

Houston County Planning Commission
December 21, 2017

Approved on February 15, 2018 by Jim Wieser and Ed Hammell

The Houston County Planning Commission met at 7:00 p.m. on Thursday, December 21, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Roll call was taken. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

The agenda was reviewed. Dan Griffin made the motion to accept the agenda. Rich Schild seconded. Motion carried.

The minutes from November 16, 2017 were reviewed. Jim Wieser made the motion to approve the minutes of November 16, 2017. Larry Hafner seconded. Motion carried.

Guidelines for the public hearing were reviewed.

At this time Justin Zmyewski made a motion to close the Planning Commission meeting. Rich Schild seconded. Motion carried.

Notice of Public Hearing No. 880 was read. **Skyline Materials, LTD**, 900 Montgomery Street, Decorah, IA 52101 is seeking a conditional use permit to do mineral extraction in an agricultural district in Section 8 and Section 5 of Winnebago Township. (Site location is 10159 County 5, Caledonia, MN 55921)

Chairman Burns asked if any member had a conflict of interest concerning this request. Ed Hammell indicated he would recuse himself from the final vote.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner requests a Conditional Use Permit for mineral extraction in an Agricultural District.
- Skyline Materials inquired about a proposed expansion of the existing Winnebago Quarry to the east of C.R. 5 in late 2016. The quarry was being operated without a permit and was argued to be a legal nonconforming use. Rather than having Houston County make a decision on nonconforming status, Skyline chose to begin the process of seeking a permit for the site.
- The request covers a previously mined 6.4 acre area as well an additional 27.9 acres east of C.R. 5. Skyline completed a voluntary Environmental Assessment Worksheet (EAW), which the County found to be complete; a resolution of negative declaration on the need for an Environmental Impact Statement was subsequently approved.
- A driveway permit is necessary on the east side of C.R. 5. The current driveway was issued a temporary permit in 2010 that allow for temporary access from 9/8/10 to 7/1/11.
- Traffic count is 170 vehicles per day on C.R. 5 at the quarry location.

- A zoning violation letter was sent on 11-17-10 due to a violation of setback from a property line. As a result a variance of 27' was sought and granted on 3/10/11.
- A problematic area exists on the existing 150' high wall that is experiencing erosion. At the County's request, Skyline has undertaken efforts to halt future erosion and is monitoring the area. If more drastic measures are necessary, the expectation is that Skyline would implement them.
- In the fall of 2016, Skyline had stockpiled materials in a drainage way and in a location atop the quarry. Rains washed this material off site and deposited it on private and public property, resulting in a Notice of Violation being issued by the MPCA. Stockpiled materials have been relocated to areas outside of the drainage and berms have been improved on the site. Skyline has cleaned up the discharge on their property and has agreed to clean up the discharge on a portion of private property. If necessary, a condition could be added to a CUP requiring cleanup.
- A lengthy discussion of site characteristics is contained in the included EAW. (On file).
- Winnebago Township and the ten closest property owners were notified. Comments from property owners received were that Skyline trucks servicing the existing quarry drive too fast, create too much dust, and create congestion by staging along County 5.

Chairman Burns asked for comments from Skyline Materials. Jeremy Bril, project engineer, and Ron Fadness, general counsel, spoke for Skyline Materials.

Ron Fadness gave some background on the quarry. The original 40 acre parcel is separated in half by County Road 5. They recently purchased additional land and have included all acres in the conditional use application. The product that comes out of the quarry is limestone for use in local road and building construction in Houston County. There is no sand of any kind. The topography and terrain are similar to the west side.

Jeremy Bril detailed the aerial photo (B-9 in the packet on file). Of the 27.9 acres, Phase 1 contains 15.5 acres and Phase 2 contains 12.4 acres. A crushing operation will be set up in the existing quarry (west side). Eventually the crushing operation will be moved on the other side (east side) in approximately 2-5 years. It will take approximately 70 years to use the east side. The Phase 1 option is advantageous as they are moving away from residents of concern.

Dan Griffin asked how long they plan to use the west side. Ron Fadness said that area is about exhausted. It will take approximately 2 to 5 years to have things fully up and running on the east side.

Bob Burns asked about the anticipated stormwater flow in Phase 1A and Phase 1B. Jeremy Bril indicated that it depends on the amount of water they run into during development. The aerial photos (Figure B.12 and B.13) were discussed and the locations of potential detention ponds and storm water berms. Bob Burns asked if they are advised where these locations have been determined. Jeremy Bril indicated they automatically set up berms right away, but the potential detention ponds are not a definite, as they are not sure how much water will be coming down.

Dan Griffin questioned the traffic count of 170 vehicles using County 5 per day and 150 trucks also using County 5. He is wondering if there should be signs or flaggers during busy haul times. At what level does there need to be traffic control. Jeremy Bril said they can put up signs or have flaggers on the road.

Dan Griffin continued to ask how often they would have 150 trucks in use. Jeremy Brill said they typically crush 3 to 5 days, 2 to 3 times per year. There could be up to 15-25 trucks per day when not crushing.

Bob Burns asked if there was approval granted on the access road from the Highway Engineer. Jeremy Brill stated they would need to confirm that with the engineer. This is generally approved after a permit is granted.

Larry Hafner questioned if it is 75 round trips per day for a total of 150 trucks. This was confirmed and they would be sharing road for about 300 feet.

Dan Griffin questioned if the overburden will be brought over to the west side. Jeremy Brill said some will and some will remain for the berms on the east side.

Dan Griffin asked about the issues with the west wall in the old quarry. Jeremy Brill said it is rare that they run into a problem like that. They plan to stair step operations on the new proposed site and be proactive about it. There was general discussion on how the clay fissure could be fixed on the approximate 100 foot wall. Jeremy indicated there is silt fencing in place right now and overburden can be used.

Dan Griffin asked how much space is available on the west side for stock piling. Ron Fadness said approximately one-third to one-half of the area is available for stock piling.

Rich Schild asked if they have worked with a structural engineer on the clay fissure issue. Ron Fadness indicated they have talked to the DNR, MPCA and ASCS. Dan Griffin asked if Skyline had people in house who know how to take care of situations like this. Ron Fadness said this is not very common. Dan Griffin stressed the fact that this a weak area. Ron Fadness said this is a seventy plus year-old quarry and they have owned it for 8 years. Dan Griffin said the fissure should have been noticed some time ago, and there is concern that this does not occur on the east side. Ron Fadness said the east side will be benched as the quarry develops, so anything like this can be caught early.

Rich Schild expressed the concerns of sediment being washed into Winnebago Creek. Ron Fadness said most of that has been taken care of. They are working with MPCA and the County to work with landowners (Gaustads and Almos) to clean up the area. The landowners have to grant permission for them to access their land and they have not received permission yet.

Dan Griffin asked about Skyline's MPCA stormwater permit and what is in place at the existing quarry site. Ron Fadness said water should not leave site, if it does, then reporting has to be done. Jeremy Brill also said there are monthly inspections done; they need to have a stormwater retention plan. Jeremy also talked about what they have done to clean up the existing site. They have made several improvements and are keeping the water on site.

Bob Burns asked if MPCA actually approves any of the improvements they propose. Ron Fadness indicated they do not get a response from MPCA, rather they must tell MPCA what their plans are.

