



Jeffrey Babinski
County Administrator

HOUSTON COUNTY

304 South Marshall Street
Caledonia, MN 55921
TEL (507) 725-5827

Commissioners:
District 1
Jack Miller
District 2
Eric Johnson (Chair)
District 3
Robert Burns (Vice-Chair)
District 4
Teresa Walter
District 5
Greg Myhre

HOUSTON COUNTY BOARD OF COMMISSIONERS BOARD MEETING AGENDA

9:30, August 11, 2020, County Board Room, Historic Courthouse

*******The meeting will be accessible to public participants via our conference call line at 312-626-6799 and entering meeting ID: 92117605219 and password 864784. Public attendees are requested to mute their line until addressed.*******

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

APPROVE PREVIOUS MINUTES

- July 28 - Board Meeting
- August 4 – Board Meeting and Workgroup Session

PUBLIC COMMENT

COVID-19 Update from Public Health

CONSENT AGENDA

(Routine business items enacted by one unanimous motion. Commissioners may request moving items on the consent agenda to the Action Item list if they desire discussion before taking action.)

- 1) Approve Claims, Human Service & License Center disbursements.
- 2) Approve Application for Peddler's License for Scott Gibson operating under Scenic Concepts selling Aerial Photography services.
- 3) Affirm the following personnel actions:
 - i. Public Health and Human Services
 1. Hire Myra Harris Johnson as a probationary Children's Mental Health Social Worker, C41, Step 3, effective September 1, 2020, conditioned on successful completion of a background check.

ACTION ITEMS

- 1) Consider approving a staff addition of a Deputy Auditor/Treasurer – License Center, B22 and authorize use of recent applicant pool for hiring. (Arrick-Kruger)

- 2) Consider approval of a contract with DDA for a market analysis wage study. (Arrick-Kruger)
- 3) Consider acceptance of low bid offer for CP 2020-09 Crack filling for the Houston County Airport and CSAH 26 from Money Creek to the west county line. (Pogodzinski)
- 4) Consider approval of Conditional Use Permit for mineral extraction in the Agricultural Protection District for Abnet Properties, LLC., La Crescent Township. (Lacher)
- 5) Consider approval of Conditional Use Permit for a Non-Farm Dwelling for Jesse and Andrea Sylvester, Mound Prairie Township. (Lacher)
- 6) Consider approval of Conditional Use Permit for essential services in the Agricultural Protection District for Northern Natural Gas, La Crescent Township. (Lacher)
- 7) Consider approval of Property Tax abatement for Mark Schulte, et.al. due to 2019 property split. (Cresswell)

DISCUSSION ITEMS

- 1) Administrator Updates
 - a. Addition of brief regular meeting session to future workgroup session schedule
- 2) Commissioner Reports & Comments

CLOSING PUBLIC COMMENT

ADJOURN

**HOUSTON COUNTY
AGENDA REQUEST FORM
August 11, 2020**

Date Submitted: 08.06.2020

By: Tess Kruger, HRD/Facilities Mgr.

APPOINTMENT REQUEST

- Consider contracting with DDA for a market analysis wage study

HR CONSENT AGENDA REQUEST

Auditor/Treasurer

- Initiate a search for a Deputy Auditor/Treasurer – License Center (use recent pool of applicants)

Public Health & Human Services

- Hire Myra Harris Johnson, as a probationary Children's Mental Health Social Worker, C-41, Step 3, effective September 1 , 2020, conditioned on successful completion of background check

<u>Reviewed by:</u>	<input checked="" type="checkbox"/>	County Administrator	<input type="checkbox"/>	County Attorney	<input type="checkbox"/>	Zoning Administrator
	<input checked="" type="checkbox"/>	Finance Director	<input type="checkbox"/>	County Engineer	<input type="checkbox"/>	Environmental Services
	<input type="checkbox"/>	IS Director	<input type="checkbox"/>	Other (indicate dept)	<input type="checkbox"/>	PHHS Aud/Treas
<u>Recommendation:</u>						
<u>Decision:</u>						

Houston County Agenda Request Form

Date Submitted: August 4, 2020

BOARD DATE: August 11, 2020

Person requesting appointment with County Board: Brian Pogodzinski

Issue:

To approve quote for Bituminous Crack Treatment for the Houston County Airport and for CSAH 26 from Money Creek to west county line.

Attachments/Documentation for the Board's Review:

The quotes are due back on Monday, August 10, 2020 and shall be made available to the Board that afternoon.

Justification:

Action Requested:

Approval of Quote.

For County Use Only			
<u>Reviewed by:</u>	<input type="checkbox"/> County Auditor	<input type="checkbox"/> County Attorney	<input type="checkbox"/> Zoning Administrator
	<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input type="checkbox"/> Environmental Services
	<input type="checkbox"/> IS Director	<input type="checkbox"/> Other (indicate dept)	
<u>Recommendation:</u>			
<u>Decision:</u>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.

Houston County

Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 6-Aug-20

Person requesting appointment with County Board: Aaron Lacher

Issue:

Approve 3 CUPs: 1) Sylvester - CUP to build a dwelling on less than 40A in an Ag District in Mound Prairie Township. 2) Northern Natural Gas - CUP for Essential Services in an Ag District in La Crescent Township. 3) Abnet Properties LLC - Mineral Extraction in an Ag District in La Crescent Township. (Approved by the PC on 7-30-2020.)

Justification:

Action Requested:

Final Approval by the County Board. (Agenda, Hearing Notice, Findings and Staff Report is attached.)

For County Use Only			
<u>Reviewed by:</u>	_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
	_____ Finance Director	_____ County Engineer	_____ Environmental Services
	_____ IS Director	_____ Other (indicate dept)	
<u>Recommendation:</u>			
<u>Decision:</u>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

7/21/2020

Application Date:
Hearing Date: 7/30/2020
Petitioner: Abnet Properties, LLC
Reviewer: Aaron Lacher
Zoning: Ag Protection
Address: 33781 County 16
Township: La Crescent
Parcel Number: 080298000
Submitted Materials: CUP Application, Mineral Extraction Application

OVERVIEW

REQUEST

A conditional use permit for mineral extraction in the Agricultural Protection District is requested.

SUMMARY OF NOTEWORTHY TOPICS

Mineral extraction is regulated by section 27 of the Houston County Zoning Ordinance. Section 27 sets forth standards for quarry operation, reclamation, size, density, and location. Of note are the following:

- 27.8 subdivision 1 (4) Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows: (a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.
- 27.8 subd. 6 (3) Public Roads. For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.
- 27.8 subd. 7 (3) Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.
- 27.8 subd. 7 (6) Dust and Noise. Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to any dwelling existing prior to the issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling within 1000 feet.
- 27.10 subd. 2. Reclamation Plan Commencement Requirement. All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases.

- **27.11 PERFORMANCE BOND REQUIRED.** A performance bond for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

The current application was submitted by Abnet Properties, LLC. State business filing details indicate that the company was organized in January of 2020, is currently active and in good standing, and lists John Abnet as the registered agent. Title to the subject property is held by Eugene and Lori Bauer. The application accepted from Abnet Properties was accompanied by an executed contract of sale signed by John Abnet and the Bauers.

The proposed quarry is adjacent to an existing rock quarry located on an 80 acre parcel of which 27 acres have been quarried. Approximately 10 additional acres are identified for quarrying. A permit for this quarry was granted to Greg Abnet by La Crescent Township in 1981. John Abnet purchased the property from Greg Abnet in 2010; the permit transferred with title. A reclamation plan for this area was recently submitted, and the County undertook a review of the operation, finding it to be substantially in compliance with Ordinance requirements. Noncompliance was limited to encroachment within the eastern property line setback. The operator indicates the adjoining property owner consents to this, yet consent is required to be documented in writing. The operator currently has a purchase option for this property in place, should it not be exercised, the operator has indicated he will provide written permission for the encroachment.

M.R. 4410.4300 sets forth conditions under which it is necessary to complete an environmental assessment worksheet (EAW). Generally, new permits for rock quarries affecting 40 or more acres require mandatory EAWs. The statutory authority providing for EAWs was enacted by the Minnesota Legislature in 1998 (L 1998 c 401 s 54). The application seeks approval for a rock quarry on a 60 acre parcel, with the extent of mining proposed at 36.05 acres. The applicant has provided an analysis of whether an EAW is necessary, concluded that one is not (enclosed). Zoning staff concur with this analysis.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

La Crescent Township and the ten closest property owners were notified, as were various state agencies. Comments were received from MNDOT, indicated no objection to the proposal (enclosed). Comments were received from three members of the public (enclosed).

SITE CHARACTERISTICS

The proposed location is approximately 3 miles west of the City of La Crescent. Access is by way of Evans Hill Rd, via the existing driveway for the adjacent quarry. In addition to the retention ponds within the proposed quarry, an intermittent stream is mapped to the west, and runs in the ditch on the eastern side of Evans Hill Rd before entering Pine Creek. A series of ponds are located within the floor of the existing quarry, and runoff from the proposed quarry would be directed into these ponds as well (Figure 1).



Figure 1 Adjacent Abnet Quarry

The subject 60 acres consists of ridgetop and side hills. Atop, slopes are predominantly 2-18%, while side hills are consistently greater than 24%. The Applicant indicates that through the use of perimeter berms the proposed quarry will not be visible from the valley surrounding Pine Creek, as is the case with the existing quarry (Figure 2).



Figure 2 Looking south at existing quarry location

Land use at the proposed site is presently cropland and forest. According to the Houston County Soil Survey, the cropland consists of silt loams with modest cropland value, primarily due to slopes. The applicant has conducted a geological study, and indicates that there are Oneota Dolomite reserves beginning approximately 20' below the surface, and extending downward to an elevation of approximately 990' (applicant data), at which point the dolomite ends and a horizon of Jordan Sandstone begins. No extraction of sandstone is proposed, and a final quarry floor elevation of 1,040' is proposed. Groundwater elevation is estimated at 880'-1,000'. Nearby well records show static water levels of 713' feet to the south (UN#564627), 723' to the southwest (UN#733135), 720' to the northwest (UN#518296), and 794' to the northwest (UN#729813); these wells all draw water from the Wonewoc Sandstone Aquifer, which is separated from the Oneota Dolomite by the Lone Rock, St. Lawrence, and Jordan Sandstone formations (Figure 3).

Thirteen dwellings are located within approximately ½ mile of the subject parcel (Figure 4). The nearest dwelling is to the southeast of the subject parcel, with the dwelling being approximately 615' from the subject parcel and just over 1,000' from the proposed mining extent.

The effects of blasting on neighboring properties is a potential concern for any quarrying operation employing the use of explosives, as is proposed with this application. The effects of blasting at the existing quarry west of the proposed location can inform. The Applicant provided seismograph information from the existing quarry taken during a 5/7/2020 blast and recorded at neighboring dwellings located approximately 3,500' and 2,500' from the blast site (enclosed). The data indicate peak particle velocities (PPV) of 0.068 inches per second at each location. Based on the frequencies of the vibrations, the federal guidelines for these blasts indicate an acceptable PPV ceiling ranging from 0.75 – 2.0 PPV. Thus the 5/7/2020 seismograph readings indicate PPV more than 10x lower than federal guidelines.

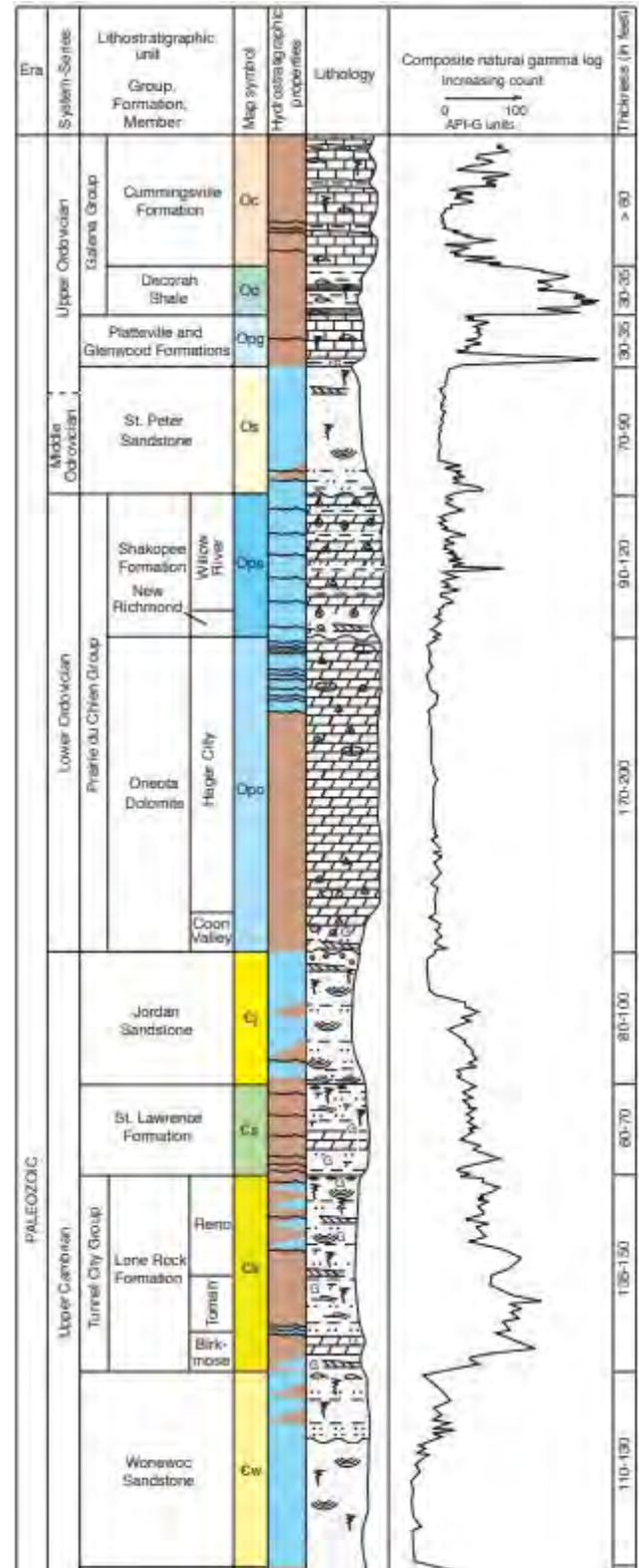


Figure 3 Geological Cross Section

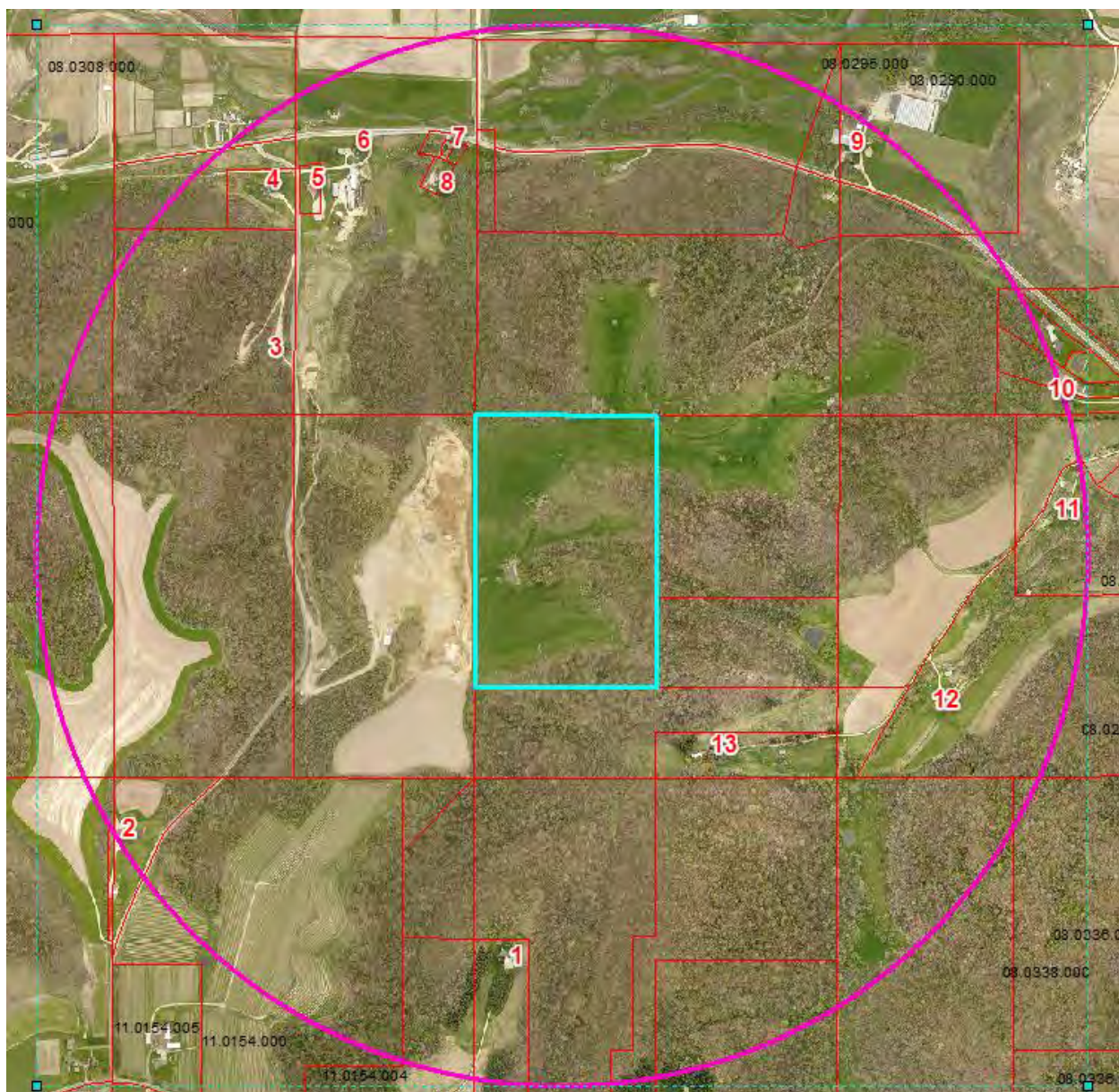


Figure 3 Dwellings in vicinity

EVALUATION

NA: #13

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Comprehensive Plan 0100.0505 subd. 2 policy 2 states: “Encourage industrial development in such a way as to enhance the tax base and increase employment opportunities while at the same time place minimal demands on the environment.” The Board may find that aggregate sources are a necessary industry throughout the County, that extraction of these resources must occur somewhere, and that approving an additional quarry permit adjacent to the existing quarry places less demand on the environment than would locating a similar facility in an isolated, undeveloped area.

The Comprehensive Plan, section 0100.0510 Subd. 2, Policy 4 states: “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.” The Board may find that a quarry in this location is likely to be utilized for future road maintenance project. The application is within the parameters of this policy.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Aggregate resources are a diminishing asset. The Applicant indicates the aggregate is needed for various projects, many related to transportation.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The Applicant indicates the site will operate under a National Pollution Discharge Permit (NPDES) which sets parameters for water quality at the State level. Onsite fuel storage is done according to governments and industry standards. Portable toilets are used.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The proposed operations plan indicates that stormwater will be collected and contained within the quarry floor.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Applicant has completed a geological investigation of the bedrock and determined it to be suitable for processing into rock products. The bedrock is covered by approximately 20’ of overburden.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: Potential pollution hazards include fuel storage, wastewater, dust, vibration and noise. Fuel storage will be done according to industry standards. Portable toilets will be located on

site. A combination of dust control methods have been proposed, and air quality is regulated under the required state permit. Federal guidelines exist that provide acceptable levels of vibration, and are included in the recommended conditions. Noise is regulated by the State.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: The infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: The infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: The proposal is to use the driveway and parking areas currently in use with the existing quarry.

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.

Staff Analysis: Active quarrying is already underway in the area. The surrounding property is predominantly agricultural use and woodland, which is not anticipated to be affected. There are some dwellings located within ½ mile of the site. The proposal would allow quarrying to occur further to the east, which may have effects on properties east of the location. In particular, the request would allow quarrying closer to the existing dwellings on Turkey Valley Lane. The Board should consider the following when assessing potential impacts on these dwellings: Setbacks required by Ordinance performance standards are met. State standards for noise and dust are applicable. Federal guidelines for vibration exist, and the Board can require adherence to them as a condition. The Board can limit hours of operation as a condition.

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.

Staff Analysis: The areas adjacent to the proposed site are pasture and woodland. The County is not aware of development plans for this area. The majority of the area ¼ east of the site is forested sidehills, and is likely too steep for development. Undeveloped areas of Turkey Valley Lane are ¼ mile or more from the proposed site, exceeding the setback requirement for a new dwelling.

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.

Staff Analysis: : Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (Mn Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties. The maximum allowable noise levels for this activity, per Mn Rules 7030, would be measured at the property line and would need to be less than:

- Daytime and nighttime: L10 (10% of the time in a one hour survey) = 80 dB
- Daytime and nighttime: L50 (50% of the time in a one hour survey) = 75 dB

Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Therefore, the dust from the quarry is expected to be confined to the property limits. Dust suppressants such as misting around equipment, enclosed equipment, watering or treatments of the haul roads, covered truck loads, clean-up of spilled material, and limiting the exposed working face are primary tools that the applicant has identified for minimizing dust, and can be expected to be utilized as needed

13. That the density of any 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.

Staff Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of chapter 27. Chapter 27.8 subdivision 1 (4) establishes area limits:

Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:

- (a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.*
- (b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.*

Chapter 27.8 subdivision 1 (5) establishes density limits:

Mine Density Standards. New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

Taken together, these sections allow for multiple rock quarries to be operated contiguously under multiple permits, and in excess of 40 cumulative acres. The reference to a “single permit” in 27.8 subdivision 1 (4) qualifies the area limitations such that they do not apply to multiple permits. A setback standard for sand mining limits the density of sand operation, however no density limitation is provided for rock quarrying.

15. 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.

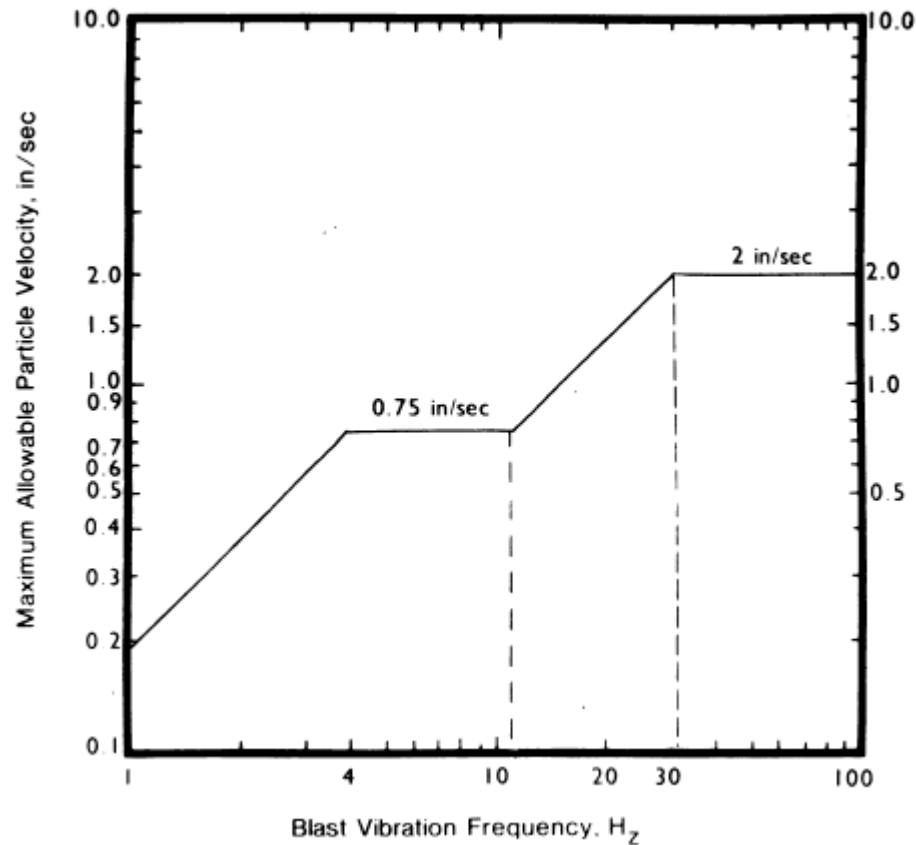
Staff Analysis: The adjacent quarry has operated under a past permit since 1980, with no known impacts to the public's health, safety, morals, and general welfare. The current proposal is not significantly different from the operation of the adjacent quarry.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.
7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County. Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 1,040'.

