LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

AGENDA

MEETING DATE: July 11, 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. June 13, 2019
       Documents:
       06-13-19 DRAFT MINUTES.PDF

4. Applications

   4.I. ITEM #1: JOSH NELSON, NELSON IMPORTS, KASOTA, MN (APPLICANT\OWNER):
       Request that the County grant a Conditional Use Permit to allow the applicant to
       expand an existing automobile sales and service business to include a salvage yard in
       an Industrial “I” District. Property is located in the in the SW 1/4 NW 1/4, Section 28,
       Kasota Township.
       Documents:
       NELSON IMPORTS.PDF

   4.II. ITEM #2: JAMES & BRENDA KOLLAR, OWATONNA, MN(APPLICANT\OWNER):
       Request that the County grant a Conditional Use Permit to allow grading, excavating,
       and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for
       the construction of stairs in the bluff, bluff impact zone and shore impact zone;
       construction of a patio and retaining walls outside the bluff impact zone and outside
       the Shore Impact Zone in a Recreational Residential “RR” District, on German Lake,
       a Recreational Development “RD” lake. Property is located at Lot 11, Stavenau
       Beach, Section 9, Elysian Township.
       Documents:
       KOLLAR.PDF
4.III. ITEM #3: JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER):
Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 277 cubic yards of material on a lot in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Township.

Documents:
SHELTON GEF.PDF

4.IV. ITEM #4: JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER):
Request that the County grant a Conditional Use Permit to allow a temporary dwelling for the elderly within an existing dwelling in an Urban/Rural Residential “RR” District. Property is located an Outlot A, Thunderbird Hills, Section 17, Kasota Township.

Documents:
SHELTON TEMP DW.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, Pam Tietz, Scott Vonlehe, Commissioner Glinszinski

MEMBERS ABSENT:

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 May 9, 2019 Meeting. Motion to approve minutes, was made by Al Gehrke. Second by Don Reak. Approved.

4. Applications

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, Obernolte Subdivision, Section 33, Elysian Township.

Joshua Mankowski presented power point presentation. Drew Spangler was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding her recommendation for approval.

PUBLIC COMMENT: None

Discussion was held regarding: The amount and location of the proposed grading, excavating, and filling was discussed. Discussion on the possible impact on the neighboring lots and how runoff is being addressed on the property.

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 presented.

Discussion was held regarding: None.

Second by Scott Vonlehe. Motion approved. Motion carried.

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.

Joshua Mankowski presented power point presentation. Gary Johnson was present for the application.

TOWNSHIP: Notified. Response, Dick Peterson voiced Ottawa Township’s concerns during public comment.

DNR: Notified. Response None.

LETTERS: Dave Tiegs, Le Sueur County Highway Engineer regarding his conditions for access approval.

PUBLIC COMMENT: Dave Scheiber regarding his concerns. He stated he was representing his mother who lives in the area. He was concerned about the amount of noise and the disturbance it will cause. He can hear noise from the pits near the transfer station one mile away. Effect on the water table that has dropped 30 feet in the last 30 years. This was told to him because his mom’s well needed to be redone and the well company had stated it dropped 30 feet. They have someone taking water sample because of the poor water quality. Less people want to move here and stay here because of all the pits in Ottawa Township. Concern about the reclamation plan, other pit reclamation have not returned the land to a farmable condition. He will lobby the assessor to reduce the taxes because of this. There will be a lot of dust that will lead to respiratory illness. Would like to see the pit only approved for two years.

Anna Grabau voiced her concerns about the proposal. She lives next to the site. She questioned what was going to happen with the dust and noise. She won’t be able to open her windows. How do they plan on keeping the dust down so her children can play outside? Was told the pit would be open for two years and now sees ten years on the proposal. How will the neighbors be compensated for lower property values? Why is there a different setback from the properties on the other side of the road then to the house that is next to the pit? Her biggest concerns are noise and dust.
Joshua Mankowski explained that the setbacks are spelt out in the Ordinance and there is a different setback due to the location of the houses and the properties in location to the proposed pit and road.

Amber Capaul explained that she lives next to the proposed project. Main concerns are noise and dust. She tries to teach her kids not to go by the road but that doesn’t mean they don’t go there. Safety is a concern with the trucks driving. Concern about the number of days in a row the crusher may run: could it run for 45 days straight. She is also concerned about possible impacts on the drinking water, there is already an issue with nitrates. The ambiance will be ruined. They will need to listen to the project 70% of the time. Already being detoured. Concerned about the number of trucks that will be on the road and that the access is around the corner in the road.

Forest Lehman Jr. stated that they already have had to deal with a Unimin project just down the road. That was only supposed to be for a few years, but the road still has not been opened and is ongoing. Not as concerned about dust but is concerned about the noise. Was on OSHA compliance office where he worked. If the pit can be reduced to five years, hopefully only two years of the crusher, that would be preferable. Asked if blasting was part of the proposal. Don Reak replied that it was not.

Dick Peterson of the Ottawa Township Board voiced their concerns. He has been on the board of over 30 years and heard a lot of issues that come with pits including water, dust, sand, and hauling. Encourage reducing the life down to two years, they can then do the reclamation and the impact on the neighbors will be done.

Jeff Falling stated that he was told this was going to be a two-year project and now he is hearing ten years. Was told it was going to be approved. Now he hears it is going to be five or ten years. Property value will be gone and will never be able to sell. Was told everything coming out would be for the road project. Could probably live with a two-year project. They moved to the country for peace and quiet, not to listen to equipment and have a gravel pit in their back yard.

Gary Johnson explained that they can’t do to much about the noise from the crusher. It will only run approximately 45 days per year. MSHA monitors for dust. Need to be proactive about dust control because they don’t know when they will show up. He is willing to reduce the life of the pit down to five years because there is no long-term plan for the pit. The crusher will run during consecutive days, but it will only be in operation while they are crushing the material that is hauled off of the road. It will not run for 45 days in a row. The pit was a definite advantage for this project. Would be difficult reducing the project down to two years, five years would be agreeable and wouldn’t have an issue reducing the life to five years. It would be much more costly to haul to and from a pit further away from the project.

Byron Nordstrom voiced his belief that the project does not take into consideration the lives of the 15 homeowners on this corner. Could live with three years but five or ten is to long. There are a lot of gravel pits in the township and Le Sueur County thinks this is a cash cow.

Discussion was held regarding: The reason the application for a new mining pit was submitted is the Highway 112 reconstruction project. The proposed site is adjacent to Highway 112, allowing for shorter trips to the pit. Applicant was not the only contractor interested in the property for mining due to the road project. A crusher will be placed in the pit to allow for the recycling of as much material from the old road as possible. Sand will be mined from the site per the proposed plan. The mining plan, hours of operation, depth to water table, and reclamation plan were talked about. There was some discussion about tree removal. Dust control and notifying neighboring property owners on the use of the crusher was discussed. Impacts on the water table were talked about. There will be no pumping as part of the mining operation. Amount of material to be removed and the type of material that is planned to be used for reclamation was examined. Plan to communicate with the neighbors about mining operations. Inspection logs, dust control, and noise were discussed.

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. The use is temporary. Trucking will need to be done for road construction and closer sites are better.

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. Mining company has restricted themselves. Dust control is part of Mine Safety and Health Administration regulation. Applicant plans to communicate with the landowners during operation and addressing issues with dust and noise. Other regulations are in place that are more restrictive than those set by the County.

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 conditions 1) Expected pit life in plan be changed from ten years to three years. 2) The location of the entrance shall be coordinated with the Le Sueur County Highway Department Engineering Staff at the time of installation. 3) Trucks Hauling signs shall be erected during hauling operations.

Discussion was held regarding: None.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: Update on the Ordinance Amendment.


7. Motion to adjourn meeting by Al Gehrke. Second by Scott Vonehe. 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:** Josh Nelson-Nelson Imports  
**911 ADDRESS:** 44449 Rabbit Road, Kasota, MN  
**PROJECT DESCRIPTION:** To allow the applicant to expand an existing automobile sales and service business to include a salvage yard.  
**PARCEL NUMBER:** 05.028.3100  
**CUP NUMBER:** 19091

### SITE INFORMATION

**LOCATION:** Part of the NW/SE, Section 28, Kasota Township  
**ZONING DISTRICT:** General Industry  
**ZONING DISTRICT PURPOSE:** The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.  
**GENERAL SITE DESCRIPTION:** Former location of Brandt’s Junkyard. Dwelling and accessory structures located on the site including fenced-in area.  
**ACCESS:** Existing access off Rabbit Road

**EXISTING LAND USE WITHIN ¼ MILE:**  
North: State Highway 22, Rabbit Road, clustered residences, Minnesota River  
South: Railroad, Nelson Imports, Rabbit Road, clustered residences, feedlot  
East: Railroad, State Highway 22, gravel pits  
West: Rabbit Road, clustered residences, Minnesota River

### BACKGROUND INFORMATION

The site is a 2.76-acre parcel that is the prior location of Brandt’s junkyard. There is an existing dwelling and accessory structures on the parcel. The proposed use is an expansion of existing business, Nelson Imports, an automobile sales and service/repair business. Expansion of the business is to include a salvage yard for the business only, not open to the public. The site includes a privacy fence surrounding area of the salvage vehicles.

### TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Joe Kienlen from Kasota Township was contacted on May 17, 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.
Application, description of request, site plan, aerial photo, Findings of Fact sheet, sign and fence examples, historic photo of site.

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 11, General Industry; Section 19, Land Use Performance Standards; Section 21, Conditional Use Permits.

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 does not reference the specific use.

