

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: August 22, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Reporter Rachel Stock, Reporter Charlene Selbee, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Deputy Auditor/Treasurer Mark Bennett, Recorder Mary Betz, Sheriff Brian Swedberg, Engineer Brian Pogodzinski, Human Resource Technician Ann Diersen, Bill Ohm, and Mike Burbach

Presiding: Chairperson Severson

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Burns, seconded by Commissioner Johnson, motion unanimously carried to approve the agenda.

Motion was made by Commissioner Johnson, seconded by Commissioner Myhre, motion unanimously carried to approve the meeting minutes from August 8, 2023.

Motion was made by Commissioner Schuldt, seconded by Commissioner Burns, motion unanimously carried to approve the workgroup session minutes from August 15, 2023.

Public Comment:

Bill Ohm from La Crescent said he had a request for the County board. He asked the Board to publish a sample ballot for elections in the Houston County News in addition to the County's official newspaper. He also suggested publishing sample ballots in the Caledonia Argus. The Commissioners said this was something they could consider for the 2024 election and budget.

APPOINTMENTS

None.

CONSENT AGENDA

Motion by Commissioner Myhre, seconded by Commissioner Johnson, motion unanimously carried to approve the consent agenda.

- 1) Change Nancy Welsh's status from the temporary 0.8 FTE assignment to the position's regular assignment of 0.7 FTE, effective 09/11/2023.
- 2) Change the employment status of Network/Help Desk Technician, Keyloe Xiong from probationary to regular, effective 9/07/2023.
- 3) Reassign Christopher Frick, from Patrol Sgt. C43 to Investigator C43, (lateral transfer) retroactive to 08/14/2023.
- 4) Initiate an internal search for a 1.0 FTE Patrol Sgt.
- 5) Approve an Exempt Permit for Minnesota Lawful Gambling Application LG220 for Caledonia Girls Court Club INC for gambling (raffle) activities to be conducted at Ma Cal Grove Country Club in Caledonia Township with a drawing to be held on October 27, 2023, with no waiting period. Approve Resolution No. 22-29 Minnesota Lawful Gambling Permit Approval Caledonia Girls Court Club Inc. See resolution below.

RESOLUTION NO. 23-29

**MINNESOTA LAWFUL GAMBLING PERMIT APPROVAL
CALEDONIA GIRLS COURT CLUB INC**

August 22, 2023

BE IT RESOLVED, the Houston County Board of Commissioners does hereby approve the Minnesota Lawful Gambling LG220 Application for an Exempt Permit for the Caledonia Girls Court Club INC for gambling (raffle) activities to be conducted at Ma Cal Grove Country Club in Caledonia Township with a drawing to be held on October 27, 2023, with no waiting period.

- 6) Review: Spring Grove City 2022 Annual Reporting Disclosure Statements
 - TIF 1-2 Bender 4th Addition
 - TIF 1-3 Daycare Redev Project
 - TIF 1-4 Spring Grove EDA

ACTION ITEMS

File No. 1 – Prior to any motions being made Engineer Pogodzinski told the Commissioners the County would receive a total of \$396,187.00 from the FAA for the airport land acquisition, design, construction, etc., related to the taxi lane project. The FAA typically paid for 90% of airport projects with the other 10% of costs coming from local or State funds. Pogodzinski said there was a reduction in the airport grant this time as the FAA was holding back some funds due to the County possibly having been paid twice for a previous grant project years ago relating to the original construction of the airport. Pogodzinski said the FAA had been unable to prove that the County had been paid twice, but it was a possibility. Commissioner

Johnson expressed frustration that the FAA was holding back some funds from a potential overpayment that could not be verified, and had happened years prior. Commissioner Burns moved, Commissioner Myhre seconded, motion unanimously carried to approve Resolution No. 23-27 Authorization to Execute Federal Aviation Airport Improvement Program (AIP) Acquire Land for Development, Construct Taxi-Lane Grant Number 3-27-0016-012-2023, and authorize the signature of the County Engineer on the grant agreement. See resolution below.

RESOLUTION NO. 23-27

**AUTHORIZATOIN TO EXECUTE
FEDERAL AVIATION AIRPORT IMPROVEMENT PROGRAM (AIP)
Acquire Land for Development, Construct Taxi-Lane
Grant Number 3-27-0016-012-2023**

BE IT RESOLVED by the County of Houston as follows:

1. That the FAA Grant No. 3-27-0016-012-2023, “Acquire Land for Development, Construct Taxi-lane” at the Houston County Airport is accepted.
2. That the Houston County Engineer is authorized to execute the Contract and any amendments on behalf of the County of Houston.

File No. 2 – Commissioner Johnson moved, Commissioner Severson seconded, motion unanimously carried to approve Resolution No. 23-28 Aquatic Invasive Species Prevention Aid. See resolution below.

RESOLUTION NO. 23-28

AQUATIC INVASIVE SPECIES PREVENTION AID

August 22, 2023

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 \$22,521 for 2024 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.

File No. 3 – Commissioner Myhre moved, Commissioner Johnson seconded, motion unanimously carried to approve a Temporary Liquor License, Money Creek Haven Campground, for the dates of 09/01-09/04/2023.

DISCUSSION ITEMS

Commissioners discussed recent meetings and events they had attended including a Department Head meeting, Finance meeting, and the Houston County Fair.

Commissioners Burns and Johnson said there had been some confusion due to a misprint in a newspaper article regarding the old and new jails. The old jail remained unused. The Board had been discussing options for the new jail and if it should be closed and the services contracted out as the Winona contract would be ending. The Commissioners clarified that recent discussions on what to do with the jail were in reference to the new jail and not the old jail.

Commissioner Schuldt said the Houston County Fair Board had done an outstanding job. Events such as the rodeo had been well attended. The Commissioners agreed.

Commissioner Burns said the Finance Committee would be meeting with department heads the following week and going through budgets line by line to see if items could be cut or reduced.

The Finance Committee would then report back to the full Board of Commissioners at the first meeting in September regarding the 2024 budget.

There being no further business at 8:44 a.m. motion was made by Commissioner Myhre, seconded by Commissioner Burns motion unanimously carried to adjourn the meeting. The next meeting would be a workgroup session on September 5, 2023.

BOARD OF COUNTY COMMISSIONERS
HOUSTON COUNTY, MINNESOTA

By: _____
Dewey Severson, Chairperson

Attest: _____
Polly Heberlein, Interim Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
September 5, 2023**

Date Submitted: August 31, 2023
By: Tess Kruger, HRD/Facilities Mgr.

ACTION
NONE

APPOINTMENT REQUEST

- **CDG Space Utilization Report, Craig Milkert, Johona Harris, & Tamara Wylie (via Zoom) 10:00 AM**
- **Health Insurance report by Bill Colopoulos (Holmes & Murphy) and Steve Sallee (Southeast Service Cooperative) (In person) 10:30 AM**

HR CONSENT AGENDA REQUEST

Public Health & Human Services

- **Change the employment status of Public Health Supervisor, Jordan Knoke, from probationary to regular, effective 9/12/2023**
- **Approve the hire of Megan Engevold as a 1.0 FTE probationary Social Worker, C41, Step 1, effective 09/20/2023, conditioned upon successful completion of a background check**

Sheriff's Office

- **Amend the hire date of Matthew Kuehl, 1.0 FTE probationary Lead Jailer/Dispatcher, B32 Step 6, from 08/27/2023 to 09/10/2023, conditioned upon successful completion of Sheriff's Office background check**
- **Amend the hire date of Derek St. Mary, 1.0 FTE probationary Jailer/Dispatcher, B23 Step 1, from 08/27/2023 to 09/10/2023, conditioned upon successful completion of Sheriff's Office background check**

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

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: 8/30/23 for 9/5/2023

Person requesting appointment with County Board: Martin Herrick

Issue:

CUP Approval/Denial:1) Paul & Joan Wiste to have a dwelling in the ag district in Black Hammer Township.
CUP Approval/Denial:2) Aaron & Amanda Middendorf to have a dwelling in the ag district in Wilmington Township.
CUP Approval/Denial:3) J&C Farms to amend CUPs #417 and #418 for mineral extraction in the ag district in Spring Grove Township.
Approval/Denial:4) No Wake Zone Ordinance for the West Channel of the Mississippi River.

Justification:

Agenda, Hearing Notices, Findings and Board Packets are attached. There are 4 additional documents for J&C Farms conditions amendments included. Planning Commission recommendation including in meeting comments attached for the No Wake Zone Ordinance.

Action Requested:

Final Approval by the County Board.

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

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

**HOUSTON COUNTY
BOARD OF ADJUSTMENT AND
PLANNING COMMISSION
Thursday, August 24, 2023**

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

BOARD OF ADJUSTMENT

Approve Minutes for July 27, 2023

VARIANCE HEARING:

5:00 pm ***Marc & Nicole Johnson – Houston Township - POSTPONED***
Variance from rear yard setback requirements for an existing accessory building (14.9 Subd 1).

PLANNING COMMISSION

Approve Minutes for July 27, 2023

CONDITIONAL USE HEARING:

5:30 pm ***Paul & Joan Wiste – Black Hammer Township***
Conditional Use Permit to place a dwelling in an agricultural district (14.3 Subd. 1(10)).

5:50 pm ***Aaron & Amanda Middendorf – Wilmington Township***
Conditional Use Permit to replace a dwelling in an agricultural district (14.3 Subd. 1 (10)).

6:10 pm ***J&C Farms Inc. – Spring Grove Township***
Amendments to Conditional Use Permits #417 & #418, for Mineral Extraction in an agricultural district (27.8 Subd.7 (3)).

6:30 pm Discuss recommending adoption of proposed ordinances regulating the use of cannabis and cannabis derived products in public places and a No Wake Zone for the West Channel of the Mississippi River to the Houston County Board of Commissioners.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Paul and Joan Wiste, 409 S Grant St, Houston, MN 55943, for a Conditional Use Permit to place a dwelling in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Black Hammer Township on the following premises, to-wit:

PT E1/2 SW1/4, Section 05, Township 102, Range 7, Houston County, Minnesota. (Parcel 01.0056.001).

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:30 p.m. on Thursday, August 24, 2023.

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 Wednesday, August 16, 2023. 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 Administrator

ADV: August 14, 2023



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning

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

Phone: (507) 725-5800 ● Fax: (507) 725-5590



STAFF REPORT

8/15/2023

Application Date: 7/27/2023
 Hearing Date: 8/24/2023
 Petitioner: Paul & Joan Wiste
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: TBD County Rd. 4
 Township: Black Hammer
 Parcel Number: 01.0056.001
 Submitted Materials: CUP Application

OVERVIEW

REQUEST

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

SUMMARY OF NOTEWORTHY TOPICS

The Houston County Zoning Ordinance provides the following requirements for dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

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

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

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

muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

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

On September 15, 1998, Conditional Use Permit No 381 was issued to erect a dwelling on this parcel. The extent of the site construction was placing a reinforced slab to support the dwelling. The Zoning office considered this to not be enough construction for the permit to still be in effect. The following ordinance outlines the timeline for expiration of a permit:

SECTION 6 - CONDITIONAL USE PERMITS

6.4 INVALIDATION OF PERMIT

An approved Conditional Use Permit shall expire if the use approved has not commenced within 9 months.

Figure 1. shows the proposed location for the dwelling and road access. Figure 2 shows the proposed dwelling to be brought in.

Figure 1. Proposed dwelling location and road access.



Figure 2. Proposed Dwelling



TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Black Hammer Township and the ten closest property owners. One inquiry from Geoffrey Halvorson was received about slope, shoreland and setback requirements.

