

Houston County Planning Commission
January 26, 2017

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The Houston County Planning Commission met at 7:00 p.m. on Thursday, January 26, 2017. A summary of the meeting follows.

The meeting was called to order by Vice Chairman Hammell. Members present were Bob Burns, Larry Hafner, Ed Hammell and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

Election of Chair and Vice-Chair for 2017 took place.

Larry Hafner nominated Bob Burns for Chairman for 2017 and Justin Zmyewski seconded. Nominations closed. Motion carried by unanimous vote.

Jim Wieser nominated Ed Hammell for Vice Chairman for 2017 and Larry Hafner seconded. Nominations closed. Motion carried by unanimous vote.

Notice of Public Hearing No. 863 was read. **Thomas Hoscheit**, 11608 County 5, Caledonia, MN 55921, is seeking a conditional use permit to expand a feedlot over 300 animal units (a.u.) from 248 a.u. to 434 a.u. and to expand an existing manure structure with a capacity over 20,000 gallons in Section 30 of Mayville Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The site is located slightly more than $\frac{3}{4}$ mile south of the City of Caledonia. The home on the parcel dates to 1900, and it is assumed the farmstead dates to a similar time. The Petitioner has been involved in the operation of the site for approximately 60 years and has owned the property since 1999. The site is an existing dairy operation approximately 0.8 mile south of the City of Caledonia. The site consists of more than a dozen feedlot components including confinement buildings, open lots, and feed storage. Slopes range from 1%-12% throughout the site.
- Two dwellings are within the quarter-mile setback, both to the south of the farmstead. A variance was granted in 1999 to operate a feedlot within the quarter-mile setback due to the proximity of these dwellings. An additional variance was previously issued in association with construction of a calf barn on the south end of the farmstead (2002).
- The manure storage expansion is proposed on the north side of the farmstead and does not encroach beyond the variances previously granted; for this reason the Petitioner was not required to seek a variance in conjunction with this CUP application.
- The County became aware that the animals onsite had been increased beyond 300 animal units (A.U.) to 430 A.U. (300 dairy cows and 50 dairy calves) during a routine compliance inspection conducted in May, 2016. In 2012, the site was re-registered at 220 A.U. However, a 2002 Feedlot Program Construction Short-Form Permit included all the infrastructure needed to maintain the

current capacity (i.e. 112 x 164 free stall barn & 26 x 100 total confinement barn for young stock), and the A.U. could have been increased at that time. The Petitioner indicates that A.U. increase at the site was gradual, with the 300 A.U. threshold being exceeded sometime in 2015. The County has required the Petitioner to submit the current application in order to continue to operate with this number of A.U.

- The current manure pit has a synthetic liner and was constructed in 1992 with a capacity of 1,344,851 gallons. Tears in the liner of the manure pit were also discovered during the compliance inspection conducted in May of 2016 (see attached photos). The County required that the Petitioner have the liner assessed by an engineer, who has confirmed that the liner requires attention. A design to remedy the liner is currently underway. The Petitioner is considering two options to correct the potential pollution hazard posed by the torn liner, and simultaneously improve operational performance. Both options include repair of the pit including a new concrete floor and access ramp, and repair/replacement of the side liners.
- The access ramp will reduce capacity of the pit by 91,424 gallons. To account for this, one design option being considered will expand the footprint of the pit 75' north to provide additional capacity (1,658,495 gallons); the other option will keep the existing footprint, thus reducing the pit's capacity (1,253,427 gallons). The request before the Planning Commission is the largest option, yet the granting of this request would also allow the petitioner to pursue the smaller option should he choose to without a need for an additional CUP hearing.
- Manure pits are required to comply with various location and design standards contained within the state feedlot rules. In addition to a CUP, a Construction Short-Form permit will also be required before construction can commence. The applicant will be required to submit specific, engineered design details with a Construction Short-Form.
- The County Highway Department has indicated that complaints stemming from manure and mud on the roadway have been received in the past. The petitioner has indicated that he will modify haul routes and, if needed, pour additional concrete, to address this problem.
- The Mayville Township board and adjoining property owners were notified. There was one inquiry to the zoning office in regard to the application. Comments from a neighbor advocating for denial of the permit include: the current pit should have a fence around it does not want the pit to increase in size due to: unpleasant odor, observed illegal dumping of manure, observed pit overflows, constant mess on road, manure application during inappropriate conditions, presence of uncut tires creates breeding ground for mosquitos. The City of Caledonia did not express support or opposition of the project.

Chairman Burns asked Tom Hoscheit if he had anything to add. Tom said nothing is changing from what they are currently doing except they want to cement out the bottom of their pit, so they can take care of emptying it themselves. They may or may not expand the pit, but they are applying for it in case they do. The existing dairy operation has been there and long time and the manure pit was built around 1992. They have switched from sawdust to sand for livestock bedding, so they need to cement the pit for simplicity of emptying it out.

Larry Hafner asked for clarification on what the current animal unit (a.u.) count is at their location; if they are currently at 434 a.u. Tom said they are at 434 a.u. right now and do not have any intentions of adding more. They were slowly expanding their numbers over time and did not realize they needed to apply for a permit to expand at certain thresholds.

Jim Wieser wondered about the torn liner and how that occurred. Tom said when they switched from sawdust to sand the operator who emptied the pit may have caught the liner. Jim asked if adding a ramp and cement bottom will help elevate the problem of ripping it. Tom indicated it would.

Chairman Burns asked if the pit were expanded, if it would be built toward the north. Tom said they have an engineer working on a design and if they decide to expand it, it would go to the north. If they don't choose to expand it, nothing will change other than cementing out the pit. Aaron Lacher explained what the state feedlot rules and requirements included for Tom to move forward.

Ed Hammell asked if the larger pit would have a one year storage capacity. Tom said it would not. Right now they have approximately 6 months of storage dependent on how much rain we get.

Chairman Burns questioned the procedure for the conditional use pit expansion and whether or not it expires if the expansion does not occur. Aaron Lacher indicated they could put stipulations on the permit.

Jim Wieser questioned if they were voting on two separate conditional use permits this evening. Aaron Lacher indicated they were and he is looking for separate motions.

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

Bruce Kuehmichel, City of Caledonia resident, questioned the need for two separate conditional use permits and how they differ. Aaron Lacher said they are separate requests for animal unit expansion and expansion of a manure pit. Bruce then asked for clarification in Section 33 under 0110.3304 "Permit Requirements", four types are listed and are they all required. Aaron Lacher indicated Tom has applied for a construction short form permit and the interim permit listed is through the state feedlot program. SDS and NPDES permits are required for larger sites.

Aaron Lacher indicated he ran an offset model and the model predicted a 92% annoyance free factor with the current infrastructure and 91% with proposed expansion. The affected neighbor is to the southwest. Prevailing winds measured in Preston and Rochester are from the south and northwest, thus wind would likely reduce the presence of odors at neighboring.

Chairman Burns 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. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Comprehensive Plan calls for support of commercial agriculture throughout its chapters. . 0100.0501 provides: “Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county.” Regarding the site’s proximity to the City of Caledonia, the Comprehensive Plan indicates that additional urban growth in the Caledonia area should occur within the city (0100.0403). The site is beyond the 0.5 mile setback required from city limits. Thus, expansion of a dairy operation conforms to the Comprehensive Plan

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Regarding the expansion of A.U., the current infrastructure on-site can accommodate the requested A.U.; the CUP is needed to bring the A.U. on site into compliance with the ordinance. Regarding the manure pit, the County is requiring repair of the liner; the petitioner is cooperating with the County to satisfy this requirement in a way that compliments his business.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Repairing the liner, incorporating a ramp, and increasing capacity are likely to result in a better-run operation that is less likely to pose a threat to water quality. There is correlation between potential harm to water quality and A.U. on a particular site. However the potential harm can be minimized with proper management and infrastructure.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The Petitioner was found to be in compliance with many feedlot requirements during the May, 2016 inspection. In particular, the Petitioner was found to be utilizing effective clean-water diversions and runoff controls at his site. Areas where compliance was not found have been or are being corrected (i.e. pit, land application record keeping, manure management plan).

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The current infrastructure onsite was constructed with feedlot permits which require the use of construction materials appropriate for the soils present; minimum bedrock separation is also required. Expansion of the pit will require meeting these same standards.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: Regarding the A.U. expansion, the additional AUs do not pose a pollution hazard provided that the site is managed properly. Conversely, improper management at any size constitutes a pollution hazard. Regarding the pit, in its current, damaged state, it represents a greater hazard relative to the slightly larger, repaired pit, proposed. Additionally, incorporating a ramp should prevent damage to the repaired liner in the future and allow for better management of manure.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: N/A

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: Staff recommends a condition to address the spillage of manure on County Rd 5.

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: No impact is anticipated.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: No impact is anticipated

12. That adequate measures have been or will be 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.

Staff Analysis: No impact is anticipated

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: The elimination of the potential pollution hazards posed by the status quo serve to protect the public's health, safety, morals, and general welfare.

Discussion took place on the possible conditions for the permit and whether there should be an expiration date if the pit expansion hasn't occurred within a certain period of time. Larry Hafner suggested that Tom stay in contact with the zoning administrator on how his plans are going.

Tom Hoscheit wanted clarification on the fencing requirement suggested. They wouldn't fence it unless they expand the pit because they need access to it.

Chairman Burns 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 for the feedlot expansion and Justin Zmyewski seconded. Jim Wieser abstained from the vote stating business relations. Motion carried. *(Staff will recommend that the County Board add the following stipulation: The Permittee shall comply with all federal, state and local laws and regulations.)*

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application to build a manure storage structure with a capacity over 20,000 gallons based on:

- 1. The Permittee shall comply with all federal, state, and local laws and regulations;**
- 2. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;**
- 3. No manure, mud, or dirt associated with the operation of the site shall be applied, spilled, tracked, or otherwise become located on or within the roadway or right-of-way of County Road 5;**
- 4. A fence shall be installed around the perimeter of the pit. The portion of the fence on west side of the pit and the west half of the south side of the pit shall screen the pit from sight from County Road 5.**
- 5. Any enlargement of the pit must occur within 36 months of the date of issuance of the conditional use permit.**

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, February 7, 2017.

Notice of Public Hearing No. 864 was read. **Joshua and Jerry Dahl**, 23016 Bridge Creek Drive, Rushford, MN 55971, is seeking a conditional use permit to expand a feedlot over 300 animal units (a.u.) from 243 a.u. to 342 a.u. and build a manure storage structure with a capacity over 20,000 gallons in Section 20 of Yucatan Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The site is an existing dairy operation in the Southeastern quadrant of Yucatan Township. The nearest dwelling is approximately 700' south of the site; a second dwelling is approximately 1,100' south.

