



Le Sueur County, MN

Thursday, April 13, 2017

Regular session

Item 5

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: NE1/4SW1/4, SW1/4NW1/4, Parcel 3, Section 12, Cleveland Township

ZONING: Special Protection "SP" District, Agriculture "A" District

GENERAL SITE DESCRIPTION: Ag land

ACCESS: New access off Silver Lake Lane

EXISTING LAND USE WITHIN ¼ MILE:

North: Ag land/Existing farmsite
East: Ag Land

South: Ag/Wetlands/Single Family Dwelling
West: Silver Lake

TOWNSHIP BOARD NOTIFICATION

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

NATURAL RESOURCES INFORMATION

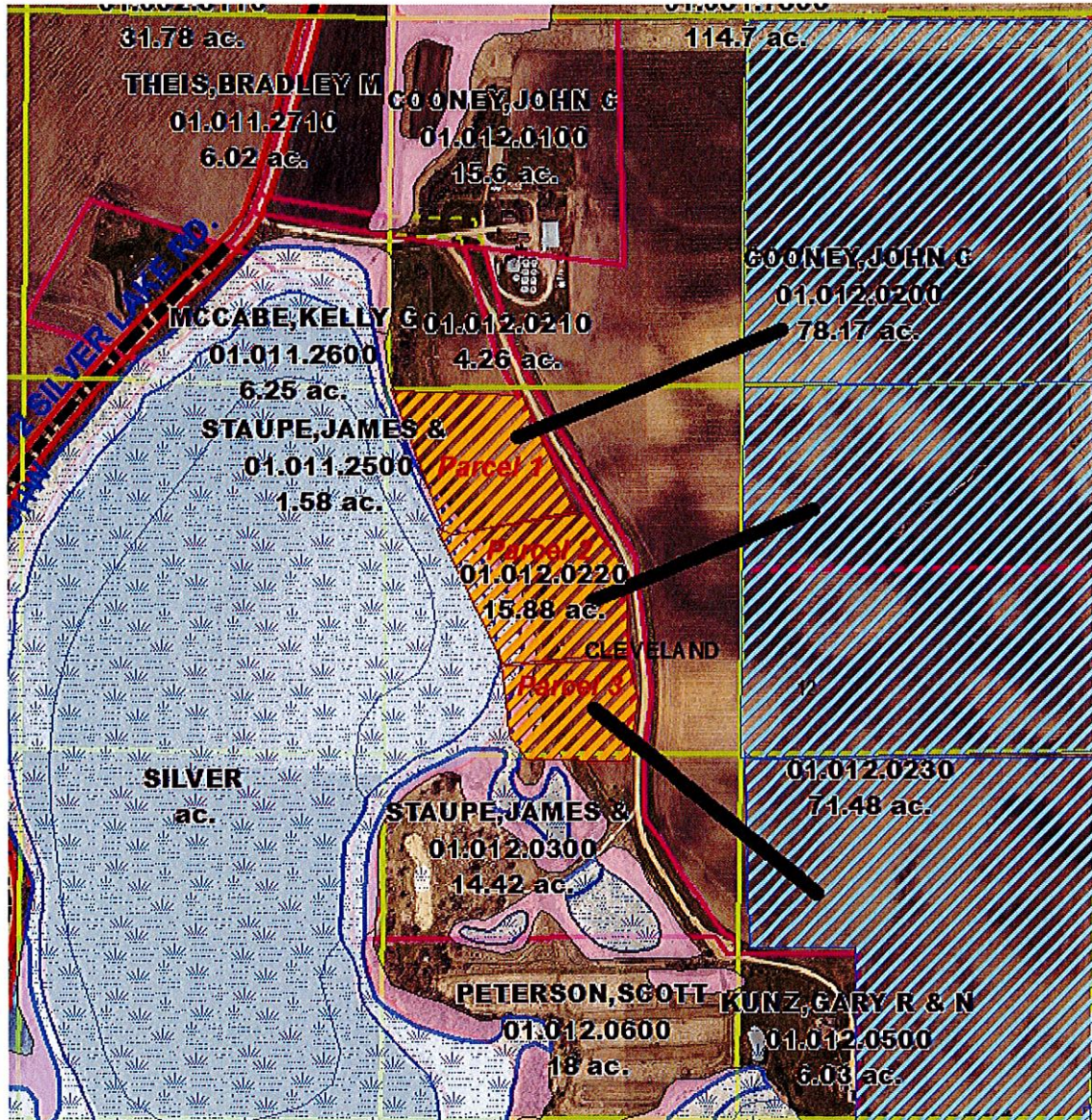
SHORELAND: The proposed building sites are located within the Shoreland District.

