

Le Sueur County, MN

Thursday, April 13, 2017 Regular session

Item 3

Cooney Packet

Staff Contact: Kathy Brockway or Michelle Mettler

STAFF REPORT

GENERAL INFORMATION

APPLICANT: Pamela Cooney

OWNER: John C. Cooney

911 ADDRESS: new off Silver Lake Lane, Le Center MN 56057

PROJECT DESCRIPTION: Transfer the development right from Agriculture "A" District to property in a Special Protection

Shoreland District.

ZONING ORDINANCE SECTIONS: 8,13.1,19

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.

Lands within the Special Protection Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing 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 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.

Policy: The County will protect the best of its agricultural land as a resource for long term

agricultural use.

SITE INFORMATION

LOCATION:

NENW to the SWNW, Parcel 1, Section 12, Cleveland Township

ZONING:

Special Protection "SP" District, Agriculture "A"

GENERAL SITE

DESCRIPTION:

Ag land

ACCESS:

New access off Silver Lake Lane

EXISTING LAND USE WITHIN 1/4 MILE:

North: Ag land/Existing farmsite

South: Ag/Wetlands/Single Family Dwelling

East: Ag Land

West: Silver Lake

TOWNSHIP BOARD NOTIFICATION

The applicant contacted John Kluntz, Cleveland Township board member on January 11, 2017.

NATURAL RESOURCES INFORMATION

SHORELAND: The proposed building sites are located within the Shoreland District.

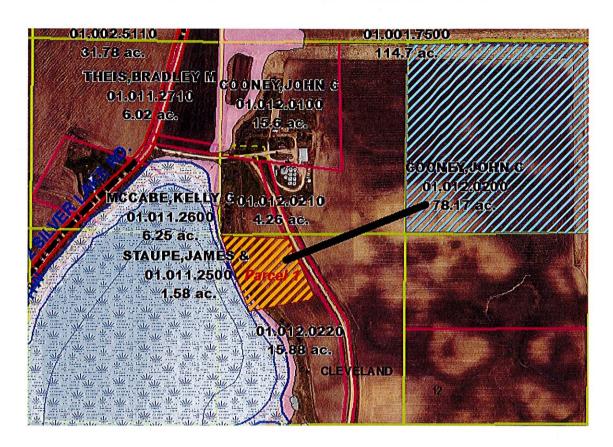
WETLANDS: According to the National Wetlands Inventory, Type 3 wetlands located in the quarter-quarter section where the sites

are proposed.

ATTACHMENTS

Application, Narrative, Legal Description, Survey, Letter from Septic Contractor, Site Plan, Driveway approval, Wetland Delineation Notice of Decision (report on file).

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 (A), Conservancy (C), and Special Protection (SP) 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.

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:

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- 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**

Conditional Use Permit #: 17037

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Applicant: PAMELA COONEY

Le Sueur County

Parcel #1

Co	nditional Use Application
ī.	Applicant:
	Name Pamela K. Cooney
	Mailing Address 46839 Cape Horn Road City Cleveland State MN Zip 56017
	Phone # 507-327-0923 Phone #
II.	Landowner:
	Name John C. Cooney Mailing Address 41253 Silver Lane Lone
	City Le Conter State MN Zip 56057
	Property Address 41253 Silver Lake Lane
•	City <u>Conter</u> State <u>MN</u> Zip <u>56057</u> Phone # <u>507-327-0932</u> Phone # <u>507-327-0932</u>
	FIIOTIE# _507- 327-0-132 FIIOTIE# _507- 527-0-104
III.	Parcel Information:
	Parcel Number OI. 012. 02.00 Parcel Acreage 78.17
	Attach Full Legal Description (<u>NOT</u> abbreviated description from tax statement) Township Cleveland Section 12_
	Township <u>Cleveland</u> Section <u>12</u> Subdivision Lot Block
	997101
IV.	Township Notification: Township must be notified of proposed use prior to application.
	Cleveland Township Township notified on 1-11-17 (Township Name) (Date)
	Board Member <u>John Kluntz</u> 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 <u>in person</u> by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
	on the date of application decame.
5	e. Appointment is necessary.
	f. Applications will not be accepted by mail.
VI.	Fees: Must be paid at the time of application.
	IAN 2 5 2017
IV.	Conditional Use Permit \$ 750 After-The-Fact fee is doubled. Filing Fee \$ 46
15	BY: MKVC
	Additional Fees: Special Meeting \$2,000
	Special Meeting \$ 2,000 After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater

VII.	Ту	pe d	of Request:			•
		J So J Re	olf Service Storage hool/Church/Cemetery etail Nursery/Greenhou hool/Church/Cemetery	<i>'</i> [☐ Value Added Agriculture☐ Antique Sales/Service/Rep☐ Substation/Transmission Li	
VIII.	De	scr	iption of Request:	,		
	a.	A fi	ull description of reque	st with detaile	d information must be attache	ed (see altached)
	b.	Co	emplete the following in	relationship t	o the proposed Conditional U	se Permit.
		1.	PROPOSED DAYS AND I	OURS OF OPER	RATION: NA	·
		2.	WEEKI V BAGIG:	PERSONS TO	ATTEND PLACE OF BUSINESS/LC	CATION ON A DAILY OR
		3.	LIST OF PUBLIC HEALTH	l PLANS:		•
			i. Water Supply: 🔽	<u> 1ell- </u>		
			ii. Tollet facilities:	Septic		·
			iii. Solid Waste Colle	ction: NA		·····
		4.	FIRE PREVENTION:	Alv	 	·
•		5.	SECURITY PLANS:	<u>Ula</u>	· · · · · · · · · · · · · · · · · · ·	
		6.	RETAIL SALES:	ULA	<u> </u>	· · · · · · · · · · · · · · · · · · · ·
		7.	FOOD OR ALCOHOL SE	RVED OR FOR S	ALE: NA	
		8.	DESCRIBE IF THE APPLI PERSONNEL: (For examp	ICANT REQUES ole, pedestrian an	TS THE COUNTY TO PROVIDE AN d/or vehicular traffic control.)	Y SERVICES OR COUNTY
		9.	SOUND AMPLIFICATION	, PUBLIC ADDR	ESS SYSTEM, PLAYING OF MUSIC);
	,		NIA	<u> </u>		
		10.	EXTERIOR LIGHTING:	NIA		
		11.	PARKING AND LOADING	3: N/A		<u> </u>
		12.	SIGNAGE: NIE	4		
		13.	ROAD ACCESS: (Approv	ed by the road au	ithority) NIA Priva	te Road
		14.	CERTIFICATE OF INSUR	ANCE:	IA	· · · · · · · · · · · · · · · · · · ·
		15.	MEET ALL APPLICABLE (For example additional lic	COUNTY STAT censing and/or pe	E & FEDERAL REGULATIONS: mitting) イピュ	<u></u>
IX.	Si	te P	lan: Shall include bu	t not limited to	the following:	,
			North point Setbacks	LakeRiver	Existing StructuresProposed Structures	Septic system Well
			Property Lines	Wetland	Lot Dimensions	Access (size & location)
٠			Road Right-Of-Way	• Stream	• Ponds	• Easements
•			Parking (Size & location-if		olication) (if applicable to application)	

- Location of significant trees to be removed (if applicable to application)



X. Attachments: shall include but not limited to: Description of Request-See Part VIII for full details and requirements. Site Plan-See Part IX for full details and requirements. Full legal description-Not abbreviated description from tax statement. NA Access approval-Attach approval in writing from proper road authority. Township Notification-See Part IV for details and requirements. e. f. **Septic System Compliance Inspection** NA Erosion control plan-Attach completed and signed plan including map. NIA 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 finings 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. Applicant signature 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. Sohn OFFICE USE ONLY Parcut SULLIUS Request: NE 500' 1000' N Pre-App Date Lake Classification Feedlot Wetland Type Meeting Date Lake FEMA Panel # 27079C0 Water courses 60 Day A -Bluff Flood Zone Zoning District Comp Insp / Design **□** Septic Access Approval Request Description Reg / ATF / Spec □ Erosion Control Plan Site Plan -☐ Blue Prints ☐ Fee 7910 Full Legal □ Penalty Ordinance □ Other Application Complete Planning & Zoning Department Signature Permit # 3 mille

Description of Request:

APPLICATION FOR PARCEL 1:

Request transfer of development rights for the NE % of the NW % to the SW % of NW % Section 12 Cleveland Township MN to allow development of Parcel 1.



