

Le Sueur County, MN

Thursday, March 9, 2017 Regular session

Item 1

Braun

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: JOSEPH BRAUN

OWNER: GLENDON BRAUN

911 ADDRESS: New off 340th St.

PROJECT DESCRIPTION: Transfer the development right from the in an Agriculture "A" District.

ZONING ORDINANCE SECTIONS: Sections 8, 19

ZONING DISTRICT PURPOSES: The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that 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:

6 acre site, Section 36, Tyrone Township

ZONING:

Agriculture "A" District

GENERAL SITE

DESCRIPTION:

Ag land

ACCESS:

Off 340th St. Approved by the Township

EXISTING LAND USE WITHIN 1/4 MILE:

North: Ag land, Type 1-Wetlands

South: Ag Land, Type 1-Wetlands

East: Ag Land, woods, building site

West: Ag Land, Type 1-Wetlands

TOWNSHIP BOARD NOTIFICATION

Notified the Tyrone Township Board on May 9, 2016.

NATURAL RESOURCES INFORMATION

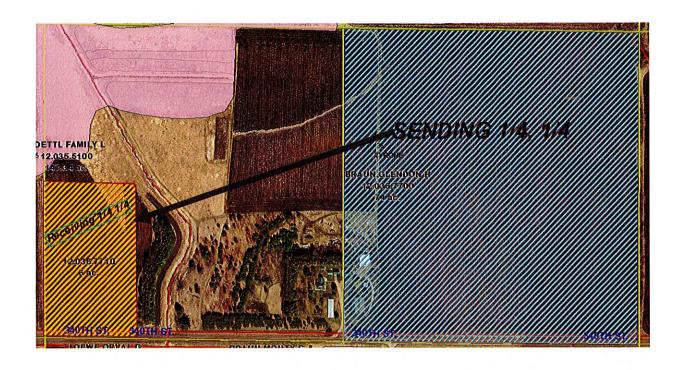
SHORELAND: The proposal is not located within the Shoreland District.

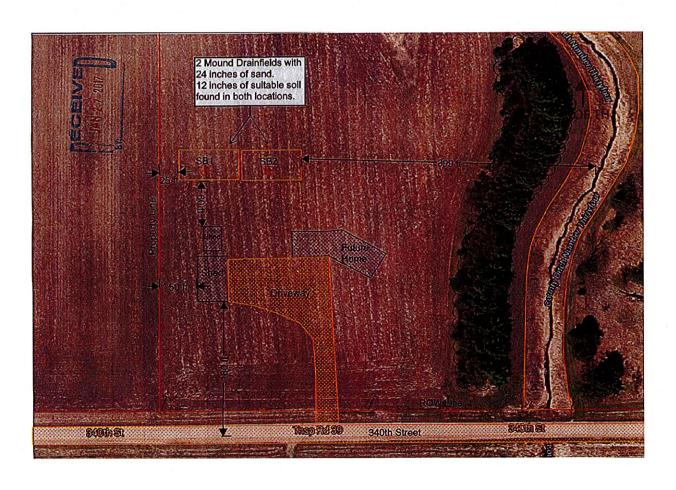
WETLANDS: According to the National Wetlands Inventory, Type I wetlands located in the quarter-quarter section where the

project is proposed.

ATTACHMENTS

Application, Narrative, Legal Description, Survey, Letter from Septic Contractor, Site Plan, Driveway approval, Aerial Photo





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 Agricultural District, 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.

Right to Farm-Per Section 19, Subdivision 11.

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 # 17006

Conditional Use Permit #: 17006

Name of Applicant: JOSEPH M. BRAUN

Name of Property Owner: GLENDON BRAUN

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.	
1.	CR AG PT DR BB JD SO SK DK DRY TOTAL	
Evr	nlain	
CAL	The establishment of the conditional use will not impede the normal and orderly development and	
2.	improvement of surrounding vacant property for uses predominant in the area.	
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2.		
Exp	plain	
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.		
Exp	plain	
4.	Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to	
٦.	service the proposed use.	
4.	CR AG PT DR BB JD SO SK DK DRY TOTAL	
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,	plain	
,	plain Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.	
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5. 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 plain The conditional use is consistent with and supported by the statement of purposes, policies, goals and	
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Le Sueur County

