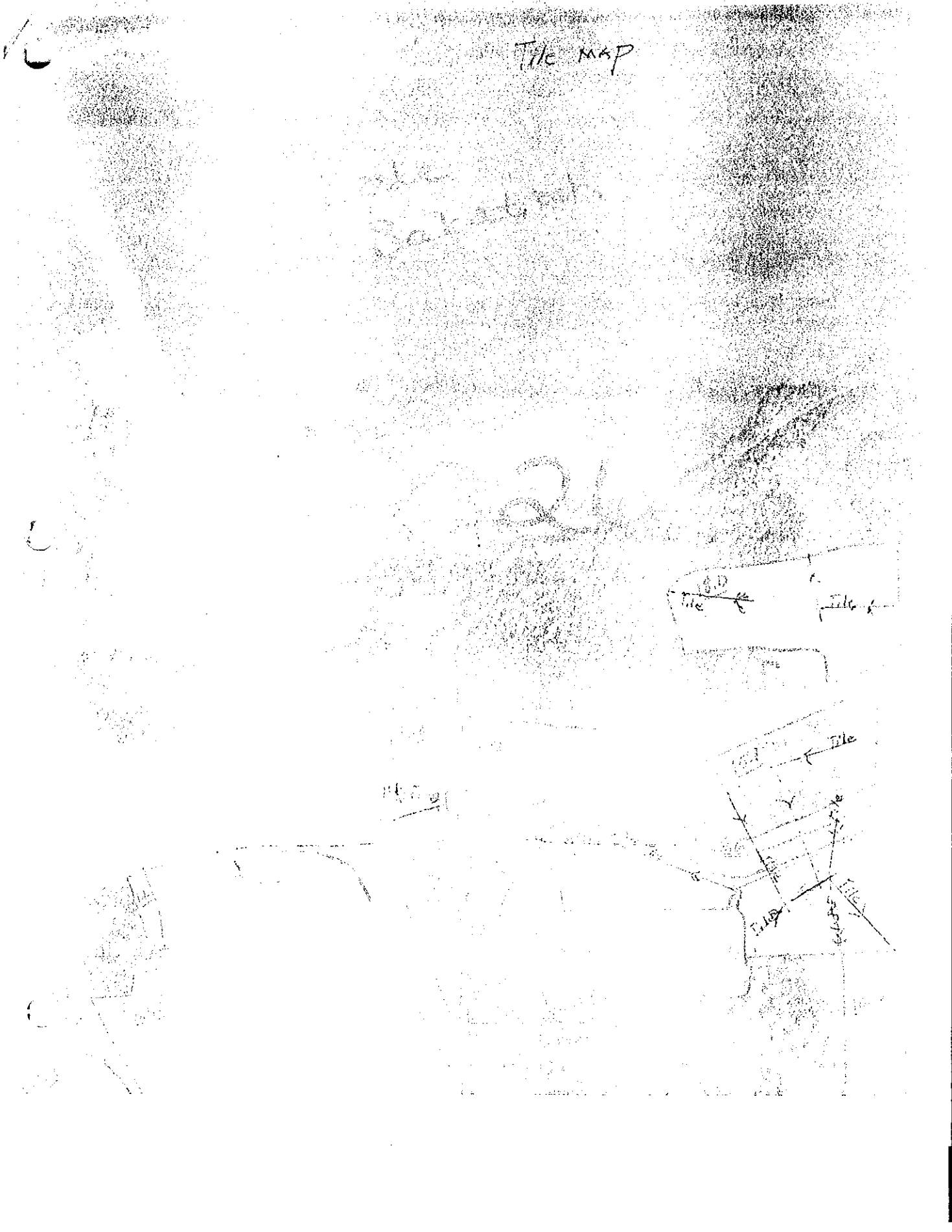
Allison Smyth | Project Development Associate | SunShare  
609 S. 10th Street, Ste 210 | Minneapolis, MN 55404  
(O) 612.345.8881  
(D) 651.315.7629  
(E) [asmyth@mysunshare.com](mailto:asmyth@mysunshare.com)  
[www.mysunshare.com](http://www.mysunshare.com)



<https://mail.google.com/mail/?ui=2&ik=3d63863d12&view=pt&q=drain%20tile&qs=sunwe&search=query&th=15116ca36d7d35a2&siml=15116ca36d7d35a2>



Tile MAP





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# **Le Sueur County, MN**

**Thursday, December 10, 2015**

**Regular session**

## **Item 2**

### **Winge/Kaplan Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Winge Construction

**OWNER:** Tamara Kaplan

**911 ADDRESS:** 583 Bluebay Lane, Elysian, MN

**PROJECT DESCRIPTION:** To elevate the lowest floor of an existing dwelling to meet the Regulatory Flood Protection Elevation and meet FEMA general design standards in a Recreational Residential "RR" District and a Flood Plain Overlay Flood Fringe "FF" District on a Recreational Development Lake, Lake Frances.

**ZONING ORDINANCE SECTIONS:** Section 13.2, Subdivision 5. A. 4. (pg 12), Section 6.2. Subdivision 5. D. 3. (pg 14)

### 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 6, Dick's Southside, Section 34, Elysian Township.

**ZONING:** Recreational Residential District and Flood Plain Overlay Flood Fringe District

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.

**Floodplain Overlay District.** It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

**Flood Fringe (FF) District:** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.

Per FEMA Flood Insurance Rate Map, the property is located in a flood zone, Zone A.

### GENERAL SITE

**DESCRIPTION:** Shoreland, residential

**ACCESS:** Existing off Bluebay Lane

### EXISTING LAND USE WITHIN ¼ MILE:

North: Lake Frances

South: Ag land, Sakatah Singing Hills State Trail

East: Elysian City Limits

West: Residential, Ag land, Campground



## BACKGROUND INFORMATION

The existing structure basement was prone to being wet. To correct the water problem, the applicant/owner proposes to raise the structure so that the top of the lowest floor meets the Regulatory Flood Protection Elevation (RFPE). The RFPE is 1025.7. Construction standards must meet FEMA requirements and requires certification by a licensed engineer or architect. Drainage plans also proposed to address water infiltration into basement.

## TOWNSHIP BOARD NOTIFICATION

Applicant notified Kathy Reints of Elysian Township on November 5, 2015.

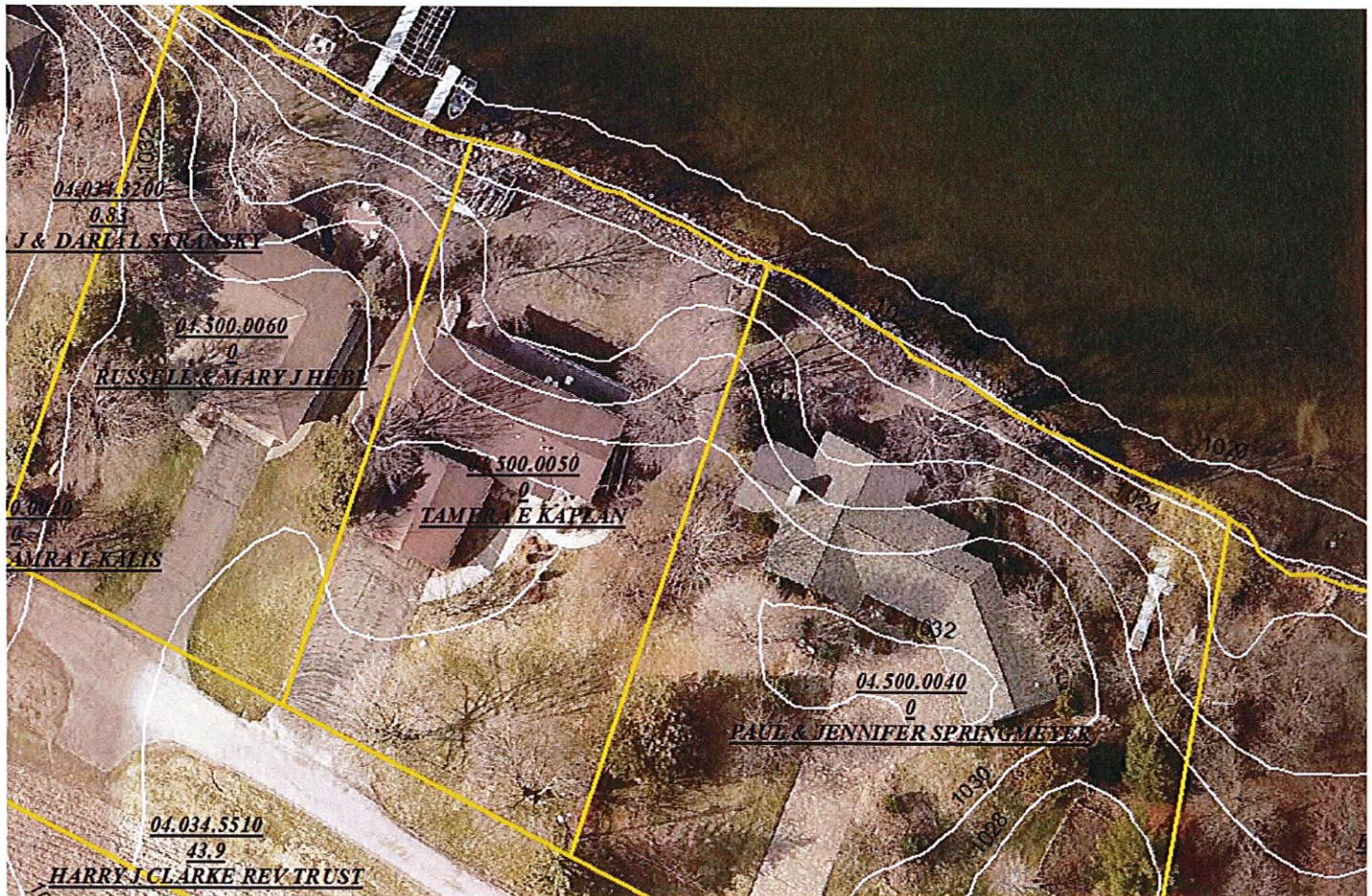
## NATURAL RESOURCES INFORMATION

**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.

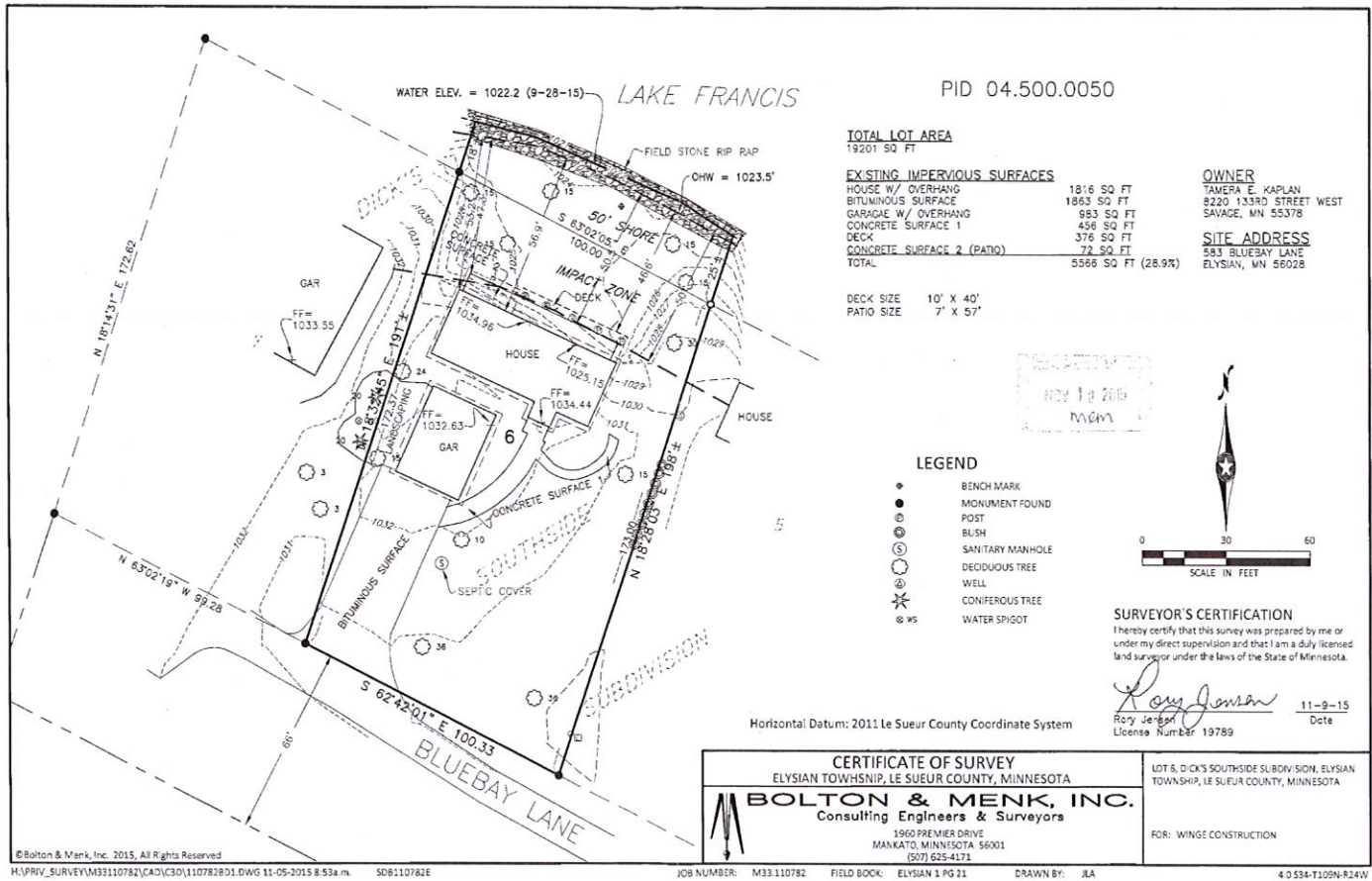
**WETLANDS:** According to the National Wetlands Inventory, no wetlands located in the quarter-quarter section where the project is proposed.

## AERIAL PHOTO





## SITE PLAN



## DESIGN STANDARDS

### Section 6.2. Subdivision 5. D. 3.

Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc. and they shall not create an enclosed area such as a tuck under garage, walkout basement, crawl space, or enclosed stairwell. The above-noted alternative elevation methods are subject to the following additional standards:

- a. Comply with FEMA Standards.
- b. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards as regulated by FEMA. This specifically includes all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

## ATTACHMENTS

Conditional Use Application: Description of Request, Site Plan, Erosion Control Plan, Design standards certification by licensed engineer, Certificate of Insurance, photographs.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

## PLANNING AND ZONING COMMISSION 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.

**Shoreland District.** 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 docking areas, and vehicle parking areas.

**Flood Plain District.** The following additional evaluation criteria and conditions apply within the Flood Plain Overlay Districts of the County.

1. **Evaluation Criteria.** In passing upon conditional use applications, the Le Sueur County Board of Commissioners shall consider all relevant factors specified in this Ordinance, and the following:



- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. Such other factors which are relevant to the purpose of this Ordinance.
2. **Conditions attached to Conditional Use Permits in Flood Plain Overlay Districts.** Upon consideration of the factors listed above and the purpose of this Ordinance, the Board of County Commissioners, shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purpose of this Ordinance. Such conditions may include, but are not limited to the following:
- a. Modification of waste treatment and water supply facilities.
  - b. Limitations on period of use, occupancy, and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

## PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided. **A D NA**
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
5. The adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **A D NA**

***Recommend (circle one) approval / denial / table / of Conditional Use Permit.***

LE SUEUR COUNTY  
 CONDITIONAL USE PERMIT CRITERIA  
 PERMIT # 15298

ROLL CALL VOTE

**Applicant:** WINGE CONSTRUCTION, COON RAPIDS, MN, (APPLICANT);  
 TAMARA KAPLAN, SAVAGE, MN, (OWNER)      **Date:** 12-10-15

**Conditional Use Permit Request:** allow the applicant to elevate the lowest floor of an existing dwelling to meet the Regulatory Flood Protection Elevation and meet FEMA general design standards in a Recreational Residential "RR" District and a Flood Plain Overlay Flood Fringe "FF" District on a Recreational Development Lake, Lake Frances. Property is located at Lot 6, Dick's Southside, Section 34, Elysian Township.

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

	CR	AG	PT	DR	BB	JD	SO	SK	DK	DRY	TOTAL
1.											
2.											
3.											
4.											
5.											

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will maintain the goals of safety, health and the general welfare of the public.

