PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: August 2, 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, Human Resources Director Theresa Arrick-Kruger, Engineer Brian Pogodzinski, Attorney Samuel Jandt, Houston County Historical Society President Shirley Johnson, Houston County Historical Society Vice President Deborah Wray, Surveyor Eric Schmitt, and Environmental Services Director Martin Herrick

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Prior to approving the agenda the first action item was removed. A tobacco license was requested, but the request needed to go through the City rather than the County. Motion was made by Commissioner Burns, seconded by Commissioner Johnson motion unanimously carried to approve the agenda with the changes.

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

Public Comment: No public comments were made.

APPOINTMENTS

Houston County Historical Society President Shirley Johnson and Houston County Historical Society Vice President Deborah Wray gave a Houston County Historical Society presentation to the board. They thanked the County for its continued support of the Historical Society. Johnson said things were improving at the Historical Society with visitors returning after the pandemic. They shared they had been having lots of visitors including teachers and summer school students. They had been working on new displays for the Houston County Fair, and were always looking for more volunteers. Projects for upcoming years included finishing

the entrance of the new museum, adding a parking lot on the south side of the new building, and adding a sidewalk. Commissioners thanked the Historical Society and volunteers for their service. Commissioner Johnson suggested that perhaps the County's Historic Jail could be used by the Historical Society in the future.

At 9:18 a.m. a motion was made by Commissioner Johnson, seconded by Commissioner Severson, motion carried unanimously to go into closed session pursuant to Minn. Stat. 13D.05, subdivision 1 (d), attorney – client privilege to consider the recent MAPE arbitration results. All Commissioners, Attorney Jandt, and Human Resources Director Kruger attended the closed session.

At 9:49 a.m. a motion was made by Commissioner Burns, seconded by Commissioner Severson, motion carried unanimously to reopen the regular meeting. The Commissioners had discussed with Attorney Jandt the recent MAPE arbitration results.

At 10:25 a.m. a motion was made by Commissioner Severson, seconded by Commissioner Burns, motion carried unanimously to go into closed session pursuant to Minn. Stat. §13D.05, Subd. 3. (a) to evaluate the performance of an individual who is subject to its authority. All Commissioners along with Surveyor Eric Schmitt attended the closed session.

After the evaluation was finished the Commissioners continued the closed session with a separate evaluation pursuant to Minn. Stat. §13D.05, Subd. 3. (a) to evaluate the performance of an individual who is subject to its authority. The Commissioners along with Environmental Service Director Herrick attended.

At 11:57 a.m. a motion was made by Commissioner Johnson, seconded by Commissioner Walter, motion carried unanimously to resume the regular meeting.

Commissioners had conducted department head reviews. They reviewed the department head self-evaluations, discussed job descriptions, and job performance.

CONSENT AGENDA

Motion was made by Commissioner Severson, seconded by Commissioner Walter, motion unanimously carried to approve the consent agenda. Approved items are listed below.

1) Reassign Jordan Goeden from Highway Maintenance Specialist to Highway Maintenance Foreman, C41, Step 2 effective 08/03/2022. (Kruger)
2) Authorize Jordan Goeden to bring a County assigned pickup truck home from payroll period October 23rd 2022 - March 25th 2023 for the purpose of after hours road inspections due to inclement weather. (Kruger)
3) Approve initiating a competitive search for a probationary Highway Maintenance Specialist. (Kruger)

ACTION ITEMS

File No. 1 – This item was removed from the agenda.

File No. 2 – Commissioner Walter moved, Commissioner Severson seconded, motion unanimously carried to approve Resolution No. 22-38 Establishing Ballot Board for Absentee and UOCAVA for the 2022 Primary and General Election. See resolution below.

RESOLUTION NO. 22-38

AUTHORIZATION AND ESTABLISH ABSENTEE BALLOT AND UOCAVA BALLOT BOARD FOR THE 2022 PRIMARY AND GENERAL ELECTION

August 2, 2022

BE IT RESOLVED, by the Houston County Board of Commissioners, authorizes the establishment of an Absentee Ballot Board and UOCAVA Ballot Board for the Election to be held on August 9, 2022 and November 8, 2022, and further authorizes the Auditor/Treasurer to appoint individual members.

Donna Trehus
Polly Heberlein
Kathlene Barnet
Nikki Konkel
Julie Schleich
Heidi Lapham
Mary Betz
Michelle Werner
Ella Babinski
Annette Christian

File No. 3 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to appoint Craig Schroeder to the Economic Development Authority Board as of July 6, 2022 (three year term).

DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended and upcoming meetings.

Chairperson Myhre said the Auditor's Office would be open for public accuracy testing on Wednesday, August 3. He said the Auditor's Office would be open on Saturday, August 6th for absentee voting from 10-3 p.m. Chairperson Myhre said the primary election would be held on August 9th. He said a copy of the primary ballot was printed in the official newspaper, on the website, and posted near the Auditor's office. Two Commissioners would be needed for the canvasing meeting on Friday, August 12th at 10 a.m.

Commissioner Johnson said he wanted to discuss the Facilities Utilization Study that had been voted on at the prior meeting. Johnson said he felt he had been deceived on the matter. He said he had never been made aware that the study would include the Historic Jail, and that when the Commissioners gave a general consensus to move forward with finding a firm interested in the work he did not think the work would include the Historic Jail. Commissioner Severson said an email had been sent in May that included a reference to the Historic Jail. He pulled the email up on his computer. Commissioner Johnson asked if his name was on the email. Commissioner Severson said it was not. Commissioner Johnson asked Human Resources Director Kruger why he had not been included on the email. Kruger said she did not have a good reason and had made an error. Commissioner Burns said Commissioner Johnson should be included on emails in the future. Commissioner Myhre then asked why the new County Justice Center had not been included in the areas to study as it was a current area being utilized. The proposal that included the Historic Jail had already been approved the week prior, but Kruger said she could ask if the new County Justice Center could also be added to the study. It was the general consensus of the Commissioners that Kruger should ask if the County Justice Center could be added to the study.

Closing Public Comment: None.

Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to adjourn the meeting at 11:27 a.m. The next meeting would be regular meeting on August 9, 2022.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____

Greg Myhre, Chairperson

Attest: _____

Donna Trehus, Auditor/Treasurer

HOUSTON COUNTY
AGENDA REQUEST FORM

Date Submitted: 08.9.22
By: Donna Trehus, Auditor/Treasurer

CONSENT AGENDA REQUEST:

Review: Spring Grove City 2021 Annual Reporting Disclosure Statements

TIF 1-2 Bender 4th Addition
TIF 1-3 Daycare Project
TIF 1-4 Spring Grove EDA

ACTION ITEM:

Reviewed by:	___	HR Director	___	County Sheriff ___
	X	Finance Director	___	County Engineer ___
	___	IS Director	___	PHHS ___
	___	County Attorney	X	Other (indicate dept) Auditor/Treasurer
	___	Environmental Srvcs		

Recommendation:

Decision:

Spring Grove EDA - TIF 1-2 Bender 4th Addition - 2021 Annual Reporting Form

Home | Overview | District Info | Debt | Interfund Loans | PAYG | Project Costs | Transfers | Rev & Expr | B

2021 Annual Disclosure Statement

1 Name of Development Authority: Spring Grove EDA

2 Name of Municipality: Spring Grove

3 Fillmore County Journal (Name of the Newspaper) — 8/9/2022 (Date of Publication)

The following information represents the annual disclosure of tax increment districts for the year ended December 31, 2021.

		TIF 1-2 Bender 4th Addition
4	Current net tax capacity	$ 14,068
5	Original net tax capacity	$ 111
6	Captured net tax capacity	$ 13,957
7	Principal and interest payments due in 2022	$ 46,530
8	Tax increment received in 2021	$ 16,909
9	Tax increment expended in 2021	$ 16,909
10	Month and year of first tax increment receipt	7/2009
11	Date of required decertification	12/31/2034
12	The total increased property taxes to be paid from outside the district if fiscal disparities Option A applies*	$ 0

* The fiscal disparities property tax law provides that the growth in commercial-industrial property tax values is shared throughout the area. In a tax increment financing district, this value sharing can either result in a decrease in tax increment financing district revenue or a tax increase for other properties in the municipality depending on whether the tax increment financing district contributes its share of the growth. Amounts displayed here indicate that the district did not contribute its growth in commercial-industrial property tax values and represent the resulting increase in taxes on other properties in the City for taxes payable in 2021.

Additional information regarding this district may be obtained from:

13	Name:	Erin Konkel	
14	Address:	118 1st Ave NW	
15	City:	Spring Grove	
16	State:	MN	
17	Zip Code:	55974	
18	Phone:	5074985221	*Enter as 6512962551.*
19	Email:	Erin@springgrovemn.com	*Enter 'none' if no email address.*

Spring Grove EDA - TIF 1-3 Daycare Redev Project - 2021 Annual Reporting Form

2021 Annual Disclosure Statement

1 Name of Development Authority: **Spring Grove EDA**

2 Name of Municipality: Spring Grove

3 Fillmore County Journal (Name of the Newspaper) — 8/9/2022 (Date of Publication)

The following information represents the annual disclosure of tax increment districts for the year ended December 31, 2021.

		TIF 1-3 Daycare Redev Project
4	Current net tax capacity	$ 9,652
5	Original net tax capacity	$ 2,940
6	Captured net tax capacity	$ 6,712
7	Principal and interest payments due in 2022	$ 31,446
8	Tax increment received in 2021	$ 15,832
9	Tax increment expended in 2021	$ 16,527
10	Month and year of first tax increment receipt	6/2018
11	Date of required decertification	12/31/2043
12	The total increased property taxes to be paid from outside the district if fiscal disparities Option A applies*	$ 0

* The fiscal disparities property tax law provides that the growth in commercial-industrial property tax values is shared throughout the area. In a tax increment financing district, this value sharing can either result in a decrease in tax increment financing district revenue or a tax increase for other properties in the municipality depending on whether the tax increment financing district contributes its share of the growth. Amounts displayed here indicate that the district did not contribute its growth in commercial-industrial property tax values and represent the resulting increase in taxes on other properties in the City for taxes payable in 2021.

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16	State:	MN	
17	Zip Code:	55974	
18	Phone:	5074985221	*Enter as 6512962551.*
19	Email:	Erin@springgrovemn.com	*Enter 'none' if no email address.*

Spring Grove EDA - TIF 1-4 - 2021 Annual Reporting Form

Home | Overview | District Info | Debt | Interfund Loans | PAYG | Project Costs | Transfers | Rev & Expr | Ba

2021 Annual Disclosure Statement

1 Name of Development Authority: **Spring Grove EDA**

2 Name of Municipality: Spring Grove

3 Fillmore County Journal (Name of the Newspaper) — 8/8/2022 (Date of Publication)

The following information represents the annual disclosure of tax increment districts for the year ended December 31, 2021.

		TIF 1-4
4	Current net tax capacity	$ 5,266
5	Original net tax capacity	$ 1,890
6	Captured net tax capacity	$ 3,376
7	Principal and interest payments due in 2022	$ 35,852
8	Tax increment received in 2021	$ 5,124
9	Tax increment expended in 2021	$ 125
10	Month and year of first tax increment receipt	5/2020
11	Date of required decertification	12/31/2027
12	The total increased property taxes to be paid from outside the district if fiscal disparities Option A applies*	$ 0

* The fiscal disparities property tax law provides that the growth in commercial-industrial property tax values is shared throughout the area. In a tax increment financing district, this value sharing can either result in a decrease in tax increment financing district revenue or a tax increase for other properties in the municipality depending on whether the tax increment financing district contributes its share of the growth. Amounts displayed here indicate that the district did not contribute its growth in commercial-industrial property tax values and represent the resulting increase in taxes on other properties in the City for taxes payable in 2021.

Additional information regarding this district may be obtained from:

13	Name:	Erin Konkel
14	Address:	118 1st Ave NW
15	City:	Spring Grove
16	State:	MN
17	Zip Code:	55974
18	Phone:	5074985221 *Enter as 6512962551.*
19	Email:	Erin@springgrovemn.com *Enter 'none' if no email address.*

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: 3-Aug-22

Person requesting appointment with County Board: Martin Herrick

Issue:

CUP Approval/Denial:1) Edward & Janice Hammell - To operate an agriculture oriented business in the ag district in Jefferson Township. 2) Karen Lawstuen - To have a cabin in the ag district in Black Hammer Township. 3) Joseph Rud and Craig Helke - To operate an agriculture oriented business in a highway business district in Caledonia Township. Rezone Aproval/Denial:1) To rezone an area from agricultural protection district to highway business district in Caledonia 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
Thursday, July 28, 2022

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

PLANNING COMMISSION

Approve Minutes for May 19, 2022

CONDITIONAL USE HEARINGS:

5:00 pm ***Edward and Janice Hammell – Jefferson Township***
Conditional Use Permit to operate an agriculture oriented business in an agricultural district (14.3 Subd. 1(1)).

5:20 pm ***Karen Lawstuen – Black Hammer Township***
Conditional Use Permit to place a cabin in an agricultural district (14.3 Subd. 1(5)).

5:40 pm ***Joseph Rud and Craig Helke – Caledonia Township***
Rezone an area from agricultural protection district to highway business district (Section 8.2 Subd. 2).
Conditional Use Permit to operate an agriculture oriented business in a highway business district (16.3 Subd. 1 (1)).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Edward and Janice Hammell, 20455 Bluebird Rd, Caledonia, MN 55921 for a Conditional Use Permit to operate an agriculture oriented business in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 1) in Jefferson Township on the following premises, to-wit:

PT SW1/4 NW1/4, Section 15, Township 101, Range 4, Houston County, Minnesota. (Parcel 07.0074.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:00 p.m. on Thursday, July 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, July 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: July 13, 2022

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Karen Lawstuen, 105 Norway Rd, Lanesboro, MN 55949 for a Conditional Use Permit to place a cabin in an agricultural district (Section 14 – 14.3, Subdivision 1, Subsection 5) in Black Hammer Township on the following premises, to-wit:

NW1/4 NE1/4 & PT SW1/4 NE1/4, Section 31, Township 102, Range 7, Houston County, Minnesota. (Parcel 01.0338.000)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:20 p.m. on Thursday, July 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, July 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: July 13, 2022

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That the following TWO (2) applications have been made by Joe Rud and Craig Helke, 523 Enterprise Dr, Caledonia MN 55921.

An application to Rezone (Section 8.2, Subdivision 2) an area from Agricultural Protection District to Highway Business District.

AND

An application for a Conditional Use Permit to operate an agriculture oriented business in a highway business district (Section 16 – 16.3, Subdivision 1, Subsection 1) in Caledonia Township on following premises, to-wit:

PT NE1/4 NE1/4, Section 12, Township 102, Range 6, Houston County, Minnesota. (Parcels 03.0128.000 and 03.0128.002)

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

A hearing on these applications will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:40 p.m. on Thursday, July 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, July 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: July 13, 2022

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Edward and Janice Hammell*** DATE: ***July 28, 2022***
I.U.P. REQUESTED: ***To have an agriculture oriented business in the agriculture protection district.***

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

FINDINGS OF FACT

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

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

   Staff Analysis: The Comprehensive Land Use Plan identifies prioritizing agriculture and its supporting industries. In addition, this use is being proposed on an existing homestead on ground that is outside of environmentally sensitive areas and off prime agricultural ground.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The applicant identifies there is a continuous need for repair of equipment in farming operations.

   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: This proposal will not include the addition of any new structures; it simply consists of allowing a business at an existing site. There will be no wastewater or pollutants generated.

   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 will not include any new activity or structures as the shed has already been permitted.

   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: There will be no wastewater generated from the shop building and welding generally does not generate a pollution hazard.

   Rich Schild asked Ed if he paints a lot of stuff. Ed stated that he does some painting but he will not have a paint booth and that he does do a lot of brush painting.

   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: All necessary utilities are currently present at the site and drainage from the building was addressed during the variance process. Any new utility requirement will be 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: The applicant feels that the parking area in front of the shop will be adequate to meet the needs of the business.

   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: Surrounding properties are primarily residential or agricultural in nature. This use will largely mimic activities that place on an active farming operation.

    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: Surrounding property available for development is primarily agricultural and this business proposal will not impede orderly development for agricultural or residential 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: Besides family, the two closest dwellings are over a quarter mile away. While welding generates noise and fumes, it will be limited to the immediate vicinity of the building. No lighted signs are proposed.

    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: This proposal is for a commercial operation to take place within an existing structure. The location is amongst family farms, one which belongs to the applicant, and this activity will likely not be more intense than the surrounding agricultural uses.

    Jim Wieser requested that language in the staff analysis be changed from commercial operation to agricultural oriented business

    Board agreed to the corrected 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: There is no anticipated 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. All were in favor. Motion carried.

Rich Schild stated that if the County is going to encourage agriculture we need to help ag businesses get started.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for an agriculture oriented business in the agricultural protection district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Wayne Feldmeier seconded. All were in favor. Motion carried.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Karen Lawstuen*** DATE: ***July 28, 2022***
I.U.P. REQUESTED: ***To have a cabin in the agriculture protection district.***

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

FINDINGS OF FACT

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

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

   Staff Analysis: The Comprehensive Plan references limiting development in agricultural areas. This proposal has limited impact on tillable acreage.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The applicant indicates the cabin is intended for recreational use. Since this parcel is primarily tillable the applicant's do not utilize it much and would like to spend more time there. This demonstrates a need for the proposed use to the extent possible for this type of request.

   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: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no wastewater system requirement for cabins, but the applicant's identify they will use a porta potty. This will need to be pumped by a licensed maintainer.

   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 cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The soil survey indicates that soils at both sites can accommodate buildings, but should conform to the natural slope of the land.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: There are no anticipated pollution hazards.

   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: No utilities are proposed. Access is from the township road from which there is an existing field access.

   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: NA

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

   Staff Analysis: NA

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 parcel is located at the end of Kyseth Drive. There is one rural residential dwelling within a half-mile and one farmstead. Note that Hidden Bluffs Campground is within a mile of the proposed location. The addition of a cabin will increase the use of Kyseth Drive, but is not anticipated to negatively affect the use of neighboring properties.

