



Le Sueur County, MN

Thursday, October 13, 2016

Regular session

Item 4

Ryan TDR2

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

#2

GENERAL INFORMATION

APPLICANT/OWNER: ROBERT & CONNIE RYAN

911 ADDRESS: NEW 410TH ST. ST. PETER MN 56082

PROJECT DESCRIPTION: Transfer the development right from the NW 1/4 NE 1/4 to the NE 1/4 NE 1/4 in a Conservancy "C" District.

ZONING ORDINANCE SECTIONS: 7, 19

DISTRICT PURPOSE: The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity with the Conservancy (C) District. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

GOALS AND POLICIES:

Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.

SITE INFORMATION

LOCATION: Property is located in the NE 1/4, Section 11, Kasota Township.

ZONING: Conservancy (C)

GENERAL SITE DESCRIPTION: Ag land/Wooded area

ACCESS: Existing Access off 410th St. approved by County Highway Dept.

EXISTING LAND USE WITHIN ¼ MILE:

North:	Ag	South:	Wooded
East:	Residence/Wooded	West:	Ag Land/Residence

TOWNSHIP BOARD NOTIFICATION

The applicants contacted Joe Kienlen, Kasota Township Board Member on August 23, 2016.

NATURAL RESOURCES INFORMATION

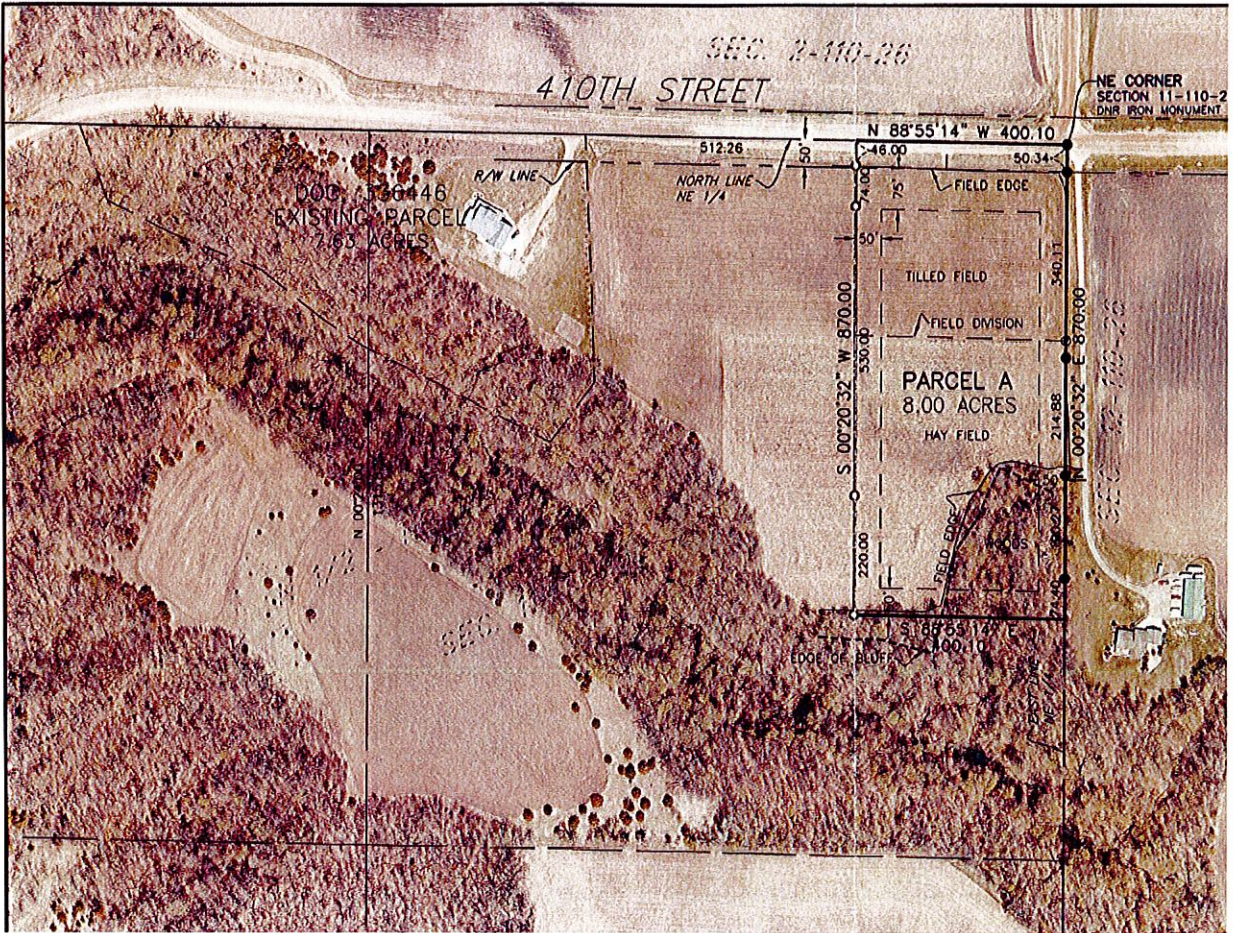
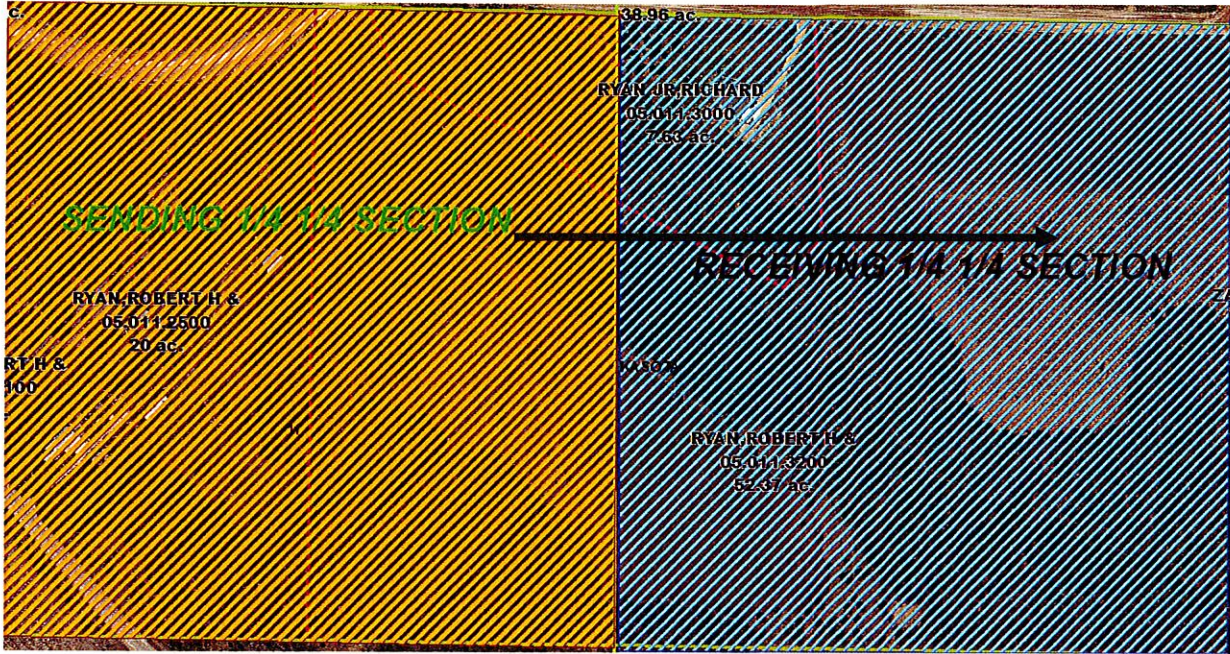
SHORELAND: The proposal is not located within the Shoreland District.

