

AGENDA
of the
Steele County Planning Commission

Monday, June 5th, 2023
7:00 PM

Steele County Administration Center
630 Florence Avenue
Owatonna, MN 55060

1. Call to Order:
2. Pledge of Allegiance
3. Approve Agenda:
4. Approve Minutes: Dec 5th, 2022
May 1st, 2023
5. County Board Action
IUP 2023-01 (Ulland Brothers – Bituminous Stockpiling & Processing)
6. Review of Building Permits
7. Public Hearing: CUP #434 (Pineapple Appeal)
8. Public Hearing: Renew CUP #217 (Klemmensen Pit)
9. Adjourn

**Minutes of the
Steele County Planning Commission
December 5th, 2022**

Call to Order:

The meeting was called to order by Schmidt at 7 pm. Present were Schmidt, Esplan, Jaster, Spatenka, Lammers, Ingvaldson, Queen, Commissioner Glynn, and staff member Oolman.

Agenda:

Motion by Esplan, second by Lammers to approve the agenda as submitted. Motion passed unanimously.

Minutes:

Motion by Queen, second by Spatenka to approve the June 27th, 2022, minutes as submitted. Motion passed unanimously.

Building Permits:

The building permits for July, August, September, and October, and November were reviewed.

County Board Action

Oolman reported the County Board approved IUP 2022-01 (Crane Creek Asphalt – Temporary Asphalt Plant) and the Changes to IUP 2020-03 (Medford Sand & Gravel – Hanson Pit) as recommended. The setback has been re-established on the Hanson Pit as required.

CUP #433 (Jenkins – Dog Boarding Kennel)

This request is from Aaron and Melissa Jenkins to operate a Dog Boarding Kennel from property located in the NE ¼, SE ¼, Section 22, Owatonna, Township. The property address is 2475 Austin Road.

Questions and comments of the commission.

- Is there going to be a fenced in area for the dogs to run in?
Oolman answered there will eventually be an outside fenced area on the east side of the building. Jenkins indicated it would be added in the spring. We plan to add 4 to 5 fenced-in areas to let the dogs outside to do what they need to do and then let them back in, they will not be outside for long periods of time.
- What is the parcel south of this site?
Oolman answered that it is actually owned by the cemetery.

The public hearing was opened.

- Jenkins- We have discussed it with Dale and the building inspector quiet a few times to make sure that we are getting everything done properly. We are in the process of working on that now and getting everything situated.
 - Terry Hanson, neighbor on the west side of Austin Road, expressed concern that 6 am in the morning is early to hear dogs barking.
Jenkins answered, they are not actually going to start until 8 am. The dogs will not be outside before 8 am or after 7pm. We don't want to disturb anyone; we do have kids as well.
 - Terry Hanson- If the barking becomes an issue, how do we go about controlling that?
Jenkins replied, the facility is insulated right now along with the big tree wind break that is out there. Along with putting the fenced-in areas on the eastside will give more of a sound barrier to the

residential areas. Next year we plan on putting in another 2 sets of rows of tall trees to create another barrier around the facility

- Rick Arnold, neighbor south of the cemetery expressed concern with barking dogs. We just moved there about a month ago because it was nice and quiet. We had dogs growing up on the farm and I have nothing against dogs, I am just concerned about the barking. Do you have dogs beside these too?
Jenkins answered, yes, we have 2 dogs ourselves, but our dogs stay in the house.
- Arnold- I just have a concern of the noise that is all.
Jenkins explained, there would never be 12 dogs outside at the same time. With the runs that we have planned, there would only be a maximum of 4 dogs out at one time. They would not stay out for hours on end. With the boarding we have it just gives the dogs a bigger place to stay than in a little kennel. It does not mean they will be out all day long. But there would never be 12 dogs out at one time.
- Kevin Beck- I live just west of them also. I also have a concern about the dog noise. I am not thrilled about the dogs barking between 6am all throughout the day and there are about 30 homes within ear shot of the property, there is another kennel off of Couty Road 45 and I can hear that from my house. If they are not planning on letting them out until 8am can the hours be adjusted?
- Jerry Katzung, Owatonna Township stated they have no objections.
- David Dietz, Owatonna Township asked if the hours can be changed to 8am to 6pm?