Larry Hafner asked what happens when there is a 7 or 10 year rain event. Do they know what is considered standard and how do they handle it. Jeremy Brill said they have asked MPCA what is considered standard and they do not know. Ron Fadness said MPCA says they will know when they see it, but they give no guidelines.

Dan Griffin said there doesn't appear to be a berm there. Jeremy Brill said there is a berm; he passed out some photos on the improvements they have done.

Aaron Lacher suggested they could possibly use some of the east side overburden to fix the west side erosion issues.

Rich Schild referred to comments from the neighbors saying trucks will go too fast and dust concerns. Ron Fadness said the trucks will be going from east to west and would be going 10-15 miles an hour. A water truck will be on hand for any dust control issues. Dan Griffin also suggested they could be some chloride down.

Aaron Lacher asked about the comment that trucks are staged on the road waiting to get in. Ron Fadness said this is not an issue he has heard about except for when an asphalt plant is actually running.

Jim Wieser asked if they plan to have a wash plant for concrete products. Ron Fadness indicated they would not because it would require another conditional use permit. Jim Wieser then referred to photo B-12 and the fact that they are very close to the west side property owners. Ron Fadness indicated the quarry is near the end of its useful life and that is why they wish to expand.

Chairman Burns asked for comments from adjacent property owners.

Diane Fields spoke. Her main concern is the west side of the quarry and that it is collapsing. A variance was granted in 2011 because the setback was violated. She has concerns there may be a well or cistern on the quarry property. The ordinance requires a reclamation plan and she worries about promises that aren't kept. They have had fly rock incidents and some rocks have been large. Fire service specialist, Bruce Roed, is who they contacted about the problem. He made suggestions to Skyline on how to stop fly rock incidents from happening. Skyline did clean it up, but this did not have to happen. She is wondering about the existing quarry when they say it is nearing the end. Why don't they take everything they can out of it. Lastly, she hopes the planning commission finds that the intensity of the proposed commercial or industrial development is greater than the intensity of the surrounding use from the agriculture protection district standpoint. She believes this is more of an industrial project. She is very concerned that her property value will go down due to the mine proximity.

Michael Fields spoke. (A copy is on file). Mr. Fields stated that in March of 2011 the county officially designated the Winnebago (Lang) Quarry a non-conforming use. He stated that Skyline has enjoyed a grandfathered status for nine years and they should not be allowed to expand beyond the original 40 acre parcel. The ordinance states the cap size for an aggregate mine is 40 acres. In relation to the Houston County Comprehensive Land Use Plan

he believes the biggest problem with the Skyline expansion proposal is that bluffs aren't supposed to be mined at all, as well, Houston County has determined that it is important to protect the environmentally sensitive areas such as the bluffs, woodlands and water resources from scattered urban growth to minimize pollution to the ground water supply, to minimize soil erosion and to preserve wildlife habitat. He stated that the section of County 5 in question has bluffs, woodlands, a trout stream and wildlife habitat. He has concerns of the erosion happening in a portion of a 100-foot cliff-face next to his property. Skyline indicates there will be no benching or phased reclamation and this does not conform to the intent of the Land Use Plan. A 2006 report was shared on the Impact of Gravel Pits on Residential Property Values which states the loss in property value results from the negative consequences of the mining operation and reflects the deterioration in the area's quality of life due solely to the operation of the gravel mine. Mr. Fields believes the Zoning Ordinance needs to be revisited as terms need to be defined so there are no hidden meanings.

Robin Gaustad has property on the east and west side of County 5. They have been concerned about the mining practices of Skyline for some time and that Skyline is damaging their property and the dry runs. They were happy to hear that things may be cleaned up when they received a letter from the DNR. The Resource Protection Notification stated that the Bruening Rock Products/Skyline Construction, Inc. quarry at 10159 County 5 had materials washing into a dry run and into Winnebago Creek causing fill into the creek. Nicole Lehman, from the DNR office in Rochester, MN called and described the same issues and scheduled a meeting. The Bruening employees came with their lawyer and wanted the Gaustads to sign an agreement regarding work to be performed. She believes this is mismanagement. It was clear that they wanted to get the work done quickly since the hearing was coming up. They should have done their mining activities proactively and they wouldn't have these problems. She feels that they have had little to no time to react. The damage includes a dry run that drains into Winnebago Creek. She thinks this conduct will continue. She has not seen a resolution that current problems are being addressed. She agrees with the reclamation issues that Diane Fields brought up.

Dan Griffin asked Robin Gaustad when she first noticed the sediment in the dry run. Robin said about two years ago. She doesn't think the current remedy they are using is long term. Dan Griffin said that Skyline cannot control the amount of water that comes down the valley but they can control the sediment. Dan Griffin asked how many trucks she sees on the roads. Robin Gaustad said is an up and down nature and depends on the demand but they need to be proactive in their practices. Dan Griffin asked her what her main concern was of the operation. Robin Gaustad said degradation of the valley is her main concern and the beauty of the valley will be lost. Dan Griffin asked if she was aware of the existing quarry when they bought their property. Robin Gaustad indicated she was but in recent years the area has been heavily impacted. She also believes Bruening's track record is not very good and she doesn't trust them.

Audrey Almo letter was read. (A copy is on file). She is unsure why it took until 2 weeks before the hearing for Bruening to step forward to clear out the dry run. Her basement has been flooded at least 5 times in recent years, whereas the cabin had no water in the basement for the 45 years she's owned the cabin. Each time it floods, she loses a well pump, even after it was put on the basement ceiling. The waters bring in mud, which she's had to

have someone clean up. The land by her shed/outhouse has been eroding away along the dry run, where much of the flood waters leave her property since the dry run problem. With the MPCA violation or notice of problem unresolved, she doesn't feel a CUP can be issued. Adding a new mine across the road from the Winnebago Quarry, which is higher, will only exacerbate the problem. With Camp Winnebago being a new adventure now, Houston County/Caledonia will be bringing more visitors to Winnebago Valley. With another mine, it will no longer be the beautiful, peaceful Winnebago Valley. Trucks waiting on the road to enter the quarry hold up traffic. The road is too curvy to pass the trucks safely. Please think of the best interest of those living in the valley, and those who wish to "get away" for a peaceful retreat.

Chairman Burns asked for comments from members of the public.

Bruce Kuehmichel spoke. He stated that Skyline cannot continue their operation until the MPCA issues are resolved. The affected area is approximately 700 feet long and ranges in width from 10 feet to 15 feet and the depth ranges from 1 foot to 3 feet. He spoke to Steven Speltz in regard to the August 2016 rain event that was anonymously notified to the DNR and then forwarded to MPCA. It was proved that the materials came from the Skyline mine. Skyline created their own remediation project. A stop work order should be issued until the problem is fixed.

Bryan Van Gorp spoke. He stated he is not against mining and conditional use permits. However, he sees lack of planning in the Skyline application. Who was keeping an eye on it site, and how did the problem get out of hand. Their plan does not have a phased reclamation plan and that is troublesome. It also states that the maximum trips are 25 trips per day although 75 trips were talked about tonight. Skyline is a chronic offender and a stop work order needs to be issued. There is lack of clear information that has been made available and hopes the same mistakes are not made with this site.

