

# **MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING**

**THURSDAY, AUGUST 11, 2011, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA**

**MEMBERS PRESENT:** Nassif, Vroman, Buesing, Thooft, Ritter, Zimmer and Biren.

**MEMBERS ABSENT:** Ludeman – excused. Anderson – excused.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**IDENTIFY ANY CONFLICT OF INTEREST - none**

**AMEND/APPROVE AGENDA** – Motion by Nassif, seconded by Buesing to approve agenda. All moved in favor. Motion carried.

**CORRECT/APPROVE MINUTES FROM THE JULY 12, 2011 MEETING** – Motion by Buesing, seconded by Thooft. All voted in favor. Motion carried.

## **PLANNING COMMISSION:**

Public Hearing on Ordinance Revisions - hear public comment. (Article 4 Definitions; Article 26 Board of Adjustment; Article 32 Repeal and Article 33 Date of Effect). Biren – make recommendation to County Board for approval. Went over changes. Vroman – comments? None. Motion by Nassif, seconded by Thooft to recommend to the County Board to approve changes to ordinance. All voted in favor. Motion carried.

## **BOARD OF ADJUSTMENTS:**

Vroman – rules for hearing: Everyone will be given a right to speak, identify yourself, given certain amount of time to speak, address board.

Public Hearing, Variance request for Randy Lessman to construct a garage (40'x32') seventy (70) feet from the road right-of-way of CSAH 11. This is a thirty (30) foot variance request. (Garage will replace an existing garage that was damaged in a storm. Garage will be approximately 3' closer to the right-of-way than the existing garage). The area representing the request is zoned agricultural. The property is described as the Northeast Quarter (NE1/4) of Section 11, Amiret Township. Mr. Lessman was present. Biren – showed location of buildings and where garage is being proposed. Vroman – an existing garage, new garage 3' closer to right-of-way. Oakland – Township agreed with request. Biren – county did not return form. Spoke with Steve Johnson prior to retirement, confusion on right-of-way; 33' marked, purchased a 50' right-of-way on a contract for deed, no concerns with highway department. Vroman – audience comments? None. Board reviewed Findings of Fact. Attached is a copy.

Nassif moved, seconded by Buesing to grant the following variance to Randy Lessman to construct a garage (40'x32') seventy (70) feet from the road right-of-way of

CSAH 11. This is a thirty (30) foot variance request. (Garage will replace an existing garage that was damaged in a storm. Garage will be approximately 3' closer to the right-of-way than the existing garage). The area representing the request is zoned agricultural. The property is described as the Northeast Quarter (NE1/4), Section 11, Amiret Township. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Nassif, Thooft, Vroman, Buesing

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman

Motion carried.

Public Hearing, Variance requests for Brad Barnes to construct/rebuild a garage (49'x39') 1) eighteen feet (18') from the road right-of-way of Robinson Street (this is a seven foot (7') variance request); 2) ten feet (10') from the south property line (this is a five foot (5') variance request). The area representing the request is zoned unincorporated village. The property is described as Lots Three (3) and Four (4), Block Two (2) of Auditor's Plat to Green Valley, Fairview Township. Mr. Barnes was present. Biren – last year garage went down with heavy snow. Rafters were spaced to far apart. Town hall closest property. Road right-of-way and side yard variance. Town Hall is closer to property line than this will be. Vroman – board concerns? None. Audience comments – None. Oakland – township approved of request. Board reviewed Findings of Fact. Attached is a copy.

Thooft moved, seconded by Buesing to grant the following variances to Brad Barnes to construct/rebuild a garage (49'x39') 1) eighteen feet (18') from the road right-of-way of Robinson Street (this is a seven foot (7') variance request); 2) ten feet (10') from the south property line (this is a five foot (5') variance request). The area representing the request is zoned unincorporated village. The property is located in Lots Three (3) and Four (4) Block Two (2) of Auditor's Plat to Green Valley (Fairview Township). With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the

applicant fails to establish use of the variance within said time limits, the variance shall expire.

4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Nassif, Thooft, Vroman, Buesing

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman

Motion carried.

