

MANKATO TOWNSHIP PLANNING COMMISSION
Regular Meeting November 20, 2024 - 6:00 p.m.
Mankato Township Hall
788 South Victory Drive, Mankato MN

Any person speaking to the Commission shall give to the Secretary of the
Commission the NAME and HOME ADDRESS of such person prior to speaking.

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

1. **September 18, 2024 Draft Planning Commission minutes**

4. **BUSINESS ITEMS**

1.

CYM07-24 Zarn Final Plat and After the fact CUP and Variance

5. **MISCELLANEOUS**

6. **ADJOURNMENT**

Mankato Township Planning Commission

3. 1.

Meeting Date: 11/20/2024

Title

September 18, 2024 Draft Planning Commission minutes

Attachments

Draft September 18, 2024 Planning Commission meeting minutes

MANKATO TOWNSHIP Planning Commission

Sept.18,2024

The September meeting of the Mankato Township PC was called to order by Roxanne Johnson at 6:30 PM on 9-18-2024 at the township hall. PC members present: Roger Funfsinn, Jim Jensen, Dan Rotchadl and Roxanne Johnson. Agenda was approved. Minutes from the July meeting were approved as sent.

Planner presented the request from James and Beth Zarn for a preliminary plat for an adjustment of property lines that will create a new parcel described as Lots 11, 17, and lot 16, Auditors plat Number 15 Section 35.

Opened up public hearing no one in attendance, open meeting was closed. Dan Rotchadl moved to recommend approval subject to the planners recommendations Jim Jensen seconded the motion, motion carried with all in favor.

Roxanne asked about how someone else could become chairperson, Dan will look into it.

Being no further business meeting adjourned at 6:46.

Respectfully submitted.

Dan Fogal

Clerk

Mankato Township Board Regular meeting

9-18-24

Meeting was called to order by Dan Rotchadl, board members present: Dan, Scott Morgan, and Mike Lynch. Meeting minutes of August 2024 were approved as sent.

No clerk report.

Planner presented the request from James and Beth Zarn for a preliminary plat for an adjustment of property lines that will create a new parcel described as Lots 11, 17, and lot 16, Auditors plat Number 15 Section 35. Attached is the report from the planner.

Opened up public hearing, nothing. After discussion, Mike moved to recommend approval subject to the planners recommendations and Township Planning Commission. Scott Morgan seconded the motion, motion carried with all in favor.

Treasurer gave his report, it was accepted as given. Bills were read by the clerk and approved to be paid.

Chris Sandquist explained the Road improvement policy – Resolution on Road Improvement Policy. This would be for improvements beyond a gravel road improvement. Mike Lynch moved to approve resolution, second by Dan Rotchadl, motion carried with all voting in favor.

Chris reviewed the proposed Mankato Township Town Road Right-of-Way Ordinance. Dan Rotchadl moved to approve, second by Mike Lynch. Motion carried with all voting in favor.

Chris presented the proposed Mankato Township Administrative Fines and Hearings Ordinance. After discussion, motion was made by Mike Lynch, moved to approve with the addition to subpart 7, second by Dan Rotchadl. Motion carried with all in favor.

Need to publish, put in library, and record all of the resolutions.

The Stewart CUP was discussed. The board was correct in their decision except for parts of #3 and #5. Chris and Dan discussed the issue and came up with a proposed agreement. Board reviewed it, Dan moved to approve it. Second Scott. Motion carried with all in favor.

Zarn update. Zarn is in violation with the new road cut, and the location of the shop is too close to the property line. Letter went out today, has ten days to correct the issue or apply for permit.

Leases: still in the works, Leases came up with a bond, county has not come back to Chris. County applied for a building permit, twp will give it to the county. Should end up in a March hearing.

Johnson - needed an engineer to prepare a report for their septic system location, still in the works.

Koberoski- has unpermitted buildings and signs in roadway. Still in claims/counter claims.

Copper Mtn assessment list was put in, is \$13,000 per lot.

FEMA is in process. Mike said would have to get bills at a future date. Working on it all.

Being no further business, meeting was adjourned at 8:40.

Dan Fogal, clerk

Road report, are in pretty good shape.

Next Board meeting will be August 21, 2024.

Being no further business, meeting was adjourned at 8:20 PM.

Respectfully submitted,

Dan Fogal

Clerk

Meeting Date: 11/20/2024

Title

CYM07-24 Zarn Final Plat and After the fact CUP and Variance

Applicant

James and Beth Zarn are the applicants and property owners.

Request

Request of James and Beth Zarn for a Final Plat review of Zarn Acres, which would allow for an adjustment of property lines that will create a new parcel aligning with the ¼ ¼ section; an after-the- fact Variance to decrease the rear yard setback from 50 feet to 42 feet side yard setback requirements for the Property; and for an after-the-fact Conditional Use Permit for the unpermitted cutting of a bluff within a bluff zone on the property. The subject property is described as Lot 11, 17, and Lot 16, Auditor's plat Number 15, Section 35, Township 108 North, Range 27 West, Blue Earth County (19519 Ivywood Lane, Blue Earth County PID R430835452011).

Existing Land Use

The land consists of two parcels, R430835452011 and R430835452008, consisting of 6.4 acres and 40 acres respectively. The first parcel, ending in 2011, currently has a shop house that is used a residential space as well as a garage shop for agricultural practices. The second parcel ending in 2008 Is currently a wooded, bluff area, contains a small wetland, and is also used for agricultural farming purposes.

Zoning

The site is zoned Conservation-1 by the Mankato Township Zoning Ordinance.

Environmentally Sensitive Areas

There are environmentally sensitive areas in both parcels of land. There is a shoreline district and a ravine showing on the environmental sensitive map for parcel R430835452011. The second parcel, R430835452008, is showing a ravine on the environmental sensitive map. The sites also contain delineated wetland areas.

Review

Final Plat

James and Beth Zarn are requesting a final plat for Zarn Acres which will result in the adjustment of property lines that will create a new parcel aligning with the ¼ ¼ section. The subject property is described as Lot 11,17, and Lot 16, Auditor's plat Number 15, Section 35, Township 108 North, Range 27 West, Blue Earth County PID R430835452011).

The applicant is proposing to adjust the property lines to create a new parcel. With the new plat, the east property line from its current location will be aligned with the ¼ ¼ section line that runs North to South of the property. The remaining portion of the easterly parcel will be considered an Outlot upon platting.

Lot 1, Block 1, Zarn Acres is a 45.98-acre lot. The lot contains one dwelling right. A conditional use permit was approved by the Town Board in April 17th, 2024 to allow the movement of the development right on the newly created parcel from the current shed house, "shouse," to a new residential house. Conditions were included with the approval that required that platting occur to officially changing the property boundary and make this a developable parcel.

The proposed Lot 1, Block 1, will meet the Conservation District dimensions for residential purposes by obtaining

a “lot or plot of land on which a single family dwelling is erected shall contain an area not less than two and one half (2.5) acres” 0100.0703 Height, Yard, and Lot width and Depth Regulations, Subpart 5. Lot Area Regulations. The Lot 1 Block 1, is a 5.98 acre lot exceeding the required 2.5 acres. The proposed 1.09 acres of buildable area conforms to the Mankato Township conservation zoning district ordinance that states “every lot of plot of land on which a single family dwelling is to be erected must have a buildable area of not less than one (1) acre” 0100.0703 Height, Yard, and Lot Width and Depth Regulations, Subpart 5. Lot Area Regulations.

Lot 1, Block 1 contains two wetland areas, Wetland 2 and Wetland 3. Impacts to the wetland areas are not proposed or authorized. The applicant submitted a Notice of Decision from Blue Earth County that confirms that there are three Wetland areas located on the Zarn Acres property. Located on the Outlot A portion of Zarn Acres contains Wetland 1 near the bottom of the bluff. The second identified Wetland is located on the northeasterly corner of the ¼ ¼ section located between Lot 1 and Outlot A. Lastly, Wetland 3 has been located along Ivywood Lane in Outlot A. The owner of the land shall align with the Mankato Township Conservation District Ordinance and Blue Earth County standards to protect, preserve, and conserve the environmentally sensitive areas and natural resources of the Township.

Outlot A, Zarn Acres is the remaining portion of the subject platted area. The outlot does not contain a development right. The proposed platted lot as an outlot, according to the Town Land Use Ordinance, will not be developable, given the definition of, “Outlot” as an “open space included in a plat, labeled Outlot, and not intended for use as a buildable lot” 0100.0404 Definitions, Subpart 60.

Access to the lot will remain the same as identified in the submitted preliminary plat as, “Gravel”. The gravel access way to the proposed new dwelling structure will be through parcel ending in 2011, which is located in the adjacent township, and rounding off in the southern adjacent property, owned by the applicant. The proposed is a result of the existing environmentally sensitive areas and not impacting them in order to construct the property driveway area. The applicant has submitted an access easement which allows perpetual access through the adjacent southerly lot. The area noted on the preliminary plat as “existing trail” is not proposed to change. Changes to this area are prohibited without further review and approval by the Town Board as this area traverses a bluff and expansion will require additional engineering review. The plat will dedicate the southerly portion of Ivywood Lane for public purposes. The dedication will be from the Le Sueur River to the edge of the platted property. The dedication encompasses a 33’ section, which represents the southerly half of the current township road.

The preliminary plat concept plan for future development shows a proposed house and garage. The plans provided show a new 70’8” foot by 66’8” foot single family dwelling. The applicant has stated the height of the dwelling will not exceed the 35 feet height requirement found in Mankato Township Conservation zoning district ordinance. The house and garage are not located in the bluff area, and appear to achieve the required Conservation zoning district setbacks. The proposed structure achieves both side setbacks of 50 feet and the bluff set back of 30 feet. The applicant will need to conform to the front setback of 65 feet.

A primary and secondary 40x80 Septic allotted space has been submitted by the applicant. The septic locations are across the “existing trail” from the proposed house on the submitted plans. A recommended condition is included herein that requires the applicant to submit a septic design plan be submitted by a licensed septic contractor to Blue Earth County prior to the request of a construction permit. The applicant shall submit a “written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatments drainfields for each lot” prior to the final plat submission.

Utilities located at the proposed new house have been drawn to follow along the access road. The applicant will use the previously placed power meter lines and extend them along the access road. It has been proposed by the applicant to utilize the current well onsite. A submitted site plan shows the water lines following the access road up to the new house. No environmental impacts are proposed or authorized with the proposed utilities to the subject site.

The plans submitted depict a new well to be located near the south westerly corner of the proposed house. The applicant shall submit and provide Blue Earth County with well construction plans from a licensed well driller prior to the issuance of a construction permit.

The preliminary plat also shows the existing shed/house and the setbacks. The setbacks on the existing shouse, the

structure for which the permit was issued November 5, 2021, does not achieve the required setbacks in the subject zoning district. An after-the-fact variance has been requested for 50 feet requirement to be reduced to 42 feet.

A recommended condition is included herein that prior to construction beginning, but after BMP's are installed, an inspection occur. Protections shall be installed at the bluff, wetland and water body areas.

A completed Preliminary Title opinion letter and Final Title opinion letter, written by developer's attorney, have been submitted in the final plat application as requested during the preliminary plat report.

A drainage report describing predevelopment flows and expected post-development flows have been submitted. It has been proposed that the water will flow north of the house towards Ivywood Lane. Any water near the driveway will flow outward and south bound. The report shall describe erosion control measures to be taken to prevent erosion and sedimentation both during and after development.

A previously placed monument was found and listed in the submitted preliminary plat. According to Blue Earth County Section 20-198 Monuments, "durable monuments (iron rods or T bars) shall be placed at all lot and block corners, at all angle points in any line". The applicable monuments have been placed at the appropriate corners of the adjusted property lines per Blue Earth County's Land Division Code Section 20-198 Monuments.

It shall be the responsibility of the subdivider or developer to contact utility companies to determine the availability of services for the installation. The applicant shall submit written instruments from the appropriate utility companies showing all necessary arrangements with such companies for installation of such utilities have been made. The submitted utilities shall conform to the Blue Earth County Land Division Section 20-200 Utilities Ordinances and shall be placed and installed accordingly. Impacts through the environmentally sensitive areas, the bluffs, wetlands, and shorelands, any other environmentally sensitive areas are prohibited.

After the fact Conditional Use Permit

The applicant is requesting an after the fact conditional use permit for the unpermitted cutting of a bluff within a bluff zone located on Zarn Acres on Outlot A near Wetland 3 that has been identified on the preliminary plat.

According to Section 13, Subpart 2. Development of Bluff Zones and Steep Slopes, Part A General Standards, point 3, the filling or cutting activity in any bluff zone shall be considered a conditional use. In this case, the applicant expanded an existing trail located in the bluff zone near Ivywood Lane and Wetland 3 prior to obtaining the code required Conditional Use permit. During the conditional use permit application process in April of 2024 for the dwelling right, it was discovered that there had been a disturbance caused by the applicant to a bluff within a bluff zone and to the wetlands.

The applicant completed a wetland delineation with Blue Earth County to identify any other environmentally sensitive areas located on the property. It was concluded that there were three (3) wetlands confirmed on Outlot A of Zarn Acres. Some of which were filled during the cutting of the bluff. A Wetland Conservation Act Determination Notice form was submitted stating that the applicant removed the fill "to the best of his ability" and that it was then "seeded down to a native vegetation mix after the fill was removed". Thus, aligning with the Mankato Township Ordinance, "natural vegetation shall be retained and protected" (Section 13, Subpart 3 Erosion and Sediment Control, Part D).

The applicant had an existing 12 feet wide trail adjacent to the bluff and had cut into the bluff to widen the path to approximately 22 feet wide, causing a 10 feet impact based upon the available information. As seen in the pictures of the Bluff, the trail follows up the bluff and has exposed roots systems throughout. A condition has been herein included that the applicant shall apply for a Land Disturbance permit to verify that all BMP's have been installed prior to any further correction/stabilization work occurring. In order to prevent any continued erosion due to the impact the applicant will need to provide provisions for continued maintenance of the erosion control system in accordance with a plan prepared by an engineer licensed to do work in the state of Minnesota.

The applicant has since coordinated with the DNR and Blue Earth County to repair the damage that was done to the wetland. Conditions have been listed herein that require the applicant to restore the bluff and bluff impacted areas

to the greatest extent determined feasible and is subject to the DNR, Mankato Township, and Blue Earth County's ordinances and/or rules. A recommended condition is also included that the applicant obtain plans for the bluff correction/stabilization work from an engineer licensed to do work in the State of Minnesota to ensure that further damage does not occur. The recommendation is that the bluff be restored to the former driveway of approximately 12 feet wide instead of the 22 feet widened driveway to the greatest extent feasible. If not feasible a minimum of bluff stabilization and permanent erosion control measures shall be implemented in accordance with an engineered plan/document.

After the fact Variance

The applicant is requesting for an after the fact variance on the existing Shouse located on the southern border of Lot 16, which was not constructed on the site in accordance with the approved plans. The current placement does not meet the required side yard setback of 50 feet. Instead the slanted structure has been placed with a 42 feet side yard setback, thus not meeting the required amount.

In October of 2021, Mr. Zarn applied for a permit to build a "Shouse", a shop house that achieved the required setbacks. The application and proposed site plan show the applicant would have been compliant with the 50 feet sideyard setback, however the placement of the structure when built was not parallel as shown on the plans, but rather placed at an angle.

In order to grant a variance, the Board shall make affirmative findings in five categories. Those categories are: the conformance to code 0100.2005-part A and B in Mankato Township Zoning ordinance, the use of property is in a reasonable manner, the circumstances are unique to the property that is not caused by the property owner, the request does not alter the essential character or the zoning district, and that the use is in harmony with Mankato Township Ordinances and Comprehensive Plan.

The proposed after the fact variance does not conform to the standards for granting a variance found in the Mankato Township ordinance section 0100.2005. There are not any special circumstances or conditions affecting the land, building, or use that do not apply generally to other properties in the same vicinity. When asked in the application, if the variance is in harmony with the purposes and intent of the ordinances, the applicant states the "shouse was incorrectly staked out at a skewed angle". The applicant had space to keep his structure parallel to the southern property line and shift it further North. Placement of the structure is injurious to property or improvements in the area adjacent to the property of the applicant. The placement is too close to required setback and is not in uniform with other properties within the vicinity that have to follow to zoning ordinance per the Conservation district.

The property owners propose to use the property in a reasonable manner, however the placement of the structure is not in accordance with the Code standards. The use of the property will remain a one single family dwelling shouse that will be removed once the construction permit has been issued for the relocated development right on the subject property.

There are not circumstances that are unique to the property and not caused but the property owner. The Conservation District is intended to provide a district with protection and preservation of environmentally sensitive areas that may contain natural resources. The parcel containing the illegal nonconformity does have some environmentally sensitive areas, but they would not conflict with the placement of the structure being placed more northerly, in conformance with the code, than it is currently. When asked on the application if there are circumstances unique to the property, the applicant and owner of the shouse responded "no, nothing unique to the property".

The request does alter the essential character of the Mankato Township and the Conservation district. All dwellings shall meet the required setbacks from their front, rear, and side yard in the district. However, the "shouse" does not align with the regulations set forth in Mankato Township Land Use Ordinance and is therefore altering the character of the district.

The proposed use is not in harmony with the general intent of Mankato Townships ordinance and is not consistent with the Mankato Township comprehensive plan. The general intent of the Mankato Township is to provide orderly

development within all districts to conserve the character and to assure the appropriate use of land. By allowing an illegal non-conformity within the Conservation district, the township would not remain compliant with the zoning district ordinances, it would not be promoting orderly development, and it would not be an appropriate use of land.

Findings

Final Plat

Staff respectfully submits the following findings:

1. The proposed use will ensure that to the maximum extent possible, all lands will be developed with adequate protection provided for the health and safety of residents by requiring necessary services such as properly designed streets and adequate sewage and water service. The applicant will be submitting plans to Blue Earth County to approve proposed sewer and water services.
2. The applicant will be required to continually work with Blue Earth County and Minnesota Department of Natural Resources to ensure that effective protection is given to the natural resources of the community, especially groundwater and surface waters.
3. The proposed Final plat encourages a well-planned division of land through the establishment of adequate design standards. The applicant is requesting to relocate his current property line to align with the ¼ ¼ section that runs North to South on the parcel.
4. The Final Plat will not cause inferior developments that might adversely affect the local tax base.
5. The proposal does not place the cost of improvement against those benefitting from their construction.
6. The Final Plat's outcome will produce a single-family dwelling that will contribute to the neighborhood which will be of lasting credit to the community
7. The proposed use will not affect the township or county in facilitating adequate provisions for transportation and other public facilities.
8. The proposal does secure the rights of the public with respect to public lands and waters, and the dedications of the public way for transpiration purposes.
9. The approval of the Final plat will improve land records by the establishment of standards for land divisions, surveys, and plats
10. The safeguard the interests of the public, the homeowner, the subdivider and local units of government will remain in tact since the use will remain the same as the current only in a slightly different location.
11. The applicant will prevent, where possible, excessive governmental operating and maintenance costs.

After the Fact Conditional Use Permit

1. The proposed use conforms with the Township Land Use plan.
2. The demonstrated need for the previous use as a trail is allowed in Code. However, the expansion that occurred that impacted the bluff area is not an allowed use without first obtaining a conditional use permit. A condition is included herein that restores the bluff to its existing condition to the greatest extent possible, while allowing the previous use as a trail, not the primary access to the site.
3. The proposed use will not degrade the water quality of the Township if implemented with the proposed conditions. Erosion and other water quality issues could occur is the bluff is left in an unstable condition.
4. The proposed use will not adversely increase the quantity of water runoff if implemented with the proposed conditions. Erosion and other water quality issues could occur is the bluff is left in an unstable condition.
5. A recommended condition is included herein that the application hire an engineering to determined that the soil conditions are adequate to accommodate the proposed use.
6. Correction and long-term stabilization to the bluff will determine that the proposed use does not create a potential pollution hazard and a recommended condition is included herein.
7. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The access road, also known as a trail, shall be returned to its previous dimensions to the greatest extent feasible and the engineering shall demonstrate the methods to do so safely. Drainage will also need to be conforming with the recommended engineering report and corrections.
8. No changes have been made to affect sufficient off-street parking and loading space to serve the proposed use.
9. No changes have been made to affect traffic congestion or traffic hazards which may result from the proposed use.

10. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted if implemented with the proposed conditions. Erosion and other water quality issues could occur if the bluff is left in an unstable condition.
11. The establishment of the Conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area if implemented with the proposed conditions. Erosion and other water quality issues could occur if the bluff is left in an unstable condition.
12. Adequate measures have been or will be taken to prevent or 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 once measures, directed by a licensed engineer have been taken to stabilize the bluff.
13. The density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.
14. The site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare if implemented with the proposed conditions. Erosion and other water quality issues could occur if the bluff is left in an unstable condition.

After the fact Variance

1. The proposed variance does not conform to the standards for granting a variance found in the Mankato Township ordinance section 0100.2005. Given that there are not any unique or special circumstances to the immediate surrounding area, the applicant obtains space to shift the structure north of the current placement.
2. The property owners propose to use the property in a reasonable manner. The existing use as a dwelling is allowed in the Town code.
3. There are not circumstances unique to the property that are not caused by the property owner. The applicant has constructed the house in required side yard setback, when there was adequate room to place the single-family dwelling 8 feet north.
4. The request does alter the essential character of Mankato Township in the Conservation district by not abiding in the required 50 feet side yard setback.
5. The proposed use is not in harmony with the general intent of Mankato Townships ordinance and is inconsistent with the Mankato Township comprehensive plan.

Recommendation

Final Plat

Based on conformance with the conditions of the preliminary plat, staff recommends approval of the final plat.

After the Fact Conditional Use Permit

Staff recommends approval of the After the Fact Conditional Use, for the unpermitted cutting of a bluff within the bluff zone with the following conditions:

1. The applicant shall apply for a Land Disturbance permit. Prior to any work occurring the applicant shall schedule an inspection with staff to verify that BMP's have been installed to protect the existing wetland, and other environmentally sensitive areas.
2. It shall be the responsibility of the applicant to ensure erosion and velocity control structures are maintained in a condition that will insure continuous functioning.
3. Prior to the approval of a construction permit, the applicant shall submit the provisions for continued maintenance of the erosion control system.
4. The applicant shall submit a plan prepared by an engineer licensed to do work in the State of Minnesota. The plan shall demonstrate all attempts to restore the bluff to the previous condition using engineering methods. The plan shall include details on the bluff stabilization restoration method and permanent erosion control.
5. The applicant shall submit a professionally prepared landscaping plan that demonstrates how the bluff will be revegetated in order to ensure that long-term stability.
6. Prior to the issuance of a construction permit for a new dwelling, or any additional work occurring on the site, the bluff correction shall occur.

After the Fact Variance

Staff recommends denial of the after-the-fact variance.

