

Houston County Planning Commission  
March 28, 2013

**Approved on April 25, 2013 by Terry Rosendahl and Garland Moe**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, March, 28, 2013.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe and Terry Rosendahl. Others present were Michelle Ellingson, David Ellingson, Tom Stilin, Gary Skree Jake Wieser, Holly Wieser, Sally Inglett, Brian Inglett, Kathy Morton, Steven Pederson, Michael Meredith, Lynn Albrecht, Chuck Ness, Sheila Drake, Joyce Betz, Heather Gray and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. Bruce Lee was absent.

Notice of **Public Hearing No. 787** was read. **Shelley Ellingson of Touching Moments Animal Assisted Activities**, 8526 Union Ridge Drive, Hokah, MN 55941, is seeking a conditional use permit for a home occupation for a therapeutic riding center and horse stable in Mound Prairie Township.

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

- The use is for a horse riding stable and home occupation with that will provide a service for people with developmental disabilities. The

goal of the program is to address the needs of individuals by providing tools that will enhance their quality of life.

- The project is to build a covered 65' x 120' outdoor riding arena.
- Hours of operation are from April to October with sessions scheduled for Tuesday and Thursday afternoons beginning at 4:00 p.m. and ending at 8:00 p.m.
- Parking will be designated handicapped accessible.
- Public restrooms will be handicapped accessible and will consist of portable toilet facilities contracted to be pumped monthly by Gary's Septic Pro.
- The Mound Prairie Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if the Shelley Ellingson had anything to share. Shelley explained that they are non-profit 501(c) 3 classification and plan to service people in Houston County.

Dan Griffin asked what the operation hours would be. Shelley said they would be open April through October, Tuesday and Thursday evenings from 4pm to 8pm. They have been working on this for a year with a lawyer in Minneapolis to make sure all statute requirements are met. She handed out the riding program handbook, volunteer application and orientation forms, emergency medical treatment and client liability release form, the Touching Moments Newsletter/brochure and a map of property showing where the future arena would be and parking.

Chairperson Wieser clarified that they were non-profit and Shelley indicated they were 501(c) 3 non-profit classification.

Glenn Kruse shared that he saw on TV where a program such as this was working for veterans with PTSD. Shelley said has been in touch with Rob Gross, Houston County Veteran Service Officer, and the Tomah VA Center. She said Riverfront and ABLE are also interested in using the facilities.

Dan Griffin asked about the future projection for clients. Shelley said they plan to start small but hope to be able to grow as needed. Having enough trained staff will also be needed as clientele grows. She talked of a program in La Crosse that has 80 volunteers and they hope to someday have a program like that.

Dan Griffin asked how many clients is would take to have 80 volunteers Shelley said there are no more than 4 clients/riders at a time in the arena. There is a limit. Not all volunteers would be there at the same time. Shelley said she has talked to area horse clubs and community for involvement.

Chairperson Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |   |     |
|---|-----|
| 1. Does the proposed use conform to the County Land Use Plan?             | YES |
| 2. Does the applicant demonstrate a need for the proposed use?            | YES |
| 3. Will the proposed use degrade the water quality of the County?         | NO  |
| 4. Will the proposed use adversely increase the quantity of water runoff? | NO  |

5. Are the soil conditions adequate to accommodate the proposed use? YES
6. Does the proposed use create a potential pollution hazard?  
NO
7. Are adequate utilities, access roads, drainage and other necessary facilities being provided? YES
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? YES
9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? YES
10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted? NO
11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area? NO
12. Are adequate measures being 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? YES
13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?  
N/A
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? NO
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare? YES

Chairperson Wieser asked for a motion to grant or deny the application if there were no other comments.

Garland Moe made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Dan Griffin seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review on April 2, 2013.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, April 9, 2013.

Notice of **Public Hearing No. 788** was read. **Gary Skree and Skree Family Trust**, PO Box 486, Houston, MN 55943, is seeking a conditional use permit for a hardship dwelling in Sheldon Township.

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

- There are currently 2 family members (brothers) who are living in the existing house who are unable to maintain the property on their own.
- Gary Skree and his wife would like to pull in a double wide manufactured home as a hardship dwelling to help maintain the property.
- The Sheldon Township board and adjoining property owners were notified. There were 2 calls from Sheldon Township to the Zoning Office in regard to the application as stated above. Burdette Unnasch

of the township questioned whether there was room for a septic system on the property.

Chairperson Wieser asked if anyone had anything to add. Gary Skree explained they want to move back on the property to help maintain and have a couple cattle there. They want to actually build a permanent house eventually after his 2 brothers are no longer living in the existing house.

Tom Stilin said they are older and unable to work and that the existing house is beyond repair after talking to Chris Nelson, building contractor.

Dan Griffin asked when they may move. Tom Stilin said they did not know for sure. The one brother has been living there with the parents but now they are gone. The plan is to have Gary and his wife move out there to keep up the property for future generations since it is in a family trust.

Dan Griffin asked about future for the property. Gary Skree said eventually they would replace the existing home where it sits one day. The modular home would be temporary.

Bob Scanlan asked on the timeframe tearing down the old house. Tom Stilin and Gary Skree were unsure.

Joyce Betz of Sheldon Township stated she had no problem with the application.

Chairperson Wieser asked whether the septic systems will need to be addressed. Tom Stilin said that will need to be checked on. Bob Scanlan suggested that the existing system be inspected and at a minimum install a new system for the manufactured home.

Chairperson Wieser explained that when the brothers left, no one else could live there. Tom Stilin and Gary Skree understood this.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |  |              |
|--|--------------|
| 1. Does the proposed use conform to the County Land Use Plan?  | YES          |
| 2. Does the applicant demonstrate a need for the proposed use?   | YES          |
| 3. Will the proposed use degrade the water quality of the County?  | NO           |
| 4. Will the proposed use adversely increase the quantity of water runoff?  | NO           |
| 5. Are the soil conditions adequate to accommodate the proposed use?   | YES          |
| 6. Does the proposed use create a potential pollution hazard?  |              |
| NO   |              |
| 7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?                               | YES          |
| 8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?     | YES          |
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? | YES          |
| 10. Will the Conditional Use be injurious to the use and   |              |
|  | enjoyment of |
| other property in the immediate vicinity for the   |              |
| purposes already permitted?  | NO           |
| 11. Does the establishment of the Conditional Use impede the   |              |
| normal and orderly development and improvement of  |              |

- surrounding vacant property for predominant uses in the area? NO
12. Are adequate measures being 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? YES
13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?  
NO
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? NO
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare? YES

Chairperson Wieser asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.***
- 2) When the family member(s) leave the trailer comes out.***

Dan Griffin seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review on April 2, 2013.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, April 9, 2013.

Notice of **Continuation of Public Hearing No. 786** was read. **Leonard Jr. and Holly Wieser**, 7750 TT Road, Houston, MN 55943, are seeking a conditional use permit to obtain an exhibition permit in Yucatan Township.

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

- An additional 60 day extension was added to the 60 day deadline to decide on the application and give the Planning Commission additional time to review the information given out at the last meeting.
- Additional letters were submitted since the last hearing.
- The Yucatan Township board and adjoining property owners were notified. There were 4 calls for the 1<sup>st</sup> hearing and 1 call for the 2<sup>nd</sup> hearing to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked to be removed as Chairperson for this hearing due to a conflict of interest in being related to the applicant.

Dan Griffin, Vice Chairperson, took over the hearing and asked if there were any statements or questions.

Jake Wieser said he understands that neighbors have some concerns. They did allow a few events to go further into the evening than normal.

The staging issues have been addressed and they have rethought how the sound system will be set up. They no longer want anything going past 1AM and they are going to drop the maximum decibel level from 135 to 120 decibels. That decibel measurement is right next to the stage and it's called "in front of house", so it will now be 120 decibels in front of the stage. Weddings events would be from 9PM-1AM for the dance. Anything after midnight will be lowered to 110 or 115 decibels.

Dan Griffin asked for clarification on staging. Jake said it is the stage right by the indoor venue and that will be the only stage used. Jake also said they have had several major acts come to the ranch and talked about the issue with Kathy Morton's house being affected in the past due to staging and with using that stage only it will be aimed away from her house.

Dan Griffin asked how many events they are looking at having monthly/yearly and types. Jake said 4 larger events in the summer is the most they have currently done. He doesn't want to lock himself in from renting it whenever someone asks (weddings) since attendance for a conditional use permit is limited to 250 people. For the large events, at the most, 2 big shows a month in the summer (May - Sept) so potentially 10-12 shows per year.

Discussion then lead to an explanation of a "rave" event. Jake said they have never had a rave (a rave is underground drug fest). They have only had electronic music fests. Over the last 12 years of doing events it has only been the last 2 years where there have been complaints. The outside promoter who handled the events got out of hand.

Dan Griffin asked at the most how many people would attend. They can handle up to 2,500 but the most they have had in attendance has been 1,000-1,200 people. Jake spoke about Cushions Peak being a competitor and they need to stay in line with their requirements.

Dana Kjome asked who controls the sound. Jake said he does. He has a decibel meter.

Steven Pederson, attorney for Jake Wieser spoke on Jake's willingness to control the decibel level. His point out sound is that they are willing to control it and if someone from the county came out they could measure it. If the sound was louder than the agreed upon level the Wiesers would be in violation of their conditional use permit.

Glenn Kruse questioned the decibel meter and to his knowledge there are none within any county offices. Bob Scanlan said there hadn't been a need for one.

Dan Griffin expressed his appreciation on the willingness to control the sound level however weather conditions can also play a part in how sound travels through the valley. Jake Wieser did agree and stated he can hear Houston Hoedown at this place on certain days.

Glenn Kruse stated the noise can be heard on County 10, he knows people that have lived there for many years. Steven Pederson said the sound level has already been addressed going forward.

Dan Griffin stated he likes the idea of 1 outdoor stage. He has a concern however on the number of events per year and the number of

attendees. A limit of 1,500 people is what he would like to see. Jake said he was agreeable to that.

Dan Griffin then asked if he would be willing to notify the Sheriff's Office if more than 500 people would be attending. Jake said he has always notified the Sheriff whether there is 100 people or 1,500 people. He was also agreeable to that.

Dan Griffin then asked about music ending on Fridays and Saturdays at 1AM. Jake was agreeable to that. On Sundays with events like Michael Martin Murphey Jake thought 11PM was agreeable.

Dan Griffin asked about having a review in 1 year. Jake felt they were being treated somewhat unfairly because Cushion's Peak does not have to be reviewed nor do they have conditions on their permit but he was agreeable to a review in one year. Jake then explained an incident when a complaint was called into the Sheriff's Office and they didn't even have music playing at that time. It was discovered to be some kids in a car with a large amp playing music loudly.

Glenn Kruse stated he thought the techno events caused the biggest problem and the schedule of times that were handed out music was played around the clock. Jake said they will not be going that route any further.

Dan Griffin asked if anyone else had questions on any new information presented.

Sally Inglett stated she lives on County 10. She believes there is a reasonable expectation when you live in the country. She said they truly do

have problems with the sound. There is a difference from living in Winona to living in the country. She is okay with weddings but major acts need to end at 12:30pm.

Kathy Morton stated she lives on Gunsmith Road just north of Wiesers land. She agrees that atmosphere conditions really do have an effect on sound and she has concerns on midnight being the closing time on weekends. The number of people attending concerns her also. She spends all her weekends outside in the summer months. She questions how attuned the Weisers are with their neighbors. She moved to Houston for nature and peace and quiet. If she wanted noise she would have stayed in Minneapolis.

Brian Inglett stated he lives on County 10. He said local festivals are shut down by 12-12:30pm. He has asked Jake to stop by and listen. Jake sent his security person out to their place and all he did was make excuses.

Heather Gray asked why we are even here tonight. The Houston County Ordinance does not even mention a license being needed for music. Dan Griffin said it's because this is in an agricultural district. Heather pointed out other local events (Camp Winnebago, Opera House) and asked how they are they being regulated. Bob Scanlan said the ordinance was in place long before he was around. He stated a conditional use is required in an ag district and agreed there needs to be a better definition but we have to act on the existing ordinance.

Heather Gray mentioned Cushions Peak permitting and how there was an actual threat made but there were no additional conditions put on their

permit. Dan Griffin agreed there probably should have been conditions on Cushion's Peak, but they only had one disorderly conduct complaint.

Glenn Kruse stated they have not been able to address issues with the ordinance for several years and Heather understood why. (Land rights group was against any changes.)

Bob Scanlan said these haven't been regulated in the past because we weren't made aware until the last couple years. Camp Winnebago has also been notified. The Opera House events will also have to be addressed.

Glenn Kruse said the Wieser's events have become much larger than the original permit was for. It has evolved into much more. The original permit was for a home occupation and 3 events.

Jake Wieser again stated his willingness to put control on the decibel level. They have driven the roads and listened many times and to say they haven't is incorrect.

Dan Griffin again asked about the number of events Jake envisions. Jake said he doesn't want many large events but they want to be open to rent if someone calls, having 3 stages in the past is what caused the problem. He is willing to go to 1 stage only and is also willing to limit it to 3 electronic/techno fests per year.

Lynn Albrecht stated she was camping at Outback Ranch during the large event and the 1<sup>st</sup> night they did hear the music. The 2<sup>nd</sup> night it was turned down considerably. The bass was very low.

Dan Griffin asked to go over a summary of what was discussed for conditions on the order:

**OUTDOOR:**

- 1) All federal, state and local permits be obtained and followed.
- 2) 1 stage only outside.
- 3) Limited to 3 electronic/techno fests per year.
- 4) Mondays-Thursdays music will end at 10 pm for amplified music.
- 5) Fridays and Saturdays - maximum music decibels will be 120 at front  
of house. Music will be reduced to 80 decibels between 12am-1am  
with music ending at 1am.
- 6) Sundays music will end at 11 pm for amplified music.
- 7) If attendance is over 500 people Wiesers will notify Sheriff's Office.
- 8) Attendance is limited to 1,500 people for any event.
- 9) One time review in April of 2014.

**INDOOR:**

- 1) If event is indoors, doors will be shut at the following times:  
(Monday-Thursday 10 pm, Friday-Saturday 12am, Sunday 11pm)

Michael Meredith stated he works the security and it's his job is to make sure the doors are closed when music is indoors.

