

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: June 1, 2021

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

\*Virtual meeting held due to Peacetime Emergency Declaration in response to COVID-19 Pandemic.

Members Present via Computer:

Dewey Severson, Eric Johnson, Robert Burns, Teresa Walter, and Greg Myhre

Others Present via Computer/Phone:

Auditor/Treasurer Donna Trehus, Reporter Craig Moorhead, Reporter Charlene Selbee, Finance Director Carol Lapham, Human Resources Director Theresa Arrick-Kruger, Public Health and Human Services Director John Pogleasa, Public Health Supervisor Heather Myhre, Board Clerk/EDA Director Allison Wagner, Engineer Brian Pogodzinski, Chief Deputy Sheriff Brian Swedberg, Social Services Supervisor Bethany Moen

Presiding: Chairperson Burns

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Walter, seconded by Commissioner Severson, motion unanimously carried to approve the agenda.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes
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Motion was made by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to approve the board meeting minutes from May 25, 2021 with one change to the discussion item section of the minutes. Board members asked that the approved minutes be updated to say that Commissioner Burns would be attending an upcoming Hazardous Waste Meeting.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes
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Public Comment: No public comments were made.

Public Health and Human Services Director Pogleasa and Public Health Supervisor Myhre provided an update on the COVID-19 pandemic and response from Public Health and Human Services. Pogleasa stated that immunizations were still strong in the County. He said that 99% of the County's 65 and older population had been vaccinated. He also shared that 57% of the County's

total population had been vaccinated. Houston County continued to be in the top ten Counties in the State for vaccination rates. Pugleasa and Myhre shared that Houston County Public Health was still offering the Johnson & Johnson vaccine on set days and times at their office.

## CONSENT AGENDA

Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Approve 2021 State of Minnesota Annual County Boat and Water Safety Grant Contract Agreement.
- 2) Approve initiating a competitive search for a probationary Social Worker.
- 3) Approve Guardianship Contract with Renata Luedtke.
- 4) Approve County Liquor Licenses.

Liquor Licenses are listed below.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes
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### LIQUOR LICENSES, WINE AND STRONG BEER

Ferndale Golf LLC  
 Foursome Golf Group LLC dba Valley High Golf Club  
 Denstad Enterprises Inc. dba Shellhorn Roadhouse  
 Gasthaus LLC dba Little Miami

### ON SALE BEER LICENSES

City of La Crescent dba Pine Creek Golf Course  
 Lawrence Lake Marina LLC dba Lawrence Lake Marina  
 Gopher State Sportsmans Club  
 La Crescent Snowmobile Club

### OFF SALE BEER LICENSES

City of La Crescent dba Pine Creek Golf Course  
 Lawrence Lake Marina LLC dba Lawrence Lake Marina  
 La Crescent Snowmobile Club  
 Houston Food Mart

## ACTION ITEMS

File No. 1 – Commissioner Severson moved, Commissioner Myhre seconded, motion unanimously carried to approve Dunn Blacktop Company's quote to mill 2" off the existing bituminous wedge and pave in the areas in question on CSAH 3 and CSAH 18.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes
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## DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended. Commissioners also discussed possible uses for the American Rescue Plan dollars the County would be receiving including possible broadband expansion projects. Commissioners would discuss the topic further at the next workgroup session, and invite local broadband providers to attend. Commissioners briefly discussed the comprehensive land use plan that had been started prior to the pandemic. Commissioners briefly discussed if the comprehensive land use plan should be started over or if work should continue where it left off prior to the pandemic. No official decisions were made on the topic.

There being no further business at 9:53 a.m., a motion was made by Commissioner Johnson, seconded by Commissioner Severson, motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on June 8, 2021.

Dist. 1:	Yes	Dist. 2:	Yes	Dist. 3:	Yes	Dist. 4:	Yes	Dist. 5:	Yes
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BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Robert Burns, Chairperson

Attest: \_\_\_\_\_  
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
June 8, 2021**

**Date Submitted: 06.03.2021**  
**By: Tess Kruger, HRD/Facilities Mgr.**

**ACTION REQUEST**  
**None**

**APPOINTMENT REQUEST**

- **CLOSED SESSION**

**Labor Negotiations – Closed Session pursuant to Minn. Stat. §13D.03, Subd. 1, (b) to discuss labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25**

**HR CONSENT AGENDA REQUEST**

**Assessor's Office**

- **Hire Dylan Felten, as a probationary Appraiser Trainee B22, Step 1, effective June 9, 2021, conditioned upon satisfactory completion of a background check**

**Sheriff's Office**

- **Confirm the resignation of Olivia Denney, Emergency Management Coordinator, effective May 28, 2021**
- **Approve the State of Minnesota and Houston County 2022 Sentence to Serve Agreement (See attached)**

<b><u>Reviewed by:</u></b>	<input checked="" type="checkbox"/> <b>HR Director</b>	<input type="checkbox"/> <b>County Sheriff</b>	<input type="text"/>
	<input checked="" type="checkbox"/> <b>Finance Director</b>	<input type="checkbox"/> <b>County Engineer</b>	<input type="text"/>
	<input type="checkbox"/> <b>IS Director</b>	<input type="checkbox"/> <b>PHHS</b>	<input type="text"/>
	<input type="checkbox"/> <b>County Attorney</b>	<input checked="" type="checkbox"/> <b>Other (indicate dept)</b>	<input type="text"/>
	<input type="checkbox"/> <b>Environmental Svcs</b>		<input type="text"/>
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			





# State of Minnesota

## Income Contract

SWIFT Contract No.:

This Contract is between the State of Minnesota, acting through its commissioner of corrections, Field Services Unit, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108 ("State") and Houston County, 306 South Marshall St, Caledonia MN 55921 ("Purchaser"). State and Purchaser may be referred to jointly as "Parties."

### Recitals

1. Under Minn. Stat. § 241.278 the State is empowered to enter income contracts.
2. The Purchaser needs a Sentencing to Service (STS) program for low risk offenders ordered to perform community work service.
3. The State represents that it is duly qualified and agrees to provide the services described in this

Accordingly, the Parties agree as follows:

### Contract

#### 1. Term of Contract

- 1.1 **Effective date:** **July 1, 2021**, or the date the State obtains all required signatures under Minnesota Statutes Section 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** **June 30, 2023**, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

#### 2. State's Duties

The State will:

- 2.1 Provide 1 crew leader(s) who will supervise up to 10 offenders each approximately 40 hours per week, including the hour's crew leaders spend for daily preparation and communication.
- 2.2 Submit reports to Purchaser within 60 days of the end of each quarter, which shall include the following information:
  - a. Total number of offenders served
  - b. Total number of offenders completing STS obligation
  - c. Number of offenders exiting prematurely
  - d. Total number of hours worked by STS offenders

- e. Dollar benefit of STS labor at \$10.00 per hour and estimated market value of projects completed
- f. Description of work completed

2.3 Divide the work of offender crews proportionate to funding participation between States's referred projects and Purchaser's referred projects, some of which may be performed outside the Purchaser's jurisdiction.

2.4 Train each work crew in safety principles and techniques relevant to the work being done.

2.5 Screen projects to ensure that they meet STS guidelines.

### 3. Purchaser's Duties

3.1 It is the Purchaser's responsibility to certify in writing to the appropriate bargaining agent that the work performed by offenders will not result in the displacement of current employees or seasonal workers to include reduction in hours, wages, or other employment benefits for all Purchaser's referred projects.

3.2 Obtain all necessary permits or licenses or special authority for all Purchaser's referred projects.

3.3 Identify non-dangerous offenders who are sentenced or authorized by the court to do community work service in lieu of a jail sentence, a fine, as a sole sanction, or eligible pursuant to other provisions in state law.

### 4. Payment

The Purchaser will pay the State for all services performed by the State under this contract as follows:

4.1 The total obligation of the Purchaser for all compensation and reimbursements to the State under this contract is not to exceed FY22-23 total below as its 75% share of the cost of providing a crew leader and placing the work crews into service on the STS program during the term of this agreement. The Purchaser's share of the crew leader includes time scheduled for training, vacation, sick leave, and holidays. The State share of the cost is 25%.

4.2 Terms of payment: Payment shall be made by the Purchaser to the State. Payments are due on or before dates listed below:

Payment Due	7/30/2021	1/1/2022	7/1/2022	1/1/2023	FY22-23 Total
Amount Due	\$37537.47	\$37537.47	\$38813.74	\$38813.74	\$152702.43

## 5. Authorized Representative

The <b>State's</b> Authorized Representative is: (or his/her successor)	The <b>Purchaser's</b> Authorized Representative is: (or his/her successor)
Rena Patterson 370 West 2 <sup>nd</sup> St Suite 210 Winona MN 55987 rena.patterson@state.mn.us 507-205-6100	Houston County Mark Inglett 306 South Marshall St Caledonia MN 55921 mark.inglett@co.houston.mn.us 507-725-3379 ext 4101

## 6. Assignment, Amendments, Waiver, and Contract Complete.

- 6.1 Assignment. The Purchaser may neither assign nor transfer any rights or obligations under this Contract without the prior consent of the State and a fully executed assignment agreement, executed and approved by the authorized parties or their successors.
- 6.2 Amendments. Any amendment to this Contract must be in writing and will not be effective until it has been executed and approved by the authorized parties or their successors.
- 6.3 Waiver. If the State fails to enforce any provision of this Contract, that failure does not waive the provision or its right to enforce it.
- 6.4 Contract Complete. This Contract contains all negotiations and agreements between the State and the Purchaser. No other understanding regarding this Contract, whether written or oral, may be used to bind either party.

## 7. Liability

Each party will be responsible for its own acts and behavior and the results thereof.

## 8. Government Data Practices.

The Purchaser and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, (or, if the State contracting party is part of the Judicial Branch, with the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court as the same may be amended from time to time) as it applies to all data provided by the State under this Contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Purchaser under this Contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data governed by the Minnesota Government Practices Act, Minn. Stat. Ch. 13, by either the Purchaser or the State.

If the Purchaser receives a request to release the data referred to in this clause, the Purchaser must immediately notify and consult with the State's Authorized Representative as to how the Purchaser should respond to the request. The Purchaser's response to the request shall comply with applicable law.

## **9. Publicity and Endorsement.**

9.1 Publicity. Any publicity regarding the subject matter of this Contract must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, information posted on corporate or other websites, research, reports, signs, and similar public notices prepared by or for the Purchaser individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

9.2 Endorsement. The Purchaser must not claim that the State endorses its products or services.

## **10. State Audits.**

Under Minn. Stat. § 16C.05, subd. 5, the Purchaser's books, records, documents, and accounting procedures and practices relevant to this Contract are subject to examination by the State, the State Auditor, or Legislative Auditor, as appropriate, for a minimum of six years from the expiration or termination of this Contract.

## **11. Governing Law, Jurisdiction, and Venue.**

Minnesota law, without regard to its choice-of-law provisions, governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

## **12. Termination.**

Either party may cancel this Contract at any time, with or without cause, upon 30 days' written notice to the other party.

## Signatures

### 1. Purchaser

By
Signature
Print Name
Title:
Date:

By
Signature
Print Name
Title:
Date:

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By
Signature
Print Name
Title:
Date:

By
Signature
Print Name
Title:
Date:

**2. STATE AGENCY (With delegated authority)**

By
Signature
Curtis Shanklin
Print Name
Title: Deputy Commissioner
Date:

**3. COMMISSIONER OF ADMINISTRATION (As delegated to Materials Management Division)**

By
Signature
Print Name
Title:
Date:

Admin ID
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## HOUSTON COUNTY

### AGENDA REQUEST FORM

June 8, 2021

**Date Submitted:** 06.03.2021

**By:** Donna Trehus, Auditor/Treasurer

#### CONSENT AGENDA REQUEST:

Approve Peddler's License Applications for three (3) applicants

**Attachments:** Peddler's License Applications

#### ACTION ITEM:

**Reviewed by:**

\_\_\_\_ HR Director

  x  

County

Sheriff

County

Engineer

\_\_\_\_ Finance Director

\_\_\_\_ IS Director

\_\_\_\_ PHHS

Other

(indicate

dept)

Recorder,

Assessor,

A/T - X

\_\_\_\_ County Attorney

\_\_\_\_ Environmental Svcs

**Recommendation:**

**Decision:**

# Houston County, Minnesota

## Peddler's License & Registration Application

In an effort to provide the public of the County of Houston with the best quality of life within its jurisdiction, the County has determined that the following information be received from any and all persons or firms wishing to conduct:

☐ Transient Merchant  
☒ Canvasser/Solicitor

☒ Peddler

### 1. Name and description of applicant:

Name: Bies William Borr  
(First) (Middle) (Last)

Eyes Hazel Hair Brown Height 6'0 Weight & Build 250

Date of birth 02/28/1996 Drivers License # 423AF 6195  
(Attach copy of license)

2. Permanent Home Address: 16363 Herod Lane  
Dubuque IA, 52002

Telephone Number: 563-543-6471

Local Address:  Phone #:

### 3. Description of vehicle(s) used for sales purposes:

Make & Year GMC Sierra 2021 Model: Sierra Truck

License # & State Iowa DP2-476 Color: Silver

4. Brief written description of the nature of the business, a description of the goods to be sold (including photographs or brochures), what company you are soliciting for and the applicant's method of operation:

Insurance Sales / Customer Service  
Platinum Supplemental Insurance - Dubuque, IA  
Door to Door

Continued →



5. If employed, name and address of employer: \_\_\_\_\_

Platinum Supplemental Insurance

6. List other cities/counties where licensed: Iowa Cass ~~Winn~~ Austin, MN  
Winn Co

7. Dates requested for permit: ~~Minnesota~~ June 1-31

8. Have you been convicted of a felony, gross misdemeanor or any crime of theft, fraud, or issuance of a worthless check? \_\_\_\_ Yes X No

9. If a fixed site is used for display and sale of goods, written permission of the property owner must be provided.

10. Providing false information in the application could result in denial of the license.

11. Signature of applicant must be notarized.

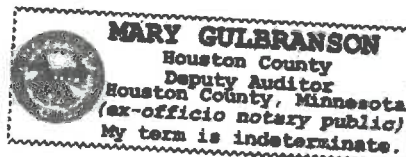
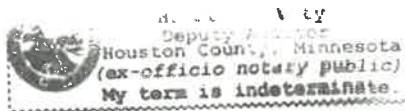
[Signature]  
Signature of applicant

May 24 / 2021  
Date

[Signature]  
Notary

5-24-2021  
Date

Notary Stamp



Prior to consideration of the application an investigation shall be made by the county sheriff's department of all persons listed on the license application.

Approved: X Denied: \_\_\_\_

Checked by: Inv. Steven Garrett #2807

County Auditor's Office Use Only

\$25.00 non-refundable application fee plus:

Transient Merchant (7 day license) \$25.00 per individual  
X Peddler (30 day license) \$75.00 per individual  
Canvasser/Solicitor (30 day license) \$75.00 per individual

Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_ License # Expiration \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_ By \_\_\_\_\_

# Houston County, Minnesota

## Peddler's License & Registration Application

In an effort to provide the public of the County of Houston with the best quality of life within its jurisdiction, the County has determined that the following information be received from any and all persons or firms wishing to conduct:

☐ Transient Merchant  
☐ Canvasser/Solicitor

☒ Peddler

### 1. Name and description of applicant:

Name: Joshua John Lozo  
(First) (Middle) (Last)

Eyes Brown Hair Brown Height 5'7" Weight & Build 160

Date of birth 11-09-1981 Drivers License # 021553415  
(Attach copy of license)

2. Permanent Home Address: 6094 Valley Wood Ct  
Asbury, IA 52002

Telephone Number: 563-213-0027

Local Address: 6094 Valley Wood Ct Phone #: 563-213-0027

### 3. Description of vehicle(s) used for sales purposes:

Make & Year 2019 Dodge Model: Ram

License # & State FAW 506 Color: White

4. Brief written description of the nature of the business, a description of the goods to be sold (including photographs or brochures), what company you are soliciting for and the applicant's method of operation:

Selling Supplemental Insurance for Platinum  
Supplemental Insurance Company Door to Door.

Continued →

5. If employed, name and address of employer: Plantinum Insurance

137 Main St Dubuque IA 52001

6. List other cities/counties where licensed: State of MN : IA, WI

7. Dates requested for permit: June 1<sup>st</sup> - 30<sup>th</sup>

8. Have you been convicted of a felony, gross misdemeanor or any crime of theft, fraud, or issuance of a worthless check? Yes ☒ No ☐

9. If a fixed site is used for display and sale of goods, written permission of the property owner must be provided.

10. Providing false information in the application could result in denial of the license.

11. Signature of applicant must be notarized.

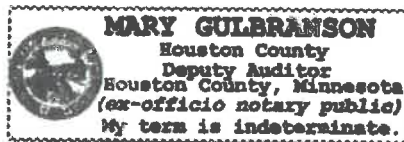
[Signature]  
Signature of applicant

5-24-21  
Date

[Signature]  
Notary

5-24-21  
Date

Notary Stamp



Prior to consideration of the application an investigation shall be made by the county sheriff's department of all persons listed on the license application.

Approved: X Denied:       

Checked by: Inv. Steven Gurnett #2807

County Auditor's Office Use Only

\$25.00 non-refundable application fee plus:

Transient Merchant (7 day license) \$25.00 per individual  
☒ Peddler (30 day license) \$75.00 per individual  
Canvasser/Solicitor (30 day license) \$75.00 per individual

Date Paid        Receipt #        License #        Expiration       

Approved        Denied        By

# Houston County, Minnesota

## Peddler's License & Registration Application

In an effort to provide the public of the County of Houston with the best quality of life within its jurisdiction, the County has determined that the following information be received from any and all persons or firms wishing to conduct:

☐ Transient Merchant  
☐ Canvasser/Solicitor

☒ Peddler

### 1. Name and description of applicant:

Name: Riley Joseph Smith  
(First) (Middle) (Last)  
Eyes Blue Hair Brown Height 5'8 Weight & Build 210  
Date of birth 5-30-1996 Drivers License # 279AP2952  
(Attach copy of license)

### 2. Permanent Home Address:

1099 Shady Oaks Dr  
Dubuque, Iowa

Telephone Number: 563-451-0012

Local Address: 1099 Shady Oaks Dr Phone # 563-451-0012

### 3. Description of vehicle(s) used for sales purposes:

Make & Year 2020 GMC Denali Truck 2500 Model: 2020 GMC Denali 2500  
License # & State HBR643 Iowa Color: White

### 4. Brief written description of the nature of the business, a description of the goods to be sold (including photographs or brochures), what company you are soliciting for and the applicant's method of operation:

Platinum ~~Super~~ Supplemental Insurance, provide cash policies  
for the art of pocket expenses for cancer, heart, and accidents  
along with critical illness

Continued →

5. If employed, name and address of employer: Platinum Supplemental Insurance  
137 Main St Dubuque, Iowa

6. List other cities/counties where licensed: Minnesota, Iowa, Wisconsin, Austin Minn.

7. Dates requested for permit: June 1st - July 1st Winona County

8. Have you been convicted of a felony, gross misdemeanor or any crime of theft, fraud, or issuance of a worthless check? Yes No

9. If a fixed site is used for display and sale of goods, written permission of the property owner must be provided.

10. Providing false information in the application could result in denial of the license.

11. Signature of applicant must be notarized.

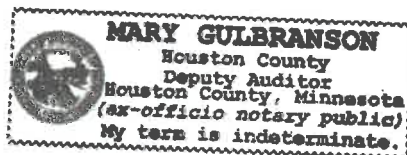
[Signature]  
Signature of applicant

5-24-2021  
Date

[Signature]  
Notary

5-24-2021  
Date

Notary Stamp



Prior to consideration of the application an investigation shall be made by the county sheriff's department of all persons listed on the license application.

Approved: X Denied:       

Checked by: Inv. Steven Garrett #2807

County Auditor's Office Use Only

**\$25.00 non-refundable application fee plus:**

       Transient Merchant (7 day license) \$25.00 per individual  
X Peddler (30 day license) \$75.00 per individual  
       Canvasser/Solicitor (30 day license) \$75.00 per individual

Date Paid        Receipt #        License #        Expiration       

Approved        Denied        By

# 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: 1-Jun-21

Person requesting appointment with County Board: Amelia Meiners

**Issue:**

IUP Approval/Denial: 1) Mathy Construction - IUP for Temp Bituminous Plant in Spring Grove Twp. CUP Approval/Denial: 1) Joe Baxter - CUP for non-farm dwelling in Jefferson Township. 2) Matt Welch - CUP for non-farm dwelling in Houston Township. 3) Will Gerdes - CUP to operate a farm outlet to sell milk/farm products in Caledonia Township. (PC meeting was on 5-27-2021.)

**Justification:**

**Action Requested:**

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

### For County Use Only

**Reviewed by:**

_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
_____ Finance Director	_____ County Engineer	_____ Environmental Services
_____ IS Director	_____ Other (indicate dept)	

**Recommendation:**

**Decision:**

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 reequests and determine if the request will be heard at a County Board meeting.



**HOUSTON COUNTY  
PLANNING COMMISSION AND  
BOARD OF ADJUSTMENT AGENDA  
Thursday, May 27, 2021**

Meetings will be conducted remotely pursuant to MN Statue 13D.021.  
The virtual option utilizes the Zoom platform. The connecting information is below:

**Join Zoom Meeting Using Computer**

<https://zoom.us/j/94112809203>

Meeting ID: 941 1280 9203

**Join Zoom Meeting Using Telephone**

+1 312 626 6799 US (Chicago)

Meeting ID: 941 1280 9203

Public attendees are requested to mute their line until addressed.

**PLANNING COMMISSION**

Approve Minutes for April 29, 2021

**INTERIM USE HEARING:**

5:00 p.m.     ***Mathy Construction Company – Spring Grove Township***  
Temporary Bituminous Plant in an Agricultural Protection District (14.4  
Subdivision 1 (11).

**CONDITIONAL USE HEARINGS:**

5:30 p.m.     ***Joseph Baxter – Jefferson Township***  
Conditional Use Permit for a dwelling in the Agricultural Protection District (14.3  
Subdivision 1 (10).

6:00 p.m.     ***Matt and Marcia Welch – Houston Township***  
Conditional Use Permit for a dwelling in the Agricultural Protection District (14.3  
Subdivision 1 (10).

6:30 p.m.     ***William Gerdes – Caledonia Township***  
Conditional Use Permit to operate a farm outlet to sell milk and other farm  
products in an Agricultural Protection District (14.3 Subdivision 1 (25).

