

Applicant

Eugene Braam
1577 Sherwood Drive
No. Mankato, MN 56003

and

Tamara Braam Properties LLC
1021 Madison Ave
Mankato, MN 56001

Request

Request for approval of the Preliminary and Final Plat of Mini Ranch, a two lot and two out lot subdivision located in the Conservation and Shoreland Zoned Districts in the NW ¼ of the NE ¼ and the NE ¼ of the NE ¼ of Section 09, Decoria Township.

Legal Description

As defined on the Plat of Mini Ranch.

Zoning

Conservation and Shoreland

General Project Description and Property History

The plat proposal consists of three existing parcels. If approved, the subdivision will include two buildable lots and two outlots. In 2005, the property involved consisted of one parcel. At the time, this parcel was classified as a lot of record, meaning that it was in place at the time the applicable zoning regulations were adopted and therefore had its own development right. In May of 2005 a construction permit was issued to the applicants for a second single family dwelling. The permit included the following comment:

There will be two houses on this parcel when the proposed house is completed. They are not in the same quarter-quarter, but if the existing house is planned to continue as a residence the parcel must be subdivided. Otherwise it must be removed from the property, legally disposed of or converted to a storage building. They may not be occupied at the same time unless the property is subdivided. All parts of the house including decks must be 100 feet from the top of the river bank.

At the time, the existing house was in poor condition and the applicant had suggested that it might be torn down or removed. It has since been refurbished and is in use. The construction permit was valid for one year and the home for which the 2005 permit was obtained was never built. The original parcel (a lot of record) was split in December of 2007 resulting in the three nonconforming parcels. The parcels are considered nonconforming because the division of the original parcel should have gone through the formal subdivision process. The applicants were notified of the nonconforming property split and are now attempting to correct the issue by going through the formal subdivision process.

Two quarter-quarter sections are involved with this plat. The NW ¼ of the NE ¼ of Section 09, and the NE ¼ of the NE ¼ of Section 09, both in Decoria Township. Each of these quarter-quarters have one residential dwelling which technically leaves no additional development potential without transferring in a development right from an adjacent quarter-quarter section. The applicants were advised by staff that they did have a development right in the quarter-quarter section where the second dwelling is proposed. The existing residential dwelling in the

NE ¼ of the NE ¼ is in the extreme corner of this quarter-quarter. Construction permit documents on file from the neighboring dwelling include a site plan showing the home 65 feet south of the property line. The aerial photo of the property at the time of the initial discussion and the technology available did not as accurately depict the property and the residential development as it does today. The current aerial photo, which now includes the neighboring dwelling, shows the dwelling 40 or more feet further south than what was shown in the original site plan. As a result, this neighboring dwelling is definitely in the quarter-quarter section where the new development is being proposed. Staff is recommending to proceed with the subdivision request and to allow for the added development right.

Access

No change in access is proposed. Access is provided by an existing driveway off of State Hwy 22.

Existing Land Use, 1/4 Mile

North: State Hwy 22, the Le Sueur River, conservation land, six dwellings, and woodland.

South: State Hwy 22, the Le Sueur River, four dwellings, woodland and open space.

East: The Le Sueur River, woodland and one residence.

West: 190th Lane (a Township Road), woodland, cropland, and two residences.

Land Use Plan

The proposal does not conflict with the land use plan.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area varies greatly from low lying floodplain and river bottom to steep bluffs.

Floodplain

Areas of the proposed subdivision do include floodplain. The buildable area of the intended second home is in the 500 year (0.2%) floodplain. Although residential dwellings can be built in the 500 year floodplain, it is not advisable. The applicants have signed a statement acknowledging that they will be solely responsible for any damage due to future flood events.

Shoreland

Areas of the proposed subdivision do include shoreland.

Township Review

In an email dated January 10, 2012, the Decoria Township Clerk indicated that the request was discussed by the Township Board and the Board voted to recommend approval of the requested subdivision.

Staff Comments

Environmental Health Review – See attachment A-4.

