LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

AGENDA

MEETING DATE:       June 13, 2019
PLACE:              Le Sueur County Environmental Services Building
                     515 South Maple Ave, Le Center, MN
TIME:               7:00 P.M.

**Planning Commission Members if you CANNOT be at the meeting contact Mindy at 357-8538.

1. Call To Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes
   3.I. May 9, 2019
       Documents:

       05-09-19 DRAFT MINUTES.PDF

4. Applications
   4.I. ITEM #1: JACOB & RACHEL ZIEGLER, MANKATO, MN, (APPLICANT\OWNER):
        Request that the County grant a Conditional Use Permit to allow grading, excavating,
        and filling of approximately 155 cubic yards of material on a lot for the construction of
        a walkout single-family dwelling in a Recreational Residential “RR” District, on Lake
        Frances a Recreational Development “RD” lake. Property is located at Lot 2, Block 1,
        Obermolte Subdivision, Section 33, Elysian Township.

        Documents:

        ZIEGLER.PDF

   4.II. ITEM #2: MAX JOHNSON TRUCKING, LE CENTER, MN, (APPLICANT); DAVID &
          SUSAN PUDWILL, LE SUEUR, MN, (OWNER):
          Request that the County grant a Conditional Use Permit to allow mineral extraction of
          approximately 22.59 acres on a 34.38-acre parcel in an Agriculture “A” District, and a
          Mineral Resources “MR” Overlay District. Property is located in the NW 1/4 of the SW
          1/4, Section 25, Ottawa Township.

          Documents:

          MAX JOHNSON TRUCKING PUDWILL PIT.PDF
5. Discussion Items

6. Warrants/Claims

7. Adjourn

**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.
MEMBERS PRESENT: Don Reak, Jeanne Doheny, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Scott Vonlehe,
MEMBERS ABSENT: Pam Tietz, Commissioner Glinszinski
OTHERS PRESENT: Joshua Mankowski

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

2. Agenda. Motion to approve agenda was made by Doug Krenik. Second by Shirley Katzenmeyer. Approved.

3. Minutes from February 14, 2019 Meeting. Motion to approve minutes was made by Al Gehrke. Second by Scott Vonlehe. Approved.

4. Applications

ITEM #1: USS WATER TOWN SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATerville, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture “A” District. Property is located in the West half of the SW quarter, Section 34, Waterville Township. (APPLICATIONS WERE SENT BACK TO THE PLANNING COMMISSION FROM THE COUNTY BOARD DUE TO ADDITIONAL INFORMATION SUBMITTED AT THE COUNTY BOARD MEETING). APPLICATION WAS POSTPONED FROM APRIL 11, 2019 MEETING DUE TO WEATHER CONDITIONS.

Joshua Mankowski presented power point presentation. David Watts was present for the application.

TOWNSHIP: Notified. Response: Letter stating their objection to solar gardens in Waterville Township until such a time that Le Sueur County establishes an ordinance that regulate the development of solar energy farms and other renewable energy development.

DNR: Notified. Response None

LETTERS:
James T. Chlan regarding his objection to the proposed solar garden. It is his belief that the land should be kept for farming only.

Harry & Randy Tolzman regarding their objection to the proposed solar project and outlined their objections which include; removal of productive farmland, reduction in property values, solar panels can possibly cause cancer, harm to wildlife and wildlife habitat, traffic hazard, noise and impacts on TV reception.

Cathy Hultgren regarding her objection to the proposed solar garden due to the impacts on neighboring properties.
Chuck Taylor regarding his objection to the proposed solar garden. His concerns include a lack of current rules and standards. He states he has the same concerns as Tolzman and Mason. Another solar garden on the outskirts of Waterville is not welcoming to tourists. Solar gardens are an eyesore.

City of Waterville outlining their objection to the proposed solar garden. These objections include; blocking the City form future residential development and growth; the City is boarded by Tetonka and Sakatah, the state park, and another large solar garden. Future plans for the City are for residential development in the area of the proposed solar garden. There are plans to extend city services into this area to accommodate residential development. There were also concerns about drainage, chemical treatments, and maintenance. Concern about possible failure and the lack of a decommissioning plan was voiced. The City of Waterville also recommended possible conditions if the application is approved; including installing a fence at the same height as the solar panels, providing vegetative screening, secured entrances, signage for high voltage and imposing a minimum setback of 50 feet from the property line.

PUBLIC COMMENT:
Roy McIntyre of the City of Waterville regarding his concern with approving solar gardens within two miles of the City of Waterville. The City has expanded its water treatment plant and plans to extend city services to this area. The project would deter residential development in the proposed area. He also is a member of the lake association and they oppose placement of these types of facilities within two miles of Sakatah and Tetonka. The two lakes are impaired. Ground water seeps into the lakes. Can the Planning Commission make a recommendation to the Commissioners about a moratorium. There is a dialog with the County Commissioners about the two mile jurisdiction.

Harry Tolzman resides adjacent to the proposed site. He is concerned about the negative impacts of the proposed garden. The proposal would be injurious to the adjacent properties and negative impact on property value. There are plans for a future school next to the site. Traffic issues related to the proposal. Illegal tiling that runs into White Water Creek and directly into the Lake Sakatah. There is no ordinance and land use plan does not address solar gardens. Recommend that there is a moratorium on solar gardens until rules and ordinances are in place. Question on the demand for the project when the city and school district have not signed a contract. Questioned who would have final jurisdiction over permits in this area if the City, Township, and County had different setbacks. The reason the solar farms were sent back by the County Commissioners was because they didn’t get a fair shake at the last meeting and the comments be read back into the record. There was no recommendation to the County Board about placing a moratorium.

Jerry Mason regarding how much of the last statements and testimony were read by the board members who were missing from the last meeting. Corporations have empty words and we need back it up with rules. Solar is not a garden. The solar company drilled test holes next to his home.

Discussion was held regarding: David Watts gave a brief history on the proposal and the fact that it had been sent back to the Planning Commission for additional review by the County Board of Commissioners with additional information that was submitted. He gave an overview of how the proposed project aligns with previously approved solar projects and that a denial based off the discussion at the last meeting would be unreasonable, arbitrary, and capricious. David Watts then referred to the additional information that was provided and gave a brief overview of the information. Discussion on jurisdictional boundary between the City of Waterville and the County. Discussion on placement of a moratorium. Discussion on impacts to water quality, runoff, impervious surface, and chemical use. Discussion of response from the City of Waterville and Waterville Township. David Watts introduced a study showing the sound generated by the solar garden is minimal and, depending on location next to the garden, could be compared to a rural environment or a library. Discussion on the additional information that was provided; tax base, landowner rights, improvements to water and air quality, impacts on wildlife, improvement of nearby production, and the comparison of solar gardens to the Conservation Reserve Program. Discussion on the number of homes within a quarter mile and the location of the closest homes to the gardens. Discussion on how solar impacts production, some of the criteria for locating a
potential solar garden site, and locating solar gardens adjacent to residential properties. Discussion about the study that was done on property values near solar gardens.

Findings by majority roll call vote:

1. The conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and substantially diminishes and impairs property values within the immediate vicinity. Proposed project is too close to current residential homes and will interfere with planned future development and expansion of the City of Waterville.

2. The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Location is too close to the City of Waterville and will impact future growth and development of the City of Waterville.

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 not been or will not 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. Project will constitute a nuisance to the neighboring residences. Proposed project is within two miles of the City of Waterville and in immediate proximity of residential dwellings.

6. The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. Solar gardens are not specifically dealt with in the Zoning Ordinance.

7. The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. Solar farm/gardens are not specifically referenced in the plan.

Motion was made by Al Gehrke to Deny the application.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #2: USS WATER CITY SOLAR LLC, MINNEAPOLIS, MN, (APPLICANT); ROBERT CULHANE JR, WATerville, MN (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 1 MW Solar Garden in an Agriculture “A” District. Property is located in the West half of the SW quarter, Section 27, Waterville Township. (APPLICATIONS WERE SENT BACK TO THE PLANNING COMMISSION FROM THE COUNTY BOARD DUE TO ADDITIONAL INFORMATION SUBMITTED AT THE COUNTY BOARD MEETING). APPLICATION WAS POSTPONED FROM APRIL 11, 2019 MEETING DUE TO WEATHER CONDITIONS.

