

Houston County Planning Commission
December 21, 2017

Approved on February 15, 2018 by Jim Wieser and Ed Hammell

The Houston County Planning Commission met at 7:00 p.m. on Thursday, December 21, 2017. A summary of the meeting follows.

The meeting was called to order by Chairman Burns. Roll call was taken. 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.

The agenda was reviewed. Dan Griffin made the motion to accept the agenda. Rich Schild seconded. Motion carried.

The minutes from November 16, 2017 were reviewed. Jim Wieser made the motion to approve the minutes of November 16, 2017. Larry Hafner seconded. Motion carried.

Guidelines for the public hearing were reviewed.

At this time Justin Zmyewski made a motion to close the Planning Commission meeting. Rich Schild seconded. Motion carried.

Notice of Public Hearing No. 880 was read. **Skyline Materials, LTD**, 900 Montgomery Street, Decorah, IA 52101 is seeking a conditional use permit to do mineral extraction in an agricultural district in Section 8 and Section 5 of Winnebago Township. (Site location is 10159 County 5, Caledonia, MN 55921)

Chairman Burns asked if any member had a conflict of interest concerning this request. Ed Hammell indicated he would recuse himself from the final vote.

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 requests a Conditional Use Permit for mineral extraction in an Agricultural District.
- Skyline Materials inquired about a proposed expansion of the existing Winnebago Quarry to the east of C.R. 5 in late 2016. The quarry was being operated without a permit and was argued to be a legal nonconforming use. Rather than having Houston County make a decision on nonconforming status, Skyline chose to begin the process of seeking a permit for the site.
- The request covers a previously mined 6.4 acre area as well an additional 27.9 acres east of C.R. 5. Skyline completed a voluntary Environmental Assessment Worksheet (EAW), which the County found to be complete; a resolution of negative declaration on the need for an Environmental Impact Statement was subsequently approved.
- A driveway permit is necessary on the east side of C.R. 5. The current driveway was issued a temporary permit in 2010 that allow for temporary access from 9/8/10 to 7/1/11.
- Traffic count is 170 vehicles per day on C.R. 5 at the quarry location.

- A zoning violation letter was sent on 11-17-10 due to a violation of setback from a property line. As a result a variance of 27' was sought and granted on 3/10/11.
- A problematic area exists on the existing 150' high wall that is experiencing erosion. At the County's request, Skyline has undertaken efforts to halt future erosion and is monitoring the area. If more drastic measures are necessary, the expectation is that Skyline would implement them.
- In the fall of 2016, Skyline had stockpiled materials in a drainage way and in a location atop the quarry. Rains washed this material off site and deposited it on private and public property, resulting in a Notice of Violation being issued by the MPCA. Stockpiled materials have been relocated to areas outside of the drainage and berms have been improved on the site. Skyline has cleaned up the discharge on their property and has agreed to clean up the discharge on a portion of private property. If necessary, a condition could be added to a CUP requiring cleanup.
- A lengthy discussion of site characteristics is contained in the included EAW. (On file).
- Winnebago Township and the ten closest property owners were notified. Comments from property owners received were that Skyline trucks servicing the existing quarry drive too fast, create too much dust, and create congestion by staging along County 5.

Chairman Burns asked for comments from Skyline Materials. Jeremy Bril, project engineer, and Ron Fadness, general counsel, spoke for Skyline Materials.

Ron Fadness gave some background on the quarry. The original 40 acre parcel is separated in half by County Road 5. They recently purchased additional land and have included all acres in the conditional use application. The product that comes out of the quarry is limestone for use in local road and building construction in Houston County. There is no sand of any kind. The topography and terrain are similar to the west side.

Jeremy Bril detailed the aerial photo (B-9 in the packet on file). Of the 27.9 acres, Phase 1 contains 15.5 acres and Phase 2 contains 12.4 acres. A crushing operation will be set up in the existing quarry (west side). Eventually the crushing operation will be moved on the other side (east side) in approximately 2-5 years. It will take approximately 70 years to use the east side. The Phase 1 option is advantageous as they are moving away from residents of concern.

Dan Griffin asked how long they plan to use the west side. Ron Fadness said that area is about exhausted. It will take approximately 2 to 5 years to have things fully up and running on the east side.

Bob Burns asked about the anticipated stormwater flow in Phase 1A and Phase 1B. Jeremy Bril indicated that it depends on the amount of water they run into during development. The aerial photos (Figure B.12 and B.13) were discussed and the locations of potential detention ponds and storm water berms. Bob Burns asked if they are advised where these locations have been determined. Jeremy Bril indicated they automatically set up berms right away, but the potential detention ponds are not a definite, as they are not sure how much water will be coming down.