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 subdivision conforms to the county land use plan.
2. The demonstrated need for the proposed use.
3. That the proposed subdivision will not degrade the water quality of the county.
4. That the proposed subdivision will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed subdivision.
6. That the proposed subdivision 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 subdivision.
10. That the proposed subdivision 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 subdivision 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.
- (NA)14. 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 Mini Ranch, a two lot and two

outlot subdivision 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 must be recorded within one year of approval by the Blue Earth County Board of Commissioners.

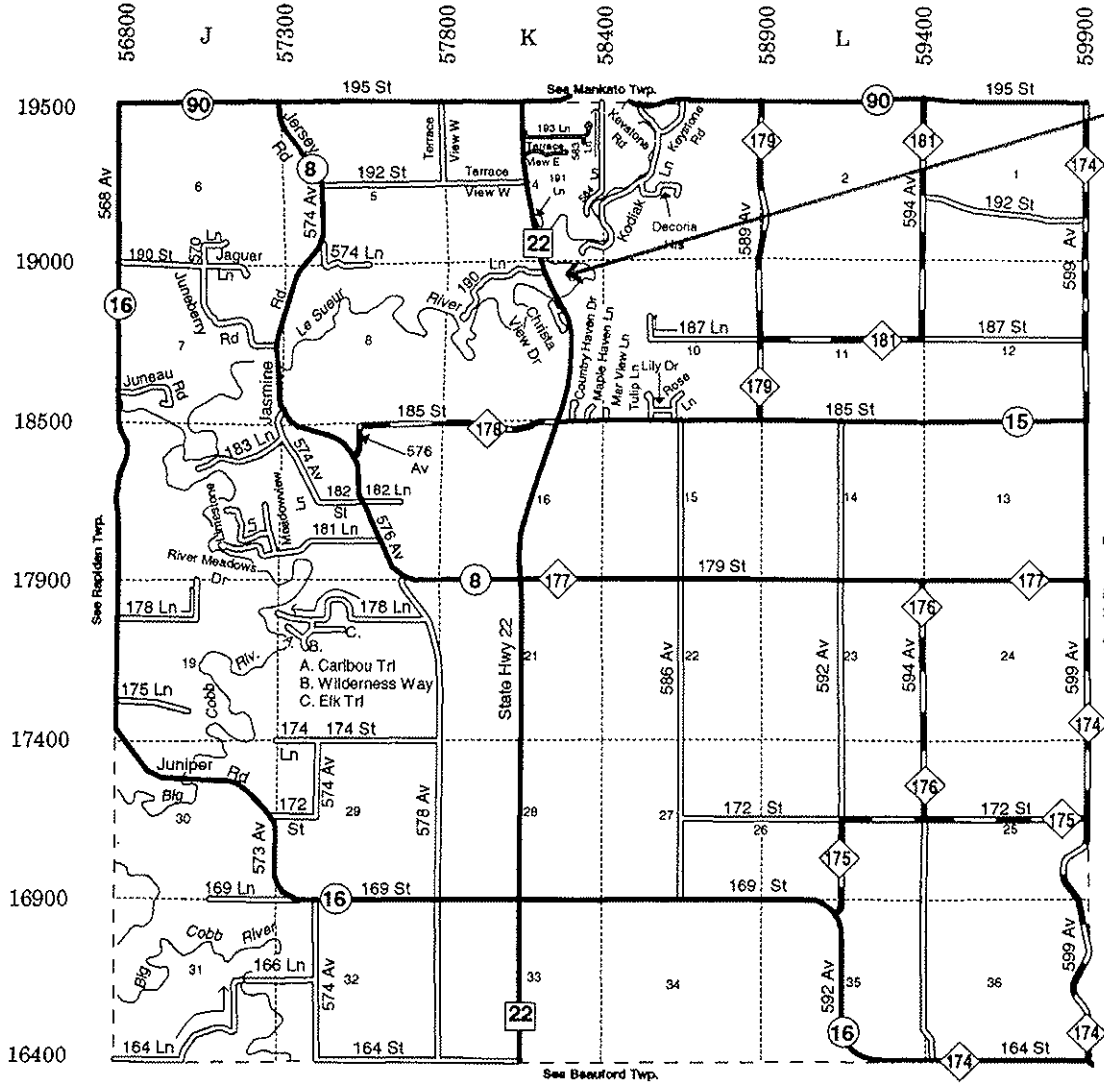
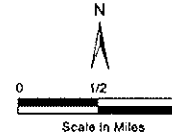
Attachments:

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

**Attachment A-1
General Location Map**

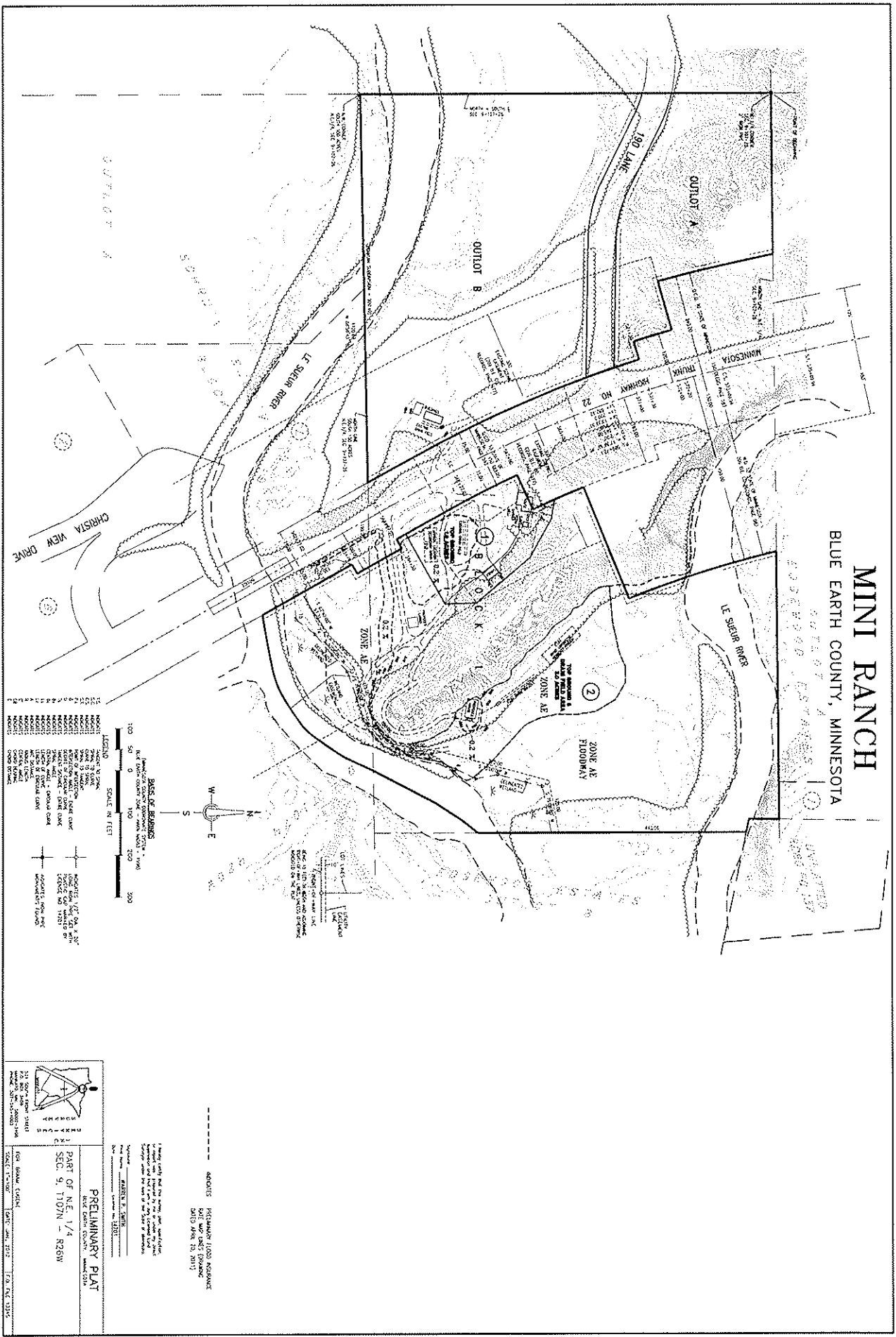
Decoria

T 107 N - R 26 W



	U.S. Highway		Township Road
	State Highway		Railroad
	County State Aid Highway		Section Line
	County Road		Township Boundary