Steve Hartwick spoke. He indicated there is supposed to be a 1,000 foot setback and he sees that it is only 500 feet. The reclamation plan on the west side doesn't start until 5 years out. The new driveway will need to have culverts. Off street and loading space is not available because they are talking about parking on County 5. The issues need to be dealt with now and not down the road.

Yvonne Krogstad is confused about the number of acres allowed for mining operations. She wonders if buffers are included as this is confusing. Skyline should take care of the problems with the west mine first and come into compliance before being granted to continue to the east side. Skyline's plan is not in line with the ordinance.

Ken Tschumper spoke. He agrees with Mike Fields that this is an expansion of a non-conforming mine. This was validated as a non-conforming mine by the county. He agrees that all current violations need to be taken care of before Skyline can continue operations. There has been an ongoing battle with individuals and the county on regulating mining operations.

Chairman Burns asked for any additional comments from Skyline Materials. Ron Fadness replied to some of the comments made. He said there are several references that they are expanding beyond 40 mine acres. They are not. They own a total of 55.5 acres, this

includes the east and west sides together. They have disturbed 6.5 acres on west side and plan to process 27.9 acres on the east side. The quarry will never be 55.5 acres. They are not mining bluffs, this is a hillside. The fire marshal mentioned came out and there were no violations given. There is no well or cistern on the property, the state archeologist had to verify this on the EAW. The MPCA violation referred to did not strong arm anyone. The guidelines say they must complete this work within 60 days and they can't do it without the permission of the Gaustads and the Almos. MPCA does not provide guidelines or tell them what needs to be done; they must come up with a plan of action and work with the landowners and this puts them between a rock and a hard place.

Dan Griffin questioned the agreement they wanted the Gaustads to sign. Ron Fadness said it stated they cannot go on their land without their permission. MPCA wanted an agreement drawn up on what they were going to do, but indicated they (MPCA) would not be responsible. The 60-day MPCA timeline is being used against them because they cannot gain permission from the landowners to do the work.

Jeremy Brill discussed the letter from MPCA dated August 2, 2017. They (Skyline) responded on October 6, 2017 with their answers as to what happened. Larry Hafner stated they were trying to comply, but they weren't seeing results.

Rich Schild wanted further clarification on the agreement regarding the work to be performed and what MPCA indicated they need to do. Ron Fadness stated MPCA does not tell you what to do; they want us to tell them what we plan to do. He wishes they would provide details on what they expect to be done. However, nothing can happen now because the landowners have hired attorneys, so everything must go through the attorneys.

Dan Griffin asked who Skyline would be servicing with their limestone. Ron Fadness indicated they service various projects and need to have quarries in several areas of the county. If they go farther than 15 miles to deliver to a site they are paying too much to truck it. They also do not have trucks waiting on the road to enter the quarry. There have been comments that the trucks go too fast and too slow.

Aaron Lacher asked if Skyline had reviewed the purposed conditions on the financial surety on the approaching reclamation. Ron Fadness said their bonding covers all their quarries no matter how large or small they are.

Larry Hafner has concerns with the erosion on west side. Ron Fadness stated they are taking progressive steps to solve that problem. Larry Hafner believes they need someone in there with knowledge on how to fix it and that credibility on fixing this is an issue. Silt fencing is a temporary fix.

Dan Griffin suggested it would be beneficial to come up with a solution to fix the wall erosion and the berm issue on the west quarry site.

Chairman Burns asked for a motion to close the public hearing.

Justin Zmyewski made a motion to close the public hearing. Larry Hafner seconded. Motion carried.

Larry Hafner made a motion to reconvene the planning commission meeting. Justin Zmyewski seconded. Motion carried.

At this time, there was general discussion on having Skyline come up with a detailed plan on fixing the issues at the old quarry. It was asked if members had visited the site. Justin Zmyewski indicated he had been to the site in the past, but not recently. Rich Schild was not able to attend a site visit either.

Dan Griffin made a motion to table further discussion of the application until the February meeting. Justin Zmyewski seconded. Motion carried.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

4629	Neal Thomas – Spring Grove Township Build ag shed (24' x 30')
4630	Brent Newgaard – Wilmington Township Build pole building (40' x 64') no animals
4631	Tim Morken/Morken Farms LLC – Black Hammer Township Build pole building to house turkeys (60' x 512') - (CUP #399)
4632	Tim Carpenter – Houston Township Build grain bin (10,000 bushels)
4633	Jerod and Naomi Hoel – Money Creek Township Build house (32' x 48') garage (32' x 34')
4634	Corey and Kerry King – Winnebago Township Build ag building (50' x 80')

OTHER BUSINESS:

Larry Hafner made a motion to adjourn the meeting, Justin Zmyewski seconded. Motion carried.

Submitted by the Planning Commission Clerk on December 26, 2017.

Dahl Creek Farms, LLP, 7720 West 84th Street, Bloomington, MN 55438 is seeking a conditional use permit for a new animal feedlot with more than 300 a.u. consisting of swine and build a manure storage structure with a capacity over 20,000 gallons.

Aaron Lacher, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The applicant is requesting two permits, a Conditional Use Permit for a new animal feedlot that will generate 300 or more animal units of manure (14.3 (2). The proposal is for 2,400 finishing swine (55 lbs. – 300 lbs.), which equals 720 Animal Units (A.U.) and a Conditional Use Permit for new manure storage structure with a capacity over 20,000 gallons. A 51'2" x 405'4" x 8' below barn concrete tank with a capacity of 130,583 c.f. (976,492 gallons) is proposed.
- The Applicant is a registered Minnesota limited partnership, Dahl Creek Farms, LLLP. A signed statement indicating partnership membership and support of the application was submitted.
- The proposed site is located on an undeveloped 81.65 acre parcel along the Fillmore County line. The zoning is agricultural. The Applicant owns 530 contiguous acres to the site in Black Hammer Township. 276 acres are identified in MMP for manure application. Soils are a class II silty clay loam.
- No dwellings are located within the required 1320' setback. Increasing to one mile, multiple buildings are found. Many of these buildings appear to be non-permanent residences; homestead status is an imperfect way of evaluating for this. The closest registered feedlot (Houston County only) is approximately 1.5 miles east.
- The Applicant applied for and was issued a Construction Short-Form Permit from the MN Feedlot Program (administered by Houston County). Such permits are only issued after it has been determined that the proposal satisfies all required state technical design, operation, and location specifications, including: Stamped plans for manure storage structures prepared by a licensed engineer (Nicholas Rowe, Pro Ag Engineering). Appropriate for dead animal disposal area. Appropriate soils and separation from groundwater. Manure Management Plan (MMP) indicating where manure will be applied, and that application rates will be acceptable. Karst feature survey indicating no karst features within ½ mile of the proposed site. 5" 3500 psi concrete floor, steel reinforced. 10 foot separation between top of pit floor and bedrock. Plans for quality assurance and oversight by engineer during construction.
- The Applicant submitted the following information concerning operation of the proposed site: *"Pigs will arrive every 145 days, starting May 1st if the proposed plan is approved and construction goes as planned. When hogs are delivered they will arrive on 4 separate semi-trucks at roughly 40 pounds to fill the 2,400 pig spaces. In the event of dead pigs they will be disposed of in a compost site in the proposed plan. The pigs will come from a local nursery outside Spring Grove and transported with a local trucking company. Feed will arrive every week from the local coop. Dahl Creek Farms and Black Hammer Township will monitor the local road to ensure that the road remains in good condition. When the pigs leave the barn they will weigh roughly 280 pounds and leave on 14 different trucks. The proposed plan has enough manure storage for one year will fall application with the ability for spring application if needed. The majority of manure will be applied with drag line with the option for tanker application. Manure will be applied within the guidelines of the proposed manure management plan."*
- The proposal is a total confinement barn, which eliminates concerns about nutrient runoff from open lots. Drag line manure application reduces concerns about weight on local roads; the applicant should provide details on which fields are able to be drag line applied. The Applicant estimates 784,874 gals of manure to be produced annually. The proposal is to hire a commercial applicator to apply manure by knife injection. Rates of planned nitrogen application range from 140-180 lbs./acre, which is consistent with guidance from the University of Minnesota. The Applicant has indicated that there is a verbal agreement for the transfer of 70,000 gallons of manure to neighboring farmers.
- The OFFSET odor annoyance estimation tool was used to evaluate for the percent time annoyance free for the three closest farmsteads and returned 97%, 98%, and 98% respectively. Evaluated at the