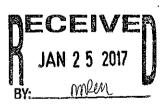
Proposed Description -

DESCRIPTION PARCEL 1

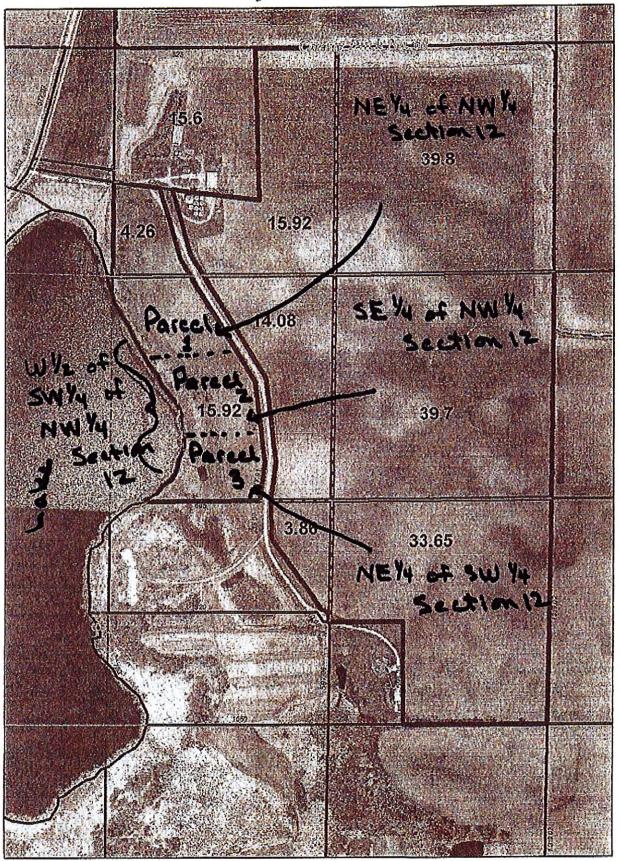
That part of Government Lot 3 in Section 12, Township 110 North Range 25 West, LeSueur County, Minnesota, described as:

Commencing at an iron pipe monument designating the northwest corner of Section 12; thence South 00 degrees 00 minutes 00 seconds West, (assumed bearing), along the west line of said Government Lot 3 a distance of 744.70 feet; thence South 87 degrees 58 minutes 47 seconds East, 286.82 feet; thence South 17 degrees 00 minutes 00 seconds East, 475.00 feet; thence South 31 degrees 45 minutes 37 seconds East, 124.39 feet to the point of beginning; thence continuing South 31 degrees 45 minutes 37 seconds East, 491.70 feet; thence South 89 degrees 08 minutes 46 seconds West, 640 feet, more or less, to a point on the easterly water's edge of Silver Loke; thence northwesterly, along said water's edge, 255 feet, more or less, to a point on the west line of said Government Lot 3; thence North 00 degrees 00 minutes 00 seconds East, along said west line, 190 feet, more or less, to the point of intersection with a line which bears South 89 degrees 09 minutes 09 seconds West from the point of beginning; thence North 89 degrees 09 minutes 09 seconds East, 491.05 feet to the point of beginning.

Said Parcel 1 contains 5.7 acres, more or less, subject to any and all easements of record.



Cooney Proposed Lake Lots





Mettler, Michelle

From:

St. Peter Well Drilling <spwell2@gmail.com> Wednesday, January 25, 2017 11:40 AM

Sent: To:

Cc:

'Pam Cooney' Mettler, Michelle

Subject:

Cooney, 3 lots building permit

Michelle,

Pam Cooney has enough room on all three proposed lots located at parcel number 01.012.0200 on Silver Lake for a primary and a secondary mound system absorption area. See Survey Services File # 16219, dated November 2016.

