

### **Applicants**

Eric and Rande Baker  
17898 578<sup>th</sup> Ave  
Mankato MN 56001

### **Request and Location**

Request for a Level II Home Occupation Permit to operate a lawn service business in the Agricultural Zoned District in the SW ¼ of the SE ¼ of Section 17, Decoria Township.

### **Legal Description**

That part of the Southwest Quarter of the Southeast Quarter of Section 17, Township 107 North Range 26 West, lying westerly and southerly of Parcel D of Blue Earth County Highway Right of Way Plat No. 8.

### **Zoning**

Agricultural

### **General Site Description and Project Proposal**

The property consists of the applicant's home and a 40 foot x 80 foot accessory building. The applicants are requesting a Conditional Use Permit to operate a lawn care business as a Level II Home Occupation. As indicated in the submitted business plan, the equipment will consist of a vehicle with an enclosed spay unit for spraying weeds, a push type spreader for fertilizer application, and an aerator the size of a garden tiller. The products utilized by the business are similar to those commonly found in a home garden center. Products will include 50 lb. bags of fertilizer and two-gallon sized containers of weed control chemical. No bulk storage of chemical is proposed at this time. However, it is possible that a bulk storage permit may be applied for from the Minnesota Department of Agriculture (MDA) at some point in the future. Storage of the products used by the business is regulated by the MDA. All empty containers are properly rinsed and disposed of at an MDA approved facility. Rinseate is recycled back into the application rig for application onto lawns at label rates.

The applicants have a current weed control and fertilizer application license (#20135528) from the MDA. The business is also insured and is registered with the state of Minnesota.

The applicants intend to hire two or three outside employees. General work activities involve the employees arriving on site, loading up for the activities of the day and leaving for the job sites.

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

**North:** CSAH 8, 181<sup>st</sup> Street (a township road), and two residences.

**East:** CSAH 8 and crop land.

**South:** A wooded ravine system, open space, one residence and 178<sup>th</sup> Lane (a township road).

**Southeast:** Two residences, 578<sup>th</sup> Avenue (a township road), and crop land.

**West:** A wooded ravine system and open space.

**Northwest:** A landscaping business, a wooded ravine system open space.

**Access**

No change in access is proposed. Access is provided by an existing driveway off 578<sup>th</sup> Avenue (a township road).

**NATURAL RESOURCES INFORMATION**

**Topography**

The site flat to gently rolling.

**Floodplain**

The proposal is not within a floodplain area.

**Shoreland**

The proposal is not within a shoreland area.

**Township Review** –An email dated March 19, 2012 from Decoria Township Clerk, Valarie Levos, stated:

Motion was made by Supervisor Bruce Levos and second by Supervisor Roger Humber to approve the conditional use permit for a landscape business for Eric Baker at 17898 578<sup>th</sup> Ave; provided any equipment be stored on the west side of the building. All in favor and motion passed.

**Staff Review**

It is the opinion of staff that accidental spills will likely happen, regardless of the preventative measures taken by the applicants and their employees. In anticipation of such accidental spills, the floor drain in the existing building must be plugged. Staff recommends that the applicants obtain a generator ID number from the Minnesota Pollution Control Agency. There is no cost associated with this number provided the business generates less than 100 pounds of hazardous waste per year. A generator ID number is required before any products resulting from an accidental spill can be accepted at the Blue Earth County Household Hazardous Waste Facility. Staff also recommends that open containers be stored in some sort of secondary container. This may include a plastic tote, a concrete curbed area, or even an area with plastic sheeting laid down and skirted with 4x4's. Providing some sort of plastic sheeting in the loading area may also provide easier cleanup of any accidental spills.

**Environmental Health Staff Comments**

See Attachment A-3.

**Opinions**

Based on the information submitted by the applicant, contained in this report, and as required in Sec. 24-466 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 operate a lawn service business as a Level II Home Occupation with conditions listed below:

- (1) All level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six employees are allowed other than the inhabitants.
- (2) Such use shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be 5,000 square feet.
- (3) Junkyards and scrapyards are prohibited.
- (4) Allowable signage shall be limited to a 32 square foot sign, non-illuminated, and located on the property.
- (5) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- (6) The operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.
- (7) Materials and equipment shall be stored in an enclosed building or screened area.
- (8) In case of a home occupation which requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as a Y type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard-surfaced road shall be bituminous or concrete.
- (9) The existing floor drain in the accessory building shall be cemented shut prior to commencement of business operations.
- (10) That further review of the existing septic system, for proper sizing, shall be given prior to having any more than three employees outside of the family on site.

