

Applicant

Robert Lorentz
53633 198th Lane
Lake Crystal, MN 56055

Request and Location

Request for conditional use permit to place more than fifty cubic yards of fill in the Agricultural Zoned District in the NW ¼ of the SW ¼ of Section 31, South Bend Township.

Legal Description

The Southwest Quarter of the Northwest Quarter;
Northwest Quarter of the Southwest Quarter of Section 31, Township 108, Range 27, except one-half (1/2) acre of land for road purposes off the west side of the Northwest Quarter of the Southwest Quarter of said Section 31, also except the easterly 1 rod of the westerly 2 rods of said Northwest Quarter of the Southwest Quarter of Section 31.

Section 31, Township 108 North, Range 27 West, Blue Earth County, Minnesota.

Zoning

Agricultural

General Site Description, Site History, and Land Use Information

The property involved is a farmstead owned by the applicant. The intended work area lies immediately north and east of an existing outdoor riding arena. The entire project will include the placement of approximately 7,600 cubic yards of fill. The area of disturbed soil surface will be less than one acre. Therefore, an MPCA Storm Water Permit is not required.

North Slope

The existing topography of the north work area drops off approximately seven feet to the north of the arena. The seven foot change in elevation of the north slope will not change except that with the addition of fill it will be graded to a more gradual slope with a final grade of three feet horizontal to one foot vertical. Following the final grading this area will be seeded with a grass mix. Erosion control will be provided with an extension of an erosion control structure running along the east property line and continuing north with a bit of an angle to the northwest.

East Slope

The existing topography of the east work area drops off approximately five feet. Fill will be added to create a level foundation for an 80 foot by 140 foot pole building that will be constructed at date yet to be determined. The total change in elevation of the east working area will remain at approximately five feet. The final grade will be four feet horizontal to one foot vertical. Erosion control will be provided along the east edge of the working area and the area will be seeded down into a grass mix. When the pole

PC06-10
Lorentz Grade and Fill CUP
05-05-10

building is constructed in this area, the large amount of roof area will have the potential to negatively impact this east slope. Therefore, staff has included a recommended condition that rain gutters with down spouts be included with the pole building to protect the integrity of the east slope.

Access

No change in access points is proposed. Access is provided by an existing driveway off of 198th Lane, a Township Road.

Existing Land Use within 1/4 Mile

North: Crop land
South: The applicant's home, a wooded ravine system, a neighboring residence at 900 feet, crop land, and 198th Lane
East: Woodland
Southeast: Wooded ravine and one residence at 925 feet
West: Crop land and 198th Lane

NATURAL RESOURCES INFORMATION

Topography

The working area slopes to the north and to the east.

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 drafted, no comment had been received from the Township however, the applicant is scheduled to meet with the Township.

Solid Waste Review - NA

Environmental Health Review – See attachment A-3.

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. (NA) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. (NA) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. (NA) 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.
- NA 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 place more than fifty cubic yards of fill in the Agricultural Zoned District in the NW ¼ of the SW ¼ of Section 31, South Bend Township with the following conditions:

1. That adequate silt fence or comparable erosion control measures be installed to the east of the proposed project as outlined on the attached site plan.
2. That all erosion control measures shall be maintained throughout the process and until an adequate vegetative cover can be established. This will include, but is not limited to, the removal of silt as needed and repairing any washouts that form in the slopes.
3. That following the final grading all exposed areas will be immediately seeded into an appropriate seed mix.
4. That if needed, an MPCA Storm Water Permit be obtained prior to exceeding one acre of disturbed soil.
5. That rain gutters and downspouts are included with the construction of any future buildings located in the area of this project.