    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 predominant land use is agriculture and forest, the continuation of which will not be impacted by a cabin. Much of the property north of Riceford Creek is tillable acreage with small amounts of woodland. Then there is a great deal of bluff and conservation program land to the south and east in proximity to Riceford Creek. The Zoning Office does not know of any new developments proposed in this area and a cabin should not impact neighboring landowner's ability to utilize their property for existing 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: NA

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

    Staff Analysis: NA

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

Staff Analysis: NA

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

    Staff Analysis: Public health, safety, morals, and general welfare are not anticipated to be impacted.

    Board agreed to the finding by a unanimous vote.

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

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a cabin in the agricultural protection district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Cabin shall be for private use only.

Rich Schild seconded. All were in favor. Motion carried.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Joseph Rud and Craig Helke*** DATE: ***July 28, 2022***
I.U.P. REQUESTED: ***To operate an agriculture oriented business in the highway business district.***

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

FINDINGS OF FACT

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

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

   Staff Analysis: When the requirements are met, a conditional use permit provides a mechanism for establishing an agricultural orientated business in a highway business district that conforms to Houston County's Land Use Plan.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The applicant proposes to repair agricultural equipment, including repair of machinery, semi-trucks and trailers used for agricultural purposes, which is a legitimate need.

   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: With adequate surface water control and a properly constructed and operated SSTS for managing septage the water quality will not be compromised.

   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 high percentage of impermeable surfaces and structures will require adequate surface water management, including construction, operation, possible treatment, energy dissipation and infiltration to reduce surface water runoff.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The soil bearing capacity is adequate for the proposed structure. The soils can be compacted and graded for the proposed roadways. Additional surface water management features can be incorporated to enhance the site's infiltration capability.

   Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: While an erosion control plan in HCZO Section 24 is required, the primary pollution from sediment loading will be addressed in the MPCA permitting requirements because greater than 1 acre is being disturbed. The facility is proposing that all activities will be performed indoors including management of solvents, degreasers, fuels and lubricants.

Additionally, new construction materials and methods have substantially improved energy efficiencies and waste minimizations.

Board agreed to the finding by a unanimous vote.

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

   Staff Analysis: The proximity to existing structures and the City of Caledonia likely lends itself to accessing gas, electrical and other utilities. Adequate frontage exists with gentle slopes allowing access to Angus Drive.

   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 for off street parking and vehicle loading.

   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: Substantially larger site distances, transition zones, upgraded subbase and other features are needed for truck traffic. Traffic from the proposed facility will have to egress from Angus drive. A 3/04/2022 E-mail from MNDOT to Amelia Meiners noted that access from HWY 44 will likely not be granted. Based on the proposed number of vehicles transitioning from the facility the site has enough area to prevent traffic hazards.

   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: While the proposed hours of operation and activities are typical of a commercial site. The surrounding area is an agricultural protection district and commercial activities are similar in nature. Screening, vegetation, exterior lighting and other activities can be implemented to substantially reduce the view shed of the building to the local residences.

    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 for the parcel meets the intent of Houston County's Land Use Plan.

    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 applicant proposes to perform all work indoors and the roadways will be maintained to prevent fugitive dust. The lighting will be directed down and the signage will be

minimal. As noted in the Staff Analysis for Finding No.10 screening and vegetation blocking the viewshed toward the residences will substantially reduce the disturbance to neighbors.

Board agreed to the finding by a unanimous vote.

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

    Staff Analysis: NA

    Board agreed to the finding by a unanimous vote.

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

    Staff Analysis: The intensity of the of the proposed commercial activity in a highway protection district, isn't substantially different when consideration is given to the larger buildings being constructed for agricultural purposes. The proposed traffic and daily activities are not substantially more than seasonal farm 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: With SSTS, the site erosion plan, the applicable MPCA requirements, conditions for screening and other possible conditions listed below, the proposal will be protective of human health and the environment.

    Board agreed to the finding by a unanimous vote.

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

	YES	NO	COMMENTS
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Rich Schild	X		
James Wieser	X		

Rich Schild made the motion to recommend the Houston County Board approve the Conditional Use application to operate an agriculture oriented business in a highway business district with the conditions previously discussed:

1. The Permittee shall comply with all federal, state, and local laws and regulations including the following Houston County Zoning Ordinances (HCZO):
    - HCZO Section 29.13 Subdivision 1. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone but not on the side of a business or industry considered to be the front.

- HCZO Section 30.4 Subdivision 7. In General Business and Highway Business Districts and in Limited and General Business Districts, parking areas and access drives shall be covered with a dust-free all-weather surface with proper surface drainage, as required by the County Engineer. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas well kept.
- HCZO Section 30.4 Subdivision 8. Lighting shall be reflected away from the public right of way and nearby or adjacent Residence Districts.

2. No person may store or keep any vehicle of a type requiring a license to operate on the public highway; but without a current license, attached hereto, whether the vehicle be dismantled or not, outside of an enclosed building.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is complying with the conditions and all other statues, rules and ordinances.
4. The demolition and razing of existing structures shall be performed in accordance with all MPCA solid waste requirements with disposal of non-recyclable materials including any contaminated soils at the La Crosse County Landfill.
5. As part of the building permit submittal, the following design information shall be submitted to the Houston County Zoning Office:
    a. Exterior elevations drawn to scale in plan and profile.
    b. Details on the exterior cladding, roofing materials, foundation specifications
    c. Exterior signage and placement of lighting.
    d. Details on exterior building mounted structures such as air-contact units, water conveyances, awnings, walkways, driveways, aprons, bollards, etc.
    e. Traffic management plan including routes, vehicle types, transition zones to primary roadways.
6. Within 120 days of this approval the following documents shall be submitted to the Houston County Zoning Department for approval:
    a. A site screening plan addressing neighbors view shed of the proposed structure with the use of fences, earthen berms and vegetation. The screening submittal shall include plan and profile views of the structure and the neighbors associated view sheds of it accounting for elevation differences.
    b. A surface water management plan with proposed site contouring, methods for managing roof run-off, dissipating energy and promoting infiltration.
    c. An erosion control plan in accordance with Houston County Zoning Ordinance Section 25 Soil Erosion and Sedimentation Control.
7. The rezone area shall contain only one business.
8. The facility shall not display vehicles for sale outdoors.

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

	YES	NO	COMMENTS
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Rich Schild	X		
James Wieser	X		

CRITERIA FOR GRANTING ZONING AMENDMENTS
(0110.0801)

HOUSTON COUNTY PLANNING COMMISSION

RELATIVE TO APPLICATION BY

Joseph Rud and Craig Helke 7/28/22

The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.

Subdivision 2. Applications to Change District Boundaries or Land Use.

1. A 1969 rezone changed a 120-foot by 220-foot area from A-1 Agricultural Protection to B-1 Highway Service Business. This is essentially an expansion of an existing Highway Business District.

2. The property at 11489 State 44 is zoned Highway Business District. This is just over a half mile further from the City of Caledonia than the parcel considering rezoning.

3. CLUP (Comprehensive Land Use Policy) 0100.0506 subd. 2 policy 1 provided that development should be located near cities where services can be provided. The location is approximately one mile from the City of Caledonia.

4. One business occupied the B-1 Highway Service Business District since the rezone in 1969.

Josh Gran shared that the City of Caledonia is currently building the new sewer plant near his home and he would rather see that land stay a field. He said that he understands the neighbor's frustrations, but stated it is really hard to find land to build.

Chairman Hammell stated this is close to Caledonia and a business district close to Caledonia makes sense. It doesn't seem like it's going to be an issue where every precedent following this is going have to follow this as everyone comes up individually and can be looked at that time. It makes sense to have it where it is.

Rich Schild stated that this is a vital business and there is never going to be a perfect location where everyone will be happy. I truly think this is best.

Chairman Hammell explained that the only thing we are voting on right now is if it is ok to have a business district rezoned in this spot.

Chairman Hammell called for a roll call vote on the findings.

	YES	NO	COMMENTS
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		

Greg Myhre	X
Rich Schild	X
James Wieser	X

Larry Hafner made the motion to recommend the Houston County Board approval to rezone an area from agricultural protection district to highway business district.

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

	YES	NO	COMMENTS
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Rich Schild	X		
James Wieser	X		

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

Houston County National Leader in Recycling

STAFF REPORT
7/18/2022

Application Date: 7/1/2022
Hearing Date: 7/21/2022
Petitioner: Karen Lawstuen
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: TBD Kyseth Rd
Township: Black Hammer
Parcel Number: 010338000
Submitted Materials: CUP Application

OVERVIEW

REQUEST

The petitioners are requesting a Conditional Use Permit to place a cabin in the agricultural protection district of Black Hammer Township.

SUMMARY OF NOTEWORTHY TOPICS

The Houston County Zoning Ordinance provides the following requirements for cabin structures:

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.*

(5) Cabins. Cabins, subject to the following:
(a) Not more than one (1) cabin per quarter of a quarter section shall be allowed.
(b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.
(c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.
(d) No cabin shall have a gross floor area exceeding 400 square feet.
(e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.

Figure 1. The proposed cabin location is shown in red.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Black Hammer Township and the ten closest property owners. Two comments were received and are included in the packet.

SITE CHARACTERISTICS

This is a 53.08-acre parcel in Black Hammer Township. A majority of the parcel is tillable acreage, but the south boundary includes a strip of timber. There are no cabins located on adjacent property within this quarter-quarter. The applicant has cleared some of the timber at this location and the slopes are under 12% grade. Soils in the proximity are primarily 103C2, a Seaton silt loam, and on the boundary of 580D2, another silt loam. Both recommend designing structures to fit the natural slope of the land. The property is accessed from Kyseth Road, which adjoins the property in the northeast corner. An access road will be constructed down the western boundary of the property through what is currently field. The driveway will meet all standards.

There are two dwellings about 2,500 feet from the proposed location. One is to the north and the other the west.

Riceford Creek is approximately 375 feet east of the proposed location. That puts this site outside of the shoreland district. In addition, it is outside of floodplain and there are no wetland concerns. The cabin will meet property line and top of bluff setback requirements. There is an intermittent stream approximately 500 feet to the south.

It should be noted that Beacon property lines are not correct for this parcel. There is a survey corner off in this area that shifts the parcel west about ten feet on the south end to almost 30 feet on the north. In addition, the north property line should start at the center of the township road.

Upon receiving public comments, staff looked into the property boundary in question with assistance from the Surveyor's Office. The deeds for both properties are consistent and reference a "southwesterly" line. Beacon has this mapped relatively correctly (see paragraph above). There is no evidence to support the property line indicated on the FSA map and the USDA includes a disclaimer stating that deeds were not referenced in creation of maps. The legal description on the neighbor's RIM easement is consistent with the deeds as well. The cabin location is currently 70 feet from the "southwesterly" property line.

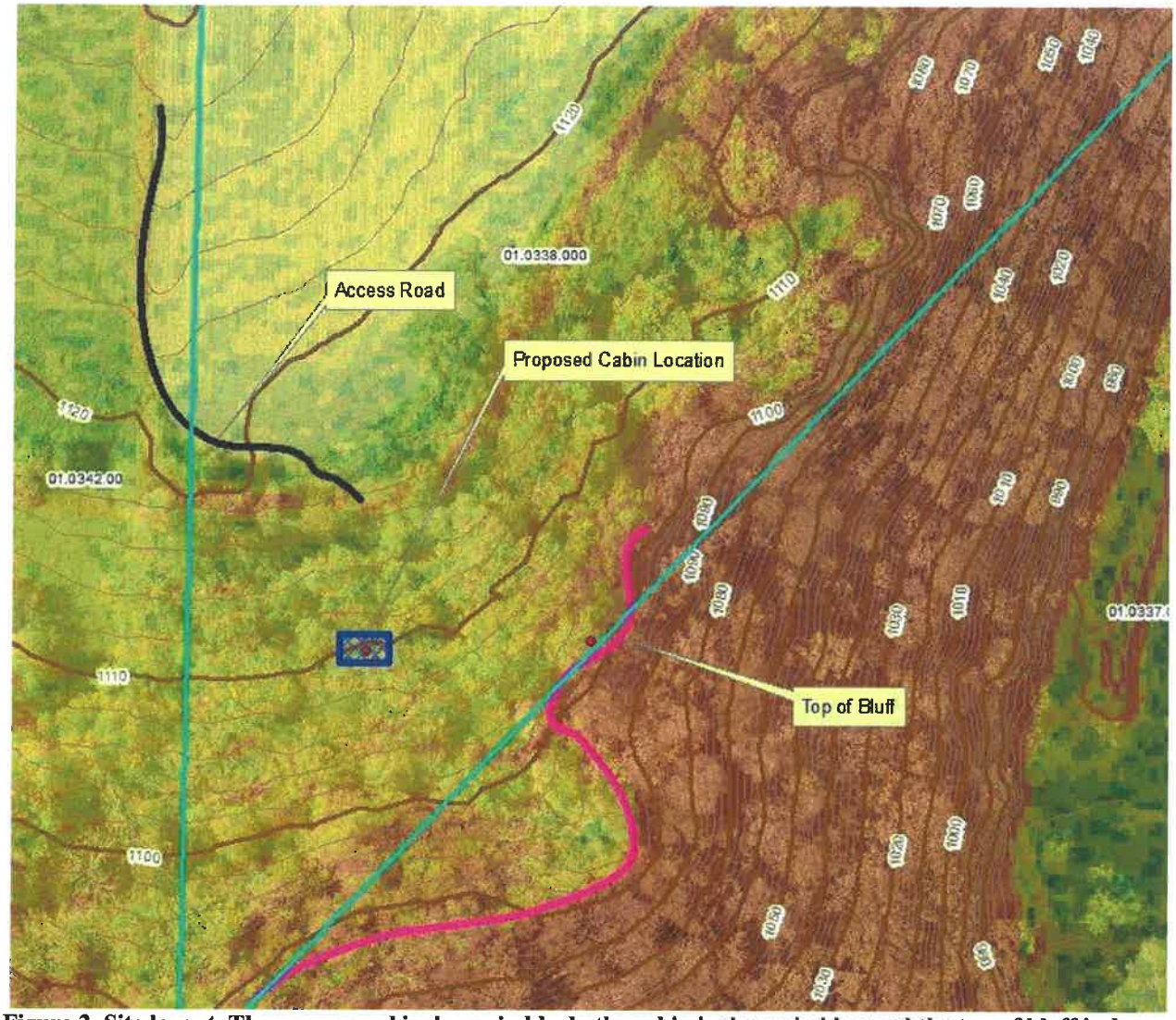


Figure 2. Site layout. The access road is shown in black, the cabin is shown in blue and the top of bluff is drawn in pink. Red is slopes over 24% grade.

EVALUATION

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

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

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

   Staff Analysis: The Comprehensive Plan references limiting development in agricultural areas. This proposal has limited impact on tillable acreage.

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

   Staff Analysis: The applicant indicates the cabin is intended for recreational use. Since this parcel is primarily tillable the applicant's do not utilize it much and would like to spend more time there. This demonstrates a need for the proposed use to the extent possible for this type of request.

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

   Staff Analysis: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no wastewater system requirement for cabins, but the applicant's identify they will use a porta potty. This will need to be pumped by a licensed maintainer.

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

   Staff Analysis: The cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff.

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

   Staff Analysis: The soil survey indicates that soils at both sites can accommodate buildings, but should conform to the natural slope of the land.

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

   Staff Analysis: There are no anticipated pollution hazards.

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

   Staff Analysis: No utilities are proposed. Access is from the township road from which there is an existing field access.

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: NA

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

   Staff Analysis: NA

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 parcel is located at the end of Kyseth Drive. There is one rural residential dwelling within a half-mile and one farmstead. Note that Hidden Bluffs Campground is within a mile of the proposed location. The addition of a cabin will increase the use of Kyseth Drive, but is not anticipated to negatively affect the use of neighboring properties.

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

    Staff Analysis: The predominant land use is agriculture and forest, the continuation of which will not be impacted by a cabin. Much of the property north of Riceford Creek is tillable acreage with small amounts of woodland. Then there is a great deal of bluff and conservation program land to the south and east in proximity to Riceford Creek. The Zoning Office does not know of any new developments

proposed in this area and a cabin should not impact neighboring landowner's ability to utilize their property for existing 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: NA

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

    Staff Analysis: NA

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

    Staff Analysis: NA

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

    Staff Analysis: Public health, safety, morals, and general welfare are not anticipated to be impacted.

RECOMMENDATION

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

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Proposed motion: To recommend approval of a conditional use permit for a cabin in the agricultural protection district.

Submitted by Applicant 6

Number		
2022-CUP-94056	**LAWSTUEN,KAREN | 010338000 |** **Conditional Use Request** Submitted by **Amy Sylling** on 7/1/2022	

CONDITIONAL USE INTRO [Edit] Last updated: 7/1/2022 12:25:49 PM and saved by: Amy Sylling

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: 7/1/2022 12:27:16 PM and saved by: Amy Sylling

Applicant Name	**LAWSTUEN,KAREN**
Telephone Number	**507-696-5575**
Address	**105 Norway Dr**
City	**Lanesboro**
Zip	**55949**
Parcel Tax ID	**010338000**
Legal Description	**NW1/4 NE1/4 & PT SW1/4 NE1/4 EX PC TO DRAGVOLD 4.925A DOC 253844; DOC 256361, 256362 3**
Section-Township-Range	**31/102/007**
Do you own additional adjacent parcels	**No**

Township of:	**Black Hammer**

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: 7/1/2022 12:31:18 PM and saved by: Amy Sylling

Click here to view the Houston County Zoning Ordinance

Describe in detail your request.	**We plan to place a 14 by 32 ft Cabin for recreational use. There will be no electric or plumbing. We will have a porta potty.**

Citation of Ordinance Section from which the Conditional Use is requested:	**14.3 Subd. 1(5)**
Requested Dimension:	**14X32**
Please upload any supporting documents:	**Lawstuen Permission Statement.pdf (download)**

CONDITIONAL USE FINDING OF FACTS [Edit] Last updated: 7/1/2022 12:48:30 PM and saved by: Amy Sylling

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:	**Cabins are common in the ag district and will not go against the County Land Use Plan.**
2. That the applicant demonstrates a need for the proposed use.	**Yes**
Comments:	**This has been a dream of ours for 20 years. We feel this is a good use of our land. We currently don't use it much and would like to spend more time there.**
3. That the proposed use will not degrade the water quality of the County.	**Yes**
Comments:	**Our use will not affect the water quality in any way. We plan to have a porta potty.**
4. That the proposed use will not adversely increase the quantity of water runoff.	**Yes**

Comments: **This is a small cabin and should not affect runoff.**

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

Yes

Comments: **Soil should be adequate. The site is currently woodland.**

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

Yes

Comments: **No pollution hazards will exist.**

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

Yes

Comments: **Access will be off Kyseth Dr. We plan to create a driveway along the fenceline.**

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

N/A

Comments: **N/A**

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

N/A

Comments: **N/A**

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

Yes

immediate vicinity for the purposes already permitted.