Joshua Mankowski presented power point presentation. David Watts was present for the application.

TOWNSHIP: Notified. Response: Letter stating their objection to solar gardens in Waterville Township until such a time that Le Sueur County establishes an ordinance that regulate the development of solar energy farms and other renewable energy development.

DNR: Notified. Response None

LETTERS:
Peter Cowdin left a voice message regarding his opposition to the proposed project. The concerns he outlined include impacts on property values and the use of chemical sprays. He stated that if the City of Waterville installed a solar garden it would be easier to deal with then a private company and proposed instating a moratorium on solar until the County establishes specific rules in ordinance.
Dan & Sheri Girolamo regarding their concerns with the proposed solar garden. Their list of concerns included negative impact on property values, glare, emissions of high frequency sound. They stated that the area is zoned Agriculture, but the neighborhood has been and is shifting to residential and this industrial use in this area would be poor planning. The use is more industrial and should be located in an industrial park. There would be an increase in traffic and would expose the neighborhood to traffic hazards and toxic compounds used in solar energy generation. Increased runoff from the site due to a projected 40 percent impervious surface. The project would disrupt wildlife corridors and lead to increase car-deer accidents.

The City of Waterville regarding their objection to the proposed project. These objections include; blocking the City form future residential development and growth, the City is boarded by Tetonka and Sakatah, the state park, and another large solar garden. The proposed project is immediately adjacent to city limits. Future plans for the City are for residential development in the area of the proposed solar garden. There are plans to extend city services into this area to accommodate residential development. There were also concerns about drainage, chemical treatments, and maintenance. Concern about possible failure and the lack of a decommissioning plan was voiced. The City of Waterville also recommended possible conditions if the application is approved; including installing a fence at the same height as the solar panels, providing vegetative screening, secured entrances, signage for high voltage and imposing a minimum setback of 50 feet from the property line.

PUBLIC COMMENT: Roy McIntyre of the City of Waterville regarding the concern with the proximity of the proposal to city limits. There is a proposal to build a new school in this area. Plan to extend city services to this area. If people can buy properties and build houses, that would be better for taxes. Would not allow for expansion of the town. Explanation that the City is working with developers on plans to construct residential properties in this area with plans for 90 residential homes. Housing survey was done, a five-year plan. Constructed a new treatment plant to support housing. Solar farms are not part of the city planning, housing is part of the plan. Once the studies were done, the City started talking with property owners about housing.

Robert Colhane stating that the only thing that he received from the City was a plan to purchase property next to his bins to have low-income housing. That plan never came to fruition. The property owner couldn't come up with the money and he now owns the land. The city has not approached him about buying any land. Talking with his neighbors, a solar garden makes a good buffer zone, it is better than a trailer court or low-income housing. No one has ever come to him with any plans.

Jeff Jewison asked about property devaluation. Who is going to make up the difference when he sells. What is the difference is energy output during the winter and how are the panels de-iced. What is the total production of the panels. Would like the Planning & Zoning Commission to ask the applicant. I will be 500 feet away. Will my satellite be impacted and do you have documentation.

Discussion was held regarding: Discussion on the manufacturing plant that is adjacent to the proposal that is in a residential area. David Watts stated that he would like his comments and the information previously provided to be considered during consideration of this application. Discussion on the location of city services. Discussion about the supplemental information that was provided. David Watts stated that none of the comments have evidential support. Restated the benefits to water, soil, and air quality, the benefits to pollinators, landowners’ rights. This is a Conditional Use that has been approved in the past on agricultural land. Comment about CRP and the application, being similar. They both allow landowners to diversify their income, contain native and pollinator friendly plants. We also produce clean electricity. Would allow clean energy produced in this community for water treatment. Solar is more compatible with residential then manufacturing. Entered noise document into record and discussed it. Discussion on comparing solar farms to CRP. Discussion on the rights of property owners, not just those applying for a project but also those neighboring it. Discussion on devaluation of the neighboring property. Discussion was held on how production is measured and how the solar panels are de-iced and the snow removed. The financial payback of the garden was discussed.

Findings by majority roll call vote:
1. The conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and substantially diminishes and impairs property values within the immediate vicinity. Proposed solar garden is too close to city limits. Project is too close to residential properties. Will have a negative impact on neighboring properties. Waterville Township is against the proposed solar project.

2. The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Proposed project is too close to the City Limits and City jurisdiction. City of Waterville has future plan for extension of city utilities and residential expansion in the area of the proposed project. Project would hinder future growth of the City of Waterville.

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 not been or will not 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. The project is too close to residential properties and the city limits of the City of Waterville. Will be a disturbing influence in the neighborhood.

6. The Conditional Use Permit is not consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. Solar gardens are not specifically dealt with in the Zoning Ordinance. Proposed project in not in line with protecting the health, safety, and welfare of county residences.

7. The Conditional Use Permit is not consistent with the Comprehensive Land Use Plan. Solar gardens are not specifically dealt with in the Comprehensive Land Use Plan. A study needs to be done to look at the impact of solar gardens on the County and on county residents.

Motion was made by Don Reak to Deny the application.
Second by Al Gehrke. Motion approved. Motion carried.

ITEM #3: PETER & KAY WELLER, WATERVILLE, MN, (APPLICANT\OWNER): Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading, excavating, and filling of 147.7 cubic yards of material on the lot which included 58.3 cubic yards of material outside the shore impact zone, 89.4 cubic yards of material within the shore impact zone and within the bluff, and 15 cubic yards within the bluff impact zone; for the construction of a 46' x 1’ retaining wall located in the bluff, bluff impact zone, and shore impact zone; and also the ends of three retaining walls located within the shore impact zone, bluff impact zone and bluff resulting from a neighboring project that extended beyond the property line. Property is located in a Mineral Resources “MR” Overlay District, Flood Fringe “FF” Floodplain “FP” District and a Recreational Residential “RR” District, on Lake Tetonka, a Recreational Development “RD” lake. Property is located at Lot 3, Block 1, Warner’s Tetonka Addition, Section 19, Waterville Township. APPLICATION WAS POSTPONED FROM APRIL 11, 2019 MEETING DUE TO WEATHER CONDITIONS.

Joshua Mankowski presented power point presentation. Peter and Kay Weller were present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist stating here recommendation for approval with conditions: 1. Maintain the native vegetation that is currently growing on the bluff.
The native vegetation will help with slope stability and reducing runoff and erosion. 2. Modify the gutter system to direct stormwater towards stable pervious surfaces.

PUBLIC COMMENT: Peter Tyson regarding the work that was done with the DNR before installation of the tile line to the lake to safely convey water from the house to the lake. There was a major bluff slide in that area. Stated that they had contacted the County after the incident and Josh said nothing about needing a permit but did recommend contacting a contractor and the DNR.

Discussion was held regarding: There was discussion about performing emergency work without a Conditional Use Permit and that there isn’t a provision in the Zoning Ordinance that allows this type of work to be done before the issuance of a Conditional Use Permit. There was a declaration of by FEMA due to the rain that helped lead to the bluff sluffing off into the lake. There was discussion about the requirement to remove/decommission the tile line directly downhill of the absorption area of the septic system and that leaving the drain tile in place would cause the septic the be deemed an imminent threat to public health and safety under MPCA guidelines.

Findings by majority roll call vote:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

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.

6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.

Motion was made by Don Reak to Approve the application with the condition that the applicant maintain the native vegetation that is currently growing on the bluff. The native vegetation will help with slope stability and reducing runoff and erosion.

Discussion was held regarding: None.

Second by Al Gerhke. Motion approved. Motion carried.

ITEM #4: BUELL CONSULTING, ST PAUL, MN, (APPLICANT); RANDALL ROEMHILDT, ELYSAIN, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 259-foot cell tower in an Agriculture “A” District. Property is located in the SW 1/4 SW 1/4, Section 8, Elysian Township.