Business Record Details »

Minnesota Business Name

Abnet Properties, LLC**Business Type**

Limited Liability Company (Domestic)

MN Statute

322C

File Number

1135562100025

Home Jurisdiction

Minnesota

Filing Date

1/17/2020

Status

Active / In Good Standing

Renewal Due Date

12/31/2021

Registered Office Address33781 County Road 16
La Crescent, MN 55947
USA**Registered Agent(s)**

John C. Abnet

Filing History**Filing History**

Select the item(s) you would like to order:

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	1/17/2020	Original Filing - Limited Liability Company (Domestic) (Business Name: Abnet Properties, LLC)	

EARNEST MONEY CONTRACT OF SALE

RECEIVED OF John Abnet, or his assigns, Ten Thousand 00/100 Dollars (\$10,000.00) as Earnest Money, and in part payment for the purchase of the following described property with Tax Parcel No. 08.0298.000, situated in the County of Houston, and State of Minnesota, described to-wit:

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (N1/2 SW1/4 SE1/4), SECTION TWO (2), TOWNSHIP 104, NORTH OF RANGE FIVE (5) WEST OF THE FIFTH PRINCIPAL MERIDIAN, TOGETHER WITH AN APPURTENANT THERETO THE INGRESS-EGRESS EASEMENT DESCRIBED IN THE INSTRUMENT RECORDED IN BOOK 411 OF DEEDS AT PAGE 517.

which Sellers have this day agreed to convey to said Buyers for the sum of Three Hundred Thirty Thousand 00/100 Dollars (\$330,000.00), on terms as follows, to-wit: \$10,000.00 herein received and the balance in cash on or before September 30, 2020, the day of closing, when a Warranty Deed conveying a good title to said land is tendered, time being considered of the essence of this Contract.

No less than ninety (90) days prior to closing:

- a. Seller shall surrender any abstract of title and a copy of any owner's title insurance policy for the property if in Seller's possession or control, to Buyer or Buyer's designated title service provider; and
- b. Buyer shall obtain the title services determined necessary or desirable by Buyer or Buyer's lender, including but not limited to title searches, title examinations, abstracting, a title insurance commitment or an attorney's title opinion at Buyer's selection and cost and provide a copy to Seller.

If said title is not marketable and is not made so within One Hundred Twenty (120) days from the date of written objections thereto as above provided, this agreement shall be null and void, at the option of the Buyer, and neither principal shall be liable for damages hereunder to the other principal. All money theretofore paid by the Buyer shall be refunded. If the title to said property be found marketable or be so made within said time, and said Buyer shall default in any of the agreements, then, and in that case the Seller may terminate this contract and on such termination all the payments made upon this contract shall be retained by said Seller and said agent as their respective interests may appear, as liquidated damages, time being of the essence hereof.

The real estate taxes due and payable in the year 2020 shall be prorated with the Sellers paying all real estate taxes accruing up to the date of closing, and the Buyers paying all the real estate taxes accruing thereafter. All levied and pending special assessments, if any, shall be paid for by the Sellers. If applicable, Seller shall pay deferred real estate taxes, including green acre payback, which will result from the closing of this sale and the closing of the anticipated deed.

WELL DISCLOSURE

(Check one of the following):

- ☒ Seller certifies that Seller does not know of any wells on the real property.
- ☐ Wells on the real property are disclosed by Seller on the attached Well Disclosure Form.

SEWAGE TREATMENT SYSTEM DISCLOSURE

(Check A, B or C):

- ☒ A. Seller certifies that Seller does not know of any sewage generated on the premises.
- ☐ B. Seller certifies that sewage generated at the property goes to a facility permitted by the Minnesota Pollution Control Agency (ex. A city or municipal system).
- ☐ C. Seller certifies that sewage generated at the property does not go to a facility permitted by the Minnesota Pollution Control Agency and Seller's Disclosure of Individual Sewage Treatment System is attached hereto.

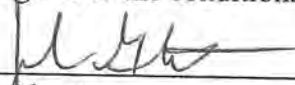
(Check either D or E):

- ☒ D. Seller does not know if there is an abandoned individual sewage treatment system on the property.
- ☐ E. Seller knows that there are no abandoned individual sewage treatment systems on the property. If seller discloses the existence of an abandoned individual sewage treatment system on the property, then Minnesota law requires that the location of the system be disclosed to Buyer with a map.

Additional Terms:

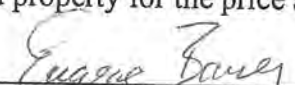
1. Zoning. Buyer's closing obligations under this Earnest Money Contract are contingent upon Buyer securing the required permits, zoning changes, and any other land use approvals ("Approvals") necessary to use and operate the property according to Buyer's intended plans as a rock quarry. Buyer shall have until August 31, 2020 to obtain all necessary approvals. Buyer shall be solely responsible for all engineering/surveying, legal, application fees, and all other fees associated with Buyer applying for and obtaining Buyer's approval. If Buyer does not obtain the requested approvals by August 31, 2020, Buyer will forfeit its earnest money deposit to Seller. In the event Buyer forfeits its earnest money, both parties shall sign a Termination and Release Agreement within five (5) calendar days of forfeiture.
2. Closing will take place within thirty (30) days of Buyer's approval; however, closing shall take place no later than September 30, 2020.
3. Buyer acknowledges that the property described herein does not directly abut a public roadway. Buyer's intended access to the property is through adjacent property currently owned by Buyer.
4. Except for default by Seller, earnest money shall be considered nonrefundable. Buyer acknowledges the earnest money deposit will be held directly with Seller and not by the closing attorney. In the event the closing does not take place due to default of Seller, Seller will return the earnest money to Buyer within three (3) calendar days.
5. If Buyer defaults under this Earnest Money Contract, Seller will have the right to terminate this Earnest Money Contract, after written notice of cancellation as provided under Minnesota Statutes Section 559.21. The termination of this Earnest Money Contract will be the sole remedy available to Seller for default by Buyer, and Buyer will not be liable for damages or specific performance.
6. If Seller defaults under this Earnest Money Contract, Buyer will have the right to terminate this Earnest Money Contract by giving written notice of termination to Seller, whereupon this Earnest Money Contract will terminate. In addition to terminating this Earnest Money Contract, Buyer may sue Seller for damages. In lieu of terminating this Earnest Money Contract, Buyer may maintain a suit for specific performance of this Earnest Money Contract.
7. Dual Representation Agreement is attached.
8. The parties will share equally in all legal fees in connection with this Earnest Money Contract and all closing documents prepared by Wieser Law Office, P.C.

John Abnet, hereby agrees to purchase the said property for the price and upon the terms above mentioned, and also agrees to the conditions of forfeiture and all other conditions therein expressed.

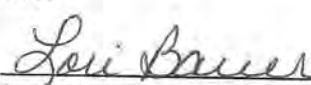


John Abnet

Eugene Bauer and Lori Bauer, the undersigned owners of the above described land, do hereby agree to sell the said property for the price and upon the terms above mentioned.



Eugene Bauer



Lori Bauer

Special 3/26/81

Meeting called to order at 7:30 P.M. by ¹⁵Ch. Don Haefl - all Board members present. Motion by Don to adopt zoning changes as amended & correctly published. 2nd by Ruth Miller - unanimous vote.

Greg About application for quarry permit. Bob Ogden presented findings. Notice was published & hearing held. Planning Commission approved. Motion by Don Haefl & 2nd by Gary to grant permit, unanimous vote. \$10⁰⁰ fee pd. by About.

Mrs. Larry Pierce from Crescent Valley requests street name change. Crescent Tr. to Crescent Ave. because of confusion of north end of town. Motion by Don to drop Tr. and add Ave. 2nd by Gary. Unanimous vote. ^{Don Ogden's inquiry to E. Haefl 4/6. Granted} Clayton Cornell met with residents of Spruce Dr. in regard to their request to hook up to city sewer.

Rita Maltz, Clerk

April 9, 1981
Regular -

Regular Board meeting called to order by Chairman Don Haefl. All members present. Minutes approved as corrected (Miss. omitted) Unanimous vote to audit & pay bills.

Phil Stein questioned line fences that need repair on Higman's several property. Gary Oldenberg will contact her.

Floyd Nielstrom presented Preliminary Plat 4th Add. After much discussion & suggestions

DEPARTMENT OF INSPECTION

BUILDING PERMIT N^o 228
WHEREAS, *1776* *Street*

Township of Ia Crescent, Minnesota,

March 14, 1969

agrees to comply with the provisions of Zoning Laws and Building Codes of the Township of La Crescent and all lawful orders of the Zoning Administrator pertaining thereto, all other laws of the Township of La Crescent pertaining to buildings or the use of premises, and further agrees to construct, erect, alter or install in accordance with the information set forth in the application, this permit is issued to LA CRESCENT CONSTRUCTION, LLC

And will comply to all orders of the Treasury

Permit expires.

Street.

Lot

Block..... Addition.

Construction Cost

Permit Fee \$
Plan Checking Fee
State Surcharge

2

Septic System Assessment

This permit is valid only when properly receipted. Payment received by.

Zoning Administrator

SERVICE SITE LOCATION: Coloma

ORDER NO.: cl 15414

BLAST NUMBER: 2 BLAST TIME: 1:05 pm BLAST DATE: 05/07/2020

CUSTOMER: MILESTONE MATERIALS MINE: MILESTONE MATERIALS ABNET ADDRESS: Lacresent, MN

ROCK TYPE: Limestone Tons/Yd3: 2.00 EXPECTED VIBRATION: 0.050 IPS

LOCATION OF BLAST

LOCATION OF BLAST IN MINE: South BENCH: Level 1

BLAST GPS POINTS: N43.83435 & W-91.40463

WEATHER

WEATHER: Clear CEILING: Unlimited TEMPERATURE: 60 F WIND DIRECTION & SPEED: South 0 MPH

NEAREST NON-OWNED STRUCTURE

NAME: 1602 Evens Hill rd GPS Points: N43.83064 & W-91.41265

DISTANCE: 2,508 (FT) DIRECTION: 237°

SEISMOGRAPH DATA

LOCATION		DISTANCE		GPS POINTS		CALIBRATION DATE	
1	1761 Evans Hill Road	3,570 (FT)		N43.84400	& W-91.40680	02/12/2020	
2	1602 Evens Hill rd	2,508 (FT)		N43.83064	& W-91.41265	02/13/2020	
	L (F) T (F) V (F)			AIR (db)	SEISMOGRAPH SERIAL	OPERATOR	
1	0.045 24 0.068 23	0.035 19		100	4463	4463	
2	0.050 14 0.068 30	0.043 27		112	4462	4462	Huff, Tommy

BLAST DATA

BLAST DATA				
NUMBER OF HOLES (EA)	100	EXPLOSIVES SIZE, TYPE & WEIGHT		
HOLE DIAMETER (IN)	4.5	SIZE	TYPE	WEIGHT
HOLE DEPTH (FT)	30	BULK	QS ANFO	12,102
FACE HEIGHT (FT)		0.344	SPARTAN 150G	14.104
SUB DRILLING (FT)	0	0.875	SPARTAN 400G	87.5
STEM FACE HOLES (FT)				
STEM OTHER HOLES (FT)	8			
BURDEN FRONT ROW (FT)				
BURDEN OTHER ROWS (FT)	10			
SPACING FRONT ROW (FT)				
SPACING OTHER ROWS (FT)	10			
TOTAL WEIGHT lb:				12,203.604

DETONATORS USED IN BLAST: Non-Electric

MATS USED: No STEM TYPE: CLEAN CRUSHED STONE TOTAL DRILL DEPTH: 3,000 (FT)

TYPE	MFG	DATE CODE	USED	TYPE	MFG	DATE CODE	USED
16' ELECTRIC	Dyno Nobel Global	20OC18A1	1	BLASTEX 3 X 16	Dyno Nobel Global	08AP20J1	280
EZDET 25/350 40 FT	Dyno Nobel Global	24JU19W1	16	EZDET 25/350 50 FT	Dyno Nobel Global	20JA20W1	58
EZDET 25/350 60 FT	Dyno Nobel Global	03FE20X1	22	EZTL 25MS 20 FT	Dyno Nobel Global	10FE20W1	32
EZTL 42MS 20 FT	Dyno Nobel Global	22JY19X1	31	MS 375 MS 20FT	Dyno Nobel Global	29JY19W1	41
SPARTAN 150G	Dyno Nobel Global	12FE20J1	42	SPARTAN 400G	Dyno Nobel Global	08AP20J2	96

CU YDS IN SHOT: 11,111

SCALED DISTANCE FACTOR: 160

% OF ANFO: 99

TONS IN SHOT: 22,222

HOLES/DELAY: 2

FUEL OIL % (BULK): 6

MAX LBS/DELAY: 245

AVERAGE LBS/HOLE: 123

POWDER FACTOR (TONS/LB): 1.82

POWDER FACTOR (POUNDS/YD3): 1.10

BLASTER'S NAME: Huff, Tommy

BLASTER'S NUMBER & STATE: 1226031 Wisconsin

BLASTER'S SIGNATURE: 

SITE SAFETY INSPECTION PERFORMED: Yes

NUMBER OF PERSONNEL ON SITE: 3

REMARKS:

START TIME	END TIME	TOTAL TIME	TRUCK NUMBERS
7:00	12:30	5:30	104

DIAGRAM

BLAST DATE: 05/07/2020

BLAST NUMBER:2

Quick Supply Co.

562	537	512	487	462	504	529	554	579	604	629	654	679	704	729
478	453	428	403	378	420	445	470	495	520	545	570	595	620	645
394	369	344	319	294	336	361	386	411	436	461	486	511	536	561
310	285	260	235	210	252	277	302	327	352	377	402	427	452	477
226	201	176	151	126	168	193	218	243	268	293	318	343	368	393
142	117	92	67	42	84	109	134	159	184	209	234	259	284	309
					0	25	50	75	100	125	150	175	200	225

Quick Supply

CUSTOMER NAME: MILESTONE MATERIALS ABNET

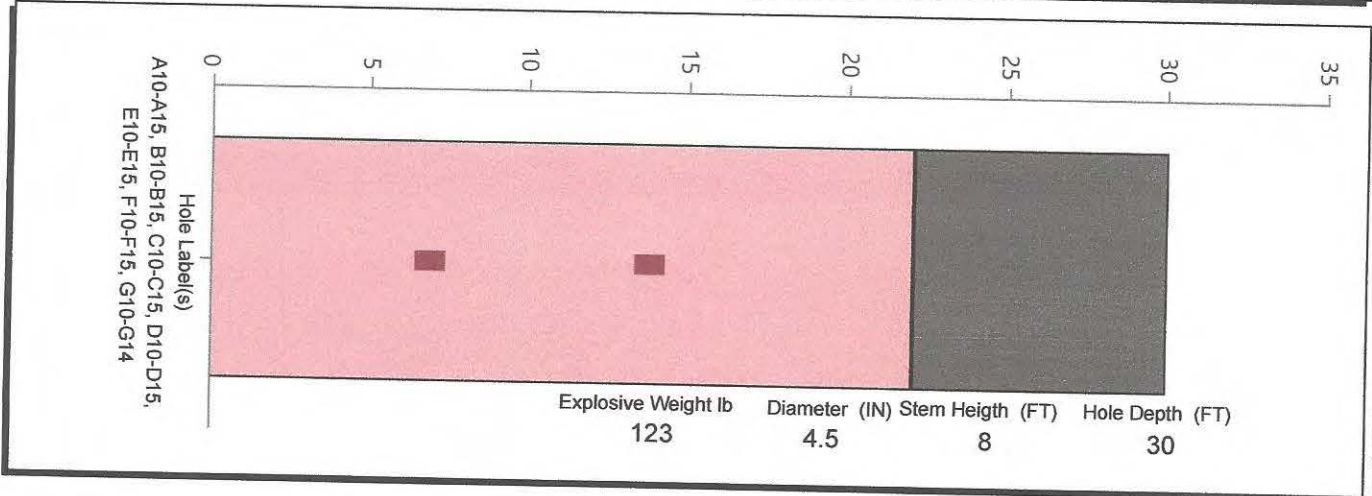
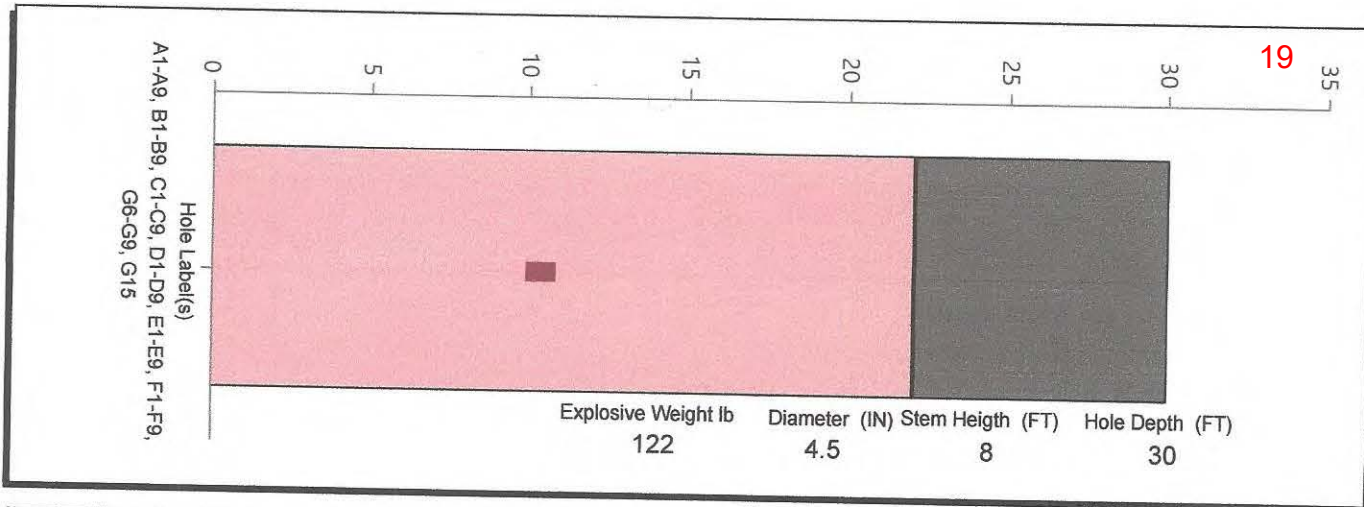
BLAST NUMBER: 2

BLAST DATE: 05/07/2020

BENCH: Level 1

BLASTER'S NAME: Huff, Tommy

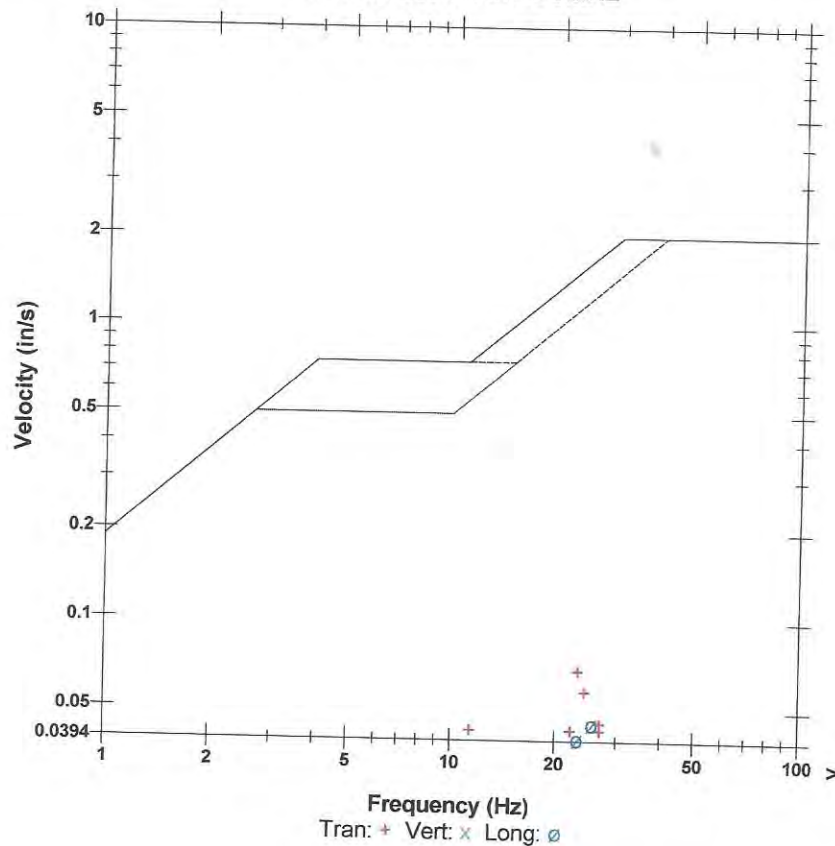
19



Date/Time Tran at 1:05:54 PM May 7, 2020
Trigger Source Geo: 0.0400 in/s
Range Geo: 5.00 in/s
Record Time 5.0 sec at 1024 sps
Notes 1761 Evans Hill Rd
Location: Tom Hill
Client: milestone materials (Abnett)
User Name:
Converted: May 7, 2020 3:27:17 PM (V10.60)

Serial Number 4463 V 2.61 MiniMate
Battery Level 6.6 Volts
Unit Calibration February 12, 2020 by InstanTel
File Name F463IG69.PU0

USBM RI8507 And OSMRE

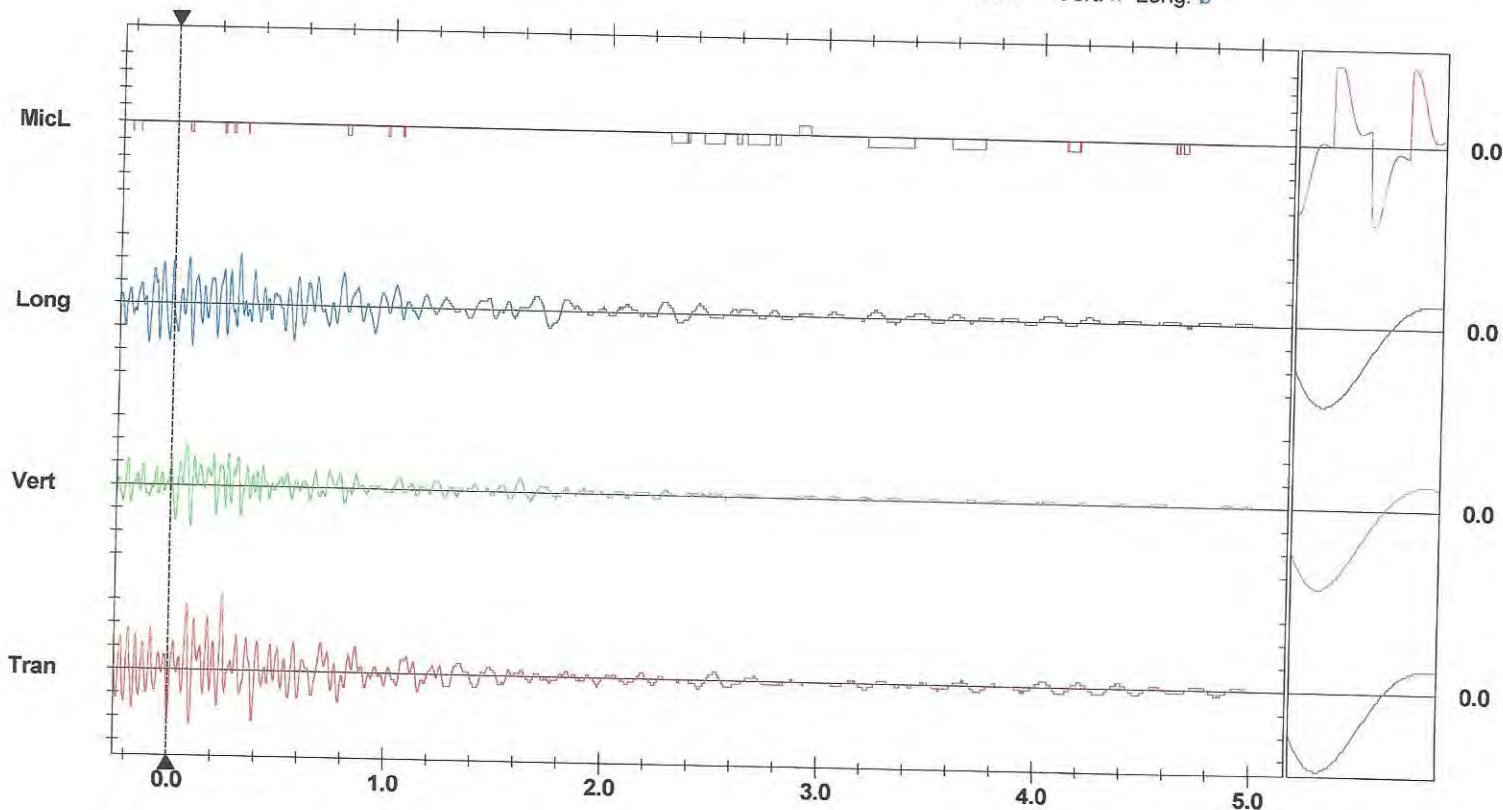


Extended Notes

Microphone Linear Weighting
PSPL 100.0 dB(L) at -0.168 sec
ZC Freq N/A
Channel Test Passed (Freq = 20.0 Hz Amp = 475 mv)