centerline of Irish Ridge Road, 113' from the proposed barn and pit, the annoyance free factor returned in 82%.

- The location of the northern property line needs to be clarified. The legal description describes the NE of the NW of Section 7. Irish Ridge Road runs just to the north of this. Using the line as shown in the County GIS system, the building is estimated to be 43' from the north line; a 50' setback is required. The County Surveyor has provided an opinion on this indicating that the GIS line is not accurate, and has provided an estimated line location.
- Black Hammer Township and the 10 nearest property owners were notified. Inquiries from the public were received, during one of which concern was expressed for impact on existing business (hog operation in Spring Grove) and health. There were also concerns about the potential effects of pit failure, odor, karst survey, and roads. A site visit was conducted on 2/14/18 to hear concerns. Contact was made with the Township and there are concerns about road maintenance and possible pit failure. Based on a conversation with a Black Hammer Township Supervisor and review of topographic maps, the location of Yucatan Cave is approximately 4,700' northeast.

Chairman Burns asked Dahl Creek Farms if they wished to speak. Erik Dahl spoke. He said he has worked with Aaron Lacher to align everything according to the rules and regulations of Houston County.

Aaron Lacher explained the Dahl's need two conditional use permits, one for a new animal feedlot with more than 300 animal units and another for a manure storage structure with a capacity over 20,000 gallons. The Dahl's have completed the state feedlot permitting process. This will be a zero run off facility. Truck traffic includes feed trucks bringing feed as needed and semi-trucks bringing swine twice a year to the site. The OFFSET odor annoyance estimation tool was used to evaluate for the percent time annoyance free for the three closest farmsteads and returned 97%, 98%, and 98% respectively. Black Hammer Township expressed concern on road maintenance. Recently, the office was informed of a cave that is about 1 mile away from the proposed site. There are no dwellings within ¼ mile of the proposed site. The closest registered feedlot is approximately 7,600 feet away.

Dan Griffin asked where the draglines for spreading manure will be set up. Erik Dahl explained how the lines will be set up and how the process would work. The lines will go through the wooded area. Two hundred acres will be on dragline and they will need to haul to the other 80 acres. They plan to hire a custom applicator that will knife in the manure.

Fred Arnold asked how large the proposed manure pit will be. Erik Dahl said approximately 976,000 gallons; the pit is sized for one year's worth of storage.

Dan Griffin asked about planned road usage. Erik Dahl said there will be very little traffic going north up Irish Ridge Road. They plan to travel south and into Fillmore County.

Jim Wieser asked where the pit pump will be located on the pit. Erik Dahl said it will be located in the south corner and away from the road.

Rich Schild asked if the pit pump recognizes pressure differences. Erik Dahl indicated there are systems in place that will notify the operator if something isn't right. Everything can be shut if necessary.

Dan Griffin asked if Erik had talked to the neighbors. Erik said he has talked to some neighbors, but not all.

Dan Griffin asked how the site location was chosen. Erik Dahl said the location was chosen because the site was not close to any of the surrounding neighbor's, the pit will be in the safest place and will be covered. Dan Griffin asked if there may be another site possible. Erik said it does comply with all required rules and regulations and the required setbacks have been met.

Fred Arnold understands Erik Dahl probably has experience in buildings such as the one proposed and asked what the approximate nutrient analysis of the manure was. Erik Dahl stated this is his first hog building and he is not sure of the nutrient analysis, as it is to be determined. The readings are standard and were provided by the University of Minnesota. Fred then asked how many gallons of manure he is planning to spread per acre/year. Erik said approximately 4,000 gallons per acre/year.

Aaron Lacher asked about the drain tile around the pit and what direction it day lights. Erik Dahl said it day lights to the south.

Bob Burns asked if Erik knew what the capacities of the dikes were. Erik stated he did not.

Rich Schild stated since Erik would not be living on the site, what the schedule would be. Erik Dahl said the swine are feed twice a day.

Dan Griffin asked where Erik resides. Erik Dahl said he lives to the north about one mile.

Chairman Burns asked if anyone wished to speak.

Joni Mehus, property owner to the south spoke. She is concerned about the proposed location due to drainage. There is a dry valley that runs through her property and this requires a karst report to be done. The Yucatan cave is also in the area. The runoff will not affect the Dahl property but will affect hers. All of the neighbors are on wells and any contaminates from runoff will affect their water quality. Odor and fumes are also concerns due to the topography of the land. There are sinkhole concerns due to the karst topography, MPCA information was discussed. She is of the opinion that an onsite investigation needs to be completed and this is recommended to be done in early spring. The project engineer for the Dahl's also recommends more investigation needs to be done. Letters were submitted from neighbors who were not able to attend the meeting and their concerns also included karst topography, water quality, odors and road traffic/safety (letters are on file).

Ed Hammell asked Joni Mehus if there was a better location she would recommend. Joni indicated that everything washes in their direction down the valley. The karst topography needs to be looked into before any decisions could be made.

Bob Breitenbach stated he owns property near the proposed site. He has health concerns with this application. The karst topography is not just a concern of theirs; it is a concern everywhere in the county. He provided information on manure spills and statistics in the state of Iowa. Large swine set-ups like the one being proposed can give off harmful gasses like ammonia, methane and hydrogen sulfide. These sites are not good for respiratory ailments. Water quality is also a concern and once that is damaged, it cannot be reversed. Nitrates in water can affect brain development in small children. Coliform bacteria in well water and MRSA infections are also caused by swine. He also reviewed portions of the Comprehensive Land Use Plan.

Ken Halverson owns land to the north of the proposed site. He has lived in the area his whole life. He stated he talked with Brian Dahl of Dahl Creek Farms about doing a good neighbor plan and they didn't do it. He was disappointed he did not hear anything from them prior to receiving the hearing notice. There was also a lack of communication on what their plans were.

Dan Wiste, supervisor with Black Hammer Township, said the township has concerns on road usage. Irish Ridge Road can't handle heavy traffic. The Dahls have indicated that all traffic will be headed south. He also wanted it on the record that Erik Dahl has agreed to pay for any road repairs if needed. There was talk about moving the location across the road. He is wondering if that is an option.

