Planning Advisory Commission
October 23, 2025
CUP-25-012

POPE COUNTY MINNESOTA

S:\3. BOA-PAC\2025\10. 23 October 2025\6. PAC - 5 Items\6.NB.4 12-0155-600 & 12-0154-002 Hauge CUP-25-012\3. Staff Report\PAC.V.B.4. Hauge CUP-25-012 Staff Report.docx

STAFF REPORT

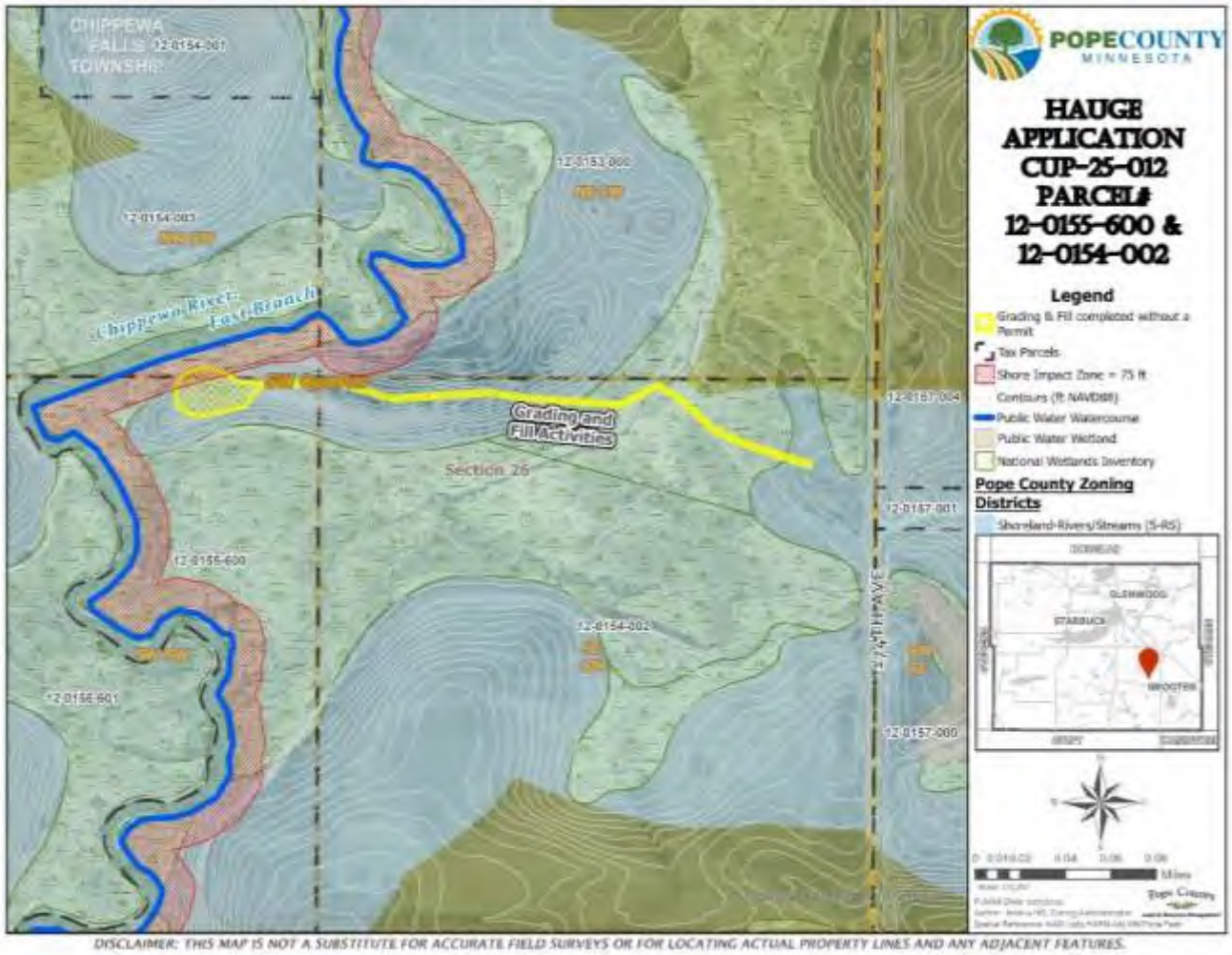
Applicant Information

Applicant: Earl Hauge

Application: Conditional Use Permit (CUP-25-012)