Public Hearing, Variance Request for Bryan Engels to construct a machine shed (70'x120') seventy (70) feet from the road right-of-way. This is a thirty (30) foot variance request. (A cattle shed and two silos were removed from the area that the machine shed will be constructed. They were closer to the road right-of-way.) The area representing the request is zoned agricultural. The property is described as all that part of the East One-Half of the Southwest Quarter (E1/2SW1/4) of Section Thirty-five (35), Westerheim Township. Bryan Engels was present. Biren – two silos and cattle shed removed. New shed in line with well house. Vroman – built in same direction? Engels – yes. Vroman – does not mean that you can build there again. Engels – would like to explain why this location was picked. Put back by finishing barn, hog operation would expand, hog building would be further from neighbors at that location. Grain bin area, open for more bins/dryer if needed. Area to north is low, wet a lot of fill needed. Get rid of existing cattle shed, machine shed tight 50' between buildings. 50' closer to road, 30' variance, no closer than silos used to be. Vroman – move more east and west? Engels – drops off to west, economically not a good option. Vroman – need variance? Engels – if setback met, ground won't permit structure. Biren – 7'-8' drop to grove. Oakland – Westerheim Township did not comment on request. County road – no comment from Highway Department. Biren – showed area that trees were. Board reviewed Findings of Fact. Attached is a copy.

Vroman moved, seconded by Thooft to grant Bryan Engels a variance to construct a machine shed (70'x120') seventy (70) feet from the road right-of-way. This is a thirty (30) foot variance request. (A cattle shed and two silos were removed from the area that the machine shed will be constructed. They were closer to the road right-of-way.) The property is located in part of the East One-Half of the Southwest Quarter (E1/2 SW1/4), Section 35 of Westerheim Township. With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.

5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: Nassif, Thooft, Vroman, Buesing

OPPOSED: None

ABSTAINED: None

ABSENT: Ludeman

Motion carried.

### **PLANNING COMMISSION:**

Public Hearing – Conditional Use Permit for Rogge Excavating to establish a gravel/sand processing and washing operation. The property is zoned agricultural and is in the floodplain. Owner of the tract of land is Lawrence Rogge. The property is described as the North Half of the Southwest Quarter (N1/2SW1/4) and the Northwest Quarter (NW1/4) of Section Twenty (20) of Grandview Township. Lawrence Rogge was present; also present were Attorney Stroup, Randy and Eric VanLeeuwe, Donald Senden, Marc Wyffels, Gary Crowley and David Hennen. Biren – explained location of project. Gravel pit in the NE1/4, Lawrence has been in there recently, Tolk was in there for years, Section 20 of Grandview Township. Wants to add the NW1/4. Ditch was shown, not named, Blue Bird Drainage Ditch or Stream, private ditch for farmers, private association manages it. Crowley – ditch name is Grandview Drainage Association. Nothing to do with the Bluebird Court in Ghent. It just runs through there. Vroman- DNR has control of ditch? Biren – no, association. Driveway and easement that goes to township road. Another easement there also. Buesing – who owns? Biren – Lawrence owns, to get to property have to go over Fischer and VanLeeuwe property, middle of section no road going through it, no bridge across the association ditch. Recorded easement to get to property. Easements that go through Fischer and VanLeeuwe property, physical location of road is different than language of easement. Private easement not in right spot. Vroman – size of road? Like a dirt trail. Rogge – use to be all gravel until landowner dug it up. Biren – easement 30'. Vroman – road is not 30' wide. Thooft - proposed washing gravel? Rogge – washing rock. Biren – DNR permit for pumping water and discharge it. Thooft – which pit? Biren – don't know. Rogge – not sure how it is worded. Land is owned all by me. Vroman – here because you want to open up a new pit? Biren - pit he is operating out of now, been there for years, 1968 pit there then, never had a CUP on it. Lawrence talked to me about expanding this and DNR permit came through for pumping water, thought this is enough of a use change, need to bring this in front of the public for CUP. Thooft – covers whole section of land? Biren – recorded on the deed, over 40 acres of working surface then have to go to State does an EAW, CUP working face under that. How much gravel is out there versus how much land he has out there? Rogge – new site 10 acres and old pit 10 acres, old site may get 1 acre bigger. Thooft – under 40 acres. Marc Wyffels – where is new site going to be? Vroman – we will continue here then give you a chance to speak. Biren – Board understand where both sites are? Across drainage ditch from other pit. Vroman – only way to get there is easement. Concerns with haul roads. Township comment? Oakland read Grandview township comments. Attached is a copy. Thooft – haul road, graveling? Rogge – new one? Gravel it. Biren – 660' south of property line and runs east and west, problem going straight across? Rogge – path has gravel now. Beginning changed have to be put back where it was, loops around. Vroman – stipulation road has to be straightened out. Thooft – follow easement. Vroman – graveled and built up should be in the right place. Rogge – year sold land where easement should be. Has been changed. Vroman – part of conditions. Thooft – how