- There are two sites that will be referenced in this report: the primary site, which refers to Josh Dahl's residence and the location of the proposed construction and expansion, and; the secondary site, which refers to a farmstead owned by Jerry Dahl approximately ½ mile east of the primary site containing four open lots that are proposed to be abandoned.
- The home on the primary site dates to 1912, and it is assumed the farmstead dates to a similar time. The Petitioners have owned and operated the site since 1988. The primary site is currently operated as a dairy, with 243.7 animal units (A.U.) consisting primarily of 157 mature dairy cows. A manure pit with a capacity of less than 20,000 gallons was installed in 2005 and provides four days of manure storage. The existing pit was permitted and constructed in conjunction with the existing free-stall barn. The petitioners operate a second feedlot at the secondary site slightly more than ½ mile east containing 98.6 A.U. consisting primarily of 136 dairy heifers. This feedlot would be closed as part of this proposal, and the animals at the second site would be moved to the primary site, bringing the total there to 346.3 A.U (other minor registration adjustments include: +5 beef cattle; - 1 horse). A heifer barn to accommodate the additional animals and a cattle lane through which pasture is accessed is proposed at the primary site.
- The limited amount of storage the current pit provides presents operational challenges, particularly during raining periods. A feedlot compliance inspection was conducted in May, 2016. Evidence of recent manure overflowing of the manure pit was observed, and the required freeboard was not being maintained (see attached pictures). Construction of a 1.8M gallon liquid manure storage area is proposed. The proposed pit would provide 12 months of storage, which will allow the Proposer to manage manure more effectively and prevent future overflows. New manure storage areas are required to comply with numerous location and design standards contained within the state feedlot rules. In addition to a CUP, state feedlot rules require that a feedlot permit be issued before construction can commence. The Petitioner is seeking the permit concurrently; a feedlot application, as well as many necessary technical submissions, have already been received.
- In 2005, when the free-stall barn was permitted, a variance of 620' was granted due to the proximity to the dwelling south of the site. The proposed expansion does not encroach beyond the variance previously granted; for this reason the Petitioner was not required to seek a variance in conjunction with this CUP application.
- The Petitioner is a participant in the Root River Field to Stream Partnership (see included information). The program seeks to measure and document the effects of conservation practices and site improvements within defined areas—in this case, the Bridge Creek sub-watershed—and provides technical assistance and cost share opportunities to landowners. Various projects within the Bridge Creek sub-watershed were considered and rated according to their cost effectiveness, duration of pollution risk, MINN farm score, manure storage capacity and winter application frequency, and proximity to stream. The construction of longer-term manure storage and the abandonment of the lots at the petitioners' site were rated as a top priority.
- The Yucatan Township board and adjoining property owners were notified. There was one inquiry to the zoning office on the application. Comments from the public, not opposed to the project but concerned about application of manure: Manure has been spilled on the road in the past; when ground conditions have been wet, manure has been spread in road ditches; previous field applications have occurred during inappropriate conditions; would like application to knife injection.

Chairman Burns asked Josh Dahl if he had anything to add. Josh said they are looking at building a larger manure pit on the east side of the free stall barn. They have been working with EQIP during the process and updating manure plans. They would be closing down his father's feedlot with this proposal and moving those animals to Josh's site.

Jim Wieser asked if the 2nd site would remain a permitted feedlot. Josh said they may pasture it but it would not be a concentrated feeding area any longer.

Chairman Burns asked what agencies Josh has been working with on this project. Aaron Lacher stated they have an engineer and are working with RRSWCD, NRCS and the Root River Field and Stream Partnership. The 4 day manure storage would increase to 12 months. Josh indicated he is enhancing the lot and being able to haul less.

Aaron Lacher indicated he ran an offset model and the model predicted a 96% annoyance-free factor with current infrastructure and a 91% annoyance-free factor with the proposed infrastructure. The affected neighbor is to the southwest. Prevailing winds measured in Preston and Rochester are from the south and northwest, thus winds would likely reduce the presence of odors at neighboring property. Cattle appear to be present on the neighbor's property in feedlot conditions; however, the neighboring site is not a registered as a feedlot.

Chairman Burns suggested that the larger capacity pit would offer Josh the ability to select the haul times. Josh agreed they wouldn't have to be hauling as much and there would be less manure on the roads as that was an indicated problem.

Ed Hammell asked if Josh would be agreeable to putting a condition on the permit as far as road cleanup. Josh indicated he was ok with that.

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

John Dewey, Supervisor for Yucatan Township spoke. He indicated the permit application was discussed on their last meeting and they have concerns that road bands may be in effect in the spring when Josh would be hauling manure. Larry Hafner questioned whether ag equip was exempt. John Dewey indicated ag equipment is exempt, they are just asking that Josh spread carefully to prevent road damage.

Chairman Burns asked when the road bands were in effect. John Dewey said typically March 15 to May 15 he thought.

Chairman Burns asked Josh what his thoughts were regarding the township concerns. Josh said he would probably wait until May to haul. If they roads are bad then the fields probably will be too. They will use common sense when hauling. Going from 4 days of storage to 1 year will be very helpful. They will try to empty the majority of the pit in the fall.

Ed Hammell asked if they will be using a custom hauler or do it themselves. Josh indicated they will probably use a custom hauler to make sure everything is incorporated. They hope to spread more on their corn ground also.

Justin Zmyewski stated if they were spreading on corn ground that would typically be done in April. He asked about how much they anticipate taking out. Josh said he was not sure.

Jim Wieser asked if they use sand. Josh indicated they did. Jim suggested they take the liquid off in the spring and then the rest in the fall.

Chairman Burns 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. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Comprehensive Plan calls for support of commercial agriculture throughout its chapters. Part 0100.0501 provides:

Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county.”

The proposal is expected to allow the producers to better manage the facility and reduce nutrient runoff into the Bridge Creek Sub-watershed. Protection of natural resources is also paramount in the Comprehensive Plan. Part 0100.0501 further provides:

Goal 2. To protect the major natural resource areas of the County including the floodplains, trout streams, steep bluffs and hardwood forests...

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Permits are needed in order to construct the infrastructure that will allow for better site management, and fully utilize the infrastructure.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: By allowing the Petitioners more flexibility regarding when and where they apply manure, the proposal is expected to minimize potential pollution hazards.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: The proposal is expected to reduce the potential for nutrients runoff.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: As part of the feedlot application process, an assessment of the soils beneath the proposed manure storage area will be conducted, including analysis of soil borings and a karst investigation. Specific site standards and associated design standards mandated by the state feedlot program must be met in order for the project to move forward. The engineered design submitted also

meets numerous applicable Minnesota construction and material specifications for conservation practices.

6. That potential pollution hazards been addressed and that standards have been met.

Staff Analysis: The project is expected to eliminate existing pollution hazards (i.e. inadequate storage, steep open lots).

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: N/A

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The increase in animal units at the primary site precisely reflects the decrease in animal units at the secondary site, thus there is no net increase in animal units across the geographic area defined as the ½ radius surrounding the end of Bridge Creek Dr. Though the primary site is closer to the neighboring dwellings than the secondary site, the additional animal units are not expected to result in noticeable impacts. The location of the pit and the heifer barn and manure storage are on the eastern and northern sides of the farmstead; the neighboring dwellings are to the south and west.

The current infrastructure forces application every two to four days regardless of conditions. Even when care is taken, this can result in mud and manure accumulation on the roadway. The substantial increase in manure storage capacity will allow the Petitioners to selectively apply manure when conditions are ideal.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: N/A

12. That adequate measures have been or will be 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.

Staff Analysis: The site is in an Agricultural District where some agricultural smells are to be expected. The increased surface area of the proposed pit will omit more odor compared to the existing pit; however, this is likely to be offset by the reduction in application to fields nearest the barn. Neighboring dwellings are to the southwest of the primary site; wind is commonly out of the west and south.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: The elimination of the potential pollution hazards posed by the status quo serve to protect the public's health, safety, morals, and general welfare.

Chairman Burns 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 for the feedlot expansion and Jim Wieser seconded. Motion carried. *(Staff will recommend that the County Board add the following stipulation: The Permittee shall comply with all federal, state and local laws and regulations.)*

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application to build a manure storage structure with a capacity over 20,000 gallons based on:

- 1. The Permittee shall comply with all federal, state, and local laws and regulations;**
- 2. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing work.**
- 3. No manure, mud, or dirt associated with the operation of the site shall be applied, spilled, tracked, or otherwise become located on or within the roadway or right-of-way of Bridge Creek Drive.**

Justin Zmyewski 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 7, 2017.

The following issued Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were provided:

- 4508 Ken Peplinski – Money Creek Township
Build pole shed (38' x 60')
- 4509 Peter and Amy Molling – Brownsville Township
Build storage sheds (24' x 64') and (10' x 26')
- 4510 John and Mary Horihan – Hokah Township
Build pole shed (58' x 58')
- 4511 Matthew and Catherine Minor – Yucatan Township
Build house (30' x 60') garage (30' x 30') deck (20' x 14')
(C.U.P. #383)
- 4512 Craig Olson – Union Township
Build shed (32' x 64')
- 4513 Thor Kolle – Winnebago Township
Build pole shed (40' x 60')
- 4514 Peter Shimshak – Mound Prairie Township
Build house (30' x 50') garage (27' x 42') deck (12' x 27')
(C.U.P. #384)
- 4515 JC and Donna Van Gundy – Money Creek Township
Build addition on existing bedroom (13' x 15')
- 4516 Ed Hammell – Jefferson Township
Build open front calf shed (24' x 60')
- 4517 Schulte Farms LLC – Caledonia Township
Build calf barn (60' x 72')
- 4518 LeRoy and Phyllis Kohlmeier – Caledonia Township
Build addition on existing bathroom with mudroom (12' x 30')
- 4519 Eric and Kristin Bjerke – Black Hammer Township
Build addition on existing home (17' x 31')
- 4520 Adam Steinfeldt – Sheldon Township
Build lean-to on existing building (20' x 50')
- 4521 David and Elizabeth Galloway – Black Hammer Township
Build shed (20' x 32')
- 4522 Scott Prah – Black Hammer Township
Install free standing solar panels (74' x 44')
(Variance #305)
- 4523 Paul Trocinski – Money Creek Township
Build hay pole barn (50' x 112')
- 4524 Tim and Kelly Meyer – Mayville Township
Build agricultural garage (32' x 42')
(Variance #307)
- 4525 Morken Farms LLC c/o Don Morken – Black Hammer Township
Build free standing solar panels (200' x 200')

- 4526 Dean Beneke – Jefferson Township
Build grain bin (15' diameter)
- 4527 Merrell and Karen Colsch – Crooked Creek Township
Build 4-season addition on existing home (10' x 14')
- 4528 Patrick and Abby Jilek – Caledonia Township
Build 3-season porch (16' x 21') and deck (30' x 16')
- 4529 Kenneth and Jean Frank – Crooked Creek Township
Build dwelling (16' x 24') 2-porches (6' x 16')
- 4530 Benjamin Lind – Sheldon Township
Build lean-to (20' x 80')
- 4531 Todd Bornholdt – Spring Grove Township
Build garage (24' x 38') porch (50' x 8') & convert supper club into dwelling
- 4532 De-Su Holsteins, LLC – Wilmington Township
Build calf barn (36' x 104')
- 4533 James Schleich – Hokah Township
Build lean-to (20' x 90')
- 4534 Michael and Dorothy Hannon – Hokah Township
Build pole barn (22' x 27')
- 4535 Brian Tostenson – Union Township
Build attached garage (34'6" x 44') existing shed (16' x 30')
(*Variance #306*)
- 4536 Brian and Julie Olinger – Mayville Township
Build shed (40' x 72')

Ed Hammell made the motion to approve the minutes of September 29, 2016. Jim Wieser seconded. Motion carried.

OTHER BUSINESS:

Flood plain training is being offered and information was provided to the members.

MCIT Land Use Training information was also provided for the board members.

