

LAND USE AND DEVELOPMENT ISSUES

Issues and concerns have been identified with respect to the growth and development of the townships and cities in McLeod County. These have been grouped as follows:

- Municipal Fringe Development
- Preservation of Agricultural Resources
- Environmental Concerns
- Land Development Ordinance Provisions and Administration

MUNICIPAL FRINGE DEVELOPMENT

Much of the development taking place in McLeod County is within or adjacent to the municipalities. Concerns have been expressed that:

- There be better coordination between County and City land use plans and development ordinances on the fringes of municipalities
- The present system of a single County-wide land use plan and zoning and subdivision regulations be maintained. Separate township plans and ordinances would create additional administrative and enforcement problems

Annexation

Annexation issues are of primary concern in the Townships bordering Glencoe, Hutchinson, and Winsted. The City of Silver Lake recently upgraded its sewage treatment facility and will be investigating annexation as a way to help amortize its investment.

In general, relationships between the town boards and city officials are strained, making negotiations over annexation and other development issues difficult. The loss of revenue resulting from annexation has been reported to be of great concern to many townships. However, other Township officials report that the cost for providing services to subdivisions exceeds the revenues generated. Municipalities currently consider annexation only when petitioned by the land owner.

A few Townships have expressed a willingness to work with adjacent cities, but are opposed to large-scale annexation. These town officials prefer a process of incremental annexation. Other Township officials complain that cities wait too long to annex land, postponing action until after the town has financed necessary road improvements.

Concerns have been expressed by County officials over practices which have allowed the interspersing of residential, commercial and industrial uses on the fringes of some municipalities. It was felt that increased efforts are needed to buffer or control these conflicting land uses and to provide for greater coordination with cities to facilitate the eventual extension of services.

Service Demand

County officials, as well as some Township officials, have expressed concerns over the increased level of service, particularly for road maintenance and paving, demanded by residents of rural subdivisions. Some Townships report that the costs for providing these services exceed the tax revenues generated by these developments.

AGRICULTURAL PRESERVATION

The level of concern about the preservation of prime farmlands in McLeod County varies among the residents; some feel that it is very important and that the creeping influx of non-farm housing and other

activities in the rural areas should be slowed; others feel that the problem is not acute and no action by the County government is needed. However, there does seem to be fairly broad agreement on the benefit of preserving the rural appearance of the County and of protecting the right and ability of farmers to continue their livelihood without undue interference from non-agricultural land development. The need for agricultural preservation also varies by location, as some parts of the County, such as the eastern fringe and around Hutchinson, Glencoe and Winsted, have experienced the problem more than other areas.