Joshua Mankowski presented power point presentation. Donovan McCain was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None
Discussion was held regarding: The choice of location was discussed and the location of the nearest towers. Testing wells and soil boring shown on the plans was discussed. The planned generator and access to fiber was talk over. Plan to complete within one year, if not completed within one year, the applicant will apply for an extension. The decommissioning plan was discussed including the placement of a condition that the footings are removed to a depth of eight feet instead of the proposed three feet to which the applicant agreed.

Findings by majority roll call vote:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

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.

6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.

Motion was made by Doug Krenik to Approve the application with the condition that the footings are removed within eight feet of the surface during decommissioning instead of the proposed three feet.

Discussion was held regarding: None.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #5: MATHEW CAVANAUGH, NEW PRAGUE, MN, (APPLICANT/OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 1294 cubic yards of material to accommodate a walkout dwelling in a Recreational Residential “RR” District, on Lake Tetonka, a Recreational Development “RD” lake. Property is located in Government Lot 2, Section 18, Waterville Township.

Joshua Mankowski presented power point presentation. Matt Cavanaugh was present for the application.

TOWNSHIP: Notified. Response None.

DNR: Notified. Response None.

LETTERS: Holly Kalbus, Environmental Resources Specialist stating here recommendation for approval with conditions: 1. Remove the entire gravel surface that is being proposed to the northeast of the house. This gravel surface is not necessary for the applicant to have access to
the garage or house. Also, this would significantly reduce the total amount of cubic yards of material for grading, excavating, and filling within shoreland. 2. Expand the gravel surface that is located south of the house and garage in order to meet the required 60’ by 60’ turn around.

PUBLIC COMMENT: Julie Johnson voiced concerns about changes in runoff from the lot after the proposed grading. This last year there were issues with runoff coming down the road. People have been placing gravel on the side of the private road to allow additional parking and this has impacted a swale. Julie Johnson also raised concerns about Mathew Cavanaugh possibly moving his business out to the proposed site.

Peter Johnson also voiced a concern with the drainage along the private road. Mathew Cavanaugh stated that he did not expect his property to increase drainage to the private road; he thought it would actually decrease the drainage in that area do to his vegetation plan. He also went on record stating that he has no intention to operate a business at this location.

Discussion was held regarding: The Board discussed the purpose of the two large graveled areas. Mathew Cavanaugh explained that one is for the required 60x60 and the other is to accommodate backing into and out of the garage. He also plans to place a shed in the location of the current 60x60 turnaround in the future and would like to handle the grading now. Joshua Mankowski explained that a 60x60 turnaround is required for any driveway over 150 feet long. Discussion on the conditions proposed by Holly Kalbus. There was discussion about the drainage coming from the proposed project and along the private road.

Findings by majority roll call vote:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

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.

6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.

Motion was made by Doug Krenik to Approve the application as written.

Second by Al Gehrke. Motion approved. Motion carried.

ITEM #6: DAVID & JUDY KERR, MANKATO, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 290 cubic yards of material to accommodate a walkout dwelling in a Recreational Residential “RR” District, on Lake Jefferson, a Recreational Development “RD” lake. Property is located at Lot 4, Block 2, Roy’s Landing, Section 3, Washington Township.

Joshua Mankowski presented power point presentation. Dave Kerr was present for the application.

TOWNSHIP: Notified. Response None
DNR: Notified. Response none

LETTERS: Holly Kalbus regarding her recommendation for approval.

PUBLIC COMMENT: None.

Discussion was held regarding: There was discussion about the use of a holding tank between the construction of the Single-Family Dwelling and the installation of the West Jefferson Sewage Pipe. It was clarified that the proposed fill will be placed outside the Shore Impact Zone.

Findings by majority roll call vote:

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

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.

6. The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

7. The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.

Motion was made by Shirley Katzenmeyer to Approve the application as written.

Discussion was held regarding: None.

Second by Scot Vonlehe. Motion approved. Motion carried.

ITEM #7: LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS: Changes to allow Short-Term Private Lodging Rental in the Recreational Residential District. Amendments to affect Section 4, Definitions; Section 13.2. Shoreland, Recreational Residential; Section 19 Land Use Performance Standards.

Joshua Mankowski presented power point presentation.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: None

PUBLIC COMMENT: Julie Johnson asked why Le Sueur County was writing an ordinance for Short-term rentals. Jeanne Doheny responded that the activity has been occurring in the Recreational Residential District and is currently not allowed. The County has been trying to address this issue by creating standards in order to regulate the activity. Julie Johnson thanked the board for trying to address the issue.
Discussion was held regarding: No further discussion was held on the proposed ordinance amendments.

Motion was made by Scott Vonlehe to approve the application the proposed ordinance amendment.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

5. Discussion Items: Staff was directed to look into conditions placed on the solar garden located off of Highway 60 in Waterville and determine if the applicant has been abiding by said conditions.


7. Motion to adjourn meeting by Al Gerhke. Second by Scott Vonlehe. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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

GENERAL INFORMATION

APPLICANT/OWNER: Jacob & Rachel Ziegler

911 ADDRESS: New access off Obernolte Place

PROJECT DESCRIPTION: Permit to allow grading, excavating, and filling of approximately 155 cubic yards of material on a lot for the construction of a walkout single-family dwelling.

PARCEL NUMBER: 04.700.0020

CUP NUMBER: 19060

SITE INFORMATION

LOCATION: Lot 2, Block 1, Obernolte Subdivision, Section 33, Elysian Township

ZONING DISTRICT: Recreational Residential

ZONING DISTRICT PURPOSE: 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, bluff, lake frontage lot

ACCESS: New access off Obernolte Place

EXISTING LAND USE WITHIN ¼ MILE:

North: Lake Francis
East: Residential, Lake Francis
South: Farmland, State Highway 60
West: Residential

BACKGROUND INFORMATION

This property is located in Obernolte Subdivision, which was platted in 2002. The proposed dwelling design is for a walk-out dwelling. The additional GEF that is proposed is to accommodate this type of design. Any GEF more than 50 cubic yards of material on the lot requires a Conditional Use Permit.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Lynn Hedl from Elysian Township was contacted on May 14, 2019 by the applicant.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

LAKE: Lake Francis, Recreational Development Lake

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, Type 1 wetland located in the quarter-quarter section where the project is proposed.
ATTACHMENTS

Application, description of request, site plan, aerial photo, Findings of Fact sheet, site plan, grading plan, house plans, Erosion Control Plan, Holly Kalbus Letter

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 13 Shoreland Management, Section 13.2 Recreational Residential, Section 18, Environmental Performance Standards, Section 19, Land Use Performance Standards, Section 21 Conditional Use Permits.

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 makes reference to water quality, shoreland and bluff preservation.

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 resources areas.

Objective 1: The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

Action 3: Amend the County’s Zoning controls to require all structures to meet a 30’ minimum setback from the top of a bluff.

Objective 2: Utilize shorelands on Recreational Development Lakes (RD) for housing but with focus on development design that protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

GOAL #3: Improve water quality in Le Sueur County.

Objective 1: The County will undertake actions to help protect groundwater as well as surface water features.

Action 1: The County will adopt and implement the goals, objectives and actions of the County’s Local Water Management Plan.

DNR GUIDANCE LETTERS

1. Administration, Compliance, and Enforcement
2. Grading & Filling within Shoreland Areas
3. Bluffs and Steep Slopes

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 13 & 18

BLUFF:

The proposed structure meets the minimum required setbacks from the bluff. No grading, excavating and filling is proposed within the bluff or within the bluff impact zone.

GRADING, EXCAVATING, OR FILLING:

Grading, excavating, and filling (GEF) on a shoreland lot cannot exceed 50 cubic yards. In order for the applicant to construct the walkout design proposed, additional GEF is proposed to accommodate the design. If approved the GEF filling must be required to be completed prior to expiration of the CUP and all exposed soil areas revegetated.

Fill or excavated material must not be placed in bluff impact zones.

Fill or excavated material must not be placed in a manner that creates an unstable slope.
An Erosion Control Plan has been submitted with the proposed plan. Erosion control measures must remain in place until vegetation has been reestablished.

Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local SWCD and the United States Natural Resource Conservation Service.