Zoning Administrator Lacher asked the board to review some draft policies regarding after-the-fact penalties, interpretation of what constitutes a dwelling, when variances are required for a feedlot setback from a dwelling, greenhouses, determination of lot of record status and solar energy systems. No action was taken on the draft policies. There was general discussion and feedback to ensure consistency on any applications on these topics.

Zoning Administrator Lacher indicated there should be rules established that cover the functioning of this board. He is looking for volunteers to draft such rules. Ed Hammell, Larry Hafner and Jim Wieser will work on drafting some rules.

Larry Hafner made the motion to adjourn the meeting. Justin Zmyewski seconded.
Motion carried.

Submitted by Planning Commission Clerk on January 30, 2017.

Houston County Planning Commission
February 23, 2017

Approved by Jim Wieser and Justin Zmyewski on March 23, 2017

The Houston County Planning Commission met at 7:00 p.m. on Thursday, February 23, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Members present were Bob Burns, Larry Hafner, Ed Hammell and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

Notice of Public Hearing No. 865 was read. **Lois Davy Revocable Trust (landowner)** 13268 County 24, Brownsville, MN 55919 and **Shawn Kiecker (applicant)** 1380 Homer Road, Apt 107, Winona, MN 55987, is seeking an interim use permit for a temporary farm dwelling in Section 8 of Brownsville Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The temporary farm dwelling is needed in conjunction with a proposed fresh greens production operation at 13268 County 24. The operation would supply wholesale produce to local retailers and distributors. No direct to consumer sales are proposed at the location.
- The site is an existing farmstead in existence since 1875 with a primary dwelling located onsite. The property is owned and occupied by the Lois A Davy Revocable Trust. Documents establishing Raymond Davy's authority to bind the trust have been provided.
- Proposed infrastructure includes living space for the co-petitioner. As a dwelling already exists within this quarter quarter section, an Interim Use Permit for a Temporary Farm Dwelling is necessary. Petitioners are proposing to locate a modular home within an agricultural accessory building. Doing so is permissible and the dwelling will still need to conform to the standards of a manufactured or mobile home.
- The proposal includes a greenhouse. §0110.1403, subpart 13 lists commercial greenhouses and nurseries as a conditional use in an agricultural district. It is Zoning's opinion that this section does not apply to the proposed activity at this site. A policy regarding the interpretation of this by the Zoning Office is included.
- §0110.2920 Subdivision 1 of the HCZO establishes the following requirements for a Temporary Farm Dwelling:

Temporary Farm Dwelling. A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:

1. The manufactured home will be an accessory dwelling unit located on a farm.
2. The manufactured home will be occupied by persons who are: (a) Members of the family of the persons occupying the principal dwelling house on the premises.
(b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.

3. The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.
 4. At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.
 5. The permit is conditioned so as to be reviewed annually by the Zoning Administrator.
- It is asserted that the above criteria error in requiring only one of conditions to be satisfied—indeed, condition 1 will be met in every conceivable instance, making the inclusion of the addition criteria moot and arguably nonsensical. It is further asserted that the requirement that one criterion be met was intended to be placed on the subparts of condition 2 (i.e. “a” and “b”). Under such a scheme, a temporary farm dwelling would be required to be:
 1. Accessory to a primary dwelling
 2. Be occupied by either:
 - a. Relatives of the primary occupants, or
 - b. Business associates of the primary occupants.
 3. Permitted to expire at a predetermined time,
 4. Be removed after expiration, and
 5. Be reviewed annually
 - In this case, the conditions can be satisfied as they are written and as it is asserted they were intended to be written. The dwelling will be accessory; the occupants of the temporary farm dwelling and the Davy Estate are business associates in a farming enterprise insofar as an agreement to lease property to be utilized for agricultural purposes exists under which action is required of each party to realize the business (e.g. Davy Estate must apply for permits); the permit will expire when the parties cease to be engaged in the business, at which time the dwelling will be removed; and, the county will review the permit annually.
 - The proposed site is within the existing farmstead on a 160 acre parcel on ground that has not been in production. Slopes are gentle, ranging from 3-6%. Soils are class II, well drained and suitable for development. The site is located outside the floodplain.
 - Access is via County 24 using an existing driveway. No additional permits or modifications to the existing access point are necessary.
 - The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the zoning office in regard to the application.

Chairman Burns asked Shawn Kiecker if he wished to comment. Shawn Kiecker gave a presentation on Perennial Fresh. The following areas were covered:

- Business Concept
 - Core Values Guide Decision Making
 - Site Requirements
 - Design Elements
 - Greenhouse
 - Living Quarters
 - Water Catchment
 - Nutrient Recycling Growing System
 - Gray Water
 - Composting Toilet
 - Grass Paver Grid Access Road
 - Cool Tube
 - Electric
 - Outdoor Growing Beds
- (Slides on file)*

Chairman Burns asked what being a “partner with the community” entailed. Shawn Kiecker said he would offer to let individuals view this site if they were interested in starting a similar operation.

Chairman Burns asked if there may be safety concerns with putting a mobile home inside the greenhouse; concerns such as fire escape. Shawn Kiecker said they would have egress options in place and no flammable materials would be kept in the building. Chairman Burns then asked about ventilation for the building. Shawn said they would be using a piped in ventilation system and he would talk more about that later in his presentation.

Chairman Burns asked if the mobile home would be tied down for storm safety. Shawn indicated it would be anchored down.

Jim Wieser asked what type of manufactured home they plan to have. Shawn said the size will be less than 400 square feet (like a tiny home) and they plan to build it themselves according to Housing and Urban Development (HUD) codes.

Larry Hafner asked how large of a growing area they would have. Shawn said it is 432 square feet.

Ed Hammell asked if there is a market in the area for the products they plan to sell. Shawn believes there is and said they plan to sell to places like the Co-Op in La Crosse, Winona and Rochester and at the farmer’s market in La Crosse.

Chairman Burns asked if they would have a well for their water supply. Shawn said the water will be supplied through a rain water catchment system. The water will be stored in a tank within the structure. The water will be filtered and/or purified for use in the nutrient recycling system. They can get by on 10,000 gallons of water per year. Shawn also indicated there is a well onsite if needed, but they aren’t planning to use it.

Aaron Lacher asked what they would be using for cooking water. Shawn indicated the catchment system is designed to filter and purify the water for drinking and cooking.

Larry Hafner asked what feeding source they planned to use to feed the worms (vermiculture) in the nutrient recycling growing system. Shawn said they plan to use finished compost, which has no odor.

Ed Hammell asked how long each harvest typically takes. Shawn said it takes about 2 months for each harvest. They should have 6 harvests per year for sure, maybe even 8 to 10 harvests per year once they get going.

Septic system and waste water options were discussed at length. Shawn said he has contacted a couple contractors and will also meet with Rick Frank in Environmental Services to discuss the requirements. The system will meet 7080 septic rules set by the State of Minnesota.

Larry Hafner asked what Shawn's time frame was to get going with this project. Shawn said they would like to start building this spring/summer.

Chairman Burns asked about the grass paver grids Shawn plans to use for the driveway. Shawn explained that grass grows below the grids and the grids actually protect the grass roots from damage due to driving and parking. The paver is also protected when plowing snow.

Larry Hafner asked about the cool tube structure Shawn plans to use for ventilation. Shawn indicated how the system would be installed and how the piping brings in fresh air at ground temperature into the structure.

Shawn Kiecker explained the electric hook up and plans to use solar panels. There will also be outdoor growing beds available if they need to use them.

Justin Zmyewski asked what the end products would be. Shawn said mainly salad mixes and leafy greens (spinach, lettuce, micro greens and herbs). Flowers, mushrooms and garlic were also listed. They plan to package everything themselves.

Jim Wieser questioned what would happen to the temporary farm dwelling if one party pulls out. Aaron Lacher said the permit stays in effect until the conditions are no longer met. The permit is not transferable. The temporary dwelling would be removed in a reasonable amount of time once the permit ceases.

Chairman Burns asked how long they had to remove the trailer. Aaron Lacher indicated the ordinance says 60 days.

Larry Hafner questioned what would happen if they wanted bigger living quarters down the road. Aaron Lacher said they could do this but it would still need to be temporary in nature.

Justin Zmyewski questioned what the procedure would be if they wanted to replace their trailer in the future. Aaron Lacher indicated a new zoning permit would be required.

Larry Hafner questioned the agreement Shawn has in place with the Davy Farm Family Trust. Ray Davy spoke on behalf of the Davy Farm Family Trust and explained that it's a four-year lease with options to renew and negotiate when the lease ends. He believes this type of farming could also be replicated in other parts of the county.

Chairman Burns asked if anyone was currently living in the Davy house. Ray Davy indicated that immediate family stays there from time to time, but no one lives there year around.

Dennis Doering, neighbor to the north indicated he had concerns about his feedlot and if this temporary farm dwelling affected him in any way from expanding. Minnesota feedlot regulations were explained to Dennis and that if he wanted to expand he should contact the zoning office. He may be required to go through a variance if he does wish to expand. Shawn Kiecker's permit application does not affect him in any way.

Larry Hafner asked if other farm's chemicals could affect the site. Shawn Kiecker said they are within a buffer zone, so they are protected.

Chairman Burns 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. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The proposal is an agricultural business. 0100.0502 Subd.1 Policy 1 states as a goal the preservation of agriculture as the predominant land use and as a viable economic activity.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: Vegetable production is intensive and requires living quarters near farm to monitor crop quality.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: Potential pollution sources include household waste water and nutrients from crop fertilizer. Proposed toilet and septic systems must comply with state SSTs rules. As presented, a closed-loop nutrient recycling growing system eliminates risks of pollution associated with crop production.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: No impacts are anticipated.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: The proposed site is in the yard of an existing farmstead. No ground will be taken out of production as a result. The soil is a gently-sloped, well drained silt loam suitable for building. The structures will utilize helical piers that can be removed with minimal impact on the soil relative to concrete slabs.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: Pollution hazards are minimal. State standards regarding septic must be met.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: Facilities are in place or have been addressed in the proposal.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: Use is not anticipated to generate traffic beyond what is associated with other agricultural activities. No congestion or hazards are anticipated.

10. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: No injurious effects are anticipated. The nearest neighboring dwelling is located 760' east across County 24; evergreens and existing buildings provide screening. Noise, visuals, and odors stemming from production are anticipated to be less than what is associated with conventional farming.

11. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The proposal is consistent with existing uses in the area.

12. That adequate measures have been or will be 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.

Staff Analysis: No nuisances are anticipated. Any compost input to the system will be finished (no odors). There are no plans for lighted signs or exterior lights that would cause a disturbance.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: Proposal does a thorough job of addressing protection of health, safety, morals, and welfare.

Chairman Burns 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. *The Permittee shall comply with all federal, state, and local laws and regulations;*
2. *The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.*
3. *The permit shall expire when the Lois Davy Revocable Trust ceases to own the property, or when the Lois Davy Revocable Trust and Shawn Kiecker cease to be associates in the farming enterprise as presented in his application, whichever comes first. These determinations will be made by the Zoning Administrator.*
4. *The Temporary Farm Dwelling shall only be inhabited by Shawn Kiecker and his immediate family (spouse and children).*

Justin Zmyewski 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 7, 2017.