SITE CHARACTERISTICS

This parcel is in Black Hammer Township. The parcel is not tillable acreage. Slopes for the buildable portions of the parcel area vary from 12% to 23% grade. The slopes near the dwelling are approximately 14%. The site has access from County 4 and the driveway can be routed to the dwelling with slopes of 12% or less. The soil classifications found on the parcel are the Festina and Elbaville silt loam located near the dwelling and the Brodale sandy loam found on the steep wooded slopes.

The footprint for the dwelling is 16ft by 20ft, which is smaller than the existing slab. The dwelling will be brought in by trailer and will not have a septic system.

The closest dwelling is approximately 1450 ft feet from the proposed location. There are no mines in the area and the nearest feedlot is greater than 2500 ft away. Note that in Beacon an error shows an inactive feedlot, which is not correctly plotted near the proposed dwelling. There are no concerns for wetland or flood plain. The site is within the shoreland zoning district, but it is not within the setback distance from the ordinary high water level or a shoreland impact zone.

The supporting documentation for the site showing buildable lot, slopes and shoreland and the 1998 Conditional use permit are included as attachments.

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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

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

Staff Analysis: The applicant indicates the dwelling is for recreational purposes. This demonstrates a need for the proposed use.

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

Staff Analysis: The dwelling will not have a water supply or a septic system and will have minimal impact on water quality.

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

Staff Analysis: The dwelling footprint is minimal and uses an existing foundation and will not substantially influence the quantity of water runoff.

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

Staff Analysis: While the Festina silt loam is a prime ag soil it has limited values base on its extent. The site has not been used for agricultural purposes. The foundation of the proposed dwelling has been in place for approximately 25 years and appears to be satisfactory condition to build on.

6. That potential pollution hazards have 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 modern amenities will be installed with the dwelling and access is from County Highway 4.

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 terrain creates limited view shed for the neighbors and the closest dwelling is greater than 1000 ft away. The addition of a dwelling 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 the dwelling. The area continues to be woodland, and the dwelling should not impact neighboring landowners' ability to utilize their properties 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 dwelling in the agricultural protection district.

Conditional Use	Fees Paid
Request	\$746.00
2023-CUP-154909	
Applicant	Created
Paul Wiste	July 27, 2023

Number
2023-CUP-
154909

WISTE,PAUL O & JOAN F |
010056001 |
Submitted by PJWiste on
7/27/2023



Applicant

Paul Wiste

507-459-4679

powiste@acegroup.cc

Search Parcel Data Completed On 7/27/2023 10:13 AM EST by AmyS

ParcelID	Address	City	OwnerName	Acres
010056001			WISTE,PAUL O & JOAN F	3.000

CONDITIONAL USE INTRO Completed On 7/27/2023 10:14 AM EST by AmyS

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.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On 7/27/2023 10:15 AM EST by AmyS

Applicant Name

WISTE,PAUL O & JOAN F

Parcel Tax ID

010056001

Telephone Number

507-459-4679

Address

PO Box 664

City

Houston, MN

Zip

55943

Legal Description

PT E1/2 SW1/4

Section-Township-Range

05-102-007

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

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637

Yucatan Deb Dewey 507-896-3566

CONDITIONAL USE REQUEST Completed On 7/27/2023 10:18 AM EST by AmyS

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

Describe in detail your request.

Would like to place a dwelling. There was a CUP issued in 1998 for a dwelling. We installed a slab at that time, but would like to continue with the dwelling

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

14.3 1(10)

Requested Dimension:

16X20

Please upload any supporting documents:

[Conditional Use Permit 381.pdf](#)

CONDITIONAL USE FINDING OF FACTS Completed On 7/27/2023 10:27 AM EST by AmyS

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

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

Dwellings are common in the ag district.

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

Yes

Comments:

We already had a permit for this and a dwelling is a need.

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

Yes

Comments:

This dwelling will be seasonal, but hope to improve. It will not have a septic at this time.

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

Yes

Comments:

There's already a cement pad there.

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

Yes

Comments:

There's already a cement pad there. It was installed in 1998.

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

Yes

Comments:

There will not be any pollution hazards.

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

Yes

Comments:

We already have an access road.

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:

NA

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

N/A

Comments:

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.

Yes

Comments:

There are cornfield next to it. It will not impact the neighbors.

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:

We are the only ones in that area that have anything buildable due to steep slopes.

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

N/A

Comments:

NA

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:

NA

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.

N/A

Comments:

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.

Yes

Comments:

This will not affect health, safety, morals or general welfare.

SITE PLAN INFORMATION Completed On 7/27/2023 10:39 AM EST by AmyS

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

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.



Mapproxy



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

APPLICATION SUBMITTAL Completed On 7/27/2023 10:40 AM EST by AmyS

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:

7/27/2023

Check this box if Staff Signature on behalf of Applicant.

Yes

Email APPLICATION SUBMITTAL Completed On 7/27/2023 10:40 AM EST by AmyS

APP SUBMITTED/PAYMENT SELECTION Completed On 8/8/2023 11:37 AM EST by AmyS

Fee Summary

Recording Fee	\$46.00
Conditional Use Application Fee	\$700.00
Total Fees	\$746.00

Total Due

Payments Made

Payment Method	Paid On	Confirmation Number	Amount	
Check	August 8, 2023 11:37 AM	28731	\$746.00	VIEW RECEIPT

Total Paid: \$746.00

BLACK HAMMER TOWNSHIP REVIEW Completed On 8/8/2023 11:37 AM EST by AmyS

Notice to Township

An email notification of information provided in the application will now be sent to Black Hammer Township for review. Townships have seven days to provide comments on this application.

Date email sent:

8/8/2023

Email **BLACK HAMMER TOWNSHIP REVIEW** Completed On 8/8/2023 11:37 AM EST by AmyS

External Notes

Documents

Internal Notes

Documents

Form No. 284 See stipulations on back of this permit

Business Records Code

\$ 175.00

No. 381

State of Minnesota, }
County of Houston }

Twp of Black Hammer

Office of Zoning Adm

Conditional Use Permit

IN CONSIDERATION OF The statements made by Paul O. Wiste
P.O. Box 664 Houston Tex 55943
in his application therefor duly filed in this office, which application is hereby made a part hereof,
PERMISSION IS HEREBY GRANTED To said Paul O. & Joan M. Wiste as owner
to erect a dwelling in Black Hammer Twp
(603.4)

upon that tract of land described as follows: Lot _____ Block _____ plat or addition _____
Address Rt SW 1/4 Section 5 Township 102 Range 7
which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner and ~~his~~ contractors, agents, workers and employees, shall comply in all respects with the ordinances of the _____
County of Houston

Given under the hand of the Zoning Adm of said County and its corporate seal and attested by its _____ this 15 day of Sept, 1945

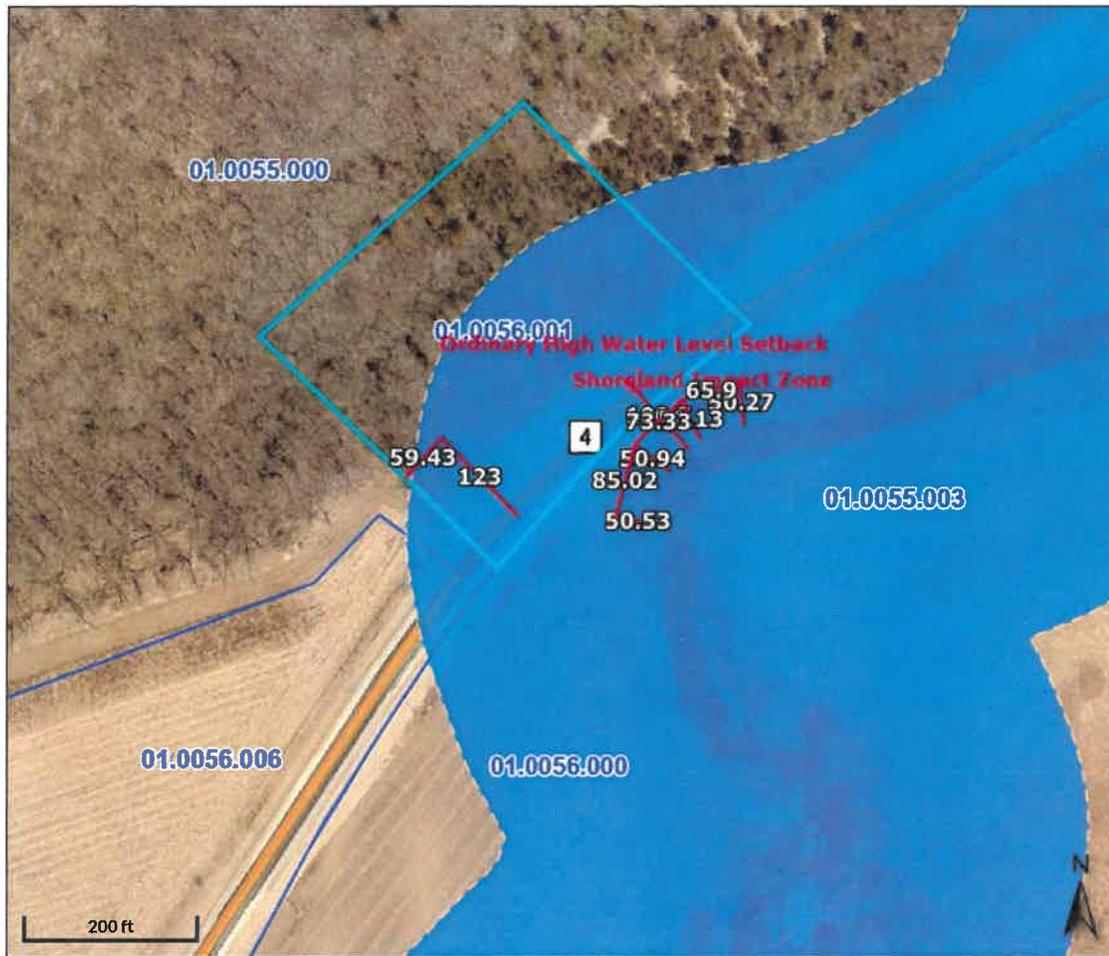
Attest:

Rich Frank
Zoning Adm.

