

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW Room 10
Rochester, MN 55902
Phone: (507) 529-0774



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-- TCPA --

Date: 03/26/2024

To: Steven J. Forliti
Oronoco Town Board

Re: Metes and Bounds Subdivision
Sections 26 & 27 – Oronoco Township

Permit: OTMB-24-02

Meeting: Oronoco Township - Agenda item Monday, April 8th, 2024, after 5:30 pm – Oronoco City Hall

Owner/Applicant: Steven J. Forliti – 1094 White Birch Court NW – Oronoco, MN 55960

Requested Action: The owner/applicant has four contiguous tax parcels lying primarily in the north half of Sections 26 & 27 for a total contiguous ownership of 137+/- acres. Three of the parcels are within the White Birch Hills A.R.C.; Agricultural Residential Cluster District and all three are on the same deed. The three parcels are comprised of approximately 97-acres total and are currently improved with the owner/applicant's dwelling and several accessory buildings. The fourth parcel lies within SE1/4 of the NW1/4 of Section 26, is 40-acres in size and zoned A-3; Agricultural District. This ag parcel is on a separate deed from the A.R.C. parcels.

The owner/applicant's son wishes to purchase a buildable site from his father. The agricultural area of the A.R.C. District requires that any new dwelling be located on a parcel at least 35-acres in size. The owner/applicant is requesting to shift the lot lines of his three A.R.C. parcels to create a buildable 39+/- acre parcel leaving a residual 58-acre parcel with his dwelling and accessory buildings. The 40-acre ag parcel on its own deed is not part of this lot line shift.

Legal Description: Parcel #: 842711039978
Parcel #: 842714039977
Parcel #: 842623039961
Parcel #: 842624039962
SEE ATTACHED FOR FULL LEGALS

Zoning: A.R.C.; Agricultural Residential Cluster District
A-3; Agricultural District

Attachments:

1. Application Form
2. Location/Plat Map
3. Legal Descriptions
4. Aerial Photo Map
5. Tax Parcel Map
6. Proposed Lot Line Shift Map
7. Zoning Map
8. Soils Map
9. Flood Map
10. Land Use Plan Map

Ordinance: The Oronoco Township zoning ordinance reads as follows;

Section 1.26 BUILDABLE LOTS

A lot that meets the Board of Health regulations and fulfills the criteria specified in one of the following subsections (A) or (B) is a buildable lot. All other lots, including illegally created lots, shall not be considered buildable lots and no building shall be constructed or placed upon such lots.

- A. Buildable Lots for Uses Other than Dwellings: (These other uses would include agricultural uses such as barns and other agricultural buildings but would not include a dwelling.)

Lots of record or newly created lots that meet the lot area, lot width and access requirements of this ordinance. Any newly created lot which does not meet the standards for non-farm dwellings in the zoning district where such lot is located, or the standards for farmstead dwellings, shall be designated as an (N.B.) Non-Buildable Lot for Dwelling Purposes on the Official Zoning Map.

Non-conforming lots of record, providing that such lot has recorded access to a public road and the proposed building complies with the regulations in Section 1.28 (B).

- B. Buildable Lots for a Dwelling Are:

1. A lot that qualifies as a farm.
2. Lots created after the effective date of this ordinance which meet the lot area, lot width, access requirements and either the standards for non-farm lots or dwellings in the zoning district where such lot is located or the standards for farmstead dwellings.

3. Lots of record, providing that such a lot has recorded access to a public road and the proposed building complies with the regulation of Section 1.28 (B).
4. If in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the zoning district lot area, width, or access standards of the zoning district where located, the lots must not be considered as separate parcel of land for purposes of development. The lots must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the lot area, width, or access standards to the extent possible.
5. A lot must comply with all standards of the floodplain provisions of the zoning and subdivision ordinances.

Section 5.06 A.R.C. AGRICULTURAL RESIDENTIAL CLUSTER DISTRICT:

Existing agricultural residential cluster developments approved prior to March 17, 1987, are recognized as separate zoning districts and the plans under which they were approved will continue in force and will be the basis on which any proposed changes will be reviewed. Changes to an approved agricultural residential cluster development will be treated as an amendment procedure referred to in Section 4.00 of this ordinance. No new A.R.C. Districts shall be created.

The following provisions continue to regulate uses with existing ARC District:

- B. Permitted Uses in the A.R.C. Agricultural/Woodland/Open Space Area are as follows:
 1. One single-family dwelling or mobile home per lot (35 acres).

Analysis:

The owner/applicant has four contiguous tax parcels lying primarily in the north half of Sections 26 & 27 for a total contiguous ownership of 137+/- acres. Three of the parcels are within the White Birch Hills A.R.C.; Agricultural Residential Cluster District and all three are on the same deed. The three parcels are comprised of approximately 97-acres total and are currently improved with the owner/applicant's dwelling and several accessory buildings. The fourth parcel lies within SE1/4 of the NW1/4 of Section 26, is 40-acres in size and zoned A-3; Agricultural District. This ag parcel is on a separate deed from the A.R.C. parcels.