Zoning: Shoreland-Rivers & Streams (S-Rs)

Location: Part of Government Lot 2, Section 16, Township 126 (Reno), Range 38, Pope County, Minnesota



Background

The applicant is requesting an after-the-fact Conditional Use Permit (CUP) for a shoreland alteration project in which the applicant performed excavation, grading and fill activities in a shoreland designated zoning district, including disturbance of greater than 50 cubic yards of materials in a shore impact zone without the benefit of a properly issued CUP. The owner was issued a Shoreland Alteration permit (SHA-25-007) based on the construction of a 700 foot long access drive/road. The scope of work involved about of 600-900 cubic yards of excavation and fill activities. This administratively issued permit did not include any grading and fill activities to take place in the Shore Impact Zone. Upon a site inspection by county staff, the owner was notified of the discrepancy between the issued permit and the actual amount of work that had taken place that included within a Shore Impact Zone. The disturbed land has been mitigated and revegetated.

Applicable Statutes

Local Ordinance

- Pope County Land Use Controls Ordinance
  - Section 4.6.10 Shoreland Alterations *(performance standards)*
    - *A. Grading and filling involving more than 50 cubic yards within the shore or bluff impact zones or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a Conditional Use Permit. This shall be meant to include any gravel pit operation, or retaining wall which is adjacent to or below the ordinary high water level (OHWL); extensive filling, excavating or landscaping or any activity such as irrigation or drainage which might have an impact upon the public water.* Section 11.5 Conditional & Interim Use Permits *(criteria and procedures)*
  - Section 11.5 Conditional & Interim Use Permits *(criteria and procedures)*

State Statute/Rule

- Minnesota Statutes Chapter 394. Planning, Development, Zoning *(enabling legislation)*
- Minnesota Administrative Rules Chapter 6120, Part 6120.3300 Zoning Provisions

Other Guidance Documents

- Minnesota DNR Model Shoreland Ordinance

- Subsection 8.33(B) Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

  (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30% or greater

Staff Recommendation

Having reviewed and considered the application, local ordinances, state statutes, and all comments received, staff recommends approval of the Conditional Use Permit.

Staff Findings

The Staff offers the following findings:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:**

   Finding: The excavated area within the shore impact zone has been revegetated.

2. **The use is not in conflict with the County Comprehensive Land Use Plan:**

   Finding: The completed project does not conflict with the County Comprehensive plan as the site has been restored to near original conditions.

3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area and will not interfere with the best interest of the surrounding area or the community as a whole:**

   Finding: There are no anticipated impacts to other properties in the surrounding area.

4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:**

   Finding: This shoreland alteration activity will not have a negative impact on public infrastructure.

5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:**

   Finding: The only structure on the landscape is the access road/driveway which will not have a significant adverse appearance to adjoining properties beyond what currently exists.

6. **The road on which the project is proposed is adequate to handle increased traffic during operation, and that the use will not cause traffic hazards or congestion:**

   Finding: The proposed project does not include any anticipated impacts on local roads and traffic.

7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:**

   Finding: This shoreland alteration/landscaping project is not expected to cause noise, glare, odor or general unsightliness.

8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:**

   Finding: The proposed project will not impede orderly development of adjacent properties.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:**

   Finding: There are no constructed utilities necessary or applicable.

10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:**

    Finding: Erosion and sediment controls are implemented which serve to reduce impacts to surface water. The completed project is not expected to cause a nuisance to neighboring properties.

