

November 15, 2021

TCPA – Elmira Township
Attn: Dave Meir
4111 11th Ave SW
Rochester, MN 55902

Re: Conditional Use Permit documentation for Kimm Private Driveway

Dear Mr. Meir,

On behalf of Matt & Brieahna Kimm, we are submitting supporting documentation for a Conditional Use Permit for a driveway serving a new building site in Elmira Township. The site and surrounding areas all have an A-1 Zoning classification. There are no proposed zoning or land use changes associated with this project. Due to the presence and proposed disturbance of mapped flood soil, a Conditional Use Permit is required as detailed in Section 4.02 of the Olmsted County Zoning Ordinance.

Section 4.02 CONDITIONAL USE:

The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that 1) certain conditions as detailed in the Zoning Ordinance exist; 2) the use or development conforms and promotes the Goals and Policies of the Elmira Township Land Use Plan; and 3) is compatible with the existing area.

A conditional use is allowed only after a petition for a permit has been approved by the Township Planning Commission, except when there is an appeal of the Township Planning Commission decision; then, only after the approval of the Elmira Township Board.

A. Criteria for Granting Conditional Uses: In granting a conditional use, the Township Planning Commission shall consider the effect of the proposed use on the Elmira Township Land Use Plan and upon the health, safety and general welfare of occupants of surrounding lands and the Township as a whole. Among other things, the Commission shall consider the following:

- 1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property or nearby properties;*
 - The topography and wooded nature of the building site shields the majority of the proposed use from adjacent properties. The proposed use will not diminish or impair the values of such property or nearby properties.*

2. *The proposed use will not impede the normal and orderly development and improvements of the surrounding property and will not impede the ordinary or traditional uses of the property or nearby properties;*

- The proposed use will be consistent with uses of adjacent parcels within the surrounding area and will not impair or impede the uses of such other properties.

3. *Adequate utilities, parking, drainage and other necessary facilities will be provided;*

- The proposed private driveway will serve one residence being the Kimm residence. The drive and ditch sections have been designed to adequately shed and convey runoff to proposed culverts. Utilities including the Individual Septic Treatment System (ISTS) and well will be new construction to serve the building site.

4. *Adequate ingress and egress will be provided to minimize traffic congestion in the public streets;*

- The proposed private driveway ties into Dolan Lane which is connected to 180 Ave SE (public). The proposed driveway will serve just one residence and has been designed to accommodate adequate ingress and egress traffic from the residence.

5. *The traffic generated by the proposed use can be safely accommodated on existing planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the Township or County in order to handle the additional traffic generated by the use;*

- The proposed use will be just one private residence. An estimated Average Daily Traffic (ADT) generated from this proposed use is 10 which can be safely accommodated on existing street systems. No existing public infrastructure will need to be upgraded or improved to accommodate the additional traffic generated by the residence.

6. *Adequate measures have been taken or proposed to prevent or control offensive odor, fumes, dust, noise, vibration, or lighting which would otherwise disturb the use of neighboring property;*

- No unordinary odors, noises, dust, etc. will be created by the proposed use. The topography and natural wooded nature of the area serves as a buffer between the proposed building site area and adjacent parcels.

7. *The special criteria or requirements indicated in Article X, General Regulations, are complied with;*

The following sections pertain to Article X – General Regulations:

Section 10.00 Purpose

- The proposed land use adheres to adjoining property uses and conforms to general regulations as seen below.

Section 10.01 Single Family Dwelling Standards

- N/A (Site is Zoned A-1, not R-1, RA or RSD).

Section 10.02 Home Businesses

- N/A

Section 10.04 Parking Requirements

- The required number of parking spaces for a one family dwelling is two (2) parking spaces. The proposed building and site area will exceed this requirement.

Section 10.06 Loading Requirements

- N/A

Section 10.08 Bufferyards

- N/A. The proposed land use conforms to surrounding land uses.

Section 10.10 Exterior Storage and Automobiles

- N/A

Section 10.12 Salvage and Junk Yards

- N/A

Section 10.13 Discarded Tire Storage Land Disposal Prohibited

- N/A

Section 10.14 Noise, Heat, Glare, Vibration, Smoke, Toxic Waste, and Noxious Fumes

- No unordinary noise, heat, glare and vibration will be created by the use. Toxic waste and noxious fumes are not applicable to this site.

Section 10.15 Telecommunication Towers

- N/A

Section 10.16 Exterior Lighting

- Any exterior illumination that is proposed to be added to the home or garage will not adversely affect adjoining properties or public roads. The building site area is located away from other dwellings and is shielded by woodland on the lower side.

Section 10.18 Traffic Visibility Zone

- N/A

Section 10.20 Soil Erosion, Sedimentation, Runoff, and Slope Stability Controls

- A grading and erosion control plan and combined drainage report/stormwater pollution prevention plan (SWPPP) have been created for the proposed driveway and building site area. These documents have been reviewed and signed by a licensed professional engineer for use by a contractor. Given erosion control measures as depicted on the plans are installed accordingly and construction inspections are conducted to ensure their functionality, downstream facilities and features will not be adversely impacted.
- The drainage report addresses stormwater runoff and compares existing versus proposed conditions to confirm there are no negative impacts under post-development conditions.

Section 10.21 Farmland Erosion

- N/A

Section 10.22 Accessory Buildings

- Any accessory building constructed will meet the requirements of Section 10.22.