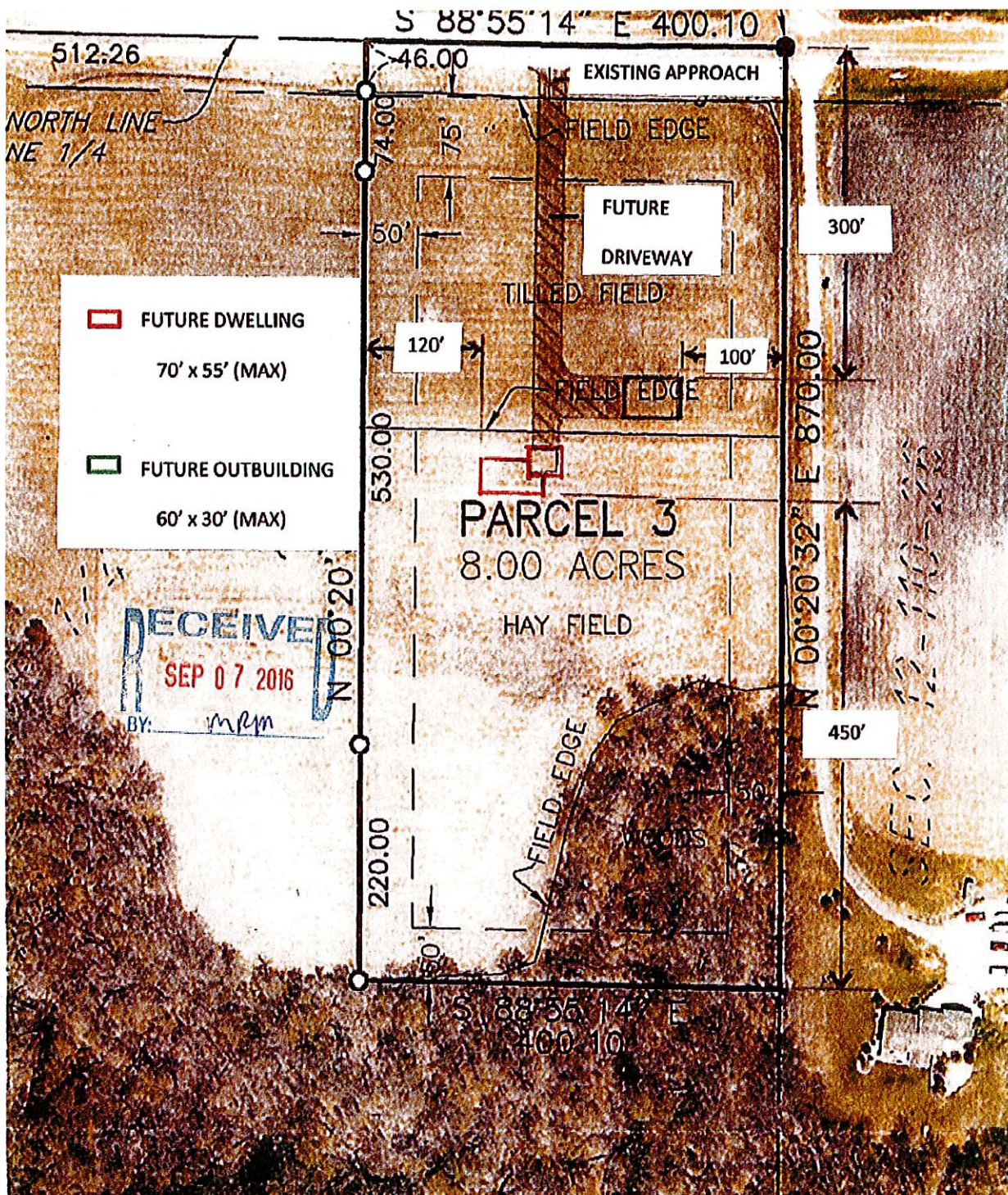
WETLANDS: According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

ATTACHMENTS

Application, Criteria Form, Narrative, Septic Contractor statement, Driveway Access Approval, Survey, Site Plan