REPORT APPENDIX

- **Routing Sheet** *(Comments, concerns and conditions)*
- **Public Notice**
- **Supplemental Information**
  - **Attachment 1:** *Conditional Use Permit Application (Earl Hauge, 25 August 2025)*
  - **Attachment 2:** *Submitted Site Plan (Earl Hauge, 25 August 2025)*
  - **Attachment 3:** *Permitted vs Unpermitted Shoreland Alteration Activity Maps (A.Hughes (Land Use Specialist), 25 September 2025)*
  - **Attachment 4:** *Narrative (Earl Hauge, 25 August 2025)*
  - **Attachment 5:** *Earl Hauge properties: PID #12-0154-002 & PID #12-0155-600, Timeline for permitting, inspection & communications (L&RM Staff, 24 September 2025)*
  - **Attachment 6:** *Site Visit Photos (L&RM Staff, 13 October 2025)*

Routing Sheet

Comments, Concerns and Conditions

Agency

MN DNR	No comment received.
SWCD-Pope	No comment received.

County Department

Attorney	No comment received.
WCA Officer	*COMMENTS: Wetlands comprise the majority of this parcel, but as long as erosion control measures have been taken, there should be little negative impact. The unpermitted earthwork that is the reason for this CUP was done on upland, just outside of wetland boundaries. The excavation, grading and fill that occurred in wetlands on the adjacent parcel was approved through a WCA replacement plan and was properly permitted. I have no objections from a WCA standpoint to the after-the-fact approval of this CUP. I have no objections as Ag Inspector as long as weed control is maintained during establishment of permanent vegetative cover.* *PROPOSED CONDITIONS: There shall be follow-up inspections by LRM staff of temporary and permanent erosion control measures.*

Township

Chippewa Falls	No comment received.

Other Comments Received

No comment received.

Public Notice

POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791

POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
CONDITIONAL USE REQUEST

Notice is hereby given that a Public Hearing will take place in conjunction with the Planning Advisory Commission meeting to be held at 6:00 pm or shortly thereafter on Thursday, October 23rd, 2025 in the Pope County Courthouse to consider the following conditional use request.

Description of Request: Conditional Use (after-the-fact) hearing for an application by Earl Hauge (CUP-25-012). Applicant performed excavation, grading and fill activities in a shoreland designated zoning district, including disturbance of greater than 50 cubic yards of materials in a shore impact zone without the benefit of a properly issued conditional use permit. Due to the volume and proximity to the water body a Conditional Use Permit is required per section 4.6.10.A of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of the South Half (S½) of the Southwest Quarter (SW¼), Section 26, Township 124 (Chippewa Falls), Range 37, Pope County, Minnesota.

Public participation will include an opportunity to:

1) submit written concerns and comment prior to the scheduled meeting. All such communications will be shared with the Planning Advisory Commission prior to or during the meeting;
2) submit concerns and comments via Pope County's Public Comment web map (https://popecounty.maps.arcgis.com/apps/webappviewer/index.html?id=22a203912a864a77b4cdabe672e35e3f)
3) review the staff prepared report via Pope County website;
4) observe and/or participate in the proceedings of the Planning Advisory Commission meeting.

Interested parties and citizens may contact the Land and Resource Management office for further information as to how to participate in the meeting. Thank you for your patience and consideration in this matter.

Dated: October 3, 2025
By: Jessica Hill, Zoning Administrator, Land & Resource Management

Supplemental Information

Supplemental Information Attachment 1:

Conditional Use Permit Application
(Earl Hauge, 25 August 2025)

CONDITIONAL/INTERIM USE PERMIT APPLICATION

POPECOUNTY MINNESOTA

L&RM FORM 17

S:\2_ADMIN\3_Forms\Form 17_CUP-IUP Application\L&RM Form 17_CUP-IUP Application.docx

CONDITIONAL /INTERIM USE PERMIT APPLICATION

A conditional or interim use is permitted within a zoning district only when allowed by the County Board of Commissioners or their legally designated agent after public hearing provided certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district. A Conditional Use or Interim Use permit may be denied if the use is deemed incompatible with other permitted uses of the district.

Prior to submission of this application, please discuss your request with the Land and Resource Management department.