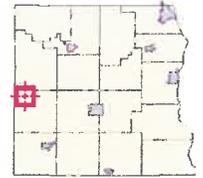
P#1-056-001

This permit is not transferable and is good for one year only to build

PID 01.0056.001 Shoreland



Overview



Legend

- Parcels
- Corporate Limits
- Roads**
- <Null>
- COUNTY
- STATE
- US
- Shoreland
- Political Townships

Parcel ID	010056001	Alternate ID	n/a	Owner Address	WISTE,PAUL O & JOAN F
Sec/Twp/Rng	05-102-007	Class	111 - RURAL VACANT LAND		409 S GRANT
Property Address		Acres	3.0		PO BOX 664
					HOUSTON, MN 55943

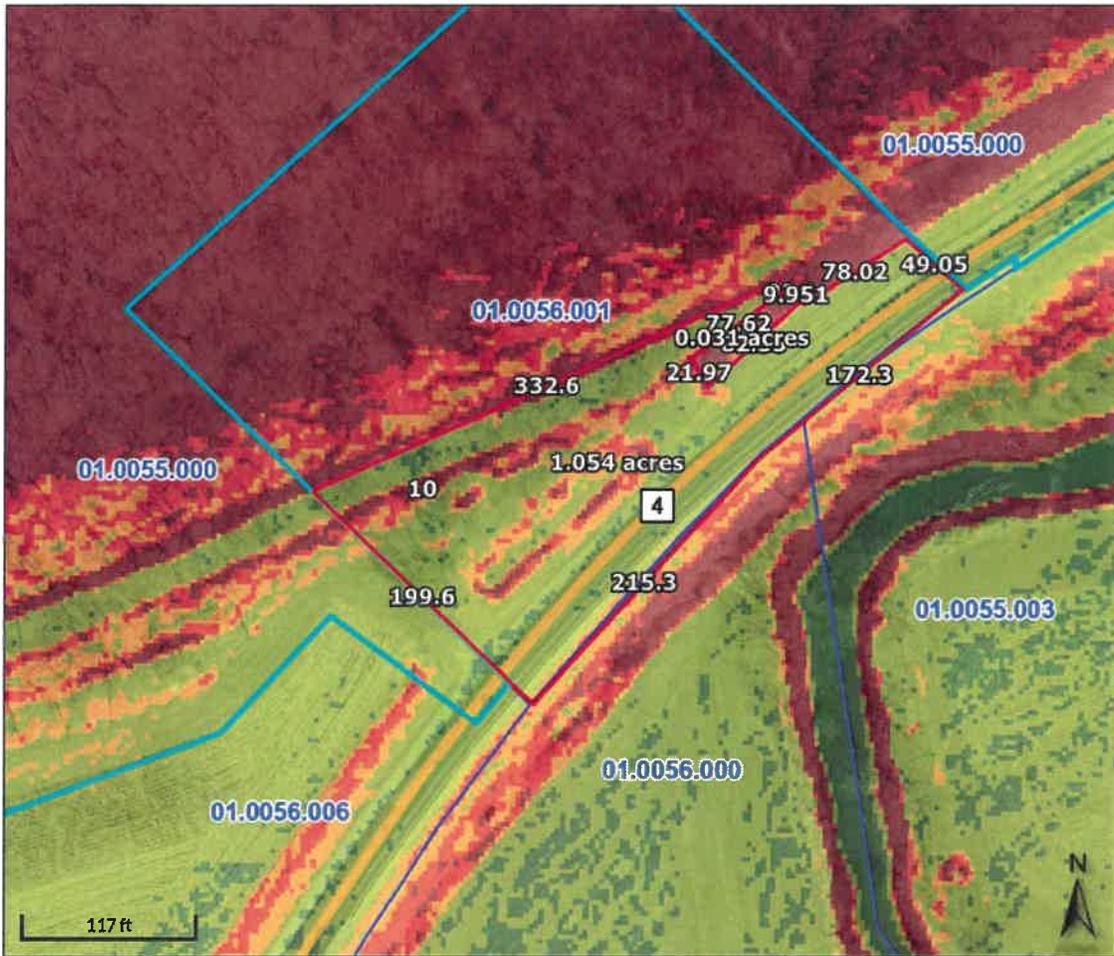
District BLHMT/SD297/FD5
Brief Tax Description PT E1/2 SW1/4
 (Note: Not to be used on legal documents)

Date created: 8/16/2023
 Last Data Uploaded: 8/15/2023 8:44:39 PM

Developed by **Schneider**
 GEOSPATIAL

Beacon™ Houston County, MN

PID 01.0056.001 Buildable lot (1.05 -.03) acres



Overview



Legend

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

Parcel ID	010055000	Alternate ID	n/a	Owner Address	HALVERSON,GEOFFREY K
Sec/Twp/Rng	05-102-007	Class	112 - MANAGED FOREST LAND		22502 PHARIS DR
Property Address		Acreage	51.34		HOUSTON, MN 55943
District	BLHMT/SD297/FD5				
Brief Tax Description	PT N1/2 SW1/4 & PT NW1/4 SE1/4& 0.43 AC IN SE1/4 SW1/4 HWY EASEMENT - B 425 P 419 1				
	(Note: Not to be used on legal documents)				

Date created: 8/15/2023
 Last Data Uploaded: 8/14/2023 7:53:56 PM

Developed by Schneider
 GEOSPATIAL

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Paul and Joan Wiste*** DATE: ***August 24, 2023***

C.U.P. REQUESTED: ***To have a dwelling in the agriculture protection district.***

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

FINDINGS OF FACT

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

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

Staff Analysis: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: The applicant indicates the dwelling is for recreational purposes. This demonstrates a need for the proposed use.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: The dwelling will not have a water supply or a septic system and will have minimal impact on water quality.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		

Cindy Wright	X
James Wieser	X

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

Staff Analysis: The dwelling footprint is minimal and uses an existing foundation and will not substantially influence the quantity of water runoff.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: While the Festina silt loam is a prime ag soil it has limited values base on its extent. The site has not been used for agricultural purposes. The foundation of the proposed dwelling has been in place for approximately 25 years and appears to be satisfactory condition to build on.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: There are no anticipated pollution hazards.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Wayne Feldmeier raised concerns about the minimum buildable lot size and possible future septic system needs.

The Planning Commission chose to edit the finding due to the applicants' desire to have electricity and need for a possible future septic system.

~~Staff Analysis: No modern amenities will be installed with the dwelling and access is from County Highway 4.~~

Staff Analysis: All utilities will be the responsibility of the applicant and access is from County Highway 4.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier		X	Township will be upset about this.
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: N/A

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

Staff Analysis: N/A

- 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 terrain creates limited view shed for the neighbors and the closest dwelling is greater than 1000 ft away. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

- 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 the dwelling. The area continues to be woodland, and the dwelling should not impact neighboring landowner's ability to utilize their properties for existing uses.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: N/A

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

Staff Analysis: 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: N/A

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

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Larry Hafner made the motion to recommend the Houston County Board approve a conditional use permit for a dwelling 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.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Aaron & Amanda Middendorf, 13429 County 17, Caledonia, MN 55921, for a Conditional Use Permit to replace a dwelling in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 10) in Wilmington Township on the following premises, to-wit:

PT W1/2 NE1/4 SE1/4 LY S'LY RD & PT N1/2 NW1/4 SE1/4, Section 23, Township 101, Range 6, Houston County, Minnesota. (Parcel 15.0258.000)

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 5:50 p.m. on Thursday, August 24, 2023.

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 Wednesday, August 16, 2023. 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 Administrator

ADV: August 14, 2023



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning

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

Phone: (507) 725-5800 ● Fax: (507) 725-5590



STAFF REPORT

8/16/2023

Application Date: 8/8/23
 Hearing Date: 8/24/2023
 Petitioner: Aaron & Amanda Middendorf
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: 13429 County 17, Caledonia, MN
 Township: Wilmington
 Parcel Number: 15.0258.000
 Submitted Materials: CUP Application

OVERVIEW

REQUEST

The petitioners are requesting a Conditional Use Permit to replace a dwelling in the agricultural protection district of Wilmington Township.

SUMMARY OF NOTEWORTHY TOPICS

With the replacement of the existing dwelling its non-conforming status is lost, and a Conditional Use Permit for a Single-family non-farm dwelling is required. The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

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

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

- (a) *No more than one (1) dwelling per quarter-quarter section.*
- (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
- (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*

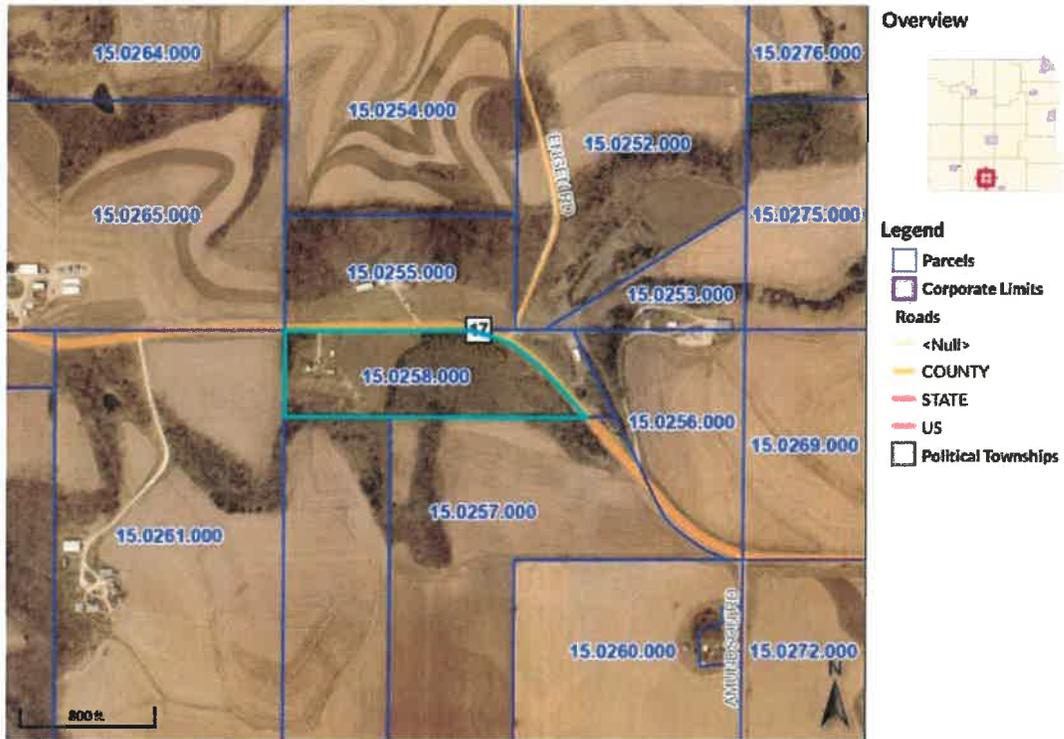
- (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.
- (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

Note that we will require the existing dwelling to be removed in the building permit to prevent the potential for two dwellings to be in the same quarter-quarter section.

Figures 1. and 2. located below show the parcel location with road access and the proposed location for the new dwelling.

Beacon™ Houston County, MN

PID 15.0258.000 Aaron & Amanda Middendorf



Parcel ID	150258000	Alternate ID	n/a	Owner Address	MIDDENDORF, AARON AND AMANDA
Sec/Twp/Rng	23-101-006	Class	201 - RESIDENTIAL		13429 COUNTY 17
Property Address	13429 COUNTY 17	Acreage	17.5		CALEDONIA, MN 55921
	CALEDONIA				
District	W/LTNT/SD299/FD3				
Brief Tax Description	PT W1/2 NE1/4 SE1/4 LY S'LY RDPT N1/2 NW1/4 SE1/4 15A				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/16/2023

Figure 1. Parcel Location and Road Access.



Figure 2. Proposed Location for New Dwelling

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Wilmington Township and the ten closest property owners. No comments were received.

SITE CHARACTERISTICS

The proposal is to raze three buildings including the house and construct a new dwelling. The only existing building that would remain would be in the northeast corner of the parcel. The green overlay in Figure 2 shows the proposed location of the new dwelling, which will be located where one of the current buildings to be razed is located.

The proposed dwelling is not in an area that has been actively farmed. Slopes for the parcel are approximately 2.5 %. The site will use the existing access to County Highway 17 which doesn't have slope concerns.

The proposed dwelling is one story with approximate dimensions of 55 ft by 63 ft, which includes a four-car garage. The dwelling will be adding a bedroom that will require a septic evaluation and likely a permit.

The closest dwelling is approximately 580 ft feet from the proposed location. There are no mines in the area and the nearest feedlot is greater than 1600 ft away. There are no concerns with wetlands, shoreland, floodplain or bluff setbacks.

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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

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

Staff Analysis: The applicant indicates the dwelling is for replacement of an existing single-family home. This demonstrates a need for the proposed use.

