

**Applicant**

**Owner**

Gary Sellers  
16255 State Hwy 22  
Mapleton, MN 56065

**Contractor**

Boening Brothers  
117 N State Hwy 22  
Mapleton, MN 56065

**Request and Location**

Request for conditional use permit to place more than fifty cubic yards of fill in the Agricultural Zoned District in the NE ¼ of Section 4, Beauford Township.

**Legal Description**

The Northeast quarter of Section 4, Beauford Township T-106-N, R-26-W.

**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 to the East of the outbuildings. The entire project will include the placement of approximately 4,000 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.

The site currently has stockpiles of crushed concrete, class 5 aggregate and black dirt. The contractor uses the stockpiled items for their business activities-mainly installation of septic systems. Once the stockpiles of concrete and aggregate are used they may not be replaced on this site. There are two piles of black dirt, one north of the Quonset and one south of the Quonset. Both piles of black dirt measure approximately half of one acre. This site is a central location of work performed in the county for the contractor. The contractor is putting in a berm to prevent erosion of the pile from going into the drainage ditch to the South and East.

**Access**

No change in access points is proposed. Access is provided by an existing driveway off of State Hwy 22.

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

**North:** Cropland

**South:** Cropland, drainage ditch, Beauford Twp Road 161<sup>st</sup> St

**East:** The applicant's home, grassland, drainage ditch and woodland

**West:** Cropland (State Hwy 22 is 0.3 miles from the stockpiles)

**NATURAL RESOURCES INFORMATION**

**Topography**

The working area is flat on the North side of the yard. The stockpile to the South slopes towards the drainage ditch.

**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 Beauford Township meeting in April, the board recommended approval of this request.

**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. 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 place more than fifty cubic yards of fill in the Agricultural Zoned District in the NE ¼ of Section 4, Beauford Township with the following conditions:

1. That adequate silt fence or comparable erosion control measures be installed to the south of the southern pile 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. The stockpiling activity must be done in a manner that does not interfere within 20 feet of the septic drainfield.

6. There must not be any fill placed within 75 feet from the ditch. Protection of the waterway in the form of silt barriers must be maintained for the duration of this use of the property.

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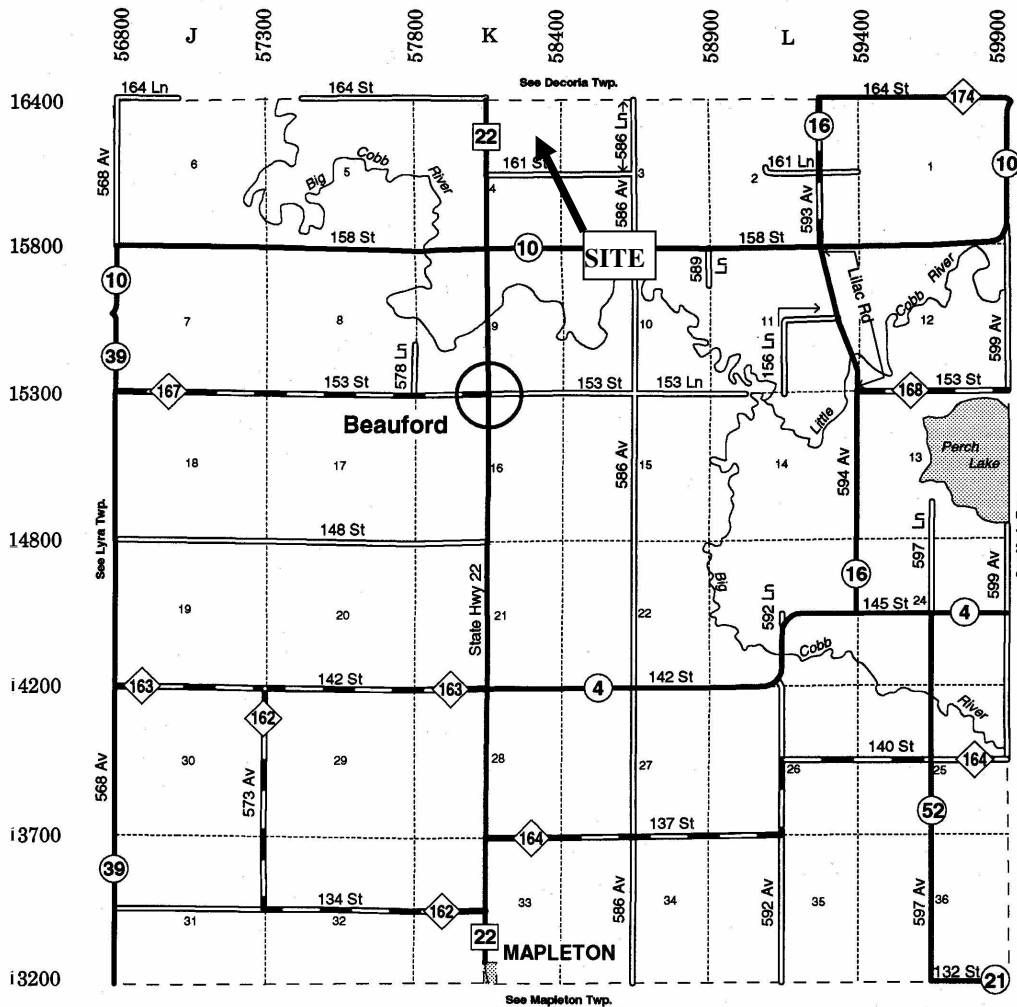
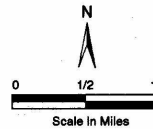
**Attachments**

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

# Attachment A-1 General Location Map

## Beauford

T 106 N - R 26 W




|  |                          |  |                   |
|--|--------------------------|--|-------------------|
|  | U.S. Highway             |  | Township Road     |
|  | State Highway            |  | Railroad          |
|  | County State Aid Highway |  | Section Line      |
|  | County Road              |  | Township Boundary |

# Attachment A-2 General Site Map - 2009 Aerial Photo



0 500 Feet

 Stockpile Extent on May 3, 2010



Prepared By: Blue Earth County  
Environmental Services  
May 17, 2010

Source: April 2009 Aerial Photo  
Stockpile - BEC GPS May 3, 2010

**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**

May 21, 2010

### ***Environmental Health Comments/Questions***

#### **R30.19.04.200.001**

**Gary Sellers/Boening Brothers-** Conditional Use Permit to stockpile more than 50 cubic yards of fill in the Agricultural Zoned District in the E ½ of the NE ¼ of Section 4, Beauford Township.

**General:** This property has a residence as well as this stockpile of material. Safeguards are necessary to protect surrounding areas from runoff of the stockpile.

**Septic System:** This property is serviced by a septic system installed on 09/23/94 by the University of Minnesota and the MPCA. This system was inspected May 2010 and found to be compliant. The stockpiling activity must be done in a manner that does not interfere within 20 feet of the septic drainfield.

**Water Wells:** This property is serviced by a private well.

**Wetlands:** There is a waterway, an agricultural ditch, on the property. There may be wetland areas adjacent this. There must not be any fill placed within 75 feet from the ditch. Protection of the waterway in the form of silt barriers must be maintained for the duration of this use of the property.

### ***Environmental Health Recommendation: Approval***

#### **Condition:**

- 1.** The stockpiling activity must be done in a manner that does not interfere within 20 feet of the septic drainfield
  - 2.** There must not be any fill placed within 75 feet from the ditch. Protection of the waterway in the form of silt barriers must be maintained for the duration of this use of the property.
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