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ PZ CHAIRPERSON: \_\_\_\_\_  
 COUNTY BOARD MEETING DATE: \_\_\_\_\_



# 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: 15298	FEE: \$796.00
60 DAY RULING DATE: 1/11/2016	**FEES ARE NON-REFUNDABLE**	
APPLICANT: WINGE CONSTRUCTION	PROPERTY OWNER: TAMARA KAPLAN	
ADDRESS: 12835 SWALLOW ST NW	ADDRESS: 8220 133RD ST W	
CITY: COON RAPIDS	CITY: SAVAGE	
STATE: MN ZIP: 55448	STATE: MN	ZIP: 55378
PHONE: 612-865-4188	PHONE:	
911: 583 BLUEBAY LN		

PARCEL #: 04.500.0050	TOWNSHIP: ELYSIAN	
SEC: 34	SUBDIV: DICKS SOUTHSIDE	DISTRICT: RR / FF <i>- mem</i>
TWP: 109	LOT: 6	FEMA PANEL # 27079C0425D
RANGE: 24	BLOCK:	FLOOD ZONE: A
QTR/QTR:	ROAD: PVT	

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 THE APPLICANT TO ELEVATE THE LOWEST (BASEMENT) FLOOR OF AN EXISTING DWELLING TO MEET THE RFPE AND FEMA GENERAL DESIGN STANDARDS.

**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.

<i>Gerald E. Winge</i>	11-12-15
APPLICANT/PROPERTY OWNER	DATE
<i>Michelle K. Mottly</i>	11-12-15
LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY	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

Nov 10<sup>th</sup>  
DL

## 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 GC Wenge Wenge Construction  
Mailing Address 12835 Swallow St. NW  
City Con Rapids State Mn Zip 55448  
Phone # 612-865-4188 Phone # \_\_\_\_\_

### II. Landowner:

Name Kamera K. Kaplan  
Mailing Address 8220 133rd St. W Savage Mn 55378  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Property Address 583 Blue Bay Lane  
City Elysian State Mn Zip 56028  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 864,500,0050 Parcel Acreage \_\_\_\_\_  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 34 *-MAM*  
Subdivision Dicks Southside Lot 10 Block \_\_\_\_\_

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

Kathy Reinto Township notified on 11-5-15  
(Township Name) (Date)  
Board Member Elysian regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

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



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

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

**Additional Fees:**

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

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

<input type="checkbox"/> <b>Non-Shoreland</b>	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff	Cubic yards of material movement: _____
	<b>TOTAL cubic yards of material movement:</b> _____
<input type="checkbox"/> <b>Shoreland- Outside Shore Impact Zone</b>	Cubic yards of material movement: _____
<input type="checkbox"/> Within Shore Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff Impact Zone	Cubic yards of material movement: _____
<input type="checkbox"/> Within Bluff	Cubic yards of material movement: _____
	<b>TOTAL cubic yards of material movement:</b> _____

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

**VIII. Description of Request:**

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

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

1. ENVIRONMENTAL IMPACT: SHOULD PROVIDE MORE FLOOD STORAGE
2. ADVERSE IMPACT ON SURROUNDING AREAS: None
3. STORMWATER RUNOFF: MORE RUNOFF STORAGE
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No
5. WETLAND IMPACT: NONE
6. SLOPE STABILITY: NO ADVERSE IMPACT
7. CERTIFICATE OF INSURANCE: PROVIDED
8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: yes  
(For example additional licensing and/or permitting)

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

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

- |                                      |           |                       |                            |
|--------------------------------------|-----------|-----------------------|----------------------------|
| ● North point                        | ● Lake    | ● Existing Structures | ● Septic system            |
| ● Setbacks                           | ● River   | ● Proposed Structures | ● Well                     |
| ● Property Lines                     | ● Wetland | ● Lot Dimensions      | ● Access (size & location) |
| ● Road Right-Of-Way                  | ● Stream  | ● Ponds               | ● Easements                |
| ● Landscape, screening and buffering |           |                       | ● Drainage                 |

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

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

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

**XI. Attachments:** Shall include but not limited to:

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

**XII. Procedure:**

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

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

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

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

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

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

**XIII. Signatures:**

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

Gerald E. Wings  
Applicant signature

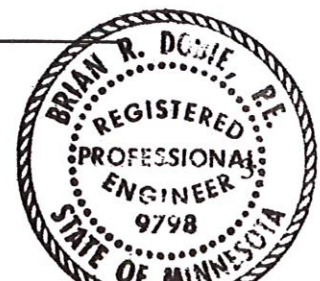
9-1-15  
Date

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

Tamera E Kaplan  
Property Owner signature

9/3/15  
Date

Brian R. Doherty, P.E. 10/13/15





Request: **GRADING, EXCAVATING & FILLING**

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

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

**TOTAL cubic yards of material movement:** \_\_\_\_\_

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

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

**TOTAL cubic yards of material movement:** \_\_\_\_\_

Pre-App Date 11-10-15 Lake Classification RD Feedlot 500' 1000' N  
 Meeting Date 12-10-15 Lake Francis Wetland Type 1-2 3-8 N  
 60 Day 1-11-15 FEMA Panel # 27079C0 425 D Water courses Y N  
 Zoning District PE/KF Flood Zone A Bluff Y N

Request Description       Access Approval       Septic Comp Insp / Design  
 Site Plan                       Erosion Control Plan       Meeting Reg / ATF / Spec  
 Full Legal                       Bldg - Plans                       Fee \$ 796-  
 Ordinance                       Other \_\_\_\_\_                       Penalty \$ \_\_\_\_\_

Application Complete Michelle R Mitter 11-12-15 15298  
 Planning & Zoning Department Signature      Date      Permit #

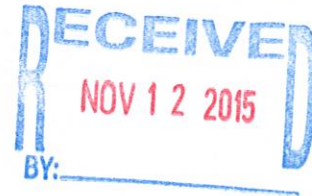
RFPE 1025.7 Regulatory Flood Protection Elevation  
 BFE 1024.7 Base Flood Elevation.

- Design + certification done by  
 Registered Professional engineer, State of MN  
 Brian Dobil

- As-Built must be done by  
 registered professional Engineer upon  
 project completion.



203 LITTLE CANADA ROAD  
SUITE 280  
SAINT PAUL  
MINNESOTA 55117  
TEL: 651-490-9266  
FAX: 651-490-9265



PROFESSIONAL ENGINEERING CONSULTANTS  
INCORPORATED

November 5, 2015

Le Sueur County Environmental Services  
Michelle R. Mettler  
Planning & Zoning Assistant Administrator  
88 South Park Avenue  
Le Center, MN. 56057-1652

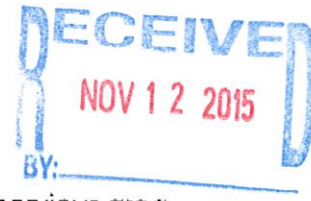
Subj: Modification of Lakeside House  
583 Blue Bay Lane  
Elysian Township, Minnesota

Dear Ms. Mettler:

This concerns an application to perform modification work at a structure consisting a lakeside home in Elysian Township, Minnesota. Following our meeting in your office you provided our firm with a check list of items which required it addressing in order to fulfil the permit requirements for this project. We have taken your check list and are addressing those items:

1. **Township Notification** – Mr. Winge of Winge Construction has been in contact with the Township authorities. They will meet him at the site tomorrow so that they fully understand what the project will entail.
2. **Legal Description**- It is my understanding that the legal description is being provided by the homeowner.
3. **Certification**- I have been licensed as a Professional Engineer in the State of Minnesota since 1971. I hereby certify that the project design meets all standards set out by FEMA. The existing impervious areas on the site will be reduced to conform with County requirements. The existing sidewalk will be changed to a pervious paving condition. The existing concrete patio toward the lake will be changed to a pervious paving condition. The existing flower bed west of the garage will be changed to a pervious condition, removing pavers.
4. **Impervious Surfaces**- A survey was completed by Bolton and Menk which provided certain information for our use. The surveyor identified the lot area north of the service road as 19,201 square feet to high water mark. Certain features on the property will remain the same, in terms of impervious surface, while other features will be modified in order to increase the pervious land area. The completed project impervious will be as follows:
  - a. House with overhang = 1816 square feet
  - b. Bituminous driveway = 1863 square feet
  - c. Garage with overhang= 983 square feet





Total Impervious Area = 4662 square feet = 24% impervious area.

Previous paved areas will be changed to a pervious condition. There were two small retaining walls, one to each end of the house. These retaining walls will be removed and the embankment sloped away from the lake.

5. **Description of Project-** The homeowner has seen water accumulation in her basement area at several times in the past. This has occurred as a result of moisture seeping into her basement walls from her exterior foundation wall backfill area and pooling on the basement floor. This project is intended to correct that situation. The existing backfill soils against the house have already been removed to relieve the hydrostatic pressure against the foundation walls and avert a collapse condition. This amounted to removal of cohesive soil which was not free-draining (2' X 50' X 4' deep/ 21 yards). This soil was temporarily cast just beyond the backfill zone and beyond the shoreline impact zone at present. This soil will be removed from the site and replaced with a clean sand backfill soil which will be free-draining and will no longer exert hydrostatic pressure on the foundation walls. Rigid insulation and a poly waterproof barrier will be placed against the exterior surface of the walls.

In order to elevate the basement floor at this house, it will be necessary to lift the house upward and install three more courses of concrete block masonry to the existing foundation wall construction. Once that is completed, a series of 8" concrete blocks will be placed on the existing concrete floor in 24" tall piers for support of a new structural concrete floor. Prior to placement of the new concrete floor, the existing concrete floor will receive 4" diameter drain holes in every 4' X 4' floor section so that there is complete flood storage and also drainage opportunity across the entire house area. One might consider that the new basement floor slab will be elevated above any flood condition.

6. **Site Plan-** We have provided a site plan which shows 1' contour intervals from the lake and depicts the existing house, garage, and driveway construction. The present concrete sidewalk construction will be removed.
7. **Retaining Walls** – There will no retaining walls on the property.
8. **Restoration Plan-** At the completion of the construction work, any disturbed lawn areas will be restored with reseeding and mulching activity. There will be no construction work performed within the shoreline impact zone. The new backfill material against the house will be brought to the same grades as the original site condition and will consist of free-draining granular soil to match existing.
9. **Septic System-** It is our understanding that the septic system is being addressed by others for installation next spring.

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10. **Pervious Pavers**- Mr. Winge is providing product information concerning pervious pavers.

In conclusion, the proposed activities to address the existing moisture infiltration problems at this house will convert existing impervious surfaces to a pervious condition and allow more moisture percolation on the property. These activities will also allow more flood storage on the property and will eliminate retaining walls on the site. The basement floor of the completed project will be a minimum of 2' above the flood elevation on the property. The top of basement floor will then meet RFPE.

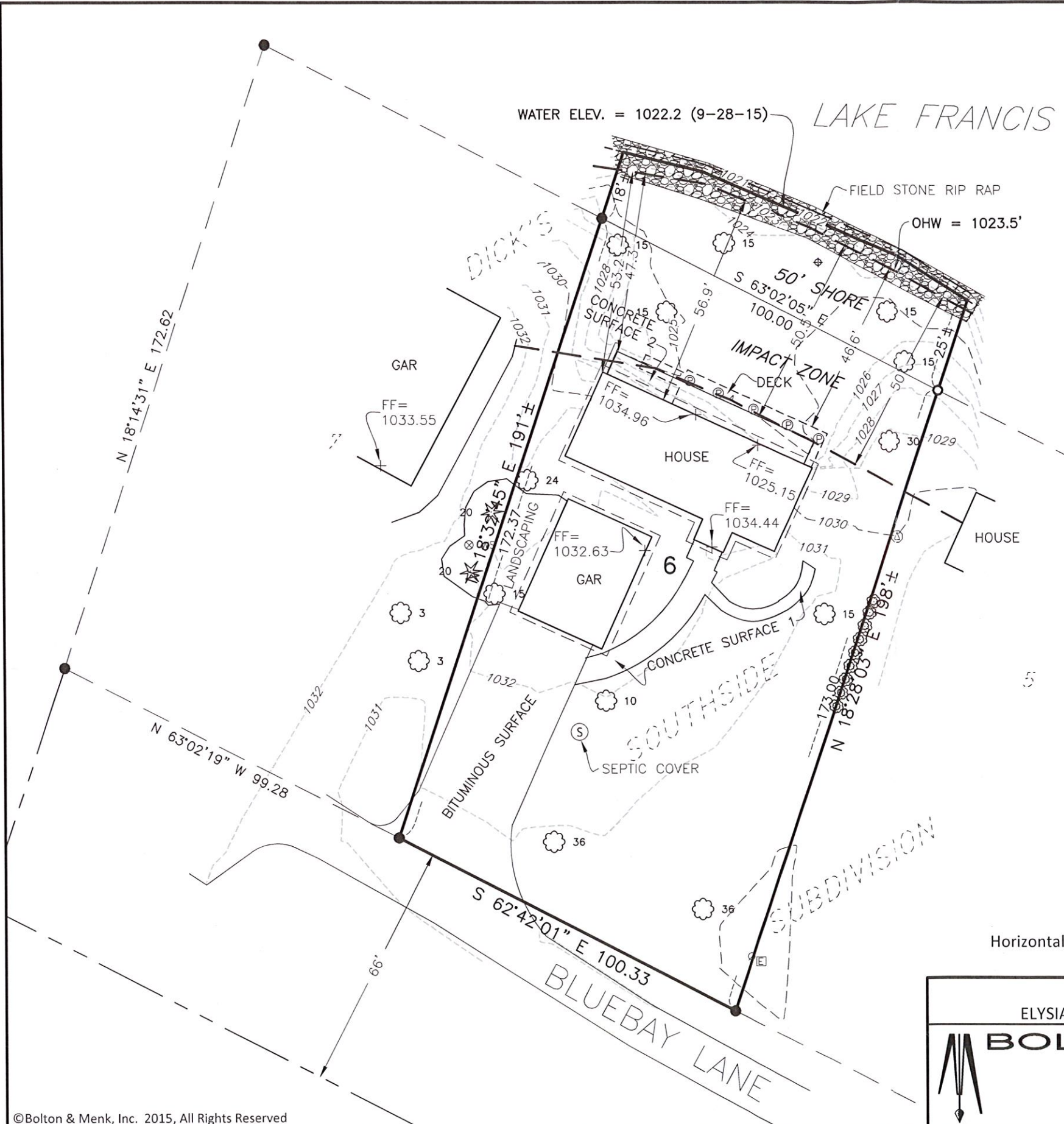
Respectfully,  
Professional Engineering Consultants, Inc.



Brian R. Dobie, P.E.  
President







PID 04.500.0050

**TOTAL LOT AREA**  
19201 SQ FT

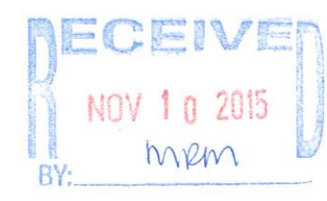
**EXISTING IMPERVIOUS SURFACES**

HOUSE W/ OVERHANG	1816 SQ FT
BITUMINOUS SURFACE	1863 SQ FT
GARAGAE W/ OVERHANG	983 SQ FT
CONCRETE SURFACE 1	456 SQ FT
DECK	376 SQ FT
CONCRETE SURFACE 2 (PATIO)	72 SQ FT
<b>TOTAL</b>	<b>5566 SQ FT (28.9%)</b>

**OWNER**  
TAMERA E. KAPLAN  
8220 133RD STREET WEST  
SAVAGE, MN 55378

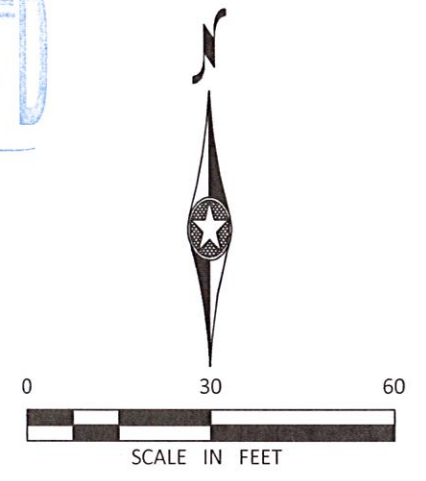
**SITE ADDRESS**  
583 BLUEBAY LANE  
ELYSIAN, MN 56028

DECK SIZE 10' X 40'  
PATIO SIZE 7' X 57'



**LEGEND**

- ⊕ BENCH MARK
- MONUMENT FOUND
- ⊙ POST
- ⊗ BUSH
- Ⓢ SANITARY MANHOLE
- ⊕ DECIDUOUS TREE
- ⊕ WELL
- ⊕ CONIFEROUS TREE
- ⊗ WS WATER SPIGOT



