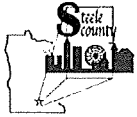




STEELE COUNTY
PLANNING COMMISSION AGENDA
Steele County Administration Center – 630 Florence - Owatonna, MN 55060

Monday, February 3rd, 2025 at 7:00 p.m. – Steele County Boardroom

1. Call to Order:
2. Pledge of Allegiance
3. Organize for 2025
4. Approve Agenda:
5. Approve Minutes: (November 4th, 2024)
6. Review Building Permits
7. Public Hearing: Amend IUP 2021-03 (JJD - Bauer Pit)
8. Public Hearing: IUP 2025-01 (Gaul – 2nd Dwelling)
9. Extend IUP 2024-01 (Busho 4MW Solar)
10. 2025 Meeting Dates
11. Adjourn



STEELE COUNTY PLANNING COMMISSION MINUTES

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

Steele County's Mission:

Driven to deliver quality services in a respectful and fiscally responsible way.

Monday, November 4, 2024, at 7:00 p.m. – Steele County Boardroom

Call to Order:

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

Agenda:

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

Minutes:

Motion by Dinse, second by Lammers to approve the October 7th, 2024, minutes as submitted. Motion passed unanimously.

Building Permits:

The building permits for October were reviewed.

CUP #233 (Ulland Brothers- Olson Pit)

This request is from Ulland Brothers for the review of CUP #233 allowing the mining of sand and gravel and the stockpiling and processing of recyclable aggregate material on property owned by the R Emil Olson Trust and located in the South ½ of the SE ¼, Section 10, Lemond Township. The property address is 6588 SW 62nd Ave.

Questions and comments of the commission.

Spatenka- This pit was mostly used for asphalt production, correct?

Andy Erichson, Ulland Bros. indicated it was years ago, but now it is used to mine sand and gravel. They would come back with a new request if they ever wanted to put an asphalt plant back in this pit.

The public hearing was opened.

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

Pool – I will be abstaining from any discussion and vote because I am employed by Ulland Bros.

Motion by Ingvason, second by Queen to recommend approval of the renewal of CUP #233 (Ulland Brothers- Olson Pit) with the following 17 conditions: (underlined is added, ~~strike through~~ is deleted)

1. The setback from property lines and road right of ways shall be 20 feet of undisturbed soil. Any erosion to neighboring properties or right of ways as a result of this mine shall be corrected by the applicant.

2. The applicant shall maintain adequate topsoil on site for a reclamation plan.
3. Ulland Brothers Inc. shall obtain all necessary permits from Lemond Township.
4. The applicant shall be responsible to maintain dust control on the access road, the haul roads and in the pit if necessary.
5. Truck Hauling signs shall be placed when there is activity in the gravel mine at locations specified by the township.
6. The applicant shall obtain a National Discharge Elimination System (NPDES) permit and/or a water appropriation permit if required. If the site is to be dewatered this permit shall be amended.
7. The applicant shall consult with the SWCD to reclaim mine areas for purposes of maintaining wildlife habitat.
8. Hours of operation shall be between 6:00 AM and 7:00 PM, Monday thru Saturday.
9. Mining is limited to a bottom depth of 1147 feet.
10. All access roads to the site shall be gated.
11. Applicant is responsible to initiate renewal proceeding on or before April 1st, 2024 2029 or this permit becomes invalid.
12. The setback from the pipelines shall be as required by the pipeline company, but in no case less than 50 feet from the pipeline with a 3 to 1 side slope on the excavation face. Any erosion shall be immediately corrected.
13. The setback from the pipeline shall be marked at 100 foot interval along the face of the mine and shall remain in place during the life of the mine and during reclamation procedures.
14. Storage of recyclable aggregate material shall not exceed 30,000 cu. yds. The State of Minnesota has additional requirements concerning recyclable aggregate stockpiles.
15. Trucks shall not track material from the pit onto the public road.
16. Trucks hauling material to and from this site shall not use "jake brakes"
17. 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.

Motion passed unanimously.

IUP 2009-05 (JJD CAN Pit)

Motion by Spatenka, second by Dinse to bring discussion on IUP 2009-05 back to the table.

Motion passed.

This request is from JJD Companies LLC, to renew Interim Use Permit #2009-05 allowing the mining of sand and gravel on property owned by CAN Aggregates and located in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 2, Lemond Township.

Questions and comments of the commission.