Attachments

General Location Map

Aerial Map

Final Plat

Utilities

Drainage Report

Septic Evaluation

Title Opinion Letter

Access Easement Agreement

Notice of Violations Letter

Bluff Photos

Wetland Determination Form

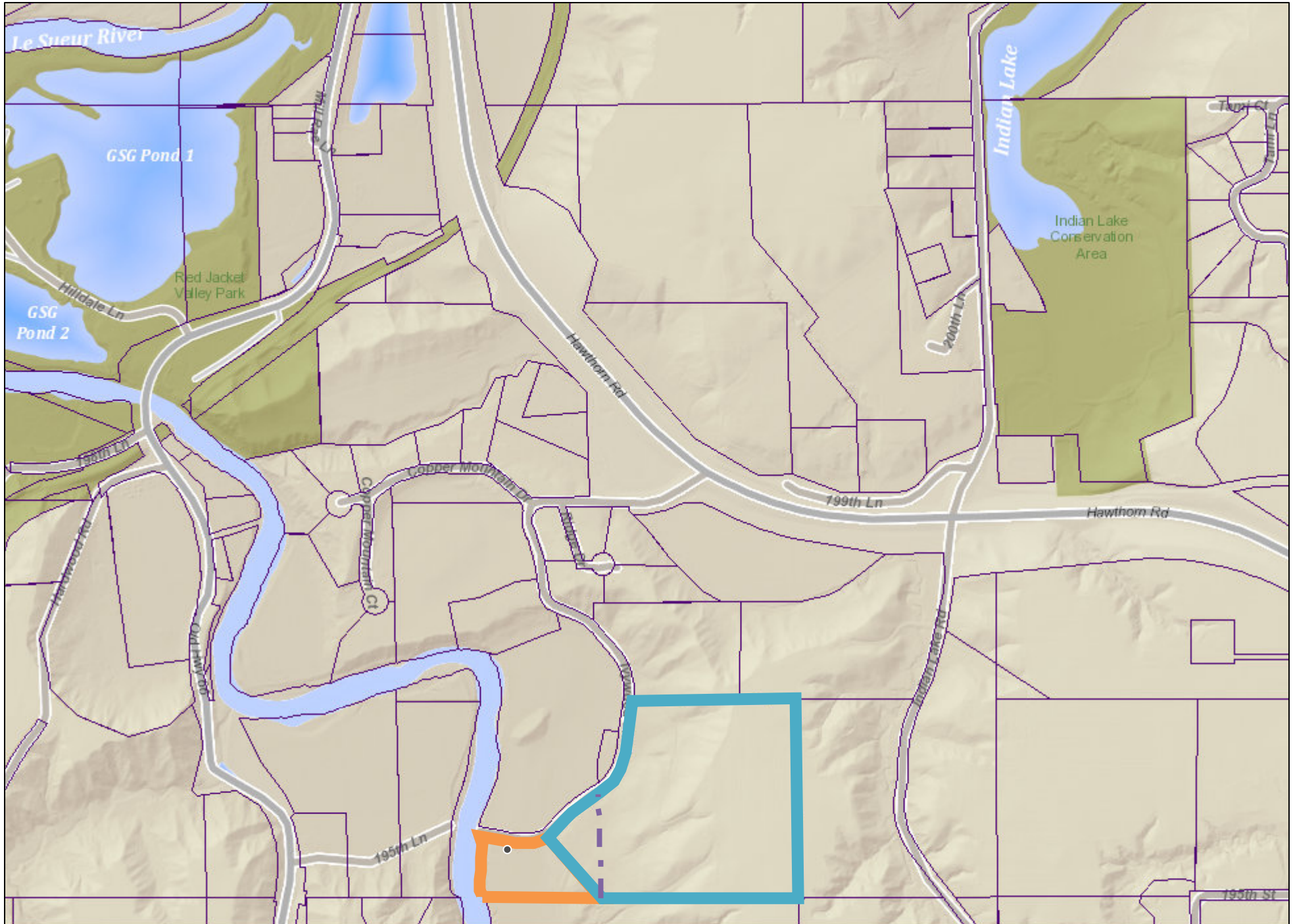
Notice of Decision-Wetlands

After the Fact Variance Application

2021 Shouse Site Plan

Prelim Plat-Current Placement

General Location Map



Date: November 2024

Author:

This information is to be used for reference purposes only. The City of Mankato does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation.

Aerial Map



Date: November 2024

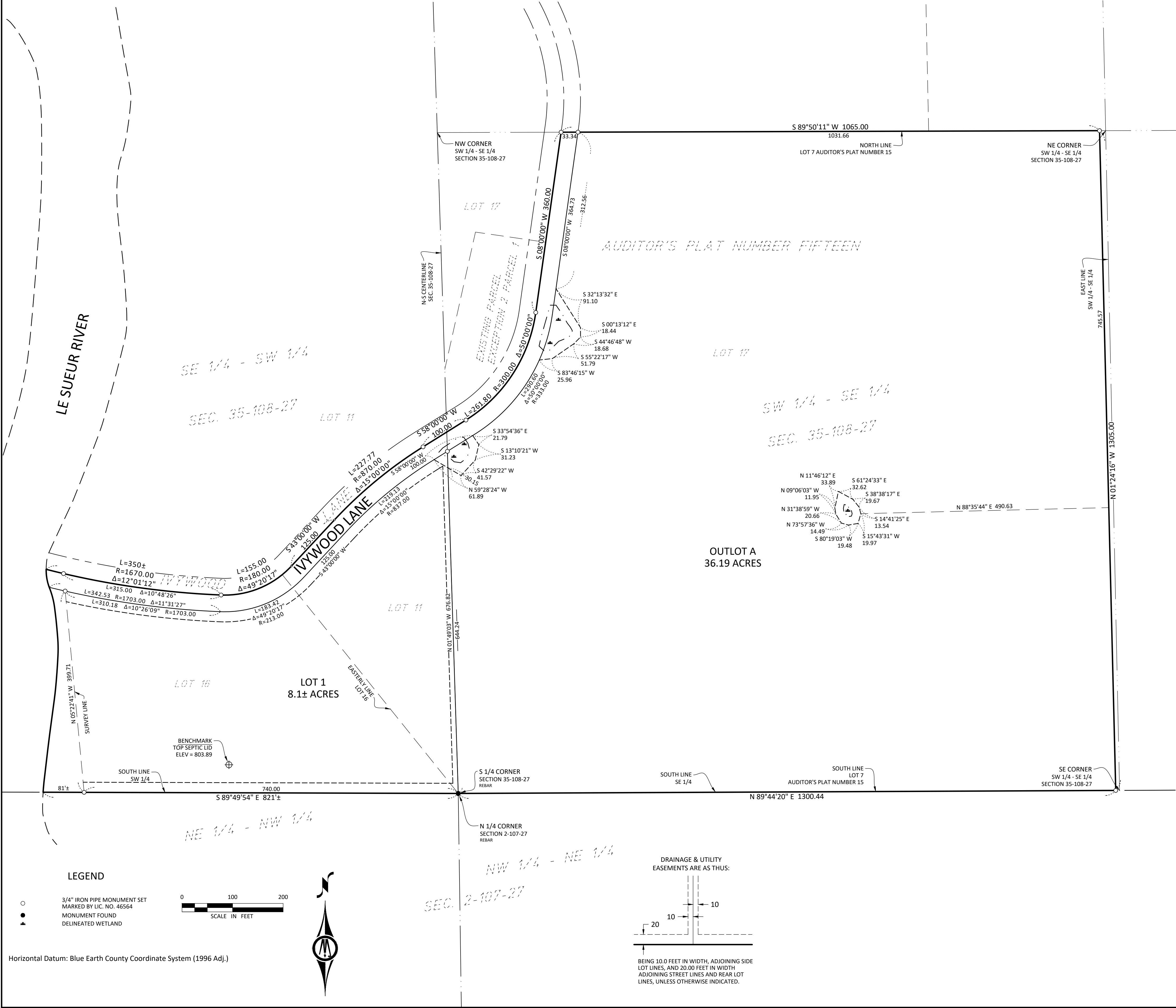
Author:

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OFFICIAL PLAT

ZARN ACRES



INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That James M. Zarn and Elizabeth A. Zarn, husband and wife, fee owners of the following described property situated in the County of Blue Earth, State of Minnesota:

Lot 11 and Lot 17, all in Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder, which lies easterly of the center line of Ivywood Lane and which lies westerly of the following described line:

Commencing at an iron pipe monument designating the South Quarter corner of Section 35, Township 108 North Range 27 West; thence North 89 degrees 44 minutes 20 seconds East, (assumed bearing), along the south line of said Lot 17, the same being the south line of the Southeast Quarter of said Section 35, a distance of 1300.44 feet to the point of beginning; thence North 01 degrees 24 minutes 16 seconds West, 1305.00 feet to a point on the north line of said Lot 17 and there terminating.

Said Parcel 2 contains 40 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the westerly boundary. ALSO subject to any other easements of record.

Lot 16, Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder.

Containing 6.4 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the northerly boundary. ALSO subject to any other easements of record.

do hereby declare that we have caused the above described property to be surveyed and platted and monuments to be set, that we have named said platted area ZARN ACRES, and do hereby donate and dedicate to the public for the public use forever the public ways, the easements as shown hereon.

Dated this ____ day of _____, 2024 by James M. Zarn and Elizabeth A. Zarn, husband and wife.

James M. Zarn Elizabeth A. Zarn

NOTARY CERTIFICATE

State of Minnesota
County of Blue Earth

On this the ____ day of _____, 2024, before me a Notary Public within and for said County, personally appeared, James M. Zarn and Elizabeth A. Zarn husband and wife, known by me to be the person named in the foregoing instrument and who did acknowledge said instrument to be their act and deed.

_____, Notary Public
Notary Public-Minnesota,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Michael M. Eichers, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2024.

Michael M. Eichers
Licensed Land Surveyor
Minnesota License No. 46564

On this the ____ day of _____, 2024, before me a Notary Public in and for said County, personally appeared Michael M. Eichers, and being duly sworn did say that he has executed the foregoing instrument.

_____, Notary Public
Notary Public-Minnesota,
My Commission Expires _____

MANKATO TOWNSHIP PLANNING COMMISSION

Be it known that on this the ____ day of _____, 2024, the Planning Commission of Mankato Township, Minnesota did duly review this plat of ZARN ACRES.

Chair person: _____ Secretary: _____

MANKATO TOWNSHIP BOARD OF COMMISSIONERS

Be it known that on this the ____ day of _____, 2024, the County Commissioners of Mankato Township, Blue Earth County, Minnesota did duly approve this plat of ZARN ACRES and that as per M.S. 505.03 Subd. 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation.

Chair person: _____ Secretary: _____

BLUE EARTH COUNTY SANITARIAN

Be it known that on this the ____ day of _____, 2024, the County Sanitarian of Blue Earth County did duly review this plat of ZARN ACRES, and confirmed that two suitable on-site sewage treatment sites exist on the lot based on information submitted by _____, an MPCA Certified on-site septic system designer.

Blue Earth County Sanitarian

TITLE OPINION

I, Steve H. Fink, licensed attorney, State of Minnesota, do hereby certify that the owners as indicated hereon have good record title in fee simple absolute and that the public is vested with those right of way rights as indicated on the plat.

Steve H. Fink, Licensed Attorney

BLUE EARTH COUNTY ENGINEER

This plat was approved by the County Engineer, the ____ day of _____, 2024.

Registration No. _____
Blue Earth County Engineer

BLUE EARTH COUNTY PROPERTY AND ENVIRONMENTAL RESOURCES

I hereby certify that there are no delinquent taxes and/or delinquent special assessments, that the current taxes have been paid and that the transfer has been entered on the land described herein on the ____ day of _____, 2024.

Blue Earth County Property and Environmental Resources Director

BLUE EARTH COUNTY RECORDER

I hereby certify that this instrument was filed in my office for record on this, the ____ day of _____, 2024, at ____ o'clock, __ m., and that it was duly recorded on _____ Plats, Number _____.

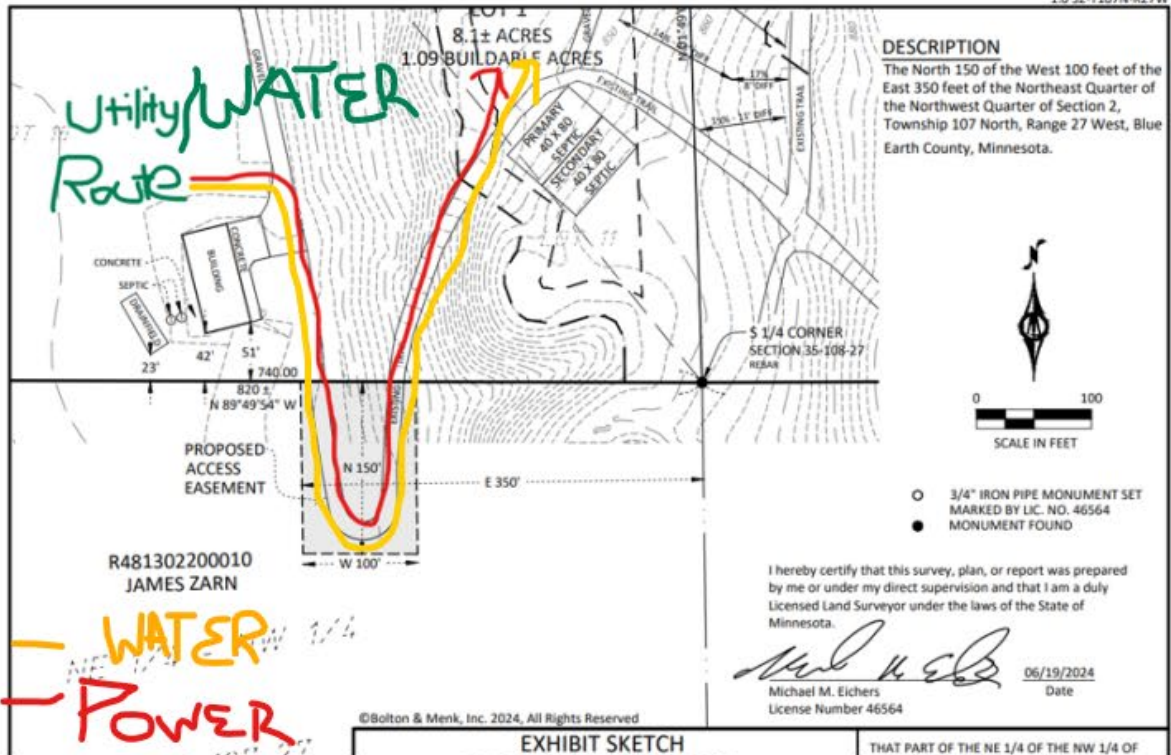
Blue Earth County Recorder

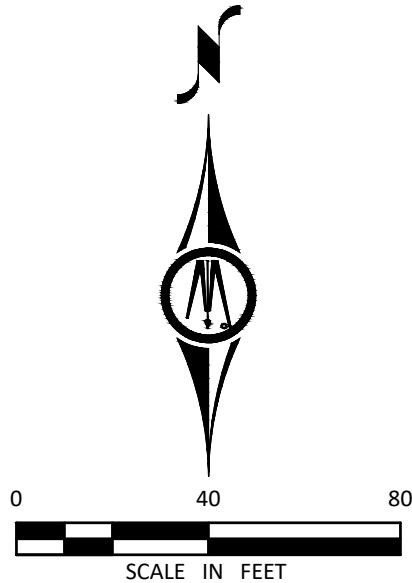
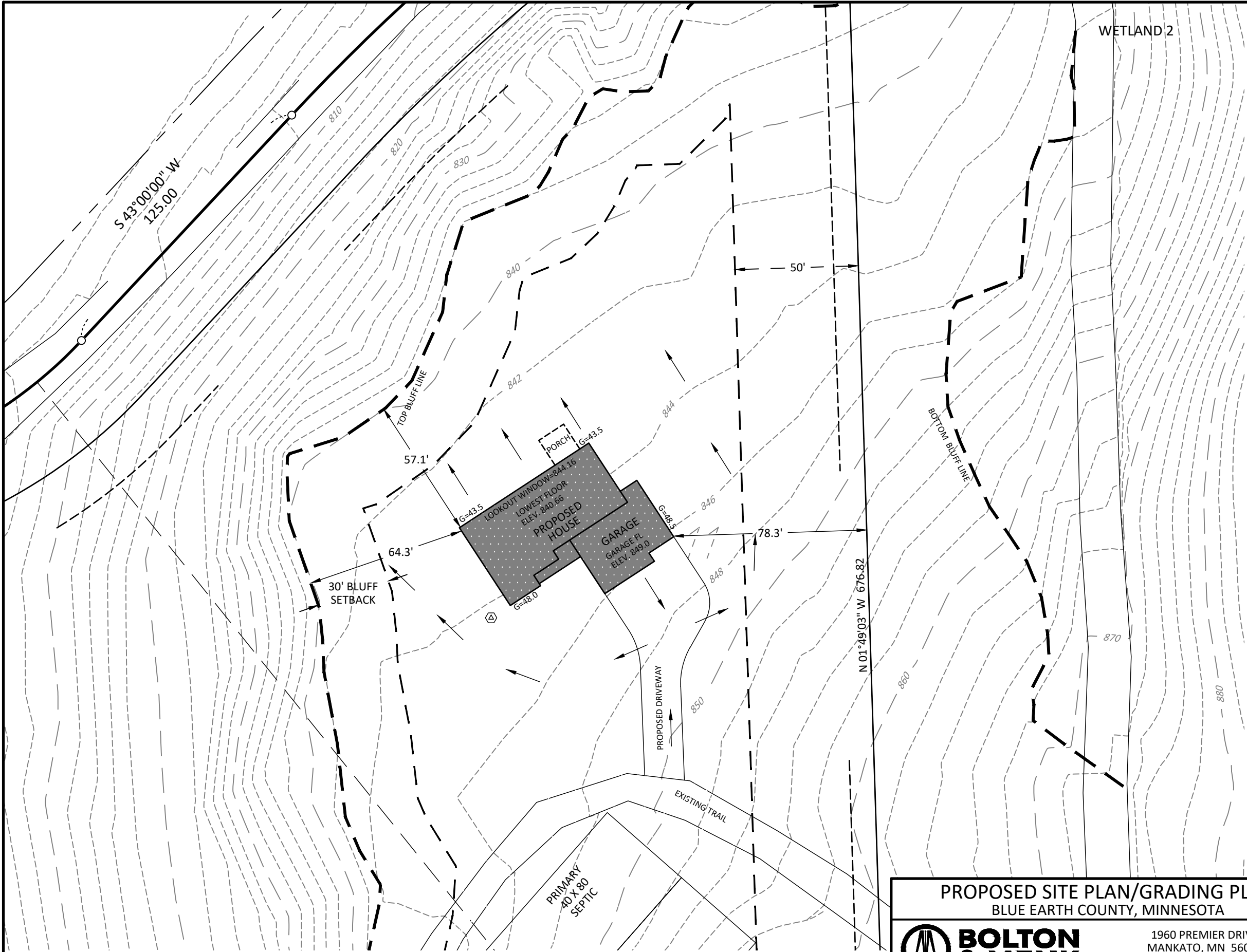
THIS PLAT PREPARED BY BOLTON & MENK, INC.

JOB NUMBER:

FIELD BOOK:

DRAWN BY:





LEGEND

- 3/4" IRON PIPE MONUMENT SET
MARKED BY LIC. NO. 46564
- MONUMENT FOUND

EXISTING ELEVATIONS

--- 872 ---
--- 870 ---

PROPOSED ELEVATIONS

G = 48.5

↖ DRAINAGE DIRECTION
ELEV = 840.66

PROPOSED SITE PLAN/GRADING PLAN BLUE EARTH COUNTY, MINNESOTA



**BOLTON
& MENK**

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

THAT PART OF THE NE 1/4 OF THE NW 1/4 OF
SECTION 2, TOWNSHIP 107 NORTH, RANGE 27
WEST, BLUE EARTH COUNTY, MINNESOTA

FOR: JIM ZARN

Blue Earth County SSTS Evaluation Form -Building Permit

Property Information

Owner Jim Zarn
 Address 19519 Ivywood Ln
 Phone # _____
 PIN # R43.08.35.452.009
 Township Mankato

Office Use Only

Building Permit # PR _____
☐ System <15 yrs.
☐ Setbacks Maintained
☐ Alt. Site Identified
☐ Offsite determination - No Soils done

Existing Septic System

System Installation Date _____ ☐ Permit
 Drainfield System ☐ Trench ☐ Bed ☐ AtGrade ☐ Mound ☐ Holding Tank
 Pretreatment ☐ No ☐ Yes - Type _____

Setbacks Well ☐ 50' ☐ 100' House ☐ Other Structures ☐
 Property Lines ☐ Easement ☐

☐ Comments on back

Future Design Information

☐ No Additional Drainfield Location Available ☐ Alt. Site Previously Identified
☐ Site > 5 acres without lot restrictions for future system

Soils:

Depth (in)	Texture	Matrix Color	Mottle Color	Structure		
				Shape	Grade	Consistence
0-20	Loam	10 Y 2/2 R	Y / Y /	Gr Pl Bk	Pr SGr Ma	Weak Mod. Strong Loose Friable Firm
21-27	Loam	10 Y 3/3 R	Y / Y /	Gr Pl Bk	Pr SGr Ma	Weak Mod. Strong Loose Friable Firm
28-42	CL	10 Y 4/3 R	Y / Y /	Gr Pl Bk	Pr SGr Ma	Weak Mod. Strong Loose Friable Firm
43		Y /	10 Y 6/2 Y /	Gr Pl Bk	Pr SGr Ma	Weak Mod. Strong Loose Friable Firm
		Y /	Y / Y /	Gr Pl Bk	Pr SGr Ma	Weak Mod. Strong Loose Friable Firm

Depth to Limiting Layer 43 inches

Number of Bedrooms 4

Design Flow 600 gpd

Drainfield System

System Type: I II III IV
☐ Trench ☐ Bed ☒ AtGrade ☐ Mound

Pretreatment ☒ No ☐ Yes

Future Drainfield Dimensions (approximate)

25 x 60

Setbacks Well ☐ 50' ☐ 100'
 Property Lines ☐

House ☐ Other Structures ☐
 Easement ☐

☐ Comments on back

Drew Seppmann
 SSTS Certified Individual

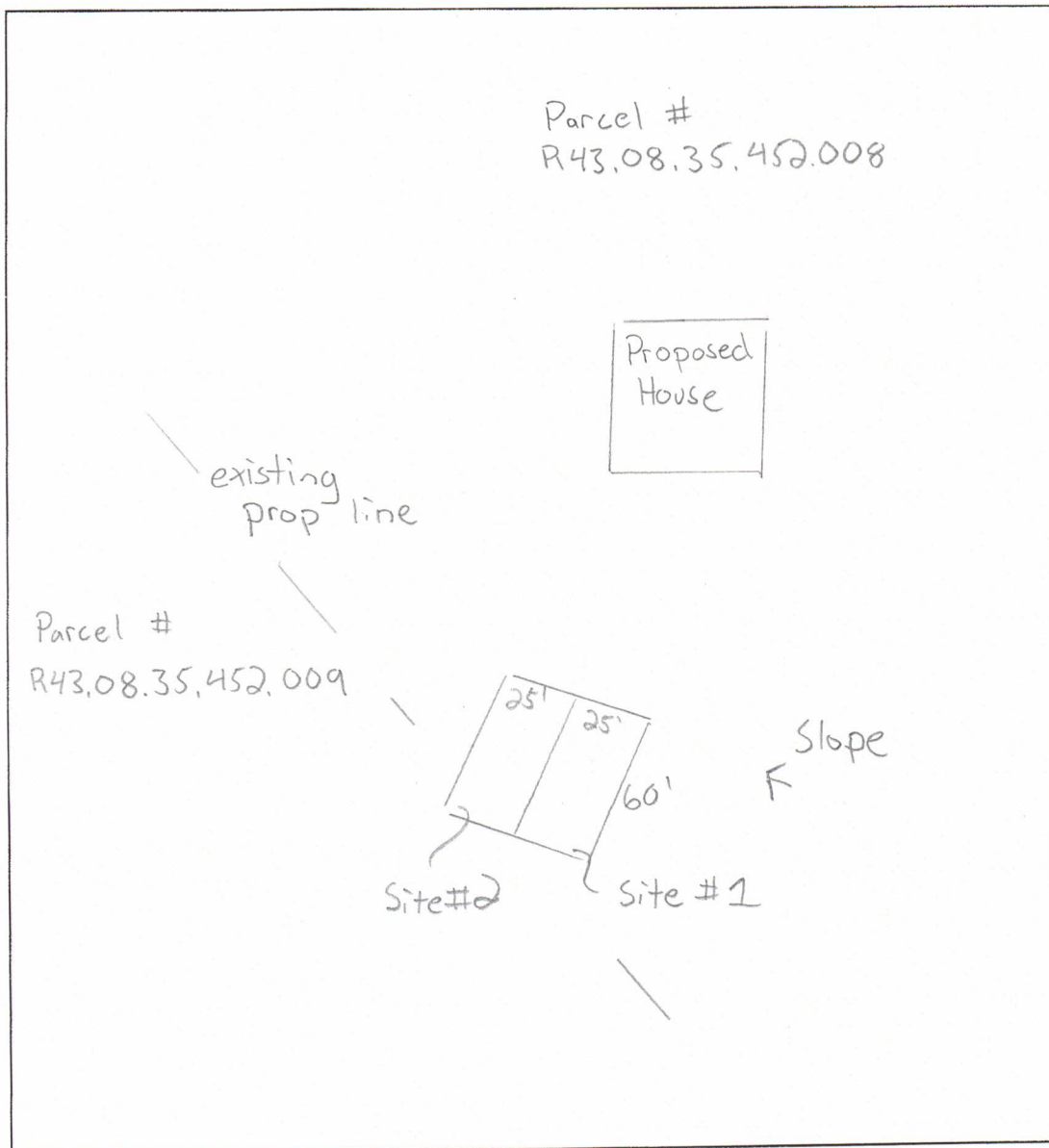
5929
 Cert #

Drew Seppmann
 Signature

9-14-24
 Date

Site Drawing

() Separate Map



Comments:



June 4, 2024

James Zarn
19519 Ivywood Lane
Mankato, MN 56001

Re: R43.08.35.452.008
Preliminary Title Opinion

Dear Jim:

We have examined the Blue Earth County real estate records from February 15, 1984, through April 23, 2024, and render our preliminary title opinion upon the following described real property situated in the County of Blue Earth and State of Minnesota:

SEE ATTACHED EXHIBIT "A"

Based upon our examination, it is my opinion that as of this date, title in fee to the property is as follows:

Tract 1: James M. Zarn and Elizabeth A. Zarn
Tract 2: James M. Zarn

This title is good and merchantable, subject to the following:

1. Agreement of Tile Easement dated April 18, 2016, and filed for record on April 27, 2016, as Document No. 548CR493. A copy is attached for reference.
2. Conditional Use Permit dated April 22, 2024, and filed for record on April 22, 2024, as Document No. 611CR478. A copy is attached for reference.
3. An examination of the public records of Blue Earth County indicates that real estate taxes due and payable in 2024 are in the amount of \$762.00 which are paid in full. There are no delinquent real estate taxes or special assessments against the subject property. [Parcel No. R43.08.35]
4. A search of the records indicates that there are no judgments, Federal or State of Minnesota tax liens against James Zarn or Elizabeth Zarn.