	Tran	Vert	Long	
PPV	0.0675	0.0350	0.0450	in/s
ZC Freq	23	19	24	Hz
Time (Rel. to Trig)	0.248	0.070	0.303	sec
Peak Acceleration	0.0265	0.0199	0.0265	g
Peak Displacement	0.00044	0.00029	0.00030	in
Sensor Check	Passed	Passed	Passed	
Frequency	7.8	8.1	7.7	Hz
Overswing Ratio	3.7	3.5	3.7	

Peak Vector Sum 0.0719 in/s at 0.248 sec
N/A: Not Applicable



Time Scale: 0.20 sec/div **Amplitude Scale:** Geo: 0.0200 in/s/div Mic: 0.00050 psi(L)/div
Trigger =

Sensor Check

Date/Time Tran at 1:05:52 PM May 7, 2020

Trigger Source Geo: 0.0400 in/s

Range Geo: 5.00 in/s

Record Time 5.0 sec at 1024 sps

Notes 1609 Evansh. H Rd

Location: Ten Hake

Client:

User Name: Milestone materials (Hbnett)

Converted: May 7, 2020 3:25:11 PM (V10.60)

Extended Notes

Microphone Linear Weighting

PSPL 112.0 dB(L) at 3.096 sec

ZC Freq 2.0 Hz

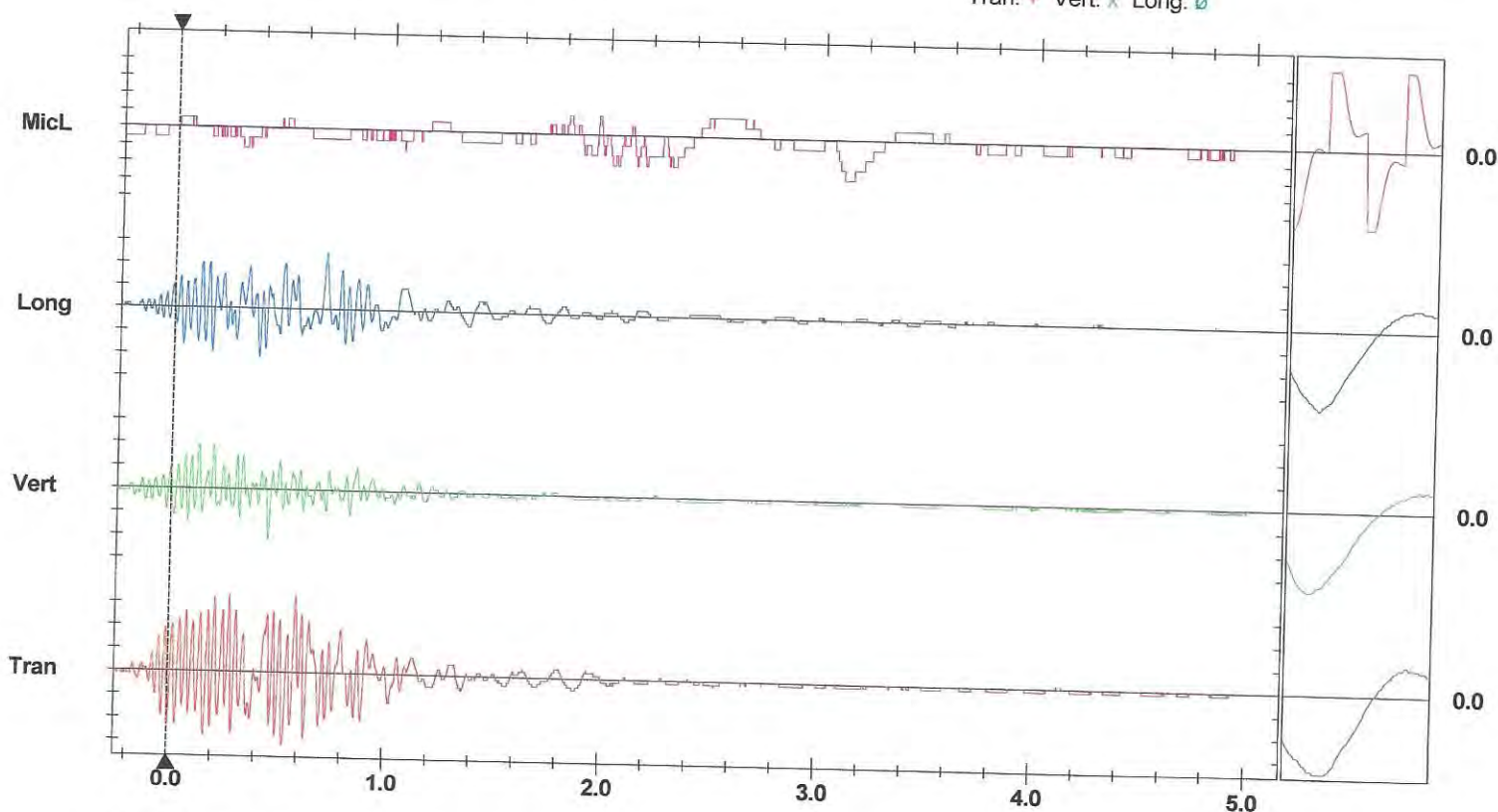
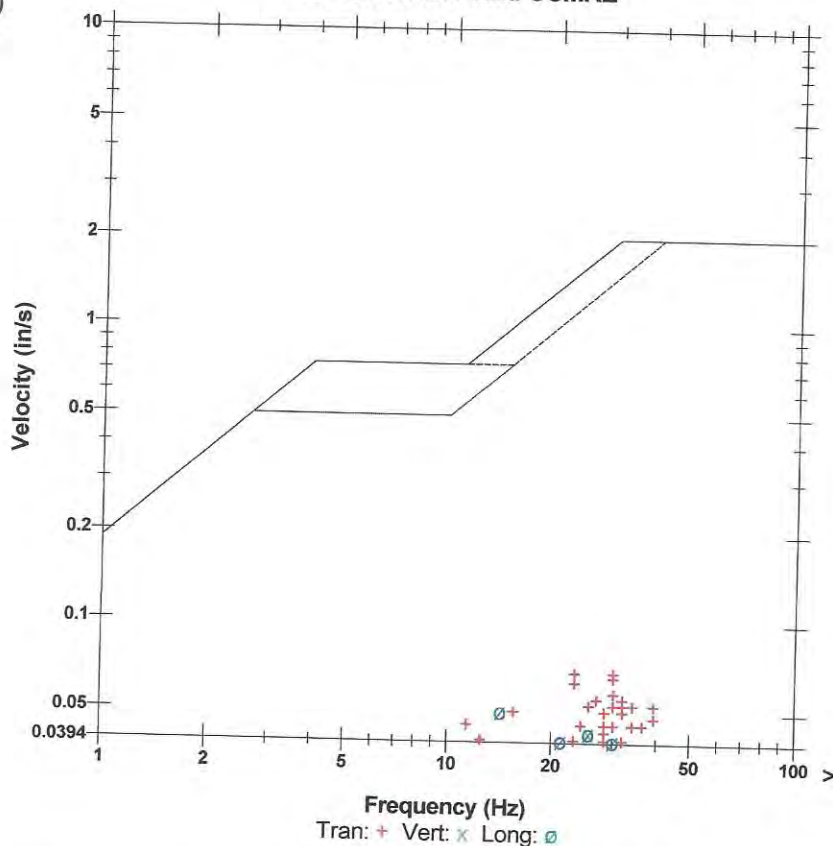
Channel Test Passed (Freq = 20.0 Hz Amp = 504 mv)

	Tran	Vert	Long	
PPV	0.0675	0.0425	0.0500	in/s
ZC Freq	30	27	14	Hz
Time (Rel. to Trig)	0.283	0.452	0.700	sec
Peak Acceleration	0.0398	0.0199	0.0199	g
Peak Displacement	0.00056	0.00025	0.00048	in
Sensor Check	Passed	Passed	Passed	
Frequency	8.1	8.0	8.3	Hz
Overswing Ratio	2.9	4.1	4.1	

Peak Vector Sum 0.0713 in/s at 0.590 sec

Serial Number 4462 V 2.61 MiniMate
Battery Level 6.4 Volts
Unit Calibration February 13, 2020 by InstanTel
File Name F462IG69.PSO

USBM RI8507 And OSMRE




Time Scale: 0.20 sec/div

Trigger =

Amplitude Scale: Geo: 0.0200 in/s/div Mic: 0.00050 psi(L)/div

Sensor Check

Number 2020- CUP- 62250	ABNET PROPERTIES 080298000 Conditional Use Request Submitted by AbnetProperties on 6/23/2020	
---	---	---

CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 6/23/2020 8:57:37 AM and saved by: AbnetProperties

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Conditional Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 6/23/2020 9:05:51 AM and saved by: AbnetProperties

Applicant Name	ABNET PROPERTIES
Telephone Number	5078954202
Address	0
City	LA CRESCENT
Zip	55947
Parcel Tax ID	080298000
Legal Description	N1/2 SW1/4 SE1/4 & NW1/4 SE1/4 EASEMENT ACROSS NE1/4 SE1/4 DOC #204295
Section-Township-Range	02/104/005
Do you own additional adjacent parcels	Yes

Township of:	La Crescent
--------------	--------------------

**Applicants are
required to inform
township boards of
their application.**

Please reference the
table below and
contact the official
for your township.

I understand I am required **Yes**
to inform my township of
my application.

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 6/23/2020 9:07:11 AM and saved by: Holly Felten

[Click here to view the
Houston County Zoning
Ordinance](#)

Describe in detail your request. **APPLICATION DATA SUBMITTED MAY 26, 2020**

Citation of Ordinance
Section from which the
Conditional Use is
requested:

11

Requested Dimension:

**Please upload any
supporting documents:**

[CUPApplication.AbnetPropertiesLLC.5.20.2020.pdf
\(download\)](#)

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 6/23/2020 9:12:12 AM and
saved by: AbnetProperties

[Click here to view the
Houston County Zoning
Ordinance](#)

Findings Required:

**1. That the proposed
use conforms to the
County Land Use Plan.**

Yes

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

**2. That the applicant
demonstrates a need for
the proposed use.**

Yes

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

**3. That the proposed
use will not degrade the
water quality of the
County.**

Yes

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

**4. That the proposed
use will not adversely
increase the quantity of
water runoff.**

Yes

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

5. That soil conditions are adequate to accommodate the proposed use.

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

6. That potential pollution hazards have been addressed and standards have been met.

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Comments:

**[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED
MAY 26, 2020]**

Yes

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.

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

Yes

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.

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

Yes

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.

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

N/A

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

Yes

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

15. 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.

Yes

Comments:

[SEE SECTION 5 OF APPLICATION DOCUMENT SUBMITTED MAY 26, 2020]

SITE PLAN INFORMATION [Edit] Last updated: 6/23/2020 9:12:53 AM and saved by: AbnetProperties

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

There are no attached documents.

Upload Site Plan

Use Interactive Map to Create Site Plan



Layer List:

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018
- ☐ Contours
- ☒ Septic Permit
 - ☒ Septic Permits
- ☒ Corporate Limits

Submitted by Applicant

28



- ☒ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☒ Roads
- ☐ Streams
- ☐ Floodplain (Effective 12/7/2018)
- ☒ 2017 Imagery

[SEE PLANS SECTION OF APPLICATION DOCUMENT
SUBMITTED MAY 26, 2020]

Use the space below to
include site plan
comments, if necessary

APPLICATION SUBMITTAL [Edit] Last updated: 6/23/2020 9:14:17 AM and saved by:
AbnetProperties

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application. **Yes**

By checking this box, I certified that I have notified my town board of my application. **Yes**

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge. **Yes**

Signature

Date Signed:
06/23/2020

Check this box if Staff Signature on behalf of Applicant. **Yes**

APP SUBMITTED/PAYMENT SELECTION Last updated: 6/30/2020 3:40:40 PM and saved by: Holly Felten

Fee amount paid: **\$746**

LA CRESCENT TOWNSHIP REVIEW [Edit] Last updated: 6/30/2020 3:42:44 PM and saved by: Holly Felten

Notice to Township

Date email sent:
06/30/2020

APPLICATION DATE [Edit] Last updated: 7/7/2020 2:54:37 PM and saved by: alacher

What Stage is the Application At?	Application reviewed and determined complete.
Application Date (Complete Application)	7/3/2020
Date of Notice of Incomplete Application	6/24/2020
Comments	Additional information was requested after initial review, the last of which was provided by email on 7/3/2020.
Please upload any supporting documents:	Email RE EAW.pdf (download)

DATES [Edit] Last updated: 7/7/2020 3:53:47 PM and saved by: Holly Felten

Advertising Date	7/15/2020
Planning Commission Meeting Date	7/30/2020
Meeting Time	7:15 PM
Comments	

CONDITIONAL USE PERMIT APPLICATION

ABNET PROPERTIES, LLC

SECTION 2 OF LA CRESCENT TOWNSHIP

HOUSTON COUNTY, MINNESOTA

SUBMITTED TO: HOUSTON COUNTY ENVIRONMENTAL SERVICES

2020

TABLE OF CONTENTS

APPLICATION FORM

REQUIRED INFORMATION FOR CONDITIONAL USE PERMIT FOR MINERAL EXTRACTION:
HOUSTON COUNTY ENVIRONMENTAL SERVICES

APPLICATION INFORMATION

INTRODUCTION	
SECTION 1.0, DESCRIPTION OF THE PROPERTY	1
SECTION 2.0, MINING PLAN & PROPOSED OPERATIONS	2
SECTION 3.0, ENVIRONMENTAL CONTROLS & PERMITS	6
SECTION 4.0, RECLAMATION PLAN	8
SECTION 5: HOUSTON COUNTY ZONING ORDINANCE, SECTION 11 - PLANNING COMMISSION, SUBSECTION 11.5, FINDINGS REQUIRED	9

FIGURES

FIGURE 1:	VICINITY MAP
FIGURE 2:	MINING EXTENT
FIGURE 3:	2019 AERIAL PHOTOGRAPH
FIGURE 4:	BEDROCK GEOLOGY
FIGURE 5:	TERRAIN
FIGURE 6:	SOIL TYPES
FIGURE 7:	NATIONAL WETLAND INVENTORY
FIGURE 8:	AREA WATERS
FIGURE 9:	LAND USE MAP
FIGURE 10:	GROUNDWATER FLOW DIRECTION
FIGURE 11:	AREA MINES

PLANS

PLAN 1:	OPERATIONS PLAN
PLAN 2:	RECLAMATION PLAN

LAND DESCRIPTION

APPLICATION FEE

APPLICATION FORM





HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning

304 South Marshall Street – Room 209. Caledonia, MN 55921

Phone: (507) 725-5800

Required Information for Conditional Use Permit for Mineral Extraction

General Information

Owner Name	Abnet Properties, LLC		
Mailing Address	33781 County 16		
City, State, Zip	La Crescent, Minnesota, 55947		
Telephone	Home 507-895-4202	Cell N/A	
Email	Lrp33781@gmail.com		
Operator Name	Abnet Properties, LLC		
Mailing Address	33781 County 16		
City, State, Zip	La Crescent, Minnesota, 55947		
Telephone	507-895-4202		
Email	Lrp33781@gmail.com		
General Information comments: The applicant is Abnet Properties, LLC. A Purchase Agreement is in place between Abnet Properties, LLC & the property owner, Eugene and Lori Bauer, that is contingent upon zoning approval and receipt of a Conditional Use Permit for Mineral Extraction.			

Property Information

Please provide the following information regarding the proposed property:			
PIN # 08.0278.000	Section 2	Township 104N	Range 5W
Property Size 60.00	Total Acres		
	[See Figure 1, Vicinity Map]		
A Legal Description is attached to the application		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
A survey is attached to the application		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Provide a statement of ownership or lease:			
Describe how the maximum mine area boundary will be marked on the ground: Simple monuments would be installed to delineate the mining extent. This will allow for continued agricultural use of the property prior to mining. [See Figure 2, Mining Extent]			
Property Information comments: The current property owner owns other adjacent parcels. The 50-foot mining setbacks along these property lines will be dissolved. [See Figure 2, Mining Extent]			

Existing Conditions Map

Please provide an Existing Conditions Map(s) showing the following:			
Aerial photo of proposed site plus 1000' in all directions	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 3, 2019 Aerial Photograph]
Geological formations affected by proposal	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 4, Bedrock Geology]
Elevation contour lines at 10' intervals	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 5, Terrain]
Soil types present	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 6, Soil Types]
Wetlands (Total Acres: 1)	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 7, National Wetland Inventory]
Water courses and drainage systems within 5290'	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 8, Area Waters]
Impounded waters (Total Acres: 1)	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 8, Area Waters]
Wooded areas (Total Acres: 30)	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 9, Land Use Map]
Cultivated fields (Total Acres: 0)	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 9, Land Use Map]
Existing structures within 2640'	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 9, Land Use Map]
Existing wells within 2640' Highest Groundwater Elevation: 794' el (UN#729813)	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 9, Land Use Map]
Groundwater flow patterns	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 10, Groundwater Flow Direction]
Roads, trails, & railroads	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 1, Vicinity Map]
Cultural features	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 1, Vicinity Map]
Existing mines within 5280'	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	[See Figure 11, Area Mines]
Existing Conditions comments: The existing use of the property is pastureland.			

OPERATIONS PLAN

Please provide information regarding your operations plan. Attach addition sheets if needed.		
Provide a statement of compliance with federal and state laws: [See attached application materials]		
Provide a full and adequate description of all phases of the proposed operation, including a description of the material to be extracted, the estimated annual production, and the estimated lifespan of the mine: [See attached application materials]		
Identify the material to be extracted: rock / sand / other _____		
Provide the elevation of the maximum depth of excavation: <u>135</u> feet		
Describe the equipment to be used and the method of extraction: [See attached application materials]		
Will fuel or chemicals be stored onsite?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Spill Prevention Control Countermeasure (SPCC) plan been developed for the site? <i>If yes, please attach.</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Describe any explosive use planned, including record keeping practices and availability, pre-blast surveying, neighbor notification, peripheral monitoring, and flyrock prevention/cleanup: [See attached application materials]		
Describe overburden removal and management practices: [See attached application materials]		
Estimated depth of overburden to be removed:	20 Feet	
Estimated quantity of overburden to be removed:	967,800 C.Y.	
Describe processing and stockpiling practices: [See attached application materials]		
Will flocculants be utilized to wash or clean materials?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
What is the maximum amount anticipated to be stockpiled at any one time?	Unk. Tons	
What is the anticipated annual amount to be sold or otherwise removed from the site?	Unk. Tons	
Will aggregate materials excavated elsewhere be stockpile on site?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>If yes, what amount will be stockpiled?</i>	Tons	
<i>If yes, what is the anticipated annual throughput?</i>	Tons	
Will aggregate materials excavated elsewhere be processed on site?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Describe haul routes, egress and ingress access points, turning lanes, and traffic control methods: [See attached application materials]		
Has the regulatory authority (state, county, or township) approved access points & turning lanes?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Estimated number of trips: [See attached application materials]	Avg. Day	
	Peak Day	
Describe tree and shrub removal: [See attached application materials]		
Describe weed control practices: [See attached application materials]		
Describe soil erosion prevention methods: [See attached application materials]		
Describe dust control methods: [See attached application materials]		
Describe noise control methods: [See attached application materials]		
Describe proposed screening techniques: [See attached application materials]		
Describe days and hours of operation: [See attached application materials]		
Operations Plan comments: All of the requested information is contained within the attached application materials.		

Operations Map

Please provide an Operations Map showing the following:					
	Outline of maximum area to be excavated	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Vertical geological profile of area to be excavated	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Buildings or structures	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Erosion control structures	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Water courses or drainage systems	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Material stockpiling sites including estimated height & volume	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Feet	C.Y.
	Tailings stockpiling sites including estimated height & volume	Included <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Feet	C.Y.
	Overburden stockpiling sites including estimated height & volume	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Feet	C.Y.
	Machinery storage	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Egress and ingress access points	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Screening	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		
	Parking areas	Included <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>		

Reclamation Plan

Please provide information regarding your Reclamation Plan. Attach additional sheets if needed.		
What is the total cost of reclamation per acre? [See attached application materials]		
Describe how the reclamation cost was calculated: [See attached application materials]		
Define what will constitute termination of mining operations: [See attached application materials]		
Define what will constitute abandonment of mining operations: [See attached application materials]		
Describe the proposed post mining land use: [See attached application materials]		
Describe process for removal of structures erected in conjunction with the mining operation: [See attached application materials]		
Describe how proposed post mining grading is in conformity with the surrounding landscape: [See attached application materials]		
The proposed post mining grading does not result in slopes >18%?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The plan provides a minimum of 3" of top soil?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
What is the total C.Y. of topsoil required for reclamation to achieve 3" coverage?	13,000 C.Y.	
Will overburden be retained for reclamation?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
What is the total C.Y. of overburden available?	967,800 C.Y.	
Describe the proposed overburden stockpiling practices, if applicable: [See attached application materials]		
Describe the proposed seeding and planting practices: [See attached application materials]		
Will reclamation be done in phases?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, describe the phasing process:</i> [See attached application materials]		
Describe how successful reclamation will be determined: [See attached application materials]		
Is a reclamation surety provided?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, what type of surety, and in what amount?</i> [See attached application materials]		
<i>If yes, what is the expiration date of the surety, if any?</i> [See attached application materials]		
Reclamation Plan comments: [See attached application materials]		

Reclamation Map

Please provide a Reclamation Map showing the following:			
Final elevations at 5' intervals [See attached application materials]	Included	<input type="checkbox"/>	N/A <input type="checkbox"/>
Location and species of vegetation [See attached application materials]	Included	<input type="checkbox"/>	N/A <input type="checkbox"/>
Structures proposed to remain	Included	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Water courses or drainage systems	Included	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Reclamation Map comments: [See attached application materials]			

I certify that all statements made on this application are true and correct. I understand that all information is subject to verification. I understand that any falsification may be grounds for denial of a permit application or revocation of a permit. My signature authorizes Houston County to verify the above information, including taking photographs or video, and grants access to the purposed site for the purposes thereof.

Owner: Abnet Properties, LLC

Name

Signature

Date

Applicant: Abnet Properties, LLC

Name

Signature

Date

Application prepared by: Andrew Peters, Geologist, Milestone Materials

Name

Title

Signature

APPLICATION INFORMATION



INTRODUCTION

This application to Houston County by Abnet Properties, LLC (Applicant), on behalf of the property owners, Eugene & Lori Bauer, is a request for a Conditional Use Permit for operation of a Nonmetallic Mining operation on property located in Section 2 of La Crescent Township. This application outlines the plans for the operation. Contact information for Abnet Properties, LLC is as follows:

ABNET PROPERTIES, LLC
33781 COUNTY 16
LA CRESCENT, MINNESOTA 55947
CONTACT: JOHN ABNET, (507) 895-4202

In accordance with the guidance of the Houston County Environmental Services department and the Houston County Zoning Ordinance we have prepared the following within this application:

- Required Information for Conditional Use Permit for Mineral Extraction, Houston County Environmental Services Department
- General Description of the Proposed Operation

SECTION 1.0, DESCRIPTION OF THE PROPERTY

1.1 Current Conditions

The property is located approximately 6 miles west of La Crescent, Minnesota. It lies along Evans Hill Road, in between County Road 6 to the north and County Road 25 to the south (Figure 1). The property is primarily upland agricultural land. The property has been used as pastureland. The site is surrounded by agricultural land, deciduous forests, grasslands, and wooded valleys. There is one water body on the property that is a man-made pond at the head of a ravine in the center of the property. Approximately half of the drainage from the site flows down this ravine with the rest flowing to the north and south.

1.2 Ownership

An agreement exists between the property owners, Eugene & Lori Bauer, and the operators, Abnet Properties, LLC. This agreement allows for Abnet Properties, LLC to complete mining operations on the property should the required permitting be obtained.

1.3 Inventory of the aggregate resource and location on site

Only a portion of the property holds economical aggregate resources. This area is delineated on Figure 2, Mining Extent. The dolomite aggregates are located at only the highest elevations on the property. Aggregates at lower elevations on the property are not of sufficient quality to be used as high quality construction aggregates.

1.4 Aggregate Resource

Through geological exploration, the property has been proven to hold substantial aggregate resources. Crushed dolomite resources have been produced in this area for many decades. Aggregate resources are vital for Houston County and southeast Minnesota. A local and reliable source of aggregate is necessary for future infrastructure and public and private community development. The products produced at this site would be used to make hot mix asphalt, concrete,

landscaping materials, and other aggregate products important to the community. The proximity of this high-quality aggregate resource to its use makes it an economically viable resource for the community and its residents.

SECTION 2.0, MINING PLAN & PROPOSED OPERATIONS

2.1 Location of mining area, depth of mining activities

Both the mining area and the depth, and additional other project specifics, are shown on the attached Figures and Operations Plan (see Figure & Plans).

2.2 Access

The access to the operation will utilize an existing access off of Evans Hill Road. This access is maintained and used by La Crescent Rock Products and has been in place for many years.