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

WETLAND: There is no wetland located on the property.

BLUFF: There is a bluff on the northeast side of the property to State Highway 22 below.

**BLUFF** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**BLUFF TOE** - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

**BLUFF TOP** - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

**BLUFF IMPACT ZONE** - Land located within twenty (20) feet from the top or toe of a bluff.

GRADING, EXCAVATING, OR FILLING: Any grading, excavating, and filling in excess of 500 cubic yards would require a Conditional Use Permit.

ABATEMENT OF NATURAL HAZARDS: Hazards shall be eliminated.

Environmental hazards include, but not limited to the following:

1. Unused or improperly sealed wells, cisterns, pits, tanks, and similar hazards.
2. Unapproved sites where man made articles are stored, abandoned or discarded.
3. Discarded appliances.
4. Inoperative, or unlicensed motor vehicles, combustion engines and parts.
5. Any hazardous waste materials.
6. Abandoned, dilapidated, or burned out structures.
7. Other uses similar to those listed above.

LAND PERFORMANCE STANDARDS-SECTION 19

ACCESS:

Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

Access drives shall be constructed and maintained to meet all of the following:

1. A minimum driving surface width of fourteen (14) feet.
2. Inclines no greater than 4 to 1, as measured horizontal to vertical.
3. Base material depth sufficient to support access by emergency vehicles.
4. Unobstructed width of not less than twenty (20) feet.
5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
PARKING & LOADING:

PARKING
1. All on-site parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other Ordinances or Regulations of the County.
2. Size Requirements
   a. Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet.
   b. Handicap parking requirements shall be in accordance with the Americans with Disabilities Act as amended, from time to time.
   c. Each parking space shall be adequately served by access drives.
3. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales and auto repair. Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

LOADING
1. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designated to serve.
2. Each loading space shall contain a minimum area of not less than five hundred (500) square feet.
3. The required area for loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

PARKING & LOADING GENERAL STANDARDS
1. Yards
   a. No parking or loading space shall be located within ten (10) feet of any property line or any road right-of-way, except those that are strictly of a residential use.
   b. No parking or loading space shall be located within bluff or shore impact zones.
2. Buffers, Fences and Planting Screens
   On-Site parking and loading in General Business (B), General Industrial (I), or Recreational Commercial (RC) Districts, shall be screened from eye-level view from adjacent lands by a buffer fence of adequate design or a planting buffer screen.

LANDSCAPING & SCREENING:
All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped to include but not limited to; lawns, trees, shrubs etc. Any areas left in a natural state shall be maintained. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

All exterior storage shall be screened. The exceptions are:
1. Merchandise being displayed for sale.
2. Materials and equipment presently being used for construction on the premises.

The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.

All junk yards, salvage yards, and open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval.

All structures and areas requiring landscaping and fences shall be maintained.

SIGNAGE: Signs shall meet sign standards in Section 19.

OUTDOOR LIGHTING:
All outdoor, electrically-powered illuminating devices shall be installed in conformance with the provisions of this Subdivision and the state electrical code.

1. In all districts, any exterior lighting used to illuminate an off-street parking area, sign, or structure, shall be arranged as to deflect light away from any adjoining residential district and all road right-of-ways.
2. Any light or, combination of lights, which cast light on a road right-of-way shall not exceed one (1) foot candle, as measured from the centerline of said road. No light shall be directed in such a manner as to blind the driver of any vehicle.
3. The source of light shall be shielded or controlled in some manner so as not to illuminate adjacent property.
4. Any light, or combination of lights, which cast light shall not exceed one (1) foot candle, as measured from the property line.
5. Any light or, combination of lights, which cast light on residential property shall not exceed 0.4 foot candles as measured from the property line.

6. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion of welding, shall not be directed into any adjoining property.

7. Lighting fixtures used to illuminate an Off-Premise Sign/Billboard shall be mounted on the top of the sign structure.

**NUISANCE CONTROL:**

**WASTE DISPOSAL**

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

**NOXIOUS WEEDS**

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.

**RESTRICTED STORAGE**

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.

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

**SALVAGE VEHICLES, AGRICULTURAL/INDUSTRIAL EQUIPMENT AND PARTS**

1. In all non-residential districts, no more than five (5) salvage vehicles shall be kept or stored outside, unless specifically permitted as a conditional use salvage yard.

2. All such vehicles, equipment and/or parts shall be screened from eye-level view from adjacent properties and all roads.

3. All fluids and batteries shall be removed and recycled in accordance with all County, State and Federal guidelines.

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**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. Parking & Loading
   c. The site is adequate for water supply and on-site sewage treatment.
   d. Proper screening.
   e. Proper disposal of all hazardous materials and solid waste.

**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.
DATE:       Wednesday, July 03, 2019
TO:         Le Sueur County Planning and Zoning Commission Members
FROM:       Amy Beatty, Le Sueur County Environmental Programs Specialist
RE:         Josh Nelson, Nelson Imports (Applicant) and Dale Brandt (Owner) Conditional Use Permit Application

Dear Planning and Zoning Commission Members:

This letter is regarding Josh Nelson – Nelson Import’s Conditional Use Permit (CUP) application to expand an existing automobile sales and service business to include a salvage yard on property located in Section 28 of Kasota Township.

It is my recommendation to approve this application with the following conditions:

- To work with Safety Kleen for the disposal of all automotive fluids and hazardous materials removed from the vehicles.
- Vehicles and vehicle parts to be re-purposed or sold to be stored under roof or covered as to not be exposed to precipitation and stored in a manner that will allow for the employees to inspect for leaks or damage.
- Contact the Kasota Fire Department to check if it would like to do a walk-thru of the facility or receive a map of the facility in case the Fire Department needs to respond to an emergency at the property.

If you have any questions or comments regarding this letter, please contact me at 507-357-8203.

Respectfully,

Amy Beatty
Le Sueur County Environmental Services

CC:         Le Sueur County Board of Commissioners
            Josh Nelson – Nelson Imports
            Dale Brandt
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:  5/29/2019  PERMIT NUMBER:  19091  FEE:  $796.00
60 DAY RULING DATE:  7/28/2019  *FEES NON-REFUNDABLE
APPLICANT:  JOSH NELSON-NEILSON IMPORTS  LAND OWNER:  DALE BRANDT
ADDRESS:  34450 446TH ST  ADDRESS:  44449 RABBIT RD
CITY:  ST PETER  CITY:  ST PETER
STATE:  MN  ZIP:  56050  STATE:  MN  ZIP:  56082
PHONE:  507-398-8038  PHONE:
911:  4449 RABBIT RD, KASOTA

PARCEL #:  05.028.3100  TOWNSHIP:  KASOTA
SEC:  28  SUBDIV:  NA  DISTRICT:  I
TWP:  110  LOT:  FEMA PANEL #:  27079C0237D
RANGE:  26  BLOCK:  FLOOD ZONE:  X OUTSIDE
QTR/QTR:  SW/NW  ROAD:  CR

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

1.) Reason for Requested Conditional Use Permit.
TO ALLOW THE APPLICANT TO EXPAND AN EXISTING AUTOMOBILE SALES & SERVICE BUSINESS TO INCLUDE A SALVAGE YARD.

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  DATE

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY  DATE

PUBLIC HEARING DATE:  ACTION:
☐ AS WRITTEN
COUNTY BOARD DATE:  ACTION:
☐ WITH CONDITIONS
☐ AS WRITTEN
☐ WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION  DATE

CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS  DATE
**LE SUEUR COUNTY**
**CONDITIONAL USE PERMIT CRITERIA**
Conditional Use Permit #: 19091

**Applicant:** JOSH NELSON-NELSON IMPORTS  
**Land Owner:** DALE BRANDT

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO EXPAND AN EXISTING AUTOMOBILE SALES & SERVICE BUSINESS TO INCLUDE A SALVAGE YARD.

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.

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
<th>TOTAL</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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3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

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<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

Explain

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

<table>
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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>
<th>TOTAL</th>
</tr>
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</table>

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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<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
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<th>TOTAL</th>
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</table>

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>Don Rk</th>
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<th>Doug</th>
<th>Jeanne</th>
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<th>TOTAL</th>
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Explain

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

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<th>Don Rk</th>
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<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
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<th>TOTAL</th>
</tr>
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</table>

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

I. Applicant:
Name: Josh Nelson
Mailing Address: 34450 446th St
City: St. Peter
State: MN Zip: 56082
Phone #: 507-598-6058

II. Landowner:
Name: Date Brandt
Mailing Address: 44449 Rabbit Rd.
City: St. Peter
State: MN Zip: 56082
Property Address: 44449 Rabbit Rd.
City: St. Peter
State: MN Zip: 56082
Phone #: Phone #

III. Parcel Information:
Parcel Number: 05 028 3100
Parcel Acreage: 3.76
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township: Kasota Township
Subdivision: Section
Lot: Block

IV. Township Notification: Township must be notified of proposed use prior to application.
Kasota Township Township notified on May 17, 2019 (by mail)
(Township Name) (Date)
Board Member: Joe Kjellin (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.
   c. Additional copies may be requested as deemed necessary by the Department.
   d. Application must be made in person by the applicant and/or landowner no later than 12 P.M.
      on the date of application deadline.
   e. Appointment is necessary.
   f. Applications will not be accepted by mail.

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

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VII. Type of Request:
- Self Service Storage
- School/Church/Cemetery
- Retail Nursery/Greenhouse
- School/Church/Cemetery
- Value Added Agriculture
- Antique Sales/Service/Repair
- Substation/Transmission Lines etc.
- Other Auto parts salvage

VIII. Description of Request:

a. A full description of request with detailed information must be attached.