As there were no further questions or comments, the public hearing was closed

Motion by Esplan, second by Schmidt to recommend approval of CUP #433 with the following conditions:

1. This permit allows for the boarding of up to 20 dogs.
2. Dogs must be kept inside between the hours of 7:00 P.M. to 8:00 A.M.
3. All buildings shall meet building code for their intended use. Owner shall comply with any requirements that result from the change in use of the structure.
4. Solid dog waste shall be cleaned up and disposed of in an approved manner.
5. Wash water shall not drain onto neighboring properties.
6. Operator is responsible to obtain all other federal, state, and local permits and regulations including but not limited to the Department of Agriculture, Board of Animal Health, the Minnesota Pollution Control Agency, and the U.S. Environmental Protection Agency.

Motion passed unanimously.

Review of CUP #290 (James Bros. – Hafstad Pit)

This request is from James Brothers Construction to renew conditional use permit #290 allowing the mining of sand and gravel in the NE 1/4, Section 11, and the NW 1/4, Section 12, Lemond Township, on property owned by Mark and April Hafstad. The property address is 5960 SW 43rd Ave.

Questions and comments of the commission.

- Spatenka commented they are right in my back yard and they do a good job.
- Schmidt asked if the gravel tax is paid up?
Oolman indicated yes.
- Schmidt - Is the applicant here?
James Brothers answered, yes. We have been doing this and it has been working out for us.

The public hearing was opened. As there were no questions or comments, the public hearing was closed

Motion by Ingvaldson, second by Queen to recommend approval of Review of CUP #290 with the following conditions: (~~Strikethrough~~ is deleted, underlined is added.)

1. Mining is limited to an area of 27.15 acres as identified in the application.
2. Mining is limited to a bottom elevation of 1120 feet.
3. A stop sign shall be placed on the main access road to CSAH #30 and fold down "truck hauling" signs shall be placed along CSAH #30. The size and placement of these signs shall be at the direction of the Steele County Highway Department.
4. The access road to the site shall be gated with the gate installed so that it does not swing into the road right-of-way.
5. Trucks shall not track material from the pit onto the public road.
6. Trucks hauling material to and from this site shall not use "jake brakes.
7. Hours of operation shall be from 6:00 a.m. to 7:00 p.m. Monday thru Saturday.
8. A 20 foot unexcavated buffer with 4:1 side slopes shall remain adjacent to all property lines, and road right-of-ways. Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant.
9. Operator is responsible to maintain dust control in the pit, on the access road, and on the public roads during hauling operations.
10. Storage pile of recyclable aggregate materials shall not exceed 20,000 cubic yards.
11. The applicant shall follow their submitted reclamation plan. Final reclamation shall be completed in phases that have been inactive for greater than five years. Final reclamation shall include grading slopes to a 4:1 slope or greater, replacing topsoil, and vegetating exposed areas not used for cropland or reclaimed to open water.
12. This permit remains valid during times when the owner/operator is current on all tax obligations owed to Steele County. If notified by the Auditor of a delinquency, the owner/operator is required to pay the tax or file an appropriate challenge within 30 days or the permit is null and void.
13. Operator is responsible to obtain all other federal, state, and local permits and regulations including but not limited to NPDES permits, DNR Water Appropriation Permits, and Minnesota Wetland Conservation Act regulations.
14. The operator is responsible to initiate renewal proceedings on or before January 1, ~~2023~~ 2028 or this permit becomes invalid. At that time the operator shall provide a detailed site plan showing all reclaimed areas and areas of active mining.

Motion passed unanimously.

Adjournment:

Motion by Lammers, second by Jaster to adjourn at 7:35pm.

**Minutes of the
Steele County Planning Commission
May 1st, 2023**

Call to Order:

The meeting was called to order by Oolman at 7:00 pm. Present were Esplan, Pool, Spatenka, Lammers, Ingvaldson, Queen, Dinse, Commissioner Brady, and staff member Oolman.

Agenda:

Motion by Lammers, second by Esplan to approve the agenda as submitted. Motion passed.

2023 Organization:

Motion by Ingvaldson, second by Lammers to cast a unanimous ballot for Esplan as Chair. Motion passed.

Motion by Spatenka, second by Ingvaldson to cast a unanimous ballot for Lammers as Vice Chair. Motion passed.