<u>Conditional</u>	Use	Permit	Ap	plication
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I.	Applicant:	
	Name Joseph Brayn Mailing Address 35471 340 th 5 t	
	Walling Address April 3401 37	
	City L. Contac State MN Zip 56057 Phone # 612-298-5367 Phone # 507-665-2066	
	Phone # <u>6/1-198-536/</u> Phone # <u>567-665-1066</u>	
II.	Landowner:	
	Name <u>Glen Bravn</u> Mailing Address <u>2584</u> 2 340 th 5+ 4	
	Mailing Address 25842 340th 5+ 1	
	Mailing Address <u>) 5 84) 3 40 46 5 7 4</u> City <u>Lc(cntcr</u> State <u>M N</u> Zip <u>5605 7</u>	
	Property Address Wast of 15842 340th 57	
	City Le Contec State MN Zip S6057	
	Property Address <u>Wost of 25842 34014 57</u> City <u>Confer</u> State <u>MN</u> Zip <u>56057</u> Phone # 612-248-5367 Phone # 507-665-3758	
III.	Parcel Information:	
ш.	Parcel Number 12,036,7700 Parcel Acreage	
	Attach Full Legal Description (NOT abbreviated description from tax statement)	
	Township Tyrone Section 34 Subdivision Lot Block	
	Subdivision Lot Block	
IV.	Township Notification: Township must be notified of proposed use prior to application.	
	Tuesday 5-9-16	
	/ / / / / / / / / / / / / / / / / / /	
	(Township Name)	
	Tyronc Township notified on 5-9-16 (Date) Board Member Keith Lances Glen Brugegarding the proposed use.	
v. ⁻	Quantities and Submittal Formats:	
	a. One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.	
	b. If any documentation is in color, an aerial photo, photographs, or larger than 8 ½ x 11, then twenty three (23) copies must be submitted.	
	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 <u>in person</u> 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 (Additional fee)	
	After-The-Fact Penalty \$1500 OR 10% of the improvement whichever is greater.	

VII.	II. Type of Request:					
	☐ Self Service Storage ☐ School/Church/Cemetery ☐ Retail Nursery/Greenhouse ☐ Other		e ·	☐ Value Added Agriculture ☐ Antique Sales/Service/Re ☐ Substation/Transmission	pair Line etc.	
VIII.	De	şcı	ription of Request:		•	
	a.	Αt	full description of reque	st with detaile	ed information must be attact	ned.
	b. Complete the following in relationship to the proposed Conditional Use Permit.					Use Permit.
		1.	PROPOSED DAYS AND H	OURS OF OPE	RATION:	
	2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS:					
		3.	LIST OF PUBLIC HEALTH	I PLANS:	· · · · · · · · · · · · · · · · · · ·	
			i. Water Supply:			
			ii. Toilet facilities:	Mound	5ystem	
			iii. Solid Waste Colle		<u> </u>	
		4.	FIRE PREVENTION:	NA		
		5.	SECURITY PLANS:	VA		
		6.	RETAIL SALES:	<u> </u>		•
-		7.	FOOD OR ALCOHOL SER	RVED OR FOR S	BALE: MA	
		8.	DESCRIBE IF THE APPLI PERSONNEL: (For examp	CANT REQUES le, pedestrian ar	TS THE COUNTY TO PROVIDE Al	NY SERVICES OR COUNTY
		9.	SOUND AMPLIFICATION,	PUBLIC ADDR	ESS SYSTEM, PLAYING OF MUS	C:
		10.	EXTERIOR LIGHTING:	NA	<u> </u>	
		11.	PARKING AND LOADING	· NA		
		12.	SIGNAGE:			
		13.	ROAD ACCESS: (Approve	d by the road au	ithority) Drive way app	roach
		14.	CERTIFICATE OF INSURA	ANCE: NA	1 / //	
		15.	MEET ALL APPLICABLE (For example additional lice	COUNTY STATI ensing and/or pe	E & FEDERAL REGULATIONS:	
IX.	Sit	e P	lan: Shall include but	not limited to	the following:	
			North point	• Lake	Existing Structures	Septic system
			Setbacks Property Lines	RiverWetland	Proposed StructuresLot Dimensions	• Well
			Road Right-Of-Way	Stream	• Ponds	Access (size & location)Easements
			Parking (Size & location-if a andscape, screening a			

Landscape, screening and buffering (if applicable to application)
 Location of significant trees to be removed (if applicable to application)

Χ.	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.
	5-6-16
	Applicant signature Date
	I hereby certify with my signature that all data contained herein as well as all supporting data are true and
	correct to the best of my knowledge.
	Flendon B 1211-16
	Property Owner signature Date
	OFFICE USE ONLY
Red	uest:
Mee 60 I	App Date ting Date Lake Classification Feedlot Wetland Type Water courses Plood Zone YOUNG Bluff Y
	equest Description Access Approval
	Application Complete Wathy Brown Date Permit #

To whom it may concern,

I am requesting a transfer of development rights in order to build a private residence and a shed in Tyrone Township near the address of 25842 340th St, Le Center.

