

PC 21-09
Gwendolyn McGregor and Family Trust CUP
10-07-09

**Conditional Use Permit to transfer a development right from the NE 1/4 of the NE 1/4 of Section 27 to the SW 1/4 of the NE 1/4 of Section 27, of Mapleton Township.
Said property is zoned Agricultural and Conservation.**

Applicants

Gwendolyn McGregor and Family Trust
10896 588th Ave
Mapleton, MN 56065

Request and Location

Conditional Use Permit to transfer a development right from the NE 1/4 of the NE 1/4 of Section 27 to the SW 1/4 of the NE 1/4 of Section 27, Mapleton Township.

Project Proposal

The applicants are proposing to construct a second dwelling in the SW ¼ of the NE ¼ of Section 27. This will require an additional development right from an adjacent Quarter Quarter Section. The request is to transfer a development right from the NE 1/4 of the NE 1/4 of Section 27 to the SW 1/4 of the NE 1/4 of Section 27, all located in Mapleton Township. The sending Quarter Quarter consists of farmland and a feedlot owned by the applicant. The receiving Quarter-Quarter consists of farmland and a small wooded area that includes an existing dwelling. The size of the potential lots and exact location of the future home will be made at a later date. The only request is to transfer the development right.

Zoning

The sending Quarter Quarters is zoned Agricultural. The receiving Quarter Quarter is zoned Conservation.

Land Use Plan

This proposal does not conflict with the Land Use Plan.

Access

Access to the proposed lot will be from a publically dedicated roadway.

Existing Land Use, 1/4 mile

The land within ¼ mile of these properties is primarily cropland. There is an unnamed tributary stream approximately 1,100 feet away that leads to the Maple River.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area is flat to gently rolling.

Floodplain

The area of the proposed development is close to a floodplain. Maps available to staff indicate that the floodplain is approximately 150 feet from the nearest corner of the existing home. The proposed construction will be outside of the floodplain district.

Shoreland

The proposed construction area is not located within a shoreland district.

Wetlands

According to the National Wetlands Inventory there are no wetlands in the immediate area that will be impacted by the proposal.

Township Board Review

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

STAFF REVIEW

Environmental Health Comments – See Attachment

OPINIONS

Based on the information submitted by the applicant, contained in this report, and as required in Sec. 24-46 of the County Code, the following opinions have been developed for this request:

1. That the Transfer of Development Rights conforms with the county land use plan.
2. The demonstrated need for the proposed use.
3. That the Transfer of Development Rights will not degrade the water quality of the county.
4. That the Transfer of Development Rights will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That the Transfer of Development Rights 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 Transfer of Development Rights will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

11. That the Transfer of Development Rights 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 and septic permits will be obtained prior to commencement of construction activities.
3. That no construction activity shall take place within the Floodplain.

