

Applicant

Brad Loeffler
61970 206th Street
Eagle Lake, MN 56024

Request and Location

Conditional Use Permit to transfer a development right from the SW ¼ of the NE ¼ of Section 33 LeRay Township to the NW ¼ of the NE ¼ of Section 33, LeRay Valley Township.

Project Proposal

The applicant is requesting a transfer of the development right from the SW ¼ of the NE ¼ of Section 33 LeRay Township to the NW ¼ of the NE ¼ of Section 33, LeRay Valley Township. The sending Qtr – Qtr consists of farmland, an open county ditch, and a small woodland of approximately nine acres. The receiving Qtr – Qtr consists of farmland and a wooded building site of approximately eight acres. The building site includes three homes. This site will eventually go through a formal subdivision plat review. One of the three homes will be removed from the property. The pending subdivision of the property has triggered the need to transfer in one additional development right.

Zoning

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

Land Use Plan

This proposal does not conflict with the Land Use Plan.

Access

Access to the building site is provided by an existing driveway off of CSAH 23.

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

North: CSAH 23, cropland and one building site.

South: Cropland

East: Cropland and one building site.

West: Cropland and one building site.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area is gently rolling.

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 is one small area of wetland in the northeast corner of the woodland of the sending Qtr – Qtr.

Township Board Review

The Township Board has review the request and has no issue.

STAFF REVIEW

Environmental Health Comments – Environmental Health staff has reviewed the request. Specific items will be addressed more thoroughly at the time of a plat review and review of construction permit request.

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 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 without conditions.

ATTACHMENTS

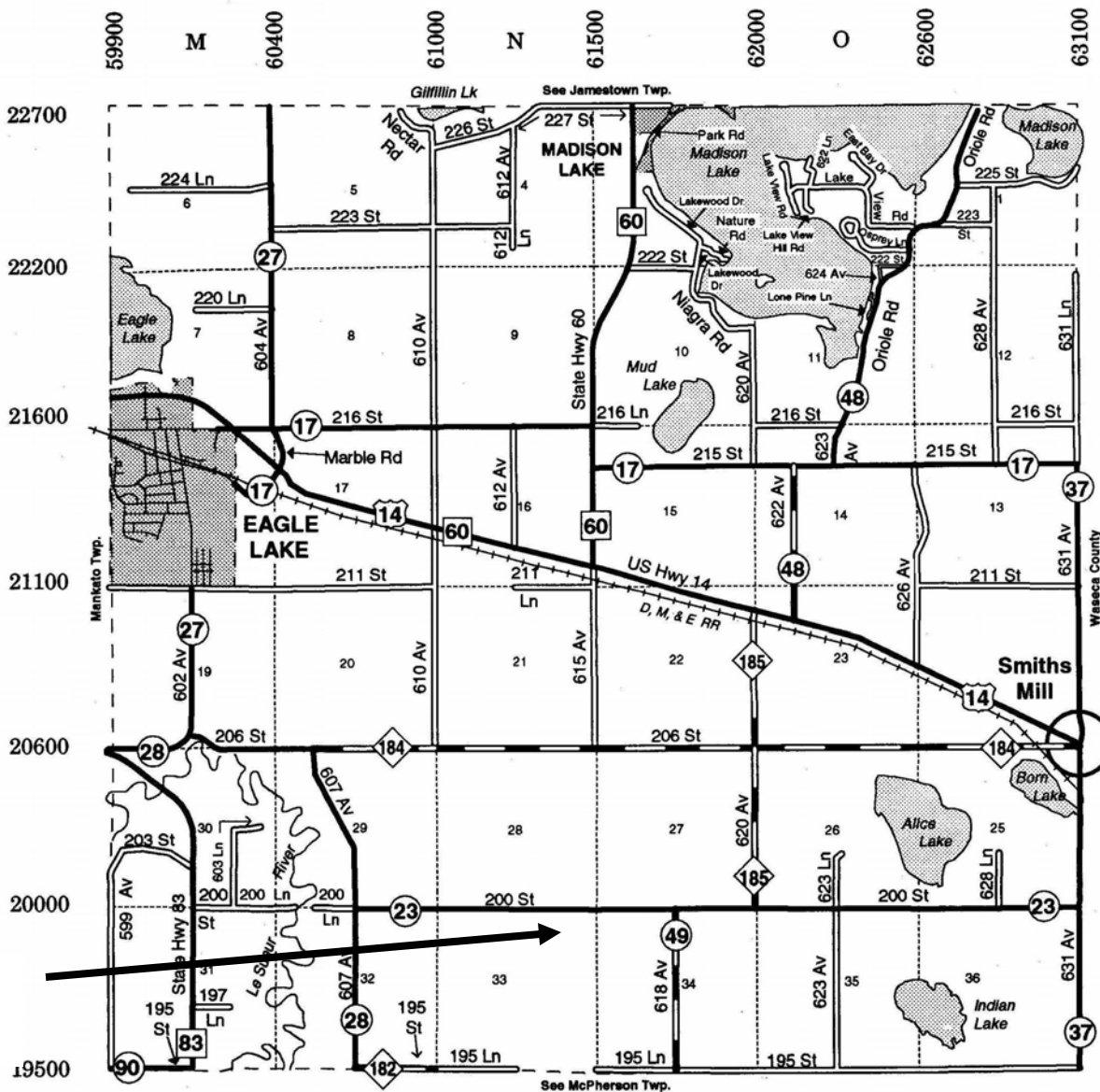
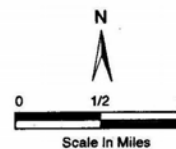
A-1, General Location Map

A-2, General Site Map

Attachment A-1 General Location Map

Le Ray

T 108 N - R 25 W



Location