Motion by Ingvaldson, second by Lammers to appoint Oolman as Secretary. Motion passed.

Minutes:

Motion by Ingvaldson, second by Queen to approve the December 5th, 2022, minutes as submitted. Motion passed.

County Board Action

Oolman reported the County Board approved CUP #433 (Jenkins – Dog Boarding Kennel) and the Review of CUP 290 (James Bros. – Hafstad Pit) as recommended by the planning commission.

IUP 2023-01: Ulland Brothers - Bituminous Stockpiling and Crushing

This request is from Ulland Brothers Inc. to stockpile and crush bituminous material as part of the resurfacing construction project on Interstate 35. The site is located in the W ½ of the NE ¼, Section 30, Summit Township. The site address is 3598 Highway 30 West, Ellendale.

Questions and comments of the commission.

- *Spatenka – Is there is an existing conditional use permit on the property?
Oolman answered, no. The previously approved CUP for a fertilizer building was never used so it has expired.*
- *Schmidt - Were there any issues the last time the property was used for this type of activity in 2021?
Oolman indicated no issues were reported to him.*

The public hearing was opened.

- John Asplund, 808 Rose Drive, expressed a concern about the noise. He can currently hear traffic on I-35 from his house and would like the crushing to not be allowed after noon on Saturdays.
- Asplund was asked how far his house is away from the site?
Asplund answered, he lives on the west side of Ellendale.
- John Erickson from Ulland Brothers asked Asplund if he lived there in 2021 when they last had a plant at that site and if he could hear it then?
Asplund indicated he could did not hear it in 2021.
- Erickson - We are going to crush less than 10,000 tons, I anticipate that the crusher with only be on the property for a week, 7 to 10 days, this is not going to be a summer long project.

- Where is the asphalt material coming from?
Erickson- We will bring the asphalt out of Glennville MN.
- Is there a lot of crushing involved after you mill it?
Erickson- No this is a quick process, most of it is already crushed when we mill it. We just need to further crush it to meet specs.

As there were no further questions or comments, the public hearing was closed

Motion by Queen, second by Ingvaldson to recommend approval of IUP 2023-01 for Ulland Brothers with the following conditions:

- 1) This permit is for the 2023 construction season.
- 2) Plant operation hours shall be limited to the hours of 6:00 am to 7:00 pm Monday thru Saturday.

Motion passed unanimously.

Building Permits:

The building permits for January, February and March were reviewed.

2022 Planning and Zoning Activities:

The activities in the planning and zoning department for 2022 were reviewed.

2023 Meeting Schedule:

The meeting schedule for 2023 was approved.

Adjournment:

Motion by Lammers, second by Pool to adjourn at 7:27 pm.