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

Staff Analysis: All existing utilities will be used with the septic system being revised. The new dwelling will have less impact on water supply and water quality than the existing dwelling.

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

Staff Analysis: Replacement of the existing dwelling, which will be torn down, will not substantially influence the quantity of water runoff.

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

Staff Analysis: With the existing dwelling being removed and replaced the soil conditions will not be a concern other than locating a second absorption area. Soil conditions are adequate for the proposed use.

6. That potential pollution hazards have 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: Razing the old structure and replacing with a new dwelling will not require new utilities or roadway revisions with the exception of the septic system.

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 new dwelling will be one story dwelling versus the existing two-story dwelling and will have a lower profile and less view shed. The closest neighbor is located 580 ft away. The addition of a dwelling 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 the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties 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 complying with the conditions and all other applicable statutes, rules, and ordinances.

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

Conditional Use Request	2023-CUP-147827	Fees Paid	\$746.00
Applicant	Amy Sylling	Created	July 7, 2023

Number
2023-CUP-
147827

MIDDENDORF,AARON AND
AMANDA | 150258000 |
Submitted by AmyS on
7/7/2023



Applicant

Amy Sylling

5077255800

amy.sylling@co.houston.mn.us

Search Parcel Data Completed On 7/7/2023 8:39 AM EST by AmyS

ParcelID	Address	City	OwnerName	Acres
150258000	13429 COUNTY 17	CALEDONIA	MIDDENDORF,AARON AND AMANDA	17.500

CONDITIONAL USE INTRO Completed On 7/7/2023 8:39 AM EST by AmyS

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.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On 7/7/2023 8:41 AM EST by AmyS

Applicant Name

MIDDENDORF,AARON AND AMANDA

Parcel Tax ID

150258000

Telephone Number

319-404-8844

Address

13429 COUNTY 17

City

CALEDONIA

Zip

55921

Legal Description

PT W1/2 NE1/4 SE1/4 LY S'LY RDPT N1/2 NW1/4 SE1/4 15A

Section-Township-Range

23-101-006

Do you own additional adjacent parcels

No

Township of:

Wilmington

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

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggermeyer	507-542-4637

Yucatan Deb Dewey 507-896-3566

CONDITIONAL USE REQUEST Completed On 7/7/2023 8:43 AM EST by AmyS

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

Describe in detail your request.

We'd like to replace our house.

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

14.3 1(10)

Requested Dimension:

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On 7/7/2023 8:46 AM EST by AmyS

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

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

We would like to replace an existing dwelling.

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

Yes

Comments:

We would like to replace an existing dwelling.

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

Yes

Comments:

It will have a new septic.

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

Yes

Comments:

We would like to replace an existing dwelling.

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

Yes

Comments:

This will replace an existing dwelling.

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

Yes

Comments:

New septic.

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

Yes

Comments:

We would like to replace an existing dwelling.

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

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 immediate vicinity for the purposes already permitted.

Yes

Comments:

We would like to replace an existing dwelling.

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:

We would like to replace an existing dwelling.

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

N/A

Comments:

N/A

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

Yes

Comments:

We would like to replace an existing dwelling.

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.

N/A

Comments:

N/A

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

Yes

Comments:

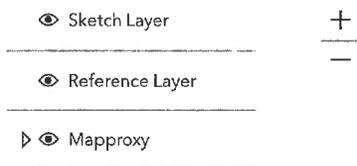
We would like to replace an-existing dwelling.

SITE PLAN INFORMATION Completed On 7/7/2023 8:48 AM EST by AmyS

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

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.





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

APPLICATION SUBMITTAL Completed On 7/7/2023 8:48 AM EST by AmyS

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:

7/7/2023

Check this box if Staff Signature on behalf of Applicant.

Yes

Email APPLICATION SUBMITTAL Completed On 7/7/2023 8:48 AM EST by AmyS

APP SUBMITTED/PAYMENT SELECTION Completed On 8/8/2023 11:35 AM EST by AmyS

Fee Summary

Conditional Use Application Fee	\$700.00
Recording Fee	\$46.00
<hr/>	
Total Fees	\$746.00
<hr/>	
Total Due	\$0.00

Payments Made

Payment Method	Paid On	Confirmation Number	Amount
Check	August 8, 2023 11:35 AM	28755	\$746.00

[VIEW RECEIPT](#)

Total Paid: \$746.00

WILMINGTON TOWNSHIP REVIEW Completed On 8/8/2023 11:35 AM EST by AmyS

Notice to Township

An email notification of information provided in the application will now be sent to Wilmington Township for review. Townships have seven days to provide comments on this application.

Date email sent:

8/8/2023

Email WILMINGTON TOWNSHIP REVIEW Completed On 8/8/2023 11:35 AM EST by AmyS

APPLICATION DATE Completed On 8/8/2023 11:36 AM EST by AmyS

What Stage is the Application At?

Application reviewed and determined complete.

Application Date (Complete Application)

07/07/2023

Date of Notice of Incomplete Application

Comments

Please upload any supporting documents:

DATES Completed On 8/8/2023 11:37 AM EST by AmyS

Advertising Date

08/14/2023

Planning Commission Meeting Date

08/24/2023

Meeting Time

5:50 PM

Comments

Email DATES Completed On 8/8/2023 11:37 AM EST by AmyS

Email DATES Completed On 8/8/2023 11:37 AM EST by AmyS

External Notes

Documents

Internal Notes

Documents

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Aaron and Amanda Middendorf*** DATE: ***August 24, 2023***
C.U.P. REQUESTED: ***To have a dwelling in the agriculture protection district.***

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

FINDINGS OF FACT

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

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

Staff Analysis: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive 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 indicates the dwelling is for replacement of an existing single-family home. This demonstrates a need for the proposed use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: All existing utilities will be used with the septic system being revised. The new dwelling will have less impact on water supply and water quality than the existing dwelling.

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: Replacement of the existing dwelling, which will be torn down, will not substantially influence the 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: With the existing dwelling being removed and replaced the soil conditions will not be a concern other than locating a second absorption area. Soil conditions are adequate for the proposed use.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have 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: Razing the old structure and replacing with a new dwelling will not require new utilities or roadway revisions with the exception of the septic system.

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: N/A

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

Staff Analysis: N/A

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

Staff Analysis: The new dwelling will be one story dwelling versus the existing two-story dwelling and will have a lower profile and less view shed. The closest neighbor is located 580 ft away. The addition of a dwelling 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 the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowner's ability to utilize their properties 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: N/A

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

Staff Analysis: 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: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Wayne Feldmeier made the motion to recommend the Houston County Board approve a conditional use permit for a dwelling 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.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Chris Priebe for J & C Farms Inc, 103 2nd Avenue SE, Spring Grove, MN 55974, for amendments to Conditional Use Permits #417 & #418 in an agricultural district (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 19 and Section 27 – 27.8 Mineral Extraction, Subdivision 7, Subsection 3) in Spring Grove Township on following premises, to-wit:

PT NE ¼, Section 20, Township 101, Range 7, Houston County, Minnesota. (Parcel #13.0255.001)

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

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:10 p.m. on Thursday, August 24, 2023.

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 Wednesday, August 16, 2023. 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 Administrator

ADV: August 14, 2023



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning

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

Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

8/17/2023

Application Date: 7/20/2023
 Hearing Date: 8/24/2023
 Petitioner: J & C Farms
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: State Hwy 44 Spring Grove, MN
 Township: Spring Grove
 Parcel Number: 13.0255.001
 Submitted Materials: CUP Amendment Application

OVERVIEW

REQUEST

The petitioners are requesting amendments to Conditional Use Permits 417 and 418 to revise setbacks for the west side of the property in Spring Grove Township.

SUMMARY OF NOTEWORTHY TOPICS

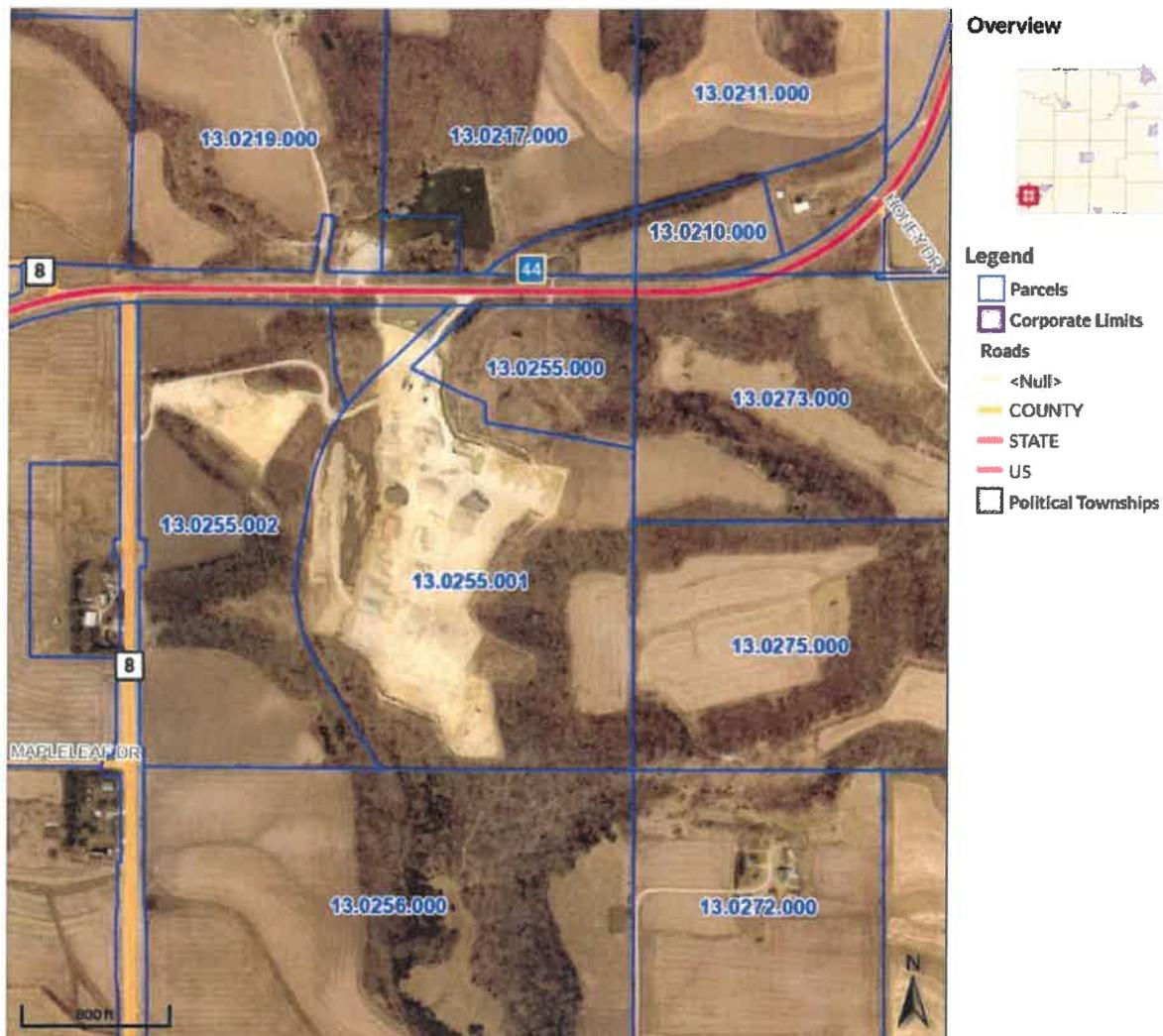
The parcel 13.0255.001 is located adjacent to Highway 44 near Spring Grove, Mn. Conditional Use Permit 417 for Mineral extraction in an agricultural district was issued on February 28, 2020. Condition No. 7 states, “The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft.”

