



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

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

1. Call to Order:
2. Pledge of Allegiance
3. Approve Agenda:
4. Approve Minutes: (September 9th, 2024)
5. Review Building Permits
6. County Board Action
CUP #440 (Herrmann – Home Occupation)
7. Public Hearing: Review of IUP 2009-05 (JJD CAN Pit)
8. Adjourn



STEELE COUNTY PLANNING COMMISSION MINUTES

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Steele County's Mission:

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

Monday, September 9, 2024, at 7:00 p.m. – Steele County Boardroom

Call to Order:

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

Agenda:

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

Minutes:

Motion by Dinse second by Spatenka to approve the August 6th, 2024, minutes as submitted. Motion passed unanimously.

Building Permits:

The building permits for August were reviewed.

County Board Action

Oolman reported the County Board approved CUP #439 (Steele-Waseca-Substation) as recommended by the Planning Commission

CUP #440 (Herrmann- Firearms Assembly)

This request is from Michael Herrmann to assemble firearms as a home occupation from his property located in the NE ¼, of the NW ¼, Section 17, Berlin Township. The property address is 8819 SW 128th St.

Questions and comments of the commission.

Dinse- Does the Federal Firearms License require a security system to be put in place?

Herrmann- Yes, there are safety measures that need to be followed.

Spatenka- What caliper of firearms are you assembling?

Herrmann- My system will work with the 1911 design for multiple calipers, but I'm focusing mostly with weapons used by security and police units such as .45 and 9mm.

Lammers- Will you be test-firing weapons after they're assembled?

Herrmann- Yes

Spatenka: When you test fire can you use suppression on the firearm?

Herrmann- Possibly, but my design does not currently allow for that.

Lammers- How often do you test fire the firearms?

Herrmann- Usually 10 to 20 rounds on each weapon to insure they are working properly. Will typically assemble 5 or 6 weapons at a time.

The public hearing was opened.

Renae Berg, neighboring landowner, - Will you be assembling the firearms where do the parts come from?

Herrmann- Parts will be custom manufactured elsewhere I will assemble the firearm in my home.

Berg- What direction will you be testing the firearm?

Herrmann- There is a berm east of the house and I have been shooting that direction.

Spatenka- Explained how he uses a trap box for his concealed carry classes and suggested that could be used in this situation as well.

Have you been firing weapons from your property in the past?

Herrmann - yes, for several years.

Berg- Are you going to be doing any retail business?

Herrmann- No, not at my house.

Pool- How much do you plan on shooting in a week?

Herrmann- 30 to 40 rounds a week.

Niel Berg express a concern with stray bullets.

Un-named property owner to the east indicated there have heard shooting but wanted to make sure he was not shooting towards there house.

Herrman explained he would not be shooting directly east, parallel to the road.

Discussion was held on requiring a back stop or bullet trap as a condition.

Herrman was agreeable to that condition.

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

Motion by Dinsse, second by Pool to recommend approval of CUP #440 (Herrmann- Firearms Assembly). With the following 4 conditions:

1. Business must maintain a Federal Firearms License.
2. No outdoor test firing between the hours of 7:00 P.M. to 8:00 A.M.
3. No retail sales from this site.
4. Operator must develop and utilize an acceptable backstop or bullet trap when test firing weapons.

Motion passed unanimously.

Adjournment:

Motion by Spatenka, second by Dinsse to adjourn at 7:40pm.

Staff Report
for
2024 Review of Interim Use Permit #2009-05
JJD Companies LLC – CAN Pit

Operator: JJD Companies LLC

Owner(s): CAN Aggregates LLC

Project Location: That part of the SE 1/4 of the NE 1/4 and that part of the NE 1/4 of the SE 1/4 of Section 2, T-106-N, R-21-W, Steele County, MN, lying North and East of SW 51st St.

Zoning District: Agricultural District

Permitted Uses: The mining, processing and storage of sand, gravel and fill material and the stockpiling and processing of recyclable aggregate material.

Permit History: July 2009 – Permit issued to Tri-County Aggregate for the South 46 acres of the NE 1/4, Section 2, Lemond TWSP.
Aug. 2009 – Violations brought before the planning commission.
April 2010 - Permit amended to include additional area in the NE 1/4 of the SE 1/4.
July 2010 - Permit amended to remove areas south and west of SW 51st Street.
July 2019 – Property sold to CAN aggregates. Permit renewed and transferred to JJD Companies.

