



STEELE COUNTY
PLANNING COMMISSION AGENDA
Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Monday, July 1, 2024 at 7:00 p.m. – Steele County Boardroom

1. Call to Order:
2. Pledge of Allegiance
3. Approve Agenda:
4. Approve Minutes: (May 6th, 2024)
5. County Board Action
 - CUP 437 (Oeltjenbruns – Solar Sales and Equipment Repair)
 - CUP 438 (Terpstra – Marine and Powersport Repair)
 - Renew of CUP 214 (Medford Sand & Gravel North Pit)
 - IUP 2024-01 (EESolar33 – Busho Site)
6. Public Hearing: Rezone #85 (Wilkie – Hope Property)
7. Public Hearing: Review of CUP 251 (Routh Pit)
8. Public Hearing: Renew of IUP 2010-01 (Arndt – Zuphal Pit)
9. Adjourn



STEELE COUNTY PLANNING COMMISSION MINUTES

Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Monday, May 6th, 2024, at 7:00 p.m. – Steele County Boardroom

Call to Order:

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

Agenda:

Motion by Queen, second by Dinse to approve the agenda as submitted. Motion passed unanimously.

Minutes:

Motion by Lammers, second by Spatenka to approve the April 1st, 2024, minutes as submitted. Motion passed unanimously.

Building Permits:

The building permits for April were reviewed.

County Board Action

Oolman reported the County Board approved CUP #250 (Monterey Ballroom) and approved CUP #436 (Prime 45 LLC – Storage Buildings) as recommended by the Planning Commission

CUP #437 (Oeltjenbruns- Solar Sales and Equipment Repair)

This request is from Mark and Jessica Oeltjenbruns to operate a solar energy system sales and installation business along with an equipment repair business on property located in the SW ¼, SW ¼, SW ¼ Section 34 Havana Township.

Questions and comments of the commission.

Spatenka- Can we put a limit on how many vehicles can be located on the property?

Oolman- Yes

The public hearing was opened.

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

Motion by Spatenka, second by Lammers to recommend approval of CUP #437 with the following 4 conditions:

1. Building must meet all applicable building codes and accessibility codes.
2. Outside storage must be screened from neighboring residential uses.
3. Lighting shall be directed so that it does not shine directly onto public roads or neighboring residential property.
4. All waste products including but not limited to solvents, paints, oils, and fuels shall be disposed of in a manner approved by the State of Minnesota and Steele County.

Motion passed unanimously.

CUP# 438 (Terpstra- Marine and Powersport Repair)

This request is from Derek Terpstra to operate a marine and powersport vehicle repair business from property located in the SW ¼, SW, ¼, SE ¼, Section 26, Owatonna Township. The property address is 3673 Austin Road.

Questions and comments of the commission.

Spakenta- Has the county been out to the property to see if the building was compliant?

Oolman- Yes, the Building Official and I looked at the building.

The public hearing was opened.

Jerry Zatzung, of Owatonna Township- The Township has no issues.

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

Motion by Dinse, second by Spakenta to recommend approval of CUP #438 with the following 4 conditions:

1. Building must meet all applicable building codes and accessibility codes.
2. Outside storage must be screened from neighboring residential uses.
3. Lighting shall be directed so that it does not shine directly onto public roads or neighboring residential property.
4. All waste products including but not limited to solvents, paints, oils, and fuels shall be disposed of in a manner approved by the State of Minnesota and Steele County.

Motion passed unanimously.

Renew of CUP# 214 (Medford Sand & Gravel North Pit)

This request is from Medford Sand and Gravel LLC to renew conditional use permit #214 allowing the mining of sand and gravel on properties located in the W ½ of the NW ¼, Section 4, and the E ½ of the NE ¼, Section 5, Medford Township.

Motion by Lammers, second by Dinse to remove CUP #214 from the table for discussion.

Oolman explained this item was tabled at the March meeting to give Medford Sand and Gravel time to complete restoration on part of the properties. That reclamation has been completed to the satisfaction of the owner.

The public hearing was opened.

Scott Svenby, neighbor – Commented that trucks are operating all hours of the night, who can I talk to about this issue?

Esplan- then they would be in violation of their current permit.

Oolman- Contact the Zoning Director

Don Redman explained those were trucks from an outside contractor and he was un-aware that it was occurring. He has sold the properties to IMS Contracting and they will be taking over the permit.