The owner/applicant's son wishes to purchase a buildable site from his father. The agricultural area of the A.R.C. District requires that any new dwelling be located on a parcel at least 35-acres in size. The owner/applicant is requesting to shift the lot lines of his three A.R.C. parcels to create a buildable 39+/- acre parcel leaving a residual 58-acre parcel with his dwelling and accessory buildings. The 40-acre ag parcel on its own deed is not part of this lot line shift.

The owner/applicant's three A.R.C. zoned tax parcels lie within the Agricultural/Woodland/Open Space Area of the White Birch Hills A.R.C. District and all three are within the Resource Protection Area of the Olmsted County Land Use Plan. When the A.R.C. Districts were created a portion of the developable land was allowed to be platted into large lot parcels similar in size to what is now allowed in the R-1 Districts.

To maintain the required density of the developable land, a predetermined portion of the land has to remain agricultural and any new home within those areas has to be on at least 35 acres. Tax parcels 842711039978 and 842714039977, lying primarily in the east half of the NE1/4 of Section 27, are within the Agricultural/Woodland/Open Space Area of White Birch Hills First. Tax parcel 84262303996, improved with the owner/applicant's dwelling and accessory buildings, is within the Agricultural/Woodland/Open Space Area of White Birch Hills Second.

The owner/applicant did ask about the potential for a variance to the A.R.C. criteria or potentially rezoning the property. However, while the property could be rezoned the original A.R.C. District language, under which the White Birch Hill First and Second A.R.C. Districts were created, stated that, the boundaries between the residential and agricultural areas of the A.R.C. are to remain permanent unless all the land included in the A.R.C. is rezoned. In other words, to rezone one parcel within the A.R.C. District would require rezoning all of the parcels in that district.

Lot Line Shift: This request will not create any new parcels but will simply reconfigure the orientation of the existing tax parcels. (see attached Lot Line Shift Map) The owner/applicant's parcel improved with his dwelling and accessory buildings (outlined in orange) will now be 58+/- acres in size. The parcel that will be purchased by his son (outlined in yellow) will be 39+/- acres.

Ordinance Criteria: B. Permitted Uses in the A.R.C. Agricultural/Woodland/Open Space Area are as follows:
1. One single-family dwelling or mobile home per lot (35 acres).

Both proposed lots, resulting from this lot line shift, will be larger than 35 acres and therefore meet the criteria for a single-family buildable lot within the Agricultural/Woodland/Open Space Area of the A.R.C. District.

Access: The owner/applicant's existing dwelling and accessory buildings have residential driveway access from White Birch Court NW and that will not need to be changed. The buyer of the 39+/- acre buildable parcel will need to work with the Township, as Road Authority, to obtain a residential access permit.

Open Wells: There *may* be open unused wells on the property which the County may require to be capped and sealed before the County Environmental Department will approve the final survey.

Conclusion: Staff recommends approval of the proposed subdivisions with the following conditions;

1. That the applicant provides a survey that meets the lot width, area and access requirement of the ordinance.
2. That the applicant work with Oronoco Township, as Road Authority, regarding residential access for their future proposed use.

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION – ZONING APPROVAL OF METES & BOUNDS SUBDIVISION APPLICATION

You can fill in the fields on this form on your computer or print the form and fill it in by hand.

4111 11th Avenue SW Room 10
Rochester, MN 55902

-- **TCPA** --

OTMB-24-02

(507)529-0774

Fax: (507) 281-6821

TOWNSHIP Oronoco

DATE 03-13-24

INSTRUCTIONS: complete this application form and return it to the Township Cooperative Planning Association with all required materials and the application fee. The Administrator will review the application for compliance with the Zoning Ordinance. If all requirement(s) of the Zoning Ordinance are met, the application will be forwarded to the Township Board of Supervisors for review at the monthly Town Board meeting. The applicant will be notified of the date and time of the meeting and should attend to answer any questions the Board may have.

After approval by the Town Board of Supervisors, an application will be submitted with the Certificate of Survey to the Olmsted County Planning Department and Public Works for their approval to complete the process. The Applicant will also be required to pay any fees associated with this process.

Legal Description of the property to be subdivided as it exists at the present time:

section 27 / twp-108 / range-014 / 19.76 acres

section 27 / twp-108/ range-014 / 35.64 acres

Plat # _____

Parcel # 842711039978/842714039977

Reason for subdividing land:

I would like to create a parcel of land with at least 35 acres to allow for building one house without having the property rezoned from ARC to R-1

Please attach a site plan with accurate scaled drawing of the proposed subdivision!