Lammers- We (Dinse) went out to the property to look and do some measuring.

Spatenka- indicated he too looked at the site.

Ingvalson- asked if the slope to the township road looked good?

Lammers- Yes

Spatenka- Asked if they will have to put an apron in for the access installed through the berm?

Oolman- That would be up to the township and the planning commission to attach that condition.

Esplan- Is there a gate on the access driveway.

Oolman- Yes

The public hearing was opened.

Brian Cook, CAN Aggregates, objected to having to bond the entire parcel as they only have plans to mine the 4.2 acres in the next five years. Requiring a bond on all the acres was putting an unfair cost on the operators.

Oolman explained that the Board typically requires the bond to cover all mineable acres, as the county has experienced contractors mining beyond what they initially indicated.

How much does a \$5000 bond per acre cost?

Cook did not know.

Lemond Township officials discussed the accesses. They also would like the access at the corner of Lemond Road and SW 51st street removed. They felt it was dangerous, and damage had already occurred to the road edge from truck traffic.

Cook indicated that access has been taken out. He claimed the damage there was caused by somebody else when they bored through the road for a utility.

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

Discussion by the planning commission.

Esplan- Felt they need to stick with the requiring the bond on the entire mineable acres.

Discussion was held on the accesses. Cook indicated the new access in the middle is only used to transfer equipment from one pit to another. He did not feel an asphalt apron was needed there. Spatenka commented that equipment crossing can damage the road, just like trucks.

Motion by Lammers, second by Dinse to recommend approval of the renewal of IUP 2009-05 (JJD CAN Pit) With the following 21 conditions: (underlined is added. ~~Strikethrough is deleted.~~)

1. This permit allows the mining of sand and gravel and the stockpiling and processing of recyclable aggregate material.
2. Mining is limited to the areas identified in the application.
3. Mining is limited to a bottom elevation of 1130 feet.
4. A 30 feet unexcavated buffer shall remain adjacent to all property lines and tower easements. A 50 feet unexcavated buffer shall remain adjacent to road right of ways. Any erosion to neighboring properties or easements as a result of this mine shall be immediately corrected by the applicant.
5. 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. The State of Minnesota has additional requirements concerning recyclable aggregate stockpiles.
6. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
7. The access shall be gated to deter unauthorized access.
8. Truck traffic from this pit must only travel on SW 51st St. to the Northwest to CSAH #7.
9. Signage warning of truck traffic shall be located along the township road and County Road #7 if required by the road authority. The size and placement of these signs shall be at the direction of the Steele County Highway Department or Lemond Township Officials.
10. Trucks shall not track material from the pit onto the public road.
11. Trucks hauling material to and from this site shall not use "jake brakes"

12. Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
13. 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 a pond.
14. Operator shall maintain the viability of the existing private drainage system at all times during the operation of the pit.
15. If the operator dewateres the pit or requires a DNR water appropriation permit, this permit will need to be amended.
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. Applicant is responsible to initiate renewal proceeding on or before August 1st, ~~2024~~ 2028 or this permit becomes invalid.
19. 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 11.6 acres for a total amount of \$58,000 and remain in place for 5 years from the date this permit is issued or until the total site is reclaimed and the reclamation is approved by Steele County.
20. The access at the corner of SW 51st street and Lemond Road shall be removed and no traffic shall be allowed to enter or leave the site in this area.
21. All accesses shall be from SW 51st Street and authorized by Lemond Township. A hard surface apron shall be constructed on all access. These aprons shall match the thickness of the bituminous on the township road, be a minimum of 30 feet wide, and extend from the existing bituminous to the outside edge of the road right-of-way.

Motion passed unanimously.

Adjournment:

Motion by Spatenka, second by Pool to adjourn at 7:33 pm. Motion passed.

Staff Report
for
2025 Amendment to Interim Use Permit 2021-05
JJD Companies LLC (Bauer Pit)

Applicant:

JJD Companies LLC.

Property Owner(s):

Jeremy Bauer

Project Location:

All that part of the SE 1/4 of Section 29-106-20, Steele County, Minnesota, described by:
Commencing at the NE corner of said SE 1/4; thence N 90 degrees 00' W, assumed bearing, 1284.00 feet along the north line of said SE 1/4 to a point on the centerline of Judicial Ditch No. 2, last said point being the True Point of Beginning;
thence N 90 degrees 00' W 709.22 feet along the north line of said SE 1/4;
thence S 0 degrees 00' E 470.31 feet;
thence N 90 degrees 00' E 773 feet, more or less, to the centerline of said ditch;
thence northerly 404 feet, more or less, along the centerline of said ditch to said True Point of Beginning;
Containing 8.00 acres, more or less.

Property Address:

2483 SW 93rd Street
Owatonna, MN 55060

Zoning District:

Agricultural

Project Description:

JJD Companies is asking to amend condition #5 of the permit to allow a 20 feet setback to property lines instead of 30 feet and to remove condition #19.

Existing Permitted Uses:

The mining of sand and gravel and the stockpiling of aggregate material.

Permit History:

- 2021 - Issued to JJD Companies LLC
- 2024 – Renewed: Condition #19 was added and permit extended to June 1st, 2026.

Permit Conditions:

1. Mining and processing is limited to the areas identified in the application.
2. Mining is limited to a bottom elevation of 1156 feet. (approximately 20 feet deep)
3. Before excavation can begin, the permittee or operator shall furnish bond or other financial surety as approved by the county, for potential haul road repair and for site restoration. The bond or other financial surety shall be in an amount of \$5,000 per permitted acre for a total amount of \$15,000 and remain in place for the length of the permit or until reclamation has been approved by Steele County.

4. Before excavation can begin the permittee shall obtain an access permit from the Steele County Highway Department and comply with all conditions of that permit. This access shall be removed when mining is complete or at the expiration of this permit.
5. The excavation of material shall be setback a minimum of 30 feet from all property lines and road right of way. Any erosion within this setback shall be immediately corrected by the permittee. Overburden may be stored within the setback area but cannot be done in a manner that causes water runoff or siltation onto neighboring property, impedes the natural overland flow of water, or backs water up onto neighboring properties.
6. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
7. The access shall be gated to deter unauthorized access.
8. Signage warning of truck traffic shall be located along County Road #4 if required by the County Highway Department. The size and placement of these signs shall be at the direction of Steele County Highway Department.
9. Trucks shall not track material from the pit onto the public road.
10. Trucks hauling material to and from this site shall not use "jake brakes"
11. Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
12. No hazardous material may be stored on the site.
13. Stockpiles of aggregate material shall not be placed in a manner that will impede water flow during a flood event.
14. Any pumping of water shall comply with DNR requirements. Water cannot be discharged directly or indirectly into Judicial Ditch #2 (Straight River)
15. The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter and replacing topsoil on areas not developed into a pond.
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. This permit expires on June 1st, 2026. All reclamation shall be completed unless the permittee has initiated the renewal of this permit before this date.
19. The 30 feet of setback shall be restored along the south and west property line.

Total Area: 8 ac.
Minable Area: 3 ac.
Active Areas: <0.5.
Reclaimed Areas: 3.0 ac. Only a small pile of overburden remains by the access.

Natural Elev: 1176 feet
Permitted Elev: 1156 feet
Mining Elev: Estimated at 1156 feet

Material Removed: 2024 – 3,463 ton

Recyclable Amts: Not permitted to process recycled materials.

Other Permits: NPDES – General Permit
DNR Permit – No permit

Road Access: North onto CSAH #4 (93rd Street) is a 9 ton / axel paved County Road.

General Criteria for Issuing an Interim Use Permit:

a) Burden on Existing Public Facilities and Utilities:

The only public facilities being used is County Road 4. Condition #4, #8, #9 and #11 all deal with mitigation efforts concerning the road. The Steele County Highway department has asked that the access be removed if mining has been completed.

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

The nearest neighboring residence other than the property owner is 900 feet away. Condition #6 and #10 are added to mitigate issues to neighboring residences. Condition #5 requires a 30 feet setback to protect neighboring agricultural land. During the review in 2024 it was discovered that mining had encroached as close as 20 feet to the south and west property lines. At that time, condition #19 was added requiring the 30 feet be restored. Dan Niles requested to be allowed to restore the setback as they continued mining as it would be more economical to truck needed material in while they were also trucking sand and gravel out.