Thank you, Glen Schilling

St. Peter Well Drilling 45823 State Highway 22 Kasota, MN 56050 507-931-1340 Spwell2@gmail.com

Minnesota Wetland Conservation Act **Notice of Decision**

Local Government Unit (LGU) Le Sueur SWCD	Address 181 W. Minnesota Street Le Center, Mn 56057							
1. PROJECT INFORMATION								
Applicant Name Pamela Cooney	Project Name Cooney Property Wetl Delineation		Date of Application 8/24/2016	Application Number 4-16				
Attach site locator map.								
Type of Decision:								
Wetland Boundary or Type	☐ No-Loss	☐ Exemption	n \square	Sequencing				
Replacement	nt Plan	Banking Pla		. ,				
<u> </u>								
Technical Evaluation Panel Finding								
☑ Approve	☐ Approve with condit	ions		☐ Deny				
Summary (or attach):								
2 1 0 0 1				• •				
2. LAUCA	AL COVERNMENT UN	HT DECISIO)N					
Date of Decision: 10/3/2016	AL GOVERNMENT UN	UT DECISIO)N					
Date of Decision: 10/3/2016	AL GOVERNMENT UN Approved with conditions (☐ Denied				
Date of Decision: 10/3/2016 ☑ Approved □	Approved with conditions (include below)		☐ Denied				
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BWSR Forms 7-1-10

	to doing oredits from th	ne State Wetland Ban	K:		
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)		
Replacement Plan A	Approval Conditions I Replacement Plan is	. In addition to any conditional upon the	conditions specified by the LGU, the following:		
assurance specific	ssurance: For projected by the LGU mus 9 (List amount and ty	t be submitted to the	nt that is not in-advance, a financial are LGU in accordance with MN Rule		
the BWSK "Deci	laration of Restriction	is and Covenants" a	ence must be provided to the LGU that and "Consent to Replacement Wetland" ich the replacement wetland is located.		
Credit With	drawal: For replacer	nent consisting of v	vetland bank credits, confirmation that d bank as specified in the approved		
		l until all applicable	conditions have been met!		
Supp. 3 provides notic	f this completed form e that a decision was r ditional details on the	nade by the LGU und	pients in accordance with 8420.0255, er the Wetland Conservation Act as eve been provided to the landowner and		
Name Michael Schultz Title Le Sueur SWCD District Technician					
Signature Mild Sills	<u> </u>	Date 10/3/1	Phone Number and E-mail		
THIS DECISION ON Additional approvals cappropriate authorities	or permits from local,	state, and federal age	WETLAND CONSERVATION ACT. encies may be required. Check with all ds.		
Applicants proceed at	their own risk if work is expired. If this decis	authorized by this d	ecision is started before the time period ised under appeal, the applicant may be		
This decision is valid TEP and specified in th	for three years from this notice of decision.	he date of decision ι	nless a longer period is advised by the		
Pursuant to MN Rule petition for appeal, inc this Notice to the follow	8420.0905, any appoluding applicable fee,	L OF THIS DECI eal of this decision within thirty (30) cal	SION can only be commenced by mailing a endar days of the date of the mailing of		
Check one:					
II Anneal of an IGII	staff decision. Send e (if applicable) to:	Appeal of	Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155		

