

Applicant

Oscar Weigelt
17697 568th Ave
Good Thunder, MN 56037

Request and Location

Conditional Use Permit to transfer a development right from the NW ¼ of the SW ¼ of Section 19, Decoria Township to the SW ¼ of the SW ¼ of Section 19, Decoria Township.

Project Proposal

The applicant is requesting a transfer of development rights from the NW ¼ of the SW ¼ of Section 19, Decoria Township to the SW ¼ of the SW ¼ of Section 19, Decoria Township. The sending Qtr Qtr consists of tillable farm land. The receiving Qtr Qtr consists of tillable farm land, three distinct ravine systems and one residential development. The development right is being transferred to the property included in parcel number R35-14-19-300-004. The intent is to give the owner of said parcel the option to split the parcel through a formal subdivision plat process and to create a second rural residential dwelling site. An application for plat review has not yet been submitted by the applicant.

Zoning

Both the receiving and the sending quarter-quarters are zoned Agricultural.

Land Use Plan

This proposal does not conflict with the Land Use Plan.

Access

The receiving Qtr Qtr has access to County Road 16 by way of a minimum maintenance road (175th Lane). The applicant and those individuals who have expressed interest in the property have been advised that all improvements to the Township Road (required or requested) will be at the applicant's or property owner's expense.

Existing Land Use within 1/4 mile of the receiving quarter-quarter

North: 175th Lane (a minimum maintenance Township road), and cropland.

East: Cropland and a series of wooded ravine systems that lead to the Cobb River.

South: Cropland, one residence, and a series of wooded ravine systems that lead to the Cobb River.

West: CSAH 16 and Cropland.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area varies significantly. The sending Qtr Qtr is fairly flat. The receiving Qtr Qtr is flat to the north with the exception of the three ravines. It then breaks off to the south.

Floodplain

The proposal is not within a floodplain area.

Shoreland

The proposal is not within a shoreland area.

Wetlands

According to the National Wetlands Inventory, there are no wetlands on the property.

Township Board Review

At the time this report was written, no comment had been received from the Township.

STAFF REVIEW

Environmental Health Comments – See Attachment A-3.

OPINIONS

Based on the information submitted by the applicant, contained in this report, and as required in Sec. 24-466 of the County Code, the following opinions have been developed for this request:

1. That the proposed use conforms with the county land use plan.
2. The demonstrated need for the proposed use.
3. That the proposed use will not degrade the water quality of the county.
4. That the proposed use will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That the proposed use does not create a potential pollution hazard.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
11. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
12. That adequate measures have been or will be taken to prevent or 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.

13. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.

14. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

15. That the intensity of the proposed residential development is not greater than the intensity allowed in the Agricultural Zoning District. Section 24-111 of the Agricultural District States: "Owners of property, residents, other users of property in the agricultural zone, and neighboring properties adjacent to the agricultural zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides, and pesticides associated with normal agricultural operations."

RECOMMENDATIONS

Staff recommends **approval** of the Conditional Use Permit to Transfer the Development Rights contingent upon the following conditions:

1. That any future subdivisions will be processed pursuant to the Blue Earth County Subdivision regulations.
2. That construction, septic, and well permits be obtained prior to commencement of construction activities.