2.3 Phasing, staging, sequencing of the mining operation

The conceptual progression of the mining operation is shown on the Operations Plan (Plans). The mining will begin near the center of the western edge of the property. Mining will then move to the northern ridge area, and then the southern ridge area. This progression was chosen in an effort to keep quarrying activities as far away from neighboring properties for as long as possible.

As mining progresses, the berm construction will continue around the perimeter of the property and excavation. These earth berms will reduce equipment noise from the operation area, contain and direct storm water runoff, and act as a storage area for overburden and/or topsoil. Berms will be constructed of topsoil and subsoil removed from future areas to be mined and will be seeded shortly after construction. When possible, the topsoil and subsoil stripped and removed will be placed directly into areas undergoing active reclamation. This procedure will reduce soil handling and help to preserve the soil viability for final reclamation and vegetation.

2.3 Erosion/sedimentation and surface water runoff control measures

Post construction stormwater quantity will be reduced, and quality will be increased. All stormwater will be directed into the quarry area and allowed to flow to low areas within the quarry to infiltrate to groundwater.

The site will have a Nonmetallic Mining National Pollution Discharge Elimination System (NPDES) permit issued by the Minnesota Pollution Control Agency. The permit conditions require Best Management Practices for managing runoff. A stormwater pollution prevention plan would be maintained in accordance with the Minnesota Pollution Control Agency storm water permit. This plan outlines the actions completed on site to ensure proper erosion control and that any storm water discharges from the site are managed appropriately. In addition, the NPDES permit requires that the site is inspected on a monthly basis to ensure that there are not any erosion problems and that all best management practices are functioning properly.

For this property, most of the water entering the site will be controlled and collected within the disturbed quarry area. A vegetated berm will be constructed at the perimeter of the operations area to provide a natural barrier between operations and undisturbed areas. More vegetated perimeter berms will be constructed as the quarry extends to the north and east within the site.

The berms will consist of organic soils overlying the limestone bedrock. Once constructed, the berms will be immediately graded and seeded. Silt fence will also be installed around the newly constructed berms and will remain in place until vegetation becomes established on the berms.

- 2.4 Structures (permanent or temporary) to be erected for storage, offices, scales and related structures, and explosives storage

There are currently no plans to erect any structures on the property in association with the mining operations.

- 2.5 Processing methods and location of equipment such as screening and other processing equipment

The quarry operation will be conducted in a manner consistent with similar operations. The primary operational activity will be the extraction of limestone aggregate. Excavation will start with the removal of the topsoil and subsoil from the top of the limestone using bulldozers, scrapers, and/or a backhoe and haul trucks. Topsoil will be removed and stored in stockpiles or placed immediately for active reclamation separately from subsoil. After the limestone is uncovered, holes will then be drilled, loaded with explosives, and detonated. The blasting process is completed by a qualified 3rd party contractor. They bring all materials onto the site for a blasting event. There is no storage of any blasting materials proposed on site.

The resulting broken rock will then be picked up by end-loaders and hauled a short distance to the rock crushing plant to be further crushed and sized into various stone products. The majority of the crushed and screened materials will then be conveyed to, and stockpiled on, the La Crescent Rock Products site to the west.

The crushing and screening plant typically includes several crushing units, screening units and conveyors. The crushing and screening plants utilized are portable and are moved within the excavation area and in and out of the quarry as needed to replenish the product stockpiles.

- 2.6 Storage of mined materials and stockpile areas – overburden height and extent of coverage

Aggregates produced by the operations will be primarily stockpiled on the La Crescent Rock Products property to the west. There will, at times, be a need for stockpiling some aggregate products at the Abnet Properties, LLC quarry. Rip rap products, for instance, are made sporadically and moving that product via conveyor on to the La Crescent Rock Products property for stockpiling is not possible. The stockpiling and sales area at the La Crescent Rock Products property is exceptionally well developed and it is in the best interest of our operations to continue our stockpiling and sales in this area.

Overburden thicknesses at the property range from approximately 10 to 30 feet. These thicknesses are variable throughout the site.

- 2.7 Vehicle parking, access roads and access to public roads, and local routes to truck routes and projected trips per day

The number of parking spaces available on the quarry property is indeterminate. Typically, 2-4 employee vehicles may be parked in the quarry during operating hours. There are additional designated parking areas within the La Crescent Rock Products property.

During full operation of the site the estimated average daily traffic would be 25 to 50 trips per day. This traffic consists of the coming and going of aggregate processing operations employees and maintenance personnel and aggregate hauling. Employees will generally arrive approximately 30 minutes before dawn and leave approximately 30 minutes after dusk. This traffic will consist of the coming and going of aggregate processing operations employees and maintenance personnel. Aggregate hauling traffic is dictated by sales and can take place during any working hours.

Operations at the site will not create any effect on traffic congestion. The vast majority of aggregates produced at the site will be internally moved to the La Crescent Rock Products property. The operation of this site will not increase the amount of traffic on any transportation system. The existing traffic onto Evans Hill Road and Houston County Road 6 to the north, or Houston County Road 25 to the south, is fully indicative of future traffic as an increase is not expected nor proposed.

The quarrying operations proposed on the subject property will be used to supplement the replenishment of the existing aggregate sales stockpiles at the La Crescent Rock Products property. Sales are demand driven and the operation of the proposed quarry will only allow for an increase in the available aggregate reserves; it will not drive any increase or decrease in sales of aggregates that would be hauled from the site.

2.8 Safety measures such as fencing and gates

There is a locking gate at the site access point on Evans Hill Road. There are also spans of fencing in some areas of the property. The excavation areas of the quarry would be surrounded by safety berms (Plan 1: Operations Plan). These berms will typically be around 4-6 feet tall but could be up to approximately 20 feet tall. These perimeter berms will provide security for the quarry and also serve as a safety measure to distance operations from agricultural areas.

2.9 Schedule of activities including daily hours of operation, days of the week, months of operation

Activity at the site will occur year around with the most activity during the construction season (March to November). Reduced operations will occur December through February, as supply and demand conditions warrant.

The proposed daily operating hours are limited to 6:00 a.m. to 8:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and closed on Sunday. There shall be no operation on legal holidays, including New Years Day, Memorial Day (observed), Independence Day, Labor Day (observed), Thanksgiving Day, and Christmas Day. Employees and agents may be present on premises outside of operational hours for security and other non-production tasks.

In the event extended hours should be required due to unique project constraints or emergencies these hours may be extended and would be subject to the consent of Houston County.

2.10 Visual screening such as vegetation plantings, berms/topsoil stockpiles, location of mining and buffers or setbacks

The attached Operations Plan includes the proposed details of all these items. Efforts will be made to partially to fully screen the mining operation from view. However, the existing topography will provide nearly all screening for the operations. This is a ridgetop quarry and all excavation will be taking place below grade. The terrain of the site, existing woodlands and vegetation, and distance from neighboring properties and residents will make any visual impacts from the operation extremely

unlikely.

The temporary berms onsite will be constructed with soil and overburden materials and seeded with grass to create an attractive and natural barrier. Berm height may vary somewhat in different areas of the property depending on the need to effectively screen the operations from view and provide any security necessary.

In addition, the Houston County zoning ordinance and permitting conditions will address specific operational actions in an effort to minimize or eliminate any potential visual impacts to adjacent uses. Permitting requirements such as operational setbacks, adherence to performance standards, and so on, will need to be complied with.

2.11 Dust, vibration, and noise generated and control measures

Dust

The operations generally generate dust, during blasting events, for instance, which is controlled, on a large scale, by earthen berms around the operation and aggregate highwalls within the quarry. During the aggregate crushing process, some aggregate dust is generated by the crushing equipment, which is controlled by water spray bars and shrouding of dust generating transfer points. In addition, fugitive dust from crushing operations is regulated by the Minnesota Pollution Control Agency via an air quality permit to ensure ambient air concentrations are not affected. Fugitive dust is also generated on roads and traffic areas around the plant and stockpile areas which is controlled by water truck spraying.

Vibration

Operations shall be conducted in such a manner as to minimize impacts on adjacent properties caused by vibration. Blasting vibration shall be allowed up to industry standards and regulations. Blasting events will be executed by a qualified 3rd party contractor.

Noise

All site activities will generate noise. All activities will fully comply with all applicable state and federal regulations related to noise control. The operation will comply with MPCA regulations for Noise Pollution Control (Minnesota Rules 7030) and blasting activities will comply with NFPA 495 guidelines, Minnesota Statutes §§ 299F.72 – 299F.831, Minnesota Administrative Rules Ch. 7500 and common industry practices. Requirements are also in place that equipment and trucks shall refrain from all jake braking, have effective mufflers and related technology to lower noise emissions and mitigate noise, and so on.

2.12 Buffering and screening for dust, noise, and visual screening

Local permitting will address specific operational actions in an effort to minimize or eliminate any potential impacts to adjacent uses. Permitting requirements such as operational setbacks, extent of visual screening, and other actions will be required prior to any operations taking place.

For dust mitigation, noise mitigation, and visual screening the applicant will build berms and stockpiles and maintain natural screening to the extent possible through preservation of trees, scrub, other vegetation, and topography. These constructed screening features coupled with

setbacks and the below-grade nature of the operations will provide a substantial reduction of these potential impacts.

SECTION 3.0, ENVIRONMENTAL CONTROLS & PERMITS

3.1 The required permits & related approvals for the proposed operation are as follows:

UNIT OF GOVERNMENT	TYPE OF APPLICATION	STATUS
Minnesota Pollution Control Agency	General NPDES Storm Water Permit	To Be Applied For
Minnesota Pollution Control Agency	Air Emissions Permit	To Be Applied For
Houston County	Conditional Use Permit	To Be Applied For

3.2 Minnesota DNR permits including: Water Appropriation Permit, Work in Protected Waters, Burning Permit (brush only)

Water Appropriations Permit

The planned quarry floor would lie at an elevation of approximately 1040', similar to the quarry to the west of the site. This depth will not require any quarry dewatering so no pumping or water appropriation will be done on site therefore a Water Appropriation Permit for the quarry will not be needed.

Work in Protected Waters & Burning Permit

The operation will not require any work in Protected Waters. Acquisition of a Burning Permit will be made if it is needed for any operations on site.

3.3 MPCA permits including: Fuel and Hazardous Materials Management, Liquid Storage Tanks, Air Quality, Water Quality (NPDES Permit)

Fuel and Hazardous Materials Management & Liquid Storage Tanks

The mining operation employs a variety of screening, crushing, and conveying equipment, including loaders and trucks. The lubrication, fueling, and repair practices used to maintain the equipment are designed to eliminate petroleum products from ground contact. The Storm Water Pollution Prevention Plan and the Spill Prevention Plan for the site address practices for proper storage, handling, and use of petroleum products, as well as inspection and response procedures. Any fuel or petroleum products that may be stored on-site will be stored in an aboveground tank with secondary containment as required by law.

The pollution prevention practices addressed in site management planning minimize the opportunity for infiltrating water to carry contaminants to groundwater. Plant foremen perform site inspections throughout the operating period, and observations and conditions are reported daily for all applicable environmental programs.

Air Quality

The Minnesota Pollution Control Agency (MPCA) regulates crushing and screening equipment operations at the site. The processing equipment is in compliance with the opacity requirements of the New Source Performance Standards and is permitted under the Aggregate Processing General

Permit. The general permit provides flexibility for using different processing configurations and various pieces of equipment, depending on the type of product being produced. It outlines production requirements, including record keeping, employee training, malfunction prevention and abatement, and fugitive dust control measures that must be maintained for compliance with the permit. The plant foreman documents the compliance activities associated with these requirements on the daily checklist. Records of daily, monthly and year-to-date production information is available for inspection. Wet suppression is used to supplement insitu aggregate moisture for control of fugitive dust emissions. The water used for dust suppression at this operation will be obtained from the stormwater contained on site or transported into the site by a water truck.

Water Quality (NPDES Permit)

All stormwater will be directed into the quarry area and allowed to infiltrate to groundwater. The site will have a Nonmetallic Mining National Pollution Discharge Elimination System (NPDES) permit issued by the Minnesota Pollution Control Agency. The permit conditions require Best Management Practices for managing runoff. A stormwater pollution prevention plan is maintained in accordance with the Minnesota Pollution Control Agency storm water permit. This plan outlines the actions completed on site to ensure proper erosion control and that any storm water discharges from the site are managed appropriately. In addition, the NPDES permit requires that the site is inspected on a monthly basis to ensure that there are not any erosion problems and that all best management practices are functioning properly.

For this property, most of the water entering the site will be controlled and collected within the quarry area. A vegetated berm will be constructed at the perimeter of the operations area to provide a natural barrier between operations and undisturbed areas. The berms will consist of organic soils overlying the limestone bedrock. Once constructed, the berms will be immediately graded and seeded. Silt fence will also be installed around the newly constructed berms and will remain in place until vegetation becomes established on the berms.

- 3.4 Federal permits: US Army Corps of Engineers wetland permit and water quality permits, Federal Mine Safety permit

US Army Corps of Engineers

There will be no disturbance of any wetlands on site. A Wetland No Loss determination will be obtained from Houston County.

Federal Mine Safety Permit

The United States Department of Labor, Mine Safety and Health Administration (MSHA) regulates the safety and health considerations of the mining operation. The site is subject to annual inspection by MSHA and must meet the noise and dust exposure limits established for personnel employed in the mining activity.

The below grade location of the excavation and crushing of aggregate products provides a natural acoustic buffer for reducing noise levels. Noise to neighboring residences will also be mitigated by berms built around the operation areas.

SECTION 4.0, RECLAMATION PLAN

4.1 Reclamation Plan

A reclamation plan is attached (Plans). The plan will include softened quarry highwalls and a return to agricultural use. Fill will be placed along the base of the quarry highwalls to a height of approximately 25-30 feet and sloped at approximately a 3:1 slope to 75-90 feet away from the base of the highwall. In addition, all remaining quarry floor areas will be covered with a minimum of 3 inches of topsoil. All of these reclaimed quarry areas will then be seeded.

4.2 Description of topsoil stripping, stabilization and conservation methods that will be used during reclamation

Reclamation occur progressively and concurrently with the development and progression of mining activity through the various areas of the operation. Efforts will be directed toward stabilizing internal slopes through grading and landscaping and creating a more formalized appearance through additional grading and landscaping.

Part of the soil fill will come from the temporary berms that were constructed during the mining process. The rest will come from direct stripping of overburden as new areas of the mine are developed. Slopes will be blended into surrounding topography and all areas will be graded to properly drain. Upon final placement and grading of subsoil, topsoil will be evenly placed on the backfilled areas, graded to properly drain and seeded. This procedure will be followed until the reclamation is completed.

All topsoil removed from the mined areas will be used for final cover, grading, and seeding. As overburden is removed from new areas of the operation, the topsoil will be separated and immediately placed on areas recently sloped and graded. If the topsoil is not immediately used, topsoil stockpiles will be sloped and seeded.

4.3 Estimated cost of reclamation for each phase of the project, and bond if required

Financial assurance for reclamation will be in the form of a performance bond issued by an independent surety in an amount to cover the acres disturbed annually. We feel a bond covering \$1,500 per disturbed acre is adequate. Periodically, as new areas of the quarry are opened, and reclaimed, this bond will be adjusted.

4.4 Revegetation plan

Disturbed and reclaimed areas upon completion of grading are planned to be seeded as recommended within the Soil Conservation Service's Critical Area Planting Guide. This guide outlines the needs and practices for seeding and stabilization of areas with the potential for high erosion rates, such as former mining sites. Oats may be used as a cover crop if seeding occurs in the spring or early summer. In addition, mulching will be disc anchored and applied where needed to aid in growth.

4.5 Schedule of reclamation activities

Reclamation is completed concurrently with mining. Reclamation begins as aggregate reserves are depleted and formerly excavated areas are no longer necessary for stockpiling and equipment setup. Reclamation activities during on-going mining operations will be completed in accordance with federal, state, and local regulations.

4.6 Post mining management

Following completion of all reclamation activities the management of the property will be limited. Its management will depend upon the future use and ownership. Due to the nature of the mining operation it is likely that the future use will incorporate pastureland and rolling terrain.

SECTION 5:

HOUSTON COUNTY ZONING ORDINANCE, SECTION 11 – PLANNING COMMISSION SUBSECTION 11.5, FINDINGS REQUIRED

In accordance with the Houston County Zoning Ordinance an assessment of the criteria listed in Section 11.5 has been completed. This section of the report provides a response to each of these items or they are addressed on the attached displays based upon the ease of addressing each item.

SUBDIVISION 1. FINDINGS.

- (1) That the proposed use conforms to the County Land Use Plan.

The Comprehensive Plan outlines various goals surrounding transportation, residential development, and agriculture. The materials produced by this quarry contribute to the achievement of these goals.

- (2) That the applicant demonstrates a need for the proposed use.

The aggregate materials produced by the quarry are needed for a variety of purposes throughout the county. Specifically, for use in road building and infrastructure.

- (3) That the proposed use will not degrade the water quality of the County.

There are no water bodies on the property and all stormwater in the operations area will be contained on site. The site operations will be required to adhere to the permit conditions of its Stormwater Permit issued by the Minnesota Pollution Control Agency. Any storage of fuels or lubricants on site will also need to follow applicable storage requirements.

- (4) That the proposed use will not adversely increase the quantity of water runoff.

All stormwater will be contained within the quarry floor.

- (5) That soil conditions are adequate to accommodate the proposed use.

The site contains high quality limestone that can be used in a number of applications such as concrete, asphalt, and road surfacing. Approximately 20 feet of overburden soils will be removed to access this aggregate. These soils have a low agriculture value and the property is used predominantly as pastureland.

- (6) That potential pollution hazards have been addressed and that standards have been met.

There will be no hazardous materials stored on site aside from the fuels and lubricants for the equipment. A licensed blasting contractor will bring all materials on site for the blasting process.

- (7) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

All aggregates from the site will be hauled via Evans Hill Road access on the La Crescent Rock Products site to the west. This access and traffic on Evans Hill Road currently exists and the addition of the Abnet Properties, LLC quarry will not increase the haul traffic on this roadway.

- (8) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

There is ample parking and loading space on the La Crescent Rock Products property to the west.

- (9) That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Operations at the site will not create any effect on traffic congestion. The vast majority of aggregates produced at the site will be internally moved to the La Crescent Rock Products property. The operation of this site will not increase the amount of traffic on any transportation system. The existing traffic onto Evans Hill Road is fully indicative of future traffic as an increase is not expected nor proposed.

- (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.

Noise will be emitted by earth moving equipment and other quarry operations during their established hours of operation. Heavy equipment noise, including back-up alarms, may be noticeable at the site and on adjacent properties. However, the existing topography of the area will greatly mitigate impacts to neighboring properties. This is a ridgetop quarry and all excavation will be taking place below grade. The terrain of the site, existing woodlands and vegetation, and distance from neighboring properties and residents will help to minimize many impacts to neighboring properties.

- (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.

The predominant land uses, and zoning designation, in the area is agricultural. The proposed use will not affect the ability of the area properties to be farmed.

- (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.

As stated in Section 3.0, Environmental Controls and Permits, there are many local, state, and federal permits, rules and regulations that govern the operations at the site. These include required controls of dust, vibration, and noise.

- (13) That the density of any 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.

Not Applicable.

- (14) That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

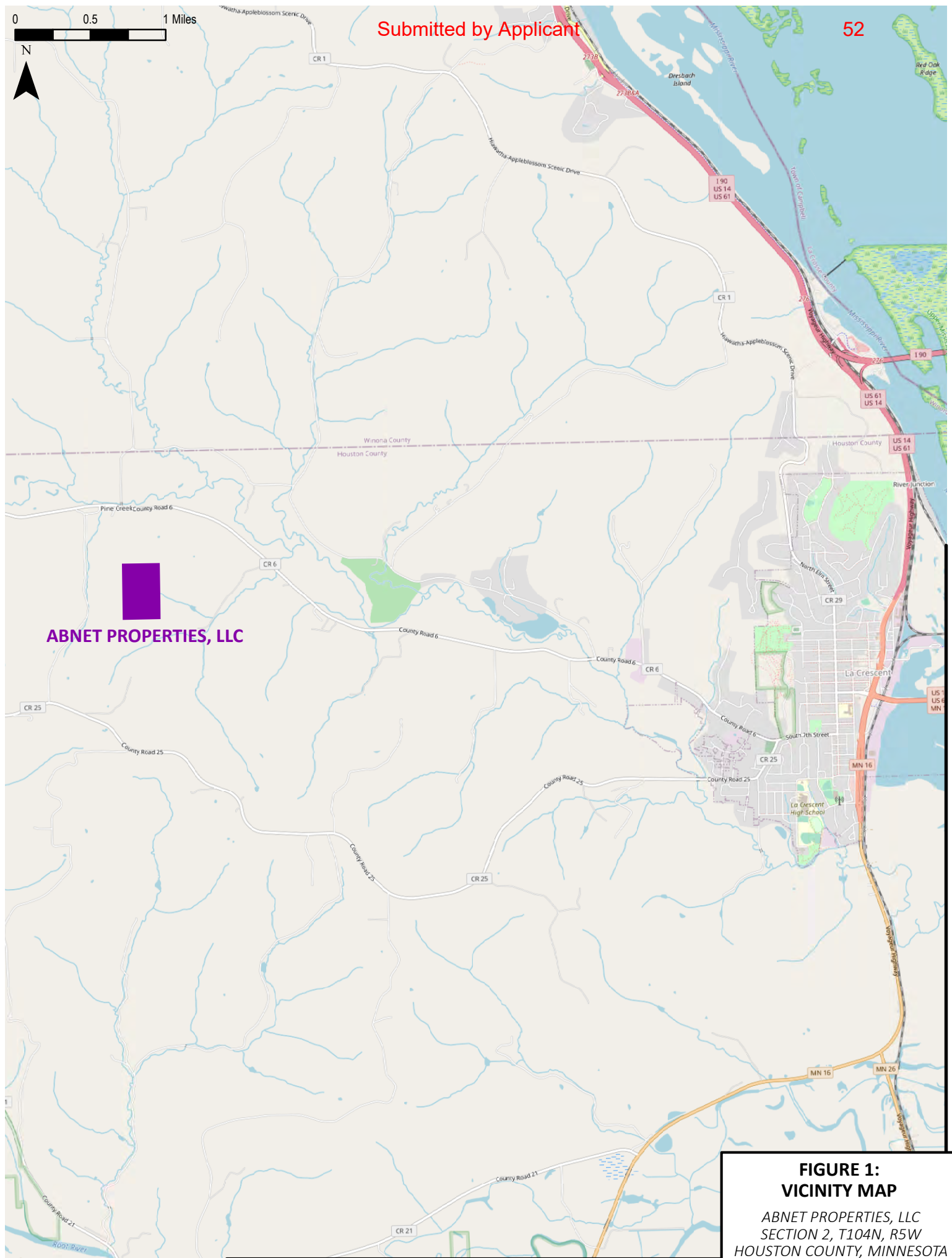
The intensity of the proposed use as a quarry is a similar intensity to the area's agricultural uses and Zoning District.

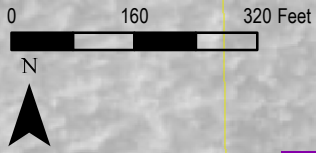
- (15) That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

There are no conditions at the site that are not managed by local, state, or federal rules and regulations. In addition, this quarry is located in a favorable location and would serve as a reliable source of aggregate for future infrastructure and public and private community development. The products produced at this site would be used to make hot mix asphalt, concrete, landscaping materials, and other aggregate products important to the community. The proximity of this high-quality aggregate resource to its use makes it an economically viable resource for the community and its residents.

FIGURES







ABNET PROPERTIES, LLC
(60 ACRES)

DISSOLVED 50-FOOT SETBACK (COMMON OWNER)

EXISTING FENCE

EXISTING FENCE

DISSOLVED 50-FOOT SETBACK (COMMON OWNER)

PROPOSED
MINING EXTENT
(36.05 ACRES)

STEEL T-POSTS INSTALLED TO
DELINEATE MINING EXTENT

MAINTAINED ACCESS TO EAST

50-FOOT SETBACK FROM NEIGHBORING PROPERTY

50-FOOT SETBACK FROM NEIGHBORING PROPERTY

1,000 FOOT SETBACK
FROM RESIDENCE

**FIGURE 2:
MINING EXTENT**
ABNET PROPERTIES, LLC
SECTION 2, T104N, R5W
HOUSTON COUNTY, MINNESOTA

APPLICATION FEE



Aaron Lacher

From: Andrew Peters <Andrew.Peters@mathy.com>
Sent: Friday, July 3, 2020 8:35 AM
To: Aaron Lacher
Subject: RE: Application Review

***** HOUSTON COUNTY SECURITY NOTICE *****

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Aaron,

We do not believe an EAW is required for our operation as it relates to a "Connected Action".

**May 2010, Guide to Minnesota Environmental Review Rules
Chapter 2. Beginning the Review, Page 9**

**Minnesota Administrative Rules, 4410.0200 Definitions and Abbreviations,
Subpart 9c, Connected actions**

<https://www.eqb.state.mn.us/sites/default/files/documents/Guide%20to%20MN%20ER%20Rules-May%202010.pdf>

This section of the guide further explains connected actions.

Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

- A. one project would directly induce the other;*
- B. one project is a prerequisite for the other and the prerequisite project is not justified by itself; or*
- C. neither project is justified by itself.*

Our current application for nonmetallic mining, and nonmetallic mining operations in general, are rarely, if ever, considered a connected action. The presence of the La Crescent Rock Products Quarry operation to the west of our proposed operation is merely advantageous. We do propose to complete additional aggregate processing and stockpiling of aggregates at the La Crescent Rock Products Quarry but, if we weren't fortunate enough to have this option our proposed operation could still be justified by itself and could still be completed. A nonmetallic mining operation could be entirely contained and completed on the Abnet Properties, LLC property. All mining, processing, and stockpiling is feasible even if the La Crescent Rock Products Quarry operation didn't exist; it's just logical to utilize existing infrastructure.

As is discussed in the Guide to Minnesota Environmental Review Rules, this Connected actions rule typically applied/applies to feedlots and residential development. For example, hypothetically, a General Development Plan for a 100 lot residential development consisting of 10 phases is proposed. The proposer estimates the first 4 phases of the project will take 5 years to complete and contends environmental review of the first 4 phases is all that needs to be completed at this time. This may be accurate if it weren't for the Connected action rule. Phase 5 of the development is a connected action as it cannot be completed independent of preceding phases. There would be no roads to connect to, no infrastructure or utilities to connect to.

If you have any other questions or concerns please let us know.

Thanks,

Andrew Peters
Mathy Construction Company
920 10th Avenue North
Onalaska, Wisconsin 54650
p (608) 779-6608
f (608) 779-9182
Andrew.Peters@mathy.com

EEO/AA Employer

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From: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Sent: Thursday, July 2, 2020 8:37 AM
To: Andrew Peters <Andrew.Peters@mathy.com>
Cc: La Crescent Rock Products <lrp33781@gmail.com>
Subject: RE: Application Review

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Andrew,

One follow up request. As the operations plan for the proposed quarry involves processing materials at the existing quarry, could you provide some additional analysis on the connected actions concept? Specifically, your analysis of whether the proposed quarry would be justified without the presence of the existing quarry would be useful.

Aaron

From: Andrew Peters <Andrew.Peters@mathy.com>
Sent: Tuesday, June 30, 2020 7:20 AM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Cc: La Crescent Rock Products <lrp33781@gmail.com>
Subject: RE: Application Review

*** HOUSTON COUNTY SECURITY NOTICE ***

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Aaron,

Please see my responses to your 6/24/2020 comments below:

Patrick and John,

I've had an opportunity to review your application, and have the following comments:

- Please provide documentation of the option to purchase the property;

I believe John has provided this to you. As I understand it, the execution of the Purchase Agreement is contingent upon receipt of the required permits to complete nonmetallic mining on the property. If these permits are unable to be obtained the agreement is void.

- Wetlands – you indicate you will be seeking a no loss determination from the County. When do you anticipate seeking this?

We would seek a Wetland No-Loss Determination if the Conditional Use Permit is approved.

- EAW - I am working with the County Attorney to review mandatory EAW thresholds as they relate to your application. Please provide an analysis of why you believe an EAW is or is not required.

We do not believe an EAW is required for our proposed operation. The State of Minnesota has established Administrative Rules that dictate what projects warrant the completion of regulated Environmental Review. Within these rules, there is a threshold that applies to this application, and also a Threshold Test which explains how a project relates to this threshold.

First,

**Minnesota Administrative Rules, 4410.4300 Mandatory EAW Categories,
Subpart 12, Item B., Nonmetallic mineral mining**

“For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, the local governmental unit is the RGU.”

Our proposed mining extent is approximately 36.05 acres; less than the 40-acre threshold (Figure 2, Mining Extent). This 36-acre area was delineated based upon the geology of the ridgetops located in the north and south areas of the site that trend east/west (Figure 5, Terrain). The Oneota Dolomite in these ridgetops is of high quality (Figure 4, Bedrock Geology). The aggregate quality of this dolomite decreases with depth, in that it softens. The areas of the property that lie at lower elevations, and in the ravines, are underlain by soft aggregates that are not economically viable to extract, or are underlain by the Jordan Sandstone, which will not be mined. This restricted the area where mining is viable to the 36-acre area shown.

Second,

**Minnesota Administrative Rules, 4410.4300 Mandatory EAW Categories,
Subpart 1, Threshold Test**

“If the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project must be included when determining if a threshold is met or exceeded if construction was begun within three years before the date of application for a permit or approval

from a governmental unit for the expansion or additional stage but after April 21, 1997, except that any existing stage or component that was reviewed under a previously completed EAW or EIS need not be included.

Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when comparing the project or projects to the thresholds of this part and part 4410.4400."

And also –

**May 2010, Guide to Minnesota Environmental Review Rules
Chapter 2. Beginning the Review, Pages 8-12**

<https://www.eqb.state.mn.us/sites/default/files/documents/Guide%20to%20MN%20ER%20Rules-May%202010.pdf>

This section of the guide further explains connected actions and the "3-year look-back rule" (Pages 10 & 11).

"3-year look-back rule." This provision, found at part 4410.4300, subpart 1, second paragraph, addresses how to determine whether a proposed expansion of an existing project requires a mandatory EAW due to the combined size of the existing project and the proposed expansion. The existing project's magnitude must be added to that of the proposed expansion under the following conditions:

- Construction of the existing project commenced less than three years ago (specifically, less than three years before the date the first application was submitted to any governmental unit for the proposed expansion); and*
- The existing project was not reviewed through an EAW or EIS.*

Our current application for nonmetallic mining is not considered an expansion of the La Crescent Rock Products Quarry adjacent to the west of the proposed operation. The operation of the La Crescent Rock Products Quarry began in the 1980's and thus was not commenced less than 3 years ago.

If you have any other questions or concerns please let us know.

Thanks,

Andrew Peters
Mathy Construction Company
920 10th Avenue North
Onalaska, Wisconsin 54650
p (608) 779-6608
f (608) 779-9182
Andrew.Peters@mathy.com

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From: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Sent: Wednesday, June 24, 2020 4:44 PM
To: Andrew Peters <Andrew.Peters@mathy.com>
Subject: RE: Application Review

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My mistake, sorry about that. I fear I'm crossing his first and your last name.

From: Andrew Peters <Andrew.Peters@mathy.com>
Sent: Wednesday, June 24, 2020 4:42 PM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Subject: RE: Application Review

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If you could please remove Patrick Paulino from your contact list for this project it would be appreciated. He is not involved in this project.

Andrew Peters
Mathy Construction Company
920 10th Avenue North
Onalaska, Wisconsin 54650
p (608) 779-6608
f (608) 779-9182
Andrew.Peters@mathy.com

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From: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Sent: Wednesday, June 24, 2020 4:40 PM
To: Andrew Peters <Andrew.Peters@mathy.com>
Subject: RE: Application Review

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Andrew,

Yes, based on the Abnet Properties application. I reviewed the hard copy that I received initially.

From: Andrew Peters <Andrew.Peters@mathy.com>
Sent: Wednesday, June 24, 2020 4:37 PM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Cc: Patrick Paulino <Patrick.Paulino@mathy.com>
Subject: FW: Application Review

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Aaron,

Is the below email in reference to the Abnet Properties, LLC CUP application that was recently submitted or a different application?

**Andrew Peters**

Direct: (608) 779-6608

Email: andrew.peters@mathy.com

920 10th Avenue North
Onalaska WI 54650

EEO/AA Employer

----- Forwarded message -----

From: **Aaron Lacher** <Aaron.Lacher@co.houston.mn.us>

Date: Wed, Jun 24, 2020 at 10:10 AM

Subject: Application Review

To: Patrick.Paulino@mathy.com <Patrick.Paulino@mathy.com>, La Crescent Rock Products <lrp33781@gmail.com>

Patrick and John,

I've had an opportunity to review your application, and have the following comments:

- Please provide documentation of the option to purchase the property;
- Wetlands – you indicate you will be seeking a no loss determination from the County. When do you anticipate seeking this?
- EAW - I am working with the County Attorney to review mandatory EAW thresholds as they relate to your application. Please provide an analysis of why you believe an EAW is or is not required.

Aaron

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Aaron Lacher

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Friday, July 17, 2020 8:48 AM
To: Aaron Lacher
Cc: Schnell, Tracy (DOT); Lukes, Heather A (DOT)
Subject: CUP Abnet Properties

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This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT.

This application to Houston County by Abnet Properties, LLC (Applicant), on behalf of the property owners, Eugene & Lori Bauer, is a request for a Conditional Use Permit for operation of a Nonmetallic Mining operation on property located in Section 2 of La Crescent Township, in N1/2 SW1/4 SE1/4 & NW1/4 SE1/4 EASEMENT ACROSS NE1/4 SE1/4.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
O: 507-286-7599
mndot.gov/



Number: [2020-CUP-62250](#)
Project: Conditional Use Request
Description: ABNET PROPERTIES | 080298000 |
Created On: 6/23/2020

[View this application](#)

Aaron Lacher

From: Aaron Lacher
Sent: Monday, July 20, 2020 3:49 PM
To: 'Mary Clark'
Subject: RE: Houston County Zoning

Mary,

The setbacks required by ordinance are as follows:

- 1,000' from a residence;
- 50' from a property line.

With this clarification, please resubmit any comments you may have. Note that if you are asking for a setback greater than what is required by ordinance, you might include reasons why you feel it is necessary.

Aaron Lacher
Zoning Administrator
Houston County Environmental Services
Room 209 Courthouse
304 S. Marshall St.
Caledonia, MN 55921
507.725.5800

From: Mary Clark <mairclark@email.com>
Sent: Monday, July 20, 2020 3:37 PM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Subject: Re: Houston County Zoning

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Thanks for the info. I was confused if the setback from our prop liine was 1,000 feet? If not could you forward that on to the board? That would be ideal.
thanks, Mary Clark

Sent: Friday, July 17, 2020 at 10:15 AM
From: "Aaron Lacher" <Aaron.Lacher@co.houston.mn.us>
To: "mairclark@email.com" <mairclark@email.com>, "mairclark@acegroup.cc" <mairclark@acegroup.cc>
Subject: Houston County Zoning

Mary,

I sent you a message earlier with the application information attached. In case that message was not delivered, you now have my email address so that you can let me know.

Aaron Lacher

Zoning Administrator

Houston County Environmental Services

Room 209 Courthouse

304 S. Marshall St.

Caledonia, MN 55921

507.725.5800

Aaron Lacher

From: gwdkrd@acegroup.cc
Sent: Tuesday, July 21, 2020 2:20 PM
To: Aaron Lacher
Subject: John Abnet/Conditional Use Permit

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To the Planning Commission Members;

The Conditional Use Permit to John Abnet should be issued. We are the closet adjoining neighbor to La Crescent Rock Products and have had no problems with the quarry being at the location it is for the past 28 years that we have resided here. We would hope that the Commission has the foresight to keep as many businesses located in Houston County as possible. Without the expansion of the quarry, we would only see production for possibly another 5-7 years. We would hope that the surrounding townships would still be able to purchase rock products locally.

Thank you for your consideration,

Gary and Cathryn Denstad

Aaron Lacher

From: Jim <rozlac@acegroup.cc>
Sent: Tuesday, July 21, 2020 4:23 PM
To: Aaron Lacher
Subject: Abnet Quarry CUP Application

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Aaron,

In follow-up to our discussion this afternoon I request that my comments (as expressed below) be entered into the official record with regard to the Abnet Quarry CUP Application. Please include as part of the Planning Commission packet if at all possible. Also, I ask that my written comments be read on my behalf at the public hearing in the event that I am not allowed or able to speak myself.

1. The Houston County Zoning Ordinance prohibits any one mine from exceeding 40 acres in size.
2. A reading of the CUP Application makes it clear that the 60 acres (36.05 of which is proposed to be mined) is in every way an **expansion** of the existing Abnet Quarry in that it is totally operationally dependent on the Abnet quarry for its very existence. For example, access to Evans Hill Road, access to new areas of proposed excavation, stone crushing and stockpiling of materials are only made possible by the physical connection to and through the existing Abnet quarry.
3. Any representation that the 60 acres is an entity somehow separate from the existing Abnet quarry is, I believe, disingenuous and contrary to the intent of the Zoning Ordinance. The reality is that when all is said and done there will be a single mine with the total mined area in excess of the 40 acre maximum permitted by the zoning ordinance. It is on this basis that I respectfully submit that the subject CUP Application must be denied.
4. An alternative (one that would be in keeping with the letter and intent of the zoning Ordinance) would be to consider a new CUP Application that would allow for the expansion of the existing Abnet Quarry by limiting the total mined area to 40 acres. This would be accomplished by limiting the acreage to be mined in the new 60 as necessary. If (as I understand it), the existing mined area is 27 acres, then 13 acres could be mined on the new 60 acre parcel. Not what is currently being asked for, but not an insignificant expansion of the existing quarry either when looked at over time.
5. As per #4 above, there would now be only a single mine operating under a single CUP. Any grandfathering of the existing Abnet mine would now be eliminated in keeping with what I understand to be the long-term goal of the County to have all mines operating in full conformance with all current applicable regulations.

Thank you in advance for considering my views.

Regards,

Jim Rozovics

PS Please confirm receipt of this email.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Abnet Properties, LLC - John Abnet DATE: July 30, 2020

C.U.P. REQUESTED: Mineral Extraction in an Ag District.

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Comprehensive Plan 0100.0505 subd. 2 policy 2 states: “Encourage industrial development in such a way as to enhance the tax base and increase employment opportunities while at the same time place minimal demands on the environment.” The Board may find that aggregate sources are a necessary industry throughout the County, that extraction of these resources must occur somewhere, and that approving an additional quarry permit adjacent to the existing quarry places less demand on the environment than would locating a similar facility in an isolated, undeveloped area.

The Comprehensive Plan, section 0100.0510 Subd. 2, Policy 4 states: “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.” The Board may find that a quarry in this location is likely to be utilized for future road maintenance project. The application is within the parameters of this policy.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Promotes quarry advancement as townships need rock.

Greg Myhre – Yes

Rich Schild – Yes, Quarries are better side by side than spread out.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Aggregate resources are a diminishing asset. The Applicant indicates the aggregate is needed for various projects, many related to transportation.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA. Materials used in construction.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The Applicant indicates the site will operate under a National Pollution Discharge Permit (NPDES) which sets parameters for water quality at the State level. Onsite fuel storage is done according to governments and industry standards. Portable toilets are used.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The proposed operations plan indicates that stormwater will be collected and contained within the quarry floor.

Bob Conway – Yes
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes, Agrees with SA.
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The Applicant has completed a geological investigation of the bedrock and determined it to be suitable for processing into rock products. The bedrock is covered by approximately 20' of overburden.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes
Ed Hammell – Yes, Agrees with SA.
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: Potential pollution hazards include fuel storage, wastewater, dust, vibration and noise. Fuel storage will be done according to industry standards. Portable toilets will be located on site. A combination of dust control methods have been proposed, and air quality is regulated under the required state permit. Federal guidelines exists that provide acceptable levels of vibration, and are included in the recommended conditions. Noise is regulated by the State.

Bob Conway – Yes
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes, Agrees with SA.
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: The infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA. More desirable to have two permits.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA and Larry.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: The infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA. More desirable to have two permits.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Road used has been used for hauling rock for a long time.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: The proposal is to use the driveway and parking areas currently in use with the existing quarry.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

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.

Staff Analysis: Active quarrying is already underway in the area. The surrounding property is predominantly agricultural use and woodland, which is not anticipated to be affected. There are some dwellings located with ½ mile of the site. The proposal would allow quarrying to occur further to the east, which may have effects on properties east of the location. In particular, the request would allow quarrying closer to the existing dwellings on Turkey Valley Lane. The Board should consider the following when assessing potential impacts on these dwellings: Setbacks required by Ordinance performance standards are met. State standards for noise and dust are applicable. Federal guidelines for vibration exist, and the Board can require adherence to them as a condition. The Board can limit hours of operation as a condition.

Bob Conway – Yes, State standards are sufficient.

Wayne Feldmeier – Yes

Larry Hafner – Abstained

Ed Hammell – Yes, Blasting has been occurring for 20 yrs. Federal standards are satisfied and adequate.

Greg Myhre – Yes, No problem.

Rich Schild – No, Windows have been broken already.

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.

Staff Analysis: The areas adjacent to the proposed site are pasture and woodland. The County is not aware of development plans for this area. The majority of the area ¼ east of the site is forested side hills, and is likely too steep for development. Undeveloped areas of Turkey Valley Lane are ¼ mile or more from the proposed site, exceeding the setback requirement for a new dwelling.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

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.

Staff Analysis: : Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (Mn Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties. The maximum allowable noise levels for this activity, per Mn Rules 7030, would be measured at the property line and would need to be less than:

- Daytime and nighttime: L10 (10% of the time in a one hour survey) = 80 dB
- Daytime and nighttime: L50 (50% of the time in a one hour survey) = 75 dB

Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Therefore, the dust from the quarry is expected to be confined to the property limits. Dust suppressants such as misting around equipment, enclosed equipment, watering or treatments of the haul roads, covered truck loads, clean-up of spilled material, and limiting the exposed working face are primary tools that the applicant has identified for minimizing dust, and can be expected to be utilized as needed.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

13. That the density of any 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.

Staff Analysis: N/A (Roll call vote was taken to bypass. All in favor. Motion carried.)

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of chapter 27. Chapter 27.8 subdivision 1 (4) establishes area limits:

Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:

(a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.

(b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.

Chapter 27.8 subdivision 1 (5) establishes density limits:

Mine Density Standards. New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

Taken together, these sections allow for multiple rock quarries to be operated contiguously under multiple permits, and in excess of 40 cumulative acres. The reference to a “single permit” in 27.8 subdivision 1 (4) qualifies the area limitations such that they do not apply to multiple permits. A setback standard for sand mining limits the density of sand operation, however no density limitation is provided for rock quarrying.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

15. 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.

Staff Analysis: The adjacent quarry has operated under a past permit since 1980, with no known impacts to the public's health, safety, morals, and general welfare. The current proposal is not significantly different from the operation of the adjacent quarry.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

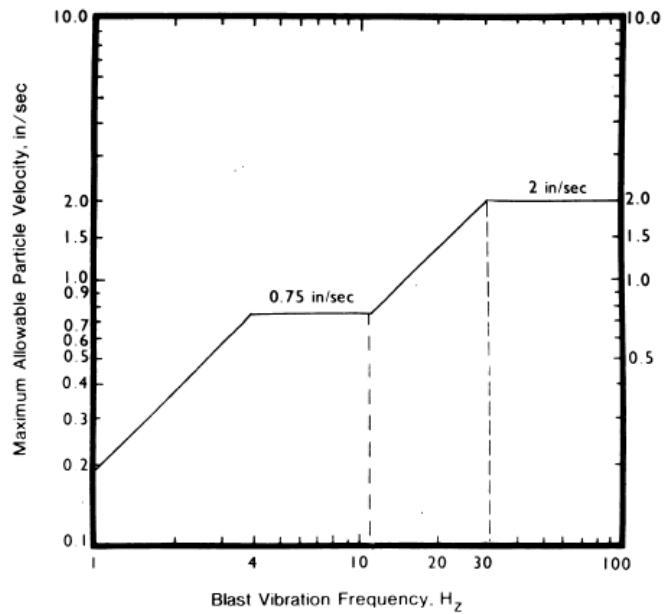
Rich Schild – Yes, Agrees with SA.

Wayne Feldmeier made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application for Mineral Extraction in an Ag District with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:

- a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
 5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
 6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.
 7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
 8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County. Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 1,040'.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning
 304 South Marshall Street – Room 209, Caledonia, MN 55921
 Phone: (507) 725-5800 ● Fax: (507) 725-5590



STAFF REPORT

7/30/2020

Application Date: 6/24/2020
 Hearing Date: 7/30/2020
 Petitioner: Jesse and Andrea Sylvester
 Reviewer: Jim Gardner
 Zoning: Ag Protection
 Address: 516 La Crosse St., Onalaska, WI 54650
 Township: Mound Prairie
 Parcel Number: 11.0022.000
 Submitted Materials: CUP Application

OVERVIEW

REQUEST

A Conditional Use Permit for a Non-Farm Dwelling (14.3 (10)) is requested.

SUMMARY OF NOTEWORTHY TOPICS

Non-farm dwellings are subject to the following:

- (a) No more than one (1) dwelling per quarter-quarter section.*
- (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
- (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*

(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty –three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

The proposed location is on parcel no. 11.0022.000 owned by Larry Ledebuhr in Mound Prairie Township. A smaller parcel roughly 18 acres in area will split from 11.0022.000 and owned by the applicants. The proposed house is in an open quarter-quarter section and is not within ¼ mile of a registered feedlot. The predominant soil the proposed house would be on is a Festina Silt Loam, which is a class II soil. Because this site has not been used for the production of field crops or has been enrolled in a government program, a dwelling can be permitted even though the soil is a class II.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Houston Township and the ten closest property owners were notified. Comments received are enclosed.

SITE CHARACTERISTICS



The above image was submitted by the applicants showing the approximate location of the new property lines and the location of the home. There is enough space for two septic systems as required by MN Rules Chapters 7080-7083.

EVALUATION

NA: #8, #9, #12, #14

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The proposed dwelling is in an open quarter-quarter section and is greater than ¼ mile away from any feedlot or mine. The soils are mostly class II however, in accordance with Chapter 14.3 paragraph 10c of the Houston County Zoning Ordinance, this site has not been used for the production of field crops or was enrolled in a government program within the last 10 years.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The Applicant wishes to construct their home next to immediate family. Larry Ledebuhr, who is Andrea Sylvester's father, currently owns the land. Andrea's mother and father live in the house at the end of Murry Valley Dr.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Building any sort of structure requires disturbance. Jesse and Andrea Sylvester are not proposing anything out of the ordinary, and no effects are anticipated. Minnesota Rules Chapters 7080-7083 requires every new construction to have a compliant septic system. Jesse and Andrea have already hired a licensed septic business to design a septic system.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: Constructing any sort of structure requires some soil disturbance. An erosion control plan will be required with the application for a zoning permit, which will address post construction site construction site drainage.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: None of the soils described in the proposed site propose a threat or concern to the construction of a typical dwelling.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: Wastewater and erosion are two potential hazards. Both will be mitigated to an acceptable extent for the reasons stated in findings 3 and 4.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This site is very accessible. It already has direct access to Murry Valley Dr. Other utilities and services such as electric, water, and septic can be easily 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.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

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.

Staff Analysis: No impacts on permitted uses on neighboring properties are anticipated.

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.

Staff Analysis: Granting this permit will close the SW NE qtr qtr due to the dwelling density policy. The applicants, Jesse and Andrea Sylvester and Larry and Mary Ledebuhr will be the only two property owners in this quarter-quarter section. Larry and Mary Ledebuhr are not at all against Jesse and Andrea Sylvester building their home there and closing off that quarter-quarter section.

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.

Staff Analysis: N/A

13. That the density of any 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.

Staff Analysis: This application conforms to the one dwelling per quarter-quarter section density limitation.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. 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.


Staff Analysis: It is unlikely that the addition of a house will have any effect on the public's health, safety, morals, and general welfare.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. Prior to the issuance of any permits associated with this application, a deed creating a new parcel similar to the approximate property outline provided by the Applicants will be recorded with the County.

Proposed Motion: Recommend approval of a Conditional Use Permit for Non-Farm dwelling, with the conditions listed above.

Number 2020- CUP- 62408	Sylvester, Jesse & Andrea 110022000 Conditional Use Request Submitted by sylvester on 6/24/2020	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 6/24/2020 5:34:27 PM and saved by: sylvester

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Conditional Use Application **\$700.00**
Fee

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 6/24/2020 8:28:51 PM and saved by: sylvester

Applicant Name **Sylvester, Jesse & Andrea**

Telephone Number **724-561-5343**

Address **516 La Crosse St.**

City **Onalaska**

Zip **54650**

Parcel Tax ID **110022000**

Legal Description **FRAC NE1/4 B 346 P 501 & B 356 P 7 B 355 P 177 & DOC #196354**

Section-Township-Range **05/103/005**

Do you own additional adjacent parcels **No**

Township of: **Mound Prairie**

Applicants are required to inform township boards of their application.

Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application. **Yes**

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 6/26/2020 12:01:10 PM and saved by: sylvester

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request. **We are requesting a Conditional Use Permit to build a dwelling and attached garage on the parcel id indicated.**

Citation of Ordinance
Section from which the
Conditional Use is
requested:

Section 14.3 Sub 1(10)

Requested Dimension:

80x60 - 3000 sq. feet

**Please upload any
supporting documents:**

[Ledebuhr Letter .pdf \(download\)](#)

[Site Plan 1.pdf \(download\)](#)

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 6/26/2020 12:10:49 PM and
saved by: sylvester

[Click here to view the
Houston County Zoning
Ordinance](#)

Findings Required:

**1. That the proposed
use conforms to the
County Land Use Plan.**

Yes

Comments:

The proposed residence will be located in its own quarter-quarter section and will not result in loss of prime agricultural land or environmentally sensitive areas as defined in the County Land Use Plan. The proposed build site also meets the requirement of having a minimum lot size of 1 acre. The Conditional Use Permit could be granted without compromising the goals and policies of the County Land Use Plan.