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

Motion by Lammers, second by Queen to recommend to approve the renewal of CUP #214 with the following 14 conditions: (underlined is added, ~~strike through~~ is deleted)

1. Mining is limited to those areas identified on the submitted site map.
2. Mining is limited to a bottom elevation of 1015. ~~for those areas west of the Straight River.~~
3. ~~Mining is limited to a bottom elevation of 1060 for those areas east of the Straight River. If mining takes place into the water table on the east side of the river or this area is de-watered this permit will need to be amended.~~
- 3 4. A 30 foot unexcavated buffer with 4:1 side slopes shall remain adjacent to all property and road right of way lines. Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant. ~~The buffer between this property and adjacent properties east of the Straight River may be removed with agreement between both landowners.~~
- 5 ~~A 100 foot undisturbed buffer shall be left adjacent to the Straight River.~~
- 6 ~~No hazardous material may be stored in the floodplain areas. Stockpiles of aggregate material, recycled material, and any equipment in the floodplain shall not be placed in a manner that will impede water flow during a flood event.~~
7. ~~All accesses to the sites shall be gated. Access shall be restricted to seven locations identified on the site map. All other existing accesses shall be removed, fenced, or gated to aid in safety.~~
4. 8 Signage and other traffic warning devices shall be installed as directed by the Steele County Highway Engineer.
5. 9 If areas along CSAH 49 are mined below the water level, a six feet high berm shall be installed along the road right-of-way.
- 6 10 Trucks shall not track material from the pit onto the public road.
- 7 11 Trucks hauling material to and from this pit shall not use "jake brakes"
- 8 12 Dust control shall be maintained in the pit at all times so that dust does not negatively affect nearby residences or the Union Cemetery. ~~Dust must be controlled on NW 19th Ave. any time there is truck traffic from this pit using that road.~~
- 9 13 Mining, processing and hauling activities ~~excluding farming activities~~ are limited to the hours of 6:00 AM to 7:00 PM Monday thru Saturday.
- 10 14 Storage of recyclable aggregate material shall not exceed 60,000 cu. yds.
- 11 15 Final reclamation shall be completed in phases and shall include grading slopes to a 4:1 slope or flatter for a minimum distance of 10 feet into the water, replacing topsoil, and vegetating exposed areas not used for cropland or reclaimed to open water.
- 12 16 Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits and DNR Water Appropriation Permits.
- 13 17 The operator shall report quarterly to the Steele County Auditor's office the amount of aggregate removed as required by the Steele County Aggregate ordinance #31 and all taxes shall remain current.
- 14 18 The operator is responsible to initiate renewal proceeding on or before January 1, ~~2024~~ 2029 or this permit becomes invalid.

Motion passed unanimously.

IUP 2024-01 (EESolar33-Busho Site)

This request is from EESolar33 LLC to construct and operate a 4 MW Community Solar Project on property located in the N 1/2 of the NE 1/4, Section 31 Clinton Falls township on property owned by the Buscho Trust.

Motion by Queen, second by Spakenta to remove IUP 2024-01 from the table for discussion.

Oolman explained this item was tabled at the March meeting at the request of the Airport because the submitted glare study showed the potential for glare to affect the airport. The position of the panels has been reconfigured, and the new glare study shows no potential to affect the airport. The airport is not opposed to the permit with an added condition concerning the panel position.

The public hearing was opened.

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

Motion by Lammers, second by Dinse to recommend approval of IUP 2024-01 with the following 18 conditions:

1. This permit allows for the construction and operation of 4 MW Solar Array in the location identified on the submitted application. Any additional expansion of the project will require the permit to be amended.
2. This permit shall expire on December 31, 2061 and all solar components and accessory facilities removed by December 31, 2062.
3. If the project ceases to generate electricity before the permit expiration date, all solar components and accessory facilities shall be removed within one year of the discontinuation of use/operation.
4. The operator shall notify the Steele County planning and zoning office of any changes in management or ownership of the project.
5. Any private drainage tile servicing adjoining properties shall be protected during construction and maintained throughout the life of the project.
6. A wetland determination shall be completed and submitted to the Steele Soil and Water Conservation District. The applicant shall follow all procedures and requirements of the wetland conservation act.
7. The developer shall construct a security fence around the perimeter of the solar panels to deter unauthorized entrance. The fence shall utilize woven wire and be a maximum of 8 feet tall without barbed or razor wire.
8. Permanent vegetative shall be planted within the fenced project area.
9. All noxious weeds shall be controlled throughout the life of the project. If the weeds are not controlled the operator shall allow the county access to the site to implement weed control and the costs assessed back to the property.
10. If required by the township, an access permit shall be obtained from the township.
11. Prior to the start of construction, the developer shall document with the township the condition of the haul road(s) to be used during the construction of the project. Any haul road(s) degradation cause by construction traffic shall be remedied by the developer.
12. All construction crew vehicles must park on the site unless site conditions prohibit it. If vehicles must park on the road because of site conditions, vehicle parking shall be limited to a single side of the road.
13. The developer must obtain a 911 address and sign for the site.
14. The developer shall obtain building permit(s) from the Steele County Building Inspection office.
15. The developer and/or operator is responsible to acquire or maintain any federal, state, or local permits required in the construction, operation, and maintenance of the solar energy system.
16. A vegetative screen is required between this project and the neighboring property to the east. The screen shall consist of healthy, hardy plant materials that provides a minimum screen height of 8 feet and a minimum density of 75% at maturity. An alternate planting plan may be used if approved by the neighboring property owner. Screening planted as required by IUP 2023-02 will satisfy this condition.
17. Prior to the start of construction, the developer shall provide a letter of agreement from the land owner that states they understand they are liable for decommissioning if EESolar33 LLC or future