CPUI
Date 5/04/23
Time 9:39:59

Steele County Building Permits
Permits Issued for 4/01/23 to 4/30/23

PLZ180 01/03/08
Page 1
TWENTURA

Item Permit No. Name

Parcel
Number

Building
Type

Township

Sect Valuation

1 AGR 7367 SPRINGER/FRANK E

100333401 HOOP BUILDING

MERTON TOWNSHIP

33 10,000

TOTAL

\$10,000

1 BPR 1206 TROM/CONNIE F

141170504 MISCELLANEOUS

BLOOMING PRAIRIE CITY

36 4,200

2 BPR 1207 WIGHAM/JONATHAN

141030706 BUILDING MAINTENANCE

BLOOMING PRAIRIE CITY

10,000

3 BPR 1209 HOVE/ANNETTE F

141070510 MISCELLANEOUS

BLOOMING PRAIRIE CITY

1,000

TOTAL

\$15,200

1 EDR 234 ZIMPRICH/NICOLAS A &

151140406 RESIDENTIAL HOME

ELLENDALE CITY

26 400,000

2 EDR 235 HOLTER/CAROLYN E

151030114 MISCELLANEOUS

ELLENDALE CITY

5,136

3 EDR 236 HOLTER/CAROLYN E

151030114 REMODEL

ELLENDALE CITY

5,992

4 EDR 237 ZIMPRICH/NICOLAS A &

150252002 BUILDING MAINTENANCE

ELLENDALE CITY

25 6,431

5 EDR 238 LAWRENCE/JAYE ELLEN/ &

151030111 BUILDING MAINTENANCE

ELLENDALE CITY

3,230

TOTAL

\$420,789

1 MDR 917 OWENS/KAREN L & VERN J

161070303 BUILDING MAINTENANCE

MEDFORD CITY

5,000

2 MDR 918 ANDERSON/JERED R & SARA M

161001201 BUILDING MAINTENANCE

MEDFORD CITY

12,500

3 MDR 921 PETERSON/TODD

161170303 RESIDENTIAL HOME

MEDFORD CITY

550,000

TOTAL

\$567,500

1 SCB 453 HANKE/CHRISTOPHER J

110044303 COMMERCIAL/INDUSTRIAL

MEDFORD TOWNSHIP

4 203,374

2 SCB 454 HANKE/CHRISTOPHER J

110044303 COMMERCIAL/INDUSTRIAL

MEDFORD TOWNSHIP

4 6,500

3 SCB 455 HANKE/CHRISTOPHER J

110044303 COMMERCIAL/INDUSTRIAL

MEDFORD TOWNSHIP

4 5,000

TOTAL

\$214,874

1 SCR 3663 STERNAGLE/JEFFREY L & JULIE

90063301 GARAGE/STORAGE

MERIDEN TOWNSHIP

6 115,000

CPRI
Date 5/04/23
Time 9:39:59

Steele County Building Permits
Permits Issued for 4/01/23 to 4/30/23

PL2180 01/03/08
Page 2
TWENTURA

Item Permit No.	Name	Parcel Number	Building Type	Township	Sect	Valuation
2 SCR	3667 JENO/DAVID M & RENAE C	90152201	MISCELLANEOUS	MERIDEN TOWNSHIP	15	73,860
3 SCR	3671 SCHROEDER/JOHN M & DENISE M	50221101	GARAGE/STORAGE	SOMERSET TOWNSHIP	22	59,400
4 SCR	3672 KAPLAN/ALLEN & CAITLYNN	80202302	BUILDING MAINTENANCE	OWATONNA TOWNSHIP	20	37,000
5 SCR	3673 PRESTON/BRIAN KEITH MORRIS/&	120211200	MISCELLANEOUS	CLINTON FALLS TOWNSHIP	21	5,767
6 SCR	3674 PRESTON/BRIAN KEITH MORRIS/&	120211200	REMODEL	CLINTON FALLS TOWNSHIP	21	6,728
7 SCR	3675 THURNAU/GARY A & SHIREEN A	100292100	BUILDING MAINTENANCE	MERTON TOWNSHIP	29	25,000
8 SCR	3676 DUSEK/JASON J & LINDA M	70163400	GARAGE/STORAGE	HAVANA TOWNSHIP	16	150,000
9 SCR	3677 BUNKERS/RODNEY J & CAROLYN N	130014101	BUILDING MAINTENANCE	DEERFIELD TOWNSHIP	1	24,000
10 SCR	3680 HAGEN/BRADLEY L & ALLYSON M	30094401	MISCELLANEOUS	BERLIN TOWNSHIP	9	5,193
11 SCR	3681 HAGEN/BRADLEY L & ALLYSON M	30094401	MISCELLANEOUS	BERLIN TOWNSHIP	9	4,451
12 SCR	3682 FUGUM/MACHELLE R/&	31000110	BUILDING MAINTENANCE	BERLIN TOWNSHIP	16	3,500
13 SCR	3684 HANSEN/JAMES J & PAULA E	30183300	ADDITION	BERLIN TOWNSHIP	18	30,000
14 SCR	3685 KANNE/BRIAN K & CAROLYN R	130104100	REMODEL	DEERFIELD TOWNSHIP	10	5,409
15 SCR	3686 KANNE/BRIAN K & CAROLYN R	130104100	REMODEL	DEERFIELD TOWNSHIP	10	6,312
16 SCR	3688 CARLSON/GARY L & DIANA J	20242200	BUILDING MAINTENANCE	SUMMIT TOWNSHIP	24	1,500
17 SCR	3689 STROHMAN/JERICHO	130322402	BUILDING MAINTENANCE	DEERFIELD TOWNSHIP	32	20,596
18 SCR	3690 NOBLE/KEVIN J & LISA M	20032101	BUILDING MAINTENANCE	SUMMIT TOWNSHIP	3	17,000
19 SCR	3694 HAGER/KATHLEEN L	130121401	BUILDING MAINTENANCE	DEERFIELD TOWNSHIP	12	8,800