**2. That the applicant
demonstrates a need for
the proposed use.**

Yes

Comments:

Applicant requires a residence close to family. Applicant's family resides on adjacent property.

**3. That the proposed
use will not degrade the
water quality of the
County.**

Yes

Comments:

The Septic system will meet the specifications required by the County. Septic tank and drain field will not be located in steep slope or high bed rock or water table.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

The proposed use will not adversely increase the quantity of water runoff.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

The proposed residence would be located on land that is not being used for commercial agriculture purposes and is land that has not been historically tilled. Septic planning has taken place and soil, topography and water table are all being taken into consideration to ensure that the sewage disposal system would properly function.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

Septic tank and drain field will not be located in steep slope or high bed rock or water table.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

Mi Energy has been consulted for the establishment of electrical utilities and in discussions, has determined that it should not be an issue as existing neighboring properties are already receiving services. The well contractor has looked at the potential build site and has approved a potential well site that is out of the township road right-of-way. The septic contractor has assessed potential sites and has determined 2 potential locations for the septic system. The access road is already established as Murry Valley Drive. There are no drainage issues that we are aware of.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

Adequate off-street parking will be provided in the way of parking spaces on property and off of the street.

Yes

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Comments:

Traffic congestion or hazard should not be an issue as there is only one other residence beyond the proposed driveway entrance on Murry Valley Drive.

Yes

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.

Comments:

The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity. Trees and abundant space act as natural barriers to neighboring properties.

Yes

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.

Comments:

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.

Yes

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.

Comments:

Adequate measures will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these should constitute a nuisance. Lights will be controlled in such a manner that no disturbance to neighboring properties will result. Trees and abundant space act as natural barriers to the neighboring properties so that none of the above nuisances should be of issue.

Yes

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Comments:

The proposed residence will be on its own quarter-quarter section, so the proposed density will not be greater than the density characteristic of the applicable zoning district

N/A

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

Comments:

This is not a proposal for commercial or industrial development.

Yes

15. 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.

Comments:

The public's health, safety, morals and general welfare are protected as indicated through thoughtful and diligent planning for the building of the proposed residence.

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

[Site Plan 1.pdf \(download\)](#)

Use Interactive Map to Create Site Plan



Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL [\[Edit\]](#) Last updated: 6/26/2020 12:12:01 PM and saved by: sylvester

By checking this box, I **Yes**
grant Houston County
access to my property for
the purpose of evaluating
this application.

By checking this box, I **Yes**
certified that I have notified
my town board of my
application.

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature



Date Signed:
06/26/2020

Check this box if Staff Signature on behalf of Applicant.

No

APP SUBMITTED/PAYMENT SELECTION Last updated: 7/7/2020 2:22:16 PM and saved by: Holly Felten

Fee amount paid: **\$746**

MOUND PRAIRIE TOWNSHIP REVIEW [Edit] Last updated: 7/7/2020 2:22:56 PM and saved by: Holly Felten

Notice to Township

Date email sent:
07/07/2020

APPLICATION DATE [Edit] Last updated: 7/7/2020 3:02:22 PM and saved by: alacher

What Stage is the Application At?

Application reviewed and determined complete.

Application Date (Complete Application)

6/26/2020

Date of Notice of Incomplete Application

Application fee received 6/26.

Comments

Please upload any supporting documents:

There are no attached documents.

DATES [Edit] Last updated: 7/7/2020 3:50:59 PM and saved by: Holly Felten

Advertising Date **7/15/2020**

Planning Commission Meeting Date **7/30/2020**


Meeting Time **6:00 PM**

Comments

07/09/2020

I consent to Andrea and Jesse Sylvester applying for a conditional use permit to build a house and garage on land that will be transferred to them in parcel 11.0022.00. Please call me at 507-896-2213 with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Larry L. Ledebuhr". The signature is written in dark ink and is positioned above the printed name.

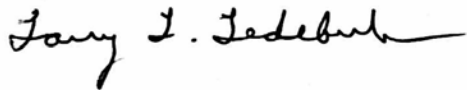
Larry L. Ledebuhr

6/25/2020

To whom it may concern:

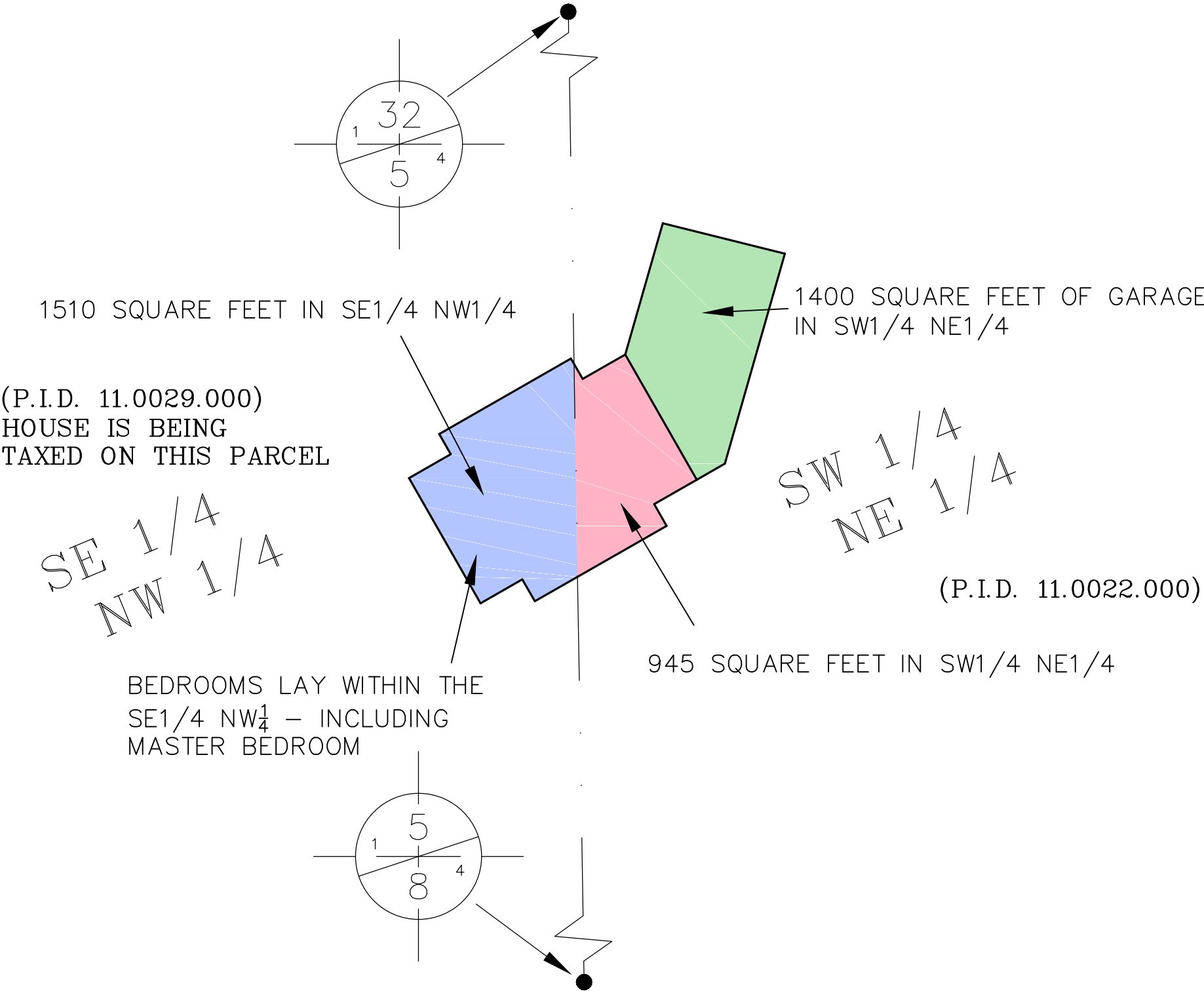
This letter is sent as verification that the previous Houston County Zoning Permit Application submitted for my residence at 10368 Murry Valley Dr., Houston, MN had an incorrect designation of parcel id. My residence was listed on parcel id 11.0022.00 and it should have been listed on the application as parcel id 11.0029.000. If you have any questions or concerns, please call me at 507-896-2213.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Ledebuhr", with a long horizontal flourish extending to the right.

Larry L. Ledebuhr

BUILDING EXHIBIT
SECTION 5
T. 103 N., R. 5 W.



As of June 15th, 2020 (date the house was surveyed), the existing house has 1,510 square feet within the Southeast Quarter of the Northwest Quarter of Section 5 and 945 square feet within the Southwest Quarter of the Northeast Quarter of said Section 5. The attached garage consists of 1,400 square feet. There are 4 bedrooms, 3 of which are completely located within the Southeast Quarter of the Northwest Quarter and the 4th is partially located within each quarter quarter. The Master Bedroom is located within the Southeast Quarter of the Northwest Quarter. Lastly, the house is currently being taxed on Parcel Number 11.0029.000 (the Southeast Quarter of the Northwest Quarter).

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Geoffrey G Griffin

DATE 6/22/2020 REG. NO. 21940

G³

G-Cubed

14070 Hwy 52 S.E.
Chatfield, MN 55923

**ENGINEERING
SURVEYING
PLANNING**

Ph. 507-867-1666
Fax 507-867-1665
www.ggg.to

DATE OF SURVEY: 6/15/2020

Prepared For:
Larry Ledebuhr

10368 Murray Valley Dr.
Houston, MN 55943

SHEET 1 OF 1 FILE NO: 10-051

Aaron Lacher

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Friday, July 17, 2020 8:27 AM
To: Aaron Lacher
Cc: Schnell, Tracy (DOT); Lukes, Heather A (DOT)
Subject: CUP - Jesse & Andera Sylvester

*** HOUSTON COUNTY SECURITY NOTICE ***

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT.

Conditional Use Permit to build a dwelling and attached garage.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
O: 507-286-7599
mndot.gov/



Aaron Lacher

From: dawn huebner <drh416@yahoo.com>
Sent: Monday, July 20, 2020 8:53 AM
To: Aaron Lacher
Subject: Permit to build of Jesse and Andrea Sylvester and co applicant Larry Ledebuhr

***** HOUSTON COUNTY SECURITY NOTICE *****

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

1. This should be denied because Houston county zoning laws are that you must have 40 acres.
2. So is Larry's name going on the mortgage and house since that is being built on leased land?
3. Her driveway is going off the public turn around and that needs to be left open at all times. Because apparently Mark don't know how to give directions to his business and I have a great problem with his customers tearing up my yard with their trailers. Which I'm going to put a stop to that.
4. These people can not drive by each other with out stopping to talk when they pass each other they block the road and they have blocked my driveway.

Dawn and Gary Huebner

Sent from [Mail](#) for Windows 10

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Jesse and Andrea Sylvester DATE: July 30, 2020
C.U.P. REQUESTED: Build a dwelling on less than 40 acres in an Ag district.

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The proposed dwelling is in an open quarter-quarter section and is greater than ¼ mile away from any feedlot or mine. The soils are mostly class II however, in accordance with Chapter 14.3 paragraph 10c of the Houston County Zoning Ordinance, this site has not been used for the production of field crops or was enrolled in a government program within the last 10 years.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Good parcel to build on, hasn't been used for tillage.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The Applicant wishes to construct their home next to immediate family. Larry Ledebuhr, who is Andrea Sylvester's father, currently owns the land. Andrea's mother and father live in the house at the end of Murry Valley Dr.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Building any sort of structure requires disturbance. Jesse and Andrea Sylvester are not proposing anything out of the ordinary, and no effects are anticipated. Minnesota Rules Chapters 7080-7083 requires every new construction to have a compliant septic system. Jesse and Andrea have already hired a licensed septic business to design a septic system.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: Constructing any sort of structure requires some soil disturbance. An erosion control plan will be required with the application for a zoning permit, which will address post construction site construction site drainage.

Bob Conway – Yes, House will not cause runoff problems.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Erosion control will take of any issues.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: None of the soils described in the proposed site propose a threat or concern to the construction of a typical dwelling.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: Wastewater and erosion are two potential hazards. Both will be mitigated to an acceptable extent for the reasons stated in findings 3 and 4.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This site is very accessible. It already has direct access to Murry Valley Dr. Other utilities and services such as electric, water, and septic can be easily provided.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

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.

Staff Analysis: No impacts on permitted uses on neighboring properties are anticipated.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

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.

Staff Analysis: Granting this permit will close the SW NE quarter quarter due to the dwelling density policy. The applicants, Jesse and Andrea Sylvester and Larry and Mary Ledebuhr will be the only two property owners in this quarter-quarter section. Larry and Mary Ledebuhr are not at all against Jesse and Andrea Sylvester building their home there and closing off that quarter-quarter section.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Closing the quarter, quarter is orderly development.

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.

Staff Analysis: N/A

13. That the density of any 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.

Staff Analysis: This application conforms to the one dwelling per quarter-quarter section density limitation.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Quarter, quarter rule applies.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. 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.

Staff Analysis: It is unlikely that the addition of a house will have any effect on the public's health, safety, morals, and general welfare.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA.

Wayne Feldmeier made a motion to accept the findings as presented. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application to build a dwelling on less than 40 acres in an Ag District with the following condition:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. Prior to the issuance of any permits associated with this application, a deed creating a new parcel similar to the approximate property outline provided by the Applicants will be recorded with the County.

Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
 304 South Marshall Street – Room 209, Caledonia, MN 55921
 Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

7/10/2020

Application Date: 6/8/20
 Hearing Date: 7/30/2020
 Petitioner: Northern Natural Gas
 Reviewer: Amelia Meiners
 Zoning: Ag Protection
 Address: xxxx County 25
 Township: La Crescent
 Parcel Number: 80209000
 Submitted Materials: CUP Application, Area Piping Plan, Workspace Map - Dimensions

OVERVIEW

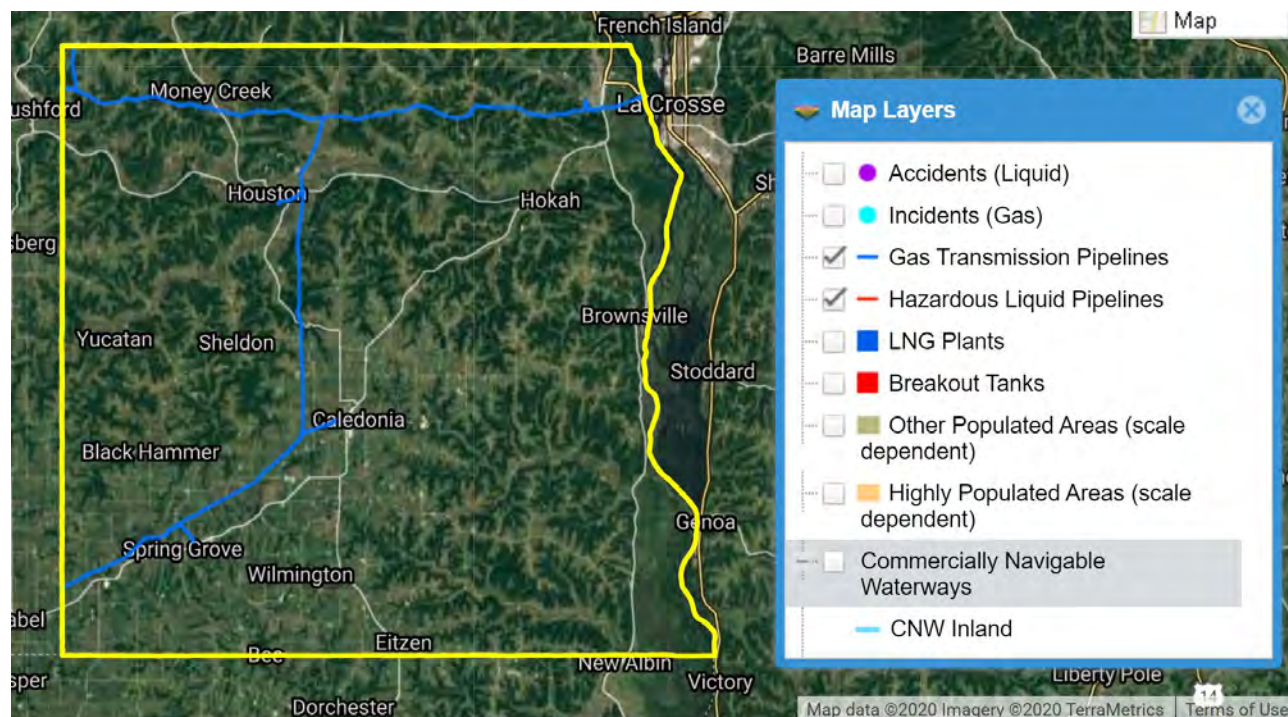
REQUEST

The Petitioners are seeking a Conditional Use Permit for essential services in the Agricultural Protection District.

SUMMARY OF NOTEWORTHY TOPICS

Northern Natural Gas operates a natural gas transmission pipeline system throughout the Midwest and is updating infrastructure to comply with federal regulations. Natural gas is a colorless, tasteless and odorless gas utilized as a source of energy for generating electricity and heating, but also used as a raw material for industrial processing among numerous other things. This project requires a new town border station (TBS) near the City of La Crescent to complete odorization along the La Crosse branch line. 49 CFR § 192.625 (a) requires that a combustible gas in a distribution line must contain a natural odorant or be odorized so that [...] the gas is readily detectable by a person with a normal sense of smell. Mercaptan will be the odorant used for this project.

The nature of the proposal requires that the location of the station be in proximity to the existing branch line. As shown in Figures 1 and 2 below, the existing line crosses the Mississippi River corridor from LaCrosse, WI and stays along the south edge of the City of La Crescent before heading west into agricultural area.



344) 43.853081, -91.855287 COUNTY : Houston, MN

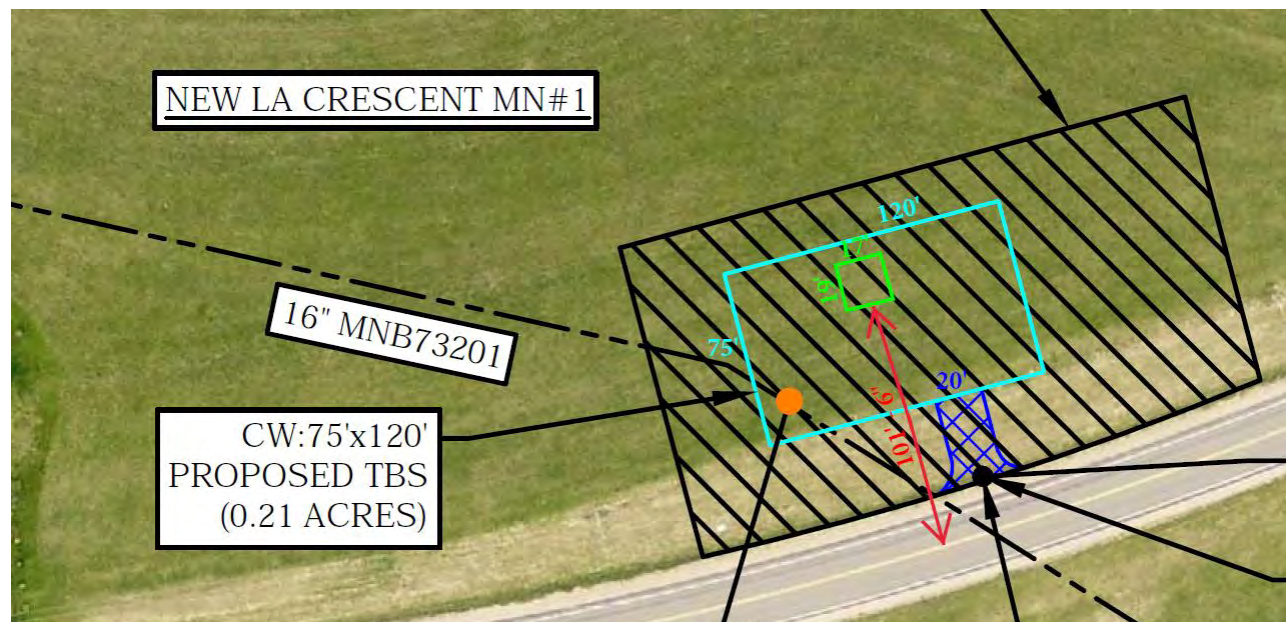
Figure 1. Map of pipeline in Houston County. Source: National Pipeline Mapping System public interface.



Figure 2. Map showing the pipeline route thru the La Crescent area. Source: National Pipeline Mapping System public interface.

The applicants have reached an agreement with landowners, Richard and Patricia Malinowski, to construct the station on their property off County 25. This location provides easy access to the 16" La Crosse branch line. Included in the packet is an aerial overview of the proposed station showing the easement site to include a 20 foot permanent drive, small building, an aggregate pad and a small amount of surrounding acreage totaling 0.76 acres. The station will be approximately 75 feet by 120 feet, enclosed using up to 10 foot high chain link fence. That enclosed area will house a 323 square foot regulator and metering building surrounded

by crushed aggregate. Screening in the form of trees will be installed beyond the boundaries of the fence, per the agreement with the landowners. Perhaps Northern Natural Gas can elaborate on their plans for



Northern Natural Gas has submitted a zoning application for the permanent structure, as well as the access permit application to the County Highway Department, but both are being held pending the hearing outcome. An E911 address will be assigned as part of the zoning permit.

The Federal Energy Regulatory Commission (FERC) governs the construction standards for these facilities and Northern plans to hire a third party contractor to complete all inspections. The guide, *Upland Erosion Control, Revegetation and Maintenance*, dictates standard operating procedures for FERC contractors regarding sediment control, seeding and other revegetation efforts.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

La Crescent and the ten closest neighbors were notified. Comments were received and are enclosed.

SITE CHARACTERISTICS

The proposed location is just under two miles southwest of La Crescent on County 25. This area is predominately-rural residential properties and commercial agriculture and is all within the agricultural protection zoning district. There are eleven residences within a half-mile, as well as the WXOW broadcasting studio. Slopes at the proposed location are under 10% and the closest surface water is four intermittent streams all around 2,000 feet away in each of the ordinal directions. This site does not impact bluff, shore land, floodplain or wetland setbacks or standards.



Figure 3. Above is the location proposed in the application for Zoning Permit Number 2020-Z-59555, submitted on behalf of Northern Natural Gas.

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The County Land Use Plan identifies that we regulate the location of essential services (0100.0509 subd. 2(5)) to minimize pollution problems and the impact on prime agriculture area. While site options are limited to areas with proximity to the La Crosse branch line, this proposal provides a location that appears to have been out of row crop production since at least 2014 and minimizes environmental impacts that could lead to pollution problems. Natural gas is a vital resource for residential, commercial and industrial purposes and provides an economic benefit to the County.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Federal code requires that natural gas be odorized and in order to do so infrastructure must be put in place along the relevant branch line. Location options closer to La Crescent are not ideal and have issues with shore land and steep slopes that would most likely require a variance. This location will allow Northern to continue to serve local residents and minimize their impact on the surrounding environment.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Northern must construct the facility to the FERC guidelines, which includes the *Upland Erosion Control, Revegetation and Maintenance Plan*. A third party inspector will be on-site to ensure that all environmental laws and best practices are followed, including silt fence installation and maintenance, seeding, slope breakers, wattles, and other erosion control methods. Slopes are less

than 10% at this site so minimal grading will take place and no SSTS is proposed. Overall, this project will have minimal impact on water quality.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: This proposal only includes a 323 square foot structure, but the remaining area in the 9,000 square foot easement will consist of loose aggregate. Again, FERC's *Upland Erosion Control, Revegetation and Maintenance Plan* dictates measures that need to be taken to control the risk of erosion and to enhance revegetation after the project is complete.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Soils at this site are 580B, a silt loam, class II soil and border a class III soil. The *Soil Survey – Houston County* describes that foundations and building footings should be designed to allow for the shrinking and swelling of soil and that backfilling around foundations with suitable coarse materials provides assurance against structural damage. Roads will also need to be constructed on a coarse textured base. The applicant's plans are consistent with these recommendations. Because site preparation would be minimal and soils are adequate, this site did not warrant in-depth geotechnical investigations by Northern Natural Gas.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: Northern Natural Gas states that every effort is made to prevent spills and protocols are in place to prevent potential spills from adversely affecting any soil. Secondary containment structures are used and liquid transfer plans will be followed during fueling of equipment on-site. Again all FERC plans will be implemented during construction. A recent publication received from Northern Natural Gas regarding pipeline safety identifies that accidents pertaining to pipeline facilities are rare with the leading cause being third party excavation. Note that the whole purpose of this project is to assist in identifying a potential pollution and safety hazard should one exist in the future.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: An "application for access or entrance to public roadway" permit is required and has been submitted to the Highway Department. The County Engineer has no concerns with their project as currently proposed. This is an access point for the La Crosse branch line and overhead electrical runs parallel to County 25. The petitioners have not identified any other utilities necessary for this proposal and if an additional need arises, it will be the responsibility of the applicant to cover associated costs.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: The facility will consist of a 9,000 square foot working area, which was designed in part to provide adequate space to accommodate any company vehicles completing maintenance at the facility.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: The facility will consist of a 9,000 square foot working area designed to accommodate company maintenance vehicles. County 25 serves rural residences and commercial agriculture, so traffic will be heavier during regular commuting hours. After construction, staff speculates most maintenance visits will take place during normal business hours. The County Engineer plans to approve the access permit for this site pending the result of the public hearing.