many loads hauling, a lot of gravel? Rogge – not a tremendous amount of gravel, pit by Russell too, this one is better gravel, go back and forth out of them, 20 loads/day. Farmers come out and buy it from us, haul with their own truck. Vroman – no homes along trail, may be some dust. Thooft – traffic is going to change. Vroman - Audience comments. Kevin Stroup – representing VanLeeuwe's. Have a hand out. Second one too. Randy and Kathy VanLeeuwe and Eric and Sophia VanLeeuwe. Not opposed to CUP, concerned about conditions that should be on this so everything works correctly out there and the neighborhood is not unduly disturbed. CUP is for both the existing and potential new pit north side of private ditch. Current existing one runs to the south on a different easement across VanLeeuwes, were the new one runs west across Fischer property. Concerns VanLeeuwes about easement running south across their property and how that is going to work. A lot of concern about maintaining roads and dust issues and all of that. I think the letters that they prepared lay out very clearly their concerns and things they are asking the board to address and put as conditions on the CUP. Board read letters. Attached are copies of the letters to the minutes. Vroman – stipulations with motion, don't know if possible to maintain whole township road. Biren – place conditions on haul roads. Do it a couple different ways. Pit in Coon Creek Township has sometimes 4-5 haulers, township keeps track of the extra expenses it takes to maintain it. Split by haulers. Some counties have a fund set up to hire someone to maintain road. Couple questions I can answer - duration of permit, life of pit unless conditions are broken. Board has the power to revoke permit. Reviewed periodically, at least annually and any time I get a complaint, someone goes out and verifies complaint. See that it is corrected. DNR permit in floodplain – DNR permit for pumping of water. Floodplain regulations addressed by zoning ordinance. Floodplains located on parcel, will not be allowed to permanently place fill or alter flow of flood water. Vroman – south old pit, not much left there? Rogge – 3 more years. Vroman – easement? Rogge – yes. Stroup - concern about use of the easement going west, preference among adjoining land owners the easement solely exercised is the one going south for both current gravel area and part across from ditch. Run a bridge or dry road across private ditch and haul gravel out to south, better controlled rather than two easements, problems it can cause to township roads and landowners. Vroman – private ditch, don't have to allow them to cross it. Stroup – could bridge it without their permission, provide it does not affect drainage. Vroman – hydrologist design. Biren – something Lawrence is interested in? Rogge – DNR no bridge because in floodplain. Vroman - easement to west don't want a lot of truck traffic, have easement, is recorded. Buesing – is recorded. Any stipulations? Stroup – part of sale. Biren – a lot of the same owner. Nassif – easement and recorded. Zimmer – I don't know how you can restrict the use with an easement? Stroup – you could as conditions, he has legal right, but conditions on how that gravel pit is accessed and used, not unusual to do that. I understand the private ditch issue you can do that. Vroman – continue project, plan put in CUP that shows how easement road will be maintained. Biren – address with conditions. Thooft – both easements? Biren - treat them both the same. Buesing – easement, restrictions private road same as township road? Biren – specify maintenance on haul roads includes easement roads. Buesing – private ditch, Rogge own any part of that? Gary Crowley – assessed into ditch. I am an adjoining land owner, part of Grandview Drainage Association. Heard DNR gave him a permit to pump water, where are they pumping water to? Biren – pumping to ditch. Crowley – private ditch, how can DNR give him permit to dump water into ditch. Not against him doing this, has to be responsible if there is any silt caused from his pumping. Needs to get proper permission to do that because the ditch belongs to everyone (association). Recorded in Courthouse. Buesing – where does water go? Crowley - across Hwy 68 to Ghent. Biren - gets to 3 Mile Creek, behind Scott Boerbooms. Buesing – may be why DNR gave him permission, knew where the water was going. Biren – what the DNR looks at when pumping water is amount of water you are pumping, not so