Vice Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments

made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

1. Does the proposed use conform to the County Land Use Plan? YES
2. Does the applicant demonstrate a need for the proposed use? YES
3. Will the proposed use degrade the water quality of the County? NO
4. Will the proposed use adversely increase the quantity of water runoff? NO
5. Are the soil conditions adequate to accommodate the proposed use? YES
6. Does the proposed use create a potential pollution hazard?  
NO
7. Are adequate utilities, access roads, drainage and other necessary facilities being provided? YES
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? YES
9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? YES
10. Will the Conditional Use be injurious to the use and  
enjoyment of  
other property in the immediate vicinity for the  
purposes already permitted? NO
11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area? NO
12. Are adequate measures being 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? YES
13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?  
N/A
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the

- intensity characteristic of the applicable Zoning District? NO
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare? YES

Vice Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**OUTDOOR:**

- 1) All federal, state and local permits be obtained and followed.
- 2) 1 stage only outside.
- 3) Limited to 3 electronic/techno fests per year.
- 4) Mondays-Thursdays music will end at 10 pm for amplified music.
- 5) Fridays and Saturdays - maximum music decibels will be 120 at front of house. Music will be reduced to 80 decibels between 12am-1am with music ending at 1am.
- 6) Sundays music will end at 11 pm for amplified music.
- 7) If attendance is over 500 people Wiesers will notify Sheriff's Office.
- 8) Attendance is limited to 1,500 people for any event.
- 9) One time review in April of 2014.

**INDOOR:**

- 1) If event is indoors, doors will be shut at the following times: (Monday-Thursday 10 pm, Friday-Saturday 12am, Sunday 11pm)

Dana Kjome seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review on April 2, 2013.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, April 9, 2013.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4059 Steve Quinnell – Wilmington Township  
Replace pole barn destroyed by fire in same location (62' x 96')
- 4060 John and Lynn Tschumper – Money Creek Township  
Build a 4-season porch on home (20' x 20')
- 4061 Ben Lind – Sheldon Township  
Build addition on house (30' x 36')
- 4062 Alan Esch – Mayville Township  
Build house (46' x 32') garage (30' x 32') porch (20' x 6')

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Garland Moe seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, April 9, 2013.

Terry Rosendahl made the motion to approve the minutes of February 28, 2013. Dana Kjome seconded. Motion carried.

**Other Business:**

Dana Kjome will now serve on the Planning Commission. He replaces Justin Zmyewski.

Terry Rosendahl made the motion to adjourn the meeting. Dana Kjome seconded. Motion carried.

Submitted by Planning Commission Clerk on April 1, 2013.

Houston County Planning Commission  
April 25, 2013

**Approved on May 23, 2013 by Bruce Lee and Daniel Griffin**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, April 25, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Gordon Meyer, Barbara Meyer, Kelley Stanage, Elizabeth Reedy, Donna Buckbee and Craig Moorhead (*Not all signed in*). Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

Chairman Wieser asked for a motion to approve the agenda. Terry Rosendahl made the motion to approve the agenda. Glenn Kruse seconded. Motion carried unanimously.

**Notice of Public Hearing No. 789** was read. **Gordon Meyer**, is seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Mayville Township.

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

- Gordon and Barbara Meyer are looking to purchase land from Mrs. Meyer's mother, Wilma Wiebke.
- The site will be more than 1 acre and the only dwelling in the quarter, quarter section.
- The site will have at least 150' of road frontage.
- The location of the proposed house will sit on a Class IV or V soil.
- A septic design will need to be submitted before a zoning permit can be issued.
- The county engineer will need to sign off on the driveway access.
- The Mayville Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if Gordon Meyer had anything to add. Gordon said he was out at the site today and there is still frost, so they were still not able to do any soil verifications.

Terry Rosendahl asked where the septic system would go and if there was much of a slope. Bob said there was a 14-15% slope which is not excessive for a system.

Chairperson Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as  |     |

required for the protection of the public's health, safety, morals, and general welfare?

YES

Chairperson Wieser asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.***
- 2) A septic design needs to be submitted.***
- 3) The Highway Engineer needs to approve driveway access.***

Bruce Lee seconded. 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, May 7, 2013.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

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|------|--|
| 4063 | Tim and Tammy Boldt – Houston Township<br>Build house (52' 6" x 30') garage (32' x 30') deck (10' x 32')             |
| 4064 | Peter and Jessica Wiese – Caledonia Township<br>Build house (44' x 34') garage (44' x 30') deck (20' x 20')          |
| 4065 | David Kinstler – Union Township<br>Build house (38' x 52') garage (33' x 35') porch (36' x 14' and 14' x 19')        |
| 4066 | Theodore and Sarah Johnson – Hokah Township<br>Build house (42' x 42') deck (10' x 20')                              |
| 4067 | James Douglas Thompson – Mound Prairie Township<br>Build house (35' x 52') garage (28' x 36')                        |
| 4068 | Doug and Jan Moen – Caledonia Township<br>Enclose area below 2 <sup>nd</sup> story deck for storage room (10' x 16') |
| 4069 | Ken Witt – Houston Township<br>Build pole shed (50' x 128')  |
| 4070 | William Gerdes – Caledonia Township<br>Build pole barn for calves (36' x 48') – no expansion                         |

4071 Denis Mullen – Brownsville Township  
Replace garage due to fire in same location (28' x 40')

Terry Rosendahl asked about the Johnson house in Hokah Township. Bob said Ted purchased the land from his parents in the Brookwood Hills Addition.

Bruce Lee made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, May 7, 2013.

Terry Rosendahl made the motion to approve the minutes of March 28, 2013. Garland Moe seconded. Motion carried.

Terry Rosendahl made the motion to adjourn the meeting. Glenn Kruse seconded. Motion carried.

Submitted by Planning Commission Clerk on April 26, 2013.

Houston County Planning Commission  
May 23, 2013

**Approved by on June 20, 2013 by Bruce Lee and Dan Griffin**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, May 23, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Nick Thesing, Josh Swenson, John Dickson, Kay Klemmer, Gary Kruckow, Greg Lammer, Brent Schroeder, Nancy Schroeder, Ed Voight, Bob Schieber, Al Frydenlund, Paul Frydenlund, Brent Newgaard, Kelley Stanage, Donna Buckbee, Elizabeth Reedy, Bruce Kuehmichel and Craig Moorhead. *(Not all present signed in)*. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

**Notice of Public Hearing No. 790** was read. **Nick Thesing**, is seeking to re-zone from Agricultural Protection District to Residential in Money Creek Township.

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

- This is an existing building site, approximately 6 acres.
- Owners want to replace a trailer and build a stick built house.
- There are 2 existing houses in this  $\frac{1}{4}$   $\frac{1}{4}$  including Thesings.
- The lot would be approximately 7,000 feet from "Money Creek" platted area.
- Meets setbacks from feedlots and rock quarries.
- A septic design has been submitted by Mike Havlik, at-grade system.
- The Money Creek Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Nick Thesing had anything to add. Nick said Bob explained everything well. A trailer has been sitting there for approximately 30 years and they would like to replace it with a home.

Bruce Lee asked how many years Nick lived there. Nick said 10 years.

Bruce Kuehmichel asked if the whole 6 acre parcel would be rezoned. Bob said it would. Bruce then asked if it makes sense if a portion is a wetland. Bob said that portion would be considered an "outlot" which is not buildable.

Chairman Wieser explained how the ordinance limits Nick from building a house without going through a survey and platting it.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Zoning Amendment permit unless they find the following:

*The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Land Use Plan or changes in conditions in the County.*

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Zoning Amendment application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Subject to filing of preliminary and final plats.**

Dan Griffin seconded. 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, June 4, 2013.

**Notice of Public Hearing No. 791** was read. **Josh Swenson**, is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in and agricultural district in Sheldon Township.

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

- Wants to replace the mobile home with stick built.
- Existing mobile home used to set on 40+ acres. It is now approximately 12 acres.
- New house would sit in its own  $\frac{1}{4}$   $\frac{1}{4}$  with 150 feet (+) of road frontage.
- Meets setbacks from rock quarries and feedlots.
- The existing septic system may be used if it meets code.
- The Sheldon Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Josh Swenson had anything to add. Josh did not.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |    |   |     |
|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. | Will the proposed use degrade the water quality of the County?  | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. | Does the proposed use create a potential pollution hazard?  | NO  |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided?                           | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? | YES |
| 9. | Are facilities being provided to eliminate any traffic congestion or  |     |

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| traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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? | YES |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Terry Rosendahl seconded. 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, June 4, 2013.

**Notice of Public Hearing No. 792** was read. **Northern Natural Gas**, is seeking a Conditional Use Permit for Essential Services in Money Creek Township.

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

- Tom Dickson, the representative from Northern Natural Gas is requesting that the Conditional Use Permit application be presented to the Houston County Board of Commissioners a week early (May 28, 2013).
- Obtaining a perpetual easement from Rocky Feine.
- Township has been notified and has signed the application.
- It would be an expansion of an existing regulating station with a new access off the township road.
- Falls under 0110.1303 #12 Essential Services.
- A fence is proposed that will encompass the easement perimeter (75' x 50').
- The Money Creek Township board and adjoining property owners were notified. The Money Creek Township board signed the application. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if representative Tom Dickson had anything to add. Tom said Bob explained it well. Basically they are ensuring the safety and integrity of the pipeline by putting a launcher on one end and a receiver on the other end. The receiver is at the station in Winona.

Glenn Kruse asked if this is similar to the one in Mound Prairie. Kay Klemmer (the local field operations representative for Northern Natural Gas) indicated the Mound Prairie site was a compressor station. The Money Creek site is an unmanned facility. There will not be any changes at this site except once every 7 years it needs to be inspected.

Dan Griffin asked if there were several launchers along the pipeline. Kay Klemmer said no but it depends on the length of the pipeline. The launcher is on Dump Hill Road and the receiver on Highway 43.

Bruce Kuehmicel asked if the pipeline is being inspected from Money Creek to Rushford what's inspected from Winona to Money Creek. Kay Klemmer indicated it was a separate line and line has already been inspected twice.

Bruce Kuehmicel asked how old the pipeline was. Kay Klemmer said it was put in place in the 1960's.

Bob Scanlan said Tom Dickson has requested that the application could go to the county board a week early (May 28, 2013) due to having contractors lined up. Bob will ask the public works committee for early approval.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

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|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Garland Moe made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Glenn Kruse seconded. 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, May 28, 2013.

**Notice of Public Hearing No. 793** was read. **Bonanza Grain Inc., dba Kruckow Rock and Redimix and Alan Sheehan** are seeking a Conditional Use Permit to expand a rock quarry and do mineral extraction in an ag district in Caledonia Township.

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

- The original mine included an area of 10 acres in size.
- The site produces sand for livestock bedding and construction.
- The Zoning Office was made aware of an expansion after following up on a blasting complaint and comparing past aerial photos.
- The mine expansion shows an area of 27.50 acres in size some of which is cropland and will not be mined.
- 1,000 foot setback from all existing dwellings is required as well as 50 feet from property lines. The 1,000 foot setback will be surveyed.
- Bennett explosives handles the blasting.
- The Caledonia Township board and adjoining property owners were notified. There was 1 call to the Zoning Office in regard to the application as stated above. Caledonia Township made a statement that they had no objections to granting the CUP if Kruckow's follow all parts of Section 26 of the Houston County Zoning Ordinance and any conditions set forth. (Statement on file).

Bruce Lee asked what the nature of the complaint was. Bob said it was blasting complaint that allegedly caused damage to a couple homes.

Chairman Wieser asked if Gary Kruckow if he had anything to add. Gary Kruckow stated they are asking for an expansion on their existing pit they have had for 10 to 12 years. He is not aware of any previous complaints until one this spring. He said they do seismographic readings each time they shoot so they are fully aware of what is happening. Each time they have shot they have been within their tolerances. Gary said his explosives agent, Greg Lammer from Bennett Explosives, is present and could answer any questions.

Greg Lammer indicated that the State of Minnesota does not have its own blasting regulations so it follows federal regulations. He gave an example of what federal regulations entail and how far away they need to stay. The blasting readings they have conducted at the Al Sheehan site (1,100 feet away) and Bob Schieber site (which is slightly further away) have been well within their limits. He explained the federal regulation on scale of distance and stated they follow those regulations.

Dan Griffin asked if there are any variances in regulations depending on what they are blasting. Greg Lammer explained differences between blasting for sandstone, limestone and hard rock. It depends upon the situation and where the nearest non-quarry building is. All that needs to be taken in to consideration. He indicated that blasting techniques has changed a lot in the last 10 years and the accuracy and vibrations are more controlled.

Dan Griffin asked what they are measuring. Greg Lammer said vibration and air blast. Dan then asked if the regulations are the same all over the country. Greg said some states have their own regulations but all are similar to the federal regulations.

Dan Griffin asked how often they blast. Gary Kruckow said normally two times per year, last year it was three. Anyone landowners within 1,000 feet are notified of blasting. Dan asked if a person will feel it the blast vibration. Greg Lammer said it does create back pressure and you will feel it. He gave an example of a blast measurement taken at the Sheehan residence. He said with technology the blasts are very controlled and flying debris is not an issue.

Dana Kjome asked how much further down they plan to dig. Gary Kruckow said approximately 60 feet by going in level. He said they are slightly lower than the farmland around so all storm water stays onsite. Dana asked about how deep the water table was. Gary Kruckow was unsure but thought it is at least 100 feet before hitting the water table.

Dana Kjome asked when the original permit was issued. Bob said 2001. Bob said it has been renewed every 5 years but this is for a new permit because of the expansion.

Terry Rosendahl asked what kind of damage was done to the home. Bob said it was mainly sheetrock cracking. He said a 3<sup>rd</sup> party was brought in to evaluate and document the damage. Terry then asked if there were many homes in the area. Bob explained the proximity of the surrounding homes on the ariel map provided to the to the planning commission members.

Dan Griffin asked if the last blast was stronger than normal. Greg Lammer said it was a normal blast (on April 4, 2013) for 16,000 tons of sand. A 3<sup>rd</sup> party has done an evaluation on the homes that have indicated damage.

Dan Griffin asked on the number of loads going out per year. Gary Kruckow said they average about 15 loads (200 yards) per day. Dan then asked how many blasts they do per year. Gary said as a rule it's twice a year, spring and fall.

Dana Kjome asked if there was a bond with the quarry. Bob Scanlan said not currently and it's up to the county board to set a bond by resolution if they want one secured.

Nancy Schroeder stated that she lives down the road from the quarry and she has had extensive damage to her home. She said her chimney fell off and her new addition has cracks in the walls. There is also damage to the rock walls in the basement. She said there was many thousands of dollars of damage done. Her son, Brent Schroeder has also had some damage to his new home. She would like them not to do any further blasting.

Garland Moe asked Nancy Schroeder how far away her home is. Nancy said approximately ½ mile away.

Brent Schroeder stated he knows what a blast feels like. The last blast caused every corner in his home to crack. His siding is also sliding down. He is also concerned about his well and foundation.