AERIAL PHOTO/SURVEY/SITE PLAN





LAND USE & PERFORMANCE STANDARDS- SECTION 19, LE SUEUR COUNTY ZONING ORDINANCE

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agriculture, Conservancy (C), and Special Protection Districts, upon obtaining a conditional use permit.
2. For the purpose of this Subdivision contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Development rights shall not be transferred from one township to another township.
4. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
5. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
6. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
7. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
8. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for the conditional use permits as set forth in this Ordinance.
9. The transfer shall be memorialized in a document that is recorded against both the sending and receiving property.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

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

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

PLANNING AND ZONING COMMISSION CONDITIONS

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

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

PLANNING AND ZONING COMMISSION FINDINGS

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

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

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

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

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Permit # 16291

Name of Applicant: ROBERT & CONNIE RYAN

Conditional Use Permit #: 16291

Name of Property Owner: ROBERT & CONNIE RYAN

Conditional Use Permit Request: TO TRANSFER THE DEVELOPMENT RIGHT FROM THE SE/NW TO THE NW/NE.

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

CR AG PT DR BB JD SO SK DK DRY TOTAL

1.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

CR AG PT DR BB JD SO SK DK DRY TOTAL

2.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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

CR AG PT DR BB JD SO SK DK DRY TOTAL

3.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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

CR AG PT DR BB JD SO SK DK DRY TOTAL

4.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

CR AG PT DR BB JD SO SK DK DRY TOTAL

5.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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

CR AG PT DR BB JD SO SK DK DRY TOTAL

6.											
----	--	--	--	--	--	--	--	--	--	--	--

Explain _____

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

CR AG PT DR BB JD SO SK DK DRY TOTAL

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Explain _____

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

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

Le Sueur County

Conditional Use Application

I. **Applicant:**
Name Robert: Connie Ryan
Mailing Address 41245 Ottawa Rd.
City St. Peter State MN Zip 56082
Phone # 507-469-0117 Phone # 507-469-9626

II. **Landowner:**
Name Robert: Connie Ryan
Mailing Address 41245 Ottawa Rd.
City St. Peter State MN Zip 56082
Property Address 41245 Ottawa Road
City St. Peter State MN Zip 56082
Phone # 507-469-0117 Phone # 507-469-9626

III. **Parcel Information:**
Parcel Number 05-011-3100:3200 Parcel Acreage 80
Attach Full Legal Description (**NOT** abbreviated description from tax statement)
Township Kazota Section 11
Subdivision _____ Lot _____ Block _____

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

Kazota Township notified on Aug. 23, 2016
(Township Name) (Date)

Board Member Joe Kienker regarding the proposed use.
(Name)

V. **Quantities and Submittal Formats:**

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

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

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

Additional Fees:

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

RECEIVED
SEP 07 2016
BY: mcn

VII. Type of Request:

- | | |
|--|---|
| <input type="checkbox"/> Self Service Storage | <input type="checkbox"/> Value Added Agriculture |
| <input type="checkbox"/> School/Church/Cemetery | <input type="checkbox"/> Antique Sales/Service/Repair |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc. |
| <input type="checkbox"/> School/Church/Cemetery | <input checked="" type="checkbox"/> Other <u>TDR</u> |

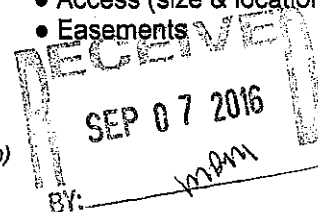
VIII. Description of Request:

- a. A full description of request with detailed information must be attached.
- b. Complete the following in relationship to the proposed Conditional Use Permit.

- ☒ 1. PROPOSED DAYS AND HOURS OF OPERATION: _____
- ☒ 2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: _____
3. LIST OF PUBLIC HEALTH PLANS:
- I. Water Supply: well on site
- ii. Toilet facilities: 2 BEST LOCATIONS
- iii. Solid Waste Collection: N/A
- ☒ 4. FIRE PREVENTION: _____
- ☒ 5. SECURITY PLANS: _____
- ☒ 6. RETAIL SALES: _____
- ☒ 7. FOOD OR ALCOHOL SERVED OR FOR SALE: _____
- ☒ 8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) _____
- ☒ 9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: _____
- ☒ 10. EXTERIOR LIGHTING: _____
- ☒ 11. PARKING AND LOADING: _____
- ☒ 12. SIGNAGE: _____
13. ROAD ACCESS: (Approved by the road authority) See Attached
- ☒ 14. CERTIFICATE OF INSURANCE: _____
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) _____