Property Owner Steven J Forliti

Applicant Steven J Forliti

Address 1094 White Birch Ct NW

Address 1094 White Birch Ct NW

Oronoco MN 55960

City State Zip code

Oronoco MN 55960

City State Zip code

Telephone 507-358-0575

Telephone 507-358-0575

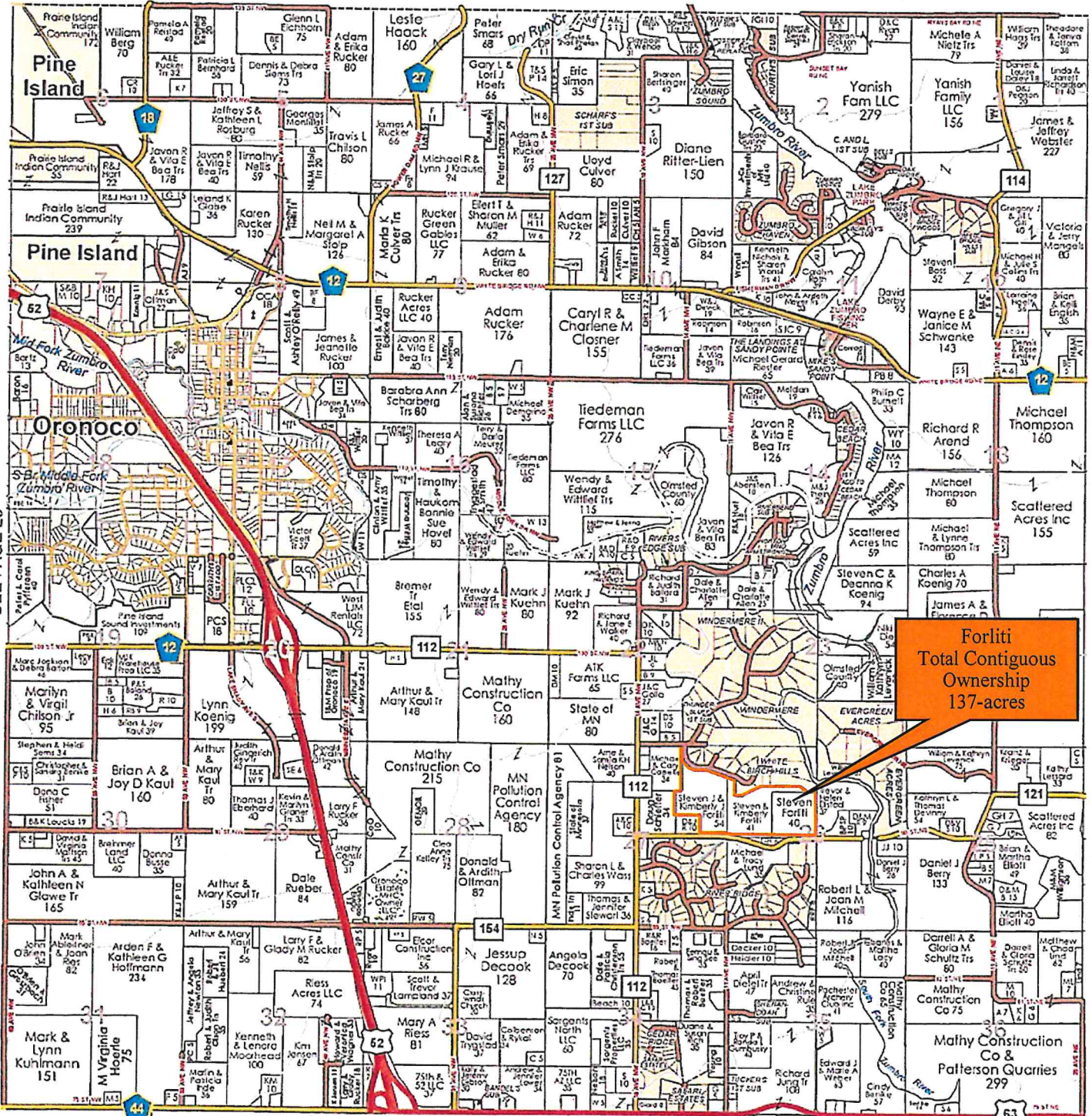
Signature 

Signature 

Return the completed application with accurate site plan identifying the property as it exists and proposed metes and bounds subdivision. Also include on the site plan any existing buildings, wells, septic systems, and other structures and their distances from the propose property line. A Certificate of Survey will be required after approval of the subdivision by the Town Board.

An application fee of \$816.00 is required to process the application. Please submit a check made payable to **TCPA** with this application. It will not be processed until the fee is submitted.

PLAT MAP



Forliti
Total Contiguous
Ownership
137-acres

LEGAL DESCRIPTION:

SEE ATTACHED

- Parcel #: 842711039978
- Parcel #: 842714039977
- Parcel #: 842623039961
- Parcel #: 842624039962

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Legal Description

Parcel #: 842711039978

SECT-27 TWP-108 RANGE-014 19.76 AC NE1/4 NE1/4 LESS WHITE BIRCH HILLS 1ST SUB SEC 27-108-14

Parcel #: 842714039977

SECT-27 TWP-108 RANGE-014 35.64 AC S1/2 NE1/4 LESS BEG AT SWCOR NE1/4 TH N TO NWCOR OF S1/2 NE1/4 TH E 1128.3FT TH S 890FT TH E 35FT TH S 423.65FT TO A PT ON S LINE S 1/4 SEC WH IS 1162.53FT E OF SWCOR SE1/4 SEC TH W TO BEG LESS 10A ON CONT TO CARLSON SEC 27-108-14