**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  
11-9-15  
Date

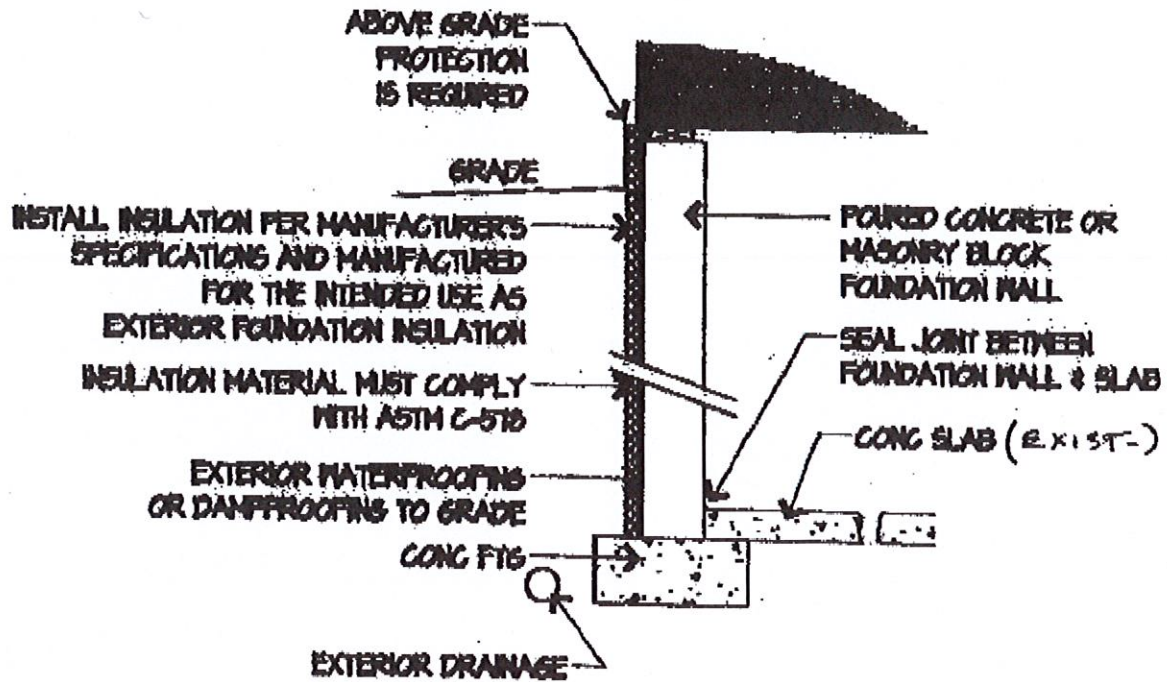
Horizontal Datum: 2011 Le Sueur County Coordinate System

<p><b>CERTIFICATE OF SURVEY</b> ELYSIAN TOWNSHIP, LE SUEUR COUNTY, MINNESOTA</p> <p><b>BOLTON &amp; MENK, INC.</b> Consulting Engineers &amp; Surveyors 1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	<p>LOT 6, DICK'S SOUTHSIDE SUBDIVISION, ELYSIAN TOWNSHIP, LE SUEUR COUNTY, MINNESOTA</p> <p>FOR: WINGE CONSTRUCTION</p>
--	---



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# #8 EXTERIOR RIGID EXTRUDED INSULATION REQUIREMENTS



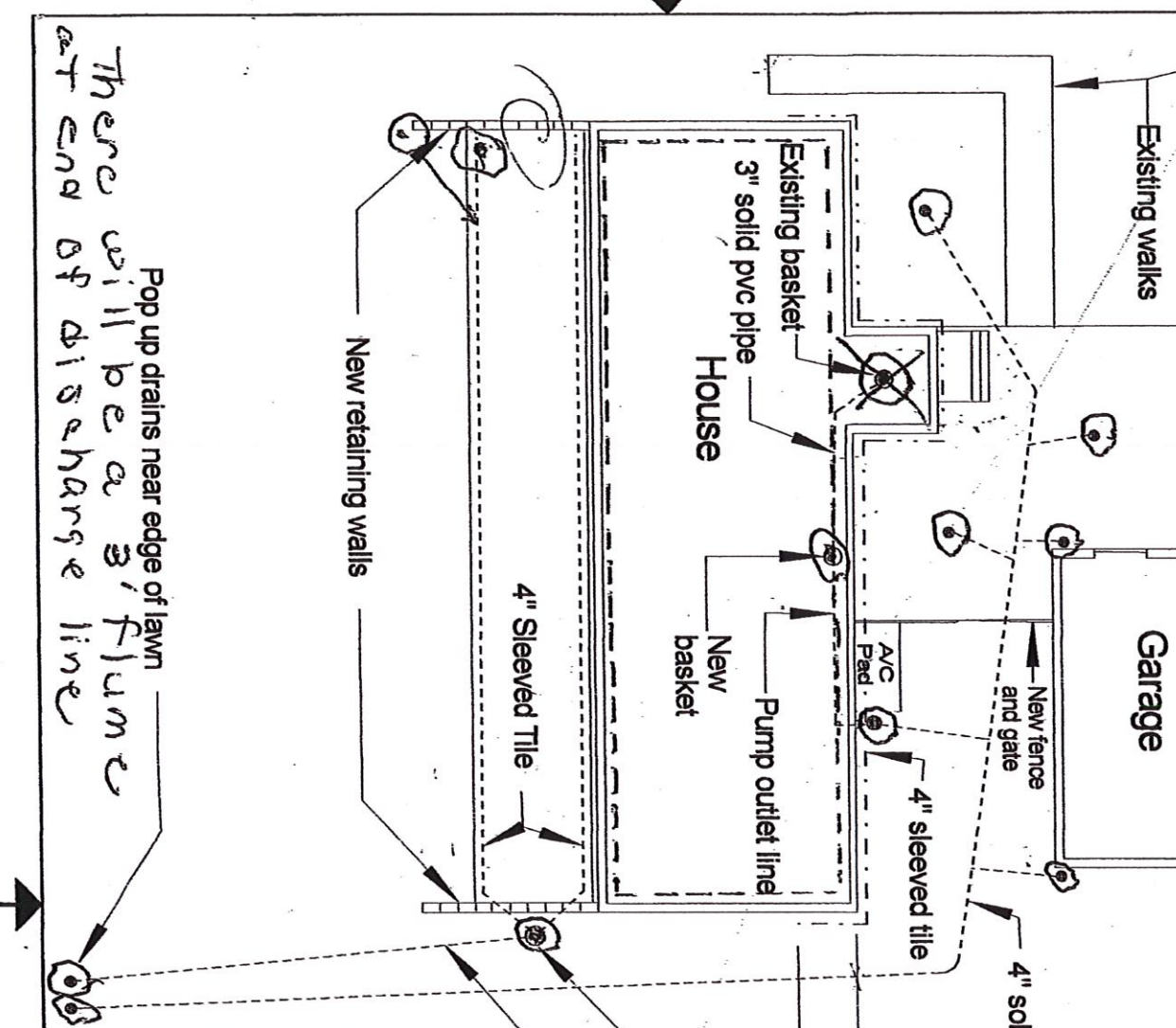
© 2001 Copyright Builders Association of Minnesota [www.bam.org](http://www.bam.org)

Note - Existing Slab will receive a 4" DIAM DRAIN HOLE EVERY 4' TO BECOME A PERVIOUS MEMBRANE BENEATH ADDED FLOOD STORAGE. NEW CONCRETE FLOOR MUST HAVE INTERIOR DRAIN TILE @ SLAB PERIMETER AND HAVE AT LEAST ONE SUMP BASKET. EXTERIOR WATERPROOFING MUST EXTEND DOWN TO FOUR INCHES BELOW NEW FLOOR SLAB.

Brian R. Dohie, P.E.  
10-13-15



REVISIONS			
ZONE	REV	DESCRIPTION	DATE
A	Released		July 7, 2016
			APPROVED
			MGS



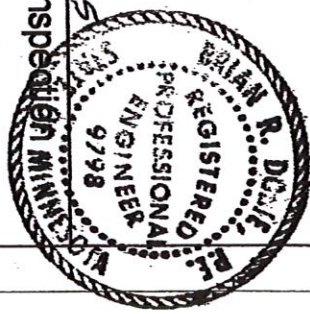
Pop up drains near edge of lawn  
 There will be a 3' flume  
 at end of discharge line

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 NOV 12 2015  
 BY: *mmw*

**RECEIVED**  
 NOV 06 2015  
 BY: *mmw*

Label drains  
 Key

*Brian R. Daulton PE*  
 10-13-15  
**Advanced Consulting & Inspection**  
 P.O. Box 1287  
 Lakeville, MN 55044

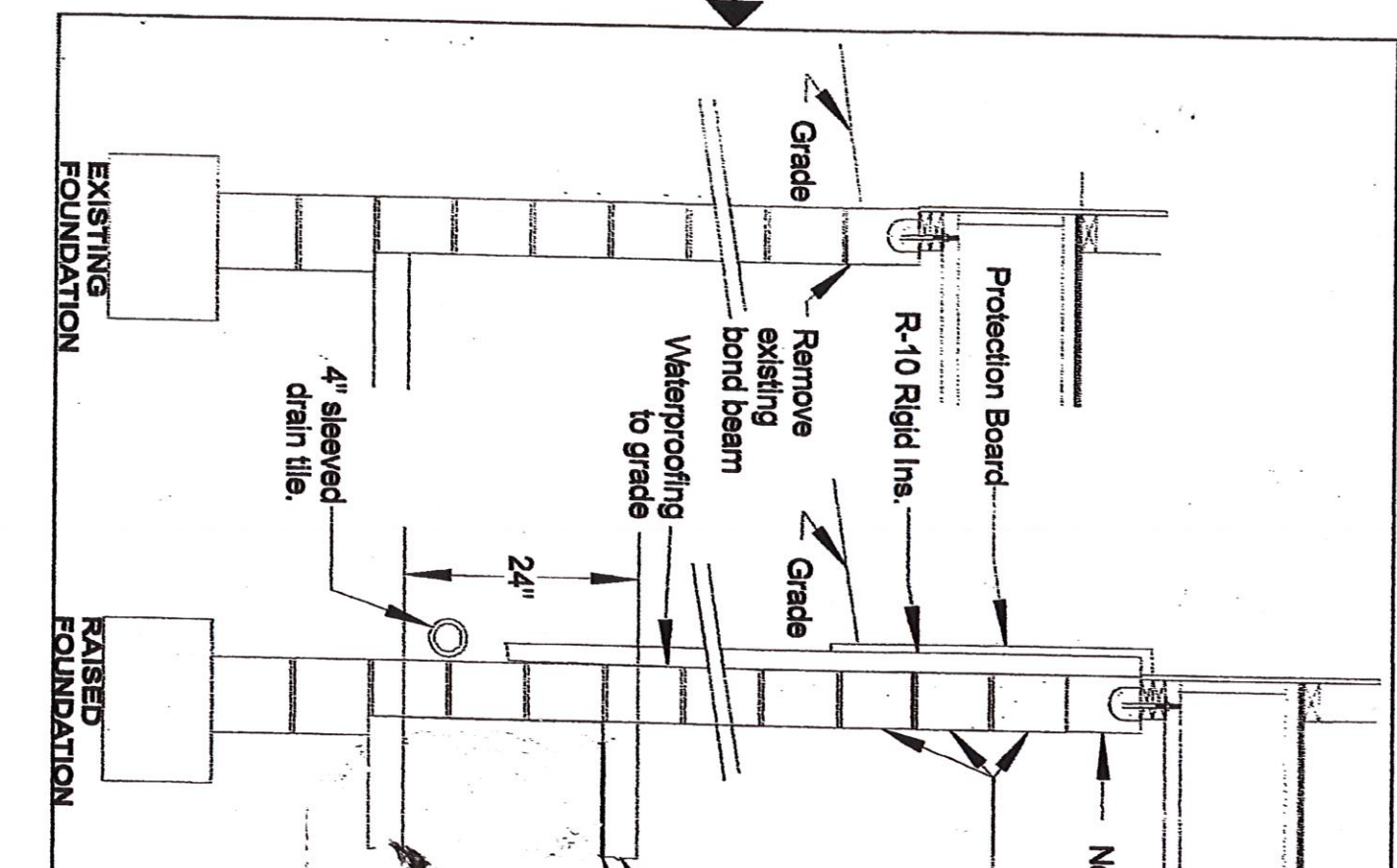


Grading and Drainage Plan  
 File #583 Blue Bay Lane, Elysian, MN

SCALE	Not to Scale	SHEET	1 of 1
SIZE	8.5" x 11"	DWG. NO.	
A			REV A



REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED
	A	Revised	Sept. 21, 2016	MGS



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 NOV 12 2015  
 BY: *mm*

**RECEIVED**  
 OCT 01 2015  
 BY: *mm*

**RECEIVED**  
 NOV 06 2015  
 BY: *mm*

*Eric R. Bohay, P.E. 10/13/15*

**Advanced Consulting & Inspection**

P.O. Box 1297  
 Lakeville, MN 55044

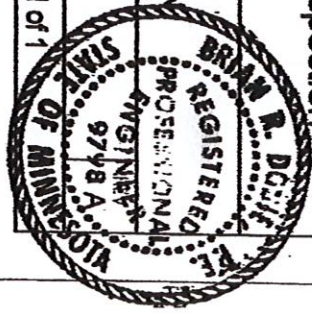
Elevation of foundation and home  
 Fire #583 Blue Bay Lane, Elysian, MN

SIZE	FSCM NO.	IWI: N/A
A		

150506P.DWG

SCALE Not to Scale SHEET 1 of 1

- NOTES:**
1. New concrete to be 3500 psi min., air entrained.
  2. Drain tile to be set over 4" pearock and covered with 4" mln. pearock with landscape fabric over pearock.
  3. Drain tile to be connected to new sump basket installed in utility room.
  4. Existing grade elevation to remain. Additional steps are required at entry doors on front and rear elevations.
  5. Install rigid extruded insulation per manufacturer's specifications. Insulation to comply with ASTM C-578.
  6. Apply bituminous waterproofing to wall before insulating. Extend waterproofing at least 4" above grade.



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: TAMMY KAPLAN PID: \_\_\_\_\_  
Mailing Address: 8220 W. 133<sup>RD</sup> ST. SAVAGE, MN 55379  
Property Address: 583 BLUE BAY LANE ELYSIAN, MN  
Phone: (\_\_\_\_) \_\_\_\_\_ Mobile/Cell: (\_\_\_\_) \_\_\_\_\_

Responsible party for Implementation/Inspection: Brian R. Dobie P.E.  
Address: 203 Little Canada Road - Suite 280 St. Paul MN 55117  
Phone: (651) 490-9266 Mobile/Cell: (651) 470-8753

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.



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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.

*Tammy E. Kaplan*  
TAMMY KAPLAN  
(Property Owner)

10-13-15  
(Date)

*Ben R. Jobin, P.E.*  
Ben R. Jobin, P.E.  
(Person Responsible for Implementation)

10-13-15  
(Date)

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



PID 04.500.0050

LAKE FRANCIS

WATER ELEV. = 1022.2 (9-28-15)

TOTAL LOT AREA  
19201 SQ FT

EXISTING IMPERVIOUS SURFACES  
HOUSE W/ OVERHANG 1816 SQ FT  
BITUMINOUS SURFACE 1863 SQ FT  
GARAGE W/ OVERHANG 983 SQ FT  
CONCRETE SURFACE 1 456 SQ FT  
LANDSCAPING WEST OF GARAGE 344 SQ FT  
DECK 376 SQ FT  
CONCRETE SURFACE 2 72 SQ FT  
TOTAL 5910 SQ F

LEGEND

- BENCH MARK
- MONUMENT FOUND
- POST
- BUSH
- SANITARY MANHOLE
- DECIDUOUS TREE
- WELL
- CONIFEROUS TREE
- WS WATER SPIGOT

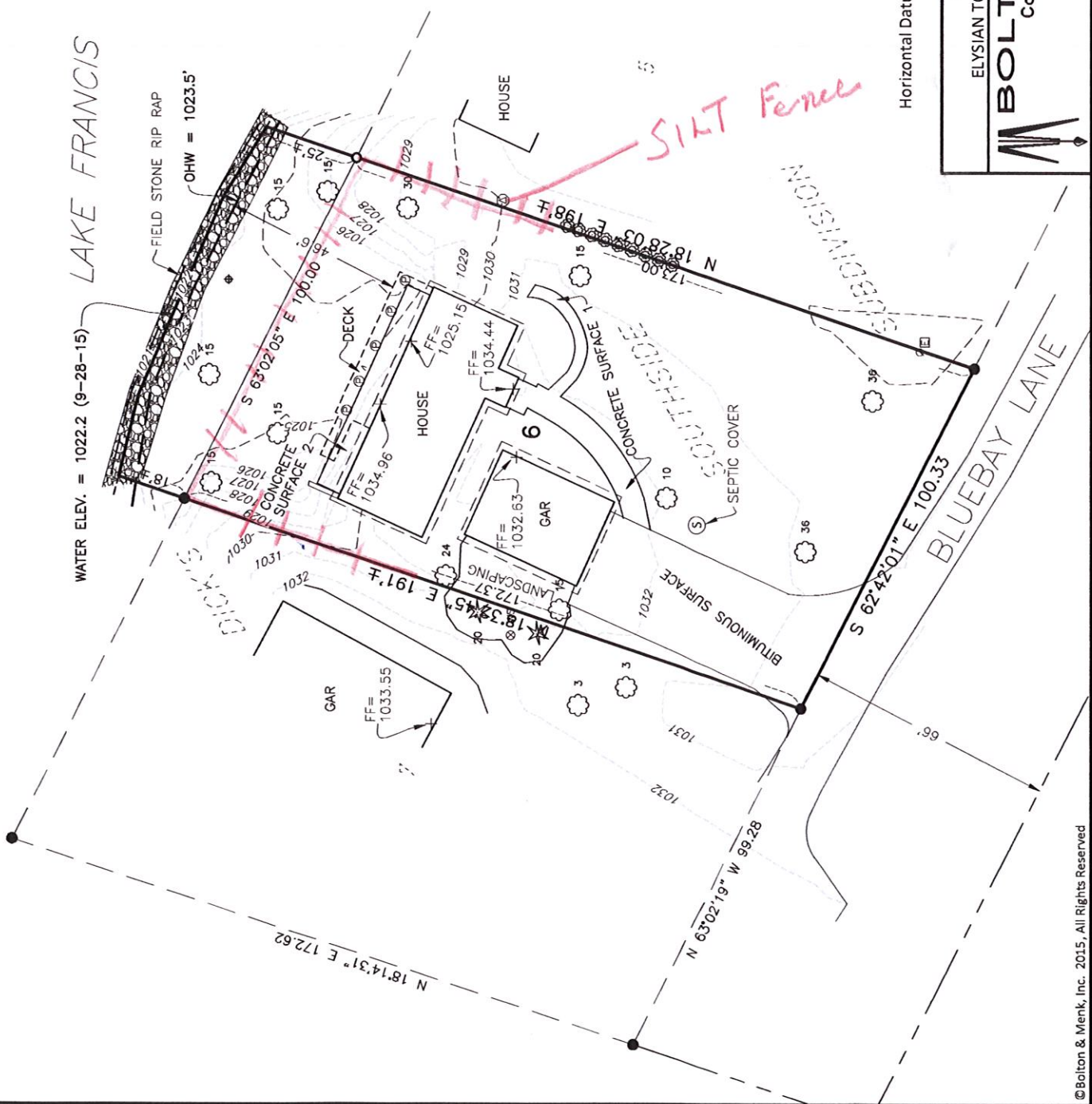
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Horizontal Datum: 2011 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY  
ELYSIAN TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors

1960 PREMIER DRIVE  
MANKATO, MINNESOTA 56001  
(507) 625-4171



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H:\PRIV\_SURVEY\M33110782\CAD\C3D\110782BD1.DWG 11-05-2015 8:53a.m. SDB110782E

JOB NUMBER: M33.110782 FIELD BOOK: ELYSIAN 1 PG 21 DRAWN BY: JLA





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/05/2015

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>  <b>Oakwood Insurance Agency</b> <b>2003 NW Northdale Blvd</b> <b>Coon Rapids, MN 55433</b>	<b>CONTACT NAME:</b> Jeremy Sogn <b>PHONE (A/C, No, Ext):</b> 763-862-4800 <b>E-MAIL ADDRESS:</b> jsogn@oakwoodinsurance.com	<b>FAX (A/C, No):</b> 763-862-9361
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b>  <b>GERALD E WINGE</b> <b>DBA: Winge Construction</b> <b>12835 Swallow St NW</b> <b>Coon Rapids, MN 55448</b>	<b>INSURER A : Northfield Insurance Company</b>	
	<b>INSURER B :</b>	
	<b>INSURER C :</b>	
	<b>INSURER D :</b>	
	<b>INSURER E :</b>	
	<b>INSURER F :</b>	

**COVERAGES**

CERTIFICATE NUMBER: 00000000-0

REVISION NUMBER: 5


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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			WS199229-2	09/30/2015	09/30/2016	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>5,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<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						PER STATUTE OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

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**CERTIFICATE HOLDER****CANCELLATION**

<b>Tanny Kaplan</b> <b>583 Blue Bay Lane</b> <b>Elysian, MN 56028</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.  <b>AUTHORIZED REPRESENTATIVE</b>  (JLS)
---	---

ACORD 25 (2014/01)

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Printed by JLS on November 05, 2015 at 02:01PM



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PHOTO #1

The rear yard is relatively flat as viewed from the shore.



PHOTO #2

The grading at the east side slopes toward the center of the rear yard.

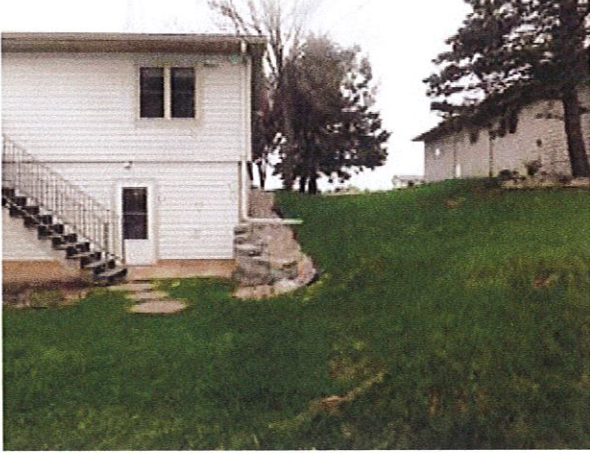


PHOTO #3

The grading at the west side slopes toward the center of the rear yard.



PHOTO #4

Looking across the rear yard, there is very little slope toward the lake.



This view from the rear patio also shows there is very little slope toward the lake.

PHOTO #5



This view from the rear patio also shows there is very little slope toward the lake.

PHOTO #6





PHOTO #7

The rear of the home has gutters which direct water into underground drains that extend toward the lake.



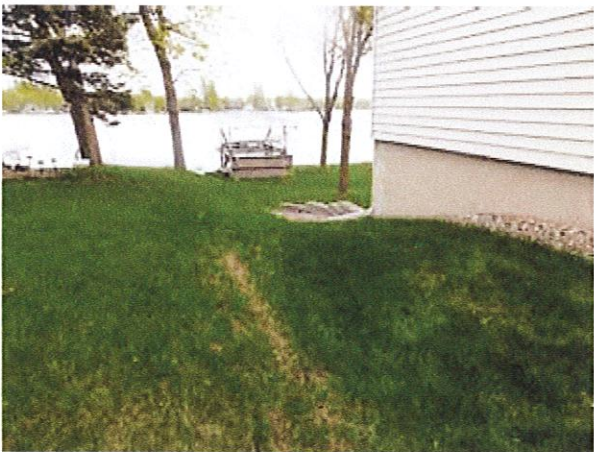
PHOTO #8

The rear patio has cracked from frost heaving, which indicates poor drainage across the rear of the home.



The grade at the left elevation slopes toward the rear.

PHOTO #9



Water flows around the rear corner of the home.

PHOTO #10



PHOTO #11

The grade at the right elevation also falls toward the rear.



PHOTO #12

The grade to the right of the front entrance is relatively flat. There is a downspout that discharges at the corner.





PHOTO #13

The grade across the front of the home is relatively flat. The entry stair/stoop has settled at the foundation. The discharge line from the sump pump is visible in the corner.



PHOTO #14

The patio has settled. The pads for the air conditioner compressors have also settled.

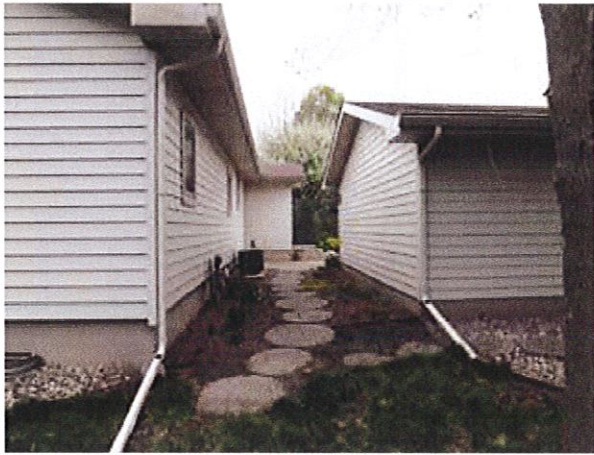


PHOTO #15

There are downspouts at the corner of the garage and home with leaders that direct water away from the foundations.



PHOTO #16

The main sewer line passes through the foundation wall near the top of the front wall.



PHOTO #17

There is a sump pit with a pump located in the sauna that is below the front entry.



PHOTO #18

There is water in the basket.



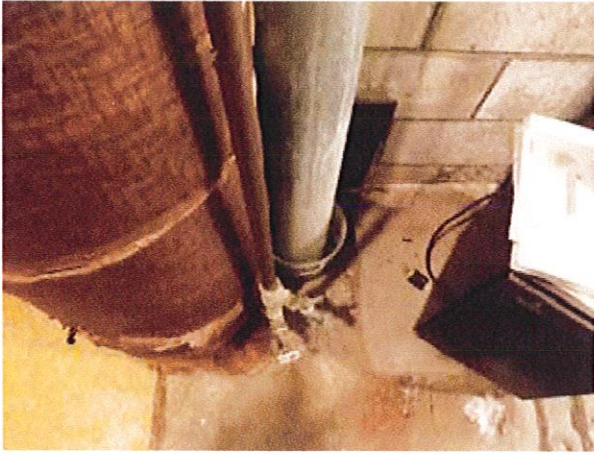


PHOTO #19

The front foundation wall has efflorescence from water seepage.

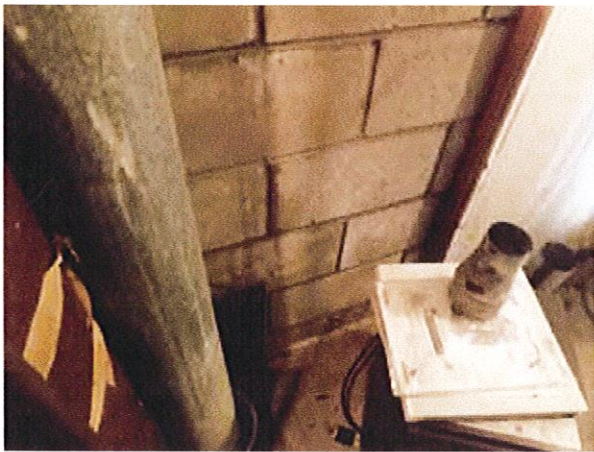


PHOTO #20

This photo shows another area of efflorescence on the front foundation wall.



PHOTO #21

There is an opening in the floor located near the combustion air duct. There is water visible under the floor.

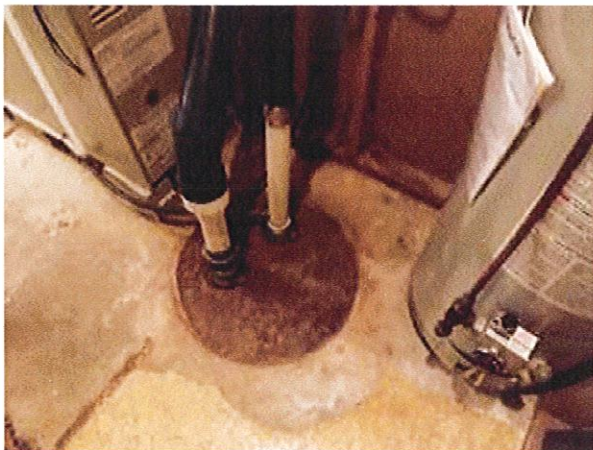


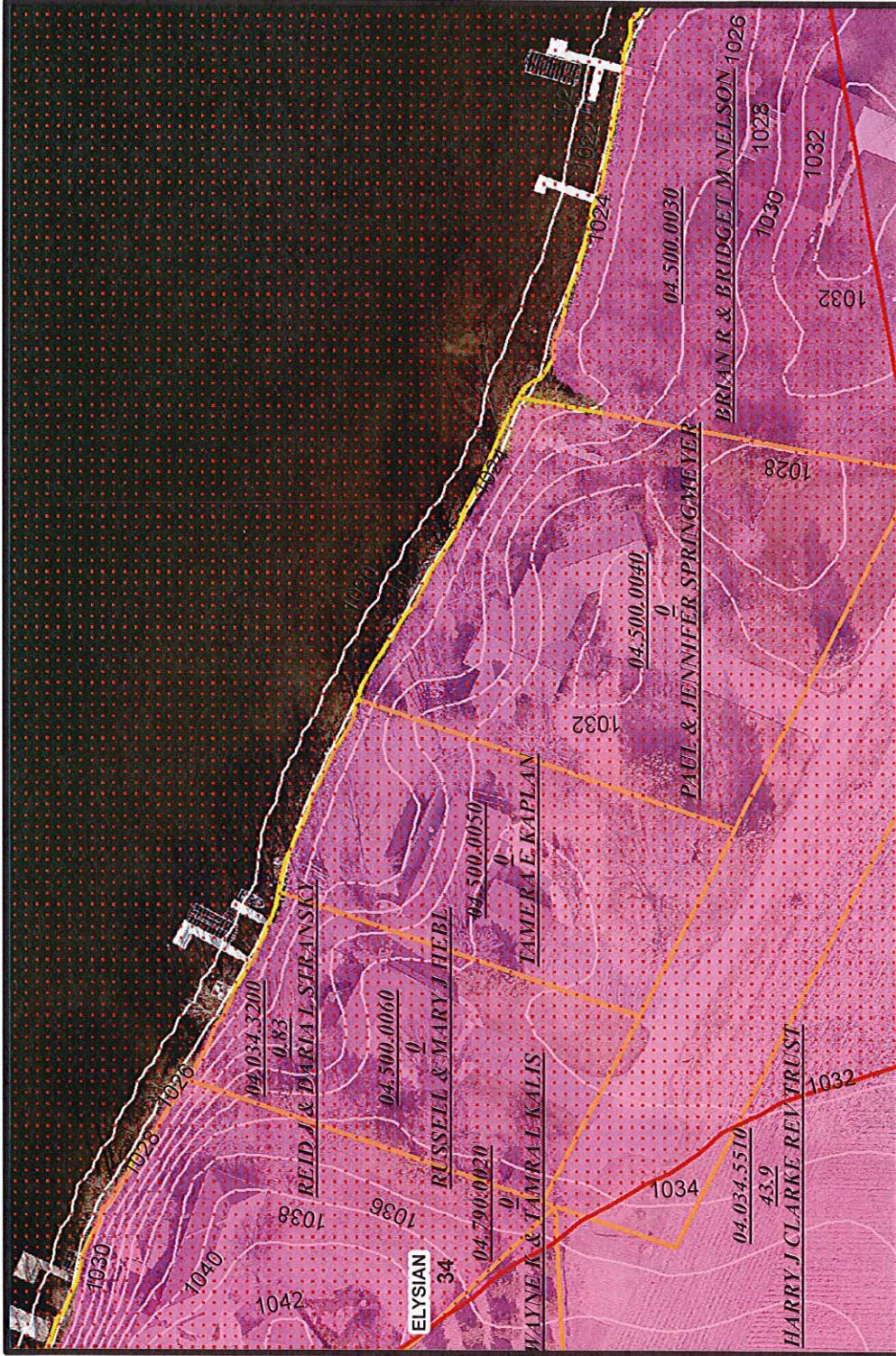
PHOTO #22

There is a sewage ejector located between the furnace and the water heater in the utility room.



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

**NAME:** Tamara Kaplan  
**PID:** 04.500.0050  
**DATE:** 12-02-15  
**FIRM #:** 27079C0425D  
**F-Zone:** Zone A  
**RFPE:** 1025.7  
**District:** Recreational Residential  
 Flood Plain Overlay  
 -Flood Fringe






**Map Disclaimer**  
 \*Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation; however, a degree of error is inherent in all maps, and these maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.  
 \*The maps are date specific and are intended for use only at the published scale.  
 \*These maps should not be used for navigational, engineering, legal, or any other site-specific use.

Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet  
 Photo dated April/May 2013  
 Created By: MRM



	Incorporated
	Townships
	Sections
	MR
	Airports
<b>Zone</b>	
	Zone A
	Zone B
	Zone C
	Flood Fringe
	Floodway
	Conservancy
	General Business
	Industry
	Recreational / Commercial
	Recreational / Residential
	Special Protection
	Urban / Rural Residential
	LSC_Quarter_Lines
	<all other values>
	Has_Tag
	No_Tag
	Parcel
	Contours 2 ft

LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538





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# 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.

