

Houston County Planning Commission
January 22, 2015

Approved on February 26, 2015 by Ed Hammell and Glenn Kruse

The Houston County Planning Commission met at 7:00 p.m. on Thursday, January 22, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse, Terry Rosendahl and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Election of Chairperson for 2015 took place. Glenn Kruse nominated Daniel Griffin for Chairperson, Terry Rosendahl seconded. There were no other nominations. Motion carried unanimously. Dan Griffin is the Chairperson for 2015.

Election of Vice Chairperson for 2015 took place. Terry Rosendahl nominated Glenn Kruse for Vice Chairperson, Ed Hammell seconded. There were no other nominations. Motion carried unanimously. Glenn Kruse is the Vice Chairperson for 2015.

Notice of Continuation of Public Hearing No. 824 was read. **Randy Klinski**, 12906 Prairie Ridge Road, Caledonia, MN 55921 is seeking a conditional use to leave fill in a floodplain in Caledonia Township. At the November 20, 2014 meeting it was decided that a *"Site visit will take place as soon as possible and the 60 day ruling will be extended as Mr. Klinski is unavailable to meet on the next scheduled meeting date of December 18, 2014. The site visit will take place on Thursday, January 22, 2014 at 3:00 p.m. A continuation hearing will take place in the evening at the Historic Courthouse."*

An onsite visit took place earlier in the day at 3:00 p.m. There was no testimony taken at the site.

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

- Former owner deposited fill material on the lot over several years.

- Former owner rezoned site from R-1 to B-1.
- Original plat that was approved by the County Board displayed the 100 year floodplain elevation on original plat.
- Mr. Klinski would like to build another shed on the site and this is the first step.
- The fill was known to have been deposited there but there was never a complaint on it.
- Information from DNR depicts new 100 year flood plain elevations based on fill.
- The Caledonia Township board and adjoining property owners were notified. There were several inquiries to the Zoning Office on the application.

A letter was submitted by Caledonia Township on January 20, 2015.

It states "It was the consensus of the Caledonia Township board to work with Randy Klinski on the removal of the fill in the floodway and the removal of fill necessary to restore the flood fringe area." The motion reads: *"After reviewing the history of the development, platting and filing of Green Acres Third Addition and considering the request and information submitted by the applicant Randy Klinski for a Conditional Use Permit to leave fill within the 100 year flood line the Town Board of Caledonia Township recommends that the Houston County Planning Commission and the Houston County Board of Commissioners deny the application. Furthermore, it is recommended that the Houston County Planning Commission require the fill to be removed from the floodplain."* (Letter is on file).

Randy Klinski also submitted a letter. (Letter is on file)

Chairperson Griffin asked if Randy Klinski had anything further to add. Randy said he submitted all the information he had. Dan Griffin asked if FEMA had been down to re-measure for floodplain designation. Dan Griffin clarified that the fill was put in there when and it was defined as a floodplain. Randy stated he was not aware.

Dan Griffin asked on other comments. Duane Beckman spoke on behalf of all the neighbors and said they are satisfied with the fill remaining there as there have been no issues with water.

Kermit McRae, Caledonia Township Chairman spoke. He was on the township when Arnie Fruechte platted the Green Acres addition in 2003. He

explained the storm of record of August, 2007. The years of 2007, 2008, 2010 and 2013 were 100 year flood years for Caledonia Township. There was \$822,000 in road damage with those 4 flooding events. All 4 events were claimed flood disasters with FEMA being involved. The payout being 75% federal, 15% state, 10% local, in terms of how it was paid for. The township does not have a permitting process, so they rely on the county to handle this. The position of the Caledonia Township board is with the registered 100 year food line and the board passed a motion at the last board meeting to remove the fill.

Rich Schild said that is an awful lot of fill that was brought in. He would like to see it removed.

Glenn Kruse said it would be setting precedence if it were allowed to stay. Dan Griffin agreed that was a valid reason to remove the fill. He then stated that Caledonia Township is willing to work with Randy Klinski on removing the fill and the FEMA floodplain needs to be followed.

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

Bob Scanlan first read the **12 Factors Upon Which the Decision of the Planning Commission Shall be Based.** (*Page 104 of the Houston County Zoning Ordinance 0110.2124 Administration of Flood Plain Controls.*)

Subd. 6. Factors Upon Which the Decision of the Planning Commission Shall be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The proposed water supply and sanitation systems; and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
5. The importance of the services provided by the proposed facility to the community.
6. The requirement of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. Such other factors which are relevant to the purposes of these flood plain controls.

Chairman Griffin asked if there were any comments on the factors. There were no comments.

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:

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| 1. | Does the proposed use conform to the County Land Use Plan? | NO |
| 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. | Have potential pollution hazards been addressed and have standards been met? | 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, | |

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| | 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 |

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

Rich Schild made the motion to recommend the Houston County Board deny the Conditional Use application based on:

1) #1 and #4 of the regular Findings.

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, February 3, 2015.

Terry Rosendahl made the motion to approve the minutes of November 20, 2014. Glenn Kruse seconded. Motion carried.

Terry Rosendahl made the motion to approve the minutes of January 6, 2015. Rich Schild seconded. Motion carried.

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

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|------|---|
| 4286 | Richard Tisthammer – Black Hammer Township
Build cattle barn (50' x 72') |
| 4287 | Merle Becker – Caledonia Township
Build calving barn (38' x 160') |
| 4288 | Herman Gady – Mound Prairie Township
Install modular home (26' x 40') |

- 4289 Leonard Jr. and Holly Wieser – Yucatan Township
Build wood shed (13' x 45')
- 4290 John Diersen – Mayville Township
Build freestall barn (108' x 140')
- 4291 Gerald Skifton – Houston Township
Build garage/shed (30' x 36')
- 4292 Mike McCormick – Mayville Township
Build pole shed addition (54' x 70') (after-the-fact)
- 4293 Fred Engelhart – Yucatan Township
Build storage shed (30' x 80') (after-the-fact)

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

Dana Kjome seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, February 3, 2015.

OTHER BUSINESS:

Reminder there is a MACPZA training workshop February 13, 2015.

Continued discussion on the Draft Mineral Extraction and Mining Ordinance.

Dan Griffin read a statement stating the goal of the Planning Commission and the procedure for this evening's continuation hearing. Prior to the Planning Commission approving or disapproving the draft or amended draft, written questions can be submitted from the audience and they will be answered to the best of their ability. The questions must be specific to the language in the draft. Staff or study committee members may be called upon for additional information.

The Planning Commission proceeded to go through the draft ordinance page by page, section by section and if there is unanimous acceptance the changes are considered (Accepted).

0110.2701 – PURPOSE - (Accepted)

0110.2702 – JURISDICTION - (Accepted)

0110.2703 – DEFINITIONS

Subd 1 – Mineral Extraction and Mining. Discussion on why “trans-loading” was added and why it wasn’t in the draft before. The study committee decided to add the wording as it may have been an oversight. (Accepted)

Subd 2 – Commercial and Construction Minerals. (Accepted)

Subd 3 – Industrial Minerals, Metals, Gases and Fluids. The entire subdivision was added. Rich Schild submitted a handout he wanted to see added to the definition *“Industrial minerals may be used, among several industrial uses, as a proppant for the hydraulic fracturing of shale for oil and gas production. Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322.”*

Rich Schild made the motion to add the wording, Dana Kjome seconded. Roll call vote was taken. Yes to accept - No to deny. Dana Kjome – Yes, Rich Schild – Yes, Terry Rosendahl – No, Glenn Kruse – No, Ed Hammell – No, Larry Hafner – No. Motion failed.

Further discussion on the definition took place.

Glenn Kruse made a motion to change the last sentence to read *“Sand and quartz mined in excess of the volume limits of those stated in 0110.2708 Subd 4.”* Terry Rosendahl seconded. Roll call vote was taken. Yes to accept – No to deny. Dana Kjome – No, Rich Schild – No, Terry Rosendahl – Yes, Glenn Kruse – Yes, Ed Hammell – Yes, Larry Hafner – No, Dan Griffin – Yes. Motion passed by roll call vote to change wording.

Bob Scanlan would like to see “petroleum-based” gases added to the first sentence to read. *“Minerals such as graphite, diamonds, gemstones, kaolin and other similar minerals; all petroleum and petroleum-based gases and fluids;”* (Accepted)

0110.2704 – INTERIM USE PERMIT

Subd 1 – Short Term Mining Operation. Ed Hammell would like to see “at least” wording added under #1 to read – *“A complete application for an Interim Use Permit shall include the following:*

- 1. An “existing conditions map” that shows conditions at the mine site and at least 200 feet beyond the mine boundary.”* (Accepted)

0110.2705 – NONCONFORMING MINES (Accepted)

0110.2706 – CONDITIONAL USE PERMIT

- Subd 1 – (Accepted)
- Subd 2 – (Accepted)
- Subd 6 – (Accepted)
- Subd 7 – (Accepted)
- Subd 8 – (Accepted)
- Subd 9 – (Accepted)
- Subd 10 – (Accepted)
- Subd 11 – (Accepted)

0110.2708 – GENERAL PERFORMANCE STANDARDS

Definition – (Accepted)

#3 a. Pre-Blasting Survey –

Larry Hafner would like to see wording added *“within ½ mile of a mine boundary”* and remove *“specified radius of the blasting”*. Sentence to read *“is a record on paper, video, or an unalterable electronic file to document the condition of a dwelling, structure, or water well within ½ mile of the mine boundary before commencement of blasting activity.”*

(Accepted)

#4 Volume Limit –

Glenn Kruse would like to see the wording *“calendar”* added to read. *“Sand mines shall be capped at the volume of 60,000 cubic yards truck yards per calendar year per site.”* (Accepted)

Rich Schild made a motion to change the limit to 40,000 cubic yards. Dana Kjome seconded. Roll call vote was taken. Yes to accept - No to deny. Dana Kjome – Yes, Rich Schild – Yes, Terry Rosendahl – No, Glenn Kruse – No, Ed Hammell – No, Larry Hafner – No. Motion failed, wording remains at 60,000 cubic yards per roll call vote.

Subd 7 #4 – Adjoining Property Line

Terry Rosendahl made a motion to remove last sentence *“The written consent of the owner of such adjoining property must first be secured”* and seconded by Glenn Kruse to read *“One hundred (100) feet to the boundary of an adjoining surveyed property line, unless a variance is applied for an approved by the Board of Adjustment.”* Roll call vote was taken and unanimously accepted.

0110.2709 – OPERATIONAL PLAN REQUIREMENT**Subd 1 – Operation Plan Requirement - (Accepted)****Subd 2 – Operational Plan Content**

#5 – Ed Hammell would like to see the wording added “*All excavated materials shall remain on the mine site*” to read, “*A description of the proposed locations and volumes of onsite stockpiling in either yardage or tonnage. All excavated materials shall remain on the mine site.*” (Accepted)

#14 – (Accepted)

Subd 3 – Operational Limitations for Mineral Extraction and Mining Sites under a Conditional Use Permit. (Accepted)

#4 – “summer months” defined as Central Daylight Time (CDT) and “winter months” defined as Central Standard Time (CST) were added. (Accepted)

0110.2710 – RECLAMATION PLAN OF MINERAL EXTRACTION AND MINING SITES (Accepted)**0110.2711 – SECURITY BOND REQUIRED (Accepted)****0110.2712 – TERM OF PERMIT (Accepted)****0110.2713 – EXISTING PERMIT REVIEW (Accepted)****0110.2714 – BIENNIAL REGISTRATION REQUIRED (Accepted)****0110.2715 – INSPECTIONS, VIOLATIONS, PENALTIES AND ENFORCEMENT (Accepted)**

Questions from the audience that pertained to the wording of the draft Ordinance were addressed. The questions are on file.

Motion was made by Dana Kjome to disapprove the amended draft Mineral Extraction and Mining Ordinance – Section 27 as submitted. Rich Schild seconded.

Roll call vote was taken, YES to Disapprove, NO to Approve.

Dana Kjome - YES

Larry Hafner - NO

Ed Hammell - NO

Glenn Kruse - NO

Terry Rosendahl - NO
Richard Schild - YES

Motion failed.

Motion was made by Larry Hafner to approve the amended draft Mineral Extraction and Mining Ordinance – Section 27 as submitted. Terry Rosendahl seconded.

Roll call vote was taken, YES to Approve, NO to Disapprove.

Dana Kjome - NO
Larry Hafner - YES
Ed Hammell - YES
Glenn Kruse - YES
Terry Rosendahl - YES
Richard Schild - NO

Motion carried by roll call vote to submit the draft Mineral Extraction and Mining Ordinance – Section 27 to the Houston County Board.

This decision will be presented to the Houston County Board on January 27, 2015. The County Board of Commissioners will hold additional public hearings.

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

Submitted by Planning Commission Clerk on January 26, 2015

Houston County Planning Commission
February 26, 2015

Approved on March 31, 2015 by Terry Rosendahl and Richard Schild

The Houston County Planning Commission met at 7:00 p.m. on Thursday, February 26, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present. Terry Rosendahl was absent.

Notice of Public Hearing No. 826 was read. **Rick Van Lin**, 4002 Tschumper Road, La Crescent, MN 55947 is seeking an interim use permit to run a Level II home occupation 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:

- Van Lin's plan to run the business out of an accessory building on the property.
- They would like to do hayrides and orchard tours in the fall of the year.
- They would like to have a tasting room for hard apple cider and sell it along with jams, jellies and logo ware apparel.
- In the winter months they would like to create cross country ski trails and serve hot apple juice and apple pie.
- They would like to hold local fund raising events for charitable organizations at the orchard as well as field trips for local schools.
- The Hokah Township board and adjoining property owners were notified. There were 2 inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Rick Van Lin had anything to add. Rick said they have been selling apples for 20 years and would like to expand the business as Bob stated. MN Department of Ag will regulate the cider. The local schools would like the opportunity to view the orchard.

Dan Griffin asked how far out of town the location was. Rick said he is 3.5 miles out of La Crescent. Dan asked if there were apple sales there already. Rick indicated there were some.

Glenn Kruse thinks this is a good idea for his orchard business. He has been to other locations in Wisconsin that do the same thing. Rick Van Lin said he wanted to keep the expansion on a smaller scale.

Larry Hafner said if Rick would be putting up any signage. Rick stated possibly by as few locations such as the cemetery and Channel 19 tower. Larry asked Bob if permits would be required. Bob said any sign needs a permit.

Judy Storlie was in attendance and indicated she is on the EDA committee for Houston County and this is exactly the kind of thing they want to see happening in the county.

Dan Griffin asked about the ski trail proposal. Rick said it is a possibility right now. He was asked to submit all potential ideas he may consider. Glenn Kruse thinks this idea may also have a lot of interest.

Larry Hafner asked if Rick considered offering snowshoeing. Rick said this may be a possibility also.

Dan Griffin asked about how many people Rick thinks may come. Rick thinks it is dependent on the amount of advertising he does and really has no idea. Dan then asked if there was sufficient parking space and restroom facilities. Rick stated there is plenty of parking space and he would bring in port a potty rentals.

Larry Hafner questioned what kind of cider he was considering. Rick would like to make a straight none beer cider. The tasting room is regulated by the MN Department of Ag also.

Dan Griffin asked what the alcohol content would be. Rick said possibly 5.5%. The range is anywhere from 3.5% to 9%, whatever you label it as.

Bob Scanlan stated a neighbor submitted a request that they did not want any loud speakers outside. Rick was ok with that and had no plans for outside speakers.

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

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 an Interim 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. | Have potential pollution hazards been addressed and have standards been met? | 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 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? | 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 |

Dan Griffin asked what type of road Rick was on. Rick indicated it was a township road.

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

Larry Hafner 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) There will be no amplified speakers used outside the building.**

Rich Schild 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, March 10, 2015.

Notice of Public Hearing No. 826 was read. **Matt Klug**, 411 South Hokah Street, Caledonia, MN 55921 is seeking approval of a Preliminary Plat in Caledonia 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:

- This is the first review of the preliminary plat.
- A copy was sent to all agencies as required in the subdivision ordinance.
- A variance was granted in December for street width.
- It meets all the requirements for a preliminary plat.
- Bob meet with Chad Myhre on the site for preliminary soil verifications.
- The Caledonia 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 Griffin asked if Matt Klug had anything to add. Matt did not.

Dan Griffin asked when Matt was looking to build. Matt thought this coming summer of 2015.

Rich Schild asked if there was enough room on the lot for a second septic. Bob indicated there should be sufficient room.

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

Chairperson Griffin 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. Rich Schild seconded. Motion carried unanimously.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, March 10, 2015.

Ed Hammell made the motion to approve the minutes of January 22, 2015. Glenn Kruse seconded. Motion carried.

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

4294	Van Lin Orchards – Hokah Township Build ag storage building (48' x 80')
4295	Mitchell Bublitz – Houston Township Build (2) lean-to on barn (18' x 6" x 136') and barn addition (40' x 60')
4296	Jay McNamer – Money Creek Township Build garage addition (6' x 24') and shed (32' x 40')
4297	Gerald Meier – Winnebago Township Change use of structure from garage to dwelling (20' x 30')

4298 Herman Gady – Mound Prairie Township
Build additions on house (4' x 13' and 12' x 26') deck (6' x 12') covered deck (6' x 8')

Dan Kjome asked about the Herman Gady permit. Bob said he added on from what the original permit stated so needed an additional permit.

Rich Schild asked about the Gerald Meier permit. Bob said he was granted a variance in December to change the use of the structure due to the building sitting closer to the township road.

Larry Hafner 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, March 10, 2015.

OTHER BUSINESS:

Brad Tostenson was present to discuss the Dustin Sayles location in Yucatan Township. Dustin wants to build a house on the old Lane Fox site. The ideal location to build is in on the top but the problem is the soil type. A house is not allowed to be built on class I-III soils. Discussion on what he can do about building on top. There is no provision in the ordinance to allow building a house on top of the hill within a class I-III soil type. It is not recommended that he proceed with that plan.

Urban expansion district discussion. Bob thinks it is time to pick again on urban expansion. He would like to send out maps to the towns and townships and get them to start thinking where urban expansion could/may occur. The idea is to allow homes to build built closer to town without the 1 per 40 rule. The township would take a look and give an idea where development can occur. It would replace the current 2 mile policy. Once a certain area is designated, only a zoning permit would be required. The consensus was to have Bob send out maps.

Rich Schild made the motion to adjourn the meeting and Larry Hafner seconded it. Motion carried.

Submitted by Planning Commission Clerk on February 27, 2015

Houston County Planning Commission
March 31, 2015

Approved on April 23, 2015 by Terry Rosendahl and Glenn Kruse

The Houston County Planning Commission met at 7:00 p.m. on Tuesday, March 31, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse, Terry Rosendahl and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. (*Dana Kjome, County Commissioner was absent.*) See sign in sheet for others present.

Notice of Public Hearing No. 828 was read. **Richard Thesing**, 12744 State 26, Brownsville, MN 55919 is seeking a conditional use permit for substantial land alteration in a shoreland district in Brownsville 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:

- Mr. Thesing plans to fill a low lying area on his property in Section 2 of Brownsville Township, located at the intersection of Shellhorn Road and State 26.
- He plans to keep all fill material outside of the state highway right-of-way and they are planning to utilize silt fencing to alleviate potential sedimentation from the site.
- Final plans are to seed any exposed soil and add a lift of gravel or rock to the top of the fill surface to provide a parking area for a boat and utility trailers.
- Brownsville Township has been made aware of the application and has indicated the fill material should be no higher than the elevation at the end of the township road. Also, an existing culvert located at the entrance of the property off Shellhorn Road needs to be extended and maintained by the Thesings.
- Tom Streiff of the MN DOT indicated if the culvert extends into the state right-of-way Thesings will need a permit from MN DOT.
- The fill is being brought in from a nearby construction project by Rick Denstad trucking.