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:

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?*

Recommended (Agree/Disagree/Not Applicable) / Findings / Conditional Use Permit

LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 17039

Applicant: PAMELA COONEY

Land Owner: PAMELY COONEY

Conditional Use Permit Request: TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/SW TO THE SW/NW TO PARCEL #3.

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.

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Al	Don Rk	Don Ry	Jeanne	Doug	Shirley	Pam	TOTAL

Explain _____

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

Date: _____ APPROVED _____ DENIED _____ PZ Chairperson _____

COUNTY BOARD MEETING DATE _____

VII. Type of Request:

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

VIII. Description of Request:

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

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

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: Well
 - ii. Toilet facilities: Septic
 - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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

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



VII. Type of Request:

- ☐ Self Service Storage
- ☐ School/Church/Cemetery
- ☐ Retail Nursery/Greenhouse
- ☐ School/Church/Cemetery

- ☐ Value Added Agriculture
- ☐ Antique Sales/Service/Repair
- ☐ Substation/Transmission Lines etc.

☒ Other Transfer of Development Rights

VIII. Description of Request:

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

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

1. PROPOSED DAYS AND HOURS OF OPERATION: N/A
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: N/A
3. LIST OF PUBLIC HEALTH PLANS:
 - i. Water Supply: Well
 - ii. Toilet facilities: Septic
 - iii. Solid Waste Collection: N/A
4. FIRE PREVENTION: N/A
5. SECURITY PLANS: N/A
6. RETAIL SALES: N/A
7. FOOD OR ALCOHOL SERVED OR FOR SALE: N/A
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) None
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: N/A
10. EXTERIOR LIGHTING: N/A
11. PARKING AND LOADING: N/A
12. SIGNAGE: N/A
13. ROAD ACCESS: (Approved by the road authority) N/A Private Road
14. CERTIFICATE OF INSURANCE: N/A
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes

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- North point
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- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)

RECEIVED
JAN 25 2017
BY: mm

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.
N/A ☐ d. Access approval-Attach approval in writing from proper road authority.
☒ e. Township Notification-See Part IV for details and requirements.
N/A ☐ f. Septic System Compliance Inspection
N/A ☐ g. Erosion control plan-Attach completed and signed plan including map.
N/A ☐ 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.

Patricia K. Cooney
Applicant signature

1-25-17
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.

Patricia K. Cooney
Property Owner signature

1-25-17
Date

OFFICE USE ONLY

Request: TDR NE/SW to SW/NW (Parcel #3)

Pre-App Date 3-13-17 Lake Classification NE Feedlot 500' 1000' N
Meeting Date 4-13-17 Lake Silver Wetland Type 1-2 3-8 N
60 Day 5-12-17 FEMA Panel # 27079C0 260 D Water courses Y N
Zoning District SW/A/R Flood Zone A-100 yr Bluff Y N

- ☒ Request Description
☒ Site Plan
☒ Full Legal
☒ Ordinance

- ☐ Access Approval
☐ Erosion Control Plan
☐ Blue Prints
☐ Other _____

- ☒ Septic
☒ Meeting
☒ Fee
☐ Penalty

Comp Insp / Design
Reg / ATF / Spec
\$ 7900-

☒ Application Complete

Michelle R. Miller
Planning & Zoning Department Signature

3-13-17
Date

17039
Permit #



g/q map

Description of Request:

APPLICATION FOR PARCEL 3:

Request transfer of development rights for the NE ¼ of the SW ¼ to the SW ¼ of NW ¼ Section 12 Cleveland Township MN to allow development of Parcel 3.



DESCRIPTION
PARCEL 3

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, 853.09 feet; thence South 07 degrees 30 minutes 00
seconds East, 223.16 feet to the point of beginning; thence
continuing South 07 degrees 30 minutes 00 seconds East,
260.98 feet; thence South 07 degrees 10 minutes 36 seconds
West, 217.91 feet to a point on the south line of said
Government Lot 3; thence South 89 degrees 08 minutes 46
seconds West, along said south line, 825 feet, more or less, to
a point on the easterly water's edge of Silver Lake; thence
northeasterly and northerly, along said water's edge, 640 feet,
more or less, to the point of intersection with a line which
bears South 89 degrees 08 minutes 46 seconds West from the
point of beginning; thence North 89 degrees 08 minutes 46
seconds East, 530 feet, more or less, to the point of beginning.

Said Parcel 3 contains 6.5 acres, more or less, subject to any
and all easements of record.

