

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: May 3, 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, Public Health and Human Services Director John Pugleasa, Interim Recorder Mary Betz, Zoning Administrator Amelia Meiners, Environmental Services Director Martin Herrick, Sheriff Mark Inglett, Deputy Sheriff Brian Swedberg, Financial Assistance Supervisor Karen Kohlmeyer, and Human Resources Director Human Resources Theresa Arrick-Kruger

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Prior to approving the agenda Commissioners discussed changes to the consent agenda with Human Resources Director Kruger. Kruger said Public Health Nurse Elizabeth Knutson, whose resignation had been accepted the week prior had decided not to resign. Commissioner Burns noted the County would no longer need to advertise for her replacement. Kruger also asked that consent agenda item No. 3 be tabled while the step placement could be looked into further. Motion was made by Commissioner Burns, seconded by Commissioner Severson, motion unanimously carried to approve the agenda with the changes.

Motion was made by Commissioner Walter, seconded by Commissioner Johnson, motion unanimously carried to approve the meeting minutes from April 26, 2022.

Public Comment: No public comments were made.

APPOINTMENTS

None.

CONSENT AGENDA

Motion was made by Commissioner Walter, seconded by Commissioner Johnson, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Approve a competitive search for an Eligibility Worker AFSCME B24 (non-exempt) – (this is a new position).
- 2) Hire Mary Thompson as a temporary/casual (67 day) Public Health Supervisor, C-52, Step 6 (Exempt). (Ms. Thompson served the county many years as a Public Health Nurse including as the interim Public Health Director for a period of time.)
- 3) Item was removed from consent agenda.
- 4) Approve Inmate Boarding Contract with Winona County.
- 5) Increase boarding fees to \$65.00/day and \$60.00/day contract rate due to increases that have occurred.
- 6) Review and approve amendment to the 2022 Hiawatha Valley Mental Health Center HVMHC contract.
- 7) Rescind Elizabeth Knutson's resignation.

ACTION ITEMS

File No. 1 – Commissioner Severson moved, Commissioner Burns seconded, motion carried 4 to 1 to approve the contract with Fowler and Hammer for the HCH ADA and adjacent restroom renovation. Commissioner Johnson voted no. He said he voted no not because he did not support the project, but because of uncertainties with the project contract. The contract stated that the contractor would agree to attain pre-authorization for anticipated labor costs in excess of \$50,000. Commissioners asked that a not to exceed amount of \$80,000 be added to the contract after Commissioner Burns suggested a not to exceed amount. The plan was for the project to be paid with American Rescue Plan Act (ARPA) funds.

File No. 2 – Commissioner Severson moved, Commissioner Burns seconded, motion unanimously carried to accept a Brownsville VFW donation of \$200.00 to the Veteran Services Office to use for any veteran's needs.

File No. 3 – Commissioner Severson moved, Commissioner Walter seconded, motion unanimously carried to approve using ARPA dollars to pay \$26,898.75 for a child friendly interview room for Houston County Public Health and Human Services.

File No. 4 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to move forward with TKDA's proposal for the Comprehensive Land Use Plan. If the Commissioners wished to add on additional items to the original proposal such as having a map made and additional in person meetings the cost could be up to \$81,100, but Commissioners could decide what options were needed in the future. The next step would be for Environmental Services Director Herrick to work with Attorney Jandt on finalizing an official contract for the project. Once the official contract was approved by the Commissioners work on the plan could begin.

DISCUSSION ITEMS

Commissioners discussed with Environmental Services Director Herrick, Zoning Administrator Meiners, and EDA Director Wagner who should be the main contact person on behalf of the County with TKDA for the Comprehensive Land Use Plan moving forward. Wagner told the board she would be happy to be the contact person. She said she was willing to take the lead as she knew Environmental Services Director Herrick was new and the department was busy. Wagner said in the coming months meetings would need to be set up between TKDA and County staff, County jurisdictions, and the general public, and that she thought she could use her communication skills and EDA connections to set up the meetings. Herrick said he welcomed the help, but that he was also willing to be the contact person. Commissioner Walter said she wanted to see Herrick be the main contact person. It was decided that Herrick would be the main contact person with TKDA moving forward.

Commissioner Johnson said he wanted to thank Sheriff Inglett for his many years as Sheriff in Houston County. Sheriff Inglett had recently announced he would not be running for Sheriff again.

Closing Public Comment: None.

Commissioner Serverson moved, Commissioner Myhre seconded, motion unanimously carried to adjourned the meeting at 10:10 a.m. The next meeting would be a regular meeting on May 10, 2022.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Greg Myhre, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
May 10, 2022**

**Date Submitted: May 5, 2022,
By: Tess Kruger, HRD/Facilities Mgr.**

ACTION REQUEST

- **Consider approval of the Collaborative Design Group contract for the Construction Documents, Bidding, and Construction Administration of the Historic Courthouse Roof Replacement.**

APPOINTMENT REQUEST

- **None**

HR CONSENT AGENDA REQUEST

Auditor/Treasurer's Office

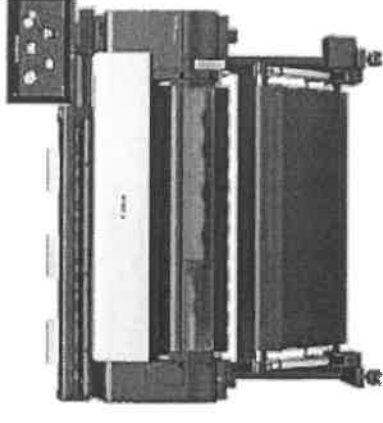
- **Rehire Eliana Babinski as a 67 temporary employee to assist in the 2022 elections -attend mandatory trainings and perform work directly related to elections**

<u>Reviewed by:</u>	<input checked="" type="checkbox"/> HR Director	<input type="checkbox"/> Sheriff	<input type="text"/>
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> 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"/> (indicate other dept)	<input type="text"/>
	<input type="checkbox"/> Environmental Svcs		<input type="text"/>
<u>Recommendation:</u>			
<u>Decision:</u>			

Canon imagePROGRAF TX 4100 MFP Z36

Features:

- 2400 x 1200 dpi
- 5 color, pigment ink based MFP (Pigment: C, M, Y, BK, MBK)
- **Water resistant inks**
- **Media: 2 rolls up to 650' rolls, 8" to 44" W**
- **Print speed – 2½ 24"x36" prints per minute in fast mode**
- MFP Version with 36" Color Scanner & SmartWorks Software
 - Color: up to 6" per second
 - Scan resolution: 1200 dpi maximum (optical)
 - Grayscale & monochrome: up to 13" per second
 - Single or Multi-page PDF scanning. Other formats.
- **15.6" AIO Touch Screen**
- Stand / catch basket
- Direct USB Printing
- 500 GB Hard Drive & 128 GB RAM
- Power Requirements: AC 100-240 V, (50-60Hz)
- **Footprint: 46"H x 63W" x 39**
- The MFP unit requires 2 network drops/ports or a small switch or hub.



Shown here in basket layout

Purchase price - Canon IPF TX 4100 MFP z36 with 2 paper rolls* \$10,527.00

- *The 2nd paper roll is an added option. Pricing can be reduced if 2nd roll is no longer of interest.
- The above pricing includes delivery and physical set up of the unit.
- Networking services for print and scan functionality is \$195.00 and user training is offered at \$150.00.
- The above pricing includes, on request, removal and disposal/recycling of your current unit.
- Applicable taxes are not included.
- 90 Day Canon Warranty.

Optional 12-month Parts and Labor Maintenance Agreement - \$1,300.00.

Optional 33-month Parts and Labor Maintenance Agreement - \$3,250.00.

What's included? These agreements include any/all service calls, break/fix repairs, parts and labor needed for the unit. Either agreement would start **AFTER** the 90-day warranty period.

LOFFLER Helping You Succeed

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: 4-May-22

Person requesting appointment with County Board: Martin Herrick

Issue:

CUP Approval/Denial: 1) Justin Mark - To have a single family dwelling on less than 40 acres in an agricultural district in Houston Township. 2) Michael Rogich - Amanda Bennett - To convert a commercial building into a single family dwelling and storage units in a general business district in Caledonia Township. 3) Midwest Industrial Fuels DBA Consolidated Energy Company - To operate a liquid propane storage facility in the agricultural district in Spring Grove Township.

Justification:

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

Action Requested:

For County Use Only

Reviewed by:

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

Recommendation:

Decision:

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

**HOUSTON COUNTY
PLANNING COMMISSION AND
BOARD OF ADJUSTMENT
Thursday, April 28, 2022**

***Hearings are in the Houston County Commissioner's Room.
Please enter through the west entrance. Doors will open at 4:45 pm.***

BOARD OF ADJUSTMENT

Approve Minutes for January 27, 2022

VARIANCE HEARING:

5:00 pm ***Justin Mark – Houston Township***
1) Variance to reduce county road setback for a proposed dwelling (14.7 subdivision 2).
2) Variance to reduce ordinary high water setback for a proposed dwelling (22.6 subdivision 4(1a)).

Discuss letter from Nethercut Law Offices

PLANNING COMMISSION

Approve Minutes for March 24, 2022

CONDITIONAL USE HEARINGS:

5:30 pm ***Justin Mark – Houston Township***
Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural protection district (14.3 Subdivision 1(10)).

5:50 pm ***Michael Rogich and Amanda Bennett – Caledonia Township***
Conditional Use Permit to convert a commercial building into a single-family dwelling and storage units in a general business district (17.3 Subdivision 1(4 & 5)).

6:10 pm ***Consolidated Energy Company and Randy & Debra Myhre – Spring Grove Township***
Conditional Use Permit to install a liquid propane gas storage facility in an agricultural protection district (14.3 Subdivision 1(25)).

INTERIM USE HEARING:

6:30 pm ***Mathy Construction Company – Mayville Township***
Interim Use Permit for a temporary bituminous plant in an agricultural protection district (14.4 Subdivision 1(11)).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Justin Mark, 448 County 9, Houston, MN 55943 for a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Houston Township on the following premises, to-wit:

PT W1/2 NW1/4 NW1/4 LY E OF CSAH #9, Section 1, Township 104, Range 6, Houston County, Minnesota. (Parcel #06.0007.000)

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 5:30 p.m. on Thursday, April 28, 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, and must be received by Tuesday, April 19, 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: April 13, 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

4/18/2022

Application Date: 4/1/2022
Hearing Date: 4/28/2022
Petitioner: Justin Mark
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 195 County 9
Township: Houston
Parcel Number: 60007000
Submitted Materials: CUP Application

OVERVIEW

REQUEST

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

SUMMARY OF NOTEWORTHY TOPICS

This is an existing homestead. The old house has been removed and a mobile home still exists at the site. The applicants are looking to replace the mobile home with this request. While there is an existing dwelling on the site, it has not been occupied for a couple decades. According to the Houston County Zoning Ordinance (HCZO) dwelling definition, if a dwelling has not been occupied for eight of the last ten years it is no longer considered a dwelling, hence the requirement for a Conditional Use Permit. On the same note, any non-conformity that may have existed at that time lost any right to continue. This is a difficult site because of constraints between the county highway and Silver Creek, but it has an existing well and electrical that the landowners would like to utilize.

Variances are necessary to allow building at this site and will be sought prior to the CUP hearing.

See relevant sections of the HCZO below:

Dwelling. A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older, to be considered a dwelling, a building must have been residentially occupied for **eight of the last ten years**.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance. Buildings or structures shall not be permitted on land which has a

slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

- Area of a slope of twenty-four (24) percent or greater.
- A shoreland impact zone as defined by this Ordinance.
- Protected waters as defined in this Ordinance.
- Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19.

Lot of Record. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Houston County, Minnesota, prior to August 30, 1967.

SECTION 14 – AGRICULTURAL PROTECTION 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.

(10) Dwellings. Single-family non-farm dwellings subject to the following:

- (a) No more than one (1) dwelling per quarter-quarter section.
- (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.
- (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.
- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.
- (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

14.7 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the centerline of all County roads.

Subdivision 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subdivision 4. Exceptions.

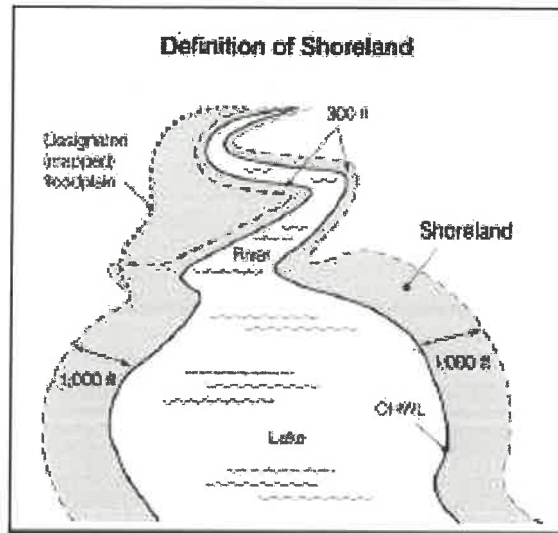
- (1) **Right-of-Way Encroachment Prohibited.** If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

SECTION 22 – SHORELAND ZONING DISTRICT

(39) Shoreland - "Shoreland" means land located within the following distances from

public waters:

- (a) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- (b) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.



22.6 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

Subdivision 4. Placement, Height, and Design of Structures.

(1) Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

- (a) OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 22.7 subd. 3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.

Classification	Structures Setback (ft)	Sewage Treatment System Setback (ft)
Natural Environment	150	150
General Development	75	50
Agriculture and Tributary	100	75

22.8 VEGETATION AND LAND ALTERATIONS

Subdivision 3. Grading and Filling.

(2) Permit requirements.