- The Brownsville Township board and adjoining property owners were notified. There were 4 inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Richard Thesing had anything to add. Wayne Thesing was present for his father, Richard. Wayne said Bob explained it very clearly on what their plans were, he had nothing additional to add.

Larry Hafner asked how the property was zoned. Bob said it was zoned agricultural. Larry then asked how much fill would be brought in. Wayne said he didn't know the exact amount but it would be over 50 cubic yards, which triggered the conditional use permit requirement in a Shoreland district.

Dan Griffin asked how big of an area they were filling in. Wayne came up and showed the board members where the fill area was on the aerial maps that were included in the Planning Commission packets. He indicated the township road is 4 feet higher than the area they are planning to fill in. He also explained where the culvert was located and to where it would be extended.

Larry Hafner wanted clarification on the wording of the Thesing plan as he felt it should say the Thesing "will" instead of "plan to". Bob explained the wording difference of "plan to" and "will". Once the application is granted then it would change to "will", until then it remains "plan to".

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

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:

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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. Have potential pollution hazards been addressed and have standards been met? | YES |
| 7. Are adequate utilities, access roads, drainage and other necessary facilities being provided? | YES |

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|--|-----|
| 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 |

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

Larry Hafner wondered what the default answers were for the standards. It was explained that some are "yes" and some are "no". It was recommended that he make note if he felt one or more of the questions needed to be addressed after they were all read.

Rich Schild wanted clarification that the site was out of the floodplain. Bob indicated it was out of the floodplain as per MN DNR Floodplain Hydrologist, Salam Murtada's email dated February 2, 2015 provided to the Planning Commission in their packets which states "The proposed map shows that the site is indeed outside the flood zone." (Letter on file).

Rich Schild then questioned how the culvert issue is handled with the MN DOT. Bob said the conditional use permit will state that all federal, state and local permits be obtained and followed. This also only pertains if the culvert runs into the state right-of-way.

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) The fill material should be no higher than the elevation of the township road and Theulings will maintain the culvert.**

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, April 14, 2015.

Terry Rosendahl made the motion to approve the minutes of February 26, 2015. Rich Schild seconded. Motion carried.

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

- | | |
|------|---|
| 4299 | Linda Beranek – Hokah Township
Replace cattle shed (32' x 32') |
| 4300 | Bob Beneke – Jefferson Township
Replace and expand pole barn (90' x 45') |
| 4301 | Mark and Pat Lange – Crooked Creek Township
Replace addition on house (12' x 34') |
| 4302 | Linda Donoghue – Black Hammer Township
Build a sheep shelter (16' x 18') |
| 4303 | Tim Von Arx – Union Township
Build hay shed (40' x 100') steer shed (40' x 100') and lean-to on calf barn – south side (16' x 100') (no expansion) |
| 4304 | Terry Ranzenberger – Caledonia Township
Build shed addition (32' x 48') |
| 4305 | Andrew and Meghan Von Arx – Brownsville Township
Build shed (36' x 45') |
| 4306 | Pat Jilek – Caledonia Township
Build garage addition (40' x 32') |
| 4307 | Kevin Weichert – Caledonia Township
Build garage addition (60' x 30') |

- 4308 Joe Sullivan – Caledonia Township
Build addition on house (20' x 26')
- 4309 Wayne Purtzer – Money Creek Township
Build garage (30' x 30')

Glenn Kruse asked about Kevin Weichert's garage addition. Bob said he went through a variance in December of 2014 due to the increased size of the garage addition.

Larry Hafner 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, April 14, 2015.

OTHER BUSINESS:

Rich Schild feels that as contentious as things have become with all the questions and e-mails circulating, it would be a good idea to forward any questions about potential litigation the county could face in regard to sand mining directly to the County Attorney. Other board members expressed they hadn't received such e-mails or had been asked any legal questions he was referring to.

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

Submitted by Planning Commission Clerk on March 31, 2015.

Houston County Planning Commission
April 23, 2015

Approved on May 28, 2015 by Terry Rosendahl and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, April 23, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse, Terry Rosendahl and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 829 was read. **Tim Davison**, 7575 Butterfield Valley Road, Hokah, MN 55941 is seeking a conditional use permit for substantial land alteration 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:

- There are 2 sites being proposed for the land alteration with 2 different descriptions. One site is in a shoreland area as it is within 300 feet of Thompson Creek but is out of a floodplain. It would not exceed 2,000 yards. The other site is outside shoreland but may exceed 5,000 yards.
- Material will originate from a MN DOT project on Highway 44 on west end of Hokah. An erosion abatement plan has been submitted for each site.
- The site by the creek is more of a stockpiling area for dirt. It would be seeded and mulched as soon as possible.
- The site by the shed he plans to slope, seed and mulch.
- The Hokah Township board and adjoining property owners were notified. There were 2 inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Tim Davison had anything to add. Tim indicated the "Hokah wall" material is going to an approved quarry; he is only receiving the fill for the area by the shed. Midwest Contracting will strip the top soil and bring in black dirt. The opportunity is good timing for him.

Dan Griffin asked about water flow by the shed area. Tim explained it was south of the shed and he will extend the culvert.

Glenn Kruse asked if the culvert was in the township right of way. Tim said it was and will remain there.

Tim Davison said he had several calls and none were negative. Bob also said none were negative, just wondering what the project was. Terry Rosendahl agreed that the location for the fill is close, makes sense and will save money.

Larry Hafner asked what the fill site was zoned. Bob said it was zoned agricultural.

Richard Schild asked what the time frame was. Tim thought maybe a week, as MN DOT is working on it and it will go quickly.

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

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

Bob Scanlan read the Findings from Section 24 of the Zoning Ordinance:

0110.2402 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in any of the following:

1. The excavation, grading and/or filling would result in substantial alteration of existing ground contours.
2. The excavation, grading and/or filling would change existing drainage.
3. The excavation, grading and/or filling would cause flooding or erosion.
4. The excavation, grading and/or filling would deprive an adjoining property owner of lateral support.
5. The excavation, grading and/or filling would remove or destroy the present ground cover, resulting in less beneficial cover for present and proposed development.
6. The excavation, grading and/or filling would adversely affect the use and enjoyment of any property for purposes already permitted.

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 |

Dan Griffin asked about silt fencing. Tim Davison indicated he would be taking care of that.

Chairperson Griffin 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 based on:

- 1) All federal, state and local permits be obtained and followed.**
2) Follow the soil erosion control plan.

Larry Hafner 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 5, 2015.

Terry Rosendahl made the motion to approve the minutes of March 31, 2015. Glenn Kruse seconded. Motion carried.

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

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|------|---|
| 4310 | Tom and Jill Diana – Sheldon Township
Build screened in porch (8' x 18') |
| 4311 | Seth Hargrove – Houston Township
Build garage addition (13'4" x 32') |
| 4312 | Curt Wagner – Crooked Creek Township
Build house (56' x 70') |
| 4313 | Milford McKay – Yucatan Township
Build replacement shed (20' x 40') |
| 4314 | Michael and Rhonda McManimon – Yucatan Township
Build cattle shed (30' x 120') |
| 4315 | Brian Welscher – Caledonia Township
Replace and expand existing deck (14' x 26') |
| 4316 | Eric Nelson – Caledonia Township
Build shop (60' x 70') |
| 4317 | Shooting Star Native Seeds – Spring Grove Township
Build 4 bulk grain bins (24' diameter each) |
| 4318 | Christine Humfeld – Mound Prairie Township
Build garage (28' x 32') |
| 4319 | Leonard Splittstoesser – Black Hammer Township
Build addition on shed (16' x 30') |

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 Tuesday, May 5, 2015.

OTHER BUSINESS:

Dan Griffin asked about the urban expansion timeline. Bob Scanlan indicated that Dan Krzoska, E911 Coordinator, just finished printing the aerial maps and they were recently sent out to the townships for review and to come up with ideas on where the expansions would occur. Bob would like to see this added to the ordinance by this coming fall if possible. Terry Rosendahl indicated much of Hokah Township area is farmland and would never be sold for development. Discussion took place on ideas where this could happen. Ed Hammell asked if there were guidance specs to follow. Bob indicated that setbacks and slope are factors; two acre lots are also needed. Larry Hafner would like a statement description on what should be focused on. Terry Rosendahl explained the process and how the townships should proceed. Dan Griffin said it would lower the cost of development for individuals who want to build but needs to be contiguous to the town/city. Larry Hafner indicated their township board has encouraged rezoning to residential. Residential development limits agricultural protection but urban expansion protects agriculture. Glenn Kruse said it boils down to the townships and what they would like to see for expansion. Dan Griffin said there probably won't be expansion in every township.

Mark and Michelle Schnick were in attendance. They have a trailer house in Brownsville Township that they would like to replace with a house. They want to build within the same 40 as another house. Mark Schnick indicated they had a survey but wondered if it would be beneficial to wait on urban expansion. Dan Griffin said only if their area in Brownsville Township would be included. The time frame is a ways out. Mark asked about rezoning and platting. Bob said a preliminary plat and final plat are still needed by a surveyor and a rezone.

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

Submitted by Planning Commission Clerk on April 24, 2015.

Houston County Planning Commission
May 28, 2015

Approved by Dana Kjome and Terry Rosendahl on June 18, 2015

The Houston County Planning Commission met at 7:00 p.m. on Thursday, May 28, 2015. A summary of the meeting follows.

The meeting was called to order by Vice Chairperson Glenn Kruse. Members present were Larry Hafner, Ed Hammell, Glenn Kruse, Terry Rosendahl and Richard Schild. Chairperson Dan Griffin was absent. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 830 was read. **Doug Heintz**, 8903 State 76 Caledonia, MN 55921 is seeking a conditional use permit for a manure storage structure 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:

- Doug is not expanding the number of cattle, only adding manure storage.
- Currently at 298 animal units.
- MMP has been updated for 2015.
- A variance was approved earlier in the evening.
- Doug and been working with Soil and Water Office and Pete Fryer, Joint Powers Board on the project.
- The Sheldon Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Vice Chairperson Kruse asked if Doug Heintz had anything to add. Doug indicated that Bob summed it up very well. The big thing is that they can haul when they want, instead of when they have to.

Terry Rosendahl asked how much storage it would be. Doug said it would be a year.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 |

Vice Chairperson Kruse 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 based on:

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

Richard Schild 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 9, 2015.

Notice of Public Hearing No. 831 was read. **Doug Brand**, 25228 County 25, Lewiston, MN 55952 is seeking a conditional use permit to expand a feedlot over 300 animal units (a.u.) from 97 a.u. to 330 a.u. 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:

- Brands are updating their facility and adding cow numbers.
- Expanding from 97 to 330 animal units, above 300 requires a CUP.
- MMP will be part of Interim Feedlot Permit – 2 years.
- Most heifers will be raised off-site.
- Variances were approved earlier in the evening.
- A manure management plan will need to be submitted.
- They have adequate acreage to spread manure.
- The Money Creek Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application. One letter was received in favor of the expansion.

Vice Chairperson Kruse asked if Doug Brand had anything to add. Doug indicated that Bob summed it up.

Ed Hammell recommended he could spread from west to east to help prevent odor as that was a prior concern with the variance granted earlier.

Richard Eglund, neighbor, asked if they would be using the existing barn. Bob said they will be building a new confinement barn and it will greatly improve the site.

Dana Kjome asked about the proposed house on the aerial photo. Bob said they also plan to build a house in the future. The hearing tonight is for the feedlot expansion but the photo shows all future buildings. Bob continued to explain the proposed site setup.

Terry Rosendahl asked if the manure storage pit was designed by a licensed engineer. Bob said it is not required to because of the size. Bob will oversee the pit during the feedlot permitted process.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 |

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

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application based on:

- 1) All federal, state and local permits be obtained and followed.***
- 2) Manure management plan shall be submitted 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 9, 2015.

Notice of Public Hearing No. 832 was read. **Devoine Kruse**, 22220 Portland Prairie Road, Caledonia, MN 55921 is seeking a conditional use permit to expand a feedlot over 300 animal units (a.u.) from 249 a.u. to 369 a.u. in Wilmington 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:

- Kruse's are adding a freestall barn and parlor with holding pen, etc.
- Expanding from 249 animal units to 369 animal units.
- Most heifers are raised off site.
- Site will utilize existing manure storage.
- MMP will be part of Interim Feedlot Permit (2 years).
- The Wilmington Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application.

Vice Chairperson Kruse said he will not be voting as Devoine is a relative.

Vice Chairperson Kruse asked if Devoine Kruse had anything to add. Devoine indicated he has a daughter and she and her husband are interested in the farming operation, so this is the reason for the expansion.

Rich Schild asked if there were adequate acres to spread manure. Bob indicated there was and that Devoine has done a good job keeping his site well maintained and his records up to date.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 |

Vice Chairperson Kruse 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 based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Manure management plan shall be submitted and followed.**

Richard Schild 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 9, 2015.

Notice of Public Hearing No. 833 was read. **Advantage FS (Ted Scheidel, representative)** P.O. Box 828, Waverly, IA 50677 **and Ron Fruechte, landowner**, P.O. Box 148, Caledonia, MN 55921 are seeking an interim use permit to install an LP gas storage facility in an 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:

- Company is planning an LP substation.
- Company plans to haul 2-3 loads/day. Transports 1-2/week.
- County Engineer is recommending less than 50 loads/week or 10/weekday max.
- 6 ton/axel limit during spring weight restrictions on County 20.
- FS haul plans will be the County Engineer's recommendations.
- The Sheldon Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Vice Chairperson Kruse asked if Ted Scheidel had anything to add. Ted said they have another storage site in Eitzen, MN. They haul from Eitzen as well, but having another storage site will make things more efficient.

Vice Chairperson Glenn asked what the tank size would be. Ted indicated it would be a 30,000 gallon tank.

Vice Chairperson Kruse asked what the driveway provisions were. Ted said he has submitted the paperwork and fees to highway department and that is pending on approval of this hearing.

Larry Hafner asked if the fire department had been notified. Ted indicated that was also pending approval of the permit.

Vice Chairperson Kruse asked if there would be fencing around the facility. Ted said fencing is no longer recommended because it is not a deterrent. They would use stacked 4,000 pound blocks with spacing no more than 4 feet apart. This will withstand 12,000 pound force against it.

Vice Chairman Kruse asked about emergency shut offs. Ted said there is a new code for emergency shut offs and discussed what the new codes were.

Terry Rosendahl asked the emergency shut off were a state requirement. Ted said it falls under National Fire Protection Code 58.

Russell Abbot, a neighbor to the site asked where the facility would be located. He was shown on the aerial map the location in Section 36 of Sheldon Township.

Richard Schild asked Ted if he was comfortable on haul requirements. Ted indicated he was and that fall and winter are normally their busiest times.

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

Vice Chairperson Kruse 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:

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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. | Have potential pollution hazards been addressed and have standards been met? | 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 |

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| 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? | 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 Kruse asked for a motion to grant or deny the application if there were no other comments.

Richard Schild 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) Follow Houston County highway engineer's road restrictions.***

Larry Hafner 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 9, 2015.

Notice of Public Hearing No. 834 was read. **Jim Gander of Yucatan Valley Land Group**, 1244 60th Avenue NW, Rochester, MN 55901 is seeking an after-the-fact interim use permit for a non-commercial family cabin in an agricultural district 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:

- Cabin is considered after-the-fact.
- 15' x 30' building.
- Access road is approximately 1 mile from public road.
- Cabin is not to be leased to a 3rd party, not to be used as a permanent dwelling and only to be used by parties listed in Interim Permit and their families.
- Variance was approved earlier in the evening.
- The Yucatan Township board and adjoining property owners were notified. There were 2 inquiries to the Zoning Office on the application.

Vice Chairperson Kruse explained a variance was granted as there was no land disturbance.

Vice Chairperson Kruse asked if Jim Gander had anything to add. Craig Curley was present for Jim Gander and the Yucatan Valley Land Group.

Terry Rosendahl asked if it was a primitive cabin. Bob said it was, no septic or water. Terry then asked if there was a size limitation. Bob indicated non-commercial family cabins do not have a size limitation requirement.

Richard Schild asked Craig Curley why permits were not applied for and what would happen in the county he lives in. Craig said he assumed the process would be similar as Houston County and would like to correct the situation.

Terry Rosendahl asked about the 2nd dwelling on the same acreage. Bob explained it was an after-the-fact permit as well.

Richard Schild asked Bob whether he would have approved the site location for the cabin had he visited the site. Bob said he would not have been able to as the ordinance does not allow for it due to bluff setback.

Dana Kjome asked how often it will be used. Craig said it would be a hunting cabin only. Dana then asked about emergency service access. Craig said there will be an address at the lower site. Ed Hammell said it is their choice and they are there at their own risk.

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

Vice Chairperson Kruse 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:

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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. | Have potential pollution hazards been addressed and have standards been met? | 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 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? | 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 Kruse 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 Interim Use application with the stipulations that:

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

Ed Hammell seconded. Richard Schild 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, June 9, 2015.

Terry Rosendahl made the motion to approve the minutes of April 23, 2015. Larry Hafner seconded. Motion carried.

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

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|------|---|
| 4320 | Charles Little – Houston Township
Build attached garage (21' x 16') |
| 4321 | Brian Erickson – Spring Grove Township
Build wood storage shed (20' x 24') |
| 4322 | Jim Welscher – Caledonia Township
Build 2 bulk bins (16' x 30') chicken coop (12' x 16') |
| 4323 | Leah Welscher – Caledonia Township
Build grain bin (11,000 bushels) |
| 4234 | Sheldon and Cyndi Johnson – Brownsville Township
Build addition on garage (16' x 24') |
| 4325 | Tony Christensen – Yucatan Township
Build pole building (40' x 64') |
| 4326 | Dan Schansberg – Caledonia Township
Build calf barn (28' x 50') replacing calf hutches |
| 4327 | Greg Myhre – Wilmington Township
Build calf shed (16' x 35') replacing existing barn |
| 4328 | Tom Brown – Union Township (administrative denial – too close to bluff)
Build deck (12' x 20') |
| 4329 | Jerry Welke – Hokah Township
Build pole shed (48' x 80') |

- 4330 Marlin and Mary Ann Carrier – Yucatan Township
Build mudroom/garage (24' x 52') replacing existing garage
- 4331 Mark Staven – Sheldon Township
Build addition on house (14' x 16')
- 4332 Terry Bartels – Mayville Township
Build storage building (24' x 32')
- 4333 Foundation Feeders, Inc. – Wilmington Township
Build confinement loafing barn over existing lot (50' x 256') no expansion
- 4334 Ron and Jim Holty – Spring Grove Township
Build addition on cattle shed over existing lot (30' x 50') no expansion
- 4335 Richard Markos – Hokah Township
Build 3-season screened in porch (16' x 16')
- 4336 Neal Luttrechens – Jefferson Township
Build grain bin (42,000 b.u.)
- 4337 Bradley and Debra Harguth – Wilmington Township
Build addition on house (12' x 26')
- 4338 Wayne Houdek – Mayville Township
Build bunker silo (36' x 110')
- 4339 Craig Curley – Yucatan Valley Land Group LLC – Yucatan Township
Build dwelling (24' x 32') *after-the-fact*
- 4340 Dustin and Janelle Sayles – Yucatan Township
Build house (34' x 60') garage (34' x 36')

Rich Schild asked about the Tom Brown permit application #4328. Bob said when they built the house they met the bluff setback, with adding a deck he would be too close to the bluff. He could apply for a variance if he would like.