**BOARD OF ADJUSTMENT**

Approve Minutes for April 22, 2021

**VARIANCE HEARINGS:**

7:00 p.m.     ***Tony and Lynette Privet – Wilmington Township***  
Variance to reduce property line setback for existing buildings (14.9), variance to  
reduce setback to an existing feedlot (33.16 Subdivision 6)

**The 7:30 p.m. La Crescent Township hearing has been canceled.**

7:30 p.m.

**All in La Crescent Township**

<b><u>Paul &amp; Pamela Albrecht</u></b>	<b>Parcels 08.0665.000 &amp; 08.0776.000</b>
<b><u>Tiffany &amp; Eric Beck</u></b>	<b>Parcel 08.0872.000</b>
<b><u>Jens &amp; Katherine Brabbit</u></b>	<b>Parcel 08.0783.000</b>
<b><u>Russell &amp; Sharie Brunk</u></b>	<b>Parcels 08.0878.000 &amp; 08.0879.000</b>
<b><u>Kern Minchan, for Eden Management LLP</u></b>	<b>Parcel 08.0670.000</b>
<b><u>Kathleen Hill</u></b>	<b>Parcel 08.0784.000</b>
<b><u>Robert &amp; Patricia Karpinsky</u></b>	<b>Parcel 08.0684.000</b>
<b><u>Jerry &amp; Kerry Kulinski</u></b>	<b>Parcel 08.0689.000</b>
<b><u>Neil &amp; Amy Mighall</u></b>	<b>Parcel 08.0669.000</b>
<b><u>Jane Mc Nulty</u></b>	<b>Parcel 08.0867.000</b>
<b><u>S N &amp; Shamala Rajagopal</u></b>	<b>Parcel 08.0688.000</b>
<b><u>Robert and Linda Schwandt, for the Robert and Linda Schwandt Trust</u></b>	<b>Parcel 08.0875.000</b>
<b><u>Thomas Tornstrom</u></b>	<b>Parcel 08.0677.000</b>
<b><u>Daniel &amp; Jennifer Wilson</u></b>	<b>Parcels 08.0791.000 &amp; 08.0793.000</b>
<b><u>Jonathan &amp; Michelle Zlabeck</u></b>	<b>Parcel 08.0668.000</b>

- 1) Variance to allow new dwellings on lots that are not buildable lots as defined by Ordinance (15.9 subd. 1);
- 2) Variance to reduce the setback required from a public road (15.6 subd. 3);
- 3) Variance to allow a structure within a bluff impact zone (29.17 subd. 1);
- 4) Variance to reduce setback from the top of a bluff (29.17 subd. 2);
- 5) Variance to minimum sewage treatment and disposal area standards (29.22 subd. 10);
- 6) Variance to minimum side yard setback (15.7 subd. 1).



## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Patrick Paulino of Mathy Construction Company, 920 10<sup>th</sup> Avenue North, Onalaska, WI 54650 (applicant) and J & C Farms, In., 103 2<sup>nd</sup> Avenue SE, Spring Grove, MN 55974 (landowner), for an Interim Use Permit for a temporary Bituminous Plant in an Agricultural Protection District (Section 14 – 14.4 Interim Uses, Subdivision 1, Subsection 11) in Spring Grove Township on following premises, to-wit:

Part NE¼, Section 20, Township 101, Range 7, Houston County, Minnesota. (Parcel #13.0255.001)

Said applicants standing and making application are as applicant and fee owner of said described lands.

A hearing on this application will be held at 5:00 p.m. on Thursday, May 27, 2021. Due to the health pandemic, the hearing will be conducted remotely pursuant to MN Statute 13D.021, with Planning Commission Members participating by telephone and virtually. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at <https://zoom.us/j/94112809203> or by dialing 312-626-6799 and entering meeting ID: 941 1280 9203.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to [amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us), and must be received by Tuesday, May 18, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administration

ADV: May 12, 2021

## CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: Mathy Construction Company DATE: May 27, 2021

I.U.P. REQUESTED: Operate a bituminous plant in an agricultural protection district at the Underpass Quarry in Spring Grove Township.

The Planning Commission shall not recommend an interim 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 says to “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost” (Section 0100.0510 Subd. 2, Policy 4).

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

James Wieser – Yes

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

Staff Analysis: Scheduled projects on County 8, 11, and 33 have a need for a temporary asphalt plant.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Roads have to be maintained in the County.

Greg Myhre – Yes

Rich Schild – Yes, There is a need for this use.

James Wieser – Yes

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

Staff Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: This use should not impact quantity of water runoff, but berms could be required to contain runoff within the existing quarry site.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes

Ed Hammell – Yes, The condition on the permit will take care of it.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA and Ed H.

James Wieser – Yes

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

Staff Analysis: NA

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

Staff Analysis: A Spill Prevention Control Countermeasure Plan is in place and maintained by educated and competent employees. Applicable air quality standards are met as well.

Bob Conway – Yes

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

James Wieser – Yes, Agrees with SA.

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

Staff Analysis: Proposed routes avoid township roads, which can be damaged by heavy traffic. All projects are west of the City of Spring Grove so there should not be increased traffic through town.

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. MNDOT gave a green light.

James Wieser – 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.

Staff Analysis: There is adequate space within the quarry footprint for this use.

Bob Conway – Yes

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes, Agrees with SA.

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

Staff Analysis: For past projects, increased traffic loading on all routes utilized was not projected to impact traffic a significant amount. Remember this will be a short-term operation.

Bob Conway – Yes

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes

10. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The quarry is skirted by timber and adjacent properties are primarily cropland. Any impacts will be short-term for this operation. The nearest dwellings are approximately 2,000 feet away.

Bob Conway – Yes, Agrees and neighbors had no comments.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, This is a short term project.

James Wieser – Yes

11. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The predominant use in the area is agricultural cropland, which is not anticipated to be affected. This temporary facility should not have an impact greater than the operating quarry in which it will be housed.

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.

James Wieser – 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.

Staff Analysis: Fugitive dust is controlled with water and odor suppressant is added to the asphalt mix.

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  
James Wieser – 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: 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: NA

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 proposed location is appropriate due to distances to neighboring dwellings and presence within an existing quarry. The Spill Prevention Control Countermeasure Plan mitigates unforeseen threats to public's health, safety, morals, and general welfare to the extent practical. The proposed haul routes result in minimum wear on public road infrastructure, thus protecting the general welfare.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA and Rich S.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA and Mathy has a good track record.  
James Wieser – Yes, Agrees with SA.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application set up and operate a bituminous plant in an agricultural protection district at the Underpass Quarry in Spring Grove Township 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. Runoff from within the plant footprint shall be contained within the existing quarry floor.
4. Permit expiration shall be December 31, 2021.

Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.



# 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

5/19/2021

Application Date: 5/6/2021  
Hearing Date: 5/27/2021  
Petitioner: Mathy Construction  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 22095 State 44  
Township: Spring Grove  
Parcel Number: 130255001  
Submitted Materials: Interim Application, Supplemental Information

## OVERVIEW

### REQUEST

The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in the Underpass Quarry in Spring Grove Township.

### SUMMARY OF NOTEWORTHY TOPICS

The plant will produce asphalt for the CSAH 8, 11 and 33 projects and any additional projects within the area that are accepted after this application. The applicants identify a maximum time of operation from June to August of 2021, with the plant operating from Monday through Saturday between 5AM and 9PM. Haul routes are identified within the packet and will by-pass the City of Spring Grove.

The applicants did not identify the source of aggregate or anticipated number of hauls in the application. Perhaps it can be provided during the hearing if the Planning Commission feels it important for decision-making.

The following materials will be kept on site (approximate):

- Asphalt cement 60,000 gals.
- Diesel Fuel 10,000 gals.
- Burning Oil 15,000 gals.
- Tack 7,500 gals.
- Petroleum Lubricants 55-150 gals.
- Aggregate Material

The applicant has a Spill Prevention Control Countermeasure Plan in place in accordance with 40 CFR part 112, Subparts A and B. In addition, emissions testing is completed on all plants and documentation was provided to show this plant meets MPCA standards.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Spring Grove Township and the ten nearest property owners were notified. No comments were received.

#### SITE CHARACTERISTICS

The plant is proposed in the Underpass Quarry. This site received a mineral extraction CUP in 2020 (CUP #284) to expand their operation and is owned by J & C Farms Inc. Access is from State 44. There are two homes approximately 2,000 feet in the easterly direction and one approximately 1,100 feet to the west. These distances are based upon the quarry perimeter as the specific plant location is unknown.

There is a manmade pond in the quarry north of State 44 and five intermittent streams around the Underpass Quarry. According to the EAW two small ponds were excavated within the Underpass Quarry for washing operations, but groundwater fluctuations do not always support that purpose. The closest intermittent stream is 650 feet to the northeast, with the remaining four at least twice as far.



Figure 1. Location of asphalt plant as indicated by the applicant.





**Figure 2. Sensitive water features in proximity to the mine. The numbers denote address points, primarily dwellings. The dashed lines show intermittent streams while the blue areas mark wetlands.**

## 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 says to “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost” (Section 0100.0510 Subd. 2, Policy 4).

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

Staff Analysis: Scheduled projects on County 8, 11, and 33 have a need for a temporary asphalt plant.

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

Staff Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response.

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



Staff Analysis: This use should not impact quantity of water runoff, but berms could be required to contain runoff within the existing quarry site

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

Staff Analysis: NA

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

Staff Analysis: A Spill Prevention Control Countermeasure Plan is in place and maintained by educated and competent employees. Applicable air quality standards are met as well.

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

Staff Analysis: Proposed routes avoid township roads, which can be damaged by heavy traffic. All projects are west of the City of Spring Grove so there should not be increased traffic through town.

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: There is adequate space within the quarry footprint for this use.

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

Staff Analysis: For past projects, increased traffic loading on all routes utilized was not projected to impact traffic a significant amount. Remember this will be a short-term operation.

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: The quarry is skirted by timber and adjacent properties are primarily cropland. Any impacts will be short-term for this operation. The nearest dwellings are approximately 2,000 feet away.

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 predominant use in the area is agricultural cropland, which is not anticipated to be affected. This temporary facility should not have an impact greater than the operating quarry in which it will be housed.

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: Fugitive dust is controlled with water and odor suppressant is added to the asphalt mix.

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: NA


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 proposed location is appropriate due to distances to neighboring dwellings and presence within an existing quarry. The Spill Prevention Control Countermeasure Plan mitigates unforeseen threats to public's health, safety, morals, and general welfare to the extent practical. The proposed haul routes result in minimum wear on public road infrastructure, thus protecting the 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. 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. Runoff from within the plant footprint shall be contained within the existing quarry floor.
4. Permit expiration shall be December 31, 2021.

Number <b>2021-IUP-76728</b>	<b>Mathy Construction   130255001  </b> <b>Interim Use Request</b> Submitted by <b>Mathy Construction</b> on 5/4/2021	
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## INTERIM USE INTRO [\[Edit\]](#) Last updated: 5/6/2021 9:24:56 AM and saved by: Mathy Construction

An Interim 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 7.7 of the ordinance. Interim use permits must specify a termination event or date, and are nontransferable.

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.**

Interim Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:  
Interim Use

**APPLICANT INFORMATION** Submitted by Applicant [\[Edit\]](#) Last updated: 5/6/2021 9:25:45 AM and saved by: Mathy<sup>7</sup> Construction

---

Applicant Name	<b>Mathy Construction</b>
Telephone Number	<b>6087796348</b>
Address	<b>920 10th Avenue North</b>
City	<b>Onalaska</b>
Zip	<b>54650</b>
Parcel Tax ID	<b>130255001</b>
Legal Description	<b>PT NE1/4 &amp; ROAD EASEMENT - .6AB 351 P 773</b>
Section-Township-Range	<b>20/101/007</b>
Do you own additional adjacent parcels	<b>No</b>

---

Township of: **Spring Grove**

**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**

---

**INTERIM USE REQUEST** [\[Edit\]](#) Last updated: 5/6/2021 9:27:10 AM and saved by: Mathy Construction

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

5/19/2021

The Schneider Corporation Building Permit Application

Describe in detail your request.

**Mathy Construction would like to place a temporary portable asphalt plant in Underpass Quarry for local infrastructure projects. We would like to start in June and operate for a few weeks.**

[Submitted by Applicant](#)

8

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

**Unknown**

Requested Dimension:

**Typically a plant footprint with stock piles is around 4 acres.**

**Please upload any supporting documents:**

[Houston County Application.pdf \(download\)](#)

**INTERIM USE FINDING OF FACTS** [\[Edit\]](#) Last updated: 5/6/2021 9:27:15 AM and saved by: Mathy Construction

---

[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 attached.**

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

**Yes**

Comments:

**The proposed use would provide hot mix asphalt to local infrastructure projects.**

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

**Yes**

Comments:

**See attached.**

**4. That the proposed use will not adversely**

**Yes**

**increase the quantity of water runoff.**

Comments: **See attached.**

**5. That soil conditions are adequate to accommodate the proposed use.** **N/A**

Comments: **N/A**

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

Comments: **See attached.**

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

Comments: **See attached.**

**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: **All plant parking and loading will be within the quarry foot print.**

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

Comments: **See attached.**

**10. That the conditional use will not be injurious** **Yes**

**to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.**

Comments: **See attached.**

**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 attached.**

**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: **Mathy Construction uses odor suppressant in it's asphalt mix. Mathy Construction also uses water to prevent any fugitive dust from leaving plant area.**

**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: **N/A**

**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: N/A

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: See attached.

## **SITE PLAN INFORMATION** [Edit] Last updated: 5/6/2021 9:31:01 AM and saved by: Mathy Construction

A site plan MUST accompany all Applications. You can either hand draw your site plan and submit it via scanning and attaching the document, or by using the interactive map below.

There are no attached documents.

**Upload Site Plan**

**Use Interactive Map to Create Site Plan**





5/19/2021

The Schneider Corporation Building Permit Application



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

12

## APPLICATION SUBMITTAL [Edit]

Last updated: 5/6/2021 9:33:58 AM and saved by: Mathy Construction

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:  
05/06/2021

Check this box if Staff Signature on behalf of Applicant. **No**

## APP SUBMITTED/PAYMENT SELECTION

Last updated: 5/12/2021 11:19:12 AM and saved by: Holly Felten

Fee amount paid: **\$746**

## SPRING GROVE TOWNSHIP REVIEW [Edit]

Last updated: 5/12/2021 11:19:21 AM and saved by: Holly Felten

**Notice to Township**

Date email sent:  
05/12/2021

**APPLICATION DATE** [Edit] Last updated: 5/12/2021 11:20:15 AM and saved by: Holly Felten

---

**What Stage is the  
Application At?**

**Application reviewed and determined complete.**

**Application Date  
(Complete Application)**

**5/7/2021**

**Date of Notice of  
Incomplete Application**

**Comments**

**Please upload any  
supporting documents:**

**There are no attached documents.**

**DATES** [Edit] Last updated: 5/12/2021 11:22:03 AM and saved by: Holly Felten

---

**Advertising Date**

**5/12/2021**

**Planning Commission  
Meeting Date**

**5/27/2021**

**Meeting Time**

**5:00 PM**

**Comments**

## Houston County Application – Supplemental Information

1. Map of Proposed Plant Location in Underpass Quarry.



2. The maximum time for operation would be June through August of 2021.
3. The plant would operate Monday through Saturday from 5:00 A.M. to 9:00 P.M.
4. The plant would provide product for the following Houston County projects: Cty Road 8, 11, and 33. The plant may also provide product to additional projects within the area if more jobs are accepted throughout the coming months.
5. Project Haul Routes Maps: See Attachment 1.
6. All our asphalt plants have air emission testing. See Attachment 2 for emission testing of plant 66. In the event a different plant is mobilized for the project, a plant specific emission test can be provided upon request.
7. Materials and quantities may vary but will approximately match the following:

- Asphalt Cement = 60,000 gallons,
  - Diesel Fuel = 10,000 gallons,
  - Burning Oil = 15,000 gallons,
  - Tack = 7,500 gallons,
  - Petroleum Lubricants = 55-150 gallons.
  - Aggregate Material
8. All Mathy Construction's asphalt plants have a Spill Prevention Control Countermeasure (SPCC) plan in place. Prevention and reaction to spills are implemented and followed in accordance with the requirements of 40 CFR Part 112, Subparts A and B (February 6<sup>th</sup>, 2018). Mathy Construction ensures that the contents of the SPCC plans are implemented and maintained by well trained, educated and competent employees.

Example of Preventative Measures:

- Inspections of equipment and site are performed to prevent possible spills.
- Best management practices, such as a berm, are implemented to ensure any possible spills stay on site and away from water sources.

Summary of Spill Response:

In the event of a spill, the following emergency response is followed:

1. Take immediate action to isolate and control the release, as long as response action does not jeopardize the health and/or safety of responders or the public. Mobilize accessible resources and stabilize the situation. Barriers, aggregate/earthen materials and/or adsorbent materials should be used, if necessary, to prevent discharge from reaching storm water conveyance systems or off-site areas.
2. Consult Safety Data Sheets (SDS), when necessary, to evaluate health hazards and fire potential. Contact local fire responders if potential for ignition is a concern.
3. Report any spill to authorized Company officials. Company officials will notify the County Emergency Management, Department of Natural Resources (DNR) personnel, and EPA National Response Center for reportable spills.
4. Continue spill mitigation procedures. Isolate and contain petroleum products through berming, application of absorbent aggregate, petroleum adsorbent padding, or diversion to containment area. Confirm possible control of leak or spill source as soon as practicable.
5. Notify Company officials as soon as the situation is stabilized. Upon approval of the Company or DNR officials, begin excavation/cleaning process

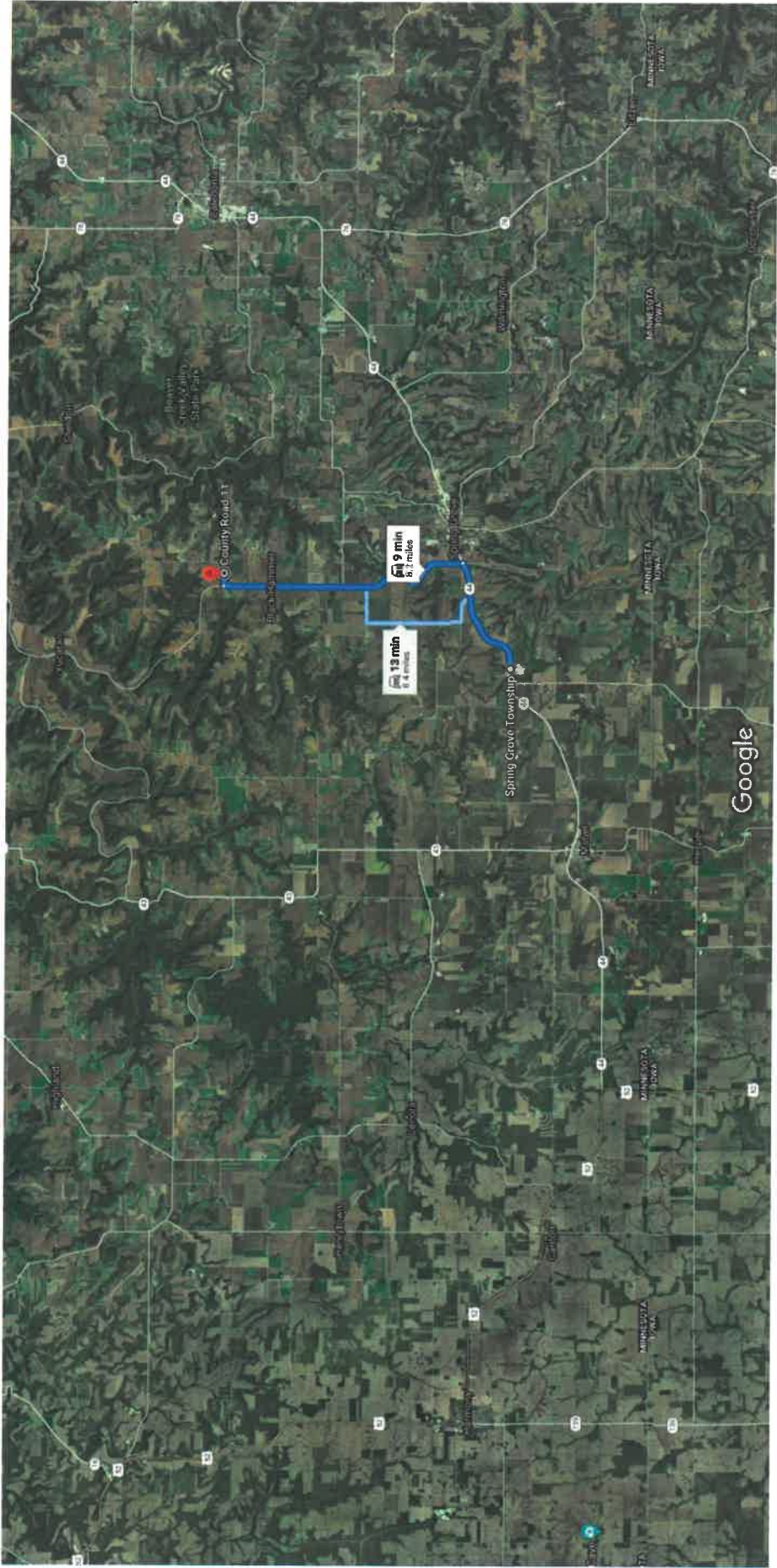
## **ATTACHMENT 1**

### **PROJECT HAUL ROUTES**



Drive 8.2 miles, 9 min

Google Maps Spring Grove Township, Minnesota to County Rd 11, Spring Grove, MN 55974



### Spring Grove Township Minnesota

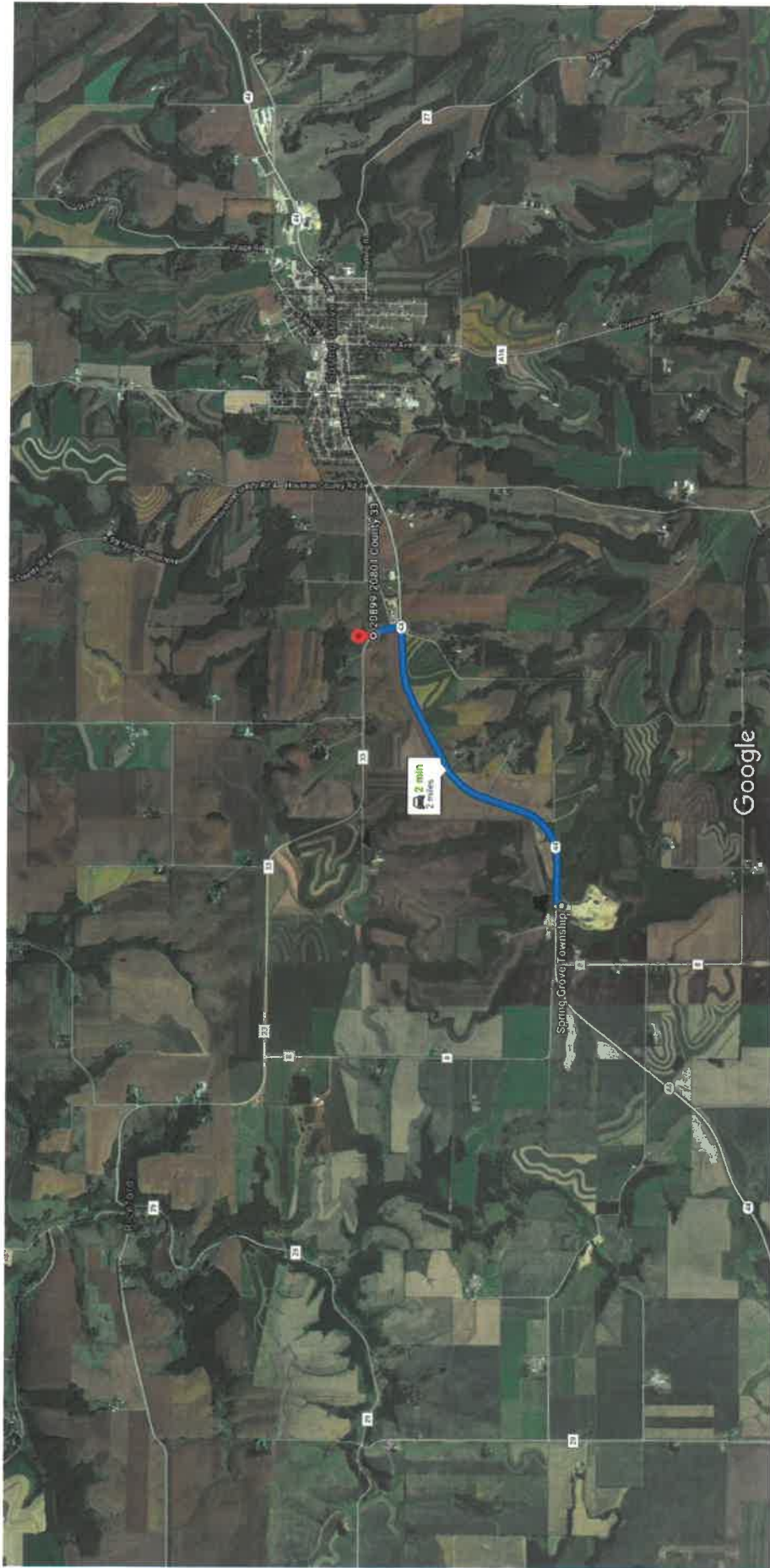
- 1. Head east on MN-44 E toward T-51 2.6 mi
- 2. Turn left onto Houston County Rd 4 5.3 mi
- 3. Turn right onto County Rd 11 0.3 mi

County Rd 11

Spring Grove, MN 55974

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.