DRAINAGE:

Any proposed development of land shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.

Erosion control measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control measures. When possible, existing natural drainage ways, natural or created wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff.

Development shall be planned in a manner that will minimize the extent of disturbed areas, runoff velocities and erosion potential. Disturbed areas shall be stabilized and protected in conformance with all applicable County, State and Federal regulations.

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.

11. Additional considerations:
   a. Traffic
   b. The site is adequate for water supply and on-site sewage treatment.
   c. Prevent soil erosion.
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-EVALUATION CRITERIA

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. 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.

SHORELAND DISTRICT CONDITIONS

1. Increased setbacks from the ordinary high water level.
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
3. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.
Date: 05/28/2019

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
Jacob & Rachel Ziegler

Property owner:
Jacob & Rachel Ziegler

Property:
04.700.0020

Description:
Request a Conditional Use Permit to allow grading, excavating, and filling of approximately 155 cubic yards of material on a lot for the construction of a walkout single-family dwelling in a Recreational Residential “RR” District, on Lake Frances a Recreational Development “RD” lake.

Recommendation:
It would be my recommendation to approve the application. The construction of the dwelling is located out of the shore impact zone, bluff impact zone, and bluff.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
**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

<table>
<thead>
<tr>
<th>APPLICATION DATE:</th>
<th>5/14/2019</th>
<th>PERMIT NUMBER:</th>
<th>19060</th>
<th>FEE:</th>
<th>$0.00</th>
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<td>7/13/2019</td>
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**APPLICANT:** JACOB & RACHEL ZIEGLER

**ADDRESS:** 808 PINNACLE PATH

**CITY:** MANKATO

**STATE:** MN

**PHONE:** 952-240-6971

**111:**

**PARCEL #:** 04.700.0020

**SEC:** 33

**TWP:** 109

**RANGE:** 024

**QTR/QTR:** NW/NE

**SUBDIV:** OBERNOLTE PLACE

**LOT:** 2

**BLOCK:** 1

**ROAD:** PVT

**ZIP:** 56001

**LAND OWNER:** JACOB & RACHEL ZIEGLER

**ADDRESS:** XXXX STATE HWY 60 W

**CITY:** ELYSIAN

**STATE:** MN

**PHONE:** 952-240-6971

**ZIP:** 56028

**TOWNSHIP:** ELYSIAN

**DISTRICT:** RR

**FEMA PANEL #:** 27079C0425D

**FLOOD ZONE:** X OUTSIDE

1 (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 GRADING, EXCAVATING, AND FILLING OF APPROXIMATELY 155 CUBIC YARDS OF MATERIAL ON A LOT TO CONSTRUCT A WALKOUT SFD.

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.

<table>
<thead>
<tr>
<th>APPLICANT/PROPERTY OWNER</th>
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<th>LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY</th>
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<th>6/13/2019</th>
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<th>CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS</th>
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LE SUEUR COUNTY
CONDITIONAL USE PERMIT CRITERIA
Conditional Use Permit #: 19060

Applicant: JACOB & RACHEL ZIEGLER
Land Owner: JACOB & RACHEL ZIEGLER

Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING, AND FILLING OF APPROXIMATELY 155 CUBIC YARDS OF MATERIAL ON A LOT TO CONSTRUCT A WALKOUT SFD.

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.

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<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
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Explain

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.

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Explain

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

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Explain

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

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Explain

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.

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Explain

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

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<th>Jeanne</th>
<th>Shirley</th>
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Explain

7. The conditional use is consistent with the Comprehensive Land Use Plan.

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Explain

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 meet the goals of safety, health and the general welfare of the public.

Date: __________________ APPROVED _____ DENIED _____ PZ Chairperson __________________

COUNTY BOARD MEETING DATE __________________________
Le Sueur County

Conditional Use Application - Grading, Excavating & Filling

Activities that involve topographic alterations in all districts shall conform to the standards in Section 18 of the Le Sueur County Zoning Ordinance. Activities within a shoreland district shall conform to the standards in Section 13 of the Le Sueur County Zoning Ordinance.

In addition any activities in any type wetland shall be evaluated in accordance with the Wetland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:
   Name __________________________
   Mailing Address ________________________
   City __________________ State _______ Zip ________
   Phone # __________________________

II. Landowner:
   Name __________________________
   Mailing Address ________________________
   City __________________ State _______ Zip ________
   Property Address ________________________
   City __________________ State _______ Zip ________
   Phone # __________________________

III. Parcel Information: 04-760-000-090
   Parcel Number __________________________
   Parcel Acreage __________________________
   Attach Full Legal Description (NOT abbreviated description from tax statement)
   Township __________________________
   Elysian Township __________________________
   Section __________________________
   Subdivision __________________________
   Bernolette Addition __________________________
   Lot _______ Block _______

IV. Township Notification: Township must be notified of proposed use prior to application.
   Elysian Township notified on ________
   (Township Name) (Date)

   Board Member __________________________
   Lynn Hedl __________________________
   (Name) regarding the proposed use.

V. Quantities and Submittal Formats:
   a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
   b. Twenty Three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
   c. Electronic version of any supporting documents if available.
   d. Additional copies may be requested as deemed necessary by the Department.
   e. Application must be made in person by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
   f. Appointment is necessary.
   g. 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 Cubic yards of material movement:
☐ Within Bluff Cubic yards of material movement:

TOTAL cubic yards of material movement:

☐ Shoreland - Outside Shore Impact Zone Cubic yards of material movement: 155 cu. yd.
☐ Within Shore Impact Zone Cubic yards of material movement:
☐ Within Bluff Impact Zone Cubic yards of material movement:
☐ Within Bluff Cubic yards of material movement:

TOTAL cubic yards of material movement: 155 cu. yd.

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

VIII. Description of Request:

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

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

1. ENVIRONMENTAL IMPACT: None as we will have completely standardized our methods.
2. ADVERSE IMPACT ON SURROUNDING AREAS: None as grade will be tied into lake.
3. STORMWATER RUNOFF: None as erosion control measures installed on site during construction.
4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No
5. WETLAND IMPACT: No wetlands on site.
6. SLOPE STABILITY: Will be revegetating site at completion.
7. CERTIFICATE OF INSURANCE: NA
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
- Setbacks
- Property Lines
- Road Right-Of-Way
- Landscape, screening and buffering
- Lake
- Existing Structures
- Proposed Structures
- River
- Proposed Structures
- Wetland
- Lot Dimensions
- Stream
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Drainage

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

[Stamp: Received May 4, 2019]
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 Distiricts*)
  - 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.

[Signature]

Date

05/14/2019

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

[Signature]

Date

05/14/2019

RECEIVED

MAY 31 2019

BY:
Request: **GRADING, EXCAVATING & FILLING**

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

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: 15.5

TOTAL cubic yards of material movement: __________

Pre-App Date 5/1/19
Meeting Date 5/25/19
60 Day 3/13/19
Zoning District 12

Lake Classification: R2D
Lake Zones: Gomes
FEMA Panel #: 27079C0 405 D
Flood Zone: Y - Outside

Feedlot: N
Wetland Type: 1-2
Water courses: N
Bluff: N

Request Description
Access Approval
Erosion Control Plan

☐ Septic Comp Inst Design
Meeting Reg / ATF / Spec

☐ Fee $ 750 + $
Penalty $ __________

Application Complete 5/14/19
Planning & Zoning Department Signature 5/1/19
Date 19060
Permit #

RECEIVED
MAY 14 2019
BY: 4
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: Jacob & Rachel Ziegler  
Mailing Address:  
8056 Pinnacle Path  
Mankato MN 56001  
PID: 04.700.00.20

Property Address:  
Phone: ( ) 952-240-6071  
Mobile/Cell: ( )

Responsible party for Implementation/Inspection: Deichman Construction
Address: 4 Trail Drive  
Mankato MN 56001  
Phone: (507) 625-7801  
Mobile/Cell: (507) 351-9291

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.