The following issued Zoning Permit, which met all requirements of the Houston County Zoning Ordinance, was provided:

4537 Dale and Connie Verse – Money Creek Township
Build addition (16' x 28')

Justin Zmyewski made the motion to approve the minutes of January 26, 2017. Ed Hammell seconded. Motion carried.

OTHER BUSINESS:

Justin Zmyewski made the motion to adjourn the meeting. Larry Hafner seconded. Motion carried.

Submitted by Planning Commission Clerk on February 24, 2017.

Houston County Planning Commission
March 23, 2017

Approved on April 20, 2017 by Jim Wieser and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, March 23, 2017. A summary of the meeting follows.

The meeting was called to order by Vice-Chairman Hammell. Members present were Larry Hafner, Ed Hammell and Jim Wieser. Chairman Bob Burns was absent. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

Notice of Public Hearing No. 866 was read. **Michael and Diane Schmidt**, 585 Schooner Lane, Longboat Key, FL 34228 are seeking a conditional use permit to build a cabin in an agricultural district in Section 29 of Black Hammer Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner would like to construct a 16'x24' post and beam cabin.
- The location is on a 40 acre parcel occupying an entire quarter quarter in Black Hammer Township. There are no dwellings, cabins, or other improvement within the parcel. The building site is on a ridge—there are no floodplain or drainage way concerns. Slopes are approximately 10%. Soils are class II-III. The parcel is accessed via County 19, and the proposed cabin site is accessed by foot; the proposer could also seek an easement to access from the northwest.
- Cabins are subject to the following requirements, from HCZO 0110.1403 subd. 5:
 - (a) *Not more than one (1) cabin per quarter of a quarter section shall be allowed.*
 - (b) *A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.*
 - (c) *A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.*
 - (d) *No cabin shall have a gross floor area exceeding 400 square feet.*
 - (e) *Cabins shall not be connected to modern utilities, including electricity, telephone service and septic.*

The Petitioners proposal satisfies these requirements, and is compliant with all other aspects of the Ordinance. Note that cabins have been allowed to be placed on posts. The rationale for this is twofold: first, the county does not want to encourage situating a cabin in a potentially dangerous manner (i.e. unsecured on a slope), and second, posts can be easily removed with little disruption of the ground.

- Black Hammer Township and the ten nearest property owners were notified. No comments were received.

Vice Chairman Hammell asked Michael Schmidt if he wished to comment. Michael Schmidt was not present. Aaron Solum, builder, was present for Michael Schmidt as Mr. Schmidt lives in Florida. Aaron will be building the cabin for the Schmidt's. Aaron said it will be 16' x 24' cabin on a foundation. They are planning a post and beam structure with 6 poles going down 4 feet.

Justin Zmyewski asked how easily the cabin could be removed in the future if need be since cabins should be temporary in nature. Aaron Lacher said there have been pole structure cabins built in the past.

Larry Hafner indicated they recently approved a greenhouse structure which is anchored to the ground for a temporary farm dwelling inside.

Larry Hafner thought the cabin footings could be cut off and easily removed.

Aaron Lacher stated he would rather see the structure safely attached to the ground.

Larry Hafner asked Aaron Solum if the footings would be below the frost line. Aaron indicated that is what they would like to do.

Aaron Lacher also thought the 6 pillars could be removed if/when needed.

Ed Hammell asked if there would be a concrete foundation. Aaron indicated it would.

Justin Zmyewski wondered if a slab of concrete is considered permanent in nature. It was discussed that cement could be jackhammer out.

Vice Chairman Hammell 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. That the proposed use conforms to the County Land Use Plan.

The Comprehensive Plan references limiting development in environmentally sensitive areas. The proposed site is outside of these areas.

2. That the applicant demonstrates a need for the proposed use.

The applicant demonstrates a need for the proposed use to the extent possible for this type of request.

3. That the proposed use will not degrade the water quality of the County.

NA

4. That the proposed use will not adversely increase the quantity of water runoff.

NA

5. That soil conditions are adequate to accommodate the proposed use.

10% slopes and class III-IV soils are appropriate for siting a cabin. Note that there are no soil quality restrictions on cabins, as there are on non-farm dwellings.

6. That potential pollution hazards been addressed and that standards have been met.

NA

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

They will not be connected to any utilities. Access is by foot.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

The presence of a cabin is not expected to negatively affect adjacent property owners.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

The proposal is consistent with area development. While the permit for a cabin is perpetual, the actual structure is quite temporary by structural standards, primarily because there can be no permanent foundation. As such, the location or layout of the cabin could change within permitted parameters, and at the discretion of the permit holder, to accommodate changes in predominant uses.

12. That adequate measures have been or will be 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.

NA

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Public health, safety, morals, and general welfare are not anticipated to be impacted.

Vice Chairman Hammell 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. *The Permittee shall comply with all federal, state, and local laws and regulations.*

Jim Wieser 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 4, 2017.

Notice of Public Hearing No. 867 was read. **Gary and Pauline Jorgenson**, 11615 County 21, Houston, MN 55943 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Section 30 of Mound Prairie Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioners propose to construct a dwelling on less than forty acres within the agricultural protection district.
- Petitioners have worked with the Zoning Office in the planning of the proposed parcel split and CUP application. The parcel would be the first split off of a 160 acre parent parcel. A survey of the proposed split has been done and filed with the County.
- Single-family non-farm dwellings subject to the following:
 - (a) *No more than one (1) dwelling per quarter-quarter section.*
 - (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or*

enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.

(d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty – three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

The proposal satisfies these requirements. There are no nonconformities occurring that would prevent the issuance of a permit.

- The proposed site is currently in agricultural production. The ground is flat to gradually sloped, with slopes ranging from 2%-5%. Soils are class VII. No flood plain, drainage ways, or wetlands are mapped within the proposed parcel. The nearest feedlot is $\frac{3}{4}$ mile west. There are no dwellings or improvements located within the proposed quarter quarter. The site is accessed via County 21, and will have approximately $\frac{1}{4}$ of frontage. The County Engineer has been consulted about an access point for a driveway, and County approval will be needed prior to construction.
- Mound Prairie Township and the ten closest property owners were notified. No comments were received.

Vice Chairman Hammell asked if Gary Jorgenson had anything to add. Gary said he did not.

Justin Zmyewski thought the location was a nice spot to build. The driveway access was discussed.

Aaron Lacher indicated the site has Class VII soils; the ground is flat to gradually sloped, with slopes ranging from 2%-5%.

Jim Wieser asked about area feedlots. Aaron Lacher said the closest site is $\frac{3}{4}$ of a mile to the west; the Kevin Paulson site.

Vice Chairman Hammell 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. That the proposed use conforms to the County Land Use Plan.

The Comprehensive Plan provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

2. That the applicant demonstrates a need for the proposed use.

A CUP is needed to build a dwelling on less than 40 acres.

3. That the proposed use will not degrade the water quality of the County.

Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat.

4. That the proposed use will not adversely increase the quantity of water runoff.

No impact is anticipated. An Erosion Control Plan will oversee the construction process, and cover post-construction drainage.

5. That soil conditions are adequate to accommodate the proposed use.

Soils permit a non-farm dwelling. Slopes will allow the access drive not exceeding 12% slopes.

6. That potential pollution hazards been addressed and that standards have been met.

NA

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

A Driveway Access Permit, E911 address, Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known that would prevent these permits from being issued.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

No effect is anticipated.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Proposal conforms to the County's one per quarter quarter development protocol.

12. That adequate measures have been or will be 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.

NA

- 13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

NA

- 14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

NA

- 15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

The proposal will not negatively affect the public's health, safety, morals, and general welfare.

Vice Chairman Hammell 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:

- 2. The Permittee shall comply with all federal, state, and local laws and regulations.*

Justin Zmyewski seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

- 4538 William Johnston – Money Creek Township
Replace existing addition (28' x 28')
- 4539 Joshua Bedard – Money Creek Township
Build (2) lean-to additions on existing shed (14' x 16') and (17' x 60')

Jim Wieser made the motion to approve the minutes of February 23, 2017. Justin Zmyewski seconded. Motion carried.

OTHER BUSINESS:

Larry Hafner made the motion to adjourn the meeting. Justin Zmyewski seconded. Motion carried.

Submitted by Planning Commission Clerk on March 24, 2017.

Houston County Planning Commission
April 20, 2017

Approved on May 18, 2017 by Justin Zmyewski and Bob Burns

The Houston County Planning Commission met at 7:00 p.m. on Thursday, April 20, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

Notice of Public Hearing No. 868 was read. **Shawn and Chelsey Senn**, (applicants) 226 North Kingston Street, Caledonia, MN 55921 and **Tammy Diersen** (landowner) 20099 Jefferson Road, Caledonia, MN 55921 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Section 18 of Jefferson Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioners are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district.
- The petitioners have an enforceable option to purchase 2.3 acres. The application was signed by the current owner, Tammy Diersen.
- The site consists of 2.3 acres in the southwestern corner of a 140 acre parent parcel. The area is currently marginal production ground. There are no existing dwellings within the proposed quarter quarter. 280' of frontage will be owned on the township road. The area is outside of the floodplain and there are no water features present. Slopes are 7-12%. Soils are class IV.
- Jefferson Township and the ten closest property owners were notified. No comments were received.

Chairman Burns asked if the Senn's had anything to add. Shawn stated the proposed property line on the east side of the aerial photo is straight and not angled. He is also wondering if a survey is needed since the proposed parcel will be on two section (west and south) lines already.

Bob Burns asked if the legal description would start from a known fixed point. Shawn said that was correct.

Rich Schild questioned if the legal description contained 2.3 acres. Shawn said it is roughly 2.1 to 2.3 acres. Shawn said it is 310 feet by 290 feet.

Dan Griffin asked if they would be able to meet the 50 foot setback requirement. Shawn said they would, they are approximately 80 to 90 feet. They would like to keep the crop field in the front.

Dan Griffin asked what their time frame was on building. Shawn said they would like to start next month.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Larry Hafner made a motion to accept the findings as presented. Rich Schild seconded. Motion carried.

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: The Comprehensive Plan provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

2. That the applicant demonstrates a need for the proposed use.

Analysis: A CUP is needed to build a dwelling on less than 40 acres.

3. That the proposed use will not degrade the water quality of the County.

Analysis: Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: No impact is anticipated. An Erosion Control Plan will oversee the construction process, and cover post-construction drainage.

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: The soils class (IV) permit a non-farm dwelling. Soil borings will be needed to determine suitability for septic system. The area can accommodate driveway slope requirements.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: A Driveway Access Permit, Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known that would prevent these permits from being issued.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: No effect is anticipated.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: Proposal conforms to the County's one per quarter quarter development protocol.

12. That adequate measures have been or will be 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.

Analysis: NA

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: The proposal will not negatively affect the public's health, safety, morals, and general welfare.

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

Rich Schild suggested that all corner points be marked.

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application based on:

1. The Permittee shall comply with all federal, state, and local laws and regulations.

Jim Wieser 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 2, 2017.