Greg Smith of Winona County stated he is the one who would own the pigs in the barn at the Dahls' proposed site. He has extensive experience in starting up sites like the one being proposed and has had positive results with each one. He is assisting a young farmer like Erik Dahl to get started in farming, which is increasingly difficult to do these days. The manure is an organic fertilizer which is good for the soil. The feed would come from Farmer's Co-Op Elevator in Houston and the pigs would be sold locally to Hormel in Preston or Tyson in Rushford.

Jim Wieser asked Greg Smith what he was responsible for, if it was the pigs alone. Greg indicated he was responsible for the pigs. Dahl Farms is responsible for manure spills; drag lining is typically contracted out and they carry liability insurance.

Ed Hammell asked how the wood chip filters work. Greg Smith said this is currently used at the Horihan site, which is just across the border in Fillmore County. There are two barns at this site with 2,400 swine. This operation has been there for 15 years. The fans run all the time. There have not been any complaints on this site.

Dan Griffin asked Greg Smith if he had any concerns with the proposed site being close to the township road the possibility of being cited by MPCA if air standards are checked and not met. Dan Griffin is wondering if it wouldn't be better to move the location. Greg Smith said MPCA has visited his sites and checked one site that contains 5,000 head of swine and no odor violations were found.

Dan Griffin asked who would be working at the site. Greg Smith said they have workers that check the various sites, but Erik does the daily chores at his site.

Fred Arnold asked Greg Smith if he knew when construction standards for manure pits changed. Greg Smith stated the standards changed around 1996. As well, proposed sites like this site have zero runoff which is an advantage with hogs.

Dan Griffin asked Greg Smith if he is involved with the dragline operations. Greg indicated he is not and that it is contracted out.

Larry Hafner asked Greg Smith if he ever had a manure pit fail. Greg indicated he had not.

Rich Schild asked Greg Smith if there is a possibility of not knowing if manure is leaking, even a small leak. Greg Smith said there is a water line that runs around the building and this can be tested at any time. The water should be clean and clear when tested. If there were a leak it would go down the drain tile into the water line. The sites are all checked annually.

Dan Griffin asked how far underground the pit goes down. Greg Smith said the pit is eight feet deep.

Ryan Mehus stated he grew up in the valley, just below the proposed site. He indicated he works in the engineering field and believes in the end everything will leak. He has concerns about the pit eventually leaking and manure ending up down in the valley. He is also concerned with odor and how the hog smell will sit in the valley.

Bryan Van Gorp, Yucatan Township, stated he has raised livestock all his life. There aren't easy answers but the land use plan needs to be redone because similar situations like this that will continue. Karst topography is an issue.

Ken Tschumper, La Crescent Township, expressed concerns on manure management plans and the importance of following them. There was a fish kill about 10 years ago and the farmer had followed his plan perfectly. This is becoming increasingly a concern.

Randy Dahl stated he has farmed this location. It has been in the Dahl family for 163 years and this is a good opportunity for a family member to continue farming. He is a previous member of the Fillmore County SWCD board and said the land has many conservation practices in place. The Dahl's have been the only people that have farmed the land and there is approximately 800 acres in Houston and Fillmore counties. Dan Griffin asked Randy if he was aware of any sink holes on the land. Randy stated he is not aware of any and he has covered all the land either by hunting, fishing or farming. Bob Burns asked if he knew what size the dikes were. Randy stated he did not, but they were specifically designed to let water through and dry up overtime. Rich Schild asked Randy if he was involved in choosing the location of the proposed site. Randy indicated he was not.

David Skauge, Black Hammer Township, is concerned about air quality issues and the gasses and odors settling in the valley. He hopes this will be monitored. If karst isn't an issue maybe moving the site to the west would be better for runoff concerns and more neighbor friendly.

Dan Griffin made a motion to close the public hearing. Jim Wieser seconded. Motion carried.

Dan Griffin made a motion to reconvene the planning commission meeting and discuss the proposed application. Ed Hammell seconded. Motion carried.

Ed Hammell stated it would be a good thing to do additional karst investigation. Aaron Lacher stated the investigation that has been done does meet the minimum standards, however, to give people peace of mind, a further study could be done.

Dan Griffin suggested tabling the application for 30 days, have a karst report done and additional research on MPCA odor standards. Rich Schild stated he agreed.

Bob Burns wondered if additional karst research can be done during the winter time. Aaron Lacher suggested there may be a window of time if there is no snow.

Fred Arnold stated he would like to review the manure management plan.

Dan Griffin made a motion to table the public hearing until additional karst research is done, the manure management plan is reviewed and further study on how the topography will affect the smell. Fred Arnold seconded. Motion carried.

Notice of Continuation of Hearing No. 880 was read for **Skyline Materials, LTD**, 900 Montgomery Street, Decorah, IA 52101.

Dan Griffin made a motion to close the Planning Commission meeting and open the public hearing. Larry Hafner seconded. Motion carried.

Skyline Materials, LTD, 900 Montgomery Street, Decorah, IA 52101 is seeking a conditional use permit to do mineral extraction in an agricultural district in Section 8 and Section 5 of Winnebago Township. (Site location is 10159 County 5, Caledonia, MN 55921).

Aaron Lacher, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner requests a Conditional Use Permit for mineral extraction in an Agricultural District.
- Skyline Materials inquired about a proposed expansion of the existing Winnebago Quarry to the east of C.R. 5 in late 2016. The quarry was being operated without a permit and was argued to be a legal nonconforming use. Rather than having Houston County make a decision on nonconforming status, Skyline chose to begin the process of seeking a permit for the site.
- The request covers a previously mined 6.4 acre area as well an additional 27.9 acres east of C.R. 5. Skyline completed a voluntary Environmental Assessment Worksheet (EAW), which the County found to be complete; a resolution of negative declaration on the need for an Environmental Impact Statement was subsequently approved.
- A driveway permit is necessary on the east side of C.R. 5. The current driveway was issued a temporary permit in 2010 that allow for temporary access from 9/8/10 to 7/1/11.
- Traffic count is 170 vehicles per day on C.R. 5 at the quarry location.

- A zoning violation letter was sent on 11-17-10 due to a violation of setback from a property line. As a result a variance of 27' was sought and granted on 3/10/11.
- A problematic area exists on the existing 150' high wall that is experiencing erosion. At the County's request, Skyline has undertaken efforts to halt future erosion and is monitoring the area. If more drastic measures are necessary, the expectation is that Skyline would implement them.
- In the fall of 2016, Skyline had stockpiled materials in a drainage way and in a location atop the quarry. Rains washed this material off site and deposited it on private and public property, resulting in a Notice of Violation being issued by the MPCA. Stockpiled materials have been relocated to areas outside of the drainage and berms have been improved on the site. Skyline has cleaned up the discharge on their property and has agreed to clean up the discharge on a portion of private property. If necessary, a condition could be added to a CUP requiring cleanup.
- A lengthy discussion of site characteristics is contained in the included EAW. (On file).
- An additional submittal was received from Diane Fields on January 26, 2018 and is on file.
- Winnebago Township and the ten closest property owners were notified. Comments from property owners received were that Skyline trucks servicing the existing quarry drive too fast, create too much dust, and create congestion by staging along County 5.

Chairman Burns asked Skyline Materials to present additional information that was requested of them at the December meeting.