MANKATO OFFICE

Scott V. Kelly
Steven H. Fink
Daniel J. Bellig
Joseph A. Gangi
Amy E. Sauter
Paul T. Moosbrugger

Andrew J. Moeller

RETIRED

William S. Partridge
Bruce C. Young
Mary Anne Wray
David A. Salsbery

FARRISHLAW.COM

6. This opinion does not cover any non-record matters that might affect the title, including but not limited to questions of survey, access to the property, rights of any party in possession other than the record owner, improvements in the course of construction or completed within the last preceding 120 days as to which no lien statement has been filed, public improvements for which the property may be subject to assessment, zoning and other use restrictions, delinquent charges for governmental services, charges of private utilities for services or equipment, size of the property, location of improvements thereon, encroachments by structures thereon upon adjoining property or encroachments by structures on adjoining property upon the property examined which would be revealed by a survey or inspection. Information contained in this opinion regarding delinquent real estate taxes, special assessments and current real estate taxes has been obtained from the employees in the respective county offices and we do not warrant the accuracy of such information.

Sincerely,



Steven H. Fink

sfink@farrishlaw.com

SHF:nh

EXHIBIT "A"

James M. Zarn & Elizabeth A. Zarn - Joint

TRACT 1:

That part of Lot 17, Auditor's Plat Number Fifteen, on file and of record with the Blue Earth County Recorder, which lies easterly of the following described line:

Commencing at an iron pipe monument designating the South Quarter corner of Section 35, Township 108 North, Range 27 West; thence North 89 degrees 44 minutes 20 seconds East, (assumed bearing), along the south line of said Lot 17, the same being the south line of the Southeast Quarter of said Section 35, a distance of 1300.44 feet to the point of beginning; thence North 01 degrees 24 minutes 16 seconds West, 1305.00 feet to a point on the north line of said Lot 17 and there terminating.

James M. Zarn, Individually

TRACT 2:

Parcel 1

Lot 11 and Lot 17, all in Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder, which lies westerly of the center line of Ivywood Lane, EXCEPT the following two parcels:

EXCEPTION NO. 1: Commencing at a found iron pipe monument which point is 886.6 feet East and 552 feet South of the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 35, Township 108 North Range 27 West; thence South 79 degrees 00 minutes 00 seconds West, 534.00 feet to a found iron pipe monument; thence South 11 degrees 00 minutes 00 seconds East, 304.00 feet to the North Bank of the Lesueur River; thence South 87 degrees 55 minutes 00 seconds East, along said North Bank of the Lesueur River, 249.00 feet; thence North 71 degrees 00 minutes 00 seconds East, 449.00 feet to the point of beginning; thence South 71 degrees 00 minutes 00 seconds West, back along the previously described course, 449.00 feet; thence North 87 degrees 55 minutes 00 seconds West, 249.00 feet; thence North 11 degrees 00 minutes 00 seconds West, 304.00 feet; thence North 79 degrees 00 minutes 00 seconds East, 203.00 feet; thence North 67 degrees 30 minutes 00 seconds East, 260.00 feet; thence North 83 degrees 00 minutes 00 seconds East, 194.91 feet to a point on the westerly line of Lot No. 2, Block No. One, Van Guilder Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 05 degrees 53 minutes 57 seconds East, along said westerly line, 120.91 feet; thence South 28 degrees 53 minutes 57 seconds East, along said westerly line, 65.00 feet; thence South 57 degrees 53 minutes 57 seconds East, along said westerly line, 35.23 feet to the point of intersection with a line which bears North 11 degrees 00 minutes 00 seconds West from the point of beginning; thence South 11 degrees 00 minutes 00 seconds East, 129.76 feet to the point of beginning. Containing 5.42 acres.

EXCEPTION NO. 2: Commencing at a found iron pipe monument designating the South Quarter Corner of Section 35 Township 108 North Range 27 West; thence North 01 degrees 24 minutes 45 seconds West (assumed bearing) along the North - South centerline of Section 35 a distance of 716.50 feet to a point on the centerline of the Township Road, said point being the point of beginning; thence North 56 degrees 50 minutes 18 seconds East, along said Township Road Centerline, 27.80 feet; thence North 48 degrees 28 minutes 12 seconds East, along said Township Road Centerline, 117.96 feet; thence North 27 degrees 31 minutes 30 seconds East, along said Township Road Centerline, 114.91 feet; thence North 11 degrees 50 minutes 15 seconds East, along said Township Road Centerline, 61.00 feet; thence North 09 degrees 04 minutes 52 seconds East, along said Township

Preliminary Title Opinion

Road Centerline, 119.20 feet; thence North 81 degrees 21 minutes 56 seconds West, 138.00 feet; thence South 13 degrees 00 minutes 04 seconds West, 278.24 feet to a point on the North - South Centerline of Section 35; thence South 01 degrees 24 minutes 45 seconds East, along said North - South Centerline, 122.39 feet to the point of beginning. Containing 1.08 acres.

Said Parcel 1 contains 38 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the easterly boundary. ALSO subject to any other easements of record.

Parcel 2

Lot 11 and Lot 17, all in Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder, which lies easterly of the center line of Ivywood Lane and which lies westerly of the following described line:

Commencing at an iron pipe monument designating the South Quarter corner of Section 35, Township 108 North Range 27 West; thence North 89 degrees 44 minutes 20 seconds East, (assumed bearing), along the south line of said Lot 17, the same being the south line of the Southeast Quarter of said Section 35, a distance of 1300.44 feet to the point of beginning; thence North 01 degrees 24 minutes 16 seconds West, 1305.00 feet to a point on the north line of said Lot 17 and there terminating.

Said Parcel 2 contains 40 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the westerly boundary. ALSO subject to any other easements of record.



Lamm
Et al
Sgt
H.

548CR493
CERTIFIED, FILED AND/OR RECORDED ON
04/27/2016 8:12 AM
BLUE EARTH COUNTY, MN
MICHAEL STALBERGER COUNTY RECORDER
TAXPAYER SERVICES DIRECTOR
REC FEE: 46.00EXEMPT: N
MRT PD: EXEMPT: N/A
PAGES: 5

AGREEMENT OF TILE EASEMENT

This Agreement of Tile Easement ("Agreement") is made on this 18th day of April, 2016, by John I. Dougan and Marie N. Dougan ("Grantor"), and Danica A. Schmidt ("Grantee").

RECITALS

- A. Grantor is the owner of real property located in Blue Earth County, Minnesota, described and depicted on Exhibit A attached hereto and made a part hereof ("Parcel A");
- B. Grantee is the owner of real property located in Blue Earth County, Minnesota, described and depicted Exhibit B attached hereto and made a part hereof ("Parcel B"); and
- C. Grantor desires to grant by this Agreement to Grantee a tile easement pursuant to all the terms and conditions hereof.

AGREEMENT

In consideration of the foregoing, and the mutual promises herein contained, and other good and valuable consideration, the property shall be bound as follows:

1. **Tile Easement.** Grantor does hereby declare, grant, bargain and convey an easement for the repair and maintenance of the existing drainage system as needed for a functional drainage system ("Drainage System"), draining Parcel B through an outletting on to Parcel A. The Drainage System consists of laid underground plastic pipe commencing south of the house on Parcel B, and then running south as near as possible along the westerly line of Parcel A to the Le Sueur River located on the southerly line of Parcel A.
2. **Access Easement.** The owner of Parcel B shall have an easement on and over Parcel A when and where necessary to keep and maintain the Drainage System in proper state of repair and in good working order at all times. When exercising such easement, the owner of Parcel B, their agents, servants and employees are under an obligation to exercise such easement to prevent undue damage to Parcel A. The owner of Parcel A shall retain the use and enjoyment of the property affected by this easement so long as said use does not unreasonably interfere with the easement rights.

3. **Laws and Regulations.** The owner of Parcel B shall not drain any wetlands in contravention of state or federal law or regulation and should the tile easements granted herein be used to drain wetlands in contravention of state or federal laws or regulation, then this Agreement shall cease and terminate and be of no further force or effect.

4. **Expenses of Easement.** The parties agree that the Drainage System has been installed, fully constructed, and is in operating condition. All costs and expenses related to the installation and construction, as well as repairs, maintenance, replacement or reconstruction, as well as any other costs incurred as a result of the obligations under this Agreement, including without limitation any crop damage resulting from or relating to such activities, or damage resulting from or related to a malfunction of the Drainage System (collectively, "**Easement Work**"), shall be paid by the Grantee. Following any Easement Work, all of the land affected by such Easement Work shall, at the cost of Grantee, be returned to the same condition as it was prior to the Easement Work, including restoration of compaction.

5. **Binding Effect.** This Agreement shall be a covenant running with the land and binding upon the parties hereto, their respective heirs, tenants, invitees, executors, administrators, successors and assigns.

6. **Construction Notification.** Prior to commencing any Easement Work, Grantee shall provide Grantors with notice (except for emergencies) of such proposed work. Grantee will perform the Easement Work specified in such notice in a timely and efficient manner that minimizes: (i) the impact on Grantor's land, and (ii) inconvenience to Grantor, and shall after completion of said Easement Work, immediately return all portions of the lands affected by such Easement Work to the same condition as existed prior to such Easement Work.

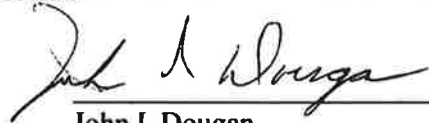
7. **Liens and Encumbrances.** Grantee shall keep Parcel A free of all liens and encumbrances, including mechanic's liens, arising out of Grantee's interest in or activities on such land, and shall defend, indemnify and hold Grantor harmless from the same.

8. **Easement Limitation.** The Easement granted herein is limited to the real property specified herein, and no other property may be added to the Drainage System or this Agreement without the prior written consent of the owners of Parcel A.

9. **General Provisions.** This Agreement: (i) may be amended only by a written amendment signed by all parties; (ii) shall be construed in accordance with and governed by the laws of the State of Minnesota; and (iii) may be executed in two original counterparts, each of which shall be deemed an original of this instrument. The section headings herein are inserted only for convenience and reference and shall in no way define, limit, or prescribe the scope or intent of any provisions of this Agreement. Time is of the essence in this Agreement. No assent, express or implied, to any breach of any one or more of the agreements hereof shall be deemed or taken to be a waiver of any other breach.

Signatures on following page

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.



John I. Dougan



Marie N. Dougan

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

The foregoing instrument was acknowledged before me this 18 day of April, 2016, by John I. Dougan and Marie N. Dougan, husband and wife.


Notary Public

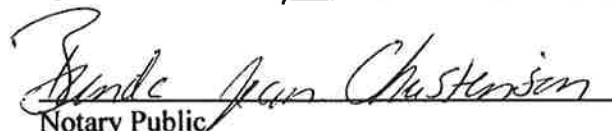




Danica A. Schmidt

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

The foregoing instrument was acknowledged before me this 18th day of April, 2016, by Danica A. Schmidt.


Notary Public



THIS INSTRUMENT WAS DRAFTED BY:
Stinson Leonard Street LLP (JKB)
3 Civic Center Plaza
Suite 400
Mankato, MN 56001
(507)345-1179

Exhibit A

Agreement of Tile Easement

That part of Lot 11, Auditor's Plat #15, Blue Earth County, Minnesota described as follows:

The E 1/2 SW 1/4 of Sec. 35-108-27, excepting therefrom four certain tracts of real estate hereinafter described as EXCEPTION Numbers 1, 2, 3 and 4 described as follows, to-wit: EXCEPTION Number 1: All that portion of the E 1/2 SW 1/4 of said Section 35 which lies Southerly and Westerly of the LeSueur River; otherwise described as Lot 15 of said Auditor's Plat No. 15 of said Section 35. EXCEPTION number 2: Commencing at a found iron pipe monument which point is 886.6 feet East and 552 feet South of the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 35, Township 108 North, Range 27 West; thence South 79 degrees 00 minutes 00 seconds West, 534.00 feet to a found iron pipe monument; thence South 11 degrees 00 minutes 00 seconds East, 304.00 feet to the North Bank of the LeSueur River; thence South 87 degrees 55 minutes 00 seconds East, along said North Bank of the LeSueur River, 249.00 feet; thence North 71 degrees 00 minutes 00 seconds East, 449.00 feet to the point of beginning; thence South 71 degrees 00 minutes 00 seconds West, back along the previously described course, 449.00 feet; thence North 87 degrees 55 minutes 00 seconds West, 249.00 feet; thence North 11 degrees 00 minutes 00 seconds West, 304.00 feet; thence North 79 degrees 00 minutes 00 seconds East, 203.00 feet; thence North 67 degrees 30 minutes 00 seconds East, 260.00 feet; thence North 83 degrees 00 minutes 00 seconds East, 194.91 feet to a point on the westerly line of Lot No. 2., Block No. One, Van Guilder Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 05 degrees 53 minutes 57 seconds East, along said westerly line, 120.91 feet; thence South 28 degrees 53 minutes 57 seconds East, along said westerly line, 65.00 feet; thence South 57 degrees 53 minutes 57 seconds East, along said westerly line, 35.23 feet to the point of intersection with a line which bears North 11 degrees 00 minutes 00 seconds West from the point of beginning; thence South 11 degrees 00 minutes 00 seconds East, 129.76 feet to the point of beginning. Said parcel contains 5.42 acres, subject to an easement for Ivywood Lane purposes over and across the northeasterly boundary; ALSO subject to any other easements of record. EXCEPTION Number 3: That certain tract or parcel of land lying within the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North Range 27 West circumscribed as follows, to-wit: Commencing at the Northeast corner of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North, Range 27 West, thence running South along the East line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, a distance of 396 feet, thence running West a distance of 110 feet, thence running North a distance of 396 feet to the North line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, thence running East along the said North line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, a distance of 110 feet to the place of beginning, EXCEPTING all of Lot 16 of Auditor's Plat #15, and EXCEPTING all of Lot 5 of Van Guilder Subdivision, Blue Earth County, Minnesota. EXCEPTION Number 4: That certain tract or parcel of land lying within the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North, Range 27 West, circumscribed as follows, to-wit: Commencing at the Northeast corner of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North, Range 27 West, thence running West along the North line of the said Southwest Quarter (SW 1/4) a distance of 300 feet, thence deflecting to the Left 15° for 65 feet, thence Left 34° for 55 feet, thence Left 36° for 75 feet, thence Left 25° for 170 feet, thence Right 4° for 100 feet, thence right 6° for 100 feet, thence Right 3° for 125 feet, thence Left 23° for 65 feet, thence Left 29° for 63 feet, thence Left 10° for 100 feet, thence Right 6° for 100 feet, thence Right 8° for 56.7 feet to the East line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, thence North along the said East line of said Southwest Quarter (SW 1/4) of said Section 35-108-27 a distance of 830 feet to the place of beginning, more or less, excepting therefrom the following described tract: That certain tract or parcel of land lying within the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North, Range 27 West, circumscribed as follows, to wit: Commencing at the Northeast corner of the Southwest Quarter (SW 1/4) of Section 35, Township 108 North, Range 27 West, thence running South along the East line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, a distance of 396 feet, thence running West a distance of 110 feet, thence running North a distance of 396 feet to the North line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, thence running East along the said North line of the said Southwest Quarter (SW 1/4) of said Section 35-108-27, a distance of 110 feet to the place of beginning.

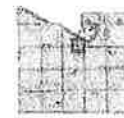
Exhibit B

Agreement of Tile Easement

Lot 9, Block 1, Copper Mountain Heights, Blue Earth County, MN



Overview



Legend

- ☒ Cultural Line
- ☒ Call other values
- ☒ Corp Line
- ☒ Geo Twp Line
- ☒ Lot Line
- ☒ Mon Linear
- ☒ Parcel Line
- ☒ Plat Tap Line
- ☒ Railroad ROW
- ☒ Road ROW
- ☒ Section Line
- ☒ Sub Line 100
- ☒ Sub Line 400
- ☒ Water Line
- ☐ Parcel Lines
- ☐ City Limits
- ☐ Section
- ☐ Township Names
- ☐ Township and Range
- ☐ Parcel Poly
- ☐ MN County

Parcel ID R430835303003

Sec/Twp/Rng n/s

Property Address 180 COPPER MOUNTAIN CT
MANKATO

Alternate ID n/a

Class 1A-Residential Homestead

Acreage 2.06

Owner Address SCHMIST DANICA

180 COPPER MOUNTAIN CT
MANKATO MN 56001

District MANKATO TWP SCH 0077

Brief Tax Description COPPER MOUNTAIN HEIGHTS 009001000020600
(Note: Not to be used in legal documents)

Date created 4/10/2018



Developed by
The Schneider Corporation

611CR478

CERTIFIED, FILED AND/OR RECORDED ON
04/22/2024 10:08 AM
BLUE EARTH COUNTY, MN
MICHAEL STALBERGER COUNTY RECORDER
PROPERTY AND ENVIRONMENTAL
RESOURCES DIRECTOR
REC FEE: 46.00 EXEMPT: N/A
MRT PD: EXEMPT: N/A
DT PD: EXEMPT: N/A
DELINQ TX: N/A /TRANS ENTER: N/A
eCREV/CREV: N/A
eWELL/WELL CERT: N/A
SPLIT-CURRENT TX PD: N/A
PAGES: 7
ELECTRONICALLY RECORDED

STATE OF MINNESOTA

COUNTY OF BLUE EARTH

)

ss.

Authenticating Certificate

I, the undersigned, being the duly qualified on behalf of the City of Mankato, certify that the attached Resolution of the Mankato Township Board granting a Conditional Use Permit to allow a change of residential dwelling location, is a true copy of the original, of which is on file at the City of Mankato.

This document was drafted by Renae Kopischke, City Clerk for the City of Mankato.



Dated this 22nd day of April 2024.

Renae Kopischke

Renae Kopischke, MMC
City Clerk
City of Mankato

A RESOLUTION OF THE TOWNSHIP BOARD
GRANTING A CONDITIONAL USE PERMIT UNDER
THE MANKATO TOWNSHIP ZONING ORDINANCE

WHEREAS, the owner of the following described real estate located in Mankato, Minnesota, to-wit:

See Attachment A

James and Beth Zarn have applied for a conditional use permit to allow a change of residential dwelling location within the current ¼ ¼ section in the conservation zoning district.

WHEREAS, the Planning Commission of Mankato Township has completed a review of the application and made a report pertaining to said request (CYM04-24), a copy of which has been presented to the Township Board; and

WHEREAS, the Planning Commission of the Township, on the 17th day of April, 2024, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the request for a conditional use permit be approved with conditions; and

WHEREAS, the minutes of such public hearing and recommendation of the Commission have been presented to the Township Board; and

WHEREAS, based upon the Planning Agency report, minutes and recommendation, the Township Board hereby finds that:

1. The proposed use conforms with the Township Land Use Plan. Single family dwellings are considered conditional uses in the Conservation District, and there is currently a single family dwelling under the ownership of the applicant. The applicant is requesting to change the location of said single family dwelling within the 1/4 1/4 section, and will not be adding any additional residential development.
2. The applicant has demonstrated the need for the proposed use. The applicant wishes to continue the current residential use at a different location within the same 1/4 1/4 section.
3. The proposed use will not degrade the water quality of the Township. The applicant will be required to conform to all underlying Blue Earth County, DNR and other applicable agency requirements to assure the water quality will not be degraded.
4. The proposed use will not adversely increase the quantity of water runoff. There are no known adverse impacts from water runoff.
5. The soil conditions are adequate to accommodate the proposed use as the applicant has been requested to collaborate with outside agencies, such as Blue Earth county and the Minnesota Department of Natural Resources. Additionally, while the Township has not adopted the Minnesota Building Code, all construction is required to conform to the subject standards and construction on soil able to accommodate the subject structure will be necessary.
6. The proposed use does not create a potential pollution hazard. There are known pollution hazards with the proposal.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. A condition is included with the recommendations, which will provide approval for an access easement, inspection and approval from Blue Earth County, as well as a permit that will need approval from the Department of Natural resources if the OHWL is at a designated value.
8. That adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. The applicant submitted a three-car garage floor plan that will meet the minimum requirement listed in Section 0100.1301 Parking and Loading Regulations.
9. The proposed conditional use permit is not proposed to increase traffic congestion or traffic hazards. There is currently a single family residential use, and that will be consistent with the proposed use.
10. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The proposed use will be the same as the current use, only in a slightly different location.
11. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
12. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. The proposed measures will be similar to the current use as a single family dwelling.
13. The density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning district. The density will not increase; the current dwelling development right will be shifted, and the final outcome will be the same density as currently exists.
14. Site-specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare have been established are included herein.

NOW, THEREFORE, BE IT RESOLVED by the Mankato Township Board that the conditional use permit to allow a shift in location of the current single family dwelling within the current $\frac{1}{4}$ $\frac{1}{4}$ section, is approved with the following conditions:

1. A construction permit from Mankato Township shall be in place prior to the start of the work.
2. An executed access easement shall be provided at the time of application for a construction permit. A draft copy of the document shall be provided with the submission of the request for a plat.
3. A preliminary and final plat approval and recording shall be in place prior to submission of a construction permit.
4. The existing residential components shall be removed from the current shed house prior to the issuance of a new construction permit for a residential dwelling.

5. The applicant shall schedule an inspection with staff in subject to the shed house to verify that the residential components have been removed prior to the issuance of a construction permit for a new residential structure.
6. The applicant shall obtain a demolition permit prior to the demolition of the residential dwelling components in the current agricultural building.
7. Septic design plans from a licensed septic contractor and well construction plans from a licensed well driller will need to be submitted prior to the issuance of a construction permit. A septic permit shall be obtained from Blue Earth County for the installation prior to construction permit issuance.
8. Prior to the issuance of a construction permit, the applicant shall provide written verification from Blue Earth County that demonstrates that the existing wells on the site have been appropriately capped/abandoned and addressed in conformance with the applicable codes.
9. The applicant shall comply with the flood plain standards and prior to any work taking place below the Ordinary High Water Level (OHWL) of the Le Sueur River will require a Public Waters Work Permit from the Department of Natural Resources (DNR) shall be in place, in accordance with the applicable DNR and Blue Earth County standards.
10. The applicant shall provide the staff with the OHWL and the proposed elevations for the structure at the time of request for a construction permit.
11. If the applicant installs exterior lighting, it shall conform to the Mankato Township Zoning Ordinance.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

This resolution shall become effective immediately upon its passage and without publication.