Dan Griffin questioned the traffic count of 170 vehicles using County 5 per day and 150 trucks also using County 5. He is wondering if there should be signs or flaggers during busy haul times. At what level does there need to be traffic control. Jeremy Bril said they can put up signs or have flaggers on the road.

Dan Griffin continued to ask how often they would have 150 trucks in use. Jeremy Bril said they typically crush 3 to 5 days, 2 to 3 times per year. There could be up to 15-25 trucks per day when not crushing.

Bob Burns asked if there was approval granted on the access road from the Highway Engineer. Jeremy Bril stated they would need to confirm that with the engineer. This is generally approved after a permit is granted.

Larry Hafner questioned if it is 75 round trips per day for a total of 150 trucks. This was confirmed and they would be sharing road for about 300 feet.

Dan Griffin questioned if the overburden will be brought over to the west side. Jeremy Bril said some will and some will remain for the berms on the east side.

Dan Griffin asked about the issues with the west wall in the old quarry. Jeremy Bril said it is rare that they run into a problem like that. They plan to stair step operations on the new proposed site and be proactive about it. There was general discussion on how the clay fissure could be fixed on the approximate 100 foot wall. Jeremy indicated there is silt fencing in place right now and overburden can be used.

Dan Griffin asked how much space is available on the west side for stock piling. Ron Fadness said approximately one-third to one-half of the area is available for stock piling.

Rich Schild asked if they have worked with a structural engineer on the clay fissure issue. Ron Fadness indicated they have talked to the DNR, MPCA and ASCS. Dan Griffin asked if Skyline had people in house who know how to take care of situations like this. Ron Fadness said this is not very common. Dan Griffin stressed the fact that this a weak area. Ron Fadness said this is a seventy plus year-old quarry and they have owned it for 8 years. Dan Griffin said the fissure should have been noticed some time ago, and there is concern that this does not occur on the east side. Ron Fadness said the east side will be benched as the quarry develops, so anything like this can be caught early.

Rich Schild expressed the concerns of sediment being washed into Winnebago Creek. Ron Fadness said most of that has been taken care of. They are working with MPCA and the County to work with landowners (Gaustads and Almos) to clean up the area. The landowners have to grant permission for them to access their land and they have not received permission yet.

Dan Griffin asked about Skyline's MPCA stormwater permit and what is in place at the existing quarry site. Ron Fadness said water should not leave site, if it does, then reporting has to be done. Jeremy Bril also said there are monthly inspections done; they need to have a stormwater retention plan. Jeremy also talked about what they have done to clean up the existing site. They have made several improvements and are keeping the water on site.

Bob Burns asked if MPCA actually approves any of the improvements they propose. Ron Fadness indicated they do not get a response from MPCA, rather they must tell MPCA what their plans are.

Larry Hafner asked what happens when there is a 7 or 10 year rain event. Do they know what is considered standard and how do they handle it. Jeremy Bril said they have asked MPCA what is considered standard and they do not know. Ron Fadness said MPCA says they will know when they see it, but they give no guidelines.

Dan Griffin said there doesn't appear to be a berm there. Jeremy Bril said there is a berm; he passed out some photos on the improvements they have done.

Aaron Lacher suggested they could possibly use some of the east side overburden to fix the west side erosion issues.

Rich Schild referred to comments from the neighbors saying trucks will go too fast and dust concerns. Ron Fadness said the trucks will be going from east to west and would be going 10-15 miles an hour. A water truck will be on hand for any dust control issues. Dan Griffin also suggested they could be some chloride down.

Aaron Lacher asked about the comment that trucks are staged on the road waiting to get in. Ron Fadness said this is not an issue he has heard about except for when an asphalt plant is actually running.

Jim Wieser asked if they plan to have a wash plant for concrete products. Ron Fadness indicated they would not because it would require another conditional use permit. Jim Wieser then referred to photo B-12 and the fact that they are very close to the west side property owners. Ron Fadness indicated the quarry is near the end of its useful life and that is why they wish to expand.

Chairman Burns asked for comments from adjacent property owners.

Diane Fields spoke. Her main concern is the west side of the quarry and that it is collapsing. A variance was granted in 2011 because the setback was violated. She has concerns there may be a well or cistern on the quarry property. The ordinance requires a reclamation plan and she worries about promises that aren't kept. They have had fly rock incidents and some rocks have been large. Fire service specialist, Bruce Roed, is who they contacted about the problem. He made suggestions to Skyline on how to stop fly rock incidents from happening. Skyline did clean it up, but this did not have to happen. She is wondering about the existing quarry when they say it is nearing the end. Why don't they take everything they can out of it. Lastly, she hopes the planning commission finds that the intensity of the proposed commercial or industrial development is greater than the intensity of the surrounding use from the agriculture protection district standpoint. She believes this is more of an industrial project. She is very concerned that her property value will go down due to the mine proximity.

