

Request for a conditional Use permit for a grading and filling project in a bluff impact zone. The property is zoned conservation and shoreland and is located in the SW ¼ of the NE ¼ of Section 16, Lyra Township.

Applicant

William and Gretchen Fitzsimmons
15135 550th Ave
Good Thunder, MN 56037

Request

To repair an area of bluff impact zone that was damaged as a result of severe rainfall events from 2010.

Legal Description

Part of the SW Quarter of the NE Quarter of Section 16, Lyra Township.

Zoning

Agricultural and Shoreland

Project Description

Due to heavy rainfall events that occurred in 2010, a portion of bluff line behind the applicant's home slumped away and is susceptible to further damage and enlargement if not properly addressed. The applicants have been in contact with a contractor. The contractor estimates that approximately 400 cubic yards of material will be needed to properly address the problem. The repair process will take place in lifts with each lift being properly compacted. An open tile intake will be located above the intended repair work. Water collected by this intake will be carried by a non perforated tile line to the bottom of the repair area where it will discharge onto a bed of field stone. A containment berm will be placed between the open tile intake and the top of the bluff. This berm is intended to direct the runoff water to the tile intake and away from the top of the bluff.

Access

No new access is required. The applicant's existing driveway will be used to bring the materials and equipment on site.

Existing Land Use, 1/4 Mile

North: Crop land, woodland, and one residence.
South: Cropland and the Maple River at approximately 350 feet.
East: Woodland and the Maple River at approximately 300 feet.
West: The applicants home, crop land, and CSAH 1.

Land Use Plan

The proposal does not conflict with the Land Use Plan.

Township Review

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

Environmental Health Review

Wetland Review

Based on an aerial photograph review of the soils, topography and the National Wetlands Inventory maps the location of the proposed fill does not appear to impact any wetland(s).

Septic Review

As the majority of this project is not located on a parcel served by a septic system, there is no compliance inspection required. The incidental portion of the berm for the parcel with the home is not near the septic system. The small portion was determined to not need a permit if it would have been done alone justifying not requiring the compliance inspection.

Well Review

The neighboring property is served by a well drilled in 2004, unique # 712057. This proposed soil stabilization project should not have a negative impact on this well.

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. (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. (NA) 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.

13. (NA) 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.

15. (NA) 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** contingent upon the following:

1. That the project shall be completed prior to the end of the 2011 construction season. This shall include the final placement of fill and final grading.
2. That adequate erosion control is installed prior to commencement of the project and maintained until sufficient vegetation is established. This may include, but is not limited to, temporary seeding, silt fencing, placement of fiber blanket, mulching, staked straw or hay bales etc. Proper erosion control shall also be installed at the bottom of the intended repair area to prevent sediment from leaving the area of repair