Passed this 17 day of April 2024.

David C. Rothwell
Township Board Chair

Attest: Dan Logg

Attachment A

Legal Description for Conditional Use Permit request – 19519 Ivywood Lane

Lot 11,17, and Lot 16, Auditor's Plat Number 15, Section 35, Township 108 North, Range 27
West, Blue Earth County, MN.

ACCESS EASEMENT AGREEMENT

This Access Easement Agreement (Agreement) dated July __, 2024, is by and between James Zarn and Elizabeth Zarn, hereafter "Grantor", and Elizabeth Zarn and James Zarn, hereafter "Grantee" and together are sometimes referred to as the "Party" or "Parties".

BACKGROUND

Grantor is the fee owner of certain real estate located in Blue Earth County, Minnesota, and legally described on attached Exhibit A as "Parcel 1". Grantee is the fee owner of certain real estate located in Blue Earth County, Minnesota, that sits adjacent to Parcel 1, and is legally described on attached Exhibit A as "Parcel 2"). Grantee requires an access easement across a portion of Parcel 1 to allow access to Parcel 2, with said access referenced on Exhibit A as "Easement Area". The Parties wish to memorialize this Access Easement Agreement and agree to the following.

AGREEMENT

The Parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants Grantee a non-exclusive easement across the area described as the "Easement Area" for ingress and egress across Parcel 1 for the benefit of and access to Parcel 2.
2. **Use of Easement Area.** Both Parties may use the Easement Area in a manner consistent with a driveway to allow ingress and egress to both Parcel 1 and Parcel 2. Grantor agrees to not to block or inhibit the Easement Area in a manner which would substantially interfere with its use by Grantee.
3. **Maintenance, Repairs and Improvements.** Grantor has no obligation to improve the Easement Area except to maintain and keep it in repair to allow reasonable ingress and egress to Parcel 2.
4. **Non-Public Easement.** The easement is not a public easement and is available for use only as described herein. The existence of this Agreement does not change the nature of this private easement as described herein.
5. **Amendment.** This Agreement may only be amended by the unanimous written consent of the Parties, their successors, heirs or assigns.
6. **Enforcement.** This Agreement may be enforced by any property owner who has an interest in the Easement Area.

7. **Successors Bound.** This Agreement shall run with the land, and shall be binding on the Parties, their heirs, successors and assigns and shall apply to successor owners of Parcel 1 and 2.

8. **Recording.** A copy of this Agreement may be recorded with the Blue Earth County Recorder.

GRANTOR

James Zarn

Elizabeth Zarn

GRANTEE

Elizabeth Zarn

James Zarn

STATE OF MINNESOTA

COUNTY OF BLUE EARTH

This instrument was acknowledged before me on July ____, 2024, by James Zarn and Elizabeth Zarn, married to each other.

Signature of Notary Public

STATE OF MINNESOTA

COUNTY OF BLUE EARTH

This instrument was acknowledged before me on July ____, 2024, by Elizabeth Zarn and James Zarn, married to each other.

Signature of Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
FARRISH JOHNSON LAW OFFICE, CHTD.
1907 Exel Drive
Mankato MN 56001
Telephone: (507) 625-2525

EXHIBIT A

PARCEL 1

Lot 1, Block 1 Zarn Acres

PARCEL 2

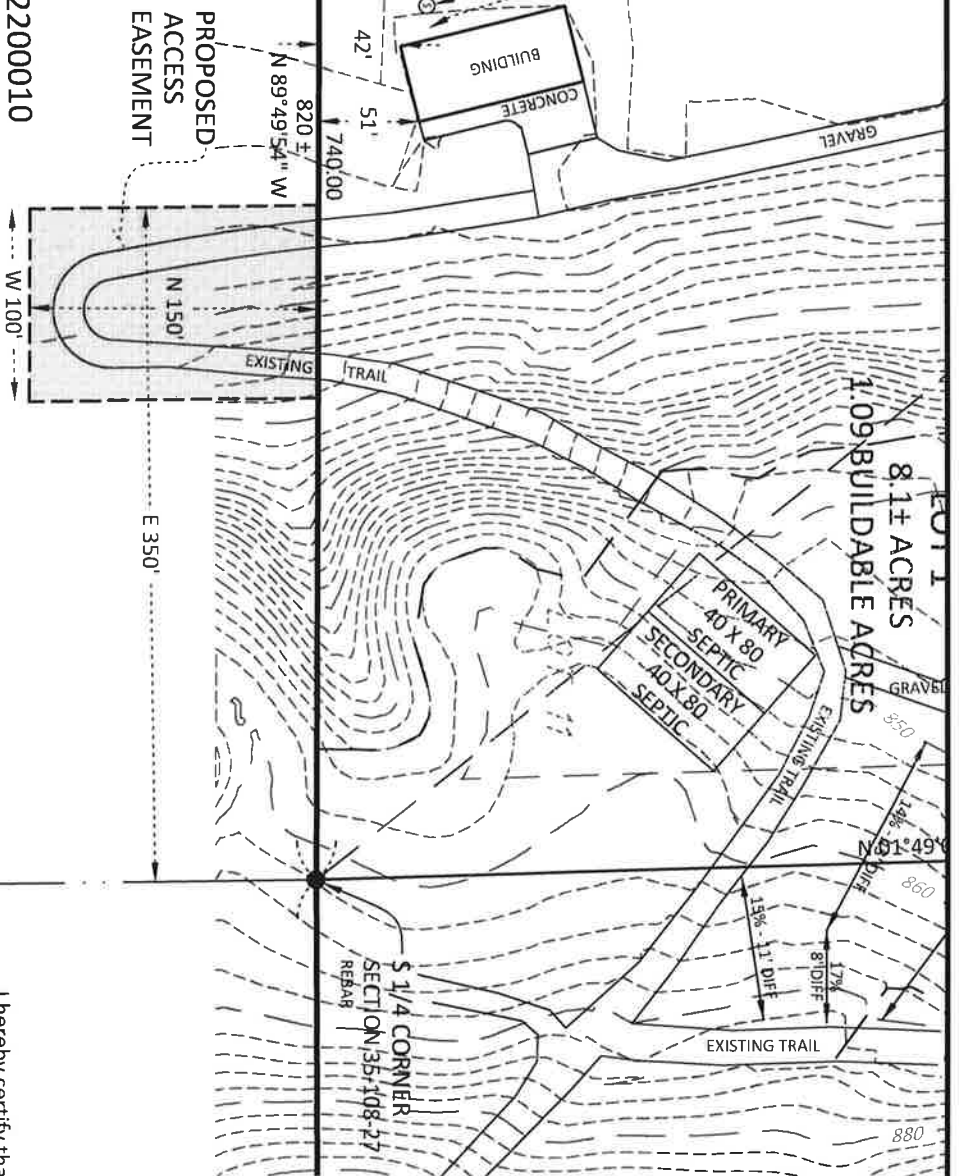
Out Lot A Zarn Acres

EASEMENT AREA - SEE ATTACHED

10CS-T107N-B27M

R481302200010
JAMES ZARN

25



DESCRIPTION

The North 150 of the West 100 feet of the East 350 feet of the Northeast Quarter of the Northwest Quarter of Section 2, Township 107 North, Range 27 West, Blue Earth County, Minnesota.

- 3/4" IRON PIPE MONUMENT SET
MARKED BY LIC. NO. 46564
MONUMENT FOUND



I hereby certify that this survey, plan, 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.

Michael M. Eichers
License Number 46564

06/19/2024
Date

©Bolton & Menk, Inc. 2024, All Rights Reserved

EXHIBIT SKETCH

BLUE EARTH COUNTY, MINNESOTA

**BOLTON
& MENK**

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

THAT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 107 NORTH, RANGE 27 WEST, BLUE EARTH COUNTY, MINNESOTA



SANDQUIST

Law Office, LLC

Christopher Sandquist
Attorney-at-Law

Shelly Henk
Paralegal

September 18, 2024

**VIA CERTIFIED US MAIL
RETURN RECEIPT REQUESTED**

James M. Zarn
Elizabeth A. Zarn
19519 Ivywood Lane
Mankato, MN 56001

**NOTICE OF ZONING VIOLATION
AND ORDER FOR ABATEMENT
OF VIOLATION**

RE: Town of Mankato Land-Use Violation
Our File: 00006-003

Dear James Zarn and Elizabeth Zarn:

I am the attorney for the Town of Mankato (hereafter "*Town*"), located in Blue Earth County, Minnesota. You two are the owners of record of property located in the Town, identified by its Blue Earth County Parcel Identification Number R43.08.35.452.008 (hereafter the "*Property #1*") and R43.08.3545.2008. There are two different matters pertaining to this Property addressed in this Notice and Order.

Unpermitted Bluff Zone Cutting:

The Town was recently provided information from Blue Earth County related to unpermitted work involving a wetland on the Property. The information included photographic evidence and visual confirmation by County staff that you had cut/widened a driveway through a bluff on the Property. The former driveway was approximately 10-12 feet wide, and the widened driveway is now approximately 22 feet wide. A copy of the photograph is enclosed as are historic aerial photographs depicting the size of the driveway in 2016 vs. 2024.

The Town's Land Use Ordinance ("**LUO**") which applies to all property located within the Town's borders, provides at Section 0100.1309, Subp. 2 A (3) that "[f]illing or cutting activity in any bluff zone shall be considered a conditional use." In searching its records, the Town cannot find any application for a conditional use permit for filling or cutting within the bluff zone on the Property. As such, the Town has concluded that the recent expansion of the driveway on the Property, which widened the driveway from approximately 12 feet wide to 22 feet wide, by cutting into the adjacent bluff, was unpermitted.

Construction Permit & Setback Violation

You applied for and received a construction permit in 2021 to construct a temporary residence on the Property ("**Shouse**") which will be deconditioned upon construction of a new residence to being merely an accessory building. As part of that process, you submitted a construction permit application with construction plans to the Town which showed that the southern edge of the Shouse would be at least 50 feet from the Properties southern boundary (52.09 feet as shown) and would be parallel with the southern boundary. A copy of the diagram showing the location of the Shouse is enclosed.

Following construction of the Shouse, you recently submitted a preliminary plat to the Town which depicted that the Shouse, as built, was built askew to the southern boundary, placing its southwestern corner only 42 feet from the southern boundary. The southeastern corner of the Shouse is noted as being 51 feet from the southern boundary.

The Property is located within the Town's C-1 Conservation District. The LUO provisions regarding building setbacks for that district are found at Section 0100.0703 and state in relevant part that:

Subp. 3 Side Yard Regulations. There shall be a side yard of not less than fifty (50) feet on each side of the building.

Subp. 4 Rear Yard Regulations. There shall be a rear yard of not less than fifty (50) feet.

Both the rear of the Shouse and its southern side yard are not fully the required minimum 50 feet from the Property's boundary.

Violations and Required Actions:

Based on the above information, the Town has concluded that violations of the LUO have occurred on the Property. The LUO provides that any violation of the LUO is a

misdeemeanor and that each day a violation occurs is a separate misdemeanor. The LUO further provides that unless the violation is abated, the Town may direct the Town Attorney to initiate a lawsuit to force abatement of any violation of the LUO.

You are hereby Notified of the above violations of the Town's Land Use Ordinance, and you are Ordered to abate the violations. To bring the Property into compliance with the terms of the Town's LUO, you must, within 10 days of receipt of this Notice and Order:

With respect to the unpermitted bluff cutting, either

- (1) apply to the Town for an after the fact conditional use permit from the Town for the unpermitted cutting of a bluff within a bluff zone on the Property; or
- (2) contact Molly Westman, a Town planning officer, at 507-387-8571, with a bluff restoration plan prepared by a licensed engineer to restore the bluff to its pre-cut condition on the Property. If you are not able to provide this plan within the 10 days, please contact Ms. Westman immediately. When you contact her, you should have a specific timeframe for when the plan will be available and the name and contact information for the licensed engineer(s) you have engaged to prepare the bluff restoration plan.

With respect to the failure of the Shouse to meet the required rear yard and side yard setback requirements, either:

- (1) apply to the Town for an after the fact variance from the rear yard and side yard setback requirements for the Property; or
- (2) contact Molly Westman, for a new construction permit to relocate the Shouse, pursuant to a written relocation plan, to bring the Shouse into compliance with the rear yard and side yard setback requirements for the Property and the timeline for completion. If you are not able to apply for the permit and have a relocation plan within the 10 days, please contact Ms. Westman immediately. When you contact her, you should have a specific plan for when the plan will be available and the name and contact information for the contractor you have engaged to prepare the building relocation plan and to relocate the Shouse.

Your failure to comply with this Notice of Violations and Order for Abatement will result in the Town taking legal action, civil and criminal, to enforce its Land Use Ordinance's provisions. Please take advantage of the opportunity presented above to bring the Property into compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Sandquist", written in a cursive style.

Christopher Sandquist

Encl.

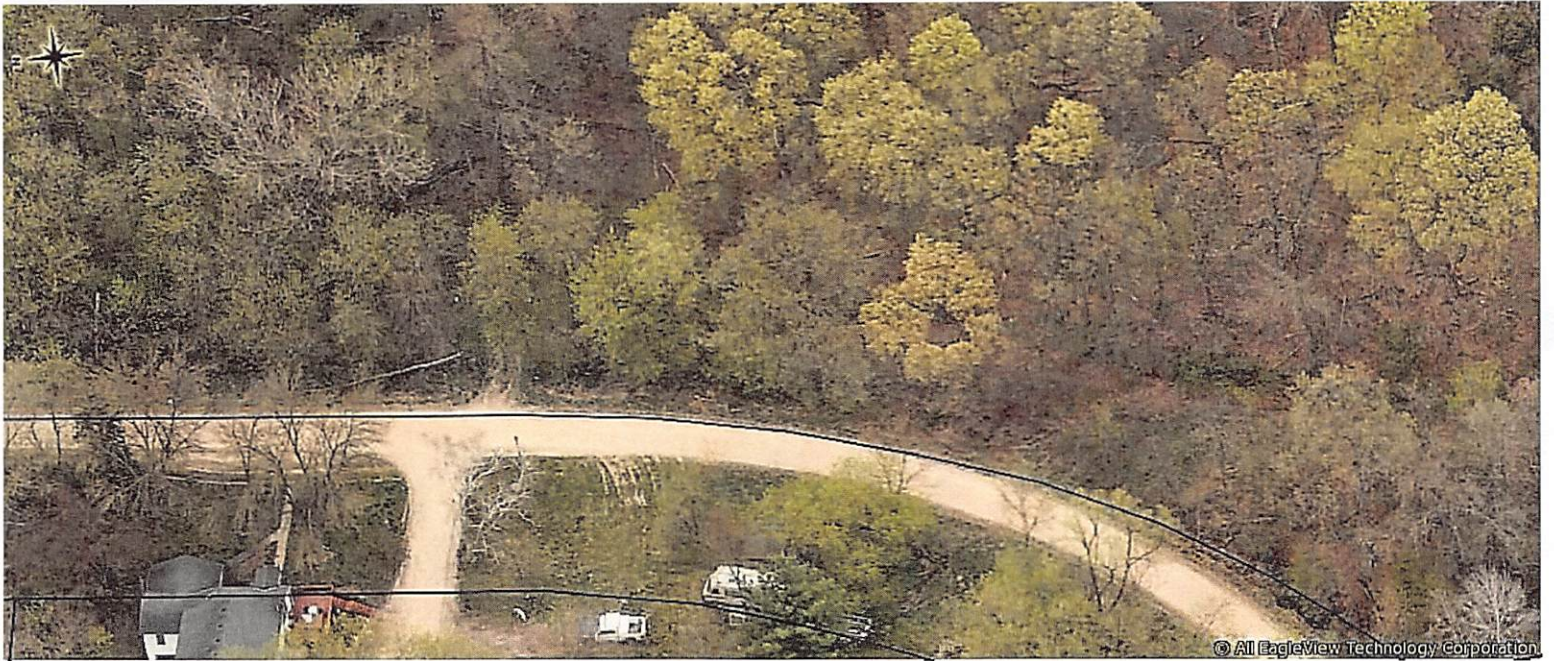
cc: Molly Westman (via email only)
Dan Rotchadl, Town Chair (via email only)

4/10/2022



04/10/2022

4/18/16



04/18/2016







Machinery Tracks/Wide Shot- Picture 1



Impacted Bluff Trail – Picture 2



Exposed Roots systems/Tracks- Picture 3



Close up View of Roots- Picture 4



Exposed Tree Roots- Picture 5

Minnesota Wetland Conservation Act Determination Notice Form

This form can be used to provide notice on WCA-related *determinations*. DO NOT use this form for notices on WCA *decisions*. WCA decisions are replacement plans, wetland boundary/type, wetland banks, exemption, no-loss and sequencing. Some WCA determinations can be incorporated into a WCA decision, while others can or must be made separate from the associated decision.

Local Government Unit: Blue Earth County	County: Blue Earth
Applicant Name: Jim Zarn	Applicant Representative: Bolton & Menk-Addeline Theis
Project Name: Jim Zarn	LGU Project No. (if any):
Date Request Received by LGU: 5/17/24	
Date this Notice was Sent: 8/14/24	

Notice Type - check one

☐ Notice of Determination Request. Determination has <i>not</i> been made. ☒ Notice of Determination. Determination has been made.
--

WCA Determination Type - check all that apply

☐ Construction Certification ☐ Incomplete Application ☐ Local Govt. Road Repl. Program Qualification ☐ Successful Replacement/End of Monitoring ☐ Credit Deposit ☐ ENRV/Preservation Eligibility ☐ Financial Assurance Release ☐ Partial Drainage Impacts ☐ Sequencing Flexibility ☐ Temp. Impacts Extension ☒ Certificate of Successful Restoration ☐ Other (specify):

Note: All listed determination types are either made by the TEP or require TEP concurrence except for Construction Certification, Incomplete Application, Certificate of Successful Restoration (issued by SWCD) and Financial Assurance Releases. Use "other" for determinations that are not listed.

Technical Evaluation Panel

TEP Has Concurred with Determination: ☐ Yes ☒ No; If yes, attach findings or other documentation
TEP Concurrence Needed: ☐ Yes ☒ No; If yes, specify deadline date for concurrence:

Determination Materials and Findings

☒ Attachment(s) (specify): Map of fill & pictures of completed restoration. Notes: Jim removed the fill to the best of his ability as I oversaw the work when it was taking place. Removal of fill was challenging due to the unevenness of fill dispersed throughout the basin. Due to time and weather constraints, I worked with the LGU and applicant to get this restored as soon as possible. It was then seeded down to a native vegetation mix after the fill was removed.

Notice Distribution (Include name)

☒ SWCD TEP Member: Jake Fritz	☒ BWSR TEP Member: Alyssa Core
☒ LGU TEP Member (if different than LGU contact): Dane Lynch	
☒ DNR Representative: Erynn Jenzen	
☐ Watershed District or Watershed Mgmt. Org.:	
☒ Applicant: Jim Zarn	☒ Agent/Consultant: Bolton & Menk-Addeline Theis
☒ Other: Molly Westman-City of Mankato	☐ Army Corps:

Signature 	Date 8/14/24
---	------------------------

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Blue Earth County	County: Blue Earth
Applicant Name: James Zarn	Applicant Representative: Addeline Theis Paradis – Bolton and Menk
Project Name: Zarn Wetland Delineation	LGU Project No. (if any): PL2024057
Date Application Received by LGU: 5/14/24	
Date of LGU Decision: 7/25/2024	
Date this Notice was Sent: 7/30/24	

WCA Decision Type - check all that apply

☒ Wetland Boundary/Type ☐ Sequencing ☐ Replacement Plan ☐ Bank Plan (not credit purchase)	
☐ No-Loss (8420.0415) ☐ Exemption (8420.0420)	
Part: ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H	Subpart: ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: ☐ Project Specific Credits: ☐ Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

☒ Approve ☐ Approve w/Conditions ☐ Deny ☐ No TEP Recommendation
--

LGU Decision

☒ Approved with Conditions (specify below) ¹ ☐ Approved ¹ ☐ Denied List Conditions: Wetland Violation on the site must be addressed with Blue Earth County and the Blue Earth County Soil and Water Conservation District by 12/31/2024.
Decision-Maker for this Application: ☒ Staff ☐ Governing Board/Council ☐ Other:
Decision is valid for: ☒ 5 years (default) ☐ Other (specify):

¹ Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

☐ Attachment(s) (specify): ☒ Summary: The Blue Earth County Technical Evaluation Panel has been reviewing the submitted application since the May 15 th TEP meeting. On May 15 th the TEP met at the site to review the wetland boundary identified in the submitted wetland delineation report. The TEP reviewed the boundary in the agricultural field and found the boundary to be larger than what the TEP members determined it to be based off of the 3 parameters of a wetland. Addie collected the new wetland boundary. The TEP then went to evaluate 2 areas that had water seeping out of the hillside, these areas appeared to meet the standards to be wetland. The TEP performed soil borings in the southern area of interest and the soils had a mucky top layer before transitioning to a more rock substrate. The area is devoid of trees due to the ground being too saturated year-round to support trees. The TEP wanted this area to be further evaluated for wetland status. The TEP then moved to the northern hillside seep and began to evaluate it for wetland characteristics. The TEP observed

similar characteristics to the southern area and wanted the area to be further evaluated. This area appears to have been impacted by a recent project to expand an existing road up a bluff face. The existing portion of the road was there before the Wetland Conservation Act was passed in 1991 but the new work appears to be an impact to a wetland basin. Based on conditions observed at the site Addie was going to submit an updated report evaluating the two hill side seeps.

On May 17th Addie submitted an updated report identifying the side hill seeps as type 2 wetland and a revised boundary of the wetland in the agricultural field. This updated report was sent out to the TEP members. The revised report shows an area of unimpacted wetland and impacted wetland for the north side hill seep. The TEP needed to verify the potential wetland impacts and would discuss at the next TEP meeting. The next TEP meeting was June 21. For the June 21st TEP meeting the area was too wet to safely and accurately evaluate the area for wetland characteristics and the site visit was moved to the next TEP meeting once conditions had dried out. During the July 17th TEP meeting, the TEP met Addie at the site and verified the area of fill in the wetland and the wetland boundaries of the type 2 side hill seeps. The TEP is in concurrence with the boundaries of the May 17th wetland delineation report. The TEP discussed the wetland impacts and determined with soil borings where the existing road ended, and the new work started. The TEP discussed that the impacts must be addressed and that a notice of violation will be sent out to the property owner for unauthorized wetland impacts.

For more information regarding this application go to:

<https://cityview.blueearthcountymn.gov/cityviewportal/Planning/Status?planningId=15073>

¹ Findings must consider any TEP recommendations.