Notice of Public Hearing No. 869 was read. **Nicole and Jamin Ramsay**, 1293 Shellhorn Drive, Brownsville, MN 55919 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Section 2 of Brownsville Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioners are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district.
- A variance was previously approved.
- A pole shed was built on the site in 1982. At some point after 1994, part of the shed was remodel to include living quarters, a well was installed, and an unpermitted septic was installed. In the fall of 2016, Zoning notified the property owners that the site was in compliance with the ordinance, at which point the property owners began working to obtain the correct permits for their desired use.
- The proposed site is located on three contiguous parcels totaling 24.8 acres. The property consists mainly of steep forested bluffs. The proposed site is at the foot of a bluff, on a shell elevated from the township road. Frontage is owned on Shellhorn Drive. The proposed building site was selected in part because it overlooks the Mississippi River. There are no existing dwellings in the quarter quarter section. The area is outside of the floodplain and there are no mapped water features on the property. The building site itself is flat, but is surrounded by bluffs to the south and a steep bank to the north which descends to the road. Soils are class VI and VII. Site work may be needed to reduce the existing driveway slope.
- Brownsville Township and the ten closest property owners were notified. No comments were received.

Chairman Burns asked if the Ramsay's had anything to add. Jamin Ramsay indicated the proposed house location is due to existing power lines that cannot be moved.

Aaron Lacher said variance requests for the Ramsay's were approved earlier in the evening.

Dan Griffin asked what their timeframe was for building. Jamin said they would like to start as soon as possible.

Dan Griffin asked what the current building is being used for. Jamin said it's a garage that has living quarters in it, like a cabin. Aaron Lacher talked about the

transition options from the recreational use to the Ramsay's building a new dwelling. The current building would be used as a garage/storage to include a septic holding tank.

Bob Burns asked about the existing driveway. The driveway is on another parcel the Ramsay's own, they plan to bring the slope of the driveway into compliance.

Dan Griffin clarified that a holding tank will be installed for the garage and a septic system for the new dwelling. Jamin indicated that was correct.

Rich Schild asked if the holding tank would have a pumping contract. Aaron Lacher said they are required.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Ed Hammell made a motion to accept the findings as presented. Rich Schild seconded. Motion carried.

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: The Comprehensive Plan provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

2. That the applicant demonstrates a need for the proposed use.

Analysis: A CUP is needed to build a dwelling on less than 40 acres.

3. That the proposed use will not degrade the water quality of the County.

Analysis: Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: No impact is anticipated. An Erosion Control Plan will oversee the construction process, and cover post-construction drainage.

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: Soils class permit a non-farm dwelling. Soil borings will be needed to determine suitability for septic system. Site work may be needed to ensure access drive does not exceed 12% slopes.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: A Driveway Access Permit, Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known that would prevent these permits from being issued.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: No effect is anticipated.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: Proposal conforms to the County's one per quarter quarter development protocol.

12. That adequate measures have been or will be 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.

Analysis: NA

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: The proposal will not negatively affect the public's health, safety, morals, and general welfare.

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

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application based on:

1. *The Permittee shall comply with all federal, state, and local laws and regulations.*
2. *Existing building be brought into compliance with the Ordinance.*
3. *Septic system for existing building be brought into compliance with the Ordinance prior to issuance of zoning permit.*
4. *Driveway must meet requirements of the Ordinance.*

Justin Zmyewski 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 2, 2017.

Notice of Public Hearing No. 870 was read. **Darin Meyer/De-Su Holsteins**, 1286 Oriole Drive, New Albin, IA 52160 is seeking a conditional use permit to expand a feedlot from 147.8 animal units (a.u.) to 553.7 a.u., consisting of dairy cattle and to build a manure storage structure with a capacity over 20,000 gallons in Section 28 of Spring Grove Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The site is an existing farmstead in Spring Grove Township recently purchased by the Petitioner consisting of the following components: 1) Existing 105' x 130' free stall barn; 2) Existing 75' x 125' concrete manure storage; 3) Existing 50' x 71' barn; 4) Existing 35' x 120' milking parlor and holding area.
- The site is currently registered at 147.8 animal units (AU), however there are currently no animals onsite; the proposal would increase AU to 553.2 AU. The proposed manure storage structure would have an approximate capacity of four million gallon. The species is dairy cows and calves. The Proposer is seeking the necessary variances for the location of the proposed infrastructure concurrently. In addition, state feedlot rules will require the proposer to obtain a permit prior to construction. Specific engineering standards must be met before this permit will be issued. The proposer has elected to pursue the approvals needed from the County prior to beginning the state feedlot program permitting process.
- A feedlot compliance inspection was conducted by SWCD staff on 3/23/2017. The site was determined to be in compliance with state feedlot rules.
- The farm is located on four contiguous parcels totaling 280 acres. There are no water features mapped on the site. A grassed waterway drains storm water from the Southwest to the Northeast. Soils are a silt loam with slopes ranging from 1-6%; the soil survey estimates greater than 6' to water table. A more detailed soils analysis is required when applying for the feedlot permit for manure storage, and the applicant will begin this process should the County grant the variance and CUP. Drainage is to the northeast, and a grassed waterway is located with the southeast corner of the proposed pit.

Neighbors: A dwelling is located on the south end of the adjacent property to the north. A variance from the required setback from this dwelling of 875' was granted in 2015 in conjunction with a proposed expansion, however the expansion never occurred. Currently, the milking parlor and holding area is 445' the neighboring dwelling, which is permissible under the 2015 variance. Under the proposal, the free stall barn would be located 205' from the neighboring dwelling and the manure pit would be located 563' from the neighboring dwelling.

Wells: The proposed lot is approximately 150' from the existing well. The area is not located in a Drinking Water Supply Management Area.

Water Usage: According to a University of Michigan study published in 2010, dairy cows require 29.9 gallons of water per day (consumption and wastewater). The proposal is to increase to 553.2 animal units. Assuming only dairy cows, this would equal 395 cows ($553.2/1.4=395$). Using the U of M estimate, 395 cows would require 11,810.5 gallons of water daily or 4.3 million gallons annually. A water use (appropriation) permit from DNR Waters is required for all users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year.

Odor: Minnesota ambient air quality standards establish maximums for various air pollutants emitted by an activity. The MPCA tests air quality if a complaint is registered. Samples are taken on property boundaries, or on public space such as a road. The maximum acceptable level of Hydrogen sulfide is established. Levels vary according to site management (bedding type, crust on manure pit). There are a limited number of day exemptions afforded sites, which are typically used when emptying pits.

The Odor from Feedlot Setback Estimation Tool (OFFSET) estimates the current annoyance-free frequency for the nearest neighbor at 92%. The project as proposed would result in an annoyance-free frequency for the nearest neighbor of 82%. OFFSET uses average emissions of hydrogen sulfide and ammonia to compute this figure. Many factors contribute to a feedlot's effect on air quality; proper management is perhaps the most critical.

Prevailing Winds: Staff contacted the National Weather Service office in La Crosse regarding prevailing winds. Generally, in southeastern Minnesota, winds are out of the northwest in the winter and south in the summer. Local topography can cause variations, often channelizing winds within valleys. Specific data is not available for the City of Houston. Data collection sites are located in Preston, Winona, and Rochester. Data in the form of wind roses for these sites are included that chart historical wind data over decades. The two nearest houses are to the northwest and north, approximately 200' and 2000' respectively.

Karst: Two sinkholes are mapped near the site; one located approximately 865' southwest of the manure pit and the second located approximately 260' south of the proposed free stall barn. This second sinkhole, a 4' diameter by 12' deep sinkhole, was mapped in November of 2013 by the DNR. The next nearest mapped sinkhole is approximately 3500' east. New feedlots cannot be located within 300' of a sinkhole. Manure storage is prohibited in areas where four sinkholes are present within a 1000' of the proposed site.

A full Karst review is part of the state feedlot permitting process. However, the encroachment of the free stall barn as currently proposed may prevent the issuance of a feedlot construction permit

- Spring Grove Township and the ten nearest property owners were notified. Comments were received from an adjacent township regarding concerns over manure application, nitrate levels in groundwater, and water use. Comments were received from members of the public regarding concern about potential odors and potential contamination of ground water.

Chairman Burns asked Darin Meyer if he had anything to add. Darin explained the layout of the proposed free stall building, the proposed manure pit and the conversion of the existing buildings. They no longer milk cows at this location.

Dan Griffin asked what the dimensions were for the new barn. Darin said it is 112' x 392'.

Dan Griffin asked what direction the runoff from the new barn would be directed. Darin said it would go to the north and south.

Dan Griffin asked how close they are to bedrock at the location. Darin thought it would be 20 plus feet to bedrock.

Dan Griffin asked if they may be able to move the pit more to the south. Darin said they are not able to due to the sinkhole concerns.

Dan Griffin asked if they may be able to move the pit more to the east. Darin said they are not able to because the elevation rises.

Jim Wieser asked if the old farmstead runoff would be draining under the new building to the waterway by the road. Darin said that was correct. Bob Burns said there would be additional water volume, but will drain underneath the building.

Darin Meyer stated the proposed manure pit would be 100% contained.

Bob Burns asked if the manure pit would be elevated to the east. Darin said the elevation of the manure pit will be the same as the east end of the barn. Some of the concrete will be above ground on the east end.

Rich Schild asked if there are engineering plans in place. Aaron Lacher said Darin is seeking the county permits first and then getting additional permits after.

Dan Griffin asked if Darin needed an MPCA water usage permit. Darin said he does.

Bob Burns asked if there will be a karst review also. Aaron Lacher said he is researching options with the new sinkhole concern.

Rich Schild wondered what the chances were of a sinkhole developing underneath the new pit.

Dan Griffin believes sinkholes have a better chance of developing in waterways because there is saturation. He also thinks an onsite visit is necessary because it is part of the ordinance.

Chairman Burns asked if anyone wanted to speak.

Richard Storlie, neighbor to the north spoke. He is concerned about groundwater and that the manure pit will be close to the township road.

Dean Meyer spoke. He reviewed statistics and figures on the importance of dairy farming for the local economy. He stressed the importance of using manure on fields versus commercial fertilizer. He said we need to take a look at the good that farmer's do versus always hearing the criticisms of what is bad.

Dan Griffin said we can all agree the dairy industry is important. The planning commission just needs to look at the site and what the potential effects may be.

Dan Griffin asked what the pit capacity of the manure pit would be. Darin said it is 4.6 million gallons with a 14-15 month capacity. Dan asked where the manure is hauled to. Darin said it's mostly on their land that is close by, they have 500 plus acres. They will be hauling on the roads as needed.

Jim Wieser made a motion to table the hearing. Justin Zmyewski seconded. Motion carried.

Notice of Public Hearing No. 871 was read. **Darin Meyer/De-Su Holsteins**, 1286 Oriole Drive, New Albin, IA 52160 is seeking a conditional use permit to expand a feedlot from 550 a.u. to 774 a.u., consisting of dairy cattle in Section 4 of Wilmington Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner is seeking a Conditional Use Permit expansion of a feedlot that will accommodate 300 or more animal units (AU).
- The site is an existing farmstead in Wilmington Township consisting of the following components: 1) Existing 108' x 232' freestall barn; 2) Existing 116' x 232' freestall barn; 3) Existing freestall barn; 4) Existing double 6 parlor and holding pen; 5) Existing 30' x 30' barn; 6) Existing slurry store; 7) Existing 180' x 180' x 12' concrete manure storage basin (2,908,425 gals); 8) Existing 80' x 80' x 6' concrete manure storage basin; 9) Proposed 108 x 244 freestall barn;
- The site is currently registered at 550 AU; the proposal would increase to 774 AU. The species is dairy cattle. In addition to a CUP, a state feedlot construction short-form permit will be required prior.
- A feedlot compliance inspection was conducted by SWCD staff on 3/23/2017. The site was determined to be in compliance, however there were concerns about manure management, particularly increases in Phosphorus levels over time and application of nitrogen exceeding state guidelines.
- The farm is located on 6 contiguous parcels totaling approximately 420 acres. There are no water features mapped on the parcel where construction is proposed. Intermittent streams are mapped on the contiguous parcels in four locations, the nearest to the proposed barn being approximately 2000' to the north.
- Soils are class IV and sandy with slopes to 6%. A more detailed soils analysis is required when applying for the feedlot permit. The barn will utilize an existing manure storage in conjunction with an existing barn. Because an extensive soils investigation was done when the existing pit was permitted, it is anticipated that conditions are suitable for the construction of the proposed barn. Nonetheless, a formal review process is needed prior to the issuance of the feedlot construction permit. Drainage is to the southeast and then the northeast.

Neighbors: The nearest neighbor is located approximately 1700' to the west. A second home is approximately 2200' northeast.

Wells: A well is located 400'+ to the north.

Water Usage: According to a University of Michigan study published in 2010, dairy cows require 29.9 gallons of water per day (consumption and wastewater). The proposal is to increase to 774 animal units. Assuming only dairy cows, this would equal 395 cows ($774/1.4=552$). Using the U of M estimate, 552 cows would require 16,504.8 gallons of water daily or 6 million gallons annually. A water use (appropriation) permit from DNR Waters is required for all users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year.

Odor: Minnesota ambient air quality standards establish maximums for various air pollutants emitted by an activity. The MPCA tests air quality if a complaint is registered. Samples are taken on property boundaries, or on public space such as a road. The maximum acceptable level of Hydrogen sulfide is established. Levels vary according to site management (bedding type, crust on manure pit). There are a limited number of day exemptions afforded sites, which are typically used when emptying pits.

The Odor from Feedlot Setback Estimation Tool (OFFSET) estimates the current annoyance-free frequency for the nearest neighbor at 96%. The project as proposed would result in an annoyance-free frequency for the nearest neighbor of 95%. OFFSET uses average emissions of hydrogen sulfide and ammonia to compute this figure. Many factors contribute to a feedlot's effect on air quality; proper management is perhaps the most critical.

Prevailing Winds: Staff contacted the National Weather Service office in La Crosse regarding prevailing winds. Generally, in southeastern Minnesota, winds are out of the northwest in the winter and south in the summer. Local topography can cause variations, often channelizing winds within valleys. Specific data is not available for the City of Houston. Data collection sites are located in Preston, Winona, and Rochester. Data in the form of wind roses for these sites are included that chart historical wind data over decades. The nearest neighbor is located approximately 1700' to the west. A second home is approximately 2200' northeast.

Karst: There are no mapped karst features on the properties.

- Wilmington Township and the ten nearest property owners were notified. Comments were received from an adjacent township regarding concerns over manure application, nitrate levels in groundwater, and water use.

Chairman Burns asked Darin Meyer if he had anything to add. Darin explained the proposed free stall building will be 108' x 244' and will have 160 stalls.

Dan Griffin asked if they used sand for bedding. Darin said they did.

Dan Griffin asked how often they pump the manure pit. Darin said they pump in spring and fall, but there is still plenty of storage left.

Bob Burns asked where the manure is spread. Darin said the vast majority goes on the land they own nearby and goes by dragline.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Dan Griffin made a motion to accept the findings as presented. Rich Schild seconded. Motion carried.

The Conditional Use Findings were read and comments made as follows.

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: Support for commercial agriculture is an undergirding principal of the comprehensive plan. 0100.0502 subd. 1 (1) states that commercial agriculture should be promoted as a “permanent land use and as a significant economic activity in the County.”

2. That the applicant demonstrates a need for the proposed use.

Analysis: The expansion as proposed requires the requested CUPS.

3. That the proposed use will not degrade the water quality of the County.

Analysis: All runoff from the barn will go into the existing manure pit. Provided proper manure management and application rates, no water quality degradation is anticipated.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: Sandy soils at the site provide adequate absorption.

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: As part of the feedlot application process, separation from bedrock will be determined and standard must be met in order to proceed. Because permits have been previously issued for manure storage immediately adjacent to the proposed building site, it is expected conditions are suitable for construction of a barn.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: Proper manure management mitigates potential hazards. A manure management plan will be required as part of the necessary feedlot permitting.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: Adequate drainage exists at the site. If a water withdraw permit is needed, he would get one.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: All neighboring houses are beyond the required setback. The proposal is not anticipated to have any significant impact on neighbors.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: The proposed use is consistent with typical agricultural uses in the district.

12. That adequate measures have been or will be 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.

Analysis: The primary consideration is odor. The OFFSET model predicts and 1% change at the nearest property, from 96% to 95%. This is acceptable within an agricultural district.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: The proposal is not anticipated to affect the public's health, safety, morals, and general welfare.

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

Dan Griffin made the motion to recommend the Houston County Board approve the Conditional Use application based on:

1. *The Permittee shall comply with all federal, state, and local laws and regulations.*
2. *The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing construction.*

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, May 2, 2017.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

- 4540 Kevin and Anne Kappauf – Mound Prairie Township
Build house (34' x 48') garage (30' x 38') porch (48' x 8') deck (34' x 8')
- 4541 Thomas Hoscheit – Mayville Township
Build kitchen and office addition (16' x 38')
- 4542 Randy King – Sheldon Township
Build shop addition on house (36' x 66') and (24' x 24')
- 4543 Irvin Schansberg – Caledonia Township
Build storage building (40' x 60')
- 4544 Brian Lynch – Mound Prairie Township
Build lean-to (14' x 56')
- 4545 Linda Marks – Houston Township
Build garage (24' x 30')
- 4546 Jon Kochie – Union Township
Build garage (34' x 34') breezeway addition (10' x 37') porch (6' x 32')
- 4547 Robert Witt – Mound Prairie Township
Build house (32' x 36') garage (32' x 34') porch (8' x 80') - (*Variance #309*)
- 4548 Richie Meiners – Winnebago Township
Build pole shed (80' x 132')
- 4549 Kathryn Overland – Black Hammer Township
Build deck (12' x 16')
- 4550 Leonard Jr. and Holly Wieser – Sheldon Township
Build dwelling and wrap around porch (15' x 36')

Jim Wieser made the motion to approve the minutes of March 23, 2017. Larry Hafner seconded. Motion carried.

OTHER BUSINESS:

Justin Zmyewski made the motion to adjourn the meeting. Jim Wieser seconded. Motion carried.

Submitted by Planning Commission Clerk on April 21, 2017.

Houston County Planning Commission
August 24, 2017

Approved on September 28, 2017 by Ed Hammell and Dan Griffin

The Houston County Planning Commission met at 7:00 p.m. on Thursday, August 24, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Justin Zmyewski, County Commissioner was present.

Notice of Public Hearing No. 873 was read. **Steve Halvorson**, 19059 State 16, Houston, MN 55943 is seeking a conditional use permit to have a dwelling on less than 40 acres in an agricultural district in Section 35 of Houston Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The petitioner is seeking a CUP for a Non-Farm Dwelling needed to return his parcel to compliance with the Zoning Ordinance.
- A CUP is needed to cure a nonconformity created by an illegal split. The petitioner's house currently sits on an 8.5 acre parcel. A permit for the existing home could not be located; Assessor's records indicate that the house was built in 1975. The ordinance adopted in 1973 required a CUP for Non-Farm Dwelling. For the purposes of this report, it is assumed that the house was constructed with a permit for a farm dwelling as CUPs are recorded documents and there is no CUP for a non-farm dwelling recorded to this property.
- The 1973 Zoning Ordinance defined a farm as 10 acres. The house was built on an 80 acre parcel in 1975. Four years later, in 1979, the property was split and approximately 70 acres were sold; two parcels were retained by the then-owners including the 8.5 acre parcel in question. 8.5 acres does not satisfy the current or historic requirements of a farm (10 acres in 1979), thus a CUP is needed.
- Changes to the ordinance in 2016 allowed some houses permitted as farm dwellings that are involved in splits resulting in insufficient acreage to continue as permitted uses if ten years separate the house construction from the parcel split. This exemption does not apply in this case because less than ten years had passed at the time of the split.
- The parcel consists of 8.5 acres. A home and accessory buildings have been present since 1975. The house is located on slopes of approximately 10%, with steeper slopes up to 45% present in other areas of parcel. Access is via off of State 16 west of Houston, with 800' of owned frontage. The house is located on class VI soils. The property is outside of the floodplain and no water features are present.
- There are two dwellings in the quarter quarter section. The ordinance in effect in 1975 was adopted in 1973. The 1973 ordinance did not contain a density limitation of one house per quarter-quarter (this was incorporated in 1982). A 2004 permit allowed for the replacement of the second other dwelling in the quarter quarter, and could be properly considered the continuation of a legal non-conforming use.
- A feedlot is located 1120' east of the existing home. The feedlot is registered at 42 A.U., below the threshold at which registration is required. At the time the home was constructed in 1975, there was

no required setback from a feedlot. The current ordinance applies a ¼ mile setback from feedlots for new dwellings. Because the dwelling in question is not a new dwelling, the feedlot setback does not apply in this instance.

- Houston Township and the ten nearest property owners were notified. Questions were received from a township official that did was not in support or opposition to the proposal. No comments were received from the public

Chairman Burns asked if Steve Halvorson had anything to add. Steve said he is willing to do what he needs to in order to build the pole building he would like to build. He is still wondering why this affects him because the split happened with the previous owner(s).

Dan Griffin said they had checked with the Register of Deeds to prevent situations like this from happening, but they would be holding up the land transfer process.

Aaron Lacher said we aren't able to hold up land transfers with the Register of Deeds by the time it gets to the courthouse. There needs to be contact with attorneys, realtors, lending institutions and surveyors to prevent this from continually happening.

Steve Halvorson said when they bought the house it would have been nice to know during the title search that there was an issue.

Larry Hafner wondered how this would not be included in a title search. How does this even happen.

Aaron Lacher said there are hopes in correcting this problem by sending letters out to attorneys, realtors, lending institutions and surveyors working with Houston County land transfers.

There was general discussion on getting the word out that Houston County zoning requirements need to be followed on all property sales.

Eric Johnson, Houston Township board member, thought it seemed unfair that Steve had to go through a conditional use process since the land had transferred two times prior to Steve owning it. The house was built in 1975.

Aaron Lacher said Steve needs a conditional use permit to rectify the issue so he can then build his pole building.

Dan Griffin said there should have been a conditional use permit done at the time it was split years ago, but it didn't happen.

Rich Schild stated that this will now be corrected, should Steve ever sell the property.

Jim Wieser asked about the second house that was built in the same quarter quarter. Aaron Lacher said it was a replacement home.

Chairman Burns asked if anyone wished to speak.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Larry Hafner made a motion to accept the findings as presented. Ed Hammell seconded. Motion carried.

Section 0110.1105 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: In considering this, one should properly consider the fact that the dwelling is already built and has existed for 42 years. Considerable changes have occurred in the official controls in effect, and the administration of official controls during this time—this needs to be recognized.

The site satisfies current performance standards and is in harmony with the comprehensive plan insofar as it 1) is located on marginal agricultural soil (0100.0501 subd. 2 policy 2) and, 2) is suitable for and serviced by an SSTS system (0100.0501 subd. 2 policy 9).

2. That the applicant demonstrates a need for the proposed use.

Analysis: The dwelling exists. The petitioner needs the CUP to return the parcel to compliance, making it eligible for future permits.

3. That the proposed use will not degrade the water quality of the County.

Analysis: No change is anticipated.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: No change is anticipated

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: The dwelling is located on class VI soils.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: NA

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: All necessary utilities are in place.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: NA

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: No changes are anticipated.

12. That adequate measures have been or will be 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.

Analysis: NA

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: The house was constructed prior to the implementation of density limitations. The request is not to add a new dwelling, but rather to bring an existing dwelling into compliance. The comprehensive plan states that implementation methods must be reasonable and balance individual and public interests (0100.0511 subd. 1 strategy 1)

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: A site visit yielded no observed threats to the aforementioned considerations; there are no known records of complaints or violations for this parcel that pose a threat of the aforementioned considerations.

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

1. The Permittee shall comply with all federal, state, and local laws and regulations.

Justin Zmyewski 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 5, 2017.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

- | | |
|------|---|
| 4561 | Jason Schroeder – Wilmington Township
Build grain bin (42,000 bushels) and move existing grain bin |
| 4562 | William Jr. and Heather Abrahamzon – Jefferson Township
Build house (24' x 45') pole barn (24' x 48') utility shed (12' x 18') |
| 4563 | Robert and Georgia Von Arx – Union Township
Build house (62' x 38') garage (39' x 23') sun room (16' x 14') deck (14' x 38') |
| 4564 | Dean and Tammy Twite – Mound Prairie Township
Build pole shed (36' x 54') |
| 4565 | Shawn and Chelsey Senn – Jefferson Township
Build house (36' x 44') garage (30' x 30') deck (16' x 12')
(CUP #391) |
| 4566 | Jeff and Tina Beckman – Houston Township
Build quonset building (30' x 30') |
| 4567 | Josh and Cindy Staggemeyer – Caledonia Township
Build house (52' x 40') garage (40' x 34') |
| 4568 | Dustin Lange – Caledonia Township
Build garage (40' x 40') |
| 4569 | Jeremy and Erin Bauer – Winnebago Township
Build attached garage (26' x 32') |
| 4570 | Kevin Olerud – Spring Grove Township
Build addition/breezeway (12' x 20') |
| 4571 | Chris Lee – Money Creek Township
Build deck (12' x 16' and 12' x 26') |
| 4572 | Charles Little – Houston Township
Build pole barn (24' x 40') |
| 4573 | Gordon and Doris Klankowski – Caledonia Township
Build addition (24' x 32') porch (4' x 8') |

- 4574 Greg and Liz Myhre – Wilmington Township
Install mobile home (16' x 68') garage (30' x 30')
- 4575 Ronnie Holte – Black Hammer Township
Build addition (14' x 28')
- 4576 Jamin and Nicole Ramsay – Brownsville Township
Build house (37' x 49') garage (24' x 26') deck (8' x 37')
(CUP #390, Variance #314)
- 4577 Brent and April Carrier – Houston Township
Build house w/attached garage (34' x 76') change use of existing shed to accessory building
- 4578 De-Su Holsteins LLC – Wilmington Township
Build freestall barn (108' x 244')
(CUP #392)
- 4579 W. Ben Johnson – Crooked Creek Township
Build house (14' x 28')
- 4580 George Mauss – Jefferson Township
Build storage shed (40' x 60')
- 4581 Mike and Cindy Bolduan – Union Township
Build ag pole building (56' x 144')
- 4582 Nicholas Hoscheit – Caledonia Township
Replace house (28' x 58')
- 4583 Travis and Naaren Kingsley – Sheldon Township
Build house (60' x 72')
- 4584 William and Sharon Budd – Hokah Township
Build garage (30' x 28')
- 4585 Nancy and Dave Beier – Hokah Township
Build deck on shed (36' x 30')
- 4586 Kevin Schoepel – Yucatan Township
Build shed (30' x 40')
- 4587 Tom Molling – Mayville Township
Replace pole shed due to wind damage (54' x 96')
- 4588 John and Julie Pogleasa – Jefferson Township
Build house (30' x 58') garage (30' x 25') unattached garage (24' x 36')
- 4589 Jared and Angela Solie – Spring Grove Township
Build addition (26' x 30')
- 4590 Robert Mann – Brownsville Township
Build addition on pole barn (20' x 7')
- 4591 Philip Augedahl – Mayville Township
Build living room addition (22' x 16')
- 4592 George and Joanne Griffin – Wilmington Township
Build house (36' x 36') deck (8' x 20')

4593	Michael and Kathleen Tostenson – Houston Township Build addition (25' x 22')
4594	Richard Amundson – Wilmington Township Build grain bin (25,000 bushels)
4595	Earl Emerick – Houston Township Build storage shed (14' x 20')
4596	Michael and Nancy Gulbranson – Spring Grove Township Build double bar garage (26' x 28')
4597	Dennis Gavin – Sheldon Township Build shed/shop (64' x 72')
4598	Charles and Deborah Wray – Winnebago Township Build sheep barn/hay/equipment storage (60' x 104')
4599	Mark Davidson – Money Creek Township Build open structure pavilion (24' x 40')

Jim Wieser made the motion to approve the minutes of May 18, 2017. Rich Schild seconded. Motion carried.

OTHER BUSINESS:

Aaron Lacher briefly discussed an issue that a property owner has. Grant Olson has an old house on one of his farms. He would like to take down the old house, as it's become a hazard. He doesn't want to rebuild it right away and would like to reserve the right to rebuild it in the future. A split occurred in 1975 with a CUP, then in 2002 it went to 1 house per ¼ ¼. Aaron was looking for direction on how to handle this situation under the current zoning rules. Dan Griffin asked if the house was vacant or being lived in. Aaron was unsure but believed it had been occupied (rented) in the recent past. Justin Zmyewski stated he has talked to Grant about this. The house is old and has become a hazard. His concern is he doesn't want to rebuild right now, but he doesn't want to lose his right to rebuild later. Dan Griffin stated the density issue and occupancy issue are what need to be addressed.

Public Meeting on Proposed Amendments to the Houston County Zoning Ordinance

1. Section 12 – Board of Adjustment
 - a. Amend the Findings Required for a variance
2. Section 22 – Shoreland Zoning District
 - a. Amend based on updated State of Minnesota model
3. Section 24 – Riparian Buffer District
 - a. Add riparian buffer requirements pursuant to the State of Minnesota Buffer Law

There was general discussion on all proposed amendments. Each section was reviewed but no action was taken and will be discussed again at the next meeting after further clarity.

Dan Griffin made the motion to adjourn the meeting. Larry Hafner seconded. Motion carried.

Submitted by Planning Commission Clerk on August 25, 2017.

Houston County Planning Commission
November 16, 2017

Approved on December 21, 2017 by Jim Wieser and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, November 16, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Members present were Bob Burns, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. Daniel Griffin was absent. Justin Zmyewski, County Commissioner was absent.

Notice of Public Hearing No. 877 was read. **Thomas Sawle**, 17082 County 12, Caledonia, MN 55921 is seeking a conditional use permit to site a cabin in an agricultural district in Section 19 of Caledonia Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner seeks a conditional use permit to site a cabin in an agricultural district.
- The 15' x 25' cabin was built some time ago and has been staged to the north of the proposed site while for sale. The petitioner will no longer be actively selling the cabin and would now like to properly permit it in a permanent location. The petitioner indicates that the cabin satisfies the ordinance above criteria.
- The proposed site is flat (<3%) in an existing farmyard and outside of the floodplain. All property line and road setbacks are met. Petitioner owns the entire quarter quarter section, and this would be the only cabin in the quarter quarter.
- Caledonia Township and the ten closest property owners were notified. No comments were received.

Chairman Burns asked if Tom Sawle had anything to add. Tom said he was agreeable to the requirements of having a cabin. It is currently on skids and still for sale if anyone wanted to buy it. He plans to use it in the time being.

Ed Hammell asked if the cabin would be moved from where it is located now. Tom said it would be relocated behind his home.

Larry Hafner asked what it would be used for. Tom said they have friends that hunt that may stay in it. They have solar panels hooked up for temporary electricity.

Bob Burns asked how old the cabin is. Tom said he started building it last year and at the time he wasn't sure what he was going to do with it.

Jim Wieser asked if the inside of the cabin was finished. Tom indicated it was.

Chairman Burns asked if anyone wished to speak.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Larry Hafner made a motion to accept the findings as presented. Jim Wieser seconded. Motion carried.

Section 0110.1105 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: The Land Use Plan seeks to protect agricultural land and natural resources such as streams, bluffs, and forests. The proposed location in an existing farmyard is consistent with these goals.

2. That the applicant demonstrates a need for the proposed use.

Analysis: A CUP is needed for the placement of a cabin.

3. That the proposed use will not degrade the water quality of the County.

Analysis: NA

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: NA

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: Not placed on active agricultural land. Flat site.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: NA

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: Proposed site is located in existing farmstead and will utilize existing access. No utilities are necessary.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

- 10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: NA

- 11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: One cabin is allowed per quarter quarter; Petitioner owns entire quarter quarter and this will be the only cabin.

- 12. That adequate measures have been or will be 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.

Analysis: NA

- 13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: NA

- 14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

- 15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: No impact on the public's health, safety, morals, and general welfare is anticipated.

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

1. The Permittee shall comply with all federal, state, and local laws and regulations

Jim Wieser 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 28, 2017.

Notice of Public Hearing No. 878 was read. **William and Karen Kohlmeyer**, 905 Main Street, Brownsville, MN 55919 (applicants) and Wayne Houdek, 12858 Malay Road, Caledonia, MN 55921 (co-applicant) are seeking a conditional use permit

to build a dwelling on less than 40 acres in an agricultural district in Section 1 of Mayville Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioners request a CUP for a single family non-farm dwelling.
- A split of PID # 09.0001.000 is proposed that would create a new 9.12 acre parcel. The current owners, Wayne and Kris Houdek, are co-applicants. A survey of the proposed parcel was completed.
- Note that while an approximate location has been discussed, the precise location of the house is yet to be determined. The CUP being sought merely allows the applicant to apply for a zoning permit, and a zoning permit will only be granted when all performance standards are met. The following analysis considers the site's ability to meet the criteria.
- The proposed parcel is located in two quarter quarter sections, one of which has no current dwellings and the other which has a trailer house within the proposed parcel that will be removed. Property lines have been drawn with setback requirements in mind. An existing shed on the east side of the property is approximately 46' off the centerline of the road and property line. This line is not being altered by the proposed split; historic photographs show the building in 1991, the earliest images available, the building is assumed to be a non-conforming structure. Feedlot, mine, and bluff setbacks can all be met.
- The proposed parcel is comprised of approximately 40% class III or better soils. Suitable building sites are available on class IV soils. Within the class IV soils, slopes are 11-12%. The estimated driveway slope is 4%. An established driveway provides access from Raymond Rd, where there is approximately 75' of owned frontage. Suitable sites for multiple septic exist on the 9+ acres. The site does not have any areas considered floodplain; a small pond is located to the west of the proposed site.
- Mayville Township and the ten nearest property owners were contacted. No comments were received.