ATTACHMENTS

A-1, General Location Map

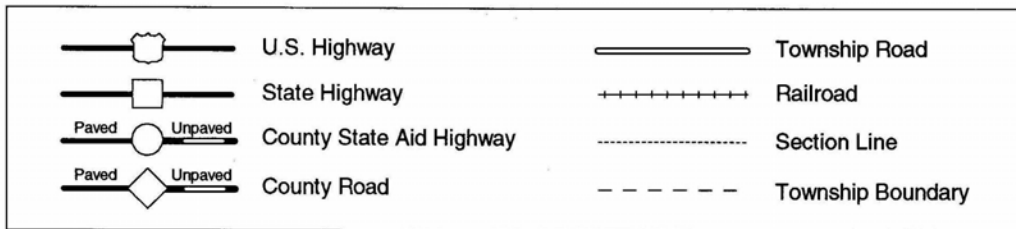
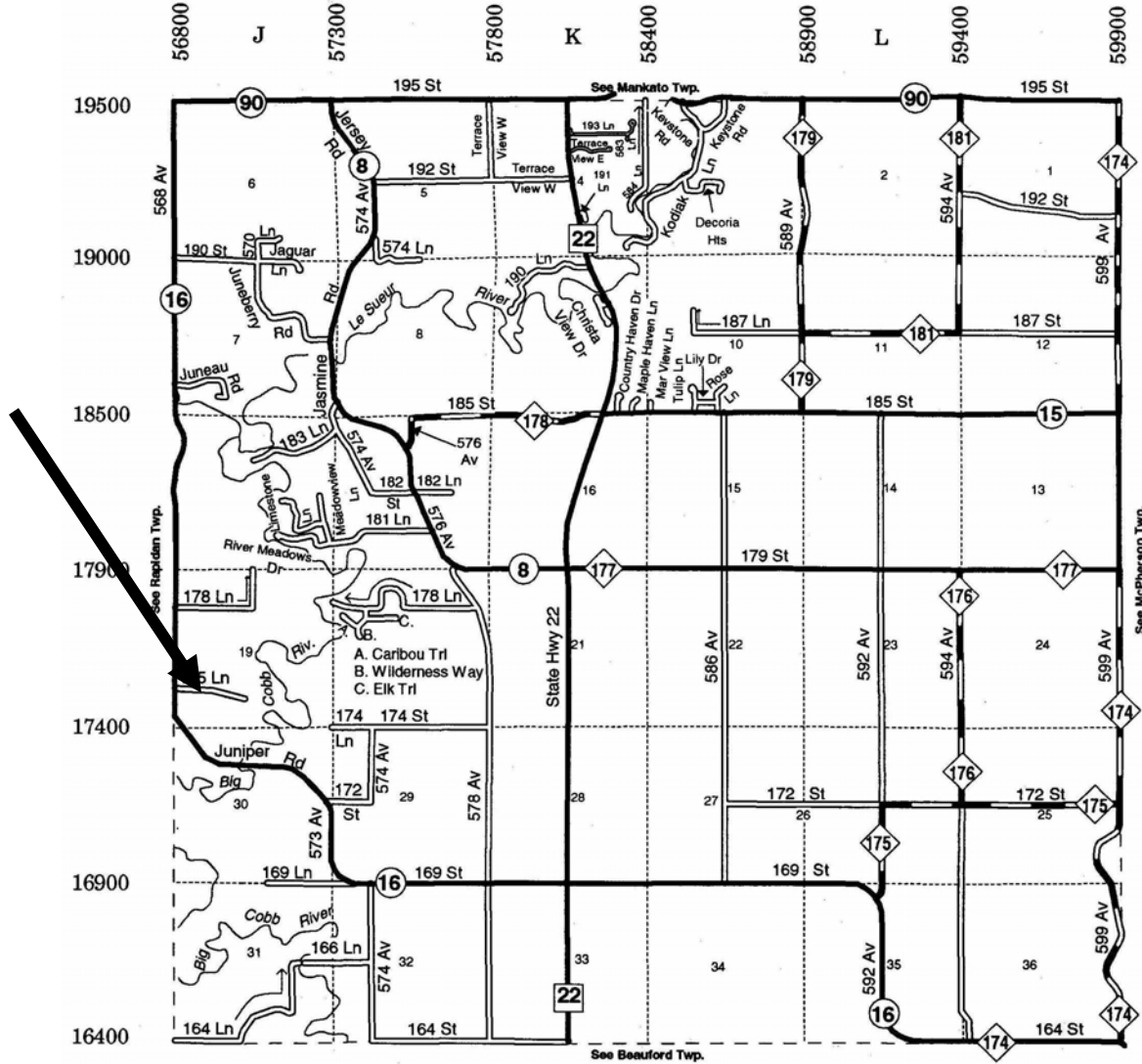
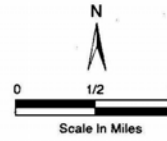
A-2, General Site Map

A-3, Environmental Health Comments

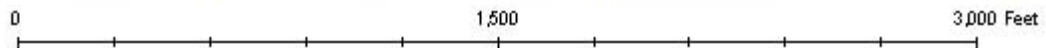
A-1, General Location

Decoria

T 107 N - R 26 W



A-2 Site Map



**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health Review

August 20, 2010

Environmental Health Comments/Questions

R35.14.19.300.004

Oscar Weigelt- Conditional Use Permit to transfer a development right from the NW ¼ of the SW ¼, to the SW ¼ of the SW ¼, all in Section 19, Decoria Township. Said property is zoned Agricultural.

General: The specific requirements for environmental health concerns pertaining to septic, wells and wetlands will be addressed in the physical development of the property after the parcel is defined.

Septic System: The sending ¼ ¼ does not have any development historically and therefore does not have any known septic systems. At time of new development in the receiving ¼ ¼ there must be two septic system locations identified on the property.

Water Wells: At time of development of the additional dwelling, a well or shared well agreement must be in place. A historic photo review does not indicate the presence of any former development in the sending ¼ ¼ and therefore wells should not be present on the sending ¼ ¼' s.

Wetlands: The sending ¼ ¼ has historically been agricultural land, there is surface and subsurface drainage present. There are areas of potential wetlands in both the sending and receiving ¼ ¼ sections that will need to be addressed prior to any development or drainage changes to the receiving ¼ ¼.

Environmental Health Conditions That Need To Be Address As Conditions In C.U.P.:

1. At time of development, two locations for septic systems must be identified and documented.
 2. A new well for the facility will require construction to be done by a licensed well contractor under permit by Blue Earth County Environmental Services.
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