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BY: mlm

Mettler, Michelle

From: St. Peter Well Drilling <spwell2@gmail.com>
Sent: Wednesday, January 25, 2017 11:40 AM
To: 'Pam Cooney'
Cc: Mettler, Michelle
Subject: Cooney, 3 lots building permit

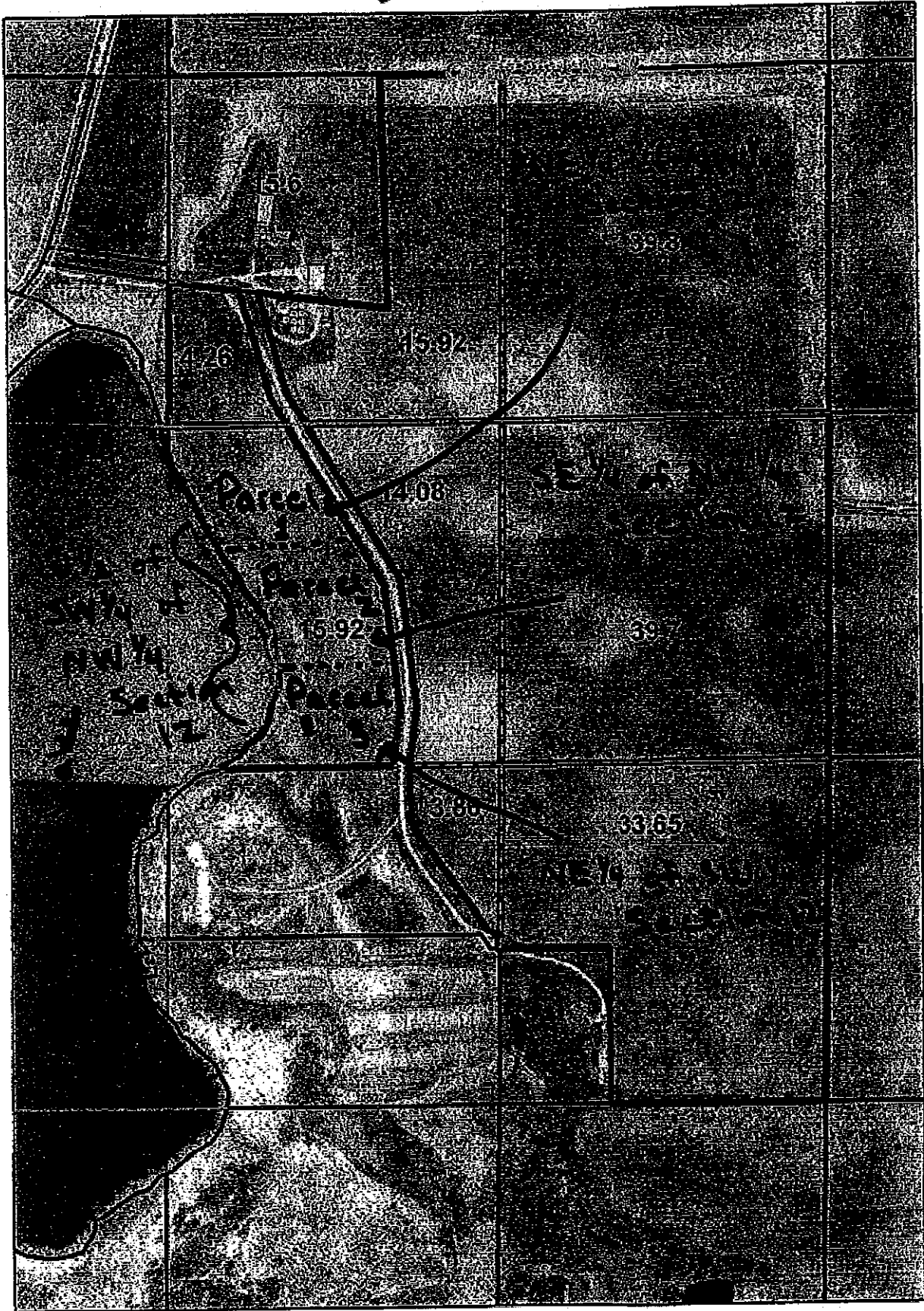
Michelle,

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

Cooney Proposed Lake Lots



Recd
7/13/17

Sold Parcel 3 contains 6.5 acres, more or less, subject to any and all easements of record.

Said Parcel 2 contains 5.0 acres, more or less, subject to any and all easements of record.

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

An easement for life line purposes 50.00 feet in width lying over, under and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, the center line of said easement is described as:

An easement for access purposes lying over and across that part of Government Lot 2 in Section 12 and over and across that part of the Northeast Quarter of the Southwest Quarter of Section 12, all in Township 110 North Range 25 West which lies within the circumference of a circle having a radius of 50.00 feet. The center of said circle is the termination point of the above described access easement.

An easement for access purposes 33.00 feet in width lying over and across that part of Government Lot 3 in Section 12, Township 110 North Range 25 West, LeSueur County, Minnesota, the center line of which is 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 785.10 feet to the point of beginning; thence North 82 degrees 00 minutes 00 seconds East, 289.45 feet and there terminating.