Dan Griffin asked how long Brent has lived there. Brent said his house was built in 2008.

Charlie Wieser asked if the damage occurred after the most recent blast. Brent said the siding started sliding down prior so that could have been from the air blast. He said he wants to be a good neighbor because they are good to work with and it may be a situational thing.

Bruce Lee asked if it was brought to their attention. Gary Kruckow said it was and if they shoot again, they plan to test at both locations in the future.

Dan Griffin asked if it was a larger than normal blast. Greg Lammer indicated it was a regular 25 hole blast and explained the blasting process. He said they are a little further out than in the past.

Bruce Lee asked what he thought the issue might be. Greg Lammer explained tests were done at residents that were closer so he really can't speculate. He regrets not having testing done at the Schroeder locations.

Dan Griffin asked the advantage to a 25 hole blast. Greg Lammer explained it gets more tons down at once but it depends on what they have for projects. They want to be good neighbors and take care.

Bob Schieber stated that readings are taken at his home and his house does shake but has not hurt anything. He asked if he has well problems in the future who has the liability. Charlie Wieser said it would likely be the blasting company.

Bruce Kuehmichel stated he printed an ariel map on Google. The quarry location is 1.572 miles as the crow flies to the city of Caledonia water tower. He wonders how quickly the runoff water gets down into the aquifer. He would like a hydrologist checking into this. Charlie Wieser said the runoff could be taken care of by making a diversion around the mine site to keep the storm water onsite. Dan Griffin asked Gary Kruckow if there is an existing diversion. Gary said they are leaving the outside perimeter there for screening purposes and water does not collect there. The water from the fields do not run into the hole.

Bob Scanlan said there is an MPCA storm water permit for the quarry MPCA that was in place from the beginning. MPCA wants quarries to keep storm water onsite. Bruce Kuehmichel would like the MPCA to come down and inspect more frequently. Bruce wants to know how much of the bluff they are going to take down and how much they own. Bob said they have to maintain a 1,000 setback from any homes and approximately 100 acres.

Gary Kruckow stated water testing records are required to be submitted two times per year by MPCA. He said they hire Davy Engineering to do the testing.

Kelley Stanage asked on the number of complaints and what the complaint(s) were about, damage or blasting? Bob said the complaint was on blasting and then it was discovered that the mine had expanded beyond the perimeter. Kelley believes this is one of many future complaints for sand mining in Houston County and there is a lawsuit still pending for blasting against the county. She believes the planning commission needs to make wise decisions in this matter and referenced the Findings of Fact in granting a CUP.

Bob Scanlan clarified that the situation Kelley Stanage is referring to is actually is an appeal of a decision made by the Board of Adjustment. It was not for blasting it was a variance for a property line setback that was granted by the board.

Donna Buckbee commented on companies not be held liable for ruined wells.

Ed Voight asked how soon they plan to get to the 1,000 setback. Gary Kruckow wasn't sure possibly 10-15 years.

Dan Griffin asked if there are better ways to mitigate the blasting. Greg Lammer said there are probably different ways and they plan to address future blasting.

Nancy Schroeder thought that being the ground was still frozen when they blasted this could have had an effect thus causing the damage. She would like to repair her damages but if they continue to blast she can't.

Dan Griffin asked what they are proposing to do different on the next blast. Greg Lammer thought it would be late summer before another blast would happen and they will do readings at both Schroeder locations. He explained what the 3<sup>rd</sup> party inspections involved and what information was recorded.

Bruce Kuehmichel stated he thought it would be a good idea to inspect wells before the next blast also.

Bruce Lee asked Bob Scanlan if they could even do another blast without a permit. Bob said they could not.

Terry Rosendahl stated he felt that Brent Schroeder's new home damage is of concern.

Garland Moe recommended tabling the application until further information can be gathered. Dan Griffin seconded. Bruce Lee questioned whether there was anything to be gained by tabling it. Dana Kjome expressed concern on the expansion getting closer to homes that already have damage.

Motion carried with Dana Kjome voting no.

There will be an onsite visit June 18, 2013. 6:00 p.m. at the mine. Then tour the Schroeder homes.

Kelley Stanage questioned whether Kruckow's faced any violations due to their expansion? Bob said that is why we are here tonight so they can come into compliance. Bob said an application was made and the Planning Commission has to act on it.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4072 Bruce and Shelley Meyer – Mayville Township  
Build 3-season sun room (14' x 20')
- 4073 Allen Johnson – Black Hammer Township  
Build decks (6' x 30 open deck, 10' x 40' covered deck)
- 4074 Matt Tewes – Caledonia Township  
Build kitchen and garage addition (24' x 46')
- 4075 John Dahle – Wilmington Township  
Build pole building (55' x 60')
- 4076 Cory Baker – Yucatan Township  
Build rec-room addition and porch (12' x 24')
- 4077 John Dvorak – Money Creek Township  
Build 2 car garage (28' x 28')
- 4078 Mathy Construction Company – Spring Grove Township  
Install temporary asphalt plant (90 days)
- 4079 Andy Luttchens – Jefferson Township  
Build family-dining-playroom addition (28' x 28')

- 4080 Dean Beneke – Jefferson Township  
Build house (28' x 52') garage (30' x 34')
- 4081 William and Heather Abrahamzon – Jefferson Township  
Build barn (24' x 40') shed (12' x 20')
- 4082 Debra Peterson – Union Township  
Build patio deck (10' x 30')
- 4083 Gary and Karmin Van Domelen – Hokah Township  
Build deck (12' x 40') and screen porch (12' x 20')

Garland Moe made the motion to recommend the county board approve the zoning permits as submitted.

Terry Rosendahl seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, June 4, 2013.

Bruce Lee made the motion to approve the minutes of April 25, 2013. Dan Griffin seconded. Motion carried.

### **OTHER BUSINESS:**

Al Frydenlund of the Frydenlund Family Trust was present to discuss the land the family uses as a campground. Bob explained that he asked Mike Knobbe (relative) to submit a plan on what they would like to do but it hasn't been submitted as of yet. The Frydenlund's would like to make this into a family campground. There are floodplain issues however at this location. Chairman Wieser asked Al to explain the situation and what they would like to do. Al stated the land has been in their family for 50+ years. Al's cabin is 100 years old, another cabin was built in 1975, his brother Paul's was built in 2001 (without a permit). They would like to come into compliance and also like to build a 4<sup>th</sup> cabin and put a sewer system on the property. They understand there are road grade concerns but they don't understand what they need to do. Al has notified the DNR that they drive through the creek to access the property. They would like to apply for an after-the-fact Conditional Use Permit for Paul's cabin. Bruce Lee asked how many total cabins they have now. Al said 3 right now and they would like to build 1 more. Bruce Lee stated that one of the issues that can arise is people could develop small cities. Garland Moe would like to look at property. Terry Rosendahl said it's used as a recreational residence, the buildings are not dwellings. Terry asked Bob if there are other campgrounds similar to this situation. Bob said Bill Johnston in Money Creek has 2 cabins that he rents out.

Paul Frydenlund stated the trust goes until 2050 and their children plan to keep it in a trust for family enjoyment. It was decided to meet onsite June 18, 2013 at 4pm.

Terry Rosendahl made the motion to adjourn the meeting. Garland Moe seconded. Motion carried.

Submitted by Planning Commission Clerk on June 3, 2013.

Houston County Planning Commission  
June 20, 2013

**Approved on July 25, 2013 by Garland Moe and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, June 20, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Mark Schulte, Randy Steele, Gary Kruckow, Mike Spors, Greg Lammers, Jenny Schroeder, Nancy Schroeder, Ed Voight, Bob Schieber, Yvonne Krogstad, LuAnn Goergen, Bruce Kuehmichel, Larry Hanson and Craig Moorhead. *(Not all present signed in)*. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

**Notice of Public Hearing No. 794** was read. **Mark Schulte**, is seeking to build a manure storage structure in Mayville Township.

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

- Adding 457,000 gallon concrete basin with dimensions of 68' x 112' x 8'. Helps to make chores easier and more time efficient.
- Approximately 3-4 months storage for 245 heifers of various sizes.
- Jason Rochester and Pete Fryer designed the basin to NRCS specifications – also meets MPCA design criteria.
- Building dimensions for the proposed freestall barn are 113' x 168'.
- Adding a new free stall barn and expanding to 186 a.u.
- Feedlot Advisory Committee did approve the Variance tonight.
- The Mayville Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Mark Schulte had anything to add. Mark said he chose the location because it was the only spot on the property that he thought would be suited for it. He had the NRCS office out there ahead of time and they agreed it was the best location.

Charlie Wieser asked if Pete Fryer worked for NRCS. Mark indicated Pete is out of the Lewiston office. Jason Rochester designs the buildings and Pete Fryer has to approve it.

Bruce Lee commented since the structure is to the west of Mark's house, if anyone would be impacted by odor it would be Mark. Mark agreed.

Dan Griffin asked if the structure was below ground. Mark indicated it was below grade, approximately 8 feet deep. Mark said he also had Chosen Valley come out and bore the site for separation of bedrock and that was approved as well.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Bruce Lee asked Mark would hose or haul the manure. Mark said he will haul it. There will be a drive-in ramp so he can haul the solids.

Dan Griffin asked if he would be hauling in the winter months. Mark said he will be hauling in winter and has the land to do it.

Terry Rosendahl asked if the animal units were within range. Bob Scanlan said he is under the 300 a.u. threshold.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

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|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. | Will the proposed use degrade the water quality of the County?  | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. | Does the proposed use create a potential pollution hazard?  | NO  |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided?                               | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?     | YES |
| 9. | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? | YES |

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|--|-----|
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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? | YES |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Garland Moe made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Terry Rosendahl seconded. 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, July 2, 2013.

**Notice of Public Hearing No. 795** was read. **Randy and Pam Steele**, are seeking to re-zone from Residential to Highway Business in Caledonia Township.

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

- Lot showed up on original plat of Green Acres 3<sup>rd</sup> Addition as Lot 1, Block 1.
- It is currently zoned Residential.

- Part of the lot is in the flood plain – some has been filled.
- The Caledonia Township board and adjoining property owners were notified. There were 2 concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Randy Steele had anything to add. Randy said he bought the lot from Arnold Fruechte and thought it was “plotted for Business”.

Bob Scanlan explained that looking back on the preliminary plats the lot was listed as “unplatted” before the final plat came through. On the final it was listed as Residential. Looking back in the minutes of the Planning Commission there was talk of platting it as Business/Commercial but it never happened.

Randy Steele said it is a 4 acre lot and it was his understanding that it was “plotted” the same as Farmer’s Coop and Colsch Building Specialists which is Highway Business.

Bob Scanlan explained that the north part of the lot is in the 100 year flood plain and would be unbuildable but the southwest part of the lot is buildable. Some fill has been brought in.

Dan Griffin asked if the approach would be on Phillip Drive. Randy said it would be.

Bob Scanlan explained the phone calls received by the Zoning Office were in regard to the future use of the lot if it was rezoned. The use of the lot could be more intensively used by rezoning it but the plan is to use it for storage.

Glenn Kruse asked what Colsch’s lot was zoned. Bob said both Farmer’s Coop and Colsch’s are Highway Business.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Zoning Amendment permit unless they find the following:

*The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the*

*location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Land Use Plan or changes in conditions in the County.*

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Zoning Amendment application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Dana Kjome asked what would be stored there. Randy Steele explained that Randy Klinski would like it for storage for cars as he is unable to build a storage building by his Winona Controls building by the bowling alley.

Dan Griffin seconded. 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, July 2, 2013.

**Notice of Continuation of Public Hearing No. 793** was read. **Bonanza Grain Inc., dba Kruckow Rock and Redimix and Alan Sheehan** are seeking a Conditional Use Permit to expand a rock quarry and do mineral extraction in an ag district in Caledonia Township.

Bob Scanlan, Zoning Administrator indicated there was an onsite visit June 18, 2013 at 6:00 p.m. at the mine. Following the onsite visit there were tours of the Nancy Schroeder home and Brent and Jenny Schroeder home.

Bob explained the continuation was for the Planning Commission to look at the additional information that was submitted and look at the mine site and neighboring houses and the claim they have been impacted from the blasts.

Chairperson Wieser asked the Planning Commission on any comments of site visit.

Dana Kjome asked if this was a continuation of the original CUP or a new one. Bob Scanlan said this is a brand new application for expansion.

Bob Scanlan indicated the applicant wishes to provide a presentation. Mike Spores from Vibra-tech stated he was asked by Bonanza Grain and Bennett Explosives to give some background on blasting impacts. He is the area manager for this region and the company is based out of Chicago, IL area. Vibra-tech provides independent 3<sup>rd</sup> party verification of vibration results.

Mike Spores provided a slide presentation. He explained that blasting has been studied very thoroughly over the years. He discussed how vibrations of a blast go in all directions but will decrease as it goes out. Movement of particles in the earth is what they are concerned with. 133 decibels is the state limit on air blasts. Anything above 150-160 decibels can cause damage.

He explained all seismograph records are going to contain the same basic information and the equipment used in recording seismographs. The United States Bureau of Mines (USBM) concludes:

- Particle velocity (PPV) is still the best single descriptor of ground motion.
- Damage potentials for low frequency blasts (<40Hz) are considerably higher than those for high frequency blasts (>40Hz).
- All homes eventually crack because of a variety of environmental stresses.
- Home construction is a factor in the minimum expected damage levels.
- The practical and safe criteria for blasts that generate low frequency ground vibrations are 0.75 in/sec for modern drywall interiors and 0.50 in/sec for plaster-on-lath interiors. For frequencies above 40Hz, a safe particle velocity maximum of 2.0 in/sec is recommended for all houses.
- The chance of threshold damage from a blast with peak particle velocities below 0.50 in/sec is extremely small (5% worst case) and decreases almost asymptotically below 0.50 in/sec.

Dan Griffin asked how you control the frequency on a blast. Mike Spors said multiple holes are drilled for a blast and they go off milliseconds apart. Timing on the holes is key. The geology also has a big effect on the frequency but impossible to control. Dan asked if a seismograph was the only way to measure the frequency. Mike indicated that was correct; it measures the particle velocity and frequency.

Garland Moe asked if soil types make any difference on vibrations. Mike indicated it would, the looser the soil the lower the frequency, bedrock will have higher frequency. Moisture and frost can also affect vibrations. Mike thought

frost is more like rock so should be more favorable from a structure response point.

Dan Griffin asked how you know that you are staying away from low frequency. Mike Spors said it's based on past records that are collected.

Mike Spors indicated that Bonanza Grain as done 8 blasts since 2010, there have been portable seismographs set up by Bennett Explosives for each blast. The closest location was at 15628 Old 44 Road (approximately 844 feet at closest). The peak PPV = 0.530 inch-per-second, the peak air overpressure = 131 dB(L).