lessees abandon the site.

18. The operator shall program the panels as modeled in the glare analysis dated April 3, 2024, 1:45PM to produce zero glare affecting the airport. If glare becomes an issue for the airport the operator shall work with the airport to determine a solution.

Motion passed unanimously.

Adjournment:

Motion by Spatenka, second by Lammers to adjourn at 7:46pm.

Staff Report

Petition to Amend the Steele County Zoning Map
from
Randall Wilkie
Parcels # 05-030-1405 in Section 30 of Somerset Township (Hope)

Applicant:

Randall Wilkie

Land Owner:

Randall Wilkie

Property Description:

Lot Nine (9) and the North 69 feet of Lot Eleven (11) , of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 30, Township 106 North, Range 20 West, according to the Plat thereof on file and of record in the Office of the Steele Couty Recorder, Steele County Minnesota.

And

The North Sixty-nine (69) feet by Thirty-three (33) feet of Lot Eleven (11), Lot Eleven (11), being 165 feet North and South and Thirty-three(33) feet East and West of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty (30) Twp, 106 North of Range 20 West, according to the Plat thereof on file the Office of the Registrar of Titles of the County of Steele and State of Minnesota.

Property Parcel Numbers

05-030-1405

Property Address:

9087 37th Ave. SW
Hope, MN 56046

Property Size:

.21 acres

Present Zoning:

General Business

Requested Zoning:

Rural Residential

Existing Land Use:

Former Bank Building

Proposed Use:

The applicant has purchased the former Keen Bank building and would like to convert it into a residence.

Rezone 85
(Wilkie)

Adjacent Land Use:

The property is surrounded by a mixture of business and residential land uses. Directly to the North are three businesses on General Business zoned properties. Directly south is a house on a residential zoned parcel but south of that lot are business zoned parcels again. Directly across the street are General Business zoned parcels.

Reason for Zoning Amendment Application:

Section 603 of the Steele County Zoning Ordinance incorporates the Official Zoning Map as part of the Ordinance. Any boundary changes regarding the Official Zoning Map must be done by amending the Zoning Ordinance. Section 506 of the Zoning Ordinance sets forth the process for zoning amendments and allows property owners to petition for the zoning amendments.

General Criteria Used for Granting Zoning Ordinance Amendments:

The Steele County Zoning Ordinance states “The County Board may adopt amendments to the zoning map in relation to the location of district lines. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals and policies or changes in conditions of the county. Goals and policies of the Comprehensive Plan include:

1. Environmental Protection Goal: To protect, preserve and enhance the quality of the natural environment and require development to take place in a manner, which makes wise use of Steele County’s resources without degradation.

The property is connected into the Hope Sewer System. Any additional sewage created by a converting this building into a residence would be treated by this system. No other known environmental effects would occur as a result of this request.

2. Public Investment Efficiency Goal: To make the most efficient and economical use of public funds and investments.

a) The county or township government will not provide expensive levels of urban services outside incorporated areas.

b) Land uses that require or should be served by a high level of urban services will be encouraged to locate within cities and prohibited in agricultural or rural areas.

Typical urban services include water, sewer, roads, and police or emergency services. As mentioned, the property is already served by the Hope Sewer system. The property is serviced by a shared well. It is already accessed by SW 37th Ave. (County Road 4). The Steele County Sheriff patrols the area, and the Ellendale Fire department already provides fire protection for the property and building.

c) Steele County wants to plan cooperatively with its Cities and Townships.

