

## **PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

Date: March 1, 2022

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

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

Others Present:

Auditor/Treasurer Donna Trehus, Reporter Craig Moorhead, Reporter Charlene Selbee, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Interim Recorder Mary Betz, Public Health and Human Services Director John Pugleasa, Dick Walter, Executive Director of Ability Building Community (ABC) Wayne Stenberg, Houston County Program Director ABC Judy Johnson, and Site Coordinator Woodland Industries Samantha Sherry

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Prior to approving the agenda Commissioner Walter asked that consideration of a proposal submitted by King Cabinetry for a cabinet to display historic highway equipment at the new Highway Facility be added to action items. Board Clerk Wagner also told the board that an item had been added to the consent agenda: Accept the resignation and retirement of Donald Moore, effective March 1, 2022. Thank Moore for his nearly 34 years of service to the residents of Houston County. In addition, action item No. 2 had been updated: Consider approving First Children's Finance Memorandum of Agreement for the Rural Childcare Innovation Program Grant and authorize Chairperson Myhre's signature. Motion was made by Commissioner Walter, seconded by Commissioner Johnson, motion unanimously carried to approve the agenda with the changes.

Motion was made by Commissioner Walter, seconded by Commissioner Severson motion unanimously carried to approve the meeting minutes from February 22, 2022.

Public Comment: No public comments were made.

### **APPOINTMENTS**

Wayne Stenberg, Executive Director of Ability Building Community (ABC), Judy Johnson, Houston County Program Director, and Samantha Sherry Site Coordinator of Woodland Industries gave an ABC Woodland program update to the board. All three guests

thanked Houston County for the County's continued support. Woodland Industries had been operating in Houston County since 1990. Woodland currently employed 72 employees. They help clients with a variety of needs including those with physical and mental disabilities. One of the services ABC Woodland provides included partnering with area businesses to find employment for clients. Woodland Industries would be having an upcoming fundraiser called Racing for Abilities at Elsie's in Caledonia on May 7<sup>th</sup> from 1-6 p.m.

## CONSENT AGENDA

Motion by Commissioner Walter, seconded by Commissioner Johnson, motion unanimously carried to approve the consent agenda. Commissioners thanked Donald Moore for his nearly 34 years of service to Houston County. Items approved are listed below.

## ACTION ITEMS

- 1) Adopt Resolution No. 22-12 Account Powers Granted Merchants Bank – Caledonia Supervised Dumpsite. See Resolution below.

### RESOLUTION NO. 22-12

#### **ACCOUNT POWERS GRANTED MERCHANTS BANK – CALEDONIA SUPERVISED DUMPSITE**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Recycling Center Leads: Danny O'Heron and Mark Tewes to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

- 2) Adopt Resolution No. 22-13 Account Powers Granted Merchants Bank – Houston Dumpsite Aluminum Purchase.

### RESOLUTION NO. 22-13

#### **ACCOUNT POWERS GRANTED MERCHANTS BANK – HOUSTON DUMPSITE ALUMINUM PURCHASE**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus, Environmental Services Director Martin Herrick and Dropsite Supervisor Ronald Osborne to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

- 3) Adopt Resolution No. 22-14 Account Powers Granted Merchants Bank – Houston County Recycling Center.

**RESOLUTION NO. 22-14**

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – HOUSTON COUNTY RECYCLING CENTER**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus, Environmental Services Director Martin Herrick and Recycling Center Leads Danny O'Heron and Mark Tewes to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

- 4) Adopt Resolution No. 22-15 Account Powers Granted Merchants Bank – Houston County Recycling.

**RESOLUTION NO. 22-15**

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – HOUSTON COUNTY RECYCLING**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus, Environmental Services Director Martin Herrick and Recycling Center Leads Danny O'Heron and Mark Tewes to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

- 5) Adopt Resolution No. 22-16 Account Powers Granted Merchants Bank – Spring Grove Alum Purchase Account.

**RESOLUTION NO. 22-16**

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – SPRING GROVE ALUM PURCHASE ACCOUNT**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Recycling Center Leads: Danny O’Heron and Mark Tewes to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

- 6) Accept the resignation and retirement of Donald Moore, effective March 1, 2022. Thank Don for his nearly 34 years of service to the residents of Houston County.

File No. 1 –Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve the Off-Site Gambling Permit on behalf of Lancer Youth Hockey Association, 520 S. 14<sup>th</sup> Street, La Crescent, MN for gambling activities to be conducted at The Barn on Southridge at 7442 County 25, La Crescent, MN in Mound Prairie Township with no waiting period, and adopting Resolution No. 22-17. See Resolution below.

**RESOLUTION NO. 22-17**

**MINNESOTA LAWFUL APPROVAL TO PERMIT OFF-SITE GAMBLING  
LANCER YOUTH HOCKEY ASSOCIATION**

March 1, 2022

BE IT RESOLVED, the Houston County Board of Commissioners DOES HEREBY APPROVE THE Minnesota Lawful Off-Site Gambling Application LG230 for Lancer Youth Hockey Association for gambling activities to be conducted at The Barn on Southridge, 7442 County 25, La Crescent MN 55947 located in Mound Prairie Township, with no waiting period.

File No. 2 – Commissioner Burns moved, Commissioner Johnson seconded, motion unanimously carried to approve the First Children’s Finance Memorandum of Agreement for the Rural Childcare Innovation Program Grant and authorizing Chairperson Myhre’s signature.

File No. 3 – Commissioner Severson moved, Commissioner Johnson seconded, motion unanimously carried to approve a quote in the amount of \$2,467.07 from King Cabinetry for a display case at the new Highway Facility. The case would display historic highway equipment. Dick Walter had been donating his time to clean the historic equipment and frame historic photos

to be displayed in the meeting room at the new facility. Commissioners thanked Walter for his time and said preserving the history for future generations was important.

#### DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended including a Planning and Zoning Meeting, and Department Head Meeting.

Chairperson Myhre made an announcement that township elections would be held on March 8<sup>th</sup>. Residents could vote absentee at the Historic Courthouse on Saturday, March 5<sup>th</sup> from 10 a.m. to 3 p.m.

Commissioner Walter said she would be going to St. Paul for the legislative conference. She would also be attending an Extension meeting.

Commissioner Burns said he was doing some research on the needs of the West parking lot near the Historic Courthouse. Commissioner Burns said he would be attending a meeting with legislators regarding SELCO.

Commissioner Johnson said he had met with staff from the Highway Department regarding the Mound Prairie Township road project.

There being no further business at 10:05 a.m., a motion was made by Commissioner Burns, seconded by Commissioner Walter, motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on March 8, 2022.

#### BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Greg Myhre, Chairperson

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

**HOUSTON COUNTY  
AGENDA REQUEST FORM**

**Date Submitted: 03.08.22**

**By: Donna Trehus-Auditor-Treasurer**

**Consent Agenda:**

**Adopt Resolution 22-La Crescent Dumpsite Alum Purchase** 22-19

**Adopt Resolution 22-Hokah Drop Site Alum Purchase** 22-18

**Reviewed by:**

\_\_\_\_ **HR Director**

\_\_\_\_ **Finance Director**

\_\_\_\_ **IS Director**

\_\_\_\_ **County Attorney**

\_\_\_\_ **Environmental Svcs**

\_\_\_\_ **County**

\_\_\_\_ **Sheriff**

\_\_\_\_ **County**

\_\_\_\_ **Engineer**

\_\_\_\_ **PHHS**

\_\_\_\_ **Other**

\_\_\_\_ **(indicate**

\_\_\_\_ **dept)**

\_\_\_\_ **Auditor/Treasurer**

**Recommendation:**

**Decision:**

RESOLUTION NO. 22-18

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – HOKAH DROP SITE ALUM PURCHASE**

March 8, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Drop Site Supervisor Aaron Buck and Environmental Services Director Martin Herrick to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is true and correct copy of a resolution adopted by the Houston County Board of Commissioners at the session dated March 8, 2022.

WITNESS my hand and the seal of my office this 8th day of March 2022.

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Donna Trehus, Auditor-Treasurer

RESOLUTION NO. 22-19

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – LA CRESCENT DUMPSITE ALUM PURCHASE**

March 8, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Dropsite Supervisor Kirby Rahn, Deputy Auditor/Treasurer Julie Schleich and Environmental Services Director Martin Herrick to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

\*\*\*\*\*CERTIFICATION\*\*\*\*\*

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Donna Trehus, Auditor-Treasurer



## HOUSTON COUNTY AGENDA REQUEST FORM

**Date Submitted: 03.08.22**

**By: Donna Trehus-Auditor-Treasurer**

**Consent Agenda:**

**Adopt \*AMENDED\* Resolution 22-20, 22- 21**

**Account Powers Granted for Merchants Bank –Additional Signers added**

**Caledonia Supervised Dumpsite  
Spring Grove Aluminum Purchase Account**

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

RESOLUTION NO. 22-20

**\*AMENDED\***

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – CALEDONIA SUPERVISED DUMPSITE**

March 8, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Recycling Center Leads: Danny O'Heron and Mark Tewes, Drop Site Supervisor Christopher Graw; Deputy Auditor/Treasurer Julie Schleich and Environmental Services Director Martin Herrick to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

\*\*\*\*\*CERTIFICATION\*\*\*\*\*

STATE OF MINNESOTA

COUNTY OF HOUSTON

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WITNESS my hand and the seal of my office this 8th day of March 2022.

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Donna Trehus, Auditor-Treasurer

RESOLUTION NO. 22-21

**\*AMENDED\***

**ACCOUNT POWERS GRANTED  
MERCHANTS BANK – SPRING GROVE ALUM PURCHASE ACCOUNT**

March 8, 2022

BE IT RESOLVED, the Houston County Board of Commissioners authorizes County Auditor/Treasurer Trehus the authority to open any deposit or share accounts in the name of Houston County and further authorizes Auditor/Treasurer Trehus and Recycling Center Leads: Danny O’Heron and Mark Tewes and Drop Site Supervisors: Aaron Buck, Ardell Olafson, David Benson and Environmental Services Director Martin Herrick to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the requirement of one signature with this Financial institution.

**\*\*\*\*\*CERTIFICATION\*\*\*\*\***

STATE OF MINNESOTA

COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is true and correct copy of a resolution adopted by the Houston County Board of Commissioners at the session dated March 8, 2022.

WITNESS my hand and the seal of my office this 8th day of March 2022.

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Donna Trehus, Auditor-Treasurer

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
January 3, 2022**

**Date Submitted: March 1, 2022**

**By: Robert Thoen**

The Brownsville VFW has again donated \$150.00 to the Veteran Services Office to use for any veteran's needs. The County Board must accept this by motion.

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

# 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: 28-Feb-22

Person requesting appointment with County Board: Amelia Meiners

**Issue:**

IUP Approval/Denial:1) Joseph and Janine Engen - Place a temporary farm dwelling in the Ag District in Wilmington Township. CUP Approval/Denial:2) Andy and Ellyn Mulholland - Build a dwelling on less than 40 acres in the Ag District in Spring Grove Township. CUP Approval/Denial:3) Kruckow Companies LLC - For mineral extration in the Ag District in Winnebago Township.

**Justification:**

Final Approval by the County Board. (Agenda, Hearing Notices, Findings and Board Packets are attached.)

**Action Requested:**

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.

**HOUSTON COUNTY  
PLANNING COMMISSION AND  
BOARD OF ADJUSTMENT AGENDA  
Thursday, February 24, 2022**

*(Hearings are in the Houston County Commissioner's Room)*

**PLANNING COMMISSION**

Approve Minutes for December 16, 2021

**INTERIM USE HEARING:**

5:00 pm        ***Joseph and Janine Engen - Wilmington Township***  
Interim Use Permit to place a temporary farm dwelling in an Agricultural Protection District (14.4 Subdivision 1 (1)).

**CONDITIONAL USE HEARINGS:**

5:20 pm        ***Andy and Ellyn Mulholland – Spring Grove Township***  
Conditional Use Permit to build a dwelling on less than 40 acres in an Agricultural Protection District (14.3 Subdivision 1 (10)).

5:40 pm        ***Joseph Rud and Craig Helke – Caledonia Township***  
Conditional Use Permit to operate an agriculture oriented business in an Agricultural Protection District (14.3 Subdivision 1 (1)).

6:00 pm        ***Kruckow Companies – Winnebago Township***  
Conditional Use Permit to do mineral extraction in an Agricultural Protection District (14.3 Subdivision 1 (19)).

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Joseph and Janine Engen 19986 Old 76 Road, Caledonia, MN 55921, for an Interim Use Permit for a Temporary Farm Dwelling (Section 14 – 14.4 Interim Uses, Subdivision 1, Subsection 1) in Wilmington Township on the following premises, to-wit:

NW1/4 NE1/4, Section 14, Township 101, Range 6, Houston County, Minnesota.  
(Parcel #15.0156.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:00 p.m. on Thursday, February 24, 2022.

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 [martin.herrick@co.houston.mn.us](mailto:martin.herrick@co.houston.mn.us), and must be received by Tuesday, February 15, 2022.

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 Martin Herrick  
Zoning Administration

ADV: February 9, 2022



# 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

1/18/2022

Application Date: 12/1/2022  
Hearing Date: 2/24/2022  
Petitioner: Joseph & Janine Engen  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 19986 Old 76 Rd  
Township: Caledonia  
Parcel Number: 150156000  
Submitted Materials: IUP Application

## OVERVIEW

### REQUEST

The petitioners are seeking an Interim Use Permit (IUP) for a temporary farm dwelling. The applicant's daughter will reside in the manufactured home.

### SUMMARY OF NOTEWORTHY TOPICS

The applicants currently reside in the single-family dwelling on this 40-acre parcel in Wilmington Township. They own over 200-acres in total and have open quarter-quarters, but would like to utilize a location previously used for a manufactured home. It is within the same quarter-quarter as the permanent dwelling and will allow for use of an existing water lines and share a septic system with the main dwelling. The septic system will need to be replaced to accommodate both structures and a septic permit is pending. Per the Houston County Zoning Ordinance (HCZO), the secondary dwelling shall be removed when the applicant's cease to occupy the primary dwelling.

The applicants lived in a mobile home in this location many years ago, but it was removed after they relocated to the main dwelling on this parcel. Permit #842 to install a mobile home was issued on 10/21/1980. The mobile home was first present in 1981 aerial imagery, but disappears in 1987.

The 1967 ordinance allowed living quarters of persons employed on the premises as permitted accessory uses (HCZO Section 6, Subd. 4 (2)). The temporary farm dwelling language similar to what it is written today was not included in the ordinance until the 1993 version and it still considered them accessory uses within the agricultural district. A second farm dwelling as an interim use was first adopted in the 2014 Ordinance (HCZO 0110.1404 Subd. 1 (7)). At that time the language regarding temporary farm dwellings did not change, just the mechanism for allowing the use. We have permitted two temporary farm dwellings since that time.



The ordinance language for temporary farm dwellings is vague (Section 29.20 subd. 1) and it is the understanding of staff that while the ordinance says one of the criteria must be met, the Planning Commission in the past has in fact required that all criteria be met. As a temporary dwelling, it is reasonable that it be considered an accessory dwelling as Item 1 indicates. The applicant's daughter will reside in the manufactured home, which meets the requirement for Item 2. Items 3-5 are then met by virtue of conditions being included on the IUP.

Relevant HCZO language:

#### **14.4 INTERIM USES.**

**Subdivision 1. Interim Uses.** *In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.*

*(6) Temporary Farm Dwelling – Manufactured Home.*

*(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a “Temporary Farm Dwelling” as defined in section 29 of this Ordinance.*

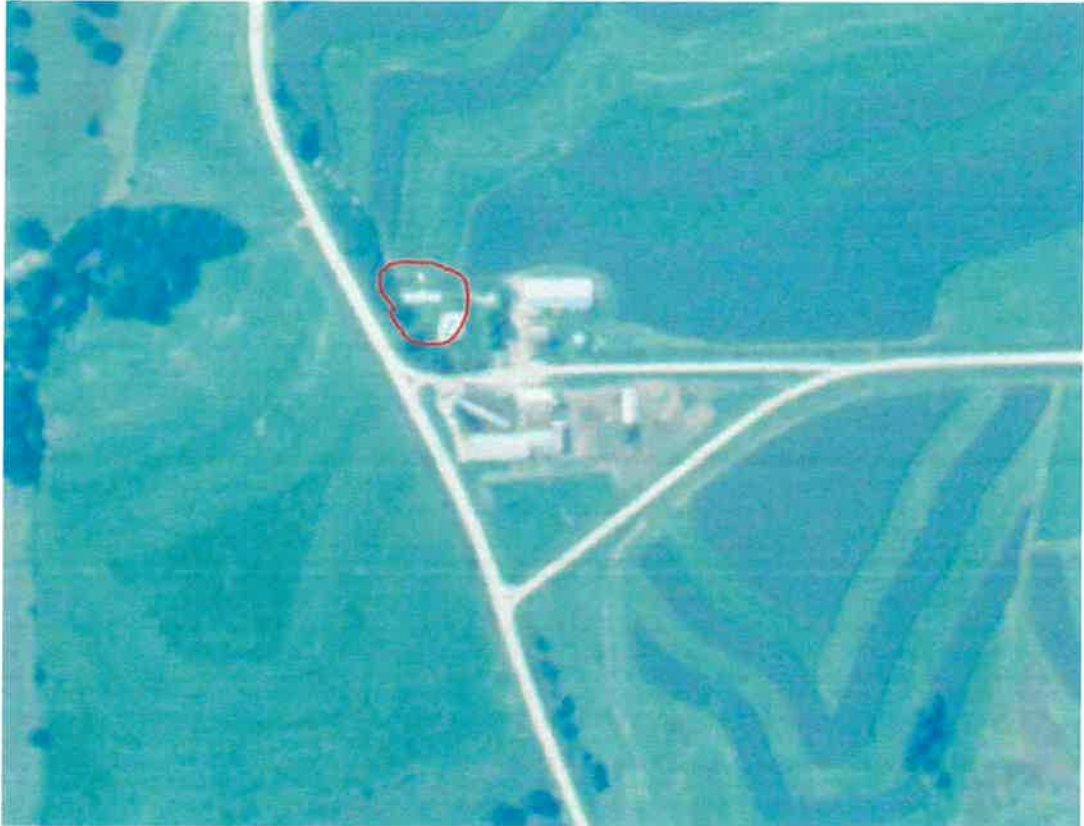
#### **29.20 TEMPORARY FARM DWELLING**

**Subdivision 1. Temporary Farm Dwelling.** *A manufactured home may be permitted in an Agricultural District if the Zoning Administrator finds one of the following conditions satisfied:*

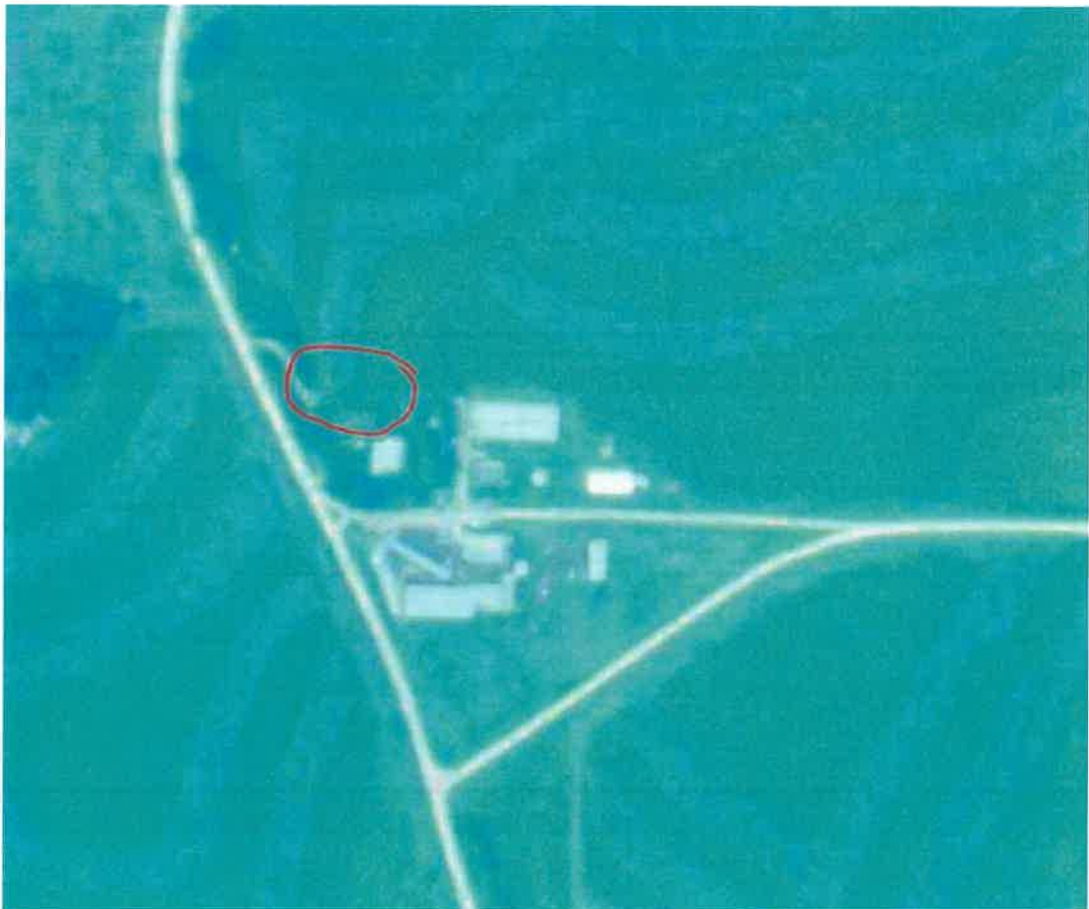
- (1) The manufactured home will be an accessory dwelling unit located on a farm.*
- (2) The manufactured home will be occupied by persons who are:*
  - (a) Members of the family of the persons occupying the principal dwelling house on the premises.*
  - (b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.*
- (3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.*
- (4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*
- (5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.*



**Figure 1. Proposed location of the manufactured home.**



**Figure 2. Aerial imagery from 1981.**



**Figure 3. Removed in 1987.**

## TOWNSHIP AND NEIGHBORHOOD COMMENTS

Wilmington Township and the ten nearest property owners were notified. The Township commented and it is included in the packet.

## SITE CHARACTERISTICS

This is an existing farmstead consisting of a dwelling and multiple outbuildings. It is a registered feedlot, but family is exempt from feedlot setback regulations. There is no mine within 1,000 feet.

Slopes within the farmstead are under 5% and they will utilize a flat area that had been used for this purpose previously. It is adjacent to an existing well and the septic system will be replaced to accommodate both the primary and temporary dwellings. That is ready to permit upon IUP approvals.

There are no soil requirements for these situations and regardless, this location is within the lawn of the primary dwelling and will not remove tillable acreage from production.

There are no floodplain, wetland or shoreland concerns. An intermittent stream flows approximately 730 feet to the south.

## 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: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

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

Staff Analysis: The applicant identifies that the farm requires upkeep and maintenance such as maintenance, repairs, fencing, plowing snow, lawn mowing, etc. With limited physical abilities, the applicants are in need of someone younger to help out.

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

Staff Analysis: The applicant will be updating their septic system to accommodate both the primary and secondary dwellings.

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

Staff Analysis: No impact is anticipated. The slope is under 5% and a mobile home has less roof square footage relative to other structures.

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

Staff Analysis: Soils are 401B. The Soil Survey –Houston County states it is suitable for building site development and septic tank absorption fields.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicants have already had a contractor design a new system large enough to accommodate both the temporary dwelling and their primary dwelling.

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

Staff Analysis: This site will utilize the same driveway as the main dwelling and an existing well and new septic system will be shared with the permanent dwelling. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

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 farmstead to accommodate parking and loading space.

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 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 surrounding property is primarily utilized as agricultural or rural residential. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

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 surrounding predominant use on vacant property is agricultural and all of the adjacent parcels are under ownership of the applicant. There are a few rural residential properties beyond that. This proposal will not impact development of surrounding vacant property any more than the existing condition.

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: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

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 a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the permanent dwelling.

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: There are no anticipated issues affecting 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. *The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.*
4. *The permit shall expire when the Joseph and Janine Engen cease to reside in the permanent dwelling or are no longer engaged in farming.*
5. *The temporary farm dwelling may only be inhabited by Cassie Engen and her immediate family (spouse and children).*
6. *At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*

**Proposed motion:** To recommend approval of the temporary farm dwelling with the aforementioned conditions.

This will go to the Board of Commissioners for final approval on March 8, 2022.

Number <b>2021-IUP-86785</b>	<b>ENGEN,JOSEPH A &amp; JANINE B  </b> <b>150156000  </b> <b>Interim Use Request</b> Submitted by <b>JEngen</b> on 12/1/2021	
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## INTERIM USE INTRO [\[Edit\]](#) Last updated: 12/1/2021 4:35:42 PM and saved by: Amy Sylling

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: 12/1/2021 4:37:55 PM and saved by: Amy Sylling

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Applicant Name	<b>ENGEN,JOSEPH A &amp; JANINE B</b>
Telephone Number	<b>507-251-1638</b>
Address	<b>19986 OLD 76 RD</b>
City	<b>CALEDONIA</b>
Zip	<b>55921</b>
Parcel Tax ID	<b>150156000</b>
Legal Description	<b>NW1/4 NE1/4 DOC #191219</b>
Section-Township-Range	<b>14/101/006</b>
Do you own additional adjacent parcels	<b>Yes</b>

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Township of:	<b>Wilmington</b>
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**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**

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**INTERIM USE REQUEST****[Edit]** Last updated: 12/1/2021 4:46:57 PM and saved by: Amy Sylling

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

Describe in detail your request.

**We would like to get a Interim Use permit to allow our daughter Cassie Engen to move in a mobile home to assist**

**with health issues. We plan to use the same well and are working on upgrading the septic system to serve both dwellings.**

Submitted by Applicant

Citation of Ordinance **14.4**  
Section from which the  
Interim Use is requested:

Requested Dimension: **16X80**

**There are no attached documents.**

**Please upload any  
supporting documents:**

**INTERIM USE FINDING OF FACTS** [Edit] Last updated: 12/1/2021 5:00:51 PM and saved by:  
Amy Sylling

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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:

**There are many families in the county that have a mobile home for medical assistance.**

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

**Yes**

Comments:

**Living on a farm that requires lots of upkeep and maintenance. Need someone younger to help out as we age and because of Joe's heart surgery limiting his abilities.**

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

**Yes**

Comments:

**We plan to install a new sewer and the installation of a mobile home will not degrade the water quality.**

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

**Yes**



**increase the quantity of water runoff.**

Comments:

**The installation of a mobile home will not cause an increase in water runoff.**

**Yes**

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

Comments:

**Septic contractor has been onsite and checked soils. Soils are adequate to add a larger sewer. The mobile home will be placed in the yard close to main dwelling and will not take up any ag land.**

**Yes**

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

Comments:

**New septic system should take care of any pollution hazards.**

**Yes**

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

Comments:

**Will use same driveway as main dwelling and will not increase traffic.**

**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:

**Plenty of parking for home.**

**Yes**

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

Comments:

**Will not increase traffic.****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 addition of a mobile home to the property will not affect the ability of neighbors to enjoy their property.**

**Yes**

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

Comments:

**The addition of a mobile home to this parcel will not effect the development of the neighborhood.**

**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 offensive odors, fumes or dust should result from adding a mobile home.**

**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: NA

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: NA

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: Installing a new septic will safe guard the general welfare.

## **SITE PLAN INFORMATION** [Edit] Last updated: 12/1/2021 5:02:08 PM and saved by: Amy Sylling

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****Layer List:**

- ☒ NG911 Address Points
- ☒ Wells\_MWI\_Jan\_2018
- ☐ Contours
- ☒ Septic Permit



## APPLICATION SUBMITTAL [Edit] Last updated: 12/1/2021 5:03:18 PM and saved by: Amy Sylling

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

*Joe Engen*

Date Signed:  
12/01/2021

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

## Amelia Meiners

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**From:** Melissa Schroeder <meljayschroeder@yahoo.com>  
**Sent:** Sunday, January 9, 2022 10:48 AM  
**To:** Amelia Meiners  
**Subject:** Re: Interim Use Application submitted for 19986 OLD 76 RD, ENGEN,JOSEPH A & JANINE B, Wilmington Township

\*\*\* 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.

The Engen family contacted me back in December. The township has no issue or problem with this application.

Thank you,

Melissa Schroeder

[Sent from Yahoo Mail on Android](#)

On Thu, Jan 6, 2022 at 3:44 PM, amelia.meiners@co.houston.mn.us  
<amelia.meiners@co.houston.mn.us> wrote:

An application for a Interim Use in Wilmington Township has been submitted.

Applicant name: ENGEN,JOSEPH A & JANINE B

Applicant phone number: 507-251-1638

Applicant Address: 19986 OLD 76 RD

Requested Interim Use: We would like to get a Interim Use permit to allow our daughter Cassie Engen to move in a mobile home to assist with health issues. We plan to use the same well and are working on upgrading the septic system to serve both dwellings.

The applicant indicated that they have contacted the Township representative to discuss this project.

The Wilmington Township contact is: Melissa Schroeder  
Phone number: 608-780-3998

After reviewing the application and discussing the application with the applicant, the Township may provide comments to the County. If the township wishes to comment on this application, please reply to this email.

**Number:** [2021-IUP-86785](#)

**Project:** Interim Use Request

**Description:** ENGEN,JOSEPH A & JANINE B | 150156000 |

**Created On:** 12/1/2021

[View this application](#)

## CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: Joseph and Janine Engen DATE: February 24, 2022  
I.U.P. REQUESTED: To place a temporary farm dwelling in the Agricultural District.

The Planning Commission shall not recommend an interim use permit unless they find the following:  
FINDINGS OF FACT

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

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

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that the farm requires upkeep and maintenance such as maintenance, repairs, fencing, plowing snow, lawn mowing, etc. With limited physical abilities, the applicants are in need of someone younger to help out.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will be updating their septic system to accommodate both the primary and secondary dwellings.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: No impact is anticipated. The slope is under 5% and a mobile home has less roof square footage relative to other structures.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 401B. The Soil Survey –Houston County states it is suitable for building site development and septic tank absorption fields.

Rich Schild asked if the septic system would be new. Amelia stated that it would be a new system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicants have already had a contractor design a new system large enough to accommodate both the temporary dwelling and their primary dwelling.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site will utilize the same driveway as the main dwelling and an existing well and new septic system will be shared with the permanent dwelling. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 farmstead to accommodate parking and loading space.

Board agreed to the finding by a unanimous vote.

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 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 surrounding property is primarily utilized as agricultural or rural residential. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

Board agreed to the finding by a unanimous vote.

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 surrounding predominant use on vacant property is agricultural and all of the adjacent parcels are under ownership of the applicant. There are a few rural residential properties beyond that. This proposal will not impact development of surrounding vacant property any more than the existing condition.

Board agreed to the finding by a unanimous vote.

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: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

Board agreed to the finding by a unanimous vote.

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 a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the permanent dwelling.

Board agreed to the finding by a unanimous vote.

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: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling 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. *The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.*
4. *The permit shall expire when the Joseph and Janine Engen cease to reside in the permanent dwelling.*
5. *The temporary farm dwelling may only be inhabited by immediate family members and their immediate family (spouse and children).*
6. *At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*

Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.



## CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: *Joseph and Janine Engen* DATE: *February 24, 2022*  
I.U.P. REQUESTED: *To place a temporary farm dwelling in the Agricultural District.*

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### FINDINGS OF FACT

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

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

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that the farm requires upkeep and maintenance such as maintenance, repairs, fencing, plowing snow, lawn mowing, etc. With limited physical abilities, the applicants are in need of someone younger to help out.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will be updating their septic system to accommodate both the primary and secondary dwellings.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: No impact is anticipated. The slope is under 5% and a mobile home has less roof square footage relative to other structures.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 401B. The Soil Survey –Houston County states it is suitable for building site development and septic tank absorption fields.

Rich Schild asked if the septic system would be new. Amelia stated that it would be a new system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicants have already had a contractor design a new system large enough to accommodate both the temporary dwelling and their primary dwelling.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site will utilize the same driveway as the main dwelling and an existing well and new septic system will be shared with the permanent dwelling. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 farmstead to accommodate parking and loading space.

Board agreed to the finding by a unanimous vote.

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 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 surrounding property is primarily utilized as agricultural or rural residential. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

Board agreed to the finding by a unanimous vote.

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Staff Analysis: The surrounding predominant use on vacant property is agricultural and all of the adjacent parcels are under ownership of the applicant. There are a few rural residential properties beyond that. This proposal will not impact development of surrounding vacant property any more than the existing condition.

Board agreed to the finding by a unanimous vote.

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: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

Board agreed to the finding by a unanimous vote.

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 a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the permanent dwelling.

Board agreed to the finding by a unanimous vote.

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: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling 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. *The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.*
4. *The permit shall expire when the Joseph and Janine Engen cease to reside in the permanent dwelling.*
5. *The temporary farm dwelling may only be inhabited by immediate family members and their immediate family (spouse and children).*
6. *At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*

Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

## CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: *Joseph and Janine Engen* DATE: *February 24, 2022*  
I.U.P. REQUESTED: *To place a temporary farm dwelling in the Agricultural District.*

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### FINDINGS OF FACT

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Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that the farm requires upkeep and maintenance such as maintenance, repairs, fencing, plowing snow, lawn mowing, etc. With limited physical abilities, the applicants are in need of someone younger to help out.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will be updating their septic system to accommodate both the primary and secondary dwellings.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: No impact is anticipated. The slope is under 5% and a mobile home has less roof square footage relative to other structures.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 401B. The Soil Survey –Houston County states it is suitable for building site development and septic tank absorption fields.

Rich Schild asked if the septic system would be new. Amelia stated that it would be a new system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicants have already had a contractor design a new system large enough to accommodate both the temporary dwelling and their primary dwelling.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site will utilize the same driveway as the main dwelling and an existing well and new septic system will be shared with the permanent dwelling. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 farmstead to accommodate parking and loading space.

Board agreed to the finding by a unanimous vote.

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 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 surrounding property is primarily utilized as agricultural or rural residential. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

Board agreed to the finding by a unanimous vote.

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Staff Analysis: The surrounding predominant use on vacant property is agricultural and all of the adjacent parcels are under ownership of the applicant. There are a few rural residential properties beyond that. This proposal will not impact development of surrounding vacant property any more than the existing condition.

Board agreed to the finding by a unanimous vote.

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Staff Analysis: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

Board agreed to the finding by a unanimous vote.

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 a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the permanent dwelling.

Board agreed to the finding by a unanimous vote.

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: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling 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. *The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.*
4. *The permit shall expire when the Joseph and Janine Engen cease to reside in the permanent dwelling.*
5. *The temporary farm dwelling may only be inhabited by immediate family members and their immediate family (spouse and children).*
6. *At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*

Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Andy and Ellyn Mulholland, 401 E 8th St, Suite 214, Sioux Falls, SD 57103 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 Spring Grove Township on the following premises, to-wit:

E1/2 N1/2 NE1/4 SW1/4 & N 4A S1/2 E1/2 NE1/4 SW1/4, Section 10, Township 101, Range 7, Houston County, Minnesota. (Parcel #13.0109.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:20 p.m. on Thursday, February 24, 2022.

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 [martin.herrick@co.houston.mn.us](mailto:martin.herrick@co.houston.mn.us), and must be received by Tuesday, February 15, 2022. 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 Martin Herrick  
Zoning Administration

ADV: February 9, 2022

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Kruckow Companies LLC, 608 Pine St N, Caledonia, MN 55921, for a Conditional Use Permit to do mineral extraction in an ag district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 19) in Winnebago Township on the following premises, to-wit:

NW1/4 SW1/4 LY E OF HWY, Section 5, Township 101, Range 5, in Houston County, Minnesota. (Parcel # 16.0051.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:00 p.m. on Thursday, February 24, 2022.

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 [martin.herrick@co.houston.mn.us](mailto:martin.herrick@co.houston.mn.us), and must be received by Tuesday, February 15, 2022.

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 Martin Herrick  
Zoning Administration

ADV: February 9, 2022



## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Kruckow Companies, LLC DATE: February 24, 2022  
C.U.P. REQUESTED: For mineral extraction in the Agricultural District.

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

### FINDINGS OF FACT

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

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

Staff Analysis: The Comprehensive Plan, section 0100.0510 Subd. 2, Policy 4 states: "Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost." The Board may consider that allowing expansion of existing quarries is a viable option for balancing private and public interests. aggregate material.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A conditional use permit request was required per a settlement agreement between the applicant and County. The CUP will allow for the continued use and expansion of the existing Schutz Quarry site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Applicant indicates the site operates under a Stormwater Permit, issued by the MPCA. That National Pollutant Discharge Elimination System (NPDES) permit regulates stormwater and wastewater discharges to land and surface waters. An intermittent stream runs parallel with County 5 on the west side of the road and flows to Winnebago Creek. There is one culvert nearby providing upslope runoff access to the intermittent stream. This feature warrants careful attention to stormwater runoff.

No fuel, hazardous materials or chemicals will be stored onsite.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is no change in use or proposed increase in intensity on a regular basis at this site, viewed in terms of number of hauls per day, just an expansion of the footprint. The applicant believes the proposal should not adversely increase the quantity of water runoff. However, this area (not necessarily this operator) has experienced issues with runoff in the past and careful attention is needed to prevent further problems. They plan to contain stormwater within the quarry floor with the use of berms and a holding pond, if needed. Additional measures may be employed if necessary including riprap, concrete berms, and silt fencing.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: After stripping approximately five feet of silt loam overburden, the exposed limestone/dolostone will be drilled, blasted, processed and stockpiled on site. The overburden will be stockpiled onsite for use in berm construction and eventually to reclaim the site when operations cease.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Potential pollution hazards for typical quarry operations may include fuel and chemical storage, wastewater, dust, vibration and noise. This site will have no fuel storage. In addition, no washing of rock will take place-mitigating concerns for hazardous chemical wastes. While limestone/dolostone is not easily airborne and dust particles are not easily suspended in the air for prolonged periods, suppressants can be used in the vicinity of machinery, but the applicants feel that screening resulting from the natural topography and surrounding resources will mitigate dust and noise disturbances on adjacent properties. Dust and noise are regulated by the State and a licensed blasting contractor will be utilized and will follow standard operating procedures to deal with vibrations.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The infrastructure in place at the existing quarry will be utilized for the proposed expansion. No utilities are required for this operation and the applicant feels this expansion will not impact the haul traffic from their site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has identified locations within the future quarry footprint that will be utilized for parking of machinery and vehicles to ensure it will not take place on County 5. Parking space needs are anticipated for two employees. Until then, shot rock will be hauled off site for processing. Note that in the future, the applicant states that no material will be hauled into this site for processing. Then as the quarry footprint expands there will be more loading space for haul trucks. In the interim, no parking of vehicles or equipment can take place on the roadway or within the right of way of County 5.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The proposal is to use the driveway and parking areas currently in use with the existing quarry. No significant increase in intensity of traffic is anticipated. If a large haul project comes up, temporary signage can be posted on County 5. No parking or stockpiling can take place on the roadway or within County right of way.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Active quarrying is already underway in the area. The surrounding property is predominantly agricultural use and woodland, which is not anticipated to be affected. In addition, there are five dwellings located with a half mile of the site. The proposal would allow quarrying to occur further to the northeast, which will encroach further on two properties.

The Board should consider the following when assessing potential impacts on these dwellings: setbacks required by Ordinance performance standards are met, that State standards for noise and dust are applicable, that federal guidelines for vibration exist, and that the Board can require adherence to them as a condition. The Board can also limit hours of operation as a condition. Hours of operation, as proposed by the applicant, are limited to 6AM to 8PM Monday through Friday and 7AM to 3PM on Saturday.

In addition, screening, fugitive dust, noise and vibrations from blasting should all be considered.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The areas adjacent to the proposed site are cropland and woodland and the County is not aware of development plans for this area. This request may limit siting of future dwellings in adjacent open quarter-quarters, but this request does not render them unbuildable.

This proposal is to expand an existing mining site. The proposed reclamation identifies revegetation for grazing, low impact agricultural use or wildlife habitat as post-mining land use options, which are consistent with surrounding properties.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (Mn Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties.

The MPCA also regulates fugitive dust. Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Fugitive dust is a concern and the applicants may use suppressants if necessary. Machinery will only operate during business hours and processing will take place intermittently. The applicants feel that the topography and surrounding timber will assist in creating a barrier to adjacent properties. A third party contractor will complete blasting and the applicant has indicated a willingness to notify neighbors 24 hours in advance of blasting operations. There will be no lighted signs for this request.

Board agreed to the finding by a unanimous vote.

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of Chapter 27, which limits rock quarries to 40 acres, and this request is substantially less. The nearby Skyline Quarry recently permitted a 34-acre quarry site. There is no density limitation for rock quarries.

Board agreed to the finding by a unanimous vote.

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 current proposal is not significantly different from past operations at this site. The conditions offered below are intended to further protect the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Larry Hafner made a motion to accept the findings as presented. Rich Schild seconded. All were in favor. Motion carried.

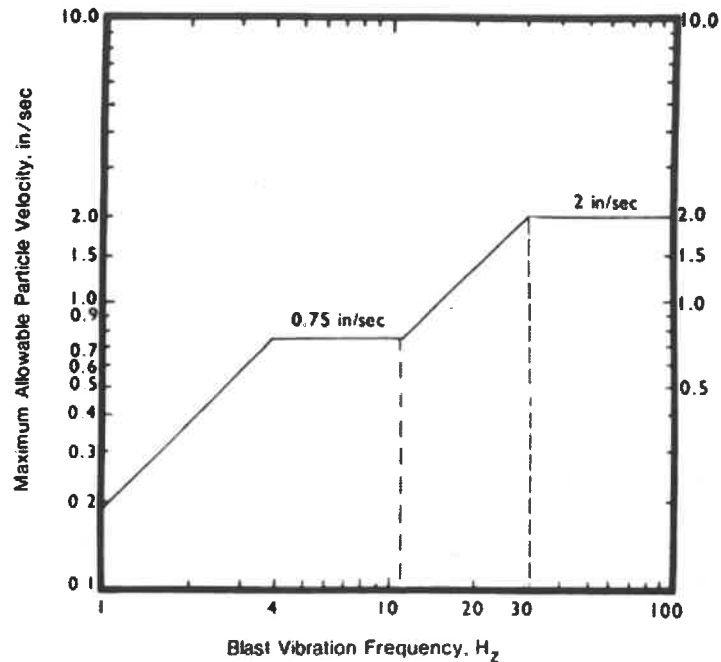
The Planning Commission reviewed the proposed conditions. Some modifications were made and are noted within the text below.

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. *When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:*
  - a. *Name and mailing address of operator;*
  - b. *The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;*
  - c. *A Map or maps that accurately show and label:*
    - i. *Total acreage of the mine area;*
    - ii. *The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;*
    - iii. *The acreage of any portion of the mine area presently undergoing the process of reclamation;*
    - iv. *The total acreage of reclaimed land;*
  - d. *A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.*
  - e. *A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.*
  - f. *A certification signed by the operator that information provided is true and accurate.*

4. *Final reclamation shall meet the County zoning ordinance standards after mining operation cease.*
5. *Houston County reserves the right to require a performance bond or other form of surety at a later date. The mine operator recognizes this right and agrees to provide the requested surety within ~~thirty (30)~~ sixty (60)-calendar days of the date of receipt of request.*
- ~~5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.~~

*a. Financial Assurance Requirements.*

- i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.*
  - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.*
  - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallie mining shall cease, and the county will begin actions to call in the bond.*
  - iv. The bond shall be payable to "Houston County, Minnesota".*
  - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallie mining shall be limited to the areas which have bonds approved for them.*
6. *The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.*
  7. *The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.*
  8. *Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:*



9. *Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 7:00 AM – 3:00 PM Sundays: Closed Holidays\*: Closed. \*Holidays shall mean holidays observed by Houston County. Limits to hours of operation may be suspended by Houston County.*
10. *Excavation shall not occur below a depth of 980'.*
11. *Quarry operations including, but not limited to, the processing or stockpiling of material and the staging, loading or weighing of trucks shall not be conducted on C.S.A.H. 5 or within right of way at any time.*
12. *Within 90 days of CUP approval, please provide additional documentation showing that there will be no increase in water runoff from this site (i.e. how many acre feet of water needs to be stored per open acre of quarry floor).*

Greg Myhre made the motion to amend the conditions by replacing the proposed language for Condition #5 with the language, "Houston County reserves the right to require a performance bond or other form of surety at a later date. The mine operator recognizes this right and agrees to provide the requested surety within sixty (60) calendar days of the date of receipt of a request" and removing Conditions #11 and 12. Jim Wieser seconded. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application for mineral extraction in the Agricultural District with the aforementioned conditions:

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 2/2/2022

Application Date: 12/30/21  
Hearing Date: 2/24/2021  
Petitioner: Kruckow Companies, LLC  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 608 North Pine St  
Township: Winnebago  
Parcel Number: 160051000  
Submitted Materials: CUP Application, Township Email Notice, Permit Application with supporting documents

## OVERVIEW

### REQUEST

The petitioner is requesting a Conditional Use Permit for mineral extraction in the agricultural protection district.

### SUMMARY OF NOTEWORTHY TOPICS

Section 27 of the Houston County Zoning Ordinance (HCZO) sets forth standards for quarry operation, reclamation, size, density and location.

This quarry, commonly known as the Schutz Quarry, is an existing quarry approximately half-acre in size, but the applicant is looking to expand to seven acres. It is expected that its lifetime will expand several decades.

Kruckow Companies, LLC, submitted the application. State business filing details indicate that the company was organized in 2001, is currently active and in good standing, and lists Michael Kruckow as the registered agent. Kruckow Companies, LLC is the fee simple owner.

According to data from MnDOT, traffic count is 170 vehicles per day on County 5 at the quarry location.

### **SECTION 14 – AGRICULTURAL DISTRICT**

#### **14.3 CONDITIONAL USES**

*Subdivision 1. Conditional Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

*(19) Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.*

## **SECTION 27- MINERAL EXTRACTION**

### **27.1 PURPOSE**

*The purpose of this Section is to ensure extraction of minerals is done in accordance with the Houston County Comprehensive Land Use Plan, to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:*

***Subdivision 1. Agricultural Purposes.*** *The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.*

***Subdivision 2. Commercial and Industrial Purposes.*** *The establishment of commercial and industrial development sites in commercial and industrial zoning districts.*

***Subdivision 3. Natural Resources Purposes.*** *The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.*

***Subdivision 4. Health, Safety and General Welfare.*** *The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.*

### **27.6 CONDITIONAL USE PERMIT REQUIRED**

*Except as allowed under Sections 27.4 or 27.5, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.*

***Subdivision 1. Application for Permit.*** *Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:*

- (1) Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.*
- (2) An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.*
- (3) An existing conditions map as described in Section 27.7 below.*
- (4) An operation plan and map, as described in Sections 27.8 and 27.9 below.*
- (5) A Reclamation plan and map as described in Section 27.10 below.*
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.*
- (7) An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.*
- (8) Any other information requested by the Planning Commission or governing body.*

### **27.8 OPERATIONAL PERFORMANCE STANDARDS**

*Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:*

#### ***Subdivision 1. General Requirements.***

- (1) Compliance.*** *The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.*



**(2) Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

**(3) Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

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

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

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

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

#### **Subdivision 2. Vegetation.**

**(1) Removal of Trees and Shrubs.** Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.

**(2) Weeds and Noxious Vegetation.** Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

**(3) Preservation of Existing Trees and Ground Cover.** Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside setback except where traffic safety requires cutting and trimming.

#### **Subdivision 3. Access.**

**(1) Jurisdiction.** All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.

**(2) Avoid Residential Streets.** All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.

**(3) Access Signage.** Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.

**(4) Spillage on Roadways.** Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

**(5) Dust.** All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

#### **Subdivision 4. Water Resources.**

**(1) Drainage Interference Prohibited.** The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

**(2) Surface and Subsurface Water Quality.** The mining operation shall not adversely affect the quality of surface or subsurface water resources.

**(3) Non-degradation of Surface Water.** Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

**Subdivision 5. Safety Fencing.** Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

(1) **Ponded Water.** Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

(2) **Steep Slopes.** In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

**Subdivision 6. Screening.** To minimize problems of dust and noise and to shield mining operations from public view, a natural topographic feature shall be maintained or a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

(1) **Residential and Commercial Properties.** The mining site and adjacent residentially and commercially zoned properties.

(2) **Dwellings in Agricultural Protection Districts.** For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and existing dwellings located within one thousand (1000) feet.

(3) **Public Roads.** For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

**Subdivision 7. Setback Requirements.** When more than one (1) setback standard applies, the most restrictive standard shall apply. Setback requirements in Subp. 1 & 2 are reciprocal. Mining operations shall not be conducted closer than:

(1) **Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.

(2) **Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

(3) **Adjoining Property Line.** Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.

(4) **Excavating or Stockpiling.** Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create traffic or line of sight problem.

(5) **Public Waters.** Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

(6) **Dust and Noise.** Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to any dwelling existing prior to the issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling within 1000 feet.

(7) **Dwellings.** New dwellings shall not be constructed within 1,000 feet of an existing mine boundary, unless the new dwelling replaces an existing dwelling that has been occupied for eight of the last ten years, or if the new dwelling replaces a dwelling destroyed by natural disaster.

**Subdivision 8. Appearance.** All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Subdivision 9. Days of Operation.** Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond

*these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.*

***Subdivision 10. Dust.*** *All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize dust conditions as far as practicable*

*(1) Exception. These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.*

### **27.11 PERFORMANCE BOND REQUIRED**

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

### **TOWNSHIP AND NEIGHBORHOOD COMMENTS**

Winnebago Township and the ten closest property owners were notified, as were various state agencies. Comments were received from the County Engineer, MN DNR and one neighbor. They are included in the packet.

### **SITE CHARACTERISTICS**

This is a 28.55-acre parcel in Winnebago Township. The applicant is looking to expand the existing mine northeasterly to eventually encompass an area of 7 acres. The proposed location is approximately 4 miles south of the City of Caledonia with access off County 5.

There are no floodplain, shoreland or wetland concerns. An intermittent stream runs west of County 5, approximately 100 feet from the existing quarry floor. It runs parallel to County 5 until it reaches the perennial stream, Winnebago Creek, approximately 4,600 feet downstream. The next closest intermittent streams are 3,500 feet to the east and 4,000 feet to the west. There is a culvert running under County 5 approximately 295 feet southeast of the existing quarry footprint. The plans to expand will encroach on this resulting in an increased risk of transmission of sediment and pollutants to the nearby intermittent stream. USGS defines an intermittent stream as one that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow. These water features are based on the DNRs hydrography dataset. This dataset is designed to show the location and flow direction of river and streams to better understand the potential consequences of activities on the landscape because they are susceptible to pollution and are potential conduits to other surface or groundwater resources. As anticipated, the applicant states that this intermittent stream only experiences water flow during snowmelt and after heavy rain events.



**Figure 1. Location of culvert under C.S.A.H. 5 near the quarry site.**

Land use near the site consists of forest and cropland. There are five dwellings within a half mile of the parcel. The closest dwelling is approximately 1,500 feet to the southwest and the expansion will not encroach further on that dwelling. When the quarry reaches the full extent of its proposed footprint it will end up approximately 1,500 feet from a second dwelling to the east. The MN Well Index identifies one additional well aside from the ones associated with the aforementioned dwellings. This lies within the parcel directly south of the Schutz Quarry, but has been abandoned. Both of these dwelling situations still meet performance standards set forth in the ordinance after the encroachment.

Multiple soil types exist within the proposed footprint: 584F, 592E, 580C2, and 586D2. All are silt loams and in the interim they will be used for berm material. The applicant estimates there is five feet of overburden that will be removed in stages as expansion takes place. The Web Soil Survey indicates these soils have fair value as reclamation material.

The existing quarry floor is at elevation 980'. Quarrying will take place within the Shakopee Formation and Oneota Dolomite formation.

There is another quarry, operated by Skyline Materials LTD, about 1,900 feet south of the Kruckow site. They received a CUP for mineral extraction in 2018. A setback standard for sand mining limits the density of sand operations, however no density limitation is provided for rock quarrying.





**Figure 2. Aerial photo of existing quarry footprint from June 2020.**

## 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, section 0100.0510 Subd. 2, Policy 4 states: “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.” The Board may consider that allowing expansion of existing quarries is a viable option for balancing private and public interests aggregate material.

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

Staff Analysis: A conditional use permit request was required per a settlement agreement between the applicant and County. The CUP will allow for the continued use and expansion of the existing Schutz Quarry site.

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

Staff Analysis: The Applicant indicates the site operates under a Stormwater Permit, issued by the MPCA. That National Pollutant Discharge Elimination System (NPDES) permit regulates stormwater and wastewater discharges to land and surface waters. An intermittent stream runs parallel with County 5 on the west side of the road and flows to Winnebago Creek. There is one

culvert nearby providing upslope runoff access to the intermittent stream. This feature warrants careful attention to stormwater runoff.

No fuel, hazardous materials or chemicals will be stored onsite.

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

Staff Analysis: There is no change in use or proposed increase in intensity on a regular basis at this site, viewed in terms of number of hauls per day, just an expansion of the footprint. The applicant believes the proposal should not adversely increase the quantity of water runoff. However, this area (not necessarily this operator) has experienced issues with runoff in the past and careful attention is needed to prevent further problems. They plan to contain stormwater within the quarry floor with the use of berms and a holding pond, if needed. Additional measures may be employed if necessary including riprap, concrete berms, and silt fencing.

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

Staff Analysis: After stripping approximately five feet of silt loam overburden, the exposed limestone/dolostone will be drilled, blasted, processed and stockpiled on site. The overburden will be stockpiled onsite for use in berm construction and eventually to reclaim the site when operations cease.

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

Staff Analysis: Potential pollution hazards for typical quarry operations may include fuel and chemical storage, wastewater, dust, vibration and noise. This site will have no fuel storage. In addition, no washing of rock will take place-mitigating concerns for hazardous chemical wastes. While limestone/dolostone is not easily airborne and dust particles are not easily suspended in the air for prolonged periods, suppressants can be used in the vicinity of machinery, but the applicants feel that screening resulting from the natural topography and surrounding resources will mitigate dust and noise disturbances on adjacent properties. Dust and noise are regulated by the State and a licensed blasting contractor will be utilized and will follow standard operating procedures to deal with vibrations.

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

Staff Analysis: The infrastructure in place at the existing quarry will be utilized for the proposed expansion. No utilities are required for this operation and the applicant feels this expansion will not impact the haul traffic from their site.

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

Staff Analysis: The applicant has identified locations within the future quarry footprint that will be utilized for parking of machinery and vehicles to ensure it will not take place on County 5. Parking space needs are anticipated for two employees. Until then, shot rock will be hauled off site for processing. Note that in the future, the applicant states that no material will be hauled into this site for processing. Then as the quarry footprint expands there will be more loading space for haul trucks. In the interim, no parking of vehicles or equipment can take place on the roadway or within the right of way of County 5.

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

Staff Analysis: The proposal is to use the driveway and parking areas currently in use with the existing quarry. No significant increase in intensity of traffic is anticipated. If a large haul project comes up, temporary signage can be posted on County 5. No parking or stockpiling can take place on the roadway or within County right of way.

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

Staff Analysis: Active quarrying is already underway in the area. The surrounding property is predominantly agricultural use and woodland, which is not anticipated to be affected. In addition, there are five dwellings located with a half mile of the site. The proposal would allow quarrying to occur further to the northeast, which will encroach further on two properties.

The Board should consider the following when assessing potential impacts on these dwellings: setbacks required by Ordinance performance standards are met, that State standards for noise and dust are applicable, that federal guidelines for vibration exist, and that the Board can require adherence to them as a condition. The Board can also limit hours of operation as a condition. Hours of operation, as proposed by the applicant, are limited to 6AM to 8PM Monday through Friday and 7AM to 3PM on Saturday.

In addition, screening, fugitive dust, noise and vibrations from blasting should all be considered.

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

Staff Analysis: The areas adjacent to the proposed site are cropland and woodland and the County is not aware of development plans for this area. This request may limit siting of future dwellings in adjacent open quarter-quarters, but this request does not render them unbuildable.

This proposal is to expand an existing mining site. The proposed reclamation identifies revegetation for grazing, low impact agricultural use or wildlife habitat as post-mining land use options, which are consistent with 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: Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (Mn Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties.

The MPCA also regulates fugitive dust. Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Fugitive dust is a concern and the applicants may use suppressants if necessary. Machinery will only operate during business hours and processing will take place intermittently. The applicants feel that the topography and surrounding timber will assist in creating a barrier to adjacent properties. A third party contractor will complete blasting and the applicant has indicated a willingness to notify neighbors 24 hours in advance of blasting operations. There will be no lighted signs for this request.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: NA

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

Staff Analysis: Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of Chapter 27, which limits rock quarries to 40 acres, and this request is substantially less. The nearby Skyline Quarry recently permitted a 34-acre quarry site. There is no density limitation for rock quarries.

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 current proposal is not significantly different from past operations at this site. The conditions offered below are intended to further protect the public's health, safety, morals and general welfare.

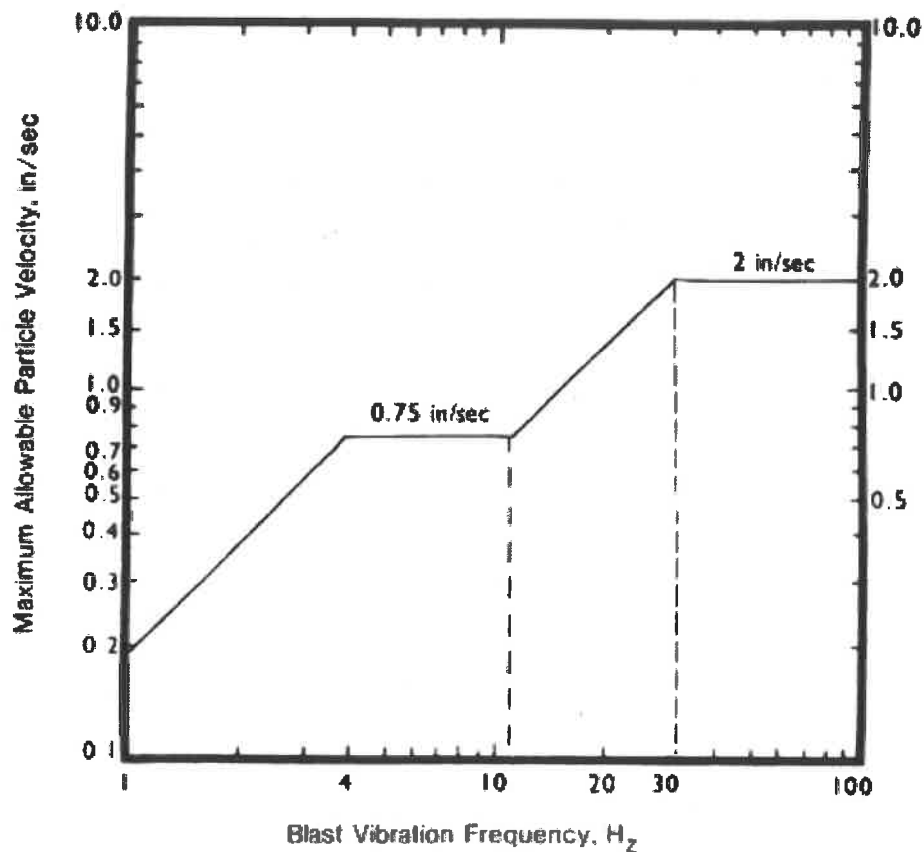
## RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, the following conditions have been applied to other recent quarrying requests and the Planning Commission may consider them standard conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. *When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:*
  - a. *Name and mailing address of operator;*
  - b. *The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;*
  - c. *A Map or maps that accurately show and label:*
    - i. *Total acreage of the mine area;*
    - ii. *The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;*
    - iii. *The acreage of any portion of the mine area presently undergoing the process of reclamation;*
    - iv. *The total acreage of reclaimed land;*
  - d. *A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.*
  - e. *A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.*
  - f. *A certification signed by the operator that information provided is true and accurate.*
4. *Final reclamation shall meet the County zoning ordinance standards after mining operation cease.*



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



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 7:00 AM – 3:00 PM Sundays: Closed Holidays\*: Closed. \*Holidays shall mean holidays observed by Houston County. Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 980'.
11. Quarry operations including, but not limited to, the processing or stockpiling of material and the staging, loading or weighing of trucks shall not be conducted on C.S.A.H. 5 or within right of way at any time.
12. Within 90 days of CUP approval, please provide additional documentation showing that there will be no increase in water runoff from this site (i.e. how many acre-feet of water needs to be stored per open-acre of quarry floor).

**Proposed motion:** To grant a conditional use permit for mineral extraction in the agricultural district with the aforementioned conditions.

Number <b>2021- CUP- 86967</b>	<b>Kruckow Companies, LLC   160051000   Conditional Use Request</b> Submitted by <b>Kruckow Companies</b> on 12/7/2021	
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## CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 12/30/2021 4:42:36 PM and saved by: kruckow companies

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: 12/30/2021 4:43:38 PM and saved by: kruckow companies

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Applicant Name	<b>Kruckow Companies, LLC</b>
Telephone Number	<b>612-875-3519</b>
Address	<b>608 North Pine Street</b>
City	<b>Caledonia</b>
Zip	<b>55921</b>
Parcel Tax ID	<b>160051000</b>
Legal Description	<b>NW1/4 SW1/4 LY E OF HWY DOC 238880 &amp; 238882; DOC 263690; DOC 267671;</b>
Section-Township-Range	<b>05/101/005</b>
Do you own additional adjacent parcels	<b>No</b>

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Township of:	<b>Winnebago</b>
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**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: 12/30/2021 4:47:06 PM and saved by: kruckow companies

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

Describe in detail your request.

**The Schutz Quarry is an existing legal nonconforming quarry located in Winnebago Township, Houston County, Minnesota. This conditional use permit (CUP) application is**

**being submitted in accordance with the Settlement Agreement, case 28-CV-19-989, signed with the County. This proposed permit will increase the acreage that can be quarried to seven (7) acres.**

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

**Section 27-Mineral Extraction, Subdivision 6**

Requested Dimension:

**7 Acres**

**Please upload any  
supporting documents:**

[2021-12-30 Kruckow Companies\\_Email-Notice to  
Winnebago Township.pdf \(download\)](#)

**CONDITIONAL USE FINDING OF FACTS** [Edit] Last updated: 12/30/2021 5:05:29 PM and  
saved by: kruckow companies

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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:

**The County Land Use Plan notes the importance of agricultural production to the local economy, as well as encourages urban growth and development. This is an existing quarry and the material produced from this site is used by local farmers, townships, and local contractors. This quarry will remain small, approximately seven (7) acres, preserving much of the surrounding woodland and no commercial agricultural land will be disturbed. Accessing material at this site better serves local customers in the area by cutting transportation costs, reducing overall emissions, and keeping a necessary material readily available in the area. Continued use of this site will provide jobs, increase the county tax base, provide necessary materials to local residents and contractors, while preserving much of the natural surroundings. All of these are goals and policy objectives laid out in the County Land Use Plan.**

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

**Yes**

Comments:

**The aggregate materials produced by this quarry are necessary for the local agricultural and commercial economy. Under a settlement agreement with the County, we agreed to submit a conditional use permit application on this legal nonconforming quarry. This quarry provides us a rock source that serves our local customers and provides materials to nearby projects. Continued use of this site is necessary to keep providing these aggregate materials to local customers while reducing our overall environmental impact by hauling from a nearby quarry rather than from another quarry farther away.**

**Yes**

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

**Comments:**

**This proposal should have no impact on the water quality of the County and there is no potential for aquifer impacts. The quarry floor will be at approximately 980', well above the estimated groundwater elevation. There are no water bodies onsite or within 500' of the area to be quarried. The site has an active Stormwater Permit issued by the Minnesota Pollution Control Agency and all stormwater runoff stays onsite. No hazardous materials or chemicals, other than gas/diesel fuel and equipment lubricants in the machinery, will be stored onsite.**

**Yes**

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

**Comments:**

**The proposal should not adversely increase the quantity of water runoff. All stormwater runoff will be contained within the quarry floor. Berms and a stormwater holding pond is incorporated into the operations plan if necessary to prevent runoff. The site has an active Stormwater Permit issued by the Minnesota Pollution Control Agency, which regulates sediment discharge. There have been no issues with water runoff from this site in the past and continued operations are not expected to change significantly that would increase the quantity of water runoff.**

**Yes**

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

**Comments:**

**The site contains high quality limestone/dolostone suitable for processing into aggregate material. The overburden/soil, primarily silt loams, will be stripped and removed to access the rock, which will then be drilled, blasted, processed, and stockpiled. These soils have low agricultural value and any soil that can be salvaged will be stockpiled either onsite or offsite for use in reclamation.**

**Yes**

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

Comments:

**There are no known pollution hazards and no hazardous waste will be produced from quarry operations. No hazardous materials will be stored onsite and quarry operations will not include any washing of material. Gas/diesel fuel and equipment lubricants will be present in the machinery, but there will be no fuel storage onsite. A licensed blasting contractor will be utilized for all blasts and will follow standard operating procedures to reduce dust and vibrations.**

**Yes**

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

Comments:

**No utilities are required for quarry operations. County Road 5 is designed for heavy traffic and there should be no significant increase to haul traffic from past usage. Drainage is controlled and no culverts or other drainage structures should be necessary.**

**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:

**Parking space requirements are limited to employees, generally at most two (2) vehicles, and there is sufficient parking onsite within the quarry floor or off of County Road 5 to ensure there is no impediment to traffic. There will be sufficient loading space to load haul trucks within the quarry floor, more so as the quarry footprint expands from its current size.**

**Yes**

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

Comments:

**Past quarry operations have not created any traffic congestion or traffic hazards. Continued operations should not result in any traffic congestion and it is not anticipated there will be a significant increase to the amount of traffic on any transportation system. If it becomes necessary for a**

**large haul project, temporary signage can be posted on County Road 5.**

**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 quarry has not been injurious to the use and enjoyment of other property in the immediate vicinity in the past. The area is sparsely populated with no residence within 1000' of the area to be quarried. A screening barrier is being maintained as much as possible along County Road 5, with woodland to the north, south and east being preserved to act as a further buffer. Noise will be emitted from quarry operations by the machinery, but will only occur during established hours of operation and will be intermittent during the year – will not be every day or every week of the year. The existing topography, screening barriers, and the long distance to the nearest dwelling will greatly mitigate any impact to neighboring properties. Blasting that will occur at the site will also be intermittent – at most a couple days out of the year. A licensed blasting contractor will operate in accordance with all federal, state, and county regulations, monitoring each blast with seismic graph equipment.**

**Yes**

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

Comments:

**The proposal expands an existing quarry. This is an agricultural district that is sparsely populated and quarries are not new to the area. The surrounding property is predominantly woodland and agricultural, and this expansion should not affect any of their current uses or impede the normal and orderly development of surrounding vacant property for predominant uses in the area.**

**Yes**

**12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted**



**signs and other lights in such a manner that no disturbance to neighboring properties will result.**

Comments:

**Screening barriers and preserved woodland surrounding the area to be quarried should mitigate any dust or noise disturbances to neighboring properties. Limestone/dolostone extracted out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Any dust from quarry operations should be confined to the site limits and be within legal limits. Crushing operations will only occur during established hours of operation and will be intermittent – will not occur every day or every week of the year. No offensive odors will be produced from operations and no lighted signs or other lights, apart from lights on any machinery, will be onsite. If dust does become an issue, measures such as dust suppressants can be implemented. Many federal, state, and county regulations already govern the operations at this site, which adequately covers controls for dust, noise, and vibrations.**

**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:

**Not Applicable.**

**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 County already limits rock quarries to areas less than 40 acres. This proposal is for a seven (7) acre quarry site. There is an existing quarry, approximately 6.5 acres in size, to the south, the Winnebago Quarry, currently owned by Skyline Materials. It should be noted that no work has been commenced on that quarry pursuant to the permit they applied for nearly five (5) years ago to expand that site. Quarries are not new to this area and have been operating here for decades. The intensity of use at the quarry will be driven by product demand and projects in the surrounding**

**area. Generally, the intensity of use anticipated for this proposal is characteristic to the area and past use.**

**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:

**We have operated at this site for more than a decade with no adverse impact to the public's health, safety, morals, and general welfare. Continued operations in this proposal are not significantly different from past practices or operations. This is a small quarry, approximately seven (7) acres in size, with adequate protections in place to mitigate any environmental impact or disturbance to neighboring properties. This site will continue to provide necessary materials to the local agricultural and commercial economy, while its use as a rock source allows us to reduce our overall environmental impact by reducing emissions from otherwise hauling this material in from a larger quarry farther away. Operating strategically placed smaller quarries is better for the public's health, safety, morals, and general welfare because these sites have a much smaller environmental footprint than larger quarry sites, while keeping access to these necessary aggregate materials readily available and competitively priced for local farmers, townships, and local contractors in the area.**

## **SITE PLAN INFORMATION** [Edit] Last updated: 12/30/2021 5:13:36 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**

**2021-12-30 Kruckow Companies\_Schutz Quarry-Conditional Use Permit Application.pdf (download)**  
**UPDATED 2021-12-30+Kruckow+Companies\_Schutz+Quarry-Conditional+Use+Permit+Application.pdf (download)**

### **Use Interactive Map to Create Site Plan**





**See attached Conditional Use Permit Application.**

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

**APPLICATION SUBMITTAL** [Edit] Last updated: 12/30/2021 5:16:15 PM and saved by: kruckow companies

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**

*M/K*

Date Signed:  
12/30/2021

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



**SCHUTZ QUARRY**  
**Winnebago Township, Houston County MN**

**CONDITIONAL USE PERMIT APPLICATION**  
***Section 27 – Mineral Extraction, Subsection 6***

APPLICANT/OWNER:	Kruckow Companies, LLC 608 North Pine Street Caledonia, MN 55921  612-875-3519, Michael Kruckow (cell)  kruckowllc@gmail.com
PARCEL ID#:	16.0051.000
LEGAL DESCRIPTION:	NW¼ of the SW¼ lying East of the public highway in Section 5, Township 101 North of Range 5 West of the Fifth Principal Meridian, excepting Highway Right of Way
OWNERSHIP RIGHTS:	Fee Simple Owner Warranty Deed, Recorded Doc. #A301940
QUARRY ACRES:	7 Acres within the 28.55-Acre Parcel See Figure 1.1 Area to be Quarried
QUARRY OPERATOR:	Bonanza Grain, Inc. d/b/a Kruckow Rock & Redi-Mix 506 South Highway 44 Caledonia, MN 55921  507-725-2044, Gary Kruckow (office)  bonanza.grain@gmail.com

**DESCRIBE YOUR REQUEST**

The Schutz Quarry is an existing legal nonconforming quarry located in Winnebago Township, Houston County, Minnesota. This conditional use permit (CUP) application is being submitted in accordance with the Settlement Agreement, case 28-CV-19-989, signed with the County. This proposed permit will increase the acreage that can be quarried to seven (7) acres.

This application outlines the existing conditions, the operations plan, and reclamation.

## SECTION 1 – EXISTING CONDITIONS

### *Section 27, Subsection 7*

The Schutz Quarry is located approximately four (4) miles southeast of the City of Caledonia, Minnesota, and is approximately one (1) mile off of County Road 14, on the east side of County Road 5. Bonanza Grain has been operating this quarry for more than a decade.

Figure 1.1 Area to be Quarried

Figure 1.2 Aerial Photo within 1000' of Quarry

Figure 1.3 Existing Conditions Map

#### Current Parcel Acreage

Wetlands:	0 Acres
Impounded Waters:	0 Acres
Woodland:	27.55 Acres
Existing Quarry:	1 Acre
Cultivated Fields:	0 Acres

Total Acreage: 28.55 Acres

Figure 1.4 Existing Structures and Wells within 2640' of Quarry

Figure 1.5 Existing Mines, Water Courses and Drainage within 5290' of Quarry

Note: Geological cross-section and soil types are in Figure 2.2.

## SECTION 2 – OPERATIONS PLAN

### *Section 27, Subsection 9*

Quarry operations will comply with all applicable operations performance standards laid out in Section 27, Subsection 8 of the Zoning Ordinance. Quarry operations will also continue to comply with all federal, state, and county laws/regulations.

(1) A statement containing an estimate of the life expectancy of the proposed operation.

The quarry will operate until all the rock reserves within the quarry boundary are extracted, processed, and all stockpiles are removed. The life expectancy of this quarry will depend on material demand, but will likely be several decades.

(2) Material to be quarried.

Extraction of limestone/dolostone for processing into aggregate material to be used primarily by local farmers, townships, and local contractors.

(3) Onsite processing including crushing and washing operations.

The quarry operation will be conducted in a manner consistent with similar operations. Extraction starts with stripping at the top of the quarry, i.e. the removal of vegetation and overburden/soil to expose the rock surface. The overburden/soil is estimated to be five (5) feet deep. Stripping will be done in sections, only removing what is necessary for a blast. Overburden/soil, primarily silt loams, that is removed may be used to construct a vegetation berm on the perimeter of the site, and any soil that can be salvaged will be stockpiled either onsite or offsite for use in reclamation. A bulldozer, scraper, backhoe, and haul trucks will be used for stripping.

Once the rock surface is exposed, holes will be drilled and then loaded with explosives to be detonated. The blasting process will be conducted by a licensed blasting contractor and will follow standard blasting procedures in accordance with federal, state, and county laws/regulations. The contractor will bring all necessary materials to the site for a blasting event, so there will be no storage of any explosive material onsite. Seismic graph equipment will also be used to monitor each blast, which is often done in a series of small controlled detonations.

The resulting broken rock from blasting will then be picked up by loaders and hauled to the rock crushing plant to be processed into various aggregate products. The rock crushing and screening plant includes several crushing units, screening units, and conveyors. The broken rock goes through the rock crushing and screening plant, then material is conveyed to stockpiles. The rock crushing and screening plant is portable and moved in and out of the quarry as needed to replenish the material stockpiles.