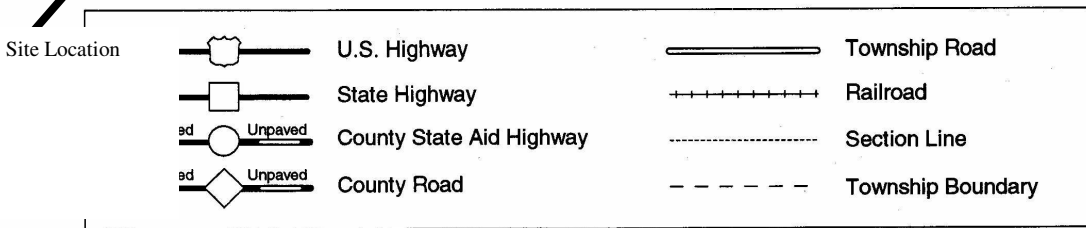
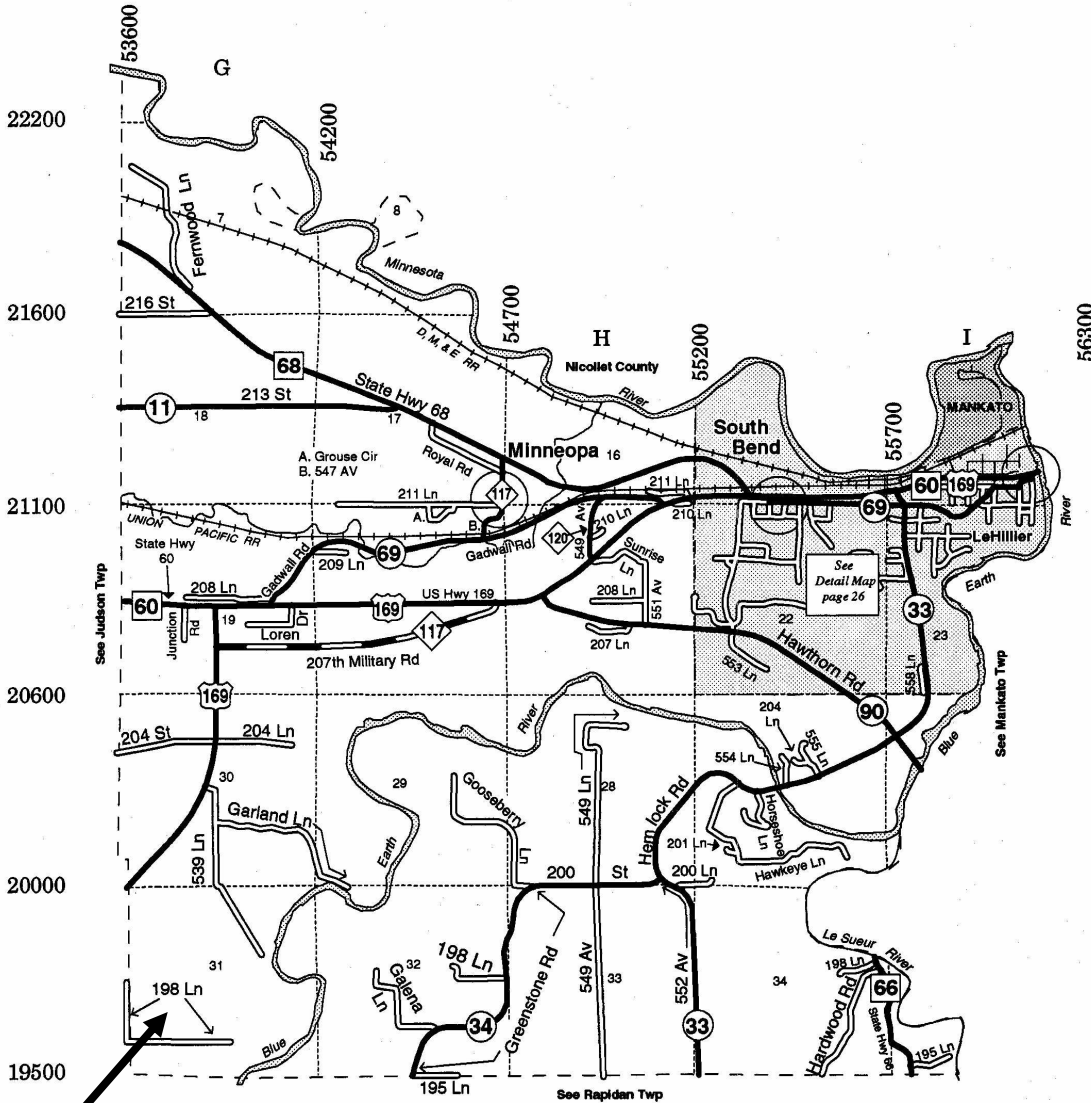
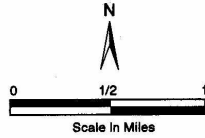
Attachments

