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# **Le Sueur County, MN**

**Thursday, January 11, 2018**

**Regular session**

## **Item 1**

### **Stangler Ordinance Amendment Packet**

Staff Contact: Kathy Brockway or Michelle Mettler

# STAFF REPORT

## GENERAL INFORMATION

APPLICANT:	Richard Stangler
PROPOSED AMENDMENT:	Buildable Lot Area Definition
ZONING ORDINANCE SECTIONS:	Section 4, Buildable Lot Area Definition
CURRENT DEFINITION:	The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs or steep slopes and/or below the ordinary high water level.
PROPOSED DEFINITION:	The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs or <del>steep slopes</del> and/or below the ordinary high water level.

## TOWNSHIP BOARD & CITY NOTIFICATION

All Townships and incorporated Cities were notified of public hearing.

## DEFINITIONS

**Blue Earth County:** Buildable area means a contiguous portion of a lot that is suitable for the location of the primary structure and that excludes all existing and proposed easements, setback areas for principal structures, wetlands, floodplains, flag lots or steep slopes that are unbuildable under this ordinance, and other unbuildable areas.

**Nicollet County:** Buildable Lot-A contiguous parcel which will have access by way of a public road. The lot shall also meet current one (1) dwelling per quarter-quarter standards and current setbacks.

**City of New Prague:** Buildable Land-The net land area available for development determined by taking the gross land area in its pre-development condition and subtracting all delineated wetlands, rights-of-way, easements and floodplain areas.

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider the following, and judgment shall be based upon the following factors to include, but not limited to:

1. There is no setback from a steep slope.
2. Sloped areas accommodate walk-out dwelling construction.
3. Consider amending the *Buildable Lot Area* as requested.

# Le Sueur County

## Zoning Ordinance Amendment Application

### I. Applicant:

Name Richard Stangler  
Mailing Address 44357 Kilkey Rd S  
City Kilkey mn State mn Zip 56052  
Phone # 507-595-2883 Phone # \_\_\_\_\_

### II. Description of Amendment Request:

Attach the following required information accompanying the application to amend the wording of this Ordinance.

1. Stated reason for the amendment requested.
2. Statement of compatibility to the Le Sueur County Land Use Plan.
3. Text of the portion of the Ordinance to be amended.
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
5. Any additional information as may be requested by the Department and/or the Planning Commission.

### III. Quantities and Submittal Formats:

- a. **One (1)** reproducible copy of the request and all other supporting documents.
- b. However if any documentation is in color, an aerial photo, photographs, or larger than 11 x 17, 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 appointment for the amendment must be made **in person** prior to 12 P.M. on the date of application deadline. Fees are due at the time of application.
- e. **Appointment is necessary.**
- f. **Applications and fees will not be accepted by mail.**

### IV. Fees: Must be paid at the time of application.

Amendment \$ 750  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000 (*Additional fee*)

**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed amendment 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 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.*

Richard Styer  
Applicant signature

12-10-17  
Date

**OFFICE USE ONLY**

**Request:** Amend zoning ordinance -

Pre-App Date <u>12-11-17</u>	Lake Classification <u>                    </u>	Feedlot <u>500'</u> <u>1000'</u> <u>N</u>
Meeting Date <u>1-12-18</u>	Lake <u>                    </u>	Wetland Type <u>1-2</u> <u>3-8</u> <u>N</u>
60 Day <u>7-9-18</u>	FEMA Panel # <u>27079C0</u> <u>D</u>	Water courses <u>Y</u> <u>N</u>
Zoning District <u>                    </u>	Flood Zone <u>                    </u>	Bluff <u>Y</u> <u>N</u>

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

<input checked="" type="checkbox"/> Application Complete	<u>Michelle R. Mitta</u>	<u>12-8-17</u>	<u>17480</u>
	Planning & Zoning Department Signature	Date	Permit #

Le Sueur County Board of County Commissioners;

1. Upon review of the existing criteria for buildable site's I have come up with a catch 22 problem which I will address here . A rural buildable site must be of acceptable acreage at least 2.5 acres, areas to establish 2 septic systems. The catch 22 is that we are required to delete floodplains, wetlands, bluffs and steep slopes after which we need 40,000sq ft remaining area . Now even though this area is required the building may be built on the steep slope as long as requirements are met . In fact many properties prefer to use the slope in the design and landscaping of the property.

2. In reviewing your Land Use Goals and Policies, I find no adverse reasoning to affect this change in fact your Goal 4 states that allowing nonfarm development in agricultural areas should occur as long as it causes minimal conflicts , building sites with forested land are the best use and will blend well in the ag district.

3. BUILDABLE LOT AREA The portion of a lot or parcel remaining after the deletion of floodplains, wetlands, bluffs, or steep slopes and /or below ordinary high water level.

#### 4. PROPOSED AMENDED ORDINANCE

BUILDABLE LOT AREA The portion of a lot or parcel remaining after deletion of floodplain, wetlands, or bluffs at or below the ordinary high water level .

5. Cause and effects of changes to ordinance ; the removal of the steep slope designation does not open the flood gates to change in the development potential of rural parcels it affords the opportunity to best use properties not conducive to modern agriculture while help balance the tax base in rural areas .

Richard Stangler

44357 Kilkenny Rd s

Kilkenny MN 56052