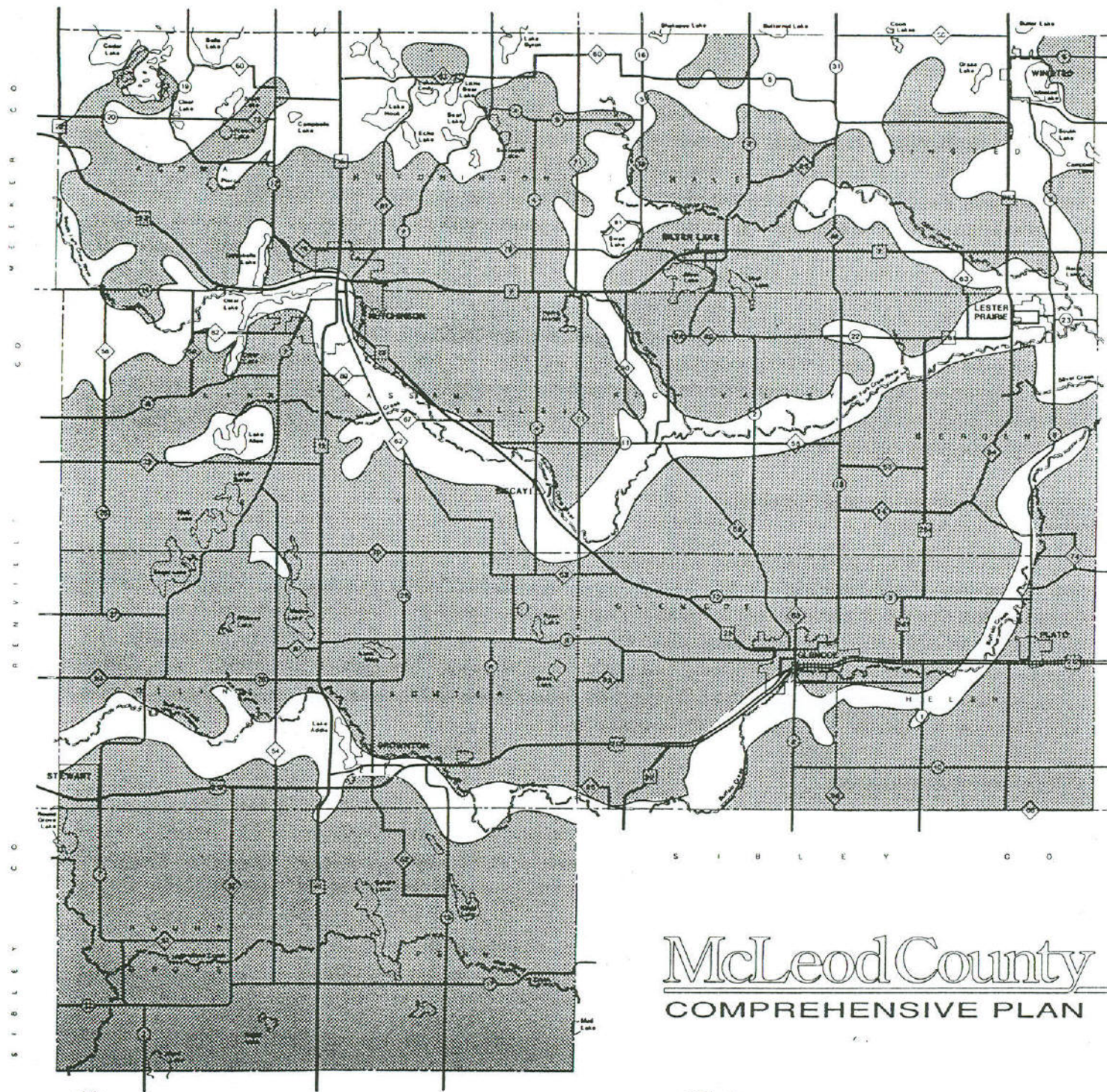
Local decision-makers need to be aware of the long-term implication of various land uses. Actions that put high quality farmland out of production and into irreversible, non-agricultural use compel the use of less productive land, which generally requires more energy input and has greater soil erosion hazards. Township officials and residents should also be aware that the increased cost of servicing non-farm housing more than offsets the increase in local property tax revenues.

Soil Conservation Service Mapping:

An important source of information about farmland which may be used in regulating land development and preserving prime farmland in the County-wide soil survey being prepared in 1990 by the Soil Conservation Service of the U.S. Department of Agriculture. This study has mapped in detail the pattern of dozens of different soils and described the characteristics of each soil and its suitability for agriculture, buildings, roads, septic tanks and other possible uses. The pattern of "prime" agricultural soil associations is illustrated by Figure 2. (Further information about the soils in McLeod County and the definition of "prime" soils is given by Appendix A.)

Prime Soil Associations:

Figure 2 illustrates that "prime" agricultural soil associations cover over 80 percent of the County. Seven out of ten of the major soil associations (soil type clusters) in McLeod County are considered prime for agriculture. That means that they are composed principally of soils which can be expected to have high crop yields in most years and have a "crop equivalency rating" of 110 or higher. Within these seven prime soil associations, an average of approximately 85 percent of the soils are considered prime for agriculture. Therefore, approximately 70 percent of the soils across the County are considered prime for agriculture.