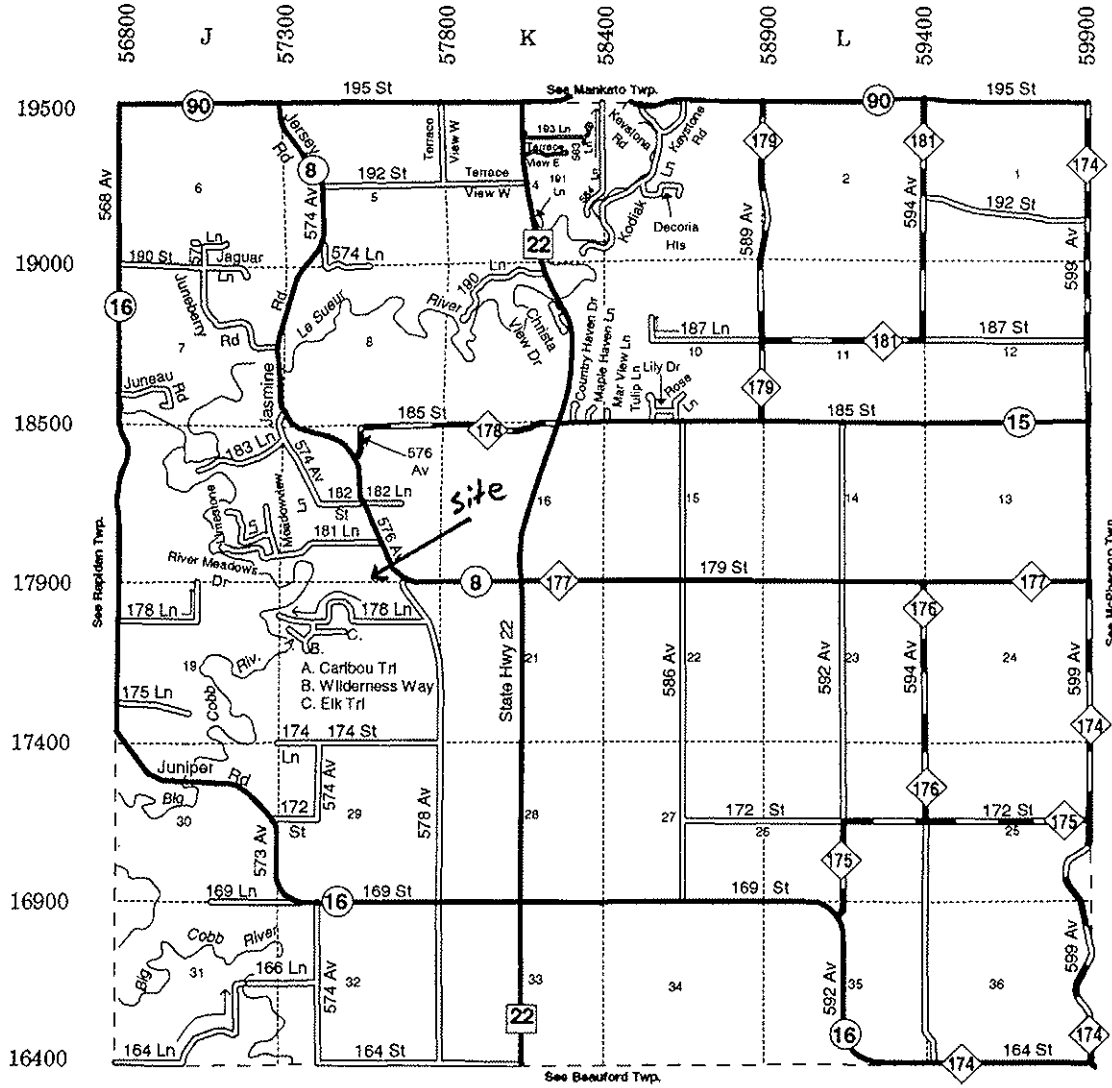
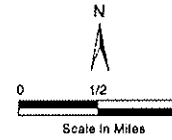
## **Attachments**

- A-1 General Site Location
- A-2 Site Map
- A-3 Building Floor Plan
- A-4 Environmental Health Comments

