

## **Applicant**

Luke Krueger  
62385 215<sup>th</sup> Street  
Eagle Lake, MN 56024

## **Request and Location**

Request for a Level II Home Occupation Permit to operate a diesel repair business in the Agricultural Zoned District in the SW ¼ of the NE ¼ of Section 14, LeRay Township.

## **Legal Description**

Part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Fourteen (14), Township One Hundred Eight (108) North, Range twenty-five (25) West, Blue Earth County, Minnesota, described as follows: Commencing at an iron pipe at the Southwest Corner of the East Half (E½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); thence North 00°10'11" West (assuming that the South line of said Northeast Quarter (NE¼) bears North 89°35'37" East), 135.07 feet to an iron pipe being the point of beginning; thence continuing North 00°10'11" West, 222.23 feet to an iron pipe monument; thence North 89°35'37" East, 247.98 feet to an iron pipe monument; thence North 00°11'04" East, 919.80 feet to the South right of way line of County State Aid Highway No. 17; thence North 89°49'27" East, along said South right of way line, 37.68 feet; thence South 00°14'38" West 919.66 feet to an iron pipe monument; thence North 89°35'37" East, 151.29 feet to an iron pipe monument; thence South 00°10'11" East, 164.41 feet to an iron pipe monument; thence South 89°35'37" West 206.19 feet to an iron pipe monument; thence South 00°10'11" East, 58.78 feet to a utility pole; thence South 89°49'49" West, 229.81 feet to the point of beginning. The above described iron pipe monuments are ¾ x 18" long with plastic caps marked with Registration No. 19789.

## **Zoning**

Agricultural

## **General Site Description and Project Proposal**

The property involved is a farmstead owned by the applicant. The applicant is requesting a conditional use permit to operate a diesel repair business as a Level II Home Occupation.

The property includes a 40 foot by 50 foot structure that will serve as the primary shop and work area. This structure includes a concrete floor. The primary focus of the business is tractor and combine diesel repair. Primary hours of business will be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Additional repair work will take place in the evening hours and occasionally on weekends. On site traffic will be limited to normal family travel and occasional delivery vehicles. A floor plan of the shop area has been furnished. The applicant has been asked to review this floor plan with the Chief of the Fire Department that services the area. The shop does not include a floor drain. All waste automotive fluids will be disposed of as required by the County and the Minnesota Pollution Control Agency (MPCA). The applicant has met with Blue Earth County Waste Management Specialist, Ken Frederick to discuss the handling and disposal of hazardous wastes resulting from the business. Mr. Frederick's findings are listed in staff comments below.

The well is located 100 feet from the nearest corner of the building.

## **Existing Land Use within 1/4 Mile**

**North:** Crop land, CSAH 17 and backwaters of Lake Madison that are listed as public waters

**South:** Crop land and a cattail slough  
**East:** A feedlot owned by the applicant's father and crop land  
**West:** Crop land

**Access**

No change in access is proposed. Access is provided by an existing driveway off of CSAH 17.

**NATURAL RESOURCES INFORMATION**

**Topography**

The site slopes gently to the southeast.

**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 Review** – At the time this report was written, no comment had been received from the Township.

**Staff Comments**

**Solid Waste Review** - After review of materials used by an auto type business, and the discussion I had with other staff members, there would be no real concern of problems with Hazardous Waste. In the future if they need to dispose of any Hazardous Waste they will need an Identification Number from the State of Minnesota. I can help them with this when needed and is only required if they need to dispose of Wastes. The only Hazardous Waste that would need to be disposed of would be the used parts cleaner and possibly the contaminated gas/diesel fuel. The used oil and antifreeze would need to be disposed of properly and is then recycled and not considered a Hazardous Waste that needs to be counted as part of the totals for generating a waste. If they generate more than 10 gallons or 100 pounds of waste in a year they would need to be a Very Small Quantity Generator (VSQG). If they stay under that amount they would be a Minimal Quantity Generator (MQG), which only requires an Identification Number and no fees for the MQG. If they generate more waste than the MQG they would need to pay the fee to be a VSQG. That is why they need to dispose of wastes each year to stay under the limits for a MQG. As soon as they generate more waste than the 10 gallons/100 pounds they would be a VSQG and have to pay an additional fee to the State. The used oil and used antifreeze is considered to be universal waste and is considered to be hazardous but does not count toward the 10 gallons/100 pounds of hazardous waste totals. The used oil would also include transmission, power steering, and hydraulic type fluids.