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

1. PROPOSED DAYS AND HOURS OF OPERATION: Monday - Friday 9:00 am - 6:00 pm

2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: 2

3. LIST OF PUBLIC HEALTH PLANS:
   i. Water Supply: Well
   ii. Toilet facilities: Plumbed and septic system
   iii. Solid Waste Collection: Dumpster, lease through Waste Management

4. FIRE PREVENTION: Smoke detectors, fire extinguishers, served by Keara Fire Dept.

5. SECURITY PLANS: fencing, gates, yard lights, camera system

6. RETAIL SALES: open to public and online 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.) No

9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: None

10. EXTERIOR LIGHTING: Yard, Headlights

11. PARKING AND LOADING: In the yard

12. SIGNAGE: On fence and building

13. ROAD ACCESS: (Approved by the road authority) Existing Rabbit Road

14. CERTIFICATE OF INSURANCE: Agent: Bromer Insurance

15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting)

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

- 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)

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MAY 24 2019
BY:
X. Attachments: shall include but not limited to:

- Description of Request - See Part VIII for full details and requirements.
- Site Plan - See Part IX for full details and requirements.
- Full legal description - Not abbreviated description from tax statement.
- Access approval - Attach approval in writing from proper road authority.
- Township Notification - See Part IV for details and requirements.
- Septic System Compliance Inspection
- Erosion control plan - Attach completed and signed plan including maps.
- Floor plans and/or blue prints

XI. 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 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.

XII. 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] 4-24-19

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] 4-24-19

OFFICE USE ONLY

Request: Expand ext. Auto sales svc to include retail yard

Pre-App Date 5-29-19  Lake Classification [ ]
Meeting Date 1-11-19  Lake [ ]
60 Day 7-28-19  FEMA Panel # 2707900 2-31 D
Zoning District [ ]

[ ] Request Description
[ ] Site Plan
[ ] Full Legal
[ ] Ordinance
[ ] Access Approval
[ ] Erosion Control Plan
[ ] Blue Prints
[ ] Other

[ ] SepticComp Insp / Design
Reg / ATF / Spec

[ ] Meeting
[ ] Fee
[ ] Penalty

Application Complete 5-29-19 150

Planning & Zoning Department Signature 5-29-19 150

Permit #
Description of Request

VIII. Description of Request:

I, Josh Nelson, have verbally agreed to purchasing the property located at 44449 Rabbit Road from land owner Dale Brandt. The property has been an automotive salvage yard since the 1950's.

I would like to start an auto parts business that specializes in European auto parts sales. I would like to focus on high end European parts sales selling exclusive and quality parts. I would mostly be selling parts through our website and other online platforms such as car-part.com, however I would also encourage walk in sales as well. I would estimate traffic for the business to be three to five customers and up to two employees daily. In addition to parts sales I would also deconstruct vehicles to repair and fix up other vehicles I am working on for customers and our auto sales business. The property would also aide in excess storage for our sales and service business. We do have some longer term projects that always seem to be in the works and storing these in a cold storage building would help us stay more organized. Once a vehicle has been purchased for parts deconstruction it will first go through our dismantling bay to drain all of the fluids. I will be using reinforced plastic totes for fluid collection and storage. Safety Kleen would evacuate and service our fluid collection totes monthly. I have no interest in scrap metal breaking. Frames of vehicles after deconstruction will be taken to a scrap yard for proper disposal. I will be applying for a used vehicle parts license through the Minnesota Department of Public Safety.

I would like to clean up the entire grounds, cut down over growth, install new fencing, create appropriate parking spaces for both customers and employees, paint existing buildings, and organize buildings for parts storage. Loading and unloading of vehicles will happen in the excess storage land area.

RECEIVED
MAY 29 2019

Page 1
Metal privacy fence in brown

10 ft Tall
Office of the Minnesota Secretary of State
Minnesota Limited Liability Company/Articles of Organization

Minnesota Statutes, Chapter 322C

The individual(s) listed below who is (are each) 18 years of age or older, hereby adopt(s) the following Articles of Organization:

ARTICLE 1 - LIMITED LIABILITY COMPANY NAME:

Nelson Imports Auto Parts LLC

ARTICLE 2 - REGISTERED OFFICE AND AGENT(S), IF ANY AT THAT OFFICE:

Name: Joshua J Nelson
Address: 34450 446th St Saint Peter MN 56082 USA

ARTICLE 3 - DURATION: PERPETUAL

ARTICLE 4 - ORGANIZERS:

Name: Joshua J Nelson
Address: 34450 446th St Saint Peter MN 56082 USA

If you submit an attachment, it will be incorporated into this document. If the attachment conflicts with the information specifically set forth in this document, this document supersedes the data referenced in the attachment.

By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

SIGNED BY: Joshua J Nelson

MAILING ADDRESS: None Provided

EMAIL FOR OFFICIAL NOTICES: untiedt@hickorytech.net

REceived
MAY 24 2019
Office of the Minnesota Secretary of State
Certificate of Organization

I, Steve Simon, Secretary of State of Minnesota, do certify that: The following business entity has duly complied with the relevant provisions of Minnesota Statutes listed below, and is formed or authorized to do business in Minnesota on and after this date with all the powers, rights and privileges, and subject to the limitations, duties and restrictions, set forth in that chapter.

The business entity is now legally registered under the laws of Minnesota.

Name: Nelson Imports Auto Parts LLC
File Number: 1085545100025
Minnesota Statutes, Chapter: 322C
This certificate has been issued on: 05/17/2019

Steve Simon
Secretary of State
State of Minnesota
APPLICANT/OWNER: James & Brenda Kollar

911 ADDRESS: 22760 Stavenau Lane, Elysonian

PROJECT DESCRIPTION: To allow grading, excavating, and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining walls outside the bluff impact zone and outside the Shore Impact Zone.

PARCEL NUMBER: 04.760.0090

CUP NUMBER: 19109

LOCATION: Lot 11, Stavenau’s Beach Subdivision, Section 9, Elysonian Township

ZONING & PURPOSE: 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, private road access.

ACCESS: Existing off Stavenau Lane, a private road.

EXISTING LAND USE WITHIN ¼ MILE:
North: German Lake
East: Residential Subdivision, residences
South: Farmland
West: Residential Subdivision, residences

BACKGROUND INFORMATION

The property is a non-conforming lot located in Stavenau Beach Subdivision, platted in 1956. There is an existing cabin located on the property. There is a bluff located on the parcel. A variance was granted by the Board of Adjustment on May 16, 2019 to construct a cabin 7 feet from the property line and 27 feet from the road Right-Of-Way and a total impervious surface of 31.3%. Proposal is for additional grading, excavating and filling.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Kathy Rients & Lynn Hebl from Elysonian Township was contacted on January 8, 2019 by applicant.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposal is located within the Shoreland District.

LAKE: German Lake, 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.
RFPE: Regulatory Flood Protection Elevation: 1022.86 Lowest floor must be at or above RFPE.

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, Holly Kalbus letter,

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 13, Shoreland Management; 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 does reference to shoreland development 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.

DNR GUIDANCE LETTERS

1. Administration, Compliance, and Enforcement pg. 1
2. Grading & Filling within Shoreland Areas pg. 3
3. Natural Shorelines pg. 5
4. Bluffs and Steep Slopes pg. 11
5. Non-conforming Lots of Record in Shoreland Areas pg. 19

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

BLUFF:

**BLUFF** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**BLUFF TOE** - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

**BLUFF TOP** - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

**BLUFF IMPACT ZONE** - Land located within twenty (20) feet from the top or toe of a bluff.
EROSION AND SEDIMENT CONTROL

1. Erosion and siltation control measures shall be coordinated with the different stages of development.

2. Appropriate control measures shall be installed prior to development, when necessary to control erosion.

3. The County may require a storm water drainage and erosion control plan prepared by a licensed professional engineer on all development that has less than one (1) acre of disturbed area. (For all areas that have one (1) acre or more of disturbed area, SWPPP and NPDES permits are required. The SWPPP shall be prepared by a licensed professional engineer.)

4. The following restrictions shall apply:
   a. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses.
   b. The smallest practical area of land shall be exposed at any one period of time.
   c. The drainage system shall be constructed and operational as quickly as possible during construction.
   d. Natural vegetation shall be retained and protected when feasible, and the amount of exposed soil shall be minimized.
   e. Where the topsoil is removed, sufficient desirable soil shall be set aside for respraying over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
   f. Perimeter sediment control measures shall be properly installed before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the Agency.
   g. The natural drainage shall be used when feasible for storage and flow of runoff.
   h. Inlet protection shall be placed on culverts, tile inlets and storm sewer inlets.

EXPOSED SLOPES

1. All exposed soil areas with a continuous positive slope that are within two hundred (200) linear feet of any surface water, or any conveyance (stormwater inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked within the following:
   a. Seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1).
   b. Fourteen (14) days on slopes ranging from 3:1 to 10:1.
   c. Twenty one (21) days for flatter slopes.
   d. On sensitive sites or sites with special waters, as defined by the Agency, exposed soil areas with a greater than 3:1 slope.

2. For exposed slopes on stockpiles greater than ten (10) cubic yards the toe must be more than twenty five (25) feet from a road, drainage channel or stormwater inlet.
   a. If left exposed for more than seven (7) days, it must be stabilized with mulch, vegetation, tarps or other means.
   b. If left exposed for less than seven (7) days, erosion must be controlled with perimeter control devices such as a silt fence.
   c. If for any reason an exposed slope or stockpile is located closer than twenty five (25) feet from a road, drainage channel or stormwater inlet, it must be controlled with perimeter control devices immediately.