RECEIVED
MAY 14 2019
BY:
11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer’s instructions:

2:1 slopes or steeper  
Straw/Coconut Blanket or High Velocity Wood Blanket

3:1 slopes or steeper  
Wood or Straw Blanket with net on both sides

4:1 slopes or steeper  
Wood or Straw Mulch blanket with net on one side

Flat areas  
Straw Mulch w/disc anchoring

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

Inspection and Maintenance

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

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

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

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

[Signature]
(Property Owner)

[Signature]
(Person Responsible for Implementation)

5/4/19
(Date)

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

GENERAL INFORMATION

APPLICANT: Max Johnson Trucking
OWNER: David & Susan Pudwill
911 ADDRESS: New, State Highway 112, (Le Sueur County CSAH 22)
PROJECT DESCRIPTION: Request that the County grant a Conditional Use Permit to allow mineral extraction of approximately 22.59 acres on a 34.38-acre parcel.
PARCEL NUMBER: 10.025.8210
CUP NUMBER: 19061

SITE INFORMATION

LOCATION: NW/SW Section 25, Ottawa Township
ZONING DISTRICT: Agriculture and Mineral Resources Overlay District
ZONING DISTRICT PURPOSE: The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.

This Mineral Resources Overlay District shall not prohibit mining in other areas of the County not identified within the Mineral Resources Overlay District boundaries as shown on the Official Zoning Map.

GENERAL SITE DESCRIPTION: Farmland
ACCESS: Existing access off Hwy 112 (County Road 22), change of use of existing access approved by County Highway Department.

EXISTING LAND USE WITHIN ¼ MILE:
North: Farmland
East: Farmland, drainage ditch
South: Scattered residences, farmland
West: Clustered residences, Farmland

BACKGROUND INFORMATION

The parcel is a 34.38-acre parcel that is currently predominantly farm ground. The main purpose for the proposed mining operation is for the reconstruction project of County Road 22 (previously state highway 112), however the resources are planned to be used for other projects as well.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Don Bauleke from Ottawa Township was contacted on May 9, 2019 by applicant.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is not located within the Shoreland District.
WETLANDS: According to the National Wetlands Inventory, no wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, description of request, site plan, aerial photo, Findings of Fact sheet, Access approval, Storm Water Pollution Prevention Plan (SWPPP), photographs, example of signage

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 8, Agriculture, Section 6.1 Mineral Resources Overlay District, Section 20 Mineral Extraction, Section 21 Conditional Use Permits

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 makes reference to Aggregate Resources

GOAL #6: Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development.

Objective 1: The County should adopt an aggregate resource protection ordinance.

Action 1: The ordinance adopted should protect areas that have been identified on the Le Sueur County Aggregate Resource Map. The ordinance should contain standards for preserving these areas from development pressure, and set up standards for reclamation of the mining site once closed.

Action 2: An aggregate resource ordinance would also be useful for dealing with existing mining operations that have been negligent in undertaking reclamation actions on pits that are no longer active. Once reclamation is accomplished on these older pits, other land uses could be considered for these reclaimed sites.

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

WETLAND: No wetlands are located within the project/parcel area.

BLUFF: No bluffs are located within the project/parcel area.

EROSION CONTROL: Erosion Control plan submitted as part of the mineral extraction proposal.

DRAINAGE: Drainage and stormwater address in the attached SWPPP.

LAND PERFORMANCE STANDARDS-SECTION 19

ACCESS: Current access is off highway 112 (County Road 22) as a field entrance. Approval from the County Highway Department approving the change in use for the access.

PARKING & LOADING: All parking and loading to be done onsite, however the road that abuts the property is the road project that Max Johnson Trucking will be utilizing for aggregate resources for.

a. Parking and loading spaces shall have proper access from a road right-of-way.
b. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazards.

LANDSCAPING & SCREENING: Adequate screening, including either natural and/or supplied screening in the form of plantings, fencing and/or berming shall be provided along all public roads adjacent to the property involved and adjacent properties where improvements are unless otherwise stated in the plan.

1. Adequate screening is defined as screening the mining operation from public view as seen by either standing from the center of
2. Natural screening consists of existing features which are located within fifty (50) feet of the boundary of the site and which screen the view of mining activities.

3. Supplied screening includes planting, fencing, or bermsing. Density of plantings used for supplied screening shall not be required to exceed a density of alternating rows of conifer trees six (6) feet on center and a height of six (6) feet at the commencement of mining.

4. Screening with berms shall be stabilized with native vegetative cover.

SIGNAGE:

Trucks hauling signs 200 feet in each direction going into the pit, also a pit entrance sign with pit name and contact information.

OUTDOOR LIGHTING:

No exterior lighting is proposed.

NUISANCE CONTROL:

PURPOSE: It is the intent of this Subdivision to provide for and control those nuisances which will affect the public health, safety and general welfare of the residents of Le Sueur County and further preserve the aesthetic values of the County and individual neighborhoods.

WASTE DISPOSAL: All refuse shall be disposed of in compliance with all County, State and Federal waste disposal requirements.

R O D E N T  C O N T R O L

1. At any time when there is found to exist on any property rodents which are detrimental or present a public health threat, the landowner of said property shall be given notice of the nuisance and shall within thirty (30) calendar days correct the rodent problem found to exist.

2. The method of correction may be extermination utilizing means acceptable to the County and the Agency and/or may include, but not limited to, the removal of the source, i.e. debris piles, unprotected storage areas or lumber piles.

3. If, within thirty (30) calendar days, the nuisance is not corrected, the County may take corrective action as provided elsewhere in this Ordinance.

N O X I O U S  W E E D S: In all Zoning Districts each landowner shall be responsible to control noxious weeds to the greatest degree possible. Enforcement of this provision shall be coordinated with the County Agricultural Inspector.

R E S T R I C T E D  S T O R A G E

1. In all zoning districts, all waste material or refuse, with the exception of crop residue debris, shall be kept in an enclosed structure or properly contained in a closed container designed for such purposes.

2. The landowner shall be responsible for keeping such land free of refuse.

S P E C I F I C  L A N D  U S E:

See Section 20, Mineral Extraction

P L A N N I N G  A N D  Z O N I N G  C O M M I S S I O N  C O N S I D E R A T I O N S

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
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.

11. Additional considerations:
   a. Traffic
   b. Please refer to Section 20, Mineral Extraction for additional standards relating to mining.

---

**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.
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: 5/14/2019 PERMIT NUMBER: 19061 FEE: $706.00
60 DAY RULING DATE: 7/13/2019 *FEES NON-REFUNDABLE
APPLICANT: MAX JOHNSON TRUCKING LAND OWNER: DAVID & SUSAN PUDWILL
ADDRESS: PO BOX 212 ADDRESS: 387.5 S STATE HWY 112
CITY: LE CENTER CITY: LE SUEUR
STATE: MN ZIP: 56057 STATE: MN ZIP: 56057
PHONE: 507-357-6313 PHONE:
911: NEW STATE HWY 13, LE SUEUR, MN

PARCEL #: 10.025.6210 TOWNSHIP: OTTAWA
SEC: 25 SUBDIV: NA DISTRICT: AMR
TWP: 111 LOT: NA FEMA PANEL # 270790C0120D
RANGE: 26 BLOCK: NA HOLO.
QTR/QTR: NW/SE ROAD: ST HWY 112 FLOOD ZONE: X OUTSIDE

1 (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 MINERAL EXTRACTION OF 22.59 ACRES ON A 34.38 ACRE PARCEL.

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.

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

PUBLIC HEARING DATE: 6/13/2019 ACTION: ____________
□ AS WRITTEN □ WITH CONDITIONS
COUNTY BOARD DATE: 6/25/2019 ACTION: ____________
□ AS WRITTEN □ WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS
LE SUEUR COUNTY  
CONDITIONAL USE PERMIT CRITERIA  
Conditional Use Permit #: 19061  

To: MAX JOHNSON TRUCKING  
Land Owner: DAVID & SUSAN PUDWILL  

Conditional Use Permit Request: TO ALLOW MINERAL EXTRACTION OF 22.59 ACRES ON A 34.38 ACRE PARCEL.

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.

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<th>Don Rk</th>
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Explain

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.

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Explain

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

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Explain

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

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Explain

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.