They will want to store new oil or other new fluids on a surface that is not going to allow it to leak into the ground in case of a spill or leak from a container. Could be stored in a plastic container or on a cement type surface that is painted with an epoxy paint to seal the cement to

prevent anything from leaking into the cement and allow clean up. It is expensive to clean up leaks after soil is contaminated or worse yet the water that could be contaminated if it reaches that far.

**Septic Review** - The septic system for the property needs to be replaced as the applicant disclosed in writing on January, 10 2011 that the system will not pass a compliance inspection. With this information, the system must be replaced on or before November 7, 2011. The machine shop is not allowed to have any drains used for disposal of non-sewage wastes into the septic system, as they are prohibited by Minnesota Rule 7080.

**Well Review** – The site plan submitted indicates that the well is located about 45 feet south of the house and about 100 feet southeast of the diesel repair shop. The site plan also shows all of the hazardous materials being located in the northwest portion of the shop. Well code requires a minimum of 150 foot setback requirement from the solvents, unless protected with safeguards. Well code also requires a minimum of 50 foot setback from the oil / used oil storage (petroleum products) as long as the applicant stays under 1,100 gallons total. If 1,100 gallons is exceeded on-site the setback requirement is 100 feet with safeguards or 150 feet without safeguards. The applicant should provide the County with the exact distance measurements of the hazardous materials in the shop from the well.

Based on a site inspection conducted by Blue Earth County with the applicant on Jan. 24th, the measured separation distance to the parts cleaner is 120 feet. The parts cleaner is only 15 gallons in size so it does not meet the required threshold of more than 56 gallons of hazardous substance requiring a minimum separation of 150 feet without safeguards referenced in the well review comments above. The minimum required separation between the well and the proposed 15 gallon parts cleaner (haz. substance) is 50 feet.

**Wetland Review** - Based on an aerial photo review, there appears to be no wetlands impacted by this proposal.

### **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.
- NA 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.
- NA 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 request to operate a diesel repair business as a Level II Home Occupation with conditions one through eight as listed in Section 24-308 (c) conditions of Level II Home Occupations and conditions nine through twelve developed by staff:

1. All level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six employees are allowed other than the inhabitants.

2. Such use shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be 5,000 square feet.
3. Junkyards and scrapyards are prohibited.
4. Allowable signage shall be limited to a 32 square foot sign, non-illuminated, and located on the property.
5. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
6. The operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m. Occasional work after hours may take place provided condition number five is adhered to.
7. Materials and equipment shall be stored in an enclosed building or screened area. *Staff is recommending this condition be removed. The site is located 1,000 feet from the nearest road. The only items stored outside are some tractors belonging to the customer and the applicant. All business related products are kept inside of the shop.*
8. In case of a home occupation which requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as a Y type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard-surfaced road shall be bituminous or concrete.
9. That should the need arise in the future for the disposal of hazardous wastes other than used oil and antifreeze, i.e. used parts cleaner, contaminated fuels, etc. the applicant shall obtain a Generator ID Number from the MPCA.
10. That all waste fluids are disposed of according to County and Minnesota State Pollution Control Agency standards.
11. That secondary containment is provided where required to contain accidental leaks and spills of automotive fluids.
12. That a code complying SSTS shall be installed prior to November 7, 2011.