Michael Fields spoke. (A copy is on file). Mr. Fields stated that in March of 2011 the county officially designated the Winnebago (Lang) Quarry a non-conforming use. He stated that Skyline has enjoyed a grandfathered status for nine years and they should not be allowed to expand beyond the original 40 acre parcel. The ordinance states the cap size for an aggregate mine is 40 acres. In relation to the Houston County Comprehensive Land Use Plan

he believes the biggest problem with the Skyline expansion proposal is that bluffs aren't supposed to be mined at all, as well, Houston County has determined that it is important to protect the environmentally sensitive areas such as the bluffs, woodlands and water resources from scattered urban growth to minimize pollution to the ground water supply, to minimize soil erosion and to preserve wildlife habitat. He stated that the section of County 5 in question has bluffs, woodlands, a trout stream and wildlife habitat. He has concerns of the erosion happening in a portion of a 100-foot cliff-face next to his property. Skyline indicates there will be no benching or phased reclamation and this does not conform to the intent of the Land Use Plan. A 2006 report was shared on the Impact of Gravel Pits on Residential Property Values which states the loss in property value results from the negative consequences of the mining operation and reflects the deterioration in the area's quality of life due solely to the operation of the gravel mine. Mr. Fields believes the Zoning Ordinance needs to be revisited as terms need to be defined so there are no hidden meanings.

Robin Gaustad has property on the east and west side of County 5. They have been concerned about the mining practices of Skyline for some time and that Skyline is damaging their property and the dry runs. They were happy to hear that things may be cleaned up when they received a letter from the DNR. The Resource Protection Notification stated that the Bruening Rock Products/Skyline Construction, Inc. quarry at 10159 County 5 had materials washing into a dry run and into Winnebago Creek causing fill into the creek. Nicole Lehman, from the DNR office in Rochester, MN called and described the same issues and scheduled a meeting. The Bruening employees came with their lawyer and wanted the Gaustads to sign an agreement regarding work to be performed. She believes this is mismanagement. It was clear that they wanted to get the work done quickly since the hearing was coming up. They should have done their mining activities proactively and they wouldn't have these problems. She feels that they have had little to no time to react. The damage includes a dry run that drains into Winnebago Creek. She thinks this conduct will continue. She has not seen a resolution that current problems are being addressed. She agrees with the reclamation issues that Diane Fields brought up.

Dan Griffin asked Robin Gaustad when she first noticed the sediment in the dry run. Robin said about two years ago. She doesn't think the current remedy they are using is long term. Dan Griffin said that Skyline cannot control the amount of water that comes down the valley but they can control the sediment. Dan Griffin asked how many trucks she sees on the roads. Robin Gaustad said is an up and down nature and depends on the demand but they need to be proactive in their practices. Dan Griffin asked her what her main concern was of the operation. Robin Gaustad said degradation of the valley is her main concern and the beauty of the valley will be lost. Dan Griffin asked if she was aware of the existing quarry when they bought their property. Robin Gaustad indicated she was but in recent years the area has been heavily impacted. She also believes Bruening's track record is not very good and she doesn't trust them.

Audrey Almo letter was read. (A copy is on file). She is unsure why it took until 2 weeks before the hearing for Bruening to step forward to clear out the dry run. Her basement has been flooded at least 5 times in recent years, whereas the cabin had no water in the basement for the 45 years she's owned the cabin. Each time it floods, she loses a well pump, even after it was put on the basement ceiling. The waters bring in mud, which she's had to

have someone clean up. The land by her shed/outhouse has been eroding away along the dry run, where much of the flood waters leave her property since the dry run problem. With the MPCA violation or notice of problem unresolved, she doesn't feel a CUP can be issued. Adding a new mine across the road from the Winnebago Quarry, which is higher, will only exacerbate the problem. With Camp Winnebago being a new adventure now, Houston County/Caledonia will be bringing more visitors to Winnebago Valley. With another mine, it will no longer be the beautiful, peaceful Winnebago Valley. Trucks waiting on the road to enter the quarry hold up traffic. The road is too curvy to pass the trucks safely. Please think of the best interest of those living in the valley, and those who wish to "get away" for a peaceful retreat.

Chairman Burns asked for comments from members of the public.

Bruce Kuehmichel spoke. He stated that Skyline cannot continue their operation until the MPCA issues are resolved. The affected area is approximately 700 feet long and ranges in width from 10 feet to 15 feet and the depth ranges from 1 foot to 3 feet. He spoke to Steven Speltz in regard to the August 2016 rain event that was anonymously notified to the DNR and then forwarded to MPCA. It was proved that the materials came from the Skyline mine. Skyline created their own remediation project. A stop work order should be issued until the problem is fixed.

