

**Conditional Use Permit for the placement of more than fifty cubic yards of fill for the purpose of constructing a building in the Agricultural District. The property is located in the North ½ of the SE ¼ of the SE ¼ of Section 6, Garden City Township.**

**Applicants**

Jeffery Frederickson  
18846 510<sup>th</sup> Ave  
Lake Crystal MN 56055

Gaylen Lenz  
311 Murphey St  
Lake Crystal MN 56055

**Request and Location**

Conditional Use Permit for the placement of more than fifty cubic yards of fill for the purpose of constructing a building in the Agricultural District. The property is located in the North ½ of the SE ¼ of the SE ¼ of Section 6, Garden City Township.

**Project Proposal**

Mr. Lenz is in the process of purchasing 3.5 acres from Mr. Frederickson. Mr. Lenz' intent is to add approximately 17,000 cubic yards of fill to an existing area of farmland. The project will build up the grade of the lot from 2 to 7 feet. The applicants have petitioned to have the property annexed into the City of Lake Crystal. If approved this site will be the new home of Lake Crystal Bus Services and will provide transportation service to the School District of Lake Crystal Wellcome Memorial.

The property is currently under the jurisdiction of Blue Earth County and is zoned Agricultural. Use of the property for a bus garage is not a permitted or conditional use in the Agricultural Zoned District therefore the county cannot issue a construction permit for the bus garage(s).

The applicants have asked for a grading and filling permit which is permitted with a conditional use permit in the Agricultural District. Assuming the grading and filling request is approved, the applicants will begin this project as soon as weather permits. No permits will be issued for the construction of the actual bus garage(s) by County Planning & Zoning. Once the annexation process into the City of Lake Crystal is completed it will be up to the city to authorize construction of the future bus garage(s).

The proposed grading project will include more than one acre of land. As a result, the applicants must secure a Construction Stormwater Permit from the MPCA. At the time this report was written, the applicants had been in contact with the MPCA and the application process had commenced.

**SITE INFORMATION**

**Zoning**

The lot is zoned Agricultural.

**Land Use Plan**

This proposed grading and filling project not conflict with the Land Use Plan.

**Access**

Access to the lot will be to and from County Road 124, a gravel road. The site plan shows two driveway access points. The construction of any access points or the improvement of any existing access points must be approved by the County Hwy Department.

**Applicable Sections of the County Code**

Sec. 24-112. Uses

(b) Conditional Uses

(17) Removing or filling over 50 cubic yards of soil that is not in conjunction with another permitted or conditional use.

Sec. 24-309. Erosion Control.

(f) *Filling*. Filling in excess of 50 cubic yards of soil that is not in connection with any other permitted use, except when constructing an approved individual sewage treatment system, shall require a conditional use permit.

**Existing Land Use, 1/4 mile**

**North:** City of Lake Crystal and LCWM School

**East:** Mr. Frederickson's Cell Tower, CSAH 20 and City of Lake Crystal

**North/East:** City of Lake Crystal, the Lake Crystal Recreation Center and a populated residential area

**South:** Crop land

**West:** Crop land, one uninhabited home at approximately 225 feet and one dwelling at approximately 450 feet.

**NATURAL RESOURCES INFORMATION**

**Topography**

The topography of the area tapers to the east.

**Floodplain**

The proposed construction is not located in a floodplain.

**Shoreland**

The proposed construction is not located within a shoreland district.

**Wetlands**

According to the National Wetlands Inventory there are no wetlands in the immediate area that will be impacted by the proposal.

**Township Board Review**

At the time that this report was created our office had not yet received township comments.

### **City of Lake Crystal Review**

At the time that this report was created our office had not yet received township comments.

### **Environmental Health Review**

See Attachment A-4

### **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 use does not conflict with the Land Use Plan.
2. That with proper management and compliance with the MPCA stormwater requirements, the use will not degrade the water quality of the county.
3. That with proper management, the use will not adversely increase the quantity of water runoff.

### **RECOMMENDATIONS**

Staff recommends **approval** of the grading and filling permit and the placement of approximately 1,700 cubic yards of material on site contingent upon the following conditions:

1. That no dirt work shall commence until a Construction Stormwater Permit has been issued by the MPCA.
2. That all provisions of the MPCA Construction Stormwater Permit issued by the MPCA shall be strictly adhered to.
3. That no construction activity may take place on the planned bus garage(s) until the annexation process is complete and the construction of the bus garage(s) is authorized by the City of Lake Crystal.