Conditional Use Permit 418 for Mineral Extraction in an agricultural district was issued on February 28, 2020. Condition No. 6 states, “The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft.”

To grant the setback request in accordance with Section 27.8 Subd. 7 (3) Adjoining Property Line, amendments to CUP 417 & CUP 418 are needed. Conditions in both permits require a 50 setback around their entire perimeters. Both Bruening and J& C Farms owners have provided written consent for dropping the 50 ft setback in the area shown on figure 2. The written consent will be recorded with the county recorder and is shown in Figure 4.

BEACON Houston County, MN

PID 13.0255.001 J & C Farms



Date created: 8/17/2023
Last Data Uploaded: 8/16/2023 7:54:33 PM

Developed by  Schneider

FIGURE 1. PARCEL LOCATION AND ROAD ACCESS

The Houston County Zoning Ordinance provides the following requirements for Mineral Extraction in the agriculture protection district:

14.3 CONDITIONAL USES

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

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

27.8 OPERATIONAL PERFORMANCE STANDARDS

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

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

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Spring Grove Township and the ten closest property owners. One anonymous verbal inquiry was received asking about the project with no objections once it was explained to them.

SITE CHARACTERISTICS

This parcel is in Spring Grove Township. The parcel is not tillable acreage. The site has been a quarry for an extended period. The revised setback proposal will not influence drainage patterns as an elevation buffer will be maintained between the Bruening & J&C Farms quarries. Figure 3 shows the reclamation plan and the elevation buffer used to prevent surface water from connecting across the quarries.

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 need for aggregate is recognized in the Comprehensive Land Use Plan.

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

Staff Analysis: The mutual consent for the setback provides a practical approach to controlling the setbacks in active work areas.

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

Staff Analysis: The drainage from the J&C Quarry's and the Bruening Quarry will not connect. An elevation buffer will be maintained separating them.

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

Staff Analysis: The proposal will not change site operations regarding water runoff.

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

Staff Analysis: N/A

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

Staff Analysis: There are no anticipated pollution hazards associated with the proposal.

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

Staff Analysis: No road revisions will occur, and the quarry drainage areas will stay separate and follow their existing operating plans.

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 activities related to this are exclusively within the quarries.

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

Staff Analysis: The site operation plan address the management of their equipment's activities.

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 setback amendments for the parcels will not be injurious to other property owners in the area. The influence on operations will be minimal.

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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

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

Staff Analysis: The proposal will have minimal impact on site operations.

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: N/A

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

Staff Analysis: Site specific conditions are only being modified where mutual consent has been given by both parties with the potential 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.
3. Condition 7 of the 2/28/2020 Conditional Use Permit 417 is revised to the following language:
“The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below.”
4. Condition 6 of the 2/28/2020 Conditional Use Permit 418 is revised to the following language:
“The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below.”

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

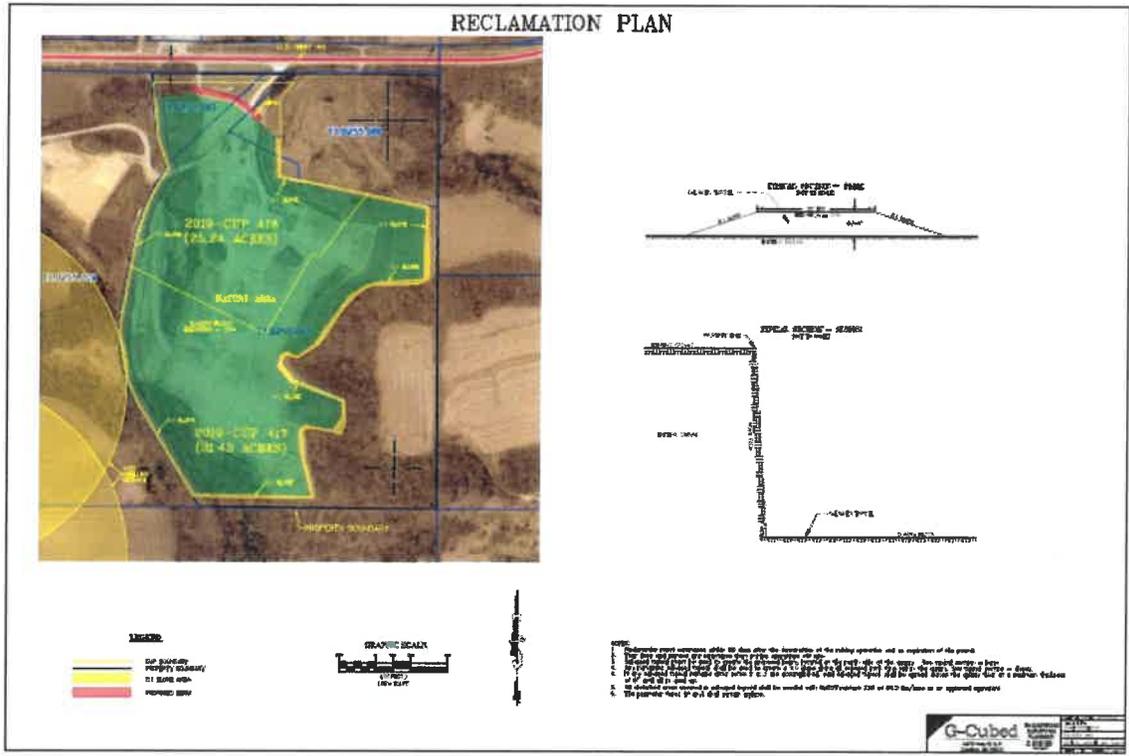


FIGURE 3. RECLAMATION PLAN AND ELEVATION BUFFER

June 19, 2023

In accordance with Section 27, Subdivision 7;(3) of the Houston County Zoning Ordinance I give written consent for G&K Development, LLC (CUP 379) to mine within 50' of the property line adjacent to the Parcel 13.0255.001 owned by J&C Farms Inc.

Sincerely,
Curt Roverud
Curt Roverud
J&C Farms Inc.

STATE OF MINNESOTA
COUNTY OF OLMSTED

This instrument was acknowledged before me on this 19TH day of June, 2023 by Curt Roverud as Owner of J&C Farms Inc.

Michelle Hanson
Notary Public, Olmsted County, Minnesota

Michelle Hanson
Printed Name

My Commission Expires Jan 31, 2027



June 19, 2023

In accordance with Section 27, Subdivision 7;(3) of the Houston County Zoning Ordinance I give written consent for J&C Farms Inc. (CUP 417 & CUP 418) to mine within 50' of the property line adjacent to the Parcel 13.0255.002 owned by G&K Development, LLC.

Sincerely,
K. B. Bruening
Keith Bruening
G&K Development, LLC

STATE OF IOWA
COUNTY OF WINNESHIEK

This instrument was acknowledged before me on this 19TH day of June, 2023 by Keith Bruening as Owner of G&K Development, LLC.

Ronald D. Fadness
Notary Public, Winneshiek County, Iowa

Ronald D. Fadness
Printed Name

My Commission Expires 9/27/23



FIGURE 4. MUTUAL CONSENT

Conditional Use Request	Fees Paid
2023-CUP-152276	\$746.00
Applicant	Created
Chris Priebe	July 20, 2023

Number	J&C FARMS INC 130255001
2023-CUP-152276	Submitted by Chrisp@ggg.to on 7/20/2023



Applicant

Chris Priebe

5078671666

chrisp@ggg.to

Search Parcel Data Completed On 7/20/2023 6:35 AM EST by Chrisp@ggg.to

ParcelID	Address	City	OwnerName	Acres
130255001			J&C FARMS INC	72.830

CONDITIONAL USE INTRO Completed On 7/20/2023 6:37 AM EST by Chrisp@ggg.to

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.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On 7/21/2023 9:26 AM EST by Chrisp@ggg.to

Applicant Name

J&C FARMS INC

Parcel Tax ID

130255001

Telephone Number

507-459-0027

Address

PO Box 342

City

Spring Grove

Zip

55974

Legal Description

PT NE1/4 & ROAD EASEMENT - .6AB 351 P 773

3

Section-Township-Range

20-101-007

Do you own additional adjacent parcels

Yes

Township of:

Spring Grove

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

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

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637

Yucatan Deb Dewey 507-896-3566

CONDITIONAL USE REQUEST Completed On 7/24/2023 7:30 AM EST by Chrisp@ggg.to

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

Describe in detail your request.

To mine the west 50' of the property owned by J&C Farms as it has been historically mined already. The area will be mined and reclaimed per CUP 417 and 418 with the exception of Condition #7 which is the property line Setback of 50'. Per the Houston County Zoning Ordinance Section 27, Sub. 7:(3) the adjacent landowner has waived the 50' property line setback. The intent of the CUP is to clear up an area that has been mined for 20+ years. All other setbacks outlined in CUP#'s 417 and 418 will be followed.

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

Section 27- Mineral Extraction

Requested Dimension:

The west 50 feet of property owned by J&C Farms - Legal description and Certificate is attached.

Please upload any supporting documents:

[CUP Exhibit 2023.pdf](#)

[2004 AERIAL EXHIBIT.pdf](#)

[2014 AERIAL EXHIBIT.pdf](#)

[2023 AERIAL EXHIBIT.pdf](#)

[Conditional Use Permit 417.pdf](#)

[Conditional Use Permit 418.pdf](#)

[GK Setback Waiver.pdf](#)

CONDITIONAL USE FINDING OF FACTS Completed On 7/24/2023 7:57 AM EST by Chrisp@ggg.to

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

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

The CUP Application is intended to clean up an area historically mined and used for stock piling materials. The property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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

Yes

Comments:

This area has been historically mined. The applicant is trying to bring the entire property into compliance with the Houston County Zoning Ordinance. The property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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

No

Comments:

The area is surrounded by existing active mines. It does not encroach on any additional properties or setbacks.

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

No

Comments:

The area will be cleaned up and reclaimed in the same manner as CUP 418 and 417

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

Yes

Comments:

The area is stockpiles and tailings on top of limestone.

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

Yes

Comments:

An EAW was completed for permits 417 and 418. This additional area is directly adjacent to the EAW. The county issued a negative declaration on the adjacent property. This property was depicted on every study. The property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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

N/A

Comments:

No additional Utilities, Access roads, drainage and other facilities required.

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:

No additional off street parking required

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

N/A

Comments:

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.

N/A

Comments:

The property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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 property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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 operation will be in accordance to CUP 417 and 418 with the exception of Condition #7

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:

NA

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.

No

Comments:

The property is a 50' strip in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

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

Yes

Comments:

The operation will be in accordance to CUP 417 and 418 with the exception of Condition #7

SITE PLAN INFORMATION Completed On 7/24/2023 7:58 AM EST by Chrisp@ggg.to

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

Upload Site Plan

CUP Exhibit 2023.pdf

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.



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

The property is the west 50' strip of the parcels owned by J&C Farms and is located in the center of two permitted quarries. The CUP application is intended to clean up where they connect.

APPLICATION SUBMITTAL Completed On 7/24/2023 7:59 AM EST by Chrisp@ggg.to

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:

7/24/2023

Check this box if Staff Signature on behalf of Applicant.