Attached Project Documents

☐ Site Location Map ☒ Project Plan(s)/Descriptions/Reports (specify): Jim Zarn Wetland Delineation

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

☒ Yes¹ ☐ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

Appeal of an LGU staff decision. Send petition and \$700.00 fee to:
Blue Earth County Property and Environmental Resources
PO BOX 3566
Mankato, MN 56002

Notice Distribution (include name)

Required on all notices:

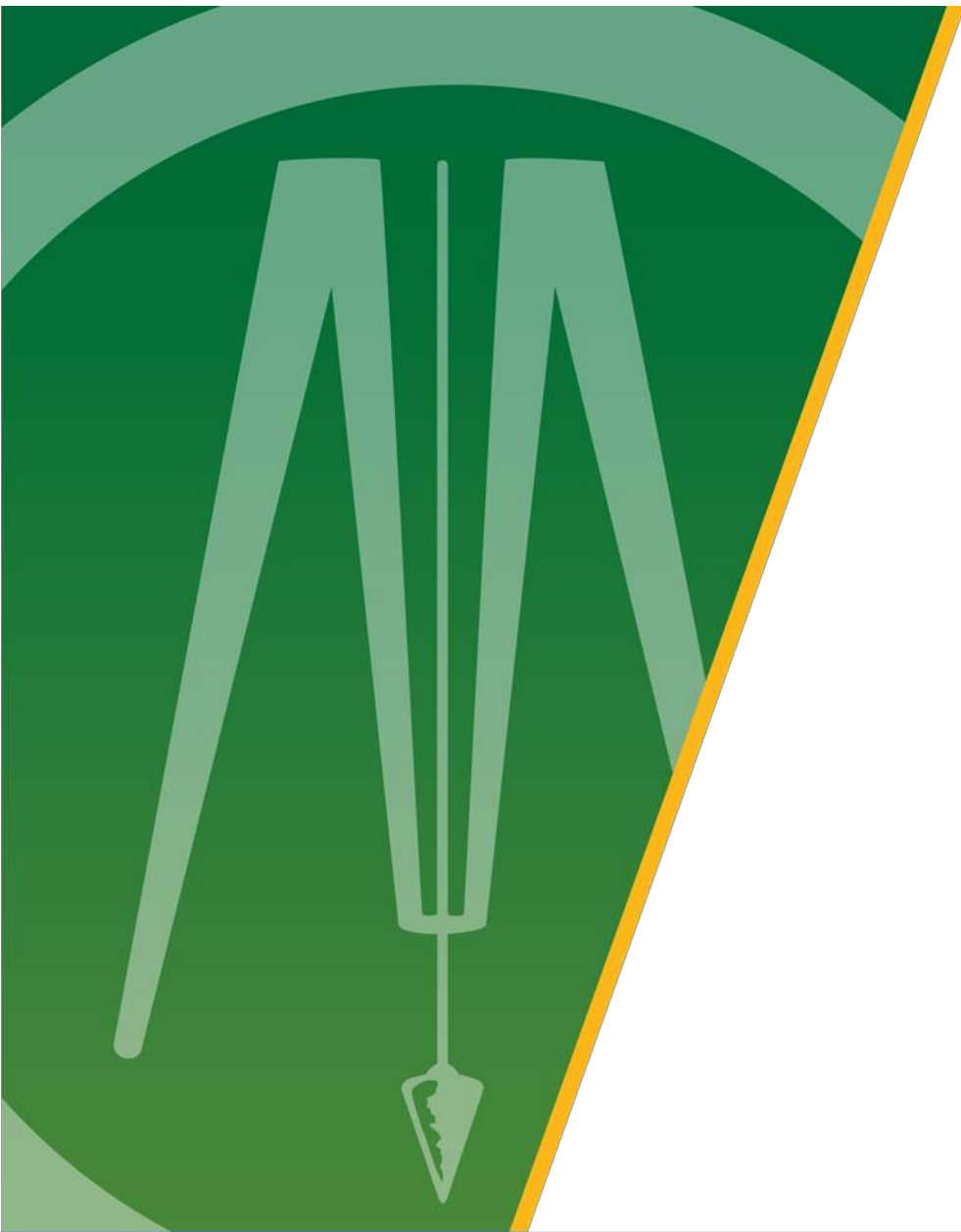
☒ SWCD TEP Member: Jake Fritz	☒ BWSR TEP Member: Alyssa Core
☐ LGU TEP Member (if different than LGU contact):	
☒ DNR Representative: Erynn Jenzen	
☐ Watershed District or Watershed Mgmt. Org.:	
☒ Applicant (notice only): Jim Zarn Bolton and Menk	☒ Agent/Consultant (notice only): Addeline Theis Paradis –

Optional or As Applicable:

☒ Corps of Engineers: Corps of Engineers General Notification	
☐ BWSR Wetland Mitigation Coordinator (required for bank plan applications only):	
☐ Members of the Public (notice only):	☒ Other: Molly Westman – City of Mankato

Signature: 	Date: 7/30/24
--	-------------------------

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.



Zarn Property

Joint Application

Jim Zarn
May 16, 2024

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



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Appendix

WETLAND DELINEATION REPORT

PART ONE: Applicant Information

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

Applicant/Landowner Name:	Jim Zarn		
Mailing Address:	N/A		
Phone:	N/A		
E-mail Address:	echozarn@gmail.com		

Authorized Contact (do not complete if same as above):

Mailing Address:

Phone:

E-mail Address:

Agent Name:	Bolton & Menk, Inc. Addeline Theis Natural Resource Specialist		
Mailing Address:	1960 Premier Drive Mankato, MN 56001		
Phone:	507-625-4171 ext 3745		
E-mail Address:	Addeline.theis@bolton-menk.com		

PART TWO: Site Location Information

County: Blue Earth

City/Township: Mankato TWP

Parcel ID and/or Address: R430835452008 (Refer to Exhibit A: Location Map)

Legal Description (Section, Township, Range): 35, 108N, 27W

Lat/Long (decimal degrees):

Attach a map showing the location of the site in relation to local streets, roads, highways.

Approximate size of site (acres) or if a linear project, length (feet): 40.0 acres

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

http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf

PART THREE: General Project/Site Information

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

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

PART FOUR: Aquatic Resource Impact¹ Summary

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

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

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

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

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

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

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

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

N/A

PART FIVE: Applicant Signature

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

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

Signature: James Zarn Digitally signed by James Zarn
Date: 2024.05.01 11:52:58 -05'00' Date: _____

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

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

Attachment A

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

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

☒ **Wetland Type Confirmation**

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

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

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

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

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

Appendix



Zarn Property

Wetland Delineation Report

Jim Zarn
May 16, 2024

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



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- Exhibit A: Site Location Map
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- Exhibit C: National Wetlands Inventory Map
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I. INTRODUCTION

Jim Zarn, a private land owner, is proposing parceling and site improvements to their property located off Ivywood Lane found in Mankato Township, Blue Earth County, MN. This report details the findings of the field delineation completed on April 30, 2024. A TEP (Technical Evaluation Panel) met out on site on May 15, 2024. This updated report reflects the approved wetland boundaries.

The project is found in Section 35, in Township 108 North of Range 27 West.

II. WETLAND DELINEATION METHODOLOGY

The wetland boundaries were delineated and staked in the field in April 2024, using methods described in the “Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (Version 2.0)”. Wetlands identified were classified using “Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979)”, “Wetlands of the United States (United States Fish and Wildlife Service Circular No. 39, 1971 edition)” and “Wetland Plants and Plant Communities of Minnesota and Wisconsin” (Eggers and Reed Third Edition). Subsequently, the three mandatory technical criteria for wetland determinations are as follows:

Hydrophytic Vegetation. A hydrophytic plant community is present when the dominant plant species present can endure prolonged inundation and/or soil saturation during the growing season. A plant’s Wetland Indicator Status is determined using the 2016 National Wetland Plant List for Minnesota, published by the Army Corp of Engineers.

Hydric Soils. A hydric soil is defined as a soil that is formed under conditions of saturation, flooding or ponding long enough during the growing season (the portion of the year when there is above ground growth and development of vascular plants and/or soil temperature at 12 inches below the soil surface is above 41 degrees Fahrenheit or higher) to develop anaerobic conditions in the upper part.

Wetland Hydrology. An area has wetland hydrology if it experiences 14 or more consecutive days of flooding, ponding or a water table within 12 inches of the surface during the growing season at a minimum frequency of five out of ten years. This is determined by using both primary and secondary Wetland Hydrology indicators.

III. BACKGROUND INFORMATION

Prior to conducting a field investigation of this site, Exhibits A through E were used to complete a preliminary evaluation. The data gathered during the preliminary investigation was used as described below:

Exhibit A is a location map of the study area.

Exhibits B is an aerial photo with topographic information overlaid on it. This provides information regarding topography of the site, helping to identify areas that may have wetland characteristics.

Exhibit C is the National Wetlands Inventory of the site and surrounding properties. This information is used to complete a preliminary investigation of the wetlands that may or may not exist on the site.

Exhibit D is used to identify waters that are regulated by the DNR. This exhibit shows where there are DNR public waters relative to the site.

Exhibit E is the Blue Earth County Soil Survey and is used to identify hydric soils that may lie within the study area.

Delineation Exhibits F and G were prepared from the information gathered at the site.

Exhibit F is the site map showing the delineated aquatic resources.

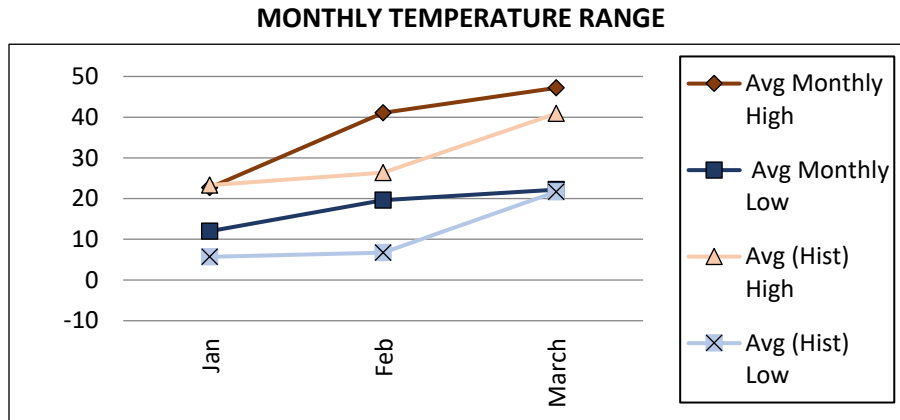
Exhibit G includes the wetland delineation data sheets.

Exhibit H is the off-site assessment datasheet used to determine farmed wetlands.

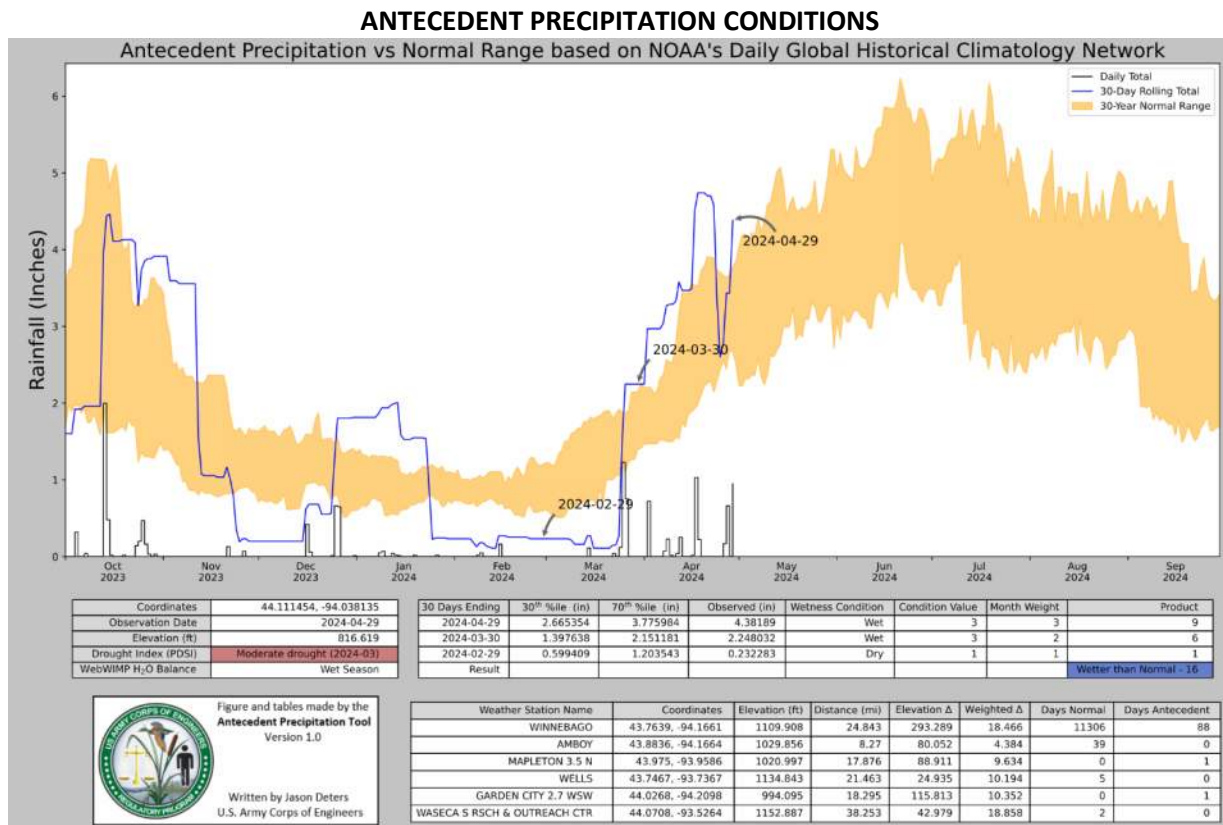
Exhibit I is the historical aerial imagery.

IV. CLIMATE DATA

The monthly temperature table below shows the average high and low temperatures for the three months prior to the field delineation, along with the historical averages for these months. The monthly low and high temperatures have been above normal ranges for this period.



Antecedent precipitation was evaluated using a combination of the NRCS Method and the Rolling Totals Method. The analysis found that precipitation was above normal over the past two months.



This climatic data was gathered using the Climatology Working Group Website, <http://climate.umn.edu/> and the National Weather Service Forecast Office, <http://w2.weather.gov/climate/>. The information for the investigation was retrieved from the WETS Station in St. Peter (ID: 217405)

V. FINDINGS

On April 28th, 2024 a field investigation was performed to evaluate and verify the existence and boundary of any aquatic resources located within the study area. On May 15, 2024, a TEP meeting met onsite to review limits. Three wetlands were found to exist within the study area. The following describes the aquatic resources identified, together with a brief description of wetland types and observations made during the field investigation.

Wetland 1 (W1-A & W1-B):

NWI Cowardin: None

PWI (Hydro) ID: None

Field Observation Circular 39: Type 1

Field Observation Eggers and Reed:

Seasonally Flooded Basin

Soil Mapping Unit(s): 106B: Lester Loam & 239: Le Sueur Loam

Wetland 1 consists of a small depression in an agricultural landscape. Hydrology sits here before draining into a drainage feature down the ravine and into the Le Sueur River. This wetland is a seasonally flooded basin.



Photo 1: View of the wetland 1 looking south.

The field investigation found that the site has met all three wetland indicators and this wetland complex should be considered a palustrine emergent persistent temporarily flooded (PEM1A) wetland. Two sample points were taken to determine the wetland boundary. The wetland boundary was largely drawn based on the changes in topography and slope in the depression.

At the W1-A wetland pit location and the W1-B upland pit location both had disturbed vegetation. Historically this area has been in row crop for the last two decades. At time of site visit, no vegetation was planted yet but small volunteers were growing. Only the wetland pit location met problematic hydrophytic vegetation due to the spraying and planted crops disturbing normal vegetation to grow. The W1-A wetland pit location met the hydric soil indicator F6-Redox Dark Surface. Soils in the W1-B upland pit location did not meet any of the hydric soil indicators. The W1-A wetland pit location met primary hydrology indicator of A3-Saturation, but due to the increased rainfall before site visit, two other secondary hydrology indicators were met, D2-Geomorphic Position & B10-Drainage Patterns. The W1-B upland pit location did not meet any of the hydrology indicators.

From these observations, it was determined that this depression meets the three parameters measured for a wetland system.



Photo 2: Looking into potential wetland 1, looking east.



Photo 3: Looking into potential wetland 3, looking east.



Photo 4: Looking into offsite NWI historic wetland, looking south.



Photo 5: Looking into ravine that wetland 1 drains into. Facing west.



Photo 6: Looking into flat upland forest area, facing south.



Photo 7: Looking to upland forest area slight sloped, facing north.



Photo 8: Looking into open canopy section of upland forest, facing west.



Photo 9: Existing road up bluff, facing east.



Photo 10: Rubus dominated understory in upland forest area, facing north.



Photo 11: Cedar trees dominating upland forest area, facing south.



Photo 12: New road up bluff.



Photo 13: Very steep slope of upland forest area, facing east.

Wetland 2 (W2-A & W2-B):

NWI Cowardin: None

PWI (Hydro) ID: None

Field Observation Circular 39: Type 2

Field Observation Eggers and Reed:

Hillside seep

Soil Mapping Unit(s): 106E-Lester loam
(Slope 10-22%)

Wetland 2 is a small depression found within a concave slope of the bluff. Hydrology is fed from ground water coming out at the base of the bluff through a series of springs.

The field investigation found that the site has met all three wetland indicators and this wetland complex should be considered a palustrine emergent persistent temporarily flooded (PEM1C) wetland. Two sample points were taken to determine the wetland boundary. The wetland boundary was largely drawn based on the changes in topography and slope in the depression.

At the W2-A wetland pit location, jewelweed dominated the herb stratum. W2-A met the indicator for hydrophytic vegetation. At the W2-B upland pit location, vegetation was dominated by Maple and Boxelder in the tree stratum, buckthorn and black raspberry in the shrub stratum, and Virginia waterleaf and white bear sedge dominate the herb stratum. W2-B did not meet indicator for hydrophytic vegetation. The W2-A wetland pit location met the hydric soil indicator other for problematic hydric soil due to the restriction layer of bedrock found 6 inches into the soil profile. W2-B upland pit location did not meet any indicator for hydric soil. W1-A wetland pit location met primary hydrology with surface water present. W1-B upland pit location did not meet any hydrology indicator.

From these observations, it was determined that this depression meets the three parameters measured for a wetland system.



Photo 14: Looking into wetland 2, hillside seep.

Wetland 3 (W3-A & W3-B):

NWI Cowardin: None

PWI (Hydro) ID: None

Field Observation Circular 39: Type 2

Field Observation Eggers and Reed:

Hillside seep

Soil Mapping Unit(s): 106E-Lester loam
(Slope 10-22%)

Wetland 2 is a small depression found within a concave slope of the bluff. Hydrology is fed from ground water coming out at the base of the bluff through a series of springs. Fill has been placed within the wetland, hindering the accuracy of wetland limits.

The field investigation found that the site has met all three wetland indicators and this wetland complex should be considered a palustrine emergent persistent temporarily flooded (PEM1C) wetland. Two sample points were taken to determine the wetland boundary. The wetland boundary was largely drawn based on the changes in topography and slope in the depression.

At the W3-A wetland pit location, red berried elder dominated the shrub layer, jewelweed dominated the herb stratum. W3-A met the indicator for hydrophytic vegetation. At the W3-B upland pit location, vegetation was dominated by Green Ash & Boxelder in the tree stratum, black raspberry in the shrub stratum, and wood nettle and hairy buttercup dominate the herb stratum. W3-B did not meet indicator for hydrophytic vegetation. The W3-A wetland pit location met the hydric soil indicator A10-2cm Muck. W2-B upland pit location did not meet any indicator for hydric soil. W1-A wetland pit location met primary hydrology with saturation present at 3inches. W1-B upland pit location did not meet any hydrology indicator.

From these observations, it was determined that this depression meets the three parameters measured for a wetland system.



Photo 15: Looking into wetland 3, hillside seep.



Photo 16: Looking into wetland 3, hillside seep.

VI. CONCLUSION

The delineation was performed on April 30, 2024. A TEP evaluated the site on May 15, 2024. The boundaries of the wetlands were staked in the field with three foot “Wetland Delineation” pin flags. The location of the pin flags were surveyed by Bolton & Menk, Inc. using a Juniper Geode Data Collector and tied to the Blue Earth County system. The delineated limits are believed to be the upper limits of where all three of the required wetland criteria were present.

Bolton & Menk, Inc., was asked to determine the boundaries of those jurisdictional wetlands that exist upon this property as defined by the Wetland Conservation Act.

Based upon all available information, the existing conditions that currently prevail, and the on-site investigation, evidence supports the presence of one wetland complex within the boundaries of the study area.

WETLAND SUMMARY

Id #	Wetland Type [^]	Size*
W1	Type 1 (Seasonally Flooded Basin)	260 sf
W2	Type 2 (Hillside Seep)	1864.1 sf
W3	Type 2 (Hillside Seep)	3382.5 sf
Total:		5,506.6 sf

**size measured within study area.*

^wetland type within study area

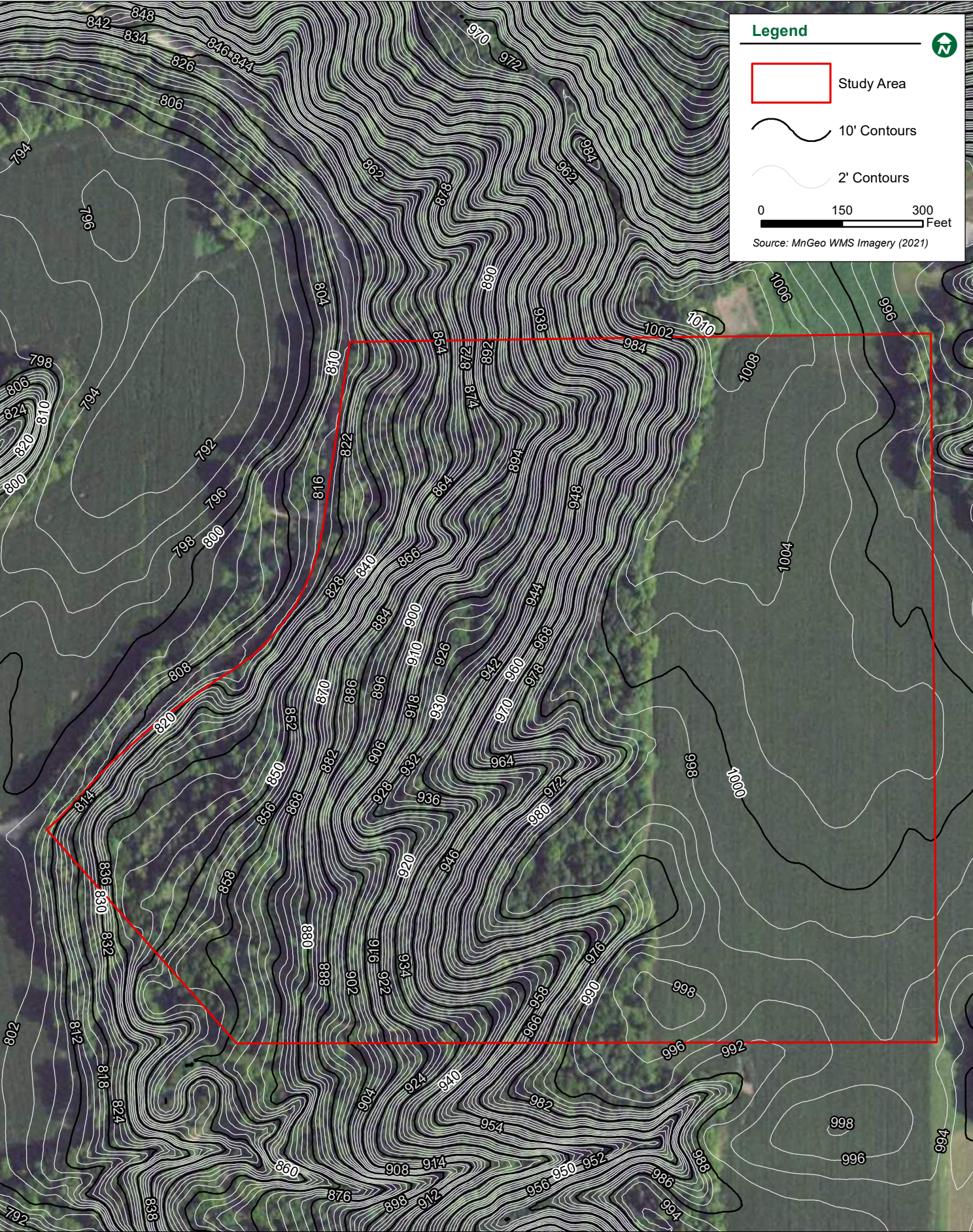
Sincerely,
BOLTON & MENK, INC.