TOTAL \$599,516

Total Number of Building Permits Issued: 34 \$1,827,879

Staff Report
for
Conditional Use Permit # 434
Pineapple Appeal

Applicant:

Amber Willert

Property Owner(s):

Dennis Ringhofer

Property Address:

2376 Rose Street
Owatonna, MN 55060

Property Legal Description:

Commencing at the SE corner of the E 1/2 of NE 1/4 of Section 11, Township 107 North, Range 20 West, running thence North along the East line of said Section 275 feet, thence West 432 feet, thence South 275 feet, running thence East 432 feet to the point of beginning.

Project Description:

Assembly of sewing kits for schools to use in Family and Consumer Science (FACS) Classes.

Zoning District:

Interim Agricultural

Reason for Conditional Use Permit Application:

Section 804 allows all uses allowed through the issuance of a conditional use permit in the Agricultural District as also allowed in the Interim Agricultural District.

Section 704.16 allows "Other similar uses as determined by the Planning Commission and the Steele County Board"

General Criteria to consider for a Conditional Use Permit:

- 1) The use will not create a burden on parks, schools, streets, public facilities or utilities:**
The proposal will not affect parks or schools. Electrical service is already provided to the site. Water is provided by a private well and sewage is treated by a private septic system installed in 2019.
- 2) The use is compatible, separated, or screening from adjacent agricultural or residential land so as not to depreciate their values or deter development:**
The property is already surrounded by residential developed property both in the City of Owatonna, and across the road. There are also some agricultural fields across the road. Since this surrounding property is already developed the use will not deter future development of the residential property nor should it effect the agricultural property.
- 3) The appearance will not have an adverse effect on adjacent properties:**
All activity will take place inside the building. There will be no onsite sales and the owner is projected to be the only employee. The appearance should not change from existing.

4) The use is related to the existing land use and the needs of the county:

The existing property is 2.73 acres and contains several buildings. D&D Yard Service currently operates a lawn service / snow removal business from the site permitted by CUP #417. Previous to that, it housed a welding shop and a topper manufacturing business. The applicant will use a portion of one of the buildings to assemble and package the sewing kits and store the materials. The building official has viewed the building and indicated the necessary permits that will be required to modify the building.

5) The use is consistent with the zoning ordinance and zoning district:

The applicant is applying under Section 704.16 which allows "Other similar uses as determined by the Planning Commission and the Steele County Board". The Planning Commission will need to determine if this is an appropriate use in this circumstance.

6) The use will not create a traffic hazard or congestion:

Traffic will be minimal as there will be no retail sales from this site and the owner is projected to be the only employee. This amount of traffic is not expected to be great enough to create congestion. The site and access would not change from the existing.

7) Existing businesses will not be adversely affected because of curtailment of customers trade brought about by intrusion of noise, glare, vibration or other nuisances:

The existing business in the area other than D&D Yard Service include Turtle Creek Nursery. This business should not have any effect on the nursery.

8) Adequate utilities, access roads, drainage and other facilities will be provided:

Access:	The current accesses off of Rose Street are not expected to change.
Drainage:	Drainage should not change from existing nor should runoff increase.
Water:	Water is provided by a private well.
Sewage:	A new septic was installed in 2019 and is sized for 10 employees. This includes employees from the Yard Service business and this business.

Staff Comments:

If the planning commission recommends approval of this permit, they may want to consider the following conditions.

1. All remodeling shall be done in accordance with applicable building codes.
2. No outside storage.
3. No retail store sales from site.
4. Business can have a maximum of 4 employees.



Pineapple Appeal

May 09, 2023

Disclaimer: Steele County, MN makes no representations or warranties, express or implied, with respect to the use or the accuracy of the data provided. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION OF ACCURACY, COMPLETENESS, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Steele County, MN is not responsible for any special, incidental, compensatory or consequential damages or third party claims resulting in the use of this data, even if such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of potential or consequential damages.