In conclusion the study showed:

- The vibration levels from blasting may be perceptible to human beings at some of the residences near the quarry site; however human perception is not an objective measure with which to determine damage probability.
- All blasting resultants are well within the USBM recommended limits for the protection of the plaster and drywall.
- The possibility of cosmetic or structural damage to the adjacent homes is extremely low.

Dan Griffin asked where seismograph equipment would be set up on a typical blast. Mike Spors said generally at your closest location, at a minimum. Direction and distance are the factors but it takes time and money to do other sites when they aren't really necessary.

Dan Griffin asked about topography. Mike Spors said it is a factor but generally you go in the direction away from the open face.

Dan Griffin asked how far away Brent Schroeder's home is. Bob Scanlan said approximately ¼ mile away in the other direction.

Glenn Kruse asked if Brent's house was ¼ mile from the pit or from the property line. Bob Scanlan said from the south line of the existing pit, approximately 1,500 feet. Bob said the proposed expansion is along the wood line and also meets the 1,000 foot setback.

Dana Kjome asked if the karst geology of Houston County has any effect on blasting or if it's predictable. Mike Spors said it's hard to speculate and he could not predict.

Gary Kruckow indicated that for any future blasts they have agreed with Bennett Explosives to set up 4 seismograph readings (Sheehan's Schieber's and additionally at both Schroeder locations.)

Dan Griffin asked if any future blasts could be set up like the April 4, 2013 in order to make a comparison. Mike Spors said it's possible to have the same number of holes set up and the same distance between the holes. The timing of the holes will impact the frequency.

Chairman Wieser asked if there were additional comments from audience.

Nancy Schroeder stated she would like to see the quarry closed down due to damage on her son's house. She would like to see them not given a permit for additional blasting.

Bruce Lee commented that his house is very similar to Nancy Schroeder's (age) and he has a lot of the same cracking that Nancy does and it is due to settling but doesn't affect the structural integrity of the house. It has been gradual but he is very much in the same boat. Brent's house is newer so the cracks are more concerning.

Dan Griffin asked if the neighbors are notified before the blasts. Gary Kruckow said as of now the Sheehan's, Schreiber's and the Back 40 Supper Club. If they had been aware of the issues indicated by the Schroeder's they would have done something more. The Sherriff's Office is always notified in case they get calls; they know what's going on.

Dan Griffin indicated he and Charlie Wieser both have newer homes and they have the same cracking issues because of the lumber quality put in their homes. The changes in humidity can cause it. It's a tough decision they need to make as a board, but there is no way of knowing for sure what caused the cracking in the Schroeder homes without doing a seismographic study at both sites.

Gary Kruckow asked Mike Spores what the projected seismographic reading would have been in his study on the Schroeder homes. Mike Spors indicated they went out and took photos of both homes during their investigation. He bases everything on the worst case scenario. The formula used in this prediction was based on 716 pounds used for the blast at approximately 2,700 feet away. The result was a 0.15. This reading would have been the prediction for the Nancy Schroeder location. This is well below the

criteria; the science does not show the vibrations could cause that type of damage as indicated from the blast.

Dan Griffin asked about the distance to Brent home. Charlie Wieser indicated it was 1,500 feet. Mike indicated he didn't run that number but it would be below the criteria because the Schieber and Sheehan homes are closer.

Nancy Schroeder commented that Brent's home has corner pieces of the outside siding falling off.

Charlie Wieser indicated he was impressed with Nancy's home. It is well kept and he can tell she is particular about her home. The fact is they don't know if the damage is from the blasting.

Jenny Schroeder asked how close the quarry is to their property line. Bob Scanlan said he would have to check on that for her. Jenny understood the setback to the quarry was from the property line, not their home. Charlie Wieser indicated when they built their home the dwelling had to be 1,000 feet from the quarry in order to build.

Jenny then indicated her concerns with the blasting and the shaking it can cause. They did not understand the volume of that when they agreed to build there four years ago. Dan Griffin questioned who the agreement was with. Jenny indicated there were conversations where the home should be built. Bob Scanlan said Brent was in his office and they measured 1,000 feet on the county arc maps on where they could actually build.

Dana Kjome asked if the Schroeder's are notified before the blasting. Jenny indicated no. There was discussion on how the blasting can scare the kids especially if they are outside playing. Charlie Wieser indicated a condition can be put on the CUP that they are notified.

Aerial photos were reviewed of the property lines.

Bruce Lee asked if Brent Schroeder's home had an investigation done. Mike Spors indicated there was documentation done but not as extensively due to the complaints being stronger at the other location. Mike indicated they also provide pre-blast documentation as well as after.

Bruce Lee asked Mike Spors to explain further. Mike said the damage you see from blasting does not match with what they (the Schroeder's) are

indicating. Blasting damages cause big (X) patterns in the sheetrock because houses are cracking and shifting from the blasts. It does not cause cracks in wall corners; that is typically due to settling. The Schroeder homes have cracks in walls and corners and sheetrock tape.

LuAnn Georgen lives approximately 2.5 miles away. Her house is fairly new too and she would be upset if that damage occurred. She asked if Bonanza violated anything. Charlie Wieser indicated they are reaching the limit on their first permit so they need to expand.

Yvonne Krogstad said she was under the impression that they violated their first permit and why would they be given another permit. If they are granted another permit, then Nancy could sue the county.

Bruce Kuehmicel quoted a passage from the Ordinance:  
This, from Section 5 – Permits: 0110.0608 Compliance *“Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Failure to comply with the terms of the permit shall cause automatic termination of the permit and the use may not be continued or re-started without County Board approval.”*

Charlie Wieser indicated that’s what they are applying for at this time. Bruce interpreted this as a violation and asked where the Houston County Attorney was, why wasn’t she there? He also stated Rick Frank’s letter to Kruckow’s dated April 13, 2013 infers a violation, in his opinion. **(Rick’s letter stated “Future plans may include expansion of the mine through a permit process or closure of the mine and reclamation of the property to a suitable use.”)**

Bob Scanlan indicated that the County Attorney has asked the county to work with all landowners to come into compliance if a violation has occurred.

Chairperson Wieser closed the public comment period; he then asked if the Planning Commission had any other comments.

Charlie Wieser commented that Bonanza Grain/Kruckow’s has had a good, long reputation in the county and they provide an important product to the dairy industry in this county. The quarry was also there before Brent Schroder built his home. Jenny Schroder asked for clarification. Charlie indicated they built at that location knowing the quarry was in existence prior to them building.

Ed Voight from Caledonia Township asked why there is only 1,000 foot setback from a mine. Bob Scanlan said it has been in place for many years. It was put in place a long time ago but can always be updated if the Ordinance changes. Charlie Wieser indicated that 1,000 feet is a standard though out the State on Minnesota.

Bobby Schieber asked whether roads can continue handling the trucks. Garland Moe indicated that would be a township issue. Gary Kruckow then explained which roads were township roads versus city roads.

Dana Kjome indicated he has read the Ordinance since coming on the Planning Commission this year and believes the wording is misleading. (Referring to what Mr. Kuehmichel read.) Chairman Wieser said he would be setting precedence for any future permits that become non-compliant.

Bob Scanlan said under the advice of the County Attorney, he is directed to bring any non-compliant zoning issues into compliance as quickly as possible (within 30 days). He said Kruckow's came in immediately to come into compliance. Bob suggested the Commissioner Kjome confer with County Attorney Hammell on her feelings. There was discussion on updating the Ordinance in the near future.

Dan Griffin suggested limiting the CUP to 6 months and monitor the blast from 4 different directions. Charlie Wieser said it can be stated as a condition on the permit.

Greg Lammers was asked to explain a blast log and who monitors the logs. He explained what the log includes and that they are monitored by the ATF and the US Department of Transportation. Each time they apply for a permit they are inspected. The records are required to be on file for 5 years.

Dan Griffin asked if a future blast could be similar to the April 2013 blast. Greg Lammers said it is possible to use the same pattern, same hole size and depth.

Dan Griffin also suggested notification of any home within ½ mile before blasts. Greg Lammers indicated any residence within 2,000 feet is generally notified.

Gary Kruckow indicated he is okay with a 6 month permit but questioned if the commission is looking at setting different standards than what is required

by State and Federal standards. Another concern is not having enough time to strip before the winter. It would be weather dependent.

There was general discussion on whether a bond should be required. Bob Scanlan indicated the County Board would need to put that in place by resolution. There was also discussion on whether another public hearing would be required for a new permit after 6months. Bob Scanlan indicated it would be required.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | YES |
| 15. | Are site specific conditions and such other conditions established as  |     |

required for the protection of the public's health, safety, morals, and general welfare?

YES

Discussion took place on which findings were applicable and which conditions would be placed on the permit. The following was the consensus: 1) All federal, state and local permits be obtained and followed 2) 6 month time limit with a review of permit within 6 months. *(A new application with application fees is required.)* 3) seismographic readings will be done at 4 locations 4) Notify any residences within ½ mile before the next blast. 5) The blast should replicate the April 4<sup>th</sup>, 2013 blast as much as possible.

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) 6 month time limit with a review of permit within 6 months. *(A new application with application fees is required.)***
- 3) Seismographic readings will be done at 4 locations.**
- 4) Notify any residences within ½ mile before the next blast.**
- 5) The blast should replicate the April 4<sup>th</sup>, 2013 blast as much as possible.**

Glenn Kruse seconded. Dana Kjome voted no. 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, July 2, 2013.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |  |
|------|--|
| 4084 | Dave Thompson – Crooked Creek Township<br>Expand 2 decks (18' x 26') and (22' x 22') |
| 4085 | Allen Meiners – Winnebago Township<br>Build attached garage (26' x 26')              |
| 4086 | George Sanness – Wilmington Township<br>Build shop (26' x 32')                       |

- 4087 David Wedl – Yucatan Township  
Build storage shed (32' x 40')
- 4088 Gerald Steele – Winnebago Township  
Install mobile home (16' x 60') with 3' entry
- 4089 Alan Engstler – Union Township  
Build garage (30' x 30')
- 4090 Tom Langen – Hokah Township  
Build a pole shed (40' x 50') (after-the-fact)
- 4091 Steve and Rita Thom – Jefferson Township  
Build house (28' x 60') garage (24' x 24')
- 4092 Chad and Deann Vix – Houston Township  
Build 2 car garage (28' x 30') shed (38' x 54')
- 4093 Larry Kreibich – Hokah Township  
Build 4 season room (12' x 20')
- 4094 Dusty and Tammy Twite – Union Township  
Build attached garage (30' x 36') porch (10' x 38' and 10' x 13')
- 4095 Joshua and Amanda Bedard – Money Creek Township  
Build shed (32' x 60')
- 4096 Hendel Farms – Caledonia Township  
Build free-stall barn (118' x 184')
- 4097 Richard Haines – Mound Prairie Township  
Build storage building (30' x 60')
- 4098 Fred Kroshus – Spring Grove Township  
Build garage with breezeway attached to house (32' x 32')
- 4099 Marilyn Flannery – Brownsville Township  
Install trailer house (16' x 76') w/change in use of existing house to storage bldg.
- 4100 Eric Nelson – Caledonia Township  
Build a silage bunker (110' x 230')
- 4101 Robert Himmer – Black Hammer Township  
Build pole shed/shop (40' x 80')

Bruce Lee made the motion to recommend the county board approve the zoning permits as submitted.

Dan Griffin seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, July 2, 2013.

Bruce Lee made the motion to approve the minutes of May 23, 2013. Dan Griffin seconded. Motion carried.

**OTHER BUSINESS:**

Bob said Dana Kjome and Dan Griffin were present at the Al Frydenlund site. It was recommended to Mr. Frydenlund to submit a Conditional Use application to proceed with the campsite he is proposing.

Larry Hanson Plat. Larry Hanson was present but did not have his preliminary plat. He will contact the office once it is complete. Bob Scanlan stated the surveyor was notified on what needed to be done.

Terry Rosendahl made the motion to adjourn the meeting. Garland Moe seconded. Motion carried.

Submitted by Planning Commission Clerk on June 26, 2013.

Houston County Planning Commission  
July 25, 2013

**Approved on August 29, 2013 by Glenn Kruse and Bruce Lee**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, July 25, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Chris Schaffer, Denise Schaffer, Sara Kroshus, Bruce Kuehmichel (*videotaping*), Betts Reedy and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was absent, Commissioner Teresa Walter was present.

**Notice of Public Hearing No. 796** was read. **Chris and Denise Schaffer**, are seeking a conditional use permit for substantial land alteration in a bluff impact zone in Hokah Township.

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

- Original permit issued to former landowner (Demorest) in 1995.
- Was a one-time excavation permit (sand and fill). Identical to this application.
- Former owner did not work with conservation office on a plan to shore up the erosion issues at that time.
- The Schaffer's want to shore up some erosion problems in a bluff impact zone.
- Ron Meiners' of RRSWCD recommends using the existing material on the site to slope the hill to a 3:1 slope. No material should be hauled off the site.
- The Hokah Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if the Schaffer's had anything to add. Chris Schaffer said this project is basically to divert the water around the shed. The water off from the hill runs down and around the shed and into the septic drain

field. Denise Schaffer stated this is also to slope the sand and they would do the seeding and mulching to reclaim the property.

Chairman Weiser asked if it would involve hauling some material away.

Dan Griffin asked where the drain field was. Chris indicated it is in front of the house and the water is coming down from the side toward the Mississippi River and explained how they were trying to get the water to run.

Teresa Walter asked if this was due to the 2007 flooding and if anything had been done. Chris stated they have been trying to.

Chris and Denise Schaffer approached the Planning Commission table to look at the soil conservation map from Ron Meiners/RRSWCD. There was general discussion on how the water runs, how the excavation would take place, where the culverts, ravines drain field and well were located.

Bob Scanlan asked if the water comes over the driveway. Chris indicated it did.

Denise Schaffer asked if they could push fill down from the top. Dan Griffin said as long as there was no additional fill removed from the site.

Glenn Kruse stated they need to work closely with the RRSWCD on their plans to fix both the sand and water situations.

There was further discussion on the initial plan of removing the sand or moving it with it staying on site. Dan Griffin stated they need to move it but not remove it and it should be fine.

Dan Griffin asked about the time frame. They probably won't be able to get it done by fall. Dan asked if July 1, 2014 would give them enough time.

Bruce Lee asked if they have a contractor for the dozer work. Chris indicated they did not.