Rich Schild asked about permit application #4339. Bob said he worked with the Yucatan Land Group as they began their projects without permit and worked with them to come into compliance.

Larry Hafner 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 9, 2015.

OTHER BUSINESS:

Terry Rosendahl made the motion to adjourn the meeting and Larry Hafner seconded it. Motion carried.

Submitted by Planning Commission Clerk on June 1, 2015.

Houston County Planning Commission
June 18, 2015

Approved by Glenn Kruse and Ed Hammell on July 23, 2015

The Houston County Planning Commission met at 7:00 p.m. on Thursday, June 18, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Ed Hammell, Glenn Kruse, Terry Rosendahl. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. Larry Hafner and Richard Schild were absent. See sign in sheet for others present.

Notice of Public Hearing No. 835 was read. **Ron and Jim Holty**, 22965 Belleville Drive, Mabel, MN 55954 are seeking a conditional use permit to expand a feedlot to 999 animal units (a.u.) 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:

- Expand to 990 animals on site with 740 in new barn
- A slat barn with about one year's storage is being proposed.
- 1,010 acres of land for spreading manure.
- A variance was approved earlier this evening.
- Holty's have always been conscientious about conservation and land stewardship.
- Zach Von Ruden is the manure management consultant and is working on two different manure management plans for each feedlot.
- The Holty's have talked to their neighbors and received 26 signatures in favor of their expansion.
- The engineering firm for the manure pit is Wenck Associates, Windom, MN.
- Soil verifications have been done and they would be compliant with feedlot rules.
- The Spring Grove Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Ron or Jim Holty had anything to add. Ron said he and Jim visited several buildings of this sort and wanted to make sure the smell wouldn't be bad because their parents live there.

Dan Griffin asked about air flow. Ron said there are no fans; the building is double curtained so it's like a chimney effect. This keeps the smell out.

Dan Griffin asked how much storage the pit would have. Ron said approximately 14-16 months of storage.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 | |

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| | 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 |

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 based on:

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

Ed Hammell 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 7, 2015.

Notice of Public Hearing No. 836 was read. **Tim Heintz**, 2395 County 3, Brownsville, MN 55919 is seeking a conditional use permit to run a Level II Home Occupation – Car Dealership in Brownsville 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:

- Plans to sell 5-6 cars per year at their residence since selling their land near Brownsville.
- All work on cars will be done off-site.
- The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Tim Heintz had anything to add. Tim said he purchases damaged cars, they are fixed and painted offsite and then he puts them back together. He used to have land by Brownsville but has sold it and would like to keep his dealers license so he needs land. All hazardous waste is property disposed of. It's a hobby he's been doing for about 30 years.

Dan Griffin asked on the location of the parcel and where the work will be done. Tim explained the site and where the work will be done.

Bob Scanlan asked if he would park cars by the road. Tim said maybe one by the road at a time.

Dan Griffin asked about dismantling cars and how many cars are on the site at one time. Dan asked if Tim would be OK with having a condition on how many cars can be sitting around at one time. Tim said a dozen would be favorable.

Terry Rosendahl questioned if the permit should fall under an Interim Use Permit. There was a correction made on the permit application. An Interim Use Permit has his name on it and when he's done with the business, the permit expires.

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

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

The Interim Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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 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 | |

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| | 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 |

Dan Griffin asked if Tim would have any signage. Tim said his is required to, but it would be small.

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

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Limit of 12 vehicles on the site at one time.**
- 3) Permit is limited to a 10 year period.**

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 7, 2015.

Dana Kjome made the motion to approve the minutes of May 28, 2015. Terry Rosendahl seconded. Motion carried.

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

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| 4341 | Mike Patterson – Spring Grove Township
Replace pole shed due to wind damage (32' x 50') |
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- 4342 Concrete Foundations, Inc. – Spring Grove Township
Install temporary 90-day ready mix plant for County 8 road project
(Starting 7-1-15)
- 4343 Skree Trust/Gary and Marion Skree – Sheldon Township
Build 4 sided deck (2) (24' x 44')
- 4344 Doug Heintz – Sheldon Township
Build (2) additions on milking center (15' x 18') and (10' x 30')
- 4345 Dennis Forsyth – Caledonia Township
Build hay shed (45' x 72') after fact
- 4346 Kenneth Anderson – Wilmington Township
Build shop addition (16' x 36') and cattle shed addition (40' x 80')
- 4347 Ed Troendle – Wilmington Township
Build shop (48' x 58') house (48' x 30')
- 4348 Thomas Phillips – Mound Prairie Township
Build pole building (24' x 28') garden shed (12' x 8.5')
- 4349 Charles Kasten – Mound Prairie Township
Build pole building (70' x 120')
- 4350 Erik and Melissa Brennan – Yucatan Township
Build house (38' x 57') garage (38' x 25') deck (12' x 44') and
storage shed (9' x 18')
- 4351 Maynard Welscher/Blue View Dairy – Mayville Township
Replace existing loafing barn with new confinement building (54' x 90')
no expansion
- 4352 Darcy Thorson – Wilmington Township
Build house (50' x 34') garage (26' x 30') porch (5' x 22'6")
deck (8' x 20')
- 4353 Tom Vix – Houston Township
Build (3) storage sheds (12' x 24') (40' x 52') (24' x 48')
- 4354 Brian and Sally Inglett – Sheldon Township
Build deck (18' x 28')
- 4355 Eric Halverson – Caledonia Township
Build house (70' x 26.5') garage (40' x 23.5') porch (20' x 6')
- 4356 Kim Benson – Brownsville Township
Build addition (6'2" x 30') addition on deck (2' x 6'6") after fact

Glenn Kruse 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, July 7, 2015.

OTHER BUSINESS:

Matt Klug – Final Plat. Bob indicated there was a correction on the survey line. There was a quit claim deed done to straighten it out. Pat Jilek is splitting his lot. Dick Walter, County Surveyor and Bev Bauer, County Recorder have reviewed it and everything is in order. Terry Rosendahl made a motion to approve the final plat for Matt Klug, Glenn Kruse seconded, motion carried.

Ryan Feller was present and stated he has been looking at options on building a house for about 3 years. He owns 40 acres in Yucatan but it is not buildable. They are looking at a site on County 4 but there is already a house on the 40. Bob said Ryan is thinking of rezoning to a one lot subdivision but the closest developed area is over 2 miles away. Ryan passed out an aerial photo of the site they are looking at. The photo was discussed and it there were options to build. It was a consensus that the site was not an option and they should keep looking.

Gengler Quarry. Allen Schulze was present and stated he would like to renew the conditional use permit #314 for the Gengler Quarry. The 5 year renewal isn't coming up until August 23, 2015 but he wanted to be proactive on renewing it so there are no time lapses. It was the consensus of the board since there have not been any complaints on the quarry to renew the permit for another 5 years. Terry Rosendahl made a motion to renew the permit for another 5 years. Glenn Kruse seconded. Motion carried.

Fred Sandvik, Old Hickory Orchards is proposing to add another temporary ag housing unit. The current housing is being used by a foreman and his family who works about 10 months out of the year. Fred has gone to "contracting out" for picking apples and is in need of another temporary dwelling for the fall workers from August to November. To meet the timeline for when they would arrive and start working, he would like to proceed with having the additional temporary housing unit built offsite. This would be a wood built modular unit and 8 people would be living in the unit. Fred has to go through state housing regulations for square footage requirements for his workers and would like it built to specs. Dan Griffin asked about the septic options. Fred would have a holding tank and would get it pumped every 2-3 weeks. (8 people at 30 gallons

a day usage). Fred has signatures of support from his neighbors. Terry Rosendahl asked if there were any provisions on the number of temporary housing units allowed in the ordinance. Bob said there is no requirement on “how many” buildings can be on a site and went through the site requirements listed in the ordinance. Fred will plan to come back in July for a hearing.

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

Submitted by Planning Commission Clerk on June 19, 2015.

Houston County Planning Commission
July 23, 2015

Approved on October 22, 2015 by Dana Kjome and Terry Rosendahl

The Houston County Planning Commission met at 7:00 p.m. on Thursday, July 23, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 837 was read. **Thomas Trehus**, 21721 Church Road, Spring Grove, MN 55974 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Wilmington 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:

- Thomas purchased some land from his parents and would like to build a house.
- The property was surveyed and has approximately 4 acres and meets the requirements to build on less than 40 acres.
- There is adequate road frontage.
- The soils type is appropriate to build on.
- A soil erosion plan and septic design have been submitted.
- A variance was granted earlier this evening.
- The Wilmington Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application.

Chairperson Griffin asked if Thomas Trehus had anything to add. Thomas said the land has been in their family for 161 years and he would like to continue living there.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin asked if Thomas owned all the land going to the Township road. Thomas indicated he did.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application based on:

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

Richard Schild 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 4, 2015.

Notice of Public Hearing No. 838 was read. **Tim Havlicek of CP Rail**, 120 S. 6th Street, Suite 900, Minneapolis, MN 55402 is seeking a conditional use permit to upgrade a railroad bridge and place fill in a floodplain, excavate over 50 cubic yards of material in a shoreland and do substantial land alteration in a floodplain 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:

- The shoreland area requires the conditional use permit.
- The railroad plans to replace and extend two existing bridge structures along with developing 690 feet of siding track within a general floodplain district.
- The hydraulics analysis report indicates both structures would lower the water level of unnamed drainages for the 2, 50 and 100 year level events resulting in improved hydraulic capacity of the drainages.
- Replacement of the two structures and associated track work for the proposed siding project would result in a total of 312.2 cubic yards (cy) of fill being placed within the general floodplain district; 246.9 cy resulting from track work, 65.3 cy from bridge work.
- Fill volumes are calculated as materials being placed with the defined FEMA floodplain below the 100 flood elevation of 650.00 feet.
- Impacts to the wetland resources related to this project are being coordinated through the Minnesota Wetland Conservation Act and Houston County Environmental Services.
- The Hokah Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Tim Havlicek had anything to add. Tim was not present. Mike Swenson from HDR Engineering was present.

Mike Swenson went on to explain the proposed projects. The first project is BR153.9 replacement structure and consists of three concrete box culvert barrels 9.5 feet wide, 3 feet high, and 48 feet long with headwalls parallel to the track on the upstream and downstream ends of the culverts. The second project is BR153.95 replacement structure and consists of one concrete box culvert barrel 9.5 feet wide, 3 feet high, and 48 feet long with headwalls parallel to the track on the upstream and downstream ends of the culvert.

Dan Griffin asked if the water will be less restrictive going through the bridges. Mike indicated it will improve the hydraulics and lower the 50 year and 100 year flood elevations.

Dan Griffin asked where the fill is coming from. Mike said it is coming from the siding part of the project; 690 feet of siding track will be developed.

Dan Griffin asked how wide the right-of-way is. Mike said the east side is by MNDOT and the west side is approximately 75-150 feet in some locations. All proposed work will take place within the existing right-of-way.

Rich Schild asked about the 10,000 foot siding. Mike said regardless if the siding is built, both bridges need to be replaced. Since they are replacing the bridges they will take out the existing bridge and extend it approximately 2 miles to the east. The 10,000 siding runs from approximately from Spring Hills Drive and runs north 10,000 feet.

Glenn Kruse asked if the siding will be next to the existing track. Mike said it will be directly adjacent to existing track.

Dana Kjome asked if the siding for letting other trains go by. Mike said yes, when they go in other directions. It is not for storage. The storage is in the La Crescent area.

Jerome Traff asked if they would be expanding past the railroad property onto the MNDOT property. Mike said they will only be working within the existing right- of-way.

Dan Griffin asked if the railroad crossings that they have to redo. Mike said there is one private crossing on the north of the siding they have to redo at the curve.

Ed Hammel asked if the 900 feet was included in the 10,000 foot siding. Mike said that was extra. It's 10,000 feet of storage only.

Richard Schild asked about the storage. Mike said it's just for passing; no trains will not be parked there.

Larry Hafner confirmed they will remain in the train until other passes. Mike said that was correct.

Dan Griffin asked on the number of trains that go up and down the track. Mike said he is not privy to that information.

Jerome Traff asked if they were replacing two bridges and adding two bridges. Mike they were not, they will be widening two bridges only.

Jeremy Chipps asked what the distance was from the proposed siding to the main road and what percentage was floodplain. Mike said 690 feet of fill will be in floodplain and the siding to the road is approximately 50 feet plus or minus another 50 depending on the location.

Jeremy Chipps then asked if thought was given to various points of egress and for emergency and nonemergency vehicles. Mike said there is one access at the north end of the switch and one access at the south end of the switch. The roads are 30 feet wide; they are the old highway beds.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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 |

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| 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. | Have potential pollution hazards been addressed and have standards been met? | 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin asked what the timeline was. Mike said they would start sometime this fall and the track work would be started next year.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application based on:

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

Larry Hafner 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 4, 2015.

Notice of Public Hearing No. 839 was read. **Fred Sandvik of Hickory Orchards**, 7442 County 25, La Crescent, MN 55947 is seeking an interim use permit for Temporary Ag Employee Housing in an Agricultural Protection 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:

- Would like to add another housing unit for seasonal temporary workers.
- Soil erosion plan has been submitted and approved by Dave Walter of SWCD.
- He plans to install a holding tank for the septic.
- The new housing unit will be located adjacent to the existing unit.
- The Mound Prairie Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Fred Sandvik had anything to add. Fred said he canceled the trailer plans because his apple crop was taken out by hail. He plans to proceed in the spring. There will be minimal excavation on site.

Dan Griffin asked how many people would be staying in the new housing unit. Fred said the unit is built for 8 people. Dan then asked about the existing unit. Fred said his foreman and family live there about 9-10 months out of the year and then returns to Mexico. Both units are temporary housing.

Richard Schild asked if the workers were H-2-A workers. Fred said they were. Fred has gone to "contracting out" for picking apples typically from August to November.

Dan Griffin asked if the workers were individuals or families. Fred said individuals. Again the existing unit houses a foreman and his family; the new unit will house just individuals, not families.

The existing housing unit is set up with a septic system and well water is shared from Fred's place through the existing cistern.

Larry Hafner asked how often the tank that will get pumped. Fred said it's a 3,000 gallon tank, has an alarm and will be pumped approximately every 2 weeks. This new unit will only be used about 2 months out of the year.

Dan Griffin asked how long the workers are there. Fred said middle of August to November 1st.

Richard Schild asked who inspections the housing units. Fred said the State inspects to make sure they are up to code each year. Larry asked with department inspects. The Department of Health does the inspections.

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

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

The Interim Use Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim 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. | Have potential pollution hazards been addressed and have standards been met? | 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 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 | |

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| | 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 |

Dan Griffin asked about parking. Fred said they are bused in so there are no vehicles.

Terry Rosendahl asked if this permit would be reviewed yearly. Bob Scanlan indicated it would.

Dan Griffin indicated this is an interim permit application and would only be issued to Fred for a certain amount of individuals and a certain duration of time. Fred said 8 people would be housed. Glenn Kruse said the duration of time is until he sells the property. Fred said he could see at some point adding 6 more pickers with a total of 14, but that would be down the road. Glenn Kruse said when he is ready to add addition workers he could come back with another application.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Temporary housing unit is for up to 8 workers to reside in.**
- 3) Permit will be reviewed yearly.**

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, August 4, 2015.

Glenn Kruse made the motion to approve the minutes of June 18, 2015. Ed Hammell seconded. Motion carried.

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

- 4357 Larry & Patty Van Gundy/Jason Van Gundy – Money Creek Township
Build house/garage (44' x 66') deck (44' x 8') and (5' x 14')
- 4358 Brad Felten/John Felten – Mayville Township
Build addition on house (28' x 20')
- 4359 Carol Burtness – Wilmington Township
Replace house and build addition (44' x 44')
- 4360 Tim Evenson – Sheldon Township
Build storage shed/heated workshop (58' x 36')
- 4361 Tim Nelson – Yucatan Township
Build breezeway (12' x 20') and garage (40' x 26')
- 4362 Ron and Jim Holty – Spring Grove Township
Build cattle barn-slat barn (100' x 264') commodity shed (35' x 80')
- 4363 Doug Brand – Money Creek Township
Build freestall barn (64' x 264') and parlor/holding pen (64' x 88')
- 4364 Mark and Elizabeth Becker – Union Township
Build pole shed (24' x 36')
- 4365 Ingvalson Hilltop Farms/Mike Ingvalson – Caledonia Township
Build calf barn (30' x 256') no expansion
- 4366 Blaine Liudahl – Caledonia Township
Replace existing house (26' x 38')
- 4367 Brian Dahl – Black Hammer Township
Convert grainery into dwelling (19' x 19') and add addition (19' x 19')
- 4368 Joseph and Heidi Thesing – Mound Prairie Township
Build house (52' x 36') garage (28' x 26') screened porch (16' x 14') and
deck (26' x 10')

Rich Schild asked if there was a septic plan for #4367. Bob said there was a septic design submitted.

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

Larry Hafner seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, August 4, 2015.

OTHER BUSINESS:

CUP #233 yearly renewal for Jim and Tom Welscher for substantial land alteration and mineral extraction in an ag district, Section 30 of Caledonia Township. This is for black dirt. Motion made by Ed Hammell to renew the permit and Terry Rosendahl seconded. Motion carried.

Brian Goetzinger – illegal split. Bob said Brian contacted the office on the possibility of building a shed. This triggered a site review. The house was built 10 years ago and was built on 40 or more acres. The original owner sold the house and a couple acres to Brian. Now the site is non-conforming because there is no road frontage. Dan Griffin questioned whether the realtor knew this. Brian said he didn't recall who the realtor was as he purchased the site in 2012. Richard Schild asked if Brian had an easement. Brian was not sure. Larry Hafner suggested he get an easement. Bob said policy could be changed in that the zoning office would be included in the split process. It was suggested that Brian get an easement at this time.

Kim Benson - Lawrence Lake Marina complaint. Bob said this is a bait and tackle business that has been there before zoning. It is zoned ag right now. He sells 3-2 beer and also steaks on Friday nights from Memorial Day to Labor Day which makes it a non-conforming use. A complaint was called into the zoning office which triggered a site review. Bob said Mr. Benson owns the building but all the land around the building is owned by the railroad and federal waters. Rich Schild asked if the Department of Health was involved. Bob said Mr. Benson has a licensed caterer handle the steak meals. Bob wanted to discuss with the board their thoughts on what Mr. Benson should apply for. The board thought an IUP would be the most appropriate. Bob said Mr. Benson plans to submit an application next week for the August agenda. Dana Kjome asked what the nature of the complaint was. Bob said that a train had to stop for a child caught in the tracks.

Rich Schild wanted to discuss non-conforming mines. He made a motion as reads "I move that the Planning Commission urge the Houston County Board to direct the Zoning Administrator to begin vigorously enforcing our current ordinance". Motion seconded by Dana Kjome. Rich Schild stated that he wanted reclamation plans submitted by the non-conforming mines and to determine if the mines had been active in the last 12 months. If there was no activity they

need to get a conditional use permit. Dan Griffin explained that the new ordinance would take care of registrations had it been passed. Bob Scanlan indicated he was told to stop sending letters to mine owners by the County Attorney. A roll call vote was taken on the motion: Terry Rosendahl – no, Glenn Kruse – no, Ed Hammell – yes, Dan Griffin – no, Larry Hafner – no, Richard Schild – yes. Dana Kjome abstained. Motion failed.

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

Submitted by Planning Commission Clerk on July 24, 2015.