Location of Soil Associations Rated Prime For Agriculture

- U.S. HIGHWAY
- STATE HIGHWAY
- COUNTY ROAD
- COUNTY STATE AID HIGHWAY
- PAVED ROAD
- UNPAVED ROAD
- PRIME AGRICULTURAL SOIL ASSOCIATION

SOURCE:
SOIL CONSERVATION SERVICE,
U.S. DEPARTMENT OF AGRICULTURE

McLeod County
COMPREHENSIVE PLAN



Figure 1

The only locations where it would be difficult to find a majority of the soils in the prime category would be along the Crow River and Buffalo, Otter and Bear Creeks and in portions of the northern fringe of the county (Acoma and Hutchinson Townships). In the rest of the County, most soils are considered prime for agriculture.

Lands with prime soil associations abut the edges of the growing Cities of Hutchinson, Glencoe and Silver Lake. Lester Prairie and Winsted are not located in generally prime farmland.

Retrieval and Analysis of Soils Information:

The Soil Conservation Service, in addition to publishing a detailed book of maps and explanatory material about the County soils, is expected to digitize all the information so that any part of the County soils map can be instantly modeled on a personal computer. This will allow easy determination of the number of acres of each soil type in any given area along with percentage of area by Capability Class and percentage of the area prime for agriculture. Subsequently, Crop Equivalency Ratings could also be computed for any given parcel of land. (Refer to Appendix A for further explanation of Crop Equivalency Ratings.)

Nuisance Concerns

Agriculture is an important aspect of the McLeod County economy, and officials have expressed concerns over the potential for infringement on the rights of landowners to farm their land. There is a recognition that non-farm residents adjacent to agricultural lands may voice nuisance complaints which could curtail farming activities or add to the costs of farming.

In addition to concerns that residents may complain about agricultural practices, farmers have their own complaints about non-farm development. Residents on large-lot sites often fail to control weeds, have too many animals on their property and allow junk to accumulate on their property. Problems with roaming dogs already plague some farmers with operations adjacent to rural residential subdivisions, and there is concern that scattered commercial development will ultimately lead to traffic and land use conflicts.

Zoning Considerations

In some Townships, residential development is increasing the pressures to convert agricultural lands for residential development. Officials have expressed a need for more detailed guidance in the zoning text on which lands should remain in agriculture and which areas might be converted to other uses. While residential subdivisions were cited by township officials as a concern, single lot splits were not a local concern. Concern has also been expressed that land re-zoned from Agriculture should revert to the agricultural classification if not developed as stated within one year.

Utility Easements

Over the years, landowners have granted utility easements for above-ground lines which permitted some farming activity below the lines. As utility companies, particularly the telephone companies, upgrade and expand service to the area, they are turning to below-grade service, which hinders agricultural development of the same land.

ENVIRONMENTAL CONCERNS

Solid Waste and Landfill

Concerns have been expressed over the adequacy of the existing solid waste disposal practices within the County. There is also a recognition that farms can generate a great deal of waste, some of it hazardous. Some of these wastes could potentially be recycled and others should not be entering the normal waste stream because of the problems they could cause.

The present County landfill is a privately operated facility, designed for regional service, which is located along the Crow River in the southwest corner of Rich Valley Township, as shown in Figure 3. Although complaints about blowing debris and unsightliness have declined in recent years as a result of steps taken by the landfill operators, there are still concerns over:

- The impact on groundwater resources (the landfill is located over two aquifers)
- Filling of the floodplain

- The acceptance of garbage from the Twin Cities and other areas outside the County
- The impacts that haulers have on County roads

The County has prepared a comprehensive solid waste management plan.