Jeremy Bril, project engineer, and Ron Fadness, general counsel, were present for Skyline Materials.

Jeremy Bril presented each area they were asked to expand on from the December 21, 2017 meeting. A summary follows:

1) Traffic Patterns, Traffic Control and Driveway Location:

The average truck traffic is expected to be 15 trucks per day (peak of 25). This estimate is based on the amount of material sold from the Winnebago Quarry in 2017.

As stated in the EAW, the rock crushing plant and material stockpiles will initially be located in the existing quarry on the west side of County 5. During this time, material will be transported from the proposed quarry on the east side of the road to the existing quarry on the west side of the road. During the time periods that crushing takes place (estimated to be for a period of 3-5 days, three times per year), the estimated truck traffic would be 150 trips per day. Once enough of the proposed quarry is developed (approximately 2 acres), the rock crushing plant and material stockpiles will be located in the new quarry area. As directed by the Houston County Engineer, orange signs will be placed along County 5 during periods of increased truck traffic.

After meeting with the Houston County Highway Engineer on site to discuss potential locations for the driveway for the proposed quarry, the location chosen will be the existing north driveway which serves the scale and scale house. A new culvert will be installed in the existing driveway to meet the Engineer's requirements. It is expected that the scale and scaled house will be moved to the existing quarry until the new quarry has sufficient space available. The existing south driveway serving the scale and scale house will be removed. (Copy of Houston County Application for Access or Entrance to Public Roadway on file).

Aaron Lacher said he will be recommending stop signs at all quarry exits. If there are any concerns on signage, the County Highway Engineer's recommendations will be followed.

2) Cleaning out Dry Run:

The landowner's attorney has been contacted on several occasions to inquire about working out a plan to clean out the sediment deposited in the dry run. A response was received on January 24, 2018 indicating the attorney was working on a draft agreement. (Copy of e-mail correspondence on file).

Dan Griffin asked for an update on the sediment removal arrangements with the affected landowner. Ron Fadness went over the e-mail correspondences with the landowner's attorney that were provided in the packet. At this time, no outcome has been reached.

3) Stormwater Management at Existing Quarry:

In regard to questions received on the ability of the existing quarry to hold water, our staff completed a topographic survey of the quarry floor and determined that the quarry is able to hold water but additional water storage volume is needed to prevent water from leaving the main quarry area. Construction of a 60' long x 40' wide x 20' deep detention basin is proposed to provide additional volume for stormwater runoff. It was also determined that improvements are needed in the access road leading up to the quarry. The road will be re-graded to direct the water into the existing stockpile area on the east side of the access road. The existing berm at the bottom of the access road is not sufficiently containing water so the berm will be re-constructed with more suitable materials. The berm located between the stockpile area and the road ditch will also be re-constructed with more suitable materials to allow vegetation to grow. (Copy of proposed stormwater management improvements at existing quarry on file).

Jim Wieser asked when these improvements would be done. Jeremy Bril said the improvements will be done as soon as possible and before they start the expansion.

Dan Griffin asked how far they plan to dig down. Jeremy Bril said they plan to dig down 20 feet. This is based on the hydrological study.

Aaron Lacher asked how close they are getting into the sandstone. Jeremy Bril was unsure. Aaron asked if it could be resigned, if the county didn't want them to go that deep. Jeremy indicated they could.

4) Stormwater Management at Proposed Quarry:

The company hired an engineering consulting firm to complete a hydrologic study of the proposed quarry area and the necessary stormwater practices needed to control the runoff for the different stages of quarry development. Based on the engineer's study, the proposed detention basins will be able to contain a 10-year, 24-hour storm event, and the berms placed around the entire quarry will be able to contain a 100-year, 24-hour storm event. (Copy of erosion control plan for the proposed expansion on file).

Jim Wieser asked where the water outlets from the retention ponds. Jeremy Bril said it will outlet further downstream outside the quarry under the berm. Jim asked how wide the berms are between the county road and mine site. Jeremy Bril said approximately 30 feet. They are designed to withstand a 100-year flood event.

5) Reclamation Plan for Existing Quarry:

The company hired an engineering consulting firm to develop a reclamation plan for the existing quarry to address the erosion occurring on top of the existing quarry. The reclamation plan includes a strategy for addressing the erosion on top of the quarry. They also intend to place material along the quarry face to further stabilize the erosion issue. This will involve shooting a hole in the quarry floor to provide stability for the placed material and building up to the top of the quarry face at a steep angle. This will require a substantial amount of material but they believe this is the best solution for addressing the erosion issue. Coupled with the engineer's plan, it provides a top-down (Plan A) and bottom-up (Plan B) approach for fixing the problem. Based on the proposed reclamation plan, it is expected that they will finish removing rock from the existing quarry within the next 2-3 years. (Copy of reclamation plans on file).

"Plan A" would be working on top and they want to start as soon as possible. Dan Griffin asked if there is enough room to get up there to do that. Jeremy Bril said the setback will be an issue and they would need permission to encroach on setback. "Plan B" will be a long term solution and works from the bottom up. Ed Hammell asked if they will have enough material from the other side for this to work. Jeremy Bril indicated there would be. Larry Hafner asked what the time frame was on Plan B, the bottom up approach. Jeremy Bril said it could take up to 5 years.

6) Blasting Seismograph Measurements:

All blasting and required measurements are done by a third party.

7) Surveying Proposed Quarry:

Regarding the placement of setback/boundary markers around the outside of the proposed quarry, the company plans to have a third party licensed land surveyor place the markers prior to development of the proposed quarry.

At this time Chairman Burns asked if anyone wished to speak.

Houston County Highway Engineer Brian Pogodzinski spoke. He stated he has worked with the Zoning office on determining the impacts and recommended restrictions for the new mine if it were to be approved. Those items are:

- Driveway access for the new mine area – A new permit is needed for the east side of CSAH 5. The current north scale house entrance will be utilized for the new mine and modified by upsizing the existing culvert and widening so trucks do can pass by one another on the driveway entrance area. The southern entrance to the existing scale house will be eliminated. These measures will increase sight distance and lower the amount of trucks needed to sit stopped along the side of the road.
- Drainage – The stormwater runoff from the ravine to the west of the proposed driveway will need to be directed to the south of the new entrance in a similar flow pattern as which currently exists.
- Roadway impacts – Temporary MN MUTCD compliant Black on Orange Truck Crossing signs shall be placed along CSAH 5, both north and south of the quarry area, whenever trips between the east and west quarry areas are 6 or more per hour or whenever deemed necessary by the Houston County Highway Engineer.

Highway Engineer Pogodzinski stated he has received a complete driveway permit application from Skyline Materials and is holding off on issuing the permit until the quarry is approved by the County. At which time, he will then issue the permit with the conditions listed above and any additional conditions the board imposes that impact the roadway.

Bob Burns clarified with Highway Engineer Pogodzinski that the driveway entrance meets specifications for the new facility. Brian stated it will be a standard industrial entrance, which is a wider entrance allowing trucks to come and go at the same time. 18 inch culverts will be put in place.

Larry Hafner asked Highway Engineer Pogodzinski if there are any alternate route options available for residents when they are hauling on County 5. Brian stated there are some options available and most residents would know which roads to use if they wish to avoid County 5.