Houston County Planning Commission
August 27, 2015

Approved on October 22, 2015 by Glenn Kruse and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, August 27, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Rick Frank; Environmental Services Director was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 840 was read. **Arlyn Frauenkron**, 15651 Catalpa Coulee Drive, Houston, MN 55943 is seeking to rezone from agricultural protection district to residential and consider a preliminary plat in Money Creek Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- Mr. Frauenkron is planning to rezone from Ag protection to residential to develop a one lot subdivision.
- A copy of the preliminary plat has been prepared by Joel Thorson Land Survey and has been forwarded to the Township Board, County Engineer, SWCD, MNDOT, DNR and the E911 Coordinator.
- A septic design for a 2 bedroom house has been submitted by Gary's Pump and Well Service.
- A variance from a feedlot was granted earlier this evening.
- The Money Creek Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Arlyn Frauenkron had anything to add. Delane Frauenkron, son of Arlyn spoke. He said they would like to build their parents a retirement home and are following the proper steps to do this.

Dan Griffin asked how big the lot was. Delane said it is approximately 3 acres.

Rich Schild asked if they had spoken to the Money Creek township board. Delane indicated they had and received signatures of the board at their July 2, 2015 meeting.

Rich Schild asked if there was enough room for two septic systems on the site. Delane indicated there would be. Rick Frank said he was on site and soil verifications were taken and there is enough room to the west.

Glenn Kruse asked if this was just a one lot subdivision. Delane said it was.

Dan Griffin asked if they were 2 miles from Money Creek. Delane said they were.

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

Chairman Griffin asked that the Findings for the preliminary plat 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.

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

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 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.

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 zoning amendment application based on:

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, September 8, 2015

Notice of Public Hearing No. 841 was read. **Mark and Michelle Schnick**, 11970 State 26, Brownsville, MN 55919 are seeking to rezone from agricultural protection district to residential and consider a preliminary plat in Brownsville Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- The Schnick's are planning to rezone from Ag protection to residential to develop a one lot subdivision.
- They plan to replace the existing trailer house with a stick built home in Section 35 of Brownsville Township.
- A copy of the preliminary plat has been prepared by Kleinschmidt Surveying and has been forwarded to the Township Board, City of Brownsville, County Engineer, SWCD, MNDOT, DNR and the E911 Coordinator.
- There has been discussion with MNDOT in regard to the location of the existing septic system. MNDOT's letter dated August 21, 2015 indicated they had reviewed the request for a re-conveyance to legalize a septic drain field that was built on the right of way for Hwy 26 and the request is denied.

- They are purchasing additional property from the neighbor in order to complete the process.
- Jeff Jerue of Septic Pro has confirmed there are two possible locations for a replacement septic system. A mound system is recommended.
- The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Dan Griffin asked how many acres the lot would contain. It was determine it was 4.44 total acres.

Larry Hafner asked if any wetlands would be impacted. Rick said there were no wetlands impacted; the site is located on the hillside.

Dan Griffin asked how many miles the Schnick's were from Brownsville. Mark said 1½ miles.

Dana Kjome asked if the location was in Section 35 or Section 2. The notice shows Section 2. Rick stated that it is actually in both sections; the Schnick's trailer currently sits on both section lines.

Rich Schild asked if two septic systems would fit on the lot. Rick indicated it would; Septic Pro has submitted a letter stating there are two possible locations.

Chairman Griffin asked that the Findings for the preliminary plat 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.

Discussion on the location of the new house took place, the additional land being purchased, the slope and soil erosion issues. Rick said the reason the Schnick's need to buy additional land is so they have room enough for the new house.

Glenn Kruse made the motion to recommend the Houston County Board accept the preliminary plat contingent on the additional land the Schnick's need to purchase. Larry Hafner seconded. Motion carried.

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 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.

Chairperson Griffin 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.

Rich Schild seconded with the land closing being an additional stipulation. Motion carried. The Findings along with the following stipulations will be submitted to the Houston County Board of Commissioners for their review.

- 1) All federal, state and local permits be obtained and followed.**
- 2) Contingent on the additional land the Schnick's need to purchase.**

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 8, 2015

Notice of Public Hearing No. 842 was read. **Duane Peterson**, 102 West Spruce Street, Houston, MN 55943 is seeking a conditional use permit to have a campground in an agricultural district in Yucatan Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- Mr. Peterson is applying for a CUP for a campground on his property in Sections 29 and 30 of Yucatan Township.
- Mr. Peterson mentioned that he had first started with a couple of camp sites on the property but has since expanded the use to include more than 5 camp sites.
- The ordinance required a CUP any time a campground exceeds the 5 camp site threshold.
- The Yucatan Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked Duane Peterson if he had anything to add. Mary Walker spoke for Duane and said the site is used for family and friends only for gatherings. Campers come and go; all are licensed campers. Sometimes there are up to 8 campers. It is not a public campground.

Dan Griffin asked how many camp sites there are. Mary said there up to as many as 8 but just for family and friends and is not open to the public.

Dan Griffin asked if any events take place there. Mary said birthday parties and horseback riding, although they no longer have horses.

Terry Rosendahl asked if an interim use would better suit the situation. Mary asked what the advantage would be. It was discussed and stated a conditional use permit goes with the land if it is ever sold; an interim use permit is just for Duane in Duane's name only. It was further discussed what would be a better option for them and a consensus that a conditional use permit with stipulations on the number camp sites would be best.

Dana Kjome asked if the location was close to the Yucatan Valley Land Group cabins. Mary said Duane sold land to the group and it is in a different location.

Steve Hartwick asked if the location was in section 29 or 30. It was indicated it was in both sections. He then asked what the proximity was to the girl scout camp. Mary showed the location on the aerials and it was about a half mile from the buildings. The girl scout camp is currently idle.

Discussion took place on the number of camp sites with hookups. Mary said they are hooked up to water and electric. Campers are pumped if necessary; there is also a port-a-potty that is pumped as necessary.

Donna Buckbee, Yucatan Township, has concerns about the trail use. She asked if they could limit the number of off highway vehicles used on the trails. Duane said they don't have trails anymore; he sold the land with the trails. Duane has 47 acres left. There are no trails connected to their location.

Bruce Kuehmichel asked if there were any structures on the campground. Mary Walker said there is a little playhouse for the kids and a deck they back their camper up to, but has no footings and didn't require a permit. He then asked how close the campground is to County 15. Mary said ¼ mile to the south.

Larry Hafner asked what will happen once the land is sold and what the limitations should be. Duane said the land is in a family trust.

Glenn Kruse said since the land is a family trust, the permit could be limited to the life of trust. Interim uses and conditional uses were discussed and the consensus was to go with a conditional use with stipulations.

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

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

The Conditional Use 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. | Have potential pollution hazards been addressed and have standards been met? | 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 | |

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| 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 |

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

Larry Hafner made the motion to recommend the Houston County Board approve the conditional use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) The permit is good for the duration of the family trust.**
- 3) Limited to 12 campsite hookups.**

Ed Hammell 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 8, 2015.

Notice of Public Hearing No. 843 was read. **Jim Bakkum**, 6143 County 22, Caledonia, MN 55921 is seeking an interim use permit for a non-commercial family cabin in an agricultural protection district in Mound Prairie Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- Mr. Bakkum has built a non-commercial family cabin in an ag district.
- He plans to use it strictly for hunting and camping on his farm in Mound Prairie Township.

- The cabin is not to be leased out.
- The Mound Prairie Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Jim Bakkum had anything to add. Jim referred to the site map and indicated the cabin is centered so not to disturb neighbors.

Dan Griffin asked if there was an outhouse. Jim said there was not.

Rich Schild asked if it was already built. Jim said he didn't think he needed a permit since the size was less than 400 square feet. Once he was aware that he needed a permit he stopped building it.

Larry Hafner questioned the conditions for cabin if it is less than 400 square feet. Dan Griffin said all cabins need permits.

Rich Schild asked if there was a driveway. Jim said he uses ridge roads to get to the site.

Bruce Lee, neighbor to the west, said he is in favor of the cabin. It is in a nice location. Jim Bakkum said he also notified his local neighbors of the cabin.

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

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

The Interim Use 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. | Have potential pollution hazards been addressed and have standards been met? | 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 | |

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

Glenn Kruse stated a stipulation should be added that the cabin not be leased out.

Rich Schild stated there are many after the facts permits coming in and whether after the fact fees apply. Terry Rosendahl commended Jim for coming as there likely many cabins out there with no permits.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Cabin is not to be leased out.**

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, September 8, 2015.

Notice of Public Hearing No. 844 was read. **Earl and Holly Klankowski**, 14574 County 12, Caledonia, MN 55921 is seeking an interim use permit to run a Level II home occupation as an upholstery shop in an agricultural protection district in Caledonia Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- The Klankowski's are planning to move their upholstery business from Caledonia to their home in Caledonia Township.
- Meisch Upholstery is an established business that began in 1955.
- The property where the business is located will eventually be sold as Holly's mother is in the nursing home and her father recently passed away.
- The Klankowski's are requesting a permit to carry on their business at their residence.
- The Caledonia Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if the Klankowski's had anything to add. Earl spoke and said his father-in-law recently passed away, his mother-in-law is in the nursing home, the current business site will be sold. They would like to continue with the business at their residence.

Dan Griffin asked how busy they are anticipating to be. Earl said he didn't think the neighbors would notice. Dan then asked how many cars could be on the site at one time. Earl said 15 cars could fit but at the most there may be 4 at a time. Earl also said they have a contract for waste disposal with Richard's Sanitation.

Rich Schild asked if they used any chemicals. Earl said they really don't use any, it's all water based. Furniture upholstery is the main business.

Larry Hafner asked if they planned to have any signage. Earl said they are not sure if they will put anything up. Larry indicated they would need a permit if they did.

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

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

The Interim Use Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim 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. | Have potential pollution hazards been addressed and have standards been met? | 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 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

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

Rich Schild 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 8, 2015.

Notice of Public Hearing No. 845 was read. **Kim Benson DBA Lawrence Lake Marina**, P.O. Box 114, Brownsville, MN 55919 is seeking an interim use permit to run a food service/bar business in an agricultural protection district in Brownsville Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- Mr. Benson has increased the scope of his non-conforming use in Brownsville Township from a marina and bait shop, known as Lawrence Lake Marina, to a bar and outdoor food establishment in Brownsville Township.
- The business sits on leased rail road land and United States Government Land. Mr. Benson retains agreements with each entity to operate said marina.
- The expansion was brought to the attention of the Zoning Office through a complaint of an incident that occurred on the evening of July 3, 2015.
- The marina has been issued permit in the past to expand the building and most recently received after-the-fact permits to add a storage room and deck to the marina.
- A cease and desist was issued on July 13, 2015 but was waived as an agreement that Benson's move forward on applying for their interim use permit.
- The Brownsville Township board and adjoining property owners were notified. There were several inquiries to the Zoning Office on the application.

Chairperson Griffin asked if Kim Benson had anything to add. Kim said he was not aware he had to go through county zoning for anything with his business. He was issued a cease and desist on his food service operation. They

have complied and have until September 7, 2015 to go through an interim use process.

Dan Griffin stated he thinks this is a good thing for the county economically but public safety and state rules apply.

Rich Schild asked what is served for food. Kim said they serve steaks on Friday nights, wings during the week and they have a mobile food cart license which allows them to serve sandwiches/short orders. They have had all proper licenses for the last 2 years. Rick Frank commented that as part of their lease agreements with the state and federal government they have to keep up on their licenses.

Rich Schild asked about the railroad incident which initiated the complaint. Kim said it did not have anything to do with them. The public uses their location all the time. The individuals were unloading a car and being picked up by a boat on the docks. The train stopped due to the vehicle being close to the tracks. The individuals never stopped at their business establishment.

Dan Griffin asked who owned the road by the railroad tracks and the highway. Kim said the railroad owns the road. Dan asked who is responsible for it. Kim said he is responsible for 150 feet on the frontage road, but he takes care of it all by plowing it and filling any potholes.

Dan Griffin then asked where everyone parks. Kim said approximately 60% of the people come by boat, 20% walk from nearby homes or boathouses, the remaining 20% come by vehicle.

Dan Griffin asked how many people he can seat and where everyone sits. Kim said they serve from 30 to 300 meals on a Friday night; they have room to seat around 240, some sit in the main lot area, the main deck area, the lower decking, the boat ramp area, on pontoons, or some people take their meals back to their boathouses, etc. Kim closes off the boat ramp area on Friday evenings at 4:30p.m. as he has the authority to do that in his lease.

Dan Griffin asked where the railroad crossing is located and who takes care of signage. Kim said it is in Brownsville and the railroad takes care of all signage.

Dan Griffin asked about Kim's lease agreements. Kim said they have 18 years left on the land and the railroad lease is yearly.

Dan Griffin asked if they had talked to the railroad about the July incident. Kim said he called them within hours and it had not even been reported.

Rich Schild asked whether an interim use or a conditional use is best for this situation. Kim understood the interim use was the best route to go.

Larry Hafner asked how much train traffic there is a day. Kim said on average 3 to 4 trains a day and they travel around 25-28 mph.

Dan Griffin asked if they were planning to help people park their cars. Kim said they cannot; he will help people across the tracks but cannot control parking.

Larry Hafner asked who's suggestion it was to help escort people across the tracks. Kim said it was presented to him by Bob Scanlan and Sam Jandt as a resolution to the cease and desist order. Larry isn't sure it's in Kim's best interest to start monitoring people crossing the rail road tracks.

Sam Jandt, Houston County Attorney, elaborated on the resolution that Mr. Benson agreed to in order to lift the cease and desist order. He said Mr. Benson's attorney contacted his office regarding the cease and desist order and an agreement was reached and signed by Mr. Benson in order to lift the cease and desist order temporarily. The agreement included: Reasonably monitor the property and surrounding area to ensure that customers park in reasonable locations to prevent congestion and allow for safe entry and exit of emergency vehicles, staff must be present to oversee the restaurant/bar area and provide assistance in the event that someone falls into the water, while the marina provides meals on Fridays nights, they have to provide staff to escort customers across the rail road tracks and file for an interim use permit with the county as well as abide by their terms and conditions of their leases. In essence, if the interim use permit is not granted then the cease and desist order will go into effect on September 7, 2015.

Dan Griffin asked what portion of the road from the tracks Kim is responsible for under his lease. Kim said 150 feet from the building up toward the tracks. Dan asked if Kim would have an issue with monitoring the crossing going forward. Kim understood he would monitor it until September and if they go longer term with Friday night meals they would have to check into it with

insurance and liability issues. Sam Jandt said the monitoring could be limited to certain time periods.

Dan Griffin again asked about their weekly events. Kim said they serve wings on Wednesday nights, steaks on Friday nights, burgers and short orders on Saturday and Sundays. These events run Memorial Day to Labor Day.

Kim Benson went on to discuss parking and what he has done for emergency access in posting signage for “no parking” specifically for emergency vehicles.

Dan Griffin asked what Kim has for a septic system. Kim said their residence has a holding tank and anything used by the public is portable. They have 4 port-a-potties; they are pumped Friday AM and Saturday and Sunday AM as needed.

Phil Moen spoke in favor of the Benson’s operation. He said it’s a great business and they have done a lot for the marina and the local community.

Daryl DeYoung also spoke in favor of the Benson’s operation. He stated Kim has always been up front on anything he has done.

Kim Sheehan stated she is on the Brownsville EMT crew and the emergency access that Kim has provided has been great anytime they need to respond.

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

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

The Interim Use Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim 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. | Have potential pollution hazards been addressed and have standards been met? | 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 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin asked how they would like the music to be stipulated on the permit. Mrs. Benson asked that it be Fridays 6 p.m. to 9 p.m., Saturdays and Sundays 4 p.m. to 8 p.m.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) On Fridays evenings, in summer months, monitor pedestrian traffic and parking along the CP Rail line on portion of track located on land leased by Mr. Benson.**
- 3) Music Friday 6 p.m.-9 p.m. and Saturdays/Sundays 3 p.m.-8 p.m.**

Rich Schild 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 8, 2015.

Rich Schild asked for a correction on his motion from last month. He said Bob was not part of his motion. There was discussion on the actual motion. It was also indicated the audio was hard to hear. Minutes will be approved at the next meeting.

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

- 4369 Arthur Thompson/Edith Thompson – Yucatan Township
Build garage (26' x 36')
- 4370 Lois McElhiney/Sheldon McElhiney – Mound Prairie Township
Build check coop (14' x 60') machine shed/shop (80' x 120') replace barn
(50' x 80') greenhouses (48' x 96' and (2) 36' x 270')
- 4371 Ken Halverson – Black Hammer Township
Build pole shed (36' x 48')
- 4372 James and Lynn Foellmi – Union Township
Build attached garage (26' x 36) addition on house (12' x 16') pole shed
(30' x 60')
- 4373 Chester Doering – Mayville Township
Build cattle barn (156' x 42') addition on existing calf barn (32' x 160')
feed room (30' x 16')
- 4374 Justin Thies – Union Township
Build detached garage (34'x 48')
- 4375 Devoine Kruse – Wilmington Township
Build free stall barn (110' x 96') calf barn (64' x 56') double 8 parlor
(72' x 120')
- 4376 Maurine Frydenlund/Eric Frydenlund – Black Hammer Township
Build 3-sided shelter (16' x 32')
- 4377 Mark Ebbers – Black Hammer Township
Build deck (20' x 12')
- 4378 Jim and Jill Britain – Wilmington Township
Build attached garage (28' x 32')

- 4379 Matt Feldmeier – Yucatan Township
Build cattle shed (50' x 70')
- 4380 Matt Bender – Yucatan Township
Build detached garage (30' x 30')
- 4381 Tim Colsch – Houston Township
Build garage (30' x 26') cover wrap around deck (8' x 60')
- 4382 Mike and Mary Jetson – Spring Grove Township
Build freestall barn (45' x 60')
- 4383 Casey and Keri Eglinton – Brownsville Township
Build house (44' x 50') garage (32' x 30') deck (12'x 15')
- 4384 Don Kjos – Yucatan Township
Build pole shed (50' x 100')
- 4385 Dennis Doering Jr. – Brownsville Township
Build shed addition (40' x 24') corn bin (15' x 16')

Dana Kjome asked about permit #4376 – 3 sided shelter. Rick said it's a shelter for wood.

Glenn Kruse 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, September 8, 2015.

OTHER BUSINESS:

Terry Rosendahl made the motion to adjourn the meeting and Larry Hafner seconded it. Motion carried.

Submitted by Planning Commission Clerk on August 28, 2015.

Houston County Planning Commission
September 29, 2015

Approved on October 22, 2015 by Terry Rosendahl and Ed Hammell

The Houston County Planning Commission met at 7:00 p.m. on Thursday, September 29, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Rick Frank; Environmental Services Director was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 846 was read by Rick Frank, Environmental Services Director. Houston County Protectors: Ken and Robin Tschumper, 1640 Tschumper Rd, La Crescent, MN 55947, Donna Buckbee, 5853 Ferndale Rd, Rushford, MN 55971, Bryan and Sue Van Gorp, 4382 Ferndale Rd, Rushford, MN 55971, Gretchen Cook, 517 N 3rd, La Crescent, MN 55947, Kent and Cheryl Holen, 188 Hanson Valley Rd, Houston, MN 55943, Linda Griggs, 6698 Rock Rd, Houston, MN 55943, Michael Fields, 11191 Wildflower Dr, Caledonia, MN 55921, Yvonne Krogstad, 16851 Heritage Rd, Spring Grove, MN 55974 are seeking a Zoning Amendment to Section 27 – Mineral Extraction of the Houston County Ordinance.

Chairperson Dan Griffin asked Attorney Sam Jandt to open with an explanation of findings of fact.