Comments: **There are no close by neighbors that will even see our cabin.**

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

Yes

Comments: **This will not affect the development of the ag district. Cabins are common in the district.**

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.

Yes

Comments: **The cabin will not produce any nuisances that we know of.**

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

N/A

Comments: **N/A**

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

N/A

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

Comments: **N/A**

Yes

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

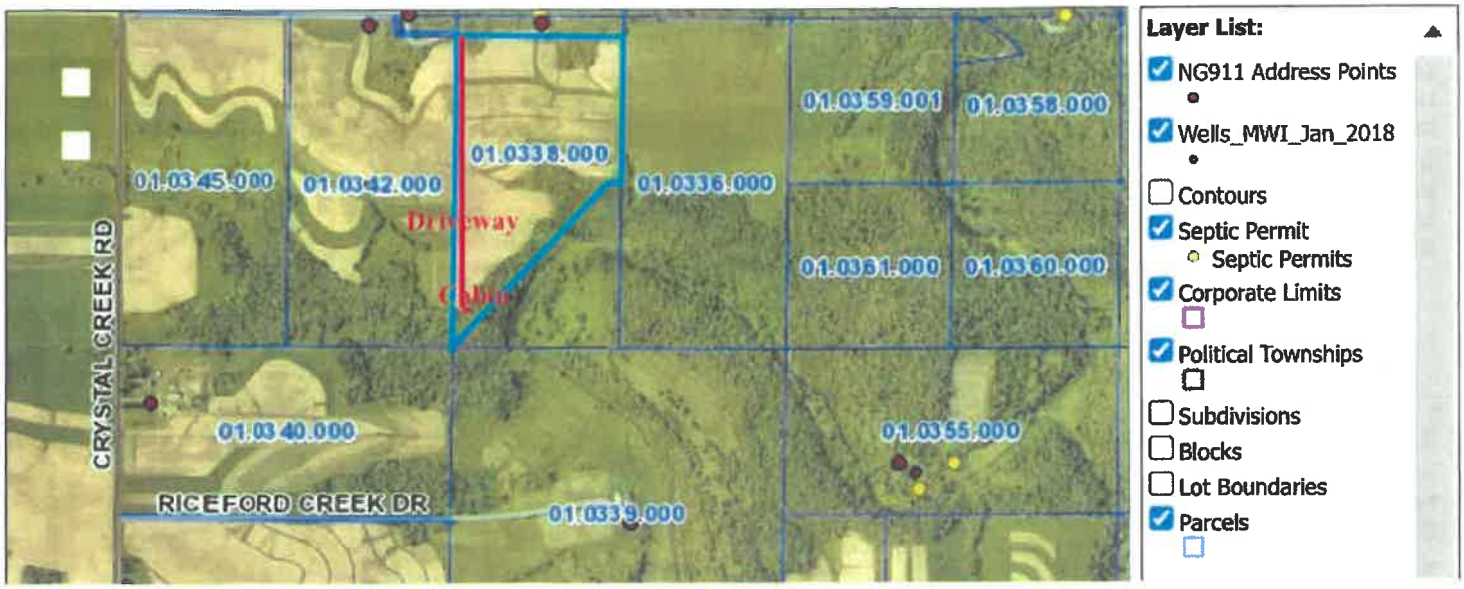
Comments: **This will not affect the general health, safety, morals or welfare of the community.**

SITE PLAN INFORMATION [Edit] Last updated: 7/1/2022 12:56:29 PM and saved by: Amy Sylling

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

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

Use Interactive Map to Create Site Plan



Use the space below to include site plan comments, if necessary	**The cabin will sit on 1 1/2 inch rock with black textile weed barrier under the rock. The cabin will be on skids.**

APPLICATION SUBMITTAL [Edit] Last updated: 7/1/2022 12:59:47 PM and saved by: Amy Sylling

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.	**Yes**
By checking this box, I certified that I have notified my town board of my application.	**Yes**
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.	**Yes**

Signature

X

Date Signed:
07/01/2022

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

Submitted by Applicant

John has
permission
to be in
charge of
the cabins

Karen
Lawstuen

Amelia Meiners

From: Martin Herrick
Sent: Tuesday, July 19, 2022 3:24 PM
To: Amelia Meiners
Subject: Fwd: Lawstuen cabin proposal

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Martin Herrick <Martin.Herrick@co.houston.mn.us>
> **Date:** July 19, 2022 at 9:59:07 AM CDT
> **To:** "Beverly B. Burand" <bburand@acegroup.cc>
> **Subject: Re: Lawstuen cabin proposal**
>
> Beverly
>
> We will let Lawstuens know.
>
> Thank You
>
> Sent from my iPhone

On Jul 19, 2022, at 9:00 AM, Beverly B. Burand <bburand@acegroup.cc> wrote:

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

As part owner of Black Hammer Farm adjacent to Lawstuen Farm, I have concerns regarding proposed cabin.
I feel a survey should be conducted before further development as there have been questions in the past as to property line in that area.
My goal is to protect the water shed on our farm and prevent development. So I have questions regarding cabin: electric, sewer, usage by persons other than property owners.
If Lawstuen property owner would like to contact me for further discussion, feel free to share my information.
If you, as zoning administrator, have further questions, please feel free to contact us.

Beverly Burand

bburand@acegroup.cc
507-895-4622

Keith Burand
keithb@acegroup.cc
507-895-4622

Amelia Meiners

From: Martin Herrick
Sent: Tuesday, July 19, 2022 9:52 AM
To: Amelia Meiners
Subject: Fwd: Lawstuen CUP
Attachments: BRW30C9AB27BDA5_000456.pdf

FYI

Sent from my iPhone

Begin forwarded message:

From: Johnny Micheel <johnnymicheel79@gmail.com>
Date: July 19, 2022 at 9:13:55 AM CDT
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Re: Lawstuen CUP

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

Good Morning Martin,

Thanks for the map on the proposed cabin site and after reviewing the location, our family has some concerns as to the location. I attached a map from the Farm Service Agency showing the boundary along that area according to their mapping records. Our farm's RIM easement shows something similar to that boundary. I don't feel we can support the proposed CUP with a discrepancy in the property boundary. We want to protect the Riceford Creek watershed from development and manage its resources sustainably.
Rules and laws have been established in Houston County to protect our natural resources and agricultural land from development and CUP's sometimes sidestep those regulations with short term interests.

Thanks for allowing us to offer our opinion and feel free to pass on our phone number to Karen if she wants to discuss the CUP.

Sincerely,

Johnny and Elizabeth Micheel
507 993-0511

Johnny Micheel
Chimney Rock Forestry, LLC

20920 County Rd. 26
Houston, MN 55943
(507) 993-0511

On Mon, Jul 18, 2022 at 8:56 AM Martin Herrick <Martin.Herrick@co.houston.mn.us> wrote:

Johnny

FYI. If you need additional information let us know.

Thanks,

From: Johnny Micheel <johnnymicheel79@gmail.com>
Sent: Monday, July 18, 2022 7:58 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Lawstuen CUP

*** HOUSTON COUNTY SECURITY NOTICE ***

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

Good Morning Martin,

My family owns land adjoining Karen Lawstuen to the South. We received a letter regarding her CUP for a cabin. We are wondering if you can provide us with a map and location of the proposed cabin?

The land we have adjoining hers is in the RIM program, so we want to protect the Riceford creek watershed from development.

Sincerely,

Johnny Micheel

Burand / Micheel partnership - Blackhammer Farm.

Johnny Micheel

Chimney Rock Forestry, LLC

20920 County Rd. 26

Houston, MN 55943

(507) 993-0511

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

Houston County National Leader in Recycling

STAFF REPORT

Application Date: 06/28/2022
Hearing Date: 7/28/2022
Petitioner: Joseph Rud & Craig Helke
Reviewer: Martin Herrick
Zoning: Ag Protection
Address: 11778 State 44
Township: Caledonia
Parcel Number: 030128000
Submitted Materials: CUP(Conditional Use Permit) Application

OVERVIEW

REQUEST

The applicants are requesting a conditional use permit to construct a steel framed building with concrete surfaces on the north and east sides of the building. The facility will be used to repair agricultural equipment, including repair of machinery, semi-trucks and trailers used for agricultural purposes. Work will be performed within the building. The primary goal is to serve the agricultural community.

The conditional use permit is requested under Houston County Zoning Ordinance (HCZO) 16.3 Subdivision 1. (1) Conditional Uses (1) Agriculture Oriented Business. In the Highway Protection District, the Agriculture Oriented Business may be allowed only after obtaining a Conditional Use Permit in accordance with the provisions of Section 6 Conditional Use Permits.

SUMMARY OF NOTEWORTHY TOPICS

The project will raze all of the existing structures and change the egress from State Road 44 to Angus Drive.

An application for rezoning the parcel to Highway Business district from Agriculture Protection District was submitted on June 18, 2022. Additionally, the applicant has an outstanding application for a conditional use permit in the Agriculture Protection District. Consequently, this conditional use permit is predicated on the corresponding rezoning being approved.

Of note:

HCZO Section 29.9 Subdivision 2. All Zoning Districts in the County may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a nuisance.

HCZO Section 29.12 Subdivision 6 (1). No person may store or keep any vehicle of a type requiring a license to operate on the public highway; but without a current license, attached hereto, whether the vehicle be dismantled or not, outside of an enclosed building in the residential or agricultural district.

HCZO Section 29.13 Subdivision 1. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone but not on the side of a business or industry considered to be the front.

HCZO Section 30.4 Subdivision 7. In General Business and Highway Business Districts and in Limited and General Business Districts, parking areas and access drives shall be covered with a dust-free all-weather surface with proper surface drainage, as required by the County Engineer. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas well-kept.

HCZO Section 30.4 Subdivision 8. Lighting shall be reflected away from the public right of way and nearby or adjacent Residence Districts.

Sign regulations are covered under Ch173, MN Statutes.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Public Notice of the June 28, 2022 Conditional Use Permit application was published in the July 13, 2022 edition of the Caledonia Argus. Multiple comments were received and are included in the packet.

In the previous application for a conditional use permit in the Agricultural Protection District the the following comments were received in writing and in person:

1. Potential for decreased property values,
2. Screening for site activities,
3. Storage of parts and/or junk outside,
4. Signage,
5. Lighting,
6. Well & Septic upgrades,
7. Roadway surfacing and long-term responsibility,
8. Number of employees,
9. Surface water management and protection of the Crooked Creek Watershed,
10. Seeding open areas and control noxious weeds,
11. Business relocation or new venture,
12. Ultimately commercial zoning and status of both parcels,
13. Highway 44 egress,
14. Meeting the definition of agriculture orientated business,
15. Potential to become a trucking terminal,
16. Traffic management,
17. Eyesore and community presence.
18. Project support from an adjacent land owner based on the need for farm related repair facilities.

Additional comments were recorded during the February 24, 2022 hearing on the conditional use permit application for an agricultural orientated business in an agricultural protection district.

SITE CHARACTERISTICS

The site relief will not inhibit the proposed CUP activities. The site soils in the proposed development are characterized as Seaton Silt loam with a capability rating of III e. The existing infrastructure located on the site will be razed. The development will disturb greater than 1 acre of land with an estimated .4 acre of tillable acreage being used. A small portion of the parcel is designated commercial from a 9/11/1969 zoning action.

EVALUATION

*The Planning Commission may determine that more information is necessary to address all concerns adequately.

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:

   When the requirements are met, a conditional use permit provides a mechanism for establishing an agricultural orientated business in a highway business district that conforms to Houston County's Land Use Plan.

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

   Staff Analysis:

   The applicant proposes to repair agricultural equipment, including repair of machinery, semi-trucks and trailers used for agricultural purposes, which is a legitimate need.

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

   Staff Analysis:

   With adequate surface water control and a properly constructed and operated SSTS for managing septage the water quality will not be compromised.

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

   Staff Analysis:

   The proposed high percentage of impermeable surfaces and structures will require adequate surface water management, including construction, operation, possible treatment, energy dissipation and infiltration to reduce surface water runoff.

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

   Staff Analysis:

The soil bearing capacity is adequate for the proposed structure. The soils can be compacted and graded for the proposed roadways. Additional surface water management features can be incorporated to enhance the site's infiltration capability.

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

   Staff Analysis:

   While an erosion control plan in HCZO Section 24 is required, the primary pollution from sediment loading will be addressed in the MPCA permitting requirements because greater than 1 acre is being disturbed. The facility is proposing that all activities will be performed indoors including management of solvents, degreasers, fuels and lubricants. Additionally, new construction materials and methods have substantially improved energy efficiencies and waste minimizations.

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

   Staff Analysis:

   The proximity to existing structures and the City of Caledonia likely lends itself to accessing gas, electrical and other utilities. Adequate frontage exists with gentle slopes allowing access to Angus drive.

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 for off street parking and vehicle loading

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

   Staff Analysis:

   Substantially larger site distances, transition zones, upgraded subbase and other features are needed for truck traffic. Traffic from the proposed facility will have to egress from Angus drive. A 3/04/2022 E-mail from MNDOT to Amelia Meiners noted that access from HWY 44 will likely not be granted. Based on the proposed number of vehicles transitioning from the facility the site has enough area to prevent traffic hazards.

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

    Staff Analysis:

    While the proposed hours of operation and activities are typical of a commercial site. The surrounding area is an agricultural protection district and commercial activities are similar in nature. Screening, vegetation, exterior lighting and other activities can be implemented to substantially reduce the view shed of the building to the local residences.

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 for the parcel meets the intent of Houston County's Land Use Plan.

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 applicant proposes to perform all work indoors and the roadways will be maintained to prevent fugitive dust. The lighting will be directed down and the signage will be minimal. As noted in the Staff Analysis for Finding No.10 screening and vegetation blocking the viewshed toward the residences will substantially reduce the disturbance to neighbors.

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

    Staff Analysis:

    NA

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

    Staff Analysis:

    The intensity of the of the proposed commercial activity in a highway protection district, isn't substantially different when consideration is given to the larger buildings being constructed for agricultural purposes. The proposed traffic and daily activities are not substantially more than seasonal farm 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:

    With SSTS, the site erosion plan, the applicable MPCA requirements, conditions for screening and other possible conditions listed below, the proposal will be protective of human health and the environment.

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 complying with the conditions and all other applicable statutes, rules, and ordinances.

3. The Board may wish to consider additional conditions concerning the following items, which will also be addressed in the building permit:

   Demolition and razing existing buildings,
   The building design indicating the maximum elevation,
   Exterior signage and lighting,
   Any associated new exterior structures,
   Surface water management plan with proposed site contouring and structures to dissipate energy and promote infiltration,
   Site screening, vegetation and fencing with a plot plan showing location,
   General site management/operations,
   Erosion control plan,
   Traffic management plan and haul routes including vehicle types, transition zones, and a road base cross section,

Submitted by Applicant for Highway Business CUP 7

Number		
2022-CUP-94015	**RUD,JOSEPH & CRAIG HELKE | 030128000 |** **Conditional Use Request** Submitted by **ginagran** on 6/30/2022	

CONDITIONAL USE INTRO [Edit] Last updated: 6/30/2022 3:04:47 PM and saved by: ginagran

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

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

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

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

Conditional Use Application Fee	**$700.00**
Recording Fee	**$46.00**

Application Type:
Conditional Use

APPLICANT INFORMATION [Edit] Last updated: 6/30/2022 3:04:54 PM and saved by: ginagran

Submitted by Applicant for Highway Business CUP

Applicant Name	**RUD,JOSEPH & CRAIG HELKE**
Telephone Number	**507-450-2152**
Address	**11778 STATE 44**
City	**CALEDONIA**
Zip	**55921**
Parcel Tax ID	**030128000**
Legal Description	**NE1/4 (EX 4A & EX W 76A & EX 38 AC & EX 20A & EX 20A & EX 13.03 AC)**
Section-Township-Range	**12/102/006**
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: 6/30/2022 3:08:43 PM and saved by: ginagran

Click here to view the Houston County Zoning Ordinance

Describe in detail your request.	**We need a larger facility to service the demand for the repair of semi-tractors, vehicles, trucks and equipment. Our present facility is not large enough.**

Submitted by Applicant for Highway Business CUP

Citation of Ordinance Section from which the Conditional Use is requested:	**RUD,JOSEPH & CRAIG HELKE**
Requested Dimension:	**125' x 200'**
Please upload any supporting documents:	**2-16-22 BOB SCANLAN LETTER, ROOT RIVER SOIL AND WATER.pdf (download)** **LIST OF ADJOINING PROPERTY OWNERS.pdf (download)** **MAP EXHIBITS A and B.pdf (download)**

CONDITIONAL USE FINDING OF FACTS **[Edit]** Last updated: 6/30/2022 3:08:48 PM and saved by: ginagran

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:	**Houston County is primarily agriculture. The use of the property will be serving the agricultural community and related businesses. It will involve the maintenance and repair of equipment and vehicles in accordance with the uses permitted under the Business Highway District classification.**
2. That the applicant demonstrates a need for the proposed use.	**Yes**
Comments:	**We need a larger facility to service the demand for the repair of semi-tractors, vehicles, trucks and equipment. Our present facility is not large enough.**
3. That the proposed use will not degrade the water quality of the County.	**Yes**
Comments:	**We own property surrounding the proposed facility. Robert Scanlan's letter dated February 16, 2022, addresses how our use will not degrade the water quality of the county, attached as Exhibit A.**

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

Yes

Comments: **Robert Scanlan's letter of February 16, 2022, shows the proposed use will not adversely increase the quantity of water runoff.**

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

Yes

Comments: **The soil bearing capacity is adequate for the purpose of the structure. The soils can be compacted and graded for the proposed roadway.**

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

Yes

Comments: **Applicants are familiar with the repair business and take appropriate precautions. All repair activities will be performed indoors, including management of solvents, degreasers, fuels and lubricants. New construction materials and methods will substantially improve energy efficiency and waste will be kept to a minimum. Applicant follows all protocols of regulations promulgated by the Federal, State and local laws.**

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

Yes

Comments: **Proximity to Caledonia and other improvements makes utilities more readily available. Property adjoins Angus Drive. Frontage exists with general slopes allowing access to Angus Drive.**

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

Submitted by Applicant for Highway Business CUP

Comments:

Sufficient off street parking and loading space will be available to serve the proposed use. There will be six employees. Employee parking will be on the west side of the building with customers on the east side. There will be a concrete apron on the east and west side of the building.