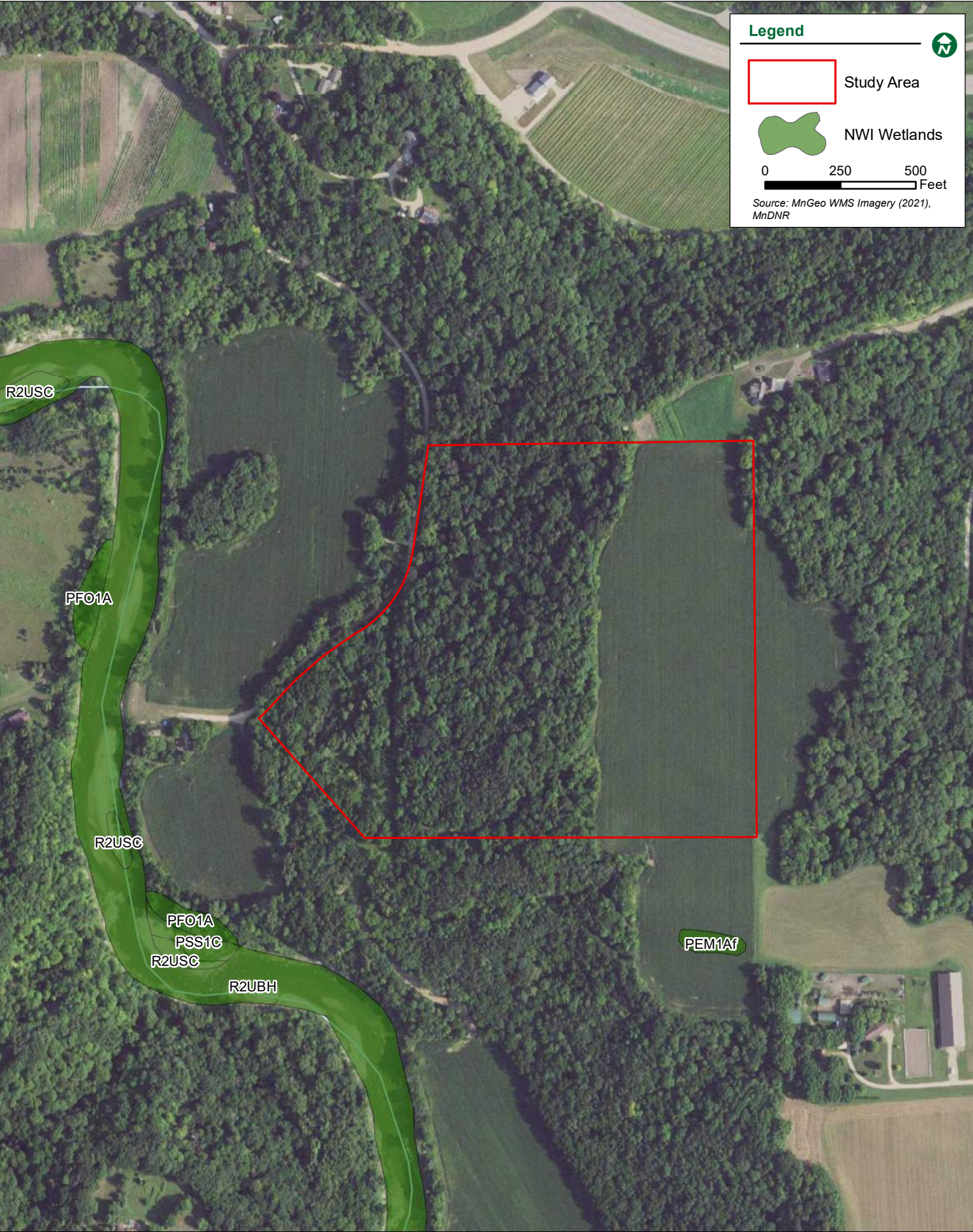


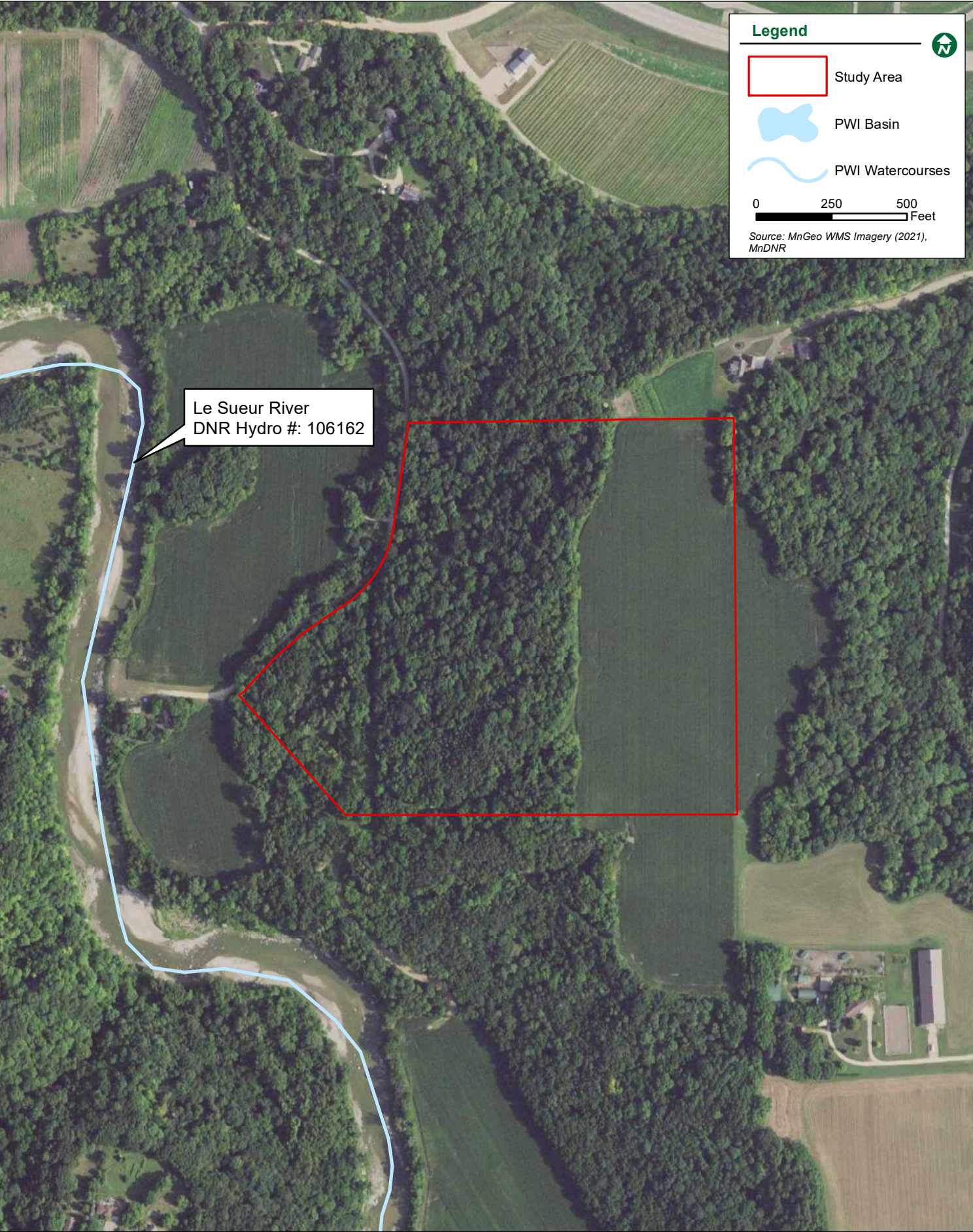
Addeline Theis
Certified Wetland Delineator, No. 1434

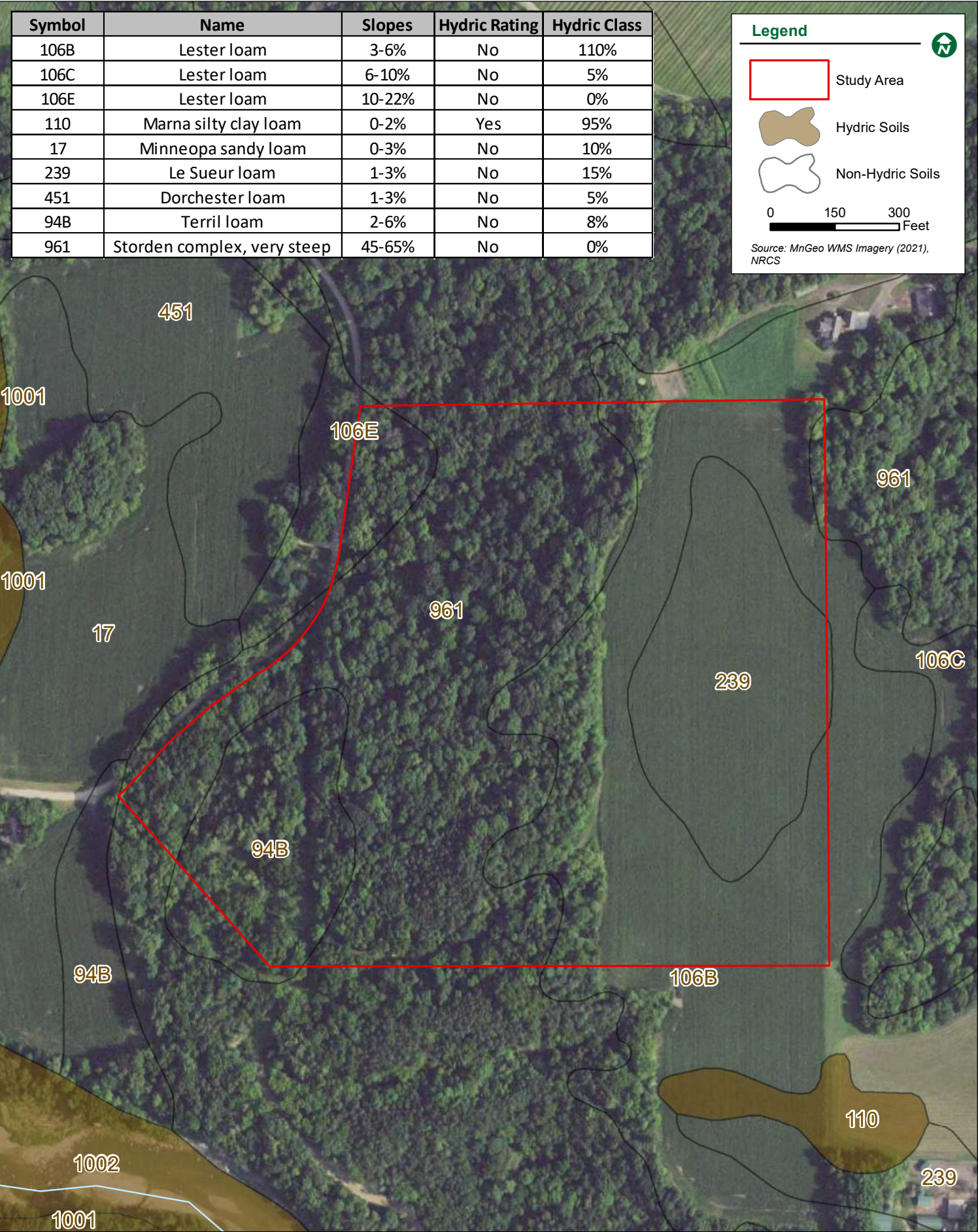
APPENDIX



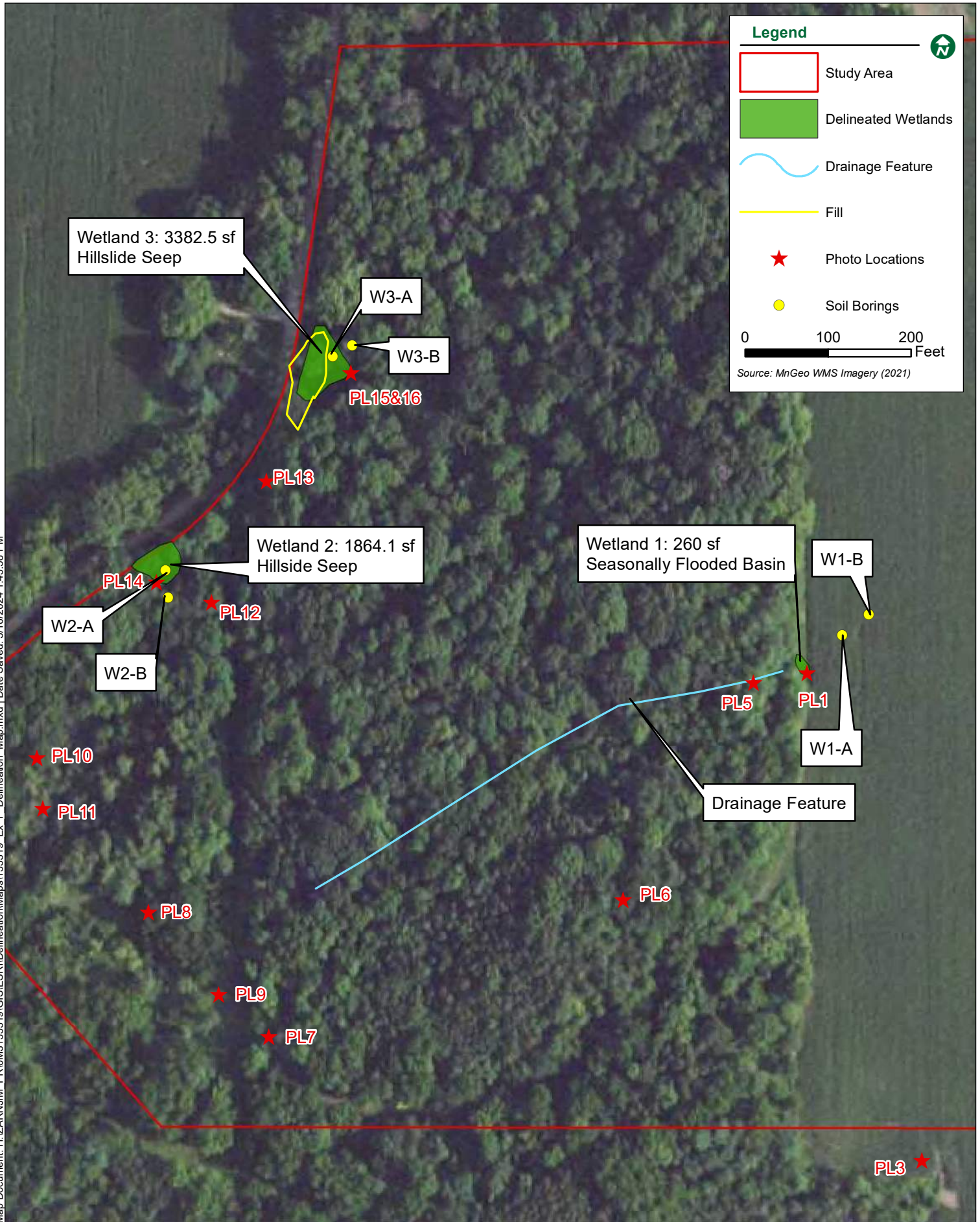








Map Document: H:\ZARN\JIM PROJ\03133319\GIS\ESRI\Map\133319 Ex F Delineation Map.mxd | Date Saved: 5/16/2024 1:43:58 PM





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EXHIBIT G: WETLAND DETERMINATION DATA FORM

(Midwest Region)

Project/Site:	<u>Zarn Property</u>	City/County:	<u>Mankato Twp/ Blue Earth County</u>	Sampling Date:	<u>4/30/2024</u>
Applicant/Owner:	<u>Jim Zarn</u>	State:	<u>Minnesota</u>	Sample Point:	<u>W1-A</u>
Investigator(s):	<u>Addeline Theis</u>	Section, Township, Range:	<u>Sec 35, T108N, R27W</u>		
Landforms (hillside, terrace, etc.):	<u>Deprerssion</u>	Local Relief (concave, convex, none):	<u>Concave</u>		
Slope (%):	<u>0-2%</u>	Latitude:		Longitude:	
				Datum:	<u>Blue Earth</u>
Soil Map Unit Name:	<u>106B-Lester Loam</u>	NWI Classification:	<u>None</u>		
Are climatic/hydrologic conditions of the site typical for this time of year?		<u>No</u>	(If no, explain in remarks)		
Are vegetation	<u>X</u>	, soils		, or hydrology	
				significantly disturbed?	
Are vegetation		, soils		, or hydrology	
				naturally problematic?	
Are normal circumstances present? <u>No</u>					
(If needed, explain any answers in Remarks)					

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>Yes</u>	Is the sampled area within a wetland?	<u>Yes</u>	
Hydric soils present?	<u>Yes</u>			
Wetland hydrology present?	<u>Yes</u>			
Remarks:	<u>Antecedent precipittion conditions were above norrmal at time of site visit. High and low temperatures have been above historic ranges at time of site visit .</u>			

VEGETATION - Use scientific names of plants

Tree Stratum	(Plot size: <u>30 feet</u>)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet	
1					Number of dominant species that are OBL, FACW, or FAC: _____ (A)	
2					Total number of dominant species across all strata: _____ (B)	
3					Percent of dominant species that are OBL, FACW or FAC: _____ (A/B)	
4						
5						
				=Total Cover		
Sapling/Shrub stratum	(Plot size: <u>15 feet</u>)				Prevalence Index Worksheet	
1					Total % cover of:	
2					OBL Species: _____ x 1 = _____	
3					FACW Species: _____ x 2 = _____	
4					FAC Species: _____ x 3 = _____	
5					FACU species: _____ x 4 = _____	
				=Total Cover	UPL Species: _____ x 5 = _____	
					Totals: _____ (A) _____ (B)	
					Prevalence Index (B/A): _____	
Herb stratum:	(Plot size: <u>5 feet</u>)				Hydrophytic Vegetation Indicators	
1					Rapid test for hydrophytic vegetation	
2					Dominance test >50%	
3					Prevalence index is ≤3.0*	
4					Morphological adaptations* (Provide supporting data in remarks)	
5					Problematic hydrophytic vegetation*	
6					<u>X</u> (Explain in remarks)	
7						
8						
9						
10						
				=Total Cover		
Woody vine stratum:	(Plot size: <u>15 feet</u>)				*Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic	
1						
2						
				=Total Cover	Hydrophytic vegetation present? <u>Yes</u>	

Remarks: Agricultural field with no seed planted yet for the season. Random volunteers have started to grow.



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EXHIBIT G:
WETLAND DETERMINATION DATA FORM

Sample Point: W1-A

(Midwest Region)

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-3	10YR 2/1	100					Clay Loam	
3 to 11	10YR 2/1	90	10YR 4/6	10	C	M	Clay Loam	
*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix								
Hydric Soil Indicators:			Indicators for Problematic Hydric Soils*:					
☐ Histisol (A1)			☐ Sandy Gleyed Matrix (S4)			☐ Coast Prairie Redox (A16)(LRR K,L,R)		
☐ Histic Epipedon (A2)			☐ Sandy Redox (S5)			☐ Dark Surface (S7)(LRR K, L)		
☐ Black Histic (A3)			☐ Stripped Matrix (S6)			☐ Iron-Manganese Masses (F12)(LRR K, L, R)		
☐ Hydrogen Sulfide (A4)			☐ Loamy Mucky Material (F1)			☐ Very Shallow Dark Surface (TF12)		
☐ Stratified Layers (A5)			☐ Loamy Gleyed Matrix (F2)			☐ Other (Explain in remarks)		
☐ 2 cm Muck (A10)			☐ Depleted Matrix (F3)			*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic		
☐ Depleted Below Dark Surface (A11)			☒ Redox Dark Surface (F6)					
☐ Thick Dark Surface (A12)			☐ Depleted Dark Surface (F7)					
☐ Sandy Mucky Material (S1)			☐ Redox Depressions (F8)					
☐ 5 cm Mucky Peat or Peat (S3)								
Restrictive Layer (if observed):								
Type: _____			Hydric Soils Present? <u>Yes</u>					
Depth (inches): _____								
Remarks: _____								

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
☐ Surface Water (A1)	☐ Water-Stained Leaves (B9)	☐ Surface Soil Crack (B6)
☐ High Water Table (A2)	☐ Aquatic Fauna (B13)	☒ Drainage Patterns (B10)
☒ Saturation (A3)	☐ True Aquatic Plants (B14)	☐ Dry-Season Water Table (C2)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)	☐ Crayfish Burrows (C8)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres on Living Roots (C3)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Drift Deposits (B3)	☐ Presence or Reduced Iron (C4)	☐ Stunted or Stressed Plants (D1)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)	☒ Geomorphic Position (D2)
☐ Iron Deposits (B5)	☐ Thin Muck Surface (C7)	☐ FAC-Neutral Test (D5)
☐ Inundation Visible on Aerial Imagery (B7)	☐ Gauge or Well Data (C7)	
☐ Sparsely Vegetated Concave Surface (B8)	☐ Other (Explain in Remarks)	
Field Observations:		Indicators of Wetland Hydrology Present? <u>Yes</u>
Surface Water Present? <u>No</u>	Depth (inches): _____	
Water Table Present? <u>Yes</u>	Depth (inches): <u>13</u>	
Saturation Present? <u>Yes</u>	Depth (inches): <u>3</u>	
Remarks: _____		



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EXHIBIT G: WETLAND DETERMINATION DATA FORM

(Midwest Region)

Project/Site: Zarn Property City/County: Mankato Twp/ Blue Earth County Sampling Date: 4/30/2024
Applicant/Owner: Jim Zarn State: Minnesota Sample Point: W1-B
Investigator(s): Addeline Theis Section, Township, Range: Sec 35, T108N, R27W
Landforms (hillside, terrace, etc.): Toeslope Local Relief (concave, convex, none): Linear
Slope (%): 2-5% Latitude: _____ Longitude: _____ Datum: Blue Earth
Soil Map Unit Name: 106B-Lester Loam NWI Classification: None

Are climatic/hydrologic conditions of the site typical for this time of year? No (If no, explain in remarks)
Are vegetation X, soils _____, or hydrology _____ significantly disturbed? Are normal circumstances present? No
Are vegetation _____, soils _____, or hydrology _____ naturally problematic? (If needed, explain any answers in Remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>No</u>	Is the sampled area within a wetland? <u>No</u>
Hydric soils present?	<u>No</u>	
Wetland hydrology present?	<u>No</u>	
Remarks: <u>Antecedent precipitation conditions were above normal at time of site visit. High and low temperatures have been above historic ranges at time of site visit .</u>		

VEGETATION - Use scientific names of plants

Tree Stratum	(Plot size: <u>30 feet</u>)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet Number of dominant species that are OBL, FACW, or FAC: _____ (A) Total number of dominant species across all strata: _____ (B) Percent of dominant species that are OBL, FACW or FAC: _____ (A/B)
1					
2					
3					
4					
5					
					=Total Cover
Sapling/Shrub stratum	(Plot size: <u>15 feet</u>)				Prevalence Index Worksheet Total % cover of: OBL Species: _____ x 1 = _____ FACW Species: _____ x 2 = _____ FAC Species: _____ x 3 = _____ FACU species: _____ x 4 = _____ UPL Species: _____ x 5 = _____ Totals: _____ (A) _____ (B) Prevalence Index (B/A): _____
1					
2					
3					
4					
5					
					=Total Cover
Herb stratum:	(Plot size: <u>5 feet</u>)				Hydrophytic Vegetation Indicators _____ Rapid test for hydrophytic vegetation _____ Dominance test >50% _____ Prevalence index is ≤3.0* _____ Morphological adaptations* (Provide supporting data in remarks) _____ Problematic hydrophytic vegetation* (Explain in remarks) _____ *Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
					=Total Cover
Woody vine stratum:	(Plot size: <u>15 feet</u>)				Hydrophytic vegetation present? <u>No</u>
1					
2					
					=Total Cover

Remarks: Agricultural field with no seed planted yet for the season. Random volunteers have started to grow.