Staff Report
for
2018 Renewal of Conditional Use Permit #217
Doug and Janyce Klemmensen (Klemmensen Pit)

Applicant:

Doug and Janyce Klemmensen

Property Owner(s):

Doug and Janyce Klemmensen
Joshua Klemmensen

Project Location:

The SE 1/4 of the NW 1/4 of Section 14, T 105 N, R 21 W, Steele County, Minnesota, excepting therefrom the following described property:

The North 780.00 feet of the East 363.00 feet of the SE 1/4 of the NW 1/4 of Section 14, T 105 N, R 21 W.

AND;

The NE 1/4 of the SW 1/4 of Section 14, T 105 N, R 21, W, Steele County, Minnesota;

AND;

The SE 1/4 of the SW 1/4, Section 14, T 105 N, R 21 W, Steele County, Minnesota;

AND;

The SW 1/4 of the NE 1/4, Section 14, T 105 N, R 21 W, Steele County, Minnesota;

AND;

The NW 1/4 of the SE 1/4, Section 14, T 105 N, R 21 E, Steele County Minnesota;

AND;

All that part of the NE 1/4 of the SE 1/4 and all that part of the South Half of the SE 1/4 of the NE 1/4 of Section 14, T 105 N, R 21 W, Steele County, Minnesota described by:

Commencing at the southeast corner of said NE 1/4 of SE 1/4; thence S 89°21'48" W, assumed bearing, 664.58 feet along the south line of said NE 1/4 of SE 1/4 to the True Point of Beginning; thence N 0°02'52" W 307.08 feet along a line parallel with the east line of said SE 1/4; thence N 89°21'46" E 387.58 feet; thence N 0°02'52" W 49.57 feet; thence N 89°21'48" E 277.00 feet to the east line of said SE 1/4; thence N 0°02'52" W 969.63 feet to the northeast corner of said SE 1/4; thence N 0°00'00" W 663.27 feet to the northeast corner of said S 1/2 of SE 1/4 of NE 1/4; thence S 89°33'32" W 930.18 feet along the north line of said S 1/2 of SE 1/4 of NE 1/4 to the centerline of a drainage ditch; thence S 21°29'03" W 195.12 feet along said ditch centerline; thence S 60°43'00" W 282.55 feet along said ditch centerline to the west line of said S 1/2 of SE 1/4 of NE 1/4; thence S 0°14'42" E 408.35 feet to the southwest corner of said S 1/2 of SE 1/4 of NE 1/4; thence S 0°16'08" E 1329.04 feet to the southwest corner of said NE 1/4 of SE 1/4; thence N 89°21'48" E 657.90 feet to said True Point of Beginning.

EXCEPT the following described property:

Beginning at the southeast corner of said NE1/4 SE1/4; thence S 89°21'48" West a distance of 1039.36 feet, on an assumed bearing on the south line of said NE 1/4, SE 1/4; thence North 0°02'52" West a distance of 356.65 feet, parallel with the east line of said SE1/4; thence North 89°21'48" East a distance of 1039.36 feet, parallel with the south line of said NE1/4 SE1/4, to a point of the east line of said SE1/4; thence South 0°02'52" East a distance of 356.65 feet, on the east line of said SE1/4, to the point of beginning.

Zoning District:

Agricultural

Permitted Uses:

The mining and processing of sand, gravel and fill material. The stockpiling of aggregate material and the stockpiling and processing of recyclable aggregate material.

Permit History:

1996 – Original Permit issued

1999 – Permit amended to include part of the NE ¼ of SE ¼ and part of the S ½ of the SE ¼ of NE ¼.

2000 – Permit appears to be reviewed but no record of a final decision or conditions could be found.