Parcel #: 842623039961

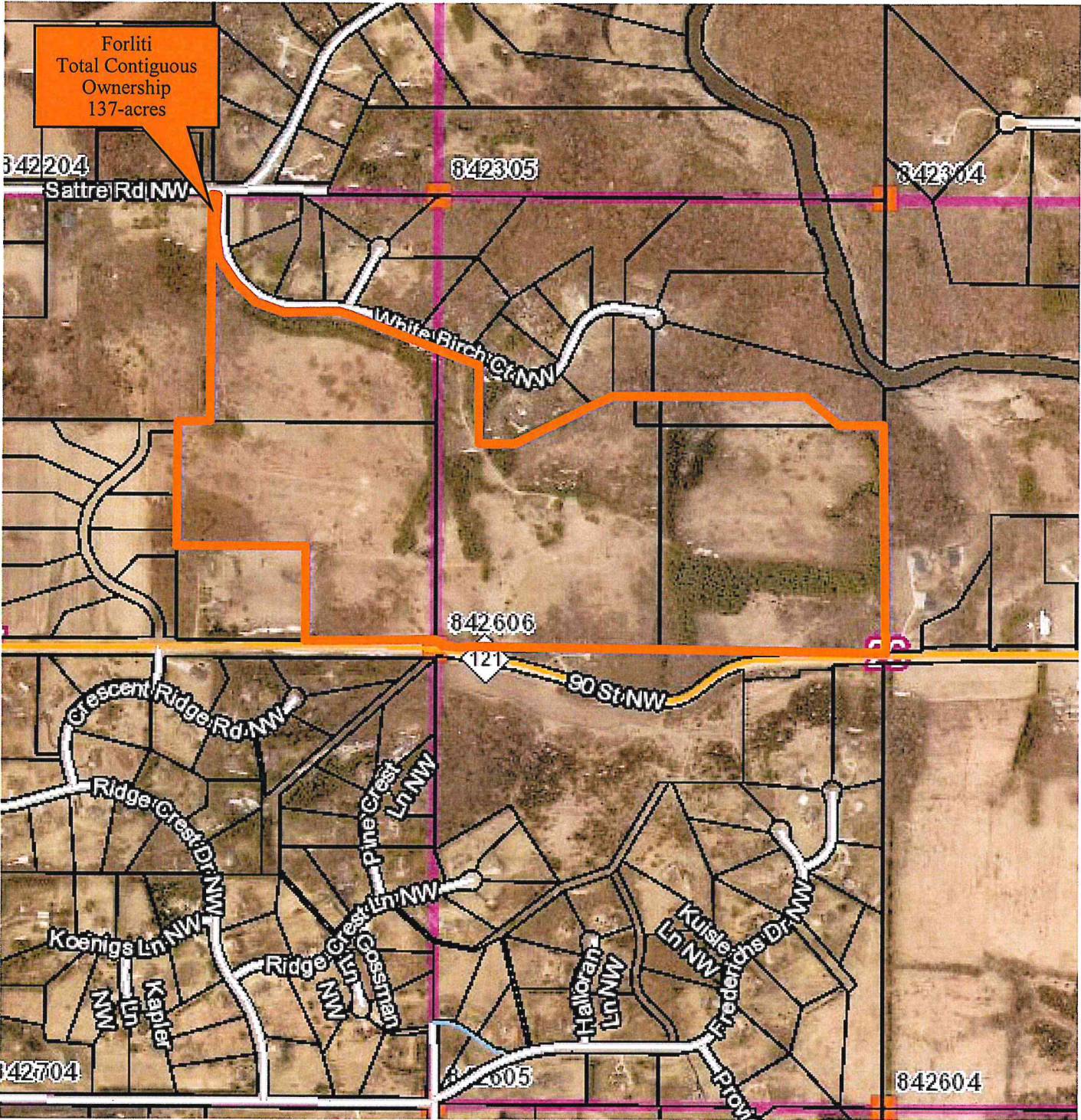
SECT-26 TWP-108 RANGE-014 41.60 AC TH PT N1/2 NW1/4 & SW1/4 NW1/4 LESS THE FOLL COM AT NECOR N1/2 NW1/4 TH S AL E LINE 1308.09FT TO SECOR N1/2 NW1/4 TH W AL S LINE SD N1/2 254FT TH NWLY 264FT TH WLY 1122.90FT TH SWLY 631.55FT TH WLY 210FT TH NLY 480FT TH NWLY TO A PT ON W LINE SD N1/2 NW1/4 TH NLY AL W LINE TO NWCOR OF SD N1/2 NW1/4 TH E AL N LINE NW1/4 TO PL OF BEG SEC 26-108-14