To date, Somerset Township has not taken an official position on the request.

d) All newly created lots must have frontage on a public road.

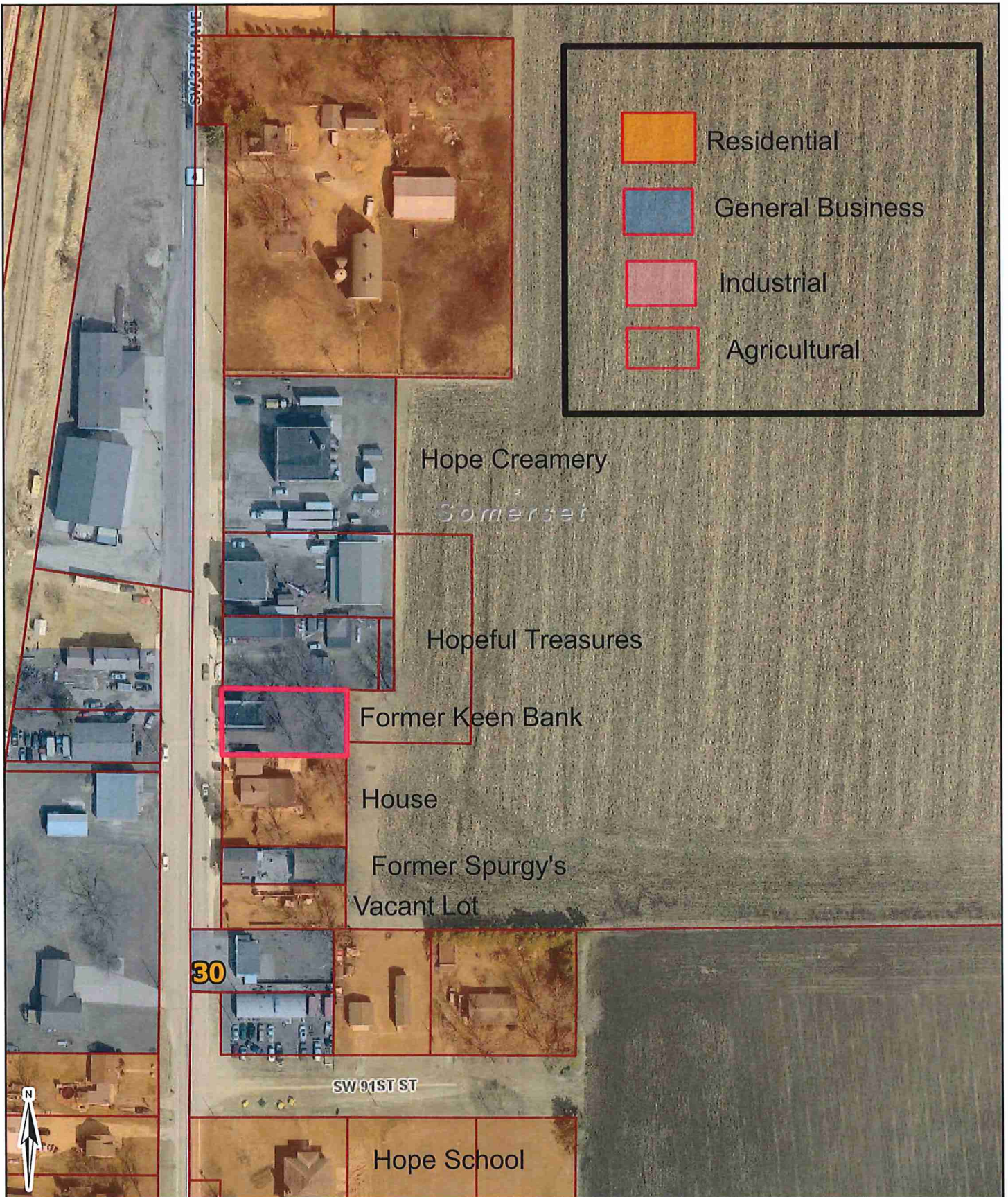
No new lots are being proposed with this request.

e) No new spot zones will be created:

The zoning districts in Hope are a hodge-podge of zones depending on the use of the property at the time the zoning maps were adopted. As mentioned, this property along with the three properties to the north are zoned as General Business. The immediate property to the south is zoned as Residential as is the vacant lot between the two former bars on the street. Other Residential zoned properties on the block include the two houses located on SW 91st St.

3. Agricultural Protection Goal: To protect agricultural lands from encroachment by incompatible uses and provide assurance that such areas will remain agricultural in nature.