Some of the broken shot rock may be hauled to the rock crushing and screening plant at another quarry to be processed until the existing quarry floor expands to make for more room. No rock or materials extracted from another site is expected to be processed or stockpiled onsite. No washing of materials will occur onsite, so there will be no storage of chemicals, such as flocculants.

The face of the quarry will grow as extraction progresses further into the hillside. No benching the quarry wall is expected, or should be necessary for stabilization.

(4) Days and hours of operations.

Monday through Friday 6:00 AM to 8:00 PM, and Saturday 7:00 AM to 3:00 PM.

(5) Haul routes.

Aggregate products will be hauled offsite using County Road 5, which is designed for heavy traffic. From there material will be hauled to customers. The estimated number of trips per day will vary depending on the season and material demand, but it has been intermittent in the past, with a peak day having no more than 15 haul trips. This could increase if there is a large project nearby, but any increase would be temporary.

(6) Soil erosion and sediment control plan.

The site has an active Stormwater Permit, also referred to as a Nonmetallic Mining National Pollution Discharge Elimination System (NPDES) permit, issued by the Minnesota Pollution Control Agency. This permit regulates sediment discharge and requires regular monitoring and testing of any water runoff from the site to ensure there are no erosion or sediment control issues.

Screening barriers, i.e. trees and vegetation, will be maintained as much as possible along County Road 5, and woodland is being preserved to the north, east, and south as a buffer to prevent any erosion issues with adjacent properties.

All water runoff will be directed to stay onsite, contained within the quarry floor. Berms may need to be constructed on the perimeter of the site to prevent any water runoff or sediment discharge. If weather patterns change, or there is a significant increase in water runoff, a stormwater holding pond may need to be constructed by removing some of the screening barrier on the southern quarry boundary to hold any water runoff from major rainfall events.

There have been no issues with water runoff from this site in the past and continued operations should not significantly increase the quantity of water runoff in the future. Additional measures, such as rip rap, concrete berms, or silt fencing, may also be used if necessary to stop or prevent any soil erosion or sediment discharge.

(7) A dust and noise control plan.

Dust and noise will be emitted from quarry operations by machinery, but should be restricted to the site limits. Limestone/dolostone extracted from the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. The rock crushing and screening plant will only operate during established business hours, and processing will be done intermittently – not occurring every day, week, or month of the year. If dust becomes an issue, measures such as dust suppressants can be used on the gravel and around the machinery.

Screening barriers and woodland surrounding the site, as well as the topography of the area should greatly mitigate any dust or noise disturbances to adjacent properties.

Fugitive dust and noise from quarry operations is further regulated by the Minnesota Pollution Control Agency. There have been no issues with dust or noise from this site in the past and continued operations will be conducted in a manner to minimize any impacts to neighboring properties and levels will be within legal limits.

Figure 2.1 Operations Map

Figure 2.2 Estimated Geological Cross-Section and Soils



Note: While the quarry is located in a remote, sparsely populated area, due to the unexpected noise, dust, and vibrations that could result from blasting, neighbors who request notice will be notified 24 hours in advance of any blast.

Note: Estimated annual production depends heavily on demand for material and what projects may come up in the area. The estimated maximum amount of aggregate material expected to be stockpiled onsite at any time is no more than 50,000 tons.

### SECTION 3 – RECLAMATION PLAN

#### *Section 27, Subsection 10*

Reclamation will comply with all applicable reclamation standards laid out in Section 27, Subsection 10, Subdivision 3. Reclamation will commence once there are no more rock reserves within the quarry boundary to be extracted, processed, and all stockpiles are removed, and there is no intention to apply for a new conditional use permit to expand quarry operations.

The scale, scalehouse, and any machinery kept onsite will be removed. The quarry floor will then be graded with soil, no less than three (3) inches deep. The area will be graded quite flat, with a gentle upwards slope to the northwest. Where a rock wall is not present, the perimeter will be sloped towards the quarry floor to ensure water runoff stays onsite and properly drains.

The quarry floor area will be seeded with grasses, either a native prairie or pasture mix. Depending on the soil quality, possible legumes or cover crops could be planted instead. Further vegetation integration along the woodland buffers is expected to occur naturally over time. This will blend the disturbed area with the surrounding environment, which predominantly features agricultural fields and woodland, making this area ideal for grazing, low impact agricultural use, or for wildlife habitat.

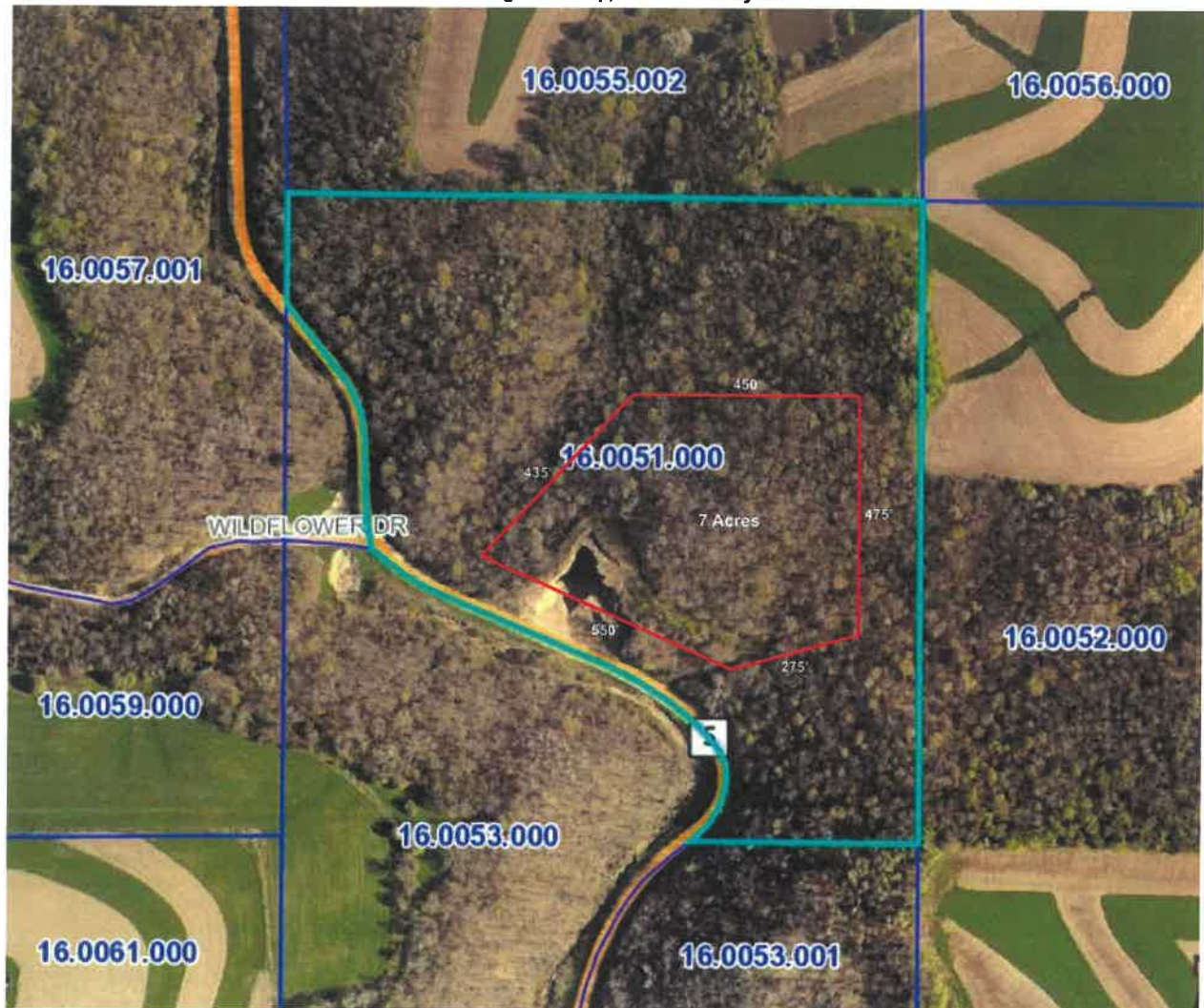
Reclamation will be completed within one (1) calendar year after operations cease and will not be done in phases. The site will be monitored to ensure vegetation establishment and that there are no erosion issues. Reclamation will be considered successful when the disturbed area has been revegetated and all water runoff, erosion, or sediment discharge issues are controlled.

Based on experience with excavation work, seeding, and related reclamation activities, the total cost of reclamation should be approximately \$1,000.00/acre. The applicant and operator have strong ties to the community and have been operating quarries in the County for more than 50 years. Based on the County's past practice regarding performance bonds, and given the small footprint this site will have, a performance bond, as described in Section 27, Subsection 11, to guarantee reclamation is completed, should not be necessary for this proposed permit.

#### Figure 3.1 Reclamation Plan Map

Note: This reclamation plan may be revised before final reclamation. If changes are necessary, a new reclamation plan will be submitted for review and approval.

**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 1.1 AREA TO BE QUARRIED**

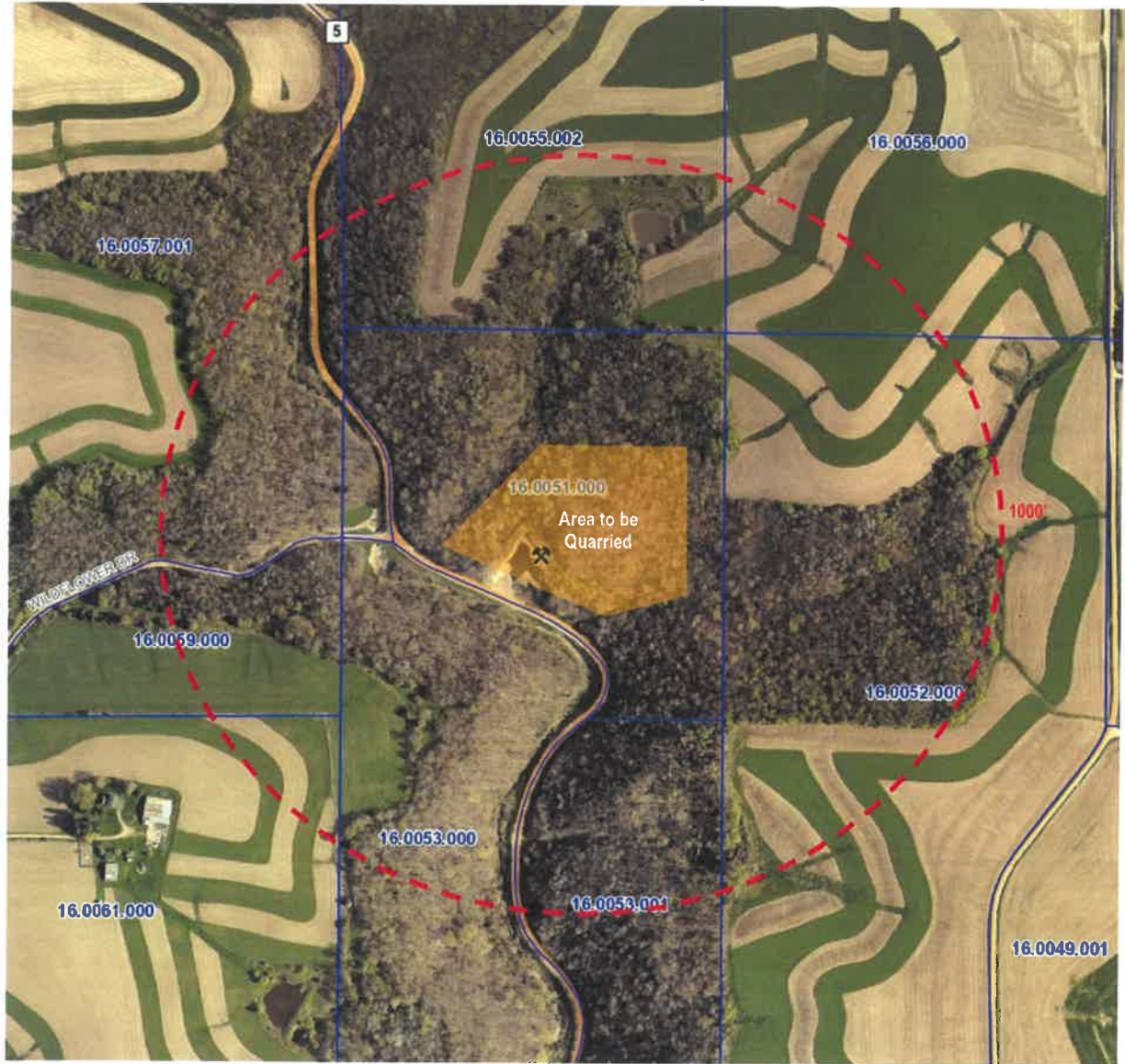
**LEGAL DESCRIPTION FOR PARCEL 16.0051.000:** *NW1/4 of the SW1/4 lying East of the public highway in Section 5, Township 101 North of Range 5 West of the Fifth Principal Meridian, excepting Highway Right of Way*

\* The proposed permit will cover approximately seven (7) acres that will be quarried within the 28.55-acre parcel.

\*\* The quarry boundary can be marked with metal stakes.

\*\*\* There are no existing structures onsite.

**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 1.2 AERIAL PHOTO WITHIN 1000' OF QUARRY**



**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 1.3 EXISTING CONDITIONS MAP**

\* There are no existing structures or wells onsite or within 500' of the quarry boundary.