Bryan Van Gorp spoke. He stated he is not against mining and conditional use permits. However, he sees lack of planning in the Skyline application. Who was keeping an eye on it site, and how did the problem get out of hand. Their plan does not have a phased reclamation plan and that is troublesome. It also states that the maximum trips are 25 trips per day although 75 trips were talked about tonight. Skyline is a chronic offender and a stop work order needs to be issued. There is lack of clear information that has been made available and hopes the same mistakes are not made with this site.

Steve Hartwick spoke. He indicated there is supposed to be a 1,000 foot setback and he sees that it is only 500 feet. The reclamation plan on the west side doesn't start until 5 years out. The new driveway will need to have culverts. Off street and loading space is not available because they are talking about parking on County 5. The issues need to be dealt with now and not down the road.

Yvonne Krogstad is confused about the number of acres allowed for mining operations. She wonders if buffers are included as this is confusing. Skyline should take care of the problems with the west mine first and come into compliance before being granted to continue to the east side. Skyline's plan is not in line with the ordinance.

Ken Tschumper spoke. He agrees with Mike Fields that this is an expansion of a non-conforming mine. This was validated as a non-conforming mine by the county. He agrees that all current violations need to be taken care of before Skyline can continue operations. There has been an ongoing battle with individuals and the county on regulating mining operations.

Chairman Burns asked for any additional comments from Skyline Materials. Ron Fadness replied to some of the comments made. He said there are several references that they are expanding beyond 40 mine acres. They are not. They own a total of 55.5 acres, this

includes the east and west sides together. They have disturbed 6.5 acres on west side and plan to process 27.9 acres on the east side. The quarry will never be 55.5 acres. They are not mining bluffs, this is a hillside. The fire marshal mentioned came out and there were no violations given. There is no well or cistern on the property, the state archeologist had to verify this on the EAW. The MPCA violation referred to did not strong arm anyone. The guidelines say they must complete this work within 60 days and they can't do it without the permission of the Gaustads and the Almos. MPCA does not provide guidelines or tell them what needs to be done; they must come up with a plan of action and work with the landowners and this puts them between a rock and a hard place.

Dan Griffin questioned the agreement they wanted the Gaustads to sign. Ron Fadness said it stated they cannot go on their land without their permission. MPCA wanted an agreement drawn up on what they were going to do, but indicated they (MPCA) would not be responsible. The 60-day MPCA timeline is being used against them because they cannot gain permission from the landowners to do the work.

Jeremy Bril discussed the letter from MPCA dated August 2, 2017. They (Skyline) responded on October 6, 2017 with their answers as to what happened. Larry Hafner stated they were trying to comply, but they weren't seeing results.

Rich Schild wanted further clarification on the agreement regarding the work to be performed and what MPCA indicated they need to do. Ron Fadness stated MPCA does not tell you what to do; they want us to tell them what we plan to do. He wishes they would provide details on what they expect to be done. However, nothing can happen now because the landowners have hired attorneys, so everything must go through the attorneys.

Dan Griffin asked who Skyline would be servicing with their limestone. Ron Fadness indicated they service various projects and need to have quarries in several areas of the county. If they go farther than 15 miles to deliver to a site they are paying too much to truck it. They also do not have trucks waiting on the road to enter the quarry. There have been comments that the trucks go too fast and too slow.

Aaron Lacher asked if Skyline had reviewed the purposed conditions on the financial surety on the approaching reclamation. Ron Fadness said their bonding covers all their quarries no matter how large or small they are.

Larry Hafner has concerns with the erosion on west side. Ron Fadness stated they are taking progressive steps to solve that problem. Larry Hafner believes they need someone in there with knowledge on how to fix it and that credibility on fixing this is an issue. Silt fencing is a temporary fix.

Dan Griffin suggested it would be beneficial to come up with a solution to fix the wall erosion and the berm issue on the west quarry site.

Chairman Burns asked for a motion to close the public hearing.

Justin Zmyewski made a motion to close the public hearing. Larry Hafner seconded. Motion carried.

Larry Hafner made a motion to reconvene the planning commission meeting. Justin Zmyewski seconded. Motion carried.

At this time, there was general discussion on having Skyline come up with a detailed plan on fixing the issues at the old quarry. It was asked if members had visited the site. Justin Zmyewski indicated he had been to the site in the past, but not recently. Rich Schild was not able to attend a site visit either.

Dan Griffin made a motion to table further discussion of the application until the February meeting. Justin Zmyewski seconded. Motion carried.