The 30 feet setback has been a standard condition on mining permits for 20 years or more, although older permits only required a 20 feet property line setback. The purpose of the setback is to protect neighboring property both during active mining and after mining and reclamation is complete. Sloughing can occur during mining and erosion back into the embankment can occur after mining is completed where overland flow runs towards the open excavation. This is especially on sandy soils. JJD has substantially completed reclamation at this site. Beginning at approximately 20 feet from the property line the excavated slope has been shaped at roughly a 4:1 slope down to the water most of the way around the pond. In this case the ground surface around the pond slopes away from the mined area to the south and west making erosion of the sideslopes less likely. The seeding of the slopes has not been completed but should be required to make any potential erosion less likely.

c) Appearance of Structures and Site shall not have an Adverse Effect on Adjacent Properties:

The appearance is similar to other reclaimed gravel pits in the area.

d) Relationship of Proposed Project to Existing Land Use:

The existing land use is a residential building site and the former gravel pit. The area is now a ponded with a beach area on the eastern side.

e) Consistency with Zoning Ordinance and Zoning District:

Gravel mining is consistent with the Zoning Ordinance if approved as an Interim Use.

f) Creation of Traffic Hazards or Congestion:

There have been no reported issues with truck traffic from this pit. Condition #8 requires signs if requested by the County Engineer.

g) Nuisance Effects on Nearby Business:

The nearest business is the Hope Knoll campground located 1700 feet to the southeast. There have been no reported issues from this business.

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

- **Access Road:** Has been established onto CSAH #4. The Steele County Highway department has requested the access to be removed now that the mining has been completed.
- **Water appropriations:** No pumping of water has occurred onsite.
- **Drainage:** Most drainage flows away from the reclaimed pit.
- **Floodplain:** The entire area is in floodplain. Conditions #12 and #13 address issues within the floodplain.
- **Wetlands:** No known jurisdictional wetlands on the property.

Staff Comments:

If the planning commission find the property line encroachment does not cause any irreputable issues, condition changes they may want to consider are. ~~Strikethrough~~ is deleted, underlined is added.

5. The excavation of material shall be setback a minimum of ~~30~~ 20 feet from all property lines and road right of way. Any erosion within this setback shall be immediately corrected by the permittee. Overburden may be stored within the setback area but cannot be done in a manner that causes water runoff or siltation onto neighboring property, impedes the natural overland flow of water, or backs water up onto neighboring properties.

~~19. The 30 feet of setback shall be restored along the south and west property line before any additional material is mined or removed.~~ To prevent erosion, vegetation must be established on the excavated areas.

20. The access onto CSAH #4 must be removed.

INTERIM USE PERMIT**Permit # 2021-05**

PARCEL #:	05-029-2101	HEARING DATE:	04/01/24
DISTRICT:	Agricultural	DECISION DATE:	04/09/24
APPLICANT:	JJD Companies, LLC	LANDOWNER:	Jeremy Bauer
ADDRESS:	11822 Co. Rd. 45 South Blooming Prairie, MN 55917	ADDRESS:	2483 93rd Street SW Owatonna, MN 55060

LEGAL DESCRIPTION OF PROPERTY:

All that part of the SE 1/4 of Section 29-106-20, Steele County, Minnesota, described by:
Commencing at the NE corner of said SE 1/4; thence N 90 degrees 00' W, assumed bearing, 1284.00 feet along the north line of said SE 1/4 to a point on the centerline of Judicial Ditch No. 2, last said point being the True Point of Beginning;
thence N 90 degrees 00' W 709.22 feet along the north line of said SE 1/4;
thence S 0 degrees 00' E 470.31 feet;
thence N 90 degrees 00' E 773 feet, more or less, to the centerline of said ditch;
thence northerly 404 feet, more or less, along the centerline of said ditch to said True Point of Beginning; Containing 8.00 acres, more or less.

ADDRESS OF PROPERTY:

2483 93rd Street SW
Owatonna, MN 55060

REFERENCE ORDINANCE FOR CUP:

Section 703.2 of the Steele County Zoning Ordinance requires an Interim Use Permit for excavations.

PROPOSED USE(S):

The mining of sand and gravel and the stockpiling of aggregate material.

INTERIM USE PERMIT

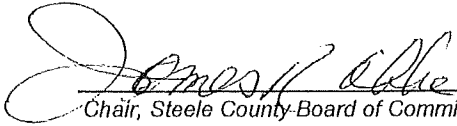
Permit # 2021-05

DECISION OF BOARD OF COMMISSIONERS

Deny ☐

Approve ☒ with 19 conditions.

Findings recommended by the Planning Commission are hereby adopted to be the Findings of the Steele County Board of Commissioners.