Glenn Kruse suggested that RRSWCD could recommend a temporary solution until the project is complete.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Existing material would be required to stay on the site and not removed.**
- 3) Required to work with RRSWCD on a detailed plan with project complete by July 1, 2014.**

Terry Rosendahl seconded. 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, August 6, 2013.

**Notice of Public Hearing No. 797** was read. **James Gray** is seeking a conditional use permit to obtain an exhibition permit in Spring Grove Township.

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

- One event per year is planned.
- Ye Olde Opera House manages the event each year. *(Typically the 3<sup>rd</sup> week of July and is a 4 day event).*
- Parking for cars in the pasture. 500 people maximum for the shows.
- Emergency vehicles have easy access.
- Speakers are set up on the barn and by the chairs.
- The Spring Grove Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if James Gray had anything to add. Sara Kroshus of Ye Olde Opera House was present for Mr. Gray who was away. Sara stated Bob covered everything and the show is always the 3<sup>rd</sup> week of July.

Dan Griffin stated the production is really an asset to the Spring Grove community. Glenn Kruse stated if the event dates ever needed to be changed; it should not be a condition on the permit.

Chairman Wieser asked if anyone else had any comments/questions.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Bob Scanlan stated this conditional use permit goes with the property so if a new owner purchases it the event could change if it is not specifically stated.

Dan Griffin stated it should be limited to one theatrical/musical production per year.

Bruce Lee made the motion to recommend the Houston County Board approve the conditional use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Limited to one licensed theatrical/musical production per year up to 4 days duration.**

Dan Griffin seconded. 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, August 6, 2013.

Garland Moe made the motion to approve the minutes of June 20, 2013. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |  |
|------|--|
| 4102 | Jessup Kohnen – Yucatan Township<br>Build deck (21' x 6')  |
| 4103 | Myron Wagner – Hokah Township<br>Build shed (28' x 28')  |
| 4104 | Skree Family Trust/Gary and Marion Skree – Sheldon Township<br>Install manufactured home (28' x 44') |
| 4105 | Myron Sylling – Wilmington Township<br>Build grain bin (60,000 bushels)                              |
| 4106 | Cheryl Flatin/Bernard Krenzke – Wilmington Township<br>Build cattle shed (60' x 63')                 |
| 4107 | Steve Wiste – Black Hammer Township<br>Build cattle shed over existing feedlot (42' x 112')          |
| 4108 | Ron Fruechte – Sheldon Township<br>Build storage shed (12' x 20')                                    |
| 4109 | Mathy Construction Co./Dennis Golberg – Spring Grove Township<br>Install temporary asphalt plant     |
| 4110 | Gerald Hallum – Yucatan Township<br>Build pole barn/3 side open front (40' x 60')                    |

Bruce Lee made the motion to recommend the county board approve the zoning permits as submitted.

Dan Griffin seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, August 6, 2013.

**OTHER BUSINESS:**

CUP #284 – Curt Roverud – 5 year renewal for quarry and mineral extraction. Terry Rosendahl made the motion to renew the permit for another 5 years. Dan Griffin seconded. Motion carried.

CUP #233 – Welscher Brothers – Yearly renewal for substantial land alteration and mineral extraction. Glenn Kruse made the motion to renew the permit for another year. Bruce Lee seconded. Motion carried.

There was general discuss on possible amendments to the Zoning Ordinance.

Topics discussed were:

Other Interim Uses – besides quarries, recreational housing, temporary hardship housing, campgrounds, hunting cabin leasing, small businesses.

One lot subdivisions -

- Clarify the process
- Within 2 miles of a town?
- 2<sup>nd</sup> Ag district
- CUP process or simple zoning permit?

Development agreement – for new subdivisions

Add “Interim Uses” under list of uses in Ag Protection District

Hardship dwelling – “Other Uses” as interim permit?

Bruce Lee made the motion to adjourn the meeting. Glenn Kruse seconded. Motion carried.

Submitted by Planning Commission Clerk on July 29, 2013.

Houston County Planning Commission  
August 29, 2013

**Approved on September 26, 2013 by Terry Rosendahl and Dan Griffin**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, August 29, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Nick Thesing, Larry Hanson, Judy Storlie, Steve Schuldt, John Dewey, Deborah Dewey, Mike Knobbe, Paul Frydenlund, Brent Newgaard, Tom Singfiel, Kristy Singfiel, Linda Donohue, William DeGraaf, Truman Wiste, Yvonne Krogstad, and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. *(Did not sign in: Elizabeth Reedy, Kelley Stanage and Sara Wexler-Mann (with video camera)).*

**Notice of Public Hearing No. 790** was read. **Nick Thesing**, 3251 State 76, Houston, MN 55943 is seeking approval of a Preliminary Plat in Money Creek Township.

Bob Scanlan, Zoning Administrator, said the preliminary plat had completed the 30-day review period and there were no concerns addressed. Mr. Scanlan made the following comments in regard to the application:

- The 1<sup>st</sup> step was approved by the County Board for a Zoning Amendment Permit.
- Thesing's "Turtle Addition" preliminary plat is the 2<sup>nd</sup> step.
- The next step is the final plat with signature blocks.
- County Highway Engineer Pogodzinski did not have any concerns.
- The Money Creek Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Nick Thesing had anything to add. Nick did not.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairman Wieser asked that the Findings be read if there were no additional questions or concerns from the Planning Commission.

The Findings were read and comments made as follows. The Planning Commission shall not recommend approval of a preliminary plat unless they find the following:

**Subd. 4. Certain Findings Require Denial of Preliminary Plat.** In the case of all sub dividers, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary plat if it makes any of the following findings:

1. That the proposed subdivision is in conflict with adopted applicable general and specific plans of Houston County.  
**Proposed subdivision is not in conflict with any adopted applicable general and specific plans of Houston County.**
2. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of Houston County.  
**Subdivision is not in conflict with any adopted components of the Houston County Comprehensive Land Use Plan.**
3. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated.  
**Physical characteristics are suitable for the proposed subdivision.**
4. That the site is not physically suitable for the proposed density of development.  
**Site is physically suitable for the proposed density of proposed development.**
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.  
**Design of proposed subdivision will not cause substantial environmental damage.**

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

**Design of proposed subdivision will not cause serious public health problems.**

7. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

**Design of the proposed subdivision will not conflict with easement of record or with easements established by judgment of a court.**

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

Glenn Kruse made the motion to recommend the Houston County Board accept the preliminary plat. Terry Rosendahl seconded. Motion carried unanimously.

**Notice of Public Hearing No. 781** was read. **Larry Hanson**, 4212 Ferndale Road, Rushford, MN 55974 is seeking approval of a Preliminary Plat in Yucatan Township.

Bob Scanlan, Zoning Administrator, said the preliminary plat had completed the 30-day review period. Mr. Scanlan made the following comments in regard to the application:

- A letter received from MN DOT on August 27, 2013 stating the legal description did not match the Preliminary Plat drawing. There are some discrepancies.
- Bob suggested tabling the plat until it meets the survey code.
- The Yucatan Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Larry Hanson had anything else to add. Larry Hanson indicated his disapproval of MN DOT's letter and the timing of the letter. Bob Scanlan said the letter was just received by his office last week. He told Larry he would need to have his surveyor get in touch with MN DOT for the correction; that's what a preliminary plat process is for: to fix any errors.

Larry Hanson again indicated his disapproval of the process.

Bruce Lee indicated his survey might conflict with the state's survey of the highway.

Terry Rosendahl said it doesn't coincide with the numerical description on the map.

Glenn Kruse said if the legal description is incorrect it should to be tabled.

Chairman Wieser said if anyone else had any comments/questions and it there wasn't entertained a motion on the application.

Garland Moe made a motion to table the preliminary plat until the legal description is corrected. Dan Griffin seconded. Motion carried.

Glenn Kruse made the motion to approve the minutes of July 25, 2013. Bruce Lee seconded. Motion carried.

**Notice of Public Hearing No. 798** was read. **Maurine Frydenlund/Frydenlund Family Trust**, 129 4<sup>th</sup> Avenue SE, Spring Grove, MN, 55974 are seeking a Zoning Amendment to the Houston County Ordinance to allow Non-Commercial family cabins under an Interim Use Permit (IUP).

Bob Scanlan, Zoning Administrator made the following comments in regard to the application:

- This application is regarding the Frydenlund property north of Spring Grove. The property has several dwellings.
- Similar to a map amendment, this is a request to amend the current Zoning Ordinance.
- Bob said the family would like to apply for this amendment as it would be the best fit for their property.
- Interim Use Permits (IUPs) have been discussed in the past. There can be an "ending date" or "a sunset" on an Interim Permit as there is not one with Conditional Use Permits.
- The property would stay within the family trust.
- This is the 1<sup>st</sup> step to have IUPs added to the Ordinance and the Frydenlund's would come back for an additional hearing.

Al Frydenlund thanked the committee for considering this application and for Bob Scanlan's help in writing up the Interim Use Permit (IUP) document. They have 270+ acres and they want to keep the cabins close. Riceford Creek runs through the property and this is their enjoyment; much like lake properties that have cabins close together.

Paul Frydenlund indicated his mother has received a number of calls in support of their application.

Dan Griffin indicated this is the first step of the process. Al Frydenlund said he understood and knew it would go to the County Board for final approval on September 10, 2013.

Al Frydenlund asked if the family should be present for the County Board meeting on September 10th. Bob said he would present it and they could surely come if they would like.

Glenn Kruse said this is new to the Planning Commission and if the County Board has direct questions if may be good for someone from the family to be present to answer any questions the Board may have.

Linda Donahue, neighbor, wanted to know how many more cabins may be built if this is approved. She wanted to know if there would be stipulations with an IUP as she was somewhat uncomfortable with the application. Bob Scanlan said the Frydenlund's would need to come back for another hearing on the actual camp ground; this was just for adding IUPs to the current Ordinance.

Kelley Stanage asked for clarification on the procedure to add Interim Use Permits (IUPs) to the Ordinance. She understood there was already something like this in place in the Ordinance under feedlots. Bob Scanlan said there are "Interim Permits" for feedlots and that is completely different.

Kelley Stanage then asked if it is the intent to use this for building permits only or if there were land use intents with IUPs. Dan Griffin indicated this application is just for the Frydenlund's request for family cabins only. There would have to be a separate hearing for anything else added to the Ordinance. This request is for "non-commercial cabins" only.

Bruce Lee asked for what the timeframe was on the trust. Paul Frydenlund said it runs through 2050. Paul also indicated in reference to Linda

Donohue's question, there are currently 4 buildings on site and they do not plan to build anymore.

Mike Knobbe, relative, indicated this is noncommercial land with 4 cabins and their children have no intention to sell the land. He thanked Bob Scanlan for his help in this matter.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Zoning Amendment permit unless they find the following:

*The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Land Use Plan or changes in conditions in the County.*

Chairman Wieser questioned the procedure on future hearings for other IUPs. Bob Scanlan indicated Interim Use Permits would be listed under Section 7 of the Ordinance and any future IUPs would require another public hearing.

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Zoning Amendment application for the Interim Use Permit application.

Terry Rosendahl seconded. 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, September 10, 2013.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4111 Charles and Kevin Kruse – Winnebago Township  
Build grain bin (30,000 bushels)
- 4112 Sheldon Neeley – Spring Grove Township  
Build house (30'6" x 42'6")
- 4113 Ron and Kim Holty – Wilmington Township  
Build 2 additions to house (6' x 15' and 10' x 24') no new bedrooms
- 4114 Scott Feine – Money Creek Township  
Build pole barn (30' x 64')
- 4115 Tom Welscher – Caledonia Township  
Build utility building (10' x 14') corn dryer (12' x 26') and 2 bulk bins
- 4116 Lowell Kinstler – Money Creek Township  
Build a hay shed (32' x 36')
- 4117 Matt Kubly – Houston Township  
Build deck on house (12' x 20')
- 4118 Hetland Family Limited Partnership – Money Creek Township  
Build multi-purpose garage (56' x 70') with bathroom (80 sq ft or less)
- 4119 Randy Krueger – Brownsville Township  
Build pole shed (42' x 54')
- 4120 Gary and Dawn Huebner – Mound Prairie Township  
Install house (26' x 49') 3 car garage (40' x 36') deck (9' x 26')
- 4121 Mike Banse – Winnebago Township  
Build addition to free-stall barn (80' x 88')
- 4122 Joshua Dahl – Yucatan Township  
Build mono slope building (20' x 60')
- 4123 Mark Schulte – Mayville Township  
Build livestock building (113' x 168')
- 4124 Tim Orr – Yucatan Township  
Build shop (44' x 48') with porch (8' x 44')
- 4125 John Koch – Caledonia Township  
Build dog house (24' x 36')

- 4126 Franklin Hahn – Yucatan Township  
Replace hay shed due to fire loss (48' x 56')
- 4127 Dan Gade – Jefferson Township  
Build grain bin (13, 000 bushels)
- 4128 Karl Sylling – Wilmington Township  
Build shop (32' x 26')

There was a brief discussion on John Koch's permit for a dog house. Bob Scanlan indicated John had a Conditional Use Permit for up to 15 dogs. John indicated he would have 11 dogs.

Glenn Kruse made the motion to recommend the county board approve the zoning permits as submitted.

Bruce Lee seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, September 10, 2013.

**OTHER BUSINESS:**

There was no other business.

Glenn Kruse made the motion to adjourn the meeting. Terry Rosendahl seconded. Motion carried.

Submitted by Planning Commission Clerk on September 3, 2013.

Houston County Planning Commission  
September 26, 2013

**Approved on October 24, 2013 by Terry Rosendahl Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, September 26, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Eric Johnson, Sheri Johnson, Mike Kelly, Mike Ott and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. *(Did not sign in: Grant Olson and Elizabeth Reedy)*.

**Notice of Public Hearing No. 799** was read. **Eric Johnson**, 14212 Paradise Drive, Houston, MN 55943 is seeking a conditional use permit to move more than 50 cubic yards of material in a shoreland district in Mound Prairie Township.

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

- It is Eric's intention to lower the railroad bed elevation to about 3 feet minimum. Excavation will take place over several years with reclaimed use of the land being cropland.
- There was a site visit on September 19, 2013. On site were Brian Pogodzinski, Highway Engineer, David Studenski, Army Corp of Engineers, Bob Scanlan, Zoning Administrator and Eric Johnson.
- Clarification as to the location of wetlands was discussed as well as elevations of the railroad and location of the breaches in the railroad bed.
- It was discussed that any excavation within a wetland would require a WCA application.
- Material removed from the railroad bed would be distributed and spread across the higher parts of the cropland outside of wetland areas.
- DNR was notified several times but did not comment on the application.
- The Mound Prairie Township board and adjoining property owners were notified. There were 3 calls to the Zoning Office in regard to the application as stated above. One call had no objection to the application; the other two calls had concerns about the application.