much concerned about the discharge as lowering the ground water table. Wells impacted, more than 1 million gallons pumped in a year water appropriations permit. Triggers DNR to start paying attention to area test wells. Not so much with the discharge. Vroman – permit from DNR to do this? Biren – don't know if he is going to need to pump water on the other side of the ditch. Don't know if it covers that or not. Put condition on there, Lawrence's best interest to get permit to cover it. Covers one pumping out of now, don't know about the other side. Crowley – biggest concern is the road. Maintained, policed, who will do it? Vroman – township board concerned, a lot of problems in the spring with roads. Black dirt doesn't pack. Stroup – could require the county engineer to provide the specs what is to be done and have him be the police department to make decisions. Various CUP in other counties where that has been given to the County Engineer to monitor and make decisions. Vroman – maintain road, not rebuild road. Stroup – hog companies where required to rebuild road. Buesing – road conditions hauling feed. Biren – Coon Creek Township every day deal with it. This township has gravel pits in it but not seeing near the gravel hauling as other township see. Coon Creek Township keeps track of the extra maintenance and haulers reimburse. Roads dumped 2-3 inch rock, covered with gravel, time down better road than before. Cost a lot of money, amount gravel Lawrence hauling dollars not there to do that. Vroman – highway engineer determine if maintaining road according to CUP. Buesing – up to Zoning Administrator to inspect. Ritter – wishes of board to go through Highway Department, someone has to talk to the highway department, engineer. Vroman – this is a township road. Biren – new site, staying on County Road 15 or township road too. Rogge – 15. Biren – new site stay on 15 provide don't put bridge in, use Fisher easement. Go on township road? Rogge – no. Biren – new site haul road is a County Road, better maintained. Gravel in other pit going south, use township road. Randy VanLeeuwe – landowner with easement, not against this, history and how it has been out there, not done right create a lot of problems for a long time. Issue of not being able to cross the ditch, I have been over many ditches, driveways all over, false. Easement on our land; dirt path, take many loads of gravel, rough road, alleviate future problems, going over 2 quarters of land to county road. Established and easement system can use one on now. Has the equipment to do this. Engineer can say what need. Open driveway can easily be put in there and use the same easement going south. Vroman – use township road. VanLeeuwe – going to have two situations, fix township road already damaged and have county road later that will get damaged. Private road is not going to hold up to truck traffic, crushed out, moved to side. Vroman – 30'. VanLeeuwe – who will monitor? Fischer and me we don't want that. Road on private property, maintain road, cross one section of mine. He has changed his driveway that I have an easement to go through the yard to the south, he has also changed that one. Might move by 100'. Private ditch, private ownership can be crossed easily and he can do it. Shortest distance to the road. Vroman – township road hard to maintain. VanLeeuwe – be there for a long time, a lot of gravel. Shortest distance to County Road 5. Maintain that section of road, maintained correctly. Nassif – DNR not let you build a bridge because it is floodplain? Rogge – said it is in the floodplain. VanLeeuwe – open driveway can be done, not blocking it. Rogge – going back a few years, other places they refused to let us do that, now go ahead and do it? More silt down river, mud, wash down river, easement was put there by me because I knew that gravel was back there. Reason for 30' easement. Biren – build bridges across floodplains all the time. Need to hire an engineer, guarantee that the stage, water coming in is the water going out, same height. No impacts either way. Will not say that the DNR will equally say no, very difficult. Then we have the issue with the Grandview Association. Legal responsibility Lawrence would have to ask for permission, possible but very difficult. VanLeeuwe – third party monitor private easements, who will do that? Vroman – outside 3<sup>rd</sup> party would have to have some authority, knowledge of what he is doing, expertise. VanLeeuwe – sitting right here, John.