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

Yes

Comments:

Access to the property will be off of Angus Drive. The amount of traffic will be very limited based on our past experience in Caledonia. There will be a substantial area for parking as needed on our facility grounds.

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

Yes

Comments:

All repair activities will be performed inside of the building. The building will be smaller than originally planned. It will be 125' x 200'. Traffic will be limited with Angus Drive providing access to the property with use of existing turn lane. Hours of operation will be 7:00 AM to 4:00 PM Monday through Friday. Lighting on the building will be directed toward the building signage and will be on the building with any lighting directed on the signage toward the building.

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

Yes

Comments:

The conditional use will not impede the normal orderly development and improvement of surrounding vacant property for predominant uses in the area. Use will be within the intent of the Houston County Land Use Plan within proximity to city of Caledonia and located on Highway 44.

12. That adequate measures have been or

Yes

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: **We will make improvements or maintenance of Angus Drive as requested by Caledonia Township. All repairs of equipment will be performed inside of the building. The new facility will have modern controls in place for odor, fumes, dust and noise.**

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

N/A

Comments: **Not applicable.**

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: **There is another highway business district zoned property within one-half mile on Highway 44. Our business primarily serves the agricultural community. The use is similar and comparable to auto service stations. A portion of the property is zoned highway business district and has been used for a commercial purpose.**

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

Yes

morals, and general welfare.

Comments: **Will raze and dispose of existing buildings that are in a state of disrepair. A new building will be constructed. This will result in an improvement to the property.**

SITE PLAN INFORMATION [Edit] Last updated: 6/30/2022 3:08:53 PM and saved by: ginagran

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

Upload Site Plan EXHIBITS A and B.pdf (download)

Use Interactive Map to Create Site Plan

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

APPLICATION SUBMITTAL [Edit] Last updated: 6/30/2022 3:23:58 PM and saved by: ginagran

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.	**Yes**
By checking this box, I certified that I have notified my town board of my application.	**Yes**
By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.	**Yes**

Signature

Date Signed:
06/30/2022

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

Root River Soil and Water Conservation District
Agricultural Service Center
805 N. Hwy. 44/76, Suite 1
Caledonia, MN 55921
(507) 724-5261 ext. 3
http://www.co.houston.mn.us/department/soil-and-water/

February 16, 2022

To: Justin Meyer and Craig Helke
From: Bob Scanlan – Root River SWCD
Re: Proposed shop at 11778 State 44

Thanks for taking the time to meet with me on your site in section 12 of Caledonia Township. From a water erosion/discharge standpoint here are my comments. I understand that you are proposing to build a mechanic shop on the site and all existing building structures are to be removed. The existing roof area amounts to approximately 6,575 sq. ft. and these buildings will be eliminated. The roof on the proposed building and other impervious area is estimated to be around 2.5 acres. Access will be off Angus Dr. to the north and will consist of gravel and possibly seal coat or black top. Additional impervious area may include an area around the entire building of gravel or other impervious material. This additional impervious area was included in runoff curve number calculations. All areas directly adjacent to the building site will be sown to grass/legume mixed hay, Kentucky Bluegrass/fescue on the lawn, or other sod-forming vegetation. This type of vegetation will ensure adequate soil armor while allowing for adequate water infiltration. When estimating runoff and peak discharge from the site I find that the existing grassed waterway that drains runoff from the building site to the south is adequate for the proposed use during a 10 year storm event.

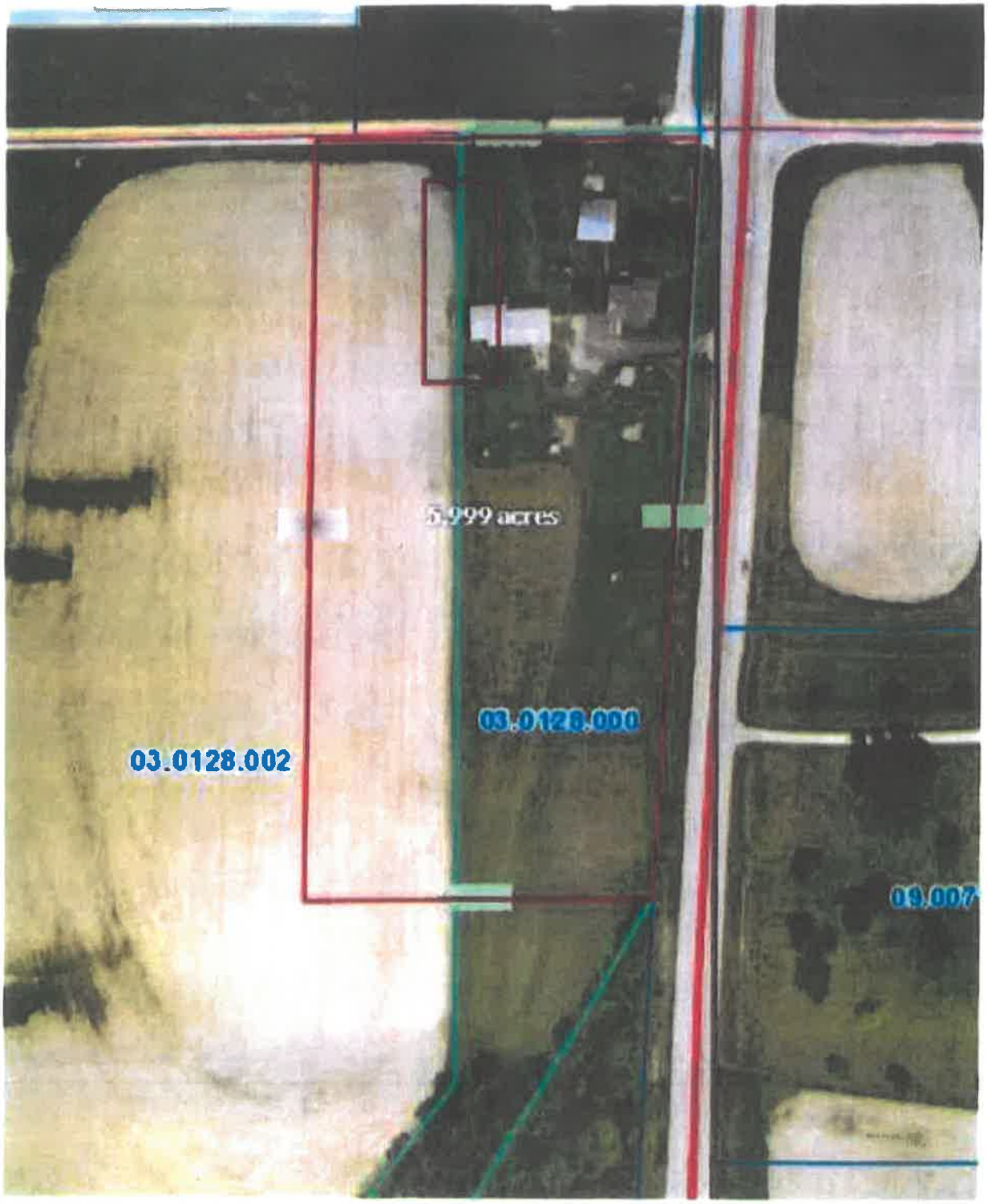
The site consists of approximately 18 acres of B and C slopes. The proposed building will sit on a 103B2 – Seaton Silt Loam soil of 3-6% slope. According to the *USDA Soil Survey*, these soils are typically comprised of a topsoil approximately 9" thick with a 60" subsoil of dark yellowish brown to brown silt loam. Air and water move through these soils at a moderate rate and the water-holding capacity is very high. These soils are found all around the county and are suitable for building site development.

Areas directly adjacent to the proposed building site location are made up of 103C2 – Seaton Silt Loam soils of 6-12% slope. According to the *USDA Soil Survey*, these soils are typically comprised of a topsoil approximately 8" thick with a 60" subsoil of yellowish brown silt loam. Again, air and water move through this soil at a moderate rate with a high water-holding capacity. These soils are well suited for forage crops and pasture so sod should be easily established for erosion control and water infiltration from the adjacent impervious areas.

The existing waterway directly south of the building site is made up of an 1857B – Eitzen silt loam of 1-6% slopes. The surface area of these soils is made up of dark greyish brown silt loam of about 9" thick. The subsoil can range from dark greyish brown, friable silt loam to black, friable silt loam to a depth of about 72". These soils move air and water through the profile at a moderate rate, the water-holding capacity is very high, and surface runoff is medium.

If you have any questions, let me know.
Bob Scanlan – Root River SWCD

ParcelId	OwnerName	OwnerAddress1
090071000	WELCH,JOSEPH A	820 INDUSTRY RD
090071001	STATE OF MN-DEPT OF TRANS, R/W LEGAL SECTION	395 JOHN IRELAND BLVD
030005000	SULLIVAN,JOSEPH A & KATHY S	12886 ANGUS DR
030004000	KLUG,STEPHEN B & ANNA M	18863 DAIRY RD
030128001	HOSCHEIT,DARLYNE, C/O THOMAS & MANON HOSCHEIT	11608 COUNTY 5
030129000	HOSCHEIT,DARLYNE, C/O THOMAS & MANON HOSCHEIT	11608 COUNTY 5
030130000	HOLTE,DENNIS & ANNETTE	19513 COUNTY 11
030128000	RUD,JOSEPH & CRAIG HELKE	523 ENTERPRISE DR
030004001	KLUG,DANIEL P	11730 STATE 44
090064000	KLUG,STEPHEN B & ANNA M	18863 DAIRY RD
090062000	STEMPER,MATTHEW J & AMY	11500 ANGUS DR
090071002	LEARY,DONALD	10425 STATE 44
030131000	LANGE,DUSTIN & JACLYN	11848 STATE 44
090071003	WELCH,JOSEPH A	820 INDUSTRY RD
030130001	STATE OF MINNESOTA, DISTRICT 6 RIGHT OF WAY	2900 48TH ST NW
030128002	RUD JOSEPH AND CRAIG HELKE	524 WINNEBAGO ST S



EXHIBIT

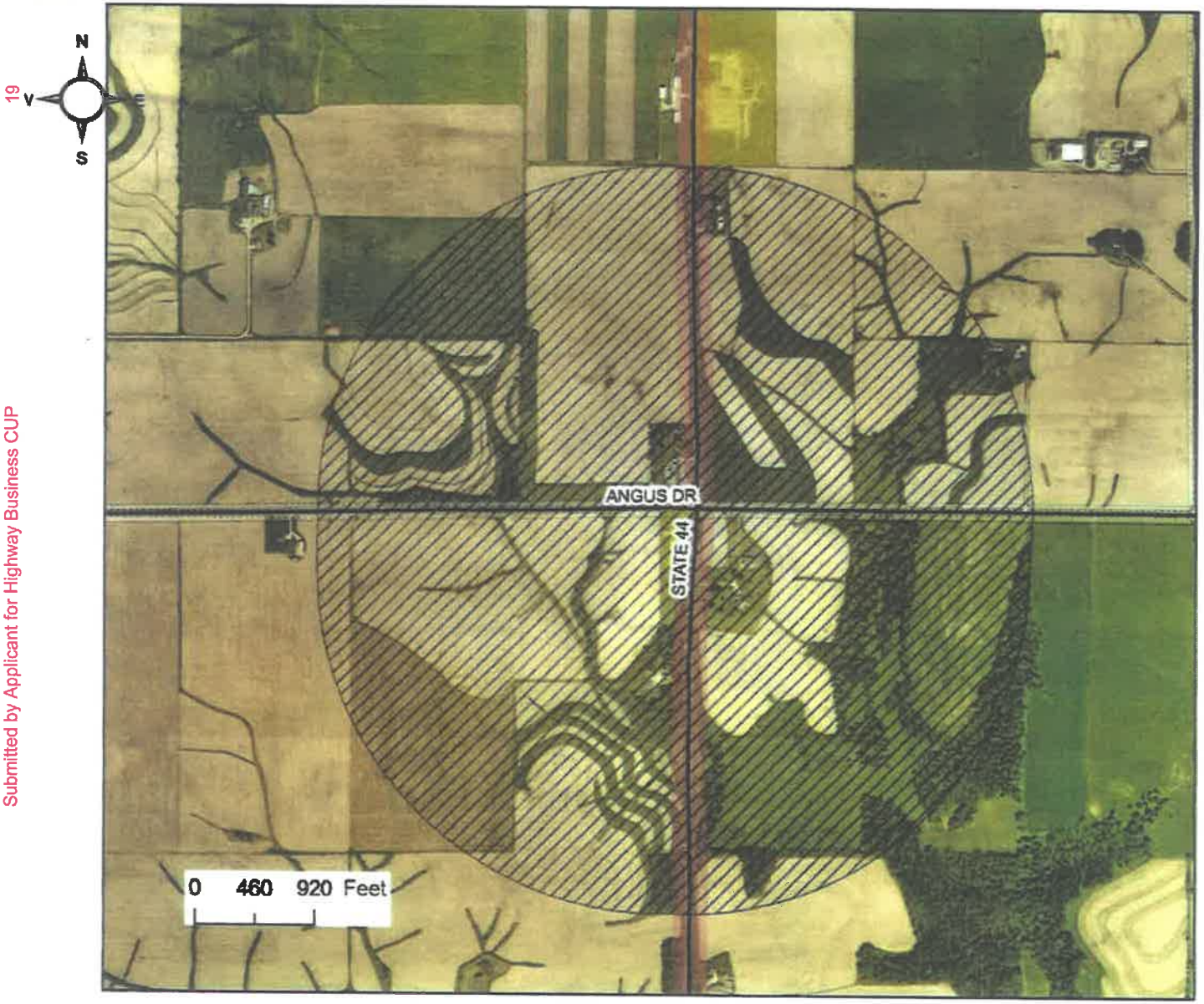
tabbies

A

EXHIBITS

B

Date Created: 6/28/2022



HOUSTON COUNTY, MN

MAP LEGEND

- Ag
- Symbol
- Highway Business
- General Business
- Limited Industry
- General Industry
- Residential
- Roads

The information on this page represents current data from a working file which is updated continuously. Its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein, or its use. Houston County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis.

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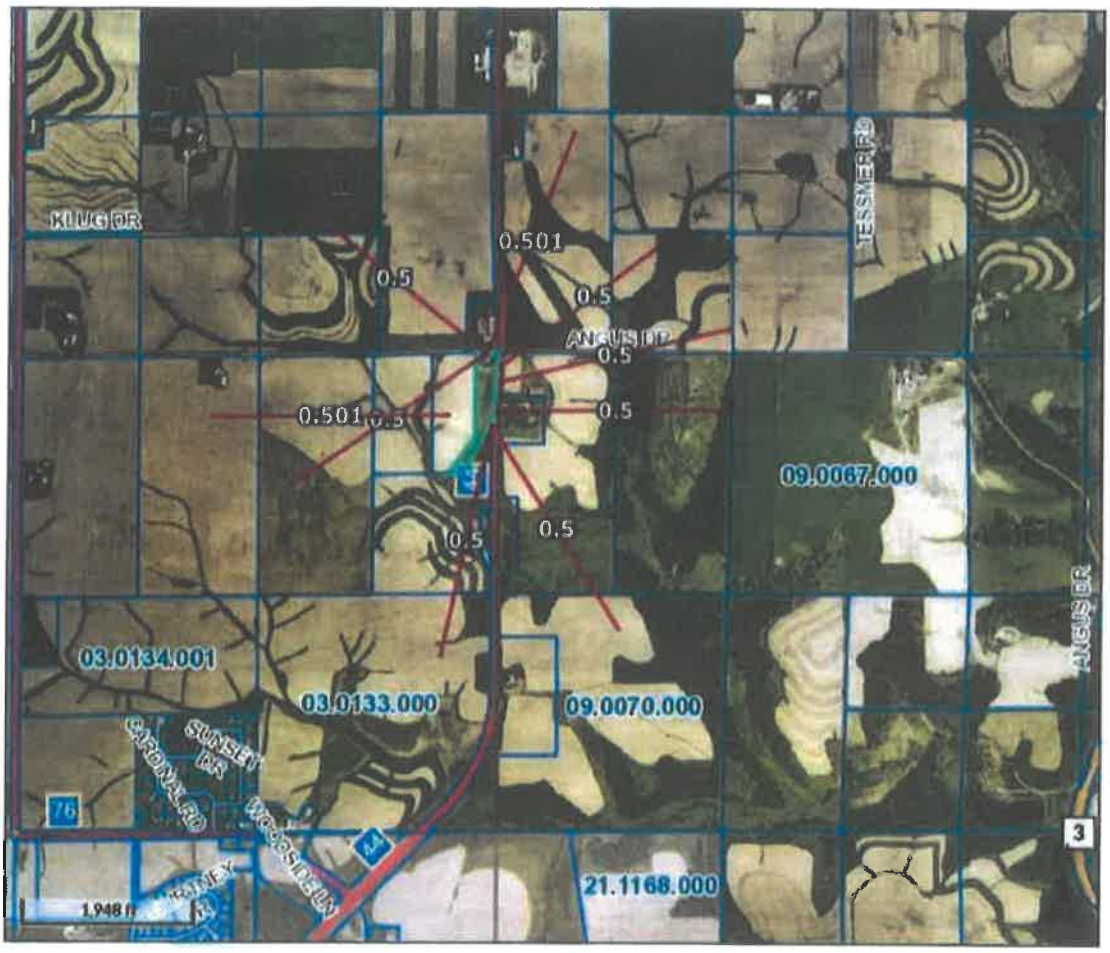
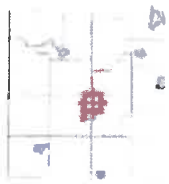
Submitted by Applicant for Highway Business CUP

Beacon™ Houston County, MN



Overview



Legend

- Parcels
- Corporate Limits
- Roads
  - <Null>
  - COUNTY
  - STATE
  - US
- Political Township

Parcel ID	030128000	**Alternate ID**	n/a	**Owner Address**	RUD,JOSEPH & CRAIG HELKE
Sec/Twp/Rng	12/102/006	**Class**	Ag Dwelling		523 ENTERPRISE DR
Property Address	11778 STATE 44	**Acreage**	5.28		CALEDONIA, MN 55921
	CALEDONIA				

District CLDNT/SD299/FD2/WS16

Brief Tax Description NE1/4 (EX 4A & EX W 76A & EX 38 AC & EX 20A & EX 20A & EX 13.03 AC)

(Note: Not to be used on legal documents)

Date created: 6/28/2022
Last Data Uploaded: 6/28/2022 4:02:37 AM

Developed by Schneider GEOSPATIAL

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 5:44 PM
To: Amelia Meiners
Cc: Amy Sylling
Subject: FW: Rud/Helke Rezone

I am updating the CUP and rezone staff notes right now. This will get in .