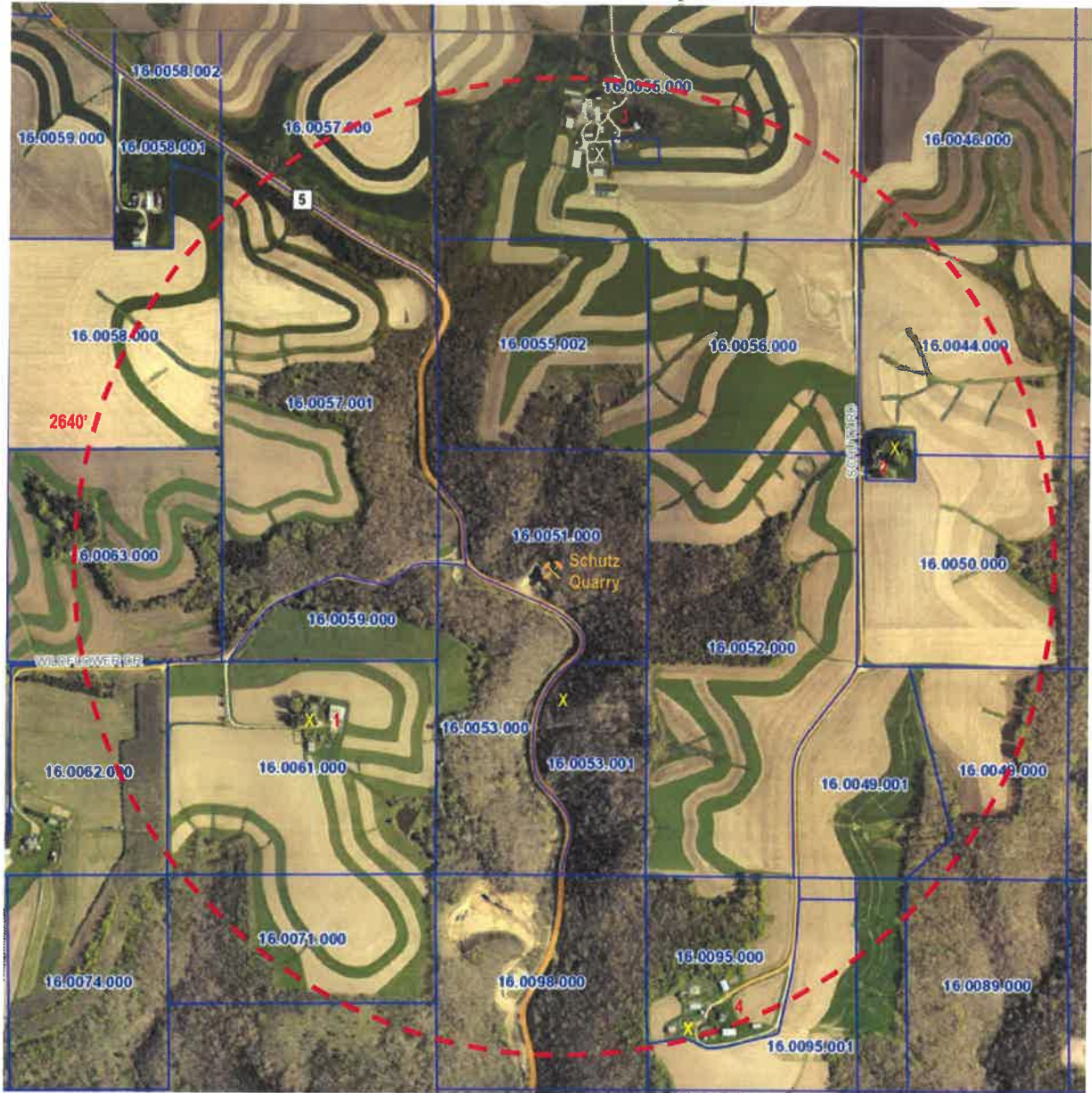
\*\* There are no wetlands, streams or other public waters onsite or within 500' of the quarry boundary.

\*\*\* A drainage route (MNDNR AutoCatchment) runs along County Road 5, primarily on the west side of the roadway - short duration water flow during snowmelt and runoff from heavy rain events.

\*\*\*\* The quarry site elevation ranges from 980' (the existing quarry floor) to 1110' (the back peak of the bluff) with a current vertical quarry face of approximately 90'.



**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 1.4 EXISTING STRUCTURES AND WELLS WITHIN 2640' OF QUARRY**

- 1. Dwelling and Farm Buildings**  
Michael & Diane Fields, 11191 Wildflower Drive, Caledonia MN 55921
- 2. Dwelling**  
Jeremy & Erin Bauer, 18535 Schutz Road, Caledonia MN 55921
- 3. Dwelling and Farm Buildings**  
John Schroeder, 10801 County 14, Caledonia MN 55921
- 4. Dwelling and Farm Buildings**  
Meiners Farms LLC, 19139 Schutz Road, Caledonia MN 55921

\* There are five (5) wells within 2640' of the quarry boundary, marked with a yellow "X".

\*\* Four of the wells are located at each of the above referenced properties.

\*\*\* The well located on adjacent parcel 16.0053.001 has been unused (abandoned) for more than half a century and should be sealed/closed.



**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 1.5 EXISTING QUARRIES, WATER COURSES AND DRAINAGE WITHIN 5290' OF QUARRY**

- \* There is one quarry, the Winnebago Quarry, located directly to the south and is currently owned by Skyline Materials.
- \*\* Water runoff flows southwest through the ravines within the parcel, then flows south - water runoff onsite will be contained within the quarry boundary.
- \*\*\* There is a drainage route that runs along County Road 5 to the south, primarily on the west side of the roadway.
- \*\*\*\* There are two man-made ponds within 5290' of the quarry boundary, marked with a blue "X".

**SCHUTZ QUARRY**  
Winebago Township, Houston County MN

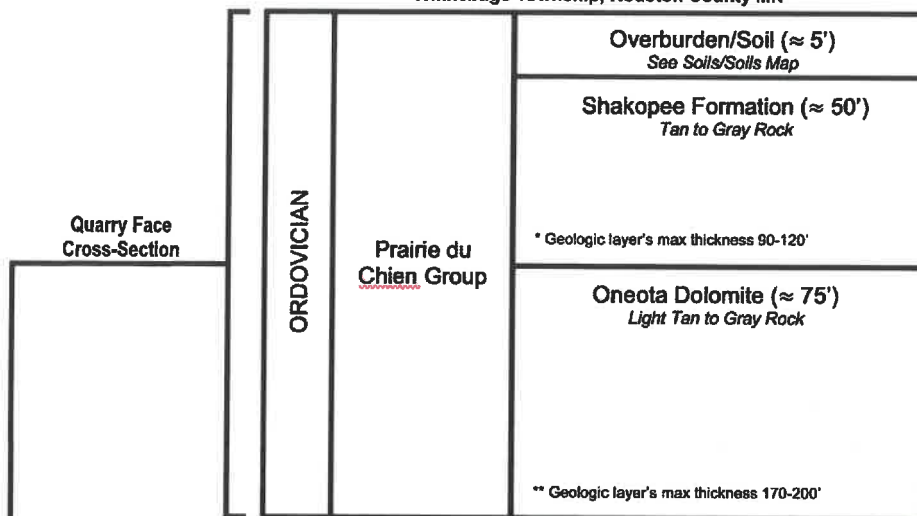


**FIGURE 2.1 OPERATIONS MAP**

- 1 & 2. Ingress and egress points.
  3. Driveway to top of quarry.
  4. Scale and scalehouse to be installed at a later date.
  5. Machinery (rock crushing and screening plant, loaders, etc.) will be kept within the quarry footprint.
  6. Material stockpiles will be within the quarry footprint (stockpile height 20-40').
  7. A vegetation berm may need to be constructed to keep water flow onsite.
  8. A berm or stormwater holding pond may need to be constructed to keep water runoff onsite.
- \* The quarry has an active MPCA Stormwater Permit.  
 \*\* No chemicals or explosives will be stored onsite.  
 \*\*\* There are no dwellings within 1000' of the quarry boundary.  
 \*\*\*\* Parking will be off County Road 5, marked with a black "X".



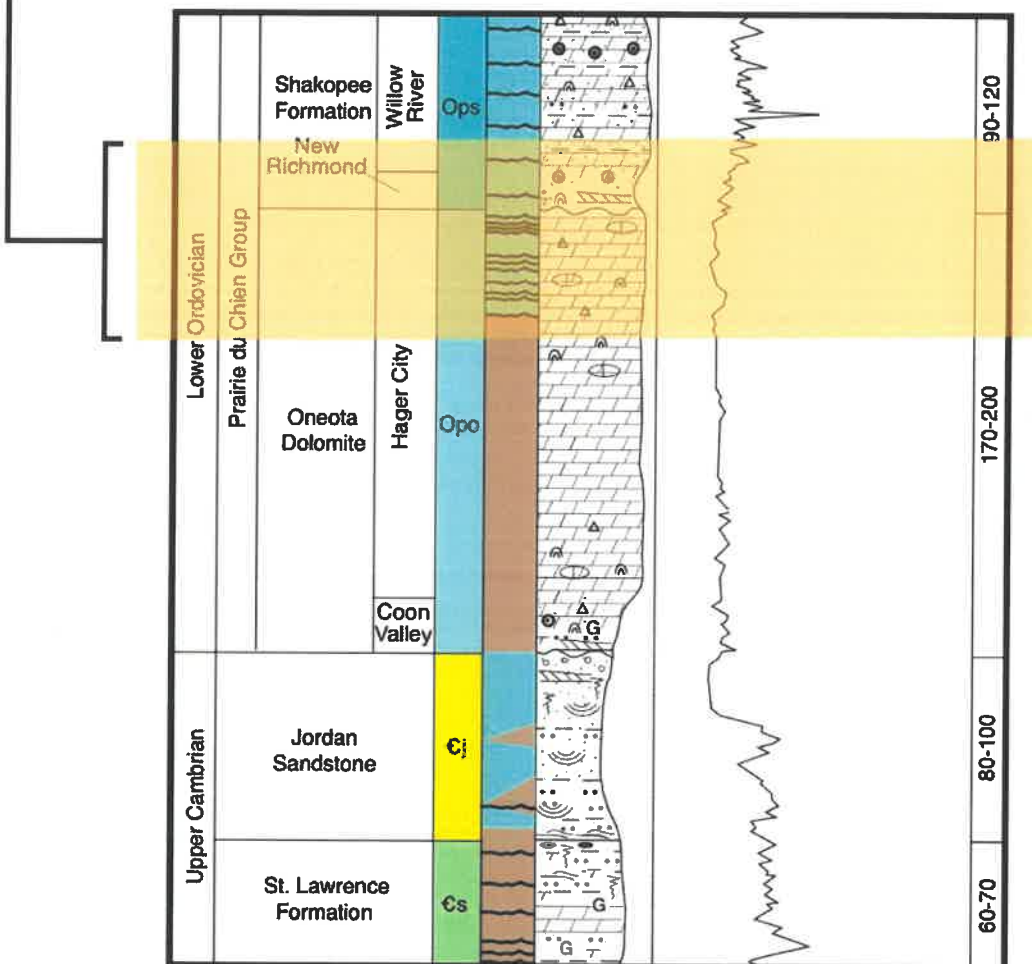
**SCHUTZ QUARRY**  
Winnebago Township, Houston County MN



**FIGURE 2.2 ESTIMATED GEOLOGICAL CROSS-SECTION**

\* Ordovician rocks are primarily limestone and dolostone.

\*\* Estimated Geological Cross-Section is not drawn to scale.

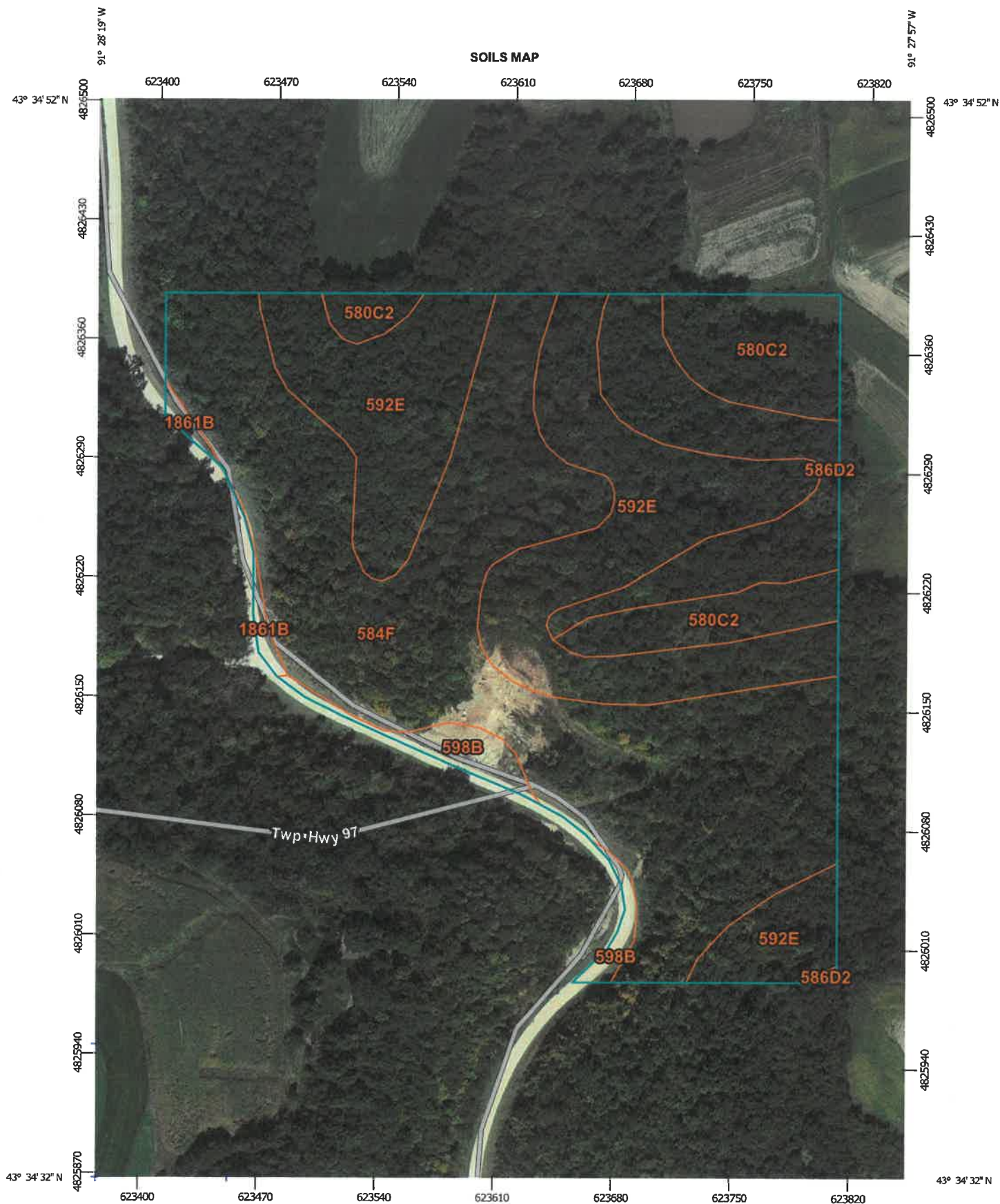


\* Quarry floor is 100'+ above the Jordan Sandstone layer.

\*\* This 100'+ aquitard layer has low permeability and protects water resources (aquifers) in underlying layers.



# SOILS MAP



Map Scale: 1:3,090 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



**Natural Resources  
Conservation Service**

Web Soil Survey  
National Cooperative Soil Survey

## SOILS

Map Unit Symbol	Map Unit Name
580C2	Blackhammer-Southridge silt loams, 6 to 12 percent slopes, eroded
584F	Lamoille-Dorerton silt loams, 30 to 45 percent slopes
586D2	Nodine-Rollingstone silt loams, 12 to 20 percent slopes, eroded
592E	Lamoille-Elbaville silt loams, 20 to 30 percent slopes
598B	Beavercreek-Arenzville complex, 1 to 12 percent slopes
1861B	Chaseburg silt loam, channeled, 2 to 6 percent slopes



**SCHUTZ QUARRY**  
**Winnabago Township, Houston County MN**



**FIGURE 3.1 RECLAMATION PLAN MAP**

- \* Screening barrier along County 5 will be maintained as much as possible during quarry operations.
- \*\* Area disturbed by quarry operations will be reclaimed to grassland, wildlife habitat, or other lawful use.
- \*\*\* Surface area will be graded with a layer of soil, no less than three (3) inches deep, and seeded with grasses (native prairie or pasture mix) or legumes/cover crops.
- \*\*\*\* Given the small site scale and stable adjacent ecosystems, the quarry walls and disturbed area will naturally revegetate over time.