- (a) Grading, filling and excavations necessary for the construction of structures and sewage treatment systems, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 22.8 subd. 3 (3) of this ordinance must be incorporated into the permit.

SECTION 24 - LAND ALTERATION

24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 2. Grading and Filling Under Existing Permits. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit.

However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Houston Township and the ten nearest property owners were notified. One formal comment was received in response to the notice and comments had been provided prior to application submission by the DNR and County Engineer.

SITE CHARACTERISTICS

This is a 15-acre parcel in Houston Township and is a difficult site for locating a dwelling. The applicants are looking to replace the existing mobile home mostly in kind. There are no bluff concerns, but this location is restricted to the east by shoreland, wetland, floodplain, and to the west by CSAH 9. A 100-foot setback is required from CSAH 9, which extends to the east perimeter of the existing structure, and the existing structure is approximately 100-feet from the ordinary high water level (OHWL). That leaves no room to locate a structure while meeting all ordinance requirements.



Figure 1. Imagery showing required 100-foot setbacks from CSAH 9 and Silver Creek.

As stated before, floodplain, wetland and shoreland are all concerns at this site. As proposed, the structure will be outside of wetland (see Fig. 2 and attached National Wetland Inventory), but any encroachment towards the stream may push the structure into wetland area. This site is also located adjacent to FEMA mapped floodplain (see Fig. 3 below and attached Flood Elevations). The State of Minnesota and likewise, Houston County, have more restrictive floodplain elevations, which extend floodplain further to the west than indicated by FEMA shading. This most likely will require the applicants to elevate their structure slightly.

the structure a minimum of a couple feet. See the enclosed email. Information regarding approved variances will be available at the hearing.



Figure 4. Existing conditions map.

Soils are primarily 388D2 with Type 1847 nearer the stream. 388D2, a Seaton silt loam, is an adequately drained, class 4e soil. Type 1847 is a poorly drained, class 5w soil. This site meets the nonfarm dwelling soil requirement and slopes tend to be the limiting factor for building sites. Proper construction on the contours is important.

There are no feedlot or mine concerns. Since this is a lot of record, the applicants did not have to identify two potential Type I septic systems, but after discussions with a licensed professional, staff are reasonably assured that it will be possible to locate a septic system. The applicants are aware that a system will likely require a full sand lift mound. The western boundary of the property is county road frontage and an existing driveway meets HCZO standards.

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 Land Use Plan (CLUP) provides the basis for limiting development in the agricultural protection district. This proposal satisfies the dwelling density limitation. In addition, the CLUP encourages rehab of existing buildings. While the structures at this

location are no longer salvageable, the Planning Commission may feel the same policy could apply to existing homesteads.

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

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

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

Staff Analysis: Wastewater is a potential pollutant associated with any dwelling. The applicants will install an onsite sewage treatment system meeting all applicable standards. Proximity to vulnerable water resources increases risks associated with erosion and strict adherence to practices outlined in the erosion control plan is important.

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

Staff Analysis: An erosion control plan will be required with the zoning permit application to address construction and post construction site drainage and shall take into account any additional mitigation measures necessary when bringing in fill in this vulnerable area. Runoff quantity due to impervious surfaces (e.g. roof, driveway) are not expected to greatly differ from existing conditions.

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

Staff Analysis: Soils are 388D2 which are adequate for building provided attention is paid to contours during site design. A coarse textured base may be necessary to increase strength of the soil. Soil borings will be needed to determine suitability for septic system.

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

Staff Analysis: Wastewater and erosion are two potential hazards. Both will require plans, permits, and the strict adherence to those documents to mitigate any pollution potential.

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

Staff Analysis: A soil erosion control permit and septic permit will be required prior to building and a driveway access permit may be required. Nothing is known at this time that would prevent these permits from being issued, provided the applicants agree with fill requirements. There is an existing well and electrical. Any other utility need 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 to accommodate off-street parking for residential use.

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

Staff Analysis: N/A

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

Staff Analysis: No effect is anticipated as this was a residential site at one time. Neighboring properties are rural residential and recreational in nature. No effect is anticipated and the Planning Commission may view this proposal as an improvement on the existing condition of the property.

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

Staff Analysis: Granting the permit will close the NW-NW quarter-quarter per the dwelling density policy and should have no effect on surrounding rural residential and recreational uses.

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

Staff Analysis: N/A

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

Staff Analysis: The application conforms to the one dwelling per quarter-quarter density limitation standard for the agricultural district.

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: The placement of a dwelling in compliance with County and State standards is not anticipated to have any effect on the public's health, safety, morals, and general welfare.

RECOMMENDATION

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

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. 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. *Applicants agree to bring in not less than two feet of fill based upon a recommendation by the County Highway Engineer. The building permit will dictate the quantity of fill and any necessary erosion control practices shall be addressed within the erosion control plan.*

Proposed motion: Recommend granting of a Conditional Use Permit for a single-family dwelling on under 40 acres with the *three* conditions.



Comments: PID 06.0007.000 - Mark CUP Application

Disclaimer: The State of Minnesota, Department of Natural Resources, Ecological and Water Resources Division assumes no responsibility for and disclaims all liability for any typographical or other errors on this site. The DNR may make changes to the lake floodplain elevations at any time and without notice.

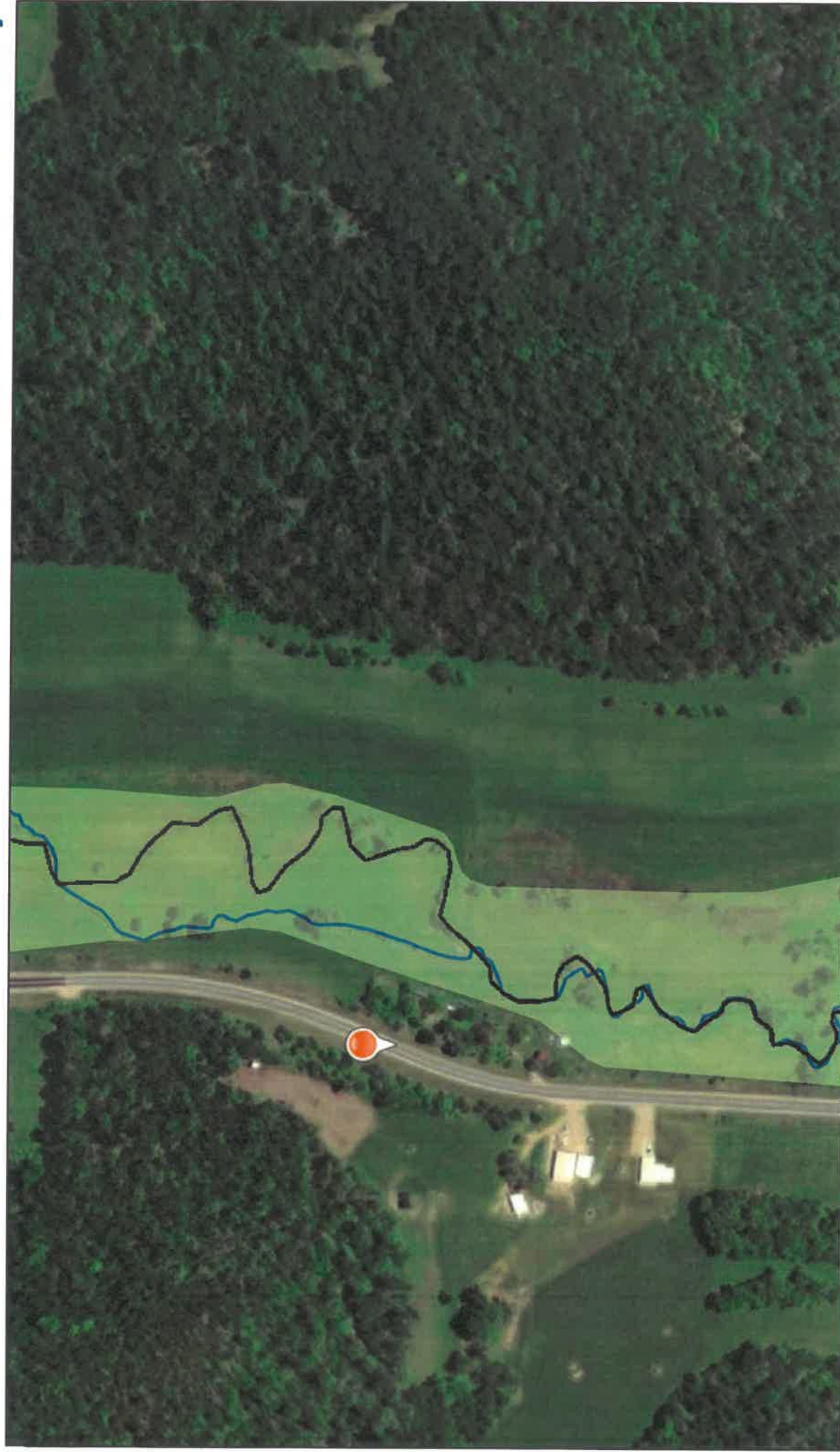
Estimated 1% Water Surface Elevations

National Flood Hazard Layer (NFHL)

Flood Hazard Zones

- 1% Annual Chance Flood Hazard (100 Year Floodplain)
- Floodway
- Zone D (Area of Undetermined Flood Hazard)
- 0.2% Annual Chance Flood Hazard (500 Year Floodplain)
- Area with Reduced Flood Risk Due to Levees

Minnesota Public Waters Delineations
Public Water Watercourses
— Public Water Watercourse
-- Public Ditch/Altered Natural Watercourse
Public Waters Basins



Simplified Plant Community Classification

- Seasonally Flooded/Saturated Emergent Wetland
- Shallow Marsh
- Deep Marsh
- Shallow Open Water Community
- Non-Vegetated Aquatic Community

- Coniferous Wetland
- Hardwood Wetland
- Shrub Wetland
- Bog
- Artificially Flooded


- Public Waters Basins
- Public Water
- Watercourse
- Public Ditch/Altered
- Natural Watercourse



Date Printed: 04/06/2022

10

This map is for general reference only. Neither the state of Minnesota nor the Minnesota Department of Natural Resources make any representations or warranties with respect to the use of or reliance on the data. There are no guarantees as to the accuracy, currency,

Number 2022- CUP- 89687	MARK,JUSTIN 060007000 Conditional Use Request Submitted by Justin Mark on 3/23/2022	
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CONDITIONAL USE INTRO [\[Edit\]](#) Last updated: 3/23/2022 5:01:29 PM and saved by: Justin Mark

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

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

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

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

Conditional Use Application Fee **\$700.00**

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [\[Edit\]](#) Last updated: 3/23/2022 5:03:37 PM and saved by: Justin Mark

Applicant Name **MARK,JUSTIN**

Telephone Number **507-312-8893**

Address **448 county 9**

City **Houston**

Zip **55943**

Parcel Tax ID **060007000**

Legal Description **W1/2 NW1/4 NW1/4 LY E OF CSAH #9 DOC 243795; DOC 199595**

Section-Township-Range **01/104/006**

Do you own additional adjacent parcels **No**

Township of: **Houston**

Applicants are required to inform township boards of their application.

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

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

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 3/23/2022 5:21:20 PM and saved by: Justin Mark

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

Describe in detail your request. **I would like to move in a new trailer house in where the existing trailer currently sits on my property.**

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

14-3 subdivision 1 (10)

Requested Dimension:

16 x 80

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 3/31/2022 2:03:17 PM and
saved by: Justin Mark

[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:

rural dwelling

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

Yes

Comments:

this is dwelling

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

No

Comments:

**Will be adding a mound system and there will be no added
run off**

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

Yes

Comments:

Yes adding mound system

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

Yes

Comments:

Will be adding fill dirt by recommendation of the highway engineer

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

Yes

Comments:

Mound system

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

Yes

Comments:

Rural dwelling

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

Yes

Comments:

Yes already a rural residence

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

N/A

Comments:

Rural residence

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.

No

Comments: **Neighboring rural residents**

No

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: **Rural residences**

N/A

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: **Rural residence**

Yes

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

Comments: **Rural residence**

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: **Rural residence**

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: **residential dwelling**

SITE PLAN INFORMATION [Edit] Last updated: 3/31/2022 2:08:43 PM and saved by: Justin Mark

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

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

Use Interactive Map to Create Site Plan



Layer List:

- ☒ NG911 Address Points
- ☒ Wells_MWI_Jan_2018
- ☐ Contours
- ☒ Septic Permit
 - Septic Permits
- ☒ Corporate Limits
- ☒ Political Townships
- ☐ Subdivisions
- ☐ Blocks
- ☐ Lot Boundaries
- ☒ Parcels
- ☒ Roads
- ☐ Streams
- ☐ Floodplain (Effective 12/7/2018)
- ☒ 2020 Imagery

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

There is an addition on the current trailer so it is larger
than a 16x 80

APPLICATION SUBMITTAL [Edit] Last updated: 3/31/2022 2:09:19 PM and saved by: Justin Mark

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

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

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

Signature



Date Signed:
03/31/2022

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

Amelia Meiners

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Friday, March 18, 2022 8:46 AM
To: Amelia Meiners
Cc: Petrik, Daniel (DNR); Strauss, Ceil C (DNR)
Subject: RE: 195 County 9, PID 06.0007.000 Houston Co - Setback Silver Creek

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Hi Amelia,

In my second read, I think "sewer" was omitted from the "structure setback" heading. I've snipped below your ordinance language.

I was trying to say your ordinance allows 75 ft setback with a compliant sewage treatment system, which is the same as a personal septic. Therefore, a variance isn't required if they can meet the 75 ft setback and elevate the lowest floor of the structure to RFPE 799.8 ft.