Thanks,

From: Gina Gran <ginarhm@acegroup.cc>
Sent: Wednesday, July 20, 2022 10:16 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Cc: Gina Gran <ginarhm@acegroup.cc>
Subject: RE: Rud/Helke Rezone

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

Martin,

I am writing in response to your email of July 13, 2022.

It is the applicant's intent to apply the existing information from the initial conditional use permit application for the rezoning and new conditional use permit application. During the proceedings the petitioners agreed to reduce the size of the building to 125 x 200. They intend to proceed with the dimensions of 125 x 200 as noted in the application for the conditional use permit. Thank you.

CC: Mr. Craig Helke

Dictated by Timothy A. Murphy

Timothy A. Murphy

Attorney Timothy A. Murphy
Murphy Law Office, P.L.L.P.
110 East Main Street
Caledonia, MN 55921-0149
(507) 725-3361

Gina Gran

Gina Gran, Legal Assistant
Murphy Law Office, P.L.L.P.
110 East Main Street
Caledonia, MN 55921-0149

(507) 725-3361
ginarhm@acegroup.cc

The content of this email and any attached files are confidential, and may be subject to certain privilege. This email is intended for the designated recipient(s) only. If you have received this email in error, please immediately contact the sender by reply email and delete the message.

From: timrhm@acegroup.cc [mailto:timrhm@acegroup.cc]
Sent: Wednesday, July 20, 2022 10:11 AM
To: Gina Gran <ginarhm@acegroup.cc>
Subject: FW: Rud/Helke Rezone

From: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Sent: Wednesday, July 13, 2022 9:14 AM
To: timrhm@acegroup.cc
Cc: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: Rud/Helke Rezone

Tim

The proof of publication has both the rezone and subsequent conditional use permit.

A question that is likely to come up in the rezone hearing is the status/applicability of the existing information and discussions from the previous submittal i.e. the building size, the roof line, driveway etc. Is it the applicants intent to apply the existing information from the initial Conditional Use Permit application for the rezone and new conditional use permit application ?

Thanks,

Marty Herrick,
Environmental Services Director
Houston County, Mn
304 S. Marshall St., Room 209
Caledonia, Mn 55921

02-01-22

I, Joe Rud give Craig Helke authority to make all applications and sign all paperwork for the conditional use permit for the property we own together in Caledonia township.

Joe Rud

MURPHY LAW OFFICE, P.L.L.P.

ATTORNEYS AT LAW

Timothy A. Murphy | **Michael A. Murphy** | **Alexander C. Roverud**
tlmrhm@acegroup.cc mikerhm@acegroup.cc alexrhm@goacentek.net

110 EAST MAIN STREET, P.O. BOX 149
CALEDONIA MN 55921-0149
Phone: 507-725-3361 | Fax: 507-725-5627

Gina Gran
Legal Assistant
ginarhm@acegroup.cc

February 14, 2022

Via email only:
Amelia.meiners@co.houston.mn.us

Ms. Amelia Meiners
Houston County Environmental Services
304 S. Marshall, Room 209
Caledonia, MN 55921

RE: H & R ENTERPRISES, LLC – CONDITIONAL USE PERMIT
Our File No. 43349

Dear Amelia:

We are writing in response to your inquiry set forth in your email of February 10, 2022. We will address your inquiries in the order they appear.

1. Business objectives. The business would primarily serve the local farming community with the repair of farm equipment. They have expertise in the repair and maintenance of tractors used to haul trailers for agricultural supplies.

2. Hours of operation. Monday through Friday 7 AM to 4PM.

3. Anticipated traffic and number of trips per day into/out of the facility. How many employees? There will be six employees. Other than the employees, there will be primarily local customers. Any sales are done primarily by internet.

4. Detailed list of Products & Services – When I was reviewing my notes sales was mentioned, but that was not addressed in the application. We will primarily be maintaining and repairing farm equipment. There would be some sales. The sales consist 90% from equipment that has been repaired.

5. Parking – locations for employees, service vehicles, customers. Employee will park on the west side of the building. The customers would park on the west side or east side.

a. How many pieces of equipment may be sitting outside for sale at a time? We do not anticipate many pieces of equipment sitting outside of the building. The building will be 43,750 square feet.

6. Signage – lighted or non, anticipated location. Signage will be on the building. Any lighting directed on the signage will be toward the building.

7. Lights – outside for parking lots? Will they be located and managed so they will not become a nuisance to neighbors? The only lighting will be on the building directed downward.

8. Are there outside certifications/licenses/regulations required for these sort of facilities? The only license required will be for any sales that will be done.

9. What type of additional resources are needed for this sort of proposal (i.e. bulk tanks, etc.)? The only tank would be a LP gas tank. It would be situated close to the building for heat purposes. There will be no bulk tanks. There will be a bulk oil tank inside of the building for oil used in the service work. There will also be a barrel inside for storage of used oil that is picked up by an independent company.

10. What sort of nuisances are byproducts of your services – odor, fumes, dust, noise and how will you take "preventative action" to mitigate concerns with those? They do not anticipate any issues with odor, fumes, dust, noise because all of the work will be performed inside. There will be a concrete apron around the building and the gravel portion will have chloride.

We will address the supplemental questions you have as follows:

11. How will this affect property values? Do not believe this will negatively affect property values. The facility is located in an agriculturally zoned area and is consistent with the use of property in an agricultural zone. It may increase values because it will show Caledonia as a growing, progressive area.

12. Will there be sales on this site? Limited sales. Our sales in the past have been done primarily by internet.

13. Will there be screening/fencing? Do not feel there is a need for screening or fencing. The building will be 43,750 square feet and all equipment, parts, etc. will be inside the building.

14. Will old parts/junk be piled up? No.

15. Will there be signage? Only on building. Previously answered.

16. Will there be lighting of the lot? Previously answered.

17. Are the old well and septic being used or new? A new septic will be installed. Whether the existing well can be used is still under consideration.

18. Will the lot be surfaced or gravel? Previously answered.

19. Will the township road chip seal be maintained by Rud/Helke or is it a one time improvement? The township does not want Angus Drive chip sealed. They only want it graveled with clay. We will comply with Caledonia Township's request.

20. How many employees will work there? Six.

Very truly yours,

Timothy A. Murphy

TAM:gg

CC: Craig Helke/Joe Rud

Rev'D 2/23/2022

Additional Responses to Houston County Environmental Services for CUP Application –
Parcel Number 030128000
Responses provided 2/22/22

#8 Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed need.
CUP application is for 6 acres with 175'x250' steel building with interior concrete floor. Exterior will be 14' concrete apron with gravel parking surface covering up to 3 acres.
Surface area of parking provides sufficient space for 6-9 employees, and on average 1-2 customers per day. On the west side there will be additional parking spaces available on the apron and on the gravel area.
Gravel surface also provides adequate space for loading or turnarounds.
All parts and equipment will be housed inside the steel building.

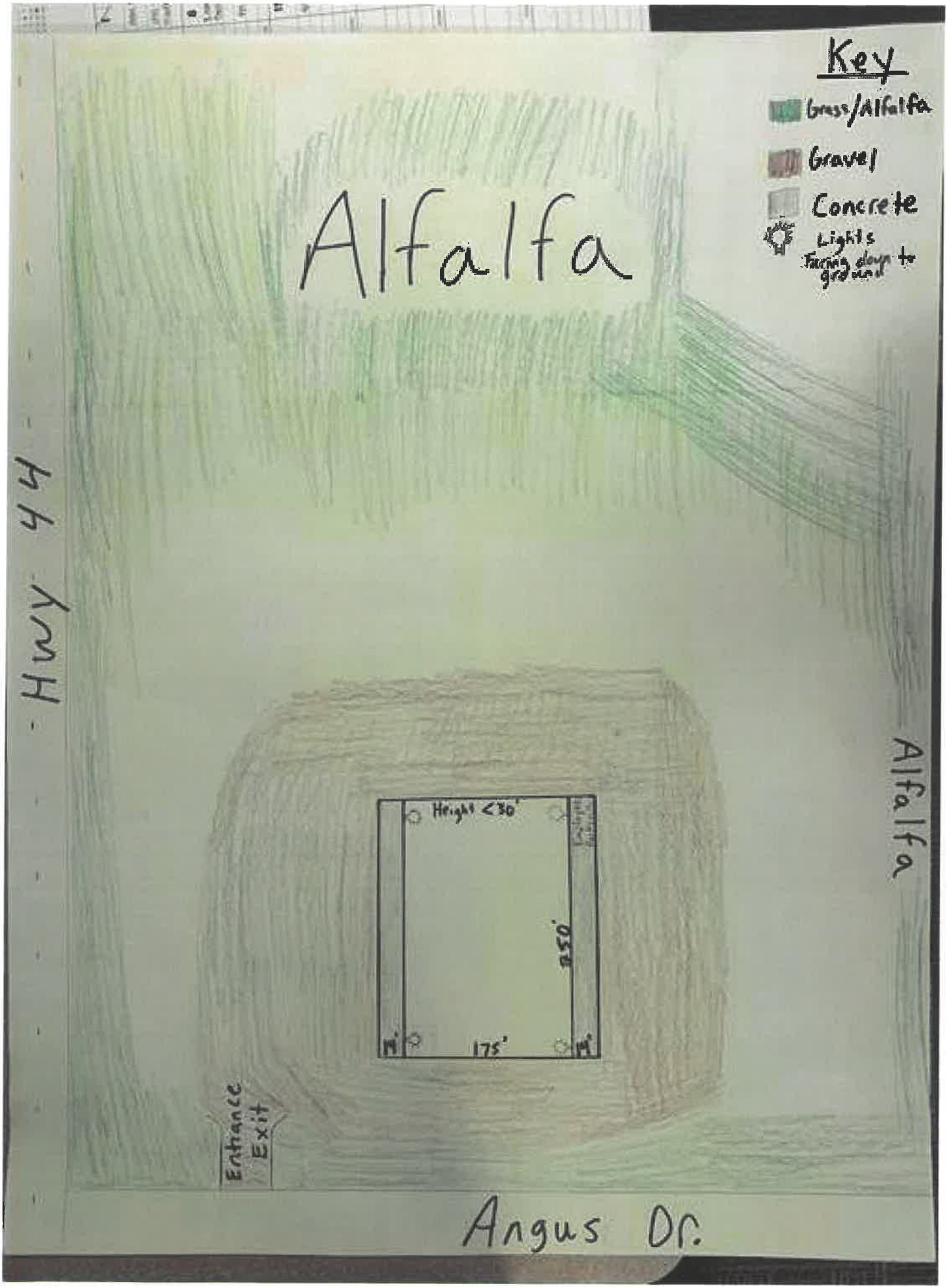
#9 The facilities are provided to eliminate any traffic congestion or traffic hazard which may result from proposed use.
Based on records, traffic will average 1-2 customers per day in addition to 6-9 employees.
See drawing for proposed entrance
We have offered the township road chip seal to mitigate concerns, but the Township has declined indicating they only want gravel with clay.
Re-iterate that this is not Joe Rud Trucking - "truck" traffic is limited to incoming equipment for service - rarely trailers or loaded equipment

#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.
Older, blighted buildings on the property will be razed. All materials from demolition will be removed from Property (not buried) and disposed of properly.
Acreage is adequate to support construction of a 175'x250' steel building, large enough to house all equipment and parts indoors, using aesthetically appealing materials (earth tones).
Building height is 28' 9", walls 18' 9", and door heights of 16' not obstructing
All parts and equipment will be housed indoors with all service work performed indoors following all Federal, State, and local laws and regulations (Noise, Visual, Pollutant Concerns)
Undeveloped acreage within permit and acreage not included on permit will be maintained by local farmer (alfalfa).
Given that all equipment will be housed indoors, there are no plans to construct any screening or fencing.
Outdoor lighting will be facing downward limiting any impact to surrounding properties.
Hours of operation are Monday - Friday, 7am - 4pm.
As previously mentioned, daily traffic flow/volume is limited to 6-9 employees and average 1-2 customers per day.
A site erosion plan has been developed with Root River SWCD to mitigate any water runoff or erosion concerns.

#12 Those 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.
All parts and equipment will be housed indoors with all service work performed indoors following all Federal,

State, and local laws and regulations (Noise, Visual, Pollutant Concerns)
Building is fully insulated further reducing any concerns of noise impact.
Any odor or fumes will be ventilated with carbon filters.
Gravel surface will be maintained with chloride to reduce dust. Application of chloride would extend to Angus Dr if township allows.
Outdoor lighting will be facing downward limiting any impact to surrounding properties. No plans for up/outward facing lighting in parking area.
Signage will be on building only (not lighted).

#14 That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.
The activity proposed is commercial; historical records show that a portion of this site was previously used for Commercial business. H&R Enterprises is a collision and repair facility catering to the Ag community around Caledonia, Houston County, and surrounding areas.
H&R customer records show that the business predominately service Ag-related customers.
While the immediate area is Ag, the service work performed by H&R is characteristic of repairs performed at Surrounding farms.


Key
Grass/Alfalfa
Gravel
Concrete
Lights Facing down to ground
Alfalfa
Hwy 44
Alfalfa
Height <30'
250'
175'
14'
14'
Entrance
Exit
Angus Dr.

Martin Herrick

From: Martin Herrick
Sent: Wednesday, March 9, 2022 3:36 PM
To: Martin Herrick
Subject: Dennis Holte

Dennis Holte called the Environmental Services office on 3/07/2022 to say his property adjoined the proposed repair facility on Angus Drive and he supports the proposal.

Marty Herrick,
Environmental Services Director
Houston County, Mn
304 S. Marshall St., Room 209
Caledonia, Mn 55921

Amelia Meiners

From: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Sent: Friday, March 4, 2022 12:33 PM
To: Amelia Meiners
Cc: Martin Herrick
Subject: RE: Conditional Use Application submitted for 11778 STATE 44, RUD,JOSEPH & CRAIG HELKE, Caledonia Township

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

Hello Amelia,

Sorry this got buried in my inbox. If they are changing the use from residential to commercial it will need to go through the MnDOT Development review process. They are have reasonable, convenient access off Angus Drive so the access to Highway 44 will more than likely not be approved.

Please send a site plan and all information for MnDOT to review this.

Thanks,

Tracy Schnell
Senior Planner | District 6

Minnesota Department of Transportation
2900 48th Street NW
Rochester, MN 55901
C: 507-259-3852
mndot.gov/

DEPARTMENT OF TRANSPORTATION

From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Tuesday, February 15, 2022 1:54 PM
To: Schnell, Tracy (DOT) <tracy.schnell@state.mn.us>
Cc: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: FW: Conditional Use Application submitted for 11778 STATE 44, RUD,JOSEPH & CRAIG HELKE, Caledonia Township

This message may be from an external email source.
Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Tracy,

I just wanted to make sure that you received this notice. There is currently a driveway off of State 44 at this site, but the applicants are proposing to take it from a residential site to a commercial site. They are proposing to use Angus Drive as their main access.

Let us know if you have any concerns.

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

From: amelia.meiners@co.houston.mn.us <amelia.meiners@co.houston.mn.us>
Sent: Friday, February 4, 2022 10:34 AM
To: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Subject: Conditional Use Application submitted for 11778 STATE 44, RUD,JOSEPH & CRAIG HELKE, Caledonia Township

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An application for a Conditional Use in Caledonia Township has been submitted.

Applicant name: RUD,JOSEPH & CRAIG HELKE

Applicant phone number: 507-450-2152

Applicant Address: 11778 STATE 44

Requested Conditional Use: The property is zoned agricultural. The property owners desire to construct a steel framed building with concrete surface on the north and east sides of the building. The property owners propose to seal coat Angus Drive adjoining the 6 acre parcel. The facility will be used to repair agricultural equipment, including repair of machinery, semi trucks and trailers used for agricultural purposes. Work will be performed within the building. Primary goal is to serve the agricultural community.

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

The Caledonia Township contact is: Joseph Schieber

Phone number: 507-724-2007

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

Number: 2021-CUP-88054
Project: Conditional Use Request
Description: RUD,JOSEPH & CRAIG HELKE | 030128000 |
Created On: 2/1/2022

View this application

Martin Herrick

From: dustin lange <dldustin23@yahoo.com>
Sent: Monday, February 14, 2022 9:17 PM
To: Martin Herrick
Subject: Agriculture oriented business permit for north of my property

*** HOUSTON COUNTY SECURITY NOTICE ***
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Hello this is dustin lange. I am writing you today with a few questions and concerns about the property north of my property.
I'm concerned that it may turn into a junkyard and 6,000 vehicles a day driving by would have to look at it. That's not what Caledonia or Houston county wants I hope.
I'm concerned about my neighbors and my property values and how much they are going to depreciate if a junkyard happens. I also have questions on the permit being agricultural, are there going to be running semi reefers, how many wrecked striped down semis are going to be outside and how long are going to be left there. Is there going to be parking lot lights left on all night, is there going to be a fence around the property and many more questions about this situation. If you can answer any of my concerns that would be great. Looking forward to hearing from you.
Thank you
Dustin lange
Sent from my iPhone

February 14, 2022

Martin Herrick
Zoning Administration
Environmental Service Department
304 South Marshall St
Caledonia, MN 55921

RE: Conditional Use Permit – 03.0128.000 & 03.0128.002

Mr. Herrick,

As a homeowner and citizen in the Caledonia Township, I have several concerns I would like to address regarding the above noted Conditional Use Permit.