The parcel is not used for agriculture nor should the proposed zoning change negatively affect agricultural in the area.



Disclaimer: Steele County, MN makes no representations or warranties, express or implied, with respect to the use or reuse of the data provided herewith, regardless of the format or the means of transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Steele County, MN, shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting in the use of this data, even if Steele County, MN, has been advised of the possibility of such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

Wilkie Rezone Request

0 0.01 0.02 0.04
mi

June 18, 2024



Staff Report
for
2024 Review of Conditional Use Permit #251
JK Routh Pit
(Section 13 of Berlin Township)

Operator: JK Routh Contracting LLC

Owner(s): Jesse Routh

Project Location: All that part of the NW 1/4 of the NW 1/4 of Section 13, T-105-N, R-21-W, Steele County, Minnesota described by:
Commencing at the southwest corner of said NW 1/4 of NW 1/4; thence N 00°06'49" E, assumed bearing, 66.55 feet along the west line of Northwest Quarter to a point on the centerline of County ditch No. 2, last said point being the True Point of Beginning; thence N 00°06'49" E 1260.02 feet to the NW corner of the NW 1/4; thence N 89°58'17" E 1241.75 feet to the centerline of County Ditch No. 2; thence S 38°26'28" W 157.21 feet thence S 20°06'51" W 444.47 feet; thence S 20°06'51" W 83.86 feet; thence southwesterly along said ditch centerline and along a tangential curve concave to the northwest, central angle 52°07'56" radius 820.00 feet; arc length 746.10 feet; thence S 72°14'47" W 467.12 feet to beginning.

Zoning District: Agricultural District

Permitted Uses: The excavation, screening, crushing, and stockpiling of sand and gravel and the stockpiling and processing of recyclable aggregate materials.

Permit History: Issued in 1999 to Bob Bergland
Reviewed in 2005
Reviewed in 2013

- Conditions:**
1. Mining is limited to a bottom depth of 1154 feet. (approximately 40 feet deep)
 2. All accesses shall be gated. Truck traffic shall be restricted to the north access and a stop sign shall be placed on the access road as it enters onto County Road 14.
 3. Signs warning of trucks hauling shall be placed when and as required by Steele County Highway Department.
 4. Hours of operation shall be between 6:00 a.m. and 7:00 p.m. Monday thru Saturday.
 5. The applicant shall be responsible to maintain dust control on the access road, and in the pit.
 6. A setback of 75 feet shall be maintained on the north property line. Any erosion to neighboring properties as a result of this mine shall be corrected by the applicant.
 7. A twenty feet buffer of undisturbed soil shall be maintained along JD #2 Right-of- Way. Any erosion should be corrected immediately.
 8. A twenty feet buffer of undisturbed soil and the existing berm shall be maintained along the County Highway ROW.
 9. Stockpiles of aggregate material and equipment shall not be located in a manner that may impede water flow during a flood event.
 10. No hazardous material may be stored in the floodplain areas.
 11. To prevent erosion and minimize visual impacts, interim closure (e.g., stabilized slopes and vegetation) shall occur on excavation exposures and soil storage areas inactive for greater than 18 months.
 12. 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.

Staff Report
Review CUP #251
(Routh Pit)
- 1 -

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 January 1st, 2018 or this permit becomes invalid.
15. 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.

Total Acres: 24 acres
Minable Acres: 20 acres
Reclaimed Areas: 13 acres
Active Areas: 7 acres of recycle stockpiling/processing and potential mining.

Natural Elev: 1200 feet
Permitted Elev: 1154 feet
Mining Elev: 1165 feet.
Recyclable Amt: Approximately 500 ton. (357 yards)

Material Removed: No reported aggregate removal in past 10 years.

Road Accesses: SW 52nd Ave. County State Aid Highway #14 (hard surface 9 ton county road)

Other Permits: DNR – No water appropriations permit.

Comments: The site has been used exclusively as an area to stockpile and process recyclable concrete and asphalt.

Reason for the Interim Use Permit Application:

Condition #14 requires the permit to be reviewed.

General Criteria for Issuing an Interim Use Permit:

- a) **Burden on Existing Public Facilities and Utilities:**
Public facilities used is County Road 14. Condition #3, and #8 deal with mitigation efforts concerning the road.
- b) **Compatible, Separated, or Screened from Adjacent Agricultural or Residential Properties:**
The nearest neighboring residences are 350 feet to the west and 725 feet to the southeast. Condition #4 , #5, and #6 mitigate effects on these neighbors.
- c) **Appearance of Structures and Site shall 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 property has been used as a gravel pit / aggregate recycling location for many years.
- e) **Consistency with Zoning Ordinance and Zoning District:**
Gravel mining and recyclable aggregate storage and processing are allowed by special use in the agricultural district.
- f) **Creation of Traffic Hazards or Congestion:**
There have been no reported issues with truck traffic from this pit. Condition #2, #3, #5 and #8 a put into place to reduce potential traffic hazards from the pit.

g) Nuisance Effects on Nearby Business:

The are no permitted business nearby.