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

4629	Neal Thomas – Spring Grove Township Build ag shed (24' x 30')
4630	Brent Newgaard – Wilmington Township Build pole building (40' x 64') no animals
4631	Tim Morken/Morken Farms LLC – Black Hammer Township Build pole building to house turkeys (60' x 512') - (CUP #399)
4632	Tim Carpenter – Houston Township Build grain bin (10,000 bushels)
4633	Jerod and Naomi Hoel – Money Creek Township Build house (32' x 48') garage (32' x 34')
4634	Corey and Kerry King – Winnebago Township Build ag building (50' x 80')

OTHER BUSINESS:

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

Submitted by the Planning Commission Clerk on December 26, 2017.

Houston County Planning Commission
February 15, 2018

Approved on April 19, 2018 by Dan Griffin and Bob Burns

The Houston County Planning Commission met at 7:00 p.m. on Thursday, February 15, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Fred Arnold, County Commissioner was present.

Election of Chairperson for 2018 took place. Dan Griffin nominated Bob Burns for Chairperson, Rich Schild seconded. There were no other nominations. Motion carried unanimously.

Election of Vice Chairperson for 2018 took place. Dan Griffin nominated Ed Hammell for Vice Chairperson, Larry Hafner seconded. There were no other nominations. Motion carried unanimously.

The agenda was reviewed. Larry Hafner made the motion to accept the agenda. Dan Griffin seconded. Motion carried.

Ed Hammell made a motion to appoint Dan Griffin as the Planning Commission representative to sit on the Board of Adjustment. Larry Hafner seconded.

Dan Griffin made a motion to appoint Larry Hafner as the Planning Commission representative to sit on the Board of Adjustment. Rich Schild seconded. There were no other nominations. A vote was taken. Ed Hammell and Larry Hafner voted for Dan Griffin. Fred Arnold, Bob Burns, Dan Griffin, Rich Schild and Jim Wieser voted for Larry Hafner. Larry Hafner was appointed by the Planning Commission to sit on the Board of Adjustment. Motion carried.

Jim Wieser made a motion to approve the minutes of December 21, 2017. Ed Hammell seconded. Motion carried.

Guidelines for the public hearings were reviewed.

Dan Griffin made a motion to close the Planning Commission meeting and open the public hearing. Ed Hammell seconded. Motion carried.

Notice of Public Hearing No. 881 was read for **Dahl Creek Farms, LLP**, 7720 West 84th Street, Bloomington, MN 55438.

Chairman Burns asked if any board member had a conflict of interest concerning this request. There were none.

Dahl Creek Farms, LLP, 7720 West 84th Street, Bloomington, MN 55438 is seeking a conditional use permit for a new animal feedlot with more than 300 a.u. consisting of swine and build a manure storage structure with a capacity over 20,000 gallons.

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

- The applicant is requesting two permits, a Conditional Use Permit for a new animal feedlot that will generate 300 or more animal units of manure (14.3 (2). The proposal is for 2,400 finishing swine (55 lbs. – 300 lbs.), which equals 720 Animal Units (A.U.) and a Conditional Use Permit for new manure storage structure with a capacity over 20,000 gallons. A 51'2" x 405'4" x 8' below barn concrete tank with a capacity of 130,583 c.f. (976,492 gallons) is proposed.
- The Applicant is a registered Minnesota limited partnership, Dahl Creek Farms, LLLP. A signed statement indicating partnership membership and support of the application was submitted.
- The proposed site is located on an undeveloped 81.65 acre parcel along the Fillmore County line. The zoning is agricultural. The Applicant owns 530 contiguous acres to the site in Black Hammer Township. 276 acres are identified in MMP for manure application. Soils are a class II silty clay loam.
- No dwellings are located within the required 1320' setback. Increasing to one mile, multiple buildings are found. Many of these buildings appear to be non-permanent residences; homestead status is an imperfect way of evaluating for this. The closest registered feedlot (Houston County only) is approximately 1.5 miles east.
- The Applicant applied for and was issued a Construction Short-Form Permit from the MN Feedlot Program (administered by Houston County). Such permits are only issued after it has been determined that the proposal satisfies all required state technical design, operation, and location specifications, including: Stamped plans for manure storage structures prepared by a licensed engineer (Nicholas Rowe, Pro Ag Engineering). Appropriate for dead animal disposal area. Appropriate soils and separation from groundwater. Manure Management Plan (MMP) indicating where manure will be applied, and that application rates will be acceptable. Karst feature survey indicating no karst features within ½ mile of the proposed site. 5" 3500 psi concrete floor, steel reinforced. 10 foot separation between top of pit floor and bedrock. Plans for quality assurance and oversight by engineer during construction.
- The Applicant submitted to following information concerning operation of the proposed site:
"Pigs will arrive every 145 days, starting May 1st if the proposed plan is approved and construction goes as planned. When hogs are delivered they will arrive on 4 separate semi-trucks at roughly 40 pounds to fill the 2,400 pig spaces. In the event of dead pigs they will be disposed of in a compost site in the proposed plan. The pigs will come from a local nursery outside Spring Grove and transported with a local trucking company. Feed will arrive every week from the local coop. Dahl Creek Farms and Black Hammer Township will monitor the local road to ensure that the road remains in good condition. When the pigs leave the barn they will weigh roughly 280 pounds and leave on 14 different trucks. The proposed plan has enough manure storage for one year will fall application with the ability for spring application if needed. The majority of manure will be applied with drag line with the option for tanker application. Manure will be applied within the guidelines of the proposed manure management plan."
- The proposal is a total confinement barn, which eliminates concerns about nutrient runoff from open lots. Drag line manure application reduces concerns about weight on local roads; the applicant should provide details on which fields are able to be drag line applied. The Applicant estimates 784,874 gals of manure to be produced annually. The proposal is to hire a commercial applicator to apply manure by knife injection. Rates of planned nitrogen application range from 140-180 lbs./acre, which is consistent with guidance from the University of Minnesota. The Applicant has indicated that there is a verbal agreement for the transfer of 70,000 gallons of manure to neighboring farmers.
- The OFFSET odor annoyance estimation tool was used to evaluate for the percent time annoyance free for the three closest farmsteads and returned 97%, 98%, and 98% respectively. Evaluated at the