ATTACHMENTS

A-1, General Location Map

A-2, General Site Map

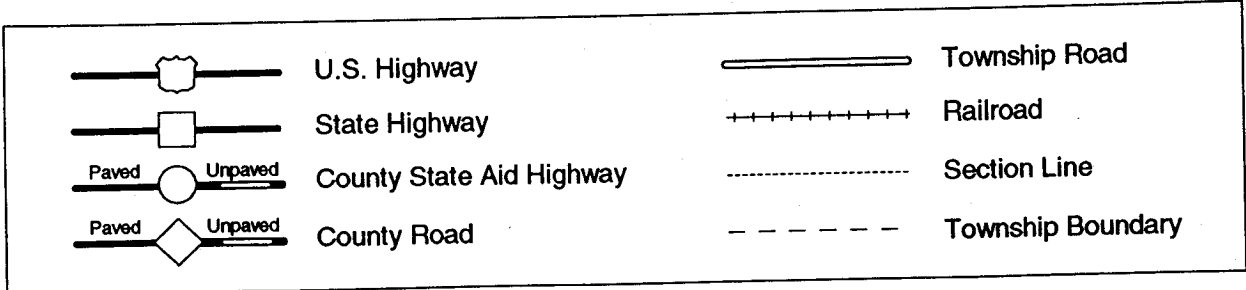
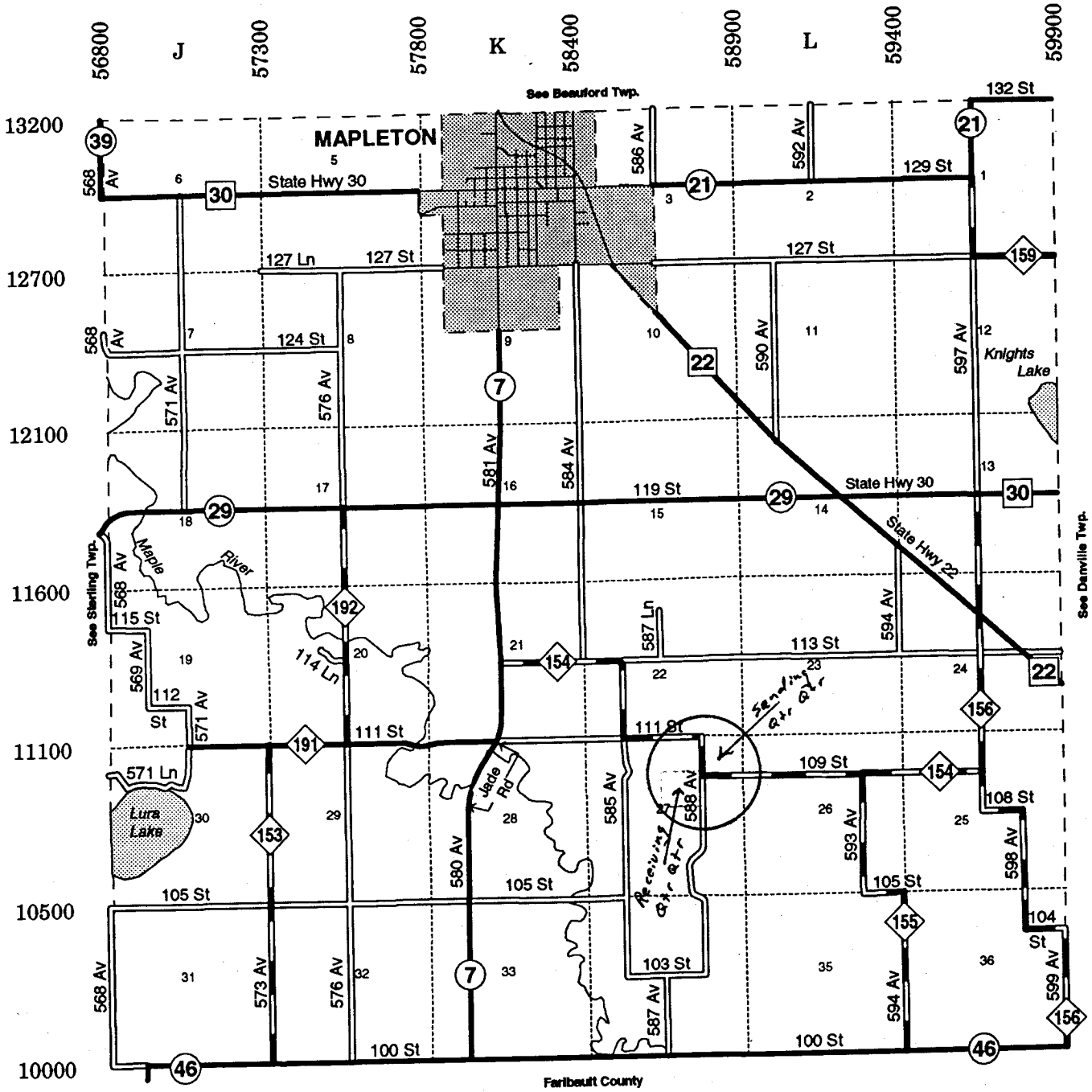
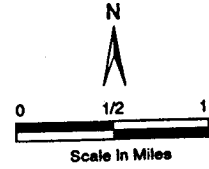
A-3, Environmental Health Comments

A-4, FEMA Floodplain Map

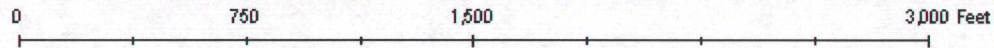
Mapleton

A-1, General Location Map

T 105 N - R 26 W



A-2 General Site Map



Attachment A-3

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 / Sanitarian Report

September 21, 2009

The information presented is for the purpose of the hearing to consider the following application(s):

Gwendoyne McGregor & Family Trust – Request for a Conditional Use Permit to transfer a development right from the NE 1/4 of the NE 1/4 of Section 27 to the SW 1/4 of the NE 1/4 of Section 27 of Mapleton Township. Said property is zoned Agricultural and Conservation.

Environmental Health Comments/Questions

General: The transfer of development rights does not ensure that an area is truly buildable until it has been proven that a septic system and well can be placed on the property for the type and size of building proposed.

Septic System: At the time that development is proposed and two individual parcels are created in the receiving 1/4, 1/4, there must be 2 locations on each parcel for a complying septic system. At that time the existing house on the receiving property must also have a compliance inspection conducted.

Water Wells: At the time that development is proposed and two individual parcels are created in the receiving 1/4, 1/4, there must be a location on each parcel for a water well or an easement agreement in place for a shared water well.