Section 10.23 Swimming Pools, Private

- N/A

Section 10.24 Extraction of Materials & Minerals, Open Pits and Impounding of Waters

- N/A

Section 10.26 Animal Feedlots through Section 10.54 Dumping & Disposal of Waste Material

- N/A

8. *The water and sanitary systems are or would be adequate to prevent disease, contamination and unsanitary conditions.*

- A new private well will be drilled and new septic system installed by licensed contractors to serve the Kimm residence. These systems will be installed to current specifications, adequately preventing disease, contamination and unsanitary conditions.

9. *The likelihood or necessity of the proposed use increasing the size and number of signs, displays, outdoor lighting, demands on septic systems, water resources, paved areas, and drainage systems.*

- The proposed use will not increase the size/number of signs, displays, outdoor lighting and demands on water resources, paved areas or drainage systems. The property will have its own private well and septic which will not impact other public or private utilities and systems.

When deciding on conditional uses to the Floodway, Flood Fringe (FFA and FFB) and the Flood Plain Districts, the following additional factors shall also be considered:

10. *The danger to life and property due to increased flood heights or velocities caused by encroachments;*

- The project falls within Zone X per a search of FEMA flood maps and is outside of any Floodway and Flood Fringe (FFA/FFB) per a search of Olmsted County GIS. The driveway crossing the unnamed tributary will not increase flood heights or velocities.

11. *The danger that materials may be swept onto other lands or downstream to the injury of others;*

- The danger that materials may be swept onto other lands or downstream to the injury of others is minimal. The building site will be located on elevated terrain and the only permanent facility that will be located within the flood prone area is the new driveway.

12. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*

- The topography of the area is such that the building site is at an average of 50 feet above the low area where the unnamed tributary is located. This essentially eliminates any flooding potential of the building site. The driveway that traverses across the low area is susceptible to flooding but has been designed as such to minimize any detrimental effects floodwaters may have.

13. *The relationship of the proposed use to the flood plain management program for the area.*

- The proposed use will maintain its current use in that the majority of the area will remain as open space, not impeding the flow of potential floodwaters.

14. *The safety of access to the property in times of flood for ordinary and emergency vehicles.*

- The driveway profile and ditch sections have been designed to adequately convey runoff to proposed culverts to maintain safe access during periods of high precipitation.

15. *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.*

- There are no mapped FEMA or MnDNR 100-year flood elevations within the development area. The velocity, duration, rate of rise and sediment transport of the floodwaters is out of scope of this analysis.

16. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.*

- The proposed private well and sanitary systems will be new construction that will adhere to current standards and specifications. Disease, contamination and unsanitary conditions will not be present.

17. *The importance of the services provided by the proposed facility to the community.*

- The proposed residence is private in that it will not offer services to the community; however, development of the parcel will add more tax base to Elmira Township.

18. *The requirements of the facility for a waterfront location.*

- N/A

19. *The availability of alternative locations not subject to flooding for the proposed use.*

- The building site has no potential for flooding. The sole feasible route for accessing the site is across an unnamed tributary to Trout Run. The drive profile and culvert system have been designed to minimize the risk of damage during flood events.

20. *The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.*

- The proposed use conforms to the overall development concept of the surrounding area.

21. *Based upon technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.*

When deciding on a conditional use to the A-1, A-2, A-3, and A-4 Agricultural Districts, the following additional factors shall be considered.

22. *The amount of prime agricultural land with a crop equivalent rating of 60 or above that would be taken out of production as a result of the use.*

- The building site will be located at the southwest corner of a field used for row crop production. The amount of prime ag land with a CER of 60 that will be removed from production is approximately 2.4 acres.

23. *The need for new public roads or the need for improvement to existing public roads is minimal.*

- No new public roads or improvements to existing public roadway or infrastructure is required with the development of this parcel.

24. *A thorough evaluation of the waterbody and topographic, vegetation and soils conditions on the site must be made to ensure:*

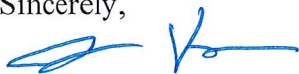
- a.) *The prevention of soil erosion or other possible pollution of public waters, both during and after construction;*
 - The grading and erosion control plan for the private drive depicts erosion control measures that when installed adequately and properly maintained, will prevent sediment from leaving the site. Proper seeding and permanent vegetation establishment will provide long term erosion protection and prevention.
- b.) *The visibility of structures and other facilities as viewed from public waters is limited;*
 - N/A
- c.) *The site is adequate for water supply and on-site sewage treatment; and*
 - Water supply will be provided by a private well drilled by a licensed well contractor. NRCS Web Soil Survey depicts the soils in the area of the building site as Frankville silt loam (476C) which is suitable for a septic system. Septic design will be performed by G-Cubed for determination of the system specifications.
- d.) *The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.*
 - N/A

25. *The extent to which the proposed use might interfere with or interrupt present or future agricultural use of the property or adjoining or neighboring properties.*

- The private residential drive and new building site will not interrupt or interfere with present or future agricultural use of the property or neighboring properties. The Owners are aware and accept agricultural practices around their parcel.

Please accept this application for a Conditional Use Permit and process at your earliest convenience. Feel free to call with any questions.

Sincerely,



Jason Kappers, EIT

Cc: Matt & Briahna Kimm – Owner
Jamie Dolan – Primary Contact

Attachments: Kimm Grading & Erosion Control Plan
Kimm Drainage Report/SWPPP
Grading Permit Application & Checklist
Conditional Use Permit Application