centerline of Irish Ridge Road, 113' from the proposed barn and pit, the annoyance free factor returned in 82%.

- The location of the northern property line needs to be clarified. The legal description describes the NE of the NW of Section 7. Irish Ridge Road runs just to the north of this. Using the line as shown in the County GIS system, the building is estimated to be 43' from the north line; a 50' setback is required. The County Surveyor has provided an opinion on this indicating that the GIS line is not accurate, and has provided an estimated line location.
- Black Hammer Township and the 10 nearest property owners were notified. Inquiries from the public were received, during one of which concern was expressed for impact on existing business (hog operation in Spring Grove) and health. There were also concerns about the potential effects of pit failure, odor, karst survey, and roads. A site visit was conducted on 2/14/18 to hear concerns. Contact was made with the Township and there are concerns about road maintenance and possible pit failure. Based on a conversation with a Black Hammer Township Supervisor and review of topographic maps, the location of Yucatan Cave is approximately 4,700' northeast.

Chairman Burns asked Dahl Creek Farms if they wished to speak. Erik Dahl spoke. He said he has worked with Aaron Lacher to align everything according to the rules and regulations of Houston County.

Aaron Lacher explained the Dahl's need two conditional use permits, one for a new animal feedlot with more than 300 animal units and another for a manure storage structure with a capacity over 20,000 gallons. The Dahl's have completed the state feedlot permitting process. This will be a zero run off facility. Truck traffic includes feed trucks bringing feed as needed and semi-trucks bringing swine twice a year to the site. The OFFSET odor annoyance estimation tool was used to evaluate for the percent time annoyance free for the three closest farmsteads and returned 97%, 98%, and 98% respectively. Black Hammer Township expressed concern on road maintenance. Recently, the office was informed of a cave that is about 1 mile away from the proposed site. There are no dwellings within ¼ mile of the proposed site. The closest registered feedlot is approximately 7,600 feet away.

Dan Griffin asked where the draglines for spreading manure will be set up. Erik Dahl explained how the lines will be set up and how the process would work. The lines will go through the wooded area. Two hundred acres will be on dragline and they will need to haul to the other 80 acres. They plan to hire a custom applicator that will knife in the manure.

Fred Arnold asked how large the proposed manure pit will be. Erik Dahl said approximately 976,000 gallons; the pit is sized for one year's worth of storage.

Dan Griffin asked about planned road usage. Erik Dahl said there will be very little traffic going north up Irish Ridge Road. They plan to travel south and into Fillmore County.

Jim Wieser asked where the pit pump will be located on the pit. Erik Dahl said it will be located in the south corner and away from the road.

Rich Schild asked if the pit pump recognizes pressure differences. Erik Dahl indicated there are systems in place that will notify the operator if something isn't right. Everything can be shut if necessary.

Dan Griffin asked if Erik had talked to the neighbors. Erik said he has talked to some neighbors, but not all.

Dan Griffin asked how the site location was chosen. Erik Dahl said the location was chosen because the site was not close to any of the surrounding neighbor's, the pit will be in the safest place and will be covered. Dan Griffin asked if there may be another site possible. Erik said it does comply with all required rules and regulations and the required setbacks have been met.

Fred Arnold understands Erik Dahl probably has experience in buildings such as the one proposed and asked what the approximate nutrient analysis of the manure was. Erik Dahl stated this is his first hog building and he is not sure of the nutrient analysis, as it is to be determined. The readings are standard and were provided by the University of Minnesota. Fred then asked how many gallons of manure he is planning to spread per acre/year. Erik said approximately 4,000 gallons per acre/year.