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

- **Access Road:** Has been established onto CSAH #14
- **Water appropriations:** The site does not pump water.
- **Drainage:** Drainage flows toward the pit.
- **Floodplain:** Portions of the property are in the floodplain. Conditions #10 addresses issues within the floodplain.
- **Wetlands:** No known jurisdictional wetlands on the property.

Conditions:

14. Applicant is responsible to initiate renewal proceeding on or before January 1st, ~~2018~~ 2024 or this permit becomes invalid.



Steele County Geographic Information Systems



2013

June 20, 2024

Disclaimer: Steele County, MN makes no representations or warranties, express or implied, with respect to the use of the data for any purpose other than the purpose for which it was collected. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION AS TO THE ACCURACY, COMPLETENESS, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Steele County, MN does not accept any liability 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 a manner that does not allow the execution or limitation of incident or consequential damages.





2022

June 20, 2024

Disclaimer: Steele County, MN makes no representations or warranties, express or implied, with respect to the use or results of the data provided hereon. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION OF ACCURACY, COMPLETENESS, OR FITNESS FOR ANY PURPOSE. Steele County, MN, and its employees, officers, agents, or third party claims resulting in the use of this data, even if such use is made in reliance on the data, shall not be liable for any direct, indirect, or consequential damages, including but not limited to, incidental or consequential damages.

Staff Report
for
2024 Review of Interim Use Permit #2010-01
Dave Arndt – Zuphall Pit

- Operator:** Dave Arndt
- Owner(s):** Dave Arndt
- Project Location:** The NE 1/4, of the SE 1/4, Section 3, T-107-N, R-19-W, Steele Co. MN.
- Zoning District:** Agricultural District
- Permitted Uses:** The mining, processing and storage of sand, gravel and fill material and the stockpiling and processing of recyclable aggregate material.
- Permit History:** 2010 – Permit issued
2015 – Permit renewed
Dec. 2016 – Recycled concrete storage condition expired.
2017 – Permit renewed and amended to allow storage and processing of recyclable aggregate.
2022 – Permit renewed
- Conditions:**
1. All mining and stockpiling activities are limited to the areas identified in the application and marked onsite.
 2. Mining is limited to a bottom elevation of 1210 feet. (Approximately 10 to 40 feet deep)
 3. Before trucking of material to or from the pit can commence a signed agreement between Havana Township and Dave Arndt shall be submitted to the county regarding the maintenance of NE 72nd Ave. This agreement shall be reviewed after one year and shall include:
 - An agreed-to maintenance schedule.
 - Type or standard of aggregate to be used in the maintenance of NE 72nd Ave. if aggregate is needed.
 - Location and width of any agreed-to vehicle passing turn-out areas.
 4. Before trucking of material to or from the pit can commence, NE 72nd Ave. shall be widened at the intersection of County Road 135 to meet the standards of the Steele County Highway Department. A permit to work in the road right-of-way shall be obtained from the Highway department and all requirements of the permit followed.
 5. The access road onto NE 72nd Ave. shall be gated with the gate installed so that it does not swing into the road right-of-way.
 6. When more than 5 trucks per day enter the pit, signage warning of truck traffic shall be located along County Road #135. The size and placement of these signs shall be at the direction of the Steele County Highway Department.
 7. Dust control shall be maintained in the pit and especially on NE 72nd Ave. at all times so that dust from the operation or truck traffic does not negatively affect nearby residences or traffic on County Road #135.
 8. Trucks shall not track material from the pit onto public roads.
 9. Hours of operation shall be between 6:00 AM and 7:00 PM. Monday thru Saturday.
 10. Trucks hauling material to and from this site shall not use “jake brakes”
 11. The four rows of evergreens on the western edge of the property shall be maintained. If any additional trees die they shall be replaced. Trees may be moved from the north end as long as screening is maintained between the neighboring residence and the mining or processing.
 12. A berm shall be constructed along the southern portion of any excavation to control erosion before it reaches the wetland. The berm shall not be located in the wetland and shall be seeded down to prevent it from eroding.