Glen Braun has agreed to transfer development rights to us for a 6.0 acer parcel of his land from an adjoining quarter-quarter section to the East, in Tyrone Township.

Thank you,

Joe Braun

JAN 2 7 2017 BY:

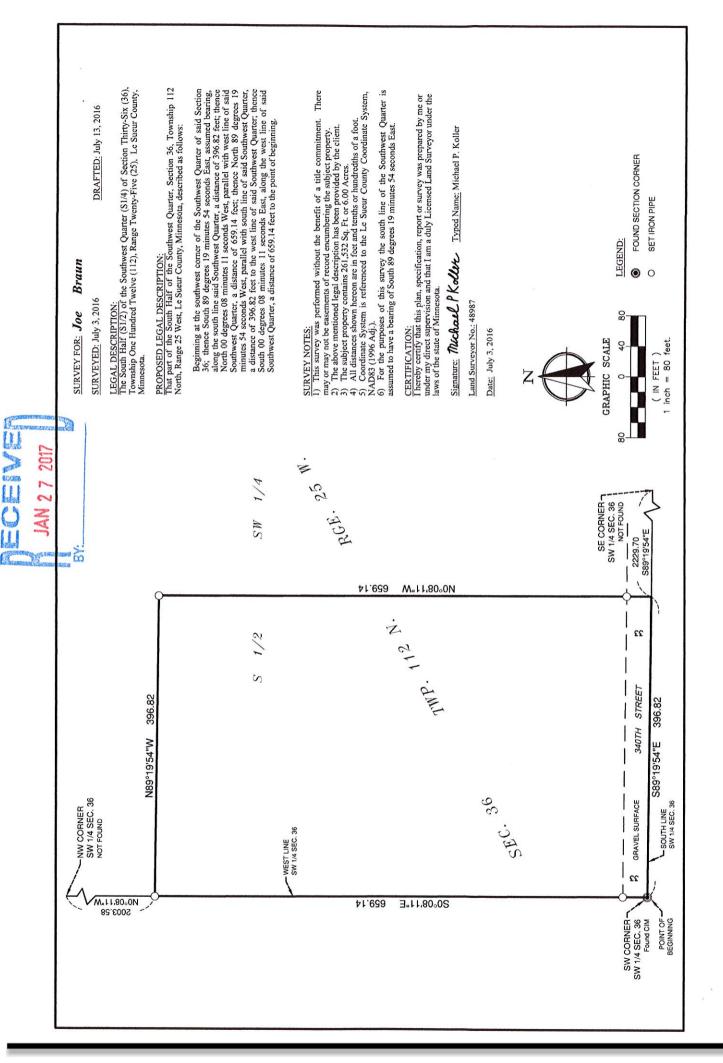




Legal Description

That part of the South Half of the Southwest Quarter, Section 36, Township 112 North, Range 25 West, Le Sueur County, Minnesota, described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 36; thence South 89 degrees 19 minutes 54 seconds East, assumed bearing, along the south line of said Southwest Quarter, a distance of 396.82 feet; thence North 00 degrees 08 minutes 11 seconds West, parallel with west line of said Southwest Quarter, a distance of 659.14 feet; thence North 89 degrees 19 minutes 54 seconds West, parallel with south line of said Southwest Quarter, a distance of 396.82 feet to the west line of said Southwest Quarter; thence South 00 degrees 08 minutes 11 seconds East, along the west line of said Southwest Quarter, a distance of 659.14 feet to the point of beginning.





Burns Construction Inc.

32762 333rd Ave. ● Le Sueur ● 56058

May 6, 2016

Joe Braun



RE: Suitable Area for Primary and Secondary Septic System for Joe Braun TDR.

Mr. Braun,

On May 5, 2016 I went onsite and took soil samples to determine if you would have suitable areas for a primary and secondary drainfield for your future residence. This site has ample space for drainfields that would meet all required setbacks. I have included a map showing the area where the two drainfields could go. This does not mean the drainfields have to go there, it just shows that there is two areas suitable for a septic system so you can move forward with your transfer of development rights process.