3. Exposed slopes shall be protected by whatever means which will effectively prevent erosion considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of, but not limited to, mulch, sheets of plastic, burlap or jute netting, sod blanket, erosion mat, fast growing grasses or temporary seedings of annual grasses.
   a. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material.
   b. Mulch shall be anchored to slopes with liquid asphalt, stakes and netting or worked into the soil to provide additional slope stability.

4. Control measures, other than those specifically stated in this Subdivision, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

EROSION CONTROL:

1. Erosion and siltation control measures shall be coordinated with the different stages of development.
2. Appropriate control measures shall be installed prior to development, when necessary to control erosion.

3. The County may require a storm water drainage and erosion control plan prepared by a licensed professional engineer on all development that has less than one (1) acre of disturbed area. (For all areas that have one (1) acre or more of disturbed area, SWPPP and NPDES permits are required. The SWPPP shall be prepared by a licensed professional engineer.)

4. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses.

5. The smallest practical amount of land shall be exposed at any one period of time.

6. Natural vegetation shall be retained and protected when feasible, and the amount of exposed soil shall be minimized.

7. Where the topsoil is removed, sufficient desirable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

8. Perimeter sediment control measures shall be properly installed before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the Agency.

9. The natural drainage shall be used when feasible for storage and flow of runoff.

10. Inlet protection shall be placed on culverts, tile inlets and storm sewer inlets.

11. All exposed soil areas with a continuous positive slope that are within two hundred (200) linear feet of any surface water, or any conveyance (stormwater inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked within the following:
   a. Seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1).
   b. Fourteen (14) days on slopes ranging from 3:1 to 10:1.
   c. Twenty one (21) days for flatter slopes.
   d. On sensitive sites or sites with special waters, as defined by the Agency, exposed soil areas with a greater than 3:1 slope.

12. At the foot of each exposed slope, a channel and berm shall be constructed to control runoff. The channelized water shall be diverted to a sedimentation basin (debris basin, silt basin, or silt trap), before being allowed to enter the natural drainage system.

13. For exposed slopes on stockpiles greater than ten (10) cubic yards the toe must be more than twenty five (25) feet from a road, drainage channel or stormwater inlet.
   a. If left exposed for more than seven (7) days, it must be stabilized with mulch, vegetation, tarps or other means.
   b. If left exposed for less than seven (7) days, erosion must be controlled with perimeter control devices such as a silt fence.
   c. If for any reason an exposed slope or stockpile is located closer than twenty five (25) feet from a road, drainage channel or stormwater inlet, it must be controlled with perimeter control devices immediately.

14. Exposed slopes shall be protected by whatever means which will effectively prevent erosion considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of but not limited to, mulch, sheets of plastic, burlap or jute netting, sod blanket, erosion mat, fast growing grasses or temporary seedings of annual grasses.
   a. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material.
   b. Mulch shall be anchored to slopes with liquid asphalt, stakes and netting or worked into the soil to provide additional slope stability.

15. Control measures, other than those specifically stated in this Subdivision, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

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. Slope stability.
   b. Erosion Control.
   c. The site is adequate for water supply and on-site sewage treatment.
   d. Detail and Certification of retaining wall construction.

---

**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: 07/02/2019

To: Le Sueur County Planning and Zoning Commission

From: Holly Kalbus, Environmental Resources Specialist

Applicant:
James & Brenda Kollar

Property owner:
James & Brenda Kollar

Property:
04.760.0090

Description:
Request a Conditional Use Permit to allow grading, excavating, and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining wall outside the bluff impact zone and outside the shore impact zone in a Recreational Residential “RR” District, on German Lake, a Recreational Development “RD’ lake.

Recommendation:
It would be my recommendation to approve the application. Most of the grading, excavating, and filling for the proposed projects will occur outside of the bluff, bluff impact zone, and shore impact zone. Any grading, excavating, filling that occurs within the bluff, bluff impact zone, and shore impact zone is due to replacing the stairs and removing the two tier deck.

Condition(s):
None

Sincerely,

Holly Kalbus
Le Sueur County
Environmental Resources Specialist
APPLICATION DATE: 6/7/2019
60 DAY RULING DATE: 6/7/2019
PERMIT NUMBER: 19109
FEE: $796.00

APPLICANT: JAMES & BRENDA KOLLAR
ADDRESS: 335 HICKORY LN NE
CITY: OWATONNA
STATE: MN ZIP: 55060
PHONE: 507-676-7575
911: 22760 STAVENEAU LN. ELYSIAN

LAND OWNER: JAMES & BRENDA KOLLAR
ADDRESS: 335 HICKORY LN NE
CITY: OWATONNA
STATE: MN ZIP: 55060
PHONE: 507-676-7575

PARCEL #: 04.760.0090
SEC: 9 SUBDIV: STAVENEAU BEACH TOWNSHIP: ELYSIAN
TWP: 109 LOT: 11 DISTRICT: RR
RANGE: 24 BLOCK: FEMA PANEL # 27079C0300D
QTR/QTR: ROAD: PVT FLOOD ZONE: X OUTSIDE

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

1.) Reason for Requested Conditional Use Permit.
   TO ALLOW GRADING, EXCAVATING, AND FILLING OF 2 CUBIC YARDS WITHIN THE BLUFF AND 87 CUBIC YARDS ON THE LOT FOR THE CONSTRUCTION OF STAIRS IN THE BLUFF, BIZ AND SIZ, CONSTRUCTION OF PATIO AND RETAINING WALLS OUTSIDE THE BIZ AND

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.

[Signature]
APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

PUBLIC HEARING DATE: 7/11/2019
AS WRITTEN

ASSIGNED CASE:

COUNTY BOARD DATE: 7/25/2019
AS WRITTEN

ACTION:

WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

DATE

CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS

DATE
LE SUEUR COUNTY
CONDITIONAL USE PERMIT CRITERIA
Conditional Use Permit #: 19109

Applicant: JAMES & BRENDA KOLLAR
Land Owner: JAMES & BRENDA KOLLAR

Conditional Use Permit Request:
TO ALLOW GRADING, EXCAVATING, AND FILLING OF 2 CUBIC YARDS WITHIN THE BLUFF AND 87 CUBIC YARDS ON THE LOT FOR THE CONSTRUCTION OF STAIRS IN THE BLUFF, BIZ AND SIZ; CONSTRUCTION OF PATIO AND RETAINING WALLS OUTSIDE THE BIZ AND OUTSIDE THE SIZ.

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.

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

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.

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
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<th>TOTAL</th>
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</table>

Explain ________________________________

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

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
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<th>TOTAL</th>
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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.

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
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<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
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</thead>
</table>

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.

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

Explain ________________________________

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

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

Explain ________________________________

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

<table>
<thead>
<tr>
<th>Don Rk</th>
<th>Pam</th>
<th>Doug</th>
<th>Jeanne</th>
<th>Shirley</th>
<th>Scott</th>
<th>Al</th>
<th>TOTAL</th>
</tr>
</thead>
</table>

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 Welland Conservation Act (WCA) regulations, as administered by the Le Sueur County Soil & Water Conservation District (SWCD).

I. Applicant:

Name: James J. & Brenda Koller
Mailing Address: 335 Hickory Lane NE
City: Owatonna
State: MN
Zip: 55060
Phone # 507-362-7575
Phone # 507-362-6993

II. Landowner:

Name: Same as Applicant
Mailing Address: 
City: 
State: 
Zip: 

Property Address: 22760 Stavenau Ln
City: Elysian
State: MN
Zip: 56028
Phone # 507-676-7575
Phone # 507-362-6993

III. Parcel Information:

Parcel Number: 04-760-009-0
Parcel Acreage: 0.167 Ac

Attach Full Legal Description (NOT abbreviated description from tax statement):
Township: Elysian
Subdivision: Stavenau's Beach
Lot: 11
Block: 9

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

Elysian
(Township Name)
Township notified on 1/8/19
(Date)

Board Member: Kathy Reinko & Lynn Hebl (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.

f. Applications will not be accepted by mail.
VI. Fees: Must be paid at the time of application.

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permit</td>
<td>$750</td>
</tr>
<tr>
<td>Filing Fee</td>
<td>$46</td>
</tr>
</tbody>
</table>

**Additional Fees:**
- Special Meeting: $2,000
- After-The-Fact Penalty: $1,500 OR 10% improvement, whichever is greater

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

<table>
<thead>
<tr>
<th>Zone</th>
<th>Cubic Yards of Material Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Non-Shoredland</strong></td>
<td></td>
</tr>
<tr>
<td>□ Within Bluff Impact Zone</td>
<td></td>
</tr>
<tr>
<td>□ Within Bluff</td>
<td></td>
</tr>
<tr>
<td>TOTAL cubic yards of material movement:</td>
<td><strong>85</strong> *</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Cubic Yards of Material Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shoredland - Outside Shore Impact Zone</strong></td>
<td></td>
</tr>
<tr>
<td>□ Within Shore Impact Zone</td>
<td></td>
</tr>
<tr>
<td>□ Within Bluff Impact Zone</td>
<td></td>
</tr>
<tr>
<td>□ Within Bluff</td>
<td></td>
</tr>
<tr>
<td>TOTAL cubic yards of material movement:</td>
<td><strong>87</strong></td>
</tr>
</tbody>
</table>

* Does not include foundation excavation. Does include fill to slab elevation.