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.

Staff Analysis: Commercial agriculture and rural residences surround this location. There is an existing pipeline running through this area that has no impact on the enjoyment of properties. This station will only affect approximately 0.76 acres of land that has not been in row crop production. The landowners have required screening around the proposed TBS as part of the easement agreement with Northern Natural Gas.

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.

Staff Analysis: There is an existing transmission line running through this area and a TBS to enable the applicants to odorize that line will not impede the normal and orderly development of surrounding vacant land. Many of the quarter-quarters within a half mile around this project currently have dwellings or established farmsteads so vacant land surrounding this site is limited. This project will not impede future commercial agriculture or potential dwellings.

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.

Staff Analysis: After initial construction, activity at this site will be limited. Northern Natural Gas plans to install special regulating valves that will emit lower noise levels than usually found in facilities such as these. Natural gas is odorless in its normal state and the facility itself will not emit an odor. There will be no lighted signs along 25 or lights for the proposed TBS.

13. That the density of any 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.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: This proposal will occupy less of a footprint than the nearby commercial agriculture and broadcasting facilities.

15. 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.

Staff Analysis: This project will not adversely affect the public's health, safety, morals, and general welfare. Recall this is an existing transmission line and the project's purpose is to odorize the line, which will assist in more quickly identifying leaks. Northern Natural Gas states that while natural gas is flammable, potentially hazardous and explosive under certain conditions, many prevention and

safety measures are taken to ensure the integrity of the pipeline system. In addition, markers identify transmission line locations and include emergency phone numbers for company control centers. All applicable local, state and federal laws and codes, ensuring all strength requirements and safety protocols will be met.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The Permittee shall install screening to minimize the visual impact of the facility.

Proposed Motion: Motion to recommend approval of a conditional use permit essential services in the Agricultural Protection District to Northern Natural Gas Company, subject to the two aforementioned conditions.

W.O. No. : 01125705
Line No. : MNB73201
Tract No. : HO-001

OPTION CONTRACT FOR FACILITIES EASEMENT

For and in consideration of the sum Eight Thousand and no/100 (\$8,000.00), receipt of which is hereby acknowledged, the undersigned (hereinafter referred to as "Grantors"), hereby grant, bargain, sell and convey unto NORTHERN NATURAL GAS COMPANY, a Delaware corporation, and MINNESOTA ENERGY RESOURCES CORPORATION, a Delaware corporation (hereinafter referred to as "Grantee"), an exclusive option to acquire a Facilities Easement on the following described tract of land situated in Houston County, State of Minnesota, to-wit:

See Exhibit "A" attached hereto and,
by this reference, made a part hereof.

(Said tract of land to be more exactly located and described by a survey to be made by said Grantee)

for the sum of Eighty Thousand and no/100 Dollars (\$80,000.00)

Grantee shall have and is hereby given the privilege to exercise said option within One-Hundred Eighty (180) days from the date of this instrument. Said option may be extended by said Grantee for additional like periods of time upon mutual approval by Grantor and Grantee and the payment of Eight Thousand and no/100 (\$8,000.00) for any extension. In the event of the exercise of this option said sum of Eight Thousand and no/100 (\$8,000.00), paid for this option shall be applied to the Easement Consideration and any sums received by Grantor for extensions of this option shall likewise be applied toward Easement Consideration. Upon the exercise of the option by Grantee and the payment of the Easement Consideration, Grantors hereby promise and agree to execute the attached Pipeline Facilities Easement and to deliver same unto Grantee.

IN WITNESS WHEREOF said Grantors have hereunto set their hands this 3rd day of June, 2020

GRANTORS:

Richard S Malinowski

Name: Richard Malinowski

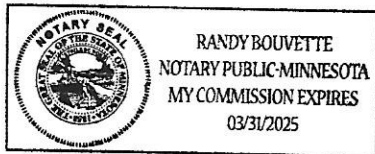
Patricia Malinowski

Name: Patricia Malinowski

STATE OF Minnesota)
)SS
COUNTY OF Houston)


The foregoing instrument was acknowledged before me, a Notary Public duly commissioned and qualified in and for said county and state, on this 3rd day of June, 2020, by *Richard and Patricia Malinowski, husband and wife.*

(S E A L)



Randy Bouvette
Notary Public
My Commission Expires 3/31/2025

**This Instrument Drafted By
and to be returned to:**
Right-of-Way Department
Northern Natural Gas Company
1120 Centre Pointe Drive
Suite 400
Mendota Heights, MN 55120

Number 2020- CUP- 61314	Northern Natural Gas Company 080209000 Conditional Use Request Submitted by NNGCO on 6/8/2020	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 6/8/2020 9:33:20 AM and saved by: NNGCO

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Conditional Use Application **\$700.00**
Fee

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 6/8/2020 9:35:32 AM and saved by: NNGCO

Applicant Name **Northern Natural Gas Company**

Telephone Number **651-456-1766**

Address **1120 Centre Pointe Dr. STE 400**

City **Mendota Heights, MN**

Zip **55120**

Parcel Tax ID **080209000**

Legal Description **NW1/4 SE1/4 DOC #202996**

Section-Township-Range **18/104/004**

Do you own additional adjacent parcels **No**

Township of: **La Crescent**

Applicants are required to inform township boards of their application.

Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application. **Yes**

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 6/8/2020 2:56:09 PM and saved by: NNGCO

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

Construction of a 75'x120' "Town Border Station" to serve as a new natural gas custody transfer point between Northern Natural Gas and Minnesota Energy Resources. The site will include 1 essential service structure (19'x17' - prefabbed steel, helical peers to serve as footings - to be installed 101'-6" from C/L of CR25), and 1 permanent

driveway (20' wide) to serve as ingress and egress at the site. The site itself will be graveled (9000 Sq. Ft.) and 6' chain link fence will be installed at the boundaries. Additional screening will be installed (trees) beyond the boundaries of the fence, per Northern's agreement w/ the private Landowners (Richard & Patricia Malinowski).

Citation of Ordinance
Section from which the
Conditional Use is
requested:

Section 14 - 14.3, Subdivisioin 1, Subsection 11

Requested Dimension:

75'x120' (site footprint), 19'x17' (essential service structure)

**Please upload any
supporting documents:**

[Area Piping Plan.pdf \(download\)](#)
[Workspace Map - Dimensions.pdf \(download\)](#)

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 6/8/2020 2:56:17 PM and saved by: NNGCO

[Click here to view the
Houston County Zoning
Ordinance](#)

Findings Required:

**1. That the proposed
use conforms to the
County Land Use Plan.**

Yes

Comments:

Northern Natural Gas (NNG) believes the proposed town border station (TBS) conforms to the Houston County Land Use Plan. Installation of the new TBS will ensure a high quality and reliable natural gas supply to the City of La Crescent for many years into the future. A high quality and reliable natural gas supply is an important driver contributor to economic development and a vital resource for residential and commercial customers.

**2. That the applicant
demonstrates a need for
the proposed use.**

Yes

Comments:

NNG must install the TBS in the proposed location to maintain compliance with the Code of Federal Regulations. This federal code is captured in 49 CFR § 192.625 Odorization of Gas. Installing the new TBS at the proposed location will allow NNG to abandon an existing natural gas transmission pipeline in La Crescent thus remaining compliant with code requirements.

3. That the proposed use will not degrade the water quality of the County.

Yes

Comments:

Installation of the TBS will not affect water quality in the County. NNG must construct all facilities according to Federal Energy Regulatory Commission (FERC) guidelines. Pursuant to FERC's Upland Erosion Control, Revegetation, and Maintenance Plan (plan). NNG must minimize erosion and enhance revegetation. NNG will utilize a full time third party environmental inspector on the NNG project to ensure the contractor is following the FERC guidelines. All environmental laws and best practices, including silt fence installation and maintenance as well as seeding, slope breakers, wattles, etc. - will be utilized and followed.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

The TBS construction will not increase the quantity of water runoff. NNG must construct all facilities according to the FERC plan. NNG must closely adhere to all requirements in the plan to minimize erosion and enhance revegetation. NNG will utilize a full time third party environmental inspector on the NNG project to ensure the contractor is following all environmental laws and best practices including silt fence installation and maintenance as well as seeding, slope breakers, wattles, etc.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

NNG will complete a small amount of site grading to prepare the site for the installation of the new town border station. Because the proposed site is relatively flat and well-draining, geotechnical investigations are not required.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

NNG has strict environmental procedures that prohibit all spills from adversely affecting any soil. Secondary containment structures are used extensively and the contractor must complete liquid transfer plans when fueling construction equipment. In addition to the above requirements, NNG must follow the FERC plan.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

An access road to the proposed TBS will be constructed off of County Road 25. All Houston County Highway Department requirements will be followed for the installation of the new access road. A project drainage plan will be completed - and it will follow all local, state and federal regulations.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

NNG has designed the proposed TBS footprint in such a way to provide adequate off-street parking.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

NNG has designed the proposed TBS driveway in such a way to eliminate traffic congestion and traffic hazards.

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.

Yes

Comments:

The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity. Primary land use in the immediate vicinity is agricultural. The proposed TBS will not adversely affect farming practices.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and

Yes

improvement of surrounding vacant property for predominant uses in the area.

Comments:

The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property.

Yes

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.

Comments:

NNG engineering is installing special regulating valves at the TBS location that will emit lower noise levels than usual, even on high gas flow scenarios. The proposed TBS will not be an odorized facility, so no mercaptan odors will be present on NNG facilities. Natural gas is odorless in its normal state. NNG will not install any lighting for the proposed TBS.

N/A

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Comments:

The proposed NNG TBS does not constitute a residential development. There will be a 19-foot by 17-foot building to house sensitive gas control and measurement equipment. The proposed TBS will not be a manned facility.

N/A

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic

of the applicable zoning district.

Comments: The primary surrounding land use is agricultural - This question is not-applicable.

Yes

15. 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.

Comments: A high quality and reliable natural gas supply is an important driver to economic development and a vital resource for residential and commercial customers. NNG will follow all applicable local, state and federal laws to install the new TBS. Pipeline safety regulations are codified in 49 CFR 192. In addition, the Association of the Society of Mechanical Engineers ASME B31.8 Gas Transmission and Distribution Piping Systems will be followed to ensure the new TBS meets all strength requirements and appropriate safety factors.

SITE PLAN INFORMATION [Edit] Last updated: 6/8/2020 2:56:58 PM and saved by: NNGCO

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan [Area Piping Plan.pdf \(download\)](#)
[Workspace Map - Dimensions.pdf \(download\)](#)

Use Interactive Map to Create Site Plan

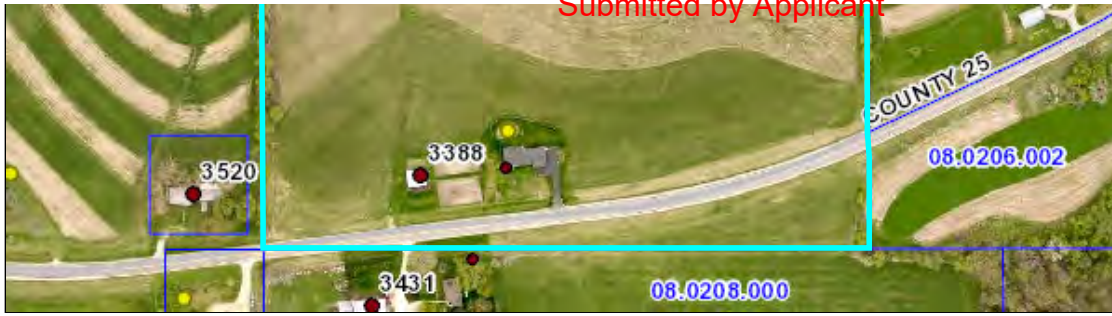


Layer List:

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018
- ☐ Contours
- ☒ Septic Permit
 - Septic Permits
- ☒ Corporate Limits
- ☒ Political Townships
- ☐ Subdivisions

Submitted by Applicant

17



- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☐ Roads
- ☐ Streams
- ☐ Floodplain (Effective 12/7/2018)

Use the space below to include site plan comments, if necessary

Construction of a 75'x120' "Town Border Station" to serve as a new natural gas custody transfer point between Northern Natural Gas and Minnesota Energy Resources. The site will include 1 essential service structure (19'x17' - prefabbed steel, helical piers to serve as footings - to be installed 101'-6" from C/L of CR25), and 1 permanent driveway (20' wide) to serve as ingress and egress at the site. The site itself will be graveled (9000 Sq. Ft.) and 6' chain link fence will be installed at the boundaries. Additional screening will be installed (trees) beyond the boundaries of the fence, per Northern's agreement w/ the private Landowners (Richard & Patricia Malinowski).

APPLICATION SUBMITTAL [Edit] Last updated: 6/8/2020 2:57:50 PM and saved by: NNGCO

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

Mich Lewis

Date Signed:
06/08/2020

Check this box if Staff Signature on behalf of Applicant.

Yes

APP SUBMITTED/PAYMENT SELECTION

Last updated: 6/30/2020 3:36:28 PM and saved

by: Holly Felten

Fee amount paid: **\$746****LA CRESCENT TOWNSHIP REVIEW**

[Edit] Last updated: 6/30/2020 3:42:23 PM and saved

by: Holly Felten

Notice to Township

Date email sent:

06/30/2020

APPLICATION DATE[Edit] Last updated: 7/7/2020 1:18:32 PM and saved by: alacher

**What Stage is the
Application At?****Application reviewed and determined complete.****Application Date
(Complete Application)****6/12/2020****Date of Notice of
Incomplete Application****Comments****Documentation of landowner consent provided on
6/12/2020****Please upload any
supporting documents:****[6.3.20 Malinowski Executed Option.pdf \(download\)](#)
[Email 6-12.pdf \(download\)](#)****DATES**[Edit] Last updated: 7/7/2020 3:52:22 PM and saved by: Holly Felten

Advertising Date

7/15/2020Planning Commission
Meeting Date**7/30/2020**

Meeting Time

6:30 PM

Comments

INTERNAL INFORMATION
DISTRIBUTION/COPIES
LIMITED TO
PROJECT NEEDS

Submitted by Applicant

19

PARCEL ID:
055-080209000

CW: 250'x125'x250'x135'
PROPOSED EASEMENT
(0.76 ACRES)

NEW LA CRESCENT MN#1

16" MNB73201

CW: 75'x120'
PROPOSED TBS
(0.21 ACRES)

LATITUDE : 43.807822,
LONGITUDE:-91.359524

ACCESS TEMP.
WORKSPACE FROM
EXISTING ROAD





PROPOSED
HOT TAP

PARCEL ID:
055-080208000

20' WIDE PROPOSED
PERMANENT DRIVE
APPROX. 40' LONG
(0.02 ACRES)



LEGEND

BRANCH LINE ———
SECTION LINE ———
PROPERTY LINE ———
PROPOSED EASEMENT 
PROPOSED DRIVE 
PROPOSED TBS 
PROPOSED HOT TAP 

LAND USE TYPE: AGRICULTURAL



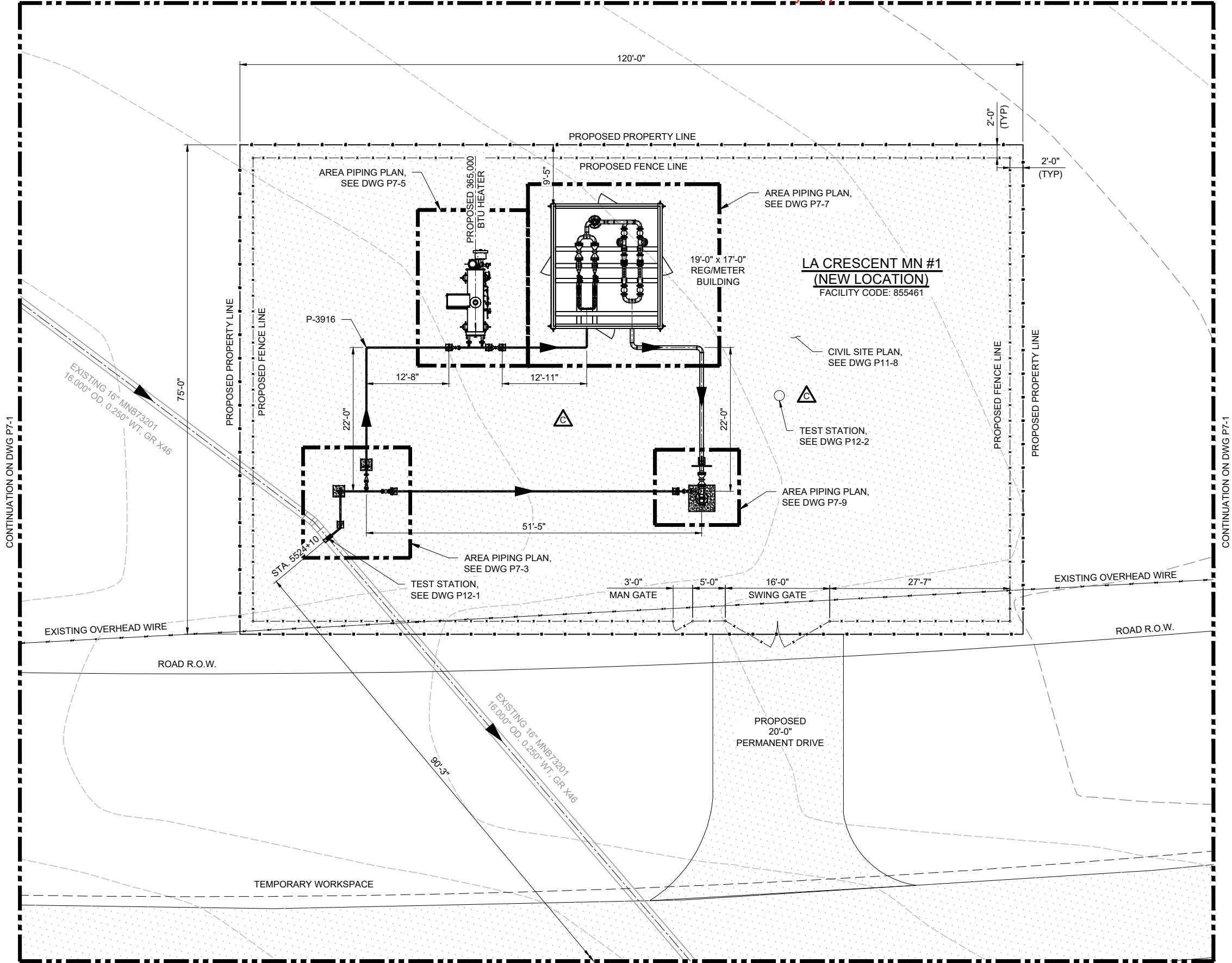
MNB73701 LaCrescent BL Odorizer
01125705
Project Location Aerial Overview
Sec.18, T104N, R4W
Houston County, Minnesota

Rev 5 Issue
Sheet: AR-01
Date: 6/2/20
Scale: 1:100

J:\PROJECTS\NNG\2020\PIPELINE INTEGRITY AND RISK\0125705 MNB73701 LA CRESCENT BL ODORIZER\PIANT 3D MODELS\01125705 MECH BID C
6/4/2020 7:51 AM

Submitted by Applicant

20



NOTE:
CONTRACTOR TO INSTALL GRAVEL DRIVE PER ES-0580. AND SHALL FURNISH AND INSTALL ALL MATERIALS REQ'D INCLUDING CULVERTS. CULVERTS AND DRIVE SHALL BE INSTALLED PER ALL APPLICABLE COUNTY/STATE STANDARDS AND CODES.

NOTE:
ENVIRONMENTALLY CLEAR ENTIRE TBS LOT FOR TEMPORARY WORKSPACE.

GENERAL NOTES:

1. ALL NEW CONSTRUCTION OR REMOVAL TO BE DONE BY SITE CONTRACTOR, UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR IS TO FIELD CHECK ALL SIZES, DIMENSIONS AND ELEVATIONS PRIOR TO NEW CONSTRUCTION OR FACILITY REMOVAL.
3. THE CONTRACTOR SHALL EXERCISE CAUTION WHILE DITCHING IN THE AREA DUE TO ANY BURIED PIPE, CONDUIT, CABLE OR UNDERGROUND FACILITIES THAT ARE NOT SHOWN ON THE DRAWING.
4. ALL REST BLOCKS AND THRUST BLOCKS TO HAVE 1/2" FRP PAD AND STEEL REINFORCEMENT PER ES-4835. CONTRACTOR TO SUPPLY ALL REST BLOCK MATERIAL, INCLUDING FRP PAD.
5. STATIONING SHOWN IS CALCULATED FROM ALIGNMENT SHEET 01506-B-039.
6. ALL TRANSITION ZONE RISERS MUST HAVE WAX TAPE COATING THAT EXTENDS FROM 18" BELOW GRADE TO 8" ABOVE GRADE, SEE ES-6601. WAXTAPE TO BE INSTALLED PER NACE STANDARD RP0375-2006.

LEGEND

48" 0 5'-0" 12'-0" 25'-0"
SCALE: 3/32" = 1'-0"

SCALE DISCLAIMER:
NOTED SCALE APPLIES TO 22"x34" PAPER SIZE ONLY

INTERNAL INFORMATION
DISTRIBUTION/COPIES LIMITED TO
PROJECT NEEDS

C	REVISED LOCATION, ADDED TEST STAND	LFF			
	REVISED PIPNG PER NEW LOCATION	LFF	4/3/20	KAP	TQE
	ISSUED FOR BID	JOS	6/5/19		
NO.	REVISION - DESCRIPTION	BY	DATE	CHK'D	APP'D

**REVISED FOR
BID
REPLACE ALL
PREVIOUS COPIES**

STATUS	CHECKED		APPROVED	
	BY	DATE	BY	DATE
PRELIM				
BID	KAP	6/5/19	J28	6/5/19
CONST.				

FAC. CODE: 855461	REL. W.O. N/A
PL# MNB73701	CONST. YR 2020
STA# N/A	POI# N/A
DESIGN	BY DATE
DRAWN	JOS 4/12/19
ASBUILT	JOS 4/12/19
FILE NO:	
SCALE: 3/32"=1'-0"	

**LA CRESCENT MN #1
MNB73701 LA CRESCENT BL ODORIZER
AREA PIPING PLAN
SECTION 18, T104N, R4W
HOUSTON COUNTY, MINNESOTA**

WORK ORDER NO. 01125705
DWG. NO. P7-2

C

Aaron Lacher

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Friday, July 17, 2020 8:36 AM
To: Aaron Lacher
Cc: Schnell, Tracy (DOT); Lukes, Heather A (DOT)
Subject: 2020-CUP-61314 Northern Natural Gas Company

***** HOUSTON COUNTY SECURITY NOTICE *****

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT.

Applicant: Northern Natural Gas Company:

Parcel ID: 080209000

The purpose of the hearing is to consider a request for: Construction of a 75'x120' "Town Border Station" to serve as a new natural gas custody transfer point between Northern Natural Gas and Minnesota Energy Resources. The site will include 1 essential service structure (19'x17' - prefabbed steel, helical piers to serve as footings - to be installed 101'-6" from C/L of CR25), and 1 permanent driveway (20' wide) to serve as ingress and egress at the site. The site itself will be graveled (9000 Sq. Ft.) and 6' chain link fence will be installed at the boundaries. Additional screening will be installed (trees) beyond the boundaries of the fence, per Northern's agreement w/ the private Landowners (Richard & Patricia Malinowski).

Thanks,

Tracy Schnell

Senior Planner | District 6

Minnesota Department of Transportation

2900 48th Street NW

Rochester, MN 55901

O: 507-286-7599

mndot.gov/



Aaron Lacher

From: Terrie Haefs <thaefs77@gmail.com>
Sent: Wednesday, July 22, 2020 8:46 PM
To: Aaron Lacher
Subject: Northern Natural Gas Company
Attachments: Malinowski 1.jpg; Malinowski 2.jpg

***** HOUSTON COUNTY SECURITY NOTICE *****

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Good Morning,

My husband and I would like to register our complaint and concerns relating to the new substation on County Highway 25, La Crescent.