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

- | | | | |
|---------------------|-----------|-----------------------|----------------------------|
| • North point | • Lake | • Existing Structures | • Septic system |
| • Setbacks | • River | • Proposed Structures | • Well |
| • Property Lines | • Wetland | • Lot Dimensions | • Access (size & location) |
| • Road Right-Of-Way | • Stream | • Ponds | • Easements |
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to:

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

XI. Procedure:

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

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

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

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

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

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

XII. Signatures:

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

[Signature]
Applicant signature

9/7/2016
Date

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

[Signature]
Property Owner signature

9/7/2016
Date

OFFICE USE ONLY

Request: TDR PSE/NW to NW/NE

Pre-App Date <u>9-7-16</u>	Lake Classification <u>✓</u>	Feedlot	500'	1000'
Meeting Date <u>10-13-16</u>	Lake <u>✓</u>	Wetland Type	1-2	3-8
60 Day <u>10-30-16</u>	FEMA Panel # 27079C0 <u>235</u>	Water courses	<u>Y</u>	<u>N</u> - Creek
Zoning District <u>SP1C</u>	Flood Zone <u>A-outside</u>	Bluff	<u>Y</u>	<u>N</u>

<input checked="" type="checkbox"/> Request Description	<input checked="" type="checkbox"/> Access Approval	<input checked="" type="checkbox"/> Septic	Comp Insp / Design Reg / ATF / Spec \$ <u>796-</u>
<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Erosion Control Plan	<input checked="" type="checkbox"/> Meeting	
<input checked="" type="checkbox"/> Full Legal	<input checked="" type="checkbox"/> Blue Prints	<input checked="" type="checkbox"/> Fee	
<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Other _____	<input type="checkbox"/> Penalty	

☒ Application Complete MEM
Planning & Zoning Department Signature

9-7-16
Date

160291
Permit #

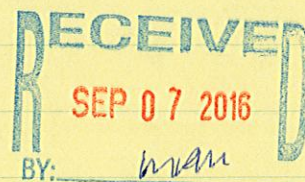
to whom it may concern:

9/7/2016

We are requesting
two permits. We would like to transfer
the building rites from the SE/NW to NW/NE.
This would be the first permit.

The second permit would be to transfer
building rites from the NW/NE to the
quarter NE/NE.

Thank-You!
Sincerely,
Robert :/Kari Rypa



Mettler, Michelle

From: St. Peter Well Drilling [spwell2@gmail.com]
Sent: Wednesday, July 13, 2016 4:33 PM
To: Mettler, Michelle
Subject: RE: Bob Ryan

Le Sueur County Environmental Services department,

According to the surveyor's record (document number 307317):

Parcel one (5.00 acres) has enough room for a primary and a secondary site for a SSTS (Subsurface Sewage Treatment System).

Parcel two (5.45 acres) has enough room for a primary and a secondary site for a SSTS.

Parcel three (8.00 acres) also has enough room for a primary and a secondary site for a SSTS.

The transferring of building rights can be allowed based on all three parcels having adequate room for at least two SSTS sites.

Thank you,
Glen Schilling

St. Peter Well Drilling
45823 State Highway 22
Kasota, MN 56050
507-931-1340
spwell2@gmail.com

