Blue Earth County Planning Commission Members:

AGENDA
Blue Earth County Planning Commission
Regular Meeting
Wednesday, November 7, 2012 - 7:30 PM
Blue Earth County Commissioners Room
County Courthouse, 204 South Fifth Street, Mankato, Minnesota

Anyone speaking to the Planning Commission shall state their name and address for the record.
Thank you.

1. CALL TO ORDER
2. APPROVAL OF MINUTES – October 3, 2012 Regular Meeting
3. APPROVAL OF AGENDA
4. NEW BUSINESS

PC 33-12
David and Pamela Hollerich - Request for approval of preliminary and final plats of Cobb Subdivision, a one lot and two outlot subdivision located in the NW 1/4 of the NW 1/4 of Section 9 Beauford Township and part of the NE 1/4 of the NW 1/4 of Section 9 Beauford Township. The property is zoned Conservation and Agricultural and lies within the shoreland district of the Big Cobb River.

5. OTHER BUSINESS
6. ADJOURNMENT

All agenda items will be heard by the County Board of Commissioners at 9:30 A.M., Tuesday, November 20, 2012 in the Commissioners Room, Blue Earth County Courthouse, 204 South Fifth Street, Mankato, Minnesota.
MINUTES
Blue Earth County Planning Commission
Regular Meeting
Wednesday October 3, 2012
7:30 p.m.

1. CALL TO ORDER
The meeting was called to order at 7:30 P.M. by Kurt Anderson. Planning Commission members present were, Bill Anderson, Kurt Anderson, Kip Bruender, Barry Jacques and Perry Wood. Planning & Zoning staff members Mark Manderfeld and George Leary were also present.

2. APPROVAL OF MINUTES
Bill Anderson made a motion to approve the minutes from the September 5th, 2012 Regular Planning Commission Meeting. Mr. Jacques seconded the motion which carried unanimously.

3. AGENDA APPROVAL
Mr. Leary indicated there were no changes to the agenda.

4. NEW BUSINESS

PC 31-12
Archie Kendall, Sharon Renner & Sandra Hall - Request for approval of preliminary and final plats of Kendall Subdivision, a one lot and one outlot subdivision. The property is zoned Agricultural and is located in the south half of the SW 1/4 of Section 10, Garden City Township.

Mr. Manderfeld presented the staff report.

Warren Smith from Survey Services, Inc. was present on behalf of the applicant. He had no comment.

There was no other public comment.

There was little discussion by the Commission. Mr. Bruender made a motion to recommend approval of the request to the County Board. Bill Anderson seconded the motion and the motion carried unanimously.

PC 32-12
NP LLC - Request to vacate an unoccupied utility easement lying on parts of Lots 4 and 5 of Block 1 of South Bend View Subdivision. The site is located in part of the NE 1/4 of the NW 1/4 of Section 21, South Bend Township and part of the NW 1/4 of the NE 1/4 of Section 21, South Bend Township. The property is zoned Highway Business and is in the Urban Fringe Overlay District of the City of Mankato.

Mr. Leary presented the staff report.

Jim Halbur from Coldwell Banker Commercial – Fisher Group was present on behalf of the applicant. He had no comment.

There was no other public comment.
There was little discussion by the Commission. Mr. Wood made a motion to recommend approval of the request to the County Board. Mr. Jacques seconded the motion and the motion carried unanimously.

ADJORNMENT
There was no further business. Bill Anderson made a motion to adjourn the meeting which was seconded by Mr. Bruender and the meeting was adjourned at 7:52 p.m.

________________________   __________________
Planning Commission Chair               Date

__________________________   __________________
Planning Commission Secretary   Date
Applicants
David and Pamela Hollerich
57977 158th Street
Good Thunder MN 56037

Request
Request for approval of Preliminary and Final Plats of Cobb Subdivision, a one lot and two outlot subdivision located in the NW 1/4 of the NW 1/4 of Section 9 Beauford Township and part of the NE 1/4 of the NW 1/4 of Section 9 Beauford Township. The property is zoned Conservation and Agricultural and lies within the shoreland district of the Big Cobb River.

Legal Description
As defined on the Plat of Cobb Subdivision.

Zoning
Agricultural, Conservation and Shoreland

General Project Description and Property History
The current owners purchased this 33.73 acre parcel earlier this year. The property includes a single family dwelling with some agricultural out buildings. The remaining property is made up of crop land and river bottom of the Big Cobb River.

If approved, the developed portion of the property will be split from the larger parcel. This lot shall be referred to as Lot 1 Block 1 (the buildable lot), and will consist of 3.16 acres. The remaining area of crop land and river bottom area will be split into Outlots A and B, consisting of twenty-two and seven acres respectively. These outlots will continue to be used for general farming purposes. Due to the bisection of the property by the river and neighboring property to the north of it, Outlot B is technically land locked. Designating it as a separate outlot may provide the owners with other options of selling it to the neighboring property owner without re-platting the subdivision. The shoreland and floodplain areas of the river only affect the two outlots.

Access
No change in access is proposed. Access to the buildable lot is currently provided by an existing driveway off of CSAH 10. Access to Outlot A is provided by an existing field approach off of CSAH 10 and access to Outlot B is provided by an access easement agreement across property to the north.