Chairman Wieser asked if Eric Johnson had anything to add. Eric said he already farms the railroad dike but wants to shape it a little more to farm it easier. He explained his plans on the excavation. He is thinking it will still be 4-5 feet. It will be done over time and will take about 2-3 years to do the project.

Terry Rosendahl asked if the railroad bed had much rock. Eric said there really isn't any rock. From what he can tell the railroad bed wasn't built on rock.

Terry Rosendahl asked about the holes in the dike. Eric said when it floods there is so much water goes through the breaches that it gouges holes in. He's hoping by lowering it that it will help.

Mike Ott stated he lives next to the project area. (He passed out some Google maps to the planning commission.) He has lived there 30 years and he is concerned there will be more water after the excavation. He stated they had protection until the previous owner put the breaches in around 1995. If they eliminate the dike completely they will get even more water when it floods. He is concerned that it will affect his artesian well and septic system.

There was discussion on the Ott's artesian well being in a flood plain.

*(There were general discussions between Mike Ott, Mike Kelly, Grant Olson and Eric Johnson with the planning commission on their thoughts on water flow.)*

Grant Olson is concerned that the breaches were put in illegally by the previous owner and it was never reclaimed. He said he has no problem with putting the railroad bed down but he would like to see it sloped and not to go down to 3 feet.

Chairman Wieser asked Bob Scanlan about the onsite visit. Bob said neither Brian Pogodzinski, Highway Engineer nor David Studenski, Army Corp of Engineers had a problem with the project, but it was clear they don't want the breaches filled. The water is there already as it is in a floodplain, so it will flood.

Chairman Wieser stated they should take the formal opinion of the highway engineer and Army Corp engineer.

Dan Griffin asked Eric Johnson if he would be willing to stay at a minimum elevation of 5 feet on the railroad bed after excavation instead of 3. Eric was

agreeable to that option. Grant Olson said they don't have an issue if they shape it and stay at 5 feet.

There was general discussion on what height the railroad bed should remain at.

Glenn Kruse suggested Eric could work with the Root River Soil and Water Conservation office on the project as well.

Dan Griffin suggested they should agree on 5 feet as being the minimum elevation on the railroad bed after excavation instead of 3 feet.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development  |     |

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|--|-----|
| greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?                                 | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare? | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Maintain a minimum elevation of 5 feet on the railroad bed after excavation. The final grade of the railroad bed shall be at least 5 feet higher than the ag field located north and directly adjacent to the railroad bed.**
- 3) Spoil from the excavated railroad bed shall be deposited north of the railroad bed in upland areas of Johnson's ag field outside of wetland areas.**

Terry Rosendahl seconded. 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, October 8, 2013.

Terry Rosendahl made the motion to approve the minutes of August 29, 2013. Dan Griffin seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |  |
|------|--|
| 4129 | Tom and Jeff Gerard – Wilmington Township<br>Build lean-to on existing shed (40' x 64')  |
| 4130 | Irvin and Joanne Schansberg – Caledonia Township<br>Build house (32' x 38') deck (14' x 10') garage (28' x 36') shop (32' x 48') with 10' lean |
| 4131 | Morken Farms – Black Hammer Township<br>Build bunker silo (80' x 150')   |
| 4132 | Jeffrey Eastman – Jefferson Township<br>Build shop/garage (18' x 30')  |

- 4133 Arlin Gran and Greg Gran – Crooked Creek Township  
Replace existing trailer – no additional bedrooms (16' x 60')
- 4134 A. Peter and Jeanne Johnson – Houston Township  
Build shed (24' x 27')
- 4135 Dean Miller – Wilmington Township  
Build storage shed (36' x 50')
- 4136 Travis and Naaren Kingsley – Sheldon Township  
Build a garage (30' x 30')
- 4137 Josh Swenson – Sheldon Township  
Build house (43'4" x 32') garage (24' x 35')
- 4138 Karl Stokman – Winnebago Township  
Build pole shed (40' x 64')
- 4139 Tony Breeser – Union Township  
Build shed (30' x 60')
- 4140 Dennis Gulbranson – Spring Grove Township  
Build pole storage building (60' x 104')
- 4141 Tim Schieber – Caledonia Township  
Build shed (60' x 120')

Garland Moe made the motion to recommend the county board approve the zoning permits as submitted.

Terry Rosendahl seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, October 8, 2013.

**OTHER BUSINESS:**

CUP #146 renewal for Fred Sandvik of Old Hickory Orchards, LLC to operate a temporary Ag employee housing unit in Mound Prairie Township. Terry Rosendahl made a motion to renew to CUP, Bruce Lee seconded the motion and the motion carried.

Terry Rosendahl made the motion to adjourn the meeting. Bruce Lee seconded. Motion carried.

Submitted by Planning Commission Clerk on September 30, 2013.

Houston County Planning Commission  
October 24, 2013

**Approved on November 18, 2013 by Garland Moe and Terry Rosendahl**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, October 24, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Alan Frydenlund, Paul Frydenlund, Bev Frydenlund, Maurine Frydenlund, Brent Newgaard, Carol Knobbe, Bruce Kuehmichel and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

**Notice of Public Hearing No. 800** was read. **Maurine Frydenlund and Frydenlund Family Trust**, 129 4<sup>th</sup> Avenue SE, Spring Grove, MN 55974 are seeking an Interim Use Permit (IUP) for Non-Commercial Family Cabins in an Agricultural Protection District in Black Hammer Township.

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

- Has been working with the Frydenlund's for about 5 years.
- Frydenlund's amended the County Ordinance to allow an Interim Use for Non-Commercial Family Cabins.
- The site would be restricted to family use only. The cabins would not be rented or leased to a 3<sup>rd</sup> party.
- The cabins would be restricted to short-term seasonal use. These are not residential dwellings. There is no homestead tax credit on the property.
- They would like to have a shared septic system for the cabins.
- Some issues to address in order to come into compliance include: one of the cabins is in a floodplain, there is a creek that needs to be crossed to access the cabins, the existing road may have a slope issue, the existing road they uses crosses a neighbor's property so an easement may be necessary.
- The Black Hammer Township board and adjoining property owners were notified. There were no calls to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Frydenlund's had anything to add. Alan Frydenlund spoke and thanked Bob Scanlan for helping the family get to this point. He stated the cabin in the floodplain had been permitted in (1975). He sent a notice to the DNR about the creek crossing and they sent an aerial survey of the valley and acknowledged that they use the creek. They are willing to do what's necessary for the road. They always thought they had owned the land the road was on. Truman Wiste is okay with providing an easement for the land with the road.

Bruce Lee asked about the septic requirements for the cabins if they are in a floodplain. Bob Scanlan indicated it would be workable to situate a system for the cabins.

Glenn Kruse stated there probably were no floodplain regulations in 1975 when the original permit was granted.

Dan Griffin asked how far it was into the floodplain. Al stated the DNR information indicated it is one foot below the main floor so an option would be to build a berm or jack the cabin up to put another layer of bricks in.

Dan Griffin asked how close the water got this spring. Al indicated it was touching the bricks that were on the ground; about 2-3 feet before it would have been on the main floor.

Dan Griffin asked if putting a berm there was possible. Al said they were okay with it and thought it was the easiest fix.

Glenn Kruse thought putting a berm in would help to protect the septic system as well. Al explained how the one cabin is situated. Bob Scanlan indicated a pump tank would be necessary.

Dan Griffin questioned the use of Wiste's road. Bob Scanlan suggested that they put together a recorded document for the easement. It was stated it was for their protection if the Wiste land is ever sold.

Dan Griffin asked how easily emergency vehicles could get there if there was a fire. Al talked about the road quality and that they plan to fix it. Dan suggested also keeping tree branches cut.

Glenn Kruse suggested contacting the fire department on what they recommend for getting to the site.

Dan Griffin asked how many cabins they are planning to have. Al said 4 cabins total.

Glenn Kruse asked when the trust ended. Paul Frydenlund said 2050. Dan suggested going with the ending trust date of 2050. They could come in and reapply at that time.

Dan Griffin asked what the DNR indicated about the creek crossing. Al said they never responded on the crossing. They (DNR) did the cabin elevations but they never heard on the crossing.

Brent Newgaard stated that most times the DNR doesn't want a bridge crossing and they would rather have people cross through it.

Dan Griffin asked what the timeline was for building the 4<sup>th</sup> cabin. Carol Knobbe would be building the 4<sup>th</sup> cabin and she would like to build as soon as possible. Dan suggested they take care of their easement request this winter so they could start in the spring.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?                    | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?                | YES |
| 10. | Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted? | NO  |

- |  |     |
|--|-----|
| 11. Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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? | YES |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Bruce Lee questioned the road access issue and they should get an easement. Glenn Kruse suggested getting everything in order and then come back.

Charlie Wieser questioned the berm structure and if it was necessary. Bob Scanlan said they will consult with the DNR on the berm.

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Interim Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) A recorded easement or quit claim deed granted from Truman Wiste is required.**
- 3) Must work with DNR to install a berm to flood proof existing cabin in floodplain.**
- 4) Talk to local fire department on recommendations for emergency access.**
- 5) Cabins are seasonal, never permanent and limited to 4 cabin limit.**
- 6) Septic system to accommodate all cabins to be installed.**
- 7) The above conditions must be met before construction of new cabin in spring of 2014 can begin.**
- 8) Permit runs until 2050, the length of the trust.**

Bruce Lee seconded. 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, November 5, 2013.

Terry Rosendahl made the motion to approve the minutes of September 26, 2013. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4142 Craig Stables – Brownsville Township  
Add 2 lean-to additions to existing shed (24' x 64')
- 4143 Richard Snow – Houston Township  
Build pole shed (30' x 48')
- 4144 Marilyn Flannery – Brownsville Township  
Build deck (10' x 30')
- 4145 Mike and Cindy Bolduan – Union Township  
Build shop (40' x 60')
- 4146 Rodney and Mary Amundson – Spring Grove Township  
Build attached garage (30' x 32') with mudroom (10' x 16')
- 4147 Jeff and Kelly Mauss – Mayville Township  
Build garage (16' x 24') and breezeway (6' x 16')
- 4148 Charles Kruse – Winnebago Township  
Build machinery shed (40' x 56')
- 4149 Bruce and Shannon Schutte-meier – Spring Grove Township  
Build entryway (16' x 8') and 2 porches (20' x 8') and (10' x 8')
- 4150 Darryl Sharon – Winnebago Township  
Build attached garage (32' x 32')
- 4151 Norman Lemke – Mayville Township  
Build pole shed (36' x 63')
- 4152 Randy Klinski – Caledonia Township  
Build storage shed (44' x 44')
- 4153 Hoyt and Cheryl Zenke – Mayville Township  
Build storage shed (50' x 240')
- 4154 Rick Sime – Houston Township  
Build house/garage (26' x 32')

4155 Norbert Staggemeyer Trust/Mike Staggemeyer – Winnebago Township  
Substantial land alteration – 16,800 yds – NRCS approved plan

Bruce Lee made the motion to recommend the county board approve the zoning permits as submitted.

Terry Rosendahl seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, November 5, 2013.

**OTHER BUSINESS:**

CUP #216 renewal for Van Lin Orchards to operate a temporary Ag employee housing unit in Hokah Township. Bruce Lee made a motion to renew the CUP, Garland Moe seconded the motion and the motion carried.

Should there be meetings in November and December they will be held on Monday nights, November 18<sup>th</sup> and December 16<sup>th</sup> due to holidays.

Terry Rosendahl made the motion to adjourn the meeting. Bruce Lee seconded. Motion carried.

Submitted by Planning Commission Clerk on October 28, 2013.

Houston County Planning Commission  
November 18, 2013

**Approved on December 16, 2013 by Terry Rosendahl and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Monday, November 18, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Bruce Kuehmichel, Jim Burg, Cindy Burg, Russell Kruse, Judy Storlie, Jerry Storlie, Larry Hanson, Robin Schlegel, Greg Myhre, Chris Summers, Chad Myhre, Darryl Meyer, Jeff Adamson, Pam Meiners, Linda Schulte, Janice Adamson, Kristina Meyer, Amber Miller, Nick Leibold, Rick Munson, Shelly Munson, Richard Kasten, Susan Kasten, Dean Meyer, Jean Burrichter, Steve Bauer, Kathy Ladsten, Chris Denstad, Toby Denstad, Craig Ladsten, Jed Hammell and Craig Moorhead (These individuals spoke but did not sign in: Toby Burrichter, Yvonne Krogstad, Nancy Schroeder, Brent Schroeder, Gary Kruckow and Greg Lammers). Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

**Notice of Public Hearing No. 781** was read. **Larry Hanson**, 4212 Ferndale Road, Rushford, MN 55974 is seeking approval of a Preliminary Plat in Yucatan Township.

Bob Scanlan, Zoning Administrator, said the preliminary plat had completed another 30-day review period after Larry's surveyor made the corrections that MnDOT requested. Mr. Scanlan made the following comments in regard to the application:

- A letter was received from Greg Pates, MnDOT dated October 22, 2013. The letter stated the Preliminary Plat (dated 9/12/13) was reviewed and is acceptable to MnDOT.
- Dick Walter, County Surveyor and Dan Krzoska, E911 Coordinator also looked over the plat and gave approval.
- The Yucatan Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if Larry Hanson had anything to add. Larry stated he hopes the plat is approved and was wondering why it had to be a subdivision in the first place. Chairperson Wieser said that is the way the current Ordinance is written.

Bruce Lee asked if the driveway access would be off of Ferndale Road. Larry indicated it would be.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairman Wieser asked that the Findings be read if there were no additional questions or concerns from the Planning Commission.

The Findings were read and comments made as follows. The Planning Commission shall not recommend approval of a preliminary plat unless they find the following:

**Subd. 4. Certain Findings Require Denial of Preliminary Plat.** In the case of all sub dividers, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary plat if it makes any of the following findings:

1. That the proposed subdivision is in conflict with adopted applicable general and specific plans of Houston County.  
**Proposed subdivision is not in conflict with any adopted applicable general and specific plans of Houston County.**
2. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of Houston County.  
**Subdivision is not in conflict with any adopted components of the Houston County Comprehensive Land Use Plan.**
3. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated.  
**Physical characteristics are suitable for the proposed subdivision.**

4. That the site is not physically suitable for the proposed density of development.  
**Site is physically suitable for the proposed density of proposed development.**
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.  
**Design of proposed subdivision will not cause substantial environmental damage.**
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.  
**Design of proposed subdivision will not cause serious public health problems.**
7. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.  
**Design of the proposed subdivision will not conflict with easement of record or with easements established by judgment of a court.**

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

Chairperson Wieser asked for a motion on the plat if there was no further discussion.