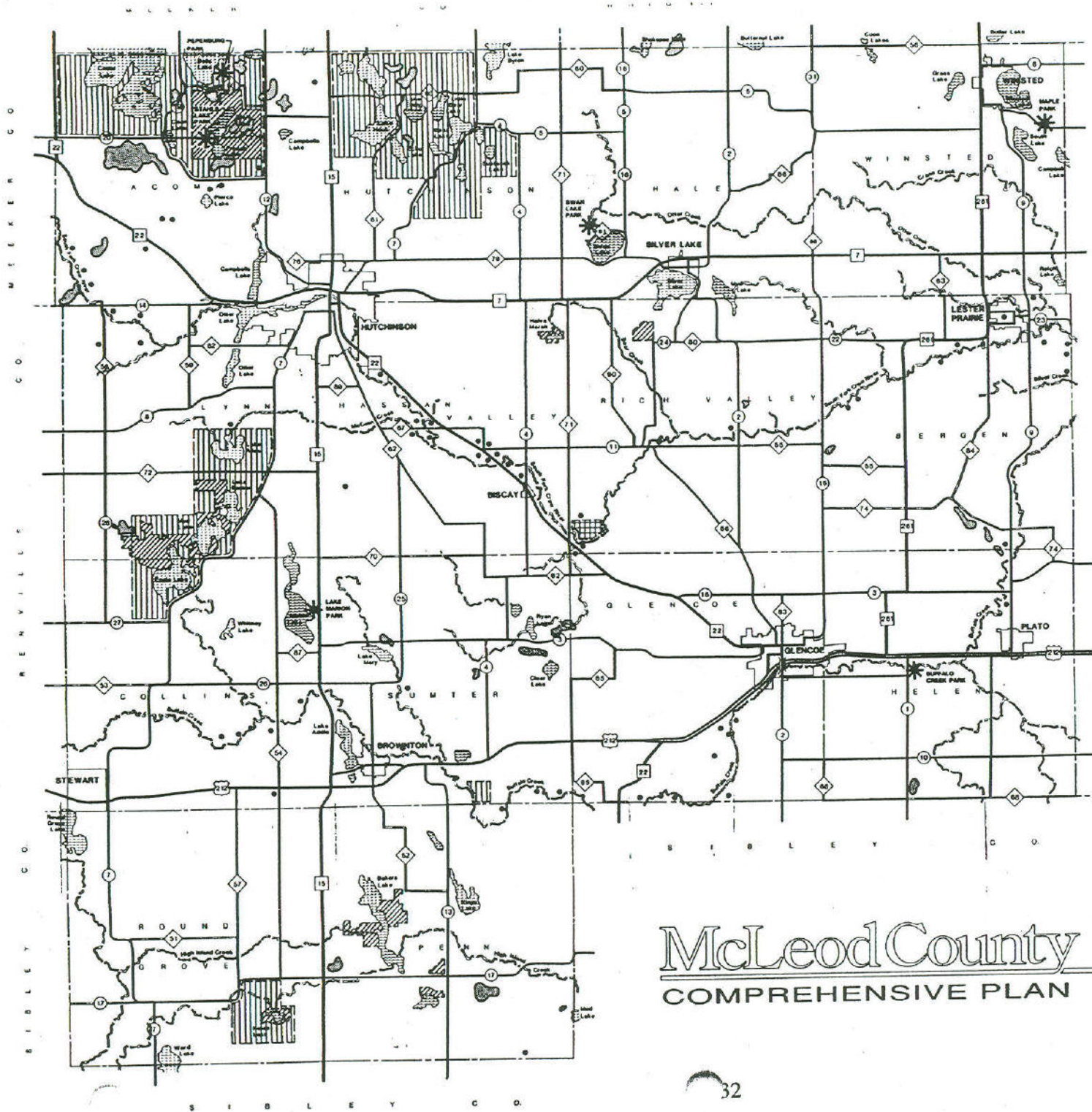
Gravel Pits

There are numerous gravel pits currently permitted in McLeod County, most of which are located along stream or river banks. These facilities create a number of environmental and nuisance-related problems and are the source of numerous complaints from township officials. Local officials are concerned that:

- The current zoning ordinance provisions regulating this type of use are not adequately enforced
- There should be additional requirements related to setbacks and time limits on permits
- Townships are not consulted regarding the designation of haul routes
- Haul routes are not adequately maintained
- Gravel pits are not cleaned up after they have been closed.
- Runoff from gravel pit operations may affect adjacent water bodies

McLeod County has received numerous requests to spread and stockpile petroleum-contaminated soil on agricultural land. although the MPCA has established rules for handling contaminated soil, local officials are concerned regarding the following issues:

- The acceptance of contaminated soil from other areas outside the County
- The impact of groundwater resources
- Townships are split and undecided as to the benefits on the spreading contaminated oil



Environmental Considerations/Constraints

- U.S. HIGHWAY
- STATE HIGHWAY
- COUNTY ROAD
- COUNTY STATE AID HIGHWAY
- PAVED ROAD
- UNPAVED ROAD
- LAKES AND STREAMS
- COUNTY PARK
- CONSERVATION DISTRICT
- WILDLIFE MANAGEMENT AREA
- COUNTY LANDFILL
- MAJOR WETLAND
- GRAVEL PIT

McLeod County
COMPREHENSIVE PLAN



- MPCA acceptance of the policy set by the Board of Commissioners, and established by each township by resolution, to approve or disapprove requests
- The members of the local Town Boards and area residents need to be better educated through seminars presented by the MPCA.

Septic Systems

The permitting and regulation of individual on-site sewage treatment systems is of concern to both County and Township officials. There are concerns that the systems are not being properly designed or installed. The County staff has taken to assisting with the design of systems.

The County staff recommends and the McLeod County Comprehensive Water Plan states that the Minnesota Pollution Control Agency's Individual Sewage Treatment Systems Standards Chapter 7080 be adopted and enforced County-wide. The County has established its own ISTS committee to review Chapter 7080 and pending legislative changes to amend the McLeod County Sewer Standards. There are also concerns that the proliferation of rural residential subdivisions with attendant concentration of individual well and on-site systems, will lead to increasing water quality problems.

Water Quality

In addition to concerns over the impacts on the region's surface water and groundwater resources attributable to the County landfill, the area's gravel pits, and septic systems, there are also concerns over degradation of water resources as a result of:

- Agricultural runoff
- Runoff associated with residential, commercial, and industrial development
- Shoreland and floodplain development
- The filling of wetlands

The County's past efforts to protect shoreland, floodplain, and wetland resources is to be commended. Its Conservation District, in particular, provides additional protection for wetlands and sensitive resources by placing restrictions on the types of land uses and activities which can take place on these lands.

The County has prepared a comprehensive water management plan.

DEVELOPMENT ORDINANCE PROVISIONS AND ADMINISTRATION

Zoning Ordinance

The McLeod County Zoning Ordinance regulates land use and site planning in unincorporated portions of the County. (Each City administers its own zoning regulations.) The County ordinance contains these districts:

- **Agriculture District**

Allows any farm-related activity; allows non-farm houses on parcels at least one acre in size.

- **Rural Residential District**

Allows any farm-related use except confined feedlots; allows single-family houses and single-family residential subdivisions; minimum lot size for single-family houses is one acre.

- **Urban Expansion District**

Intended to provide an area adjacent to cities for the purpose of containing and managing urban development within planned urban areas where basic services such as sewer and water lines and police and fire protection can be provided efficiently and economically. Allows any agricultural use except confined feedlots. Allows single-family housing. Minimum lot size is one acre.

- **Highway Business District**

Allows agriculture and a limited variety of commercial activities.

- Industrial District

Allows a wide variety of light and heavy manufacturing, warehousing, service business, and office activities.

- Conservation District

Intended to preserve in an open state, certain areas such as wetlands, woodlands and other areas of aesthetic and scenic value which, because of their physical features, are desirable as water retention areas, natural habitat for plant and animal life, green space, or other uses beneficial to the County. There are four large areas zoned Conservation, one each in Acoma, Hutchinson, Round Grove and Lynn/Collins Township.

- Floodplain District

Intended to regulate and limit development in locations along streams which are expected to occasionally flood.

Other features of the zoning ordinance include regulations on signs, shorelands, confined feedlots, essential services, mobile homes, gravel mining, non-conforming uses and other matters.

Administrative Procedures

Control of land subdivision and development in the unincorporated areas of McLeod County is achieved through the Subdivision Regulations and the Zoning Ordinance adopted by the County Board of Commissioners.