County Attorney Jandt stated that findings of fact are important in this meeting and all future meetings. The planning commission should site facts and evidence in support of the decision that is made. If a decision would end up in court; that is the information the courts will review. Glenn Kruse made the motion to site findings of fact for all future meetings, Larry Hafner seconded. Motion carried.

Dan Griffin stated how the meeting will be conducted. Ken Tschumper and his colleagues will go first and when they will be asked to move to the reserved chairs to allow others to speak. He will then ask for others to speak and ask for other comments or concerns on the proposal.

Ken Tschumper spoke. *“With me are Dr. Bryan Van Gorp and Yvonne Krogstad. We are presenting the proposal this evening on behalf of members of Houston County Protectors. Also with us is our attorney, Greg Schieber, to address any legal issues that might come up. Before we begin, I want to preface our presentation with these comments. Everyone here understands how controversial zoning in Houston County has become in the last four years. We can all agree everyone comes to this meeting tonight with their own beliefs, their own perspectives and their own biases. I think we can all acknowledge these differences often have generated personal animosities between people and groups in our county. Let’s set aside our biases and personal animosities this evening and instead listen to what is being presented by HCP, listen to each other, and have a meaningful discussion. We believe everyone here wants to do what is best for the residents of Houston County. We sincerely believe it is possible to find common ground here this evening. Last Tuesday several HCP members met with Sam Jandt, the County attorney, Steve Schuldt, the County Board chair, and Rick Frank, the acting zoning administrator. We had an hour of very candid discussion about the issues we address in our proposal. We thought overall it was a very productive discussion. Several times during that meeting they said and we said “we agree with you on that” or “we don’t disagree with you on that”. I think everyone at that meeting was surprised on how much we agreed on how to resolve these difficult zoning issues. As Pope Francis said so eloquently to Congress this last week we need more dialogue in America. I would add, not only in Congress but also in Houston County over zoning issues. We have worked for over six months refining this proposal. One of our goals is to minimize the impact on existing mining which supplies local farms and businesses with sand and gravel that we all use and need. **We want to make it very clear we are not trying to prevent the mining of sand and gravel for local uses.** Banning the mining of sand used for fracking will not affect the mining of sand used for agriculture or construction. Sand used for fracking needs to be extensively processed and hauled to a railroad or barge loading facility, both of which will make it clear and easy to detect that the sand is being used for fracking. Banning frac sand mining based on end use is the easiest way to prohibit frac sand mining, much easier than trying to enforce limits on the amount of sand that can be mined yearly. Keep in mind that this county has not yet, after two years come up with a method to enforce the 10,000 yd per year limit on the Erickson mine which is a part of that permit. We feel we have a very good proposal. We have put a lot of thought and work into it and we are convinced a significant majority of Houston County residents support it and agree with it. Still we are open to any good suggestions anyone has that will improve our proposed amendment. So if anyone has something in mind, we encourage you to express it to us and to the planning commission this evening. We also suspect there is a lot of confusion, misinformation and suspicion about our proposal, which we are going to address tonight with everyone’s cooperation. Finally, there is a procedural issue I need to bring up. I want to remind everyone that the Planning Commission does not approve or disapprove anything. It makes a recommendation to the County Board. When the planning commission is done considering our proposed amendment, this amendment, just as we have presented it, is sent to the Board in its entirety with the planning commission recommendation. The planning commission can recommend to the Board to approve our proposal, which we*

hope it will do, or to disapprove our proposal or to approve it with suggested changes or modifications. Whichever recommendation the planning commission decides on, our complete proposal is sent with that recommendation to the County Board, which makes the final decision.” Ken also said there was a typo on page 7 under Reclamation Plan. shall comply with provisions of Sec 0110.27038. All Reclamation Plans shall be updated to meet all State Standards for mining activity at the time of the five year renewal should go at the end of paragraph. (Copy on file).

Bryan Van Gorp spoke. *“This initiative is from the citizens of Houston County and has broad public support as you will see. It is an attempt to resolve the chaotic state of Planning and Zoning caused by chronic lack of enforcement. There has been a long battle over two issues related to mining in Houston County. The first is whether or not to allow frac sand mining. This issue has new urgency since we find the Rail Road can build a processing and trans loading facility if it wishes. The only way left to avoid industrial frac sand mining in Houston County is to ban it. The second issue is how to handle nonconforming mines which applies to nearly all the mines in the County. This uncertainty has gone on for many years and is now getting new focus based on recent violations by many of the nonconforming mines. Nearly every mine in the County is out of compliance with the current ordinance in some way due to lack of enforcement. How can we get mineral extraction under control in Houston County, assure miners a level and secure playing field, make things simple and straight forward to enforce, assure neighbors of mines and citizens in general that their rights will be protected and end all this controversy? It is simple, pass this amendment. This amendment bans frac sand mining and brings nonconforming mines into compliance. The following are the justification for the change.*

- 1. This proposed amendment leaves the current ordinance intact. Over 90% is unchanged; the only significant changes are to ban frac sand mining and providing a pathway for mines that are currently out of compliance to begin operating legally within the ordinance.*
- 2. Our County Attorney has already written a solid Findings of Fact that justifies a ban on frac sand mining.*
- 3. The County’s consulting land use attorney Jay Squires has stated clearly and publicly that it is legal to ban frac sand mining if we provide sound reasons in the Findings of Fact, which has been done. He also clearly states that it is legal to regulate nonconforming mines and to terminate nonconforming mines that have not met the strict criteria for retaining nonconforming status. Termination would be caused by inactivity or expansion.*
- 4. Other counties, townships and cities, have banned activities, including frac sand mining, with very similar language.*
- 5. Governor Dayton has stated publically that frac sand mining should be banned in SE Minnesota.*

6. *Mines less than one acre for personal use will be exempt from regulation in this amendment. Only commercial mines will be regulated.*
7. *All 5 Commissioners, the Environmental Services Director, Public Health Director and Chair of the Planning Commission have said publically that they are against frac sand mining.*
8. *The Land Stewardship Project did a study in Wisconsin on frac sand mines and found that over 50% were out of compliance with current regulations. This is not an industry that follows the rules.*
9. *This industry does not provide good secure jobs as evidenced by the current massive layoffs in Wisconsin and the health risks workers are exposed to.*
10. *We all know that fossil fuels from fracking are on their way out both for economic reasons and climate change reasons. Why would we allow our County to be pock marked by an industry that is becoming obsolete?*
11. *The County currently has no road agreements or bonds in place to pay for damage to our infrastructure or to pay for reclaiming abandoned mines.*
12. *There is the idea that somehow this ordinance amendment will cause a hardship for miners or people buying sand or gravel for construction purposes. Nothing would change for mines that have been operating within the ordinance and are in good standing with current law. If they are in violation they would have all winter to come into compliance. They would not have to quit mining, but they may have to get a CUP or come into compliance in other ways. Abiding by the ordinance should not be considered a hardship.*
13. *Nonconforming mines will be allowed to continue as long as it is and has been in compliance with all State Statutes and County Ordinances. The goal is not to punish people who have followed the rules. It is rather to bring those who have not, into compliance. Continuous operation can be proven by tax records, receipts, aerial photos or google earth photos. State Statute makes it clear the burden is on the land owner to prove qualification for nonconforming status.*
14. *There is also the idea that bringing mines within the law somehow constitutes a taking. Note, not much is said about the taking of neighbor's property value by those doing the mining. Of course any zoning regulation by definition takes property rights and zoning itself would be illegal by this definition. The right to mine is not even being questioned; it simply needs to be done legally. In fact a legal taking does not occur as long as other uses for that property exist. Your own consulting attorney Mr. Squires clearly states that it is legal to regulate nonconforming uses.*
15. *The purpose of nonconforming status is to encourage the phasing out or termination over time of uses that do not comply with zoning up dates. They lose the nonconforming status if they are left inactive for a year or more or if they expand in*

- volume, use, or boundaries. That is the reason that clause is in the current ordinance, to encourage the phasing out of nonconforming uses. If they lose their nonconforming status they are required to go through the normal permitting process. Certainly 48 years since zoning was implemented is sufficient to bring most uses into compliance.*
- 16. All mines including nonconforming mines need a reclamation plan and bond to operate; this is in the existing ordinance. All nonconforming mines must also comply with all County, State, and Federal regulations. Certainly we should not allow a mine to pollute a trout stream simply because it is a nonconforming use. We would not think it is OK for otherwise illegal activity to go on in a nonconforming structure simply because it is not permitted. Some permitted mines also lack all the requirements of operation and are therefore out of compliance.*
 - 17. The proposed amendment allows a pathway for citizens who are negatively impacted by mines that are in violation of the ordinance to have their grievance heard and dealt with fairly. Past lack of enforcement and ignoring of complaints has left many citizens frustrated in dealing with mining violations.*
 - 18. Under current conditions the future for nearly all the mines in Houston County is very uncertain. Owners cannot make long term business plans and have little certainty for the future because most are out of compliance and do not know when or if the law will be enforced. This ordinance clears up these issues and gives all mine owners a reasonable path forward with a level playing field and clear terms for the future.*

It is time to bring all mining activity in Houston County into compliance with current law. If this proposed Amendment is adopted, the administration and enforcement of the County zoning ordinance will be straight forward. That is good for miners, good for citizens, and good for County government. This amendment is not radical unless you define compliance with the land use plan, protecting the environment for future generations, and forcing mining to comply with current law as radical.

Passing this amendment will go a long way toward healing this County. It will begin to restore confidence in the Planning and Zoning process. It is a chance for Houston County government to get right with the law and start being accountable and transparent. Passing this ordinance amendment along with vigorous enforcement will rebuild trust in our County government.” (Copy on file).

Yvonne Krogstad spoke. “As stated in the Houston County Comprehensive Land Use Plan which was adopted Dec. 8, 1998, the purpose of the Plan is to preserve our agricultural resources, and to protect environmentally sensitive natural areas such as the bluffs with the hardwood forests, rivers and trout streams, and wetlands and sloughs adjacent to the Mississippi River. Using the Land Use Plan as the basis, our current Zoning Ordinance was adopted. The purpose of this Ordinance is to promote the health, safety, and general welfare of the citizens in Houston County. To help achieve that goal, Par. 0110.1306 in the Ordinance states, “Whenever a use is neither specifically permitted nor

denied, the use shall be considered prohibited.” Let me repeat that, the ordinance addresses the use of sand for agriculture and construction, but NOT for fracking. This past spring, an amendment to “regulate” mining in Houston County failed. Enforcement and the issue of non-conforming mines were major stumbling blocks as there has been NO enforcement since the ordinance was adopted. The frac sand study committee had worked on an industrial silica sand mining ordinance as a back-up plan in case a total ban was not legally possible; incidentally the County Commissioners originally expressed their desire for a ban of large-scale mining. On April 8, 2014, during the commissioner’s meeting in a telephone conversation with Attorney Jay Squires, the county land use expert, Mr. Squires stated that the inability to develop regulation to address concerns would become the foundation for a ban. He said, “In the event adequate regulations cannot be reached, a ban may be necessary.” I believe it was also April 8, 2014, that the County Board directed Commissioners Schuldt and Kjome to work with Attorney Squires to continue research on a possible ban. That never happened, so in March of this year Commissioner Kjome took it upon himself to develop an ordinance to ban frac sand mining. That got shot down by Commissioners Storlie and Walter, and Chairman Schuldt who was supposed to help develop the ban amendment, therefore he acted against what he was charged to do. We have a video clip from a public meeting on Feb. 12, 2013. You will hear Attorney Squires address non-conforming (or grandfathered) uses. He also states a ban is possible providing a legally defensible rationale be developed. County Attorney Sam Jandt drafted a Findings of Fact document which provides that rationale.” (Copy on file). (Video clips of Jay Squires was played, please refer to the county website at www.co.houston.mn.us under Houston County Planning Commission 9-29-15 for viewing).

Ken Tschumper indicated there are three things they are proposing in their ordinance amendment. 1) 90% of the existing ordinance is unchanged 2) ban frac sand mining 3) address non-conforming mines.

Bryan Van Gorp stated he believes there has been poor record keeping done by the county and some quarries haven’t been active for 10 to 40 years and they need to be taken off the list.

Ken Tschumper stated he believes there are really only 30-40 real mines in the County and wants to make a fair playing field for everyone. From a regulatory standpoint we need to find those that really are mining. Finally, enforcement needs to be addressed. County complaints need to be addressed. There needs to be an easy process for the public to file complaints and know they will be addressed.

At this time Chairman Griffin opened up the floor for other individuals to speak.

Jack Knight, Allamakee County, IA, thinks this a good ordinance. No one wants frac sand mining to happen in this area. Chairman Griffin stated no one wants to see large scale frac sand mining to happen in Houston County either.

Sue Van Gorp is against frac sand mining and would like to see the proposed ordinance amendment passed.

Robin Tschumper said there is no other way to do frac sand mining other than large scale. She commented on fossil fuels and the need for Houston County to ban frac sand mining.

Mike Fields understands the need for mining in the county and buys gravel for his driveway. He commented that land use attorney Jay Squires has said the county has been violating state law for years.

Linda Griggs wanted to remind the commission about non-conforming mine complaints that have been filed. Dan Griffin stated that enforcement is handled by the zoning office.

Gretchen Cook stated the problem in the county is that it does not understand that the county requirements aren't followed.

Donna Buckbee believes this ordinance amendment will provide a level playing field and predictability. She stated there is a mass movement around the world, fossil fuels are on the way out and causes climate change.

Brian Levell cited an article from Guardian newspaper from Georgetown, TX where there is a 50 year contract for renewal energy.

Bill Goff has personally benefited from frac sand mining and thinks this a clear statement by the Houston County Protectors against frac sand mining in the county.

Marilyn Frauenkron Bayer's stated her family has had land in Houston County for 149 years. She presented a copy of Breaking the Rules for Profit to the commission. She stated we are dealing with the gas and mining industry and enforcement is weak. She is wondering if this industry can actually be regulated.

Steve Hartwick would like to know how the law will be enforced in the county and how we are going to pay for enforcement with only one replacement

planned for the zoning administrator. How will the county be able to follow trucks, he would be willing to.

Julia Massman appreciates the work that has gone into this document and wants the bill passed. The citizens need to be protected.

Zach Lind has fishery in Yucatan Township and has concerns with not having a ban. He would like to make sure there is clean water.

Joe Collins has lived in the county since 1972. He admires what the protectors are proposing and wonders why there has been an over-site with enforcement. Chairman Griffin stated that enforcement is handled by the county and that the existing mines were created and used for county road projects in the past.

Jackie Baker supports the amendment and is against frac sand mining. She is a frustrated citizen that has a complaint submitted to the zoning office.

Tony Tomashek, Milestone Materials/Mathy Construction spoke. He stated they will not engage in the frac sand debate. *"Milestone Materials a division of Mathy Construction Company operates several mines within Houston County. We are not in favor of any language changes to Section 27 because it would have an adverse effect on the existing pits and quarries operating in the county. We feel the current ordinance follows the requirements of the Minnesota State Statutes and gives the Zoning Administrator and the Board of Commissioners broad authority to regulate the mines in Houston County. We also believe that the current ordinance allows Houston County to uphold the spirit of the Houston County Comprehensive Land Use Plan. It allows the county to control economic and urban growth, while protecting the agricultural, forest and scenic bluff lands of the county. Furthermore, as recently as March of this year after 3 years of moratoria, several draft ordinances and numerous public debates, the Houston County Board of Commissioners voted 3 to 2 to not to change the language of the current zoning ordinance. No new information or evidence has been brought forward that should change that decision."* (Copy on file).

Tony Tomashek added that under the proposed draft under **0110.2703 DEFINITIONS Subd. 1.** Excavation (iii) the removal and transportation of all excavated and mined minerals and materials..... Commercial and private hauling is not mining. This definition would include any one who trucks materials from a mine site. This would include county employees, contractors and private citizen and classifies them as miners. **Subd. 5.** Defines Construction Minerals as

aggregate only used for local roads and projects which could be construed that aggregate is to stay in the county. **Subd. 6.** This definition would lead to prohibiting the use of high quartz level stone and silica sand. This would affect the use of granite, quartzite and silica sand use for highway other purposes.

0110.27035 EXCAVATION AND MINING OF INDUSTRIAL MINERALS (NEW)

Subd 1. Prohibits mining for industrial minerals: This would be question for the County's attorney or a court of appeals, if they can legally ban an industry without just cause? This may be considered a "Taking of Land" whereby the county may have to pay damages to someone for not allowing them "Due process in applying for a CUP to mine their land" The current zoning ordinance would cover any type of application for consideration. **Subd. 2.** Prohibits existing mine operators, either nonconforming mines (grandfathered) of mines with a CUP from mining industrial minerals. If either of these types of mine would want to pursue industrial minerals they would fall under the authority of the County and it would require a CUP to do so, because it would be a change to the original intent of the mine. State Statutes allow counties to place reasonable conditions on grandfathered sites in order to control any nuisance issues (noise, dust, lighting, hours of operation).

0110.27036 PROCESSING OF INDUSTRIAL MINERALS Same argument as above, can the county prohibit or ban an industry?

0110.27037 TRANSFER FACILITIES Same argument as above, can the county prohibit or ban an industry? This also prohibits other mined materials from being loaded on trains or barges, such as riprap or ballast stone for the railroads. Also, other facilities such as Ready Mix plants, Asphalt plants, landscape yards, salt shed could be constructed as transfer facilities if they have to haul outside of Houston County.

0110.27038 TYPES OF MINES Subd. 2 Nonconforming mines are allowed to exist by Minnesota State Statute and are allowed to continue to operate as they did before zoning. By State Statute, the County authority can place reasonable conditions on nonconforming mines to control things such as noise, dust, lighting and even hours of operation to minimize any nuisance issues.

0110.2704 Subd. 7 (2) Increases the setback from residential zoned property from 1,000 to 1,500 feet. Based on what information? Noise, dust, blast vibration, complaints?

0110.2704 Subd. 9 Hours of operation limited to 7:00 am to 6:00 pm Mon-Fri and 8:00 am until 12:00 pm on Saturday. Current CUP allows Monday through Saturday. We disagree with this because most mine operators are seasonal, just like the farmers, so we need longer hours during the construction season to perform our work. Certain operations close to residential zoning could limit hours on a case by case basis.

0110.2708 RECLAMATION PLAN These are currently no State Standards for reclamation, this need to be address on a case by case basis under the CUP until State Standards are drafted.

0110.2709 PERFORMANCE BOND REQUIRED It is unreasonable to request a cash bond of mine operators. Surety bonds are similar to insurance policies that cover mine operators in case of default of business or lack of performance of work. The county will hold the bond to insure reclamation, but the county needs to develop minimum standards of reclamation to follow. Also, the amount of the bond has to reflect the actual cost to perform the work on the active acres required to be reclaimed.

0110.2711 RENEWAL AND REVIEW We disagree with the complaint section as written and the current ordinance already has a violation procedure. (Copy on file). Tony stated he appreciated the Houston County Protectors in taking the time to write their draft, however, no mining companies were asked to participate.

Rich Schild asked Tony Tomashek about hours of operation. He asked if a conditional use permit wouldn't help them since it is a case by case situation for each location. Tony said the current ordinance states allows operations Monday through Saturday so there shouldn't be any reason why operations shouldn't happen during that time. He doesn't object to having case by case situations for currently permitted mines and non-forming.

Laverne Massman stated he is against frac sand mining in the county.