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:** Prevent bluff erosion by maintaining lake access via structurally sound stairway, concrete path outside of bluff impact zone.
2. **ADVERSE IMPACT ON SURROUNDING AREAS:** None
3. **STORMWATER RUNOFF:** % Impervious Proposed: 5; % Impervious Existing: Promote sheet runoff instead of concentrated flow.
4. **DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL:** No
5. **WETLAND IMPACT:** None
6. **SLOPE STABILITY:** Existing vegetation, including trees, to be maintained. Install perimeter erosion control plan upon completion or per Erosion Control Plan.
7. **CERTIFICATE OF INSURANCE:**
8. **MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS:**
   (For example additional licensing and/or permitting) Variance from County Zoning, MD Dept of Health for well modifications.

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

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

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

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

**RECEIVED**
MAR 29 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 Districts)*
  - Root zone of existing trees shall be preserved and protected during development.
  - Replace one tree for every tree that is removed.
  - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

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

1. Description of Request—See Part VIII for full details and requirements.
2. Site Plan—See Part IX for full details and requirements.
3. Full Legal Description—Not abbreviated description from tax statement.
4. Access approval—Attach approval in writing from proper road authority.
5. Township Notification—See Part IV for details and requirements.
6. Septic System Compliance Inspection
7. Erosion Control Plan—Attach completed and signed plan including map.
8. Restoration Plan—See Part X for full details and requirements.
9. 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 3/26/19

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 3/26/19

RECEIVED  MAR 29, 2019
Request: GRADING, EXCAVATING & FILLING

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

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

Cubic yards of material movement:

TOTAL cubic yards of material movement: 87

Pre-App Date 6-7-19
Meeting Date 7-15-19
60 Day 6-4-19
Zoning District

Lake Classification Lake Geeman
FEMA Panel # 27079C0 30D D
Flood Zone X-outside

Request Description
Access Approval

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

Septic Comp Inspect / Design
Reg ATAF Spec

Meeting

Fee $ ______
Penalty $ ______

Application Complete

Planning & Zoning Department Signature

Date 6-7-19
Permit # 6-19-19 (6-18-19)

V&V approved 5-16-19
7' to PL
27' to Rws
31.3% JS.

CB-7-25-19

RECEIVE
MAR 29 2013
June 19, 2019

TO: LeSueur County Planning Commission and Board of Commissioners

RE: Kollar CUP Application – Grading, Excavation or Filling & Reconstruction of Stairs in Bluff

PID No. 04.760.0090, 22760 Stavenau Lane, Elysian, MN on German Lake

Dear Commissioners:

Please accept and consider our application for a Conditional Use Permit that is necessary to fulfill our vision to demolish an existing cabin and construct a new all season cabin on our property. As you may have read in our variance application, the existing cabin suffers from significant settlement issues, is not weather tight, and is materially degrading to the point that significant investment is or will soon be required to maintain the structure, which unfortunately will not correct the settlement issue. Our overall vision is again to remove the existing cabin, decks, stairs to the lake, and retaining walls and ultimately build a new cabin with a patio and walkway, reconstructed retaining walls and stairs per the plans submitted with our application. I understand a CUP is needed for the proposed work within the Shore Impact Zone and Bluff Impact Zone. Below is a brief description of the proposed work, best management practices proposed, and descriptions of how our proposal fits with the surrounding area:

- Remove wooden stairs that traverse the bluff to the existing deck at the lake shore.
- Construct new wooden stairs for lake access
  - Use Diamond Pier footings® to virtually eliminate excavation in the Shorland Protection Zone/Bluff.
  - Wooden stairs with railing are proposed to be three (3) feet in width. The existing stairs are 3’ wide but do not have a railing.
  - Landings, less than 36 square feet in area, as shown on the plans, are proposed to avoid excessive ground clearance and provide access points for maintenance of bluff vegetation.
  - Proposed stairs to be compliant with current construction standards. Existing stairs are not compliant.
- Remove the existing two-tier deck located at about the mid-point of the bluff.
- Remove the existing 5 cubic yards of fill within the bluff impact zone, up to 2 cubic yards of fill within the Shore Impact Zone/Bluff, and 85 cubic yards outside of the Shore Impact Zone. Fill within the bluff impact zone is needed for proper landscaping and drainage of the area currently under the multi-level deck attached to the cabin. Placing this fill will allow for even sloping green space transitioning from the bluff toward the proposed dwelling and patio area. Up to 2 cubic yards of fill in the Shore Impact Zone/Bluff may be needed to fill minor troughs created by the existing wooden stairs. Place 85 cubic yards of fill to bring the site, outside of the Shore Impact Zone, to final grade. This primarily includes the fill needed to bring the finish floor elevation to grade. Earthwork quantities were determined using the Contour Method of calculating volumes. The Contour Method was performed using computer-aided design (CAD) software and compares existing surface contours to final surface contours.
- Minimize erosion & sediment loss potential
  - Reduce overall impervious surface on the property by:
    - Eliminating mid-bluff deck and construct compliant stairway to lake (14% reduction of impervious surface in the Shorland Protection Zone/Bluff)
    - During variance approval, we proposed to remove the pumphouse. Due to the shared well and complications of a seasonal (neighbor) and proposed year-round cabin, the pumphouse will need to remain. To meet the proposed reduction in impervious surface approved during the variance hearing, we propose to relocate a portion of the south retaining wall 1.5’ further south to create the necessary green space.
• Eliminating multi-tier deck attached to cabin
  • Restore a portion of the parking area to turf
    o Maintain existing vegetation on the bluff
    o No trees will be removed
    o Place and maintain sediment control BMP’s (straw biorolls, staked in-place), per the Erosion Control Plan.
    o Respread or place topsoil on any disturbed area and reseed. If erosion occurs or is highly likely due to sustained rain events, erosion blanket or sod may be placed to establish vegetation and reduce erosion potential.
    o The proposed cabin will include gutters. Downspouts will be located to provide the maximum reasonable distance from the bluff in an effort to allow the concentrated flow to disperse and infiltrate.
    o The proposed patio is designed to sheet flow away from the proposed dwelling, reducing concentrated flow and encouraging infiltration.
• The property is challenging in vertical relief, size and restrictions
  o We believe we are proposing an overall improvement to the property that is reasonable, economically feasible, and environmentally conscious.
• Surrounding properties will not be negatively impacted. The proposed cabin has been designed to either meet sideyard setbacks or not encroach closer than the existing cabin. The surrounding properties may benefit from a more aesthetically pleasing structure in the neighborhood as well as the benefit of the investment in and ultimate value of the property.
• The surrounding properties consist of a mix of 3-season cabins, 4-season cabins, and year-round homes. The proposed improvements on our property fit well with the surrounding properties.
• The existing cabin is in a state of disrepair, specifically the significant settlement and rotting of floor timbers, to the point that a professional house mover stated the cabin would likely come apart if a lift were attempted to place on a solid foundation. As this was considered, along with the condition of the remainder of the cabin and other improvements needed on the property, it was determined the most reasonable and economical approach is to demolish the existing cabin and build new. The proposed work requires variances as well as a Conditional Use Permit from Le Sueur County.
• The proposed use will not impose hazards to life or property in the neighborhood.
• The surrounding properties have stairs, for lake access, in the Shoreland Protection Zone/Bluff.
• There are no known hazardous materials to be abated. Treated lumber will be disposed of in a properly licensed landfill. Treated lumber will not be burned.
• Well improvements will be permitted, as may be necessary, through the MN Department of Health.

We believe our proposal meets the intent and requirements for consideration and approval of a Conditional Use Permit. With the Board’s approval, we look forward to improving our property and enjoying it for many years to come. Thank you for your time and consideration of our request.

With respect,

Jim & Brenda Kollar

Property Address: 22760 Stavenau Lane, Elysian, MN
Home Address: 335 Hickory Lane NE, Owatonna, MN 55060

RECEIVED
JUN 1 9 2019
BY: ______
LEGAL DESCRIPTION:

Lot Numbered 11 in the Field of "Stavenau’s Beach", being a part of Government Lots Numbered 1 and 2 in Section 5, Township 109 North of Range 24 West, according to the map or plat on file and of record in the office of the Register of Deeds of Le Sueur County, Minnesota.

Also an easement and right to use the following described roadway for ingress from and to said premises, mutually with said grantees and their successors in title of said lots platted above or any other land owned by grantors, which roadways are described as follows, to wit: A strip of land 2 rods wide along the south boundary of lot 5 of "Stavenau’s Beach" above mentioned together with a strip of land commencing 2 rods south of a point 2691.3 feet west and 1951.55 feet north of the west quarter corner of Section 5-109-24 West, thence north 60' 44" east to an existing fence line now used as the north south center line of said Section 5, thence south along said fence to the center of said Section 5, thence west 58 feet, thence north to the point of beginning, all the above being part of Government Lots 1 and 2 in Section 5-109-24 West, Le Sueur County, Minnesota.

BEARING NOTE:

The direction of this bearing system is based on the southwesterly line of Lot 11, Stavenau’s Beach. Said line bears South 11 degrees 41 minutes 18 seconds West.

BENCHMARK:

MnCot Monument CLEVELAND SE
Elevation = 1000.79' (NAD88)

NOTES:

1. Fieldwork was completed on June 29, 2018.
2. Ordinary High Water Level Elevation is 1019.50 per MnCot.
3. Bluff line for this property is shown herein.
4. This survey does not purport to show land ownership or all easements or incumbrances that affect the described property.

EXISTING GROUND COVER CALCULATION:

<table>
<thead>
<tr>
<th>House</th>
<th>619</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravel Surface</td>
<td>817</td>
</tr>
<tr>
<td>Shed(s)</td>
<td>63</td>
</tr>
<tr>
<td>Deck/Stairs</td>
<td>1,018</td>
</tr>
<tr>
<td>Retaining Wall</td>
<td>65</td>
</tr>
<tr>
<td>Total</td>
<td>2,681 sq. ft.</td>
</tr>
</tbody>
</table>

Lot Total 7,304 sq. ft.