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Explain

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

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Explain

7. The conditional use is consistent with the Comprehensive Land Use Plan.

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Explain

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 meet the goals of safety, health and the general welfare of the public.

Date: ___________________  
APPROVED _____  DENIED _____  PZ Chairperson ___________________

COUNTY BOARD MEETING DATE ___________________
Conditional Use Application

I. Applicant:
Name: Max Johnson Trucking Inc
Mailing Address: PO Box 212
City: Le Center
Phone: 507-357-6313
State: MN Zip: 56057
Phone: 507-327-1335

II. Landowner:
Name: Max Johnson Trucking Inc Contract for Deed - David & Susan Pudwill
Mailing Address: PO Box 212
City: Le Center
Phone: 507-357-6313
State: MN Zip: 56057
Phone: 507-327-1335

III. Parcel Information:
Parcel Number: 10.025.8210
Parcel Acreage 34.38
Attach Full Legal Description: See attachment #16
Township T-111N R-26-W Section 25
Subdivision
Lot Block

IV. Township Notification: Township must be notified of proposed use prior to application.
Ottawa Township notified on 5-9-2019
(Township Name) (Date)

Board Member Don Bauleke regarding the proposed use.
(Name)

V. Quantities and Submittal Formats:
a) One (1) reproducible 8.5"x11" copy of the request and all other supporting documents.
b) Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger
than 8.5"x11" in size.
c) Electronic version of any supporting documents if available.
d) Additional copies may be requested as deemed necessary by the Department.
e) Application must be made in person by the applicant and/or landowner no later than 12 P.M.
f) Appointment is necessary.
g) 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

RECEIVED
MAY 14 2019
BY:
VII. Description of Request:
- A full description of request with detailed information must be attached.
  See Section IX A - Answer
- Complete the following in relationship to the proposed Conditional Use Permit:
  1. PROPOSED DAYS AND HOURS OF OPERATION: Mon - Fri 7am - 7 pm, Sat 7am - 3 pm
  2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 3 Mine Operators 6 - 8 trucks
  3. LIST OF PUBLIC HEALTH PLANS:
     i. Water Supply: Bottle Water
     ii. Toilet facilities: Port-a-John
     iii. Solid Waste Collection: Port-a-John
  4. FIRE PREVENTION:
  5. SECURITY PLANS: Lockable gate
  6. RETAIL SALES: None - Contract sales
  7. FOOD OR ALCOHOL SERVED OR FOR SALE: No
  8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control) N/A
  9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
  10. EXTERIOR LIGHTING: N/A
  11. PARKING AND LOADING: Parking & Loading within Mining area
  12. SIGNAGE: Truck hauling signs 200' in each direction going into Pudwill Pit
  13. ROAD ACCESS: (Approved by the road authority) Letter from Highway Engineer
  14. CERTIFICATE OF INSURANCE Will Furnish per County's requirements
  15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATION: (For example additional licensing and/or permitting)

VIII. SITE PLAN: Shall include but not limited to the following:
North point
Setbacks
Property Lines
Road Right-of-Way
Lake
River
Wetland
Stream
Existing Structures
Proposed Structures
Lot Dimensions
Ponds
Septic system
Well
Access (size & location)
Easements

Parking (Size & location-if applicable to application)
Landscape, screening and buffering (if applicable to application)
Location of significant trees to be removed (if applicable to application)

RECEIVED
MAY 14 2019
__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. Floor plans and/or blue prints

X. 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 the recommendations of the Planning Commission to the County Board for final decision.

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

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 Le Sueur County Recorder by the Department.

XI. 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.

[Signature]

5-14-19

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. See Notarized letter.

[Signature]

5-14-19

Date

---

**Request:** Mineral Excavation 22.5a Ac

**OFFICE USE ONLY**

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<tr>
<th>Pre-App Date</th>
<th>Meeting Date</th>
<th>60 Day</th>
<th>Zoning District</th>
<th>Request Description</th>
<th>Site Plan</th>
<th>Full Legal</th>
<th>Ordinance</th>
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<tr>
<td>5-14-19</td>
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- [ ] Lake Classification
- [ ] Access Approval
- [ ] Lake
- [ ] Erosion Control Plan
- [ ] FEMA Panel # 27079CO
- [ ] Blue Prints
- [ ] Other
- [ ] Septic
- [ ] Comp Insp / Design
- [ ] Meeting
- [ ] 1.2 Wetland Type
- [ ] 500' 1000' N
- [ ] Water courses
- [ ] Y N
- [ ] Bluff
- [ ] Y N

Fee $795.00
Penalty $190.61

Application Complete

__Planning & Zoning Department Signature __5-14-19 __Permit # __19061__
Full Description of the Request

The main purpose of securing a mining permit at this property is mainly for the reconstruction of Le Sueur CSAH 22.

All hauling from this pit will be project related, i.e. Township hauling, County Projects, etc. It will be on going and will, for the most part, be only Max Johnson Trucking, Inc. Trucks.

The projected life expectancy at this time is 10 years. This will be determined by the work in the area.

The site is somewhat contained and should not be a deterrent to the surrounding residents.

One resident lives adjacent to the property and is shielded by trees.

The pit area will be surrounded by a 5’ berm per MSAH mining requirements. These berms will be seeded with Timothy seed or other recommended seed.

At the entrance a sign will be constructed. It will be located just south of the lockable gate. At the completion of the CSAH 22 Project a 50’ Bituminous driveway will be constructed. See attachment #2.

A crusher will be at the site to crush the bituminous hauled in off the project. This material will be blended with some sand from the pit to produce Class 5 material. This will then be reused on the project.

We are planning on reusing all aggregates we find on the project.

When we enter Stage II Construction, we will start restoring Stage I so as not to be mining no more than 10 acres at any one time.

Stage III Construction may not happen on this project but is included in case of material that may be beneficial to this project.

Due to the apparent water table and cost of restoration, Stage III may only be 15’ – 20’ of mining.

Once the mining is complete, the area will be restored and put back into farm land. As of now there are areas where there is very little topsoil on the hills. Hopefully enough topsoil can be salvaged to leave a uniform layer on the restored area. Also, there maybe excess material of the project that could also be used in restoration.

The site should conform to all existing zoning requirements and should not conflict with the Comprehensive Land Use Plan of Le Sueur County.

The attachments #5 & 6 shows adequate site distances in both directions for trucks to enter & exit the site. Truck hauling signs will be posted 200’ in each direction from the pit entrance.

Erosion control and storm water runoff should not be a problem as the site is somewhat contained and sloped to the center of the mined area.

No topsoil will be removed from the site. All topsoil will remain on site to help eliminate erosion.

The aggregate from this site can be an asset to Le Sueur County and its residents as a close source for upcoming projects.
Conditional Use Application Answers:

VIII (B) Site Plan – See Attached #8

Existing Site Plan – See Attachment #1
Mining Area Plan – See Attachment #8
Proposal Reclamation Plan – See Attachment #7
Included
North Point
Setbacks
Property Lines
Road Right of Way
Lake – N/A
River – N/A
Wetland – N/A
Stream – N/A
Existing Structures – None
Proposed Structure – None
Lot Dimensions – see existing site plan
Ponds – N/A
Septic System – Port A John

Well – Located on Property ID 10.025.8200 South Corner of existing house, approx. 322’ from the Pudwill Pit property line. See attachment #7

Access – Will be from Le Sueur County CSAH 22
Easements – N/A
Parking – Within Mine Area
Landscapes, Screening and Buffering

Existing trees will remain forming a buffer to the home to the South
Location of significant trees to be removed:
See Mining Area Plan

IX (a) Add Brief Description – Included Section IX (A)
(b) Site Plan – See Attached #8
(c) Full Legal Description:
   NW1/4 of SW ¼ less 1.35 Acres of Le Sueur County
   CSAH 22 & Less 4.27 Acres
   T 111 N, R 26 W, Section 26
(d) Letter from Le Sueur County Highway Department -Included
(e) Township Notification
   See Application
(f) Septic System – N/A
(g) Erosion Control Plan – See Attached #9
(h) N/A

Le Sueur County Highway Department
88 South Park Avenue
Le Sueur County
Conditional Use Permit Specific Use Form

Mineral Extraction: Permit # 19061

A. No person, firm, or corporation shall engage in the mining and processing of sand, gravel, limestone or other minerals on any land within Le Sueur County, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit.