Ron Fadness, Bruening Rock Products spoke. He stated they have no position on an ordinance for frac sand mining. His concern is with the limestone quarries they have. They have 8 quarries in Houston County, 7 of which are non-conforming mines and one that operates under a conditional use permit; all of which have been in existence since the early 1940's. This draft ordinance seems to take non-conforming mines out of existence without going through a conditional use process and this is concerning. **Under 0110.27038 Types of Mining Activities, Subd. 2** – "All non-conforming mines that are greater than one acre and/or engage in commercial activity shall be required to obtain a CUP unless the owner can prove that they have operated in strict compliance with the requirements for non-conforming uses in the current Ordinance and in State law." It is impossible to meet the criteria this draft suggests. As suggested earlier this evening such proof could be made by commercial tax statements, sales receipts and Google earth maps. This is impossible since no one would have tax records that go back that far and Google earth didn't exist. To suggest the burden of proof is minimal to establish continual use is disingenuous.

Ownership records and individuals who can confirm that these quarries were in use are possible to research however. This draft is a regulatory taking and also ill-advised. They have been told that if they have been in conformance with existing laws they have nothing to worry about or if a quarry has expanded in volume or the area of the quarry and you have been in continual use you are okay. How can a quarry be in continual use without expanding; you cannot have a quarry that doesn't grow little by little. This is a catch twenty-two. The proposal will result in increased cost. The cost of regulation is going to increase the price of rock to consumers. The work LOCAL is of concern. What is considered local? Transfer facilities are also prohibited for commercial use. They have quarries that have stockpile areas and load at scale and drive away. Logic dictates this would only be considered for industrial materials. No limestone could be sold in another county is a failure to recognize the nature of the business. Bonds do not make any sense unless it's based on the number of disturbed acres. The complaint process should have a name attached to it. This ordinance goes beyond the scope of what is allowable; there are ways to address non-conforming mines, but not this way. Elk River court case was cited. Rich Schild asked if a ban on frac sand mining would affect their business. Ron Fadness said it would not. Rich then asked what the cost of CUPs for their quarries would run. Ron stated if is based on the level of procession for each mine and what is required but an estimate would be around \$20,000 per site. Dan Griffin asked approximately how many tons are taken out of the 7 quarries, Ron said about 200,000 tons per year for 7 sites, approximately 30,000 tons per site. Rich Schild wondered if going through CUPs for their locations would make their business easier. Ron said they know exactly what is required now the question is how much more will be required in the future.

Carol Grahek is concerned with the definition of Quarry in Subd. 4. Dan Griffin said that definition is part of the existing ordinance. Carol than stated not all citizens of Houston County are in support of the proposed changes.

Bob Cummings a La Crescent Township board member stated they use a lot of sand in La Crescent Township on roads in the winter. It's already been brought up once this evening that in **0110.2703 DEFINITIONS Subd. 6. Industrial Minerals** The term "industrial minerals" includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined in Subd.5. Industrial minerals includes silica sand that is used as a proppant for the hydraulic fracturing of shale for oil and gas production. Then in **0110.27035 EXCAVATION AND MINING OF INDUSTRIAL MINERALS Subd. 1.** The excavation and mining of industrial

minerals in Houston County is prohibited. No person shall construct, develop or operate any facility in Houston County that engages in the excavation and mining of industrial minerals. No person shall engage in the excavation or mining of industrial minerals in Houston County. The Houston County Board shall not issue a permit to any person to engage in the excavation and mining of industrial minerals in Houston County. Bob asked how does one define it is silica sand or not silica sand since all sand has silica. If people were dying of frac sand processing we would know about it.

Wayne Feldmeier asked how one acre or less is considered “non-regulated” and one acre or more is considered “regulated”. He thinks the non-regulated mines should go up to at least 10 acres since one acre sites are extremely difficult to load anything. When he was on the township board he recalls using those existing mines and shale pits in order to get roads back in use after the major flood. It would have cost twice the amount of money if those sites weren’t accessible. If these new regulations are passed and another major flood occurs, the costs will be much greater.

Michael Kruckow of Bonanza Grain/Kruckow Rock Products/Kruckow Redi-Mix stated the language of this proposed amendment has been touted as a reasonable solution in the local papers and even in a recent mailing we received from the Houston County Protectors, stating that this is an attempt to find common ground with miners, is in the best interest of the county, the miners, and all citizens, but nothing could be further from the truth. There are 4 specific things I would like to address in this proposed amendment, and then conclude with an overall effect this may have on the industry and local economy. **(1) Page 2, definition of “industrial minerals” – “silica sand, quartz”** All sand contains silica, limestone and other rock contain quartz. These should not be listed under industrial minerals, or defined differently. There is concern because this same language was used by the Houston County Protectors to try and shut down our Sheehan Sandpit, which is not used for frac sand. The Attorney General has already stated that 5 year renewals are not valid. **(2) Bottom of Page 2, Top of Page 3, no processing or washing of industrial minerals, no transfer facility** Already have these in operations, and based on definition of “industrial minerals,” it may shut us all down. These have been in operations for years, no harm. **(3) Non-conforming Mines – loop-hole argument.** These sites have been in operations for years, most are not sand. Non-conforming mines have rights and are regulated heavily by state and federal agencies. Level-the-playing-field is not a valid legal justification for taking away rights. **(4) Page 8, performance bond – required deposit of \$1,000.00 per acre** this should not cost that much, already save topsoil, only cost is seeds and plantings. Not

required in many instances for metallic mining: “may be required if reasonable doubt operator will not be able to financially comply with requirements of a permit.” We are local operators with strong ties to the community and are not trying to destroy the land. Finally, this proposed amendment will have a greater negative impact on small mine operators who cannot absorb the additional costs that come with these requirements. Then left with only one or two players in the market and with a dwindled supply and a high demand, the prices will go up, the farmers will pay more for sand and rock, the county will pay more for sand and rock and as a result the local taxpayers will have to foot the bill with higher taxes. This proposed amendment is not about frac sand, it is about mining. And it will affect all of us negatively, and hurt the local economy, of which we operators are also members of and want what is best for everyone, this, however, is not best for anyone other than a select few activists.

Rich Schild asked Michael if banning frac sand would affect their business. Michael asked how he is defining a ban. Until he sees better language he can't answer that question.

Eric Johnson, Houston Township board member has concerns for county roads. As stated in **0110.2704 EXCAVATION AND MINING OF CONSTRUCTION MINERALS. CONDITIONAL USE PERMIT REQUIRED.** *No person, firm or corporation shall engage in the mining and processing of construct minerals or develop, or operate any facility that engages in the excavation of mining of construction sand.* Their township uses a small scale rock contractor and this will affect their township budget. This proposed ordinance is a lawyer's dream and will affect all the townships in Houston County.

Kelley Stanage stated she served on many panels. Her concern with the proposed ordinance is that \$1,000 per acre is very low. \$8,000-\$10,000 is what is collected in Wisconsin.

Richard Gulbranson, Spring Grove Township board member is not in favor of industrial frac sand mining but the wording of the proposal will affect all the townships on their costs. He also wonders how trucks are going to be followed if a ban is enforced.

Leonard Tostenson stated he has made most of his income using his hands. He was of the opinion that he received a permit in 1980 for shale and has been taking shale out for years. They hauled out about 1,000 loads of shale in 2007 to assist with the floods. He also has frac sand on his land and would like to sell a little to help out at this time in his life.

Lowell Botcher is a small operator. Frac sand needs to be kept separate and those that have been grandfathered need to be left alone. He doesn't understand the definitions of non-conformance and non-compliance. Dan Griffin said it is a mine was in existence in 1967 when zoning laws were adopted.

Wayne Runningen, Sheldon Township Supervisor is concerned on what's going to happen to the gravel costs when they need it for the townships. The floods were a huge expense to the townships and many are broke.

At this time public comment ended and the proposed amendment went to general discussion between the Planning Commission and the Houston County Protectors presenters Ken Tschumper, Yvonne Krogstad and Bryan Van Gorp.

The main concerns with the language and proposed ordinance the Planning Commission discovered are as follows:

- a. Defining all excavations over one acre as mining activity. (No exceptions for building projects, road repair activities, etc.)
- b. Classifying quartz and silica sand as industrial minerals and prohibiting the mining of industrial minerals. Testimony was heard that quartz is present in all of the sand and possibly 50% of the limestone in the county.
- c. The prohibiting of trans-loading sites with no exceptions for concrete, bituminous or county trans-loading sites that already exist.
- d. Limiting a sales area (local) or prohibiting an end use may be in violation of the Interstate Commerce Clause of the Constitution.
- e. The 5 year renewal for conditional use permits may not be enforceable.

The proposed Section 27 zoning amendment follows:

SECTION 27 ~ MINERAL EXTRACTION

0110.2701 PURPOSE

The purpose of this Section is to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:

Subdivision 1. Agricultural Purposes. The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.

Subd. 2. Commercial and Industrial Purposes. The establishment of commercial and industrial development sites in commercial and industrial zoning districts.

Subd. 3. Natural Resources Purposes. The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.

Subd. 4. Health, Safety and General Welfare. The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.

0110.2702 JURISDICTION

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

Subdivision 1. Exceptions. Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

0110.2703 DEFINITIONS

For the purpose of this Section certain terms and words are defined as follows:

Subdivision 1. Excavation and Mining. Any artificial alteration of the earth excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter. The terms "excavation and mining" include but are not limited to (i) any process or method of digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping, or removing metals, minerals, or materials from the land surface or underground, (ii) the processing, washing, cleaning, screening, filtering, sorting, stockpiling and storage of all excavated or mined minerals and materials, and (iii) the removal and transportation of all excavated and mined minerals and materials. The terms "excavation and mining" apply to all activity occurring at excavation or mining sites, including sites identified as quarries and sand pits.

Subd. 2. Operator. Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

Subd. 3. Reclamation Plan. A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

Subd. 4. Quarry. Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

Subd. 5. Construction Minerals.

The term "construction minerals" includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding sand for livestock operations, sewer and septic systems, landfills, and sand blasting. The term "construction minerals" does not include "industrial minerals and metals" as defined in Subd. 6.

Subd 6. Industrial Minerals.

The term “industrial minerals” includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined in Subd.5. Industrial minerals includes silica sand that is used as a proppant for the hydraulic fracturing of shale for oil and gas production

Sud.7. Processing of Industrial Minerals.

The term “processing of industrial minerals” includes the processing, washing, cleaning, screening, filtering, sorting, stockpiling and storage of all excavated or mined industrial minerals, whether at the mining site or any other place in Houston County.

Subd. 8. Transfer Facility.

The term “Transfer Facility” means a developed facility designed for transporting and loading extracted or mined minerals onto rail, barge or truck for destinations outside Houston County.

0110.27035 EXCAVATION AND MINING OF INDUSTRIAL MINERALS

Subdivision 1. The excavation and mining of industrial minerals in Houston County is prohibited. No person shall construct, develop or operate any facility in Houston County that engages in the excavation and mining of industrial minerals. No person shall engage in the excavation or mining of industrial minerals in Houston County. The Houston County Board shall not issue a permit to any person to engage in the excavation and mining of industrial minerals in Houston County.

Subd. 2. No person lawfully engaged in the excavation and mining of construction minerals in Houston County shall construct, develop or engage in the excavation and mining of industrial minerals in Houston County.

0110.27036 PROCESSING OF INDUSTRIAL MINERALS

Subdivision 1. No person shall construct, develop or operate any facility for the processing or washing of industrial minerals, or engage in the processing or washing of industrial minerals, at a mining site or any other site in Houston County. The Houston County Board shall not issue a permit to any person to engage in the processing of industrial minerals in Houston County.

Subd.2. No person shall use or apply any flocculants or other chemicals to industrial minerals, at a mining site or any other site in Houston County.

0110.27037 TRANSFER FACILITIES

No person shall construct or develop any transfer facility, or operate a transfer facility, in Houston County. The Houston County Board shall not issue a permit to any person to construct or operate a transfer facility in Houston County.

0110.27038 Types of Mining Activities.

All mining activity shall be in one of the following two categories.

Subdivision 1. Non-Commercial Mining Activity. Non-commercial mining activity is for the purpose of personal use only. It is restricted to sites of one acre or less for the exclusive use of the owner of the property. The sale or any other commercial use of the product of this mining is prohibited. If the mining site exceeds one acre or the production is for commercial use, or is done by someone other than the owner of the property, the mining activity shall be considered commercial, and the mine owner/operator shall be required to obtain a Conditional Use Permit.

Subd.2. Commercial Mining Activity. Commercial mining activity is any activity that involves more than one acre and/or is for commercial purposes. All commercial mining activity shall be regulated by all the requirements for a Conditional Use Permit in Sec. 0110.2704. All non-conforming mines that are greater than one acre and/or engage in commercial activity shall be required to obtain a CUP unless the owner can prove that they have operated in strict compliance with the requirements for non-conforming uses in the current Ordinance and in State law.

0110.2704 EXCAVATION AND MINING OF CONSTRUCTION MINERALS. CONDITIONAL USE PERMIT REQUIRED

No person, firm, or corporation shall engage in the mining and processing of construction minerals or develop, or operate any facility that engages in the excavation or mining of construction minerals

0110.2704 CONDITIONAL USE PERMIT REQUIRED

~~No person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land~~ within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

Subdivision 1. Application for Permit. Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

1. Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.
2. An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.
3. An existing conditions map as described in Part 0110.2705 below.
4. An operation plan and map, as described in Parts 0110.2706-0110.2707 below.
5. A Reclamation plan and map as described in Part 0110.2708 below.
6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
7. Any other information requested by the Planning Commission or governing body.

0110.2705 EXISTING CONDITIONS MAP

Subdivision 1. Information Required on the Existing Conditions Map. The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and

shall show an outline of the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Existing topographical features at ten (10) foot contour intervals.
2. Location of wetlands, water courses, drainage systems and impounded waters.
3. Location of existing wooded areas and cultivated fields.
4. Location of existing structures and water wells.
5. Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

0110.2706 OPERATIONAL PERFORMANCE STANDARDS

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

Subdivision 1. General Requirements.

1. **Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
2. **Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
3. **Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

Subd. 2. Vegetation.

1. **Removal of Trees and Shrubs.** Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.
2. **Weeds and Noxious Vegetation.** Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.
3. **Preservation of Existing Trees and Ground Cover.** Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside setback except where traffic safety requires cutting and trimming.

Subd. 3. Access.

1. **Jurisdiction.** All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.
2. **Avoid Residential Streets.** All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.
3. **Access Signage.** Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.
4. **Spillage on Roadways.** Trucks used in hauling materials from the site of excavation

shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

5. Dust. All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

Subd. 4. Water Resources.

1. Drainage Interference Prohibited. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

2. Surface and Subsurface Water Quality. The mining operation shall not adversely affect the quality of surface or subsurface water resources.

3. Non-degradation of Surface Water. Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

Subd. 5. Safety Fencing. Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

1. Ponded Water. Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

2. Steep Slopes. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

Subd. 6. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

1. Residential and Commercial Properties. The mining site and adjacent residential and commercial properties.

2. Public Roads. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

Subd. 7. Setback Requirements. When more than one (1) setback standard applies, the most restrictive standard shall apply. Mining operations shall not be conducted closer than:

1. Prohibited in District. One hundred (100) feet to the boundary of any district where mining operations are not permitted.

2. Residentially Zoned. Not closer than one thousand **five hundred feet (1500)** feet to the boundary of an adjoining property residentially zoned.

3. Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.

4. Excavating or Stockpiling. Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create traffic or line of site problem.

5. Public Waters. Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

6. Dust and Noise. Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to the boundary of any residential structures existing prior to the implementation of the reclamation plan.

Subd. 8. Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

Subd 9. Days of Operation. Mining operations may be conducted Monday through Friday, 7:00 AM to 6:00 PM; Saturday, 8:00 AM-12:00 PM except for legal holidays

~~Mining operations may be conducted Monday through Saturday, except for legal holidays.~~
The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

Subd. 10. Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within thirteen hundred and twenty (1320) feet of the mining operation.

1. Exception. These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

0110.2707 OPERATION PLAN

Subdivision 1. Operation Plan Requirements. The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

1. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date and if within five (5) years, the completion date.
2. Material to be mined.
3. On site processing including crushing and washing operations.
4. Days and hours of operations.
5. Haul routes.
6. Soil erosion and sediment control plan.
7. A dust and noise control plan.

Subd. 2. Operations Map. The operations map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Outline of the maximum area to be excavated.
2. Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.

3. Location of any structures to be erected.
4. Location of tailings deposits showing maximum height of deposits.
5. Location of machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.
7. Location of vehicle parking.
8. Location of explosive storage.
9. Erosion and sediment control structures.
10. Egress and ingress points and proposed turning lanes.
11. Machinery, excavation and stock pile setbacks.

0110.2708 RECLAMATION PLAN

Subdivision 1. Reclamation Plan Required. Any mining operation legally commenced prior to the enactment of this Ordinance shall comply with provisions of Sec 0110.27038. All Reclamation Plans shall be updated to meet all State Standards for mining activity at the time of the five year renewal that does not have an approved reclamation plan, shall submit a reclamation plan to the Planning Agency for review and approval within five (5) years of the date of the enactment of this Ordinance.

Subd. 2. Reclamation Plan Commencement Requirement. All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases. Reclamation must commence when any of the following conditions occur:

1. Within a period of three (3) months after the termination of a mining operation.
2. Within three (3) months after abandonment of such operation for a period of six (6) months.
3. Within three (3) months after expiration of a mining permit.

Subd. 3. Reclamation Plan Standards. The following standards apply:

1. Removal of Buildings and Structures. All buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the mining operator last operating such buildings, structures and plants.

a. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures machinery and plants shall be removed.

2. Grading and Filling. The peaks and depressions of the area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the surrounding landscape, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.

3. Soil Quality. Reclaimed areas shall be laid with sod or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.

4. Ground Cover. The required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. The planting shall adequately retard soil erosion.

5. Ponds. Excavations completed to a water-producing depth need not be back filled if the water depth is at least ten (10) feet and if banks shall be sloped to the water-line at a slope no greater than three (3) feet horizontal to one (1) foot vertical.

6. Finished Grades. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

Subd. 4. Reclamation Plan. The Reclamation Plan shall include a narrative discussing how the above standards will be met and shall also include any additional information required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

Subd. 5. Reclamation Plan Map. The reclamation plan map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
2. Location and species of vegetation to be replanted.
3. Location and nature of any structures to be erected as part of the Reclamation Plan.

Subd. 6. Changes in the Reclamation Plan. In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the County Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

0110.2709 PERFORMANCE BOND REQUIRED

A performance for mining operations is required and shall be deposited in a Security Bond Trust and shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The amount of the bond shall be a minimum of \$1000 per acre for each acre in the permitted mining site, plus an amount determined by the Board to cover the costs of implementing all the requirements of the Reclamation Plan. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

0110.2710 TERM OF PERMIT

Each Conditional Use Permit approved for mineral extraction shall be valid for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, comply with the conditions of the permit.

1. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.

0110.2711 RENEWAL AND REVIEW

Each Conditional Permit shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Agency and shall require a public hearing. Upon receipt of a written complaint of a violation of a CUP during the five year permit period, the Zoning Administrator shall investigate the complaint and file a report in ten business days with the County Board and the complainant. The County Board shall act on the complaint in thirty days. The complainant shall remain confidential. However, upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the Conditional Use Permit or other County Ordinances, a hearing may be held to review the existence of any alleged violations.

0110.2712 REVOCATION OF PERMIT

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the County Board of Commissioners.

Subdivision 1. Notice of Violation. The Board of Commissioners shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

Subd. 2. Hearing. The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

Subd. 3. Suspension or Termination of Permit. If said Board of Commissioners shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Board of Commissioners.

Chairperson Griffin closed the public comment period and then asked each member of the commission their thoughts on the proposed amendment.