CONCERN 1:

Traffic – On State Hwy 44, south of Hokah to the City of Caledonia, there is a higher rate of speed, posted speed limit is 60 mph. Most vehicles are driving at a speed of at least 65 mph. Having lived at my residence for 30 years, I have witnessed plenty of big trucks going by at the intersection. There is a straight away right in front of my home. Often, vehicles increase their speed from 65 mpg to pass slower traffic. The purposed salvage yard / dump is right in the zone where divers decide to accelerate and pass slower traffic. During planting and harvest season, drivers are more aware and attentive to farm equipment moving and turning off and onto State Hwy 44. In my mind, when big trucks, semis, semi-trailers slowing, stopping, and turning onto Angus Road from Hwy 44 dramatically changes the safety of this intersection.

CONCERN 2:

A repair shop for wrecked semi tractors and parts depot, salvage, a semi-tractor, big truck bone yard "a dump", will be located right on Hwy 44. As we are all aware, this dump will have a real physical presence at the approach to the city we all love, Caledonia. Caledonia is the heart of rural America's farmland. Installing a semi-truck bone yard, a dump, is not anything I want for my community. We've seen these dumps around when we travel. I am always so glad we don't have one of these in our area. What about the personal property values that are near and surrounding to this dump?

It was mentioned in the letter I received, a conditional use to operate an agriculture-oriented business in an ag district. I have personally reviewed the business website for Joe Rud Trucking, Inc. There is no mention of involvement in agriculture or concern for agriculture. Please visit this website http://www.joerudtrucking.com/index.php to confirm this information. I have placed a snapshot of the Joe Rud Trucking mission statement below.

OVER THE ROAD TRUCKING

Welcome to Joe Rud Trucking.

Joe Rud Trucking Inc is licensed to carry non-hazmat rated materials from the general freight, metal: sheets, coils, rolls, machinery, large objects, and refrigerated food cargo categories. At the time of its last MCS-150 filing, Joe Rud Trucking Inc covered 2.5 million miles, which is among the most miles covered by any transportation service.

Clearly, this business is categorized as a transportation and trucking company, which includes trucking and rigging, nothing about agriculture. What starts as a repair shop and salvage yard, a big truck bone yard, can quickly become a staging area for semi-trucks and refrigeration trucks that are running all night. Again, the potential for increased, unwanted large truck / semi-trucks traffic is overwhelming.

Who would want a salvage yard constructed next to their property? Have you considered the dramatic decrease in the personal property value that surrounds this dump? I am very concerned about this. I can tell you under no uncertain terms, I do not want this next to my property!

Concerned homeowner,

Daniel Paul Klug
11730 State 44
Caledonia, MN 55921
PHONE: 507-458-0758

Martin Herrick

From: Joseph Welch <joewelcheq@aol.com>
Sent: Monday, February 14, 2022 4:05 PM
To: Martin Herrick
Cc: Greg Myhre; Joseph Welch
Subject: Rud Helke Conditional use permit please advise of receipt

*** HOUSTON COUNTY SECURITY NOTICE ***
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I am very opposed to this for many reason.

1) When I purchased my property at 11807 State Highway 44 I was told by Houston County Zoning that no business other then a home based business could operate in an agricultural zone. Being assured the area would stay as it was, I then changed my plans of moving my business to 11807 State Highway 44 to building my home there.

2) In a conversation I have had with Craig Helke prior to the purchase of their property in Caledonia Township he told me they were looking for a place to have a truck salvage yard. They would also have to have the body shop on the highway to get insurance company referrals. To do this they were looking to find a place in the country and to get zoning changed they would "just say they are working on farm trucks" to qualify as agricultural. I have received a text from someone unknown to me. They questioned why there is nothing on their current web about farm equipment repair. I will be glade to share the text message.

3) This will make more traffic on an already very busy highway and put heavy semi type trucks year round on a gravel road.

4) The area we live in has great natural resources. Clean air, water and great beauty. Having a business with trucks and equipment along the highway for sale and repair will detract from the area and bring potential hazards to our highways. Changing the lives of all the surrounding residents.

5) I have talked to many of my neighbors and there are concerns about theft problems. From what we I have been told H&R has had parts stolen off their salvage trucks. My home has been burglarized. We are afraid this may get worse as it becomes a new draw for theft.

6) One of our neighbors has concern of rodents in the equipment sitting out. Another has concerns about weeds and the overall blemish of the area.

7) Reduced land and home values for current residents.

There is a long list of reasons this does not belong in the area proposed. The neighbors I have talked with are not in favor of it being there and have many worries and concerns. From an environmental, visual and safety standpoint it does not fit in.

Joe Welch
Joe Welch Equipment
820 Industry Rd Caledonia, MN 55921
Ph: 507-724-3183
www.joewelcheq.com

Martin Herrick

From: Joseph Welch <joewelcheq@aol.com>
Sent: Wednesday, February 16, 2022 8:32 AM
To: Martin Herrick
Subject: Re: Rud Helke Conditional use permit please advise of receipt

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Good morning. Could I get a copy of their permit application packet if I stop up today? Thank you Joe

Joe Welch
Joe Welch Equipment
820 Industry Rd Caledonia, MN 55921
Ph: 507-724-3183
www.joewelcheq.com

-----Original Message-----
From: Martin Herrick <Martin.Herrick@co.houston.mn.us>
To: Joseph Welch <joewelcheq@aol.com>
Cc: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Tue, Feb 15, 2022 11:42 am
Subject: RE: Rud Helke Conditional use permit please advise of receipt

Joe

Your comment was received thank you.

Marty Herrick ,
Environmental Services Director
Houston County, Mn
304 S. Marshall St., Room 209
Caledonia, Mn 55921

From: Joseph Welch <joewelcheq@aol.com>
Sent: Monday, February 14, 2022 4:05 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Cc: Greg Myhre <Greg.Myhre@co.houston.mn.us>; Joseph Welch <joewelcheq@aol.com>
Subject: Rud Helke Conditional use permit please advise of receipt

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6) One of our neighbors has concern of rodents in the equipment sitting out. Another has concerns about weeds and the overall blemish of the area.

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Joe Welch
Joe Welch Equipment
820 Industry Rd Caledonia, MN 55921
Ph: 507-724-3183
www.joewelcheq.com

Submitted for Public Comment - Prior Hearing

HD SUPPLY WATERWORKS

Rud/Helke CUP

Questions I've been asked / Talked About

How will this affect property values

Will there be sales on this site

Will there be Screening/Fencing

Will old Parts/Junk be piled up

Will there be Signage

Will there be Lighting of the Lot

Are the Old well and septic being used or New

Will the Lot be Surfaced or gravel

Will Tusp road chip seal be maintained by Rud/Helke or is it a 1 time improvement

How many employees will work there

RECEIVED
FEB 14 2022
By:

RECEIVED
FEB 15 2022
By:

February 15, 2022

Dear Members of the Houston County Planning Commission:

I am writing regarding the conditional use permit application submitted on February 1, 2022 by Joe Rud and Craig Helke for an agricultural related business in Caledonia Township. As a Supervisor for Caledonia Township I have received several phone calls with concerns regarding this application.

Concerns are as follows:

1) Neighbors are concerned that machinery saved for parts will be sitting around outdoors, creating an eyesore.
2) The building is tentatively going to be 250' x 175' with cement next to the building on 2 sides. Are there any plans for control of runoff water? The Township has received complaints in the past regarding excess runoff into the Crooked Creek Watershed that this will drain into.
3) Will the 13 acre parcel next to the building site be seeded down so that weeds will be controlled? It was not in 2021.
4) Are the applicants planning on moving their business to this area or is this an expansion of their present business?
5) Are any parts of the 6 acre parcel or the 13 acre parcel to be zoned commercial since at present the proposed building appears to be built on both of the 2 parcels. At present neither are zoned commercial.
6) Will there be controls in place for collection of used oils, lubricants and other hazaardous materials to prevent soil contamination?
7) At present there is an exit onto Highway 44. What will be done with this entrance/exit?

Thank you for considering these concerns.

Donise Becker

Donise Becker,
Caledonia Township Supervisor

OVER THE ROAD TRUCKING

Welcome to Joe Rud Trucking.

Joe Rud Trucking Inc is licensed to carry non-hazmat rated materials from the general freight, metal: sheets, coils, rolls, machinery, large objects, and refrigerated food cargo categories. At the time of its last MCS-150 filing, Joe Rud Trucking Inc covered 2.5 million miles, which is among the most miles covered by any transportation service.

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Concerned homeowner,

Daniel Paul Klug
11730 State 44
Caledonia, MN 55921
PHONE: 507-458-0758

RECEIVED
FEB 15 2022
By:

HAND DELIVERED 2/14/2022

February 14, 2022

RECEIVED
FEB 15 2022
By: MH

Martin Herrick
Zoning Administration
Environmental Service Department
304 South Marshall St
Caledonia, MN 55921

RE: Conditional Use Permit – 03.0128.000 & 03.0128.002

Mr. Herrick,

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It was mentioned in the letter I received, a conditional use to operate an agriculture-oriented business in an ag district. I have personally reviewed the business website for Joe Rud Trucking, Inc. There is no mention of involvement in agriculture or concern for agriculture. Please visit this website http://www.joerudtrucking.com/index.php to confirm this information. I have placed a snapshot of the Joe Rud Trucking mission statement below.

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:12 PM
To: Amelia Meiners
Subject: FW: Joe Rud and Craig Helke

From: Barb Schmitz <schmitzab4@gmail.com>
Sent: Monday, July 18, 2022 9:58 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Joe Rud and Craig Helke

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Comments in regard to Joe Rud and Craig Helke conditions use request.

1. As Neighbors of this property why were we not made notified by letter of this project.
2. The care of the property that has been lacking since the new owners have taken over, yard and property not being kept up and the house not being cared for.
3. The noise coming from the property has already been an issue.
4. The lack of stewardship and doing what's right to keep our county codes and ordinances intact, to protect this area from business taking over.
5. Safety of the road and speed that is already been an issue, I live a mile south and can not turn into my driveway when heading south as it is not safe, and my family lives not even a mile north and many people have been in accidents pulling into their property.
6. The county road that will be the main entrance will be abused and will have road bands on it throughout the year and should not be considered as an option.
7. Signage, noise, light, heavy traffic, loss of AG and residential housing will all negatively impact our environment.
8. This development will dramatically change the characteristics and beauty of the surrounding area.
9. Water run off is already an issue and we can not keep our fences up with the current water issues that already exist, as we have property that will be affected severely by this.
10. The negative affect this will have on our property values.
11. If you open this option up to business our city will suffer as other businesses will follow and move out of city limits. This will push farmers and families away that don't want to live next to business that should be in the industrial part of town. This in not even a new business as they are already established in the city limits.
12. The impact this will have on the surrounding neighbors and land has not been considered.

We don't understand how this application has gotten this far, as in the past years other have requested to do this and were told no because of the County Ordinances and zoning. I have many other concerns but I feel these are the most important to review at this time.

Thanks for your time,

Al and Barb Schmitz

Sent from Mail for Windows

Comments in regard to the Joe Rud and Craig Helke conditional use request.

1)All adjoining farms and homes are permitted uses. Three homes surrounding the proposed application acres will feel detrimental impacts and will be injurious to our enjoyment of our homes and properties.

2)The predominate use of the surrounding area is AG and residential . This permit would change the landscape causing a negative impact on surrounding area and residences.

3)Increased heavy traffic both with and without road restrictions.

4)Public funding is spent to enhance county tourism. We feel the location of this proposed commercial business will detract from the overall scenic beauty of our rustic bluff country.

5)From the north turning west onto Angus drive, the turn lane is too narrow to make a safe turn. Both north and south turn lanes are turn lane only and are not for bypass lanes.

6)We feel the proposed use will cause excessive dust, noise, light pollution and will be a disturbance to our quality of life.

7)This commercial development will be more intense than any of the current development of the surrounding area and will dramatically change the characteristics and beauty of the surrounding area.

8)The commercial development does not meet the intent of the Houston County land use plan. All surrounding properties currently fit into the agricultural district of the land use plan. This commercial development does not belong in the agricultural district. It will conflict with the surrounding permitted uses.

9)It is our opinion that the current businesses of H&R Enterprises and Joe Rud trucking are commercial businesses located in the Caledonia industrial park. This permit would allow them to move and expand their current commercial businesses. We believe this would be a commercial expansion into an agricultural district. Which will conflict with current land permitted uses .

10) Subdivision 3. level II Home occupation. Houston county zoning ordinance for a Conditional use permit requires the land owner to live on property. The only way the ordinance allows for a conditional use permit in the agricultural zone is for the occupant to have a business contained in the dwelling or accessory building with a maximum of 5000 square feet. Junk yard and scrap yards are prohibited

11)It is our opinion the permit application lacks the necessary information throughout the application to make any sound decisions that would protect and preserve the environment, aesthetics, enjoyment and natural beauty of the area.

Thank you for the opportunity to voice our concerns and comments concerning this very important permit application which we believe should be denied. If you have any questions please let us know. We would be happy to answer.

RECEIVED
JUL 19 2022
By:

Currently H&R Enterprise is in the industrial park in Caledonia and wanting to expand their business into the countryside, not a new business but an existing business. If this is allowed what is to stop other businesses from emptying out into the countryside? Our town and other towns would lose.

Traffic would become more intense out here on the highway. Traffic would be controlled in around the town of Caledonia, slowing traffic down to 45 miles per hour is a normal thing going through town. Which leads me to this. Joe Welsh offered a land swap to H&R Enterprise in which the ground in question is more friendly towards H&R's business expansion, closer to the city of Caledonia, traffic would be controlled, Caledonia and other towns in Houston County would not lose their businesses.

Allowing H&R Enterprise out into the countryside changes the look of the land "Ag Land". Industry should stay in the industrial area of cities and towns, that is how cities and towns are built and grow.

I have met with many folks that live in the countryside. They always asked "Why do they want to let them put that big building there? I would not want that next to my place."

I could go on and on but there is not enough paper.

Dan Klug

RECEIVED
JUL 19 2022
By: _____

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:10 PM
To: Amelia Meiners
Subject: FW: Rezone Section 8.2, Subdivision 2

From: Daniel Small M.D. <dansmallmd@gmail.com>
Sent: Tuesday, July 19, 2022 12:18 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Rezone Section 8.2, Subdivision 2

*** HOUSTON COUNTY SECURITY NOTICE ***
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Dear Environmental Services Dept
I am concerned about changing the appearance of the approach to Caledonia along 44 from the North. One of Caledonia's attractions is the beautiful rolling farmland along the approach to Caledonia along 44. Although there is a grandfathered business on this route, Zenke's Auction property, due to the nature of that business, the items to be auctioned off are constantly changing, and are removed from the site when auctioned. Changing rolling hills farmland to a salvage yard of old trucks on the approach to our community I do not think would be a valuable addition to our community, and it would best be left where it currently is, or on land already appropriately zoned in the midst of other commercial entities and not in an area where people live and farm. There is a property on 76 south of Money Creek that is a truck salvage facility and that should be clear evidence that it is difficult to hide lots of large old trucks from view.
Sincerely,

Daniel Small, M.D.
dansmallmd@gmail.com,

small.daniel@mayo.edu

Comments in regard to the Joe Rud and Craig Helke conditional use request.

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RECEIVED
JUL 19 2022
BY:

Joe Sullivan

OVER

Submitted for Public Comment - July Hearing

12) a complete Re zone of Section 8.2 from Ag protected to Hyway Business District describes spot zoning to a Tee. spot zoning is not preferred by even the Commissioners and is outside the scope of the statue.

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:10 PM
To: Amelia Meiners
Subject: FW:

From: Joseph Welch <joewelcheq@aol.com>
Sent: Tuesday, July 19, 2022 12:02 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject:

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We are still very opposed to this for many reason. We have additional concerns as we see how they race four wheeler s down the gravel roads. This is very unsafe and very unsettling to the neighbors. This shows their disregard for neighbors and how they will be handling their business going forward? This is in contrast to what they have said they would do and how they said they would conduct their business. If we look at actions and not words it is evident they do not want to be good custodians of the area. We have only one opportunity to be good custodians of this unique and beautiful area that we have made our home.

1) When I purchased my property at 11807 State Highway 44 I was told by Houston County Zoning that no business other then a home based business could operate in an agricultural zone. Being assured the area would stay as it was, I then changed my plans of moving my business to 11807 State Highway 44 to building my home there.

2) In a conversation I have had with Craig Helke prior to the purchase of their property in Caledonia Township he told me they were looking for a place to have a truck salvage yard. They would also have to have the body shop on the highway to get insurance company referrals. To do this they were looking to find a place in the country and to get zoning changed they would "just say they are working on farm trucks" to qualify as agricultural. I have received a text from someone unknown to me. They questioned why there is nothing on their current web about farm equipment repair. I will be glade to share the text message.

3) This will make more traffic on an already very busy highway and put heavy semi type trucks year round on a gravel road.

4) The area we live in has great natural resources. Clean air, water and great beauty. Having a business with trucks and equipment along the highway for sale and repair will detract from the area and bring potential hazards to our highways. Changing the lives of all the surrounding residents.

5) I have talked to many of my neighbors and there are concerns about theft problems. From what we I have been told H&R has had parts stolen off their salvage trucks. My home has been burglarized. We are afraid this may get worse as it becomes a new draw for theft.

6) One of our neighbors has concern of rodents in the equipment sitting out. Another has concerns about weeds and the overall blemish of the area.

7) Reduced land and home values for current residents.

There is a long list of reasons this does not belong in the area proposed. The neighbors I have talked with are not in favor of it being there and have many worries and concerns. From an environmental, visual and safety standpoint it does not fit in.

Joe Welch
Joe Welch Equipment
820 Industry Rd Caledonia, MN 55921
Ph: 507-724-3183
www.joewelcheq.com

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:11 PM
To: Amelia Meiners
Subject: FW: Rud commercial application

-----Original Message-----
From: Michael Jergenson <mdjerg@q.com>
Sent: Wednesday, July 20, 2022 1:45 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Rud commercial application

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I am not in favor of the project moving forward. Why would the county want to see a building of this size be built in the middle of three private homes. By allowing this to happen you are taking away the reason they live in the country.we live in a beautiful area and this large building is going to change the whole landscape. Thank you for your time. Mike Jergenson

Sent from my iPhone

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

Houston County National Leader in Recycling

STAFF REPORT

Application Date: 06/28/2022
Hearing Date: 7/28/2022
Petitioner: Joseph Rud & Craig Helke
Reviewer: Martin Herrick
Zoning: Ag Protection
Address: 11778 State 44
Township: Caledonia
Parcel Number: 030128000
Submitted Materials Zoning Amendment Application

OVERVIEW

REQUEST

The Applicants request to amend the zoning map to change a portion of parcels 03.0128.000 and 03.0128.002 from Agricultural Protection District to Highway Business District.