Chairman Burns asked if the Kohlmeyer's had anything to add. They did not.

Bob Burns clarified that the conditional use permit would only be granted if the Kohlmeyer's purchased the land. Aaron Lacher indicated it would be valid only if the Kohlmeyer's purchased the land.

Rich Schild asked if the mobile home that is currently there was theirs. The Kohlmeyer's indicated it was not theirs. Aaron Lacher indicated it was Wayne Houdek's trailer and he currently uses it for farm help.

Jim Wieser asked if there used to be a house on the property prior to the trailer. Bill Kohlmeyer indicated there was. When they build they want to be farther back off the road.

Bob Burns clarified that the proposed dwelling would be the only dwelling in the $\frac{1}{4}$ $\frac{1}{4}$ section and that there were no feedlot proximity concerns. Aaron Lacher indicated both were correct.

Jim Wieser asked for clarification on the soil mapping aerial and whether the boundary line went all the way to the township road. Aaron Lacher indicated the boundaries weren't exact on the mapping he created; it was to show soils, so it is not the actual surveyed lines of the parcel.

Ed Giblin expressed support for the the Kohlmeyer's building a new home. It was his home place.

Chairman Burns asked if anyone wished to speak.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Larry Hafner made a motion to accept the findings as presented. Ed Hammell seconded. Motion carried.

Section 0110.1105 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: The proposal is in line with the density limitation and soil restrictions. The proposal makes use of an existing site.

2. That the applicant demonstrates a need for the proposed use.

Analysis: A CUP is needed to build a dwelling on less than 40 acres.

3. That the proposed use will not degrade the water quality of the County.

Analysis: Septic is a potential pollution source. The Petitioner will be required to comply with State Septic regulations, thus negating the pollution threat. No other threats are known.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: No impact is anticipated. An Erosion Control Plan will oversee the construction process, and cover post-construction drainage.

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: Soil class allows a non-farm dwelling. Slopes are within the required parameters for a structure and a driveway.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: NA

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: A driveway is established. The site currently has power and a well. A Septic Permit will be required prior to building.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: No effect is anticipated.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: Proposal conforms to the County's one per quarter quarter development protocol.

12. That adequate measures have been or will be 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.

Analysis: NA

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis:

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: Proposal conforms to the County's one per quarter quarter development protocol.

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: The proposal will not negatively affect the public's health, safety, morals, and general welfare.

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

1. *The Permittee shall comply with all federal, state, and local laws and regulations.*
2. *The granting of the Conditional Use Permit is contingent on the split of parcel 09.0001.000 as described by the attached Certificate of Survey, certified by Geoffrey Griffin, License No. 21940, on July 28, 2017, AND that ownership of the property described in said survey by wholly or partially that of William or Karen Kohlmeyer.*

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, November 28, 2017.

Notice of Public Hearing No. 879 was read. **Tim Morken/Morken Farms LLC**, 15534 Rooster Valley Road, Spring Grove, MN 55974 is seeking to expand a feedlot from 281.8 animal units (a.u.) to 433 a.u., consisting of turkeys in Section 20 of Black Hammer Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioners request a CUP to expand an existing feedlot to more than 300 animal units.
- Petitioners propose to expand an existing feedlot consisting 22,000 turkeys, 17, beef calves, 20 beef cow calf pairs, and 2 feeder cattle (totaling 281.8 animal units) to 32,000 turkeys (totaling 433 animal units). The expansion would include a new 60' x 512' foot pole barn. In addition to a CUP, a state feedlot permit is needed for the project, and a state feedlot interim permit was issued on Sept. 29, 2017. As part of the feedlot permitting process, a geotechnical evaluation was undertaken and certified by a licensed engineer, who concluded that the proposal satisfied the technical requirements set forth in MN feedlot rules. This included certifying that acceptable soil types exist for the proposed dirt floor and that the soils have sufficient depth to provide safe separation from bedrock and the seasonal high water table.
- A feedlot compliance inspection was conducted in fall 2017, and noted concern about manure application record keeping and the locations of manure stockpiles and composting areas. The proposal includes new locations for stockpiles and composting, and the applicants are preparing a manure management plan as part of their feedlot permit requirements.
- As part of the compliance inspection, a MinnFarm model was run and indicated the site was compliant with state feedlot discharge standards.
- The site is an existing feedlot with numerous outbuildings. It is understood that the existing operation is 40+ years old. Judging from historic aerial photographs, the site was operated as a turkey farm as far back as at least 1991. The site has been registered as a feedlot since 2009. There is no permit history for any of the out buildings; however the permit requirement for ag buildings did not come into effect until 2004.
- The applicants have access to approximately 1200 own acres in Spring Grove and Black Hammer Townships, and rent an additional 800 acres. There are approximately 750 animal units on additional farms under their management, equating to a land mass to animal unit ratio of approximately 2000 acres/12,000 AU.
- OFFSET models were run for the current and proposed site. Annoyance-free frequencies for the nearest dwelling (1800 south) were estimated at 99% currently and 98% under the proposal.
- The site is on a 92 acre on the ridge accessed off of Rooster Valley Rd. acquired by Morken Farms in 2013. The nearest dwelling in a valley approximately 1/3 mile to the southeast. There are on

floodplains or public waters on the property. There are three small ponds. The barn is proposed on silt loam soils with slopes <3%. Setbacks from dwellings, property boundaries, roads, and wells are satisfied.

- Black Hammer Township and the ten closest property owners were notified. No comments were received.

Chairman Burns asked if Tim Morken had anything to add. Tim said Aaron covered everything well and he was open to questions.

Ed Hammell asked if the old barn was coming down and a new one going up. Tim indicated nothing would be taken down; they are expanding and building a new barn.

Rich Schild asked how long the manure is composted. Tim said some manure is mixed with compost for approximately a year and then it is spread. They generally do a clean out in the fall and spread to incorporate it.

Bob Burns asked if there was an aging process necessary for the manure/compost. Tim said no. Aaron Lacher clarified that the compost area is stored under roof, the manure is not. The compost area does have some manure and wood mixed in and there are temperature specifications since carcasses are within the compost.

Jim Wieser asked about the life cycle of the turkey. Are new chicks brought into a clean barn and how long are they there. Tim indicated the chicks are brought into a clean barn. They start out in the brooder barn for 8 weeks, then they are moved to the finishing barn until 18 weeks and then they are shipped out. The new proposed barn will always have new chicks.

Jim Wieser asked what weight the turkeys are when then are finished. Tim said approximately 32-35 pounds at 18 weeks.

Jim Wieser asked what the turkeys are labeled as, organic or free range. Tim said free range.

The manure stockpile location was discussed. Aaron Lacher indicated it can lay open; however, it will be necessary to have proper water diversion.

There was general discussion on the new building requirements and specifications. Aaron Lacher indicated that either Chosen Valley or RRSWCD will be monitoring the construction process and recording the data.

Animal units were reviewed for the new building. It will contain 32,000 turkeys. Finished turkeys are loaded my hand into the trucks and shipped to Marshall, MN.

Chairman Burns asked if anyone wished to speak.

Chairman Burns asked that the Findings be read if there were no additional questions or concerns.

Bob Burns made a motion to accept the findings as presented. Rich Schild seconded. Motion carried.

Section 0110.1105 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Analysis: The Land Use Plan calls for support of commercial agriculture. The proposal is for an expanded commercial agriculture enterprise.

2. That the applicant demonstrates a need for the proposed use.

Analysis: A CUP is needed for the expansion to occur.

3. That the proposed use will not degrade the water quality of the County.

Analysis: A geotechnical report has determined that the soils are sufficient to protect ground water under the animal containment areas. Land application of manure is regulated under M.R. 7020.

4. That the proposed use will not adversely increase the quantity of water runoff.

Analysis: Slopes at the proposed facility are gently. The locating the composting area under a roof will prevent potential runoff. Improving the manure stockpile design will also assist with this. Land application of manure is regulated under M.R. 7020.

5. That soil conditions are adequate to accommodate the proposed use.

Analysis: A geotechnical report has determined that the soils are sufficient for the proposal.

6. That potential pollution hazards been addressed and that standards have been met.

Analysis: An engineer has determined that the facility floor will meet the requirements of the N feedlot rules, including that there is adequate separation from bedrock and groundwater. The manure management plan required under the feedlot permit will address potential manure related hazards.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Analysis: The site is an existing farm with all required utilities and access roads in place. The site is flat allowing drainage to be properly managed.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Analysis: NA

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Analysis: NA

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Analysis: Adjacent land is wooded or in agricultural production. The nearest home is beyond the required ¼ mile setback.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Analysis: The site is in an agricultural district where commercial agricultural developments are expected.

12. That adequate measures have been or will be 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.

Analysis: Odor is the primary concern. OFFSET model suggest a 98% annoyance-free factor after the expansion.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Analysis: NA

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Analysis: NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Analysis: The proposal satisfies all required performance standards. The certified geotechnical report has indicated that soils are appropriate for the proposal.

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application based on:

1. *The Permittee shall comply with all federal, state, and local laws and regulations.*

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, November 28, 2017.

The following issued Zoning Permits, which met all requirements of the Houston County Zoning Ordinance, were provided:

- 4614 Aben Properties LLC – Caledonia Township
Build house (74' x 34') garage (36' x 28') porch (6' x 36') and (6' x 24') deck (24' x 12')
- 4615 Andrew Schauer – Jefferson Township
Build grain bin (3,500 bushels)
- 4616 Erik Brennan – Yucatan Township
Build pole barn (40' x 64')
- 4617 Scott and Joyce Onstad – Black Hammer Township
Install portable shed (16' x 24')
- 4618 Larry Kreibich – Hokah Township
Build pole barn (40' x 128') – no animals
- 4619 Alan Stankevitz – Mound Prairie Township
Build greenhouse (14' x 20')
- 4620 Jeff and Shannon Staggemeier – Wilmington Township
Build addition on house (28' x 16')
- 4621 Joshua and Jerry Dahl – Yucatan Township
Build heifer free stall barn (60' x 204')
- 4622 Leslie and Cindy Goetzinger – Crooked Creek Township
Build shed (30' x 40') – (*Variance Permit #317, CUP Permit #397*)
- 4623 Robert Klankowski – Spring Grove Township
Change use of pole building to dwelling – (*ZA Permit #139, CUP Permit #398*)
- 4624 Doug Heintz – Sheldon Township
Build lean-to on existing building (18' x 72') – (*CUP Permit #396*)
- 4625 Daniel Griffin – Wilmington Township
Build grain bins (4,500 and 7,000 bushels)
- 4626 Darin Meyer/De-Su Holsteins – Spring Grove Township
Build free stall barn (113'x 396') manure storage basin (144'x 260'x 12')
(*Variance Permit #315, CUP Permits #393 and #394*)
- 4627 Robert Ellenz – Caledonia Township
Build grain bin (5,000 bushels)
- 4628 Thomas and Elizabeth Choinski – Mound Prairie Township
Build storage shed (14' x 24')

Jim Wieser made the motion to approve the minutes of September 28, 2017. Larry Hafner seconded. Motion carried.

OTHER BUSINESS:

Larry Hafner made a motion to adjourn the meeting, Ed Hammell seconded. Motion carried.

Submitted by the Planning Commission Clerk on November 17, 2017.