When you get closer to building we can come back onsite and determine the actual location you would like to have your septic system and create a design for your property.

If you have any questions, please feel free to contact me at (612) 382-7491.

Sincerely,

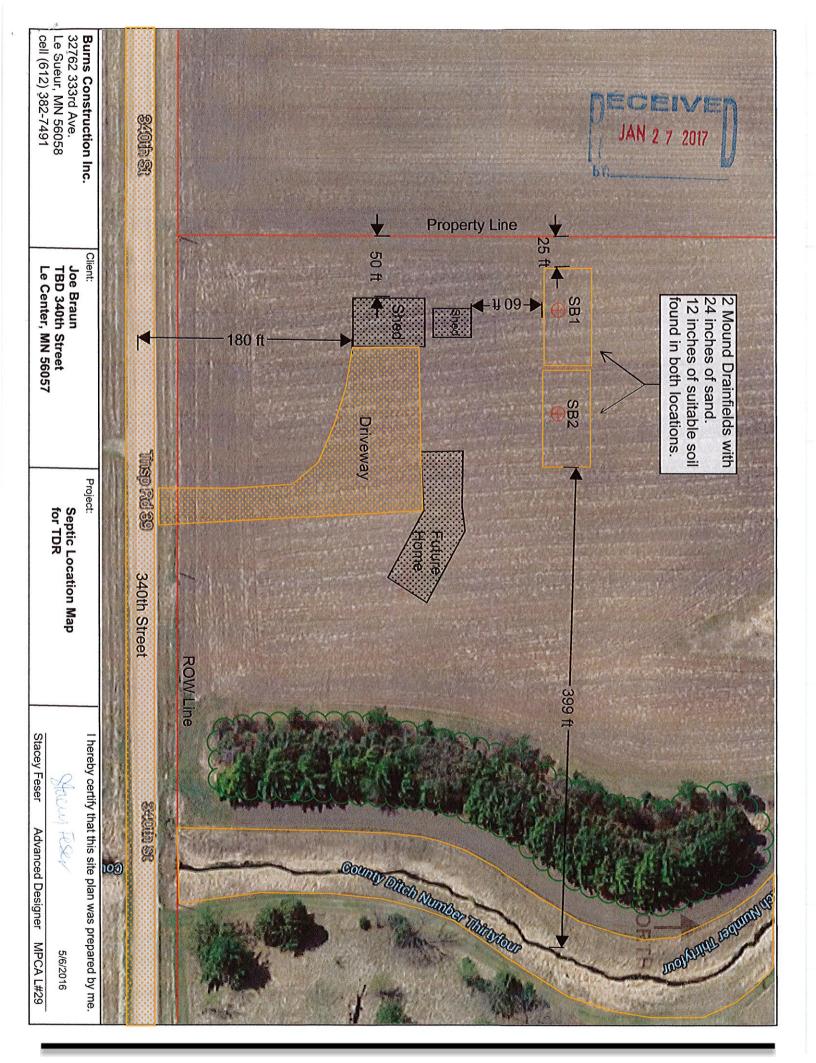
Stacey Feser

Burns Construction, Inc.

Stacy Feser

MPCA SSTS Certification #7549

MPCA SSTS License #29



JAN 2

To whom it may concern,

I am requesting permission to install a driveway approach on Township RD 340th approximately 300 feet from the county ditch on the southeast corner of parcel number 12.036.7700. See attached drawing for details. If this is acceptable please print and sign your name at the bottom of this message.

WRONE TWISHP AGREEMENT

Thanks,

Joe Braun

Le Sueur County

Regular session - 3/9/2017

Farm 2567

2016 Program Ye Map Created January 25, 20

Unless otherwise noted: crops are n Soybeans = common soybeans Wheat = HRS for grain or HRW for Oats and Barley = Spring for Corn = yellow for grain

Rye = for grain

Alfalfa, Mixed Forage AGM, GMA, IGS Sunflower = oil or non-oil for Canola = Spring for seed Beans = Dry Edible Peas = process NAG = for GZ

Common Land Unit Non-Cropland

CRP PLSS Tract Boundary Cropland

Wetland Determinatio dentifiers Restricted Use

T111 R25 Sharon

Limited Restrictions Compliance Provisions Exempt from Conservat

Tract Cropland Total: 62.58

Tract 554