2018 - Review

Permit Conditions:

1. The applicant shall maintain approved dust control at the entrance to the mine.
2. “Truck Hauling” signs shall be posted when and as required by the County Engineer.
3. A twenty feet buffer of undisturbed soil shall be maintained along JD #2 ROW.
4. All topsoil shall remain at the site.
5. The active mining and un-reclaimed areas shall not exceed ten acres at the east area and ten acres at the west areas at any one time.
6. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
7. The operator shall establish a stable discharge point for the pumping of water into Judicial Ditch #2. The operator shall be responsible to repair any damage to Judicial Ditch #2 that may occur from the water discharge.
8. The operator shall pay a user fee for industrial discharge into the Judicial Ditch #2 agricultural drainage system. The discharge shall be metered by the operator with the amount of discharge and payment made to the Auditor by the 14th day of January of each year. The discharge rate shall be \$.10 per 10,000 gallons of discharged. This discharge rate will be reviewed along with the Conditional Use Permit at the request of the Operator.
9. Stockpiles of material and equipment shall not be located in the floodplain in a manner that impedes water flows of Judicial ditch #2.
10. No hazardous material may be stored in the floodplain areas.
11. The operator shall meet the requirements of Berlin Township Ordinance #98-1.
12. This permit remains valid during times when the owner/operator is current on all tax obligations. In addition, if notified by the Auditor of a delinquency, the owner/operator is required to either pay the tax or file an appropriate challenge within 30 days or else the permit is null and void.
13. Applicant is responsible to obtain all other federal, state, and local permits and regulations including but not limited to NPDES permits, DNR Water Appropriation Permits, and Minnesota Wetland Conservation Act regulations.
14. Applicant is responsible to initiate renewal proceeding on or before July 1st 2023 or this permit becomes invalid.
15. A 30 feet unexcavated buffer shall remain adjacent to all property lines. Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant.
16. Storage piles of recyclable aggregate materials shall not exceed 30,000 cubic yards. These piles shall not remain onsite more than 5 years unless crushed.

Total Area: 250 ac.
Minable Area: 100 ac.
Active Areas: 3.5 ac. on east side.
9.0 ac. on west side.
2.0 ac. of material stockpile.
Reclaimed Areas: 12 acres reclaimed
5.5 ac. of pond on east
17 ac. of pond on west

Natural Elev: Approximately 1200 feet
Permitted Elev: None listed.
Mining Elev: Estimated at 1160 feet

Material Removed: Approximately 52,264 yards reported since 2013
2022 – 3,688 yds.
2021 – 15,778 yds.
2020 – 33,843 yds.
2019 – 3,148 yds.
2018 – 6,174 yds.

Recyclable Amts: Very little, 30 – 40 yds.

Other Permits: NPDES – General Permit
DNR Permit – 1996-5079 (no pumping of water has been reported in last 5 years.)

Road Access: SW 57th Ave. (gravel township) to County Road 21 (paved county road)
The eastern portion accesses onto County 14 (paved county road)

Review Issues: No issues have been reported with these sites.

Reason for Conditional Use Permit Application:

Condition #14 requires the permit to be reviewed.

General Criteria for Issuing Conditional Use Permit:

- a) **Burden on Existing Public Facilities and Utilities:**
Roads and potentially Judicial Ditch #2 are the two public facilities used by the gravel pit. There have been no concerns expressed regarding the road. If pumping does not occur the ditch is not utilized. If the pumping occurs, there are conditions that require the permittee to pay additional into the ditch system.
- b) **Compatible, Separated, or Screened from Adjacent Agricultural or Residential Properties:**
Condition #6 limits the hours of operation from 6:00 am until 7:00 pm. Mon. thru Sat. to mitigate noise on neighboring residential properties. The pit should not have any effect on the surrounding agricultural land.
- c) **Appearance of Structures and Site not have an Adverse Effect on Adjacent Properties:**
The appearance is similar to other gravel pits in the area.
- d) **Relationship of Proposed Project to Existing Land Use:**
The existing land use is an existing permitted gravel pit and farmland.

e) **Consistency with Zoning Ordinance and Zoning District:**

Gravel mining, crushing and the processing of aggregate materials is consistent with the Zoning Ordinance if approved as a Conditional Use.

f) **Creation of Traffic Hazards or Congestion:**

There have been no reported issues with truck traffic from this pit. Condition #2 requires signs if requested by the County Engineer.

g) **Nuisance Effects on Nearby Business:**

There are no permitted businesses in the area.