Parcel #: 842624039962

SECT-26 TWP-108 RANGE-014 40.00 AC SE 1/4 NW 1/4 SEC 26 108 14

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AERIAL PHOTO MAP



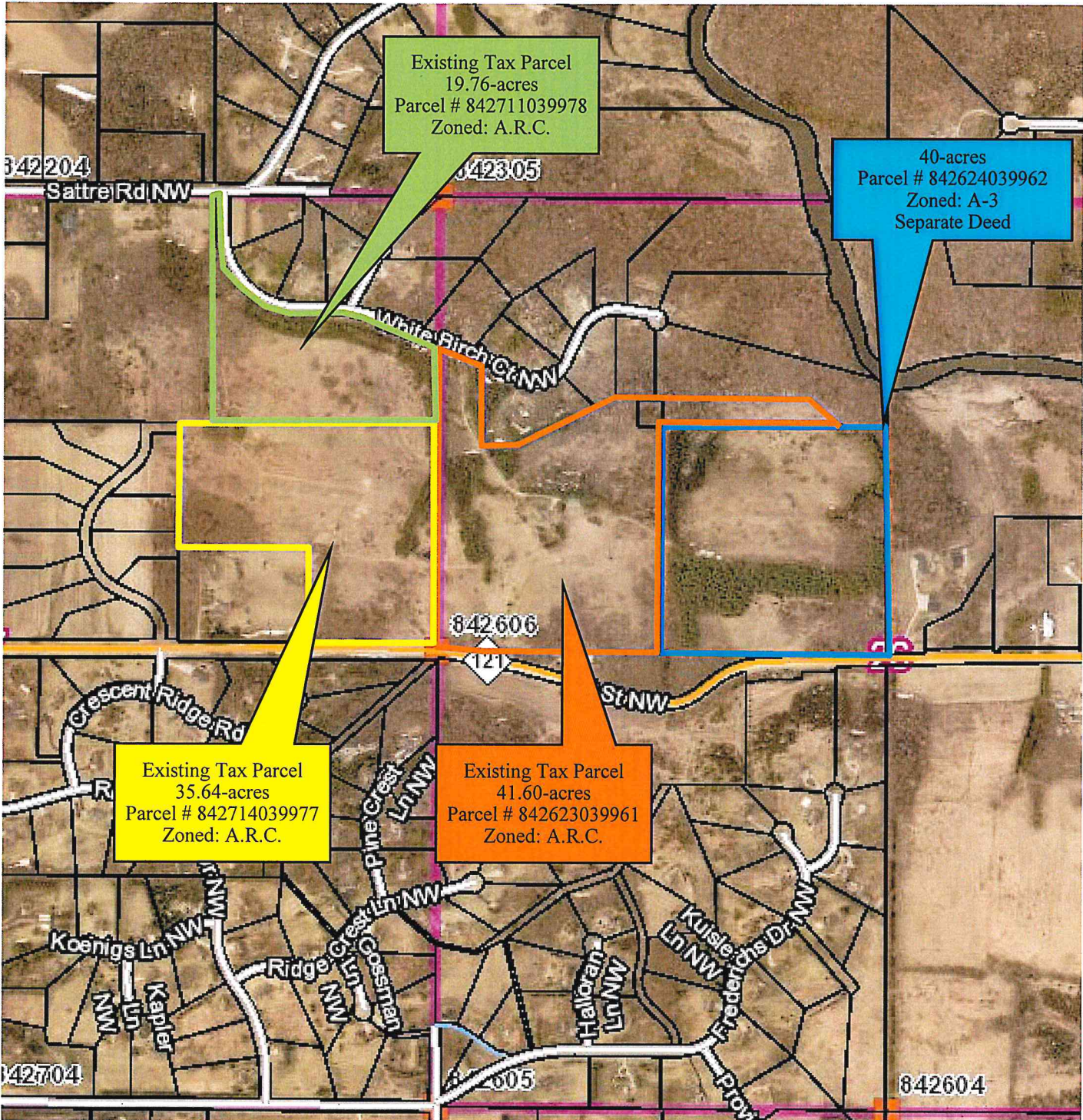
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TAX PARCEL MAP