Existing Impervious Surface 35.4%
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: James Kollar
Mailing Address: 335 Hickory Lane NE, Owatonna, MN 55060
Property Address: 27500 Stavenu Lane, Elysian, MN 56028
Phone: () Mobile/Cell: (507) 676-7575

Responsible party for Implementation/Inspection: James Kollar
Address: 335 Hickory Lane NE, Owatonna, MN 55060
Phone: () Mobile/Cell: (507) 676-7575

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 shoreline areas should also be protected with silt fence.

9. Install straw bale checks or rock check dams in areas of concentrated flow.

10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.
11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer’s instructions:

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

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

13. Apply fertilizer according to soil test recommendations.

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

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

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

**Inspection and Maintenance**

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

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

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

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

\[\text{Signature} \quad \text{1/4/19} \quad \text{(Property Owner)}\]

\[\text{Signature} \quad \text{1/1/19} \quad \text{(Person Responsible for Implementation)}\]

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

GENERAL INFORMATION

APPLICANT/OWNER: Janice Shelton
911 ADDRESS: 35362 Pleasant Mound Road, Kasota, MN
PROJECT DESCRIPTION: To allow grading, excavating, and filling of 277 cubic yards of material on a lot.
PARCEL NUMBER: 05.750.0840
CUP NUMBER: 19099

SITE INFORMATION

LOCATION: Outlot A, Thunderbird Hills, Section 17, Kasota Township
ZONING & PURPOSE: Urban/Rural Residential “R1”

The Urban/ Rural Residential (R1) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GENERAL SITE DESCRIPTION: Residential, rural subdivision
ACCESS: Existing off Pleasant Mound Road and a new access off Red Iron road, approved by the Township.

EXISTING LAND USE WITHIN ¼ MILE:
- North: Farmland, scattered residences, County Road 101
- South: Platted Residential Subdivision
- East: Platted Residential Subdivision
- West: Platted Residential Subdivision, County Road 21, Railroad, mining operations

BACKGROUND INFORMATION

Parcel is an Outlot in a rural subdivision platted in 1971. Outlot are deemed non-buildable however at some point a permit was issued to allow for the construction of a single-family dwelling. The landowner is requesting an addition on the East side of the dwelling and the West side of the dwelling. A new access has been approved from the Township to Red Iron Road. The lot is bordered on three sides by roads. The County Road on the north as well as two Township roads in the plat on the East and South along with a cul de sac. The applicant will need to apply for a Conditional Use Permit for a temporary dwelling. A Variance was granted by the Board of Adjustment on May 16, 2019 to allow the applicant to build on a non-conforming lot, enlarge a non-conforming structure 43 feet from road ROW (Red Iron Road), 31 & 36 feet from road ROW (Pleasant Mound Road) and 56 feet from road ROW (Cul-de-sac).

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Joe Kienlen from Kasota Township was contacted on April 15, 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
STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 9, Urban/Rural Residential District; 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 does not make reference to the proposal.

ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

BLUFF: There is no bluff present on the parcel.

GRADING, EXCAVATING, OR FILLING:

Grading, excavating or filling activities that involve topographic alterations in all districts shall conform to the following standards of this Section, with the following exceptions.

a. Grading, excavating, or filling activities necessary for the construction of structures, sewage treatment systems, and driveways under validly issued zoning permits shall be exempt from this standard.

b. Public roads and land alterations for agricultural purposes shall be exempt from this standard.

STANDARDS

1. There shall be no substantial environmental impact or that such impact shall be alleviated through the County’s Erosion Control Standards and other conditions of the permit.

2. There shall be no substantial adverse impact on surrounding properties.

3. Grading, excavating or filling activities in any type of wetland shall be evaluated in accordance with the WCA regulations, as administered by the Le Sueur County SWCD.

PERMIT REQUIREMENTS

1. Plans shall be submitted by the applicant and/or landowner as indicated in the following table for review by the Department. The Department may request review by the SWCD.

2. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.

3. The proposed grading, excavating or filling activities shall occur within one (1) year of permit issuance.

EROSION CONTROL:

1. Erosion and siltation control measures shall be coordinated with the different stages of development.

2. Appropriate control measures shall be installed prior to development, when necessary to control erosion.

3. The County may require a storm water drainage and erosion control plan prepared by a licensed professional engineer on all development that has less than one (1) acre of disturbed area. (For all areas that have one (1) acre or more of disturbed area, SWPPP and NPDES permits are required. The SWPPP shall be prepared by a licensed professional engineer.)

4. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses.

5. The smallest practical area of land shall be exposed at any one period of time.

6. Natural vegetation shall be retained and protected when feasible, and the amount of exposed soil shall be minimized.

7. Where the topsoil is removed, sufficient desirable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

8. Perimeter sediment control measures shall be properly installed before construction activity begins. Such structures may be adjusted
9. The natural drainage shall be used when feasible for storage and flow of runoff.

10. Inlet protection shall be placed on culverts, tile inlets and storm sewer inlets.

11. All exposed soil areas with a continuous positive slope that are within two hundred (200) linear feet of any surface water, or any conveyance (stormwater inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked within the following:
   a. Seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1).
   b. Fourteen (14) days on slopes ranging from 3:1 to 10:1.
   c. Twenty one (21) days for flatter slopes.
   d. On sensitive sites or sites with special waters, as defined by the Agency, exposed soil areas with a greater than 3:1 slope.

12. At the foot of each exposed slope, a channel and berm shall be constructed to control runoff. The channelized water shall be diverted to a sedimentation basin (debris basin, silt basin, or silt trap), before being allowed to enter the natural drainage system.

13. For exposed slopes on stockpiles greater than ten (10) cubic yards the toe must be more than twenty five (25) feet from a road, drainage channel or stormwater inlet.
   a. If left exposed for more than seven (7) days, it must be stabilized with mulch, vegetation, tarps or other means.
   b. If left exposed for less than seven (7) days, erosion must be controlled with perimeter control devices such as a silt fence.
   c. If for any reason an exposed slope or stockpile is located closer than twenty five (25) feet from a road, drainage channel or stormwater inlet, it must be controlled with perimeter control devices immediately.

14. Exposed slopes shall be protected by whatever means which will effectively prevent erosion considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of but not limited to, mulch, sheets of plastic, burlap or jute netting, sod blanket, erosion mat, fast growing grasses or temporary seedlings of annual grasses.
   a. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material.
   b. Mulch shall be anchored to slopes with liquid asphalt, stakes and netting or worked into the soil to provide additional slope stability.

15. Control measures, other than those specifically stated in this Subdivision, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

DRAINAGE:

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

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. Drainage
   d. Erosion Control

**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 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: 6/3/2019 PERMIT NUMBER: 19099 FEE: $796.00
60 DAY RULING DATE: 8/2/2019 *FEES NON-REFUNDABLE
APPLICANT: JANICE SHELTON LAND Owner: JANICE SHELTON
ADDRESS: 700 W CHERRY ST ADDRESS: 700 W CHERRY ST
CITY: KASOTA CITY: KASOTA
STATE: MN ZIP: 56050 STATE: MN ZIP: 56050
911: 35322 PLEASANT MOUND RD. KASOTA

PARCEL #: 05.750.0840 TOWNSHIP: KASOTA
SEC: 17 SUBDIV: THUNDERBIRD HILLS DISTRICT: R1
TWP: 109 LOT: OLA FEMA PANEL #: 27079C0240D
RANGE: 26 BLOCK: TOWNSHIP OTHER:
QTR/QTR: ROAD: TWP
FLOOD ZONE: X OUTSIDE

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

1.) Reason for Requested Conditional Use Permit.
TO ALLOW GRADING, EXCAVATING, AND FILLING OF 277 CUBIC YARDS OF MATERIAL.

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: 7/11/2019 ACTION:
☐ AS WRITTEN ☐ WITH CONDITIONS

COUNTY BOARD DATE: 7/23/2019 ACTION:
☐ AS WRITTEN ☐ WITH CONDITIONS

CHAIRMAN, LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

CHAIRMAN, LE SUEUR COUNTY BOARD OF COMMISSIONERS

DATE

DATE
LE SUEUR COUNTY
CONDITIONAL USE PERMIT CRITERIA
Conditional Use Permit #: 19099
Applicant: JANICE SHELTON
Land Owner: JANICE SHELTON
Conditional Use Permit Request: TO ALLOW GRADING, EXCAVATING, AND FILLING OF 277 CUBIC YARDS OF MATERIAL.

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.

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   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.

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   Explain

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

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   Explain

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

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   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.