Conditions:

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 or this permit becomes invalid.

Total Acres: 25 acres

Minable Acres: 20 acres

Reclaimed Areas: 8.4 acres.

Active Areas: 4.2 acres

Unmined Areas: 7.4 acres

Natural Elev: 1160 - 1174 feet

Permitted Elev: 1130 feet

Mining Elev: Estimated at 1140 feet.

Road Access: SW 51st Street – Paved Township Road

Recyclable Amt: 25 yds³.

Material Removed: Gravel tax has been paid on the following amount of material removed since the last review.

2023 – 27,500 ton

2022 – 19,301 ton

2021 – 71,510 ton

2020 – 66,269 ton

2019 - 121,870 ton

Other Permits: DNR Water Appropriations: Not applicable

Reason for Conditional Use Permit Application:

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

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

a) Burden on Existing Public Facilities and Utilities:

Roads are the major public facility used by this operation. The road is a paved township road and there have always been concerns about maintaining the pavement on the road with several different gravel pits located on it. So far, the road appears to be in fair shape. Conditions #4, #8 and #10 were put into place to address other potential issues with the road. Condition #4 requires a mining to be setback 50 feet from the road right of way. Excavation of a ditch has occurred right up to the right-of-way of SE 51st street in the area located southeast of the main access.

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

The property is abutted by agricultural land to the north and east. Condition #4 and #14 are put into place to protect neighboring agricultural properties. Once again it appears mining may have encroached closer than 30 feet to the north property line, but it is difficult to tell where the property line exactly is, but it appears the access road around the pit on the north side is over the property line. I've not heard from that property owner.

The nearest residences are located 400+ feet from the western property line. Conditions #6, #11 #12, and #14 were added to minimize effects to the nearest neighbors. These have been no concerns express from the nearest of these neighbors.

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

Condition #5 was put into place to address the effects of the appearance of large unprocessed concrete or asphalt stockpiles. There is currently less than 25 yards of material on site. The appearance has not been an issue.

d) Relationship of Proposed Project to Existing Land Use:

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

e) Consistency with Zoning Ordinance and Zoning District:

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

f) Creation of Traffic Hazards or Congestion:

Conditions #9, #10, and #12 were added to minimize any potential hazards from truck traffic from this site. There have been no reported issues with truck traffic from this pit since the last review.

g) Nuisance Effects on Nearby Business:

Nearby businesses include several commercial gravel pits, and an auto body shop. There have been no reported issues from this pit that effect these nearby facilities.

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

- **Access roads:** The access roads outlet onto SE 51st Street. Since the original permit was issued, two additional accesses have been created. One has been punched through the berm and is located directly opposite the access to the gravel pit across the road. This one is probably used to relocate equipment from one pit to the other and does not appear to have much use. The other is located in the corner at the intersection of SW 51st Street. and Lemond and Road and is in a dangerous location. The operator claims this is used only by the farmer to access his field and has been asked to gate this access so trucks cannot use it. No gate has been installed and it is clear that it is also being used for truck traffic. The original permit also required an asphalt apron to prevent damage to the edge of the road. Neither of the added accesses has an apron and there are some signs of the edges of the pavement crumbling on the access located by Lemond Road.
- **Drainage:** A ditch along the road and a tile has been installed to lower the water table thru a forced outlet into the County Ditch #2. The DNR has indicated this type of drainage is exempt from a water appropriation permit as long as they are not physically pumping. Condition #14 requires them to maintain any agricultural drainage tile.

Staff Comments:

The two issues observed in the review of this permit include the encroachment of excavation into the setback areas and the additional accesses installed. The planning commission should strongly consider requiring the removal of the access by Lemond Road as this access is in a dangerous location. Keeping the other access could be up to Lemond Township but if its kept, the county should consider requiring an apron on it to protect the road.