### **ATTACHMENTS**

A-1, General Location Map

A-2, Existing Topography Grade

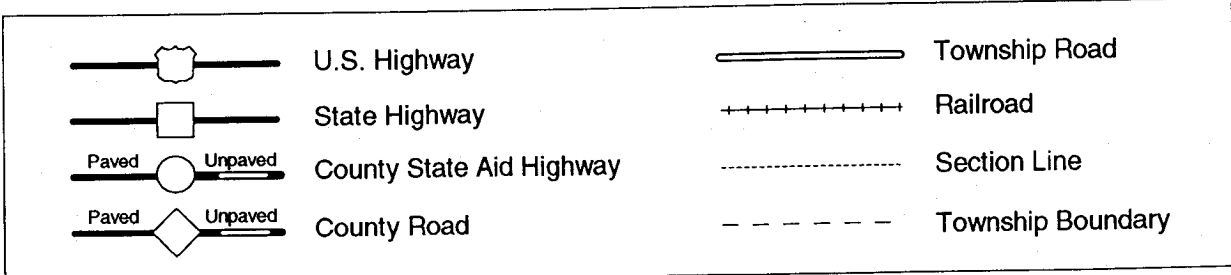
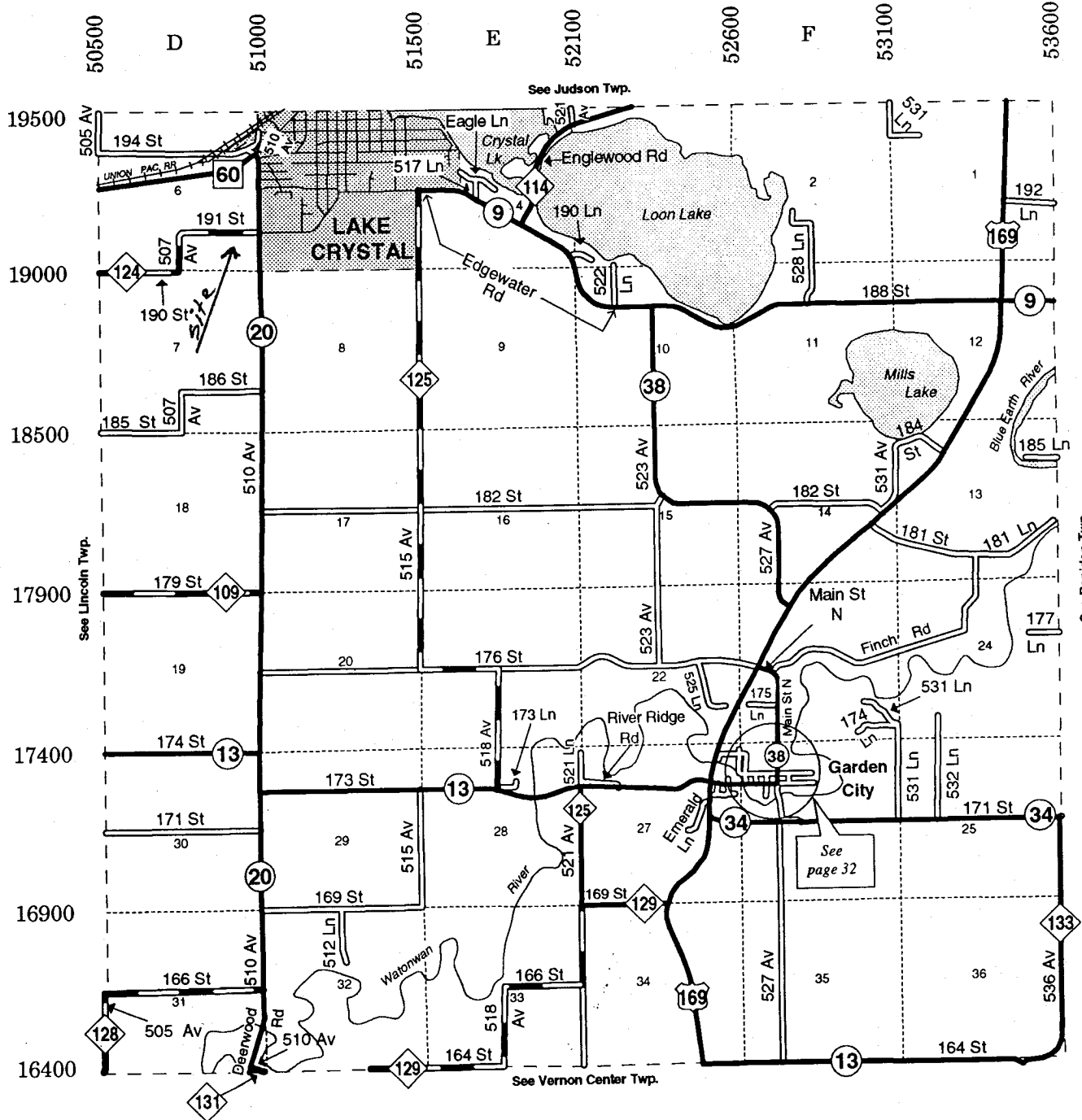
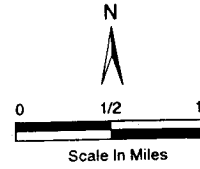
A-3, General Site Map with Proposed Final Grade Contours