Imagery ©2021 Landsat / Copernicus, Maxar Technologies, USDA Farm Service Agency, Map data ©2021 Google 2000 ft



via MN-44 E

Fastest route, the usual traffic

2 min

2.0 miles

Explore 20899-20801 County 33







## **ATTACHMENT 2**

### **EMISSION TESTING**

**Compliance Emission Test  
Particulate Matter and Visible Emissions  
Gencor Drum Mix Asphalt Plant  
Mathy Construction Company Plant #66  
Winona, Minnesota**

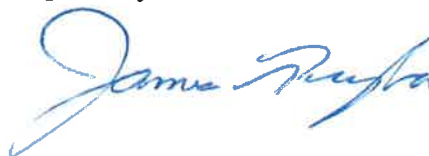
**August 3, 1995**

**Prepared For:**

Ms. Tara Koudelka  
Environmental Engineer  
Mathy Construction Company  
P. O. Box 189  
Onalaska, WI 54650-0189

Report Number CMXX-95-0446  
August 31, 1995

**Prepared By:**



James Tryba  
Project Engineer, Source Testing Program

Braun Intertec Corporation  
1345 Northland Drive  
Mendota Heights, MN 55120

## INTRODUCTION

This report presents the results of a compliance test performed by Braun Intertec Corporation (Braun Intertec) at the Mathy Construction Company Plant #66 asphalt plant located near Winona, Minnesota. The test was performed on August 3, 1995 on the asphalt plant's baghouse exhaust stack. The purpose of the test was to determine the facility's compliance status with the conditions of the Minnesota Pollution Control Agency's (MPCA) permit number 99000228-001.

The Braun Intertec test team consisted of Messrs. James Tryba, Project Engineer, and sampling technicians Duane Hudson and Jayson Olson. Mathy Construction was represented throughout the test period by Ms. Tara Koudelka, Environmental Engineer. A portion of the test proceedings were witnessed by Mr. Marshall Cole, Environmental Engineer for the Minnesota Pollution Control Agency (MPCA).

## DESCRIPTION OF TEST PROGRAM

The purpose of the test was to quantify the emissions of particulate matter (PM) and visible emissions (opacity) from the asphalt plant's baghouse exhaust stack. The asphalt plant, manufactured by Gencor Industries, Inc., was a Model 300 Ultradrum counterflow drum mix asphalt plant. The asphalt plant has a rated capacity of 350 ton per hour at 5% aggregate moisture content. The particulate emissions from the asphalt plant were controlled by a Gencor fabric filter baghouse system. The asphalt plant was producing a virgin aggregate hot mix product at the time of testing and was fired by waste oil. Please refer to Appendix A for a detailed operating conditions.

The filterable (front half) and condensible (back half) catches were analyzed in accordance with the appropriate test methods. The facility's compliance status is based solely upon the filterable portions of the samples. Please refer to Table 2 for a summary of the compliance test results.

The test methods utilized in the test program are presented in Table 1. These methods are as referenced in Code of Federal Regulations, Title 40 Part 60 Appendix A.

Table 1: Test Methods

Method #	Purpose
1	Determination of traverse point location, verification of flow conditions
2	Determination of duct velocity and volume flow rate
3	Determination of duct fixed gas content
4	Determination of duct moisture content
5	Determination of filterable particulate matter concentration and emission rate
9	Visual determination of the opacity of emissions
202	Determination of condensible particulate emissions

Mathy Construction Company  
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## TEST RESULTS

The results of the compliance tests are presented in Tables 2, 3 and 4. Table 2 summarizes the particulate emissions. Table 3 summarizes the visible emissions. Table 4 presents the individual test results for the source tested.

Table 2: Particulate Matter Emission Summary

SOURCE TESTED	ALLOWABLE (gr/dscf)	MEASURED (gr/dscf)			
		Average	Run #1	Run #2	Run #3
Asphalt Plant Baghouse	0.04 *	0.0041	0.0049	0.0040	0.0034

\* Filterable particulate matter only.

Table 3: Visible Emission Summary

SOURCE TESTED	ALLOWABLE	MEASURED			
		Average	Run #1	Run #2	Run #3
Asphalt Plant Baghouse	20%	0.0%	0.1%	0.0%	0.0%

Mathy Construction Company  
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**Table 4: Individual Run Results - Baghouse Particulate Matter Compliance Test**

TEST DATE: August 3, 1994	<u>Run #1</u>	<u>Run #2</u>	<u>Run #3</u>	<u>Average</u>
Sample Period	: 07:25-08:37	9:15-10:22	11:25-12:42	
Total Sampling Time (min)	: 60	60	60	60
<b>PROCESS CONDITIONS</b>				
Average Duct Temperature (°F)	: 291	292	278	287
Average Duct Velocity (ft/s)	: 62.4	55.7	63.1	60.4
Duct Moisture Content (% vol.)	: 37.4	32.6	35.1	35.0
Duct O <sub>2</sub> Content (%vol. dry)	: 9.6	9.4	9.3	9.4
Duct CO <sub>2</sub> Content (%vol. dry)	: 8.8	8.9	9.1	8.9
Wet Molecular Weight (g.gmole)	: 25.39	25.95	25.66	25.66
Volume Flow Rate (ACFM)	: 59,500	53,200	60,200	57,633
Volume Flow Rate (SCFM)	: 41,400	36,900	42,600	40,300
Volume Flow Rate (DSCFM)	: 25,900	24,900	27,700	26,166
<b>PRODUCTION DATA</b>				
Process Equipment Operating Parameters -				
Material Usage-				
Virgin Aggregate (ton/hr)	: 310	313	304	309
Asphalt Cement (ton/hr)	: 17.8	17.9	18.1	17.9
Fuel Input (gal/hr)	: 540	540	540	540
Aggregate Moisture Content (%)	: 5.0	4.0	4.9	4.6
Control Equipment Operating Parameters-				
Pressure Drop (in.H <sub>2</sub> O)	: 3.8	4.0	4.1	4.0
<b>SAMPLE DATA</b>				
Sample Volume (dscf)	: 46.813	42.815	47.113	
PM Collected (mg)				
Filterable	: 14.9	11.1	10.4	12.1
Organic Condensable	: 10.5	4.2	3.4	6.0
Aqueous Condensable	: 6.0	4.9	4.5	5.1
Total	: 31.4	20.2	18.3	23.2
PM Concentration (gr/dscf)				
Filterable	: 0.0049	0.0040	0.0034	0.0041
Organic Condensable	: 0.0020	0.0018	0.0015	0.0018
Aqueous Condensable	: 0.0035	0.0015	0.0011	0.0020
Total	: 0.0104	0.0073	0.0060	0.0079
Isokinetic Variation (%)	: 108.2	102.9	101.9	



## 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 5/19/2021

Application Date: 5/6/2021  
Hearing Date: 5/27/2021  
Petitioner: Mathy Construction  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 22095 State 44  
Township: Spring Grove  
Parcel Number: 130255001  
Submitted Materials: Interim Application, Supplemental Information

### OVERVIEW

#### REQUEST

The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in the Underpass Quarry in Spring Grove Township.

#### SUMMARY OF NOTEWORTHY TOPICS

The plant will produce asphalt for the CSAH 8, 11 and 33 projects and any additional projects within the area that are accepted after this application. The applicants identify a maximum time of operation from June to August of 2021, with the plant operating from Monday through Saturday between 5AM and 9PM. Haul routes are identified within the packet and will by-pass the City of Spring Grove.

The applicants did not identify the source of aggregate or anticipated number of hauls in the application. Perhaps it can be provided during the hearing if the Planning Commission feels it important for decision-making.

The following materials will be kept on site (approximate):

- Asphalt cement                      60,000 gals.
- Diesel Fuel                            10,000 gals.
- Burning Oil                           15,000 gals.
- Tack                                      7,500 gals.
- Petroleum Lubricants            55-150 gals.
- Aggregate Material



The applicant has a Spill Prevention Control Countermeasure Plan in place in accordance with 40 CFR part 112, Subparts A and B. In addition, emissions testing is completed on all plants and documentation was provided to show this plant meets MPCA standards.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Spring Grove Township and the ten nearest property owners were notified. No comments were received.

#### SITE CHARACTERISTICS

The plant is proposed in the Underpass Quarry. This site received a mineral extraction CUP in 2020 (CUP #284) to expand their operation and is owned by J & C Farms Inc. Access is from State 44. There are two homes approximately 2,000 feet in the easterly direction and one approximately 1,100 feet to the west. These distances are based upon the quarry perimeter as the specific plant location is unknown.

There is a manmade pond in the quarry north of State 44 and five intermittent streams around the Underpass Quarry. According to the EAW two small ponds were excavated within the Underpass Quarry for washing operations, but groundwater fluctuations do not always support that purpose. The closest intermittent stream is 650 feet to the northeast, with the remaining four at least twice as far.



Figure 1. Location of asphalt plant as indicated by the applicant.





**Figure 2. Sensitive water features in proximity to the mine. The numbers denote address points, primarily dwellings. The dashed lines show intermittent streams while the blue areas mark wetlands.**

## 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 says to “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost” (Section 0100.0510 Subd. 2, Policy 4).

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

Staff Analysis: Scheduled projects on County 8, 11, and 33 have a need for a temporary asphalt plant.

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

Staff Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response.

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

Staff Analysis: This use should not impact quantity of water runoff, but berms could be required to contain runoff within the existing quarry site

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

Staff Analysis: NA

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

Staff Analysis: A Spill Prevention Control Countermeasure Plan is in place and maintained by educated and competent employees. Applicable air quality standards are met as well.

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

Staff Analysis: Proposed routes avoid township roads, which can be damaged by heavy traffic. All projects are west of the City of Spring Grove so there should not be increased traffic through town.

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: There is adequate space within the quarry footprint for this use.

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

Staff Analysis: For past projects, increased traffic loading on all routes utilized was not projected to impact traffic a significant amount. Remember this will be a short-term operation.

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: The quarry is skirted by timber and adjacent properties are primarily cropland. Any impacts will be short-term for this operation. The nearest dwellings are approximately 2,000 feet away.

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 predominant use in the area is agricultural cropland, which is not anticipated to be affected. This temporary facility should not have an impact greater than the operating quarry in which it will be housed.

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: Fugitive dust is controlled with water and odor suppressant is added to the asphalt mix.

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: NA


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 proposed location is appropriate due to distances to neighboring dwellings and presence within an existing quarry. The Spill Prevention Control Countermeasure Plan mitigates unforeseen threats to public's health, safety, morals, and general welfare to the extent practical. The proposed haul routes result in minimum wear on public road infrastructure, thus protecting the 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. 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. Runoff from within the plant footprint shall be contained within the existing quarry floor.
4. Permit expiration shall be December 31, 2021.

Number <b>2021-IUP-76728</b>	<b>Mathy Construction   130255001  </b> <b>Interim Use Request</b> Submitted by <b>Mathy Construction</b> on 5/4/2021	
---------------------------------	---	---

## INTERIM USE INTRO [Edit] Last updated: 5/6/2021 9:24:56 AM and saved by: Mathy Construction

An Interim 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 7.7 of the ordinance. Interim use permits must specify a termination event or date, and are nontransferable.

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.**

Interim Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:  
Interim Use

**APPLICANT INFORMATION** [Edit] Submitted by Applicant Last updated: 5/6/2021 9:25:45 AM and saved by: Mathy<sup>7</sup> Construction

---

Applicant Name	<b>Mathy Construction</b>
Telephone Number	<b>6087796348</b>
Address	<b>920 10th Avenue North</b>
City	<b>Onalaska</b>
Zip	<b>54650</b>
Parcel Tax ID	<b>130255001</b>
Legal Description	<b>PT NE1/4 &amp; ROAD EASEMENT - .6AB 351 P 773</b>
Section-Township-Range	<b>20/101/007</b>
Do you own additional adjacent parcels	<b>No</b>

Township of: **Spring Grove**

**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**

**INTERIM USE REQUEST** [Edit] Last updated: 5/6/2021 9:27:10 AM and saved by: Mathy Construction

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

5/19/2021

The Schneider Corporation Building Permit Application

8

Describe in detail your request.

**Mathy Construction would like to place a temporary portable asphalt plant in Underpass Quarry for local infrastructure projects. We would like to start in June and operate for a few weeks.**

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

**Unknown**

Requested Dimension:

**Typically a plant footprint with stock piles is around 4 acres.**

Please upload any supporting documents:

[Houston County Application.pdf \(download\)](#)

**INTERIM USE FINDING OF FACTS** [Edit] Last updated: 5/6/2021 9:27:15 AM and saved by: Mathy Construction

[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 attached.**

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

**Yes**

Comments:

**The proposed use would provide hot mix asphalt to local infrastructure projects.**

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

**Yes**

Comments:

**See attached.**

**4. That the proposed use will not adversely**

**Yes**

**increase the quantity of water runoff.**

Comments: **See attached.**

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

**N/A**

Comments:

**N/A**

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

**Yes**

Comments:

**See attached.**

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

**Yes**

Comments:

**See attached.**

**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:

**All plant parking and loading will be within the quarry foot print.**

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

**Yes**

Comments:

**See attached.**

**10. That the conditional use will not be injurious**

**Yes**

**to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.**

Comments: **See attached.**

**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 attached.**

**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: **Mathy Construction uses odor suppressant in it's asphalt mix. Mathy Construction also uses water to prevent any fugitive dust from leaving plant area.**

**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: **N/A**

**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: 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.**

Yes

Comments: See attached.

**SITE PLAN INFORMATION** [Edit] Last updated: 5/6/2021 9:31:01 AM and saved by: Mathy Construction

A site plan MUST accompany all Applications. You can either hand draw your site plan and submit it via scanning and attaching the document, or by using the interactive map below.

**Upload Site Plan** There are no attached documents.

**Use Interactive Map to Create Site Plan**

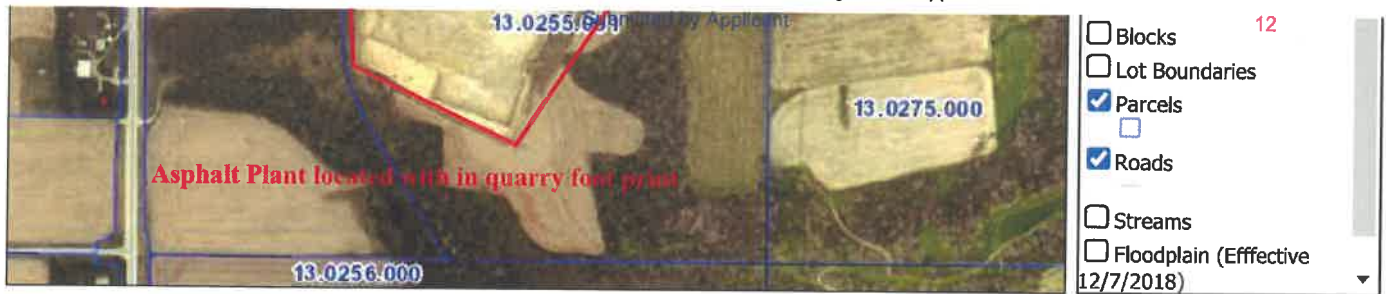


**Layer List:**

- ☒ NG911 Address Points
- ☒ Wells\_MWI\_Jan\_2018
- ☐ Contours
- ☒ Septic Permit
  - ☒ Septic Permits
- ☒ Corporate Limits
- ☒ Political Townships
- ☐ Subdivisions

5/19/2021

The Schneider Corporation Building Permit Application



## APPLICATION SUBMITTAL [Edit]

Last updated: 5/6/2021 9:33:58 AM and saved by: Mathy Construction

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:  
05/06/2021

Check this box if Staff Signature on behalf of Applicant. **No**

## APP SUBMITTED/PAYMENT SELECTION

Last updated: 5/12/2021 11:19:12 AM and saved by: Holly Felten

Fee amount paid: **\$746**

## SPRING GROVE TOWNSHIP REVIEW [Edit]

Last updated: 5/12/2021 11:19:21 AM and saved by: Holly Felten

**Notice to Township**

Date email sent:  
05/12/2021

**APPLICATION DATE** [Edit] Last updated: 5/12/2021 11:20:15 AM and saved by: Holly Felten

---

**What Stage is the  
Application At?**

**Application reviewed and determined complete.**

**Application Date  
(Complete Application)**

**5/7/2021**

**Date of Notice of  
Incomplete Application**

**Comments**

**Please upload any  
supporting documents:**

**There are no attached documents.**

**DATES** [Edit] Last updated: 5/12/2021 11:22:03 AM and saved by: Holly Felten

---

**Advertising Date**

**5/12/2021**

**Planning Commission  
Meeting Date**

**5/27/2021**

**Meeting Time**

**5:00 PM**

**Comments**

## Houston County Application – Supplemental Information

- 1. Map of Proposed Plant Location in Underpass Quarry.**



2. The maximum time for operation would be June through August of 2021.
3. The plant would operate Monday through Saturday from 5:00 A.M. to 9:00 P.M.
4. The plant would provide product for the following Houston County projects: Cty Road 8, 11, and 33. The plant may also provide product to additional projects within the area if more jobs are accepted throughout the coming months.
5. Project Haul Routes Maps: See Attachment 1.
6. All our asphalt plants have air emission testing. See Attachment 2 for emission testing of plant 66. In the event a different plant is mobilized for the project, a plant specific emission test can be provided upon request.
7. Materials and quantities may vary but will approximately match the following:

- Asphalt Cement = 60,000 gallons,
  - Diesel Fuel = 10,000 gallons,
  - Burning Oil = 15,000 gallons,
  - Tack = 7,500 gallons,
  - Petroleum Lubricants = 55-150 gallons.
  - Aggregate Material
8. All Mathy Construction's asphalt plants have a Spill Prevention Control Countermeasure (SPCC) plan in place. Prevention and reaction to spills are implemented and followed in accordance with the requirements of 40 CFR Part 112, Subparts A and B (February 6<sup>th</sup>, 2018). Mathy Construction ensures that the contents of the SPCC plans are implemented and maintained by well trained, educated and competent employees.

Example of Preventative Measures:

- Inspections of equipment and site are performed to prevent possible spills.
- Best management practices, such as a berm, are implemented to ensure any possible spills stay on site and away from water sources.

Summary of Spill Response:

In the event of a spill, the following emergency response is followed:

1. Take immediate action to isolate and control the release, as long as response action does not jeopardize the health and/or safety of responders or the public. Mobilize accessible resources and stabilize the situation. Barriers, aggregate/earthen materials and/or adsorbent materials should be used, if necessary, to prevent discharge from reaching storm water conveyance systems or off-site areas.
2. Consult Safety Data Sheets (SDS), when necessary, to evaluate health hazards and fire potential. Contact local fire responders if potential for ignition is a concern.
3. Report any spill to authorized Company officials. Company officials will notify the County Emergency Management, Department of Natural Resources (DNR) personnel, and EPA National Response Center for reportable spills.
4. Continue spill mitigation procedures. Isolate and contain petroleum products through berming, application of absorbent aggregate, petroleum adsorbent padding, or diversion to containment area. Confirm possible control of leak or spill source as soon as practicable.
5. Notify Company officials as soon as the situation is stabilized. Upon approval of the Company or DNR officials, begin excavation/cleaning process

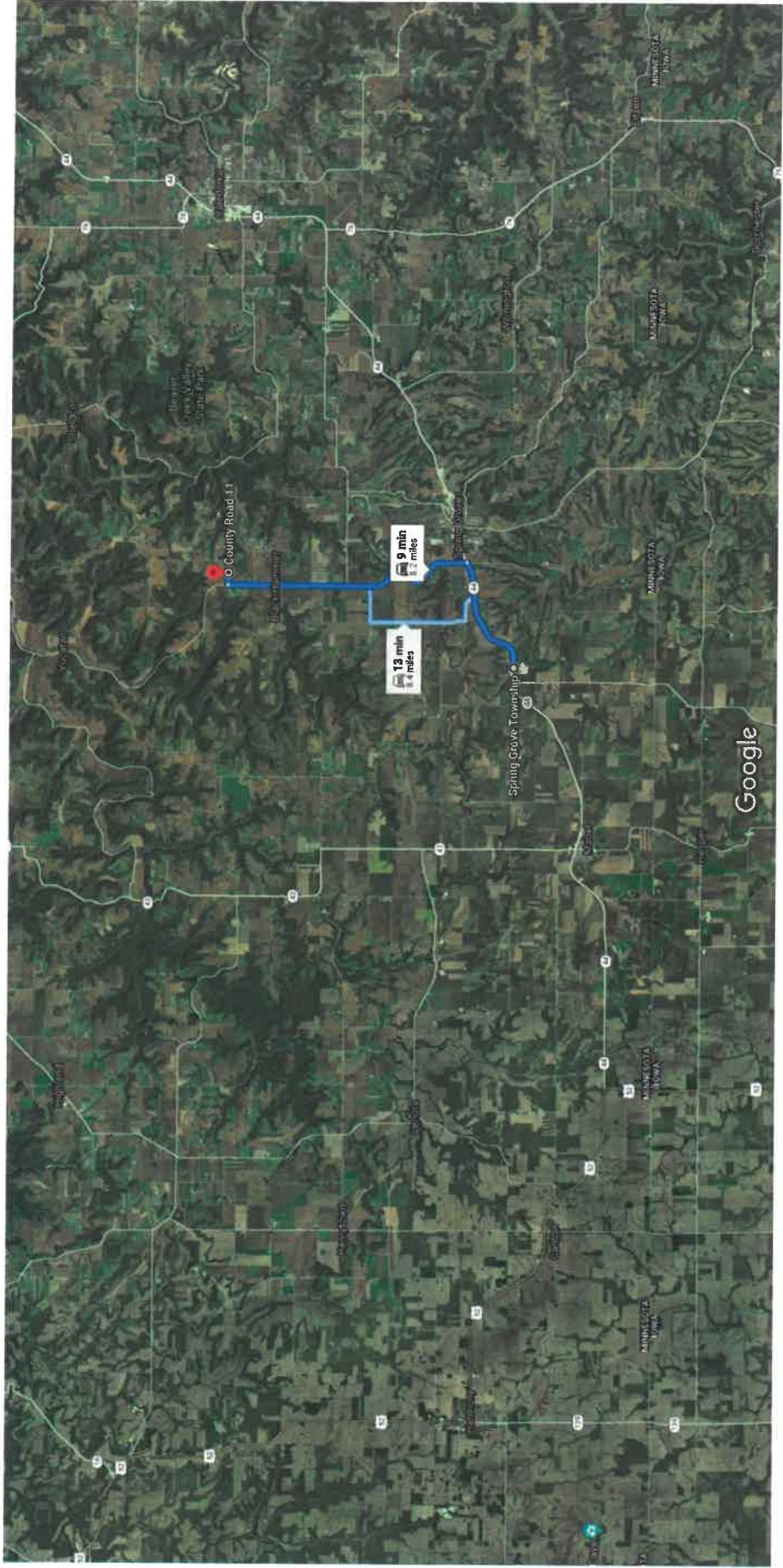
## **ATTACHMENT 1**

### **PROJECT HAUL ROUTES**



Drive 8.2 miles, 9 min

Google Maps Spring Grove Township, Minnesota to County Rd 11, Spring Grove, MN 55974



Imagery ©2021 TerraMetrics, Map data ©2021 Google 1 mi

### Spring Grove Township Minnesota

- 1. Head east on MN-44 E toward T-51 2.6 mi
- 2. Turn left onto Houston County Rd 4 5.3 mi
- 3. Turn right onto County Rd 11 0.3 mi

County Rd 11

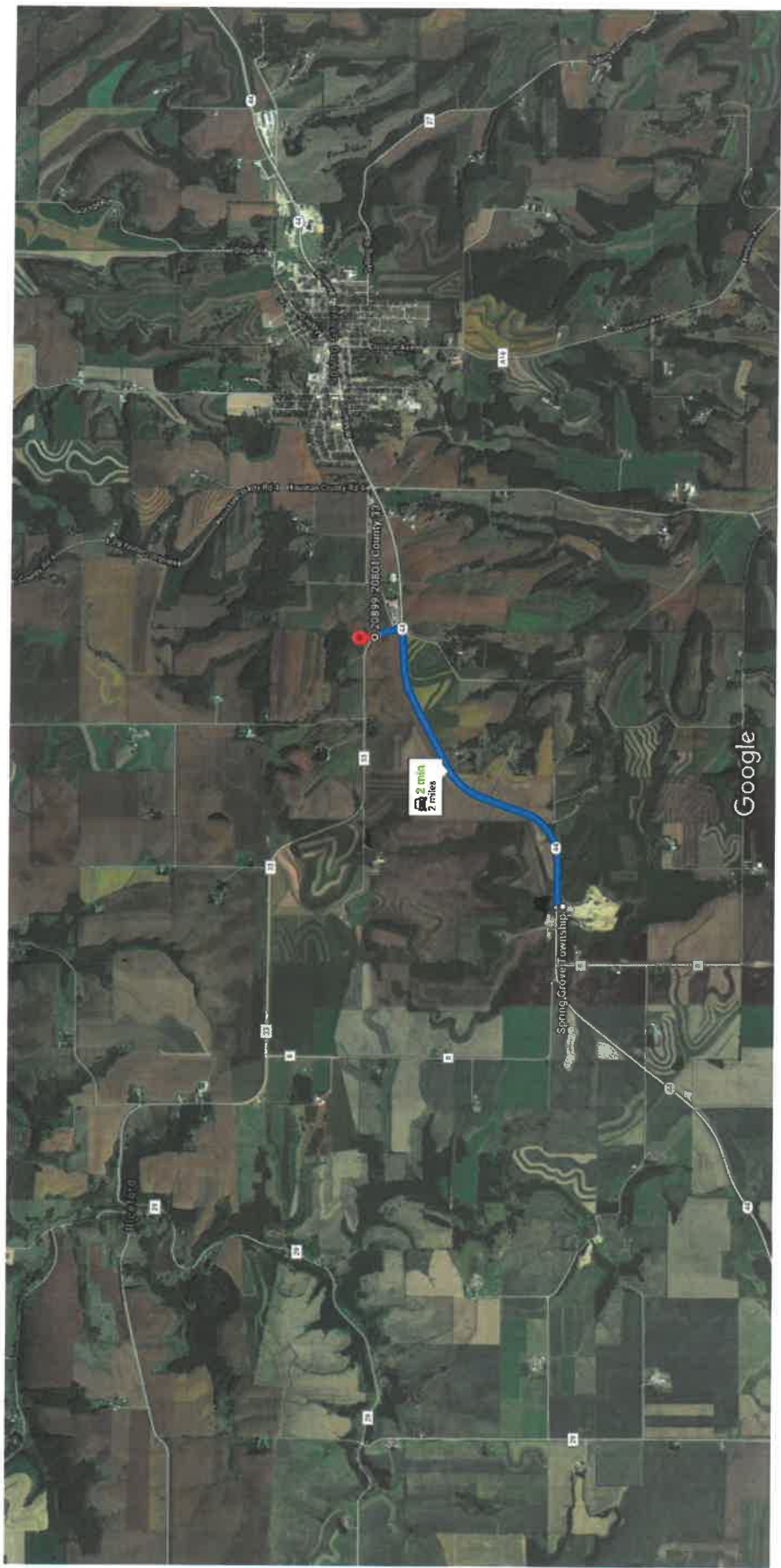
Spring Grove, MN 55974

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Drive 2.0 miles, 2 min

Google Maps Spring Grove Township, Minnesota to 20899-20801 County 33, Spring Grove, MN 55974



Imagery ©2021 Landat / Copernicus, Maxar Technologies, USDA Farm Service Agency, Map data ©2021 Google 2000 ft



via MN-44 E

2 min

Fastest route, the usual traffic

2.0 miles

Explore 20899-20801 County 33





## **ATTACHMENT 2**

### **EMISSION TESTING**

**Compliance Emission Test  
Particulate Matter and Visible Emissions  
Gencor Drum Mix Asphalt Plant  
Mathy Construction Company Plant #66  
Winona, Minnesota**

**August 3, 1995**

Prepared For:

Ms. Tara Koudelka  
Environmental Engineer  
Mathy Construction Company  
P. O. Box 189  
Onalaska, WI 54650-0189

Report Number CMXX-95-0446  
August 31, 1995

Prepared By:



James Tryba  
Project Engineer, Source Testing Program

Braun Intertec Corporation  
1345 Northland Drive  
Mendota Heights, MN 55120

## INTRODUCTION

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The test methods utilized in the test program are presented in Table 1. These methods are as referenced in Code of Federal Regulations, Title 40 Part 60 Appendix A.

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**Table 4: Individual Run Results - Baghouse Particulate Matter Compliance Test**

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Total Sampling Time (min)	: 60	60	60	60
<b>PROCESS CONDITIONS</b>				
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Average Duct Velocity (ft/s)	: 62.4	55.7	63.1	60.4
Duct Moisture Content (% vol.)	: 37.4	32.6	35.1	35.0
Duct O <sub>2</sub> Content (%vol. dry)	: 9.6	9.4	9.3	9.4
Duct CO <sub>2</sub> Content (%vol. dry)	: 8.8	8.9	9.1	8.9
Wet Molecular Weight (g.gmole)	: 25.39	25.95	25.66	25.66
Volume Flow Rate (ACFM)	: 59,500	53,200	60,200	57,633
Volume Flow Rate (SCFM)	: 41,400	36,900	42,600	40,300
Volume Flow Rate (DSCFM)	: 25,900	24,900	27,700	26,166
<b>PRODUCTION DATA</b>				
Process Equipment Operating Parameters -				
Material Usage-				
Virgin Aggregate (ton/hr)	: 310	313	304	309
Asphalt Cement (ton/hr)	: 17.8	17.9	18.1	17.9
Fuel Input (gal/hr)	: 540	540	540	540
Aggregate Moisture Content (%)	: 5.0	4.0	4.9	4.6
Control Equipment Operating Parameters-				
Pressure Drop (in.H <sub>2</sub> O)	: 3.8	4.0	4.1	4.0
<b>SAMPLE DATA</b>				
Sample Volume (dscf)	: 46.813	42.815	47.113	
PM Collected (mg)				
Filterable	: 14.9	11.1	10.4	12.1
Organic Condensable	: 10.5	4.2	3.4	6.0
Aqueous Condensable	: 6.0	4.9	4.5	5.1
Total	: 31.4	20.2	18.3	23.2
PM Concentration (gr/dscf)				
Filterable	: 0.0049	0.0040	0.0034	0.0041
Organic Condensable	: 0.0020	0.0018	0.0015	0.0018
Aqueous Condensable	: 0.0035	0.0015	0.0011	0.0020
Total	: 0.0104	0.0073	0.0060	0.0079
Isokinetic Variation (%)	: 108.2	102.9	101.9	





# 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 5/19/2021

Application Date: 5/6/2021  
Hearing Date: 5/27/2021  
Petitioner: Mathy Construction  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 22095 State 44  
Township: Spring Grove  
Parcel Number: 130255001  
Submitted Materials: Interim Application, Supplemental Information

## OVERVIEW

### REQUEST

The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in the Underpass Quarry in Spring Grove Township.

### SUMMARY OF NOTEWORTHY TOPICS

The plant will produce asphalt for the CSAH 8, 11 and 33 projects and any additional projects within the area that are accepted after this application. The applicants identify a maximum time of operation from June to August of 2021, with the plant operating from Monday through Saturday between 5AM and 9PM. Haul routes are identified within the packet and will by-pass the City of Spring Grove.

The applicants did not identify the source of aggregate or anticipated number of hauls in the application. Perhaps it can be provided during the hearing if the Planning Commission feels it important for decision-making.

The following materials will be kept on site (approximate):

- Asphalt cement            60,000 gals.
- Diesel Fuel                10,000 gals.
- Burning Oil                15,000 gals.
- Tack                         7,500 gals.
- Petroleum Lubricants    55-150 gals.
- Aggregate Material

The applicant has a Spill Prevention Control Countermeasure Plan in place in accordance with 40 CFR part 112, Subparts A and B. In addition, emissions testing is completed on all plants and documentation was provided to show this plant meets MPCA standards.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Spring Grove Township and the ten nearest property owners were notified. No comments were received.

#### SITE CHARACTERISTICS

The plant is proposed in the Underpass Quarry. This site received a mineral extraction CUP in 2020 (CUP #284) to expand their operation and is owned by J & C Farms Inc. Access is from State 44. There are two homes approximately 2,000 feet in the easterly direction and one approximately 1,100 feet to the west. These distances are based upon the quarry perimeter as the specific plant location is unknown.

There is a manmade pond in the quarry north of State 44 and five intermittent streams around the Underpass Quarry. According to the EAW two small ponds were excavated within the Underpass Quarry for washing operations, but groundwater fluctuations do not always support that purpose. The closest intermittent stream is 650 feet to the northeast, with the remaining four at least twice as far.



Figure 1. Location of asphalt plant as indicated by the applicant.



**Figure 2. Sensitive water features in proximity to the mine. The numbers denote address points, primarily dwellings. The dashed lines show intermittent streams while the blue areas mark wetlands.**

## 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 says to “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost” (Section 0100.0510 Subd. 2, Policy 4).

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

Staff Analysis: Scheduled projects on County 8, 11, and 33 have a need for a temporary asphalt plant.

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

Staff Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response.

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

Staff Analysis: This use should not impact quantity of water runoff, but berms could be required to contain runoff within the existing quarry site

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

Staff Analysis: NA

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

Staff Analysis: A Spill Prevention Control Countermeasure Plan is in place and maintained by educated and competent employees. Applicable air quality standards are met as well.

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

Staff Analysis: Proposed routes avoid township roads, which can be damaged by heavy traffic. All projects are west of the City of Spring Grove so there should not be increased traffic through town.

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: There is adequate space within the quarry footprint for this use.

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

Staff Analysis: For past projects, increased traffic loading on all routes utilized was not projected to impact traffic a significant amount. Remember this will be a short-term operation.

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: The quarry is skirted by timber and adjacent properties are primarily cropland. Any impacts will be short-term for this operation. The nearest dwellings are approximately 2,000 feet away.

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 predominant use in the area is agricultural cropland, which is not anticipated to be affected. This temporary facility should not have an impact greater than the operating quarry in which it will be housed.

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: Fugitive dust is controlled with water and odor suppressant is added to the asphalt mix.

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: NA

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 proposed location is appropriate due to distances to neighboring dwellings and presence within an existing quarry. The Spill Prevention Control Countermeasure Plan mitigates unforeseen threats to public's health, safety, morals, and general welfare to the extent practical. The proposed haul routes result in minimum wear on public road infrastructure, thus protecting the 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. 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. Runoff from within the plant footprint shall be contained within the existing quarry floor.
4. Permit expiration shall be December 31, 2021.



Number <b>2021-IUP-76728</b>	<b>Mathy Construction   130255001  </b> <b>Interim Use Request</b> Submitted by <b>Mathy Construction</b> on 5/4/2021	
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## INTERIM USE INTRO [\[Edit\]](#) Last updated: 5/6/2021 9:24:56 AM and saved by: Mathy Construction

An Interim 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 7.7 of the ordinance. Interim use permits must specify a termination event or date, and are nontransferable.

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.**

Interim Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:  
Interim Use

**APPLICANT INFORMATION** Submitted by Applicant [\[Edit\]](#) Last updated: 5/6/2021 9:25:45 AM and saved by: Mathy<sup>7</sup> Construction

---

Applicant Name	<b>Mathy Construction</b>
Telephone Number	<b>6087796348</b>
Address	<b>920 10th Avenue North</b>
City	<b>Onalaska</b>
Zip	<b>54650</b>
Parcel Tax ID	<b>130255001</b>
Legal Description	<b>PT NE1/4 &amp; ROAD EASEMENT - .6AB 351 P 773</b>
Section-Township-Range	<b>20/101/007</b>
Do you own additional adjacent parcels	<b>No</b>

Township of:	<b>Spring Grove</b>
--------------	---------------------

**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****INTERIM USE REQUEST** [\[Edit\]](#) Last updated: 5/6/2021 9:27:10 AM and saved by: Mathy Construction

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



5/19/2021

The Schneider Corporation Building Permit Application

8

Describe in detail your request.

**Mathy Construction would like to place a temporary portable asphalt plant in Underpass Quarry for local infrastructure projects. We would like to start in June and operate for a few weeks.**

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

**Unknown**

Requested Dimension:

**Typically a plant footprint with stock piles is around 4 acres.**

Please upload any supporting documents:

[Houston County Application.pdf \(download\)](#)

**INTERIM USE FINDING OF FACTS** [Edit] Last updated: 5/6/2021 9:27:15 AM and saved by: Mathy Construction

[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 attached.**

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

**Yes**

Comments:

**The proposed use would provide hot mix asphalt to local infrastructure projects.**

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

**Yes**

Comments:

**See attached.**

**4. That the proposed use will not adversely**

**Yes**

**increase the quantity of water runoff.**

Comments: **See attached.**

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

**N/A**

Comments:

**N/A**

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

**Yes**

Comments:

**See attached.**

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

**Yes**

Comments:

**See attached.**

**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:

**All plant parking and loading will be within the quarry foot print.**

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

**Yes**

Comments:

**See attached.**

**10. That the conditional use will not be injurious**

**Yes**

**to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.**

Comments: **See attached.**

**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 attached.**

**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: **Mathy Construction uses odor suppressant in it's asphalt mix. Mathy Construction also uses water to prevent any fugitive dust from leaving plant area.**

**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: **N/A**

**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: **N/A**

**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: **See attached.**

## **SITE PLAN INFORMATION** [Edit] Last updated: 5/6/2021 9:31:01 AM and saved by: Mathy Construction

A site plan MUST accompany all Applications. You can either hand draw your site plan and submit it via scanning and attaching the document, or by using the interactive map below.

**There are no attached documents.**

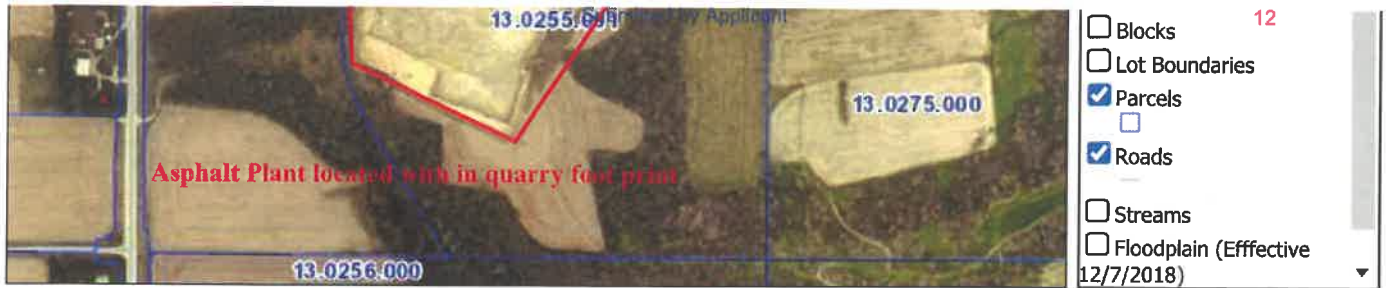
**Upload Site Plan**

**Use Interactive Map to Create Site Plan**



5/19/2021

The Schneider Corporation Building Permit Application



## APPLICATION SUBMITTAL [Edit]

Last updated: 5/6/2021 9:33:58 AM and saved by: Mathy Construction

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:  
05/06/2021

Check this box if Staff Signature on behalf of Applicant. **No**

## APP SUBMITTED/PAYMENT SELECTION

Last updated: 5/12/2021 11:19:12 AM and saved by: Holly Felten

Fee amount paid: **\$746**

## SPRING GROVE TOWNSHIP REVIEW [Edit]

Last updated: 5/12/2021 11:19:21 AM and saved by: Holly Felten

**Notice to Township**

Date email sent:  
05/12/2021

**APPLICATION DATE** [Edit] Last updated: 5/12/2021 11:20:15 AM and saved by: Holly Felten

---

**What Stage is the  
Application At?**

**Application reviewed and determined complete.**

**Application Date  
(Complete Application)**

**5/7/2021**

**Date of Notice of  
Incomplete Application**

**Comments**

**Please upload any  
supporting documents:**

**There are no attached documents.**

**DATES** [Edit] Last updated: 5/12/2021 11:22:03 AM and saved by: Holly Felten

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**Advertising Date**

**5/12/2021**

**Planning Commission  
Meeting Date**

**5/27/2021**

**Meeting Time**

**5:00 PM**

**Comments**

## Houston County Application – Supplemental Information

1. Map of Proposed Plant Location in Underpass Quarry.



2. The maximum time for operation would be June through August of 2021.
3. The plant would operate Monday through Saturday from 5:00 A.M. to 9:00 P.M.
4. The plant would provide product for the following Houston County projects: Cty Road 8, 11, and 33. The plant may also provide product to additional projects within the area if more jobs are accepted throughout the coming months.
5. Project Haul Routes Maps: See Attachment 1.
6. All our asphalt plants have air emission testing. See Attachment 2 for emission testing of plant 66. In the event a different plant is mobilized for the project, a plant specific emission test can be provided upon request.
7. Materials and quantities may vary but will approximately match the following:



- Asphalt Cement = 60,000 gallons,
  - Diesel Fuel = 10,000 gallons,
  - Burning Oil = 15,000 gallons,
  - Tack = 7,500 gallons,
  - Petroleum Lubricants = 55-150 gallons.
  - Aggregate Material
8. All Mathy Construction's asphalt plants have a Spill Prevention Control Countermeasure (SPCC) plan in place. Prevention and reaction to spills are implemented and followed in accordance with the requirements of 40 CFR Part 112, Subparts A and B (February 6<sup>th</sup>, 2018). Mathy Construction ensures that the contents of the SPCC plans are implemented and maintained by well trained, educated and competent employees.

Example of Preventative Measures:

- Inspections of equipment and site are performed to prevent possible spills.
- Best management practices, such as a berm, are implemented to ensure any possible spills stay on site and away from water sources.

Summary of Spill Response:

In the event of a spill, the following emergency response is followed:

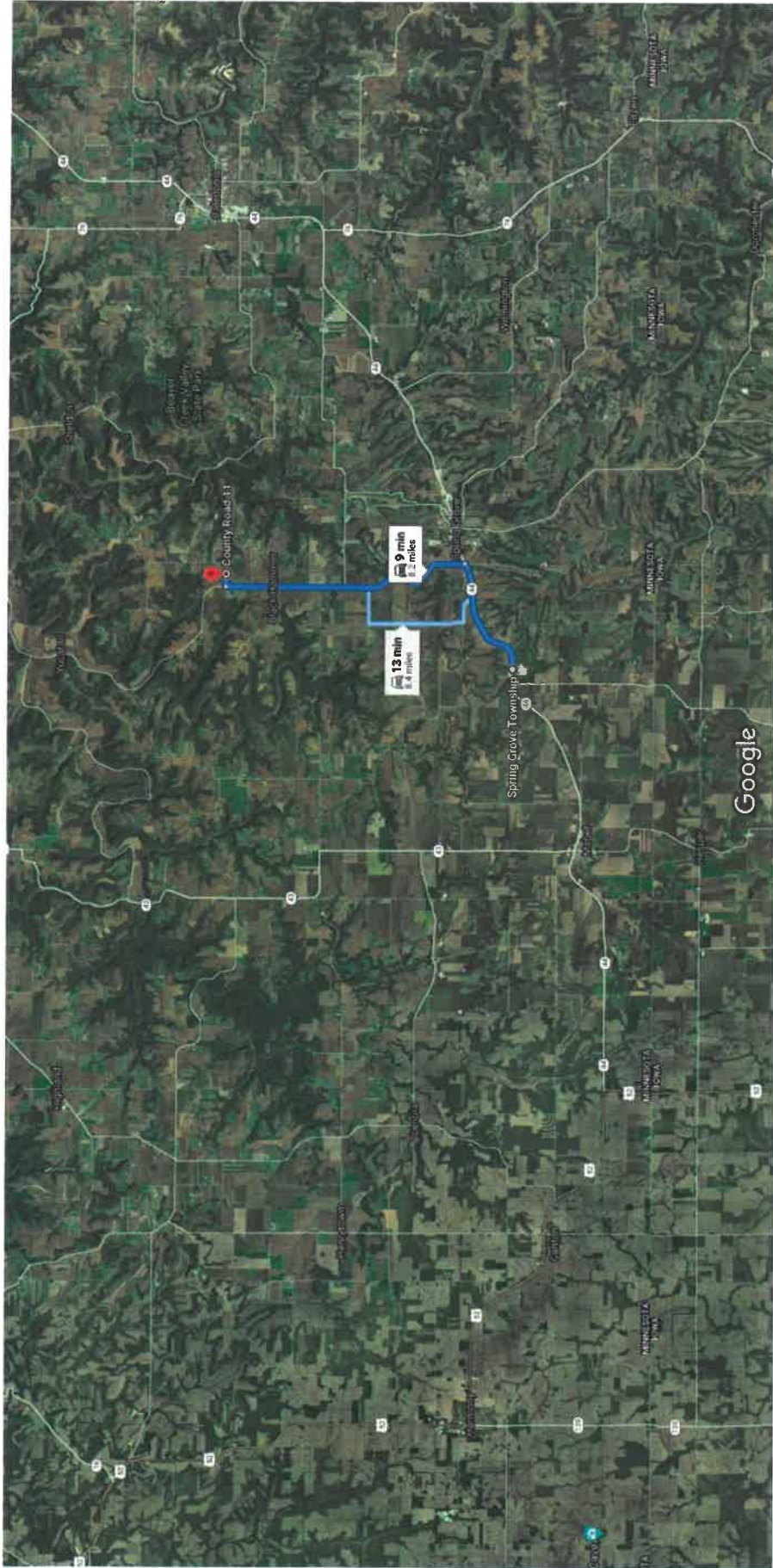
1. Take immediate action to isolate and control the release, as long as response action does not jeopardize the health and/or safety of responders or the public. Mobilize accessible resources and stabilize the situation. Barriers, aggregate/earthen materials and/or adsorbent materials should be used, if necessary, to prevent discharge from reaching storm water conveyance systems or off-site areas.
2. Consult Safety Data Sheets (SDS), when necessary, to evaluate health hazards and fire potential. Contact local fire responders if potential for ignition is a concern.
3. Report any spill to authorized Company officials. Company officials will notify the County Emergency Management, Department of Natural Resources (DNR) personnel, and EPA National Response Center for reportable spills.
4. Continue spill mitigation procedures. Isolate and contain petroleum products through berming, application of absorbent aggregate, petroleum adsorbent padding, or diversion to containment area. Confirm possible control of leak or spill source as soon as practicable.
5. Notify Company officials as soon as the situation is stabilized. Upon approval of the Company or DNR officials, begin excavation/cleaning process

## **ATTACHMENT 1**

### **PROJECT HAUL ROUTES**

Google Maps Spring Grove Township, Minnesota to County Rd 11, Spring Grove, MN 55974

Drive 8.2 miles, 9 min



Spring Grove Township

Minnesota

- 1. Head east on MN-44 E toward T-51 2.6 mi
- 2. Turn left onto Houston County Rd 4 5.3 mi
- 3. Turn right onto County Rd 11 0.3 mi

County Rd 11

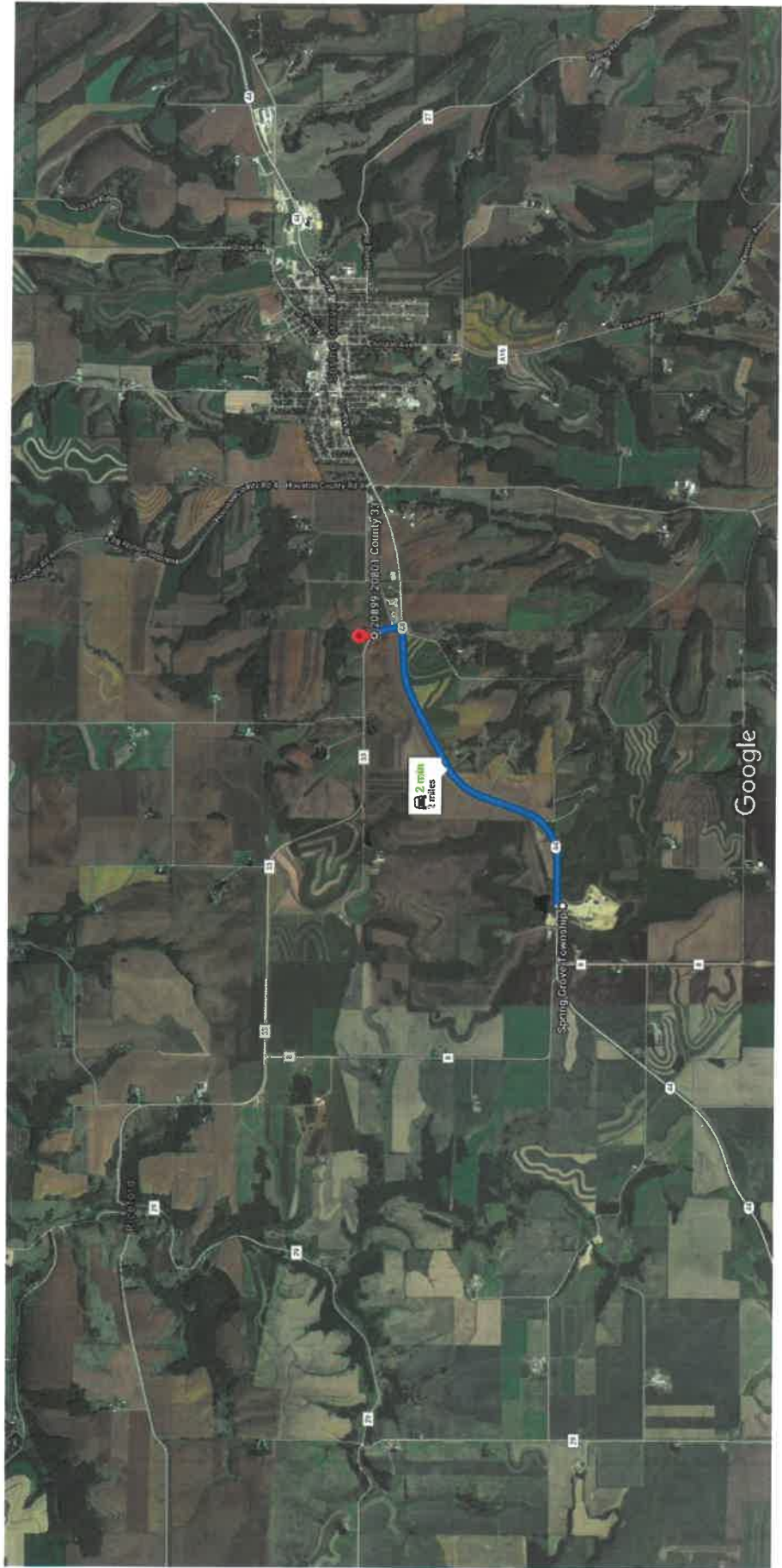
Spring Grove, MN 55974

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Google Maps    Spring Grove Township, Minnesota to 20899-20801 County 33, Spring Grove, MN 55974

Drive 2.0 miles, 2 min



Imagery ©2021 Landsat / Copernicus, Maxar Technologies, USDA Farm Service Agency, Map data ©2021 Google    2000 ft

 **via MN-44 E**  
Fastest route, the usual traffic  
**2 min**  
2.0 miles

Explore 20899-20801 County 33





## **ATTACHMENT 2**

### **EMISSION TESTING**



**Compliance Emission Test  
Particulate Matter and Visible Emissions  
Gencor Drum Mix Asphalt Plant  
Mathy Construction Company Plant #66  
Winona, Minnesota**

**August 3, 1995**

**Prepared For:**

Ms. Tara Koudelka  
Environmental Engineer  
Mathy Construction Company  
P. O. Box 189  
Onalaska, WI 54650-0189

Report Number CMXX-95-0446  
August 31, 1995

**Prepared By:**



James Tryba  
Project Engineer, Source Testing Program

Braun Intertec Corporation  
1345 Northland Drive  
Mendota Heights, MN 55120

## INTRODUCTION

This report presents the results of a compliance test performed by Braun Intertec Corporation (Braun Intertec) at the Mathy Construction Company Plant #66 asphalt plant located near Winona, Minnesota. The test was performed on August 3, 1995 on the asphalt plant's baghouse exhaust stack. The purpose of the test was to determine the facility's compliance status with the conditions of the Minnesota Pollution Control Agency's (MPCA) permit number 99000228-001.

The Braun Intertec test team consisted of Messrs. James Tryba, Project Engineer, and sampling technicians Duane Hudson and Jayson Olson. Mathy Construction was represented throughout the test period by Ms. Tara Koudelka, Environmental Engineer. A portion of the test proceedings were witnessed by Mr. Marshall Cole, Environmental Engineer for the Minnesota Pollution Control Agency (MPCA).

## DESCRIPTION OF TEST PROGRAM

The purpose of the test was to quantify the emissions of particulate matter (PM) and visible emissions (opacity) from the asphalt plant's baghouse exhaust stack. The asphalt plant, manufactured by Gencor Industries, Inc., was a Model 300 Ultradrum counterflow drum mix asphalt plant. The asphalt plant has a rated capacity of 350 ton per hour at 5% aggregate moisture content. The particulate emissions from the asphalt plant were controlled by a Gencor fabric filter baghouse system. The asphalt plant was producing a virgin aggregate hot mix product at the time of testing and was fired by waste oil. Please refer to Appendix A for a detailed operating conditions.

The filterable (front half) and condensible (back half) catches were analyzed in accordance with the appropriate test methods. The facility's compliance status is based solely upon the filterable portions of the samples. Please refer to Table 2 for a summary of the compliance test results.

The test methods utilized in the test program are presented in Table 1. These methods are as referenced in Code of Federal Regulations, Title 40 Part 60 Appendix A.

Table 1: Test Methods

Method #	Purpose
1	Determination of traverse point location, verification of flow conditions
2	Determination of duct velocity and volume flow rate
3	Determination of duct fixed gas content
4	Determination of duct moisture content
5	Determination of filterable particulate matter concentration and emission rate
9	Visual determination of the opacity of emissions
202	Determination of condensible particulate emissions

Mathy Construction Company  
Report No. CMXX-95-0446  
August 31, 1995  
Page 2

## TEST RESULTS

The results of the compliance tests are presented in Tables 2, 3 and 4. Table 2 summarizes the particulate emissions. Table 3 summarizes the visible emissions. Table 4 presents the individual test results for the source tested.

**Table 2: Particulate Matter Emission Summary**

SOURCE TESTED	ALLOWABLE (gr/dscf)	MEASURED (gr/dscf)			
		Average	Run #1	Run #2	Run #3
Asphalt Plant Baghouse	0.04 *	0.0041	0.0049	0.0040	0.0034

\* Filterable particulate matter only.

**Table 3: Visible Emission Summary**

SOURCE TESTED	ALLOWABLE	MEASURED			
		Average	Run #1	Run #2	Run #3
Asphalt Plant Baghouse	20%	0.0%	0.1%	0.0%	0.0%

Mathy Construction Company  
 Report No. CMXX-95-0446  
 August 31, 1995  
 Page 3

**Table 4: Individual Run Results - Baghouse Particulate Matter Compliance Test**

TEST DATE: August 3, 1994	Run #1	Run #2	Run #3	Average
Sample Period	: 07:25-08:37	9:15-10:22	11:25-12:42	
Total Sampling Time (min)	: 60	60	60	60
<b>PROCESS CONDITIONS</b>				
Average Duct Temperature (°F)	: 291	292	278	287
Average Duct Velocity (ft/s)	: 62.4	55.7	63.1	60.4
Duct Moisture Content (% vol.)	: 37.4	32.6	35.1	35.0
Duct O <sub>2</sub> Content (%vol. dry)	: 9.6	9.4	9.3	9.4
Duct CO <sub>2</sub> Content (%vol. dry)	: 8.8	8.9	9.1	8.9
Wet Molecular Weight (g.gmole)	: 25.39	25.95	25.66	25.66
Volume Flow Rate (ACFM)	: 59,500	53,200	60,200	57,633
Volume Flow Rate (SCFM)	: 41,400	36,900	42,600	40,300
Volume Flow Rate (DSCFM)	: 25,900	24,900	27,700	26,166
<b>PRODUCTION DATA</b>				
Process Equipment Operating Parameters -				
Material Usage-				
Virgin Aggregate (ton/hr)	: 310	313	304	309
Asphalt Cement (ton/hr)	: 17.8	17.9	18.1	17.9
Fuel Input (gal/hr)	: 540	540	540	540
Aggregate Moisture Content (%)	: 5.0	4.0	4.9	4.6
Control Equipment Operating Parameters-				
Pressure Drop (in.H <sub>2</sub> O)	: 3.8	4.0	4.1	4.0
<b>SAMPLE DATA</b>				
Sample Volume (dscf)	: 46.813	42.815	47.113	
PM Collected (mg)				
Filterable	: 14.9	11.1	10.4	12.1
Organic Condensable	: 10.5	4.2	3.4	6.0
Aqueous Condensable	: 6.0	4.9	4.5	5.1
Total	: 31.4	20.2	18.3	23.2
PM Concentration (gr/dscf)				
Filterable	: 0.0049	0.0040	0.0034	0.0041
Organic Condensable	: 0.0020	0.0018	0.0015	0.0018
Aqueous Condensable	: 0.0035	0.0015	0.0011	0.0020
Total	: 0.0104	0.0073	0.0060	0.0079
Isokinetic Variation (%)	: 108.2	102.9	101.9	

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Joseph Baxter, 3945 County 5, Eitzen, MN 55931 for a Conditional Use Permit to place a dwelling on less than 40 acres in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Jefferson Township on the following premises, to-wit:

W½ NW¼ SW¼ NW¼, Section 28, Township 101, Range 4, Houston County, Minnesota.  
(Parcel #07.0190.000)

Said applicant standing and making application is fee owner of said described lands.

A hearing on this application will be held at 5:30 p.m. on Thursday, May 27, 2021. Due to the health pandemic, the hearing will be conducted remotely pursuant to MN Statute 13D.021, with Planning Commission Members participating by telephone and virtually. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at <https://zoom.us/j/94112809203> or by dialing 312-626-6799 and entering meeting ID: 941 1280 9203.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to [amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us), and must be received by Tuesday, May 18, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

### HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administration

ADV: May 12, 2021



## 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 5/18/2021

Application Date: 4/12/2021  
Hearing Date: 5/27/2021  
Petitioner: Joseph Baxter  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 3945 County 5  
Township: Jefferson  
Parcel Number: 70190000  
Submitted Materials: CUP Application

### OVERVIEW

#### REQUEST

The applicant is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

#### SUMMARY OF NOTEWORTHY TOPICS

The applicant is proposing to move in a 14-foot by 56-foot mobile home in the agricultural district.

The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following;

- (10) *Dwellings. Single-family non-farm dwellings 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 applicant has owned the parcel since 2004, but it was part of a larger acreage owned by his family since 1961. In recent years he has utilized the site for camping.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Jefferson Township and ten nearest property owners were notified. No comments were received.

#### SITE CHARACTERISTICS

This is a five-acre parcel located in the agricultural protection district of Jefferson Township. The proposed location is within an open quarter-quarter and contains approximately two buildable acres. While doing research for the public hearing, staff discovered that there may not be owned or easement access to County 5 and more research is required. That information will be provided at the hearing. Adequate acreage exists to accommodate property line and road setbacks and there are no mines or feedlots in the vicinity. Soil is 1862 a silty clay, class 3w. This technically is considered a prime agriculture soil, but the ground has not been in production for at least ten years. Slopes are under 18% at the building site and the driveway will meet slope standards. Half of this parcel does fall within floodplain, but the proposed dwelling location is outside of that delineation as well as wetlands. There is no bluff concern.



**Fig. 1. Aerial imagery from 2008 (left) and 2017 (right). The ground has not been in production since 2008.**





**Fig. 2. Overview of the parcel. There are multiple components of this image. Blue depicts floodplain. Green is area of slopes 0-18%, orange is slopes 18-23% and red is over 24%.**

## 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 location satisfies the density limitations and this proposal is consistent with most other residential properties along County 5.

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

Staff Analysis: A Conditional Use Permit is required to construct a single-family dwelling in the agricultural district.

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

Staff Analysis: A septic system designed and installed by a licensed Minnesota septic professional will be required.

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

Staff Analysis: The proposed structure is relatively small should not increase water runoff. In addition, an erosion control plan will be required with the dwelling permit.

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

Staff Analysis: Soils are technically considered prime agriculture soils, but since the ground has been out of production for ten years or more this location is allowable. There will be little to no excavation for placement of the mobile home.

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

Staff Analysis: Adequate treatment of septage is most likely the largest pollution hazard. A septic system, designed and installed by a licensed MN septic professional will be required.

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

Staff Analysis: There is an existing driveway and electrical will be installed at the time of construction. All utilities are the responsibility of the applicant. Thirty-three feet of easement or owned access to County 5 is required prior to issuance of the building permit.

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: This area is highly respected for its recreational value in addition to being used for agriculture. There are multiple small rural residential properties along County 5 so this will not be out of character and this dwelling should not impact the agriculture in the immediate vicinity of the proposal.

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: This valley has a variety of uses. Much of the vacant or undeveloped land is agricultural or recreational and this proposal will not impact those uses. There are multiple other rural residential properties in this area and the applicant has been using his property recreationally in the past.

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 proposal is consistent with neighboring residential properties and proposed in an open quarter-quarter.

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: This proposal will not negatively affect 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. 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. Thirty-three feet of owned or easement access to the public road is required prior to any building permit issuance.

Proposed motion: Recommend granting of a conditional use permit for a single-family dwelling on under 40 acres with the three conditions.

Number <b>2021- CUP- 75388</b>	<b>BAXTER,JOSEPH PAUL   070190000  </b> <b>Conditional Use Request</b> Submitted by <b>Amelia M</b> on 4/12/2021	
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## CONDITIONAL USE INTRO [Edit] Last updated: 4/12/2021 3:14:41 PM and saved by: Amelia M

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: 4/12/2021 3:17:40 PM and saved by: Amelia M

5/19/2021

The Schneider Corporation Building Permit Application

Submitted by Applicant

7

Applicant Name **BAXTER,JOSEPH PAUL**

Telephone Number **5076157711**

Address **3945 COUNTY 5**

City **EITZEN**

Zip **55931**

Parcel Tax ID **070190000**

Legal Description **W1/2 NW1/4 SW1/4 NW1/4 DOC #231694**

Section-Township-Range **28/101/004**

Do you own additional adjacent parcels **No**

Township of: **Jefferson**

**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: 4/12/2021 3:21:27 PM and saved by: Amelia M

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

Describe in detail your request. **Single family dwelling, 14' x 56' mobile home.**

Citation of Ordinance Section from which the **14.3 (10)**

Conditional Use is requested:

Requested Dimension: **Build a single-family non-farm dwelling.**

**Please upload any supporting documents:** **There are no attached documents.**

## **CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 4/12/2021 3:34:16 PM and saved by: Amelia M

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[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: **It is not agricultural land.**

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

Comments: **The applicant currently uses this site for camping, but would like to establish a permanent residence here.**

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

Comments: **The applicant plans to install a full septic system. Runoff won't be an issue.**

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

Comments: **The proposed structure will be small relative to most single family dwellings in the County. It will meet all setbacks.**

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

**Yes**

Comments:

**This site was never in row crop. The parcel is primarily prairie.**

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

**Yes**

Comments:

**The applicant plans to install a full septic system.**

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

**Yes**

Comments:

**A driveway currently exists and the applicant plans to construct electrical at the time of construction. There is currently no septic system, but that will be installed at the time of moving in the mobile home.**

**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:

**This is a 5 acre parcel so adequate off-street parking exists.**

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

**Yes**

Comments:

**There will be sufficient off-street parking.**

**10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for**

**Yes**



**the purposes already permitted.**

Comments:

**This area does not have a lot of homes, the closest neighbors are approximately 1/4 mile away.**

**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:

**Surrounded by agriculture and this proposal will not impact that.**

**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:

**No lighted signs.**

**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:

**There are rural residential properties in this area.**

**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: None

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 applicant plans to meet all necessary building requirements to protect all of the above.

**SITE PLAN INFORMATION** [Edit] Last updated: 4/12/2021 3:37:05 PM and saved by: Amelia M

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

**Upload Site Plan** There are no attached documents.

**Use Interactive Map to Create Site Plan**



The map displays a property with several labels: 'COUNTY-5' across the top, parcel numbers '07-0187-000', '07-0189-000', '07-0193-000', '07-0190-000', and '07-0190-001'. A red rectangle highlights a specific area, and a red dot is labeled '3945'. A red line is labeled 'Well'.

**Layer List:**

- ☒ NG911 Address Points
- ☒ Wells\_MWI\_Jan\_2018
- ☐ Contours
- ☒ Septic Permit
  - ☐ Septic Permits
- ☒ Corporate Limits
- ☒ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☒ Roads

5/19/2021

The Schneider Corporation Building Permit Application



☐ Streams 12  
☐ Floodplain (Effective 12/7/2018)

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

**There is an existing driveway. The well will be approximately 7 feet away. Septic system location TBD.**

## APPLICATION SUBMITTAL [\[Edit\]](#) Last updated: 4/12/2021 3:37:50 PM and saved by: Amelia M

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

AM

Date Signed:  
04/12/2021

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

## APP SUBMITTED/PAYMENT SELECTION Last updated: 5/5/2021 1:37:36 PM and saved by: Holly Felten

Fee amount paid: **\$746**

## JEFFERSON TOWNSHIP REVIEW [\[Edit\]](#) Last updated: 5/5/2021 1:39:31 PM and saved by: Holly Felten

### Notice to Township

Date email sent:  
05/05/2021

## APPLICATION DATE [\[Edit\]](#) Last updated: 5/5/2021 3:43:51 PM and saved by: Holly Felten

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**What Stage is the  
Application At?**

**Application reviewed and determined complete.**

**Application Date  
(Complete Application)**

**5/5/2021**

**Date of Notice of  
Incomplete Application**

**Comments**

**Please upload any  
supporting documents:**

**There are no attached documents.**

## DATES [\[Edit\]](#) Last updated: 5/5/2021 3:44:21 PM and saved by: Holly Felten

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Advertising Date

**5/12/2021**

Planning Commission  
Meeting Date

**5/27/2021**

Meeting Time

**5:30 PM**

Comments

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Matt and Marcia Welch, 19649 Elgin Circle NW, Elk River, MN 55330 for a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Houston Township on the following premises, to-wit:

Part SW¼ SE¼, Section 36, Township 104, Range 6, Houston County, Minnesota. (Parcel #06.0281.001)

Said applicants standing and making application are as holders and owners of an enforceable option to purchase full interest in said described lands.

A hearing on this application will be held at 6:00 p.m. on Thursday, May 27, 2021. Due to the health pandemic, the hearing will be conducted remotely pursuant to MN Statute 13D.021, with Planning Commission Members participating by telephone and virtually. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at <https://zoom.us/j/94112809203> or by dialing 312-626-6799 and entering meeting ID: 941 1280 9203.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to [amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us), and must be received by Tuesday, May 18, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administration

ADV: May 12, 2021

## NOTICE OF PUBLIC HEARING

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That an application has been made by Matt and Marcia Welch, 19649 Elgin Circle NW, Elk River, MN 55330 for a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Houston Township on the following premises, to-wit:

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HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administration

ADV: May 12, 2021

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Matt and Marcia Welch DATE: May 27, 2021

C.U.P. REQUESTED: Build a dwelling on less than 40 acres in an agricultural protection 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 Comprehensive Plan and Zoning Ordinance both restrict non-farm development to minimize incompatibility between agricultural uses and residential uses and push to conserve the expenditure of public funds for scattered development. Since partial development has already taken place on this parcel, staff feel it is a good area to encourage further development. In addition, there is limited commercial agriculture in the immediate vicinity of this proposal and the location satisfies the density limitations.

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  
James Wieser – Yes

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

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

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

Staff Analysis: A septic system will be designed and installed by a licensed septic professional per MPCA requirements.

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



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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before and after construction.

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

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

Staff Analysis: Non-farm dwellings cannot be constructed on prime agricultural soils. This site meets that requirement and the soil type is adequate for building.

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.  
James Wieser – Yes

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

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

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

Staff Analysis: A driveway was constructed with the initial build on this property and still meets applicable standards. Many utilities already exist on or near this site. If any new utility installations are necessary, it will be the responsibility of the landowner.

Bob Conway – Yes  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA, driveway is already there.  
James Wieser – 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: Adequate space exists around the building envelope of this parcel so that no parking on the township road will be necessary for future residential use.

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  
James Wieser – Yes

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: This area is not widely inhabited and this site is partially developed. There are dwellings approximately a quarter mile before and after this site on the township road. Aside from that, the area is primarily recreational and agricultural and a dwelling should not affect the use of those properties.

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

Staff Analysis: Predominant uses are recreation and agriculture. Presumably, topography adjacent to the township road limits the development that can take place in this valley. A dwelling addition on this existing site should not affect the surrounding properties.

Bob Conway – Yes  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – 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: 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 is an area of limited development, but two other residential sites are found along Hop Hollow Road in adjacent quarter-quarters. This proposal is consistent with those properties.

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

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: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

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

Greg Myhre 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 agricultural protection 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.

Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.



## 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 5/18/2021

Application Date: 4/17/2021  
Hearing Date: 5/27/2021  
Petitioner: Matt and Marcia Welch  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 5731 Hop Hollow Rd  
Township: Houston  
Parcel Number: 60281001  
Submitted Materials: CUP Application, Site Plan, Statement of Approval

### OVERVIEW

#### REQUEST

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

#### SUMMARY OF NOTEWORTHY TOPICS

The applicants are proposing to build a three bedroom, two to three bath dwelling with a garage on less than 40 acres.

The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following;

*(10) Dwellings. Single-family non-farm dwellings 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 applicants have signed a purchase agreement contingent upon approval of a Conditional Use Permit. The current landowners approve of the application (see in board packet).

In 2008, the current landowners were granted a CUP to build a house on less than 40 acres (#722) and a building permit (#3480) to build a house and shop. As seen in aerial imagery, the shop was constructed, but no dwelling was constructed. According to HCZO 6.4, *an approved CUP shall expire if the use approved has not commenced within nine months*. A zoning permit expires after one year if the project had not been started.



Figure 1. Site plan submitted by the applicant.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Houston Township and the ten nearest property owners were notified. One comment were received.

#### SITE CHARACTERISTICS

This is a 28.9-acre parcel in the agricultural protection district of Houston Township. It is an open quarter-quarter with adequate road frontage. The parcel is split between steep timber ground and rolling valley floor. A dry run, mapped as an intermittent stream, runs down the valley floor. The intermittent stream is not classified as a public watercourse. As a result, shoreland is not a concern. The proposed dwelling location is in area that has been maintained as lawn since late 2008. Soils in the proposed location are 388D2 and 604, class 4e and 5w soils, respectively. The Web Soil Survey lists both as very limited to building, primarily due



to slope. However, the building site is between 15-20% slope and an existing driveway to the shop meets access standards. There are no floodplain or feedlot concerns.



**Figure 2. Proposed location of house showing road setback (yellow) and water features.**



**Figure 3. Overhead view of the proposed location.**

## 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 Comprehensive Plan and Zoning Ordinance both restrict non-farm development to minimize incompatibility between agricultural uses and residential uses and push to conserve the expenditure of public funds for scattered development. Since partial development has already taken place on this parcel, staff feel it is a good area to encourage further development. In addition, there is limited commercial agriculture in the immediate vicinity of this proposal and the location satisfies the density limitations.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

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

Staff Analysis: A septic system will be designed and installed by a licensed septic professional per MPCA requirements.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before and after construction.

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

Staff Analysis: Non-farm dwellings cannot be constructed on prime agricultural soils. This site meets that requirement and the soil type is adequate for building.

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

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

Staff Analysis: A driveway was constructed with the initial build on this property and still meets applicable standards. Many utilities already exist on or near this site. If any new utility installations are necessary, it will be the responsibility of the landowner.

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: Adequate space exists around the building envelope of this parcel so that no parking on the township road will be necessary for future residential use.



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: This area is not widely inhabited and this site is partially developed. There are dwellings approximately a quarter mile before and after this site on the township road. Aside from that, the area is primarily recreational and agricultural and a dwelling should not affect the use of those 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.

Staff Analysis: Predominant uses are recreation and agriculture. Presumably, topography adjacent to the township road limits the development that can take place in this valley. A dwelling addition on this existing site should not affect the surrounding properties.

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 is an area of limited development, but two other residential sites are found along Hop Hollow Road in adjacent quarter-quarters. This proposal is consistent with those properties.

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: A non-farm dwelling should not negatively affect 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. 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.

Proposed motion: Recommend granting of a conditional use permit for a single-family dwelling on under 40 acres with the two conditions.

HC zoning

DOCUMENT NO. **253719** NUM ☒  
 Office of County Recorder SCAN ☐  
 Houston County, Minnesota TRACT ☐  
 I hereby certify that the within instrument was VERIFY ☐  
 recorded on September 9, 2008  
 at 3:02 P.M.  
 Beverly J. Bauer, County Recorder  
 By [Signature]  
 Recorder ☐ Deputy ☒

253719

## HOUSTON COUNTY BOARD OF COMMISSIONERS CONDITIONAL USE ORDER

On this 9<sup>th</sup> day of September, 2008, following a public hearing conducted by the  
 Houston County Planning Commission in the Houston County Courthouse on  
Thursday, August 28, 2008 at 7:15 p.m., the Houston County Board of Commissioners  
 hereby ~~approves~~ denies a Conditional Use Permit on behalf of: Chuck Misch  
 in accordance with the provisions of Section 505 of the Houston County Zoning  
 Ordinance and pursuant to the requirements of Chapter 394.301, Minnesota Statutes.  
 The approved Conditional Use Permit authorized the above named to:  
Build a house on less than 40 acres in an agricultural district (Section 13 – 0110.1303,  
Subdivision 1 Subsection 11) in Houston Township, on the following described parcel  
 (abstract) of land:

That part of the Southwest Quarter of the Southeast Quarter of Section 36, Township 104 North, Range 6 West of the Fifth Principal Meridian, Houston County, Minnesota, described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence North 89 degrees 24 minutes 37 seconds East, assumed bearing, along the south line of said Southwest Quarter of the Southeast Quarter 154.27 feet to the point of beginning of the land to be described; thence North 00 degrees 00 minutes 00 seconds East 158.04 feet; thence North 49 degrees 00 minutes 00 seconds West 171.37 feet to the centerline of Hop Hollow Road; thence North 41 degrees 00 minutes 00 seconds East along said centerline 100.00 feet; thence northeasterly 364.77 feet along said centerline on a tangential curve concave to the northwest having a central angle of 11 degrees 00 minutes 00 seconds and a radius of 1900.00 feet; thence North 30 degrees 00 minutes 00 seconds East along said centerline 164.86 feet; thence northeasterly 463.97 feet along said centerline on a tangential curve concave to the southeast having a central angle of 9 degrees 10 minutes 00 seconds and a radius of 2900.00 feet; thence North 39 degrees 10 minutes 00 seconds East along said centerline 113.00 feet; thence North 35 degrees 00 minutes 00 seconds East along said centerline 77.39 feet to the north line of said Southwest Quarter of the Southeast Quarter; thence North 89 degrees 22 minutes 23 seconds East along said north line 531.49 feet to the northeast corner of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 26 minutes 27 seconds East along the east line of said Southwest Quarter of the Southeast Quarter 1311.82 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 24 minutes 37 seconds West along the south line of said Southwest Quarter of the Southeast Quarter 1150.64 feet to the point of beginning. Containing 28.90 acres being subject to the right-of-way of Hop Hollow Road along the northwesterly side thereof.

Page Two

### CONDITIONAL USE ORDER

And subject to the following conditions, if any:

- 1) Must obtain and abide by all federal, state and local rules and regulations.
- 2) Follow Township guidelines for driveway.

The Houston County Zoning Administrator is herewith directed to issue the appropriate permits pursuant to this Conditional Use Order.

Charlene Meiners  
Houston County Auditor

9-9-08

Date

By Ann Thompson  
Chairman, Houston County Board of  
Commissioners

Date

The Houston County Zoning Administrator is herewith directed to deny the issuance of the appropriate permits pursuant to this Conditional Use Order.

Houston County Auditor

Date

By \_\_\_\_\_  
Chairman, Houston County Board of  
Commissioners

Date

STATE OF MINNESOTA  
COUNTY OF HOUSTON

OFFICE OF  
COUNTY ZONING ADMINISTRATOR

I, the undersigned County Zoning Administrator in and for said County and State, do hereby certify that I have compared the foregoing copy with the original; and find the same to be a true and correct copy of said original and of the whole thereof, based on approved minutes of the Houston County Planning Commission meeting held on Thursday, August 28, 2008 at 7:15 p.m., and of record in the Houston County Zoning Office.

WITNESS, my hand this 9<sup>th</sup> day of September, 2008

[Signature]  
Houston County Zoning Administrator



Drafted by: Houston County Planning and Zoning Department, Houston County  
Courthouse, Caledonia, MN 55921

# Houston County Zoning Permit Application

Applicant Name Charles W. Misch Cell- 608-790-6828  
Telephone # 507-724-3087  
Mailing Address 1008 Sunrise Ln. City Caledonia State MN ZIP 55921  
Parcel Tax ID 06-0281-001 Date Application Completed \_\_\_\_\_ Date Permit Issued \_\_\_\_\_  
Township of Houston Legal Description \_\_\_\_\_  
Section 36 Township 104 Range 6 Lot \_\_\_\_\_ Block \_\_\_\_\_ Plat or Addition \_\_\_\_\_  
Permit # 3480 Building Contractor Name & MN License # \_\_\_\_\_  
E911 Address (new address) \_\_\_\_\_ Coordinator Signature \_\_\_\_\_  
Zoning District A9 Shoreland District \_\_\_\_\_ Flood Plain District \_\_\_\_\_

Zoning Location Permit Application/Type of Structure: Shop and house FEE \$ \_\_\_\_\_  
Shop 24'x36' House 24'x36'  
Dimensions of Structure: Width \_\_\_\_\_ Length \_\_\_\_\_ Square Feet of Structure \_\_\_\_\_

Is a site plan attached/included? \_\_\_\_\_

Slopes \_\_\_\_\_ Shoreland, OHWM \_\_\_\_\_ Wetlands \_\_\_\_\_ 100-Year Flood Plain \_\_\_\_\_  
Setbacks: Front Yard 50' Side Yard R 50' L 50' Rear Yard 50' Public Road 65'

ISTS Permit \_\_\_\_\_ Fee \_\_\_\_\_ Installer's Name and License Number Jake Wieser Hop Hollow Rd  
(On the Site Plan show the tank size, location and drainfield runs and dimensions.)

Water Well (Show the location of the well on the Site Plan): New or Existing \_\_\_\_\_ Date Drilled \_\_\_\_\_

## Public Hearing Required:

Conditional Use Permit: To build a house on less than 40 ac.  
Fee \$ \_\_\_\_\_ Date of Hearing \_\_\_\_\_

## Variance Requested:

Fee \$ \_\_\_\_\_ Date of Hearing \_\_\_\_\_  
Describe Hardship \_\_\_\_\_

## Zoning Amendment:

Fee \$ \_\_\_\_\_ Date of Hearing \_\_\_\_\_

## Subdivision of Real Estate:

Subdivision Plat Fee \$ \_\_\_\_\_ Agency Comment \_\_\_\_\_ Date of Hearing \_\_\_\_\_

## Town Board Signatures/Comments:

[Signature]  
[Signature]  
[Signature]

## Owner Signature(s):

X Charles W. Misch

Date: 7-24-08

## Jurisdiction Approval For a New or Modified Access:

Town Board \_\_\_\_\_ County Engineer \_\_\_\_\_ MN Dot \_\_\_\_\_

For further information call Houston County Environmental Services: (507) 725-5800

Return your completed application and remittance to:

Houston County Environmental Services ~ 304 S. Marshall Street ~ Room 202, Caledonia, MN 55921

John Beckman 896-3106  
Eric Johnson 896-3927  
Gerald Skifton 896-2472

PERMIT # 3480

State of Minnesota

County of Houston

Township of Houston

APPLICATION  
OF

Charles Misch

\* FOR ZONING PERMIT \*

Filed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

FEE SCHEDULE:

Zoning Permit:  
\$0.00 to \$50,000 (\$75.00)  
\$50,001 to \$100,000 (\$150.00)  
\$100,001 to \$150,000 (\$225.00) \*  
\$150,001 or more (\$300.00)

Septic Permit:  
Trench or At-Grade (\$100.00) -  
Mound (\$200.00)

Public Hearing:  
Variance (\$175.00)  
Conditional Use (\$250.00)  
Rezoning/Zoning Amendment (\$250.00)  
Subdivision Plat (\$250.00)  
(A \$46.00 filing fee needs to be paid)

Soil Erosion/Building Location Control Plan:  
Type I - (\$80.00)  
Type II - (\$160.00) -  
Type III - (\$240.00)

E911 Address:  
Fee (\$50.00) -

TOTAL (Make remittance to: Houston County)

COMMENTS:

Deed recorded? (yes/no)  
1/4 mile feedlot setback required? (yes/no)  
1/2 mile feedlot setback required? (yes/no)  
Soil borings required? (yes/no)  
Certificate of Survey required? (yes/no)  
Driveway access? (yes/no)  
2nd farm home (yes/no)  
Existing dwelling to be removed/torn down (date)  
OTHER

225.00

100.00

416.00

50.00

375.80  
455

8-28-08

EROSION CONTROL PERMIT APPLICATION  
Houston County, Minnesota

6

Permit No. \_\_\_\_/\_\_\_\_/\_\_\_\_

The undersigned is applying for an EROSION CONTROL PERMIT. The applicant agrees that all erosion control practices and procedures shall be in accordance with the requirements of Houston County's Ordinance and with all other applicable County and State regulations. This application and the EROSION CONTROL PLAN are to be submitted to the Houston County Planning and Zoning Department for plan review and acceptance. Fees are to be paid prior to issuance of permits.

Landowner Charles W. Misch 724-3087  
Print Name Phone  
1008 Sunrise Ln. Caledonia Mn. 55921  
Address Zip Code  
Landowner's Signature Charles W. Misch Date 7/24/08

Site Location:  
Town of \_\_\_\_\_ Town \_\_\_\_\_ N Range \_\_\_\_\_ W Section \_\_\_\_\_  
Address/Street \_\_\_\_\_ Parcel No. \_\_\_\_\_

Person responsible for erosion control if other than owner:

Signature \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Description of activity: Home / Shop Construction

Anticipated starting date This fall (08)

Amount of area to be disturbed. Square Feet \_\_\_\_\_ (or) Acres \_\_\_\_\_

Distance between disturbed area and perennial waters, streams, lakes, etc.  
(Check one) 0-100' \_\_\_\_\_, 101'-300' \_\_\_\_\_, within 1/2 mile \_\_\_\_\_, over 1/2 mile \_\_\_\_\_

Slope of the site where land disturbance will occur \_\_\_\_\_ %

\*\*\*\*\*

FOR OFFICE USE ONLY

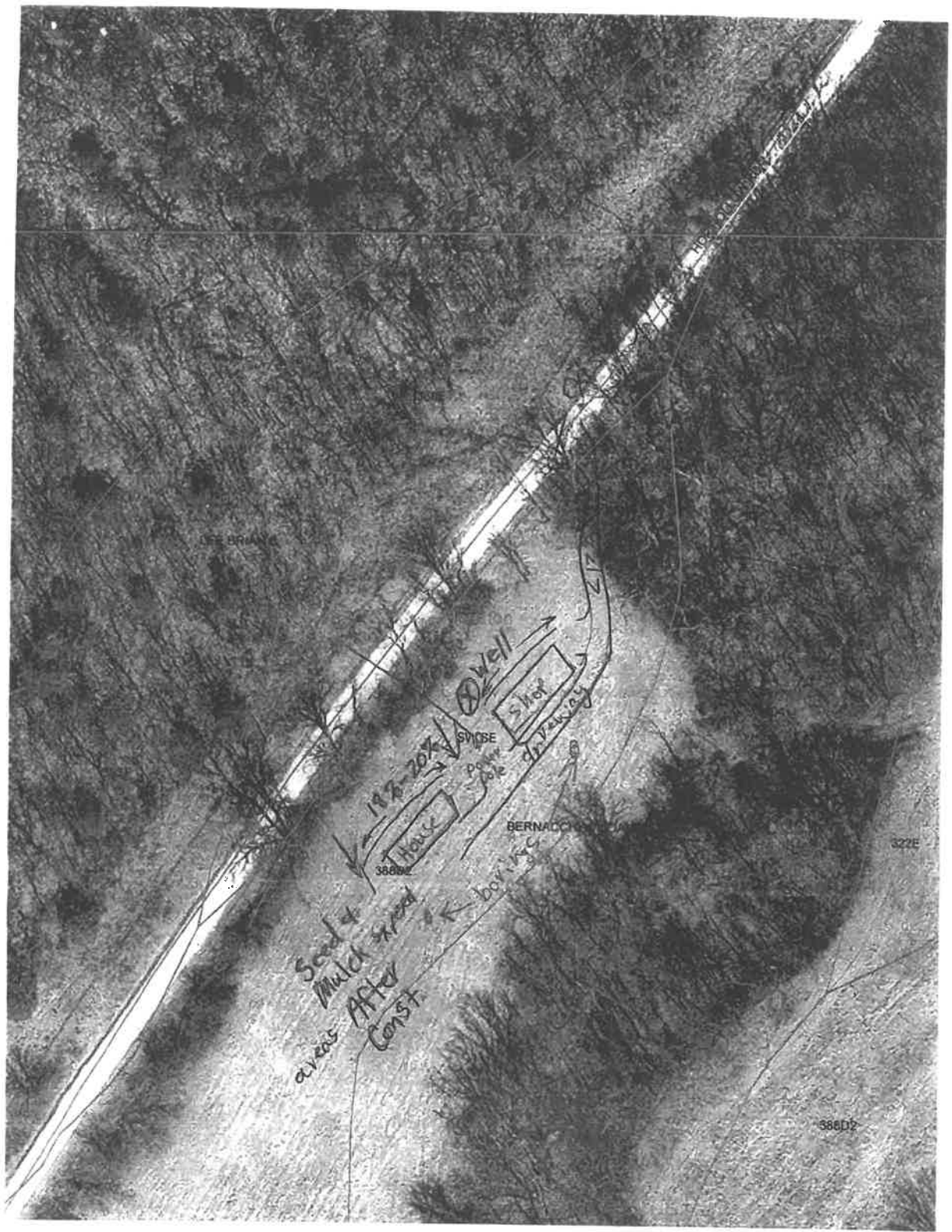
Erosion control plan received 9/16/08. Fee required \$ \_\_\_\_\_

Plan accepted by: D. J. Wulfsberg Fee received \_\_\_\_/\_\_\_\_/\_\_\_\_

Erosion control plan submitted to Zoning and Planning Dept. \_\_\_\_/\_\_\_\_/\_\_\_\_












Number <b>2021-CUP-75688</b>	<b>Marcia and Matt Welch   060281001  </b> <b>Conditional Use Request</b> Submitted by <b>mmhwelch1989</b> on 4/17/2021	
---------------------------------	---	---

## CONDITIONAL USE INTRO [Edit] Last updated: 4/17/2021 10:54:00 AM and saved by: mmhwelch1989

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: 4/17/2021 10:55:46 AM and saved by: mmhwelch1989

Applicant Name	<b>Marcia and Matt Welch</b>
Telephone Number	<b>7632387518</b>
Address	<b>19649 ELGIN CIR NW</b>
City	<b>ELK RIVER</b>
Zip	<b>55330</b>
Parcel Tax ID	<b>060281001</b>
Legal Description	<b>PT SW1/4 SE1/4; DOC 252363 DOC 252985; DOC 268731; DOC 268732; DOC 278798</b>
Section-Township-Range	<b>36/104/006</b>
Do you own additional adjacent parcels	<b>No</b>

Township of: **Houston**

**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: 4/17/2021 1:04:40 PM and saved by: mmhwelch1989

**Click here to view the Houston County Zoning Ordinance**

Describe in detail your request.