Glenn Kruse made the motion to recommend the Houston County Board accept the preliminary plat. Bruce Lee seconded. Motion carried unanimously.

Garland Moe made the motion to approve the minutes of October 24, 2013. Terry Rosendahl seconded. Motion carried.

**Notice of Public Hearing No. 801** was read. **Robin Schlegel**, 6622 Union Ridge Drive, Hokah, MN 55941 is seeking a conditional use permit to run an Agricultural Oriented Business, a winery, in Union Township.

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

- Robin is proposing a small premium winery on her property, called Union Valley Vineyard and Winery, LLC.
- The winery will produce 80% locally grown vinifera varieties. They will produce approximately 1,500 bottles (300 gallons) for purchase and increase as the winery reputation builds.
- There is an existing 30' x 40' building on the premises that will be used for grape processing, wine fermenting, production, fining, filtering, aging, bottling and sales.
- Hours of operation will be by appointment or invitation for tasting, tours and purchasing.
- Parking for any event will be available in the existing driveway. There is also a gravel parking pad in front of the building.
- The Union Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if Robin had anything to add. Robin said they are applying for Minnesota Farm Winery license. Eighty percent of what they produce will be from locally grown grapes.

Dan Griffin asked if this application could be considered a level II home occupation. Bob indicated it would be an ag oriented business because it is a crop that is being grown and processed on the site.

Glenn Kruse asked about the different kinds of grapes she will be growing. Robin explained she has several varieties she is growing and will also purchase from local growers. She may also purchase from a new location in Winnebago Valley.

Dan Griffin asked how many acres she owns. Robin indicated they own .50 acres. She also buys from 2 other growers. Dan asked if she plans on having many people coming out. Robin said she prefers not to have many people coming out and prefers to have the product being sold at other establishments.

Dan Griffin asked what is required utility wise to make wine. Robin briefly explained the different ways that wine can be made. Dan asked if there is enough room in her building to do all this. Robin indicated it doesn't take much space and her building is actually larger than most.

Chairman Wieser asked if anyone else had any comments/questions.

Bruce Kuehmichel asked what the water requirements were. Robin said she really doesn't use much water at all. It would be distilled water brought in or nothing at all.

Dan Griffin asked if there are sufficient utilities at the current building. Robin said yes and that everything has been approved by the State of MN. There is no bathroom in the building. It is used for production.

Bruce Lee asked if there was much waste product. Robin said everything is cultivated back into the field. There is hardly any waste and micro-nutrients are poured back on the vines.

Robin also discussed the tourism potential for the area as there are many new establishments opening.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |   |     |
|-----|---|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3.  | Will the proposed use degrade the water quality of the County?  | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6.  | Does the proposed use create a potential pollution hazard?  | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?   | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?   | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?  | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?  | NO  |
| 12. | Are adequate measures being 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?   | YES |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?                 | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | NO  |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Bruce Lee seconded. 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, December 3, 2013.

**Notice of Public Hearing No. 802** was read. **James and Cindy Burg**, 7474 County 5, Eitzen, MN 55931 are seeking a conditional use permit for substantial land alteration in Winnebago Township.

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

- Burg's plan to move material from the north side of the mill to the south side of the mill.
- Material is proposed to be placed on an area to be used as a parking lot for a proposed home business.
- The permit process was brought to the attention of the zoning office through a complaint.
- Proposed to move more than 50 cubic yards.
- Brian Pogodzinski, County Highway Engineer is recommending the following: 1) Remove all graveled areas within the County Right-of-Way (33' from centerline), with the exception of the two driveway connections.

There have been two graveled parking area added with the right-of-way, one on each side of the building that need to be removed. 2) Reshape the roadway and slope to a 1:4 slope for the first 10' starting 2' off the edge of the gravel roadway. 3) Restore vegetation within right-of-way. 4) Project is to be completed by July 1, 2014 (same date as wetland restoration order).

- The Winnebago Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if the Burgs had anything to add. Jed Hammell spoke that he is representing the Burgs. He explained that the Burgs are planning to move the fill as required from the north side to the south side. The Burgs did not attempt to do anything that wasn't in accordance with the ordinance. He also explained that most all in attendance are in support of the Burg's.

Dan Griffin asked about the driveway on the north side. Jim explained that when the 2008 flood happened, the county brought in fill to that area and he did the same. Jed Hammell explained that the Burgs will do whatever is necessary to fix the issue. Jim stated they are working with the necessary agency to fix the issues.

Glenn Kruse stated that he is a neighbor of the Burgs and will abstain from voting on the application.

Rick Frank stated that the Technical Evaluation Panel (TEP) has met onsite with Jim and Cindy and they are working with them to correct the issues. July 1, 2014 is the deadline for getting the necessary changes made.

Bruce Lee asked Jim what his plans were for the wetland. Jim indicated he plans to remove all of the fill from the wetland and/or excavate the 4:1 slope per Highway Engineer, Brian Pogodzinski.

Chairperson Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dana Kjome made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**

Garland Moe seconded. Motion carried (with Dan Griffin and Glenn Kruse abstaining.) 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, December 3, 2013.

**Notice of Public Hearing No. 803** was read. **James and Cindy Burg**, 7474 County 5, Eitzen, MN 55931 are seeking a conditional use permit for a Level II Home Occupation in Winnebago Township.

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

- The “The Mill” was originally built in 1860 and was used to grind corn. It was refurbished in 2012.
- The building is currently listed in the Houston County Historic Registry.
- The building is 30’ x 30’ and has 4 levels: basement (furnace, utilities), 1<sup>st</sup> floor bar, 2<sup>nd</sup> floor kitchen, lounging area, 4<sup>th</sup> floor bedrooms – 8 beds and 2 bathrooms.
- The building is rented out for a variety of uses: Lodging for hunters, reunions, vacation get-away, various parties and functions.
- Permit process was prompted by a complaint.
- Application is considered after-the-fact.
- Bob met on the site with DNR, Corp of Engineers, BWSR, Root River Soil and Water and a tour was taken of the building.
- DNR replied that the building sits in the 1% floodplain and the recommendation is to have the building flood-proofed. It was recommended by Ceil Strauss, DNR Floodplain Manager, to table the hearing until it is flood-proofed.
- It is also necessary to work with the Minnesota Department of Health on any facility code requirements.
- The Winnebago Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if the Burgs had anything to add. Jim Burg stated the building was built in the 1860’s, there are several historical items in the basement and it would be a shame to fill that all in.

Garland Moe asked if it ever flooded. Jim indicated it never has.

Jed Hammell talked about the historical value of the mill. Jed commended the Burgs on their preservation of the building and said they would like to keep this going for all to enjoy. The Burgs understand that they need to make the building safe. He also stated the Burgs have talked to the neighbors on their intentions.

Floodplain issues were discussed and that would need to be addressed. Bob stated the DNR suggests that you have an engineer work with you and sign off on it. The historical factor may also alleviate having to fill in the basement.

Jed Hammell stated the Burgs intentions are to make things right. They will work with the necessary agencies to correct it.

Bruce Lee asked if there was another location to put the historical equipment in the basement. Jim stated they would go to plan "B" if they had too.

Glenn Kruse stated the historic value of the mill and the way it used to be many years ago.

Chairman Wieser asked if anyone else had any comments/questions.

Toby Burrichter questioned the flood-proofing requirements in reference to the furnace and pressure tank. Bob stated it is a concern with previous flooding in the county and FEMA regulations that the standards are met.

Cindy Burg questioned whether they would be grandfathered in because the building is so old. Bob stated it is considered a change in use of the building therefore the requirements have changed.

Greg Myhre asked when the original permits were obtained for the building. Bob said a permit was issued to put a deck on the existing structure and the building was going simply be used for family enjoyment. It was not for a change in use of the building.

Chad Myhre questioned the flood-proofing requirements and why all basements aren't required to flood-proof. Dan Griffin stated no new permits are issued in a floodplain unless they are cleared.

There was brief discussion on FEMA requirements and what needs to be followed in order for Houston County to continue to receive FEMA monies.

Chris Summers wondered why there are issues now with the building as it has been in use for about a year and a half. Bob stated the office was recently made aware of the issues. Bruce Lee stated they are often times complaint driven.

Elsie Rud stated her support for the Burgs and they are helpful to community organizations and the local economy.

Amber Miller asked why they can't use the building for hunters since flooding isn't a concern this time of year. Jim Burg stated they were shut down in October so they haven't been able to operate.

Dan Griffin stated that no one is against what they are doing but state, local and federal rules and regulations have to be followed, however.

Dana Kjome asked if there were fire detectors on the top floor where people sleep and how people would get out if needed. Jim stated they have carbon monoxide detectors and smoke detectors.

Bruce Lee said fire issues would be addressed by the state. Bruce then questioned the application in reference to lodging. Bob said the closest permit issue in the ordinance is a home occupation otherwise they would have to close permanently.

Bruce Lee questioned the safety issue of how people would escape the loft if there were a fire. Jim said there are steps (on the inside) going down.

Greg Myhre asked if there were possible temporary solutions that would keep them in operation. Charlie Wieser said stipulations could be put on the permit.

There was discussion on the reasons to table the application. Public safety requirements (MN Department of Health) and MN DNR requirements would need to be addressed.

Jed Hammell questioned whether the conditions to be addressed could be stipulated on the permit and if they didn't follow the conditions the permit would be pulled. Dan Griffin stated what if something happens and the place is full of people and it burns down. Jed agreed with the concerns.

Cindy Burg said there are several places in operation like this in the county. Dan Griffin said we aren't aware of them and if so they should be brought to Bob's attention.

Terry Rosendahl suggested the application couldn't be approved until everything is in compliance.

Jed Hammell asked for clarification on the issues that need to be addressed. Discussion took place that flood plain issues and public safety concerns would need to be addressed.

Rick Frank suggested rolling everything together into the July 1, 2014 deadline for completing the necessary wetland restoration.

Pam Meiners questioned if they could use the site at all with Rick's suggestion.

Bruce Lee suggested tabling the application until further information is provided at the next meeting. Bob said applications can be tabled for additional information.

Bruce Lee moved to table the application and requests that the Burg's obtain additional information from the MN DNR in regard to floodplain concerns and the MN Department of Health in regard to safety concerns with lodging. Terry Rosendahl seconded. Motion carried (with Dan Griffin and Glenn Kruse abstaining). The next meeting will be December 16, 2013. An on-site meeting will be at 3p.m. at Burg's Mill the same day of hearing.

**Notice of Public Hearing No. 804** was read. **Bonanza Grain Inc., dba Kruckow Rock and Redimix and Alan Sheehan** are seeking a Conditional Use Permit to expand a rock quarry and do mineral extraction in an ag district in Caledonia Township. (Previous hearing #793 was earlier in 2013.)

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

- The last hearing was held on May 20, 2013. The County Board granted a 6 month permit on the application.
- Bob indicated they have complied with all 6 conditions on the first permit which include: 1) All federal, state and local permits be obtained and followed. 2) 6 month time limit with a review of permit within 6 months.

(A new application with application fees is required.) 3) Seismographic readings will be done at 4 locations. 4) Notify any residences within ½ mile before the next blast. 5) The blast should replicate the April 4<sup>th</sup>, 2013 blast as much as possible.

- A new survey of the property has been submitted by surveyor Joel Thoreson Land Surveying. The survey takes into account the 1,000 setback of Brent Schroeder's to the west. It includes the additional land they plan to expand which is 17.08 acres in size.
- Kruckow's have submitted their plan of operation.
- Graphs on seismograph and dB were handed out for the last 5 years of blasting and the October 24, 2013 blast. The replication of the blast from April 2013 was very comparable.
- None of the readings exceeded federal limits.
- The Caledonia Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if Gary Kruckow had anything to add. Gary said they took the blast as close as they could to the April 2013 blast and the readings came out about where they thought they would be. He is not looking to change anything in the future as far as bigger blasts.

Dan Griffin asked about the land survey. Gary said they surveyed the pit that they are going to excavate and it is surveyed all the way around. Dan asked if Gary had any idea of the lifetime of the pit. Gary said likely 20 years.

Chairperson Wieser asked about other member experiences of blast as he was not able to attend. Bruce Lee said he was at the Back 40 Supper Club and felt the ground shake a little but nothing significant. Dan Griffin said he was at Brent Schroeder's and described the feeling as that of a bulldozer driving by. Dana Kjome was at Brent Schroeder's as well and described it as a train going by. Terry Rosendahl said he, Glenn Kruse and Commission Steve Schuldt were at Nancy Schroeder's. He said it sounded like a shot gun shell going off and a cloud of dust arose.

Bruce Kuehmichel stated he was at Nancy Schroeder's as well. He doesn't believe it is fair to say the blast was replicated like the April 2013 blast. He discussed frost, air pressure and the location of the blast. He didn't think they were the same specifically the location of the blast.

Dan Griffin said the blast site was just moved over, but on the same wall of the quarry. Bruce Kuehmichel said he stood corrected on his claim.

Bruce Kuehmichel referred to the current ordinance and asked when reclamation would occur at the site. Bob said it does explain what needs to happen once the mine is no longer in operation; the reclamation process should start within 3 months after the mine closes. It should be complete within 1 year.

Mr. Kuehmichel went on to discuss his aquifer concerns. He shared his suggestions on how he would reclaim the exposed land this is not in use.

Nancy Schroeder wanted to thank the commission for coming out to the blast on October 24<sup>th</sup>. She was notified and appreciated that also. She thought this blast was quieter and lighter than the April 2013 blast. She is discouraged however on the relations with Kruckow's due to the blasts.

Dan Griffin stated the blast logs are regulated the ATF and they are accurate. They can continue to do seismograph readings at all 4 locations in the future as well. Gary Kruckow said he would continue to do 4 readings and he will give notice. He tries to notify the morning of the blast because the weather may play a factor whether they can actually do it or not.

Dana Kjome stated that he was glad he was at the last blast and he learned a lot about seismograph readings.

Bruce Kuehmichel asked whether performance bonds are required. Charlie Wieser stated the County Board decides whether to require one and to his knowledge they never had. Bruce Lee indicated how expensive they are and that it could put someone out of business. Bob Scanlan stated he has brought up bonds in the past to the board as a tool to use.

Brent Schroeder wanted to thank Greg Lammers of Bennett Explosives and the planning commission on their work with this application. He indicated there were hard feelings with Kruckow's on what was said at the previous hearing.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin stated #12 was in question and asked for clarification on where the seismographic readings would take place. Gary Kruckow said readings will be taken at Schiebers, Back 40, Brent Schroeder and Nancy Schroeder. Dan also asked if 24 hours advanced notice could be given. Gary indicated he would do his best.