Chair, Steele County Board of Commissioners

4/9/24
Date

Conditions

- 1 Mining and processing is limited to the areas identified in the application.
- 2 Mining is limited to a bottom elevation of 1156 feet. (approximately 20 feet deep)
- 3 Before excavation can begin, the permittee or operator shall furnish bond or other financial surety as approved by the county, for potential haul road repair and for site restoration. The bond or other financial surety shall be in an amount of \$5,000 per permitted acre for a total amount of \$15,000 and remain in place for the length of the permit or until reclamation has been approved by Steele County.
- 4 Before excavation can begin the permittee shall obtain an access permit from the Steele County Highway Department and comply with all conditions of that permit. This access shall be removed when mining is complete or at the expiration of this permit.
- 5 The excavation of material shall be setback a minimum of 30 feet from all property lines and road right of way. Any erosion within this setback shall be immediately corrected by the permittee. Overburden may be stored within the setback area but cannot be done in a manner that causes water runoff or siltation onto neighboring property, impedes the natural overland flow of water, or backs water up onto neighboring properties.
- 6 Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
- 7 The access shall be gated to deter unauthorized access.
- 8 Signage warning of truck traffic shall be located along County Road #4 if required by the County Highway Department. The size and placement of these signs shall be at the direction of Steele County Highway Department.
- 9 Trucks shall not track material from the pit onto the public road.
- 10 Trucks hauling material to and from this site shall not use "jake brakes".

- 11 Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
- 12 No hazardous material may be stored on the site.
- 13 Stockpiles of aggregate material shall not be placed in a manner that will impede water flow during a flood event.
- 14 Any pumping of water shall comply with DNR requirements. Water cannot be discharged directly or indirectly into Judicial Ditch #2 (Straight River).
- 15 The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter and replacing topsoil on areas not developed into a pond.
- 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 This permit expires on June 1st, 2026. All reclamation shall be completed unless the permittee has initiated the renewal of this permit before this date.
- 19 The 30 feet of setback shall be restored along the south and west property line.

CERTIFICATION

I hereby certify that the above is a true and correct copy of the decision approved by the Steele County Board of Commissioners on the 10th day of April, 2024.



Steele County Administrator

4/10/24

Date

This document prepared by Steele County Planning and Zoning Director



Director, Steele County Planning & Zoning

4/9/24

Date



Disclaimer: Steele County, MN, makes no representation or warranty, express or implied, with respect to the use or reuse of the data provided herein, regardless of the format in which the data is provided. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENTNESS, SUITABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Steele County, MN, shall not be liable for any direct, indirect, or consequential damages, including lost profits, arising out of or resulting from the use of this data, even if Steele County, MN, has been advised of the possibility of such damages. Steele County, MN, shall not be held liable for any damages, including lost profits, arising out of or resulting from the use of this data, even if Steele County, MN, has been advised of the possibility of such damages.

Bauer Pit Restoration Plan

2483 SW 93rd St.



March 01, 2024



Staff Report
for
Interim Use Permit #2025-01
Gaul - 2nd Home

Applicant:

Sylvester Krell & Breanna Knish

Property Owner:

Marlene Gaul has a life estate on the property, owned by Sylvester Krell and Raymond Krell

Site Address:

3457 Rose Street
Owatonna, MN 55060

Legal Description of Property:

All that part of the North half of the Southwest Quarter of Section 7, Township 107 North of Range 19 West, lying South of the highway known as the Rice Lake Road excepting and reserving therefrom the East 40 acres thereof.

Project Description:

Allow a manufactured home on the property as a 2nd dwelling.

Zoning District:

Agricultural

Reason for Interim Use Permit Application:

Section 703.1 of the Steele County Zoning Ordinance allows one additional dwelling as an interim use in the agricultural district: The applicants have moved a manufactured home on the property and ask to use it as a second dwelling as they currently live in the house with Marlene. They wish to stay near her to assist her.

General Criteria for Issuing Conditional Use Permit:

1) The use will not create a burden on parks, schools, streets, public facilities or utilities:

Public utilities servicing this dwelling will be electricity and roads, both of which are already provided. The applicant has indicated the existing driveway will be used although a 2nd “field drive” also accesses the site so it is unclear on if they intend to use the primary access or make use of this secondary access.

2) The use is compatible, separated, or screening from adjacent agricultural or residential land:

The site is predominately surrounded by agricultural land and scattered rural residences. The nearest rural residences are located approximately 500 feet to the east and 650 feet to the northeast. The building site to the northeast also has a registered feedlot. Marlene’s house is 960 feet away from that barn. The manufacture home will be closer at approximately 840 feet away.