B. Specific Use Form: The Specific Use Form for Mineral Extraction must accompany the Conditional Use Permit application, as well as any supporting documentation listed on the application and listed below

   1. Estimated life expectancy of the proposed operation.
   2. Detailed site plan indicating:
      a. Existing topographical features at 10-foot contours.
      b. Location of water courses, drainage systems and impounded waters.
      c. Outline of the maximum area to be mined.
      d. Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.
      e. The proposed location of any buildings, equipment storage areas, and any other uses incorporated in the excavation process.
      f. Location and names of existing roads, trails, railroads, buildings, utility ROW, vegetation, wells and any other features within and adjacent to the proposed excavation area within 500 feet.
      g. Access routes within one mile of the site.
   3. Erosion control plan.
   4. Dust and noise control plan.
   5. Bond.
   6. Recycling plan for concrete or other forms of aggregate, if applicable.

C. Reclamation Plan: A reclamation plan shall be prepared for the planned after-use of the affected areas and the nature and extent of reclamation. The following are minimum standards for reclamation:

   1. Proposed contours after any proposed filling.
   2. Depth of restored top soil if restoration is proposed.
   3. Type of fill, if applicable.
   4. Type of planting and restoration.
   5. Estimated progress and completion dates. Reclamation shall progress on a phased basis.
   6. Written statement containing on explanation of the character of the site to be mined, the surrounding territory, the reclamation plan, and the schedule of development which shall include phase development.

D. Signatures:

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

Applicant signature

Date

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

Property Owner signature

Date

OFFICE USE ONLY

Date received 5/14/19
Initials

☐ Erosion control plan
☐ Restoration plan
☐ Life Expectancy
☐ Dust & Noise Control Plan
☐ Recycling Plan
☐ Bond

07-09-09
MAX JOHNSON TRUCKING, INC.

P.O. BOX 212
LE CENTER, MN 56057
507-357-6313

Pudwill Pit

Answers to questions regarding Specific use for:

B. (1) Estimated Life Expectancy

10 years depending on Work Load in Area

(2) Site Plan

A. See Attachment #1
B. See Attachment #10
C. See Attachment #2
D. See Attachment #3
E. See Attachment #7
F. See Attachment #7
G. See Attachment #4

(3) Erosion Control Plan

See Attached #9 In CUP Application

(4) Dust & Noise

The site will be somewhat contained and noise should not be an issue as the nearest farm home to the south. Dust Control will be used on the access road in and out of the pit. Hours can be restricted from 7:00 A.M. to 7:00 P.M. Monday through Friday with warm up of equipment 6:30 A.M. to 7:00 A.M. We would like to have the ability to haul on Saturday's from 7:00 A.M. to 3:00 P.M. as some people do their yard work on weekends.

(5) Bond

A Bond will be issued per County requirements.

(6) We would like the ability to recycle concrete and bituminous. It helps conserve our existing aggregates. We will be recycling all aggregates from the CSAH 22 project.

C. (1) See Attachment #7
(2) We will salvage all existing topsoil and stockpile for restoration. We will also accept any topsoil from projects for use in restoration. An average depth of 12” would be nice, but due to the fact some areas of the pit location have very little if any topsoil, a 6” average may be more reasonable.

(3) Excess clay may be used for Restoration from the CSAH 22 Project.

(4) The area will be turned to farmland

(5) See Attachment #8 (map stages)

Depending on the work in the area, a 10 year operation is a reasonable estimate. Our plan would be to work in 7 acre segments starting from the West, then to the East. We would reclaim these areas back to farmland as we move from one stage to the next. See brief description in CUP.

(6) The aggregate material in the pit is mostly a sand fill. We do anticipate pockets of coarse material that we would move a crusher in to crush this material. There will not be a hot mix plant in the pit as the material is not suitable for Bituminous Aggregate. The only trucks hauling in and out of the pit would be Max Johnson Trucking, Inc. except on occasion where a local contractor may need some material. A crusher will be on site to recycle existing bituminous removed from the CSAH 22 project. See also brief description in CUP.

Attachment #7 Access Road to Pit with lockable gate

Attachment #8 Pit Area- Possible Stockpile Area staged Construction Plan.

Crushing Plant Setup Area
Max Johnson Trucking, Inc.
P.O. Box 212
Le Center, MN 56057

RE: Access to Pudwill Pit

To Whom It May Concern,

Gary Johnson of Max Johnson Trucking, Inc. has requested entrance access to the Pudwill Pit located on Le Sueur County State Aid Highway 22.

I approve this request with the following conditions:

1.) The location of the entrance shall be coordinated with the Le Sueur County Highway Department Engineering Staff at the time of installation.
2.) Trucks Hauling signs shall be erected during hauling operations.

Should any other information be needed regarding this access request please contact me.

Regards,

Dave Tieg
Le Sueur County
Highway Engineer

Equal Opportunity Employer
Max Johnson Trucking, Inc.

P.O. Box 212
Le Center, Mn 56057

507-357-6313
507-357-2231 FAX

Le Sueur County Environmental Services
515 South Maple Avenue
Le Center, MN 56057

RE: Mining Permit Request

Dear Josh,

We are requesting a CUP for the former David & Susan Pudwill property located in Ottowa Township.

We are planning to exit the pit onto Le Sueur County CSAH 22.

Max Johnson Trucking, Inc. has NPDES Permits on all pits and will include this pit once it is approved.

If you have any questions please call.

Thank You,

Gary L. Johnson
Max Johnson Trucking, Inc.

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BY:
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Application for Mineral Extraction Permit

Answers to questions regarding Mineral Extraction
Figure 1 - Existing Conditions

Attachment #1

Legend
- Parcel
- Index Contour
- Intermediate 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
License Number 19789

Date: 4/1/2019

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BY:
Looking North from Pit Entrance

Attachment 5
Looking South from Pit Entrance

attachment #6
Pudwill Pit
Max Johnson Trucking

Attachment #8
Figure 2 of 7 - Proposed Mining Area
May 2019

Legend
- Proposed Mining Area
- Existing Lidar Contours
- Setback 5'
- Foot High Berm
- Profile Line (see Figure 7)
- Parcel

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Source: La Salle County, MDCNR, MnDOT, MDH, MBS, NRCS
STORM WATER POLLUTION PREVENTION PLAN

FOR

Max Johnson Trucking, Inc.

PUDWILL PIT

LE SUEUR, MINNESOTA

STORM WATER PREVENTION PLAN

FOR

Max Johnson Trucking, Inc.

PUDWILL PIT

LE SUEUR, MINNESOTA 56058

Attachment #9
LE SUEUR COUNTY, MINNESOTA

A. GENERAL

This plan has been prepared in compliance with the provisions contained within the PERMIT, National Pollutant Discharge Elimination System/State Disposal System. This plan shall remain at the office of Max Johnson Trucking, Inc. and will not be submitted to the Minnesota Pollution Control Agency unless requested. This plan describes Best Management Practices (BMP's) to reduce or eliminate water pollution at the Pudwill Facility. The subject site will be an active sand and gravel production, which involves the production and delivery of sand and gravel and products to various sites. The site consists of approximately 34 acres, located within Ottawa Township, Le Sueur County. The Pudwill Facility consists of a maintenance area where maintenance activities are performed on crushing equipment and loaders, processing and loading area. Based on site activities, the Pudwill facility falls under the Standard Industrial Classification Code of 1442. Typically the facility operates 12 hours per day, 5 days per week intermittently and maintains a staff of 3 people.

B. SITE MAP

A site map, facility site plan, sheet 1 of 1, is attached which illustrates the following items: facility structures, significant materials storage area, discharge outfalls, direct storm water runoff, location of receiving waters, drainage areas, topographic characteristics, impervious surface area, township, range, and section number.

C. POTENTIAL SOURCES OF POLLUTANTS

The following are potential sources of contamination of storm water at the site.