Vroman- Tricia what should we be doing here? Zimmer – keep taking public comment if there are any, more people in the room that may want to speak. Buesing – private easement, zoning board not into private easements. Biren – done in the past put the burden on the applicant to have a legal access. Marc Wyffels – President of the Grandview Drainage Association, I see two problems. We don't really want him crossing that ditch. We have at the end of the spur an access so one farmer can get to other side of his field, we are already having problems with the spring flooding. Small culvert through there, blocks ditch, goes over ditch, washes on either side of the ditch, so we really don't want him to have access over ditch unless it would be a bridge but not a culvert. Already had easement to go north or south. Vroman - east and west so I don't see how you can really stop him from going whatever way he wants to go. Vroman – can made conditions, maintain the road. Cannot not stop him from going. Wyffels – agree with you, goes south then ends up on the township road, very hard on the township road. Where the old gravel goes now. This spring a mess. We don't care if he open up pit, but we do care if he damages our drainage ditch. Vroman – understand that. Wyffels – don't know what Randy means by open ditch or open road? VanLeeuwe – open banks up, put rocks. Wyffels – what does he do when the water is high? VanLeeuwe – wait for water to go down. Water high should not be working out in the flood plain. Wyffels – not agree to that, Association have to vote on and approve (20-25 people). Vroman – this does not hinge on crossing ditch, been presented to us without crossing ditch and I think that is the avenue we have to partake. Maintain trail across easements with 3<sup>rd</sup> party to oversee it. David Hennen – put rock in my yard, couple loads of that big rock on township road, will improve it, cost much? Rogge – not enough rock in pit to spread on road, blade/maintain. Hennen – easier to do with screenings. Improved my yard, snow blowing becomes a problem. Rogge – too soft. Vroman – CUP both sides, address both, address how to maintain private roads with easement, conditions so it is done. Lawrence not opposed to that, road has to be maintained. Rogge – yes. Vroman - maintained and dust control taken care of. Use south conditions won't make a difference. Rogge – John and I have worked together a lot on other township roads. If he ever calls me up, I always take care of my part right away if there is an issue. Rough area beyond Randy's property, just fixed that, filled holes in. Vroman – conditions write for private trails? Biren – listening to what has been said so far, we do have a couple letters that need to be addressed. Easements clearly marked, visible with posts often so can see where easements are and if getting over recognizable. Board feels need a surveyor on east/west one, would support that. Rogge – no problem with that, could do it in the middle of the drive now, 15' here, 15' here put a post. Vroman – problem I see is that not the way it is recorded. Do graveling damaging someone else's property. Done in the right place. Maintain road somehow. Biren – description in easement, footage. Not hard to put in. Rogge – went back to the maps how the property was sold, how the path was, leave as it is now, main road 15, no way to make loop around onto road as it is now. Vroman – build up it at all, has to be in the right place, cannot be done until crop is removed. Rogge – 2-3 years won't be in there. Biren – read letter from Mark and Beth Fischer. Attached to minutes is a copy of the letter. Read Dobbins letter, attached to minutes is a copy of the letter. Read Soil & Water comments, attached to minutes is a copy of the letter. Discussion on 60 day limit. Oakland- September 17<sup>th</sup> 60 days runs out. Vroman – don't act on this within 60 days, automatically approved. stipulation #15. Washing of screening process if silt goes to drainage ditch, responsibility of Rogge to clean it. Nassif – who will monitor? Stroup/VanLeeuwe – who is going to establish where it came from and measure how much it is. Concern about easement going south, maintained, not as undeveloped. Vroman- cover easements, township road and drainage ditch. Hard to do tonight. Buesing – how far does he have to stay away from drainage ditch? Biren – private, could put setback on it, how far will you be away from that? Rogge – 200', path would be next to drainage ditch how it use to be before it got dug up. Culvert