Dana Kjome, like parts of the proposed amendment, doesn't want to cause hardships for the townships, but likes it overall.

Rich Schild, supports the proposed amendment and would like to know the amount of money that would potentially force miners out of business or come into compliance.

Larry Hafner, contains some good information but needs some changes as well. It is not ready for approval at this time.

Ed Hammell, has concerns for the inactive mines. What is the hardship of having inactive mines as they may be needed for future road projects, etc. He agreed the setbacks should be a ½ mile.

Dan Griffin, there were some good discussions but there would be some changes needed in the language.

Glenn Kruse, there was a good exchange of information, however, frac sand is not frac sand until it is processed. He can't support the proposed amendment as it is currently written.

Terry Rosendahl, wondered who worked with the protectors on their draft. As it is written he wouldn't be able to support it. (Ken Tschumper stated it was just their group of supporters that drafted the proposed amendment).

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 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.

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

Rich Schild made a motion to table the zoning amendment application, Larry seconded. Discussion took place on what the goal would be and if the timeline allowed for a future hearing. Ken Tschumper offered to meet with townships and miners to have discussions to bring back to the commission. Sam Jandt questioned if the timeline allowed for this. After discussion, Rich Schild rescinded his original motion.

Rich Schild made a motion to table the zoning amendment application, there was no second, motion died.

Terry Rosendahl made a motion to deny the proposed zoning amendment as written, Glenn Kruse seconded. Motion carried 5-2. Rich Schild and Commissioner Dana Kjome voting to oppose the motion. (Final vote was 5 not in favor of the proposed zoning amendment and 2 in favor of the proposed zoning amendment.)

HOUSTON COUNTY PLANNING COMMISSION**IN THE MATTER OF
ADOPTING A MINERAL
EXTRACTION AND MINING
ZONING ORDINANCE****FINDINGS OF FACT,
CONCLUSIONS, AND
NEGATIVE DECLARATION**

Based upon the proceedings related herein, the Planning Commission makes the following Findings, Conclusions, and Negative Declaration regarding the adoption of an updated Mineral Extraction and Mining Ordinance in Houston County:

FINDINGS OF FACT

1. This matter came before the Houston County Planning Commission (Planning Commission) on September 29, 2015, at a public hearing, in its capacity as established under Minnesota Law and Statute, as well as the Houston County Zoning Code §0110.1101. The hearing was conducted to consider the adoption of an updated Mineral Extraction and Mining Ordinance proposed by a number of concerned citizens. The application and the proposed amendment were received on August 18, 2015. The Planning Commission, ordinance proponents, quarry owners, and interested residents discussed the impacts of adopting the proposed updated ordinance on mining, processing, transporting of construction, agricultural, and industrial minerals in Houston County.
2. Mr. Ken Tschumper, Dr. Bryan Van Gorp, and Ms. Yvonne Krogstad presented the proposed updated Mineral Extraction and Mining Ordinance on behalf of members of the Houston County Protectors, a citizens group concerned about the effects of mining in Houston County. They stated one of their goals was to minimize the impact on existing mining which supplies local farms and businesses with sand and gravel that all Houston County citizens use and need. They confirmed their intent was not to prevent the mining of sand and gravel for local uses. Rather, they wished to ban the mining of sand used for frac-sand mining. They felt the banning of frac-sand mining would not affect the mining of sand used for agriculture or construction in Houston County. They stated banning frac-sand mining based on end use is the easiest way to prohibit frac-sand mining; they believed this would be much easier than trying to enforce limits on the amount of sand that can be mined yearly.
3. Ms. Krogstad and Mr. Van Gorp indicated the Houston County Comprehensive Land Use Plan (adopted Dec. 8, 1998), exists is to preserve Houston County agricultural resources and to protect environmentally sensitive natural areas such as bluffs, hardwood forests, rivers, trout streams, and wetlands and sloughs adjacent to the Mississippi River. They further stated the purpose of Houston County's Zoning Ordinance is to promote the health, safety, and general welfare of the citizens in Houston County. To help achieve that goal, Par. 0110.1306 in the Ordinance states, "Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited."

4. Mr. Tschumper indicated there are three things the Houston County Protectors propose in their ordinance amendment: 1) 90% of the existing ordinance is unchanged 2) ban frac-sand mining 3) address non-conforming mines. Mr. Bryan Van Gorp stated he believes there has been poor record keeping by the county and some quarries haven't been active for 10 to 40 years and they should be considered defunct. Rather, Mr. Tschumper stated he believes there are only 30-40 "real" mines in Houston County and wants to make a fair playing field for everyone. Mr. Tschumper indicated that from a regulatory standpoint Houston County needs to find those that really are mining and enforce all Federal, State, and Houston County laws and regulations.
5. Following the presentation by the Houston County Protectors, Planning Commission Chair Dan Griffin opened the floor for individuals to speak in support of the proposed updated ordinance. Persons indicated the following:
 - a. Jack Knight, Allamakee County, IA, thinks this a good ordinance. No one wants frac-sand mining to happen in this area. Chairman Griffin stated no one wants to see large scale frac-sand mining to happen in Houston County either.
 - b. Sue Van Gorp is against frac-sand mining and would like to see the proposed ordinance amendment passed.
 - c. Robin Tschumper said there is no other way to do frac-sand mining other than large scale. She commented on fossil fuels and the need for Houston County to ban frac-sand mining.
 - d. Mike Fields understands the need for mining in the county and buys gravel for his driveway. He commented that land use attorney Jay Squires has said the county has been violating state law for years.
 - e. Linda Griggs wanted to remind the commission about non-conforming mine complaints that have been filed. Dan Griffin stated that enforcement is handled by the zoning office.
 - f. Gretchen Cook stated the problem in the county is that it does not understand that the county requirements aren't followed.
 - g. Donna Buckbee believes this ordinance amendment will provide a level playing field. She stated there is a mass movement around the world; in 1978 Exxon paid their scientists.
 - h. Bill Goff has personally benefited from frac-sand mining and thinks this a clear statement by the Houston County Protectors against frac-sand mining.
 - i. Marilyn Frauenkron Bayers stated her family has had land in Houston County for 149 years. She presented a copy of *Breaking the Rules for Profit* to the commission. She stated we are dealing with the gas and mining industry and enforcement is weak. She is wondering if this industry can actually be regulated.
 - j. Steve Hartwick would like to know how the law will be enforced in the county and how we are going to pay for enforcement with only one replacement for the zoning administrator; how will the county be able to follow the trucks.

- k. Julia Massman appreciates the work that has gone into this document and wants the bill passed. The citizens need to be protected.
 - l. Zach Lind has fishery in Yucatan Township and has concerns with not having a ban. He would like to make sure there is clean water.
 - m. Joe Collins has lived in the county since 1972. He admires what the protectors are proposing and wonders why there has been an oversight with enforcement. Chairman Griffin stated that enforcement is handled by the county and that the existing mines were created and used for county road projects in the past.
 - n. Jackie Baker supports the amendment and is a frustrated neighbor of a sand mine.
6. Following the presentation by these persons, Chairperson Griffin opened the floor for individuals to speak in opposition to the proposed updated ordinance. Persons indicated the following:
- a. Tony Tomashek of Milestone Materials, a division of Mathy Construction Company operates several mines within Houston County on behalf of Milestone Materials he stated: We are not in favor of any language changes to Section 27 because it would have an adverse effect on the existing pits and quarries operating in the county. We feel the current ordinance follows the requirements of the Minnesota State Statutes and gives the Zoning Administrator and the Board of Commissioners broad authority to regulate the mines in Houston County. We also believe that the current ordinance allows Houston County to uphold the spirit of the Houston County Comprehensive Land Use Plan. It allows the county to control economic and urban growth, while protecting the agricultural, forest and scenic bluff lands of the county. Furthermore, as recently as March of this year after three (3) years of moratoria, several draft ordinances and numerous public debates, the Houston County Board of Commissioners voted 3 to 2 to not to change the language of the current zoning ordinance. No new information or evidence has been brought forward that should change that decision.
 - b. Ron Fadness of Bruening Rock stated they have no position on an ordinance for frac-sand. His concern is with the limestone mines they have. They have had seven (7) non-conforming mines in existence since 1940. This draft ordinance seems to take non-conforming mines out of existence. Bonds for reclamation plans do not make any sense. This ordinance goes beyond the scope of what is allowable. There are ways to address non-conforming mines but not this way.
 - c. Bob Cummings uses a lot of sand in La Crescent Township. How do you define that there is no silica in the sand? All sand has silica?
 - d. Wayne Feldmeier, concerned if this ordinance went into effect it would take months on getting roads back to order after a major flood.
 - e. Mike Kruckow of Bonanza Grain/Kruckow Rock Products stated industrial sand contains silica. These mines have been in operation for years. There are rights but the courts have said this is not a reason to take away the non-conforming rights. Reclamation plans. \$1,000 per acre is excessive. Kruckow Rock Products does not

- want to see the destruction of Houston County. The small mine owners will be driven out of the market and the taxpayers will pay the price if this ordinance is adopted. The proposed amendment affects all miners and will negatively affect all.
- f. Eric Johnson, Houston Township board member has concerns for county roads. Stating their township uses a small scale rock contractor and this will affect their township budget. This proposed ordinance is a lawyer's dream and will affect all the townships in the county.
 - g. Richard Gulbranson, Spring Grove Township board member was not in favor of industrial mining but was concerned the wording will affect all townships on their costs.
 - h. Lowell Botcher is a small operator. Frac-sand needs to separate, those that have been grandfathered need to be left alone.
 - i. Wayne Runnigen, Sheldon Township board member has worries regarding obtaining the gravel they need for the townships. Floods are a concern in what is needed for townships.
7. Following the presentation by these persons Chairperson Griffin closed the public comment period and recalled the draft ordinance presenters to further discuss the proposed ordinance. The Planning Commission then went through each paragraph of the proposed ordinance with them. The Planning Commission discussed with the proponents their reasoning behind the language in each paragraph. Ordinance proponents, quarry owners, and interested residents were called upon by Planning Commission members to assist with the discussion.
 8. Once each paragraph was discussed, Chairperson Griffin closed discussion and then asked each member of the Planning Commission their thoughts on the proposed amendment.

CONCLUSIONS

The Planning Commission noted the following objections to the proposed updated Mineral Extraction ordinance during the hearing:

- a. Defining all excavations over one acre as mining activity. (No exceptions for building projects, road repair activities, etc.)
- b. Classifying quartz and silica sand as industrial minerals and prohibiting the mining of industrial minerals. Testimony was heard that quartz is present in all of the sand and possibly 50% of the limestone in the county.
- c. The prohibiting of trans-loading sites with no exceptions for concrete, bituminous or county trans-loading sites that already exist.
- d. Limiting a sales area (local) or prohibiting an end use may be in violation of the Interstate Commerce Clause of the Constitution.
- e. The 5 year renewal for conditional use permits may not be enforceable

Planning Commission Chair Griffin then requested each commission member for their individual thoughts on the proposed ordinance:

1. Houston County Commissioner and Planning Commission member Dana Kjome indicated he liked parts of the proposed amendment, but did not want to cause hardships for the townships, but likes it overall.
2. Planning Commission member Rich Schild supports the proposed amendment and would like to know the amount of money that would potentially force miners out of business or come into compliance.
3. Planning Commission member Larry Hafner indicated the proposed ordinance contains some good information but needs some changes as well. It is not ready for approval at this time.
4. Planning Commission member Ed Hammell had concerns for the inactive mines. What is the hardship of having inactive mines as they may be needed for future road projects, etc. He agreed the setbacks should be a one-half mile.
5. Planning Commission Chair Dan Griffin indicates there were some good discussions but there needed to be some changes in the language.
6. Planning Commission member Glenn Kruse stated there was a good exchange of information however; frac-sand is not frac-sand until it is processed. He indicated he cannot support the proposed amendment as it is currently written.
7. Planning Commission member Terry Rosendahl wondered who worked with the protectors on their draft. As it is written he wouldn't be able to support it.

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 Zoning Amendment 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.

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

Terry Rosendahl made a motion to deny the proposed zoning amendment as written, Glenn Kruse seconded. Motion carried 5-2. Rich Schild and Commissioner Dana Kjome voted to oppose the motion.

The Findings, drawn up by County Attorney Jandt, will be submitted to the Houston County Board of Commissioners for their review. The findings will be presented to the Houston County Board of Commissioners on Tuesday, October 13, 2015.

OTHER BUSINESS:

Mark and Michelle Schnick Final Plat approval. The Schnick's have acquired the additional land they needed to purchase and have approval of the necessary offices pending a few corrections. Rich Schild made a motion to approve the final plat, Terry Rosendahl seconded. Motion carried. This will go to the County Board for final approval.

Terry Rosendahl made the motion to adjourn the meeting and Larry Hafner seconded it. Motion carried.

Submitted by Planning Commission Clerk on September 30, 2015.

Houston County Planning Commission
October 22, 2015

Approved on November 19, 2015 by Glenn Kruse and Rich Schild

The Houston County Planning Commission met at 7:00 p.m. on Thursday, October 22, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Rick Frank; Environmental Services Director was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 847 was read. **John and Barb Haverty**, 708 East Main Street, Caledonia, MN 55921, are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Crooked Creek Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- The Haverty's have an option to purchase land to build a new home.
- The property was surveyed and has approximately 4 acres and meets the requirements to build on less than 40 acres.
- The well has been tested and is good.
- There is adequate road frontage on township existing cartway.
- The soils type is appropriate to build on.
- A soil erosion plan and septic design have been submitted.
- The Crooked Creek Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if the Haverty's had anything to add. John Haverty said he has taken all appropriate measures to make sure everything was in order. The land owner was Edna Elsheimer and her daughter Faye Beneke (in attendance) approves of their plan to build on this site. There plans are to start building the first thing in the spring of 2016.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application based on:

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, November 3, 2015.

Notice of Public Hearing No. 848 was read. **John Justin**, 8509 County 18, Hokah, MN 55941 is seeking an interim use permit for a non-commercial family cabin in an agricultural protection district in Brownsville Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- John Justin would like to build a non-commercial family cabin in area zoned agricultural.
- He plans to use the cabin for him and his wife and their two daughters Josie Papenfuss and Jackie Von Uhl as a get-a-way.
- The cabin is not to be leased out.
- No other inquires about application.
- The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office on the application.

Chairperson Griffin asked if John Justin had anything to add. John said it has been a long time goal to build a family cabin. He will not be running electricity or plumbing to the structure. The cabin will not be larger than 400 square feet. The cabin will be constructed from old barn rafters and on skids if that is what Houston County requires, but he would like to have it on a firm base.

Dan Griffin explained that this interim permit is for John and his wife only, no one else. John would like to be able to pass it on to his two daughters. Dan Griffin explained that it is only for him and his wife. In the past a family trust has been set up beforehand so that children are able to have the cabin passed on to them when the original family member has passed on. John asked if he could put the cabin on skids and place it on a foundation. Dan Griffin agreed he could do

that. Rick Frank read the interim use ordinance and reviewed the cabin ordinance. Dan Griffin stated it cannot be rented out.

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

Bruce Kuehmichal asked if the daughters can get the interim permit or if it can be transferred to a trust. Dan Griffin stated that as the request is now, another hearing will need to be held.

John Justin asked if his daughters wanted to take over the property would there have to be another hearing. Rick Frank read the cabin ordinance from the Houston County Zoning Ordinance. Dan Griffin suggested that the daughters should be added to the permit. John Justin agreed to have Josie Papenfuss and Jackie Von Uhl names added to his Interim Use Permit.

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

The Interim Use 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. Have potential pollution hazards been addressed and have standards been met? | 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 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Ed Hammell made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Cabin is not to be leased out.**
- 3) Josie Papenfuss and Jackie Von Uhl (daughters) are added to the Interim Use Permit.**

Rich Schild second, 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 3, 2015.

Dana Kjome made the motion to approve the minutes of July 23, 2015. Terry Rosendahl seconded. Motion carried.

Glenn Kruse made the motion to approve the minutes of August 27, 2015. Larry Hafner seconded. Motion carried.

Terry Rosendahl made the motion to approve the minutes of September 29, 2015. Ed Hammell seconded. Motion carried.

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

- | | |
|------|---|
| 4386 | Thomas Trehus – Wilmington Township |
| | Build house (32' x 40') garage (20' x 20') porch (26' x 6') |

- 4387 Don Leary – Union Township
Build storage shed/machine shed (52' x 48')
- 4388 Wayne Alfveby – Crooked Creek Township
Change in use from shop/storage shed to dwelling (24' x 20') build shed (24' x 30')
- 4389 Dennis Doering – Brownsville Township
Build shed (70' x 120') and addition on existing shed (14' x 16')
- 4390 Jeremy and Donna Johnson – Yucatan Township
Build attached garage (24' x 28')
- 4391 Franklin Hahn – Black Hammer Township
Build shed (50' x 100')
- 4392 Jenelle Lemke – Houston Township
Build storage shed (12' x 16')
- 4393 Darryl and Jessica Twite – Caledonia Township
Build garage with lean-to (40' x 52')
- 4394 Alice Deters/John Deters – Spring Grove Township
Build lean-to (18' x 128')
- 4395 Fred Sandvik/Hickory Orchards, LLC – Mound Prairie Township
Install trailer (16' x 80')
- 4396 Fred Sandvik – Mound Prairie Township
Build deck (34' x 20') and (8' x 10')
- 4397 Dan Kruse – Caledonia Township
Build house with attached garage (46' x 92')
- 4398 Corey and Karla Kampschroer – Caledonia Township
Build house (74' x 34') garage (36' x 28') porch (6' x 36') and (6' x 24') deck (24' x 12')
- 4399 Matthew and Melisse Bowen – Caledonia Township
Expand entryway to bring door flush with garage (6' x 6')
- 4400 H. Kenneth Ring – Money Creek Township
Build equipment shed (40' x 40')
- 4401 Thomas Brown and Kathleen Olson – Union Township
Build wood deck (12' x 20')

- 4402 Mitch Bublitz – Winnebago Township
Build pole barn (80' x 108')
- 4403 Dennis Gavin – Sheldon Township
Build garage (28' x 32') mudroom (16' x 8')
- 4404 David Eiken – Spring Grove Township
Build house (60' x 57') garage (30' x 30') porches (18' x 14') (11' x 18')
(15' x 9')
- 4405 Kim Benson – Brownsville Township
Install portable storage shed (12' x 32')
- 4406 Dean Beneke – Jefferson Township
Build lean-to (20' x 60')
- 4407 Linda Donoghue and William De Graaf, Jr. – Black Hammer Township
Build pole barn addition (21' x 60')
- 4408 Jared Jergenson – Yucatan Township
Build pole shed (36' x 36')
- 4409 Joe Burg – Caledonia Township
Build garage addition (12' x 24')
- 4410 Daryl Taylor – Union Township
Build pole shed (48' x 28') with 10' lean – after the fact
- 4411 Mark and Michelle Schnick – Brownsville Township
Build house (30' x 50') garage (28' x 32') porch (6' x 50') deck (36' x 10')
- 4412 Clayton and Shelly Johnson – Black Hammer Township
Build garage (36' x 48')

Dana Kjome asked on permit #4388. If Mr. Alfveby is living there now and what are his plans are. Rick Frank said Bob Scanlan was originally working with him, but would check. Glenn Kruse stated he is familiar with the site, but not sure if he has 40 acres or not. Dana Kjome questioned if the septic had been checked. Rick Frank stated he will check into how many acres Mr. Alfveby has and inquire about the septic. *(Rick checked and Mr. Alfveby owns more than 40 acres, the septic has been inspected and is up to code.)*

Terry Rosendahl made the motion to recommend the county board approve the zoning permits with the exception of permit #4388 until Rick has followed up on the septic, and the land owner has adequate acreage. If these two items are okay all permits are approved as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, November 3, 2015.