SUMMARY OF NOTEWORTHY TOPICS

The applicants proposed a rezone in order to obtain a conditional use permit to operate an agricultural orientated business in a highway business district

The project will raze all of the existing structures and change the egress from State Road 44 to Angus Drive.

An application for rezoning the parcel to Highway Business district from Agriculture Protection District was submitted on June 18, 2022. Additionally, the applicant has an outstanding application for a conditional use permit in the Agriculture Protection District. Consequently, the conditional use permit is predicated on the corresponding rezoning being approved.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Multiple comments were received and are included in the packet.

In the previous application for a conditional use permit in the Agricultural Protection District the the following comments were received in writing and in person:

1. Potential for decreased property values,
2. Screening for site activities,
3. Storage of parts and/or junk outside,

4. Signage,
5. Lighting,
6. Well & Septic upgrades,
7. Roadway surfacing and long-term responsibility,
8. Number of employees,
9. Surface water management and protection of the Crooked Creek Watershed,
10. Seeding open areas and control noxious weeds,
11. Business relocation or new venture,
12. Ultimately commercial zoning and status of both parcels,
13. Highway 44 egress,
14. Meeting the definition of agriculture orientated business,
15. Potential to become a trucking terminal,
16. Traffic management,
17. Eyesore and community presence.
18. Project support from an adjacent land owner based on the need for farm related repair facilities.

Additional comments were recorded during the February 24 and March 24, 2022 hearings on the conditional use permit application for an agricultural orientated business in an agricultural protection district.

SITE CHARACTERISTICS

The site relief will not inhibit the proposed CUP activities. The site soils in the proposed development are characterized as Seaton Silt loam with a capability rating of III e. The existing infrastructure located on the site will be razed. The development will disturb greater than 1 acre of land with an estimated .4 acre of tillable acreage being used. A small portion of the parcel is designated commercial from a 9/11/1969 zoning action.

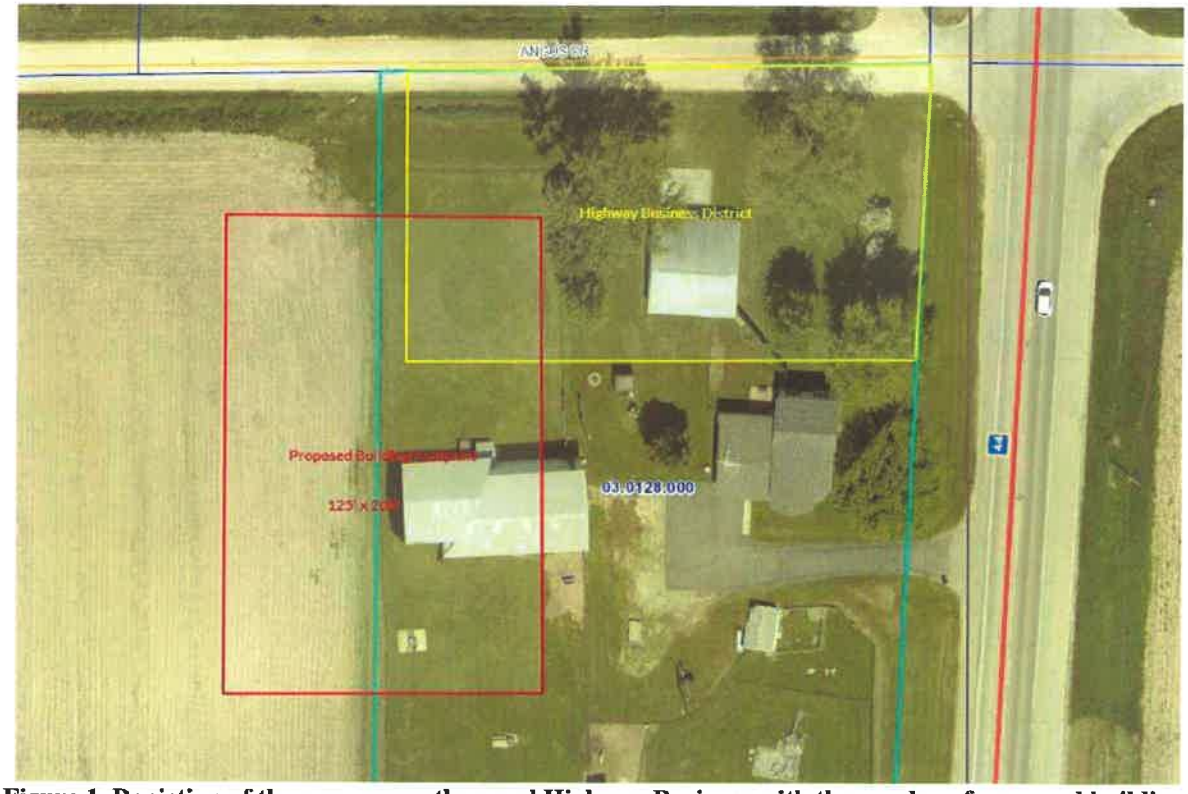


Figure 1. Depiction of the area currently zoned Highway Business with the overlay of proposed building.

EVALUATION

Section 8.6 of the Houston County Zoning Ordinance requires that the Board make findings in support of a decision, but does not prescribe specific criteria. The following findings are proposed by staff for your consideration. Please consider formulating additional findings as you see fit.

1. A 1969 rezone changed a 120-foot by 220-foot area from A-1 Agricultural Protection to B-1 Highway Service Business. This is essentially an expansion of an existing Highway Business District.
2. The property at 11489 State 44 is zoned Highway Business District. This is just over a half mile further from the City of Caledonia than the parcel considering rezoning.

RECOMMENDATION

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, rues, and ordinances.
3. *A final survey shall be prepared showing boundaries substantially similar to those presented in the application.*

HOUSTON COUNTY PLANNING COMMISSION

Caledonia, Minnesota
September 11, 1969

The Houston County Planning Commission met on Thursday, September 11, 1969 at 1:30 o'clock P.M. at the Courthouse, Village of Caledonia, Minnesota for the purpose of conducting Public Hearings scheduled for that time.

The following members were present: Harlie Larson, Chairman; Virgil Johnson, H. M. McLaird, Chester Lachecki, Elling Solum, Zoning Administrator Don Carlson, County Attorney William Von Arx, and Commissioners Harold Leary, M. R. Summers, and Albert Deters.

The meeting was called to order by Harlie Larson, Chairman.

Hearing No. 12:

Notice of Hearing on the application of Bob E. Robson for an amendment to the Houston County Zoning Ordinance involving a change in Zoning District from A-1 Agricultural to B-1 Highway Service Business District was read. The application covered a parcel of land in the NE corner of the NE¼, Section 12-102-6, approximately 120 feet North and South by 220 feet East and West on which he proposed to build a Television Repair & Sales Store, Bob E. Robson appeared to answer questions regarding the proposed building, size, construction, on-site parking, and other facilities. There being no opposition, motion was made by Virgil Johnson, seconded by Elling Solum, and duly carried to recommend to the Board of County Commissioners that this area be rezoned and that a Building Permit be issued for the building.

An application was received from Joe Corey for a variance of set-back requirements on a parcel of land in the Village of Clinton, Town of Money Creek, and for a Building Permit for a trailer, breezeway, and garage thereon. It was explained that the present set-back requirement on CSAH #26 would place his buildings so far out of line with existing buildings in the Town. After checking with the County Engineer, motion was made by H. M. McLaird, seconded by Virgil Johnson, and duly approved to recommend to the Board of County Commissioners

Date: June 28, 2022

To: Martin Herrick
Houston County Planning/Zoning
304 S. Marshall Street, Suite 209
Caledonia, MN 55921

From: Craig Helke and Joseph Rud
523 Enterprise Drive
Caledonia, MN 55921

Re: Application to change property from agricultural and highway business district to highway business district
File No. 43349

Zoning Ordinance Section 8 – Amendments

Subdivision 2. Applicants to Change to Highway Business District

1. **Names and addresses of the petitioners and their signatures to the petition.**

   Craig Helke, 7886 County Road 18, Hokah, MN 55941

   _____

   Joseph Rud, 524 Winnebago Street, Caledonia, MN 55921

   _____

2. **A description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within 1/4 mile of such area, and a description of the property owned by each.**

   The area proposed to be rezoned is located in parcels 03.0128.000 and 03.0128.002 consisting of approximately 6 acres shown on attached ***Exhibit A***. A completed survey will be filed with the Houston County Planning and Zoning Office prior to final approval and granting of the request for rezoning. A portion of parcel 03.0128.000 is presently zoned highway business district.

   Neighboring property owners within one quarter of a mile.

3. **The present district classification of the area in the proposed district classification.**

   The property is presently classified as agricultural and highway business district. The proposed district classification of the property is highway business district. The property abuts Highway 44 and Angus Drive. A portion of the property had a commercial use and zoned highway business district.

4. **Proposed use of the land.**

   A building would be constructed on the property to be used for the maintenance and repair of semi-tractors, vehicles, trucks and equipment used primarily in agricultural. All work would be performed inside the building. Petitioners own all land surrounding the land to be rezoned except for abutting Angus Drive and Highway 44. Access would be provided by Angus Drive.

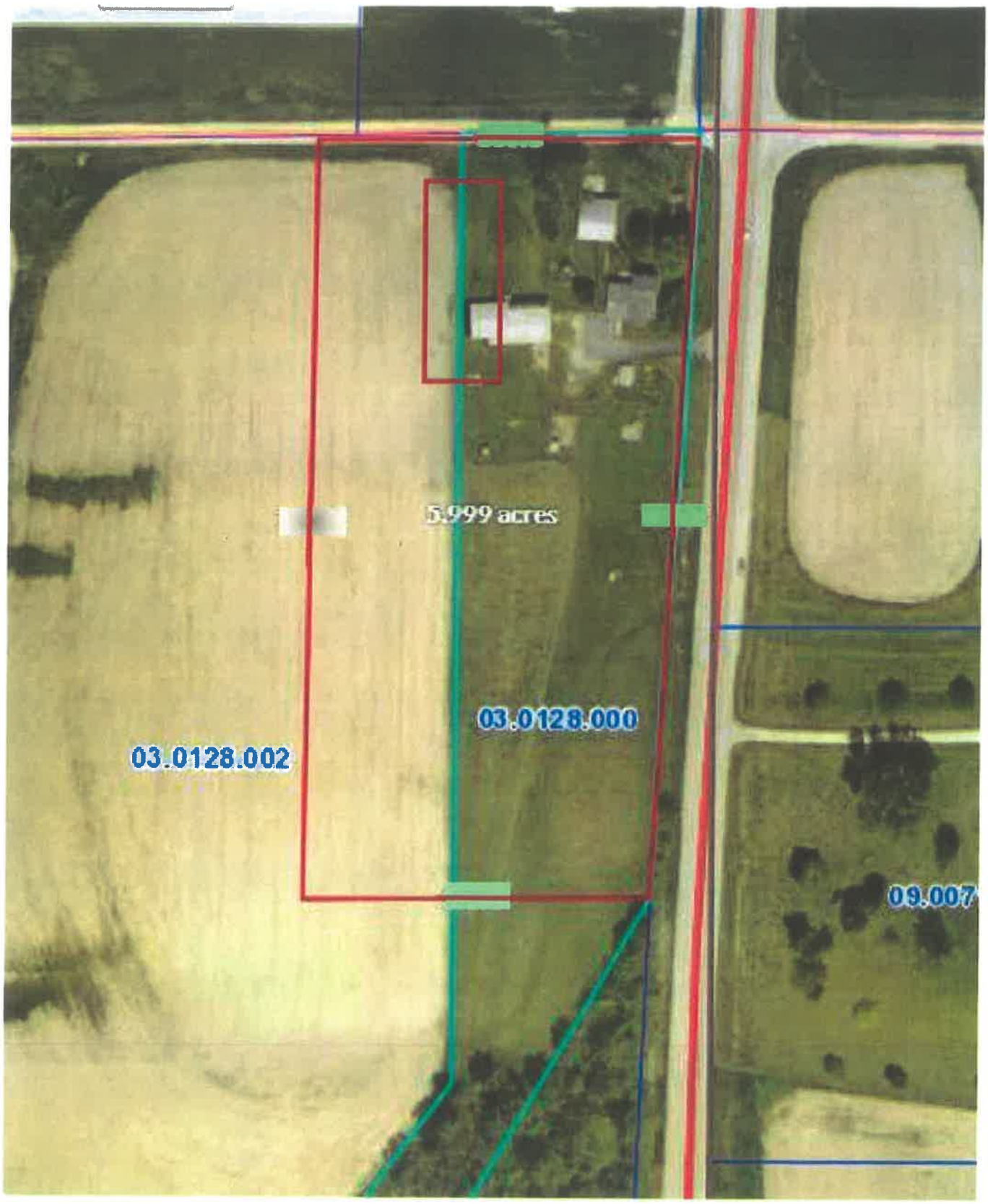
5. **Compatibility with the land-use plan of Houston County. Statement of conditions warranting the change in zoning district or uses.**

   Property is located approximately one mile from the City of Caledonia on Highway 44. The Houston County Comprehensive Plan encourages urban growth outside of a city to be within a close proximity to a city. Within approximately one-half of a mile on Highway 44 from the property to be rezoned, there is a property zoned highway business district. The predecessor in title used a portion of the property for a commercial business and that is the reason it is zoned highway business district.

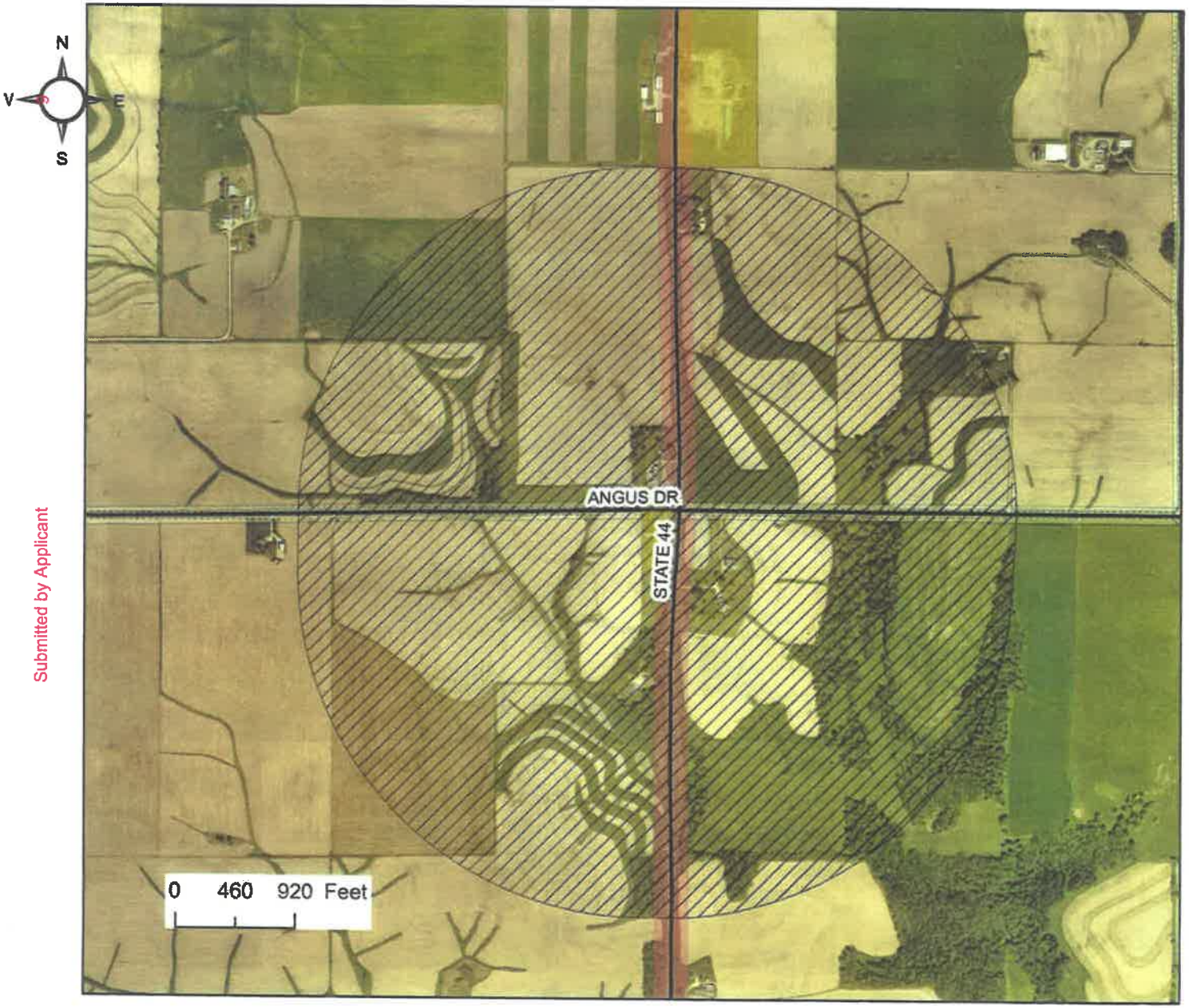
6. **A map, plot plan, or survey plot of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties within 500 feet and incorporated areas and 1/2 mile and unincorporated areas drawn to scale.**

   It is on file with the Zoning Office.