Subdivision 4. Placement, Height, and Design of Structures.

(1) Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

(a) OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 22.7 subd. 3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.

Classification	Structures Setback (ft)	Sewage Treatment System Setback (ft)
Natural Environment	150	150
General Development	75	50
Agriculture and Tributary	100	75

Thanks

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

mndnr.gov



From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Thursday, March 17, 2022 4:59 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Cc: Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>; Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000 Houston Co - Setback Silver Creek

Correct, the area I have in red below is the general vicinity. I want to make them aware of the issues they'll face on both sides so they can make an educated decision. I think a 75' setback would be helpful if you think that's reasonable. Our ordinance setback language is not the same as the model though.



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>
Sent: Thursday, March 17, 2022 1:39 PM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Cc: Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>; Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000 Houston Co - Setback Silver Creek

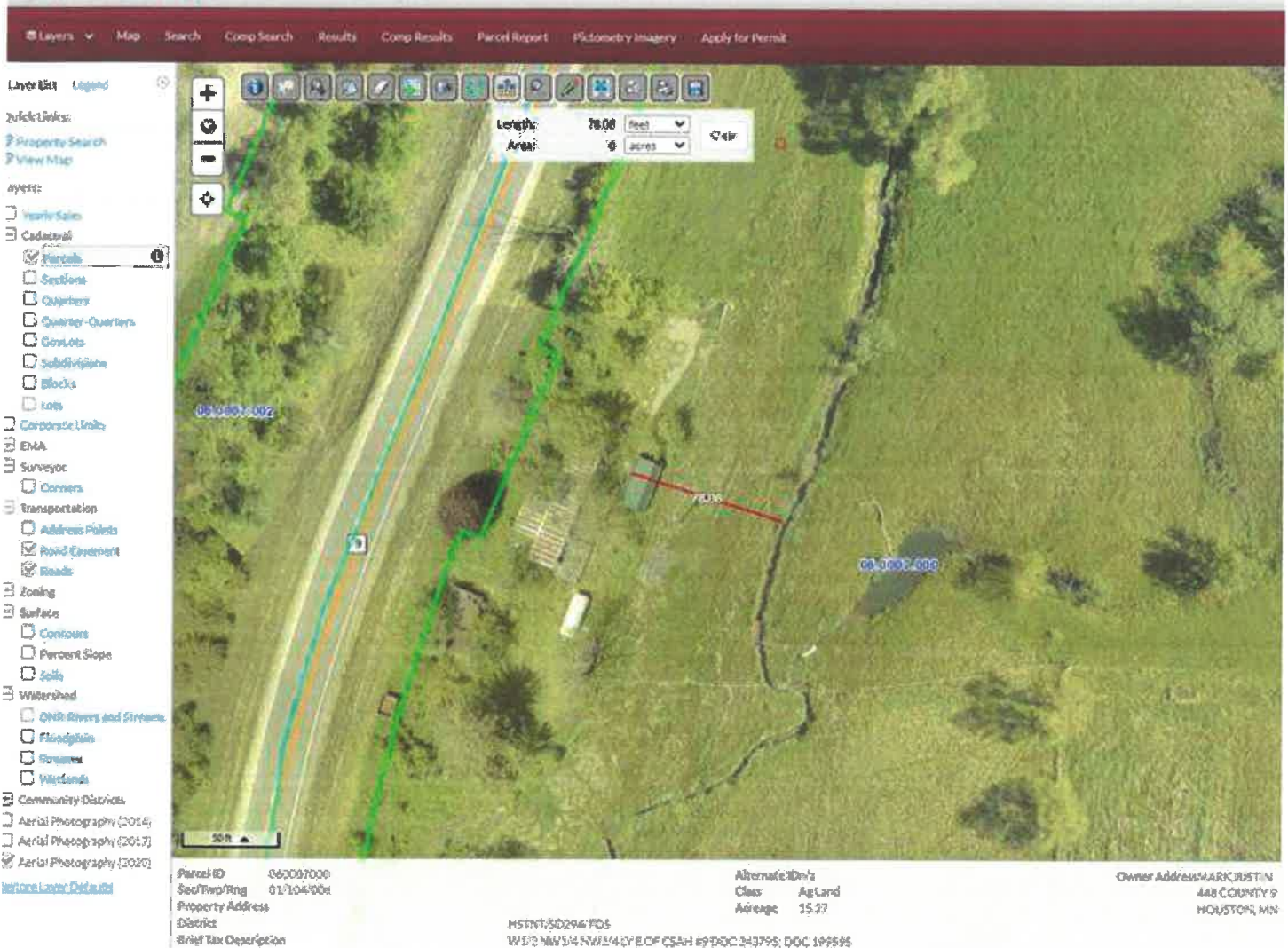
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Hi Amelia,

Is this the area where they want to build the new house? See the map below with the measurement showing 78 ft from the OHWL.

Beacon™ Houston County, MN



Upon another read of the ordinance, I do think the structure setback is 75 ft for a structure with a sewage treatment system, with a complaint septic and not 100ft. You can see the setback is farther if there is no septic treatment as shown below from the model shoreland ordinance on our website. Can the landowner build the home to meet the 75 ft setback from the OWHL?

Waterbody Classification	Structures with No Sewer	Structures with Sewer	Sewage Treatment Systems
Natural Environment Lakes	150	150	150
Recreational Development Lakes	100	75	75
General Development Lakes	75	50	50
Remote Rivers	200	200	150
Forested and Transition Rivers	150	150	100
Agriculture, Urban, & Tributary Rivers	100	50	75

You'd also want the residential home lowest floor is elevated at or above the RFPE since it is adjacent to the floodplain and within the shoreland district, even though outside the mapped floodplain. It looks like natural ground is about 800 ft in elevation (surveying would confirm) and the BFE is 798.3 ft, so adding the freeboard and stage increase puts the RFPE to 799.8 ft. That's reasonable to elevate on fill. I'd confirm with a survey since it's so close. Remember the The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.

Hopefully that helps clarify, please call with questions.

Thanks

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

mndnr.gov



From: Amelia Meiners <amelia.meiners@co.houston.mn.us>

Sent: Thursday, March 17, 2022 12:15 PM

To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>

Cc: Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>

Subject: RE: 195 County 9, PID 06.0007.000 Houston Co - Setback Silver Creek

Nicole,

The landowners are looking to move forward on this site. Their hope is to build where the existing trailer house is. Brian is willing to let them encroach on the highway setback, but it will require them to bring in some fill so they will need to weigh the options. I just wanted to double check on whether it would be an option for them to move closer to the stream. Could we apply setback averaging with the two existing buildings I've identified below? This would make the OHWL setback 76.5'. The white thing is an old camper and note that the south building is an old house that will be demolished at some point.



If setback averaging is not allowed how much of a variance request is reasonable - would a 25' be OK? At that point it would put them very close to the RFPE so there would be those implications then.

Also, thanks for giving me the heads up on the ordinance amendments. I put a note in our working draft, but we will probably not be looking at doing anything until 2023. We're hoping to get our comp plan updated first and that should be starting any 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>
Sent: Monday, September 27, 2021 8:54 AM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Cc: Petrik, Daniel (DNR) <daniel.petrik@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000 Houston Co - Setback Silver Creek

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Hi Amelia,

Silver Creek has a shoreland classification of “tributary” stream. Your ordinance isn’t quite clear, but I do think you are right the setback is 100ft for structure whether they have a sewer or no sewer. The County adopted a higher standard as shown in this table in the [Houston Co Shoreland Ordinance Section 22.6, Subd. 4](#).

Subdivision 4. Placement, Height, and Design of Structures.

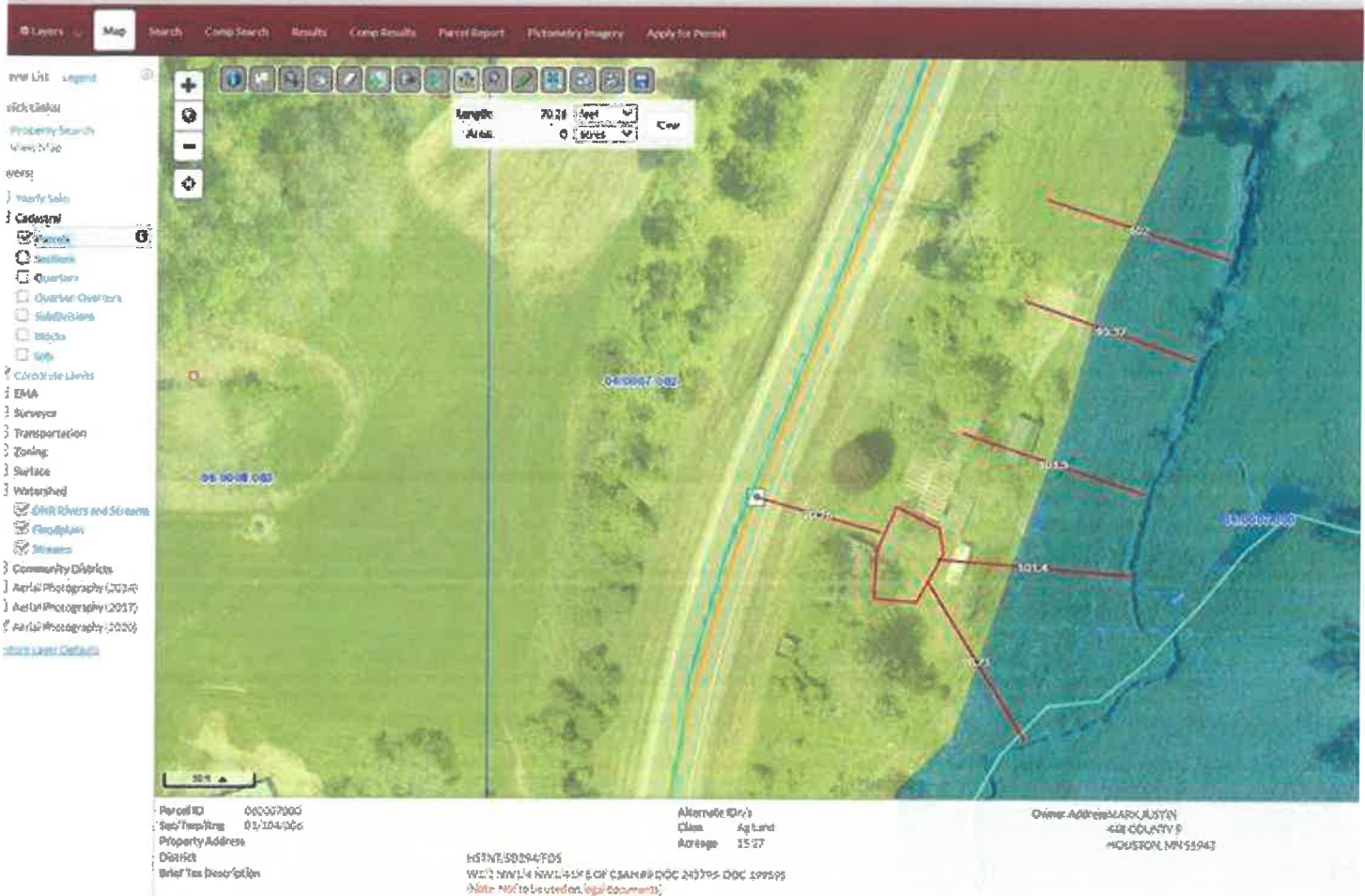
(1) **Placement of Structures and Sewage Treatment Systems on Lots.** When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following provisions:

(a) **OHWL Setbacks.** Structures, impervious surfaces, and sewage treatment systems must meet the following setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 22.7 subd. 3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL.

Classification	Structures Setback (ft)	Sewage Treatment System Setback (ft)
Natural Environment	150	150
General Development	75	50
Agriculture and Tributary	100	75

(b) **Setback averaging.** Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the

It does look like he will still have areas he could build to meet the shoreland setbacks for the structure. He just may need a variance for the road which is about 70 ft from the centerline.



So if he gets a variance of any kind for the structure located within shoreland (within 300 ft of the OHWL or the landward extent of the floodplain), he will also need a certificate of compliance for the septic system per Section 22.3, Subd. 2 (2) of the Houston Co Zoning Ordinance-- if there isn't a current certificate of compliance on file with the County. This is intended to find and update noncompliant systems.

Note there are some other errors in the shoreland ordinance when it was adopted in 2019. FYI – See the attached correspondence and DNR Final Approval letter for those items.

Good luck.

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

mndnr.gov



From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Saturday, September 25, 2021 10:03 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000

There's an existing well in the location adjacent to the highway so I believe that why he would like to stay there, but I'll talk to him about looking at the other side of the creek when we meet.

He possibly has a building spot without a variance if we can apply the setback from the actual mapped channel and not the closer. Isn't it a 100' structure setback?