OTHER BUSINESS:

November and December meetings will be November 19, 2015 and December 17, 2015 due to Thanksgiving on November 26, 2015 and Christmas Eve on December 24, 2015. (Dan read and reminded the board).

Arlyn Frauenkron – FINAL PLAT approval – Rick Frank advised that each member has a copy of the final plat in their packets and that all offices have approved the final plats. There were no questions asked. Rich Schild moved to approve the plat, seconded by Glenn Kruse, motion carried.

Gjere mine site – Rick Frank explained that Gjere Construction has purchased the Rauk Quarry from Ed and Jim Solum. They want to bring the quarry into compliance, so they will be coming in for a CUP at the November 19th hearing. Rick stated he has an application for the CUP and wanted to know if the board could view the site before the public hearing to see how it lays and the location. The application will be mailed out in board members packet and he requested they view the site either as a group or individually. There is also the option that a couple of the members go at a time to view the site. Gjere Construction has granted permission for the Planning Commission to be on site. Dan Griffin asked the members if they would be willing to meet at site at 3:00 p.m. on November 19, 2015 and then come back for the public hearing that night. All members said they would be able to do so. Rick Frank stated this is a registered non-conforming mine. Ken Tschumper asked why they are going for a CUP. Rick stated they wanted to bring the quarry into compliance. Ken Tschumper asked if it has been used in the past year. Rick Frank stated he didn't think so.

Larry Hafner made the motion to adjourn the meeting and Rich Schild seconded it. Motion carried.

Submitted by Planning Commission Clerk on October 23, 2015.

Houston County Planning Commission
November 19, 2015

Approved on December 17, 2015 by Terry Rosendahl and Glenn Kruse

The Houston County Planning Commission met at 7:00 p.m. on Thursday, November 19, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Rick Frank; Environmental Services Director was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 849 was read. **Todd Bornholdt**, 115 1st Avenue SE, Spring Grove, MN 55974, is seeking a zoning amendment to the county land use map to rezone from highway business to agricultural protection district in Spring Grove Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- This is the old Skyline Supper Club, which had existing living quarters.
- Mr. Bornholdt would like to rezone the property from highway business to agricultural and turn the supper club into a dwelling.
- This is the 1st house in the 40 acres.
- He is in the process of building an ag building for horses.
- We are waiting for a septic inspection to be completed by the applicant.
- The Spring Grove Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairperson Griffin asked if Todd Bornholdt had anything to add. Todd Bornholdt said Rick pretty well covered it. He is also in the process of building the ag building on the property.

Ed Hammell asked if this is a private residence. Todd said it was.

Dan Griffin asked if Todd already owned to property. Todd said he purchased the property in June of 2015.

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

There was general discussion on whether Mr. Bornholdt would also need a conditional use permit for a dwelling on less than 40 acres in an ag district. It was the consensus to have County Attorney Jandt check into it.

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 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.

Chairperson Griffin 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 based on:

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

Larry Hafner 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 1, 2015.

Notice of Public Hearing No. 850 was read. **Gjere Construction, Inc.,** 43506 State 44, Mabel, MN 55954 is seeking a conditional use permit to do mineral extraction in an ag district in Black Hammer Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- A site visit took place earlier in the day at 3:00 p.m. by all Planning Commission members, Rick Frank, Dana Kjome, Mike Gjere, Brian Gjere, Mark Gjere, Tyler Gjere, Mark Welch, Tim Murphy, Robert Morken, Donald Morken, Chad Rask, Jim Solum, Ed Solum, Dan Wiste, Gretchen Cook and Bruce Kuehmichel. The layout of the land was reviewed, but no testimony was taken.
- Gjere Construction purchased this existing quarry site "*the Rauk Quarry*" from Ed and Jim Solum in March of 2015.
- Prior to purchasing the site, the Gjere's were in contact with the Zoning office on the steps needed to bring this non-conforming quarry into compliance.
- The Gjere's are here tonight to apply for a conditional use permit to bring the quarry into compliance.
- The site contains 28 acres and will supply rock for agriculture and commercial purposes.
- G-Cubed Inc. has designed an Operation and Reclamation Plan.
- The Black Hammer Township Board was given copies of the Operation and Reclamation Plan.
- The Black Hammer Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application.

Chairperson Griffin asked if the Gjere's had anything to add. Mark Welch from G-Cubed Inc., of Chatfield, MN who designed the Operation and Reclamation Plan handled the presentation for the Gjere's.

Mark Welch began discussing the Operation and Reclamation Plan. He stated the Gjere's purchased the land from the Ed and Jim Solum and they were contacted to put together an operation and reclamation plan and storm water pollution prevention plan.

A new access road will be constructed close to the west property line. The access road comes off Gap Drive. The old access road will be filled in with material taken from quarry. That material serves to also prevent surface run off. There will be blasting, crushing, screening and hauling material out. There will be no washing done at this site.

The overall site contains 28 acres, however, the future quarry expansion consists of 18 acres. The grading that was started was to build the new access road. A short berm will be constructed along Gap Drive to provide screening and also prevent access to the quarry. The elevation of the quarry is approximately

1,048 feet and is above the water table; approximately 50 feet above the water table. There are no plans to blast or excavate below the water table. The blasting that took place brought attention from the neighbors and they will be notified in the future of any blasting, usually once a year. They reside beyond the required limit (1,000 feet) but will be notified. The closest neighbors are approximately 1,742 to the west and the next closest neighbor is 2,814 feet to east.

Dan Griffin asked about future blasting and the requirements. Mark Welch said the blasting companies are monitored by the ATF (Bureau of Alcohol, Tobacco and Firearms) and are required to keep records of any/all blasting. The blasting companies are very good about record keeping since they are liable. Larry Hafner asked how often blasts are monitored. Mark Welch said there are records done each time there is a blast.

Dana Kjome asked if they would shut down the road when they blast. Mark Welch said there would be someone at each end of the road to stop traffic during a blast.

Dan Griffin asked about access signage. Mark Welch said there would be signage and eventually there will be a gate there too.

Terry Rosendahl asked what kind of fencing will be used for safety. Mark Welch said it would likely be a chain link style, a silt type fencing or a berm can be used. Terry said he would like to see fencing to prevent people from accessing the site and hurting themselves. Mark Welch said on top is the main issue and they will have adequate fencing.

Rich Schild asked if there would be any safety training. Mark Welch stated MSHA (Mine Safety and Health Administration) sets training requirements and anyone blasting, crushing, operating or driving a truck is required to go through training. Safety protocols are required to be followed.

Dan Griffin asked if best management practices are in place. Mark Welch discussed fencing, erosion control, berming and seeding practices.

Dan Griffin asked about screening for the new entryway. Mark Welch said they have to pull down the grade to make the road and then a berm and screening will be placed.

Dan Griffin asked about the adjoining property line to the west, since it runs right through the quarry. Mark Welch said the west boundary line has not been surveyed. They will either have it surveyed or based on aerial photos they will establish a line. Dan Griffin suggested a permanent property line is needed to prevent going over the line, even though the neighboring property owner has given the Gjere's permission to mine right up to the line.

Rich Schild asked about the hours of operation from 6:00 a.m. to 8:00 p.m. Mark Welch said the hauling from the site will be periodic based on need and generally companies don't like to pay overtime costs so running until 8:00 p.m. is unlikely.

Dan Griffin noted the start date says it will be after the date of permit issuance. Mark Welch said the conditional use permit from the county is needed first before other permits can be issued.

Larry Hafner asked if Gap Road was a township road and if any bonding was required by the township. Black Hammer Township Supervisor, Dan Wiste, indicated the township has reviewed the plan and are they okay with the proposed quarry operation. Rick Frank also indicated County Highway Engineer Pogodzinski, has reviewed the plan and has approved it.

Dan Griffin asked about the ditch below the culvert that now has large boulders in it and if they can be removed. Mark Welch indicated they would be removed.

Dan Griffin asked if Mark Welch would discuss the reclamation plan. Mark Welch said the text of the plan is more important than the picture itself. There will be ongoing reclamation happening as they expand onto the next area of the quarry. As they expand, the used acres will be reclaimed. Any rainwater will be contained within the site and naturally drained within the site. Any water from adjoining ag areas will be diverted to run downstream.

Larry Hafner asked if the soils in the quarry could naturally purify any water going through. Mark Welch indicated the soils type was verified and allows this to occur naturally.

Rich Schild referred to Section 27 - 0110.2709 Performance Bond Required as listed in the county ordinance. Dan Griffin indicated that bonding is set by resolution of the county board. Dan suggested the county board look at

the bonding with the applicant. Mark Welch said they would be talking to the board on an amount being tied to the reclamation plan.

Mark Welch discussed The Storm Water Pollution Prevention Plan (SWPPP). He stated this is a living document and it will continue to be updated as the information within it changes.

Dan Griffin questioned that the only impervious surface listed was the access road. Mark Welch said the access road is considered impervious and will remain an impervious surface.

Dan Griffin asked about the best management practices C.1-C.4 of the SWPPP. Mark Welch said all sections are included to explain how a project might be affected by those types of barriers, however, they do not have any surface water run-off so it technically C.1 does not apply.

Dan Griffin asked about concrete washouts under site information. Mark Welch said if a scale were placed on the site and a concrete pit were installed they would have to conform with MPCA requirements regarding concrete washouts.

Larry Hafner asked how long they would want the permit for. Mark Welch indicated indefinitely. Dan Griffin indicated the conditional use permit goes with the property. Mark Welch assumed the permit would be reviewed every five years by the county. Dan Griffin said the county attorney has been looking into 5 year renewals and they may not be enforceable any longer.

Ed Hammell stated performance bonds for reclamation may not be ideal as this site will be open for many years and the money will be tied up for a long time. He thinks watching the site and trusting people is a better option.

Rich Schild asked under what conditions would they go down 10 feet. Mark Welch said it is based on the quality of rock and getting trucks in an out but he doesn't see that happening.

Dan Griffin asked if borings were taken on the mine area. Mark Welch stated the geological atlas was used.

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

Brian Bjerke asked how people would be notified when they are going to blast. Dan Griffin stated the required setback is 1,000 feet. Mark Welch said

they would even go up to a ½ mile if needed. Terry Rosendahl stated adjoining property owners would most likely be contacted. Mark Welch said they would be notified by a phone call. Brian Bjerke then asked on signage. Mark Welch said temporary or permanent signs will be addressed and warnings will be given. Dan Griffin suggested they work with the township. Brian Bjerke noticed there is a slight bump in road now that wasn't there before. Mark Welch said the Gjere's would work with township on any necessary road fixes.

Mike Fields asked which blasting company the Gjere's plan to use. Mark Welch said that has yet to be determined by the Gjere's. Mike said he applauds the Gjere's on going through this conditional use process.

Ken Tschumper stated he is in support of this conditional use application. He had comments/suggestions on the following:

Under the SWPPP - Federal, state and local permits may be difficult to be determined. He is of the opinion that a copy of rules and regulations should be given to the applicant. Mark Welch went on to explain the requirements of MPCA and MSHA fall under this area and the applicant is required to research and follow them.

Under the SWPPP - General Site Information – Hazardous Waste - He is of the opinion that all the “mays” should be changed to “shalls”. Mark Welch said the wording is set by the state and “may” is used because it may not even apply to the site.

Under the SWPPP – Future Projects – he wonders what “future phases” is referring to. Mark Welch said it applies if they expand beyond the current boundaries only.

Ken wonders how employees will be trained and hopes this area will not be dismissed. Mark said the Gjere's have the right to hire an outside source to do inspections and everyone is required to do training.

Under the Operation and Reclamation Plan – What does the mine site actually consist of, 28 acres or 18 acres. Mark Welch said the entire property is 28 acres, but only 18 acres will be mined due to setback requirements.

Under the Operation and Reclamation Plan – General Requirements – Operation of Equipment – Ken wonders what the dust and noise setback requirements are and if there are industry standards. Dan Griffin said the standard setback requirement is 1,000 feet from a house and adjacent landowners.

Under the Operation and Reclamation Plan – Vegetation – Weeds and Noxious Vegetation – Ken is wondering who will be doing the spraying. Dan Griffin stated it is up to the Gjere's to decide who they will hire to do this. Mark Welch reiterated the Gjere's will take care of hiring someone if they need to.

Ken is of the opinion that the Planning Commission should make recommendations to the county board on bonding. He thought a \$25,000 bond would be appropriate. Dan Griffin stated that bonds are set by the county board as stated in the ordinance.

Ken wondered if the Gjere's would be willing to share how much this plan cost them to prepare. Mark Welch stated they would not at this point.

Yvonne Krogstad had a question on #5 of the Reclamation Plan where it states "the exposed rock face shall exceed 18% grade". Mark Welch indicated that was an error and would be corrected.

Bruce Kuehmichel submitted a document for the record stating that he was commending the Gjere's for applying for a CUP under the Houston County Zoning Ordinance. (On file).

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

Rich Schild asked about having some type of bonding on the reclamation plan in order to protect the county. Mark Welch stated there will be continuous reclamation happening on the site, there will never be 18 acres exposed at one time but he will talk with the Gjere's about putting together a surety bond.

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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? | 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 |

The Planning Commission proceeded to discuss appropriate conditions for the permit.

There should be temporary "trucks hauling" signage in place on Gap Road anytime trucks are hauling from the quarry. Reason – The entrance to this mine is hidden. Drivers on Gap Road need to be warned if trucks are hauling.

The west property line should be permanently marked as it passes through the mine site. Reason – so mining activity from this site does not encroach on the neighbor's property.

It is understood that at this point that there will be no washing of aggregate products or use of flocculants at this site. However, if the mine operators decide to wash aggregate products or to use flocculants in the future, they must first apply to the county board to amend their conditional use permit to allow this activity. Reason – Washing and using flocculants would most likely require additional MPCA permits. Due to Houston County's karst topography, and due to potential run-off or seepage, the county may want to review the plans for this activity before it commences.

The mine operators shall notify the adjoining property owners at least 24 hours in advance of any blasting activity. Reason – for public safety.

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

Rich Schild made the motion to recommend the Houston County Board approve the zoning amendment application based on:

- 1) All federal, state and local permits be obtained and followed.***
- 2) Temporary "trucks hauling" signage should be in place on Gap Road anytime trucks are hauling from the quarry.***
- 3) The west property line should be permanently marked as it passes through the mine site.***
- 4) If the mine operator decides to wash aggregate products or to use flocculants in the future, they must first apply to the county board to amend their conditional use permit to allow this activity.***
- 5) The mine operators shall notify the adjoining property owners at least 24 hours in advance of any blasting activity.***

Larry Hafner 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 1, 2015.

Glenn Kruse made the motion to approve the minutes of October 22, 2015. Rich Schild seconded. Motion carried.

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

- | | |
|------|---|
| 4413 | Dan Slabaugh – Houston Township
Build pole shed (60' x 100') |
| 4414 | Todd Bornholdt – Spring Grove Township
Build horse barn (32' x 34') |
| 4415 | Grace Nelson – Sheldon Township
Build machine shed (50' x 104') |
| 4416 | Darin and Sara Bratland – Caledonia Township
Build lean-to on greenhouse (17'5" x 78') |
| 4417 | Brian Lee – Houston Township
Build attached garage (28' x 28') |

- 4418 Church St. Mary/Richard Chapel – Houston Township
Install sign (30” x 8’)
- 4419 Patrick Doyle – Yucatan Township
Build storage shed (16’ x 20’)
- 4420 Richard and Susan Kasten – Winnebago Township
Build cover over feeding lanes (24’ x 34’ and 14’ x 48)
- 4421 Greg Gran – Crooked Creek Township
Build pole shed/garage (24’ x 40’)
- 4422 Anthony and Rebekah Miller – Mound Prairie Township
Build deck (16’ x 14’)
- 4423 Mike Berg – Houston Township
Replace existing trailer (16’ x 64’)

Rich Schild made the motion to recommend the county board approve the zoning permits.

Terry Rosendahl seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, December 1, 2015.

Larry Hafner made the motion to adjourn the meeting and Ed Hammell seconded it. Motion carried.

OTHER BUSINESS:

Reminder: December meeting will be December 17, 2015 due to Christmas Eve on December 24, 2015.

Submitted by Planning Commission Clerk on November 20, 2015.

Houston County Planning Commission
December 17, 2015

Approved on March 24, 2016 by Dana Kjome and Ed Hammell

The Houston County Planning Commission met at 7:00 p.m. on Thursday, December 17, 2015. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Larry Hafner, Ed Hammell, Glenn Kruse and Terry Rosendahl and Richard Schild. Rick Frank; Environmental Services Director was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Notice of Public Hearing No. 851 was read. **Todd Bornholdt**, 115 1st Avenue SE, Spring Grove, MN 55974, is seeking to reconstruct a supper club (The Skyline) into a dwelling on less than 40 acres in an agricultural protection district in Spring Grove Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- This is the old Skyline Supper Club outside of Spring Grove on State 44.
- Mr. Bornholdt has rezoned the property from highway business to agricultural and would like to turn the supper club into a dwelling.
- This is the 1st house in the 40 acres.
- We are waiting for a septic inspection to be completed by the applicant.
- The Spring Grove Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairperson Griffin asked if Todd Bornholdt had anything to add. Todd Bornholdt said Brent Newgaard is coming next Monday to check on the current septic system.

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

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

The Conditional Use Findings were read and comments made as follows. The Planning Commission shall not recommend an 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. | Have potential pollution hazards been addressed and have standards been met? | 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? | 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 Griffin asked for a motion to grant or deny the application if there were no other comments.

Rick Frank commented that this building does boarder the state highway and meets the setback requirements.

Glenn Kruse made the motion to recommend the Houston County Board approve the conditional use application based on:

- 1) All federal, state and local permits be obtained and followed.**
- 2) The current septic system needs to be inspected. Septic system needs to be up to code.**

Rich Schild 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 29, 2015.

Terry Rosendahl made the motion to approve the minutes of November 19, 2015. Glenn Kruse seconded. Motion carried.

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

- | | |
|------|---|
| 4424 | Arlyn Frauenkron – Money Creek Township
Build house (34' x 44') garage (34' x 22') |
| 4425 | Allen Walleser – Mound Prairie Township
Build storage shed (16' x 28') |
| 4426 | Peter and Pam Orr – Yucatan Township
Convert deck into 3-season room (15' x 14') |
| 4427 | Dennis Gavin – Sheldon Township
Build front porch (6' x 28'6") |
| 4428 | Steve Jondal – Yucatan Township
Build garage (36' x 40') |
| 4429 | Craig Stanislawski – Yucatan Township
Build pole barn (34' x 60') |

Larry Hafner made the motion to recommend the county board approve the zoning permits.

Ed Hammell seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, December 29, 2015.

Rick Frank introduced Aaron Lacher, the new Zoning Administrator to the Planning Commission members.

Rick Frank wanted to thank the members of the planning commission that will be retiring and for their years for service to the county, these members have much knowledge that takes years to attain. Glenn Kruse stated he is proud to serve on the board and they accomplished much. One example was helping local farmers achieve their feedlot goals; example is Doug Heintz of Badger Valley Farms on receiving the Minnesota Milk Producer of the Year Award. Larry Hafner stated the board will also be losing a lot of wisdom too.

Larry Hafner made the motion to adjourn the meeting and Terry Rosendahl seconded it. Motion carried.

Submitted by Planning Commission Clerk on December 18, 2015.