13. A 30 foot 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.
14. The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter, replacing topsoil, and vegetating exposed areas not used for cropland or reclaimed to open water.
15. 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.
16. This permit remains valid during times when the owner/operator is current on all tax obligations including but not limited to aggregate taxes. 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.
17. Applicant is responsible to obtain and follow 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.
18. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the county for reference and monitoring of the site activities.
19. Applicant is responsible to initiate renewal proceeding on or before June 1, 2024 or this permit becomes invalid.
20. Trucks shall be prohibited from stacking or stopping on County Road 135 while waiting to enter NE 72nd Ave.
21. A limit of two turn-outs shall be installed on the township road in spots recommended by Havana Township.
22. The permittee shall furnish bond, escrow, or other financial surety as approved by the county, for potential site restoration. The bond or other financial surety shall be in an amount of \$5,000 per acre for 5.25 acres for a total amount of \$26,250 and remain in place for 3 years from the date this permit is issued or until the total site is reclaimed and the reclamation is approved by Steele County.

Total Acres: 40 acres
Minable Acres: 8 acres
Active Areas: 3.5 acres
Reclaimed Areas: 4.5 acres.

Natural Elev: 1222 – 1250 feet
Permitted Elev: 1210 feet
Mining Elev: Estimated at 1210 feet.

Road Access: NE 72nd Ave. (gravel township) to County Road 135 (Paved County Road)

Recyclable Amt: 200 yds³.

Material Removed: Gravel tax has been paid on the following amount of material removed since the last review.
 2023 – 1,567 ton
 2022 – 180 ton
 2021 – 2,246 ton.

Other Permits: DNR Water Appropriations: Not applicable

Comments: The operator has continued to reclaim portions of the site since our last review in 2022. By his measurements 2.86 acres are still active. I estimate that number to be closer to 3.5 acres when you include the recyclable pile area and roads. He would like his bond amount reduced to reflect the reclaimed areas.

Reason for Conditional Use Permit Application:

Section 703.2 of the Zoning Ordinance requires an Interim Use Permit for the mining of sand and gravel in the Agricultural District.

Section 703.3 of the Zoning Ordinance requires an Interim Use Permit for the temporary storage, crushing/recycling and processing of concrete and/or bituminous material.

a) Burden on Existing Public Facilities and Utilities:

Roads are the major public facility used by this operation. Conditions #3, #4 and #8 were put into place to address potential issues with the road. There have not been any reported issues concerning the road since the last review.

a) Compatible, Separated, or Screened from Adjacent Agricultural or Residential Properties:

The nearest residence is located 415 feet from the western property line. Conditions #7, #9, #10, #11, #13, and #15 were added to minimize effects to the nearest neighbors. These conditions should be kept in place. There has been no evidence the operation of the pit has negatively affected neighboring property values.

b) Appearance of Structures and Site and Effect on Adjacent Properties:

Condition #11 and #15 were put into place specifically to address the effects of the appearance on neighboring properties. In addition, the western portion of the mining has been reclaimed so active mining is now further away from the nearest neighbor.

c) Relationship of Proposed Project to Existing Land Use:

The existing land use is an existing permitted gravel pit. The continued use of this site as a gravel pit would be consistent.

d) Consistency with Zoning Ordinance and Zoning District:

The ordinance allows gravel mining and the temporary storage, crushing/recycling and processing of concrete and/or bituminous material as an interim use in the agricultural district.

e) Creation of Traffic Hazards or Congestion:

Conditions #6, #7, #8, #20, and #21 were added to minimize any potential hazards from the site. There have been no reported issues with truck traffic from this pit since the last review.

f) Nuisance Effects on Nearby Business:

There are no permitted businesses in the area other than commercial agricultural production.