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

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Monday, September 20, 2021 11:10 AM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Cc: Strauss, Ceil C (DNR) <ceil.strauss@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000

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Hi Ameila,

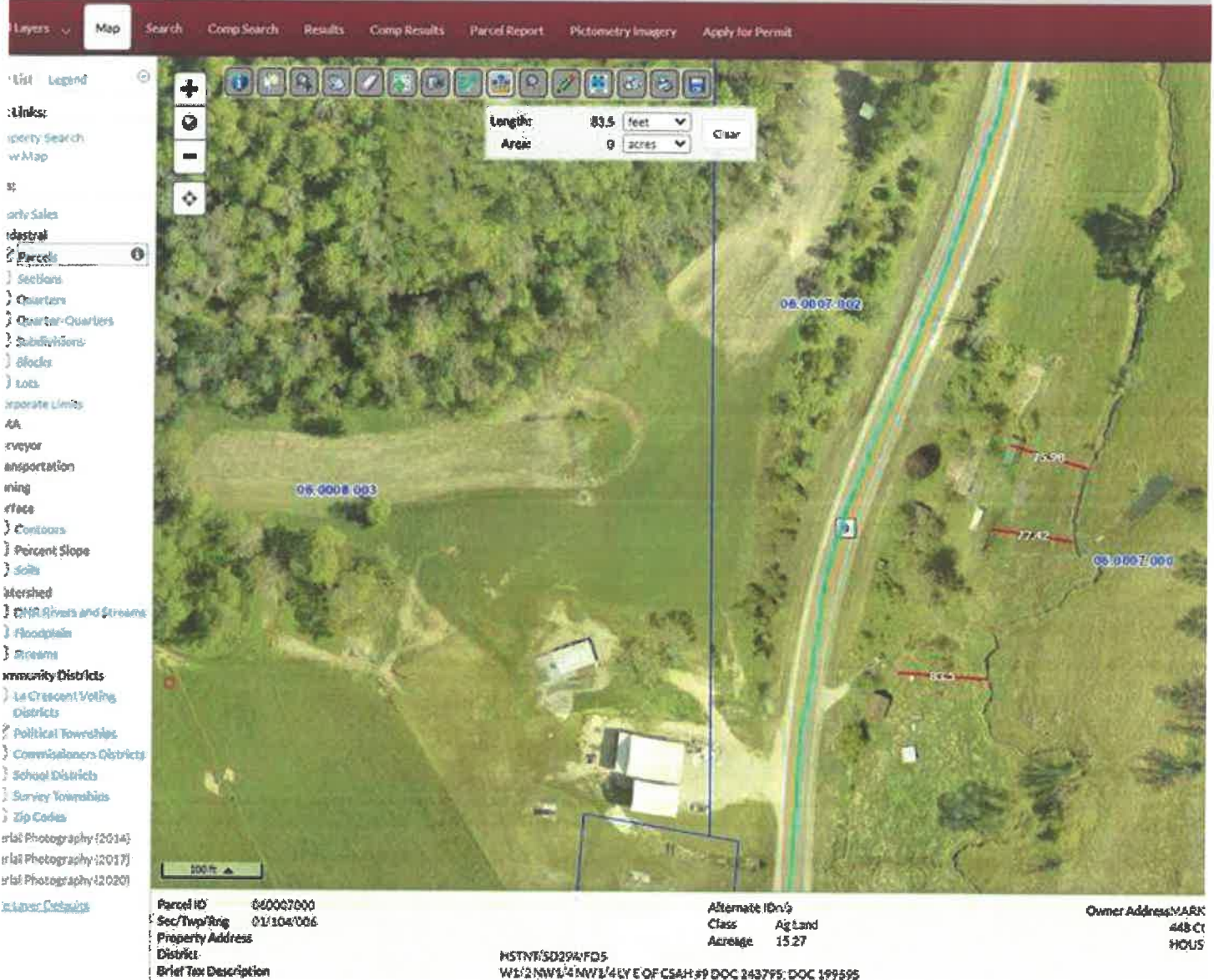
It looks like he could build a home to meet the shoreland 75 ft setback to a Tributary stream with a Sewage Treatment System, but I'm not sure he'd meet the road ROW setback. He does have lots of land that is outside the floodplain, has he considered building on the east side of the parcel? That would require a driveway across the stream and a DNR public water work permit though as well.

From the map you have shown in a previous email, it looks like he has a buildable spot outside the road ROW, and would meet the OHWL setback for the structure (shown in blue below). Is that correct?

You'd just want to make sure the structure is elevated to the County higher standard if they are within the area below the Regulatory Flood Protection Elevation, or within the shoreland district (300' from watercourses or edge of floodplain if further) he would be required to meet minimum lowest floor elevations since we have higher state requirements.



Beacon™ Houston County, MN



Does that help? Did I answer your question?

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

mndnr.gov



From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Monday, September 20, 2021 10:36 AM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000

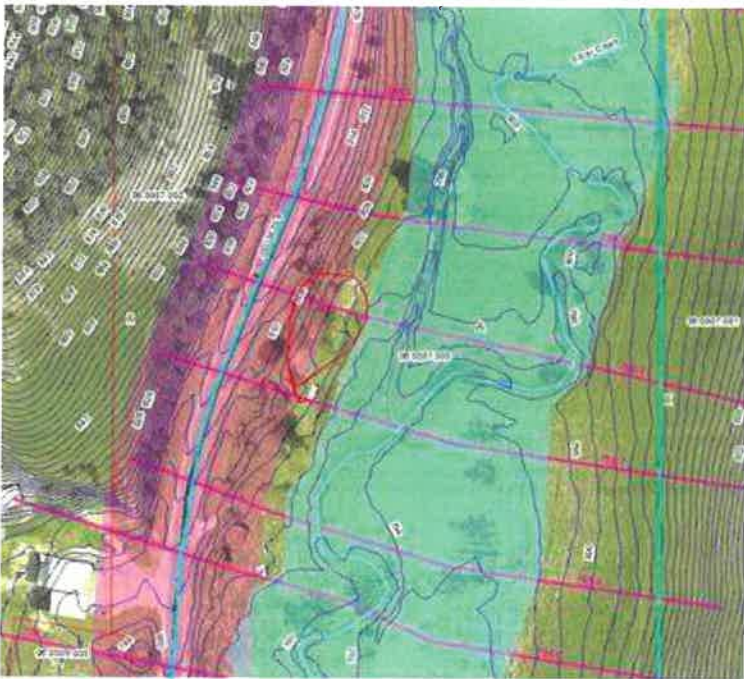
If he was to need a variance from the required shoreland setback, what would be your stance on that? Just looking to be able to give him an idea before he gets too far along in the process.

Amelia Meiners

Houston County Environmental Services
304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800

From: Amelia Meiners amelia.meiners@co.houston.mn.us
Sent: Monday, September 20, 2021 9:39 AM
To: Lehman, Nicole (DNR) nicole.lehman@state.mn.us
Subject: RE: 195 County 9, PID 06.0007.000

Essentially he'd like to replace the existing trailer that hasn't been occupied for a number of years. Aaron has that the current trailer doesn't meet the road setback or OHWL setback, but he was using the old channel, not what is mapped. If we go from the mapped channel then there is a small building envelope that won't require a variance.



**Amelia Meiners**

Houston County Environmental Services
304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800

From: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Sent: Friday, September 10, 2021 2:47 PM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: RE: 195 County 9, PID 06.0007.000

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Hi Amelia,

That is a tricky one, I'd say it might possibly be what we call a superseded channel where at higher flows it accesses both channels. It does look like the new route has been established since the early 90s. I'd be inclined to say setback from both channels, but some photos of the connection points at the upstream and downstream end might help make a better determination.

Where does he want to build?

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
mndnr.gov



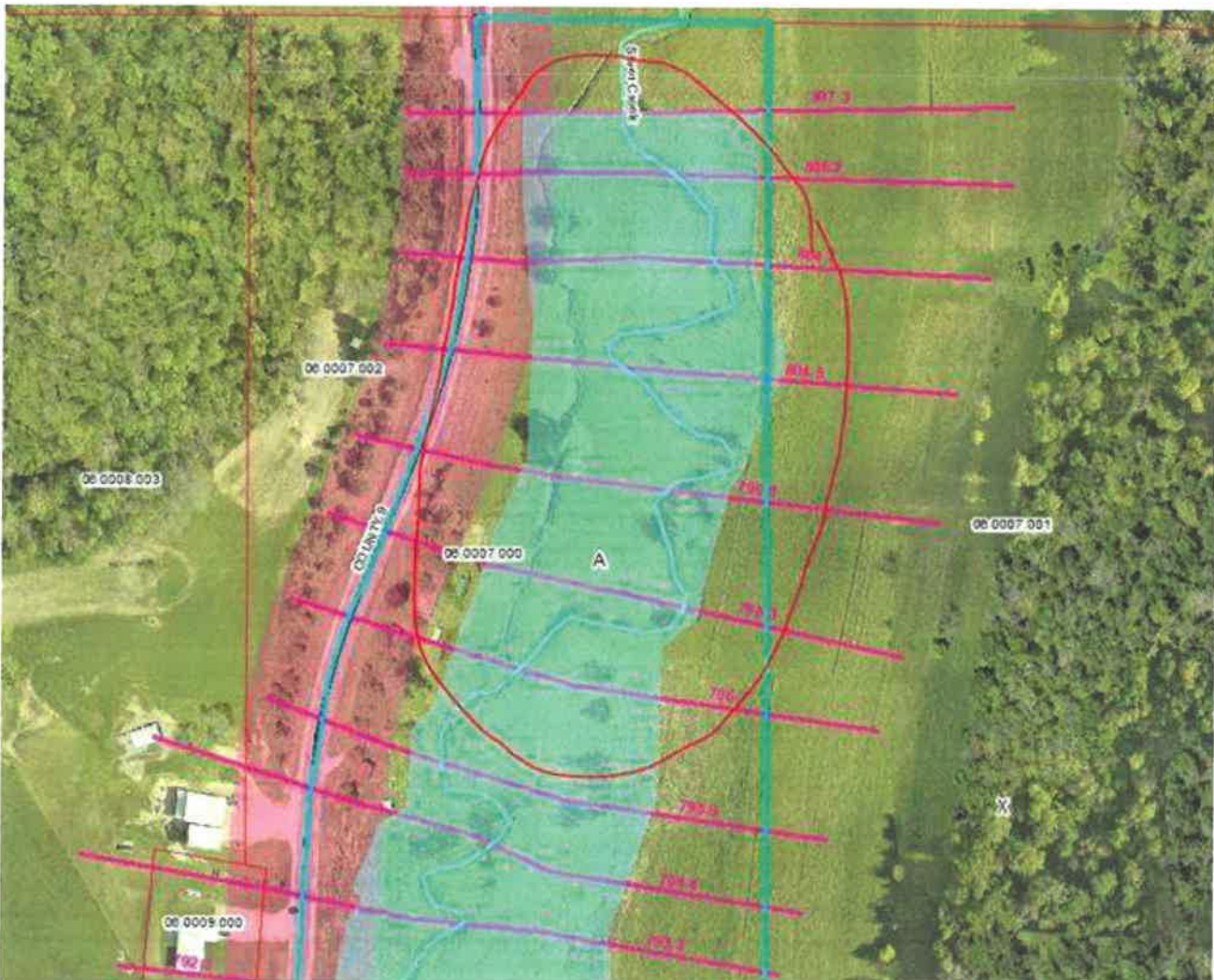
From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Thursday, September 9, 2021 1:32 PM
To: Lehman, Nicole (DNR) <nicole.lehman@state.mn.us>
Subject: 195 County 9, PID 06.0007.000

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Nicole,

I have someone looking to build on this parcel and I noticed that the public watercourse that is mapped appears to be different than what it appears to be in aerials. Since it will affect the setback, I'm just curious if our data is correct?



Thanks!

Amelia Meiners

Houston County Environmental Services
304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800

Amelia Meiners

From: Brian Pogodzinski
Sent: Wednesday, April 6, 2022 3:13 PM
To: Amelia Meiners
Subject: RE: PID 06.0007.000 road setback
Attachments: Sheet 007 of 43.PDF; HIGHWAY EASEMENT SORUM-FLATTEN-MARK-SORUM HEIRS.pdf

Beacon is accurate. Attached is a page out of the plan set showing the right-of-way and also the highway easement document.

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

From: Amelia Meiners
Sent: Wednesday, April 6, 2022 1:32 PM
To: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Subject: RE: PID 06.0007.000 road setback

Is there a right of way map/survey for this location? Or is Beacon correct? I measure 50' of right of way with an area approx. 100' long near the mobile home that extends to 60' of right of way.

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

From: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Sent: Friday, March 11, 2022 10:59 AM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: RE: PID 06.0007.000 road setback

Amelia,

That is a tough site for a dwelling. If I were going to look at this area from the perspective of what may happen to the road in the future, I would say the road may shift slightly to the east due to the curve and existing foreslopes on both the east and west side of the road. Even without the roadway getting reconstructed, when it gets repaved next time the foreslope on the east side of the road will be impacted, potentially all the way out to the edge of existing right-of-way.

Future impacts to the east side could be minimized by having the ground at the building site is raised. If the new dwelling, and ground around it, can be raised at least a couple feet, preferably several feet, higher than the current mobile home it would greatly reduce any potential impacts from a future road project. Therefore, I would support the 30' variance if the ground at the new dwelling site is at least 2' higher than the current elevation. This will minimize the potential for a future roadway project impacting the proposed building site and benefit the landowner by reducing the potential for stormwater runoff or flooding impacts to the dwelling itself.

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

From: Amelia Meiners
Sent: Thursday, March 10, 2022 4:23 PM
To: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Subject: PID 06.0007.000 road setback

Brian,

The landowners of PID 06.0007.000 are looking to build a dwelling in the general location of the mobile home. There is also a dwelling there, but I'm told neither has been resided in for a number of years so they have to start over in terms of permitting a dwelling. It's a tough site and it looks like they are either going to need a variance from the shoreland setback of 100' or the highway setback. There is also floodplain if they move too far east. We do have the ordinance language below that allows for reduced setbacks, but it appears that there is extended R/W in this location as well. Since we would lean heavily on your opinion since this is a CSAH, what are your thoughts if I required them to request a 30' variance for the road setback?

14.7 FRONT YARD SETBACK STANDARDS

Subd. 4 (3) Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.