1. Parking Area
2. Sand and Gravel Truck Loading Area
3. Sand and Gravel Processing Area
4. Materials Storage (aggregates and fuels)
5. Maintenance Area
6. Haul Roads (tracking)

D. PRACTICES TO REDUCE POLLUTANTS IN STORM WATER DISCHARGES FROM THE SITE

In this particular operation potential sources of pollutants include high sediment loads in surface water runoff and petroleum product releases, will not leave the site. Each of the potential sources of contamination is discussed below.

Parking Area: Employees park their vehicles in a designated parking area. Company vehicles park in a separate designated area. Storm water from these areas can be potentially contaminated by leaking fluids from the parked vehicles. These contaminates may contain mineral oil, petroleum distillates, benzene, ethyl benzene, toluene and MTBE.

Sand and Gravel Truck Loading Area: Trucks are loaded with sand and gravel in the pit. Storm water from these areas can be potentially contaminated by fluids leaking on to the gravel and hard surface from the trucks and by sand and gravel spills. These contaminates may contain mineral oil, benzene, toluene, MTBE, silicon, dissolved solids, suspended solids, calcium sulfate, tricalcium aluminate, and tetra calcium aluminoferrite.
Materials Storage Area (aggregates and fuel): Materials stored on site are located in designated areas. Storm water from these areas can be potentially contaminated from the different activities occurring on site throughout the daily operations.

Maintenance Area: Maintenance and fueling activities are performed on loaders, skid loaders, crushing equipment in the maintenance area. Storm water from this area can be potentially contaminated by fluids leaking from the trucks during the maintenance activities and spills and leaks at the fueling station. These contaminate may contain mineral oil, petroleum distillates, benzene, ethyl benzene, xylene, and MTBE.

Sand and Gravel Area: Sand and gravel are processed in the pit. Storm water from these areas can be potentially contaminated by leaking fluids from trucks and cement spills or leaks during loading activities. These contaminate may contain benzene, MTBE, calcium oxide, sulfonated melamine-formaldehyde, calcium chloride, ethanol amine, fungicides, and insecticides.

In addition to these specific management practices used to reduce and minimize the potential for sediment discharge off-site, more general best management practices are used throughout the site such as locating aggregate stockpiles within recessed portions of the site, routine maintenance of equipment, and employee training in the proper use and handling of equipment and materials handled on-site.

E. NON-STORM WATER DISCHARGES

There are not any non-storm water discharges from this site.

F. MANAGEMENT AND RESPONSE

Personnel responsible for managing the Storm Water Pollution Prevention Plan, Implementation and reporting:

1. Gary Johnson  507-357-6313
2. Jeff Johnson  507-357-6313

G. INSPECTIONS

The facility shall be inspected at least once per month during active operation by qualified on-site personnel, with at least one inspection occurring during a rain event within this reporting period. A written log of the inspections should be kept. A copy of the inspection form is attached to the back of this plan. These inspections shall note any need for changes in best management practices.

H. ANNUAL REPORT

An annual report shall be completed and submitted to the MPCA. The annual report will provide information on the site’s production level and materials inventory.

I. REVIEW

The storm water pollution prevention plan shall be reviewed at least once annually and revised whenever there is a change in materials or materials management practices which may discharge pollutants in storm water.

J. SPILL PREVENTION NOTIFICATION PROCEDURES

The reportable quality for oil is five gallons of soil or any quantity released to surface waters. Spills of toxic or hazardous substances exceeding reportable quantities (as defined in 40 CFR Part 302) need to be reported to the Duty Officer of the Minnesota Department of Public Safety at 1-800-422-0798. The primary and secondary facility contacts will be responsible for notifying appropriate authorities of spill incidents. The
information listed below will need to be provided when reporting spills. Within 24 hours after the initial spill report, a written report will need to be sent to the Emergency Response Commission.

- Company Name
- Company Address
- Type of chemicals released
- Quantity of the release
- Whether or not the chemicals released is on the list of “Extremely Hazardous Chemicals” as defined in 40 CFR Part 355
- Date, time, and duration of release
- The medium or media into which the release occurred
- Acute and chronic toxicity associated with the chemical released, including evacuation
- Actions take to control/contain the release

EMERGENCY CONTACTS:

Police, Fire, or Medical Emergency 911
Local Hospital: Ridgeview Le Sueur Hospital 507-665-3375
MPCA- Tanks and Spills Section (800) 657-3864
MPCA- Water Quality Division (800) 657-3864

GENERAL FACILITY INFORMATION

Facility Name: Max Johnson Trucking, Inc. Pudwill Pit Facility
Facility Location: Le Sueur, Minnesota
Telephone Number: (507) 357-6313
Facility Contacts: Gary Johnson (507) 357-6313
Jeff Johnson (507) 357-6313
Approximate Drainage Area: 34 Acre Site
Receiving Streams: None
Pudwill Pit Facility

STORM WATER POLLUTION PREVENTION

INSPECTION FORM

Inspections to be conducted at least once every month when the ground is not frozen.

At least one inspection during the reporting year shall be during a rain event.

Name ____________________________  Permit # MN0067792
Date ____________________________  Rain ? yes____ no____ Time _______

Description of current activity: __________________________________________

__________________________

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Are storm water sedimentation ponds functioning?  
Yes ☐  No ☐

Are non-structural and structural BMP's installed and functioning properly?  
Yes ☐  No ☐

Any evidence of erosion control?  
Yes ☐  No ☐

Is dust control adequate?  
Yes ☐  No ☐

Any evidence of polluted storm water discharges from site?  
Yes ☐  No ☐

Is the site currently dewatering sand and gravel?  
Yes ☐  No ☐

If yes, have samples been collected?  
Yes ☐  No ☐

Finished areas seeded and mulched?  
Yes ☐  No ☐

Any discolored soils?  
Yes ☐  No ☐

Any evidence of spills or leaks from equipment?  
Yes ☐  No ☐

Equipment maintenance performed as required?  
Yes ☐  No ☐

Have new exposed materials been added to the site since completion of the Plan?  
Yes ☐  No ☐

During inspection conducted during runoff event, is runoff discolored or otherwise visibly contaminated? Document observations.  
Yes ☐  No ☐

Does the pollution prevention plan need updating?  
Yes ☐  No ☐

COMMENTS:
We, David and Susan Pudwill are the current owners of the property. We sold it to Max Johnson Trucking, Inc. for a Contract for Deed. We are in favor of obtaining a mining permit.

David Pudwill

Susan Pudwill

Notarized by: Jap S Singh

JAP S SINGH
Notary Public-Minnesota

5-9-19

RECEIVED
MAY 14 2019
Max Johnson Trucking, Inc.

Pudwill Pit

Cell 507-327-1335 Gary

Office 507-357-6313
The Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section numbered Twenty-five (25), in Township numbered One Hundred and Eleven (111) North of Range numbered Twenty-six (26) West, in Le Sueur County, Minnesota. EXCEPTING THEREFROM the following described property:

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 111 North, Range 26 West, Le Sueur County, Minnesota, described as follows: Commencing at the Southwest Corner of said Northwest Quarter of the Southwest Quarter; thence South 89 degrees 17 minutes 38 seconds East (bearings based on Le Sueur County Coordinate System NAD83 1996 Adjustment) on the south line of said Northwest Quarter of the Southwest Quarter, a distance of 73.85 feet to a point on the easterly line of MNDOT Right of Way Plat No. 40-18, according to the recorded plat thereof, also being the point of beginning; thence continuing South 89 degrees 17 minutes 38 seconds East on said south line, a distance of 515.00 feet; thence North 00 degrees 33 minutes 21 seconds East, a distance of 507.01 feet; thence South 35 degrees 12 minutes 58 seconds West, a distance of 195.61 feet; thence North 89 degrees 17 minutes 38 seconds West, a distance of 389.06 feet to a point on said easterly line of said MNDOT Row Plat No. 40-18; thence South 00 degrees 30 minutes 19 seconds West on said easterly line, a distance of 31.38 feet; thence South 09 degrees 02 minutes 10 seconds West on said easterly line, a distance of 101.12 feet; thence South 00 degrees 30 minutes 19 seconds West on said easterly line, a distance of 214.38 feet to the point of beginning.

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