

Applicants

Crescentia and Anthony Reid
62626 240th Street
Madison Lake, MN 56063

Request

Request for approval of the Preliminary and Final Plat of Nature Pond, a one lot and one outlet subdivision located in the Agricultural Zoned District in the NE 1/4 of the NW 1/4 and the SE 1/4 of the NW 1/4 of Section 29, Jamestown Township.

Legal Description

As defined on the Plat of Nature Pond

Zoning

The property is located in the Agricultural and Shoreland Zoning Districts

General Project Description

The existing property includes an existing building site, wood lot and wetland area. The applicants are proposing to split the building lot from the wood lot and wetland. If approved, the building site will include a 2.92 acre lot and a 16.01 acre outlet.

Access

No change in access is proposed. Access is provided by an existing driveway off of 235th Street, a Township road.

Existing Land Use, 1/4 Mile

North: Crop land and a wetland

South: 235th Street, multiple residences, and a wetland

East: Two residences, crop land and Long Lake

West: Crop land and one residence

Land Use Plan

The proposal does not conflict with the land use plan.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area is gently rolling.

Floodplain

The proposal is not within a floodplain area.

Shoreland

The extreme northeast corner of the proposed outlet is located within 1,000 feet of Long Lake and is therefore in the shoreland district.

Wetlands

There are wetlands on the property and they have been properly delineated and shown on the preliminary and final plats.

Township Review

In a letter dated August 10, 2011, The Jamestown Township Board indicated no issue with the proposed plat.

Staff Comments

Environmental Health Review – See attachment A-5.

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.

NA14. That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

15. 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.

RECOMMENDATIONS

Staff recommends **approval** of the preliminary and final plats of Nature Pond contingent upon the following conditions:

1. The developer of the residential parcel acknowledges and understands the following cautionary disclosure from the Blue Earth County Code of Ordinances, Division 2. Agricultural District, Section 24-111 Purpose, Subpart (b) Agricultural operations. Said disclosure states:

Through the adoption of this subsection, the board of commissioners is expressing its intent to enhance and encourage agricultural operations within the boundaries of the county. The county will view the agriculture district as a zone in which land is used for commercial agricultural production. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture 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. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone, should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice, pursuant to Minn. Stats. ch. 561.19, that this declaration may prevent them from obtaining a legal judgment against such normal operations.

2. The final plat of Nature Pond must be recorded within one year of approval by the Blue Earth County Board of Commissioners.

3. No burning or burial of the old home or buildings. If in conjunction with a controlled practice burn by the area serving fire department, burning of the house may be allowed.

4. The proposed upgrade of the septic system serving the existing building site must be installed by July 22, 2013.

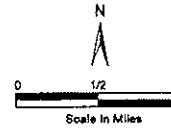
Attachments:

- A1 Location map
- A2 Site Map
- A3 Preliminary Plat
- A4 Final Plat
- A5 Environmental Health Review

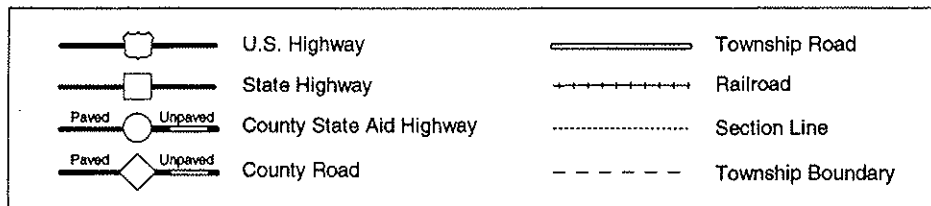
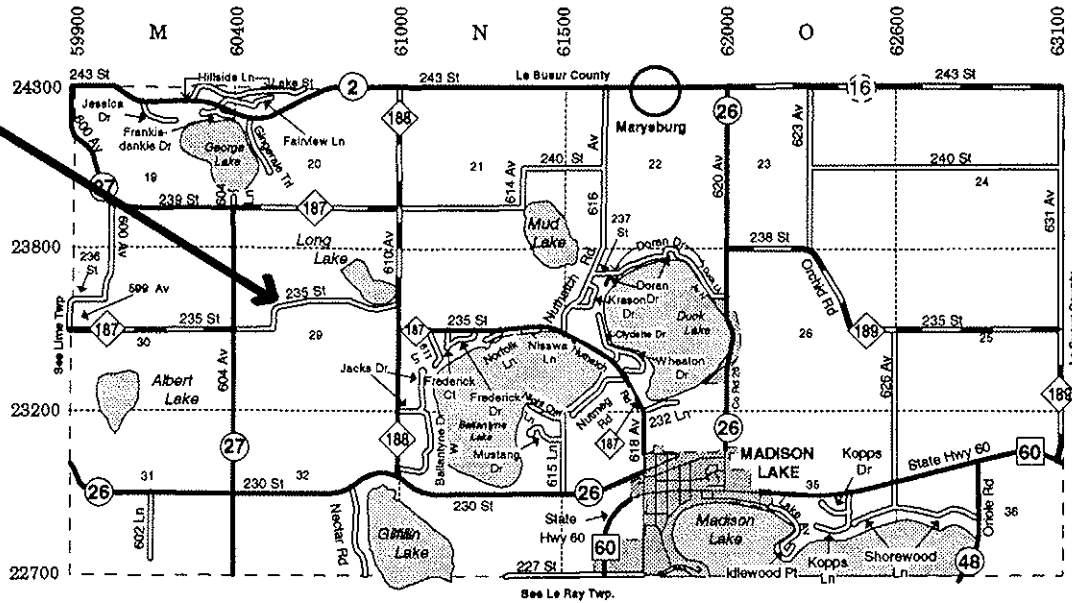
Attachment A-1
General Location Map