Alternate ID's
 Class Ag Land
 Acreage 15.27
 HSPNT/SD294/FD5
 W1/2 NW1/4 NW1/4 LY E OF CSAH #9 DOC 243795; DOC 199595
 (Note: Not to be used on final documents)

Owner Address MARK, JUSTIN
 448 COUNTY 9
 HOUSTON, MN 55943

Thanks!

I'm writing in regards to the variances requested by Justin Mack of Houston Township.

1. A dwelling build on less than 40 acres
2. A reduction in the setback from a country road
3. A reduction of the ordinary high water level setback.

So three strikes and you're out, right?

How far over the line is the tipping point? There has to be some integrity to the zoning ordinances. I know you've only been in your current position a short while and have to establish a reputation but I hope you have the fortitude to do what is right.

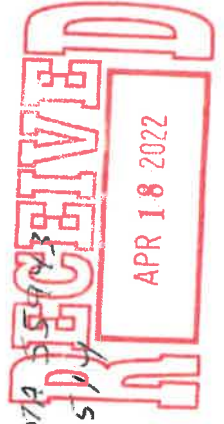
Steve Hartwick

STEVE HARTWICK

23584 COUNTY 26

HOUSTON, MINNESOTA 55443

507-864-2500



CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Justin Mark DATE: April 28, 2022

C.U.P. REQUESTED: To have a single family dwelling on less than 40 acres in an 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 Land Use Plan (CLUP) provides the basis for limiting development in the agricultural protection district. This proposal satisfies the dwelling density limitation. In addition, the CLUP encourages rehab of existing buildings. While the structures at this location are no longer salvageable, the Planning Commission may feel the same policy could apply to existing homesteads.

Board agreed to the finding by a unanimous vote.

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

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

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: Wastewater is a potential pollutant associated with any dwelling. The applicants will install an onsite sewage treatment system meeting all applicable standards. Proximity to vulnerable water resources increases risks associated with erosion and strict adherence to practices outlined in the erosion control plan is important.

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: An erosion control plan will be required with the zoning permit application to address construction and post construction site drainage and shall take into account any additional mitigation measures necessary when bringing in fill in this vulnerable area. Runoff quantity due to impervious surfaces (e.g. roof, driveway) are not expected to greatly differ from existing conditions.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 388D2 which are adequate for building provided attention is paid to contours during site design. A coarse textured base may be necessary to increase strength of the soil. Soil borings will be needed to determine suitability for septic 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: Wastewater and erosion are two potential hazards. Both will require plans, permits, and the strict adherence to those documents to mitigate any pollution potential.

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: A soil erosion control permit and septic permit will be required prior to building and a driveway access permit may be required. Nothing is known at this time that would prevent these permits from being issued, provided the applicants agree with fill requirements. There is an existing well and electrical. Any other utility need 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 to accommodate off-street parking for residential use.

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

Staff Analysis: No effect is anticipated as this was a residential site at one time. Neighboring properties are rural residential and recreational in nature. No effect is anticipated and the Planning Commission may view this proposal as an improvement on the existing condition of the property.

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: Granting the permit will close the NW-NW quarter-quarter per the dwelling density policy and should have no effect on surrounding rural residential and recreational uses.

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: N/A

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

Staff Analysis: The application conforms to the one dwelling per quarter-quarter density limitation standard for the agricultural district.

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: The placement of a dwelling in compliance with County and State standards is not anticipated to have any effect on 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. Roll call vote was taken. All were in favor. Motion Carried.

Greg Myhre made a motion to include all proposed conditions. Rich Schild seconded.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application for a single family dwelling on less than 40 acres in an agricultural district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Applicants agree to bring in not less than two feet of fill based upon a recommendation by the County Highway Engineer. The building permit will dictate the quantity of fill and any necessary erosion control practices shall be addressed within the erosion control plan.
4. Clean up and site restoration of the proposed dwelling location shall be completed prior to the submittal of a building application to the Houston County Zoning Office. Documentation of the site restoration shall be included with the building permit application or in advance. The documentation shall include photos, records of disposal including but not limited to construction and demolition waste, non-processable waste and municipal solid waste. Site restoration shall be performed in accordance with Houston County Solid Waste Ordinances.
5. The property owners shall maintain Open Areas free of solid waste accumulations unless the Solid Waste is stored in an acceptable container as specified in the Houston County Solid Waste Ordinances. Solid Waste shall be stored in a manner to prevent the loss of Solid Waste to the environment and to preclude the development of vector, odor, and Public Health Nuisance problems.
6. No person shall place or store in Open Areas of any Residential Site dead or downed trees and brush; motor vehicles that do not display current State of Minnesota registration, machinery, appliances, fixtures or equipment so damaged, deteriorated or obsolete such that there is no substantial potential further use consistent with usual function or reasonable reuse; lumber piles and building materials not being used in actual construction on the premises; and Mixed Municipal Solid Waste including, but not limited to, Recyclable materials, broken furniture, Tires and other debris.

7. All construction and demolition wastes, municipal solid wastes and non-processable waste shall be delivered to the La Crosse County Landfill for disposal.
8. The applicant shall have a licensed professional identify two SSTs drain fields. The reserve location shall be protected from uses including, but not limited to machinery storage, pasture or use for future accessory structures.

Greg Myhre 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 Michael Rogich, 315 Ramsey St S., Caledonia, MN 55921 and Amanda Bennett (Co-applicant), 15488 Old 44 Rd, Caledonia, MN 55921 for a Conditional Use Permit to convert part of a building into a single family dwelling and storage units in a general business district (Section 17 – 17.3 Conditional Uses, Subdivision 1, Subsections 4 and 5) in Caledonia Township on following premises, to-wit:

BUDDY'S SUBDIVISION Lot-001 Block-001 PT LOT 1 BLOCK 1, Section 23, Township 102, Range 6, Houston County, Minnesota. (Parcel #03.0494.000)

Said applicant standing and making application is with consent of co-applicant. Said Co-applicant standing 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 5:50 p.m. on Thursday, April 28, 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, and must be received by Tuesday, April 19, 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: April 13, 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 4/18/2022

Application Date: 3/24/2022
Hearing Date: 4/28/2022
Petitioner: Mike Rogich
Reviewer: Martin Herrick
Zoning: Ag Protection
Address: 15488 Old 44 Rd
Township: Caledonia
Parcel Number: 30494000
Submitted Materials: CUP Application, Site Plan

REQUEST

The applicant is proposing to convert a wing of the commercial building into a single-family dwelling and convert the Quonset portion into storage units. A conditional use is requested for the following:

Houston County Zoning Ordinance (HCZO) 17.3 Conditional Uses Subdivision 1. In the general business district, the following uses may be allowed only after obtaining a conditional use permit in accordance with the provision of this ordinance;

- (4) Single and Multi-Family Dwelling Units,
- (5) Other Uses: Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

SUMMARY OF NOTEWORTHY TOPICS

A variance for side and rear yard setbacks in Houston County Zoning Ordinances 17.7 Subd. 2. and 17.8 Subd 2. respectively, will be addressed separately.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

No comments were received on the proposal.

SITE CHARACTERISTICS

The structure consists of multiple wings and has functioned in a residential and commercial capacity.

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 proposal is allowed in the zoning ordinance.

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

Staff Analysis: The applicant is proposing to purchase the property and convert a portion of the facility back into living quarters and another portion into a seven-unit storage facility. Both are legitimate needs.

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

Staff Analysis: The shared well and septic system agreements with the adjacent neighbor will be amended with no proposed changes. The proposed activity will not degrade water quality.

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

Staff Analysis: The proposed changes and operations will not increase water runoff or cause releases to the environment.

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

Staff Analysis: N/A

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

Staff Analysis: The proposed activities will not result in releases to the environment and standards can be met.

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

Staff Analysis: Existing utilities will be adequate for the proposed uses.

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 adjacent parking lot will provide adequate off-street parking space.

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

Staff Analysis: The proposed dwelling is limited in size and consequently only one or two residents would occupy it. The proposed storage is seven-unit. Combined these two activities are less intense than previous uses for the facility and will not create traffic congestion.

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

Staff Analysis: The adjacent properties are residential and agricultural and the proposed use is less intense than previous for the facility.

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 proposed use will have minimal impact on surrounding vacant property.

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: There will be no signage for the storage units and the proposal will not create onerous odors, fumes, dust, noise or vibrations.

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: The proposed density is reduced from the previous restaurant activities.

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

Staff Analysis: The storage units will have infrequent activities that are substantially less than previous uses. The proposal will not substantially impact nearby commercial or agricultural activities.

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

Staff Analysis: This proposal will not impact public health, safety 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.

Zoning

DOCUMENT NO. **247706** NUM ✓
 Office of County Recorder SCAN
 Houston County, Minnesota TRACT
 I hereby certify that the within instrument was VERIFY
 recorded on June 6, 2007
 at 11:32 A.M.
 Beverly J. Bauer, County Recorder
 By Geraldine K. Hug
 Recorder ✓ Deputy

247706

HOUSTON COUNTY BOARD OF COMMISSIONERS
ZONING AMENDMENT ORDER

On this 5th day of June, 2007, following a public hearing conducted by the
 Houston County Planning Commission in the Houston County Courthouse on
Wednesday, May 23, 2007 at 7:30 p.m., the Houston County Board of Commissioners
 hereby approves/denies a Zoning Amendment on behalf of: Doug Moen,
 in accordance with the provisions of Section 7 of the Houston County Zoning
 Ordinance and pursuant to the requirements of Chapter 394.25, Minnesota Statutes.
 The approved Zoning Amendment authorized the above named to:
Re-zone from Agricultural Protection District to General Business District (Section 15 –
0110.1501 and 1502) in Caledonia Township, on the following described parcel
 (abstract) of land:

All that part of the Southeast Quarter of the Northwest Quarter of Section 23,
 Township 102 North, of Range 6 West of the Fifth Principal Meridian, lying East
 of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad
 Company, containing 41/100 acres more or less.

Page Two

ZONING AMENDMENT ORDER

And subject to the following conditions, if any:

- 1) That all state, local and federal permits be obtained and followed.
- 2) This is a unique situation because the property abuts the Caledonia City limits and the business is an existing business.
- 3) There is to be a written agreement between the buyer (Ron Fruechte) and the seller (Doug Moen) for the use of the well and septic system/drainfield.

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

A. Peter Johnson, County Auditor
by Charles Heinert, Chief Deputy Auditor
Houston County Auditor

By *Ann Thompson*
Chairman, Houston County Board of
Commissioners

6-5-07
Date

6/05/07
Date

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

Houston County Auditor

By _____
Chairman, Houston County Board of
Commissioners

Date _____ Date _____

STATE OF MINNESOTA
COUNTY OF HOUSTON

OFFICE OF
COUNTY ZONING ADMINISTRATOR

I, the undersigned County Zoning Administrator in and for said County and State, do hereby certify that I have compared the foregoing copy with the original; and find the same to be a true and correct copy of said original and of the whole thereof, based on approved minutes of the Houston County Planning Commission meeting held on Wednesday, May 23, 2007 at 7:30 p.m., and of record in the Houston County Zoning Office.

WITNESS my hand this 5th day of June, 2007.




[Signature]
Houston County Zoning Administrator

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

Submitted by Applicant

7

Number 2022- CUP- 89705	ROGICH, MICHAEL 030494000 Conditional Use Request Submitted by Amelia M on 3/24/2022	
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CONDITIONAL USE INTRO [Edit] Last updated: 3/24/2022 11:34:14 AM and saved by: Amelia M

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

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

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

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

Conditional Use Application **\$700.00**
Fee

Recording Fee **\$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [Edit] Last updated: 3/24/2022 11:36:59 AM and saved by: Amelia M

Applicant Name **ROGICH, MICHAEL**

Telephone Number **507-459-7630**

Address **15488 Old 44 Rd**

City **Caledonia**

Zip **55921**

Parcel Tax ID **030494000**

Legal Description **PT LOT 1 BLOCK 1 DOC 248884; DOC 250047 & 250366; DOC 253126, 253127;**

Section-Township-Range **23/102/006**

Do you own additional adjacent parcels **Yes**

Township of: **Caledonia**

Applicants are required to inform township boards of their application.

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

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

Township Contacts

CONDITIONAL USE REQUEST [Edit] Last updated: 3/24/2022 11:39:22 AM and saved by: Amelia M

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

Describe in detail your request. **Convert a wing of the commercial building into a single family dwelling and convert the quonset portion into storage units.**

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

17.3 subd. 1 (4) and (5)

Requested Dimension:

NA

**Please upload any
supporting documents:**

There are no attached documents.

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 3/24/2022 11:55:39 AM
and saved by: Amelia M

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

Findings Required:

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

Yes

Comments:

This proposal is allowed in the zoning ordinance.

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

Yes

Comments:

**The applicant is looking to purchase the property and
would like to convert an area that had previously been used
as living quarters many years ago back into a dwelling.**

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

Yes

Comments:

**They well and septic agreement will be amended. There are
no proposed changes to the existing well or septic system.**

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

Yes

Comments: **The structure will not be changing.**

N/A

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

Comments: **NA**

Yes

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

Comments: **There is an existing septic system that will not be modified.**

Yes

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

Comments: **All existing utilities will be adequate to serve the proposed use.**

Yes

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

Comments: **The adjacent parking lot property will provide adequate off-street parking space.**

Yes

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

Comments: **The dwelling will only be used by one or two people and there are seven storage units. Use by 9 people is still less intense than what was experienced by the previous restaurant business.**

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 adjacent property is residential and ag. The residence is occupied by a previous owner of the restaurant and this use will be less intense than the previous use.

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:

This will not impact surrounding vacant property.

Yes

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

Comments:

There will be no signs for the storage units. This proposal will not result in odor, fumes, dust, noise or vibrations.

Yes

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

Comments:

There are dwellings in the ag district, but this is the general business district and there are no limitations on dwellings.