ParcelId	OwnerName	OwnerAddress1
090071000	WELCH,JOSEPH A	820 INDUSTRY RD
090071001	STATE OF MN-DEPT OF TRANS, R/W LEGAL SECTION	395 JOHN IRELAND BLVD
030005000	SULLIVAN,JOSEPH A & KATHY S	12886 ANGUS DR
030004000	KLUG,STEPHEN B & ANNA M	18863 DAIRY RD
030128001	HOSCHEIT,DARLYNE, C/O THOMAS & MANON HOSCHEIT	11608 COUNTY 5
030129000	HOSCHEIT,DARLYNE, C/O THOMAS & MANON HOSCHEIT	11608 COUNTY 5
030130000	HOLTE,DENNIS & ANNETTE	19513 COUNTY 11
030128000	RUD,JOSEPH & CRAIG HELKE	523 ENTERPRISE DR
030004001	KLUG,DANIEL P	11730 STATE 44
090064000	KLUG,STEPHEN B & ANNA M	18863 DAIRY RD
090062000	STEMPER,MATTHEW J & AMY	11500 ANGUS DR
090071002	LEARY,DONALD	10425 STATE 44
030131000	LANGE,DUSTIN & JACLYN	11848 STATE 44
090071003	WELCH,JOSEPH A	820 INDUSTRY RD
030130001	STATE OF MINNESOTA, DISTRICT 6 RIGHT OF WAY	2900 48TH ST NW
030128002	RUD JOSEPH AND CRAIG HELKE	524 WINNEBAGO ST S


5.999 acres
03.0128.000
03.0128.002
09.007

Date Created: 6/28/2022



Submitted by Applicant

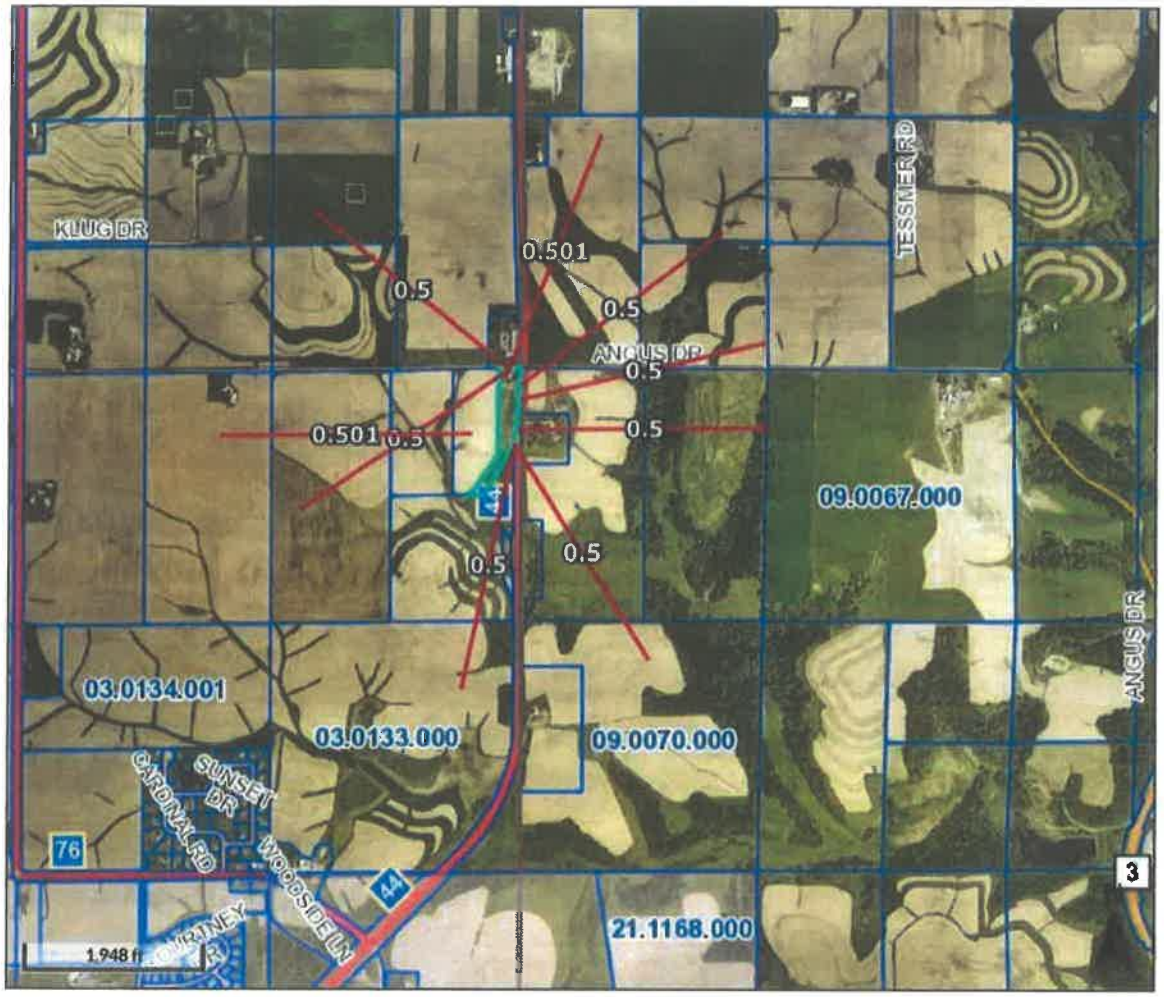
HOUSTON COUNTY, MN

MAP LEGEND

- Ag
- Symbol
- Highway Business
- General Business
- Limited Industry
- General Industry
- Residential
- Roads

The information on this page represents current data from a working file which is updated continuously. Its accuracy cannot be guaranteed. No warranty, expressed or implied, is provided for the data herein, or its use. Houston County digital cadastral data are a representation of recorded plats and surveys for use within the Geographic Information System for purposes of data access and analysis.

Beacon™ Houston County, MN



Overview

Legend

- Parcels
- Corporate Limits

Roads

- <Null>
- COUNTY
- STATE
- US
- Political Township

Parcel ID	030128000	**Alternate ID**	n/a	**Owner Address**	RUD,JOSEPH & CRAIG HELKE
Sec/Twp/Rng	12/102/006	**Class**	Ag Dwelling		523 ENTERPRISE DR
Property Address	11778 STATE 44	**Acreage**	5.28		CALEDONIA, MN 55921
	CALEDONIA				

District CLDNT/SD299/FD2/WS16

Brief Tax Description NE1/4 (EX 4A & EX W 76A & EX 38 AC & EX 20A & EX 20A & EX 13.03 AC)

(Note: Not to be used on legal documents)

Date created: 6/28/2022
Last Data Uploaded: 6/28/2022 4:02:37 AM

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Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:12 PM
To: Amelia Meiners
Subject: FW: Joe Rud and Craig Helke

From: Barb Schmitz <schmitzab4@gmail.com>
Sent: Monday, July 18, 2022 9:58 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Joe Rud and Craig Helke

*** HOUSTON COUNTY SECURITY NOTICE ***
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Comments in regard to Joe Rud and Craig Helke conditions use request.

1. As Neighbors of this property why were we not made notified by letter of this project.
2. The care of the property that has been lacking since the new owners have taken over, yard and property not being kept up and the house not being cared for.
3. The noise coming from the property has already been an issue.
4. The lack of stewardship and doing what's right to keep our county codes and ordinances intact, to protect this area from business taking over.
5. Safety of the road and speed that is already been an issue, I live a mile south and can not turn into my driveway when heading south as it is not safe, and my family lives not even a mile north and many people have been in accidents pulling into their property.
6. The county road that will be the main entrance will be abused and will have road bands on it throughout the year and should not be considered as an option.
7. Signage, noise, light, heavy traffic, loss of AG and residential housing will all negatively impact our environment.
8. This development will dramatically change the characteristics and beauty of the surrounding area.
9. Water run off is already an issue and we can not keep our fences up with the current water issues that already exist, as we have property that will be affected severely by this.
10. The negative affect this will have on our property values.
11. If you open this option up to business our city will suffer as other businesses will follow and move out of city limits. This will push farmers and families away that don't want to live next to business that should be in the industrial part of town. This in not even a new business as they are already established in the city limits.
12. The impact this will have on the surrounding neighbors and land has not been considered.

We don't understand how this application has gotten this far, as in the past years other have requested to do this and were told no because of the County Ordinances and zoning. I have many other concerns but I feel these are the most important to review at this time.

Thanks for your time,

Al and Barb Schmitz

Sent from Mail for Windows

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Dear Environmental Services Dept
I am concerned about changing the appearance of the approach to Caledonia along 44 from the North. One of Caledonia's attractions is the beautiful rolling farmland along the approach to Caledonia along 44. Although there is a grandfathered business on this route, Zenke's Auction property, due to the nature of that business, the items to be auctioned off are constantly changing, and are removed from the site when auctioned. Changing rolling hills farmland to a salvage yard of old trucks on the approach to our community I do not think would be a valuable addition to our community, and it would best be left where it currently is, or on land already appropriately zoned in the midst of other commercial entities and not in an area where people live and farm. There is a property on 76 south of Money Creek that is a truck salvage facility and that should be clear evidence that it is difficult to hide lots of large old trucks from view.
Sincerely,

Daniel Small, M.D.
dansmallmd@gmail.com,

small.daniel@mayo.edu

Comments in regard to the Joe Rud and Craig Helke conditional use request.

1)All adjoining farms and homes are permitted uses. Three homes surrounding the proposed application acres will feel detrimental impacts and will be injurious to our enjoyment of our homes and properties.

2)The predominate use of the surrounding area is AG and residential . This permit would change the landscape causing a negative impact on surrounding area and residences.

3)Increased heavy traffic both with and without road restrictions.

4)Public funding is spent to enhance county tourism. We feel the location of this proposed commercial business will detract from the overall scenic beauty of our rustic bluff country.

5)From the north turning west onto Angus drive, the turn lane is too narrow to make a safe turn. Both north and south turn lanes are turn lane only and are not for bypass lanes.

6)We feel the proposed use will cause excessive dust, noise, light pollution and will be a disturbance to our quality of life.

7)This commercial development will be more intense than any of the current development of the surrounding area and will dramatically change the characteristics and beauty of the surrounding area.

8)The commercial development does not meet the intent of the Houston County land use plan. All surrounding properties currently fit into the agricultural district of the land use plan. This commercial development does not belong in the agricultural district. It will conflict with the surrounding permitted uses.

9)It is our opinion that the current businesses of H&R Enterprises and Joe Rud trucking are commercial businesses located in the Caledonia industrial park. This permit would allow them to move and expand their current commercial businesses. We believe this would be a commercial expansion into an agricultural district. Which will conflict with current land permitted uses .

10) Subdivision 3. level II Home occupation. Houston county zoning ordinance for a Conditional use permit requires the land owner to live on property. The only way the ordinance allows for a conditional use permit in the agricultural zone is for the occupant to have a business contained in the dwelling or accessory building with a maximum of 5000 square feet. Junk yard and scrap yards are prohibited

11)It is our opinion the permit application lacks the necessary information throughout the application to make any sound decisions that would protect and preserve the environment, aesthetics, enjoyment and natural beauty of the area.

Thank you for the opportunity to voice our concerns and comments concerning this very important permit application which we believe should be denied. If you have any questions please let us know. We would be happy to answer.

RECEIVED JUL 19 2022

Joe Sullivan

OVER

Submitted for Public Comment - July Hearing

12) a Complete Re zone of Section 8.2 from Ag protected to Hyway Business District describes spot zoning to a Tee. spot zoning is not preferred by even the Commissioners and is outside the scope of the Statue.

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:10 PM
To: Amelia Meiners
Subject: FW:

From: Joseph Welch <joewelcheq@aol.com>
Sent: Tuesday, July 19, 2022 12:02 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject:

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We are still very opposed to this for many reason. We have additional concerns as we see how they race four wheeler s down the gravel roads. This is very unsafe and very unsettling to the neighbors. This shows their disregard for neighbors and how they will be handling their business going forward? This is in contrast to what they have said they would do and how they said they would conduct their business. If we look at actions and not words it is evident they do not want to be good custodians of the area. We have only one opportunity to be good custodians of this unique and beautiful area that we have made our home.

1) When I purchased my property at 11807 State Highway 44 I was told by Houston County Zoning that no business other then a home based business could operate in an agricultural zone. Being assured the area would stay as it was, I then changed my plans of moving my business to 11807 State Highway 44 to building my home there.

2) In a conversation I have had with Craig Helke prior to the purchase of their property in Caledonia Township he told me they were looking for a place to have a truck salvage yard. They would also have to have the body shop on the highway to get insurance company referrals. To do this they were looking to find a place in the country and to get zoning changed they would "just say they are working on farm trucks" to qualify as agricultural. I have received a text from someone unknown to me. They questioned why there is nothing on their current web about farm equipment repair. I will be glade to share the text message.

3) This will make more traffic on an already very busy highway and put heavy semi type trucks year round on a gravel road.

4) The area we live in has great natural resources. Clean air, water and great beauty. Having a business with trucks and equipment along the highway for sale and repair will detract from the area and bring potential hazards to our highways. Changing the lives of all the surrounding residents.

5) I have talked to many of my neighbors and there are concerns about theft problems. From what we I have been told H&R has had parts stolen off their salvage trucks. My home has been burglarized. We are afraid this may get worse as it becomes a new draw for theft.

6) One of our neighbors has concern of rodents in the equipment sitting out. Another has concerns about weeds and the overall blemish of the area.

7) Reduced land and home values for current residents.

There is a long list of reasons this does not belong in the area proposed. The neighbors I have talked with are not in favor of it being there and have many worries and concerns. From an environmental, visual and safety standpoint it does not fit in.

Joe Welch
Joe Welch Equipment
820 Industry Rd Caledonia, MN 55921
Ph: 507-724-3183
www.joewelcheq.com

Amelia Meiners

From: Martin Herrick
Sent: Wednesday, July 20, 2022 8:11 PM
To: Amelia Meiners
Subject: FW: Rud commercial application

-----Original Message-----
From: Michael Jergenson <mdjerg@q.com>
Sent: Wednesday, July 20, 2022 1:45 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Rud commercial application

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I am not in favor of the project moving forward. Why would the county want to see a building of this size be built in the middle of three private homes. By allowing this to happen you are taking away the reason they live in the country.we live in a beautiful area and this large building is going to change the whole landscape. Thank you for your time. Mike Jergenson

Sent from my iPhone

CEDA
Community and Economic Development Associates

Allison Wagner <allison.wagner@cedausa.com>

Houston County Aquatic Invasive Species Funding

1 message

Janice Messner <messnerjanice@gmail.com> Tue, Aug 2, 2022 at 10:03 AM
To: "allison.wagner@cedausa.com" <allison.wagner@cedausa.com>

Allison,

Hi! Our district manager, Dave Walter, mentioned I should forward you a resolution for the commissioners to adopt regarding aquatic invasive species. He also provided me with the board of commissioners email address. I am wondering if the resolution should be forward to all of you or just to you for review before providing it for the commissioners? I have it ready with just a quick explanation.

Please let me know so we can have the resolution moved forward.

Thank you,
Janice

PS - Dave is out of the office for a few weeks.

--
Janice Messner
Root River SWCD
Administrative Assistant
(507) 724-5261 ext. 3

RESOLUTION NO. 22-39

AQUATIC INVASIVE SPECIES PREVENTION AID

August 9, 2022

WHEREAS, 2014 Session Law Chapter 308 enacted by the Legislature provides Minnesota counties a County Program Aid grant for Aquatic Invasive Species (AIS) prevention. The amount designated for each county is based on the number of watercraft trailer launches as well as the number of watercraft trailer parking spaces within each county. Houston County was allocated $22,612 for 2023 and years following (5 watercraft trailer launches and 50 watercraft trailer parking spaces), and

WHEREAS, the legislation requires that Houston County must establish, by resolution or through adoption of a plan, guidelines for the use of the proceeds which are to prevent the introduction or limit the spread of aquatic invasive species at all access sites within the county, and

WHEREAS, the county may appropriate the proceeds directly or may use any portion of the proceeds to provide funding to a soil and water conservation district in the county, for a joint powers board or cooperative agreement with another political subdivision, a watershed district in the county, or a lake association located in the county. Any money appropriated by the county to a different entity or political subdivision must be used as required under this section, and

WHEREAS, the county must submit a copy of its guidelines for use of the proceeds to the Department of Natural Resources by December 31 of the year the payments are received, and

WHEREAS, maintaining an ongoing effort to inform the public of resource needs, resource impairments and resource protection matters has been identified as the most important tool in addressing water resource concerns in the Houston County Water Plan, the fight against Aquatic Invasive Species is included in this educational effort and will continue to be a cornerstone of Houston County's Water Plan.

NOW THEREFORE, BE IT RESOLVED the Board of Commissioners of Houston County, Minnesota designate oversight of Houston County's AIS prevention efforts to the Root River Soil and Water Conservation District and delegates to them the responsibility to prepare, implement and report annually a plan to allocate the funding in accordance with the above legislation.

*****CERTIFICATION*****

STATE OF MINNESOTA, COUNTY OF HOUSTON

I, Donna Trehus, do hereby certify that the above is true and correct copy of a resolution adopted by the Houston County Board of Commissioners at the session dated August 9, 2022.

WITNESS my hand and the seal of my office this 9th day of August 2022.

_____

Donna Trehus, County Auditor

HOUSTON COUNTY, MINNESOTA
ECONOMIC DEVELOPMENT AUTHORITY

Date: August 3, 2022
To: Houston County Commissioners & Staff
From: Allison Wagner, Houston County EDA
RE: $15,000 from Revolving Loan Fund to The Butcher Shoppe LLC

Background: On August 3, 2022 Amanda (Mandi) Lenser co-owner of The Butcher Shoppe that she owns with her husband Justin Lenser requested from the EDA financing to purchase equipment and inventory for a meat and deli business that would be located in Hokah, MN. The total project cost for the project is around $101,000 with the owners injecting $21,000 in equity.

The project will create one full time job, with the prospect of growing and hiring additional part time staff in the future.

Recommendation: After due consideration and discussion, the EDA Board of Directors unanimously passed a motion on August 3, 2022 to recommend that the Houston County Commissioners approve the request for assistance by providing a $15,000 loan at the 2022 set rate and terms (2.25% for 10 years). The motion was approved with one condition: that the owners provide a list of equipment with vin numbers so the County could do a UCC filing on the equipment. The EDA Board also invited The Butcher Shoppe to come back after one year and make another request if additional funding was needed at that time, and the business was going well.

Action Required: A motion made by the Board of Commissioners approving request for assistance by providing a $15,000 loan to The Butcher Shoppe LLC at the 2022 set rate and terms (2.25% for 10 years) from the County's Revolving Loan Fund.