Jim Wieser asked Highway Engineer Pogodzinski about the culvert size on west driveway. Brian stated the west culvert is undersized which is okay if the driveway is low enough so that water can pass over the top when flooding.

Mike Fields stated that back in 2010 Skyline Materials violated a setback requirement. The Fields' will not grant permission to access their property for "Plan A" that Skyline is proposing. Their Plan B should be Plan A. With the setback violation Skyline was directed to seed and mulch the affected area which is now experiencing erosion. He stated they don't have a valid reclamation plan on file and he would like to see Skyline be required to reclaim the old site first before they can start any new mining.

Diane Fields stated there is an existing reclamation plan from 2011 approved by the Board of Adjustment. She is of the opinion that Skyline's conditional use application does not include the existing pit. Aaron Lacher went over the application request which covers a previously mined 6.4 acre area as well an additional 27.9 acres east of County 5. She said a plan to shore up the cliff face needs to be addressed. Permission to work up there (on the Field's property) had been granted before and she doesn't want that disturbed any further, so they will not grant permission again. She also has concerns that taking five years to reclaim that site seems too long. (Submittal received 1/26/18, on file).

Audrey Almo stated her complaint is about her cabin. She is unsure why it took until 2 weeks before the first hearing for Bruening's to step forward to clear out the dry run. Her basement has been flooded many times in recent years and each time it floods, she loses a well pump, even after it was put on the basement ceiling. The waters bring in mud, which she's had to have someone clean up. The land by her shed/outhouse has been eroding away along the dry run, where much of the flood waters leave her property since the dry run problem. With the MPCA violation or notice of problem unresolved, she doesn't feel a permit can be issued. The trucks go too fast and there are trucks are also waiting on the road to enter the quarry which holds up traffic. The road is too curvy to pass the trucks safely.

Ken Tschumper, La Crescent Township, stated the following: The stormwater runoff violation needs to be resolved before granting a new permit, the stormwater runoff violation constitutes an ordinance violation, if Skyline is not granted a conditional use permit how are they going to do reclamation of existing mine, is the County going to be supplied rock from this site.

Bruce Kuehmichel, City of Caledonia resident, stated when he looks at the 6.4 acre quarry he sees three faces; a horseshoe shape. He thinks the entire quarry needs to be reclaimed.

Bryan Van Gorp, Yucatan Township, stated the Fields and Almos have testified that there are current and unresolved violations at this site. Once a conditional use permit is issued there is no reason to fix the problems.

Chairman Burns asked if anyone else wished to speak. There were no other comments. Public comment ended.

Jeremy Bril, project engineer, and Ron Fadness, general counsel, answered additional questions from the planning commission.

Larry Hafner stated he cannot understand the reason why they can't come to terms with the landowners and clean out the dry run. Ron Fadness explained the chain of e-mails between the Gaustad's attorney and their office and why they haven't been able to proceed. He asked the planning commission to focus on the required process that has been complied with to operate on the east side.

Aaron Lacher again made clear that the conditional use application covers the existing west side with the new proposed east side, approximately 34.4 acres. Jeremy Bril presented a map which clarified the CUP area.

Dan Griffin asked if they would consider doing only Phase 1 of the proposal. Ron Fadness stated they wish to deal with everything they need to today. Phase 1 is at least a 20 year endeavor, maybe more. They understand Phase 2 would require a variance.

Dan Griffin made a motion to close the public hearing. Larry Hafner seconded. Motion carried.

Dan Griffin made a motion to reconvene the planning commission meeting and discuss the proposed application. Larry Hafner seconded. Motion carried.

Dan Griffin stated the concerns with old quarry have been addressed and Skyline has met the conditions they were asked to do. He thinks the bottom to top approach may need a timeline.

There was general discussion on the old reclamation plan. Since mining activities have not ended at the existing quarry, the new reclamation plan will replace it.

Larry Hafner asked if there could be a bond placed on the reclamation plan if the corrective plan doesn't work.

Ed Hammell asked if they would be able to do the top down plan without encroaching on the setback. Ron Fadness said he was not sure they would be able to. It may be dangerous and safety will come first.

Jim Wieser stated he has concerns about the west quarry reclamation. It may take 3-5 years to complete and is dependent on the east quarry development. He has traffic concerns and run off from the east mine.

Aaron Lacher read a letter from Jeff Green Groundwater Hydrologist, Ecological & Water Resources we the Minnesota Department of Natural Resources in Rochester, MN. "As we discussed on the phone, the proposed quarry approximately ½ mile northeast of the spring is, based on the county atlas geologic map, in the Oneota Formation. The new area that is to be mined is east of the existing quarry. The current quarry is dry and has not pirated groundwater flow. If the new quarry does not go any deeper than the existing quarry that will limit the possibility of the quarry pirating groundwater flow and impacting the spring."

"I have been out to Camp Winnebago Spring several times. Tony Runkel, the Minnesota Geological Survey's Chief Geologist was out there with me a number of years ago. He put the spring in the Jordan Sandstone "Excellent exposures nearby indicate spring is at a position of about 20 ft. below Jordan top". That position in the bedrock strata should also help ameliorate impacts from mining in the overlying Oneota Formation."

At this time the recommended conditions were discussed.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

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

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

Statements in support or opposition included: There are sections that talk about protection of bluffs and sections that discuss expansion of economic development in the county, it is an acceptable use in the area since it is an existing quarry, there is easy road access, the proposal will result in job opportunities, the proposal fits well with the County plan, it is important to be in proximity of where it is used, we need rock and competing rock quarries, rock is important, we need to have it. Rock is not important

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – No
 Fred Arnold – No

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

Statements in support or opposition included: Bruening doesn't have a quarry close by, we need mines spread out around the county, the applicant indicated hauling gravel is economical up to 15 miles, beyond that costs escalate to truck it. Other sites in the area could be used.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – No
 Fred Arnold – Yes

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

Statements in support or opposition included: The applicant has agreed to implement the DNR recommendations, the guidelines and proposal are sufficient, conditions protect the water, nothing is 100% safe, the county can't take a chance on water.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The proposed use will not adversely increase the quantity of water runoff, conditions provide adequate protection, berms and holding ponds are incorporated into plan.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: Rock is present at the site.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: Biggest concern is runoff, there are no nitrates or chemicals, there is a good plan to retain everything, issues in the past.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: There are no utilities, County Road 5 is designed for heavy traffic, drainage is controlled.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The old quarry is ample for off street parking.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The County Highway Engineer's plan will be implemented.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – No
 Fred Arnold – Yes

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

Statements in support or opposition included: Noise and vibration is not every day, reclamation is sufficient, current mine has already been injurious to neighbors.

- Robert Burns – Yes
- Daniel Griffin – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Richard Schild – No
- James Wieser – Yes
- Fred Arnold – No

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

Statements in support or opposition included: This is an agricultural district and will not impede agriculture, quarries are not new to the area, mine area is small will not impede agriculture.

- Robert Burns – Yes
- Daniel Griffin – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Richard Schild – No
- James Wieser – Yes
- Fred Arnold – Yes

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

Statements in support or opposition included: Dust control measures will be required.