**Attachment A-1  
General Location Map**

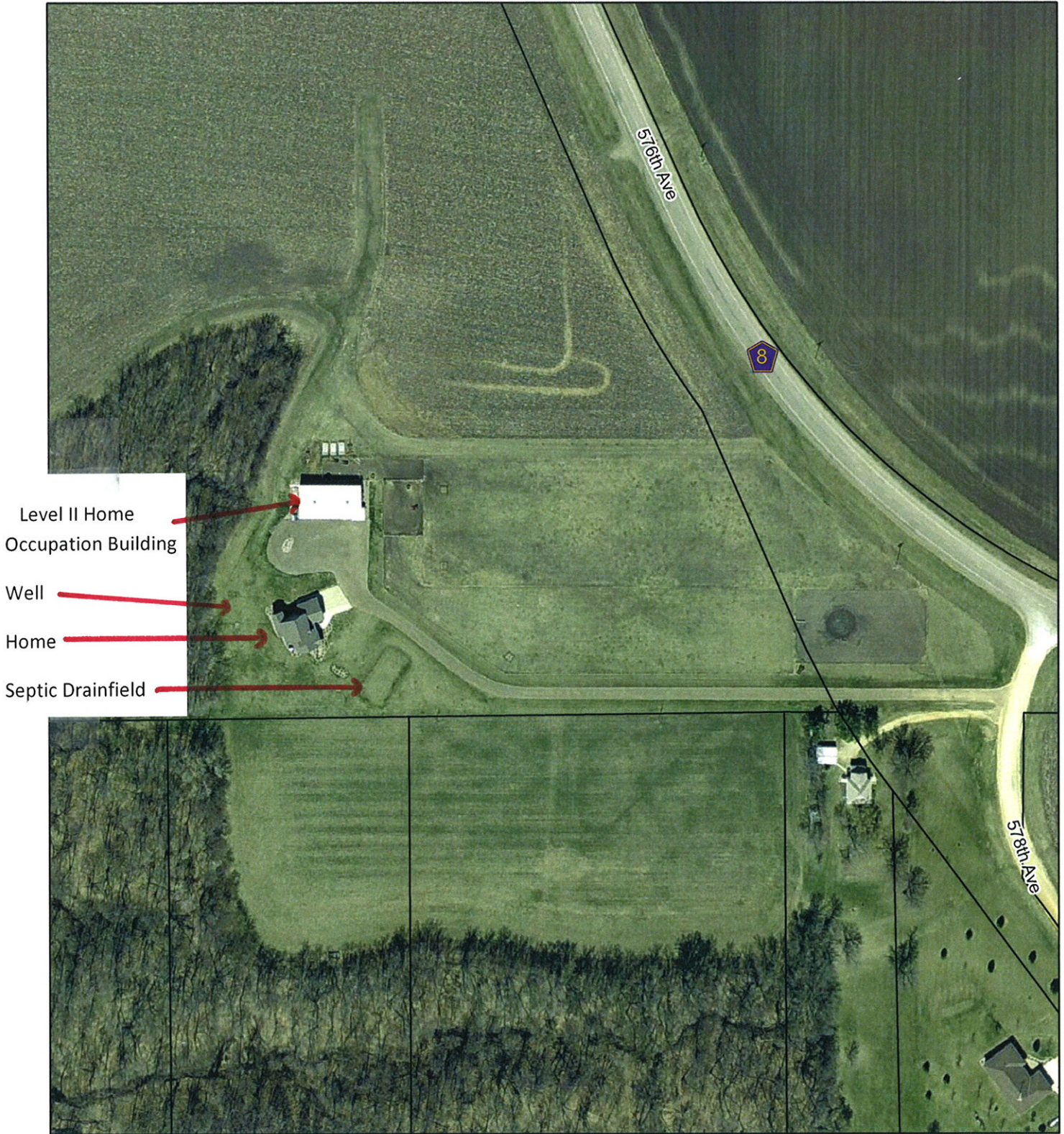
# Decoria

**T 107 N - R 26 W**



	U.S. Highway		Township Road
	State Highway		Railroad
	Paved County State Aid Highway		Section Line
	Unpaved County State Aid Highway		Township Boundary
	Paved County Road		
	Unpaved County Road		

