

Applicant

Curtis and Edna Speck
15877 560th Lane
Good Thunder MN 56037

Request and Location

Conditional Use Permit to transfer a development right from the SE ¼ of the SE ¼ to the SW ¼ of the SE ¼ all of Section 2, Lyra Township.

Project Proposal

The applicant is requesting a transfer of development rights from the SE ¼ of the SE ¼ to the SW ¼ of the SE ¼ all of Section 2, Lyra Township. There is already one home in the receiving quarter-quarter, which triggers the need for this conditional use permit. Both quarter-quarters are mostly tillable land.

Zoning

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

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

North: Cropland and one residence with a feedlot.

East: Cropland.

South: Cropland.

West: Cropland.

NATURAL RESOURCES INFORMATION

Topography

The topography of the area is flat to 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 are no wetlands on the property.

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 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 contingent upon the following conditions:

1. That construction and septic permits will be obtained prior to commencement of construction activities.
2. Install septic system on existing house by May 15, 2011.
3. Conduct a well search on the abandoned/demolished farmstead and properly seal any wells that are located by a licensed well contractor.

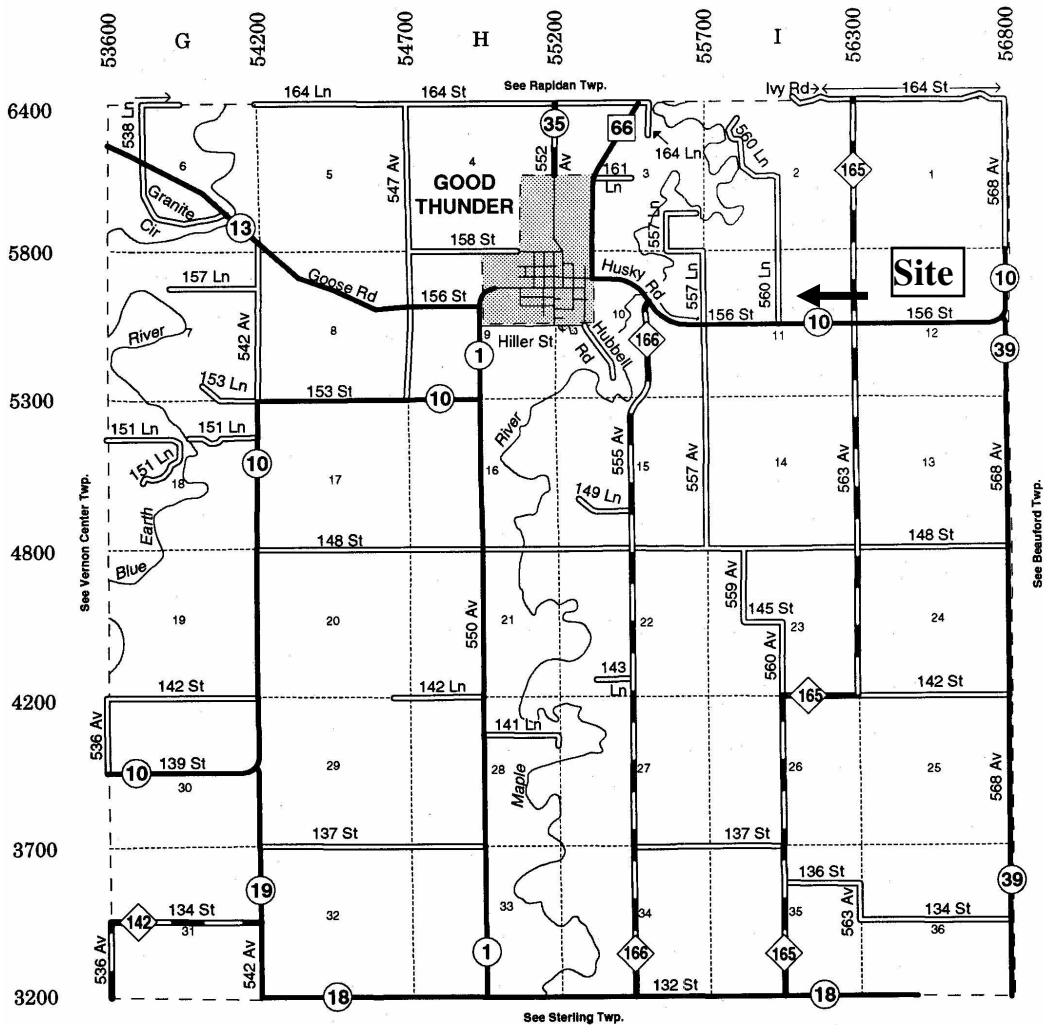
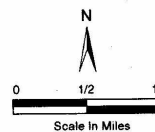
ATTACHMENTS

- A-1, General Location Map
- A-2, General Site Map
- A-3, Environmental Health Comments

Attachment A-1 General Location Map

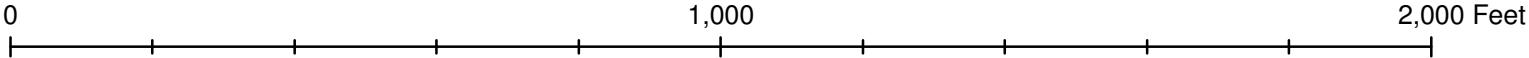
Lyra

T 106 N - R 27 W



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

Speck TDR PC 17-10



**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

July 26, 2010

Environmental Health Comments/Questions

R42.18.02.200.001

Curtis Speck and Edna Speck Trust- Conditional Use Permit to transfer a development right from the SE ¼ of the SE ¼, to the SW ¼ of the SE ¼, all in Section 2, Lyra Township. Said property is zoned Agricultural.

General: The specific requirements for environmental health concerns pertaining to septic, wells and wetlands will be addressed in the physical development of the property after the parcel is defined.

Septic System: The sending ¼ ¼ does not have any development historically and therefore does not have any know septic system. At time of new development in the receiving ¼ ¼ there must be two septic system locations identified on each property. The parcel that encompasses both the sending and receiving ¼ ¼ has a building site with an Imminent Public Heath Threat notice on the existing system and must be fixed within the next 9 months. There has been discussion with a septic designer and landowner to address this problem and the requirements of the new parcels.

Water Wells: There are two known wells servicing the existing developed parcel in the receiving ¼ ¼. One of the wells may not be in use and should either be placed on a well maintenance permit or sealed. At time of development of the additional dwelling, a well or shared well agreement must be in place to serve the new house.

A historic photo review indicates the presence of an old farmstead on the parcel. This former farmstead may have been serviced by a well. As this farmstead has been removed for many years the well(s) that served the farm may be difficult to locate and properly seal. The proper sealing of old abandoned wells is imperative to prevent any contamination of groundwater. As part of this transfer of development process a well search must be conducted. Any abandoned wells which are found must then be properly sealed by a licensed well contractor. This old farmstead will also have an impact on the placement of any new wells as there may still be locations of potential contamination sources that will need to be avoided. Any new development must be served by a well drilled by a licensed well driller or an existing water well with a shared well agreement.

Wetlands: The sending ¼ ¼ has historically been agricultural land, there is surface and subsurface drainage present. There are areas of potential wetlands in both the sending and

receiving ¼ ¼ sections that will need to be address prior to any development or drainage changes to the receiving ¼ ¼.

Environmental Health Recommendation: Approval with conditions

Conditions:

- 1. Install septic system on existing house by May 15, 2011.**
 - 2. Conduct a well search on the abandoned/demolished farmstead and properly seal any wells that are located by a licensed well contractor.**
-