**We would like to build our retirement home on land we have put in a purchase agreement for with Terance and Charles Misch. The purchase agreement is contingent upon**

**a Conditional Use permit. Documentation is attached. A possible placement of the home is also attached.**

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

**Section 14 to 14.3 subdivision 1 conditional uses, 10 dwellings a - e**

Requested Dimension:

**Sect 36 Twp 104 Range 006 28.90 AC PT SW 1/4 SE 1/4**

**Please upload any  
supporting documents:**

[Hop Hollow House Placement.jpg \(download\)](#)  
[Welch CUP signed.pdf \(download\)](#)

**CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 4/17/2021 1:04:55 PM and saved by: mmhwelch1989

[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 project has been discussed with Houston County  
Zoning Administrator, Aaron Lacher.**

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

**Yes**

Comments:

**We would like to build a 3 bedroom, 2 to 3 bathroom,  
walkout rambler retirement home on the property for  
single family use. A CUP is needed to build a dwelling on  
less that 40 acres.**

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

**Yes**

Comments:

**A septic system is a potential pollution source, but we will  
comply with all local and state septic regulations thus  
negating the threat. No other potential threats are known.**

**Yes**



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

Comments:

**No impact anticipated. An Erosion Control Plan will oversee the construction process and cover post-construction drainage.**

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

**Yes**

Comments:

**There has been a garage/shop on the site without issue. The seller states there was a soil test performed on 6/29/08 by Jake Weiser and there are no soil problems.**

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

**Yes**

Comments:

**We will need a septic system but will gain a septic permit and work with a license contractor to mitigate potential pollution hazards.**

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

**Yes**

Comments:

**Connections to electricity, telephone, and cable are at the end of the driveway. A driveway is already established. A Septic Permit will be required prior to building. A well will also need to be added to the property.**

**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:

**As a single residential home, traffic will not be an issue. The driveway will be long enough into the property so that parked cars will not impede traffic on Hop Hollow Road. A garage/shop is currently on the site, plus the proposed home will also have a garage for 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:

**As a single residential home, traffic should not be an issue. The driveway will be long enough into the property so that parked cars will not impede traffic on Hop Hollow Road.**

**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:

**No impacts 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.**

**Yes**

Comments:

**No impacts are anticipated.**

**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.**

**N/A**

Comments:

**Not applicable for intended residential use.**

**13. That the density of any proposed residential development is not greater than the**

**Yes**

**intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district**

Comments:

**The home would be placed according to density limitations of the Agricultural Protection District which allows one dwelling per quarter quarter section.**

**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:

**There will be no 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 site's conditions will follow local, state, and federal laws and regulations in order to ensure the public's health, safety, morals, and general welfare.**

**SITE PLAN INFORMATION** [\[Edit\]](#) Last updated: 4/17/2021 1:05:02 PM and saved by: mmhwelech1989

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

**Upload Site Plan**

**[Hop Hollow House Placement.jpg \(download\)](#)**

**Use Interactive Map to Create Site Plan**



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

Once we acquire a conditional use permit, we will begin planning in depth for the home as our purchase agreement is contingent upon acquiring the permit.

## APPLICATION SUBMITTAL [Edit]

Last updated: 4/17/2021 1:05:40 PM and saved by: mmhwelch1989

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

### Signature

*Marvin Welch*

Date Signed:  
04/17/2021

---

Check this box if Staff  
Signature on behalf of  
Applicant.

**No**


Terance Misch  
760 Main St  
Dakota, MN 55925  
April 12, 2021

To whom it may concern,

I, Terance Misch, and Charles Misch, current owners of 5731 Hop Hollow Rd in Houston, MN 55943, give permission for Matt and Marcia Welch to seek a conditional use permit for this property. An enforceable purchase agreement has been negotiated and committed to by both parties.

Sincerely,

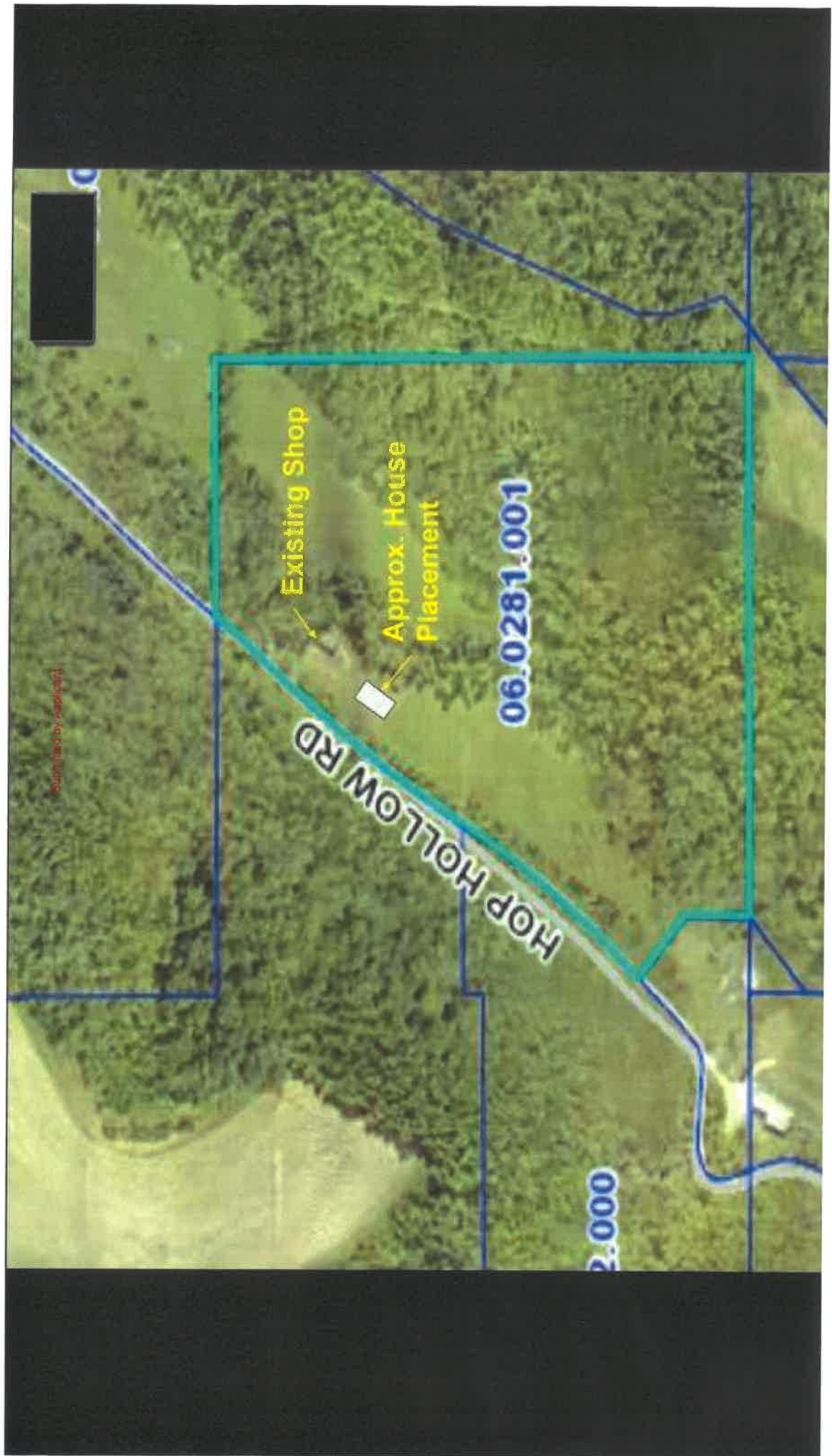
Terance Misch

 4/12/2021

Charles Misch

 4-12-21







**Amelia Meiners**

---

**From:** Terry Misch <tjmisch323@gmail.com>  
**Sent:** Monday, May 17, 2021 8:03 PM  
**To:** Amelia Meiners  
**Subject:** Upcoming Hearing

\*\*\* 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.

---

Amelia,

I read the letter of the notice of public hearing in regards to Matt and Marcia Welch applying for a conditional use permit for our property they are planning to purchase.

I just wanted to clarify whether or not there was a typo in the Welch's address, on the letter it is listed as Elk River, WI, but I believe they live in Minnesota. I just want to make sure everything is documented appropriately so there is no technicality that would not allow them to get their permit.

Thank you,

Terry Misch

Sent from my iPhone

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by William Gerdes, 16843 Beaver Ridge Drive, Caledonia, MN 55921 for a Conditional Use Permit to operate a farm outlet to sell milk and other farm products in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 25) in Caledonia Township on the following premises, to-wit:

W½ NW¼, Section 20, Township 102, Range 6, Houston County, Minnesota. (Parcel #03.0208.000)

Said applicant standing and making application is as fee owner of said described lands.

A hearing on this application will be held at 6:30 p.m. on Thursday, May 27, 2021. Due to the health pandemic, the hearing will be conducted remotely pursuant to MN Statute 13D.021, with Planning Commission Members participating by telephone and virtually. The virtual option utilizes the Zoom platform. Anyone wishing to attend remotely may do so at <https://zoom.us/j/94112809203> or by dialing 312-626-6799 and entering meeting ID: 941 1280 9203.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to [amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us), and must be received by Tuesday, May 18, 2021. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

### HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administration

ADV: May 12, 2021

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: *William Gerdes* DATE: *May 27, 2021*

C.U.P. REQUESTED: *Operate a farm outlet to sell milk and other farm products in an agricultural protection 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 main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

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

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

Staff Analysis: The applicants are requesting a building permit to change the use of a silo into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

Bob Conway – Yes, Agrees with SA and Rich S.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA this will help smaller farm operations.  
James Wieser – Yes, Agrees with Rich S.

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

Staff Analysis: The applicant states they plan to use a holding tank for wastewater. Any modifications or install of new septic system needs to be completed by a licensed MN septic professional.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, They have taken good care of the place.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with Ed.  
James Wieser – Yes

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

Staff Analysis: This is an existing building and the proposed change of use will not have a greater impact than the current use.

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

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

Staff Analysis: N/A

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

Staff Analysis: Any new septic system or modification of an existing system will need to be completed by a licensed MN septic professional. There will be no harmful byproducts or toxic materials used for this project.

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.  
James Wieser – Yes

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

Staff Analysis: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA, looks like everything is there already.  
James Wieser – 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.

Staff Analysis: They have designated two areas for parking at this time. The applicant owns approximately 240 contiguous acres here so there should be adequate space for off-street parking and loading if more space is needed.

Bob Conway – Yes, Agrees with SA and Jim W.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, photos show there would be plenty of parking space.

James Wieser – Yes, the farm is located at the end of a long driveway with plenty of parking.

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

Staff Analysis: Farm outlet guests have reserved time slots for milk pick up to stagger traffic. Those time slots are limited to six guests.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, at the end of a driveway, no issue.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – 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.

Staff Analysis: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – 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.

Staff Analysis: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding development.

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, the permit is part of the orderly development.

James Wieser – 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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

Bob Conway – Yes, Agrees with SA.

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

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: The agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Good analysis.  
James Wieser – 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 applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for the public's health, safety, morals and general welfare.

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.  
James Wieser – Yes

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application to operate a farm outlet to sell milk and other farm products in an agricultural protection 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.

Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.



# 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 5/19/2021

Application Date: 4/8/2021  
Hearing Date: 5/27/2021  
Petitioner: William Gerdes  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 16843 Beaver Ridge Dr  
Township: Caledonia  
Parcel Number: 030208000  
Submitted Materials: CUP Application, Zoning questions

## OVERVIEW

### REQUEST

The applicant is requesting a Conditional Use Permit to operate a farm outlet to sell milk and other farm products in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 25).

### SUMMARY OF NOTEWORTHY TOPICS

The applicant identified in the Conditional Use Request he would like to change the use of a silo into a farm outlet and office with friends and family guest quarters. The scope of the hearing shall be based on the operation of the farm outlet only. A change of use request for this structure to become a non-commercial guest quarters will be handled administratively by the Zoning Office. This proposal does not include any feedlot expansion and no new structures.

The original farm dwelling dates back to 1900, but many of the buildings have been constructed more recently. The facility consists of confinement barns, machine sheds, multiple silos, a milking parlor and two dwellings. The Assessor's report indicates the harvestor silo (20'x 27') was constructed in 1971. This farm has been in the Gerdes family for multiple generations.

It is the responsibility of the applicant to determine if any additional state or federal permits or licensures are required to sell the specific products.





**Figure 1. Aerial imagery showing the silo to be used for the farm outlet.**

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Caledonia Township and the ten closest neighbors were notified. No comments have been received.

#### SITE CHARACTERISTICS

The Gerdes' Family Farm is located approximately a third of a mile off Beaver Ridge Drive in Caledonia Township. Two intermittent streams flow into the Beaver Creek valley at approximately 900 and 1400 feet away. Since they are repurposing an existing structure, many of the standards are not applicable. There are no bluff impacts, floodplain, shoreland, slope, feedlot or mine concerns. There is an existing septic holding tank south of the silo.



Figure 2. Site plan as proposed in request.

## 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 main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

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

Staff Analysis: The applicants are requesting a building permit to change the use of a silo into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

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

Staff Analysis: The applicant states they plan to use a holding tank for wastewater. Any modifications or install of new septic system needs to be completed by a licensed MN septic professional.

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

Staff Analysis: This is an existing building and the proposed change of use will not have a greater impact than the current use.

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

Staff Analysis: N/A

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

Staff Analysis: Any new septic system or modification of an existing system will need to be completed by a licensed MN septic professional. There will be no harmful byproducts or toxic materials used for this project.

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

Staff Analysis: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

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: They have designated two areas for parking at this time. The applicant owns approximately 240 contiguous acres here so there should be adequate space for off-street parking and loading if more space is needed.

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

Staff Analysis: Farm outlet guests have reserved time slots for milk pick up to stagger traffic. Those time slots are limited to six guests.

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: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors.

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: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding 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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

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: The agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.


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 applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for 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. 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.

Number <b>2021- CUP- 75098</b>	<b>GERDES, WILLIAM N   030208000  </b> <b>Conditional Use Request</b> Submitted by <b>Gerdes Dairy Farm LLC</b> on 4/7/2021	
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## CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 4/7/2021 4:08:26 PM and saved by: Gerdes Dairy Farm LLC

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: 4/8/2021 11:17:52 PM and saved by: Gerdes Dairy Farm LLC

Applicant Name **GERDES, WILLIAM N**

Telephone Number **5079238015**

Address **16843 Beaver Ridge Dri**

City **Caledonia**

Zip **55921**

Parcel Tax ID **030208000**

Legal Description **W1/2 NW1/4 EX SCHOOL LOT B 341 P 267**

Section-Township-Range **20/102/006**

Do you own additional adjacent parcels **Yes**

Township of: **Caledonia**

**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: 4/8/2021 11:18:06 PM and saved by: Gerdes Dairy Farm LLC

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

Describe in detail your request.

**We request a building permit for a change of use permit for changing our Harvestore silo into a farm outlet and office and friends and family guest quarters.**

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

**section 6 - 14.3 subd. 1 (25) other uses**

8

Requested Dimension: **20 ft. in diameter**

Please upload any  
supporting documents:

[Zoning Questions.pdf \(download\)](#)

**CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 4/8/2021 11:18:40 PM and  
saved by: Gerdes Dairy Farm LLC

[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:

**This project will not use or convert farm/ag into building sites in this project.**

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

Yes

Comments:

**Farm Outlet: We need this proposed permit in order to increase the profitability of our farm and to utilize a useless silo for useful business. According to the Star Tribune, "Since 2000, more than 64,000 dairies [in the U.S.] with fewer than 200 cows have closed. Over that same period, the number of mega-dairies — those with 1,000 or more cows — has more than doubled." "The Agriculture Department projects there will be only 18,000 dairies left in the United States by 2036." (1) This is said to be "bad for rural communities... because it would pose food security risks since all the milk would be produced in a few places, and the businesses who serve small dairies — veterinarians, feed and equipment dealers — would suffer since large dairies often handle those services in-house." (1) Because of this bleak forecast, we are seeking to diversify our dairy operation by exploring farm-to-consumer relationships. These relationships promise increased profitability, will modernize product quality, and provide the innovation necessary for surviving today's market. Guest Quarters: We'd also like to fully utilize the space by converting the upstairs of the Farm Outlet to a**



**guest quarters for Friends & Family Guest Quarters. We have an increasingly large family who loves to visit the farm so we'd love a place to host them :)**

**Yes**

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

Comments:

**This project does not degrade water quality in any way. Much the opposite, this project arguably improves water quality as it makes our business more efficient. We will be following the waste and gray water disposal regulations for Houston County.**

**Yes**

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

Comments:

**There will be no runoff. All water used will go into a water waste tank and will be disposed of according to the guidelines of Houston County.**

**Yes**

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

Comments:

**Soil conditions will not be affected by this project.**

**Yes**

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

Comments:

**There are no potential pollution hazards for this project. There are no toxic materials used, no harmful byproducts (Gaseous fumes; petroleum waste etc).**

**Yes**

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

Comments:

**We have made adequate facility provisions for both the farm outlet and the farm office/family and friend guest quarters.**

**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:

**The farm outlet guests have reserved time slots for picking up milk. These time slots are limited to 6 guests and ensure adequate availability for off street parking and loading.**

**Yes**

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

Comments:

**As specified in question 8, specific time slots for milk pickup allow for smooth traffic flow and avoid traffic congregation or hazards**

**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 farm outlet and the office/family & friends guest quarters will not be injurious to other properties in the immediate vicinity. This proposed project is not able to be seen from any other properties in the surrounding area and it does produce obtrusive sound, smell, or waste of any kind. Much the opposite, we have greatly improved the appearance and usefulness of a formerly unsightly and disintegrating structure on our farm**

**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:

**Yes - It will not impeded the normal and orderly development 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:

**The Farm Outlet and Office/Guest Quarters does not produce any offensive odors, dust, noise, vibration or light pollution. It is visually secluded by all neighboring houses and roads. There will be no fumes or other toxic outputs from this project.**

**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:

**Yes - The density of this proposed development is not greater than the intensity of the surrounding uses.**

**Yes**

**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 Farm Outlet actually expands the economic stimulus of the area because it appeals to a vastly different customer than the commercial industries in the area. Because of the unique nature of farm products and the unique customer who is interested in purchasing it, we can certainly say that the intensity will not compete with what is characteristic in this area.**

**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 farm outlet is family owned, family operated, and encourages family visits!**

**SITE PLAN INFORMATION** [Edit] Last updated: 4/8/2021 11:18:56 PM and saved by: Gerdes Dairy Farm LLC

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**



**1. Silo Project 2. Well 3. Septic Holding Tank 4. Parking**

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

**APPLICATION SUBMITTAL**

[Edit] Submitted by Applicant

13

Last updated: 4/8/2021 11:19:11 PM and saved by: Gerdes Dairy Farm LLC

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:  
04/08/2021

Check this box if Staff Signature on behalf of Applicant. **No**

**APP SUBMITTED/PAYMENT SELECTION**

Last updated: 5/3/2021 11:03:17 AM and saved by: Holly Felten

Fee amount paid: **\$746**

**CALEDONIA TOWNSHIP REVIEW**

[Edit] Last updated: 5/3/2021 11:03:41 AM and saved by: Holly Felten

**Notice to Township**

Date email sent:  
05/03/2021

**APPLICATION DATE**

[Edit] Last updated: 5/3/2021 11:12:38 AM and saved by: Holly Felten

**What Stage is the  
Application At?**

**Application reviewed and determined complete.**

Submitted by Applicant

14

**Application Date  
(Complete Application)**

**4/16/2021**

**Date of Notice of  
Incomplete Application**

**Comments**

**Please upload any  
supporting documents:**

**There are no attached documents.**

**DATES** [Edit] Last updated: 5/5/2021 3:47:25 PM and saved by: Holly Felten

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Advertising Date

**5/12/2021**

Planning Commission  
Meeting Date

**5/27/2021**

Meeting Time

**6:30 PM**

Comments

We'd like to have a conditional use permit so that we can change our silo into a farm outlet and a farm office/friends and family guest quarters.

#### FINDING OF FACTS

1. That the proposed use conforms to the County Land Use Plan?
  - a. Yes; This project will not use or convert farm/ag into building sites in this project.

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

Farm Outlet: We need this proposed permit in order to *increase the profitability* of our farm and to *utilize a useless silo for useful business*.

According to the Star Tribune, "Since 2000, more than 64,000 dairies [in the U.S.] with fewer than 200 cows have closed. Over that same period, the number of mega-dairies — those with 1,000 or more cows — has more than doubled."

"The Agriculture Department projects there will be only 18,000 dairies left in the United States by 2036."<sup>(1)</sup> This is said to be "bad for rural communities... because it would pose food security risks since all the milk would be produced in a few places, and the businesses who serve small dairies — veterinarians, feed and equipment dealers — would suffer since large dairies often handle those services in-house."<sup>(1)</sup>

Because of this bleak forecast, we are seeking to diversify our dairy operation by exploring farm-to-consumer relationships. These relationships promise increased profitability, will modernize product quality, and provide the innovation necessary for surviving today's market.

Guest Quarters: We'd also like to fully utilize the space by converting the upstairs of the Farm Outlet to a guest quarters for Friends & Family Guest Quarters. We have an increasingly large family who loves to visit the farm so we'd love a place to host them :)

- 3.

<https://www.startribune.com/minnesota-farmers-kick-around-big-ideas-to-save-small-dairies/508878722/?refresh=true>

4. That the proposed use will not degrade the water quality of the County
  - a. This project does not degrade water quality in any way.
  - b. Much the opposite, this project arguably improves water quality as it makes our business more efficient.



- c. We will be following the waste and gray water disposal regulations for Houston County.
- 5. That the proposed use will not adversely increase the quantity of water run off.
  - a. Yes. There will be no runoff. All water used will go into a water waste tank and will be disposed of according to the guidelines of Houston County.
- 6. That soil conditions are adequate to accommodate the proposed use.
  - a. (N/A) Soil conditions will not be affected by this project.
- 7. That potential pollution hazards have been addressed and standards have been met.
  - a. Yes. There are no potential pollution hazards for this project. There are no toxic materials used, no harmful byproducts (Gaseous fumes; petroleum waste etc).
- 8. The adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - a. Yes
  - b. We have made adequate facility provisions for both the farm outlet and the farm office/family and friend guest quarters.
- 9. The adequate measures have been or will be taken to provide sufficient off - street parking and loading space to serve the proposed use.
  - a. Yes
  - b. The farm outlet guests have reserved time slots for picking up milk. These time slots are limited to 6 guests and ensure adequate availability for off street parking and loading.
- 10. The adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
  - a. As specified in question 8, specific time slots for milk pickup allow for smooth traffic flow and avoid traffic congregation or hazards.
- 11. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted.
  - a. Yes
  - b. The farm outlet and the office/family & friends guest quarters will not be injurious to other properties in the immediate vicinity. This proposed project is not able to be seen from any other properties in the surrounding area and it does produce obtrusive sound, smell, or waste of any kind. Much the opposite, we have greatly improved the appearance and usefulness of a formerly unsightly and disintegrating structure on our farm.

12. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surroundings vacant property for predominate uses in the area.
- a. Yes
  - b. This project will not impede the development of surrounding vacant property. Much the opposite, this project seeks to keep our township "alive" with economic stimulus of new business while restoring a useless structure for a useful purpose.
13. That adequate measures have been or will be taken to prevent or control order, fumes, desk, 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 or neighboring properties will result.
- a. Yes
  - b. The Farm Outlet and Office/Guest Quarters does not produce any offensive odors, dust, noise, vibration or light pollution. It is visually secluded by all neighboring houses and roads. There will be no fumes or other toxic outputs from this project.
14. That the density of any proposed residential development is not greater than the density of the surrounding uses or not greater than the density characteristic of the applicable zoning district.
- a. Yes
15. 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.
- a. Yes
  - b. The Farm Outlet actually expands the economic stimulus of the area because it appeals to a vastly different customer than the commercial industries in the area. Because of the unique nature of farm products and the unique customer who is interested in purchasing it, we can certainly say that the intensity will not compete with what is characteristic in this area.
16. That site-specific conditions and such other conditions are established as required for the protection of the public health, safety, morals, and general welfare.
- a. Yes
  - b. The farm outlet is family owned, family operated, and encourages family visits!

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Joseph Baxter DATE: May 27, 2021

C.U.P. REQUESTED: Place a dwelling on less than 40 acres in an agricultural protection 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 location satisfies the density limitations and this proposal is consistent with most other residential properties along County 5.

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  
James Wieser – Yes

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

Staff Analysis: A Conditional Use Permit is required to construct a single-family dwelling in the agricultural district.

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.  
James Wieser – Yes

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

Staff Analysis: A septic system designed and installed by a licensed Minnesota septic professional will be required.

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  
James Wieser – Yes

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

Staff Analysis: The proposed structure is relatively small should not increase water runoff. In addition, an erosion control plan will be required with the dwelling permit.

Bob Conway – Yes  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees, the site is not steep.  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: Soils are technically considered prime agriculture soils, but since the ground has been out of production for ten years or more this location is allowable. There will be little to no excavation for placement of the mobile home.

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

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

Staff Analysis: Adequate treatment of septage is most likely the largest pollution hazard. A septic system, designed and installed by a licensed MN septic professional will be required.

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.  
James Wieser – Yes

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

Staff Analysis: There is an existing driveway and electrical will be installed at the time of construction. All utilities are the responsibility of the applicant. Thirty-three feet of easement or owned access to County 5 is required prior to issuance of the building permit.

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.  
James Wieser – 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: This area is highly respected for its recreational value in addition to being used for agriculture. There are multiple small rural residential properties along County 5 so this will not be out of character and this dwelling should not impact the agriculture in the immediate vicinity of the proposal.

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

Staff Analysis: This valley has a variety of uses. Much of the vacant or undeveloped land is agricultural or recreational and this proposal will not impact those uses. There are multiple other rural residential properties in this area and the applicant has been using his property recreationally in the past.

Bob Conway – Yes  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA, the land has been out of production for 10 years.  
James Wieser – 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.

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 proposal is consistent with neighboring residential properties and proposed in an open quarter-quarter.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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: This proposal will not negatively affect the public's health, safety, morals, and general welfare.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application to place a dwelling on less than 40 acres in an agricultural protection 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. Thirty-three feet of owned or easement access to the public road is required prior to any building permit issuance.

Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.



## 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

5/19/2021

Application Date: 4/8/2021  
Hearing Date: 5/27/2021  
Petitioner: William Gerdes  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 16843 Beaver Ridge Dr  
Township: Caledonia  
Parcel Number: 030208000  
Submitted Materials: CUP Application, Zoning questions

### OVERVIEW

#### REQUEST

The applicant is requesting a Conditional Use Permit to operate a farm outlet to sell milk and other farm products in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 25).

#### SUMMARY OF NOTEWORTHY TOPICS

The applicant identified in the Conditional Use Request he would like to change the use of a silo into a farm outlet and office with friends and family guest quarters. The scope of the hearing shall be based on the operation of the farm outlet only. A change of use request for this structure to become a non-commercial guest quarters will be handled administratively by the Zoning Office. This proposal does not include any feedlot expansion and no new structures.

The original farm dwelling dates back to 1900, but many of the buildings have been constructed more recently. The facility consists of confinement barns, machine sheds, multiple silos, a milking parlor and two dwellings. The Assessor's report indicates the harvestor silo (20'x 27') was constructed in 1971. This farm has been in the Gerdes family for multiple generations.

It is the responsibility of the applicant to determine if any additional state or federal permits or licensures are required to sell the specific products.





**Figure 1. Aerial imagery showing the silo to be used for the farm outlet.**

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Caledonia Township and the ten closest neighbors were notified. No comments have been received.

#### SITE CHARACTERISTICS

The Gerdes' Family Farm is located approximately a third of a mile off Beaver Ridge Drive in Caledonia Township. Two intermittent streams flow into the Beaver Creek valley at approximately 900 and 1400 feet away. Since they are repurposing an existing structure, many of the standards are not applicable. There are no bluff impacts, floodplain, shoreland, slope, feedlot or mine concerns. There is an existing septic holding tank south of the silo.



Figure 2. Site plan as proposed in request.

## 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 main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

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

Staff Analysis: The applicants are requesting a building permit to change the use of a silo into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

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

Staff Analysis: The applicant states they plan to use a holding tank for wastewater. Any modifications or install of new septic system needs to be completed by a licensed MN septic professional.

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

Staff Analysis: This is an existing building and the proposed change of use will not have a greater impact than the current use.

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

Staff Analysis: N/A

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

Staff Analysis: Any new septic system or modification of an existing system will need to be completed by a licensed MN septic professional. There will be no harmful byproducts or toxic materials used for this project.

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

Staff Analysis: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

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: They have designated two areas for parking at this time. The applicant owns approximately 240 contiguous acres here so there should be adequate space for off-street parking and loading if more space is needed.

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

Staff Analysis: Farm outlet guests have reserved time slots for milk pick up to stagger traffic. Those time slots are limited to six guests.

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: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors.

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: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding 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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

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: The agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.


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 applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for 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. 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.

Number <b>2021- CUP- 75098</b>	<b>GERDES, WILLIAM N   030208000  </b> <b>Conditional Use Request</b> Submitted by <b>Gerdes Dairy Farm LLC</b> on 4/7/2021	
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## CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 4/7/2021 4:08:26 PM and saved by: Gerdes Dairy Farm LLC

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: 4/8/2021 11:17:52 PM and saved by: Gerdes Dairy Farm LLC

Applicant Name	<b>GERDES, WILLIAM N</b>
Telephone Number	<b>5079238015</b>
Address	<b>16843 Beaver Ridge Dri</b>
City	<b>Caledonia</b>
Zip	<b>55921</b>
Parcel Tax ID	<b>030208000</b>
Legal Description	<b>W1/2 NW1/4 EX SCHOOL LOT B 341 P 267</b>
Section-Township-Range	<b>20/102/006</b>
Do you own additional adjacent parcels	<b>Yes</b>

Township of: **Caledonia**

**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: 4/8/2021 11:18:06 PM and saved by: Gerdes Dairy Farm LLC

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

Describe in detail your request.

**We request a building permit for a change of use permit for changing our Harvestore silo into a farm outlet and office and friends and family guest quarters.**

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

**section 6 - 14.3 subd. 1 (25) other uses**

Submitted by Applicant

8

Requested Dimension:

**20 ft. in diameter**

Please upload any  
supporting documents:

[Zoning Questions.pdf \(download\)](#)

**CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 4/8/2021 11:18:40 PM and  
saved by: Gerdes Dairy Farm LLC

[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:

**This project will not use or convert farm/ag into building  
sites in this project.**

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

**Yes**

Comments:

**Farm Outlet: We need this proposed permit in order to  
increase the profitability of our farm and to utilize a useless  
silo for useful business. According to the Star Tribune,  
"Since 2000, more than 64,000 dairies [in the U.S.] with  
fewer than 200 cows have closed. Over that same period,  
the number of mega-dairies — those with 1,000 or more  
cows — has more than doubled." "The Agriculture  
Department projects there will be only 18,000 dairies left  
in the United States by 2036."(1) This is said to be "bad for  
rural communities... because it would pose food security  
risks since all the milk would be produced in a few places,  
and the businesses who serve small dairies —  
veterinarians, feed and equipment dealers — would suffer  
since large dairies often handle those services in-  
house."(1) Because of this bleak forecast, we are seeking  
to diversify our dairy operation by exploring farm-to-  
consumer relationships. These relationships promise  
increased profitability, will modernize product quality, and  
provide the innovation necessary for surviving today's  
market. Guest Quarters: We'd also like to fully utilize the  
space by converting the upstairs of the Farm Outlet to a**



~~Submitted by Applicant~~  
**guest quarters for Friends & Family Guest Quarters. We have an increasingly large family who loves to visit the farm so we'd love a place to host them :)**

9

**Yes**

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

Comments:

**This project does not degrade water quality in any way. Much the opposite, this project arguably improves water quality as it makes our business more efficient. We will be following the waste and gray water disposal regulations for Houston County.**

**Yes**

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

Comments:

**There will be no runoff. All water used will go into a water waste tank and will be disposed of according to the guidelines of Houston County.**

**Yes**

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

Comments:

**Soil conditions will not be affected by this project.**

**Yes**

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

Comments:

**There are no potential pollution hazards for this project. There are no toxic materials used, no harmful byproducts (Gaseous fumes; petroleum waste etc).**

**Yes**

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

Comments:

**We have made adequate facility provisions for both the farm outlet and the farm office/family and friend guest quarters.**

**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:

**The farm outlet guests have reserved time slots for picking up milk. These time slots are limited to 6 guests and ensure adequate availability for off street parking and loading.**

**Yes**

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

Comments:

**As specified in question 8, specific time slots for milk pickup allow for smooth traffic flow and avoid traffic congregation or hazards**

**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 farm outlet and the office/family & friends guest quarters will not be injurious to other properties in the immediate vicinity. This proposed project is not able to be seen from any other properties in the surrounding area and it does produce obtrusive sound, smell, or waste of any kind. Much the opposite, we have greatly improved the appearance and usefulness of a formerly unsightly and disintegrating structure on our farm**

**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:

**Yes - It will not impeded the normal and orderly development 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:

**The Farm Outlet and Office/Guest Quarters does not produce any offensive odors, dust, noise, vibration or light pollution. It is visually secluded by all neighboring houses and roads. There will be no fumes or other toxic outputs from this project.**

**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:

**Yes - The density of this proposed development is not greater than the intensity of the surrounding uses.**

**Yes**

**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 Farm Outlet actually expands the economic stimulus of the area because it appeals to a vastly different customer than the commercial industries in the area. Because of the unique nature of farm products and the unique customer who is interested in purchasing it, we can certainly say that the intensity will not compete with what is characteristic in this area.**

**Yes**

**15. That site specific conditions and such other conditions are**

5/19/2021

The Schneider Corporation Building Permit Application  
Submitted by Applicant

12

**established as required for the protection of the public's health, safety, morals, and general welfare.**

Comments:

**The farm outlet is family owned, family operated, and encourages family visits!**

## **SITE PLAN INFORMATION** [Edit] Last updated: 4/8/2021 11:18:56 PM and saved by: Gerdes Dairy Farm LLC

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

**Upload Site Plan**

**There are no attached documents.**

**Use Interactive Map to Create Site Plan**



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

**1. Silo Project 2. Well 3. Septic Holding Tank 4. Parking**

**APPLICATION SUBMITTAL** [Edit] Submitted by Applicant Last updated: 4/8/2021 11:19:11 PM and saved by: Gerdes 13  
Dairy Farm LLC

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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:  
04/08/2021

Check this box if Staff Signature on behalf of Applicant. **No**

**APP SUBMITTED/PAYMENT SELECTION** Last updated: 5/3/2021 11:03:17 AM and saved by: Holly Felten

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Fee amount paid: **\$746**

**CALEDONIA TOWNSHIP REVIEW** [Edit] Last updated: 5/3/2021 11:03:41 AM and saved by: Holly Felten

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**Notice to Township**

Date email sent:  
05/03/2021

**APPLICATION DATE** [Edit] Last updated: 5/3/2021 11:12:38 AM and saved by: Holly Felten

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5/19/2021

The Schneider Corporation Building Permit Application

**What Stage is the Application At?**

**Application reviewed and determined complete.**

Submitted by Applicant

14

**Application Date (Complete Application)**

**4/16/2021**

**Date of Notice of Incomplete Application**

**Comments**

**There are no attached documents.**

**Please upload any supporting documents:**

**DATES** [Edit] Last updated: 5/5/2021 3:47:25 PM and saved by: Holly Felten

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Advertising Date

**5/12/2021**

Planning Commission Meeting Date

**5/27/2021**

Meeting Time

**6:30 PM**

Comments

We'd like to have a conditional use permit so that we can change our silo into a farm outlet and a farm office/friends and family guest quarters.

## FINDING OF FACTS

1. That the proposed use conforms to the County Land Use Plan?
  - a. Yes; This project will not use or convert farm/ag into building sites in this project.

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

Farm Outlet: We need this proposed permit in order to *increase the profitability* of our farm and to *utilize a useless silo for useful business*.

According to the Star Tribune, "Since 2000, more than 64,000 dairies [in the U.S.] with fewer than 200 cows have closed. Over that same period, the number of mega-dairies — those with 1,000 or more cows — has more than doubled."

"The Agriculture Department projects there will be only 18,000 dairies left in the United States by 2036."<sup>(1)</sup> This is said to be "bad for rural communities... because it would pose food security risks since all the milk would be produced in a few places, and the businesses who serve small dairies — veterinarians, feed and equipment dealers — would suffer since large dairies often handle those services in-house."<sup>(1)</sup>

Because of this bleak forecast, we are seeking to diversify our dairy operation by exploring farm-to-consumer relationships. These relationships promise increased profitability, will modernize product quality, and provide the innovation necessary for surviving today's market.

Guest Quarters: We'd also like to fully utilize the space by converting the upstairs of the Farm Outlet to a guest quarters for Friends & Family Guest Quarters. We have an increasingly large family who loves to visit the farm so we'd love a place to host them :)

3.

<https://www.startribune.com/minnesota-farmers-kick-around-big-ideas-to-save-small-dairies/508878722/?refresh=true>

4. That the proposed use will not degrade the water quality of the County
  - a. This project does not degrade water quality in any way.
  - b. Much the opposite, this project arguably improves water quality as it makes our business more efficient.



- c. We will be following the waste and gray water disposal regulations for Houston County.
- 5. That the proposed use will not adversely increase the quantity of water run off.
  - a. Yes. There will be no runoff. All water used will go into a water waste tank and will be disposed of according to the guidelines of Houston County.
- 6. That soil conditions are adequate to accommodate the proposed use.
  - a. (N/A) Soil conditions will not be affected by this project.
- 7. That potential pollution hazards have been addressed and standards have been met.
  - a. Yes. There are no potential pollution hazards for this project. There are no toxic materials used, no harmful byproducts (Gaseous fumes; petroleum waste etc).
- 8. The adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
  - a. Yes
  - b. We have made adequate facility provisions for both the farm outlet and the farm office/family and friend guest quarters.
- 9. The adequate measures have been or will be taken to provide sufficient off - street parking and loading space to serve the proposed use.
  - a. Yes
  - b. The farm outlet guests have reserved time slots for picking up milk. These time slots are limited to 6 guests and ensure adequate availability for off street parking and loading.
- 10. The adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
  - a. As specified in question 8, specific time slots for milk pickup allow for smooth traffic flow and avoid traffic congregation or hazards.
- 11. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted.
  - a. Yes
  - b. The farm outlet and the office/family & friends guest quarters will not be injurious to other properties in the immediate vicinity. This proposed project is not able to be seen from any other properties in the surrounding area and it does produce obtrusive sound, smell, or waste of any kind. Much the opposite, we have greatly improved the appearance and usefulness of a formerly unsightly and disintegrating structure on our farm.

12. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surroundings vacant property for predominate uses in the area.
  - a. Yes
  - b. This project will not impede the development of surrounding vacant property. Much the opposite, this project seeks to keep our township "alive" with economic stimulus of new business while restoring a useless structure for a useful purpose.
13. That adequate measures have been or will be taken to prevent or control order, fumes, desk, 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 or neighboring properties will result.
  - a. Yes
  - b. The Farm Outlet and Office/Guest Quarters does not produce any offensive odors, dust, noise, vibration or light pollution. It is visually secluded by all neighboring houses and roads. There will be no fumes or other toxic outputs from this project.
14. That the density of any proposed residential development is not greater than the density of the surrounding uses or not greater than the density characteristic of the applicable zoning district.
  - a. Yes
15. 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.
  - a. Yes
  - b. The Farm Outlet actually expands the economic stimulus of the area because it appeals to a vastly different customer than the commercial industries in the area. Because of the unique nature of farm products and the unique customer who is interested in purchasing it, we can certainly say that the intensity will not compete with what is characteristic in this area.
16. That site-specific conditions and such other conditions are established as required for the protection of the public health, safety, morals, and general welfare.
  - a. Yes
  - b. The farm outlet is family owned, family operated, and encourages family visits!

## Houston County Agenda Request Form

Date Submitted: June 3, 2021 Board Date: June 8, 2021

Person requesting appointment with County Board: Brian Pogodzinski

**Issue:**

Attached is a quote for the pressure washer for the new highway shop building.

**Attachments/Documentation for the Board's Review:**

Heating and Cleaning Solutions, LLC Quote attached for \$9,007.43.

**Justification:**

**Action Requested:**

Board approval needed to accept quote.

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

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.

# Heating & Cleaning Solutions, LLC

1900 N. Kinney Coulee Rd.  
Onalaska, WI 54650  
Phone 608-783-6777  
Fax 608-783-1244

# Invoice

Date	Invoice #
5/27/2021	11300

Bill To
Houston County 1124 E. Washington Street Caledonia, MN 55921

Ship To
Houston County DOT 1124 E. Washington Street Caledonia, MN 55921

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt		5/27/2021			
Quantity	Item Code	Description	Price Each	Amount		
1	HN35005E3G	3 PHASE - HydroTek Hot Water Pressure Washer - 3500 PSI, 4.3 GPM, 250 Temp Max, 10 HP, 208/230v, 3 ph, 29a, Manual Start/Stop Control, GEN pump, Belt Drive, Inlet soap/float tank, Adj. Temp/Steam. Lifetime Coil Warranty! Includes gun/wand/50 ft hose assembly. WITH REMOTE LIST 12,380.60	7,995.00	7,995.00T		
1	368748A	Black 48" Square Molded Grip Lance Mecline 4500 PSI, 1/4mpt both ends	29.95	29.95T		
1	VG200	Hydro Gun - Suttner ST1500, 5000 PSI, 12.0 GPM, 3/8F inlet, 1/4F outlet.	55.00	55.00T		
2	DH097	Hydro Tek Hose, 100ft, 4000 PSI, 1 wire, 3/8" - 1 wire 427.48 - 100.00 for 50fter = 327.48	163.74	327.48T		
2	AR100	HOSE REEL - Reel base mount, 150', 3500 PSI, 250 degrees, stainless, friction brake	300.00	600.00T		
	Pressure Was...	Installation of Pressure Washer System. LABOR - N/C	0.00	0.00T		
		CUSTOMER TO BE BILLED FOR PARTS NEEDED AFTER INSTALLATION. Out-of-state sale, customer is responsible for sales tax	0.00%	0.00		
Thank you for your business.			Total	\$9,007.43		

**Date Submitted:** June 3, 2021 **Board Date:** June 8, 2021

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

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.



## CHANGE ORDER REQUEST # 10

**Project Name:** Houston County Hwy Department

**Job #** 220193

**Date:** 5/28/2021

**DESCRIPTION OF WORK TO BE DONE:**

Provide an electiral vault (basement) below the main service transformer as a requirement of the electric utility company.

	<b>Sub Quote</b>	<b>Labor Total</b>	<b>Tax Exempt Material Total</b>	<b>Material Total</b>	<b>Total Cost</b>
Kish & Sons		\$155.00	\$1,415.00		\$1,570.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Subtotal	\$0.00	\$155.00	\$1,415.00	\$0.00	\$1,570.00
					<b>Subtotal</b>
					<b>Contractor's Fee</b>
					<b>Total for Change Order</b>

**Approval:** \_\_\_\_\_

**Date:** \_\_\_\_\_