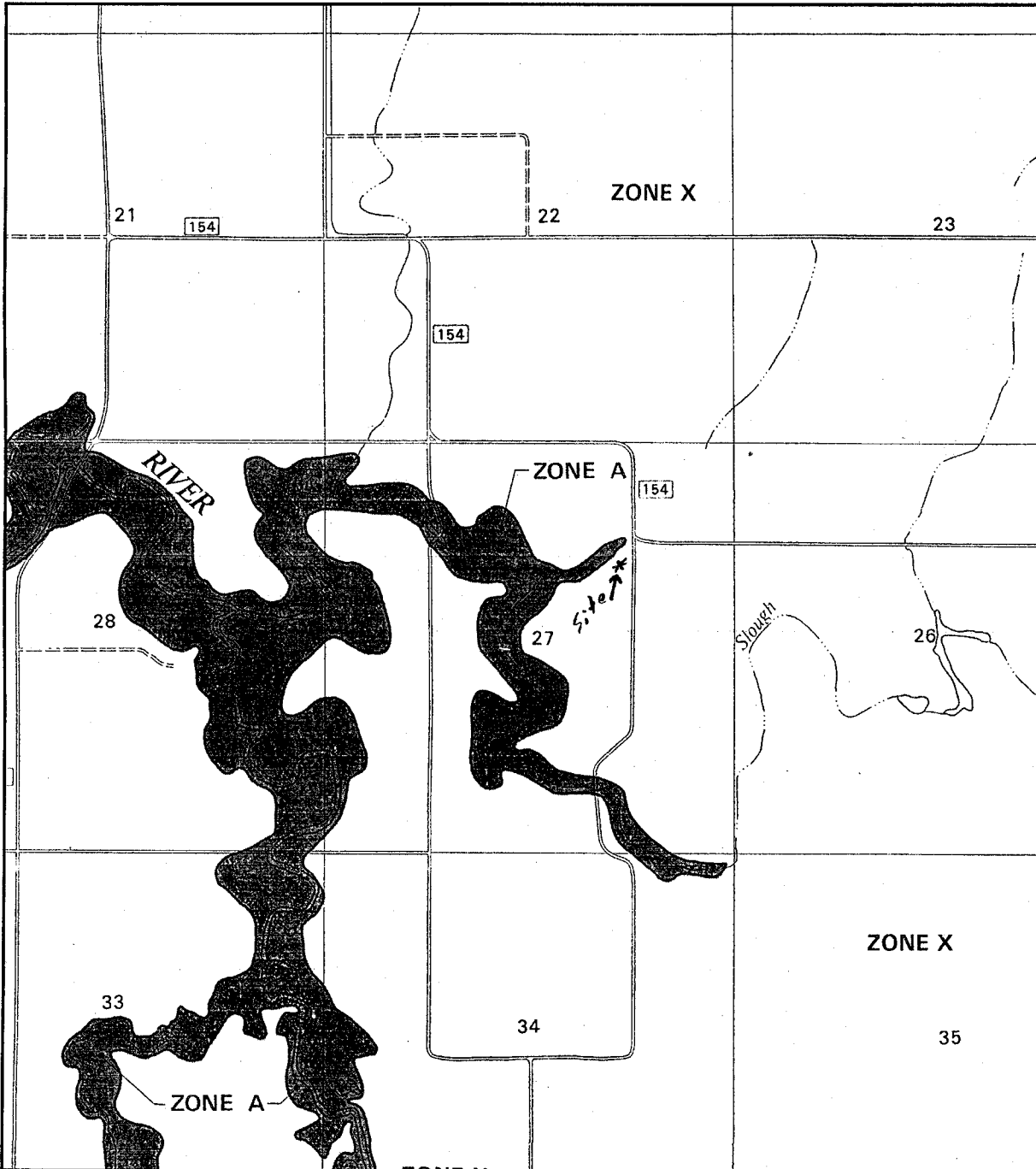
Wetlands: At the time that development is proposed and two individual parcels are created in the receiving 1/4, 1/4, the wetland issue should be looked at more thoroughly.

Environmental Health Recommendation: Approval

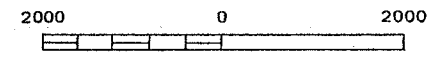
Conditions:

- 1. All conditions for development will be addressed at time of parcel creation and during the building permit process.**
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A-4 Floodplain Map



APPROXIMATE SCALE IN FEET

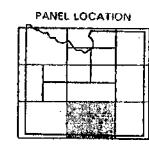


NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BLUE EARTH
COUNTY,
MINNESOTA
(UNINCORPORATED AREAS)

PANEL 200 OF 225



COMMUNITY—PANEL NUMBER:
275231 0200 D
MAP REVISED:
MARCH 5, 1990



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov