

Applicant

Forrey Septic & Excavating
18656 568th Ave
Mankato, MN 56001

Request and Location

Request for a Conditional Use Permit to stockpile more than 50 cubic yards of fill and stockpile and process recycled concrete products in the Heavy Industrial Zoned District in part of the NE ¼ of the NW ¼ and part of the NW ¼ of the NE ¼ of Section 20, South Bend Township (T108N R27W).

Legal Description

All that part of the N ½ of Sec. 20-108-27, lying Southerly of a line 50 feet Southerly, measured at right angles from the center line of the Chicago, Saint Paul, Minneapolis and Omaha Railway Company main track as now located and established, and lying Northerly of the property conveyed by the party of the first part under deed dated March 19, 1926, to the State of Minnesota for State Trunk Highway No. 5, lying east of a line 190 feet west of and parallel to the North-South Quarter line of said Section, and lying West of the East line of the NW ¼ NE ¼ of said Section.

Zoning

Heavy Industrial District

General Site Description and History

The existing site consists of approximately 4.5 acres. The site consists of an office, shop, storage building, and open areas for stockpiling and processing recycled concrete products and stockpiling black dirt for septic system projects. The site was the former home of a concrete block manufacturing plant. The site sat idle for a number of years. The applicant purchased part of the property under review a few years ago and is in the process of purchasing the eastern property from Superior Concrete Block Company.

Project Description

The applicant established a recycled concrete crushing operation, a process that requires a conditional use permit. The process will involve temporarily stockpiling unprocessed concrete materials. A concrete crushing machine will process the recycled concrete and asphalt into useable construction aggregate. The processed material will be temporarily stockpiled on site. The applicant will also stockpile black dirt on site for use in the construction of septic systems.

The applicant has indicated that normal hours of operation will take place from 7:00 a.m. to 7:00 p.m. Monday through Friday. Some additional work may take place from 7:00 a.m. to noon on Saturdays. Hours of operation may run longer when weather demands.

The stockpiles on site will consist of raw material (concrete, brick, asphalt, and gravel) and

processed material. The applicant expects to have approximately 500 tons of 4" x 6" crushed concrete, approximately 1,500 tons of 2" x ¾" crushed concrete, and approximately 1,500 tons of ¾ minus product. In addition to the processed concrete products, the applicant expects to have approximately 1,000 yards of black dirt stockpiled on site along with some smaller piles of other crushed materials if space allows.

Estimated truck traffic ranges from 10 to 30 trucks per day. There will also be days with no truck traffic.

The Highway Department has agreed to wave the 100 foot stockpile setback requirement to the right-of-way line of CSAH 69 because the proposed stockpiles will not create a traffic or line of site problem.

Reclamation

The life expectancy of the proposed use is impossible to predict. This request is different from normal aggregate mining conditional use permits which in theory have a supply of aggregate that will eventually be depleted. With this proposal the supply of unprocessed material is almost unlimited. The product is transported to the site from other demolition sites and processed. As long as there is concrete and asphalt demolition debris, there will be a need for recycling (crushing) and reuse. The site is fairly flat. If at some point in time the business closes or there is no further need for such activity, the remaining stockpiles will be sold and no further processing will take place.

The applicant has requested exemption from maintaining a performance bond for final reclamation claiming that any product left on the site after operations cease will have value and therefore can be sold by whoever purchases or takes over the property. Staff respectfully disagrees. This material may have value today, but there is no way to guarantee that unprocessed concrete or asphalt products will always have value. Therefore staff recommends leaving this condition in place.

Access

Access to the site is provided by an existing driveway off of CSAH 69.

Existing Land Use, 1/4 Mile

North: The Chicago and Northwestern Railroad, wooded hillside, three residents at approximately 435 feet, one residence at approximately 650 feet and a horse stable at approximately 350 feet.

East: Minneopa State Park

South: CSAH 69 and Minneopa State Park

West: Woodland

NATURAL RESOURCES INFORMATION

Topography

The site is fairly flat.