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

Yes

Comments:

The storage units will see in frequent use that will be less than the previous use. This proposal will not affect nearby commercial activity.

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

Yes

Comments:

This will not impact public health, safety, and general welfare.

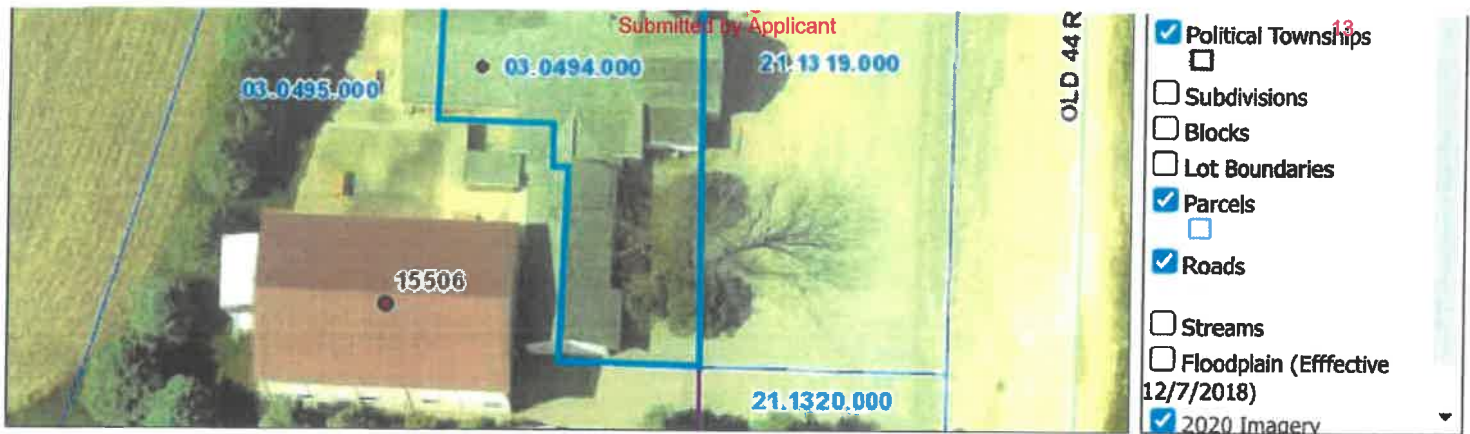
SITE PLAN INFORMATION [Edit] Last updated: 3/24/2022 11:57:12 AM and saved by: Amelia M

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

Upload Site Plan [Building Layout.pdf \(download\)](#)

Use Interactive Map to Create Site Plan





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

A use has not yet been determined for the commercial
kitchen, bar and dining area.

APPLICATION SUBMITTAL [Edit] Last updated: 3/24/2022 11:58:17 AM and saved by: Amelia M

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

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

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

Signature

X

Date Signed:
03/24/2022

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

APP SUBMITTED/PAYMENT SELECTION Last updated: 3/24/2022 12:13:26 PM and saved by: Amy Sylling

Fee amount paid: **\$746**

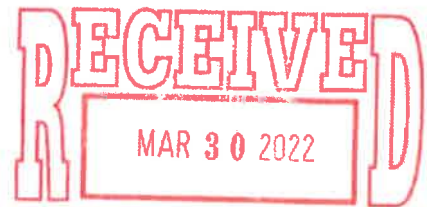
CALEDONIA TOWNSHIP REVIEW [Edit] Last updated: 3/24/2022 12:13:36 PM and saved by:
Amy Sylling

Notice to Township

Date email sent:
03/24/2022

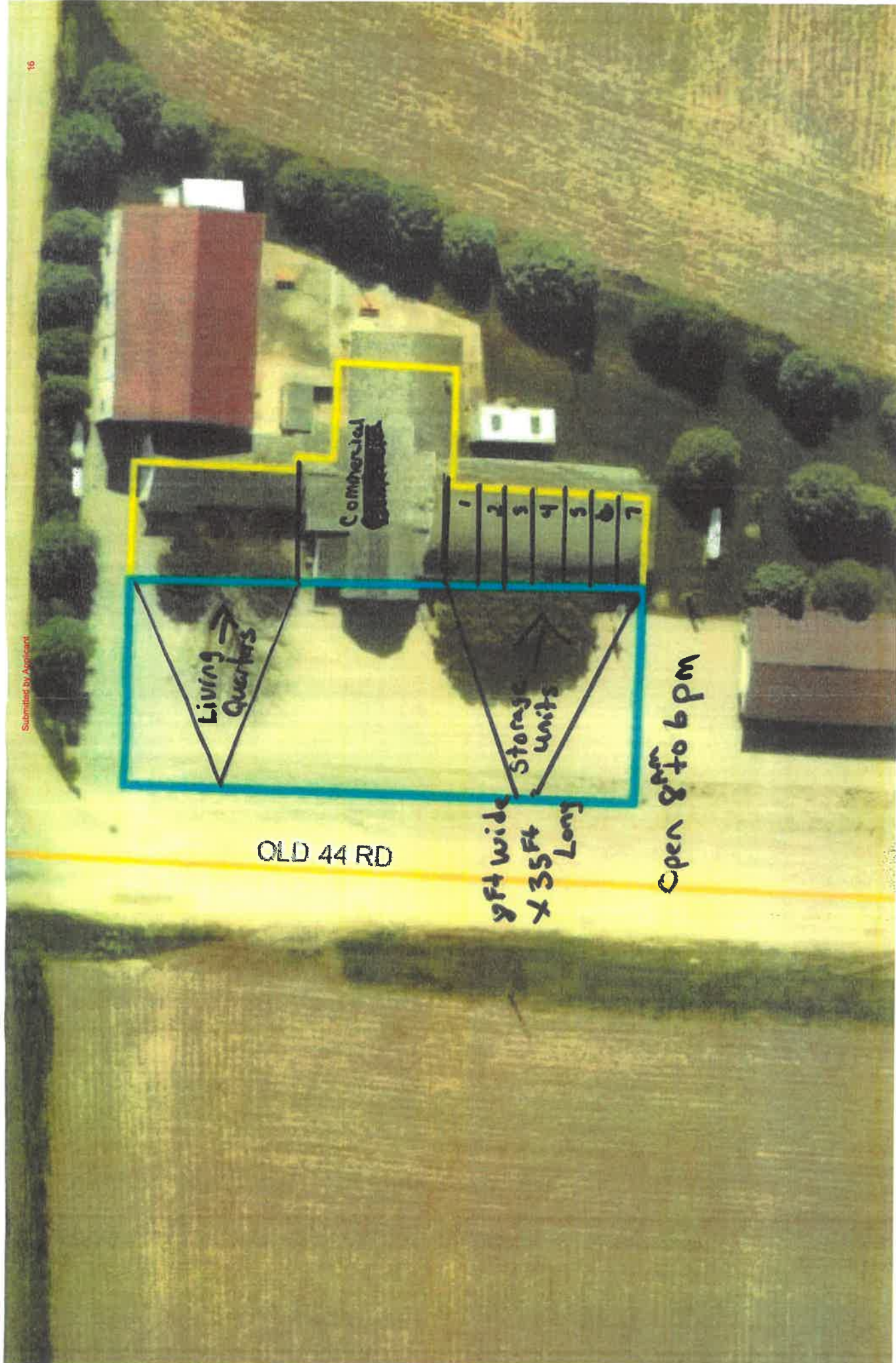
I, Amanda Bennett, give Mike Rogich permission to make an application on my property at 15488 Old 44 Rd, Caledonia.

A. Bennett 3/29/22
Amanda Bennett



By: _____

Submitted by Applicant



OLD 44 RD

8ft wide
x 35ft
Long

Open 8am to 6pm

Commercial

Living Quarters →

Storage Units →

- 1
- 2
- 3
- 4
- 5
- 6
- 7



I Chase Munson of A1 precision pumping inc did a visual only consultation of the shared sewer system for the properties located at 15506 Old 44 Rd (Jan Moen) and 15488 Old 44 Rd (Amanda Bennett) for the perspective buyer Mr. Rogish. There is a septic tank located at the north end of the old hall that has a steel manhole cover. Then a pump tank to the north of the septic tank with a concrete cover. The pump tank then pumps effluent to the distribution box, another cement cover with two gravity laterals headed north along the property. There are no inspection pipes at the end of the laterals to measure length of each lateral. The system was operating fine on April 18th at 4pm no effluent was surfacing, and tanks were all at proper levels. This was only a visual consultation and offers no timeline into future performance of the system. I did not measure off any property lines or setbacks, but I believe there would be enough room to replace the system if it came to that. A replacement would however be located on Jan Moen's property and would be a shared sewer. I can only guess that the sewer was installed to handle the restaurant and would be able to handle the water usage of two dwellings.

Thanks Chase

A handwritten signature in black ink, appearing to be 'Chase', with a long horizontal line extending to the right.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Michael Rogich and Amanda Bennett DATE: April 28, 2022

C.U.P. REQUESTED: To convert a commercial building into a single family dwelling and storage units in the general business 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 proposal is allowed in the zoning ordinance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant is proposing to purchase the property and convert a portion of the facility back into living quarters and another portion into a seven-unit storage facility. Both are legitimate needs.

- 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 shared well and septic system agreements with the adjacent neighbor will be amended with no proposed changes. The proposed activity will not degrade water quality.

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: The proposed changes and operations will not increase water runoff or cause releases to the environment.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The proposed activities will not result in releases to the environment and standards can be met.

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: Existing utilities will be adequate for the proposed uses.

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 adjacent parking lot will provide adequate off-street parking 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: The proposed dwelling is limited in size and consequently only one or two residents would occupy it. The proposed storage is seven-unit. Combined these two activities are less intense than previous uses for the facility and will not create traffic congestion.

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: The adjacent properties are residential and agricultural and the proposed use is less intense than previous for the facility.

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 proposed use will have minimal impact on surrounding vacant property.

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: There will be no signage for the storage units and the proposal will not create onerous odors, fumes, dust, noise or vibrations.

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: The proposed density is reduced from the previous restaurant activities.

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: The storage units will have infrequent activities that are substantially less than previous uses. The proposal will not substantially impact nearby commercial or agricultural activities.

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: This proposal will not impact public health, safety and general welfare.

Board agreed to the finding by a unanimous vote.

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

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application to convert a commercial building into a single family dwelling and storage units in a general business district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Documentation shall be provided to the Houston County Zoning Office for the shared well and septic systems.

Wayne Feldmeier 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 Consolidated Energy Co., 920 10th Ave N., Onalaska, WI 54650 and Randy and Debra Myhre (Co-applicants), 13560 Glendale Trail, Savage, MN 55378 for a Conditional Use Permit to install a liquid propane gas storage facility in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 25) in Spring Grove Township on following premises, to-wit:

PT NE1/4 EX 12A TO LADSTEN & ROAD VACATION, Section 12, Township 101, Range 7, Houston County, Minnesota. (Parcel #13.0134.001)

Said applicant standing and making application is with consent of co-applicant. Said Co-applicant standing 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 6:10 p.m. on Thursday, April 28, 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, and must be received by Tuesday, April 19, 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: April 13, 2022

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Midwest Industrial Fuels DBA Consolidated Energy Company

DATE: April 28, 2022 C.U.P. REQUESTED: To place a liquid propane storage facility 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 Land Use Plan encourages diversified economic development and the continued expansion of trade and service industries in the County (0100.0505 subd. 1, Goals 1 & 2).

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants need a satellite distribution location to provide propane fuel to area landowners for both residential and agricultural use.

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 applicants identify that no materials or practices that have potential to degrade water quality will be employed.

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: This proposal includes minimal roof area, but much of this site will be surfaced with crushed rock. Minimal slopes and high soil hydrologic capacity should alleviate concern of increased water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 285A and 492B, which are both silt loams and considered prime ag soils. The Soil Survey – Houston County identifies underlying bedrock as a possible hindrance and that roads need to be constructed on well-compacted, coarse textured base material. Soils can accommodate structures.

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 applicant's do not propose to use any hazardous materials. There is no wastewater being proposed at this time and if a septic system is necessary when the accessory

building is permitted it will be required to be designed and installed by a licensed professional. Only liquid propane will be stored on site in a manner compliant with all regulations.

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 location is adjacent to an existing roadway for industrial access. Electrical utilities will be necessary and are 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 will be a crushed rock surface parking area to provide room for parking needs.

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 applicants identify that there will be minimal traffic. It's expected that one to two bulk supply trucks will deliver per week along with one local delivery truck based out of the site.

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: Properties to the south and west are of similar use. Those areas are zoned industrial. There is one dwelling approximately 800 feet north, otherwise the surrounding acreage is tillable. This proposal will remove tillable acreage, but should not adversely affect any surrounding use. There is one similar operation in adjacent City property and similar operations have been permitted in the County.

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 proposed use will remove tillable acreage from production, but will not impede the use of adjacent tillable acreage. The neighboring sites are industrial in nature.

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: The applicants state that the proposed operation will create minimal odors, fumes,

dust, noise and vibration. If fugitive dust becomes prevalent, they will use water to control and one security light will be installed on site, pointed downward.

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: N/A

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

Staff Analysis: The property borders State 44 to the south, Myhre Drive to the west and agricultural land to the north and east. Adjacent properties within City jurisdiction are industrially zoned and there is one dwelling within a quarter mile within the ag district. This proposal is a similar nature to the neighboring industrial uses and this use is likely less intense than those operations.

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 proposed location near an industrial park puts this operation near similar uses and in an area away from high residential population. Adherence to Minnesota State Code, Chapter 61 and the National Fire Protection Association Standard 58 ensure this operation will meet regulations set forth by the state and federal governments to protect the public's health, safety, and general welfare.