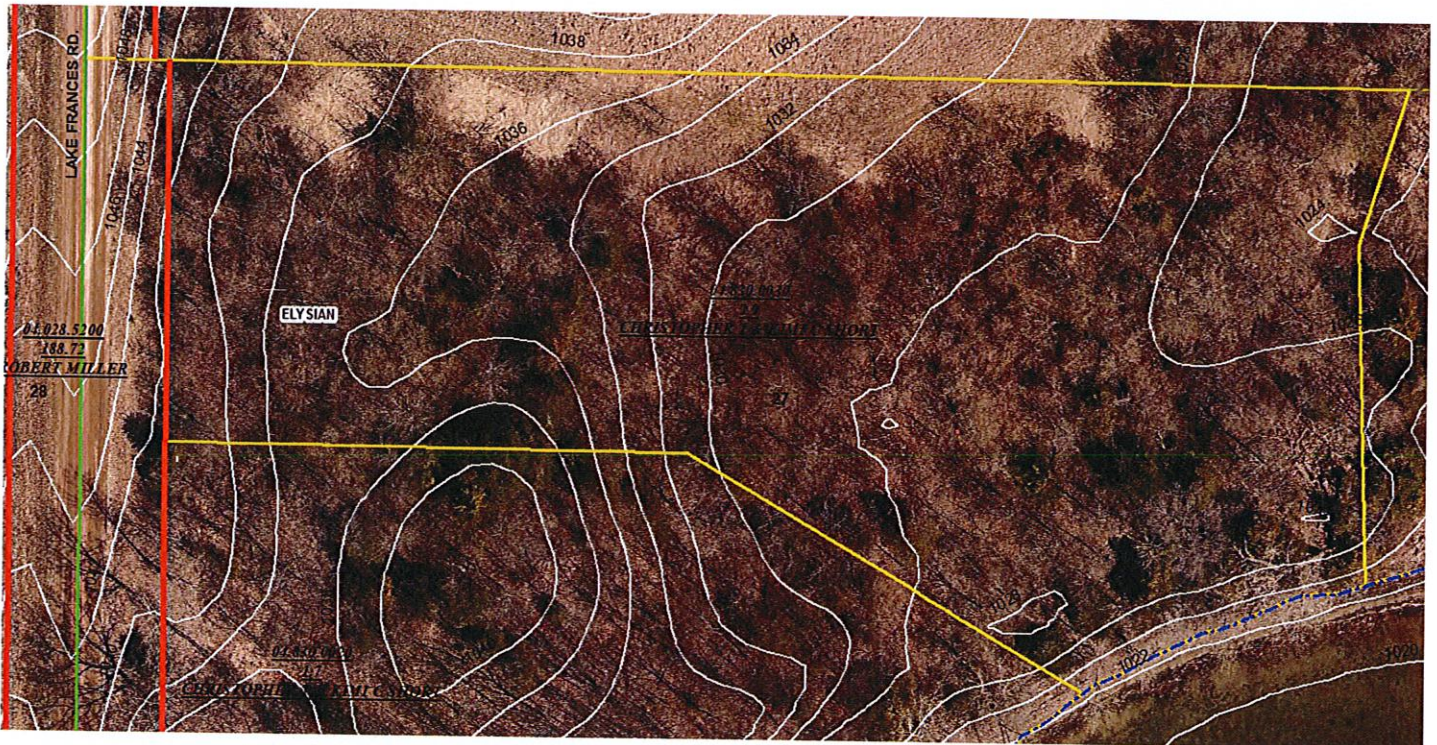
**Regulatory Flood Protection Elevation (RFPE):** 1025.7. Top of lowest floor must meet RFPE.

**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.

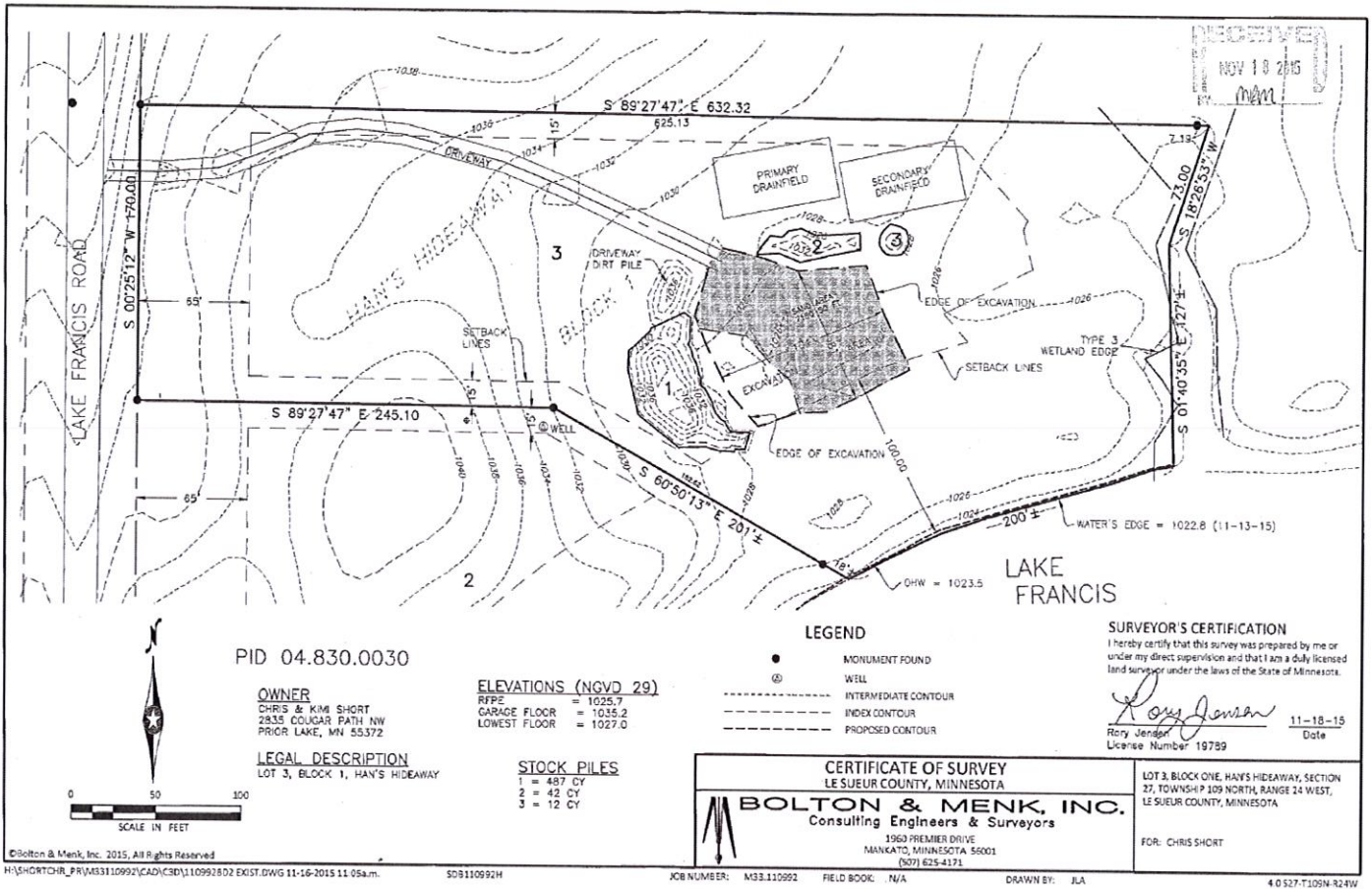
## SITE PLAN/AERIAL PHOTO

Aerial photo

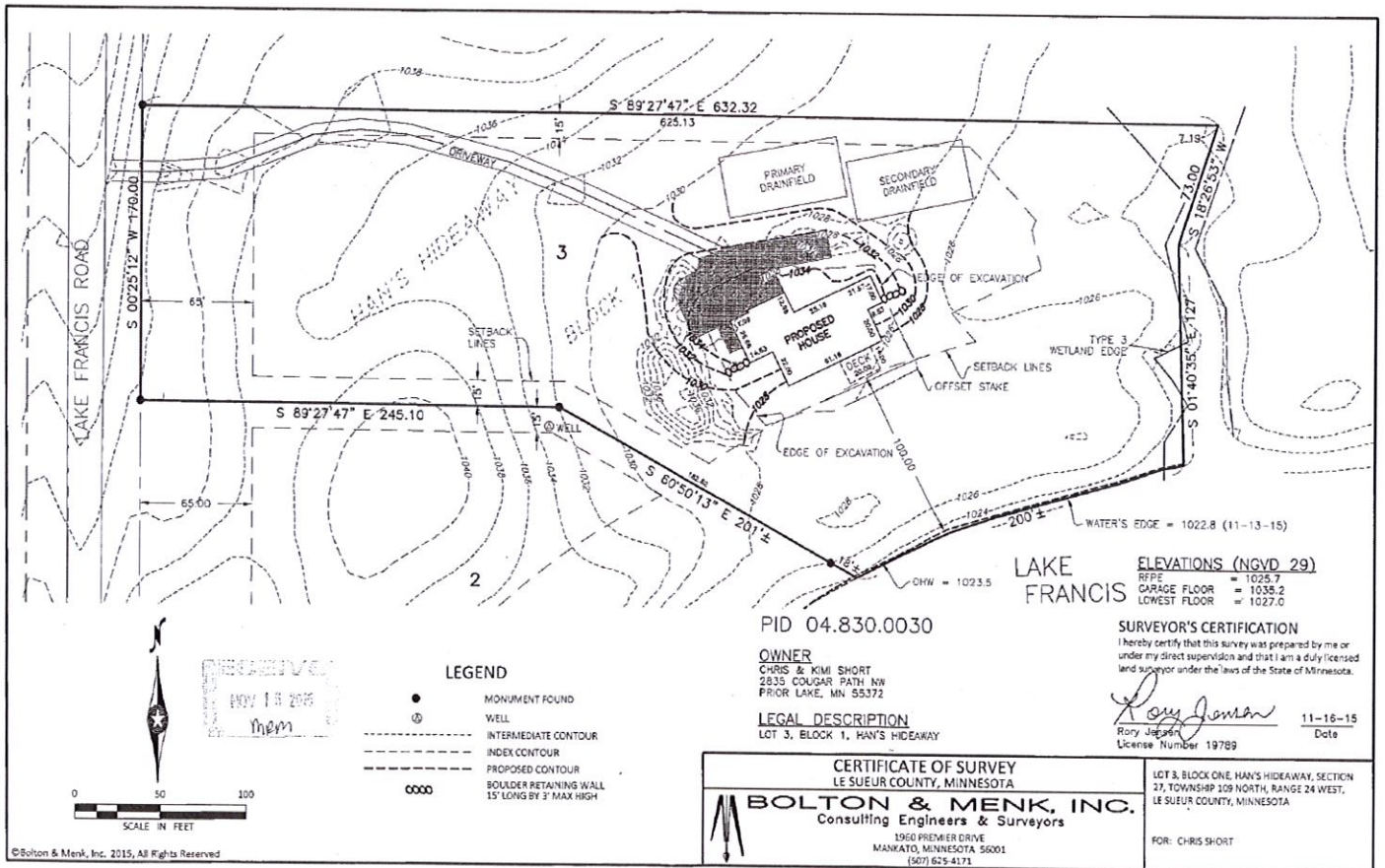




Existing Conditions



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
TWP: 109	LOT: 3
RANGE: 24	BLOCK: 1
QTR/QTR:	ROAD: TWP
	DISTRICT: RR
	FEMA PANEL # 27079C0425D
	FLOOD ZONE: X OUTSIDE

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

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**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

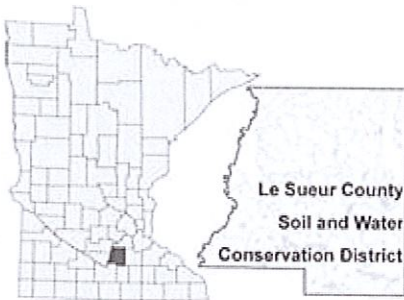
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**From:** Schultz, Michael  
**Sent:** Tuesday, November 10, 2015 11:00 AM  
**To:** Mettler, Michelle  
**Subject:** RE: Chris Short

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)



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**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.

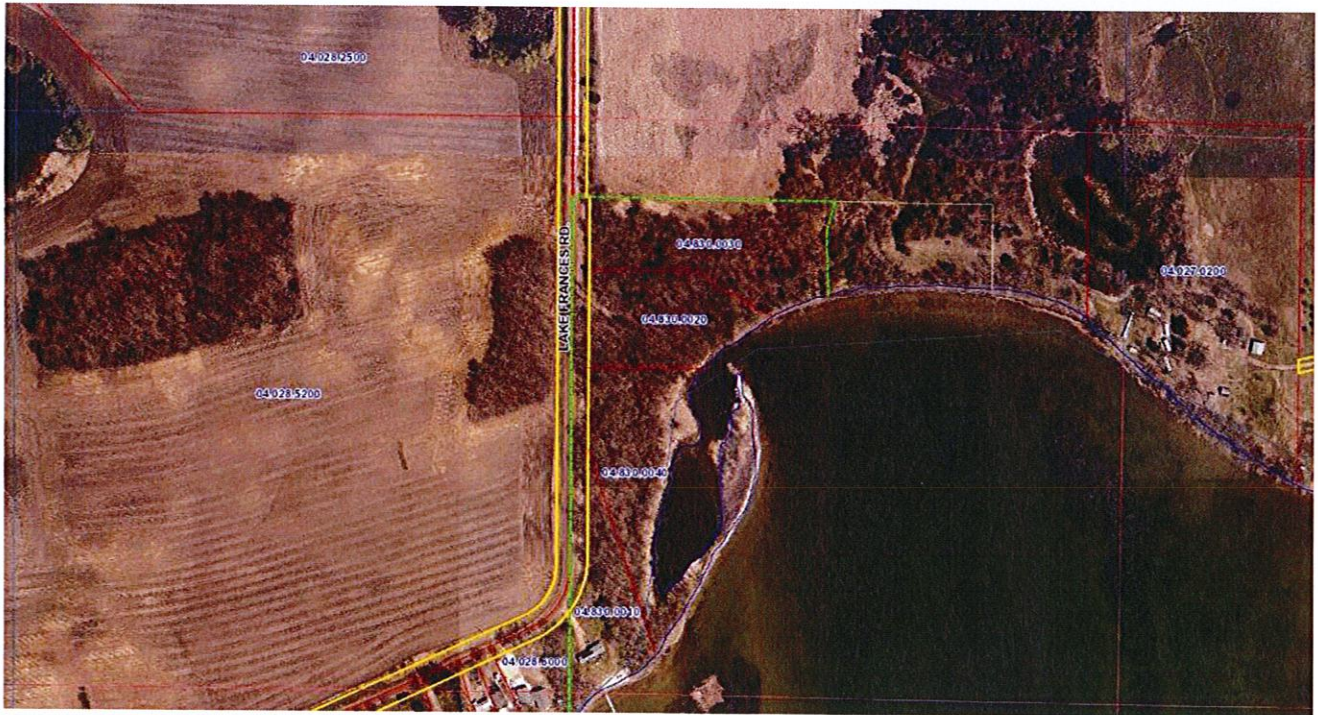
**Center Lot** – Parcel 04.830.0020: Michelle Mettler mentioned the existing beach is a violation and the landowner must applied for a Conditional Use Permit (CUP) to remove sand to restore the site.

**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:

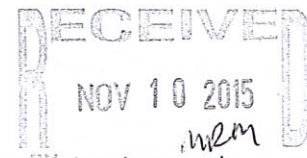
Parcel Number 04, 830, 0030 Parcel Acreage ~~1.9~~ 2.9  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Elysian Section 27  
Subdivision Hans Hedaway Lot 003 Block 1

### 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.**



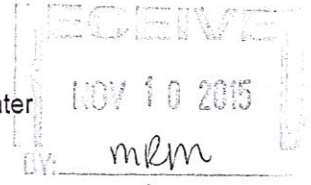


VI. Fees: Must be paid at the time of application.

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  
 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: 6,290  
Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: \_\_\_\_\_  
Cubic yards of material movement: \_\_\_\_\_  
TOTAL cubic yards of material movement: 6,290

*2441 -mer*  
*2441 -mer*

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
- Setbacks
- Property Lines
- Road Right-Of-Way
- Landscape, screening and buffering
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Drainage

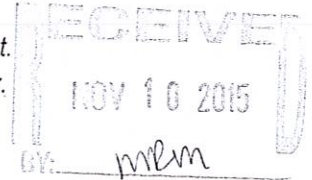
• Site plan & As-Built must be completed by a surveyor or professional engineer.

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 Distriacts)*
  - 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.*



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

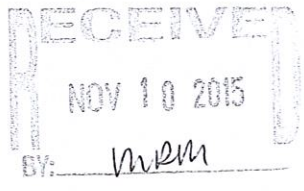
- |   |  |   |                           |
|---|--|---|---------------------------|
| <input checked="" type="checkbox"/> Request Description | <input checked="" type="checkbox"/> Access Approval      | <input checked="" type="checkbox"/> Septic  | Comp Insp / <u>Design</u> |
| <input checked="" type="checkbox"/> 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 #

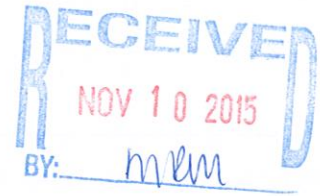
Penalty - Estimate on work done < \$15,000-  
Per lender

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.