A-4, Environmental Health Comments

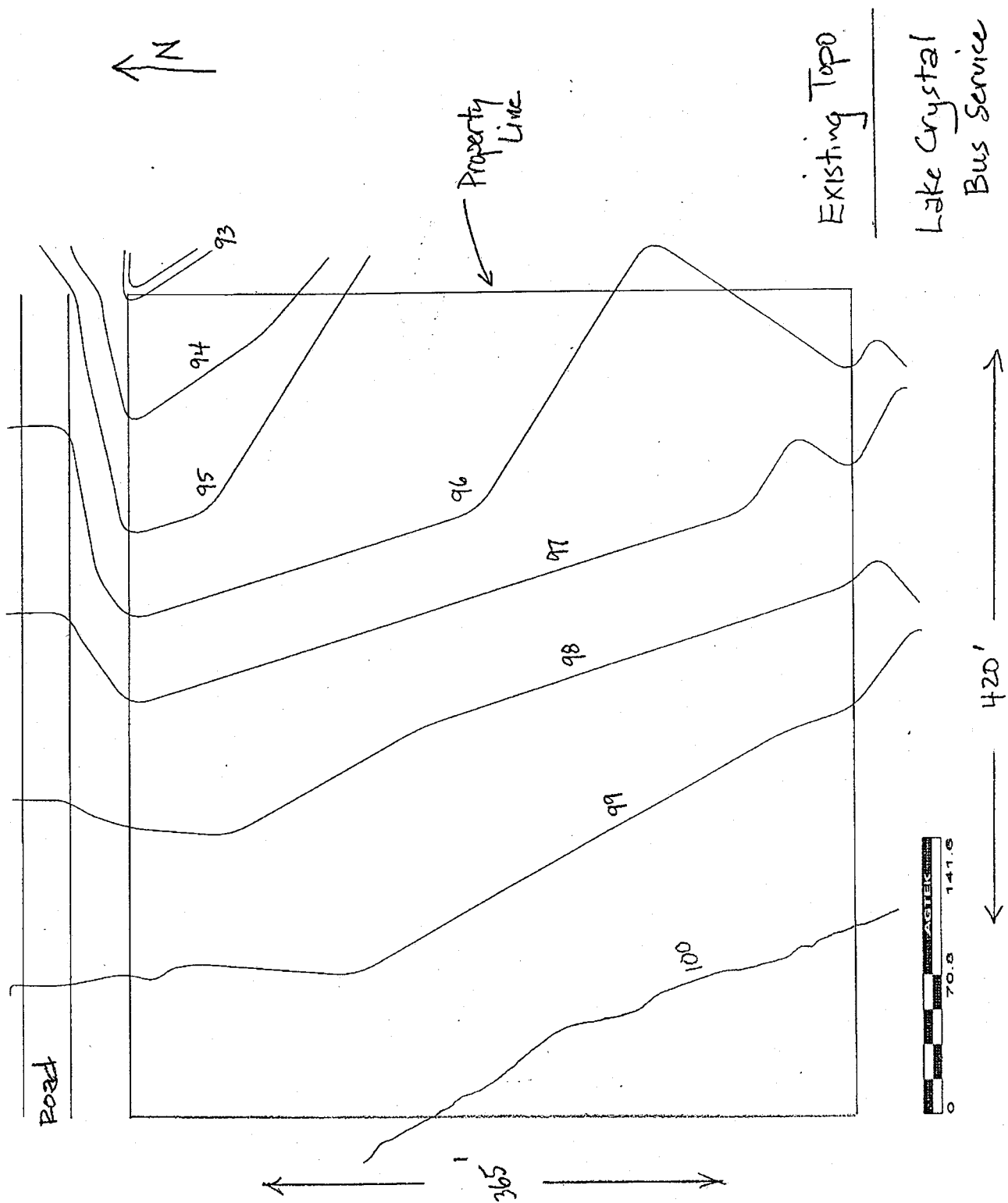
A-1, General Location Map

# Garden City

T 107 N - R 28 W

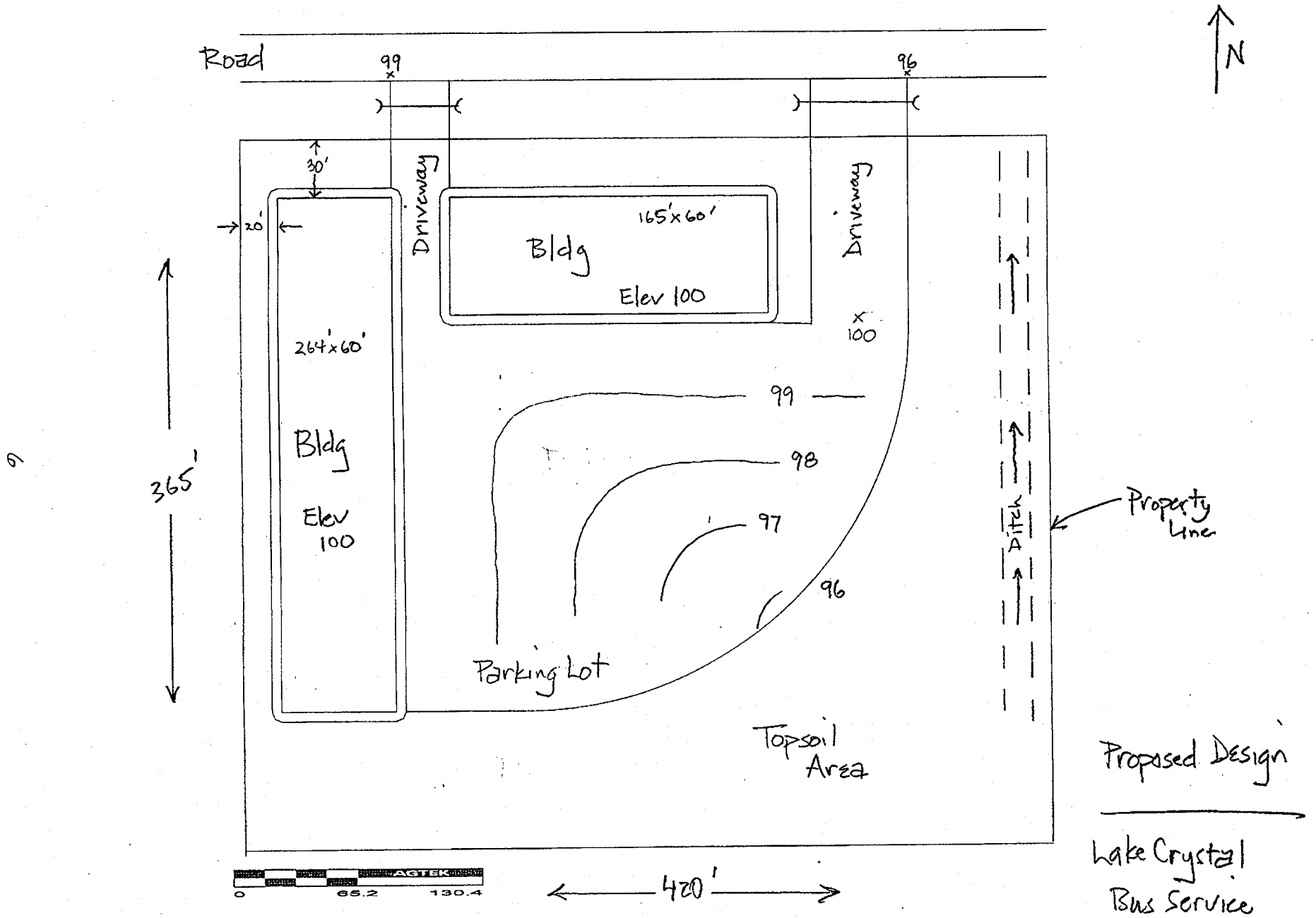


# A-2, Existing Topography Grade



10/9/09

# A-3, General Site Map with Proposed Final Grade Contours



10/9/09

## **A-4, Environmental Health Comments**

**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**

October 13, 2009

**The information presented is for the purpose of the hearing to consider the following application(s):**

**R36-12-06-400-006**

**Jeffrey Frederickson and Gaylen Lenz** – Request for a Conditional Use Permit for the placement of more than fifty cubic yards of fill for the purpose of constructing a building in the Agricultural District. The property is located in the North ½ of the SE ¼ of the SE ¼ of Section 6, Garden City Township. 17000 Actual Cubic Yards – 2- 7 feet elevation change on the property.

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

**General:** This construction would require both a wastewater and water services for the building. There would also be requirements for floor drains and other wastes generated by the bus service. This property is to be annexed into the City of Lake Crystal before the actual construction of the building is complete. This would take care of these requirements with city services. If this annexation fails, we would need to address all necessary water and waste handling on the property.

**Septic System:** This property is to be serviced by municipal sewer from the City of Lake Crystal

**Water Wells:** This property is to be serviced by municipal sewer from the City of Lake Crystal

**Wetlands:** There has not been a wetland delineation on this property. By cursory photo review there are no apparent wetlands on this property.

***Environmental Health Recommendation: Approval with condition***

#### **Conditions:**

- 1. Annexation into the City of Lake Crystal with municipal water and sewer service**
- 2.**