Board agreed to the finding by a unanimous vote.

Greg Myhre made a motion to accept the findings as presented. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion Carried.

Jim Wieser asked that the applicants be made aware of Houston County's sign requirements.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a liquid propane storage facility in an agricultural district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. A Certificate of Survey completed by a licensed surveyor is required for the newly created parcel, which shall be substantially similar to the proposed parcel as described in the application.
4. Site should meet or exceed what was outlined in the application (security fencing, lights, etc.).

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

**HOUSTON COUNTY
AGENDA REQUEST FORM
May 10, 2022**

Date Submitted: 5/4/2022

By: Mark Olson, Emergency Management Director

ACTION REQUEST:

- **Requesting the board to pass a resolution authorizing Mark Olson, Houston County Emergency Management Director to sign and execute the agreement and thereby assume for and on behalf of Houston County all of the contractual obligations contained therein.**

CONSENT AGENDA REQUEST:

NONE

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

Resolution No. 22-26

WHEREAS, the Emergency Management Performance Grant (EMPG) Program is provided by the Federal Emergency Management Agency (FEMA) and administered by the State of Minnesota through the Department of Public Safety, Homeland Security and Emergency Management; and

WHEREAS, Houston County fully agrees to the terms of the Emergency Management Performance Grant contract and with the passage of this resolution, officially requests Homeland Security and Emergency Management to enforce the contract in accordance with the applicable rules and regulations.

THEREFORE, BE IT RESOLVED, that Houston County enter into a Grant Agreement with Homeland Security and Emergency Management in the Minnesota Department of Public Safety for the program entitled Emergency Management Performance Grant Program.

BE IT FURTHER RESOLVED, that Mark Olson, Emergency Management Director of Houston County, is hereby authorized to sign and execute the agreement and thereby assume for and on behalf of Houston County all of the contractual obligations contained therein.

*****CERTIFICATION*****

STATE OF MINNESOTA
COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is a true and correct copy of a resolution adopted by the Houston County Board of Commissioners at a session dated May 10 , 2022.

WITNESS my hand and seal of my office the 1th of May 2022.

(SEAL)

Donna Trehus, County Auditor



Minnesota Department of Public Safety (“State”) Homeland Security and Emergency Management Division 445 Minnesota Street, Suite 223 St. Paul, Minnesota 55101-2190	Grant Program: 2021 Emergency Management Performance Grant Grant Contract Agreement No.: A-EMPG-2021-HOUSTNCO-029
Grantee: Houston County 304 South Marshall Street Caledonia, MN 55921-1389	Grant Contract Agreement Term: Effective Date: 01/01/2021 Expiration Date: 09/30/2022
Grantee’s Authorized Representative: Houston County Emergency Management ATTN: Mark Olson – Emergency Management Director 306 South Marshall Street – Suite 2008 Caledonia, MN 55921-1483 Phone: 507-725-5834 E-mail: mark.olson@co.houston.mn.us	Grant Contract Agreement Amount: Original Agreement \$ 18,476.00 Matching Requirement \$ 18,476.00
State’s Authorized Representative: Kyle Temme Homeland Security and Emergency Management 445 Minnesota St., Suite 223 St. Paul, Minnesota 55101-2190 Phone: 651-201-7420 E-mail: kyle.temme@state.mn.us	Federal Funding: CFDA 97.042 FAIN: EMC-2021-EP-00011 State Funding: None Special Conditions: None

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant contract agreement.

Term: The creation and validity of this grant contract agreement conforms with Minn. Stat. § 16B.98 Subd. 5. Effective date is the date shown above or the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 7, whichever is later. Once this grant contract agreement is fully executed, the Grantee may claim reimbursement for expenditures incurred pursuant to the Payment clause of this grant contract agreement. Reimbursements will only be made for those expenditures made according to the terms of this grant contract agreement. Expiration date is the date shown above or until all obligations have been satisfactorily fulfilled, whichever occurs first.

The Grantee, who is not a state employee will:

Perform and accomplish such purposes and activities as specified herein and in the Grantee’s approved 2021 Emergency Management Performance Grant Application (“Application”) which is incorporated by reference into this grant contract agreement and on file with the State at Homeland Security and Emergency Management Division, 445 Minnesota Street, Suite 223, St. Paul, Minnesota 55101-2190. The Grantee shall also comply with all requirements referenced in the 2021 Emergency Management Performance Grant Guidelines and Application which includes the Terms and Conditions and Grant Program Guidelines (<https://app.dps.mn.gov/EGrants>), which are incorporated by reference into this grant contract agreement.

Budget Revisions: The breakdown of costs of the Grantee’s Budget is contained in Exhibit A, which is attached and incorporated into this grant contract agreement. As stated in the Grantee’s Application and Grant Program Guidelines, the Grantee will submit a written change request for any substitution of budget items or any deviation and in accordance with the Grant Program Guidelines. Requests must be approved prior to any expenditure by the Grantee.



Matching Requirements: (If applicable.) As stated in the Grantee's Application, the Grantee certifies that the matching requirement will be met by the Grantee.

Payment: As stated in the Grantee's Application and Grant Program Guidance, the State will promptly pay the Grantee after the Grantee presents an invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services and in accordance with the Grant Program Guidelines. Payment will not be made if the Grantee has not satisfied reporting requirements.

Certification Regarding Lobbying: (If applicable.) Grantees receiving federal funds over \$100,000.00 must complete and return the Certification Regarding Lobbying form provided by the State to the Grantee.

1. ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. § 16A.15.

Signed: _____

Date: _____

3. STATE AGENCY

Signed: _____
(with delegated authority)

Title: _____

Date: _____

Grant Contract Agreement No./ P.O. No. A-EMPG-2021-HOUSTNCO-029 / PO# 3000077470

Project No.(indicate N/A if not applicable): N/A

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

Signed: _____

Print Name: _____

Title: _____

Date: _____

Signed: _____

Print Name: _____

Title: _____

Date: _____

Signed: _____

Print Name: _____

Title: _____

Date: _____

Distribution: DPS/FAS
Grantee
State's Authorized Representative

2021 (EMPG) Emergency Management Performance Grant

Budget Summary (Report)

Organization:
Houston County

EXHIBIT A
A-EMPG-2021-HOUSTNCO-029

Budget		
Budget Category	Award	Match
Planning		
EM dept operating expenses	\$0.00	\$6,852.00
Total	\$0.00	\$6,852.00
Organization		
EM dept salary & fringe	\$18,476.00	\$11,624.00
Total	\$18,476.00	\$11,624.00
Total	\$18,476.00	\$18,476.00
Allocation	\$18,476.00	\$18,476.00
Balance	\$0.00	\$0.00

**HOUSTON COUNTY
AGENDA REQUEST FORM
May 10, 2021**

Date Submitted: 5-5-2022

By: Eric Schmitt

2023 Aerial Imagery Flights

Historically, Houston County has purchased aerial imagery every three years, with the latest being flown in 2020. Eagleview has supplied quotes for a 2023 flight and a locked in price for a 2026 flight. They seek approval by this summer to schedule for next spring.

Attached are quotes for 6" and 9" photography.

Reviewed by:

____ **HR Director**

____ **Finance Director**

____ **IS Director**

____ **County Attorney**

____ **Environmental Svcs**

____ **County
Sheriff**

____ **County
Engineer**

____ **PHHS**

____ **Other
(indicate
dept)**

____ **County
Surveyor**

Recommendation:

I recommend the acceptance of the quote of 6" Aerial Photos, subscription to Pictometry Connect, and remove the \$1,500 line item for Reveal 3D Textured Mesh for this year. That technology may be more easily implemented in the 2026 project.

Decision:

Proposal for: Houston County, MN
Project Name: MNHOUS22 - Imagery MCCC EPC
Quote Number: Q-88783
Contract Term: 6 Year(s)
Number of Projects: 2

EagleView Rep: Dean Larson
Phone Number: 612-201-1846
Email: dean.larson@eagleview.com
Expiration Date: 5/11/2022
Targeted Capture: 2023-b-Spring

Multi-Project Summary

2 Projects over 6 year(s)

Project 1 Total: \$49,970.00

Annual Payments: \$16,656.67

Project 2 Total: \$49,970.00

Annual Payments: \$16,656.67



This quote is non-binding, creates no legal rights, duties or obligations, expressed or implied, on either party, and shall become binding only in the event that Pictometry and Customer enter into a definitive agreement incorporating it. The pricing quoted above does not reflect applicable taxes, which will be reflected in any resulting definitive agreement with Customer. This quote is valid until the date shown above, after which it expires. All Discounts are approximate.



Budget Proposal

Proposal for: Houston County, MN
Project Name: MNHOUS22 - Imagery MCCC EPC
Contract Term: 6 Year(s)
Number of Projects: 2

EagleView Rep: Dean Larson
Expiration Date: 5/11/2022
Targeted Capture: 2023-b-Spring

Project 1

Qty	Product	List Price	Discount (%)	Subtotal
583	Reveal Essentials+ Community	\$70.00		\$40,810.00
3	Pictometry Connect - CA - 50	\$2,200.00	77.273	\$1,500.00
1	RapidAccess - Disaster Response Program	\$0.00		\$0.00
1	Oblique Imagery Bundle w/Three (3)Yrs of EFS Maint & Support	\$0.00		\$0.00
1	Pictometry Connect - EarlyAccess	\$10,000.00	100	\$0.00
6	Reveal 3D Textured Mesh	\$250.00		\$1,500.00
15400	ChangeFinder - Change Detection; Digital Parcel File Provided	\$0.44	9.091	\$6,160.00
1	ChangeFinder - Project Fee	\$1,000.00	100	\$0.00
Project 1 TOTAL:				\$49,970.00

Project 2

Qty	Product	List Price	Discount (%)	Subtotal
583	Reveal Essentials+ Community	\$70.00		\$40,810.00
3	Pictometry Connect - CA - 50	\$2,200.00	77.273	\$1,500.00
1	RapidAccess - Disaster Response Program	\$0.00		\$0.00
1	Oblique Imagery Bundle w/Three (3)Yrs of EFS Maint & Support	\$0.00		\$0.00
1	Pictometry Connect - EarlyAccess	\$10,000.00	100	\$0.00
6	Reveal 3D Textured Mesh	\$250.00		\$1,500.00
15400	ChangeFinder - Change Detection; Digital Parcel File Provided	\$0.44	9.091	\$6,160.00
1	ChangeFinder - Project Fee	\$1,000.00	100	\$0.00
Project 2 TOTAL:				\$49,970.00

TOTAL: \$99,940.00

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Proposal for: Houston County, MN
Project Name: MNHOUS22 - Imagery MCCC EPN
Quote Number: Q-87963
Contract Term: 6 Year(s)
Number of Projects: 2

EagleView Rep: Dean Larson
Phone Number: 612-201-1846
Email: dean.larson@eagleview.com
Expiration Date: 5/11/2022
Targeted Capture: 2023-b-Spring

Multi-Project Summary

2 Projects over 6 year(s)

Project 1 Total: \$79,120.00

Project 2 Total: \$79,120.00

Annual Payments: \$26,373.33

Annual Payments: \$26,373.33



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Budget Proposal

Proposal for: Houston County, MN
Project Name: MNHOUS22 - Imagery MCCC EPN
Contract Term: 6 Year(s)
Number of Projects: 2

EagleView Rep: Dean Larson
Expiration Date: 5/11/2022
Targeted Capture: 2023-b-Spring

Project 1

Qty	Product	List Price	Discount (%)	Subtotal
583	Reveal Essentials+ Neighborhood	\$160.00	25	\$69,960.00
3	Pictometry Connect - CA - 50	\$2,200.00	77.273	\$1,500.00
1	RapidAccess - Disaster Response Program	\$0.00		\$0.00
1	Oblique Imagery Bundle w/Three (3)Yrs of EFS Maint & Support	\$0.00		\$0.00
1	Pictometry Connect - EarlyAccess	\$10,000.00	100	\$0.00
6	Reveal 3D Textured Mesh	\$250.00		\$1,500.00
15400	ChangeFinder - Change Detection; Digital Parcel File Provided	\$0.44	9.091	\$6,160.00
1	ChangeFinder - Project Fee	\$1,000.00	100	\$0.00
Project 1 TOTAL:				\$79,120.00

Project 2

Qty	Product	List Price	Discount (%)	Subtotal
583	Reveal Essentials+ Neighborhood	\$160.00	25	\$69,960.00
3	Pictometry Connect - CA - 50	\$2,200.00	77.273	\$1,500.00
1	RapidAccess - Disaster Response Program	\$0.00		\$0.00
1	Oblique Imagery Bundle w/Three (3)Yrs of EFS Maint & Support	\$0.00		\$0.00
1	Pictometry Connect - EarlyAccess	\$10,000.00	100	\$0.00
6	Reveal 3D Textured Mesh	\$250.00		\$1,500.00
15400	ChangeFinder - Change Detection; Digital Parcel File Provided	\$0.44	9.091	\$6,160.00
1	ChangeFinder - Project Fee	\$1,000.00	100	\$0.00
Project 2 TOTAL:				\$79,120.00

TOTAL: \$158,240.00

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EagleView Reveal

Essentials+ Neighborhood deliverables

Product	Essentials+ Neighborhood
Orthomosaic Specifications	<ul style="list-style-type: none"> Resolution at 6in GSD Typical Positional Horizontal Accuracy: 1m at a 95% confidence level Fully automated photogrammetric orthomosaic. Imagery may contain seamlines Project-wide color and contrast balancing
Oblique Imagery	Nominal 6in GSD oblique imagery or better: <ul style="list-style-type: none"> Where available fully automated photogrammetric mosaiced imagery. Imagery may contain seamlines
Metadata and Reporting	Metadata: <ul style="list-style-type: none"> Metadata generated that meets FGDC Standards upon request Shapefile(s) with discrete deliverable boundaries and directional metadata
Orthomosaic Deliverable Format (Online)	Resolution: <ul style="list-style-type: none"> Resolution at 6in GSD Access Methods: <ul style="list-style-type: none"> Available via web-based viewer (Connect Explorer) - Contracted separately Also available via WMS/WMTS (Image Service) - Contracted separately
Orthomosaic Deliverable Format (Physical)	Resolution: <ul style="list-style-type: none"> Resolution at 6in GSD Projection/Coordinate System: <ul style="list-style-type: none"> Customer Selectable Datum: <ul style="list-style-type: none"> Customer Selectable File Format: <ul style="list-style-type: none"> Mosaic Tiles <ul style="list-style-type: none"> Available as JPEG, GeoTIFF, JPEG2000, PNG, ECW, MrSID (All versions) with world file Includes separate Pictometry Map Image (PMI) trailer file Project-Wide Mosaic <ul style="list-style-type: none"> Available in ECW, MrSID (All versions) format
Oblique Imagery Deliverable Format	Access methods: <ul style="list-style-type: none"> Available via web-based viewer only (Connect Explorer) - Contracted separately
Delivery Timeline	<ul style="list-style-type: none"> Best efforts to make ortho and oblique imagery available online and/or ready for physical delivery within 30 days of capture completion



HOUSTON COUNTY-COLLABORATIVE DesignGroup, inc.