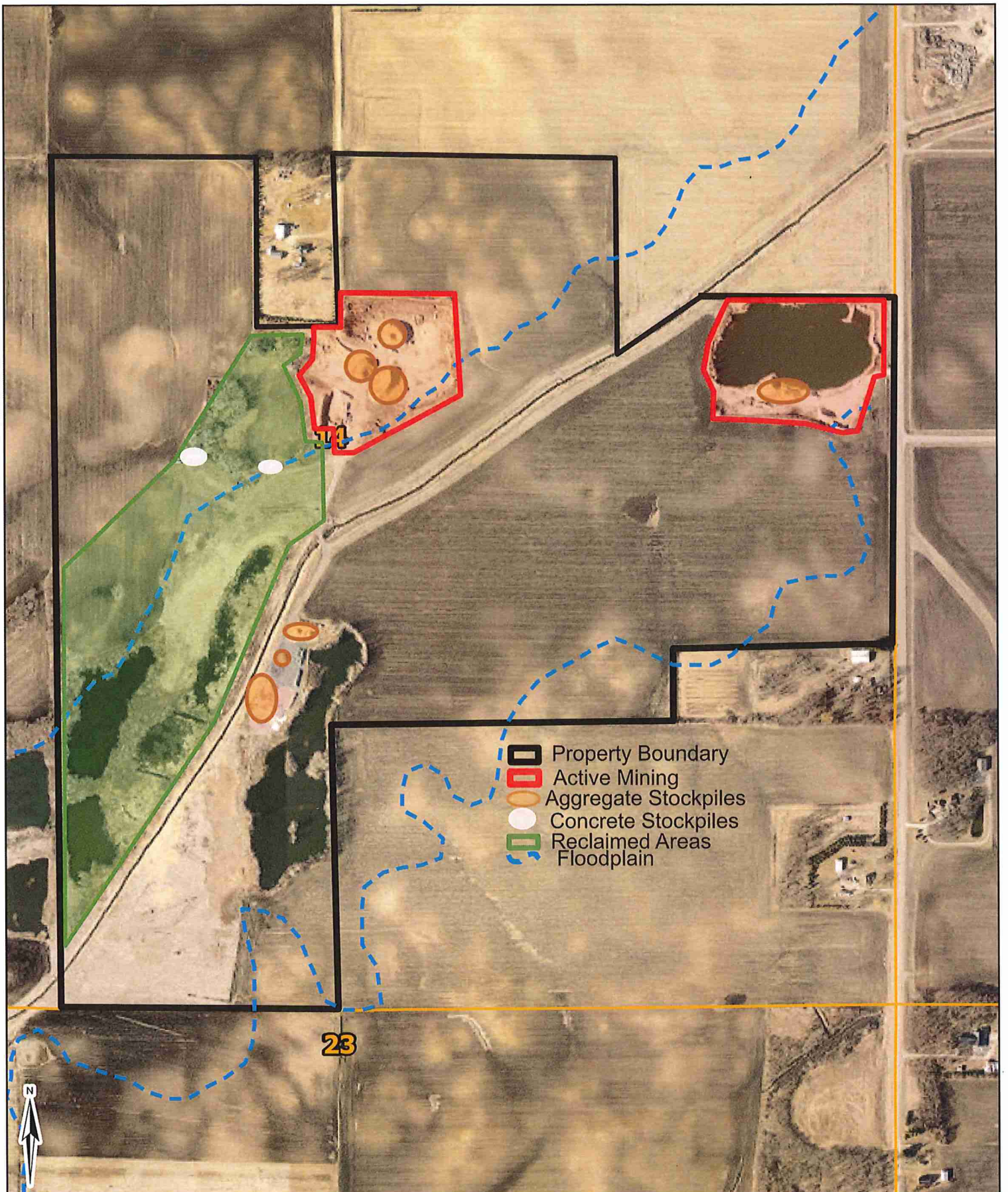
h) **Adequacy of Utilities, Access Roads, Drainage and Other Facilities:**

- **Floodplain:** Much of the formerly mined area is located in floodplain. Condition #9 and #10 addresses storage of materials in the floodplain areas.
- **Wetlands:** No known jurisdictional wetlands in the proposed minable area.
- **Tile:** No known tile in the proposed area.

Staff Comments:

If the Planning Commission finds that this site meets the conditions of the permit, they should consider renewing the permit for another 5 years. ~~Strike through~~ is deleted, underlined is added.

14. Applicant is responsible to initiate renewal proceeding on or before July 1st ~~2023~~ 2028 or this permit becomes invalid.



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Klemmensen Pit

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May 26, 2023