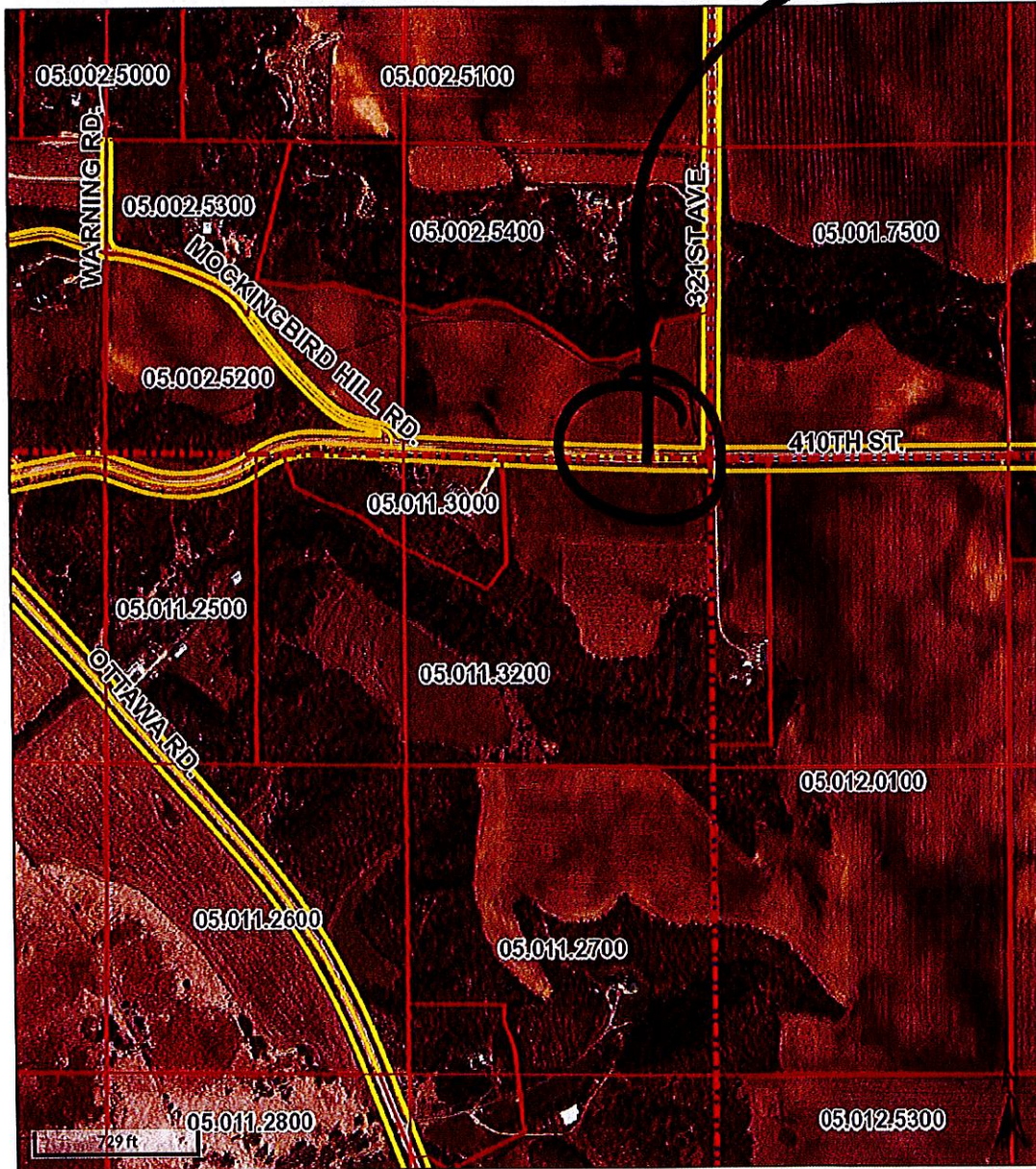
Mettler, Michelle

From: Tiegs, David
Sent: Tuesday, June 07, 2016 12:50 PM
To: Mettler, Michelle
Subject: Existing Entrance
Attachments: DOC060716.pdf

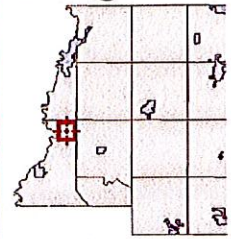
Michelle, Regarding Parcel 05.011.3000 (Owners: Robert & Connie Ryan), the existing entrance shown on the attachment is in an acceptable location for a home entrance. If anything else is needed please let me know.