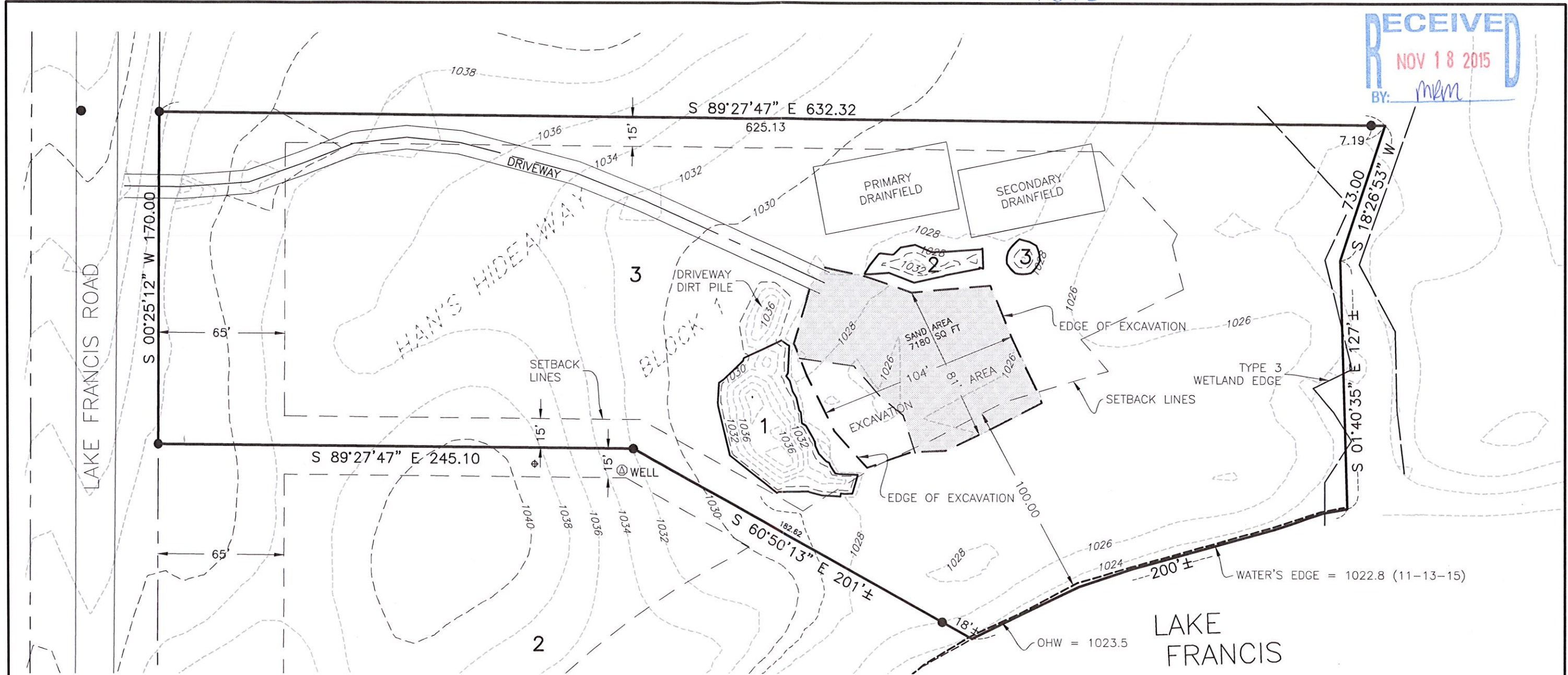
Restoration Plan: A min. of 4" of top soil will be placed around the dwelling. The property will be sodded in the spring and six trees with a 2" diameter at 4.5' will be replanted per site plan and residential permit.

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.

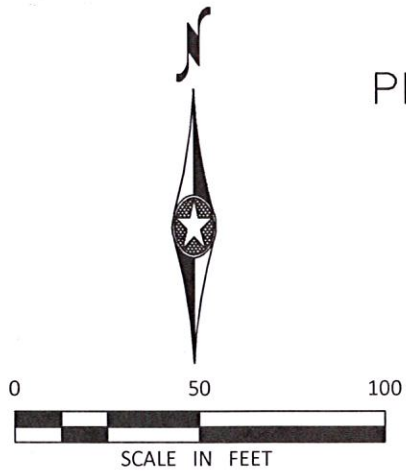
*Rory Jensen*  
Rory Jensen 11-18-15  
License Number 19789 Date

**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

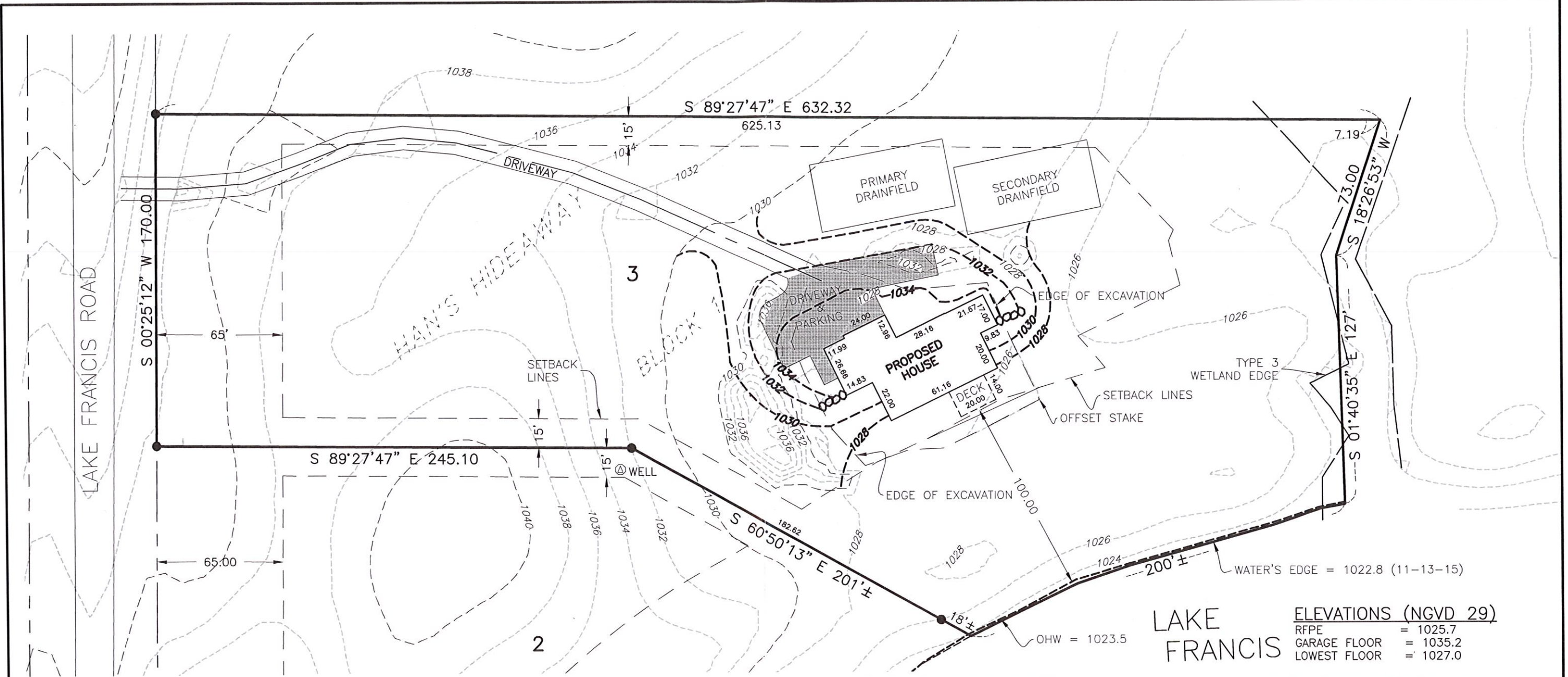
FOR: CHRIS SHORT



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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

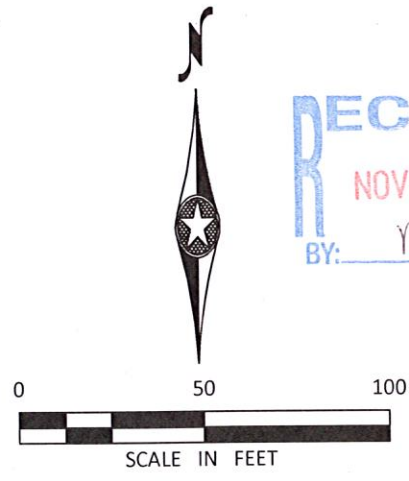
**LEGAL DESCRIPTION**  
 LOT 3, BLOCK 1, HAN'S HIDEAWAY

**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
  - oooo 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

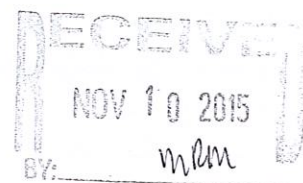
Erosion and Sediment Control Plan

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.

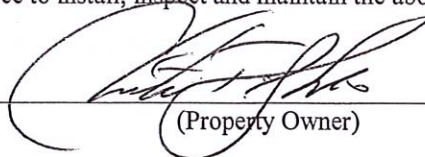
#### Inspection and Maintenance

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.

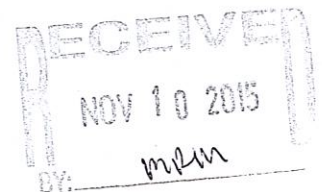
  
\_\_\_\_\_  
(Property Owner)

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

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

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

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



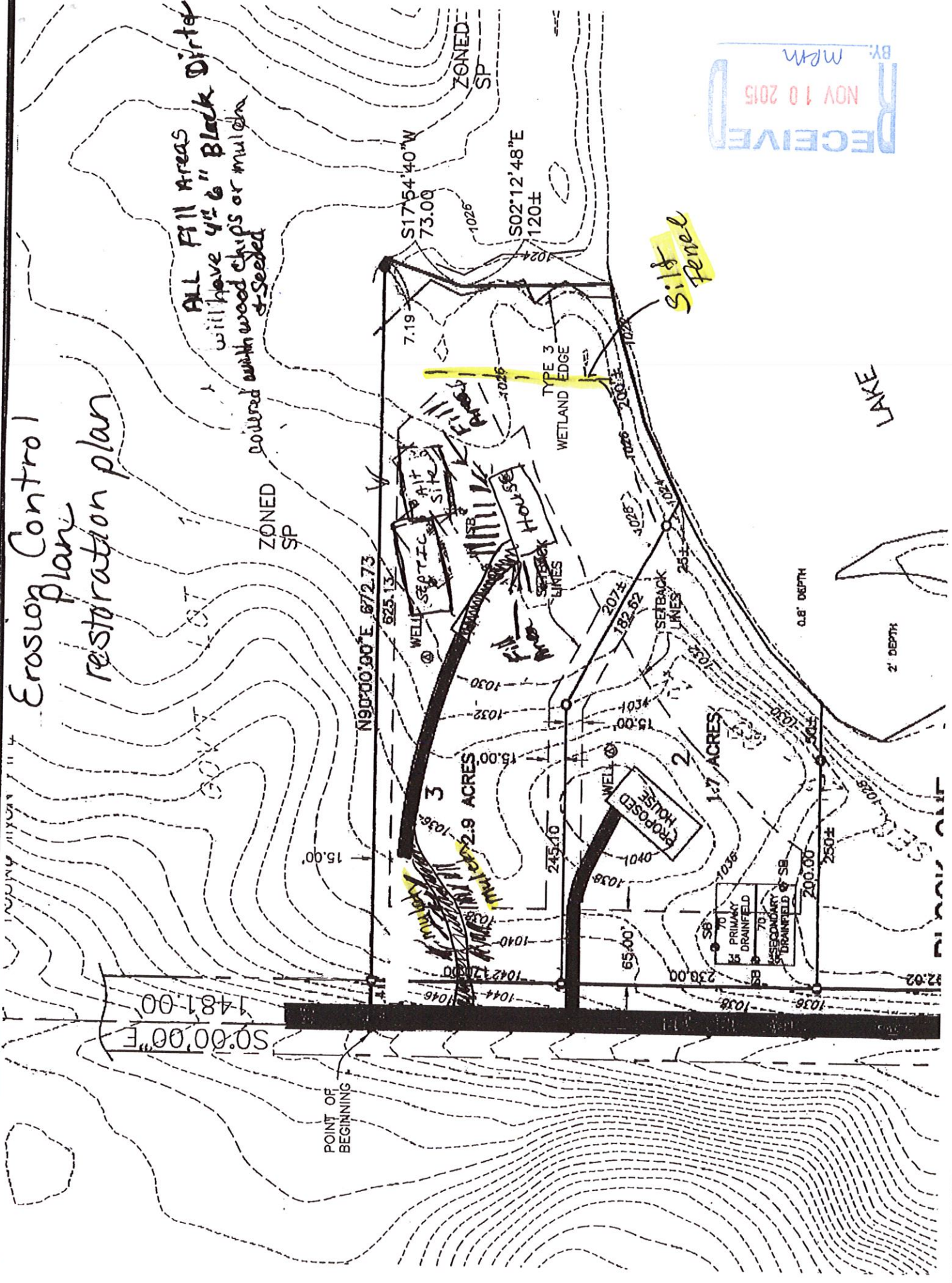


RECEIVED  
NOV 10 2015  
BY: MPM

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


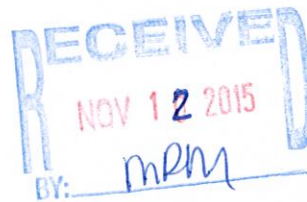
645.0700 Introduction

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 FAX (A/C, No): 507-931-4544 E-MAIL ADDRESS:													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <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> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: West Bend Mutual Insurance Co.		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:
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INSURER F:														
<b>INSURED</b> James Brothers Const. Co. P O Box 59 Elysian MN 56028	<b>JAMEBRO</b>													


**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 

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ACORD 25 (2010/05)

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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 Rohlfig

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

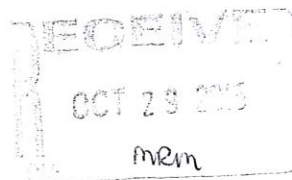
**Re: Han's Hideaway, Lot 3, Block 1**  
**PID: 048300030**

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.



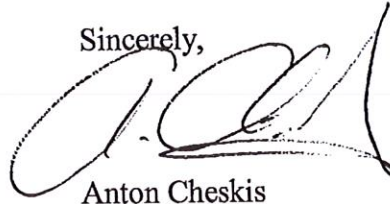
1



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.

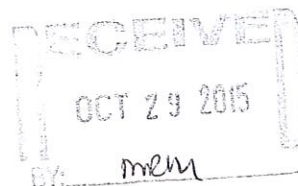
Sincerely,



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  
*mm*

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.

*[Signature]*      10/20/15  
 Signature of Applicant      Date  
*[Signature]*      10-20-15  
 Planning and Zoning Authority      Date

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

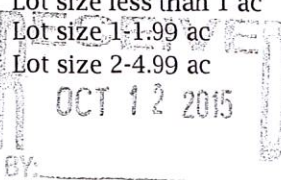
#### For parcels less than 5 acres:

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





## 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:

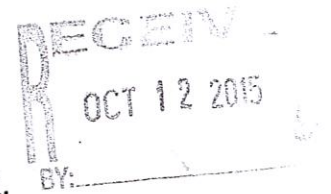
- The lowest floor for structures in all Shoreland and Floodplain Districts must meet elevation requirements.
- Full details in Section 6.2 and Section 13 of the Zoning Ordinance.
- Elevation Certificate shall be issued with the zoning permit and must be returned to the Department indicating the elevation 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.**

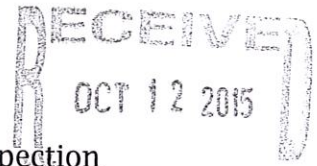
**9. Signature**

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.