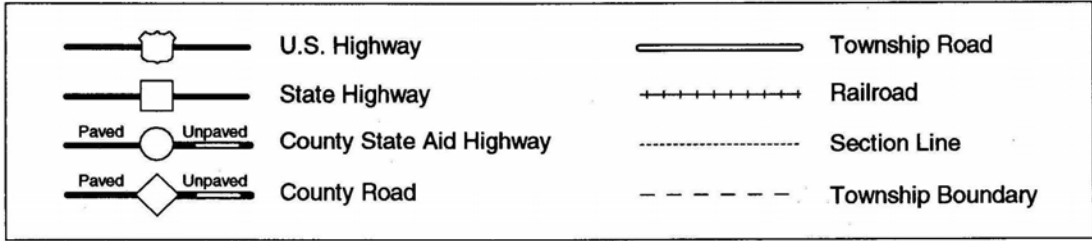
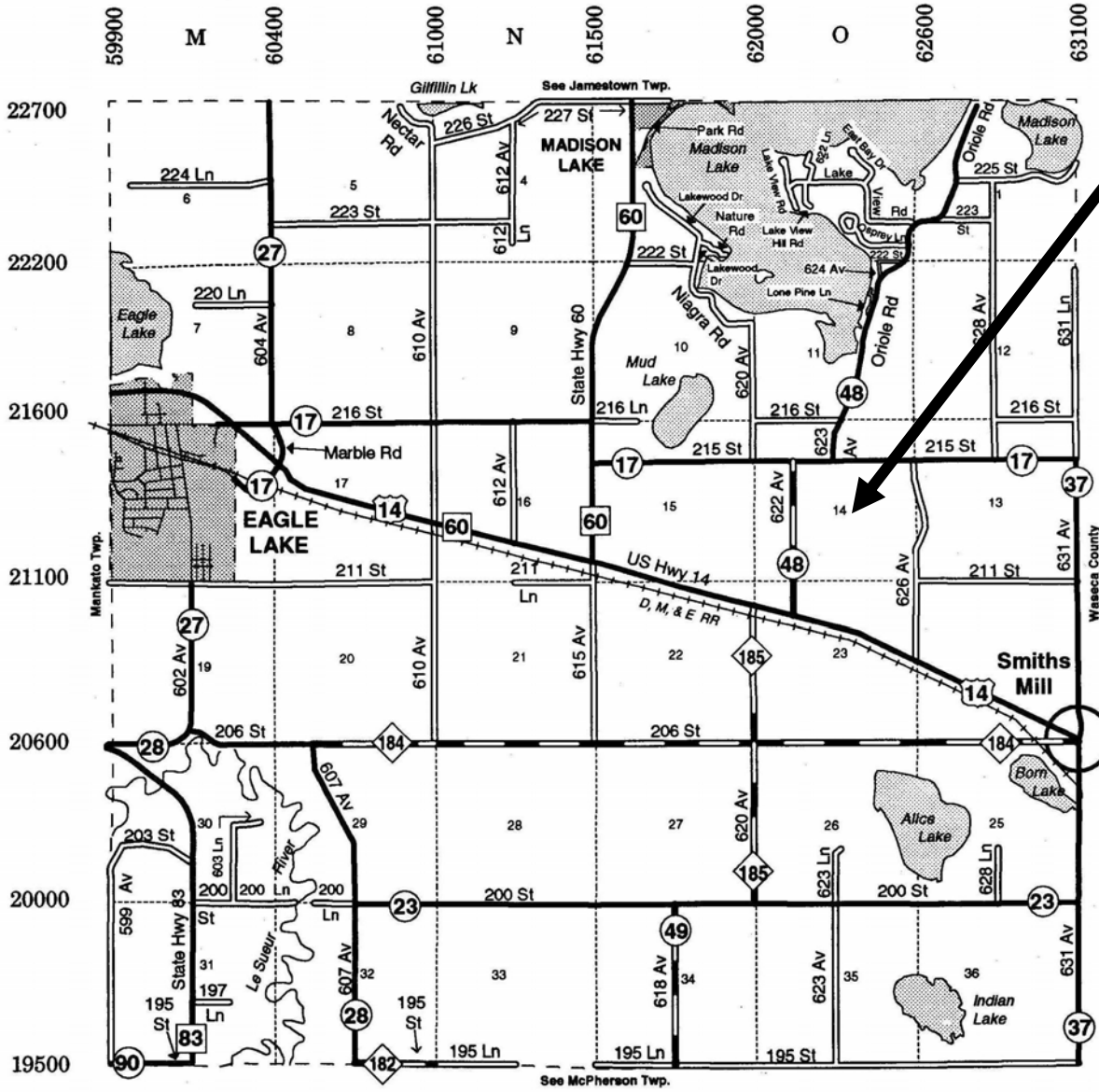
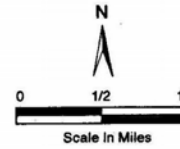
**Attachments**

- A-1 General Site Location
- A-2 Site Map
- A-3 Shop Floor Plan

# A-1 General Location Map

## Le Ray

T 108 N - R 25 W



# A-2 Site Map



0 25 50 Feet



Disclaimer: This map was created using Blaine Earth County's GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a land survey. No liability is assumed for the accuracy of the data distributed herein, either expressed or implied by Blaine Earth County or its employees.

North