Applicant Information

Applicant Names	Earl Hauge		
Phone Number	Email		Lake

[redacted]

Property Description

Property Address	XXXXX 174th Ave						City	Glenwood		State	MN	Zip	56334		
Township Name	Chippewa Falls						Section	26		Twp	124	Range	37		
Parcel No	12	0155	600				Associated Parcel No.	12	0154	002					

Project Narrative

What is the conditional / interim use permit application for?	Build a road to home site - >50 yd³ excavation/grading/fill in SL2
Provide written justification for request including discussion of how any potential conflicts with existing nearby land uses will be minimized:	This should have no effect on nearby land uses.

L&RM FORM 17

RECEIVED
JUL 25 2025
BY: RGH

INCOMPLETE FORMS WILL BE RETURNED

Page 1 of 2

Pope County Land & Resource Management
130 East Minnesota Ave | Glenwood, Minnesota 56334
Phone: (320) 634-7701 | Email: pub lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

APPLICATION REQUIREMENTS

The following application requirements must be provided:	Description
1. The applicant for a Conditional or Interim Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.	***Two separate checks (made out to Pope County) must be provided:*** 1. ***Application Fee = $500*** 2. ***Recording Fee = $46***
2. Written description of the proposed activities, including:	removing muck from wetland Bringing in fill to build road using road building machinery
a. Type of business or activity (including scope of operations);	
b. Proposed number of employees;	myself and Kampson excavating
c. Days and hours of operation;	depending on weather - 1 week.
d. Equipment and vehicles to be used for the activity;	Caterpiller w/ scrapers. excavator small tractor w/ Tiller
e. Proposed floor plan of any structure or use indicated;	
f. Sanitary sewer and water plan with estimated use per day;	
g. Any maintenance to take place on-site, including how hazardous materials and solid waste will be stored and disposed of; and	install soil filter cloth - silt fence seeding of bare ground
h. Proposed exterior lighting, signage and storage.	
3. Site plan (completed by a licensed land surveyor if applicable*) including, but not limited to: a. Property lines; b. Existing topography; c. Existing and proposed development (including roads, driveways, structures, septic components, wells, etc.); d. Distance from water body, road, property lines, septic components (tank and drainfield), well, neighboring feedlots, etc.; e. Finished grading and drainage plan; f. Existing and proposed screening; and g. Other requirements as deemed appropriate by the Administrator.	***Please <u>provide</u> on the <u>Site Plan page of this application</u> or <u>attach</u> to this application upon submittal.*** ***Please Note:** Applicants for Conditional Use Permit and Variance shall be required to submit a land surveyor's plot plan showing exact lot boundary and location of existing and proposed development as a part of application. Surveyor stakes shall be in place for site inspection of lot boundary and proposed development. Above policy shall be applicable for development on all lots of one acre or smaller. (ADOPTED 4 September 1985) (Land Use Controls Ordinance Section 11.6.2.H)*
4. Any additional information required by the Administrator.	

Pope County Land & Resource Management
130 East Minnesota Ave | Glenwood, Minnesota 56334 |
Phone: (320) 634-7791 | Email: pub.lrm@popecountymn.gov
Website: https://www.popecountymn.gov/land-resource-management/