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   Explain

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

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   Explain

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

   Don Rk  Pam  Doug  Jeanne  Shirley  Scott  Al  TOTAL
   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-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 shored 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: JANICE R. SHELTON  
   Mailing Address: 700 WEST CHERRY ST  
   City: KASOTA  
   State: MN  
   Zip: 56050  
   Phone #: 507-380-7532

II. Landowner:
   Name: JANICE R. SHELTON  
   Mailing Address: 700 WEST CHERRY ST  
   City: KASOTA  
   State: MN  
   Zip: 56050  
   Property Address: 3536 2 PLEASANT MOUND RD  
   City: KASOTA  
   State: MN  
   Zip: 56050  
   Phone #: 507-380-7532

III. Parcel Information:
   Parcel Number: 05.750.0840  
   Parcel Acreage: ____________________________  
   Attach Full Legal Description (NOT abbreviated description from tax statement)  
   Township: KASOTA  
   Section:  
   Subdivision: Thunderbird Hills  
   Lot: Outlet A  
   Block: ____________________________

IV. Township Notification: Township must be notified of proposed use prior to application.
   Township notified on April 15, 2019
   (Township Name)  
   Board Member: JOSEPH KIESLEN  
   (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.
   f. 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: __________
   □ 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: __________

☐ 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: Using Sub Surface for Containment, Improving Slope Stability
   2. ADVERSE IMPACT ON SURROUNDING AREAS: No Improving Slope Stability & Capture Runoff
   3. STORMWATER RUNOFF: Design downspouts to 4' below grade to clay tile or drain tile
   4. DOES ANY PART OF THE PROJECT EXTEND BELOW OHWL: No on roadway
   5. WETLAND IMPACT: None on wetlands on property
   6. SLOPE STABILITY: Retaining walls will improve slope stability
   7. CERTIFICATE OF INSURANCE: Good Faith Construction has Certificate provided
   8. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: No additional permits required

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

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

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

* Site plan & As-Built must be completed by a surveyor or professional engineer.
X. **Restoration Plan:** Shall include but not limited to the following:

- Areas of restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth. *(Must be included in cubic yards calculation of material.)*

- Reseeded areas indicated with type of vegetation. *(Shall meet minimum standards by the SWCD)*

- Tree replacement plan. *(Areas located within the Bluff Impact Zone, Bluff, Shoreland & Conservancy Districts)*
  - Root zone of existing trees shall be preserved and protected during development.
  - Replace one tree for every tree that is removed.
  - Replacement trees shall have a minimum caliper of 2 inches at 4.5 feet from ground level.

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

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

XII. **Procedure:**

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

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

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

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

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

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

XIII. **Signatures:**

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

\[Signature\]  
\[Date\]

_ 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._

\[Signature\]  
\[Date\]
Request: **GRADING, EXCAVATING & FILLING**

<table>
<thead>
<tr>
<th>Non-Shoreland</th>
<th>Cubic yards of material movement:</th>
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<tbody>
<tr>
<td>☐ Within Bluff Impact Zone</td>
<td>Cubic yards of material movement:</td>
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<tr>
<td>☐ Within Bluff</td>
<td>Cubic yards of material movement:</td>
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</tbody>
</table>

**TOTAL cubic yards of material movement:**

<table>
<thead>
<tr>
<th>Shoreland - Outside Shore Impact Zone</th>
<th>Cubic yards of material movement:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Within Shore Impact Zone</td>
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<td>Cubic yards of material movement:</td>
</tr>
<tr>
<td>☐ Within Bluff</td>
<td>Cubic yards of material movement:</td>
</tr>
</tbody>
</table>

**TOTAL cubic yards of material movement:** 277

---

| Pre-App Date | 6-3-19 |
| Meeting Date | 6-11-19 |
| Zoning District | L1 |
| □ Request Description |
| □ Site Plan |
| □ Full Legal |
| □ Ordinance |

| Lake Classification | |
| Lake | |
| FEMA Panel # | 27079C0 240 D |
| Flood Zone | X-0.4 |

| Feedlot | 500' 1000' N |
| Wetland Type | 1-2 3-8 N |
| Water courses | Y N |
| Bluff | Y N |
| □ Septic |
| Comp Insp / Design |
| □ Meeting (Reg) / ATF / Spec |
| □ Fee | $1900 |

| □ Access Approval |
| □ Erosion Control Plan |
| □ Other | |

**Application Complete**

| Planning & Zoning Department Signature | 6-3-19 |
| Date | 19099 |

Lo-11-19 Feed Description & Request
Grading procedure for Janice Shelton residence

Grading will be done according to the attached grading plans prepared by Bolton and Menk and dated 5/22/19. All excavation will be performed with backhoe and skid steer. A silt fence will be installed on the down slope side of all excavations. Retaining walls will be located as shown and will be of the gravity wall type. The lowest course will be set on a compacted crushed rock base not less than 6” thickness and will be set a minimum of 6” below the adjacent grade on sound soil. Backfill directly behind the retaining walls will be of granular drainage material and will be compacted in lifts. Drain tile will be installed behind each section of retaining wall approximately at the height of the lower grade and will be sloped to daylight at the level of the lower grade.

Retaining walls as follows:

**South-East Corner of proposed garage slope:**

A three-tier retaining wall designed for the 10’ slope on the South side of the proposed lower level garage and driveway.

These three retaining walls will extend East-South-East starting from the South proposed garage wing wall at elevation 941 running East and South 3’ x 20’, at elevation 937 running East-South-East S-curve 3’ x 40’, and at elevation 934 running East-South-East S-curve 3’ x 40’.

**North-East corner of proposed garage slope:**

Two tier retaining wall 3’ each is design for the 6’ slope on the North side of the proposed lower level garage driveway:

The lowest tier 3’ x 110’ will extend East in a nominal 20’ radius semicircle curving North then tangent to the West section extending an additional 70 feet.

The upper tier retaining wall 3’ x 12’ elevation 934 will extend from the North wing wall of the garage East and the curving North.

**South-West corner of proposed addition:**

Two, 3’ retaining walls will be built to accommodate the 6’ slope between the proposed addition and existing shed. Upper tier at elevation 934 will be 3’ x 18’ and the lower tier will be 3’ x 15’.

Sincerely
Randy Dinsmore
Project Coordinator
Goodrich Construction
507-420-8102
EXITING CONDITIONS

LEGEND
- BENCH MARK
- L/D INCH IRON PIPE SET & MARKED BY LIC. NO. 19789 UNLESS OTHERWISE NOTED
- MONUMENT FOUND
- CONTROL POINT
- GAS METER
- AIR CONDITIONER
- ELECTRIC METER
- WELL
- CLUT
- DECIDUOUS TREE
- CONIFEROUS TREE
- STUMP
- BUSH
- INTERMEDIATE CONTOUR
- INDEX CONTOUR
- FENCE LINE
- FLAG POLE
- TRAFFIC SIGN

SURVEYOR'S CERTIFICATION
I hereby certify that this survey, plans, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mary Jensen
License Number 19789
4/15/2019 Date

CERTIFICATE OF SURVEY
LE SUEUR COUNTY, MINNESOTA

2950 PREMIER DRIVE
MANKATO, MINNESOTA 56001
(507) 625-4171

OUTLOT A, BLOCK 1, THUNDERBIRD HILLS,
SECTION 12, TOWNSHIP 129 NORTH, RANGE 26
WEST, LE SUEUR COUNTY, MINNESOTA

FOR: JANICE SHELTON

4.8 517-1109N-826W

DRAWN BY: JLA

JOB NUMBER: M33.118333
FIELD BOOK: 90M PG 38

©Bolton & Menk, Inc. 2019, All Rights Reserved
Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Janice R Sherrod
Mailing Address: 100 West Cherry St Kasota MN
Property Address: 35362 Pleasant Mound Rd Kasota MN
Phone: (507) 380-7532 Mobile/Cell: ( ) Same

Responsible party for Implementation/Inspection: Janice R Sherrod
Address: 100 West Cherry St Kasota MN
Phone: (507) 380-7532 Mobile/Cell: ( )

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).

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

3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.

4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.

5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.

6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.

7. Limit construction equipment to designated areas to control soil compaction.

8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.

9. Install straw bale checks or rock check dams in areas of concentrated flow.

10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.
STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER: Janice Shelton
911 ADDRESS: 35362 Pleasant Mound Road, Kasota, MN
PROJECT DESCRIPTION: To allow a temporary dwelling for the elderly within an existing dwelling.
PARCEL NUMBER: 05.750.0840
CUP NUMBER: 19100

SITE INFORMATION

LOCATION: Outlot A, Thunderbird Hills, Section 17, Kasota Township
ZONING & PURPOSE: Urban/Rural Residential “R1”

The Urban/Rural Residential (R1) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

GENERAL SITE DESCRIPTION: Residential, rural subdivision
ACCESS: Existing off Pleasant Mound Road and a new access off Red Iron road, approved by the Township.

EXISTING LAND USE WITHIN ¼ MILE:
- North: Farmland, scattered residences, County Road 101
- South: Platted Residential Subdivision
- East: Platted Residential Subdivision
- West: Platted Residential Subdivision, County Road 21, Railroad, mining operations

BACKGROUND INFORMATION

Parcel is an Outlot in a rural subdivision platted in 1971. Outlot are deemed non-buildable however at some point a permit was issued to allow for the construction of a single-family dwelling. The landowner is requesting an addition on the East side of the dwelling and the West side of the dwelling. A new access has been approved from the Township to Red Iron Road. The lot is bordered on three sides by roads. The County Road on the north as well as two Township roads in the plat on the East and South along with a cul de sac. The applicant will need to apply for a Conditional Use Permit for grading, excavating, and filling due to the proposed additions for the house. A Variance was granted by the Board of Adjustment on May 16, 2019 to allow the applicant to build on a non-conforming lot, enlarge a non-conforming structure 43 feet from road ROW (Red Iron Road), 31 & 36 feet from road ROW (Pleasant Mound Road) and 56 feet from road ROW (Cul-de-sac).

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Joe Kienlen from Kasota Township was contacted on April 15, 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.
Application, description of request, site plan, aerial photo, Findings of Fact sheet, See GEF application for house plans and erosion control plan

STAFF FINDINGS

ZONING ORDINANCE SECTIONS: Section 9, Urban/Rural Residential District; Section 19, Land Use Performance Standards, Section 21, Conditional Use Permits.