Yes

External Notes

Documents

Internal Notes

Documents

2004 AERIAL PHOTO



2019 CUP 417
PROPERTY LINE

2019 CUP 418

60' SETBACK

2019 CUP 417

2023 AERIAL PHOTO



\$ 500.00

No. 417

STATE OF MINNESOTA,
COUNTY OF HOUSTON

Township of Spring Grove
Office of Zoning Administration

CONDITIONAL USE PERMIT

IN CONSIDERATION OF The statements and representations made by Curt Roverud of J & C Farms

103 2nd Avenue SE, Spring Grove, MN 55974

in application therefore duly filed in this office, which application is hereby made a part hereof, **PERMISSION IS HEREBY GRANTED** To said Curt Roverud of J & C Farms as owner to, amend Conditional Use Permit #284 for Mineral Extraction in an agricultural district (Section 14-14.3 Conditional Uses, Subdivision 1, Subsection 19)

Upon that tract of land described as follows: Lot _____ Block _____ Plat or Addition _____

(See attachment A for legal description).

which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner and _____ his _____ contractors, agents, workers and employees, shall comply in all respects with the ordinances of the **County of Houston**.

Given under the hand of the Zoning Administration of Houston County and its corporate seal and attested this _____ day of _____ February, 2020



Zoning Administration

Parcel # 13-0255-001

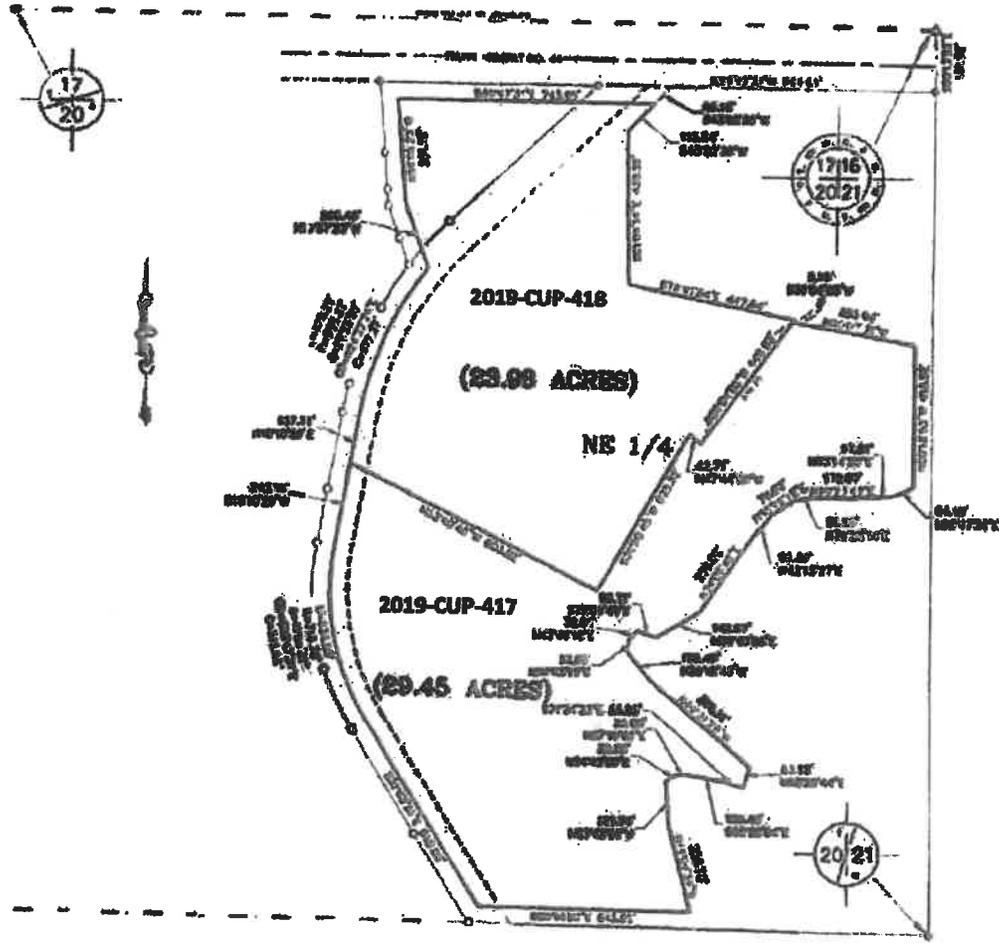
Refer to the backside of the permit for additional stipulations.

Attachment A

That part of the Northeast Quarter of Section 20, Township 101 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence as an assumed bearing of South 00°15'33" East, along the east line of said Northeast Quarter, 181.58 feet to the south line of right of way line of State Highway No. 44; thence North 15°47'31" West, along said south, right of way line, 284.61 feet; thence South 43°02'30" West 89.18 feet; thence continuing South 43°02'30" West 113.54 feet; thence South 01°04'14" East 438.85 feet; thence South 78°41'54" East 487.84 feet; thence South 35°04'00" West 2.18 feet to the point of beginning; thence continuing South 30°47'33" West 438.35 feet; thence North 47°44'35" West 42.71 feet; thence South 39°00'49" West 625.22 feet; thence North 63°40'48" East 202.82 feet; thence South 10°10'25" West 243.18 feet; thence easterly 224.59 feet along a tangential curve concave to the northeast, said curve has a radius of 718.76 feet, a central angle of 47°50'01", and the chord of said curve bears South 10°47'31" East 612.86 feet; thence South 31°46'31" East, tangent to said curve, 818.08 feet; thence South 89°14'02" East 815.88 feet; thence North 14°04'34" West 256.25 feet; thence North 83°42'09" West 128.74 feet; thence North 54°40'00" East 38.55 feet; thence North 87°19'00" East 38.00 feet; thence South 80°20'04" East 185.48 feet; thence South 77°47'33" East 28.28 feet; thence North 15°20'44" East 53.13 feet; thence North 48°31'28" West 374.71 feet; thence North 59°15'48" West 105.49 feet; thence North 81°45'12" East 37.88 feet; thence North 45°48'18" East 32.01 feet; thence South 72°00'48" East 18.71 feet; thence North 89°40'26" East 142.87 feet; thence North 34°05'46" East 256.82 feet; thence North 42°13'27" East 81.58 feet; thence North 85°18'18" East 74.87 feet; thence North 79°23'14" East 51.25 feet; thence North 89°23'42" East 172.87 feet; thence North 85°47'29" East 87.21 feet; thence North 88°47'28" East 84.10 feet; thence North 00°15'33" West 413.82 feet; thence North 80°07'31" West 353.84 feet to the point of beginning.

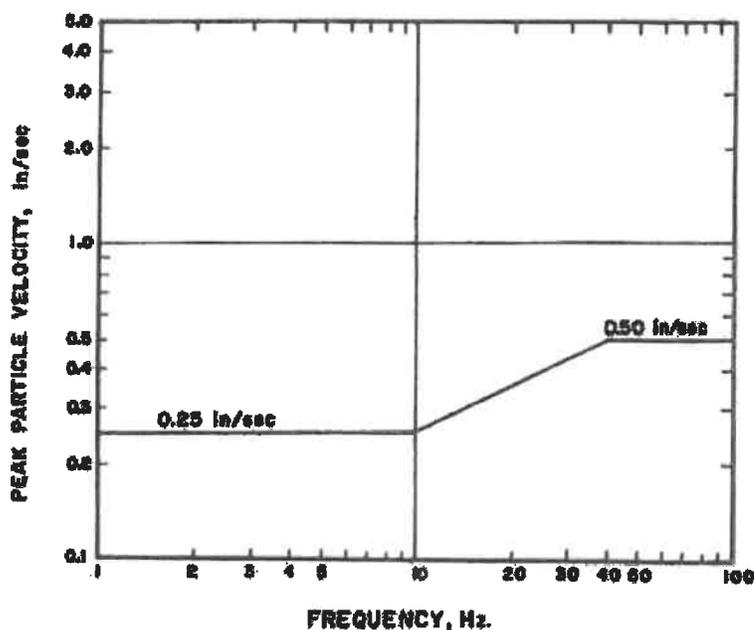
The above described parcel contains 29.45 acres and is subject to any easements, encumbrances, and restrictions of record.



Approved by County Board 2/25/2020. Some changes from PC recommendation to #s 7 & 9.

1. This amendment only becomes valid if and when conditional use application #2019-CUP-54902 is approved. (CUP #418 was approved on 2/25/2020).
2. The Permittee shall comply with all federal, state, and local laws and regulations;
3. 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.
4. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
5. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
6. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
7. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.

8. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
9. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, on a location to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



10. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County Limits to hours of operation may be suspended by Houston County.
11. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

\$ 500.00 _____ No. 418 _____

STATE OF MINNESOTA,
COUNTY OF HOUSTON

Township of Spring Grove
Office of Zoning Administration

CONDITIONAL USE PERMIT

IN CONSIDERATION OF The statements and representations made by Curt Roverud of J & C Farms

103 2nd Avenue SE, Spring Grove, MN 55974

in application therefore duly filed in this office, which application is hereby made a part hereof, **PERMISSION IS HEREBY GRANTED** To said Curt Roverud of J & C Farms as owner to, do Mineral Extraction in an agricultural district (Section 14-14.3 Conditional Uses, Subdivision 1, Subsection 19)

Upon that tract of land described as follows: Lot _____ Block _____ Plat or Addition _____
(See attachment A for legal description).

which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner and _____ his _____ contractors, agents, workers and employees, shall comply in all respects with the ordinances of the **County of Houston**.

Given under the hand of the Zoning Administration of Houston County and its corporate seal and attested this _____ day of _____, February, 2020

Zoning Administration

Parcel # 13-0255-001

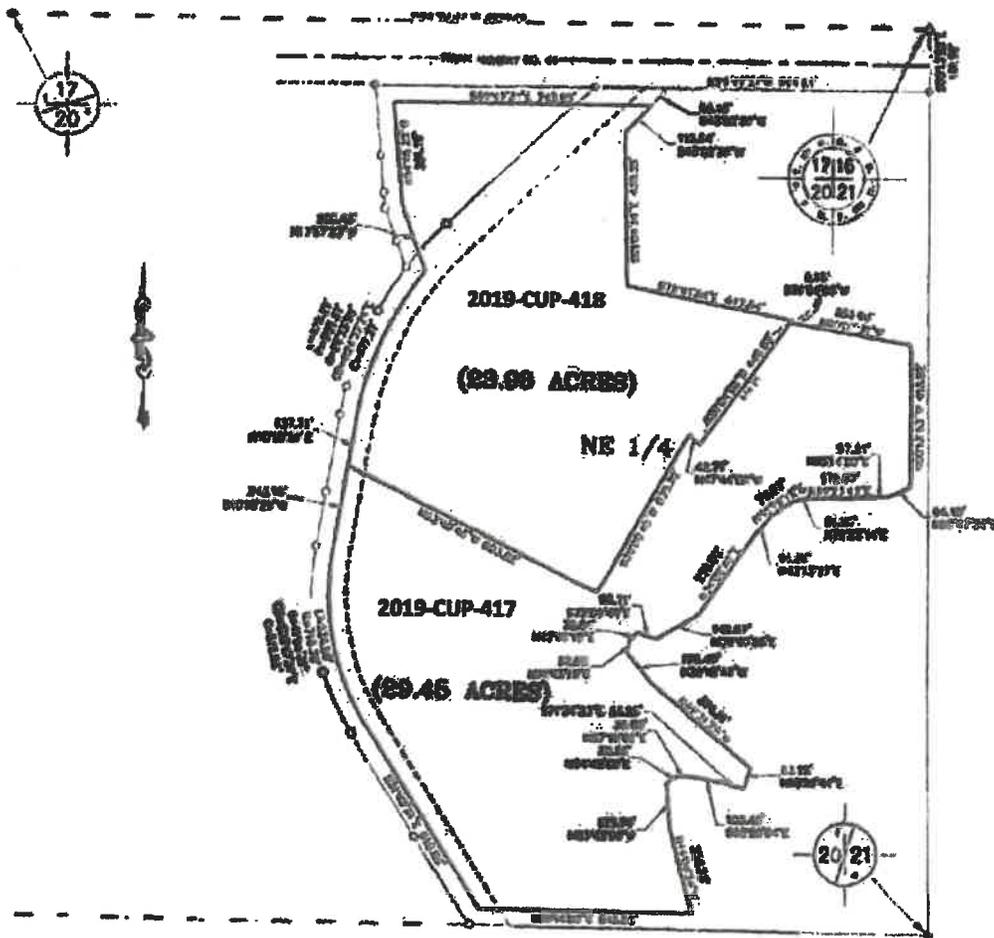
Refer to the backside of the permit for additional stipulations.