Floodplain

The proposal is not within a floodplain area.

Shoreland

The far eastern end of the property is located within shoreland. Extractive uses are listed as a conditional use under Tributary River Standards. Extractive uses include processing and stockpiling aggregate materials.

Wetlands

According to the National Wetlands Inventory, there are no wetlands on the property.

Township Review

The applicant was scheduled to meet with the Township. However, at the time that this report was drafted no township comments were available.

Environmental Health Review – County Environmental Health Department staff has indicated no concern with the proposal.

Environmental Services Staff Review

Prior to the purchase of the property by the applicant, the site was in a state of disrepair. Piles of unused concrete block and other concrete products were located across the property and vandalism was taking place around the building site. Since the property has been put back into active use, the property has been upgraded. The requested business activity is permitted as a conditional use. The applicant is fully aware of the State Park across the CSAH 69 and has proposed the idea of removing old concrete products from a portion of the right-of-way, and to reshape and reseed the area. The County Highway Department has refused this offer and intends to reconstruct the right-of-way with County Highway Department staff and equipment. The applicant intends to construct a vegetated berm parallel to the right-of-way for the sole purpose of providing partial screening of the stockpiling and processing areas from the highway and State Park.

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.
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

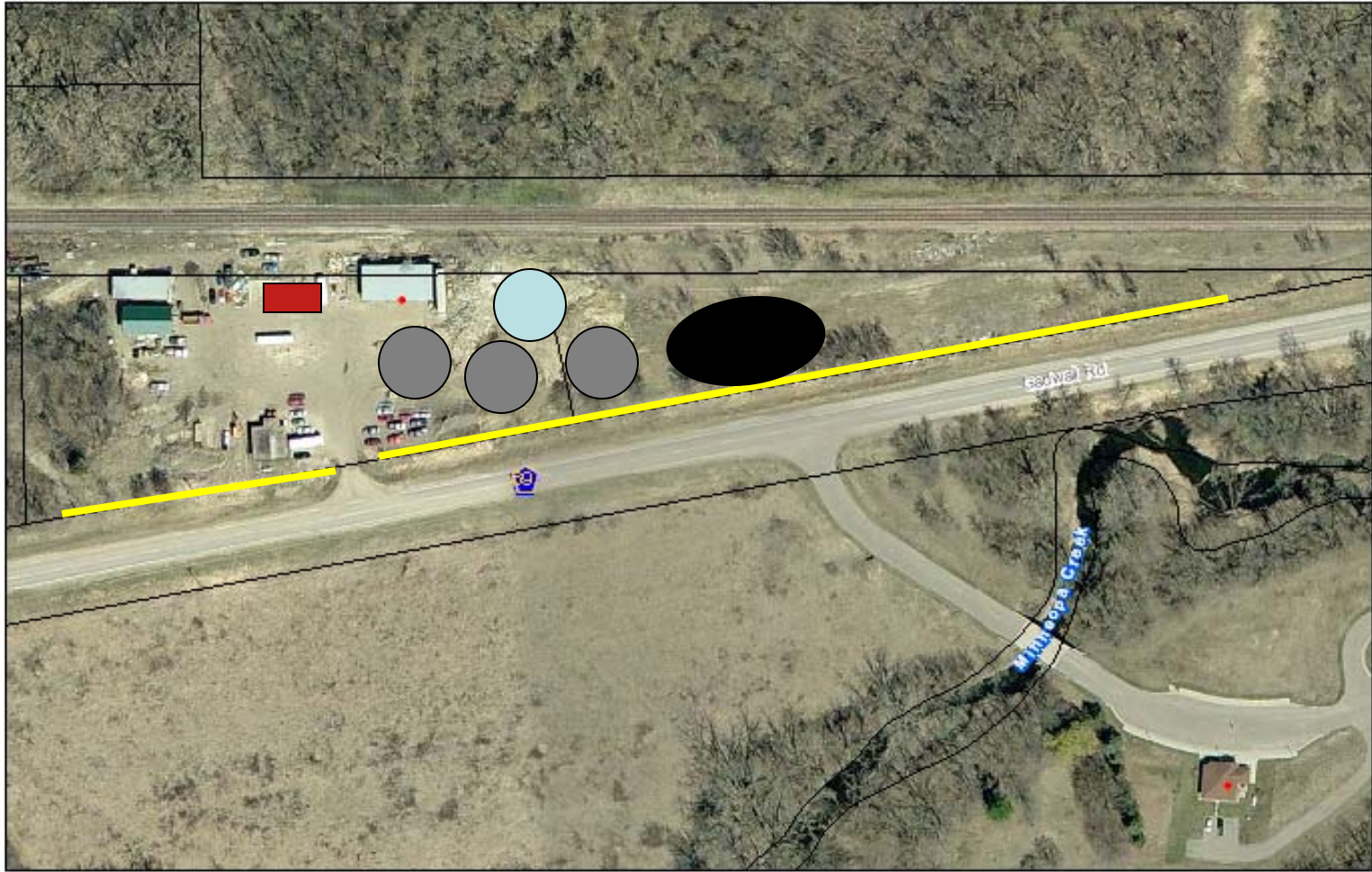
Staff recommends **approval** contingent upon the following:

1. The storing and crushing of recycled concrete and bituminous materials shall be conducted in compliance with the laws of the State of Minnesota, the Federal Government, and Blue Earth County.
2. All required MPCA permits shall be obtained and maintained.
3. Access points to and from the pit shall be onto CSAH 69. Ingress and egress points from or onto any roadway shall be clearly signed, and only those signed access points shall be utilized. All access points must be approved by the County Highway Department.
4. Trucks used in hauling materials from the site shall be loaded in such a manner as to minimize spillage onto public roadways. Precautions must be taken to minimize the deposit of dirt and processed materials onto public roads or highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
5. All setbacks shall be met. No stockpiling activity shall occur closer than 50 feet from any property line without the consent of the affected property owner.
6. Hours of operation shall be limited to 7:00 A.M. to 7:00 P.M. Monday through Friday and from 7:00 a.m. to noon on Saturdays.
7. A reclamation assurance bond (or it's equivalent) in the amount of \$10,000 shall be obtained by the applicant, payable to Blue Earth County, to guarantee that all unprocessed and processed concrete and asphalt products are properly removed from the site upon abandonment. Said financial assurance shall be maintained by the applicant until the operation has ceased and all stockpiles re removed from the site.
8. That proper erosion control measures shall be in place prior to the construction of the berm along the right-of-way.
9. This permit shall remain in effect as long as all conditions included in the resolution are observed.

Attachments

- A1 Location Map
- A2 Site Plan
- A3 Environmental Health Review

Forrey Site Plan



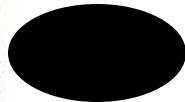
Bunker for Red Rock



Unprocessed Concrete



Processed Material



Black Dirt Stockpile



Containment Berm



0

550

1,100 Feet

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

June 24, 2010

Environmental Health Comments/Questions

R50.08.20.126.003 and .004

Forrey Septic Systems and Excavating/Superior Concrete Block Co – Conditional Use Permit to stockpile more than 50 cubic yards of fill and stockpile and process concrete products in the Heavy Industrial Zoned District in part of the NE ¼ of the NW ¼ and part of the NW ¼ of the NE ¼ of Section 20, South Bend Township.

Septic System: A holding tank was installed in 2009 and is under a maintenance contract with Corey Seppmann Well Drilling for its pumping. This tank is considered compliant as it was installed less than five years ago

Water Wells: There is one known well servicing the property and one well sealed in 2009. The County and State do not have any well construction records on the existing well in use.

Wetlands: Upon review of the aerial photograph there appears to be no wetlands on the property in the proposed area of operation.

Environmental Health Recommendation: Approval