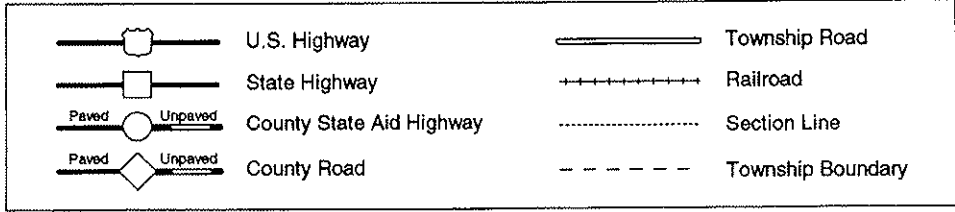
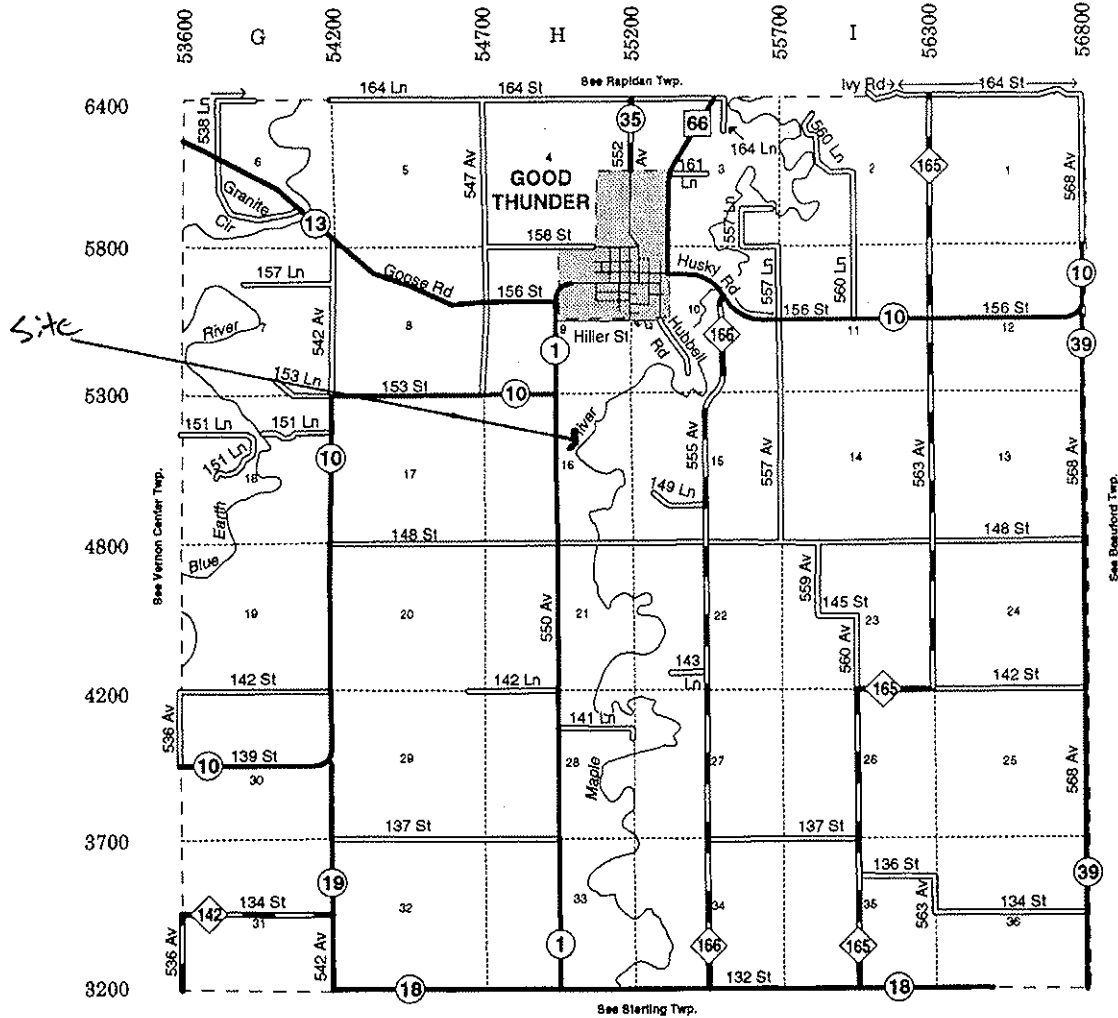
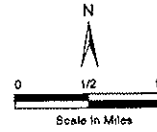
Attachments

- A1 Location Map
- A2 Aerial Photo
- A3 Site Plan

Attachment A-1 General Location Map

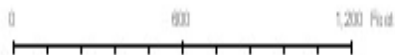
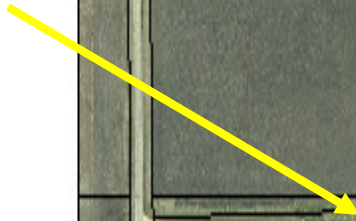
Lyra

T 106 N - R 27 W



A-2

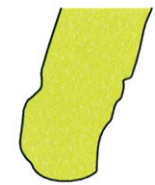
Proposed Area



Disclaimer: This map was created using Blue Earth County's GIS and was created for specific internal County use. It is intended to be used for reference purposes only and does not represent a final survey. No liability is assumed for the accuracy of the data displayed herein, either in part or in whole, by Blue Earth County or its employees.

 Tile Intake

 Water Control Berm

 Ravine Area
to be filled

 Rock Pile for tile outlet

 Buried Drain Tile

Septic Drainfield is on
West side of house