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EXHIBIT G:
WETLAND DETERMINATION DATA FORM

Sample Point: W1-B

(Midwest Region)

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-15	10YR 2/1	100					Clay Loam	
15 to 19	10YR 3/1	100					Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:		Indicators for Problematic Hydric Soils*:	
☐ Histisol (A1)	☐ Sandy Gleyed Matrix (S4)	☐ Coast Prairie Redox (A16)(LRR K,L,R)	
☐ Histic Epipedon (A2)	☐ Sandy Redox (S5)	☐ Dark Surface (S7)(LRR K, L)	
☐ Black Histic (A3)	☐ Stripped Matrix (S6)	☐ Iron-Manganese Masses (F12)(LRR K, L, R)	
☐ Hydrogen Sulfide (A4)	☐ Loamy Mucky Material (F1)	☐ Very Shallow Dark Surface (TF12)	
☐ Stratified Layers (A5)	☐ Loamy Gleyed Matrix (F2)	☐ Other (Explain in remarks)	
☐ 2 cm Muck (A10)	☐ Depleted Matrix (F3)		
☐ Depleted Below Dark Surface (A11)	☐ Redox Dark Surface (F6)		
☐ Thick Dark Surface (A12)	☐ Depleted Dark Surface (F7)		
☐ Sandy Mucky Material (S1)	☐ Redox Depressions (F8)		
☐ 5 cm Mucky Peat or Peat (S3)			

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):	Hydric Soils Present?
Type: _____ Depth (inches): _____	<u>No</u>

Remarks: _____

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)
☐ Surface Water (A1)	☐ Water-Stained Leaves (B9)	☐ Surface Soil Crack (B6)
☐ High Water Table (A2)	☐ Aquatic Fauna (B13)	☐ Drainage Patterns (B10)
☐ Saturation (A3)	☐ True Aquatic Plants (B14)	☐ Dry-Season Water Table (C2)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)	☐ Crayfish Burrows (C8)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres on Living Roots (C3)	☐ Saturation Visible on Aerial Imagery (C9)
☐ Drift Deposits (B3)	☐ Presence or Reduced Iron (C4)	☐ Stunted or Stressed Plants (D1)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)	☐ Geomorphic Position (D2)
☐ Iron Deposits (B5)	☐ Thin Muck Surface (C7)	☐ FAC-Neutral Test (D5)
☐ Inundation Visible on Aerial Imagery (B7)	☐ Gauge or Well Data (C7)	
☐ Sparsely Vegetated Concave Surface (B8)	☐ Other (Explain in Remarks)	

Field Observations:		Indicators of Wetland Hydrology Present? <u>No</u>
Surface Water Present?	<u>No</u> Depth (inches): _____	
Water Table Present?	<u>No</u> Depth (inches): _____	
Saturation Present?	<u>No</u> Depth (inches): _____	

Remarks: _____



**BOLTON
& MENK**

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**EXHIBIT G:
WETLAND DETERMINATION DATA FORM**

(Midwest Region)

Project/Site: Zarn Property City/County: Mankato Twp/ Blue Earth County Sampling Date: 5/15/2024
Applicant/Owner: Jim Zarn State: Minnesota Sample Point: W2-A
Investigator(s): Addeline Theis Section, Township, Range: Sec 35, T108N, R27W
Landforms (hillside, terrace, etc.): Hillside with small basin Local Relief (concave, convex, none): Concave
Slope (%): 3-4% Latitude: _____ Longitude: _____ Datum: Blue Earth
Soil Map Unit Name: 961-Storden complex, very steep NWI Classification: None
Are climatic/hydrologic conditions of the site typical for this time of year? No (If no, explain in remarks)
Are vegetation _____, soils _____, or hydrology _____ significantly disturbed? Are normal circumstances present? No
Are vegetation _____, soils X, or hydrology _____ naturally problematic? (If needed, explain any answers in Remarks)

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>Yes</u>	Is the sampled area within a wetland? <u>Yes</u>
Hydric soils present?	<u>Yes</u>	
Wetland hydrology present?	<u>Yes</u>	
Remarks:	Antecedent precipitation conditions were above normal at time of site visit. High and low temperatures have been above historic ranges at time of site visit. Soils are naturally problematic due to bedrock close to surface.	

VEGETATION - Use scientific names of plants

Tree Stratum	(Plot size: <u>30 feet</u>)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet
1	_____	_____	_____	_____	Number of dominant species that are OBL, FACW, or FAC: <u>1</u> (A) Total number of dominant species across all strata: <u>1</u> (B) Percent of dominant species that are OBL, FACW or FAC: <u>100%</u> (A/B)
2	_____	_____	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
					Prevalence Index Worksheet Total % cover of: OBL Species: <u>0</u> x 1 = <u>0</u> FACW Species: <u>95</u> x 2 = <u>190</u> FAC Species: <u>0</u> x 3 = <u>0</u> FACU species: <u>0</u> x 4 = <u>0</u> UPL Species: <u>0</u> x 5 = <u>0</u> Totals: <u>95</u> (A) <u>190</u> (B) Prevalence Index (B/A): <u>2.00</u>
=Total Cover					
Sapling/Shrub stratum	(Plot size: <u>15 feet</u>)				
1	_____	_____	_____	_____	
2	_____	_____	_____	_____	
3	_____	_____	_____	_____	
4	_____	_____	_____	_____	
5	_____	_____	_____	_____	
					Hydrophytic Vegetation Indicators ☒ Rapid test for hydrophytic vegetation ☒ Dominance test >50% ☒ Prevalence index is ≤3.0* Morphological adaptations* (Provide supporting data in remarks) Problematic hydrophytic vegetation* (Explain in remarks) *Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
=Total Cover					
Herb stratum:	(Plot size: <u>5 feet</u>)				
1 <u>Impatiens pallida</u>		<u>85%</u>	<u>Yes</u>	<u>FACW</u>	
2 <u>Urtica dioica</u>		<u>10%</u>	<u>No</u>	<u>FACW</u>	
3					
4					
5					
6					
7					
8					
9					
10					
					Hydrophytic vegetation present? <u>Yes</u>
=Total Cover					
Woody vine stratum:	(Plot size: <u>15 feet</u>)				
1	_____	_____	_____	_____	
2	_____	_____	_____	_____	
=Total Cover					
Remarks: <u>No trees growing within the wetland</u>					



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EXHIBIT G:
WETLAND DETERMINATION DATA FORM

(Midwest Region)

Sample Point: W2-A

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-6	10YR 2/1	100					Silty Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

Histisol (A1)

Histic Epipedon (A2)

Black Histic (A3)

Hydrogen Sulfide (A4)

Stratified Layers (A5)

2 cm Muck (A10)

Depleted Below Dark Surface (A11)

Thick Dark Surface (A12)

Sandy Mucky Material (S1)

5 cm Mucky Peat or Peat (S3)

Sandy Gleyed Matrix (S4)

Sandy Redox (S5)

Stripped Matrix (S6)

Loamy Mucky Material (F1)

Loamy Gleyed Matrix (F2)

Depleted Matrix (F3)

Redox Dark Surface (F6)

Depleted Dark Surface (F7)

Redox Depressions (F8)

Indicators for Problematic Hydric Soils*:

Coast Prairie Redox (A16)(LRR K,L,R)

Dark Surface (S7)(LRR K, L)

Iron-Manganese Masses (F12)(LRR K, L, R)

Very Shallow Dark Surface (TF12)

X

Other (Explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Bedrock

Depth (inches):

6 inches

Hydric Soils Present?

Yes

Remarks:

Problematic hydric soil due to groundwater coming out at the base of the bluff. Bedrock is close to the surface.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

X

Surface Water (A1)

High Water Table (A2)

X

Saturation (A3)

Water Marks (B1)

Sediment Deposits (B2)

Drift Deposits (B3)

Algal Mat or Crust (B4)

Iron Deposits (B5)

Inundation Visible on Aerial Imagery (B7)

Sparsely Vegetated Concave Surface (B8)

Water-Stained Leaves (B9)

Aquatic Fauna (B13)

True Aquatic Plants (B14)

Hydrogen Sulfide Odor (C1)

Oxidized Rhizospheres on Living Roots (C3)

Presence or Reduced Iron (C4)

Recent Iron Reduction in Tilled Soils (C6)

Thin Muck Surface (C7)

Gauge or Well Data (C7)

Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

Surface Soil Crack (B6)

Drainage Patterns (B10)

Dry-Season Water Table (C2)

Crayfish Burrows (C8)

Saturation Visible on Aerial Imagery (C9)

Stunted or Stressed Plants (D1)

Geomorphic Position (D2)

FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?

Yes

Water Table Present?

Yes

Saturation Present?

Yes

Depth (inches):

0

Depth (inches):

5

Depth (inches):

0

Indicators of Wetland Hydrology Present?

Yes

Remarks:



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**EXHIBIT G:
WETLAND DETERMINATION DATA FORM**

(Midwest Region)

Project/Site:	<u>Zarn Property</u>	City/County:	<u>Mankato Twp/ Blue Earth County</u>	Sampling Date:	<u>4/30/2024</u>
Applicant/Owner:	<u>Jim Zarn</u>	State:	<u>Minnesota</u>	Sample Point:	<u>W2-B</u>
Investigator(s):	<u>Addeline Theis</u>	Section, Township, Range:	<u>Sec 35, T108N, R27W</u>		
Landforms (hillside, terrace, etc.):	<u>Hillside</u>	Local Relief (concave, convex, none):	<u>Linear</u>		
Slope (%):	<u>6-10%</u>	Latitude:		Longitude:	
				Datum:	<u>Blue Earth</u>
Soil Map Unit Name:	<u>106B-Lester Loam</u>	NWI Classification:	<u>None</u>		
Are climatic/hydrologic conditions of the site typical for this time of year?		<u>No</u>	(If no, explain in remarks)		
Are vegetation _____, soils _____, or hydrology _____ significantly disturbed?			Are normal circumstances present? <u>No</u>		
Are vegetation _____, soils _____, or hydrology _____ naturally problematic?			(If needed, explain any answers in Remarks)		

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>No</u>	Is the sampled area within a wetland?	<u>No</u>
Hydric soils present?	<u>No</u>		
Wetland hydrology present?	<u>No</u>		
Remarks:	<u>Antecedent precipitation conditions were above normal at time of site visit. High and low temperatures have been above historic ranges at time of site visit .</u>		

VEGETATION - Use scientific names of plants

Tree Stratum (Plot size: <u>30 feet</u>)				Dominance Test Worksheet	
1	<u>Acer saccharum</u>	Absolute % Cover <u>30</u>	Dominant Species <u>Yes</u>	Indicator Status <u>FACU</u>	Number of dominant species that are OBL, FACW, or FAC: <u>4</u> (A)
2	<u>Acer negundo</u>	<u>15</u>	<u>Yes</u>	<u>FAC</u>	Total number of dominant species across all strata: <u>5</u> (B)
3					Percent of dominant species that are OBL, FACW or FAC: <u>80%</u> (A/B)
4					
5					
		<u>45</u>	=Total Cover		
Sapling/Shrub stratum (Plot size: <u>15 feet</u>)				Prevalence Index Worksheet	
1	<u>Rhamnus cathartica</u>	<u>35</u>	<u>Yes</u>	<u>FAC</u>	Total % cover of:
2	<u>ribes cynosbati</u>	<u>10</u>	<u>Yes</u>	<u>FAC</u>	OBL Species: <u>0</u> x 1 = <u>0</u>
3					FACW Species: <u>0</u> x 2 = <u>0</u>
4					FAC Species: <u>95</u> x 3 = <u>285</u>
5					FACU species: <u>45</u> x 4 = <u>180</u>
		<u>45</u>	=Total Cover		UPL Species: <u>30</u> x 5 = <u>150</u>
					Totals: <u>170</u> (A) <u>615</u> (B)
					Prevalence Index (B/A): <u>3.62</u>
Herb stratum: (Plot size: <u>5 feet</u>)				Hydrophytic Vegetation Indicators	
1	<u>Hydrophyllum virginianum</u>	<u>35</u>	<u>Yes</u>	<u>FAC</u>	Rapid test for hydrophytic vegetation
2	<u>Carex albursina</u>	<u>25</u>	<u>Yes</u>	<u>UPL</u>	Dominance test >50%
3	<u>Erythronium albidum</u>	<u>15</u>	<u>No</u>	<u>FACU</u>	Prevalence index is ≤3.0*
4	<u>Cystopteris tenuis</u>	<u>5</u>	<u>No</u>	<u>UPL</u>	Morphological adaptations* (Provide supporting data in remarks)
5					Problematic hydrophytic vegetation* (Explain in remarks)
6					
7					
8					
9					
10					
		<u>80</u>	=Total Cover		
Woody vine stratum: (Plot size: <u>15 feet</u>)				Hydrophytic vegetation present? <u>No</u>	
1					
2					
			=Total Cover		
Remarks: _____					



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EXHIBIT G:
WETLAND DETERMINATION DATA FORM

(Midwest Region)

Sample Point: W2-B

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-14	10YR 2/1	100					Sandy Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

Histisol (A1)

Histic Epipedon (A2)

Black Histic (A3)

Hydrogen Sulfide (A4)

Stratified Layers (A5)

2 cm Muck (A10)

Depleted Below Dark Surface (A11)

Thick Dark Surface (A12)

Sandy Mucky Material (S1)

5 cm Mucky Peat or Peat (S3)

Sandy Gleyed Matrix (S4)

Sandy Redox (S5)

Stripped Matrix (S6)

Loamy Mucky Material (F1)

Loamy Gleyed Matrix (F2)

Depleted Matrix (F3)

Redox Dark Surface (F6)

Depleted Dark Surface (F7)

Redox Depressions (F8)

Indicators for Problematic Hydric Soils*:

Coast Prairie Redox (A16)(LRR K,L,R)

Dark Surface (S7)(LRR K, L)

Iron-Manganese Masses (F12)(LRR K, L, R)

Very Shallow Dark Surface (TF12)

Other (Explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Depth (inches):

Hydric Soils Present?

No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Surface Water (A1)

High Water Table (A2)

Saturation (A3)

Water Marks (B1)

Sediment Deposits (B2)

Drift Deposits (B3)

Algal Mat or Crust (B4)

Iron Deposits (B5)

Inundation Visible on Aerial Imagery (B7)

Sparsely Vegetated Concave Surface (B8)

Water-Stained Leaves (B9)

Aquatic Fauna (B13)

True Aquatic Plants (B14)

Hydrogen Sulfide Odor (C1)

Oxidized Rhizospheres on Living Roots (C3)

Presence or Reduced Iron (C4)

Recent Iron Reduction in Tilled Soils (C6)

Thin Muck Surface (C7)

Gauge or Well Data (C7)

Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

Surface Soil Crack (B6)

Drainage Patterns (B10)

Dry-Season Water Table (C2)

Crayfish Burrows (C8)

Saturation Visible on Aerial Imagery (C9)

Stunted or Stressed Plants (D1)

Geomorphic Position (D2)

FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?

No

Water Table Present?

No

Saturation Present?

No

Depth (inches):

Depth (inches):

Depth (inches):

Indicators of Wetland Hydrology Present?

No

Remarks:



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**EXHIBIT G:
WETLAND DETERMINATION DATA FORM**

(Midwest Region)

Project/Site:	<u>Zarn Property</u>	City/County:	<u>Mankato Twp/ Blue Earth County</u>	Sampling Date:	<u>5/15/2024</u>
Applicant/Owner:	<u>Jim Zarn</u>	State:	<u>Minnesota</u>	Sample Point:	<u>W3-A</u>
Investigator(s):	<u>Addeline Theis</u>	Section, Township, Range:	<u>Sec 35, T108N, R27W</u>		
Landforms (hillside, terrace, etc.):	<u>Hillside with small basin</u>	Local Relief (concave, convex, none):	<u>Concave</u>		
Slope (%):	<u>3-4%</u>	Latitude:		Longitude:	
				Datum:	<u>Blue Earth</u>
Soil Map Unit Name:	<u>961-Storden complex, very steep</u>	NWI Classification:	<u>None</u>		
Are climatic/hydrologic conditions of the site typical for this time of year?	<u>No</u>	(If no, explain in remarks)			
Are vegetation _____, soils _____, or hydrology _____ significantly disturbed?		Are normal circumstances present?	<u>No</u>		
Are vegetation _____, soils _____, or hydrology _____ naturally problematic?		(If needed, explain any answers in Remarks)			

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>Yes</u>	Is the sampled area within a wetland?	<u>Yes</u>
Hydric soils present?	<u>Yes</u>		
Wetland hydrology present?	<u>Yes</u>		
Remarks:	<u>Antecedent precipitation conditions were above normal at time of site visit. High and low temperatures have been above historic ranges at time of site visit.</u>		

VEGETATION - Use scientific names of plants

Tree Stratum (Plot size: <u>30 feet</u>)	Absolute % Cover	Dominant Species	Indicator Status	Dominance Test Worksheet Number of dominant species that are OBL, FACW, or FAC: <u>1</u> (A) Total number of dominant species across all strata: <u>2</u> (B) Percent of dominant species that are OBL, FACW or FAC: <u>100%</u> (A/B)
1 _____	_____	_____	_____	
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
=Total Cover				
Sapling/Shrub stratum (Plot size: <u>15 feet</u>)				Prevalence Index Worksheet Total % cover of: OBL Species: <u>0</u> x 1 = <u>0</u> FACW Species: <u>90</u> x 2 = <u>180</u> FAC Species: <u>10</u> x 3 = <u>30</u> FACU species: <u>15</u> x 4 = <u>60</u> UPL Species: <u>0</u> x 5 = <u>0</u> Totals: <u>115</u> (A) <u>270</u> (B) Prevalence Index (B/A): <u>2.35</u>
1 <u>Sambucus racemosa</u>	<u>15%</u>	<u>Yes</u>	<u>FACU</u>	
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
=Total Cover				
Herb stratum: (Plot size: <u>5 feet</u>)				Hydrophytic Vegetation Indicators Rapid test for hydrophytic vegetation Dominance test >50% <u>X</u> Prevalence index is ≤3.0* Morphological adaptations* (Provide supporting data in remarks) Problematic hydrophytic vegetation* (Explain in remarks) *Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
1 <u>Impatiens pallida</u>	<u>75%</u>	<u>Yes</u>	<u>FACW</u>	
2 <u>Ranunculus recurvatus</u>	<u>15%</u>	<u>No</u>	<u>FACW</u>	
3 <u>Galium boreale</u>	<u>10%</u>	<u>No</u>	<u>FAC</u>	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
6 _____	_____	_____	_____	
7 _____	_____	_____	_____	
8 _____	_____	_____	_____	
9 _____	_____	_____	_____	
10 _____	_____	_____	_____	
=Total Cover				
Woody vine stratum: (Plot size: <u>15 feet</u>)				Hydrophytic vegetation present? <u>Yes</u>
1 _____	_____	_____	_____	
2 _____	_____	_____	_____	
=Total Cover				
Remarks: <u>No trees growing within the wetland</u>				



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EXHIBIT G:
WETLAND DETERMINATION DATA FORM

(Midwest Region)

Sample Point: W3-A

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-2	10YR 2/1	100					Muck	
2 to 20	10YR 2/1	100					Clay Loam	
20-26	10YR 2/1	90	10YR 4/6	10	C	M	Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

Histisol (A1)

Histic Epipedon (A2)

Black Histic (A3)

Hydrogen Sulfide (A4)

Stratified Layers (A5)

X

2 cm Muck (A10)

Depleted Below Dark Surface (A11)

Thick Dark Surface (A12)

Sandy Mucky Material (S1)

5 cm Mucky Peat or Peat (S3)

Sandy Gleyed Matrix (S4)

Sandy Redox (S5)

Stripped Matrix (S6)

Loamy Mucky Material (F1)

Loamy Gleyed Matrix (F2)

Depleted Matrix (F3)

Redox Dark Surface (F6)

Depleted Dark Surface (F7)

Redox Depressions (F8)

Indicators for Problematic Hydric Soils*:

Coast Prairie Redox (A16)(LRR K,L,R)

Dark Surface (S7)(LRR K, L)

Iron-Manganese Masses (F12)(LRR K, L, R)

Very Shallow Dark Surface (TF12)

Other (Explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Depth (inches):

Hydric Soils Present?

Yes

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Surface Water (A1)

High Water Table (A2)

X

Saturation (A3)

Water Marks (B1)

Sediment Deposits (B2)

Drift Deposits (B3)

Algal Mat or Crust (B4)

Iron Deposits (B5)

Inundation Visible on Aerial Imagery (B7)

Sparsely Vegetated Concave Surface (B8)

Water-Stained Leaves (B9)

Aquatic Fauna (B13)

True Aquatic Plants (B14)

Hydrogen Sulfide Odor (C1)

Oxidized Rhizospheres on Living Roots (C3)

Presence or Reduced Iron (C4)

Recent Iron Reduction in Tilled Soils (C6)

Thin Muck Surface (C7)

Gauge or Well Data (C7)

Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

Surface Soil Crack (B6)

Drainage Patterns (B10)

Dry-Season Water Table (C2)

Crayfish Burrows (C8)

Saturation Visible on Aerial Imagery (C9)

Stunted or Stressed Plants (D1)

Geomorphic Position (D2)

FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?

No

Water Table Present?

Yes

Saturation Present?

Yes

Depth (inches):

Depth (inches):

15

Depth (inches):

3

Indicators of Wetland Hydrology Present?

Yes

Remarks:



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**EXHIBIT G:
WETLAND DETERMINATION DATA FORM**

(Midwest Region)

Project/Site:	<u>Zarn Property</u>	City/County:	<u>Mankato Twp/ Blue Earth County</u>	Sampling Date:	<u>4/30/2024</u>
Applicant/Owner:	<u>Jim Zarn</u>	State:	<u>Minnesota</u>	Sample Point:	<u>W3-B</u>
Investigator(s):	<u>Addeline Theis</u>	Section, Township, Range:	<u>Sec 35, T108N, R27W</u>		
Landforms (hillside, terrace, etc.):	<u>Hillside</u>	Local Relief (concave, convex, none):	<u>Linear</u>		
Slope (%):	<u>6-10%</u>	Latitude:	<u></u>	Longitude:	<u></u>
				Datum:	<u>Blue Earth</u>
Soil Map Unit Name:	<u>106B-Lester Loam</u>	NWI Classification:	<u>None</u>		
Are climatic/hydrologic conditions of the site typical for this time of year?		<u>No</u>	(If no, explain in remarks)		
Are vegetation <u></u> , soils <u></u> , or hydrology <u></u> significantly disturbed?		Are normal circumstances present? <u>No</u>			
Are vegetation <u></u> , soils <u></u> , or hydrology <u></u> naturally problematic?		(If needed, explain any answers in Remarks)			

SUMMARY OF FINDINGS

Hydrophytic vegetation present?	<u>No</u>	Is the sampled area within a wetland?	<u>No</u>
Hydric soils present?	<u>No</u>		
Wetland hydrology present?	<u>No</u>		
Remarks:	<u>Antecedent precipitation conditions were above normal at time of site visit. High and low temperatures have been above historic ranges at time of site visit .</u>		

VEGETATION - Use scientific names of plants

Tree Stratum (Plot size: <u>30 feet</u>)				Dominance Test Worksheet	
1	<u>Fraxinus pennsylvanica</u>	Absolute % Cover: <u>35</u>	Dominant Species: <u>Yes</u>	Indicator Status: <u>FACW</u>	Number of dominant species that are OBL, FACW, or FAC: <u>4</u> (A)
2	<u>Acer negundo</u>	<u>25</u>	<u>Yes</u>	<u>FAC</u>	Total number of dominant species across all strata: <u>5</u> (B)
3	<u></u>	<u></u>	<u></u>	<u></u>	Percent of dominant species that are OBL, FACW or FAC: <u>80%</u> (A/B)
4	<u></u>	<u></u>	<u></u>	<u></u>	
5	<u></u>	<u></u>	<u></u>	<u></u>	
		<u>60</u> =Total Cover			
Sapling/Shrub stratum (Plot size: <u>15 feet</u>)				Prevalence Index Worksheet	
1	<u>Rubus occidentalis</u>	<u>25</u>	<u>Yes</u>	<u>UPL</u>	Total % cover of:
2	<u></u>	<u></u>	<u></u>	<u></u>	OBL Species: <u>0</u> x 1 = <u>0</u>
3	<u></u>	<u></u>	<u></u>	<u></u>	FACW Species: <u>74</u> x 2 = <u>150</u>
4	<u></u>	<u></u>	<u></u>	<u></u>	FAC Species: <u>60</u> x 3 = <u>180</u>
5	<u></u>	<u></u>	<u></u>	<u></u>	FACU species: <u>34</u> x 4 = <u>136</u>
		<u>25</u> =Total Cover			UPL Species: <u>25</u> x 5 = <u>125</u>
					Totals: <u>193</u> (A) <u>591</u> (B)
Herb stratum: (Plot size: <u>5 feet</u>)				Prevalence Index (B/A): <u>3.06</u>	
1	<u>Laportea canadensis</u>	<u>40</u>	<u>Yes</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators Rapid test for hydrophytic vegetation Dominance test >50% Prevalence index is ≤3.0* Morphological adaptations* (Provide supporting data in remarks) Problematic hydrophytic vegetation* (Explain in remarks) *Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic
2	<u>Alliaria petiolata</u>	<u>35</u>	<u>Yes</u>	<u>FAC</u>	
3	<u>Osmorhizia claytonii</u>	<u>20</u>	<u>No</u>	<u>FACU</u>	
4	<u>Aquilegia canadensis</u>	<u>7</u>	<u>No</u>	<u>FACU</u>	
5	<u>Germanium maculatum</u>	<u>7</u>	<u>No</u>	<u>FACU</u>	
6	<u></u>	<u></u>	<u></u>	<u></u>	
7	<u></u>	<u></u>	<u></u>	<u></u>	
8	<u></u>	<u></u>	<u></u>	<u></u>	
9	<u></u>	<u></u>	<u></u>	<u></u>	
10	<u></u>	<u></u>	<u></u>	<u></u>	
		<u>109</u> =Total Cover			
Woody vine stratum: (Plot size: <u>15 feet</u>)				Hydrophytic vegetation present? <u>No</u>	
1	<u></u>	<u></u>	<u></u>	<u></u>	
2	<u></u>	<u></u>	<u></u>	<u></u>	
		<u></u> =Total Cover			
Remarks: <u></u>					



Real People. Real Solutions.