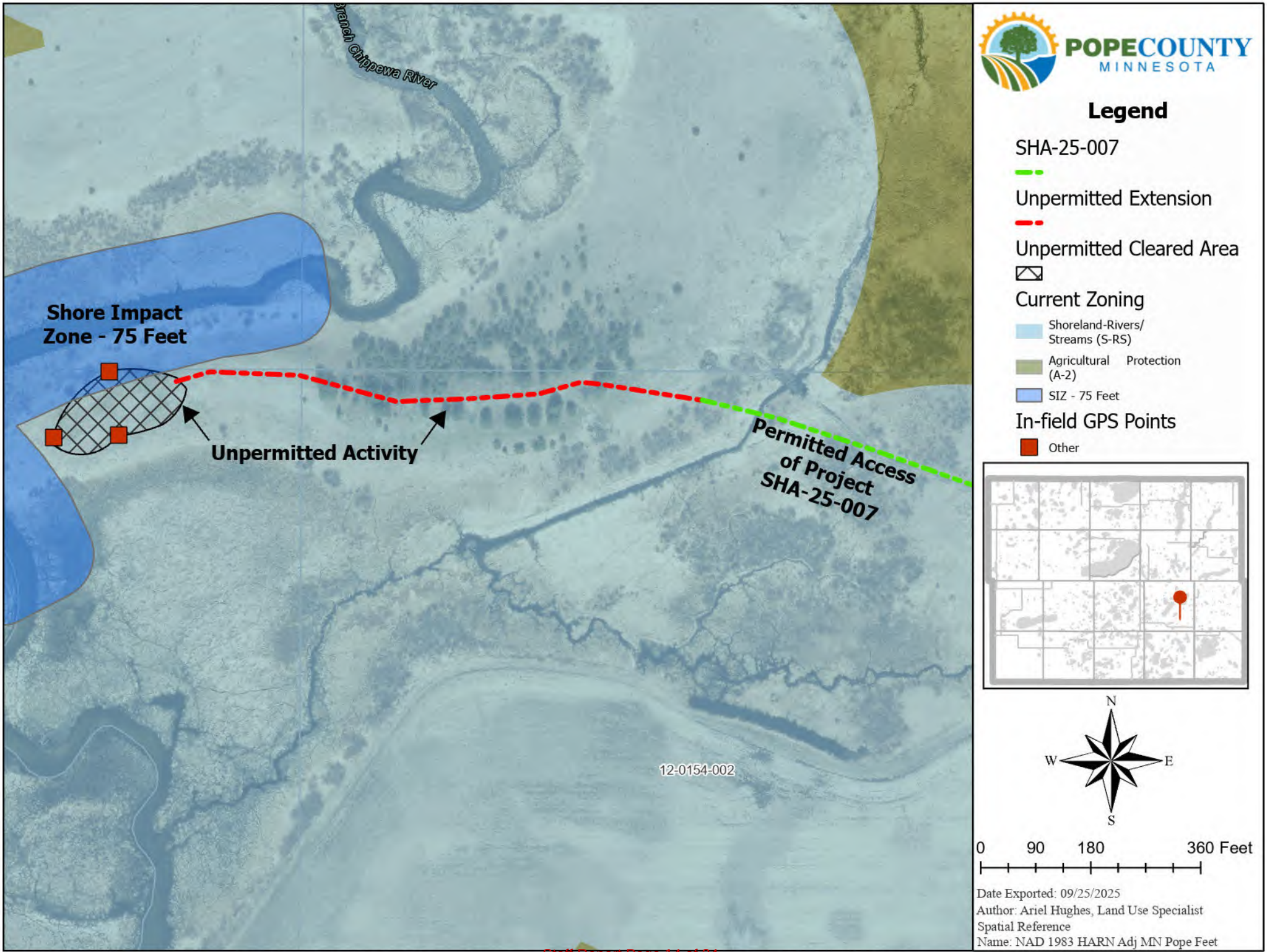
Supplemental Information Attachment 2:

Submitted Site Plan
(Earl Hauge, 25 August 2025)