Jamestown

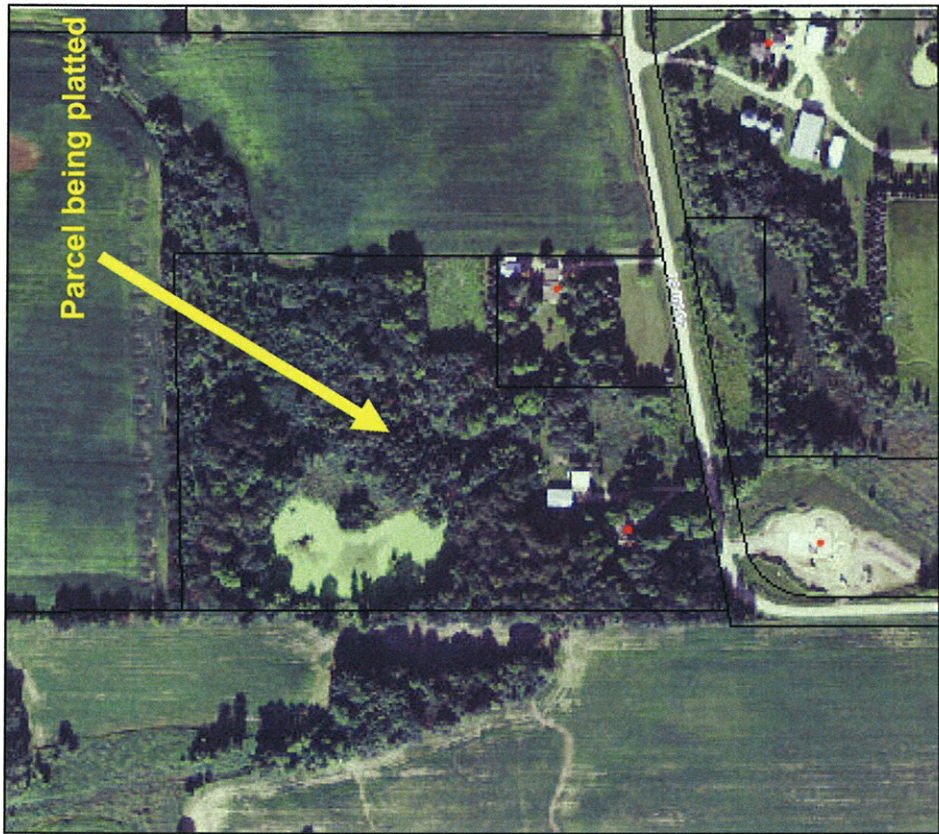
T 109 N - R 25 W



Site



A-2



Disclaimer: This map was created using BlueEarth County's GIS and was created for public information. County uses it in hand to be used for reference purposes only and does not represent a warranty. No liability is assumed for the accuracy of the data displayed herein, either as presented or implied by Blue Earth County or its employees.

**BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES**

Government Center, 410 South Fifth Street
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381 Fax: (507) 304-4431

Environmental Health Section - Planning Application Reviews

Date Printed: July 25, 2011 **Permit Number:** PL20110047
Property Owner: REID ANTHONY J &
CRESCENTIA A **Applicant:** REID ANTHONY J &
CRESCENTIA A
Parcel Number: R37.05.29.100.008 **File ID:** PC 19-11

Application Description: Request for approval of the Preliminary and Final Plat of Nature Pond, a one lot and one outlot subdivision located in the Agricultural Zoned District in the NE 1/4 of the NW 1/4 and the SE 1/4 of the NW 1/4 of Section 29, Jamestown Township.

Septic Review

Status: Complete - Comments Received

Comments: A compliance inspection of the existing septic system must be done prior to accepting this plat. Additionally there must be two drainfields with a design for each site submitted. If the existing system is compliant, that will serve as one of the drainfield locations. As of 7/19/2011 there have been no septic submittals. potterness 07/19/2011 2:03 PM Corrections added - see corrections notice. 7/22/2011 - Septic compliance inspection shows a noncompliant system - Failure to protect groundwater. A design has been submitted to support the two drainfield locations on the preliminary plat. The primary system is required to be installed by July 22, 2013. potterness 07/22/2011 1:46 PM

Well Review

Status: Complete - Comments Received

Comments: The preliminary plat indicates that the well, unique # 119680 drilled by Hartmann Well Drilling, is located north of the house. The splitting of this property should not have a negative impact to this well. grant 07/22/2011 9:18 AM

Wetland Review

Status: Complete - Comments Received

Comments: BEC has received the wetland boundary determination application and report from Bolten and Menk for this plat. Tim Grant and Stacey Feser met with the wetland delineator, Todd Javens of Bolten and Menk, onsite to verify the wetland boundary. BEC agreed with the delineated line but have not issued the Notice of Decision yet. However, the notice will be for approval. S. Feser 07/22/2011 4:20 PM