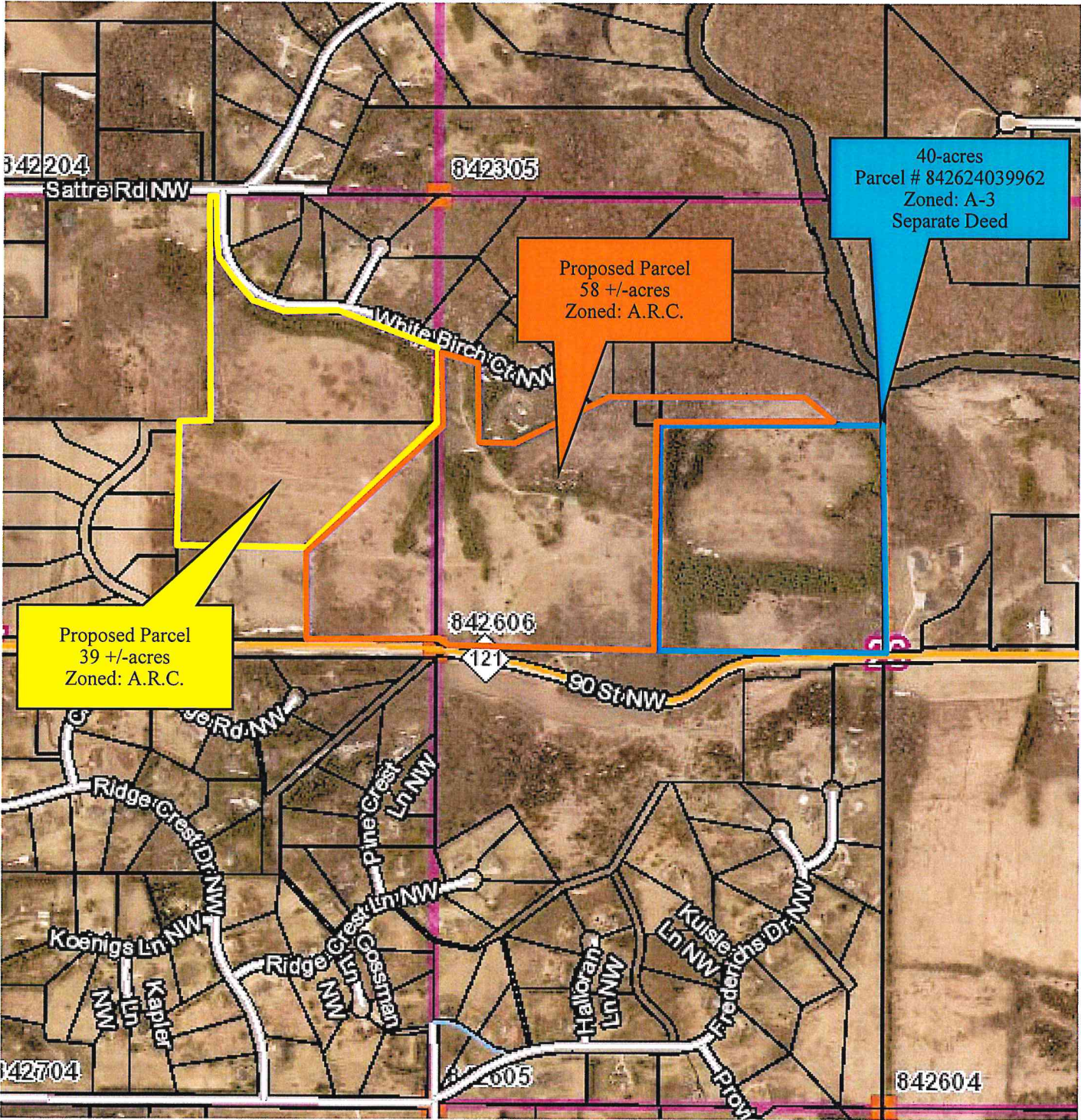
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PROPOSED LOT-LINE SHIFT MAP