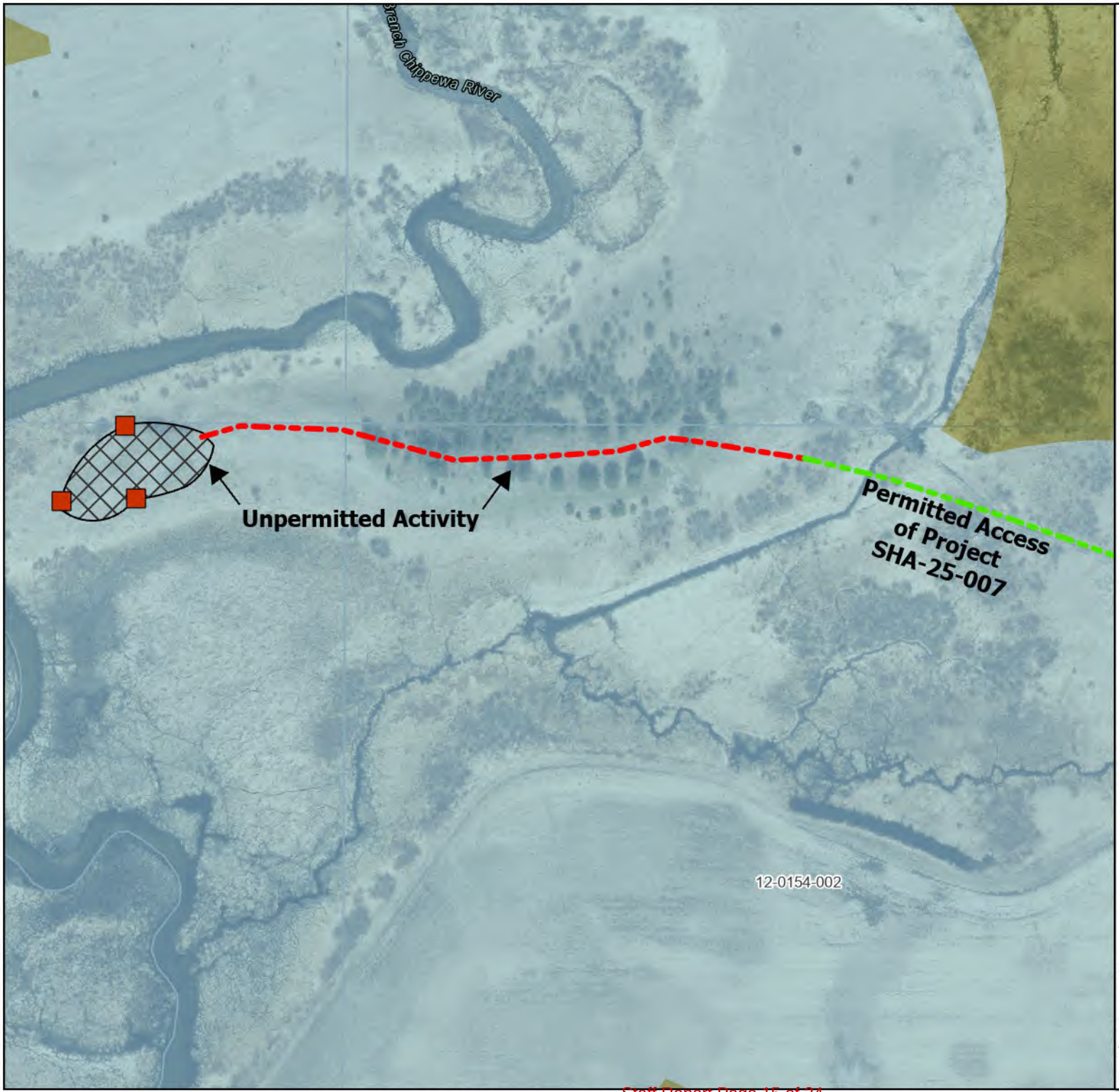
Chippewa Falls
Earl Haugo
1:1,128
Date: 8/21/2025
Fill
Chippewa Falls
Date: 8/21/2025
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.
1:1,128
Date: 8/21/2025

Supplemental Information Attachment 3:

Permitted vs Unpermitted Shoreland Alteration Activity Maps (A.Hughes (Land Use Specialist), 25 September 2025)



DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES



POPECOUNTY MINNESOTA

Legend

SHA-25-007

Unpermitted Extension

Unpermitted Cleared Area

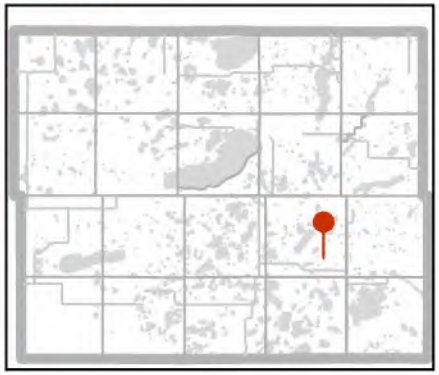
Current Zoning

Shoreland-Rivers/ Streams (S-RS)