\_\_\_\_\_  
 Landowner Signature

\_\_\_\_\_  
 Date

*10/12/15*



*wms Bros.*

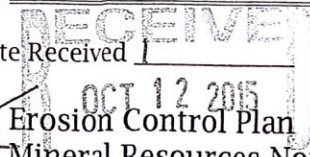
*wms Bros.  
+ fence.*



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 (NA)

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

Buildable Area NA

- Existing less than 10% comprised of:
  - 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 NA

- SIZ  Inside  Outside
- 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 (NA)

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

Structure

- Conforming  Non-Conf
- Non-Conf  Conforming  Non-Conf

Lot

- 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 #

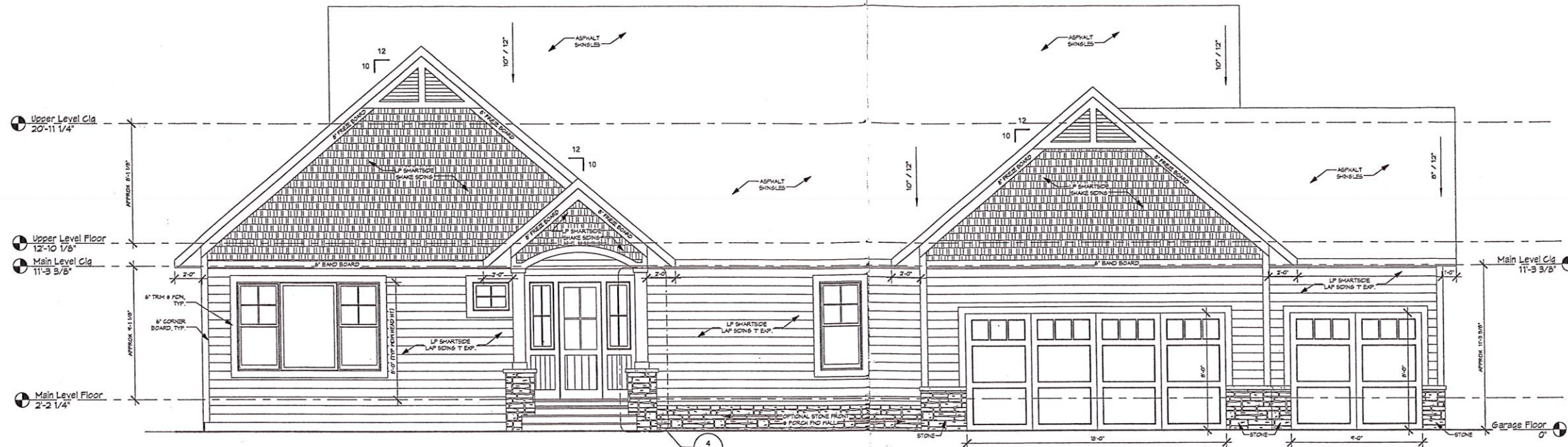
04/04/13

Single Family Dwelling, V RBO prohibited. 4

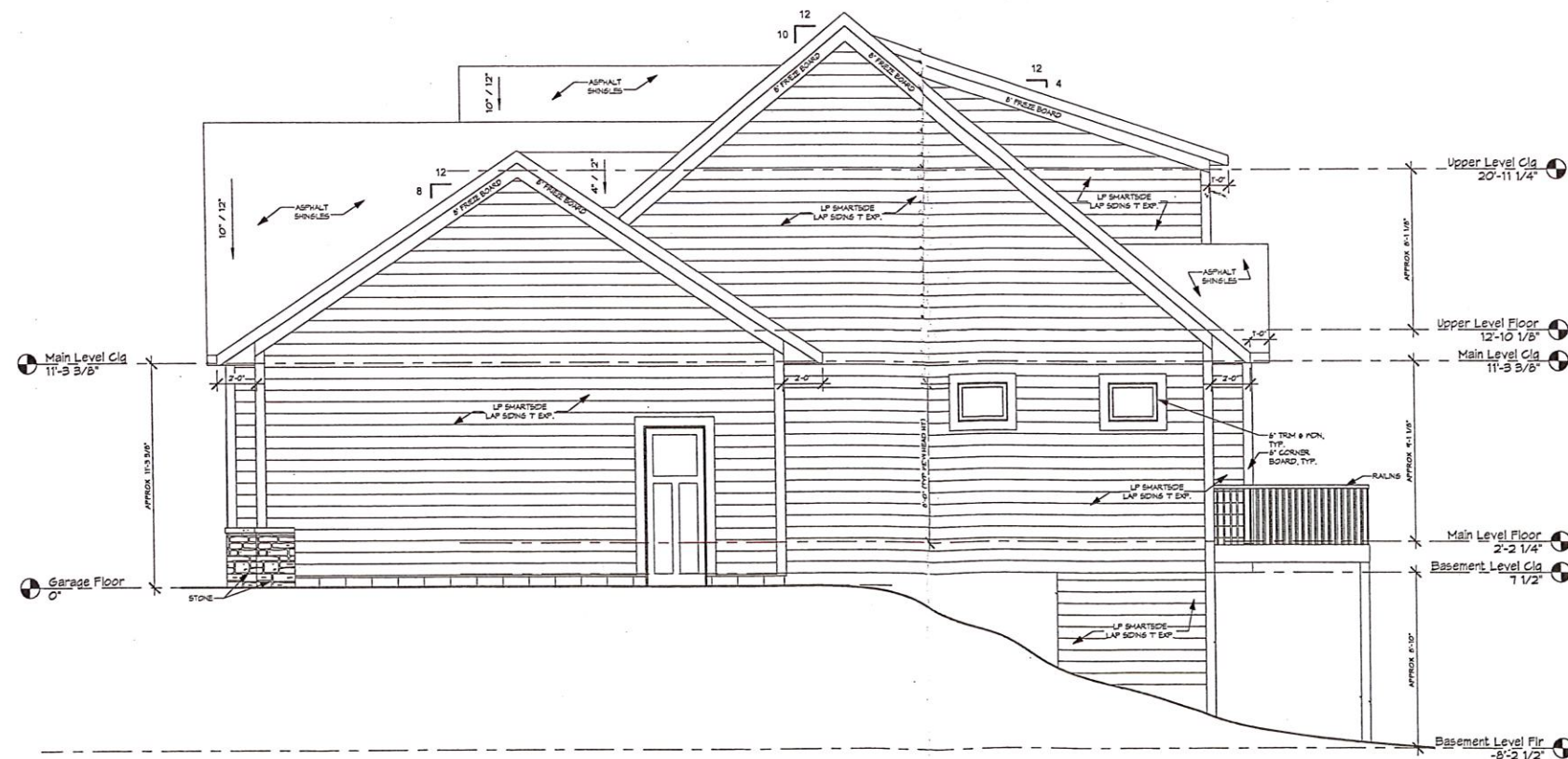








1 FRONT ELEVATION  
A1 1/4" = 1'-0"



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

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SEP 23 2015  
BY: mem

Chris Short

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**CHRIS SHORT RESIDENCE**

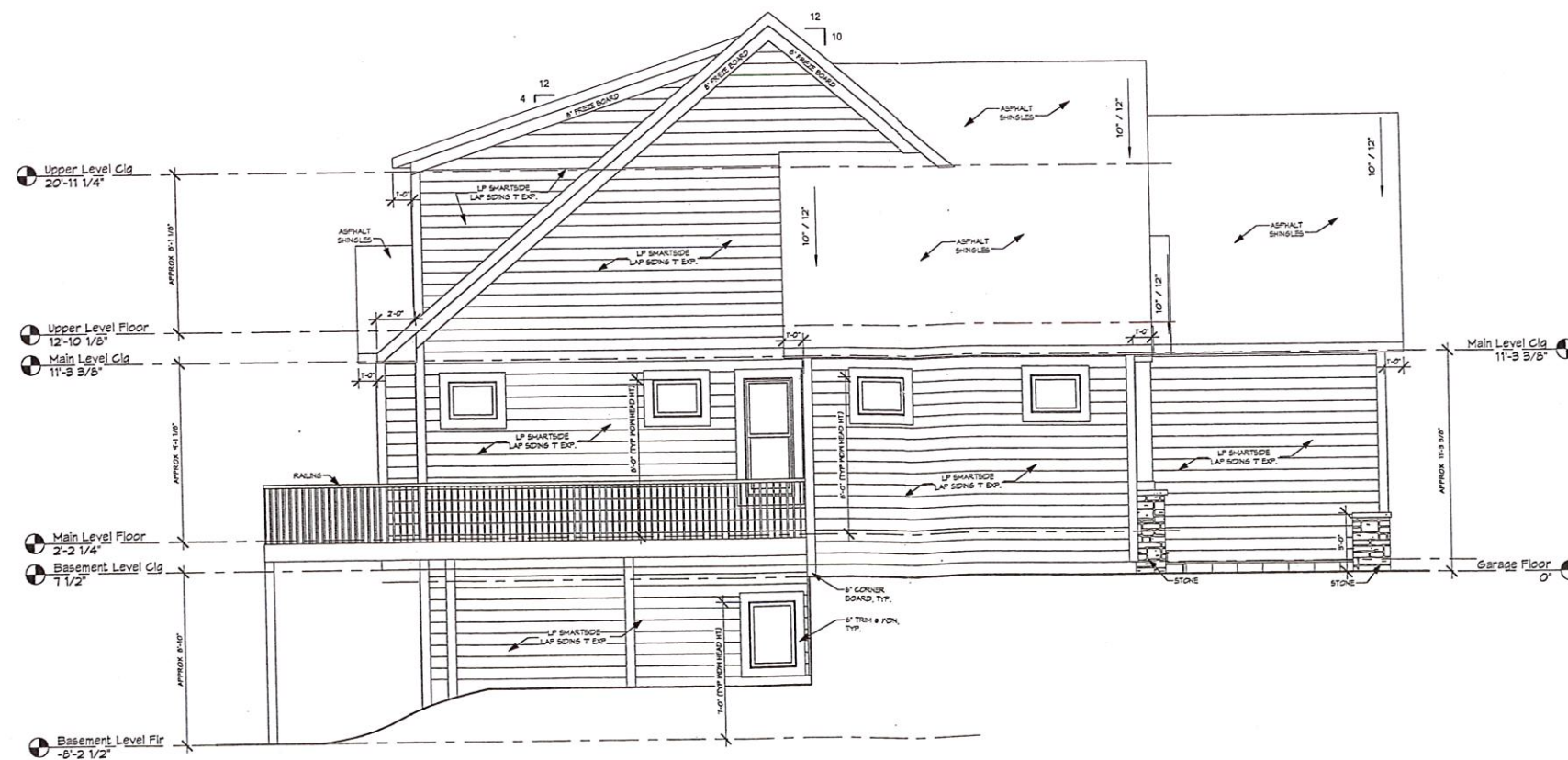
DRAWN BY: COLIN F.  
DATE: 10/22/2015  
CHECKED BY: MICKEL  
PROJECT: CHRIS SHORT RESIDENCE  
APPROVED FOR CONSTRUCTION: MICKEL  
NOT FOR CONSTRUCTION

SHEET NO.  
**A1**  
Ext Elevations





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



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

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SEP 23 2015  
BY: *MEM*

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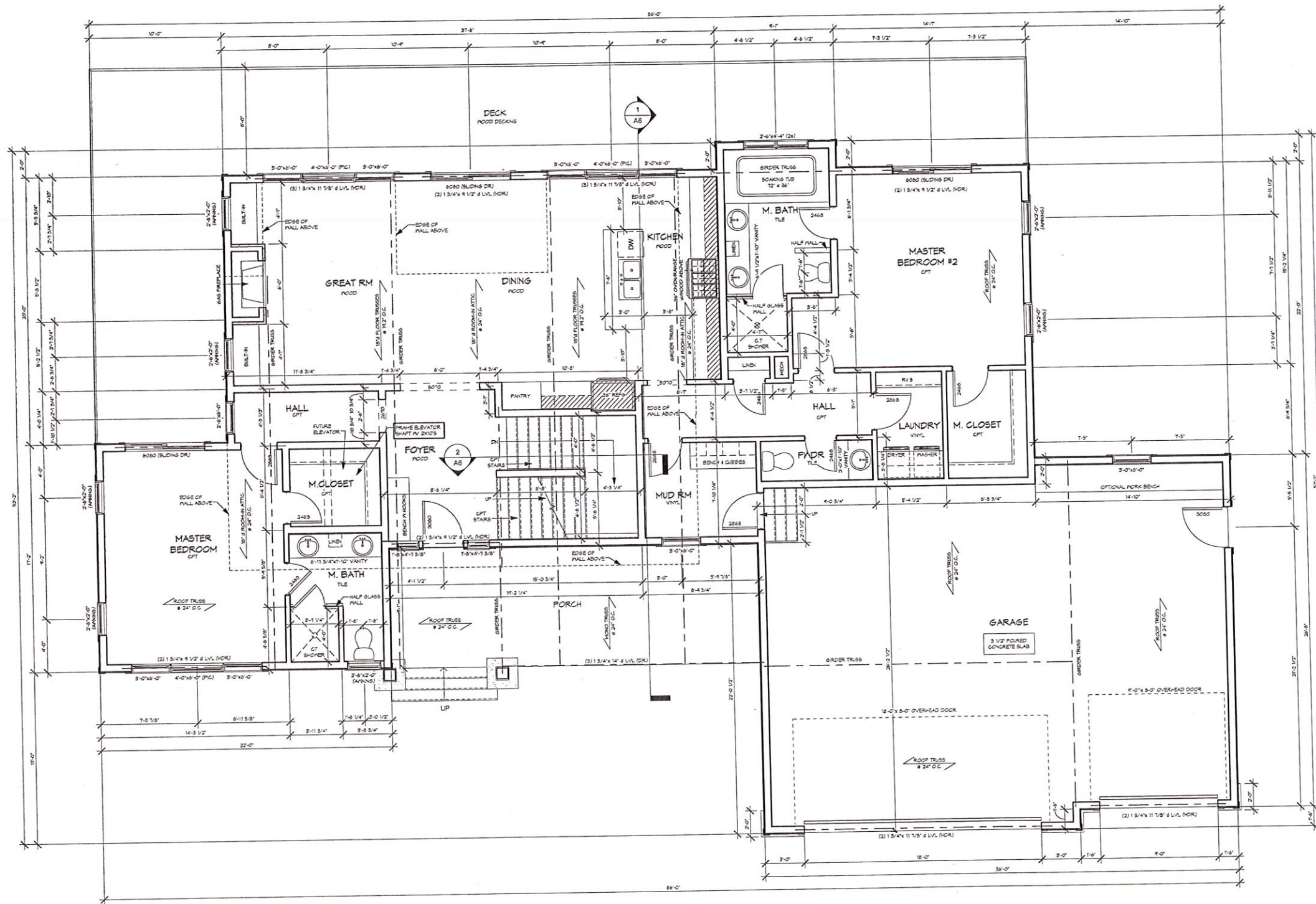
DATE: 09/23/2015  
DRAWN BY: COLIN P.  
CHECKED BY: [Signature]  
PROJECT: CHRIS SHORT RESIDENCE  
ADDRESS: [Address]  
CITY: [City]

SHEET NO.  
**A2**  
Ext Elevations









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 = 2919 SQ. FT.  
 GARAGE FLOOR AREA = 818 SQ. FT.

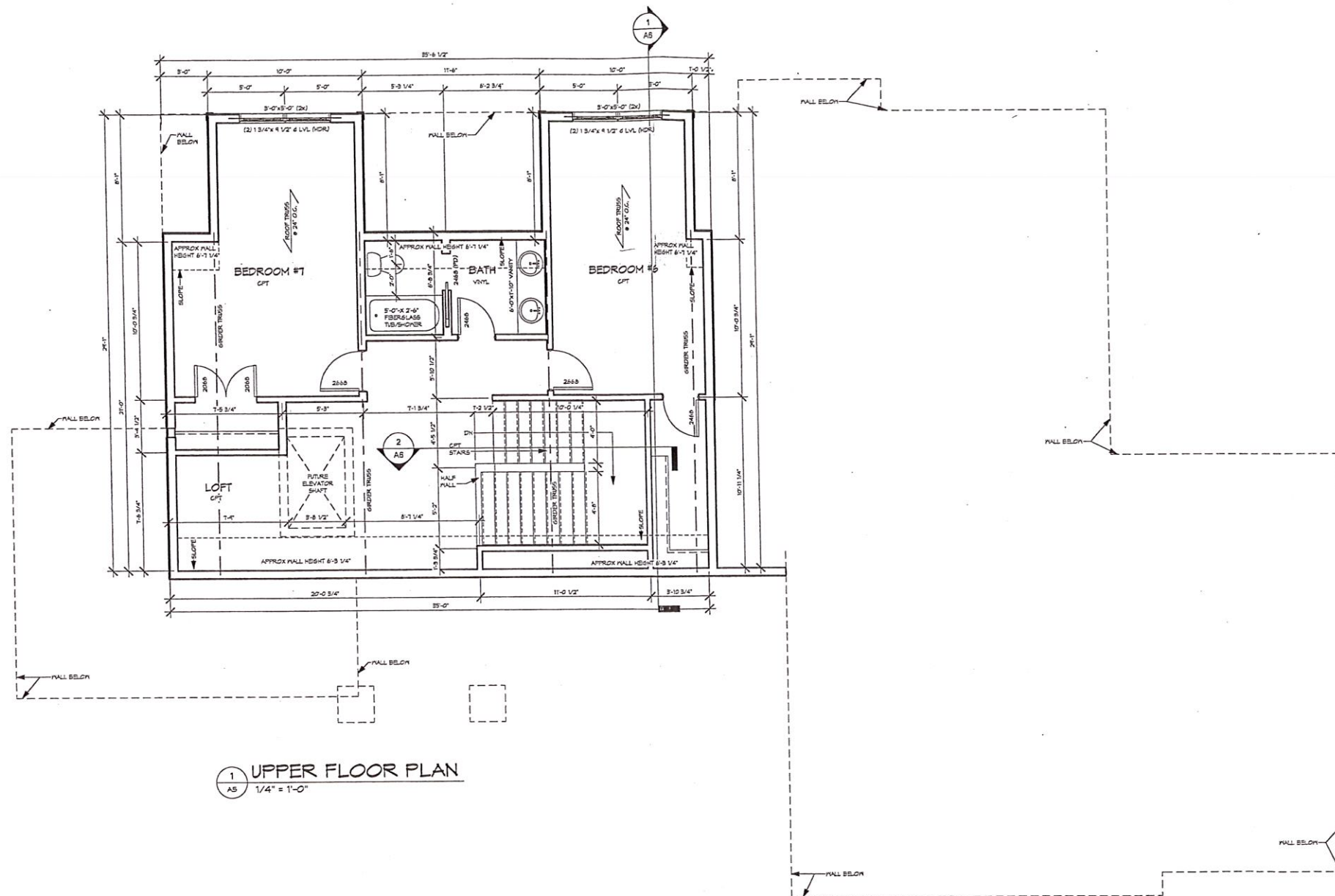


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CHRIS SHORT RESIDENCE

DATE: 02/27/2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: [Project Name]  
 SHEET: [Sheet Name]