3) The appearance will not have an adverse effect on adjacent properties:

The appearance of the manufacture home will be similar to other manufactured homes allowed in the county. Typically, it's the maintenance and upkeep of structures, or lack thereof, that is objectionable to neighboring properties.

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

The existing land use is a rural residential building site on 28 acres. 22 acres of the property are tillable farmland. The building site contains the existing house, a shed, a couple of barns, and several other outbuildings.

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

Section 703.1 of the Steele County Zoning Ordinance allows one additional dwell meeting the requirements of the Septic ordinance provided:

- a) The occupants are involved in farm operations;
- b) The dwelling will not be split off of the farm or from the first residence;
- c) There is a farm activity which requires additional farm workers or health limitations of the owner.

The applicants have not provided a farming reason, rather state the need to assist the Life Estate occupant. There appears to periodically be livestock on the site although the site has not been registered as a feedlot, so it is unclear how much livestock is present.

6) The use will not creation a traffic hazards or congestion:

Traffic generated by the second home should not increase substantially as it appears the applicants already live in the existing house with Ms. Gaul. The highway department prefers they use to primary drive instead of the secondary "field drive" as introducing a second routinely used access would increase conflict points on Rose Street.

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 nearest businesses are Turtle Creek Nursery and D&D Yard Service located approximately 1 mile away to the west. Locating a second home on the property should have no effect on these businesses.

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

Utilities: Electricity is already provided to the site. Water will be provided by a private well. Sewage will need to be treated by a private septic system. The system for the existing house was installed in 2006 and designed for a 4 bedroom house. Either a new system will have to put in or this system expanded to meet the additional flows.

Access Roads: The applicant has indicated they will use the existing access although it is unclear if that means using the primary access or the secondary "field access" to the property. The Steele County highway department has indicated they prefer the use of the primary access to minimize conflict points on Rose Street.

Drainage: Drainage should not change from present.

Staff Comments:

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

1. Both homes must be occupied by family members.
2. The manufactured home must be removed when Marlene Nelson no longer occupies the existing dwelling.
3. The property cannot be subdivided so the homes are on different parcels.

4. The manufactured home must be connected to a septic system compliant with the State of Minnesota Rules and Steele County Septic Ordinances.
5. The manufactured home must obtain a building permit and meets the requirements of the State Building Code.
6. The occupants must utilize the existing primary drive as the access to the manufactured home.
7. By placing a manufactured home onsite, the occupants acknowledge the presence of a registered feedlot currently located less than the required setback from this home and accept that they may be subject to inconvenience or discomfort arising from the normal operation of that feedlot including noise, odors and dust.



Enterprise Energy
2925 Dean Parkway, Executive Suite 300
Minneapolis, MN 55416
(952) 212-0824

November 4th, 2024

Buscho 4MW Extension Letter
Attn: Dale Oolman
Steele County Planning and Zoning
630 Florence Ave P.O. Box 890
Owatonna, MN 55066

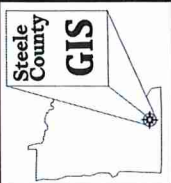
Re: Conditional Use Permit for EESolar33, LLC

Enterprise Energy is requesting a six-month extension of the 2024-01 for the Buscho community solar development on behalf of EESolar33, LLC. Xcel studies community solar developments sequentially on a first come first serve basis. There was one project ahead of this project in queue caused a delay. We expect our project to advance through study and be complete with Xcel by the start of 2025. After that we will still need approximately half a year to mobilize for construction.

Enterprise Energy has invested significant costs and resources in the development of this project, including engineering costs, applications for interconnection, and Xcel study fees. All indications are that this project will move forward. However, it will simply take more time.

We appreciate your patience and consideration in this matter.

- Evan Carlson
(952) 212-0824



3457 Rose Street

January 27, 2025



Disclaimer: Steele County, MN makes no representations or warranties about the accuracy, reliability, or completeness of the data provided hereon. THE DATA IS PROVIDED AS IS. STEEL COUNTY, MN, SHALL NOT BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, COMPENSATORY OR CONSEQUENTIAL DAMAGES, INCLUDING BUT NOT LIMITED TO, SUCH AS LOSS OF PROFITS, LOSS OF DATA, OR SUCH POTENTIAL LOSS OR DAMAGE. This data may not be used for any purpose other than the intended purpose of the data.