BWSR Forms 7-1-10

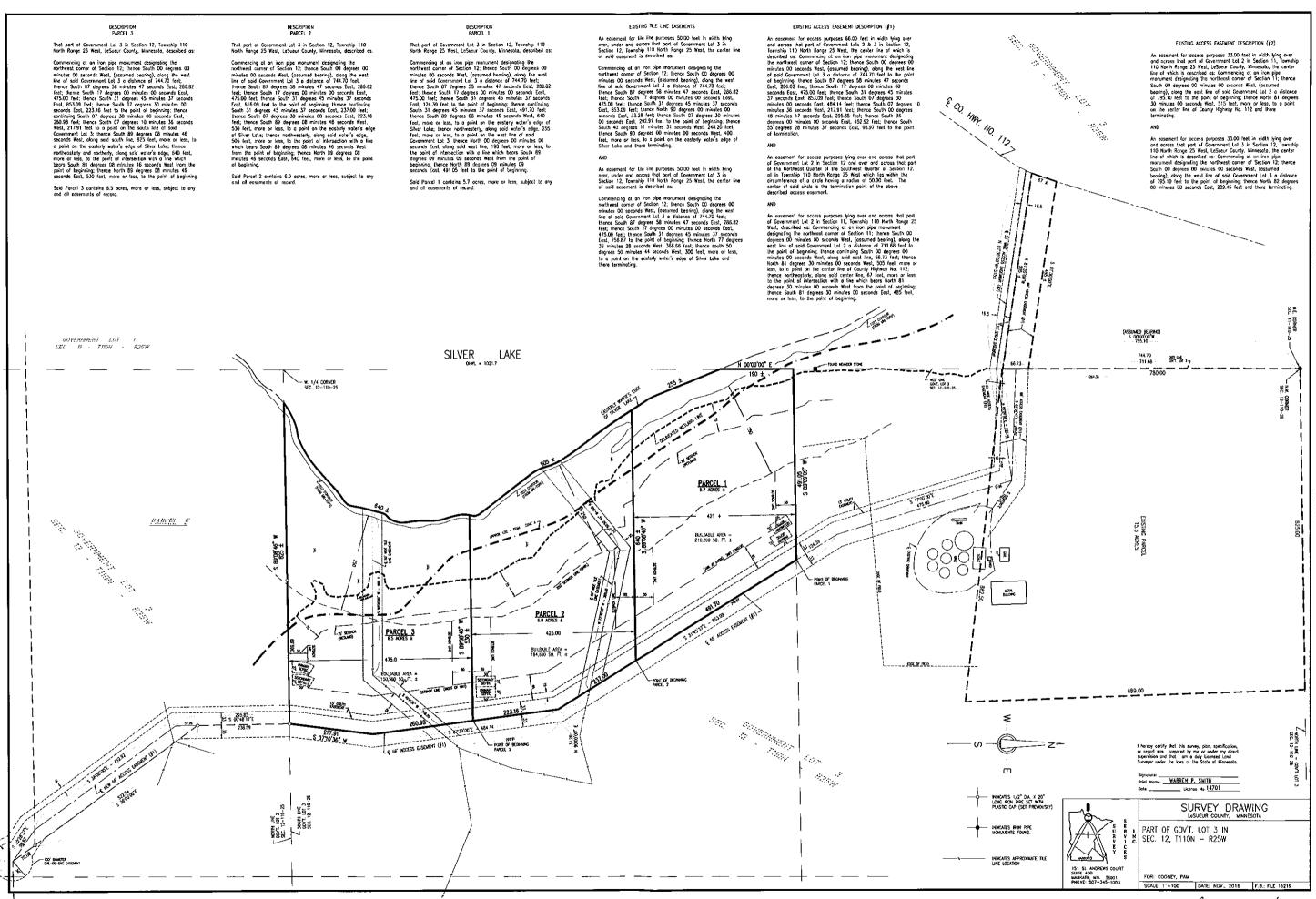
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4.	LIST	OF	ADDRESSEES

	4. LIST OF AD	DRESSEES	
LGU TEP member: Je DNR TEP member: Cra	fferent than LGU Contact) ig Soupir f different than DNR TEP i ble): er (if different)	;	
Corps of Engineers Proje BWSR Wetland Bank Co	ect Manager pordinator (wetland bank p	lan decisions only)	
	5 MAII INC INC	ODMARION	
For a list of BWSR TED range	5. MAILING INF		
For a list of DNR TEP repres	entatives: www.bwsr.sta	te.mn.us/aboutbwsr/worl	kareas/WCA_areas.pdf
➤ For a list of DNR TEP repres ➤ Department of Natural Resou	rans Basian-LOCC	.mn.us/wetfands/wca/DN	IR TEP_contacts.pdf
NW Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	NE Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Central Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Southern Region: Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073
For a map of DNR Administration For a list of Corps of Project I or send to: US Army Corps	Managers: <u>www.mvp.usace</u> rps of Engineers	ies.anr.state.inn.us/abou e.army.mil/regulatory/de	tdnr/dnr_regions.pdf fault.asp?pageid=687
St. Paul Distr	ict, ATTN: OP-R East, Suite 700		
For Wetland Bank Plan applic Minnesota Bo Wetland Bank 520 Lafayette St. Paul, MN	eard of Water and Soil Res Coordinator Road North	the application to: ources	
	6. АТТАСНМ	MENTS	
In addition to the site locator n App Compared to the site locator n Compared to the site locator n Compared to the site locator n Compared to the site locator n	nap, list any other attachme	ents:	
			

BWSR Forms 7-1-10

Page 3 of 3



Rico 1-26-17