SHEET NO.  
**A4**  
 First Floor Plan



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

RECEIVED  
SEP 23 2015  
BY: *msk*



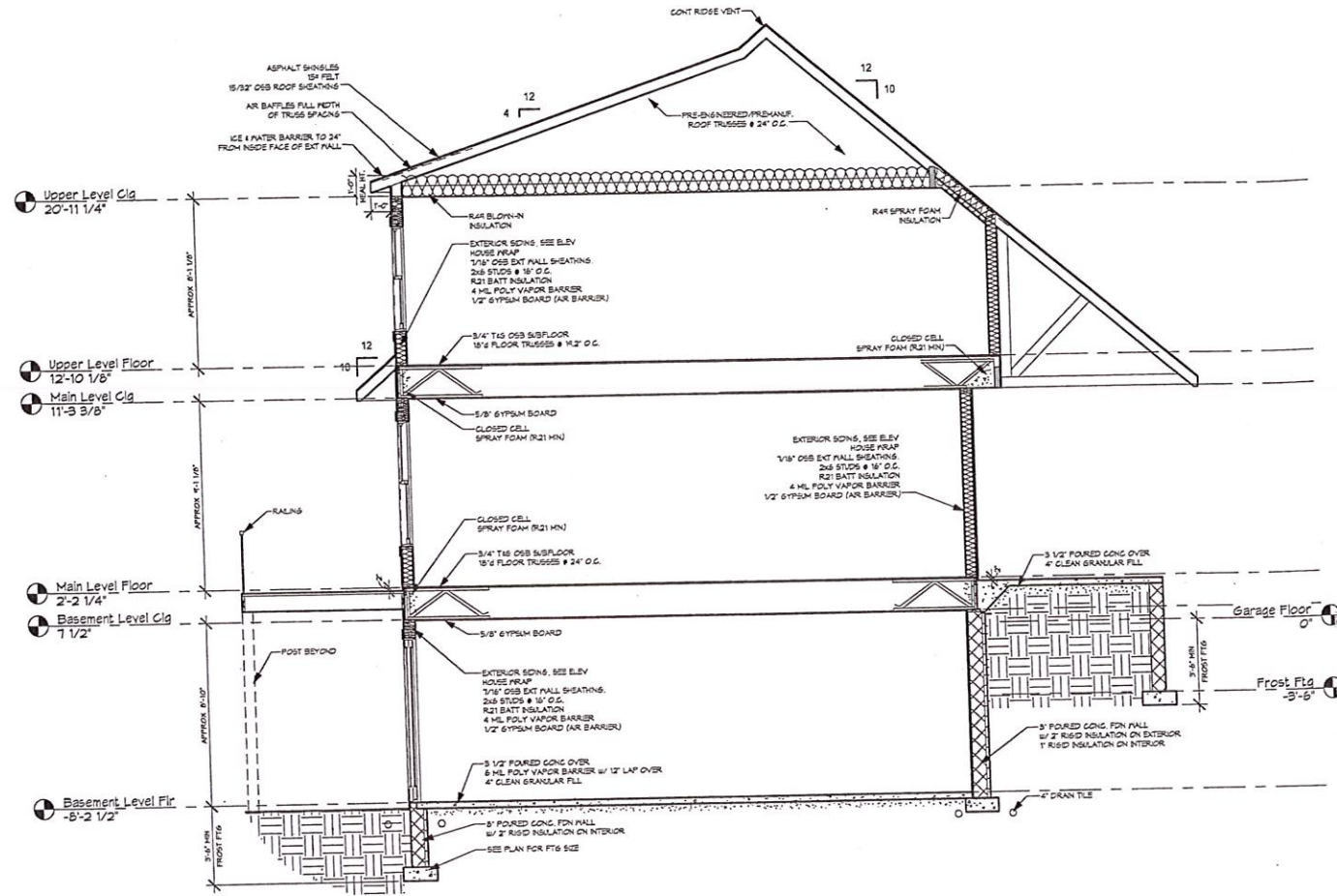
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CHRIS SHORT RESIDENCE

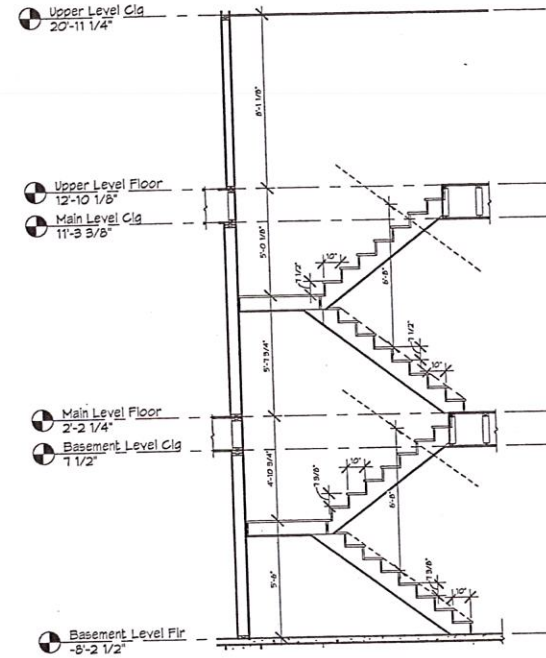
DATE: 9/22/2015  
DRAWN BY: COOPER DESIGN, INC.  
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SHEET NO.  
A5  
Upper Floor Plan

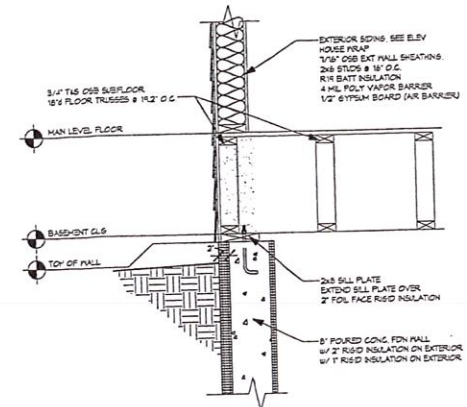




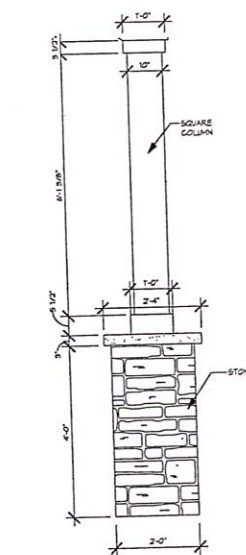
1 SECTION @ HOUSE  
1/4" = 1'-0"



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



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



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



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CHRIS SHORT RESIDENCE

DESIGNED BY:  
DATE: 4/22/2015  
DRAWN BY:  
DATE: 4/22/2015  
CHECKED BY:  
DATE: 4/22/2015  
APPROVED BY:  
DATE: 4/22/2015

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**

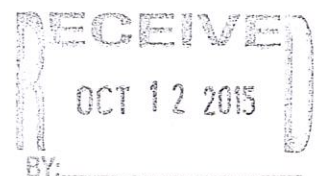
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

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

Responsible party for Implementation/Inspection: Wayne James (Contact) Responsible:  
Address: James Bros. Const. Elysian, 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.

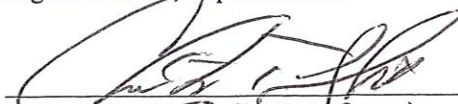
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

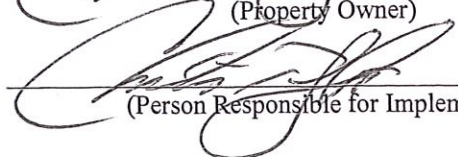
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### 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.

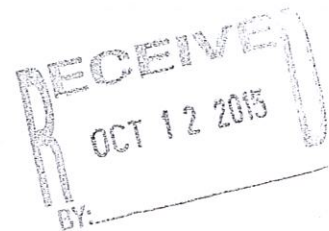
  
\_\_\_\_\_  
(Property Owner)

  
\_\_\_\_\_  
(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





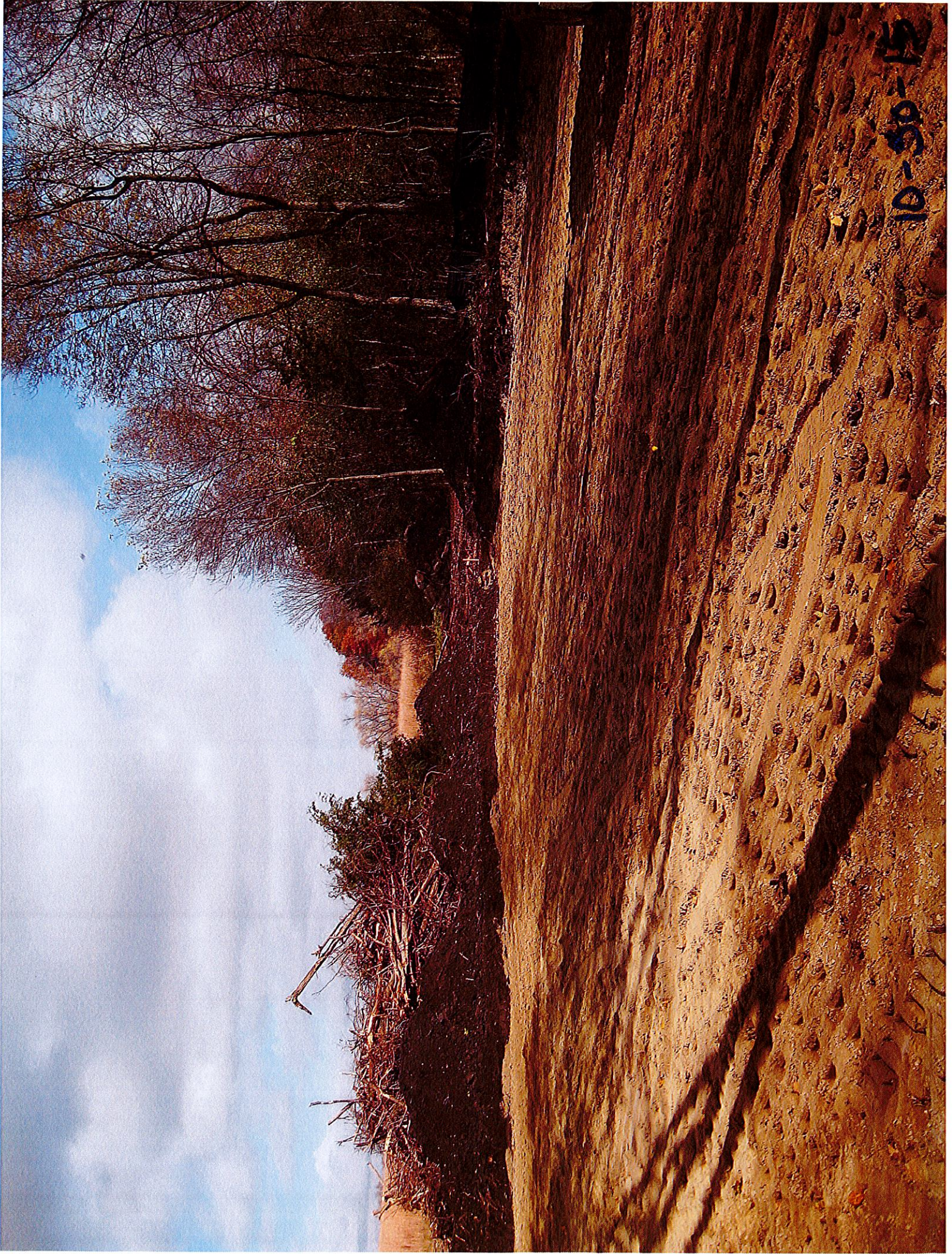




































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# **Le Sueur County, MN**

**Thursday, December 10, 2015**

**Regular session**

## **Item 1**

**Approved Planning and Zoning Commission 11-12-15 Minutes**

Staff Contact: Kathy Brockway or Michelle Mettler



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**November 12, 2015**

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

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny

**ITEM #1: TRAXLER CONSTRUCTION, PAT TRAXLER, LE CENTER, MN (APPLICANT); BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, EDINA, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, Mineral Resources "MR" Overlay District, and the Airport Zoning "AZ" Overlay District. Property is located in the S 1/2 of the SE1/4 and the E 1/2 of the SE1/4, Section 11, Ottawa Township. *(No public comment due to a Mandatory Environmental Review).*

Kathy Brockway presented power point presentation. Patrick Traxler, Traxler Construction was present for application. Also, present was Kirsten Pauley, Sunde Engineering, consultant working on behalf of Le Sueur County with the review of the environmental documents.

Kirsten Pauley stated that she went through the environmental documents as submitted by the proposer and requested several changes. The changes have been incorporated into the document; therefore, she recommends that the Planning Commission recommend approval of the documents to the County Board of Commissioners for publication.

**PUBLIC COMMENT:** No Public comment due to Environmental Review process.

Motion was made by Don Reak to approve the Environmental Assessment Worksheet for publication. Seconded by Doug Krenik. Motion approved. Motion carried.

**ITEM #2: UNIMIN CORPORATION, KASOTA, MN (APPLICANT/OWNER).** Requests that the County amend an existing Conditional Use Permit #29000, to allow a mineral extraction expansion of 500.3 mineable acres to be known as the 'Southeast Mine' in a Conservancy "C" District and Mineral Resources "MR" Overlay District. Property is located in all that part of Sections 5, 8, and 17, Kasota Township. *(No public comment due to a Mandatory Environmental Review).*

Kathy Brockway presented power point presentation. Unimin Corporation representatives were present for the application.

**PUBLIC COMMENT:** No Public comment due to Environmental Review process.

Motion was made by Al Gehrke to table the application until such time the Environmental Impact Statement is complete and to continue working with the consultant in the review process. Seconded by Don Rynda. Motion approved. Motion carried.

**ITEM #3: LE SUN LLC, MINNEAPOLIS, MN (APPLICANT); PATRICK GREGOR, WASECA, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish up to 5MW Solar Farm on approximately 50 acres in an Agriculture "A" District. Property is located in the Southeast 1/4 and Government Lot 6, Section 26, Waterville Township.

Kathy Brockway presented power point presentation. Will Cooksey, was present for application.

TOWNSHIP: Notification through the application process. DNR: N/A LETTERS: Email- Lisa Valley, Northern Natural Gas Company- no objections to the proposal (see file).

Discussion was held regarding: working with Xcel Energy to meet the renewable energy mandates by the State of Minnesota, solar panels take energy from the sun to produce energy, wetland delineation completed on the property, low vegetation under the panels, decrease water runoff, fixed panels, project

owner is responsible for decommission of project, 25 year lease with Xcel, commitment with subscribers, 5% decrease in utility billing, erosion control plan to comply with local and state requirements NPDES and Stormwater Prevention Plan, shading, groundcover, solar panels to be installed on approximately 50 acres, siting criteria used; willing landowner, access to distribution system, clean site, proximity to substations, conditional use permit(CUP) runs with the land, reasons why it could be discontinued; program rules change, limitations on their facility, area will be maintained, gravel road constructed to access the panels, need approval from MNDOT to approve access off Hwy 60, MNDOT approves access once CUP is granted, approximately 30 solar gardens are under development, working in Pope, Wabasha, Wright, Dakota, Washington and Stearns County to name a few, questioned what under development means, ready for construction, permitting, time frame for project 16-20 weeks from start to finish, decommissioning concerns, escrow account, bonding (set by County Board) to insure funds are available for cleanup, panels have anti-reflective panels, panels will face the south, follow the contours. Planning Commission had several concerns in regards to the project that need to be addressed; maps with elevations shown, drainage, more detailed site plans (depth and placement of posts), road plan, and fencing.

**PUBLIC COMMENT:** Fritz Cummins, adjoining landowner, not against the project but concerned with following the contours, the construction of the road, drainage to his property, the wetlands, would like to see the road redesigned, installation of panels.

Kathy Brockway explained the 60-day time frame for action on conditional use permits, the waiver that can be signed by the applicants or the option for the County to automatically take 120 additional days in order to gather additional information on the project.

Motion was made by Steve Olson at the applicant's request to table the application until such time that additional information regarding the project is submitted to the Planning Commission for review. Seconded by Al Gehrke. Motion approved. Motion carried.

**ITEM #4:** Amendments to Section 17, Sewage and Wastewater Treatment of the Le Sueur County Zoning Ordinance. Copies of the proposed changes are available for review at the Le Sueur County Environmental Services Office, located at 515 South Maple Ave, Le Center MN, County Auditor/Treasurer Department, located at the County Courthouse, during regular working hours and on the Le Sueur County website.

Motion was made by Steve Olson to approve the recommended changes to Section 17, of the Le Sueur County Zoning Ordinance. Seconded by Pam Tietz. Motion approved. Motion carried.

Motion was made by Don Rynda to approve the minutes from the September 2015 meeting by Seconded by Don Reak. Motion approved. Motion carried.

Motion to adjourn meeting by Pam Tietz. Seconded by Betty Bruzek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Shirley Katzenmeyer  
By Kathy Brockway

Approved 12-10-15

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