Enterprise Energy
2925 Dean Parkway, Executive Suite 300
Minneapolis, MN 55416
(952) 212-0824

November 4th, 2024

Buscho 4MW Extension Letter
Attn: Dale Oolman
Steele County Planning and Zoning
630 Florence Ave P.O. Box 890
Owatonna, MN 55066

Re: Conditional Use Permit for EESolar33, LLC

Enterprise Energy is requesting a six-month extension of the 2024-01 for the Buscho community solar development on behalf of EESolar33, LLC. Xcel studies community solar developments sequentially on a first come first serve basis. There was one project ahead of this project in queue caused a delay. We expect our project to advance through study and be complete with Xcel by the start of 2025. After that we will still need approximately half a year to mobilize for construction.

Enterprise Energy has invested significant costs and resources in the development of this project, including engineering costs, applications for interconnection, and Xcel study fees. All indications are that this project will move forward. However, it will simply take more time.

We appreciate your patience and consideration in this matter.

- Evan Carlson
(952) 212-0824

INTERIM USE PERMIT**Permit # 2024-01**

PARCEL #:	12-031-1100	HEARING DATE:	03/04/24
DISTRICT:	Agricultural	DECISION DATE:	05/14/24
APPLICANT:	EESolar33 LLC	LANDOWNER:	Buscho Trust
ADDRESS:	2925 Dean Parkway, Ste 300 Minneapolis, MN 55416	ADDRESS:	16595 Festal Ave. Farmington, MN 55024

LEGAL DESCRIPTION OF PROPERTY:

All that part of the N 1/2 of the NE 1/4 of Section 31, Township 108 North, Range 20 West, Steele County, MN.

EXCEPT: Commencing at the Northeast corner of said Section 31; thence South 0 degrees East, assumed bearing, 225 feet along the East line of NE 1/4 of NE 1/4 to the true point of beginning; thence South 0 degrees East 538 feet along the East line of said NE 1/4 of NE 1/4; thence North 90 degrees West 412 feet; thence North 0 degrees East 538 feet; thence North 90 degrees East 412 feet to said true point of beginning,

AND EXCEPT; Beginning at the northeast corner of said NE 1/4; thence S 0°19'00" W assumed bearing, 225.00 feet along the east line of said NE 1/4; thence N 89°41'00" W 412.00 feet; thence N 0°19'00" E 220.59 feet to the north line of said NE 1/4; thence N 89°42'14" E, 412.02 feet to beginning,

AND FURTHER EXCEPT: Beginning at the Northwest corner of said NE 1/4; thence North 89°42'14" east, assumed bearing, 482.00 feet along the North line of said NE 1/4 to the centerline of Crane Creek; thence South 56°06'14" West 582.67 feet along said Creek centerline to the West line of said NE; thence North 0°17'34" East 322.46 feet to beginning.

REFERENCE ORDINANCE FOR CUP:

Section 1528.03 of the Steele County Zoning Ordinance requires an Interim Use Permit for Primary Use Solar Energy Systems in the Agricultural District.

PROPOSED USE(S):

4 MW Community Solar Energy System

INTERIM USE PERMIT

Permit # 2024-01

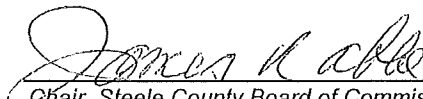
DECISION OF BOARD OF COMMISSIONERS

Deny ☐

Approve ☒

18 conditions.

Findings recommended by the Planning Commission are hereby adopted to be the Findings of the Steele County Board of Commissioners.


Chair, Steele County Board of Commissioners

5/14/2024
Date

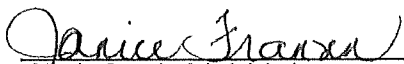
Conditions

- 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.

CERTIFICATION

I hereby certify that the above is a true and correct copy of the decision approved by the Steele County Board of Commissioners on the 14th day of May, 2024.


Steele County Administrator

5/14/2024
Date

This document prepared by Steele County Planning and Zoning Director


Director, Steele County Planning & Zoning

5/14/24
Date

Proposed 2025 Planning Commission Dates

PC Meeting Date

February 3

March 3

April 7

May 5

June 2

July 7

August 4

Sept 8

October 6

November 3

December 1

All meetings are scheduled for 7:00 PM in the Board Room of the Steele County Administration Building.