Responsibility for the administration and enforcement of the Subdivision Regulations rests with the County Planning and Zoning Administrator. The regulations contain provisions for review and comment by affected townships and municipalities. Under the present regulations, landowners are allowed one minor subdivision per deed. This creates problems when a large parcel has only a single deed.

Land Use Permits are issued by township zoning administrators in each of the fourteen townships. The relationship between these individuals and the County Zoning Office is not well defined in the Ordinance

and contributes to misunderstandings with respect to the administration and enforcement of the regulations.

Fees

The fees for a land use permit, rezoning, variance, amendment or conditional use permit shall be established by the County Board. The Board may review and revise the fee schedule periodically.

Many township zoning officials have expressed the need to raise the fees for permits. The present fees have not been raised in many years and a recent survey of Minnesota counties, undertaken by the Planning and Zoning Administrator, indicates that the current fee structure is lower than in many other counties. At the same time, township officials are concerned that fees not be excessive.

Concerns with Administrative Procedures

In general, the Townships and their zoning administrators are content with the present arrangement of having each township issue Land Use Permits. Township officials point out that they know the area and the people and are therefore in a position to catch projects that have begun without permits and to resolve problems in a non-adversarial fashion. On the other hand, County officials have expressed frustrations over problems with record-keeping, accountability, liability and consistency in administration of the ordinances.

There is some frustration on the part of Township administrators that residents and developers undertake work without permits. They have expressed the need to not only get the word out to local residents, but to shift more responsibility to builders and contractors who proceed without the necessary permits.

Enforcement

Enforcement of local ordinances appears to be a major point of frustration and contention. County officials feel the Townships are inconsistent in their administration of the ordinances, while Township

officials, when they see instances of inconsistent enforcement, blame County officials. The responsibility for enforcement is not clear in the minds of many officials, and some Townships have expressed the view that they are unwilling to initiate enforcement because they are uncertain their efforts will be vigorously supported by the County. They believe the County should be responsible for all enforcement. As of the date this plan was adopted, a joint powers agreement between the County and the Townships was being reviewed that should, hopefully, resolve this issue.

County officials are concerned that in some instances permits are being issued but follow-up inspections are not being undertaken.

Township Ordinances

Pursuant to MS 394.33, townships may prepare land use plans and zone property but after the county has adopted official controls the townships' controls must not be inconsistent with or less restrictive than the county controls. This sometimes creates problems for County officials who may be unaware of the local ordinance. It also creates problems when officials in other Townships incorrectly perceive that the County is arbitrarily enforcing a different standard.

Ordinance Language and Format

A great many concerns have been raised over the need for more clearly defined language in the zoning and subdivision regulations, including the need to reorganize the text so that it is easier to follow.

Second Homes on Farmsteads

With respect to agricultural land, concerns were raised over abuses of the current practice of allowing mobile homes on farmsteads when used by a member of the immediate family, who is engaged in farming. A related issue deals with second homes for farm family members that are built too close to the farmstead. When circumstances change, and the second home is sold to a non-family member, problems arise with respect to privacy and/or nuisance complaints.

Conversion of Agriculture Lands

Officials also expressed concerns over the need for more specific guidance on which lands should remain in agriculture and which areas might be converted to residential, commercial or industrial use.

Setbacks

There is a need to examine the setback requirements in the Zoning Ordinance. County officials have cited a need to increase setbacks, while some Township officials have suggested that the current standards are excessive.

Zoning Ordinance Concerns

Specific concerns relating to the provisions of the Zoning Ordinance include:

- Defining where the floodplain line is, and what can be built within it
- The need for uniform salvage yard regulations which are retroactive and enforced County-wide
- The need to license and bond those who install on-site sewage treatment systems
- The need to examine the requirements pertaining to mobile homes
- The need to better define the cases under which a rezoning is necessary

Subdivision Regulations

Concerns have been expressed over the present subdivision regulations and the approval process. Almost all preliminary plats, except those residential subdivision plats greater than two miles from a municipality, are approved without regard to impacts on roads or other services. The need for objective review criteria has been cited by both County and Township officials. The need for improved road design and driveway standards has also been cited, as well as the need for consistency in platting requirements.