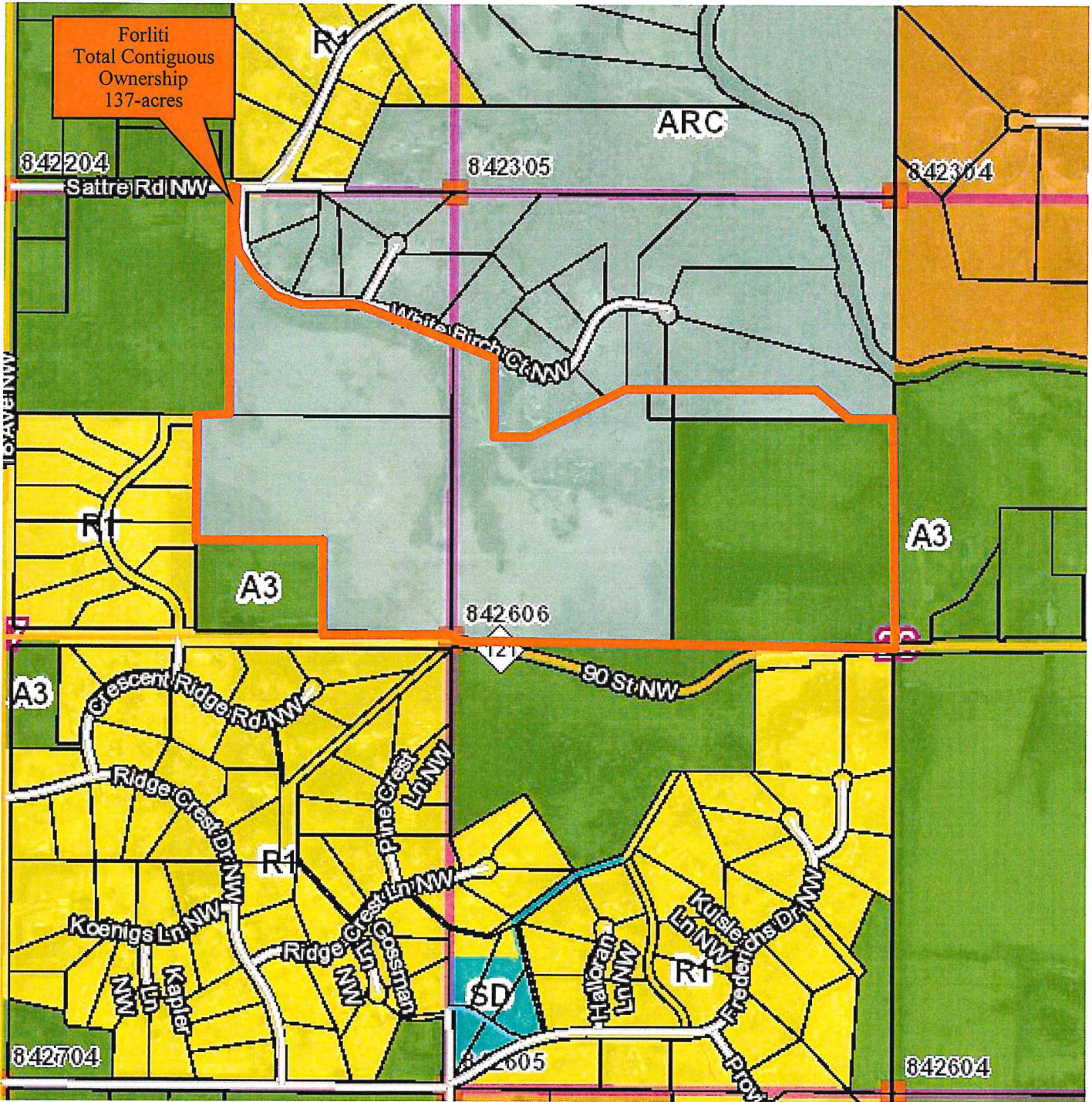
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ZONING MAP



Forliti
Total Contiguous
Ownership
137-acres

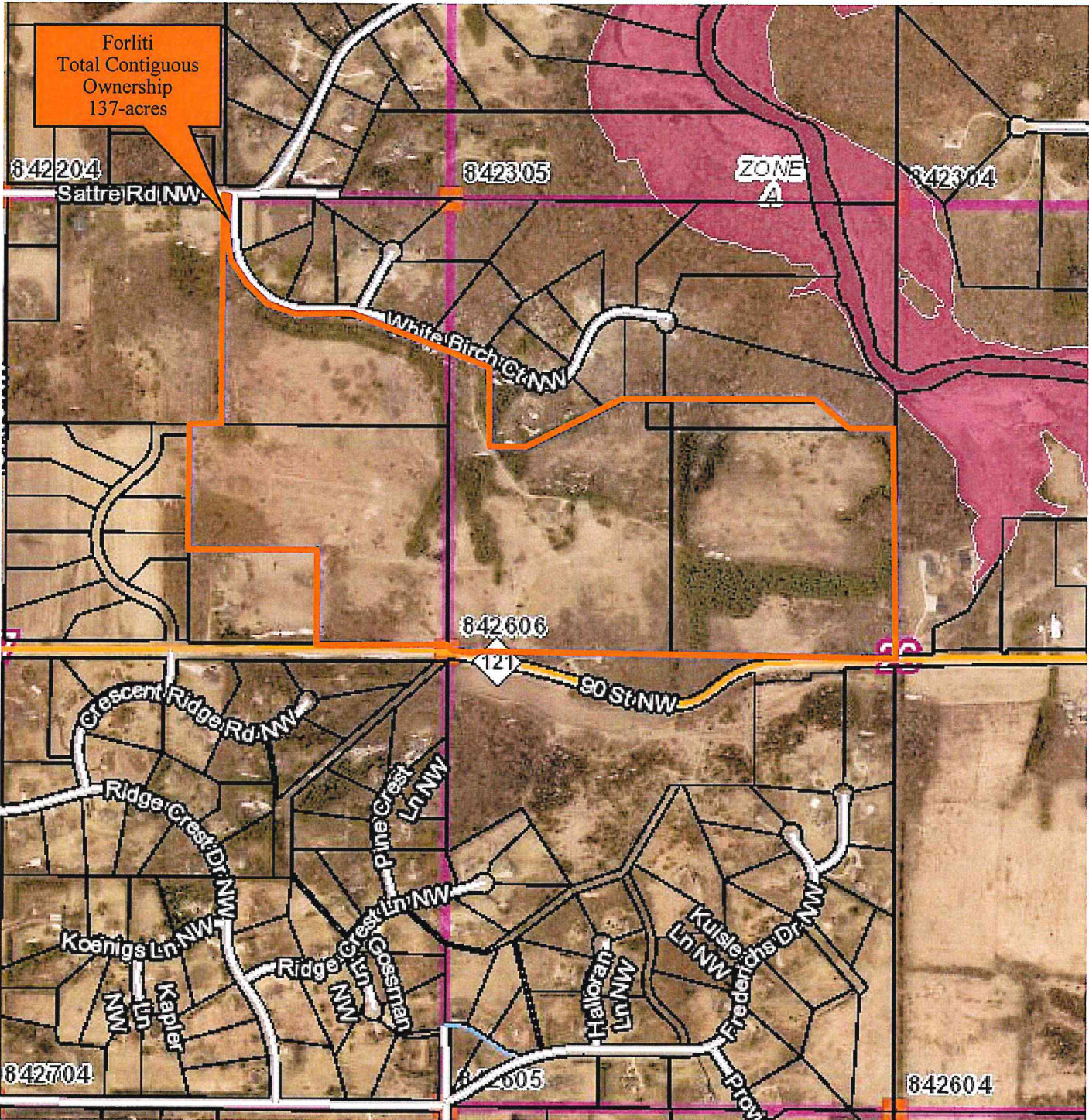
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FLOOD MAP