- 1) We live in a pristine area. The views off our deck are amazing. Everyone compliments the views during any season. This substation will be visible from any window on the east side of our house. Especially visible from our deck. We don't care have to that monstrosity to look at. I have attached photos from our deck. You can see the back side of Malinowski's house. Just to the left of their house and back slightly will be the substation.
- 2) Was putting the substation across the road looked into? It would be far less visible to almost everyone. Understand the structure would require a bit more earth work but is totally doable. It would also still be on the pipeline only across the road on the down hill side.
- 3) In the winter that area tends to have snow drifts often. Will there be any further repercussions having the substation there? Will there be odor?

In closing, please explain why we should be inconvenienced by having our view ruined so the substation is becomes a convenience to others? We also have the gas pipeline running through our property. We have tried to get a natural gas hook up as was written into the easement. Seems impossible to do. This would be a far more palatable situation if we had something to gain likes many others.

Sincerely,
Mike and Terrie Haefs
3894 County 25
La Crescent, MN 55947
507-895-6655-home
608-317-6667-Mike cell
608-317-4267-Terrie Cell

Sent from [Mail](#) for Windows 10

Aaron Lacher

From: Aaron Lacher
Sent: Thursday, July 16, 2020 8:38 AM
To: 'Bill Plzak'
Subject: RE: NNG Conditional use Permit - La Crescent Township
Attachments: The Schneider Corporation Building Permit Application.pdf; Workspace+Map+-+Dimensions.pdf; Area+Piping+Plan.pdf

Bill,

I've attached the application documents. If you have additional questions, please let me know.

Respectfully,

Aaron Lacher
Zoning Administrator
Houston County Environmental Services
Room 209 Courthouse
304 S. Marshall St.
Caledonia, MN 55921
507.725.5800

From: Bill Plzak <bplzak@hotmail.com>
Sent: Wednesday, July 15, 2020 2:22 PM
To: Aaron Lacher <Aaron.Lacher@co.houston.mn.us>
Subject: NNG Conditional use Permit - La Crescent Township

*** HOUSTON COUNTY SECURITY NOTICE ***

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Aaron,

I just received a notice of hearing for a conditional use permit requested by NNG on a parcel of land that is adjacent to a parcel that I own. Please provide me with details of this permit request so that I can submit my comments by the July 21 deadline.

Thanks,

Bill Plzak
2350 North Pine Creek Road
La Crescent, MN
bplzak@hotmail.com
6083979710

Aaron Lacher

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Thanks,

Bill Plzak
2350 North Pine Creek Road
La Crescent, MN
bplzak@hotmail.com
6083979710

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Northern Natural Gas Company DATE: July 30, 2020

C.U.P. REQUESTED: Essential Services in an Ag District.

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The County Land Use Plan identifies that we regulate the location of essential services (0100.0509 subd. 2(5)) to minimize pollution problems and the impact on prime agriculture area. While site options are limited to areas with proximity to the La Crosse branch line, this proposal provides a location that appears to have been out of row crop production since at least 2014 and minimizes environmental impacts that could lead to pollution problems. Natural gas is a vital resource for residential, commercial and industrial purposes and provides an economic benefit to the County.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Federal code requires that natural gas be odorized and in order to do so infrastructure must be put in place along the relevant branch line. Location options closer to La Crescent are not ideal and have issues with shore land and steep slopes that would most likely require a variance. This location will allow Northern to continue to serve local residents and minimize their impact on the surrounding environment.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Gas company representative explained well.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Northern must construct the facility to the FERC guidelines, which includes the *Upland Erosion Control, Revegetation and Maintenance Plan*. A third party inspector will be on-site to ensure that all environmental laws and best practices are followed, including silt fence installation and maintenance, seeding, slope breakers, wattles, and other erosion control methods. Slopes are less than 10% at this site so minimal grading will take place and no SSTS is proposed. Overall, this project will have minimal impact on water quality.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes, Better site than first site that was chosen.
Greg Myhre – Yes
Rich Schild – Yes

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: This proposal only includes a 323 square foot structure, but the remaining area in the 9,000 square foot lot will consist of loose aggregate. Again, FERC's *Upland Erosion Control, Revegetation and Maintenance Plan* dictates measures that need to be taken to control the risk of erosion and to enhance revegetation after the project is complete.

Bob Conway – Yes
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes, Erosion control is better here than first site.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Soils at this site are 580B, a silt loam, class II soil and border a class III soil. The *Soil Survey – Houston County* describes that foundations and building footings should be designed to allow for the shrinking and swelling of soil and that backfilling around foundations with suitable coarse materials provides assurance against structural damage. Roads will also need to be constructed on a coarse textured base. The applicant's plans are consistent with these recommendations. Because site preparation would be minimal and soils are adequate, this site did not warrant in-depth geotechnical investigations by Northern Natural Gas.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: Northern Natural Gas states that every effort is made to prevent spills and protocols are in place to prevent potential spills from adversely affecting any soil. Secondary containment structures are used and liquid transfer plans will be followed during fueling of equipment on-site. Again all FERC plans will be implemented during construction. A recent publication received from Northern Natural Gas regarding pipeline safety identifies that accidents pertaining to pipeline facilities are rare with the leading cause being third party excavation. Note that the whole purpose of this project is to assist in identifying a potential pollution and safety hazard should one exist in the future.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: An “application for access or entrance to public roadway” permit is required and has been submitted to the Highway Department. The County Engineer has no concerns with their project as currently proposed. This is an access point for the La Crosse branch line and overhead electrical runs parallel to County 25. The petitioners have not identified any other utilities necessary for this proposal and if an additional need arises, it will be the responsibility of the applicant to cover associated costs.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Staff analysis covers all potential concerns.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: The facility will consist of a 9,000 square foot working area, which was designed in part to provide adequate space to accommodate any company vehicles completing maintenance at the facility.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, 9,000 square feet is adequate.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: The facility will consist of a 9,000 square foot working area designed to accommodate company maintenance vehicles. County 25 serves rural residences and commercial agriculture, so traffic will be heavier during regular commuting hours. After construction, staff speculates most maintenance visits will take place during normal business hours. The County Engineer plans to approve the access permit for this site pending the result of the public hearing.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA. There is good visibility in both directions.

Ed Hammell – Yes, Agrees with SA, and Larry’s comment.

Greg Myhre – Yes

Rich Schild – Yes, Only congestion may be during construction and not much after that.

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.

Staff Analysis: Commercial agriculture and rural residences surround this location. There is an existing pipeline running through this area that has no impact on the enjoyment of properties. This station will only affect approximately 0.76 acres of land that has not been in row crop production. The landowners have required screening around the proposed TBS as part of the easement agreement with Northern Natural Gas.

Bob Conway – Yes, Agrees with SA. Appreciates NNG working with neighbors.
Wayne Feldmeier – Yes
Larry Hafner – Yes
Ed Hammell – Yes, Agrees with SA. It's a win-win for NNG and neighbors.
Greg Myhre – Yes
Rich Schild – Yes, Satisfied neighbor's concerns.

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.

Staff Analysis: There is an existing transmission line running through this area and a TBS to enable the applicants to odorize that line will not impede the normal and orderly development of surrounding vacant land. Many of the quarter-quarters within a half mile around this project currently have dwellings or established farmsteads so vacant land surrounding this site is limited. This project will not impede future commercial agriculture or potential dwellings.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes, Agrees with SA.

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.

Staff Analysis: After initial construction, activity at this site will be limited. Northern Natural Gas plans to install special regulating valves that will emit lower noise levels than usually found in facilities such as these. Natural gas is odorless in its normal state and the facility itself will not emit an odor. There will be no lighted signs along 25 or lights for the proposed TBS.

Bob Conway – Yes, Agrees with SA.
Wayne Feldmeier – Yes
Larry Hafner – Yes, Agrees with SA.
Ed Hammell – Yes
Greg Myhre – Yes
Rich Schild – Yes

13. That the density of any 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.

Staff Analysis: N/A (Roll call vote was taken to bypass. All in favor. Motion carried.)

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: This proposal will occupy less of a footprint than the nearby commercial agriculture and broadcasting facilities.

Bob Conway – Yes
Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Not much of an impact with no lights.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA. Small footprint.

15. 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.

Staff Analysis: This project will not adversely affect the public's health, safety, morals, and general welfare. Recall this is an existing transmission line and the project's purpose is to odorize the line, which will assist in more quickly identifying leaks. Northern Natural Gas states that while natural gas is flammable, potentially hazardous and explosive under certain conditions, many prevention and safety measures are taken to ensure the integrity of the pipeline system. In addition, markers identify transmission line locations and include emergency phone numbers for company control centers. All applicable local, state and federal laws and codes, ensuring all strength requirements and safety protocols will be met.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA. Analysis covers every base.

Larry Hafner made a motion to accept the findings as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application for Essential Services in an Ag District with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The Permittee shall install screening to minimize the visual impact of the facility.

Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

DDA HUMAN RESOURCES, INC.
ONGOING COMPENSATION PLAN MANAGEMENT AGREEMENT

This AGREEMENT is made and entered into by and between Houston County hereinafter referred to as "Client," and DDA Human Resources, Inc., 5029 Upton Ave South, Minneapolis, MN 55410 hereinafter referred to as "Consultant."

RECITALS

- A. The Consultant is experienced in preparing compensation and classification studies and in proving market analysis and pay grid calibration an implementation costs; and
- B. The Client continues to update its job descriptions and wishes to enter an agreement for a market study.

1. Market Analysis with New Pay Plan Design, Calibration and Budget Implementation

- a. Consultant agrees to provide market analysis, new pay plan design, calibration, and budget implementation to the Client as outlined in Addendum A of this agreement.
- b. If the Client desires to change or amend the scope of services, the parties agree to negotiate the terms of the changes and the Consultant shall deliver to the client an addendum to this agreement.

2. Compensation and Terms of Payment

- a. The fee for \$19,250
- b. The Consultant will invoice the Client for payment. Invoices are due and payable within 30 days.

3. Condition of Payment

All services provided by Consultant pursuant to this Agreement shall be performed to the satisfaction of the Client, and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. Payment may be withheld for work found by the Client to be unsatisfactory, or performed in violation of federal, state, and local laws, ordinances, rules, or regulations. If Consultant and the Client disagree, any controversy or claim arising out of or relating to this Agreement shall be settled between the parties by mediation. Each party shall pay its own costs resulting from the utilization of the mediation process. The fees and costs charged by the American Arbitration Association shall be borne equally by the parties.

4. Term of Agreement

This AGREEMENT shall be effective on September 1, 2020 or upon the date the final required signature is obtained from both parties, whichever occurs later, and shall remain in effect until such time that all services listed in Exhibit A, Scope of Services are completed, unless cancelled pursuant to the provisions set forth in clause V. herein.

5. Authorized Agents

The Client and Consultant shall appoint an authorized agent for the purpose of administration of this agreement. The Consultant is notified of the authorized agent of the Client as follows:

Theresa Arrick-Kruger, HR Director and Facilities Manager
Houston County
304 S. Marshall Street, Suite 208
Caledonia, MN 55921

The Client is notified of the authorized agent for the Consultant as follows:

Tessia Melvin
DDA Human Resources, Inc
5029 Upton Ave South
Minneapolis, MN 55410
tessia@davidbrown.com

6. Subcontracts

Consultant may subcontract a portion of the work to be performed under this Agreement, but the Consultant shall remain responsible for any and all work products. Consultant shall ensure and require that any subcontractor agrees to and complies with all the terms of this Agreement. Any subcontractor of Consultant used to perform any portion of this Agreement shall report to and bill Consultant directly. Consultant shall be solely responsible for the breach, performance, or nonperformance of any subcontractor.

7. Force Majeure

Client and Consultant agree that Consultant shall not be liable for any delay or inability to perform this Agreement, directly or indirectly caused by or resulting from strikes, labor troubles, accidents, fire, flood, breakdowns, war, riot, civil commotion, lack of material, delays of transportation, acts of God or other cause beyond reasonable control of Consultant and the Client.

8. Termination

This Agreement may be terminated by either party, with or without cause, upon thirty (30) days written notice to the Authorized Agent of the Consultant or Client. A termination of this Agreement shall not relieve the Client of its obligations to pay Consultant for all services rendered and reimbursable expenses incurred prior to the effective date of termination.

9. Independent Contractor

It is agreed that nothing contained in this Agreement is intended or should be construed as creating the relationship of copartner, joint ventures, or an association with the Client and Consultant. Consultant is an independent contractor and neither its employees, agents, subcontractors nor representatives shall be considered employees, agents, or representatives of the Client. Except as otherwise provided herein, Consultant shall maintain, in all respects, its present control over the means and personnel by which this Agreement is performed. From any amounts due Consultant, there shall be no deduction for federal income tax or FICA payments nor for any state income tax, nor for any other purposes which are associated with an employer/employee relationship unless otherwise required by law. Payment of federal income tax, FICA payments, state income tax, unemployment compensation taxes, and other payroll deductions and taxes are the sole responsibility of Consultant.

10. Notices

Any notices to be given under this agreement shall be given by email to the address stated herein, and to the authorized agent of the Company at the email address stated herein.

11. Controlling Law

The laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this agreement, the legal relations between the parties and performance under the agreement. The appropriate venue and jurisdiction for any litigation hereunder will be those courts located within State of Minnesota. Litigation, however, in the federal courts involving the parties will be in the appropriate federal court within the State of Minnesota. If any provision of this contract is held invalid, illegal, or unenforceable, the remaining provisions will not be affected.

12. Successors and Assigns

The Client and Consultant, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this agreement. Neither the Client nor Consultant shall assign, sublet, or transfer any interest in this agreement without prior written consent of the other.

13. Changes

The parties agree that no change or modification to this agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this agreement. The execution of the change shall be authorized and signed in the same manner as for this agreement.

14. Insurance

The Consultant shall procure and maintain insurance of the types and in the amounts described below from insurer(s) authorized to transact business in Minnesota.

- a) Statutory Workers' Compensation Insurance.
- b) Comprehensive Automobile Liability Insurance covering owned, non-owned and hired automobiles with a combined limit of \$1,000,000 for each accident or occurrence.
- c) Professional Business Liability Insurance on the Consultant's and Consultant's employee services in this Agreement with a limit of \$2,000,000 per occurrence and \$4,000,000 aggregate.

15. Indemnification

The Client and the Consultant each hereby agree to indemnify, defend and hold the other harmless from and against any and all losses, claims, damages, expenses, including without limitation reasonable attorney's fees, costs, liabilities, demands and cause of action (collectively "Damages") which the other may suffer or be subjected to as a consequence of any act, error, material misstatement or omission of the indemnifying party in connection with any information provided, or the performance or non-performance of its obligations hereunder, less any payment for damages made to the indemnified party by a third party.

Notwithstanding the foregoing, no party shall be liable to the other for Damages suffered by the other which are the consequence of: (a) events or conditions beyond the control of the indemnifying party, (b) actions of the indemnifying party which were reasonably based upon facts and circumstances existing at the time and known to the indemnifying party at the time service was provide; or (c) errors made by the indemnifying party due to its reliance on facts and materials provide to the indemnifying party by the indemnified party.

16. Severability

In the event any provision of this agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties unless such invalidity or non-enforceability would cause the agreement to fail its purpose. One or more waivers by either party of any provision, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

17. Entire Agreement

It is understood and agreed that the entire agreement of the parties is contained herein, and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the Client and Consultant relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed intending to be bound thereby.

Client

DDA Human Resources, Inc.

By _____
Eric Johnson

By _____
Tessia Melvin

Date _____

Date _____

By _____
Theressa Arrick-Kruger

Date _____

Approved as to Form and Execution

By _____
Samuel Jandt

Date _____

Exhibit A

Scope of Services & Compensation

Per our e-mails and conversation, we understand the County is currently looking for a market analysis for its 87 position. We understand that you use the Arthur Gallagher system.

Introduction and Project Orientation

Our first task with you is to meet and make sure we all understand the expectations and fully understand the current pay structure, pay philosophy, and employee benefits.

- We will conduct an Initial Project Meeting to discuss the scope of the planned services, its procedures, methods, intended outcomes and timeline. We will keep in mind directives from the City Council pertaining to this project.
- We will discuss any related details that are identified by the Council or Administration. During this meeting, we will identify data and resources on your current job descriptions, pay structure, classification system, employee roster, and union contracts. For your convenience, we will create a cloud-based account to make it easy to share files with you.
- An Employee Kickoff meeting will be held, if desired, to explain the project scope, expectations, timeline, and answer questions.

Wage/Labor Benchmarks and Market Pricing

The next step in the process involves looking outside of your organization to see what wages are offered to employees in the job market.

- We will work with your Project Team to determine an appropriate group of comparable “benchmark” entities to achieve an adequate sample size and a meaningful comparison. These “benchmark organizations” are typically counties that are like yours and/or other organizations with whom you compete for employees. Although we know that you compete with private sector organizations for employees, obtaining *reliable* private sector information is very difficult in most cases. So, our focus will be primarily on public sector entities.
- We will collect detailed wage information on *all jobs* that you have in common with these communities – not just a selected list. We plan to utilize the wage survey data that is annually collected in the LMC/AMC wage data base, supplemented by other sources as needed to provide a meaningful set of comparison data. We will organize the results of this analysis using a series of graphs and charts that are designed to clearly show how your organization’s pay ranges and wages compare to those of benchmark entities. This is the information needed to develop of a pay structure that balances both internal and external equity and assures compliance with State Pay Equity Compensation Standards.

New Pay Plan Recommendation, Calibration and Budget Implementation

- We will provide a recommendation and option for either an adjustment of your existing compensation plan, or a replacement plan that produces a better match with your compensation philosophy.
- We assist with pay options per union negotiations.
- We will fine tune the plan to establish fair and equitable compensation relationships within and outside the organization that are workable within a union and non-union environment.
- We will provide system testing to assure that any option proposed will comply with the State’s pay equity standards and Federal requirements.
- We will provide recommendations and options for either an adjustment of your existing compensation plan, or a replacement plan that produces a better match with your compensation philosophy.
- We will fine tune the plan to establish fair and equitable compensation relationships within and outside the organization that are workable within a union and non-union environment.

- We will provide system testing to assure that any option proposed will comply with the State's pay equity standards and Federal requirements.
- We will evaluate the cost/budget implications of up to two (2) alternative implementation strategies that consider the County's budget constraints. The objective of this work is to provide you with meaningful, employee-by-employee level information that is useful for your detailed budgeting use.
- We will prepare final documents for the plan, including presentation, policy, guidelines, and procedures for administration. Any written and computerized data and supporting information will be submitted as appropriate or requested.

Standard Fee for Services

We offer a full range of support services that include:

Write and classify a new position	\$300
Classify a new position	\$200
Hourly Rates	
Lead Consultant	\$200
Technical Support	\$150
Clerical Support	\$100

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): _____

And Taxes Payable in Year(s): _____

Applicant and Property Information

Applicant Information

Last Name Schulte	First Name Adam Mark, John, Ellen	Middle Initial PRIVACY INFO
Property Address [REDACTED]	City [REDACTED]	State [REDACTED]
Zip code [REDACTED]	County [REDACTED]	
Parcel ID or legal description of property (from tax statement or valuation notice) List of 23 parcels split four ways (50%, 25%, 12.5%, 12.5%) see attached list		School District Number [REDACTED]

Applicant's Statement of Facts

If the assessed value is being contested, list approximate market value.

Land	Structures	Total
------	------------	-------

If taxes, penalties, interest, or costs which are now a lien against the real estate are being contested, list below.

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
------	--	------------------	-------------

Explain why the above amount has not been paid

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
------	--	------------------	-------------

Explain why the above amount has not been paid

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
------	--	------------------	-------------

Explain why the above amount has not been paid

Total Amount Contested	Portion of total amount contested you are willing to pay
------------------------	--

Explain why you think this settlement is fair and reasonable

A couple of these properties were not split four ways in 2019 along with a coding error.
Changes on one parcel could affect taxes on other parcels -

Signature of Applicant

Applicant requests that the portion of the contested amount in excess of said sum offered should be abated, canceled and refunded. This statement is a true and full statement of all facts known to the applicant relative to this matter.

Signature of Applicant By Mark P. Schulte	Date 7-24-2020
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Note: Minnesota Statutes, Section 609.41. "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00, or both."

Use of Information

In order to be considered for abatement, you must file this form.

The information on this form will be used to properly identify you and determine if you qualify for abatement of property taxes under M.S. 270C.86 or 270C.34. Your Social Security number is required. If you do not provide the required information, your application may be delayed or denied. Your County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

Applicant's Statement of Facts/Settlement

Sign Here

For Office Use Only

I, the undersigned county auditor, hereby certify the following amounts are the values and taxes currently on our records.

Amounts on Record

Year	Market Value			Taxes	Penalties	Interest	Costs	Total
	Land	Improvements	Total					

Certifications of Approval

For this abatement to be granted by the Commissioner of Revenue, it must have been carefully investigated and receive the favorable recommendation of (i) either the assessor or the county treasurer; (ii) the county auditor; and (iii) the county board.

Approval Certifications

Recommendation of Assessor or Treasurer

☒ Approved

☐ Denied

Signature

Title

Date

Recommendation of County Auditor

☐ Approved

☐ Denied

Signature

Date

County Board of Commissioner's Action (to be completed by County Auditor)

☐ Approved

☐ Denied

Signature

Date

Certifications of Final Approval

(complete only for approved abatements; to be completed by County Auditor)

Final Approval

I certify that the approval of this abatement will result in the following changes:

Total Tax, Penalty, and Interest \$ _____

Proposed Penalty Reduction \$ _____

Proposed Tax Reduction \$ _____

Total Proposed Reduction \$ _____

Proposed Interest Reduction \$ _____

Total Amount Payable \$ _____

Upon payment of \$ _____ by the applicant, all taxes, penalties, interest, and costs above in excess of the payment amount are abated and cancelled, and the payment will be accepted as a full settlement.

This approval was granted by the county board as an official action of that body or by the county auditor under a delegation from the board and has been entered upon the records of the county as a public record showing the names of the taxpayers, other concerned persons, and the amounts.

Signature of County Auditor

Date

DEPARTMENT OF REVENUE

The Commissioner of Revenue may grant these reductions or abatements of inequitable or unjust taxes, penalties, interest or special assessments not yet paid, and order the refund of taxes, penalties, interest or special assessments that have been erroneously or unjustly paid. (M.S. 270C.86, Subd. 1) Upon the favorable recommendation of the local officials, as certified above, the Commissioner of Revenue approves the abatement of the following amounts:

Proposed Penalty and Interest Reduction \$ _____

Proposed Tax Reduction \$ _____

Total Proposed Reduction \$ _____

Signature of Commissioner or Delegate

Date

Signature of Commissioner or Delegate

Date

TA410M6 CINDYC ACS TAX SYSTEM
7/24/2020 08:39:55 Work with Tax Adjustment Parcels

Option: 1-Add 4-Delete 12-ValuesInq 15-PrtTxDif 17-PrtStmt 51-Position to

Opt	ID Nmbr	Year	Roll/Parcel	Shrt Ky	Orig SKey	Diff
—	0000138	2019	R	09.0052.000*01	305	3905
—	0000138	2019	R	09.0053.000*01	306	3906
—	0000138	2019	R	09.0054.000*01	307	3907
—	0000138	2019	R	09.0055.000*01	308	3908
—	0000138	2019	R	09.0060.000*01	309	3913
—	0000138	2019	R	09.0065.001*01	313	15376
—	0000138	2019	R	12.0144.001*01	312	14957 *
—	0000138	2019	R	17.0179.000*01	310	7725
—	0000138	2019	R	17.0179.001*01	311	14956

Bottom
F3=Exit F4=Lookup F5=Refresh F14=Parcel order F16=Notes F24=MoreKeys

TA410M6 CINDYC ACS TAX SYSTEM
 7/24/2020 08:43:36 Work with Tax Adjustment Parcels

Option: 1-Add 4-Delete 12-ValuesInq 15-PrtTxDif 17-PrtStmt 51-Position to

Opt	ID Nmbr	Year	Roll/Parcel	Shrt Ky	Orig SKey	Diff
—	0000138	2019	R 03.0043.000*01	293	842	
—	0000138	2019	R 03.0050.000*01	294	850	
—	0000138	2019	R 03.0054.000*01	295	854	
—	0000138	2019	R 03.0079.000*01	296	892	
—	0000138	2019	R 03.0079.001*01	314	16594	
—	0000138	2019	R 03.0081.000*01	297	894	
—	0000138	2019	R 03.0085.000*01	298	898	
—	0000138	2019	R 03.0087.000*01	299	900	
—	0000138	2019	R 03.0097.000*01	300	910	
—	0000138	2019	R 03.0099.000*01	292	912	
—	0000138	2019	R 03.0100.000*01	301	913	
—	0000138	2019	R 03.0102.000*01	302	914	
—	0000138	2019	R 03.0104.000*01	303	916	
—	0000138	2019	R 03.0105.000*01	304	917	

More...

F3=Exit F4=Lookup F5=Refresh F14=Parcel order F16=Notes F24=MoreKeys