Aaron Lacher asked about the drain tile around the pit and what direction it day lights. Erik Dahl said it day lights to the south.

Bob Burns asked if Erik knew what the capacities of the dikes were. Erik stated he did not.

Rich Schild stated since Erik would not be living on the site, what the schedule would be. Erik Dahl said the swine are feed twice a day.

Dan Griffin asked where Erik resides. Erik Dahl said he lives to the north about one mile.

Chairman Burns asked if anyone wished to speak.

Joni Mehus, property owner to the south spoke. She is concerned about the proposed location due to drainage. There is a dry valley that runs through her property and this requires a karst report to be done. The Yucatan cave is also in the area. The runoff will not affect the Dahl property but will affect hers. All of the neighbors are on wells and any contaminates from runoff will affect their water quality. Odor and fumes are also concerns due to the topography of the land. There are sinkhole concerns due to the karst topography, MPCA information was discussed. She is of the opinion that an onsite investigation needs to be completed and this is recommended to be done in early spring. The project engineer for the Dahl's also recommends more investigation needs to be done. Letters were submitted from neighbors who were not able to attend the meeting and their concerns also included karst topography, water quality, odors and road traffic/safety (letters are on file).

Ed Hammell asked Joni Mehus if there was a better location she would recommend. Joni indicated that everything washes in their direction down the valley. The karst topography needs to be looked into before any decisions could be made.

Bob Breitenbach stated he owns property near the proposed site. He has health concerns with this application. The karst topography is not just a concern of theirs; it is a concern everywhere in the county. He provided information on manure spills and statistics in the state of Iowa. Large swine set-ups like the one being proposed can give off harmful gasses like ammonia, methane and hydrogen sulfide. These sites are not good for respiratory ailments. Water quality is also a concern and once that is damaged, it cannot be reversed. Nitrates in water can affect brain development in small children. Coliform bacteria in well water and MRSA infections are also caused by swine. He also reviewed portions of the Comprehensive Land Use Plan.

Ken Halverson owns land to the north of the proposed site. He has lived in the area his whole life. He stated he talked with Brian Dahl of Dahl Creek Farms about doing a good neighbor plan and they didn't do it. He was disappointed he did not hear anything from them prior to receiving the hearing notice. There was also a lack of communication on what their plans were.

Dan Wiste, supervisor with Black Hammer Township, said the township has concerns on road usage. Irish Ridge Road can't handle heavy traffic. The Dahls have indicated that all traffic will be headed south. He also wanted it on the record that Erik Dahl has agreed to pay for any road repairs if needed. There was talk about moving the location across the road. He is wondering if that is an option.

Greg Smith of Winona County stated he is the one who would own the pigs in the barn at the Dahl's proposed site. He has extensive experience in starting up sites like the one being proposed and has had positive results with each one. He is assisting a young farmer like Erik Dahl to get started in farming, which is increasingly difficult to do these days. The manure is an organic fertilizer which is good for the soil. The feed would come from Farmer's Co-Op Elevator in Houston and the pigs would be sold locally to Hormel in Preston or Tyson in Rushford.

Jim Wieser asked Greg Smith what he was responsible for, if it was the pigs alone. Greg indicated he was responsible for the pigs. Dahl Farms is responsible for manure spills; drag lining is typically contracted out and they carry liability insurance.

Ed Hammell asked how the wood chip filters work. Greg Smith said this is currently used at the Horihan site, which is just across the border in Fillmore County. There are two barns at this site with 2,400 swine. This operation has been there for 15 years. The fans run all the time. There have not been any complaints on this site.

Dan Griffin asked Greg Smith if he had any concerns with the proposed site being close to the township road the possibility of being cited by MPCA if air standards are checked and not met. Dan Griffin is wondering if it wouldn't be better to move the location. Greg Smith said MPCA has visited his sites and checked one site that contains 5,000 head of swine and no odor violations were found.

Dan Griffin asked who would be working at the site. Greg Smith said they have workers that check the various sites, but Erik does the daily chores at his site.

Fred Arnold asked Greg Smith if he knew when construction standards for manure pits changed. Greg Smith stated the standards changed around 1996. As well, proposed sites like this site have zero runoff which is an advantage with hogs.

Dan Griffin asked Greg Smith if he is involved with the dragline operations. Greg indicated he is not and that it is contracted out.

Larry Hafner asked Greg Smith if he ever had a manure pit fail. Greg indicated he had not.

Rich Schild asked Greg Smith if there is a possibility of not knowing if manure is leaking, even a small leak. Greg Smith said there is a water line that runs around the building and this can be tested at any time. The water should be clean and clear when tested. If there were a leak it would go down the drain tile into the water line. The sites are all checked annually.