goes to 17' acres. Next to drainage ditch. Biren – if classified as an ag river, set back would be 50'. Vroman – not a lot of opposition to gravel operation, roads, dust, drainage ditch concerns. Nassif - Rogge how would you address this. Rogge – maintain gravel on roads. Nassif – road bed. Rogge – gravel soft spots, blade. When farmed land had trucks in and out all the time, path no different than one on now. Gravel property that Fischer owns. A lot of gravel, no holes. Vroman – township road built out of dirt. Rogge – 15 years Tolk hauled out more than I ever will, went to the south, main road; as a kid, he took whole hill out, was 30' high, now flat with field almost. Vroman – write stipulations. Maintain road, road in right place, protect drainage ditch. Nassif – only way I see this working is if county engineer or somebody agrees to be arbitrator. Buesing – enforce it. Nassif – issues from landowners that normally isn't in this situation. Biren – road authority's power. Recommend put the burden back on the applicant. Say Rogge is to work with road authorities in conjunction with Zoning Administrator to make sure the roads are being maintained adequately. May be my job to police easements, would prefer that they get marked where they are suppose to be and 30' wide. Buesing – easements surveyed and marked. Rogge – put a few posts in, farmers going around with their equipment, makes it more difficult. Up to them how many posts they want. Vroman – survey marks, posts put up. Biren – property lines you can see that pretty well. Then with the understanding that if you cannot see from one to the other put one on hill if needed. Biren – Rogge or future owner to work with road authority to define and place with conjunction with Zoning Administrator road damage and maintain road adequately. Vroman – ditch? Biren - 50' setback from ditch. Buesing – who is going to determine who is at fault? Vroman – what we need to address. Thooft – Rogge are you part of maintaining this ditch also? Rogge – yes. Wyffels – Rogge has done a real good job, it is the spur to north that he has cleaned out on his own and hasn't charged the association for that. VanLeeuwe – spur to the north part of the associations? Wyffels – coming out of VanHee property, not sure, spur at one time was not part of ditch, somehow VanHee dug it in, then he was assessed into ditch, that part is part of ditch now. VanLeeuwe –water comes through spur, is a driveway that goes across it. Point about spur, one path way. Wyffels – driveway that goes across there is now a problem, to access 17 acres. VanLeeuwe – why problem? Wyffels – because the way it was built, culverts that go through ditch are too small for the amount of water that has to come through there, spring of year or heavy rainfall, water does end up going over/around road and washes silt into ditch. Lawrence himself cleaned out part of that. VanLeeuwe – widened and made it bigger. Fact of matter is, it is there, a driveway there with a culvert. Wyffels – that won't help him get rid of the gravel. Nassif – go straight south, dump traffic there. Have to help the township as well. VanLeeuwe – have two easements, both directions, both are going to get wrecked. Want him to take his gravel out of there. Not against him taking it out. Road is already damaged, needs to be fixed and repaired. Ritter – is that solely by Mr. Rogge or is it also contributed by other heavy traffic on the road? VanLeeuwe – township road, not a lot heavy traffic. Buesing – yes there is. VanLeeuwe – what do you consider that traffic? Buesing – grain trucks. Every township has a problem this year. Vroman – agree with Buesing. Live on a county road and same problem. Eric VanLeeuwe – this operation is going to increase the traffic, affect road going south. Grain trucks do affect some. I live along 300<sup>th</sup> street, there has been an increase in traffic. Some of spring weather has contributed to problems. Problems need to be addressed, heavy hauling continues, road is going to get damaged so fast, will be almost impassible. Need something on the base to support that weight, just getting squashed out. Buesing – stipulations, work with township, may have to haul in some rock to build road up to make it work. Eric VanLeeuwe – don't agree all the burden has to fall on Lawrence, some on township as well. Board – discussion on 60 day time frame, extension. Stroup – extension, waive 60 day timeframe, work out some language between, John, County Attorney, Rogge, Stroup for neighbors out there. Clear language. Rogge –