Thanks,
Dave Tiegs
Assistant Highway Engineer
Le Sueur County

Existing Ent.



Overview



Legend

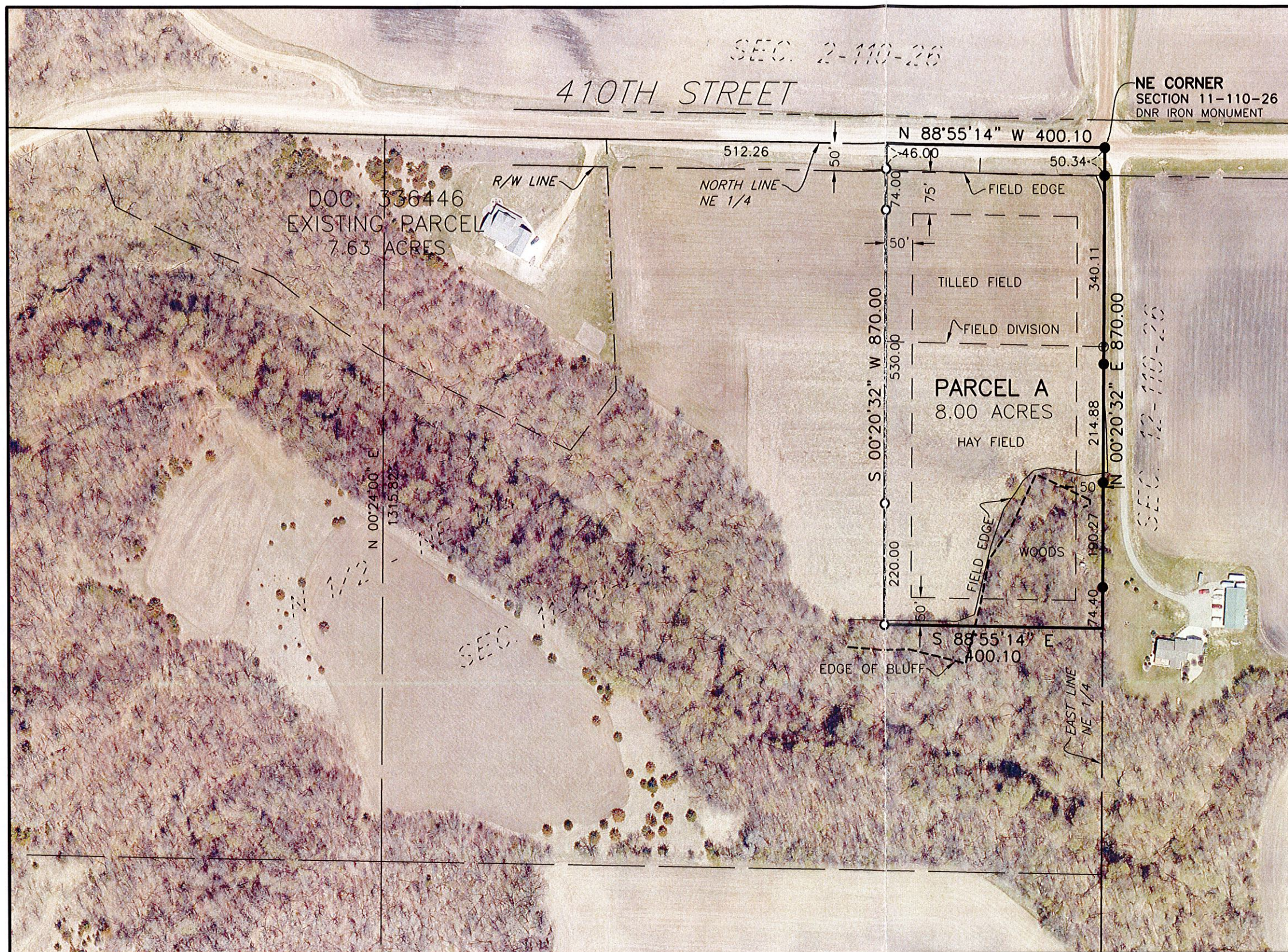
- ☐ City Limits
- ☐ Political Township
- Cadastral Lines**
 - Corp Line
 - County Line
 - Easement Line
 - Geo Twp Line
 - Gov Lot Line
 - Lot Line
 - Misc Line
 - New Split Line
 - Parcel Line
 - Pol Twp Line
 - Quarter Line
 - Railroad Centerline
 - Railroad ROW
 - Road Centerline
 - Road ROW
 - Road ROW Vac
 - Section Line
 - Sub Line 400
 - Unknown Linear
- ☐ Parcels