Existing Land Use, 1/4 Mile
North: CSAH 10, one residence, the Big Cobb River valley and crop land.
Northeast: CSAH 10, Hazen Subdivision, an auto salvage yard, and crop land.
South: Cropland.
East: Cropland, wood land, four residential dwellings, and State Hwy 22.
West: Cropland, a wooded hillside and a farmstead with a residential dwelling.
**Land Use Plan**
The proposal does not conflict with the land use plan.

**NATURAL RESOURCES INFORMATION**

**Topography**
The topography of the buildable area slopes to the west / southwest to a swale that includes a delineated wetland area. The outlots have areas of flat land and areas of more gentle slopes. They also include areas of steeper grade leading to the river and to an old river channel.

**Shoreland**
The intended lot of the developed area does not include shoreland. The shoreland area of the Big Cobb River is exclusive to Outlots A and B (see attachment A-5).

**Floodplain**
The intended lot of the developed area does not include floodplain. However all of Outlot B is included in floodplain and approximately half of Outlot A is included in floodplain (see attachment A-6).

**AGENCY AND DEPARTMENT COMMENTS**

**Township Review**
The applicant has met with the Township Board and they have expressed no issue with the proposal.

**DNR Review** – In an email dated 10/01/2012, DNR Area Hydrologist Leo Getsfried indicated he had no concern with the proposal provided the applicants are aware of the restrictions affecting the outlots, i.e. shoreland and floodplain restrictions.

**County Hwy Department Review** – In an email dated 10/04/2012, County Hwy Engineer Al Forsberg indicated no issue with the proposal.

**Environmental Health Review** – See attachment A-7.

**Opinions**
Based on the information submitted by the applicant, contained in this report, and as required in Sec. 24-47 items a thru o of the County Code, the following opinions have been developed for this request:

a. That the proposed use conforms with the county land use plan.

b. The demonstrated need for the proposed use.

c. That the proposed use will not degrade the water quality of the county.

d. That the proposed use will not adversely increase the quantity of water runoff.
e. That soil conditions are adequate to accommodate the proposed use.

f. That the proposed use does not create a potential pollution hazard.

g. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

h. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

i. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

j. 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.

k. That the establishment of the proposed subdivision will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

l. N/A 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.

m. That the density of the 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.

n. N/A 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.

o. 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 the Cobb Subdivision, a one 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. Approved final plat must be recorded within 12 months of receiving final approval from the 
Planning Commission and Board of Commissioners. Final approval shall become null and void 
12 months after approval, unless the subdivider applies for and is granted an extension of time by 
the Planning Commission and Board of Commissioners as set forth in section 20-155, pertaining 
to extensions of time

3. Any discrepancies with the County Mapping or Recorders office must be resolved prior to 
recordation of the plat.

4. Construction and septic permits will be obtained prior to commencement of any future 
construction activities.

5. If additional Right-of-way (ROW) is ever accepted by a government agency for public road 
purposes, that government agency need not pay for that ROW, either by negotiated purchase or 
through eminent domain action.

Attachments:
A1 Location map
A2 Aerial Photo
A3 Preliminary Plat
A4 Final Plat
A5 Shoreland / Wetland Map
A6 Floodplain Map
A7 Environmental Health Review
Disclaimer: This map was created using Blue Earth County's GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a land survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Blue Earth County or its employees.
Lot 1 - Block 1
Cobb River
Outlot A
Outlot B
158th St / FL0179

Attachment A-5
Shoreland District

Prepared By: Blue Earth County Environmental Services
October 2012

Source: Aerial Photo 2009 County Photo

Notes: Wetlands were only Delineated on Lot 1 - Block 1
See Attached Map for Floodplain
# Environmental Health Section - Planning Application Reviews

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**Application Description:** Request for review of preliminary and final plat of Cobb Subdivision, a one lot and two outlot subdivision located in the NW 1/4 of the NW 1/4 of Section 9 Beauford Twp and part of the NE 1/4 of the NW 1/4 of Section 9 Beauford Township. The property is zoned conservation and Agricultural and lies within the shoreland district of the Big Cobb River.

## Septic Review

**Status:** Complete - Comments Received

**Comments:** The current septic system is noncompliant. A new system has been proposed by Dennis Peterson of Peterson Motor Grader. There is also a secondary system location identified as required for the new parcel creation. The new system must be installed by 1/22/2013 as there was no inspection done as required at the time of property transfer. Once installed, a certificate of compliance will be issued for the new parcel. potterness 10/17/2012 11:58 AM

## Well Review

**Status:** Complete - Comments Received

**Comments:** The preliminary plat indicates one in-use well, unique # 439327 drilled in 1991 to replace the old well. A review of the County records indicates that the replacement well was also properly sealed, unique # H15570, by Seppmann Well Drilling in 1991. This old properly sealed well was located 36 feet NW of the barn and 18 feet NW of the grain bin. The proposed plat should not have a negative impact on the known well situation on this property. grant 10/22/2012 10:35 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 outlot A or B, only Lot 1, Block 1. There was a wetland delineated onsite and this delineated wetland line is shown on the preliminary plat. The final plat shows the delineated wetland and the wetland easement. A boundary and type application and report was submitted and Tim Grant and Stacey Feser went 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 10/19/2012 1:47 PM