Professional Services Agreement

Construction Documents, Bidding, and Construction Administration for the Historic Courthouse Roof Replacement of the Historic Courthouse

THIS CONTRACT, amendments and supplements thereto, is between the County of Houston, acting through its Board of Commissioners, (hereinafter HOUSTON), and COLLABORATIVE DesignGroup, Inc., (hereinafter COLLABORATIVE).

WHEREAS, HOUSTON pursuant to Minnesota Statutes Chapter 375, is empowered to procure professional services, and

WHEREAS, HOUSTON seeks to replace the roof of the Historic Courthouse located at 304 South Marshall Street, Caledonia, Minnesota;

WHEREAS, COLLABORATIVE prepared construction drawings and specifications in 2017, for submission as a part of a Legacy grant request to the Minnesota Historic Society; and COLLABORATIVE represents it has employees and agents who are duly qualified and willing to amend the current documents and perform the services set forth in this CONTRACT.

NOW THEREFORE, it is agreed:

I. TERM OF CONTRACT

This CONTRACT shall be effective on May 16, 2022 or upon the date the final required signature is obtained by both parties, whichever **occurs later**, and shall remain in effect through May 16, 2022 unless cancelled pursuant to the provisions set forth in clause V. herein.

II. COLLABORATIVE DUTIES

COLLABORATIVE will deliver the requested professional services, in a timely manner, consistent with the Scope of Work set forth in COLLABORATIVE'S Proposal for Design Services dated May 2, 2022 (Exhibit A).

III. CONSIDERATION AND TERMS OF PAYMENT

A. Consideration. All services performed by COLLABORATIVE pursuant to this CONTRACT shall be paid by HOUSTON as follows:

- Compensation. HOUSTON agrees to pay COLLABORATIVE TEN-THOUSAND SEVENTY dollars (\$10,070.00). (See line items listed in Exhibit A.)
- B. Reimbursement. HOUSTON agree to reimburse COLLABORATIVE for reproduction and plotting of drawings and reports and associated postage and delivery costs as set forth in the May 2, 2022 COLLABORATIVE proposal. All anticipated travel and printing shall be communicated to and approved by HOUSTON in advance of incurring the costs.
- C. Payments. COLLABORATIVE will provide HOUSTON invoices reflecting the requisite services performed necessary for COUNTY to meet each Milestone Report required by the MNHS. Invoices shall be promptly paid within thirty (30) days of the COUNTY receiving payment by MNHS for each MNHS approved Milestone Report.

IV. AUTHORIZED REPRESENTATIVES

All official notifications, including but not limited to, cancellation of this CONTRACT must be sent to the other party's authorized representative.

- A. HOUSTON's authorized representative for the purpose of administration of this CONTRACT is:

Name: Theresa Arrick-Kruger
Address: HRD/Facilities Mgr.
304 South Marshall Street
Caledonia, MN 55921
Telephone: (507) 725-5822
E-Mail: Theresa.Arrick-Kruger@co.houston.mn.us

- B. COLLABORATIVE'S authorized representative for the purpose of administration of this CONTRACT is:

Name: Craig Milkert
Project Manager, Structural Engineer
Address: 125 Main Street SE, Suite 240
Minneapolis, MN 55414
Telephone: (612) 332-3654
E-Mail: cmilkert@cdg-mn.comm

V. CANCELLATION AND TERMINATION

This CONTRACT may be canceled by either party at any time, with or without cause, upon thirty (30) days written notice to the other party. In the event of such a cancellation, COLLABORATIVE shall be entitled to reimbursement for expenses as set forth above.

VI. ASSIGNMENT

COLLABORATIVE shall neither assign nor transfer any rights or obligations under this CONTRACT without the prior written consent of HOUSTON.

VII. LIABILITY

COLLABORATIVE employees and agents at all time remain under the direction and supervision of COLLABORATIVE. HOUSTON employees shall at all times remain under the direction and supervision of HOUSTON. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing a partnership or agency relationship.

Notwithstanding, each party shall be liable for its own acts to the extent provided by law and hereby agree to indemnify, hold harmless and defend the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other, its officers and employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the other party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this CONTRACT. (VII. and VIII. herein supersede any conflicting or inconsistent clauses in COLLABORATIVE's May 2, 2022 proposal.)

VIII. INSURANCE REQUIREMENTS

COLLABORATIVE shall maintain General Liability, Commercial Auto, Professional liability, and Workers' Compensation coverage at the recommended levels set by the Minnesota Counties Insurance Trust (MCIT) throughout the term of this agreement. HOUSTON and COLLABORATIVE agree that at all times during the term of this CONTRACT to maintain:

- Comprehensive General Liability - \$1.5 million minimum per occurrence
- Excess Liability Coverage - \$3 million over the general and automobile coverage.
- Auto Liability: \$1.5 million combined single limit
- Workers Compensation as required by Minnesota Statutes

COLLABORATIVE agrees to maintain the above required insurance and shall provide the COUNTY with thirty (30) days written notice of any proposed changes prior to the cancellation, non-renewal or material changes. An ACORD Certificate of Liability Insurance for the above listed coverage shall be supplied to COUNTY by COLLABORATIVE for each calendar year covered by the term of this AGREEMENT (Exhibit B).

IX. GOVERNMENT DATA PRACTICES

COLLABORATIVE agrees to comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 as it applies to all data created, collected, received, stored,

used, maintained, or disseminated by the parties in accordance with this CONTRACT. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either COLLABORATIVE or HOUSTON. Further, COLLABORATIVE will notify the HOUSTON within two business days of any request it receives to release data as a result of this CONTRACT.

XIV. INTELLECTUAL PROPERTY RIGHTS

All work and reports generated as a result of this agreement are the property of HOUSTON. All materials delivered to COLLABORATIVE by HOUSTON and work generated by COLLABORATIVE as a result of this agreement will be delivered within ten business days of HOUSTON's request for documents.

XV. AMENDMENTS

Any amendments to this CONTRACT shall be in writing and shall be executed by the same parties who executed the original CONTRACT, or their successors in office.

XVIII. JURISDICTION/VENUE

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Minnesota. All proceedings related to the CONTRACT shall be venued in Houston County, Minnesota.

XIX. ENTIRE AGREEMENT

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

XX. SURVIVAL OF TERMS

The following clauses survive the expiration, cancellation or termination of this CONTRACT: VII, Liability; IX, Government Data Practices Act; XIV, Intellectual Property Rights; and XVIII. Jurisdiction/Venue.

THIS SPACE INTENTIONALLY BLANK

SIGNATURE PAGE NEXT PAGE

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

APPROVED:

HOUSTON COUNTY

By: (authorized signature)

APPROVED:

COLLABORATIVE DesignGroup, Inc.

By: (authorized signature)

Name: Greg Myrhe
Title: County Board Chair
Date: May , 2022

Name: Craig Milkert
Title: Project Manager
Date: May , 2022

HOUSTON COUNTY

By: (authorized signature)

Name: Theresa Arrick-Kruger
Title: HRD/Facilities Mgr.
Date: May , 2022

APPROVED AS TO FORM AND EXECUTION:

By:

Name: Samuel Jandt
Title: County Attorney
Date: May , 2022

EXHIBIT A

Proposal for Houston County Courthouse Roof Replacement Proposal for Design Services

EXHIBIT B

ACORD Certificate of Liability Insurance



May 2, 2022

Theresa Arrick-Kruger
Human Resource Director | Facilities Manager
Houston County
304. Marshall St. Suite 208
Caledonia, MN 55921

Re: Proposal for Design Services
Project: Houston County Courthouse – Roof Replacement

Dear Tess,

Collaborative Design Group is pleased to present our proposal to assist you with the roof replacement on the Courthouse. With this fee letter, CDG proposes to provide the services outlined below.

PROJECT DESCRIPTION

We understand that Houston County would like to replace the roofing on the Courthouse with traditional asphalt shingles. This proposal is for the work to revise the previously prepared drawings and specifications showing new cedar shingles to asphalt shingles. We will retain the design of the repair/replacement of the wood trim and decorative metal elements in our documents, and bid them as alternates.

This proposal is separated into three phases of work, including Construction Documents, Bidding, and Construction Administration. This will allow Houston County to have the ability to choose only the phases of work that you need. CDG is happy to assist with the entire project, but you may want to perform the bidding and construction administration on your own.

Our proposed scope of work is as follows:

SCOPE OF WORK

Construction Documents

- Prepare construction documents including drawings and specifications required for competitive contractor bidding.
- Attend teleconference meetings as required to communicate our recommendations and design.



Bidding

- Issue drawings to a virtual plan room or bidding service, such as QuestCDN.
- Conduct a teleconference pre-bid meeting with interested contractors.
- Answer contractor questions and issue addenda as required.
- Assist with the review of the bids and choice of contractor.

Construction Administration

- Attend a teleconference pre-construction meeting with the chosen contractor and representatives from Houston County to discuss schedule, site logistics, safety, and other expectations.
- Review submittals.
- Respond to contractor questions.
- Perform two site visits to ensure that the work conforms to the intent of the construction documents.
- Review contractor pay applications.

COMPENSATION

Our compensation for providing the above basic services will be invoiced on a time and materials basis, not to exceed \$10,070.00, including normal expenses as outlined below.

- | | |
|-------------------------------|------------|
| • Construction Documents | \$2,320.00 |
| • Bidding | \$1,050.00 |
| • Construction Administration | \$6,700.00 |

As mentioned above, Houston County can decide to accept any or all of the above phases of work.

EXPENSES

1. Automobile expenses for vehicles, including mileage, parking, or use of rental car.
2. Reproduction and plotting of drawings, specifications and reports.
3. Postage, handling, and delivery costs.

ADDITIONAL SERVICES

Compensation for authorized Additional Services will be computed on a Time and Materials Basis according to our Hourly Rate Schedule.

INVOICES

Invoices will be submitted monthly for services performed during the previous month. Payment is due upon receipt of the invoice. Interest will be added to accounts in arrears (30 days) at the rate of one percent (1.0%) per month (12% per annum) or the maximum rate allowed by law, whichever is less. For the collection of any delinquent account, Collaborative Design Group, Inc. will be reimbursed for all court costs and reasonable attorneys' fees incurred.

May 2, 2022
Theresa Arrick-Kruger
Proposal for Design Services
Houston County Courthouse – Roof Replacement



LIMITATION OF LIABILITY

It is agreed that Collaborative Design Group, Inc.'s liability to you for any nature of damages arising out of or caused by any error, omission, negligence, strict liability, breach of contract or breach of any other obligation in connection with this Agreement shall be limited to a sum not to exceed \$25,000, or the amount of A/E fees received pursuant to this Agreement, whichever is greater, and that you will accept this limited amount as full satisfaction of all claims you may assert for damages arising from Collaborative Design Group's services.

ACCEPTANCE

If this proposal is acceptable to you, please indicate by signing below and returning a copy for our records. We are prepared to begin this project immediately. If you have any questions, please do not hesitate to call.

Very truly yours

Collaborative Design Group, Inc.

Craig Milkert, PE
Principal

Authorized by:

Houston County

Signature: _____

Title: _____

Date: _____



Hourly Rate Schedule

STANDARD BILLING RATES – 2022

POSITION	HOURLY RATES
Principal Architect	\$210/hr
Sr. Project Manager	\$175/hr
Project Manager	\$145/hr
Sr. Project Architect	\$145/hr
Project Architect	\$135/hr
Architect	\$120/hr
Architectural Designer 2	\$135/hr
Architectural Designer 1	\$105/hr
Historic Preservation Specialist	\$145/hr
Sr. Interior Designer	\$125/hr
Project Interior Designer	\$115/hr
Interior Designer	\$105/hr
Design Intern	\$65/hr
Principal Structural Engineer	\$210/hr
Sr. Structural Engineer	\$145/hr
Structural Engineer	\$140/hr
Structural Engineer, EIT	\$120/hr
Structural Designer	\$120/hr
Roofing Specialist	\$155/hr
Building Envelope Specialist	\$130/hr
Construction Observer	\$110/hr
Technician	\$100/hr
Digital Technician	\$100/hr
Drafter	\$100/hr
Clerical	\$90/hr