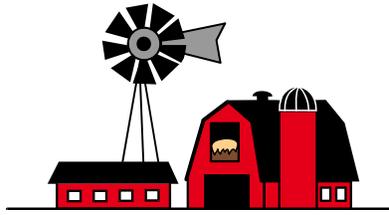


TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902

Phone: (507) 529-0774
Fax: (507) 281-6821



Roger Ihrke, Administrator
David H. Meir, Administrator

roger@tcpamn.org
david@tcpamn.org

-- TCPA --

To: Rochester Township Planning Commission
Rochester Township Board
Jordan & Jillian Yaggy

RE: Zone Change – Section 27 - Rochester Township

Meeting: On Tuesday, December 7, 2021, after 7:00 pm the Rochester Planning Commission will hold a public hearing at the Rochester Township Hall regarding:

Request: An application to rezone 5.34 acres from A-4 Agricultural Urban Expansion District to R-A Rural Residential District. The rezoning application includes a utility service connection agreement, provided by the City of Rochester. Both the city and the applicants are proposing to enter into this agreement. The proposed development consists of one lot. Neighboring parcels to the south are currently zoned R-A Rural Residential District while property to the east, north and west are zoned A-4.

The utility service connection agreement is signed by the Yaggys and will go before the City of Rochester Common Council on December 6, 2021.

Location: South of the Rochester Township Hall approximately 1500 feet on 11th Ave SW on the west side of the roadway.

Partial Legal: Olmsted County Parcel Number 64.27.14.083447, Section 27 Township 106 Range 14 Olmsted County, MN

Owner & Applicant:
Jordan and Jillian Yaggy, 2680 Oak Hills Drive SW, Rochester, MN 55902

Enclosures:

1. Applicant submittal with Utility Connection Agreement
2. Zoning Map
3. Olmsted County Land Use Plan Map
4. Rochester Township Land Use Plan Map
5. Soils CER Map
6. Soil Type Map
7. Flood Soils Map
8. City of Rochester Growth Management Plan Map

Reviewers:

Olmsted County Planning	Olmsted County Assessor
Olmsted County Health Department	Minnesota Department of Natural Resources
Olmsted GIS	Minnesota Pollution Control
Olmsted County Public Works	Brandon Theobald, Township Engineer
Olmsted County Soil and Water	Rochester Public Utilities
Minnesota Energy Resources	Century Link
Charter	Jaguar Communications

Staff Review:

Overview: Rochester Township works with Olmsted County to determine what types of developments are planned for which areas of the Town. The tools used to plan developments are known as land use plans. Both Olmsted County and Rochester Township have land use plans. We use these plans to guide where and what types of developments should be considered in which areas.

The Olmsted County Land Use Plan provides guidance on development, within the Urban Service Area as defined on the Land Use Plan maps, prior to annexation. Starting on page 24 of the Plan, it defines interim development as follows:

Interim development:

Areas within Urban Service Areas may rely on individual or community sewage treatment systems as an interim measure, provided the ability to serve the sub-watershed of the affected area with municipal services is not compromised and that the affected city and township reach agreement on multi-parcel service area orderly annexation agreements (see section below on Orderly Annexation Agreements)). Such agreements should apply to service territories reflecting the geographic area logically related to the provision of future urban services, such as a sub-watershed identified as the service territory of a planned sewer interceptor. Interim urban development must assure eventual connection to a centralized sewer and water system and must provide for future urban infrastructure, through requirements for special development approaches such as the following:

- the installation of sewer and water facilities on-site at the time of development, for example, relying on shared wells and community drainfields
- the establishment of an escrow or similar account to pay for future infrastructure costs
- agreements for sewer and water service hookup and other infrastructure needs related to pedestrian, bicycle, and vehicular transportation, stormwater management, and parkland supply.
- clustering buildable lots to minimize costs and provide flexibility for future development
- platting arrangements and zoning requirements to allow for future lot splits
- arrangements providing for the township's infrastructure maintenance needs
- site planning that is approved through a general development plan that includes city and township review; zoning approval would depend on GDP approval.

There are three types of interim development with three associated time periods. All three types should require GDP approval.