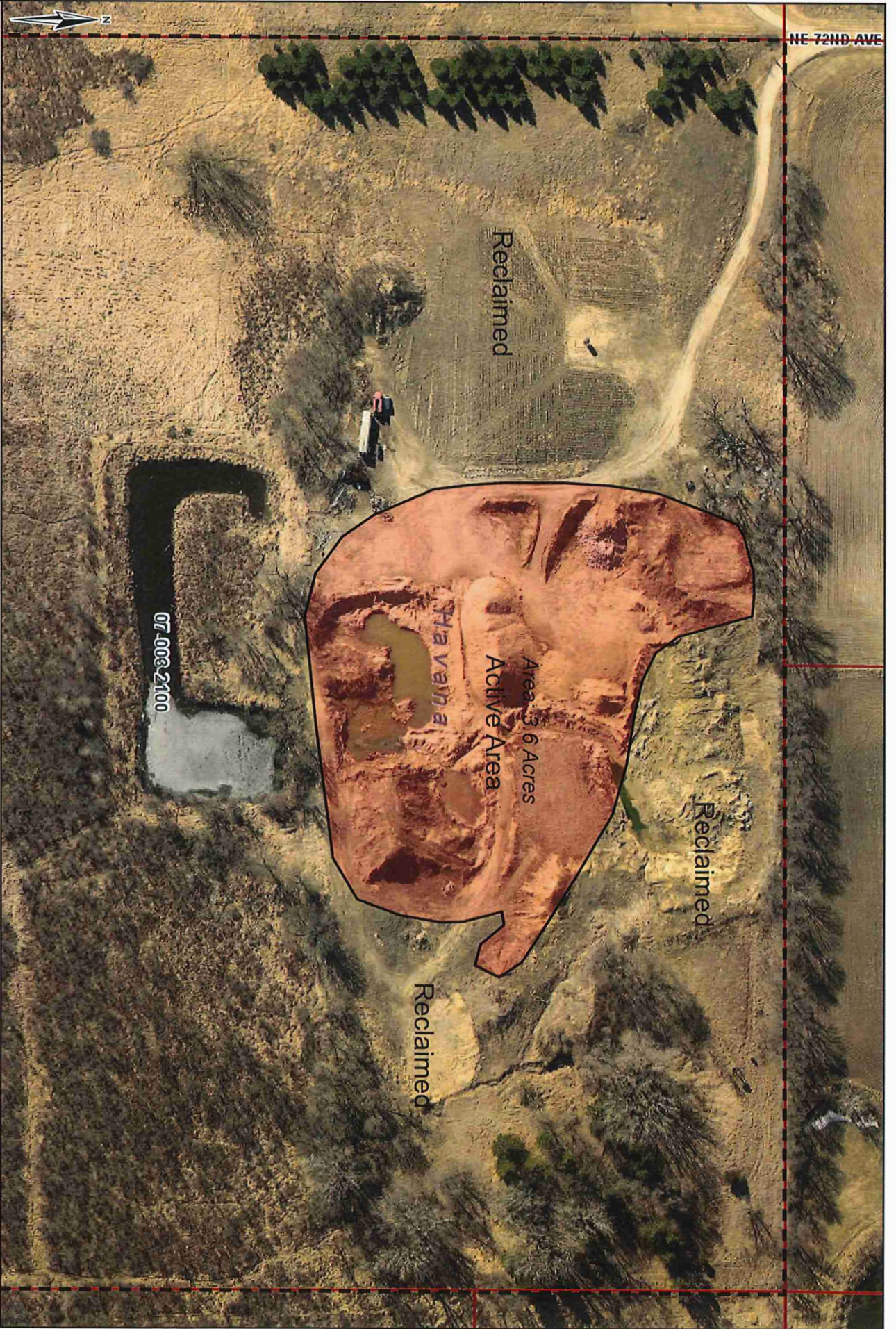
g) Adequacy of Utilities, Access Roads, Drainage and Other Facilities:

Access: The access road outlets onto NE 72nd Ave. The site is gated as required.

Drainage: Much of the site drains into the pit itself. A small berm along the southern edge directs water that bypasses the pit thru a vegetative area.

Condition Considerations: Re-issue with the following condition changes. ~~Strikethrough~~ is deleted, underlined is added.

19. Applicant is responsible to initiate renewal proceeding on or before June 1, 2024 2027 or this permit becomes invalid.
23. The permittee shall furnish bond, escrow, or other financial surety as approved by the county, for potential site restoration. The bond or other financial surety shall be in an amount of \$5,000 per acre for ~~5.25~~ 3.5 acres for a total amount of ~~\$26,250~~ \$17,500 and remain in place for ~~3~~ 4 years from the date this permit is issued or until the total site is reclaimed and the reclamation is approved by Steele County.



Disclaimer: Steel County, NE makes no representation or warranty, expressed or implied, with respect to the use or the results of representation. THE DATA IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT. ABOUT THE ACCURACY, CURRENTNESS, RELIABILITY, OR PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT. Steel County, NE, and not the state for any direct, indirect, special, incidental, consequential or consequential damages, including but not limited to, lost profits, loss of data, or other damages, arising out of the use of the data, even if such damages were foreseeable. This data may not be used for any purpose other than that for which it was intended or for consequential damages.

0 0.01 0.02 0.04
mi

Zuphull Pit

June 21, 2024