MINI RANCH
 BLUE EARTH COUNTY, MINNESOTA



LEGEND

1" = 100'	1" = 200'
1" = 300'	1" = 400'
1" = 500'	1" = 600'
1" = 700'	1" = 800'
1" = 900'	1" = 1000'
1" = 1100'	1" = 1200'
1" = 1300'	1" = 1400'
1" = 1500'	1" = 1600'
1" = 1700'	1" = 1800'
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SCALE IN FEET

DATE OF REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/2012	PRELIMINARY
2	10/15/2012	REVISED
3	10/25/2012	REVISED
4	11/5/2012	REVISED
5	11/15/2012	REVISED
6	11/25/2012	REVISED
7	12/5/2012	REVISED
8	12/15/2012	REVISED
9	12/25/2012	REVISED
10	1/5/2013	REVISED
11	1/15/2013	REVISED
12	1/25/2013	REVISED
13	2/5/2013	REVISED
14	2/15/2013	REVISED
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A-4

**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:	January 25, 2012	Permit Number:	PL2012004
Property Owner:	BRAAM EUGENE R	Applicant:	BRAAM TAMRA PROPERTIES LLC
Parcel Number:	R35.14.09.226.007R35.14.09.201. 003R35.14.09.201.004	File ID:	PC 04-12

Application Description: Preliminary and final plat of Mini Ranch. A two lot and two outlot subdivision located in the NW 1/4 of the NE 1/4 and NE 1/4 of the NE 1/4 of Section 9, Decoria Township. The property is zoned Conservation.

Septic Review

Status: Complete - Comments Received

Comments: The proposed plat includes 3 separate areas serviced by septic systems. Lot 1 Block 1 on has a house on a compliant septic system installed in 2006. A compliance inspection was done and a certificate of compliance issued, valid until 12/18/2014. Outlot A has a septic system installed for a camper trailer in 2007 that is under the original installation compliance certificate, valid until 10/24/2012. There are no proposed changes to either of these locations. Lot 1 block 1 has the required secondary drainfield location. Outlot A is not proposed for any future development, therefore there is no requirement for second drianfield location. Lot 2 Block 1 has a septic system that was installed in 2007 for a possible future house. A camper trailer has been connected to the system. The existing septic system will need to be evaluated for design characteristics based on the proposed house at the time of building permit. If changes are required, additions to the septic system will need to be completed prior to occupancy of the new house. A secondary site location of a future septic system as required is provided in the plat.Both secondary systems on Lot 1 and 2 need to be protected to preserve the soil structure from compaction.potterness 01/20/2012 9:28 AM

Well Review

Status: Complete - Comments Received

Comments: Lot 1 Block 1 on this proposed plat has a house and a flowing well. The proposed plan is to utilize this existing in-use well to serve the additional Lot 2 BLock 1 which currently only has a portable camper trailer located on it. It is adviseable to have a shared well agreement recorded with both of these properties. This proposed subdivision does not appear to have a negative impact based on the known well information on this property. grant 01/23/2012 9:54 AM

Wetland Review

Status: Complete - Comments Received

Comments: Wetland delineation was performed by R.J. Hanna & Associates for this plat. The wetland delineation did not look at the outlots, only Block 1 and 2. A boundary and type application and report was submitted on December 1, 2011 and approved on December 13, 2011. There was wetland delineated adjacent to the Le Sueur River and this approved delineated wetland line along with the wetland easement is shown on the preliminary and final plat. S. Feser 01/25/2012 9:39 AM