- Robert Burns – Yes
- Daniel Griffin – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Richard Schild – Yes
- James Wieser – Yes
- Fred Arnold – Yes

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

Analysis: Not Applicable

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

Statements in support or opposition included: Quarries have been a characteristic of the area for 70 years.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The conditions applied ensure the public's health, safety, morals and general welfare.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application based on the following conditions:

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

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall submit an annual reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. Mine location;
 - d. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - v. The anticipated acreage of new disturbance to be created by mining operations;
 - vi. The anticipated acreage of new reclamation activities;
 - vii. Any anticipated changes to the locations of stockpiles, berms, gates, fences, or haul roads.
 - e. A statement of progress of mining operations since the County approved the reclamation plan or since the last annual report, whichever is later.

- f. A statement of mining operations and reclamation activities expected to occur in the next 24 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 24 months.
 - g. A certification signed by the operator that information provided is true and accurate.
3. Only vehicles approved for on-road use will be allowed to transport material from the proposed quarry location on the east side of the roadway to the existing quarry on the west side. These vehicles must comply with all road regulations, including spring load restrictions.
 4. A financial assurance shall be filed with the County Treasurer equal to 110% of the estimated cost of fulfilling reclamation. Reclamation costs shall be determined annually based on the area disturbed and the area anticipated to be disturbed within a 12 month period. Upon notification by the Houston County Zoning Department of financial assurance or deposit approval, the operator may commence nonmetallic mining and reclamation operations.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
 5. Screening consisting of natural topographic features or trees and vegetation shall be maintained, including replacement if necessary, between the mining area and a minimum of a 133' from the centerline of C.S.AR. 5 on the east side of C.S.AR. 5, to the extent practical, as determined by Houston County. Screening shall be maintained and/or established on the west side of C.S.A.H. 5 from the north side of the existing driveway and continuing 200' to the north. This screen is intended to reduce visibility of mining operations from C.S.AR. 5, but not provide for total concealment.
 6. The mine perimeter and applicable setbacks shall be surveyed and marked on the ground with metal posts at maximum intervals of 250' such that each post is visible from each adjacent post during leaf-on conditions.
 7. The east and north property lines of parcel 16.0053.001 shall be marked with posts. Posts shall be set and maintained at maximum intervals of 250' such that each post is visible from each adjacent post during leaf-on conditions.
 8. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

9. Seismograph(s) shall be used to monitor the effects of blasting on buildings on neighboring properties. The Permittee shall notify the owners of buildings located within 3000' of the mine site of the option of having a seismograph located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners. At least one seismograph measurement shall be recorded for each blast at one of the participating properties, or, if permission from neighboring property owners is not granted, on a location on the Permittee's property to be determined by the blasting contractor. Measurements shall be taken using industry standard practices. Adverse effects from blasting shall be no greater than those allowed under Section 816.67 of Chapter 30 of the Code of Federal Regulations (30 CFR Ch. VII (7-1-13 Edition)).

10. Hours of operation shall be limited to the following, but may be suspended by Houston County in the event of a declared emergency:
 - Weekdays: 7:00 AM – 7:00 PM
 - Saturdays: 7:00 AM – 12:00 PM
 - Sundays: Closed
 - Holidays*: Closed
 *Holidays shall mean holidays observed by Houston County

11. Prior to commencing operations on the east of C.S.A.H. 5, the Permittee shall make a good faith effort, as determined by Houston County, to remove the sediment and debris discharged from the existing mining site. Updates will be provided to the Zoning Administrator every 90 days, who will report to the Planning Commission.

12. Temporary 36"x36" or 48"x48", W8-6, Black on Orange "Truck Crossing" signs shall be placed along C.S.A.H. 5 above and below the quarry whenever trips between the east and west quarry areas are 6 or more per hour, or whenever deemed necessary by the Houston County Engineer. Signs will be supplied, placed, and removed by the quarry operator. Signs and installation shall conform to the requirements of the MN MUTCD and as directed by the Houston County Engineer.

13. Quarry operations including extraction, processing, stockpiling, and the staging, loading, or weighing of trucks shall not be conducted to the west of C.S.A.H. 5 at any time after February 15, 2021. Reclamation efforts approved by the County may continue after this date. Ending quarry operation on the west of C.S.A.H. 5 shall not be considered a cease of operations in the context of Section 27.10 Subd. 2 of Houston County Zoning Ordinance adopted November 7, 2017 as quarry operations will continue on the east side of C.S.A.H. 5. Reclamation shall be completed by February 15, 2023.

14. Stop signs shall be installed at all quarry exits.

15. Perimeter berms, and interior berms intended to direct or prevent the flow of water, shall be constructed according to National Resources Conservation Service Field Office Technical Guide, or as directed by the Root River SWCD.

16. The County is granted the right to access the property for the purposes of locating an existing well believed to be on the property, and may use reasonable methods to investigate its presence. If a well is located on the Permittee's property, the Permittee shall promptly have the well sealed by a licensed well contractor.

- 17. The Permittee is responsible for the stabilization of the wall in the existing quarry. The Permittee shall implement corrective measures to stabilize the existing quarry wall as presented in Phase 1 and Phase 2 of Attachments E and F in the document entitled “Winnebago Quarry CUP Hearing Follow Up Information.” The work identified as Phase 1 of Erosion Stabilization Plan in Attachment E requires work within the property-line setback, and can be done with permission from the adjacent landowner. If permission is granted, Phase 1 shall be implemented as soon as conditions allow. If permission cannot be obtained by December 31, 2018, Phase 1 is not required, and the Permittee shall use all practical means to remedy the problem. The Permittee shall implement Phase 2 measures, except those requiring work within the property-line setback. Certification of reclamation by the County will ultimately require the area to be stable, which may require measures in addition to Phase 2. The Permittee may propose modifications to Phase 2, or additional measures, which can be implemented with approval from the Environmental Services Department.
- 18. No use (i.e. excavating, processing, or stockpiling) of the site for a period of five consecutive years is considered abandonment and will trigger termination of the permit and commencement of reclamation.
- 19. Excavation on the east side of C.S.A.H 5 shall not go below an elevation of 950’, except for settling ponds which shall be located in consultation with the DNR Hydrologist.
- 20. Dust control measures will be implemented according to the County Engineer.

Bob Burns seconded. A roll call vote was taken.

- Robert Burns – Yes
- Daniel Griffin – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Richard Schild – No
- James Wieser – No
- Fred Arnold – Yes

Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, February 27, 2018.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

- 4635 Thomas Sawle – Caledonia Township
Build cabin (16’ x 24’)
- 4636 Curt Wiebke – Mayville Township
Replace cattle shed/hay storage (50’ x 50’)
- 4637 Wermager Family Revocable Trust – Brownsville Township
Build cattle shed/wind break (11’ x 48’)

- 4638 Judy Mauss and Chris Schafer – Hokah Township
Build pole building (45' x 80')
- 4639 Vena Ferro – Money Creek Township
Build shed (20' x 22')
- 4640 Paula Streit – Money Creek Township (*Variance #319*)
Build addition on existing pole barn (40' x 56') and lean-to (10' x 35')
- 4641 Minnayr Associates LLP – c/o Stan Bissen – Union Township
Build pole barn (40' x 40')
- 4642 Scott Schiebel – Hokah Township (*Variance #318*)
Replace barn with garage (30' x 40')

OTHER BUSINESS:

Dan Griffin made a motion to adjourn the meeting, Larry Hafner seconded. Motion carried.

Submitted by the Planning Commission Clerk on February 20, 2018.