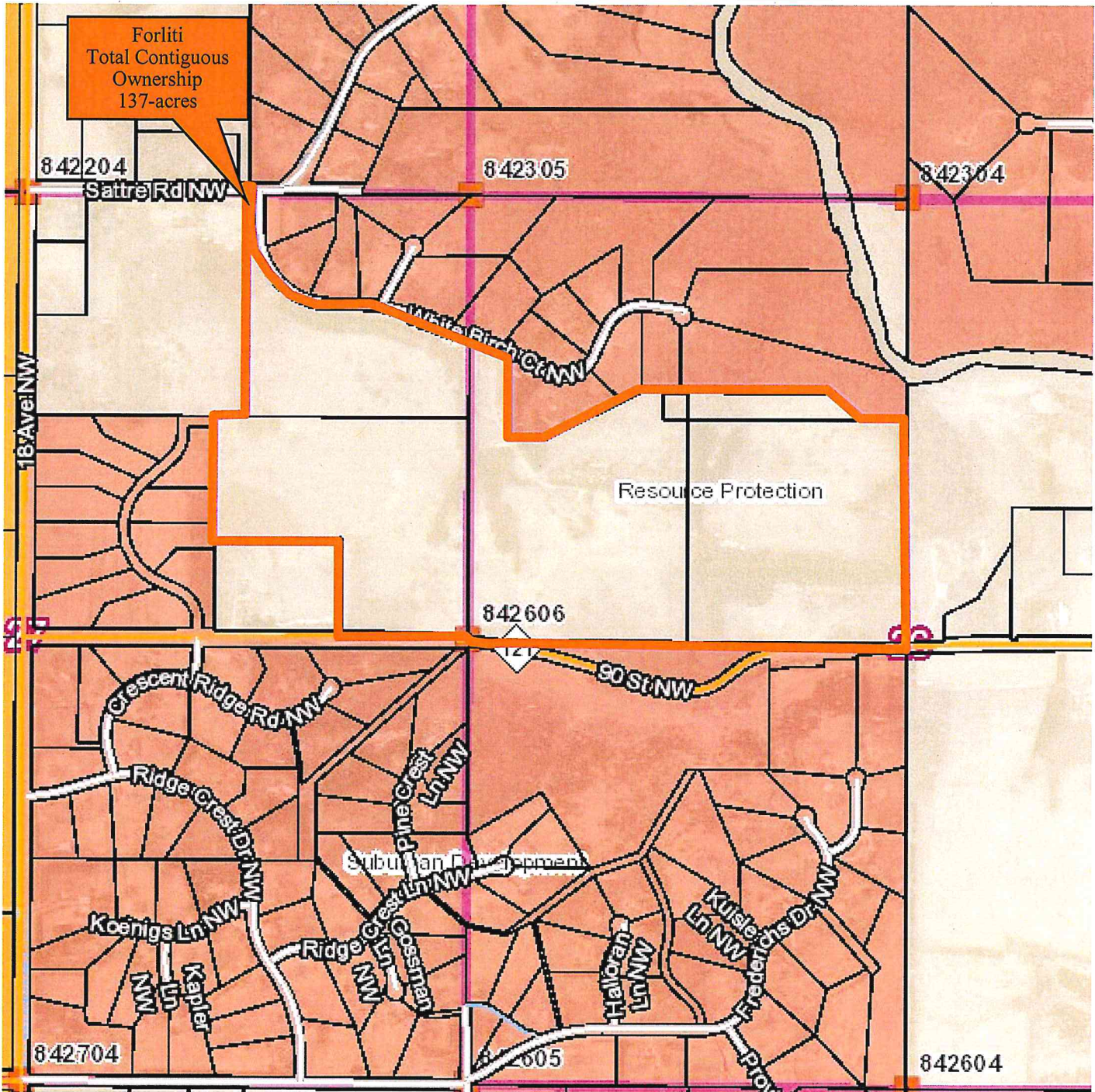
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OLMSTED COUNTY LAND USE PLAN



LEGAL DESCRIPTION:

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