A-2

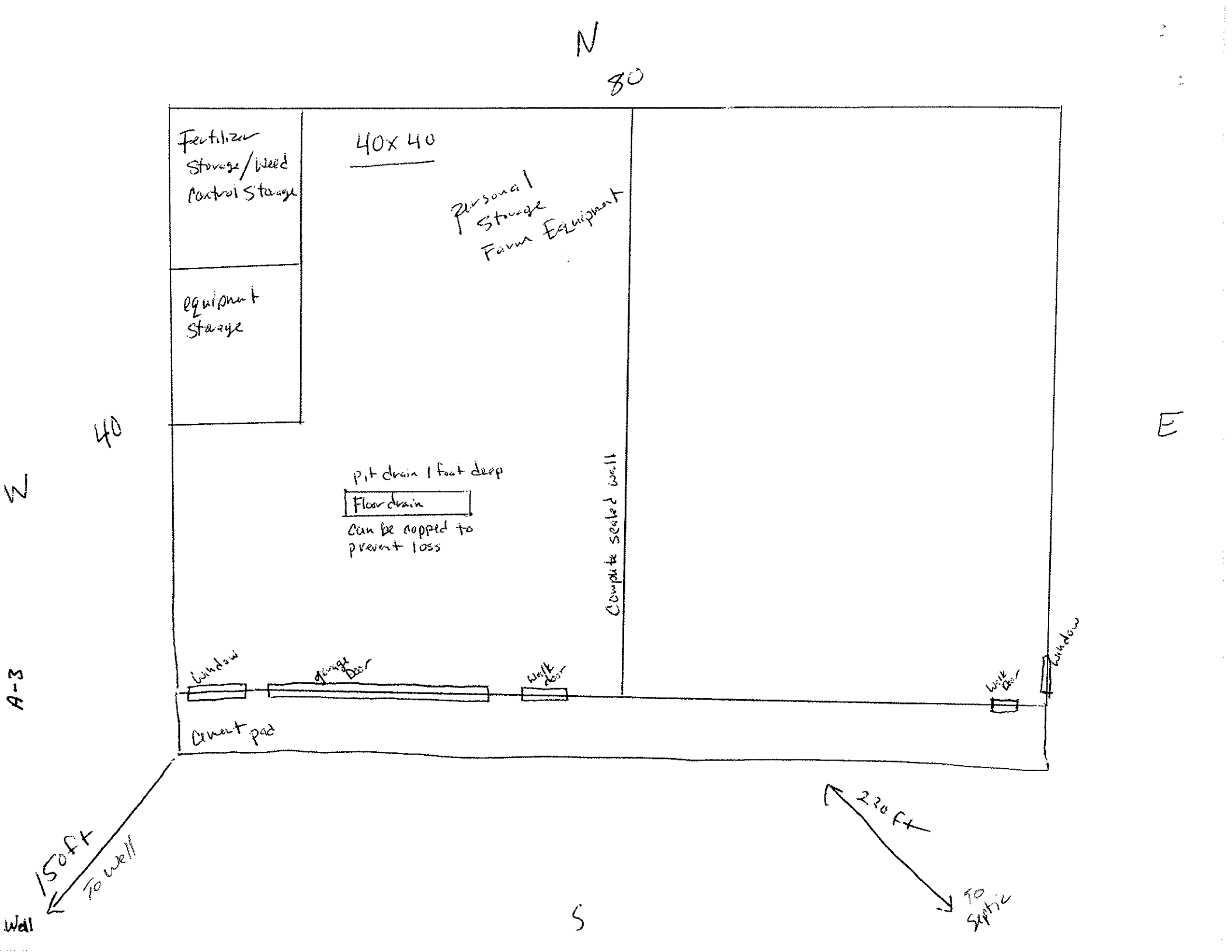


- Level II Home
- Occupation Building
- Well
- Home
- Septic Drainfield

0 350 700 Feet



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



**BLUE EARTH COUNTY  
ENVIRONMENTAL SERVICES**

*Government Center, 410 South Fifth Street  
P.O. Box 3566, Mankato, Minnesota 56002-3566  
Phone: (507) 304-4381 Fax: (507) 304-4431*

**Environmental Health Section - Planning Application Reviews**

<b>Date Printed:</b>	March 26, 2012	<b>Permit Number:</b>	PL2012032
<b>Property Owner:</b>	BAKER ERIC A & RANDE	<b>Applicant:</b>	BAKER ERIC A & RANDE
<b>Parcel Number:</b>	R35.14.17.400.014	<b>File ID:</b>	PC 12-12

**Application Description:** Request for a conditional use permit to operate a lawn care business as a Level II Home Occupation. The property is zoned Agricultural and is located the SW 1/4 of the SE 1/4 of Section 17, Decoria Township.

**Septic Review**

**Status:** Complete - Comments Received

**Comments:** A septic compliance must be done as part of this application. The outcome of the inspection will determine if any problems need to be corrected. The system was installed by Boenings in 2002 for a four bedroom home. If the business is will be incorporating employees utilizing the business site or if there will be separate bathroom facilities hooked to the existing septic system, the overall sizing of the system will need to be evaluated. P. Otterness 03/20/2012 8:54 AM 03/23/2012 Compliance inspection received. System is compliant. No determination from applicant if there are to be employees on site and if so how that will be handled. P. Otterness 03/26/2012 1:51 PM

**Well Review**

**Status:** Complete - Comments Received

**Comments:** The well, unique # 639357, was drilled in 2002 for the newly constructed house located on this property. Based on the enclosed site plan the well is located northwest of the house. The proposed home occupation business should not have a negative impact on this well. grant 03/23/2012 2:38 PM

**Wetland Review**

**Status:** Complete - Comments Received

**Comments:** The proposed conditional use permit for the proposed level II home occupation is not adding any new structures or changing the footprint of the site and therefore should not negatively impact any wetlands. S. Feser 03/21/2012 4:27 PM