EXHIBIT G:
WETLAND DETERMINATION DATA FORM

(Midwest Region)

Sample Point: W3-B

SOILS

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type*	Loc**		
0-19	10YR 2/1	100					Sandy Clay Loam	

*Type: C = Concentration, D = Depletion, RM = Reduced Matrix, MS = Masked Sand Grains. **Location: PL = Pore Lining, M = Matrix

Hydric Soil Indicators:

Histisol (A1)

Histic Epipedon (A2)

Black Histic (A3)

Hydrogen Sulfide (A4)

Stratified Layers (A5)

2 cm Muck (A10)

Depleted Below Dark Surface (A11)

Thick Dark Surface (A12)

Sandy Mucky Material (S1)

5 cm Mucky Peat or Peat (S3)

Sandy Gleyed Matrix (S4)

Sandy Redox (S5)

Stripped Matrix (S6)

Loamy Mucky Material (F1)

Loamy Gleyed Matrix (F2)

Depleted Matrix (F3)

Redox Dark Surface (F6)

Depleted Dark Surface (F7)

Redox Depressions (F8)

Indicators for Problematic Hydric Soils*:

Coast Prairie Redox (A16)(LRR K,L,R)

Dark Surface (S7)(LRR K, L)

Iron-Manganese Masses (F12)(LRR K, L, R)

Very Shallow Dark Surface (TF12)

Other (Explain in remarks)

*Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Depth (inches):

Hydric Soils Present?

No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Surface Water (A1)

High Water Table (A2)

Saturation (A3)

Water Marks (B1)

Sediment Deposits (B2)

Drift Deposits (B3)

Algal Mat or Crust (B4)

Iron Deposits (B5)

Inundation Visible on Aerial Imagery (B7)

Sparsely Vegetated Concave Surface (B8)

Water-Stained Leaves (B9)

Aquatic Fauna (B13)

True Aquatic Plants (B14)

Hydrogen Sulfide Odor (C1)

Oxidized Rhizospheres on Living Roots (C3)

Presence or Reduced Iron (C4)

Recent Iron Reduction in Tilled Soils (C6)

Thin Muck Surface (C7)

Gauge or Well Data (C7)

Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

Surface Soil Crack (B6)

Drainage Patterns (B10)

Dry-Season Water Table (C2)

Crayfish Burrows (C8)

Saturation Visible on Aerial Imagery (C9)

Stunted or Stressed Plants (D1)

Geomorphic Position (D2)

FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?

No

Water Table Present?

No

Saturation Present?

No

Depth (inches):

Depth (inches):

Depth (inches):

Indicators of Wetland Hydrology Present?

No

Remarks:

EXHIBIT H:
OFF-SITE HYDROLOGY ASSESSMENT
RECORDING FORM

Project/Site:

Jim Zarn Sec 35-108-27

Applicant/Owner:

Jim Zarn

Investigator(s):

Cortiney Galuska & Addie Theis

WETS Station ID:

Gridded Database

City/County:

Blue Earth County

State:

Minnesota

Sec, Twp, Ran:

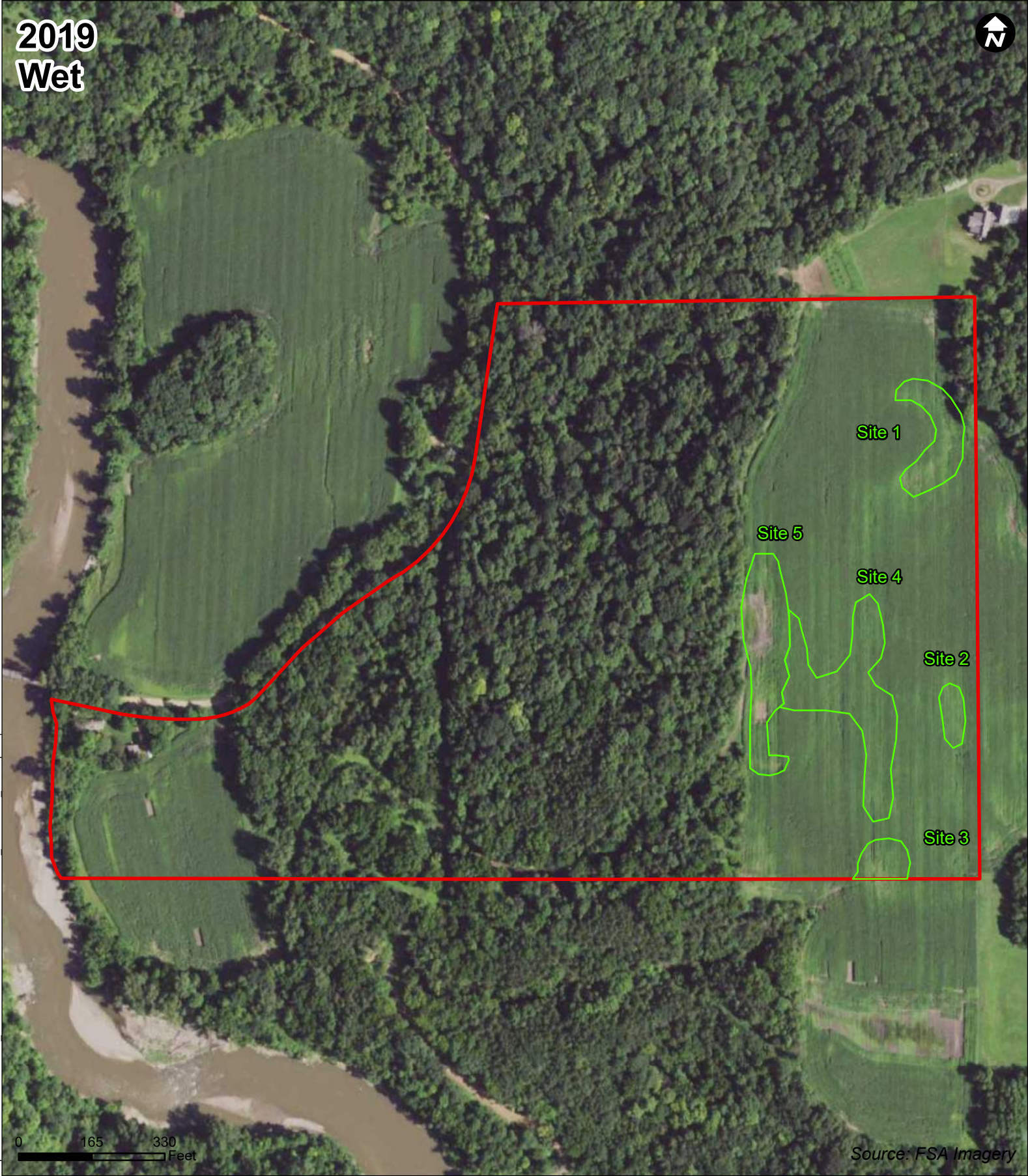
35, 108, 27

Date:

4/2/2024

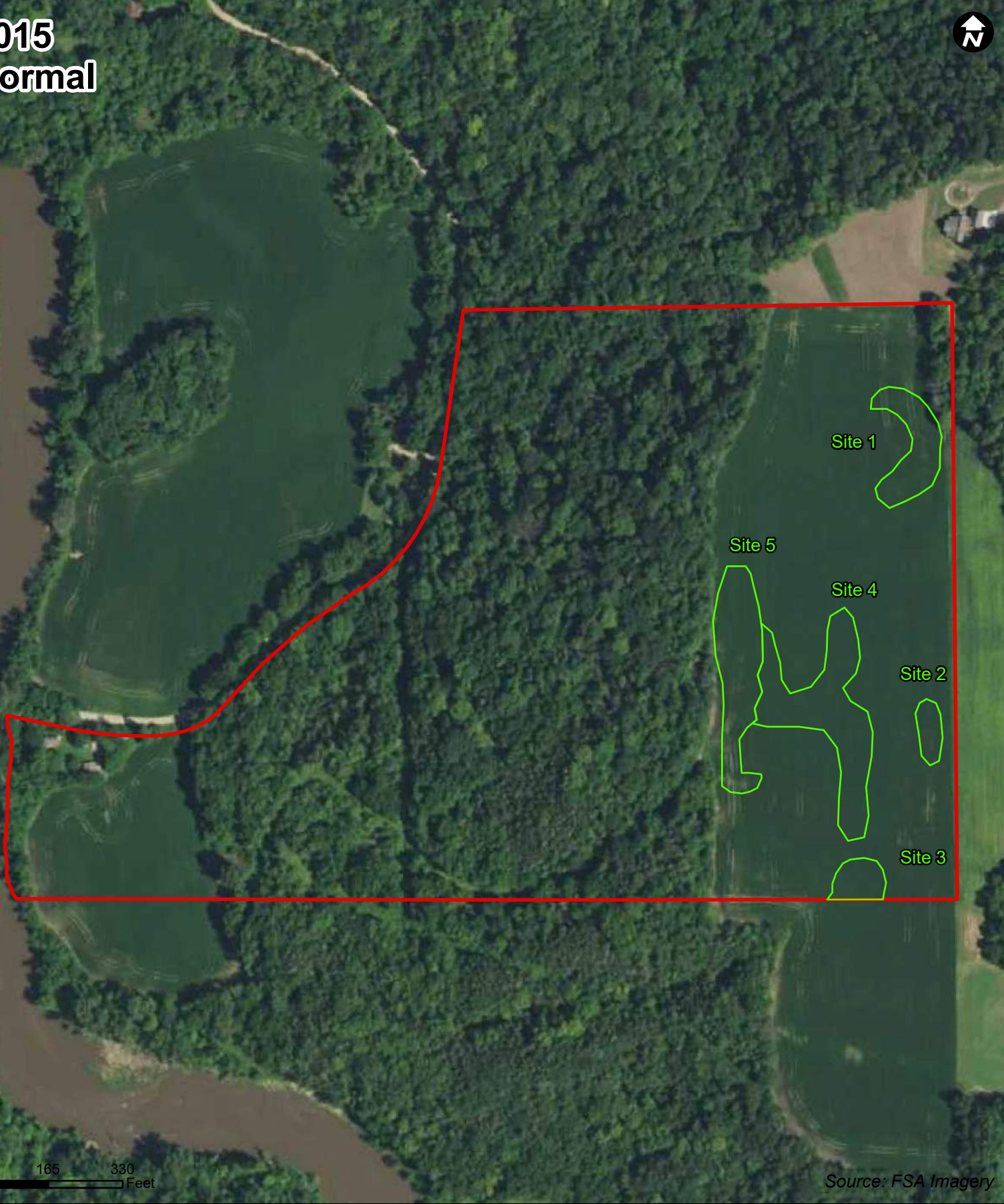
Date:	Source:	Assumed Month:	Climatic Condition:	Image Interpretations					
				Site 1	Site 2	Site 3	Site 4	Site 5	Notes
2019	MnGeo WMS	May	Wet	CS	CS	CS	NV	DO	
2017	MnGeo WMS	May	Normal	DO	DO	DO	CS	DO	Wet Winter
2015	MnGeo WMS	June	Normal	NV	NV	NV	NV	CS	
2013	MnGeo WMS	July	Normal	SS		SS			Field Recently Mowed
2010	MnGeo WMS	September	Normal	CS	NV	NV	NV	CS	
2009	MnGeo WMS	July	Dry	NV	NV	NV	NV	NV	
2008	MnGeo WMS	July	Dry	SS					Field Recently Mowed
2003	MnGeo WMS	June	Normal	NV	NV	NV	NV	NV	
Hydric Soil				No	No	No	No	No	
NWI				No	No	No	No	No	
Normal Years				5	5	5	5	5	
Wet Signatures				3	1	2	1	3	
Percent Wet Signatures				60%	20%	40%	20%	60%	
NV - Normal Vegetation, WS - Wetland Signature, CS - Crop Stress, DO - Drown Out, SW - Standing Water, AP - Altered Pattern, NC - Not Cropped, SS-Soil Wetness									

Decision Matrix						Results
Hydric Soil	NWI	% Wet	% Wet	Field visit?	Wetland?	
Yes	Yes	>50%	>50%	No	Yes	
Yes	Yes	30-50%	30-50%	No	Yes	
Yes	Yes	<30%	<30%	Yes	Yes, w/field hydro	
Yes	No	>50%	>50%	No	Yes	
Yes	No	30-50%	30-50%	Yes	Yes, w/field hydro	
Yes	No	<30%	<30%	No	No	
No	Yes	>50%	>50%	No	Yes	
No	Yes	30-50%	30-50%	No	Yes	
No	Yes	<30%	<30%	No	No	
No	No	>50%	>50%	Yes	Yes, w/field hydro	Sites 1 & 5
No	No	30-50%	30-50%	Yes	Yes, w/field hydro	Site 3
No	No	<30%	<30%	No	No	Sites 2 & 4

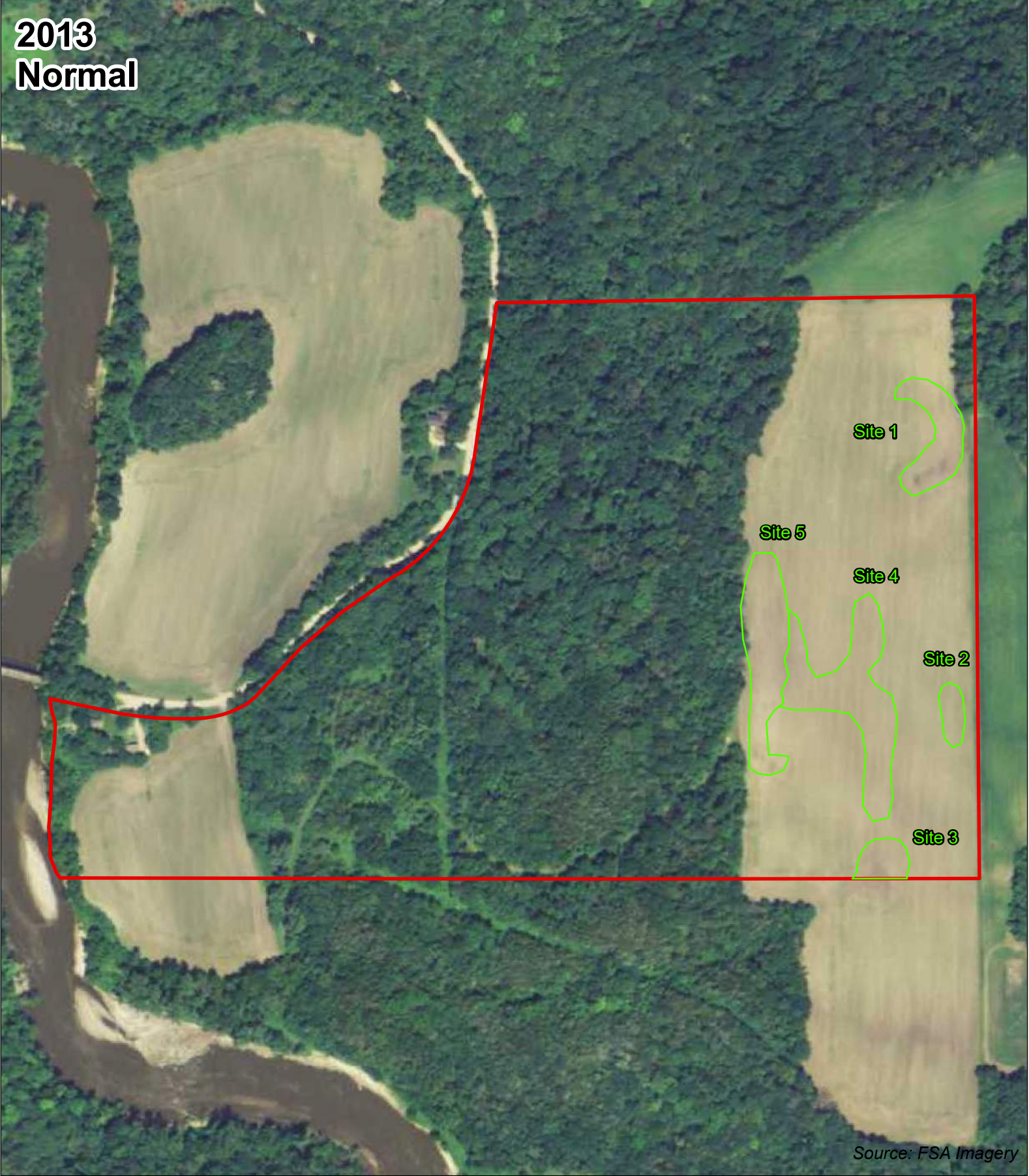


Map Document: H:\ZARN\JIM_PROM\3133319\GIS\ESRI\Pro\Wetland_Delineation_Base.aprx | Date Saved: 4/2/2024 10:23 AM

2015
Normal



2013
Normal



2010
Normal



Source: FSA Imagery

2009
Dry



Source: FSA Imagery

2008
Dry



2003
Normal

0 165 330 Feet

Source: FSA Imagery

Source: FSA Imagery

Map Document: H:\ZARN\JIM_PROM\3133319\GIS\ESRI\Pro\Wetland_Delineation_Base.aprx | Date Saved: 4/2/2024 11:21 AM

Application Questionnaire - Zarn After the Fact Variance

Specify the section of the ordinance from which a variance is sought:

I'm applying for an after the fact variance for the rear yard and side yard setback requirement for the property.

Explain how you wish to vary from the applicable provisions of the ordinance:

When staking out the Shouse I used the mapping software that was available to me but was incorrectly staked out. Not intentional

In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes

Shouse was incorrectly staked out at a skewed angle.

In your opinion, is the variance consistent with the comprehensive plan?

Yes

Shouse fits nicely on the building site.

Application Questionnaire - Zarn After the Fact Variance

In your opinion, does the proposal put the property to use in a reasonable manner?

Yes



There is only one dwelling on the building site and fits in nicely.

In your opinion, are there circumstances unique to the property?

No



Nothing unique to the property

In your opinion, will the variance maintain the essential character of the locality?

Yes



Shouse its nicely on building site.



ZARN ACRES
PRELIMINARY PLAT

OWNER
JIM & ELIZABETH ZARN
19519 IVYWOOD LANE
MANKATO, MN 56001

SURVEYOR
Mike Eichers
Bolton & Menk Inc.
1960 Premier Drive
Mankato, MN 56001
1-(507)-625-4171

DESCRIPTION

Lot 11 and Lot 17, all in Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder, which lies easterly of the center line of Ivywood Lane and which lies westerly of the following described line:

Commencing at an iron pipe monument designating the South Quarter corner of Section 35, Township 108 North Range 27 West; thence North 89 degrees 44 minutes 20 seconds East, (assumed bearing), along the south line of said Lot 17, the same being the south line of the Southeast Quarter of said Section 35, a distance of 1300.44 feet to the point of beginning; thence North 01 degrees 24 minutes 16 seconds West, 1305.00 feet to a point on the north line of said Lot 17 and there terminating.

Said Parcel 2 contains 40 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the westerly boundary. ALSO subject to any other easements of record.

Lot 16, Auditor's Plat Number Fifteen of Section 35 Township 108N, Range 27W, on file and of record with the Blue Earth County Recorder.

Containing 6.4 acres, more or less, subject to an easement for Ivywood Lane purposes over and across the northerly boundary. ALSO subject to any other easements of record.

SITE DATA

All Zoning and Setback information was obtained from Blue Earth County Zoning Code.

For detailed zoning information and specific interpretation of code requirements, contact Blue Earth County Environmental Services.

ZONING:

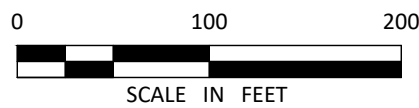
Subject property - Conservation 1

SETBACKS:

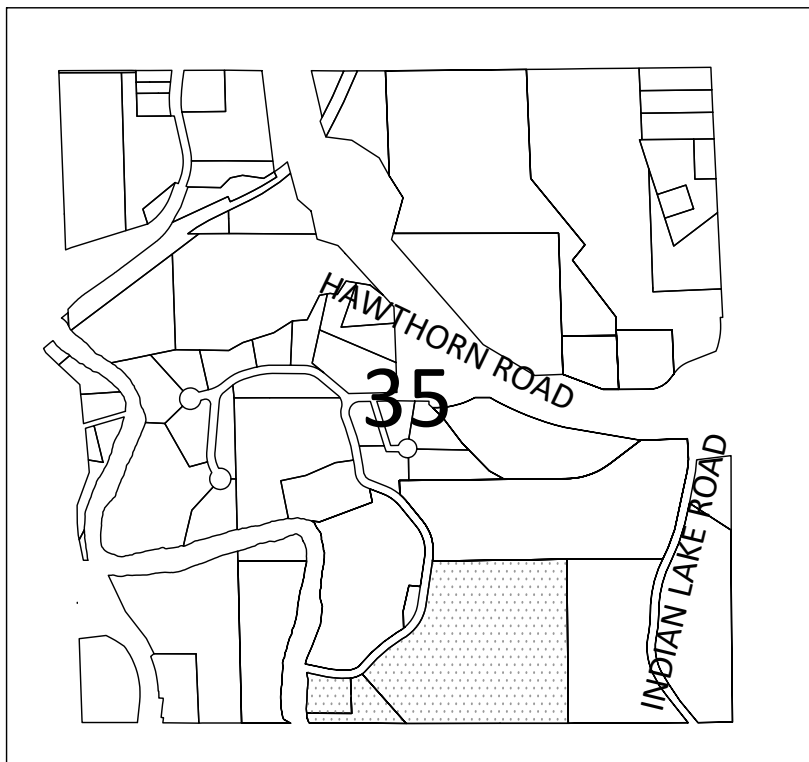
	Front	Side	Rear
Main Building	130 feet (from the centerline of all federal, state, county and county-state aid highways)	50 feet	50 feet
	65 feet (from the centerline of all other public rights-of-way and private roads)		

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

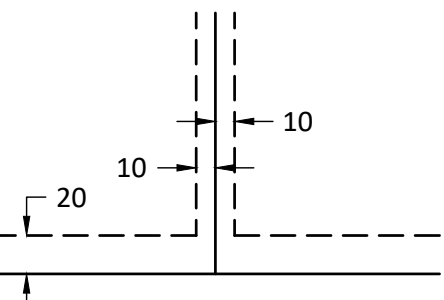


MANKATO TOWNSHIP
BLUE EARTH COUNTY



VICINITY MAP
SEC. 35-108-27
NOT TO SCALE

DRAINAGE & UTILITY
EASEMENTS ARE AS THUS:



BEING 10.0 FEET IN WIDTH, ADJOINING SIDE LOT LINES, AND 20.00 FEET IN WIDTH, ADJOINING STREET LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, 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.

Michael M. Eichers
Michael M. Eichers
License Number 46564

06/04/2024
Date

REVISED ORIGINAL SURVEY: 9-12-2024 STREET DEDICATION

Horizontal Datum: Blue Earth County
Coordinate System NAD83, 1996 Adjustment

PRELIMINARY PLAT
BLUE EARTH COUNTY, MINNESOTA



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

LOT 11, 17 AND LOT 16, AUDITOR'S PLAT NUMBER FIFTEEN, SECTION 35, TOWNSHIP 108 NORTH, RANGE 27 WEST, BLUE EARTH COUNTY, MINNESOTA

FOR: ZARN, JIM