---

## Notice to Winnebago Township: Conditional Use Permit Application

1 message

---

**Kruckow Companies, LLC** <kruckowllc@gmail.com>

Thu, Dec 30, 2021 at 3:14 PM

To: lukeking81@yahoo.com, lstag@acegroup.cc

Cc: bonanza.grain@gmail.com

Luke King and Joyce Staggemeyer:

Kruckow Companies, as owner of the Schutz Quarry, and Bonanza Grain, d/b/a Kruckow Rock & Redi-Mix, as operator, is submitting a conditional use permit (CUP) on the quarry pursuant to Section 27-Mineral Extraction, Subsection 6, of the Houston County Zoning Ordinance.

The Schutz Quarry is an existing legal nonconforming quarry located in Winnebago Township, Houston County, on County Road 5. This CUP is being submitted in accordance with the Settlement Agreement, case 28-CV-19-989, signed with the County over a dispute regarding the quarry's grandfathered-in status. Under the agreement, we agreed to submit a CUP application on this site, but if it is denied, we can keep quarrying several acres under its legal nonconforming status. This proposed permit will increase the acreage that can be quarried to seven (7) acres.

This email is to provide the township with notice of our CUP application. I have attached to this email the application packet that is being submitted to Houston County Zoning. This application outlines the existing conditions, the operations plan, and reclamation.

If either of you, or the township, have any questions or concerns, please do not hesitate to contact Gary Kruckow, 507-725-2044, or myself. Thank you and we hope the township will support us as we go through the CUP process with the County.

Michael Kruckow

**C O**

**Kruckow Companies, LLC**  
[kruckowLLC@gmail.com](mailto:kruckowLLC@gmail.com)

**Gary Kruckow - (507) 429-2060**  
**Michael Kruckow - (612) 875-3519**

---

 **2021-12-30 Kruckow Companies\_Schutz Quarry-Conditional Use Permit Application Packet.pdf**  
25109K

## Amelia Meiners

---

**From:** Brian Pogodzinski  
**Sent:** Wednesday, February 9, 2022 1:54 PM  
**To:** Amelia Meiners  
**Subject:** RE: Conditional Use Notice for Public Hearing

Amelia,

A couple comments on this permit. I have no issues with having the quarry at this location continue operations and getting a new CUP. However, there are a couple items that you may want to address. They are:

- Since this quarry is tight to the road, past operations have resulted in the aggregate stockpiles being placed all the way up to the road shoulder and vehicles and equipment parked along the road during quarry operations, such as loading trucks and using conveyors. This is not allowed and it wouldn't hurt to reiterate this by having a condition on the permit stating that all quarry operations must take place outside of the right-of-way.
- The comments under Item #4 states that all stormwater runoff will be contained within the quarry floor and that berms and a stormwater holding pond is incorporated into the operations plan if necessary to prevent runoff. I would like to key in on "if necessary" comment. There is already drainage problems along County Highway 5 at this location down to Winnebago Creek and want to make sure that no increase in runoff occurs. My recommendation would be to have the permittee provide additional documentation showing that there will not be any increase in water runoff. One possible method would be to show how many acre-feet of water needs to be stored per open-acre of quarry floor.

Brian K. Pogodzinski, P.E.  
Houston County Engineer

**From:** amelia.meiners@co.houston.mn.us <amelia.meiners@co.houston.mn.us>  
**Sent:** Wednesday, February 9, 2022 12:25 PM  
**To:** Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>  
**Subject:** Conditional Use Notice for Public 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.

Notice of Public Hearing. A hearing on a Conditional Use request will be held at 6:00 PM on 2/24/2022 at the Houston County Courthouse.

Applicant: Kruckow Companies, LLC:  
Parcel ID: 160051000

The purpose of the hearing is to consider a request for: The Schutz Quarry is an existing legal nonconforming quarry located in Winnebago Township, Houston County, Minnesota. This conditional use permit (CUP) application is being submitted in accordance with the Settlement Agreement, case 28-CV-19-989, signed with the County. This proposed permit will increase the acreage that can be quarried to seven (7) acres.

If you have questions or wish to provide comments regarding this request, please respond to this email.

Amelia Meiners

**Number:** [2021-CUP-86967](#)  
**Project:** Conditional Use Request  
**Description:** Kruckow Companies, LLC | 160051000 |  
**Created On:** 12/7/2021

[View this application](#)



## Amelia Meiners

---

**From:** Richter, Joe G (DNR) <joe.richter@state.mn.us>  
**Sent:** Wednesday, February 16, 2022 8:14 PM  
**To:** Lehman, Nicole (DNR); Amelia Meiners  
**Cc:** Snook, Vaughn (DNR); Wagner, Melissa (DNR); Collins, Melissa (DNR)  
**Subject:** RE: Kruckow Companies and Schutz Quarry CUP application

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

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Hi Nicole,

Thank you for the notice about this Gravel Quarry.

I would like to add that if there are any questions concerning potential water appropriation permits for the pumping of the water for washing the product, that I am available for consultations.

Have a Great Day Nicole,

**Joe Richter**

District Appropriations Hydrologist | Ecological & Water Resources Division  
**Minnesota Department of Natural Resources**  
1200 Warner Road  
St Paul, MN, 55106  
Phone: 651-259-5877  
Email: Joe.Richter@state.mn.us



**From:** Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>  
**Sent:** Friday, February 11, 2022 12:13 PM  
**To:** amelia.meiners@co.houston.mn.us  
**Cc:** Richter, Joe G (DNR) <joe.richter@state.mn.us>; Snook, Vaughn (DNR) <vaughn.snook@state.mn.us>; Wagner, Melissa (DNR) <melissa.wagner@state.mn.us>; Collins, Melissa (DNR) <Melissa.Collins@state.mn.us>  
**Subject:** RE: Kruckow Companies and Schutz Quarry CUP application

Ok, thanks. There was a bit more info in what you provided.  
Here is a comment for consideration:

Should it be necessary to wash gravel, conduct construction dewatering of stream water or ground water in volumes that exceed 10,000 gallons per day, or one million gallons per year, then a DNR Water Appropriation Permit will be required for the project. A DNR Water Appropriation Permit can be obtained on-line using the

Minnesota Permitting and reporting System  
at: <https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>.

Thank you,

**Nicole E. Lehman**  
Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**  
2118 Campus Dr. SE, Suite 100  
Rochester, Minnesota 55904  
Phone: 507-206-2854  
Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)  
[mndnr.gov](http://mndnr.gov)



**From:** Amelia Meiners <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>  
**Sent:** Friday, February 11, 2022 11:11 AM  
**To:** Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
**Subject:** RE: Conditional Use Notice for Public Hearing

Yeah that's the correct location. I've attached a couple documents, but they are probably what you looked at it Schneider. There isn't anything additional at this time.

**Amelia Meiners**  
Houston County Environmental Services  
304 S. Marshall St., Room 209  
Caledonia, MN 55921  
(507) 725-5800 (office)  
(507) 500-1909 (cell)

**From:** Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
**Sent:** Friday, February 11, 2022 10:58 AM  
**To:** Amelia Meiners <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>  
**Subject:** RE: Conditional Use Notice for Public Hearing

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Hi Amelia,

Is this the quarry?  
Is there more information about the CUP application? There wasn't much in the Schneider Corp.





**Nicole E. Lehman**

Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**

2118 Campus Dr. SE, Suite 100

Rochester, Minnesota 55904

Phone: 507-206-2854

Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)

[mndnr.gov](http://mndnr.gov)



**From:** [amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us) <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>  
**Sent:** Wednesday, February 9, 2022 12:25 PM  
**To:** Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
**Subject:** Conditional Use Notice for Public Hearing

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Notice of Public Hearing. A hearing on a Conditional Use request will be held at 6:00 PM on 2/24/2022 at the Houston County Courthouse.

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If you have questions or wish to provide comments regarding this request, please respond to this email.

Amelia Meiners

**Number:** [2021-CUP-86967](#)  
**Project:** Conditional Use Request  
**Description:** Kruckow Companies, LLC | 160051000 |  
**Created On:** 12/7/2021

[View this application](#)

## Amelia Meiners

---

**From:** Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>  
**Sent:** Thursday, February 17, 2022 8:44 AM  
**To:** Amelia Meiners  
**Subject:** FW: Kruckow Companies and Schutz Quarry CUP application  
**Attachments:** The Schneider Corporation Building Permit Application.pdf; RE: Kruckow Companies and Schutz Quarry CUP application

\*\*\* 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.

You must not have received the comment since the attachment was 23MB in size.  
Did these come through?

**Nicole E. Lehman**  
Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**  
2118 Campus Dr. SE, Suite 100  
Rochester, Minnesota 55904  
Phone: 507-206-2854  
Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)  
[mndnr.gov](http://mndnr.gov)

 **DEPARTMENT OF  
NATURAL RESOURCES**



**From:** Lehman, Nicole (DNR)  
**Sent:** Thursday, February 17, 2022 8:31 AM  
**To:** Amelia Meiners <amelia.meiners@co.houston.mn.us>  
**Subject:** FW: Kruckow Companies and Schutz Quarry CUP application

Here are my original comments. With Joe's comments also attached. Weird, did you check your spam folder?

**Nicole E. Lehman**  
Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**  
2118 Campus Dr. SE, Suite 100  
Rochester, Minnesota 55904  
Phone: 507-206-2854  
Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)  
[mndnr.gov](http://mndnr.gov)



**From:** Lehman, Nicole (DNR)  
**Sent:** Friday, February 11, 2022 12:13 PM  
**To:** 'Amelia Meiners' <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>  
**Cc:** Richter, Joe G (DNR) <[joe.richter@state.mn.us](mailto:joe.richter@state.mn.us)>; Snook, Vaughn (DNR) <[vaughn.snook@state.mn.us](mailto:vaughn.snook@state.mn.us)>; Wagner, Melissa (DNR) <[melissa.wagner@state.mn.us](mailto:melissa.wagner@state.mn.us)>; Collins, Melissa (DNR) <[Melissa.Collins@state.mn.us](mailto:Melissa.Collins@state.mn.us)>  
**Subject:** RE: Kruckow Companies and Schutz Quarry CUP application

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Here is a comment for consideration:

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at: <https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>.

Thank you,

**Nicole E. Lehman**  
Area Hydrologist | Ecological and Water Resources Division

**Minnesota Department of Natural Resources**  
2118 Campus Dr. SE, Suite 100  
Rochester, Minnesota 55904  
Phone: 507-206-2854  
Email: [nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)  
[mndnr.gov](http://mndnr.gov)



**From:** Amelia Meiners <[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)>  
**Sent:** Friday, February 11, 2022 11:11 AM  
**To:** Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
**Subject:** RE: Conditional Use Notice for Public Hearing

Yeah that's the correct location. I've attached a couple documents, but they are probably what you looked at it Schneider. There isn't anything additional at this time.

**Amelia Meiners**  
Houston County Environmental Services  
304 S. Marshall St., Room 209

February 15, 2022

It is not possible for us to consider the permitting of this mine separate or apart from operations (past and proposed) at the adjacent Bruening/Skyline mine. The cumulative effects on the environment from mines that are not reclaimed must be considered.

In 2011, the Skyline mine was granted an after-the-fact variance to encroach on our property line setback area. The conditions specified in the variance order were not met. Erosion and collapse of the cliff face followed.

Planning commission meetings on December 27, 2017 and February 15, 2018 contain much detail and discussion concerning reclamation of the west side of the Skyline quarry. We ask that Houston County and the DNR view the video recordings of those two meetings, then review the CUP for that site, then visit the site. After doing so, ask yourselves if it makes sense to approve a second CUP for new mining operations adjacent to the Skyline mine. You will conclude, as we have, that the county and the DNR lack the willingness to require mine operators to adhere to agreed-upon actions. Although we are not permitted to go on-site at the Skyline quarry to see what's been done, it seems to us that neither the short-term stabilization plan nor the long-term stabilization plan have commenced—all these years later. Indeed, it appears the quarry is headed for “abandoned” status. If this is the case, then it's all the more important to consider the *cumulative effects* to the environment of permitting the Schutz quarry.

The details of reclamation in the proposed Schutz quarry are vague. The plan does not show that the finished slope not exceed 18 percent in grade as is mandated in Section 27 of the zoning ordinance.

Red fox kits are annually reared in the dens of the south-facing rock face adjacent to County 5 and directly opposite Wildflower Drive.

Michael Fields

Diane Fields

Winnebago Township, 11191 Wildflower Drive, Caledonia, MN 55921

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
March 8, 2022**

**Date Submitted: March 3, 2022,**

**By: Tess Kruger, HRD/Facilities Mgr.**

**ACTION REQUEST**

- **Consider approve the proposed 2022-2024 Tentative Labor Agreement between the County of Houston and the American Federation of State, County and Municipal Employees (AFSCME), Council 65 Local 2166. (Tentative Agreement Summary attached)**

**APPOINTMENT REQUEST**

- **None**

**HR CONSENT AGENDA REQUEST**

- **None**

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



## **TENTATIVE AGREEMENTS**

**Between  
Houston County  
And  
AFSCME Council 65, Local 2166**

### **DURATION**

- 3 year agreement, all applicable wage agreements retro to 1/1/22.

### **WAGES**

- 2022: Workers placed at the next highest step on the new grid, then +2% will be added to base wages. Workers will advance onto next step (+3.5%) on their anniversary dates. Social workers (excluding leads) will be initially placed at Step 2, and will have their anniversary dates permanently changed to March 1, which will advance them to Step 3.
- 2023: +3% COLA, +3.5% Step
- 2024: +3% COLA, +3.5% Step

### **NEW HIRES**

- In 2022, no new hire to the County will be paid at or higher than the wage of the highest paid person in the job category.
- In 2023, hiring language will revert to status quo ante (Article XI of the CBA), except for social worker hires where no new hires will be paid at or higher than the wage of the highest paid person in the job category.
- In 2024, all hiring language will revert to status quo ante (Article XI of the CBA).

## HOUSTON COUNTY

### AGENDA REQUEST FORM

**Date Submitted:** 3/2/2021

**By:** Assessor

#### CONSENT AGENDA REQUEST:

**ACTION ITEM:** Discussion session about value increases for 2023 assessment.

**Reviewed by:**

\_\_\_\_ HR Director

\_\_\_\_ Finance Director

\_\_\_\_ IS Director

\_\_\_\_ County Attorney

\_\_\_\_ Environmental Svcs

\_\_\_\_ County  
Sheriff

\_\_\_\_ County  
Engineer

\_\_\_\_ PHHS

\_\_\_\_ Other  
(indicate  
dept)

\_\_\_\_ x

\_\_\_\_ Assessor

**Recommendation:**

**Decision:**