township road, why extension? Nassif – language is set. Rogge – do the same thing for the Russell road, road is in good shape right now. Vroman – Rogge okay with extension. Rogge – don't have problem. Don't know why. Vroman – to write stipulations. Nassif – need the time. Due to meeting timelines. Rogge – no problem. Biren – stipulations. Zimmer – you make recommendation to County Board. No matter what you do, County Board can tweak or change it all together. Buesing – weight restrictions on township road farmers adhere to also. Vroman – haul ½ load. Zimmer – added to stipulations: easement must be surveyed and marked. Lawrence Rogge or future landowner must work with road authority and Zoning Administrator to maintain roads. 50' set back from ditch. To what extent the roads are being? Nassif – whose silt is washing down ditch? Vroman – road authority, township or county. Rogge – who does it in Coon Creek Township? Biren – township does with my help. Biren – silt is from 6" pump machine. Rogge – doesn't flow that fast in there. Vroman – want everyone's interest to be protected, won't get that done tonight. Zimmer – not sure what more you want to tweak. Mr. Rogge want to waive it fine then we will come back. Vroman – sooner be done. 14 stipulations, few more to add. Easement must be surveyed and marked. Lawrence Rogge or future permit owner must work with road authority, Zoning Administrator and property owners with easements to maintain roads. 50' set back from ditch. Stroup – I have been through a bunch of these and if we don't have the language right, you are going to be seeing everyone back here. Suggest have County Attorney's Office draft some proposed language, circulate it to Rogge, and me and John and work on language that way. Vroman – then everything will be covered. Zimmer – do agreement to extend deadline and deal with it in September, working on it in the mean time. Vroman – recommending to the County Board, they have final say. Biren – they usually take your recommendation. Thoof - pumping permit, follow up on. Biren – stipulation comply with DNR regulations. I will follow up on pumping permit. Zimmer – need a motion to continue hearing. Motion by Nassif, seconded by Vroman to table Rogge CUP application until the September meeting to sufficiently cover stipulations. Vroman - read through conditions that will be added to. All voted in favor. Motion carried.

**CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(J), FEEDLOT: None**

**RENEWAL - CONDITIONAL USE PERMITS – AUGUST 2010:**

Philip Regnier – Daniel Stevens, Mobile Home, N1/2NE1/4, Section 20, Grandview Township. Issued August 1994 (3 years), renewed every 3 years. 2003 estate, extended yearly since then to have mobile home removed from property. July start enforcement, status. Biren – Brian Buysse to move it out. Apologize not gone to check it, comfortable that it will get done.

**RENEWAL/REVIEW – CONDITIONAL USE PERMITS – AUGUST:**

Wayne Peltier (Business – Fabrication), SW1/4 SE1/4, Section 21, Vallers Township. Issued: August 1996, renewed every 5 years. Not recorded. Biren – built another shed. Motion by Thoof, seconded by Buesing to renew for 5 years. All voted in favor. Motion carried.

Alvin Guza, Salvage Yard, Se1/4, Section 19, Nordland Township. Issued August 2006, review annually. Recorded. Biren – not much activity, in compliance with conditions. No action needed.

Archer Daniels Midland Company, NE1/4NE1/4, Section 33, Fairview Township, Ground Piling Site for Agricultural Products (mainly corn and soybeans). Issued: July 2007, review annually. Recorded. Biren – no issues.

Sheldon Guza, Mobile Home, SW1/4, Section 20, Nordland Township. Issued: August 1991 (1 year). 2005 renew every two years. Not recorded. Biren – renew for 2 years. Motion by Vroman, seconded by Nassif to renew. All voted in favor. Motion carried.

Jody and Aurora Heard, Mobile Home, N1/2N1/2, Section 9, Vallers Township. Issued: August 2009, 2 years. Inspect. Move by October 1, 2011 (may request an extension if remodeling is not complete). Recorded. Biren – asked Aurora to write a letter for extension. Husband on the road a lot. Mobile home no building permit, house has not materialized. CUP for mobile home, needs a building permit. Vroman – work on permit for mobile home.

Meeting adjourned at 9:20 p.m.

Respectfully submitted:

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Richard Vroman, Chairman  
Planning and Zoning/Board of Adjustments

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Carol Oakland, Secretary  
Planning and Zoning/Board of Adjustments