Agricultural Protection (A-2)

In-field GPS Points

Other



N

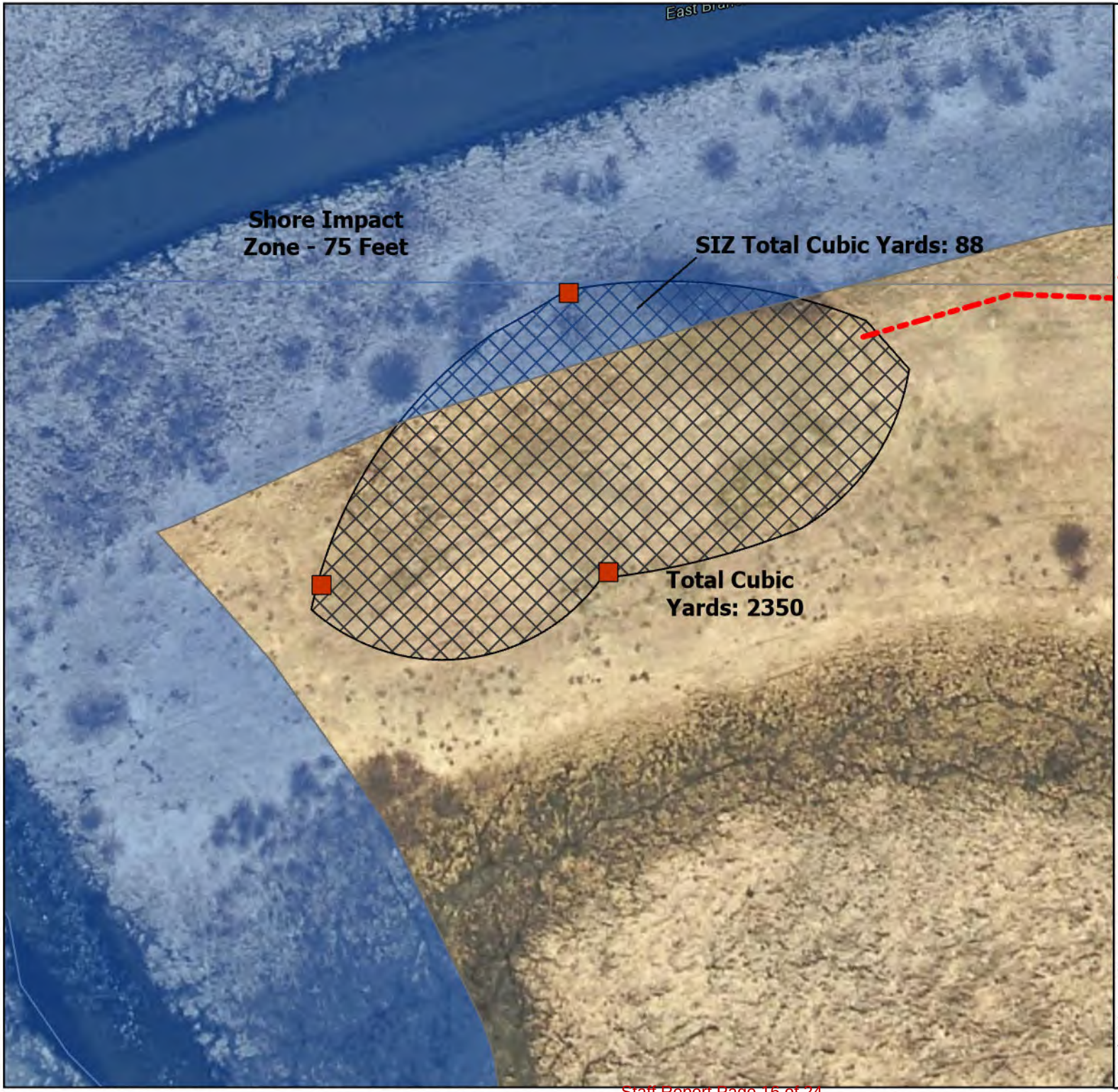
W E

S

0 90 180 360 Feet

Date Exported: 09/25/2025
Author: Ariel Hughes, Land Use Specialist
Spatial Reference
Name: NAD 1983 HARN Adj MN Pope Feet

DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES



POPECOUNTY
MINNESOTA

Legend

Unpermitted Extension

Unpermitted Cleared Area

SIZ - 75 Feet

In-field GPS Points

Other

N
W E
S

0 20 40 80 Feet

Date Exported: 09/25/2025
Author: Ariel Hughes, Land Use Specialist
Spatial Reference
Name: NAD 1983 HARN Adj MN Pope Feet

DISCLAIMER: THIS MAP IS NOT A SUBSTITUTE FOR ACCURATE FIELD SURVEYS OR FOR LOCATING ACTUAL PROPERTY LINES AND ANY ADJACENT FEATURES

Supplemental Information Attachment 4:

Narrative
(Earl Hauge, 25 August 2025)

Shoreland Alteration Project Details

Proposed Project: To Create a ¼ mile road to a home site on the hill. To do that I have to build a road across 400 feet of wetland. I also need permission to build the road from the eastern township road to the wetland road and the a road going west from the wetland road to the home site.

To build the road across the wetland, I have to move 30 inches of muck, 12 feet wide for 400 feet. Then I will replace this muck with 622 yards of gravel which I will take from the top of a hill about 1,000 feet to the west of the wetland road.

The top two feet of this hill is covered with very rocky dirt, unfit for anything, so I will use about 100 yards of this very rocky dirt to fill the hillside to the south of the home site so the slope won't be so steep. I will cover this rocky material with dirt so grass will grow.

I also will use 84 yards of gravel to build 190 feet of road east of the wetland. Then I will use about 66 yards of fill to get to the top of the hill where the home site is located.

The hill from which I will take the fill will be lowered 10 feet, and a flat space, 150 feet by 200 feet will be covered with soil so grass will grow.

I plan to install about 150 feet of soil filter cloth to keep erosion from the fill placed south of the home site. I will look to see if I need to place soil filter cloth along the road built through the wetland.

Total cubic yards to be moved is about 872.

Supplemental Information Attachment 5:

Earl Hauge properties: PID #12-0154-002 & PID #12-0155-600,
Timeline for permitting, inspection & communications
(L&RM Staff, 24 September 2025)

Earl Hauge properties: PID #12-0154-002 & PID #12-0155-600

Timeline for permitting, inspection & communications:

- 2/5/2025: Issuance of WCA Notice of Decision allowing for wetland replacement plan to mitigate impacts of road and ditch crossing through wetland

- 4/21/2025: Issuance of Shoreland Alteration Permit (SHA-25-007) allowing for construction of access road across field, wetland and ditch. Alteration dimensions and volume: 700' long, 12' wide, 1-2' deep; 600-900 cubic yards

- 8/20/2025: SHA follow-up site visit by Ralph Hanson: Documented earthworks beyond scope of SHA-25-007, including excavation within Shore Impact Zone of Chippewa River on PID #12-0155-600. Ralph called Earl to notify him of potential violation.

- 8/21/2025: Office meeting: Earl Hauge & Galen Gruber: see Tracking Log

- 8/22/2025: Phone call from Earl to Galen: see Tracking Log

- 8/25/2025: Office meeting with Ralph: Earl came in to submit paperwork for CUP application and checks for fees: $46 Recorder's fee, $500 CUP application fee and $1000 check to cover $750 after-the-fact fee and $250 contractor penalty: see Tracking Log

Supplemental Information Attachment 6:

Site Visit Photos
(L&RM Staff, 13 October 2025)