- A-1 General Site Location
- A-2 Site Map
- A-3 Environmental Health Comments

**Attachment A-1
General Location Map**

South Bend

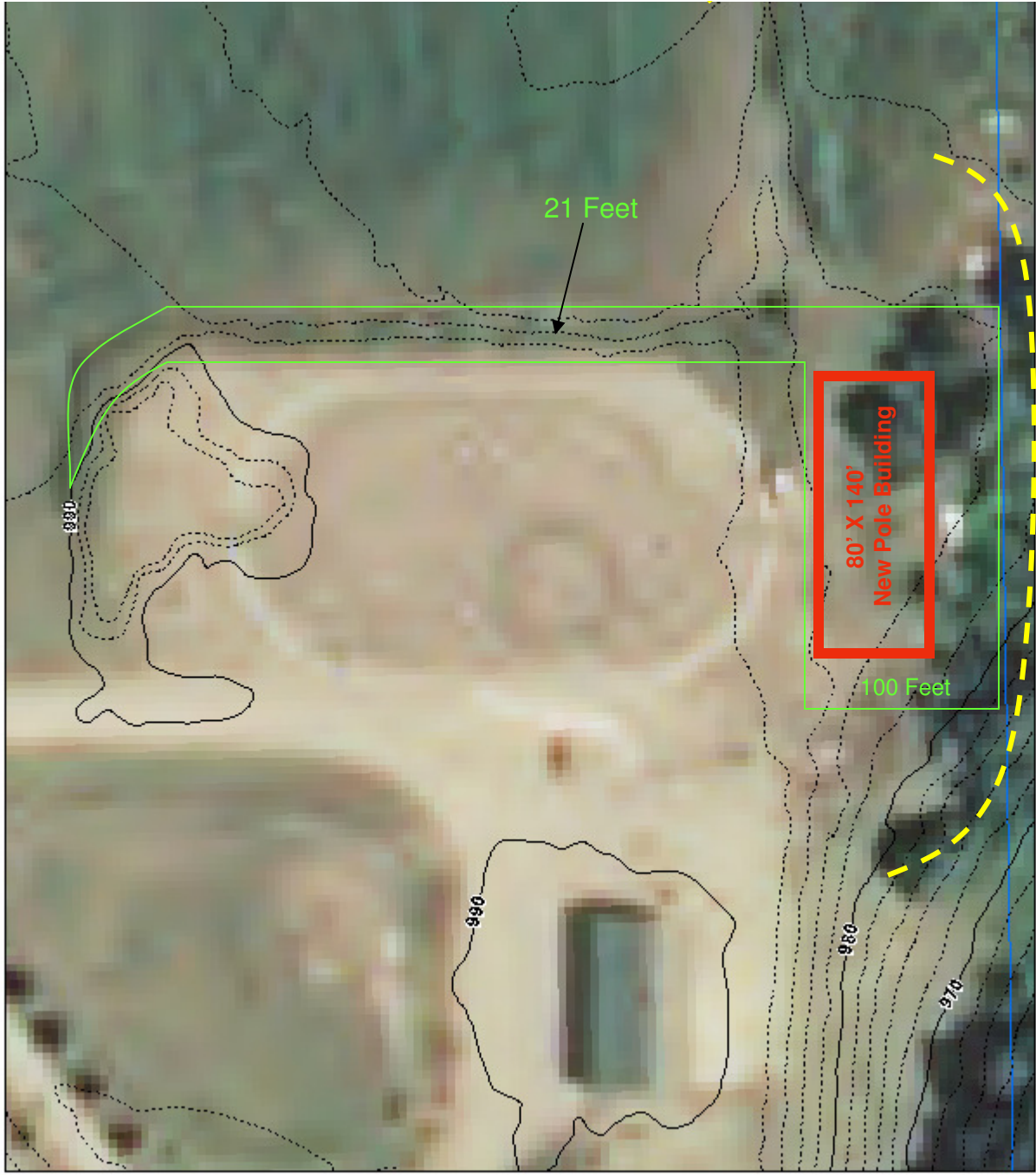
T 108 N - R 27 W



Proposed Area Of Fill
Approx, 7,600 Cubic Yards

Eventual Pole Building
80' by 140'

Erosion Control



Parcel
Elevation Contour

**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health / Sanitarian Report

April 20, 2010

Environmental Health Comments/Questions

R50.08.31.100.003

Robert Lorentz - Conditional Use Permit for the placement of more than fifty cubic yards of fill for the purpose of constructing a building in the Agricultural Zoned District in the NW ¼ of the SW ¼ of Section 31, South Bend Township.

General: The fill and proposed building should have no impact on the current septic system and well that is on the property as long as all setbacks are maintained.

Septic System: This property is currently serviced by a septic system that was installed by Wendell Lorentz & Sons Construction in 2002. A compliance inspection was performed by Jadd Seppmann of Jadd Seppmann & Sons on April 13, 2010. The system was found to be compliant. If floor drains are installed in the proposed building they can either be daylighted or put into a holding tank. If they are put into a holding tank a septic permit must be obtained from our department and an EPA class V inventory form submitted to the EPA.

Water Wells: This property is serviced by one well. It was drilled by Jadd Seppmann & Sons in 2002. All setbacks from the well need to be maintained.

Wetlands: Upon review there appears to be no wetlands in the vicinity of the proposed building.

Environmental Health Recommendation: Approval