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 does not make reference to the proposal.

LAND PERFORMANCE STANDARDS-SECTION 19

SPECIFIC LAND USE: TEMPORARY DWELLINGS

DWELLING, TEMPORARY - Temporary dwellings are defined as manufactured homes that are less than twenty (20) feet wide, excluding decks or entry vestibules, and not on a permanent foundation. All manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date a Federal seal in accordance with HUD CFR 3280 Construction Standards.

1. Temporary dwelling applicants must demonstrate a need for housing of elderly, farm use, or occupants of principal dwelling during construction or repair of principal dwelling.
2. The use must be secondary to the primary dwelling use.
3. A condition of the Conditional Use Permit shall be designated as to when the use of the temporary dwelling, as stated in the Conditional Use Permit, is no longer necessary. At that designated time, the temporary dwelling shall be removed from the property.
4. All dwelling standards and dimensional standards apply except:
   a. The subsurface sewage treatment system of the main dwelling can be utilized if it is up to present standards and has enough capacity; otherwise it shall be brought into conformity and/or enlarged.
   b. The temporary dwelling cannot be placed on a separate lot with no other dwelling intended.
   c. There are no minimum width requirements.
   d. There are no foundation requirements, but the dwelling must be secure to the ground.
   e. In cases of use for the elderly, the temporary dwelling may be attached to the principal dwelling.

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. If approved the structure will be a single-family dwelling with temporary dwelling quarters, cannot be a multi-family dwelling.
   
   d. Condition of elimination of temporary dwelling, cannot be a multi-family dwelling.

---

**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 fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

8. Designating sites for open space.
**APPLICATION DATE:** 6/3/2019  
**PERMIT NUMBER:** 19100  
**FEE:** $796.00  
**APPLICANT:** JANICE SHELTON  
**ADDRESS:** 700 W CHERRY ST  
**CITY:** KASOTA  
**STATE:** MN  
**PHONE:** 507-380-7532  
**911:** 35362 PLEASANT MOUND RD, KASOTA  
**LAND OWNER:** JANICE SHELTON  
**ADDRESS:** 700 W CHERRY ST  
**CITY:** KASOTA  
**STATE:** MN  
**PHONE:** 507-380-7532  
**PARCEL #:** 00.750.0840  
**SUBDIV:** THUNDERBIRD HILLS  
**TOWNSHIP:** KASOTA  
**SEC:** 17  
**LOT:** OLA  
**DISTRICT:** R1  
**TWP:** 109  
**BLOCK:** 26  
**FEMA PANEL #:** 27079C0240D  
**QTR/QTR:** ROAD: TWP  
**FLOOD ZONE:** X OUTSIDE

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

1) **Reason for Requested Conditional Use Permit.**  
   TO ALLOW TEMPORY DWELLING FOR THE ELDERLY LOCATED WITHIN THE EXISTING SINGLE-FAMILY DWELLING

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

3) **Special Conditions of Conditional Use Permit.**  
   RECORDED LEGAL DESCRIPTION OF PROPERTY MUST BE SUBMITTED PRIOR TO ISSUANCE OF ZONING PERMITS. ADDITIONAL CONDITIONS AS STATED IN RECORD.

![Signature]

APPLICANT/PROPERTY OWNER

LE SUEUR COUNTY PLANNING AND ZONING AUTHORITY

**PUBLIC HEARING DATE:** 7/11/2019  
**ACTION:**  
□ AS WRITTEN  
□ WITH CONDITIONS

**COUNTY BOARD DATE:** 7/23/2019  
**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 #: 19100

Applicant: JANICE SHELTON
Land Owner: JANICE SHELTON
Conditional Use Permit Request: TO ALLOW TEMPORARY DWELLING FOR THE ELDERLY LOCATED WITHIN THE EXISTING SINGLE-FAMILY DWELLING

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

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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: Janice R. Shelton
Mailing Address: 700 West Cherry St.
City: Kasota
State: MN
Zip: 56050
Phone #: 507-380-7532

II. Landowner:
Name: Janice R. Shelton
Mailing Address: 700 West Cherry St.
City: Kasota
State: MN
Zip: 56050
Property Address: 35362 Pleasant Mound Rd
City: Kasota
State: MN
Zip: 56050
Phone #: 507-380-7532

III. Parcel Information:
Parcel Number: 05-750-0840
Parcel Acreage: 
Attach Full Legal Description (NOT abbreviated description from tax statement)
Township: Kasota
Section: 
Subdivision: Thunderbird Hills
Lot: Outlot A
Block: 

IV. Township Notification: Township must be notified of proposed use prior to application.
Kasota Township notified on April 15, 2019

Board Member: Mr. Joseph Kippen 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. Appointment is necessary.
   f. 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

RECEIVER
MAY 10 2019
BY:
VII. Type of Request:

☐ Self Service Storage  ☐ Value Added Agriculture
☐ School/Church/Cemetery  ☐ Antique Sales/Service/Repair
☐ Retail Nursery/Greenhouse  ☐ Substation/Transmission Lines etc.
☐ School/Church/Cemetery  ☐ Other  Temporary Dwellings

VIII. Description of Request:

a. A full description of request with detailed information must be attached.

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

1. PROPOSED DAYS AND HOURS OF OPERATION:  NA  Not A Business

2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS:  NA  Not A Business

3. LIST OF PUBLIC HEALTH PLANS:
   i. Water Supply:  Single well on property
   ii. Toilet facilities:  New septic is being proposed due July
   iii. Solid Waste Collection:  Hineman Sanitation

4. FIRE PREVENTION:

5. SECURITY PLANS:

6. RETAIL SALES:

7. FOOD OR ALCOHOL SERVED OR FOR SALE:

8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.)

9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC:

10. EXTERIOR LIGHTING:

11. PARKING AND LOADING:

12. SIGNAGE:

13. ROAD ACCESS: (Approved by the road authority)  Township Approved See Attachment

14. CERTIFICATE OF INSURANCE:

15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting)

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

- 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)
X. Attachments: shall include but not limited to:

- Description of Request-See Part VIII for full details and requirements.
- Site Plan-See Part IX for full details and requirements.
- Full legal description-Not abbreviated description from tax statement.
- Access approval-Attach approval in writing from proper road authority.
- Township Notification-See Part IV for details and requirements.
- Septic System Compliance Inspection
- Erosion control plan-Attach completed and signed plan including map.
- Floor plans and/or blue prints

XI. 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 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.

XII. 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: May 10, 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: May 10, 2019

OFFICE USE ONLY

Pre-App Date 5-7-19
Meeting Date 5-21-19
60 Days 6-20-19
FEMA Panel # 27079C0

Lake Classification

Zoning District [R]

Flood Zone [X]

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

Request Description
Access Approval
Erosion Control Plan
Blue Prints
Other

Comp Insp Reg ATF Spec
Septic Meeting Design

Fee $ 7410

Penalty $ 0

Application Complete
Michelle QMilhko
Planning & Zoning Department Signature

Date 5-10-19
Permit # 10-3-19
To: LeSueur County

Subj: Submission of a Conditional Use Application for Temporary Dwelling Permit at 35362 Pleasant Mound Road, Kasota, MN

This a request to permit structural changes to the property at 35362 Pleasant Mound Rd, Kasota MN in the Township of Kasota for the follow reason and proposed changes.

Reason:

My family consist of my sister and brother in-law. We currently live together in a home that provides separate but mutually shared common-areas. We are nearing retirement and plan to continue sharing a home much like what we have shared for the past 6 ½ years. We wish to develop a similar, but, smaller home that continues to respects our matured life styles and aging individualities, but also, allows us to continue sharing common-areas of the home as well.

Working with Michelle and Josh, I have come to learn that the plan I developed for this property is of concern as it may not comply with the statute SUBDIVISION 6. DWELLING STANDARDS.

The hardship in redeveloping this property, is, that it is a small lot. Restrictive setbacks do not allow a design on one level that fits our needs. The benefit of this property is, that it is small, decreasing the difficulty of required maintenance.

Proposed Changes:

The one car garage that currently exists on the main level of the home is being expanded to a 2 car garage. A one car garage with a shop/storage is being built directly below it at the basement level. A new drive way from the basement garage to Red Iron Road has been approved by Kasota Township. This design will facilitate same level access from both garages in to the home.

Additionally, we anticipate one or more members of the family needing wheel chair accessibility in the not too distant future. Internal and external doors or being designed to permit ease of access. The stairwell transition between both floors will be open and a chair lift will be installed prior to occupying the home.

The kitchen designs for both levels permit ease of food preparation and developed habits and appreciates the diversity in our current schedules. This also eliminates the need to transit the stairs several times a day for meals.

I can appreciate that this design concept could, in the future, be altered into a two unit or duplex style rental home. This is not now nor in the future my intent in development of this design. There will be only one electrical power box located in the basement. The HVAC system will have only one thermostat for controlling heating and cooling. Both levels will be open to each other without internal structural barriers.
I ask that you consider the following;

Home dwelling standards today currently, appreciate the definition of a “nuclear family” defined as a young family with a mom and dad and children, all of whom can traverse different levels in the home and enter or exit the home easily and freely without difficulty.

As the American population age’s laws that govern dwelling standards must be adjusted to fit the needs of this aging population. I ask your consideration in approving this design for the reasons put forth in this statement.

Sincerely

Janice R Shelton
Owner 35362 Pleasant Mound, Kasota MN
The driveway placement is approved per plan. It must be 15 inch diameter minimum and not exceed 24 feet in length. If there are any questions, please call 507-995-4006.

Joe Kienlen, Kasota Township

Sent from my iPad