1. Residential interim development is limited to areas within the urban service area, where there is agreement that the property will not be required to connect to municipal water and sewer services within 10 years of development.
2. Interim land-intensive non-residential development with relatively low requirements for water use, sewage treatment, and customer and employee traffic (having few employees and customers on-site at a time and requiring large amounts of land area, such as a lumberyard or a motor freight business) is limited to areas within the urban service area, where there is agreement that the site will not be required to connect to municipal water and sewer services within 6 years of development. Such uses

should not preclude eventual high-value business uses from using prime commercial locations. For this reason, zoning controls should set limits on maximum building size, maximum impervious surface ratio, and floor area ratio consistent with future higher, more intensive uses of urban commercial locations.

3. Other non-residential development (with levels of employment or customers typical of urban areas or urban fringes, such as a convenience store) is limited to areas where there is agreement that the development will connect to and pay charges for services and that services will be provided within 10 years of development.

In all three types of development, zoning approval will depend on general development plan approval, occurring concurrently with preliminary plat approval. The location of such uses shall be consistent with the relevant urban service area Land Use Plan. Where detailed Land Use Plans for the urban service area in question are not available, the location of such uses should reflect the locational criteria in the Land Use Plan text. If the relevant urban service area Land Use Plan text does not incorporate locational criteria, then development of any kind shall follow the locational criteria for similar uses in the Rochester Urban Service Area Land Use Plan.

Included with this report is the portion of City of Rochester's future land use plan map located on the Olmsted County GIS website showing the future uses in this area. No general development plan is in effect for this area at this time.

In this instance the Yaggy's and the City of Rochester have entered into a utility connection agreement, thus satisfying the Olmsted County Land Use Plan guidelines. We find in the Rochester Township Land Use Plan the following:

GOAL 7. POLICY

- A. Evaluate currently designated Urban Service Area land on the Olmsted County Land Use Plan dated March 8, 2011, according to the following criteria:
 1. Land suitable for residential development
 - a. 0 to 10 years according to anticipated priority plan prepared by the City of Rochester for extension of municipal services, including but not limited to sanitary sewer and water supply and distribution.
 - b. 10 to 25 years to anticipated city services would be considered for "interim" development
 - c. Anticipated city services within 25 to 50 years shall be considered either for "interim" or large lot development depending on economic and topographic feasibility of sewer and water extensions.
 2. Land determined to be inappropriate for residential use may be considered for other uses such as:
 - a. Agriculture
 - b. Commercial
 - c. Recreational
- B. All development should follow the principles of being
 1. Site-appropriate
 2. Compatible with adjacent land use
 3. Economically sustainable

C. Allow Interim residential development to occur with the use of special districts

The Yaggy development would fall into Goal 7. In this instance using the adjoining R-A District ordinance criteria would be consistent with other zoning in the area and does not require a special district.

General Development Plan:

Since this is a one lot, one dwelling proposal, it does not require platting so no general development plan is required, the lot already exists.

Findings:

Section 4.00 H Amendment Findings (ordinance is in regular text, staff finding in italics)

1. The proposal is consistent with the policies of the General Land Use Plan;

This area has been designated as "Urban Service" on the Olmsted County Land Use Plan Map and as "Annexation Area" on the Rochester Township Land Use Plan Map. The property owner and City of Rochester have entered into a "Utility Service Connection Agreement" thus meeting the criteria of both the Rochester Township and Olmsted County Land Use Plans as outlined in the staff report.

2. the amendment is in the public interest;

Roadways and transportation systems for the area are in place. The Rochester Township Hall located 1500 feet north of the subject property has a similar "Utility Connection Agreement" with the City of Rochester and is located within a "Special District". Since the adjacent properties are already zoned for residential use, it makes sense to apply the same criteria to this property.

Future development within the City of Rochester has already been established.

3. the proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure;

As stated above similar uses have already been established in the area and future development of similar uses has been planned.

4. the proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood.

The R-A Rural Residential District allows for single family residential development similar to the land uses south of the proposed development and consistent with the current zoning.

5. the proposal does not result in spot zoning;

Adjacent areas have already been developed into residential lots.

6. The proposal is consistent with a GDP for the area if one exists.

N/A.

Staff Recommendation:

Staff has reviewed this request in accordance with the applicable standards and provisions as included in this report. Based upon staff review and analysis above, staff recommends approval of the zone change request.