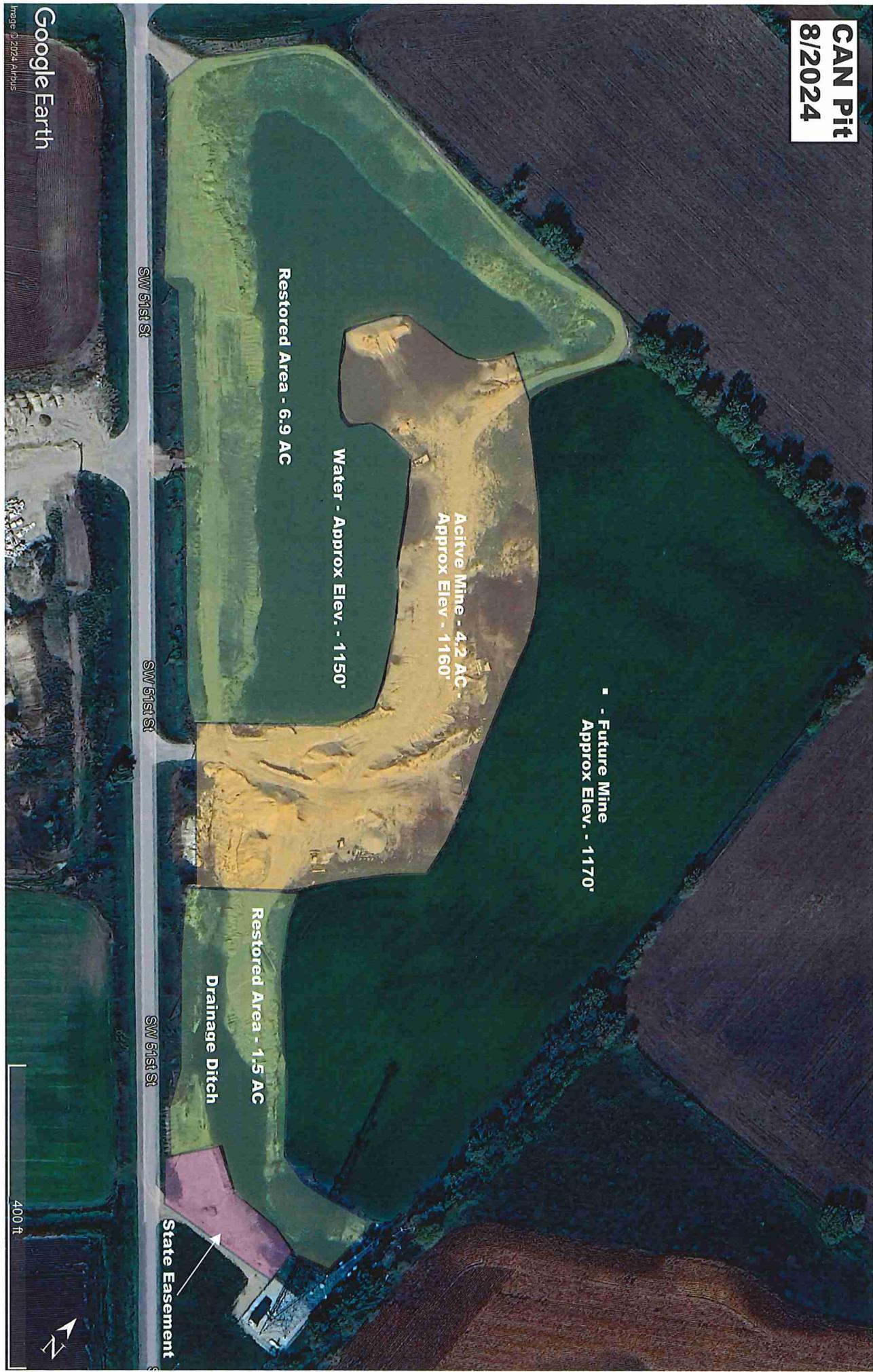
The encroachment into the setbacks seems to be an ongoing issue. The slopes have been shaped back to the property / right-of-way line in both areas and if seeded to vegetation should provide a stable slope, however the planning commission should decide if they want further reclamation.

The county has been adding a condition to new interim use permits and the renewal of existing interim use permits requiring a bond or financial surety for reclamation. The amount has been set at \$5,000 per permitted acre. This site has 20 acres of mineable area with 8.4 already reclaimed leaving 11.6 acres. 11.6 acres at \$5000 per acre would require a \$57,500 bond. Because of the cost of a 5 year bond, the operator has requested a renewal period of 4 years instead of the typical 5 years.

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

Condition Considerations:	Strikethrough is deleted, <u>underlined</u> is added.
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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 \$57,500 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 access 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.



CAN Pit

September 26, 2024



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