Photo from April 2013

Date created: 6/7/2016



Developed by
The Schneider Corporation

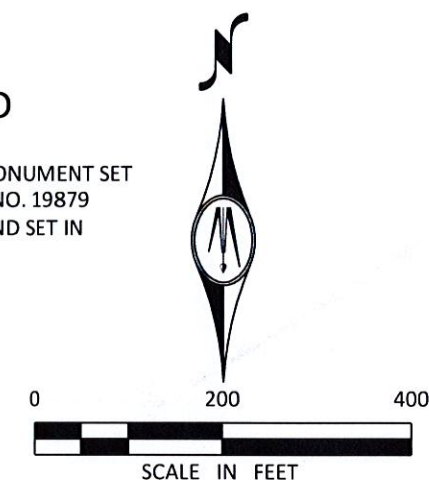


PROPOSED DESCRIPTION

That part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as follows; Beginning at the Northeast Corner of said Section 11; thence North 88 degrees 55 minutes 14 seconds West (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 400.10 feet; thence South 00 degrees 20 minutes 32 seconds West parallel with the east line of said Northeast Quarter, a distance of 870.00 feet; thence South 88 degrees 55 minutes 14 seconds East parallel with the north line of said Northeast Quarter, a distance of 400.10 feet to the east line of said Northeast Quarter; thence North 00 degrees 20 minutes 32 seconds East on said east line, a distance of 870.00 feet to the point of beginning. Said parcel contains 8.0 acres of land.

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY REG. NO. 19879
- MONUMENT FOUND SET IN 2005 SURVEY
- ⊙ FENCE POST



SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jensen
Rory Jensen
License Number 19789

8-12-16
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System

CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

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

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 11, TOWNSHIP 110 NORTH, RANGE 26 WEST, LE SUEUR COUNTY, MINNESOTA

FOR: BOB RYAN

410TH STREET

R/W LINE

NORTH LINE
NE 1/4

NE CORNER
SECTION 11-110-26
DNR IRON MONUMENT

That part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 110 North, Range 26 West, Le Sueur County, Minnesota, described as follows; Beginning at the Northeast Corner of said Section 11; thence North 88 degrees 55 minutes 14 seconds West (bearings based on Le Sueur County Coordinate System NAD83, 1996 Adjustment) on the north line of said Northeast Quarter, a distance of 400.10 feet; thence South 00 degrees 20 minutes 32 seconds West parallel with the east line of said Northeast Quarter, a distance of 870.00 feet; thence South 88 degrees 55 minutes 14 seconds East parallel with the north line of said Northeast Quarter, a distance of 400.10 feet to the east line of said Northeast Quarter; thence North 00 degrees 20 minutes 32 seconds East on said east line, a distance of 870.00 feet to the point of beginning.

Said parcel contains 8.0 acres of land.

- 3/4" IRON PIPE MONUMENT SET
- MARKED BY REG. NO. 19879
- MONUMENT FOUND SET IN
- 2005 SURVEY
- Ⓟ FENCE POST



0 200 400
SCALE IN FEET

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Rory Jensen
License Number 19789

8-12-16
Date

Horizontal Datum: 1996 Le Sueur County Coordinate System

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

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION
11, TOWNSHIP 110 NORTH, RANGE 26 WEST,
LE SUEUR COUNTY, MINNESOTA

FOR: BOB RYAN

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SDB112075H

JOE NUMBER: M31.112075

FIELD BOOK: N/A

DRAWN BY: JLA

4.0 S11-T110N-R26W