Terry Rosendahl asked Greg Lammers how many feet are typically taken on a blast. Greg said it depends but in this case typically 30 feet in diameter.

Dan Griffin asked about how many feet away they are from the surveyed boundary. Greg Lammers thought approximately 200-300 feet.

Brent Schroeder questioned whether he could ever rezone and develop the area. Chairperson Wieser said he could as long as he stayed 1,000 feet away from the quarry.

Yvonne Krogstad questioned how many feet were taken this time (October blast) compared to April. Greg Lammers stated it was similar but it's not like cutting something with a knife where everything is going to be exact. They used the same number of holes this time and it was 25-40 feet is an average on that pit.

Nancy Schroeder asked about the noise and why this time it was different. Greg Lammers discussed how close the readings actually were for the 2 blasts (April and October). It was discussed that Mrs. Schroeder could request blast records at any time as this is public information.

Bruce Lee made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Seismograph readings will be taken at Schiebers, Back 40, Brent Schroeder and Nancy Schroeder.**
- 3) 24-hour advance notice will be given to property owners before blasting.**

Terry Rosendahl seconded. 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, December 3, 2013.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

4156	Tom and Jeff Gerard – Wilmington Township Build hay storage shed (40' x 64')
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- 4157 Craig Stanislowski – Yucatan Township  
Build pole shed (40' x 60')
- 4158 Joseph Hartley – Caledonia Township  
Add onto existing pole shed (18' x 28')
- 4159 Steve Rischette – Houston Township  
Build garage (24' x 30') with lean-to (10' x 18')
- 4160 Jay Johnson – Money Creek Township  
Build detached garage (30' x 48')
- 4161 Dennis Holte – Black Hammer Township  
Build shed (60' x 96')
- 4162 Richard Thesing – Brownsville Township  
Replace existing garage/shop (24' x 40')
- 4163 James Stromberg – Money Creek Township  
Build a mini storage build (40' x 100')
- 4164 Gary Otterness – Black Hammer Township  
Build garage (26' x 44')
- 4165 Hidden Bluffs Inc. /Midwest Outdoor Resorts  
Build shop (28' x 48')
- 4166 Nathan Rask – Sheldon Township  
Build lean-to (18' x 40')
- 4167 Phillip Nielsen – Mound Prairie Township  
Build storage shed (14' x 24')

Bruce Lee made the motion to recommend the county board approve the zoning permits as submitted.

Terry Rosendahl seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, December 3, 2013.

**OTHER BUSINESS:**

CUP #262 yearly renewal for Travis Zenke, Zenke Partnership in Hokah Township for substantial land alteration in a shoreland district. Terry Rosendahl made a motion to renew to the CUP, Bruce Lee seconded the motion and the motion carried.

Bob stated the Planning Commission term limits were recently approved by the County Board. There was a brief discussion how it has been set up. Bob said there is no application for applicants to fill out and the wording on number four is concerning. Number four states “*New members may submit an application to the county board of commissioners by December 1 for review and consideration.*” As read it means if you are a new member of the planning commission you need to submit an application to the county board by December 1 for review. (Review of what, consideration of what and what year are in question). Bob said he and Rick talked to Justin Zmyewski and Steve Schuldt about their concerns last week and Justin said the matter would be discussed at the board meeting that day. It was not. Commissioner Kjome asked if it was meant for new applicants. Commissioner Kjome also talked about emails going around and questioned Commissioner Storlie on her thoughts. She indicated it needed to be discussed. Bob said as it reads all planning commission members will be replaced within 2 years with the exception of Dan Griffin. Chairperson Wieser shared his experience with a statement someone made to him and how some people believe if you upset the county board you will be gone. Frac sand issues have been a large factor on why term limits have recently become a topic.

Terry Rosendahl made the motion to adjourn the meeting. Garland Moe seconded. Motion carried.

Submitted by Planning Commission Clerk on November 19, 2013.

Houston County Planning Commission  
December 16, 2013

**Approved on February 24, 2014 by Glenn Kruse and Dana Kjome**

The Houston County Planning Commission met at 7:00 p.m. on Monday, December 16, 2013. A summary of the meeting follows.

The meeting was called to order by Chairman Charlie Wieser. Members present were Chairman Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Bruce Lee and Terry Rosendahl. Others present were Ivan McElhiney, Lois McElhiney, Teresa McElhiney, Allison McElhiney, Sheldon McElhiney, Jen Schumacher, Shane Schumacher, Mike Semling, Rod Garrison, Steve Schuldt, Linda Schulte, Julie Luttcens, Neal Luttcens, Pam Meiners, Randy Meiners, Nick Leibold, Meghan Leibold, Jim Burg, Cindy Burg and Craig Moorhead Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

**Notice of Public Hearing No. 805** was read. **Ivan and Lois McElhiney**, 415 King Street, La Crosse, WI 54601 (and son Sheldon McElhiney of 7474 County 25, La Crescent, MN 55947) are seeking a conditional use permit to construct nine greenhouses in an agricultural district in Mound Prairie Township.

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

- The Board of Adjustment granted a variance of 20 feet from County 25 right-of-way earlier in the evening.
- Produce and fish will be raised in the greenhouses.
- Buildings will be for commercial use.
- There is available land to the north of County 25 but Mr. McElhiney prefers to build to the south of County 25.
- The Mound Prairie Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairman Wieser asked if the McElhiney's had anything to add. Ivan McElhiney said his son Sheldon would be speaking. Sheldon explained his reason for wanting to build the greenhouses to the south of County 25 was to

keep the existing farmstead separate and also the land slopes to the south which would be better for the greenhouses. Also, Sheldon explained he would build one greenhouse in the spring of 2014 and the remaining houses at a later time.

Dan Griffin asked if the fish troughs would be in the greenhouses. Sheldon said they would be.

Bruce Lee asked what Sheldon's plans were for water usage. Sheldon said he plans to put in a well. Bruce then asked what type of power was needed. Sheldon said a standard 120 volt.

Dan Griffin asked if he would be going geo-thermal and if he would be warehousing. Sheldon indicated he would be using geo-thermal for heating and would eventually be employing approximately 15 employees. It would not be open to customers but would be for interested parties for a tour.

Dan Griffin asked if there would be sufficient parking. Sheldon indicated there would be.

Bruce Lee asked how far apart the greenhouses would be built. Sheldon said they would be approximately 25-30 feet apart. Bruce commented that this should have enough room for vehicles to go in-between.

Glenn Kruse asked if there would be any water waste. Sheldon said there is little to no waste at all.

Dan Griffin asked on setbacks and parking. Sheldon said there is enough room to park on west side of the houses. Sheldon then explained the access to the greenhouses.

Bruce Lee questioned whether there might be space issues on the lot and that there would probably be more room on the north side of the road.

Dan Griffin asked if Sheldon had contacted his neighbors. Sheldon said he had talked to the VonArx's and they are in favor of his plan.

Bruce Lee asked if there would be much lighting needed. Sheldon said it would be minimal and he doesn't plan to use any lighting after dark.

Glenn Kruse asked what the greenhouses would be built out of. Sheldon said a clear EFTE plastic.

Bruce Lee asked if he would have to do much excavating. Sheldon some terracing would be required. Bob Scanlan said the slope is between 8-14%.

Chairman Wieser asked if anyone else had any comments/questions. There were none.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | YES |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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? | YES |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse asked about water runoff potential from the buildings. Sheldon said the water runs to the south. He plans to do the proper soil erosion steps and will seed the area.

Dan Griffin asked about lighting at night. Sheldon said he would have interior lights but won't be using them after dark.

Glenn Kruse asked if there would be any security lighting. Sheldon said there wouldn't be any.

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Work with RRSWCD on soil conservation.**

Glenn Kruse seconded. 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 Monday, December 30, 2013.

**Notice of Public Hearing No. 806** was read. **Michael Semling**, 16300 County 26, Houston, MN 55943 is seeking a conditional use permit for substantial land alteration in Yucatan Township.

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

- Application is after-the-fact.
- Action was due to a complaint.
- Mr. Semling's future plan is to build a house according to his plan.
- Dave Walter from RRSWCD does not recommend putting material back and his recommendation is to stabilize the ground in the excavated areas.

The specific recommendations include: 1) Place silt fence below disturbed areas. 2) Grade and shape cut/fill banks to a 2:1 or flatter. 3) Seed and mulch using good sod forming grasses and legumes. 4) If 2:1 slopes can't be achieved a good way to treat steeper slopes are-retaining walls, cable concrete, rip-rap, etc. 5) Fabricated mulch using anchors should be used on sensitive areas. 6) Use bale barriers or fabric barriers in concentrated flow areas. 7) Above site construct clean water diversions and out let onto a stable area. This will help protect the site while grasses form and stabilize. 8) Grade out "small pond" so it doesn't impound water. Banks are too unstable and may become a safety issue. 9) Receive a good site plan from Mike, so everyone knows exactly what's expected.

- Some sediment has eroded into County 4 road ditch. Highway Engineer Pogodzinski suggests that the site be looked at in the spring to see if things need to be cleaned up or seeded down.
- The Yucatan Township board and adjoining property owners were notified. There was one call from the Township and one call from a property owner to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if anyone else had any comments/questions.

Chairperson Wieser asked if Mike Semling has completed the excavation. Mike indicated he was and plans to fix what needs to be done to improve the situation.

Glenn Kruse asked if Mike put in the culvert. Mike said he received permission from the County Highway Department.

Dan Griffin asked what the main use of property would be. Mike indicated he is an outdoorsman and wanted better access points for hunting. He was putting in roads for hunting purposes.

Dan Griffin asked if Mike was aware the land in a bluff impact zone with 24% (or more) slope and it is against the ordinance to do that type of excavating. Mike said he was aware now. Dad also stated it's not a buildable lot. Mike said he understood it was not buildable.

Bruce Lee asked what the slope was. Bob Scanlan said it was over 24%.

Bruce Lee asked how large of area the lot was. Bob Scanlan said it was approximately  $\frac{1}{4}$  to  $\frac{1}{2}$  acre.

Dan Griffin asked what Mike plans to do with the land. Mike said he would possibly pull in a camper while hunting.

Dan Griffin questioned what advice the realtor or excavator gave Mike. Mike said it was for sale by owner.

Terry Rosendahl stated if Mike follows the site recommendations from RRSWCD it should get the land back into shape.

Charlie Wieser asked how many yards can be moved without a permit. Bob said 10%, same as shorelands.

Rodney Garrison, neighbor and landowner, was told it would just be hunting land and not buildable. He said there was a lot of activity going on up there and this was the first he's heard of it.

Chairperson Wieser asked if Rodney had any issues with the excavation that took place. Rodney said he didn't but wanted to know what was going on.

Mike Semling indicated he was working with Dave Walter of RRSWCD and put in the culvert to help with the issue.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |   |     |
|-----|---|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3.  | Will the proposed use degrade the water quality of the County?  | YES |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6.  | Does the proposed use create a potential pollution hazard?  | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?                               | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?     | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? | YES |
| 10. | Will the Conditional Use be injurious to the use and  |     |

enjoyment of other property in the immediate vicinity for the purposes already permitted?	NO
11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?	NO
12. Are adequate measures being 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?	YES
13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?	N/A
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?	N/A
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?	YES

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Follow the plan designed by Dave Walter of RRSWCD.**
- 3) The lot is non-buildable (House, cabin, shed, etc.)**

Terry Rosendahl seconded. 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 Monday, December 30, 2013.

**Notice of Continuation of Public Hearing No. 803** was read. **James and Cindy Burg**, 7474 County 5, Eitzen, MN 55931 are seeking a conditional use permit for a Level II Home Occupation in Winnebago Township.

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

- There was an on-site meeting at "The Mill" at 3:00 p.m. today.

- MN Department of Health inspector Sam Boysen was on site on December 12, 2013. The well and septic system are his main concerns. (2,000 gallon tank installed in 2011.) (Well was tested after the last flood.)
- Sam Boysen is going to check with the State Fire Marshall, Floyd Koepke about the fire escape question.
- Sam Boysen noted the 60 ft. sq. requirement for each bed.
- Burg's want a license for daily rental, thus a license is required from the Department of Health.
- Burg's plan to have La Crosse Engineering shoot 100 year elevation. If building is in the flood plain then building will need to be flood proofed (using vents).
- The Winnebago Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Wieser asked if the Burgs had anything to add. Jim Burg stated he did not.

Dan Griffin asked what the flood-proof options were and if berming was an option. Bob Scanlan said an engineer would have to design and sign off on it.

Terry Rosendahl commented on possible flood-proofing options.

Chairman Wieser asked if anyone else had any comments/questions.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |    |   |     |
|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. | Will the proposed use degrade the water quality of the County?  | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. | Does the proposed use create a potential pollution hazard?  | NO  |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided?                           | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? | YES |

- |  |     |
|--|-----|
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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? | YES |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairman Wieser asked for a motion to grant or deny the application if there were no other comments. Glenn Kruse and Dan Griffin indicated they would be abstaining from voting due to a conflict of interest.

Bruce Lee made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) MN Department of Health requirements be obtained and followed including license.**
- 3) State Fire Marshall requirements be obtained and followed.**
- 4) Floodplain elevation shall be surveyed for the first floor of Mill (basement) and lowest adjacent grade to the Mill. If in 100 year flood plain then compliance shall be met according to DNR/FEMA regulations.**
- 5) Northwest side parking lot to be removed.**

Garland Moe seconded (Glenn Kruse and Dan Griffin abstained.) 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 Monday, December 30, 2013.

Terry Rosendahl made the motion to approve the minutes of November 18, 2013. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4168            Scott Hatleli – Yucatan Township  
Build shed (36' x 48')
- 4169            Jim and Ron Holty – Wilmington Township  
Build lean-to on hay shed (30' x 96')
- 4170            Denis Mullen – Brownsville Township  
Build open calf shed (32' x 36')
- 4171            Gordon Meyer – Mayville Township  
Build house/garage (51' x 83')
- 4172            Toby and Christine Denstad – Caledonia Township  
Build addition (12' x 24') and covered porch (12' x 36')
- 4173            Randy Drinkall – Yucatan Township  
Build pole barn for heifers/calves (64' x 32') no expansion

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Monday, December 30, 2013.

**OTHER BUSINESS:**

Reminder on Study Committee meeting on Monday, December 23, 2013 at 7:00 p.m.

Bob Scanlan presented Bruce Lee with a Certificate of Appreciation for his 23 years for his valuable and loyal service to the Planning Commission.

Terry Rosendahl made the motion to adjourn the meeting. Glenn Kruse seconded. Motion carried.

Submitted by Planning Commission Clerk on December 17, 2013.