Attachment A

That part of the Northeast Quarter of Section 20, Township 301 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00°13'55" East, along the east line of said Northeast Quarter, 161.66 feet to the south line right of way line of Trunk Highway No. 44; thence North 89°47'31" West, along said south right of way line, 884.81 feet; thence South 47°02'36" West 82.38 feet to the point of beginning; thence continuing South 43°02'30" West 113.54 feet; thence South 01°04'14" East 438.55 feet; thence South 78°41'54" East 482.84 feet; thence South 38°04'03" West 448.53 feet; thence North 47°04'58" West 45.71 feet; thence South 30°00'45" West 525.38 feet; thence North 82°40'48" West 803.82 feet; thence North 10°10'28" East 137.71 feet; thence northerly 476.29 feet along a tangential curve concave to the southeast, said curve has a radius of 855.37 feet, a central angle of 28°32'00", and the chord of said curve bears North 84°27'24" East 471.37 feet; thence North 18°57'23" West, not tangent to said curve, 200.43 feet; thence North 64°48'28" West 301.18 feet; thence South 88°47'31" East, parallel with said south right of way line, 743.85 feet to the point of beginning.

The above described parcel contains 23.06 acres and is subject to any easements, covenants, and restrictions of record.

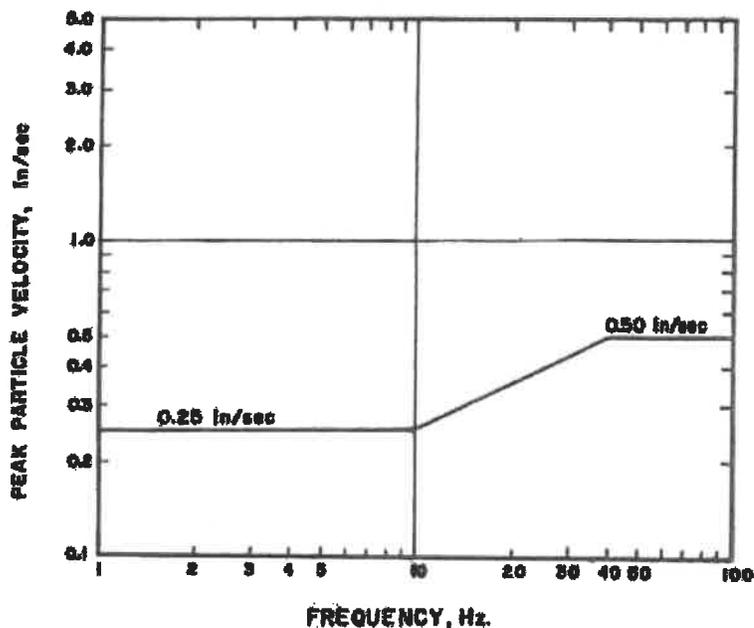


Approved by County Board 2/25/2020. Some changes from PC recommendation to #s 6 & 8.

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation ceases.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.
7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The

Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

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



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***J&C Farms*** DATE: ***August 24, 2023***

C.U.P. REQUESTED: ***For mineral extraction in the agriculture protection district.***

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

FINDINGS OF FACT

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

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

Staff Analysis: The need for aggregate is recognized in the Comprehensive 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 mutual consent for the setback provides a practical approach to controlling the setbacks in active work areas.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The drainage from the J&C Quarry and the Bruening Quarry will not connect. An elevation buffer will be maintained separating them.

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 proposal will not change site operations regarding water runoff.

Board agreed to the finding by a unanimous vote.

Cindy Wright asked how water runoff is monitored. Chris stated the quarry's water is self-contained.

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

Staff Analysis: N/A

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

Staff Analysis: There are no anticipated pollution hazards associated with the proposal.

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 road revisions will occur, and the quarry drainage areas will stay separate and follow their existing operating plans.

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 activities related to this are exclusively within the quarries.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The site operation plan addresses the management of their equipment's activities.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The setback amendments for the parcels will not be injurious to other property owners in the area. The influence on operations will be minimal.

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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The proposal will have minimal impact on site operations.

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: N/A

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

Staff Analysis: Site specific conditions are only being modified where mutual consent has been given by both parties with the potential to be impacted.

Board agreed to the finding by a unanimous vote.

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

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for mineral extraction 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. Condition 6 of the 2/28/2020 Conditional Use Permit 417 is revised to the following language: "The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below."
4. Condition 7 of the 2/28/2020 Conditional Use Permit 418 is revised to the following language: "The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below."

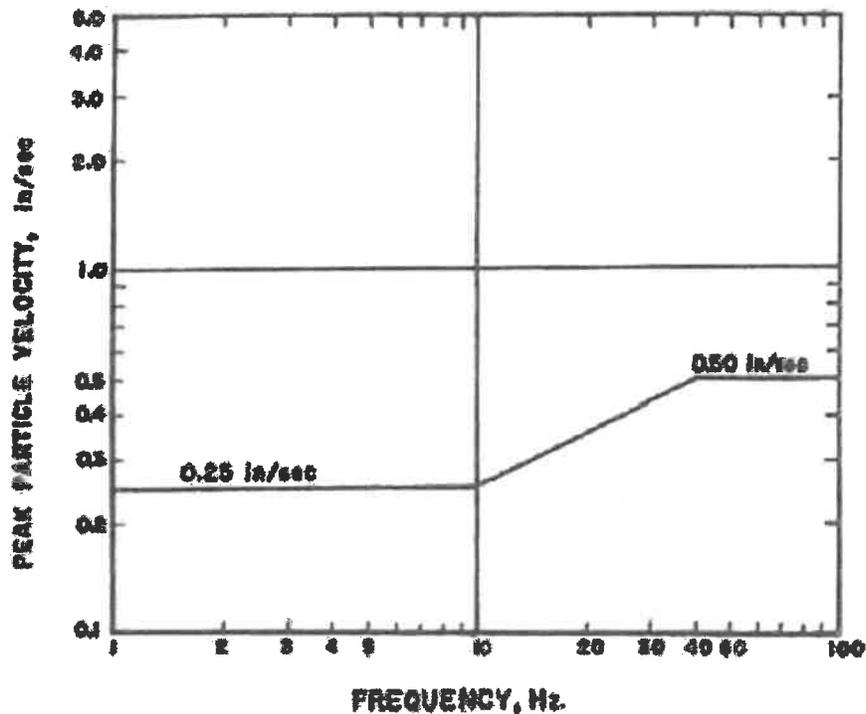
Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Approved by County Board 2/25/2020. Some changes from PC recommendation to #s 6 & 8.

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation ceases.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. ~~Property line setbacks shall be 50'.~~ Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below.
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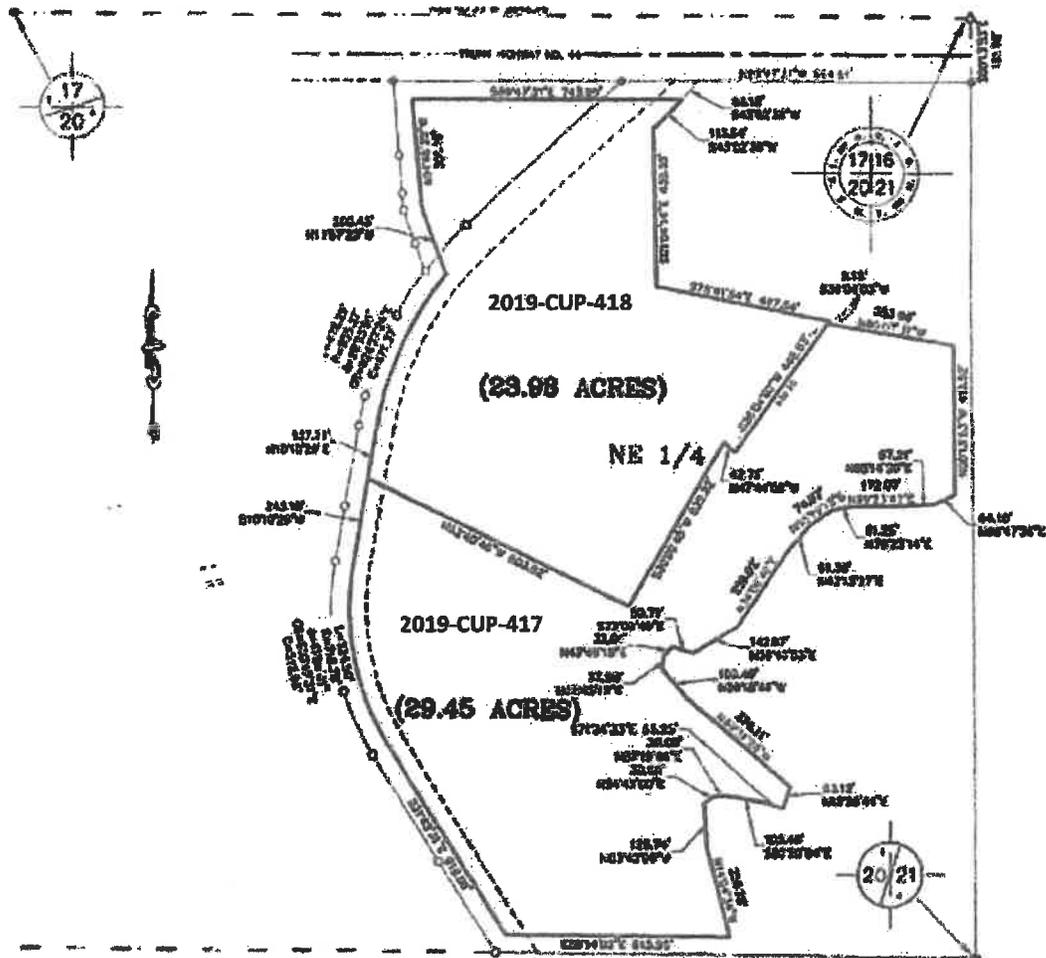
Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

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



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM - 8:00 PM
Saturdays: 8:00 AM - 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

Figure 2
(417 CUP Amendment)



Attachment A

That part of the Northeast Quarter of Section 28, Township 101 North, Range 7 West, Houston County, Minnesota, described as follows:

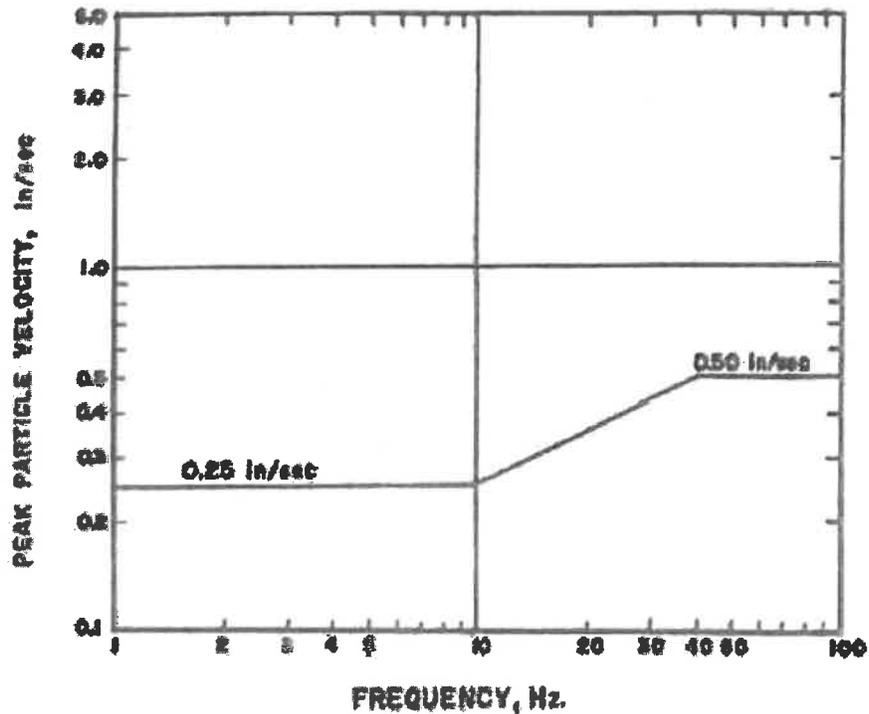
Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00°15'53" East, along the east line of said Northeast Quarter, 181.88 feet to the south line right of way line of Trunk Highway No. 44; thence North 89°47'31" West, along said south right of way line, 808.81 feet; thence South 43°02'38" West 48.18 feet; thence continuing South 43°02'38" West 113.84 feet; thence South 01°04'14" East 436.56 feet; thence South 79°41'54" East 487.84 feet; thence South 38°04'03" West 8.18 feet to the point of beginning; thence continuing South 38°04'03" West 439.35 feet; thence North 47°44'58" West 42.71 feet; thence South 39°50'45" West 528.33 feet; thence North 83°40'48" West 803.62 feet; thence South 10°10'29" West 243.18 feet; thence southeasterly 824.89 feet along a tangential curve concave to the northeast, said curve has a radius of 718.78 feet, a central angle of 41°58'01", and the chord of said curve bears South 10°47'31" East 812.88 feet; thence South 31°45'31" East, tangent to said curve, 819.06 feet; thence South 89°14'02" East 815.85 feet; thence North 140°4'34" West 256.75 feet; thence North 03°42'09" West 125.74 feet; thence North 84°48'00" East 30.55 feet; thence North 87°19'08" East 39.00 feet; thence South 80°20'04" East 105.46 feet; thence South 71°34'33" East 55.29 feet; thence North 18°28'44" East 83.12 feet; thence North 48°31'28" West 374.11 feet; thence North 89°18'48" West 108.48 feet; thence North 08°45'12" East 37.88 feet; thence North 43°45'18" East 32.01 feet; thence South 72°09'48" East 58.71 feet; thence North 88°40'35" East 142.67 feet; thence North 34°08'48" East 258.02 feet; thence North 42°15'27" East 91.38 feet; thence North 55°19'15" East 74.67 feet; thence North 78°21'14" East 51.28 feet; thence North 88°23'42" East 172.07 feet; thence North 88°14'20" East 57.21 feet; thence North 88°47'28" East 84.10 feet; thence North 00°15'53" West 413.52 feet; thence North 80°07'31" West 353.84 feet to the point of beginning.

The above described parcel contains 29.45 acres and is subject to any easements, covenants, and restrictions of record.

Approved by County Board 2/25/2020. Some changes from PC recommendation to #s 7 & 9.

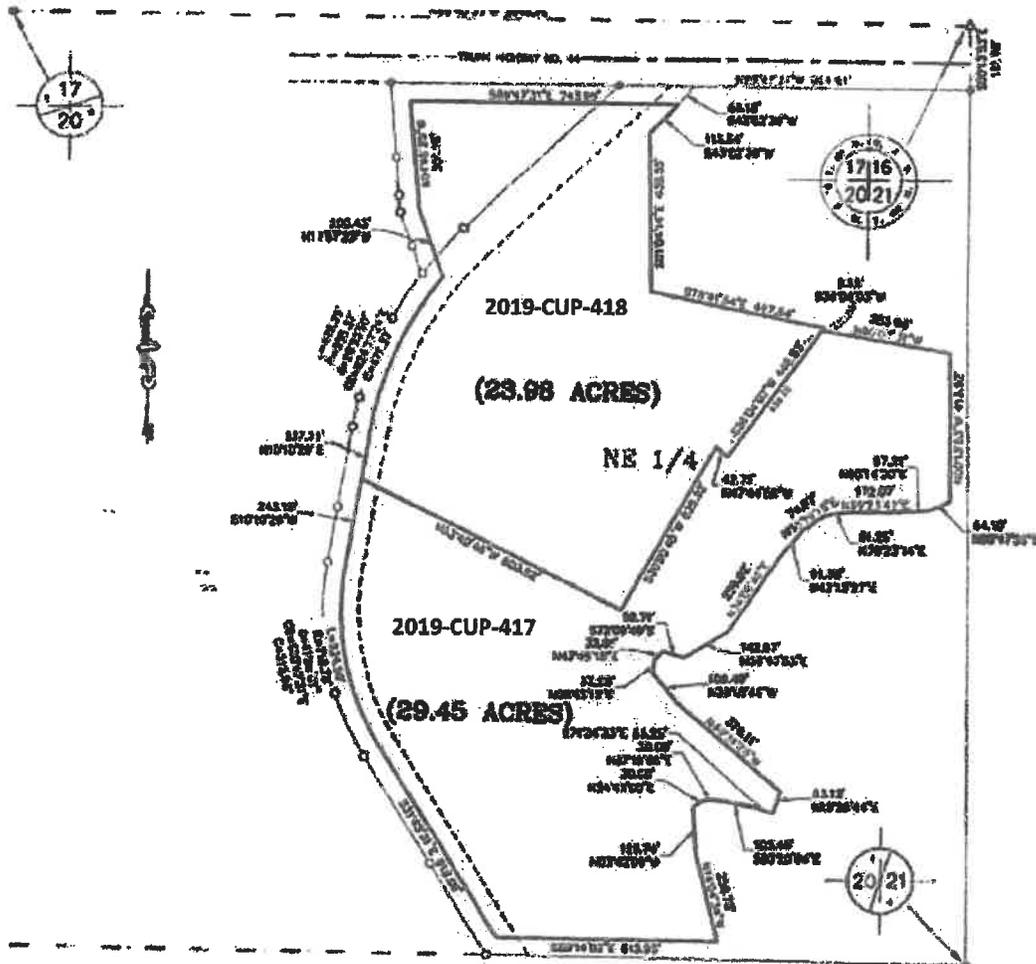
1. This amendment only becomes valid if and when conditional use application #2019-CUP-54902 is approved. (CUP #418 was approved on 2/25/2020).
2. The Permittee shall comply with all federal, state, and local laws and regulations;
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 - iv. The total acreage of reclaimed land;
 - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
 - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
 - f. A certification signed by the operator that information provided is true and accurate.
5. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
6. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
7. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. ~~Property line setbacks shall be 50'~~ Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below.

8. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
9. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, on a location to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



10. Hours of operation shall be limited to the following: Weekdays: 6:00 AM - 8:00 PM
Saturdays: 8:00 AM- 3:00 PM Sundays: Closed Holidays*: Closed. *Holidays shall mean holidays observed by Houston County Limits to hours of operation may be suspended by Houston County.
11. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

Figure 2
(418 CUP Amendment)



Attachment A

That part of the Northeast Quarter of Section 20, Township 101 North, Range 7 West, Houston County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of South 00°13'53" East, along the east line of said Northeast Quarter, 161.88 feet to the south line right of way line of Trunk Highway No. 44; thence North 89°47'31" West, along said south right of way line, 564.81 feet; thence South 43°02'39" West 68.18 feet to the point of beginning; thence continuing South 43°02'39" West 113.54 feet; thence South 01°04'14" East 438.55 feet; thence South 78°41'54" East 487.84 feet; thence South 38°04'03" West 448.53 feet; thence North 47°44'58" West 42.71 feet; thence South 38°00'46" West 528.52 feet; thence North 83°40'48" West 863.82 feet; thence North 10°10'28" East 137.71 feet; thence northeasterly 478.29 feet along a tangential curve concave to the southeast; said curve has a radius of 959.37 feet, a central angle of 28°33'50"; and the chord of said curve bears North 24°27'24" East 471.37 feet; thence North 18°57'25" West, not tangent to said curve, 200.43 feet; thence North 04°48'25" West 301.16 feet; thence South 89°47'31" East, parallel with said south right of way line, 743.85 feet to the point of beginning.

The above described parcel contains 23.98 acres and is subject to any easements, covenants, and restrictions of record.

COUNTY OF HOUSTON

**NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT
ORDINANCES REGULATING THE USE OF CANNABIS AND
CANNABIS DERIVED PRODUCTS IN PUBLIC PLACES AND A NO
WAKE ZONE FOR THE WEST CHANNEL OF THE MISSISSIPI RIVER**

PLEASE TAKE NOTICE:

That a public hearing, pursuant to Minnesota Statutes 394.26, will be held in the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:30 p.m. on Thursday, August 24, 2023.

The Planning Commission will discuss recommending adoption of proposed ordinances regulating the use of cannabis and cannabis derived products in public places and a No Wake Zone for the West Channel of the Mississippi River to the Houston County Board of Commissioners.

All persons having an interest in the matter are invited to attend the hearing.

Copies of the proposed Ordinances are available for viewing online at:

<https://www.co.houston.mn.us/wp-content/uploads/2023/08/Sample-Cannabis-use-in-Public-Ordinance.pdf> and <https://www.co.houston.mn.us/ordinances/?mdocs-file=6864>. Hard copies can be requested from the Zoning Office, located at 304 South Marshall Street - Room 209, Caledonia, Minnesota.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administrator

ADV: August 14, 2023

Planning Commission No Wake Zone Hearing Minutes August 24, 2023

Marty discussed the draft of the no wake zone ordinance and the Planning Commission's role to recommend this to the Board of Commissioners. Marty stated this evolved because of safety concerns of residents.

Cindy Wright asked who will enforce this. The Sherriff's Office and Minnesota Conservation Officers will enforce it.

Chairman Hammell and Greg Myhre voiced interest in recommending it to the Board of Commissioners.

Larry Hafner stated he would like time to review the draft prior to recommending it. Other members expressed interest in recommending approval. Larry Hafner said, "I can abstain. I just don't like to have someone put something in front of me and say sign it." Josh Gran referenced Larry Hafner's comment stating he had heard half of the legislators who voted on the 2022 bill allowing the sale of THC didn't read the bill and found out later that it was buried in the bill they had approved.

Marty explained that from the Highway 16 bridge to the swing bridge, there would be a no wake zone in effect that would go out 100 feet from the ordinary high-water line.

Marty read the proposed draft of the No Wake Zone Ordinance for the Planning Commission. Larry Hafner stated after hearing the draft read, he was ok with recommending this to the Board of Commissioners. Cindy Wright stated it's a safety issue and we should vote to recommend this.

Greg Myhre made a motion to recommend the Houston County Board approve the No Wake Zone Ordinance as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.