Dan Griffin asked how far underground the pit goes down. Greg Smith said the pit is eight feet deep.

Ryan Mehus stated he grew up in the valley, just below the proposed site. He indicated he works in the engineering field and believes in the end everything will leak. He has concerns about the pit eventually leaking and manure ending up down in the valley. He is also concerned with odor and how the hog smell will sit in the valley.

Bryan Van Gorp, Yucatan Township, stated he has raised livestock all his life. There aren't easy answers but the land use plan needs to be redone because similar situations like this that will continue. Karst topography is an issue.

Ken Tschumper, La Crescent Township, expressed concerns on manure management plans and the importance of following them. There was a fish kill about 10 years ago and the farmer had followed his plan perfectly. This is becoming increasingly a concern.

Randy Dahl stated he has farmed this location. It has been in the Dahl family for 163 years and this is a good opportunity for a family member to continue farming. He is a previous member of the Fillmore County SWCD board and said the land has many conservation practices in place. The Dahl's have been the only people that have farmed the land and there is approximately 800 acres in Houston and Fillmore counties. Dan Griffin asked Randy if he was aware of any sink holes on the land. Randy stated he is not aware of any and he has covered all the land either by hunting, fishing or farming. Bob Burns asked if he knew what size the dikes were. Randy stated he did not, but they were specifically designed to let water through and dry up overtime. Rich Schild asked Randy if he was involved in choosing the location of the proposed site. Randy indicated he was not.

David Skauge, Black Hammer Township, is concerned about air quality issues and the gasses and odors settling in the valley. He hopes this will be monitored. If karst isn't an issue maybe moving the site to the west would be better for runoff concerns and more neighbor friendly.

Dan Griffin made a motion to close the public hearing. Jim Wieser seconded. Motion carried.

Dan Griffin made a motion to reconvene the planning commission meeting and discuss the proposed application. Ed Hammell seconded. Motion carried.

Ed Hammell stated it would be a good thing to do additional karst investigation. Aaron Lacher stated the investigation that has been done does meet the minimum standards, however, to give people peace of mind, a further study could be done.

Dan Griffin suggested tabling the application for 30 days, have a karst report done and additional research on MPCA odor standards. Rich Schild stated he agreed.

Bob Burns wondered if additional karst research can be done during the winter time. Aaron Lacher suggested there may be a window of time if there is no snow.

Fred Arnold stated he would like to review the manure management plan.

Dan Griffin made a motion to table the public hearing until additional karst research is done, the manure management plan is reviewed and further study on how the topography will affect the smell. Fred Arnold seconded. Motion carried.

Notice of Continuation of Hearing No. 880 was read for **Skyline Materials, LTD**, 900 Montgomery Street, Decorah, IA 52101.

Dan Griffin made a motion to close the Planning Commission meeting and open the public hearing. Larry Hafner seconded. Motion carried.

Skyline Materials, LTD, 900 Montgomery Street, Decorah, IA 52101 is seeking a conditional use permit to do mineral extraction in an agricultural district in Section 8 and Section 5 of Winnebago Township. (Site location is 10159 County 5, Caledonia, MN 55921).

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

- Petitioner requests a Conditional Use Permit for mineral extraction in an Agricultural District.
- Skyline Materials inquired about a proposed expansion of the existing Winnebago Quarry to the east of C.R. 5 in late 2016. The quarry was being operated without a permit and was argued to be a legal nonconforming use. Rather than having Houston County make a decision on nonconforming status, Skyline chose to begin the process of seeking a permit for the site.
- The request covers a previously mined 6.4 acre area as well an additional 27.9 acres east of C.R. 5. Skyline completed a voluntary Environmental Assessment Worksheet (EAW), which the County found to be complete; a resolution of negative declaration on the need for an Environmental Impact Statement was subsequently approved.
- A driveway permit is necessary on the east side of C.R. 5. The current driveway was issued a temporary permit in 2010 that allow for temporary access from 9/8/10 to 7/1/11.
- Traffic count is 170 vehicles per day on C.R. 5 at the quarry location.

- A zoning violation letter was sent on 11-17-10 due to a violation of setback from a property line. As a result a variance of 27' was sought and granted on 3/10/11.
- A problematic area exists on the existing 150' high wall that is experiencing erosion. At the County's request, Skyline has undertaken efforts to halt future erosion and is monitoring the area. If more drastic measures are necessary, the expectation is that Skyline would implement them.
- In the fall of 2016, Skyline had stockpiled materials in a drainage way and in a location atop the quarry. Rains washed this material off site and deposited it on private and public property, resulting in a Notice of Violation being issued by the MPCA. Stockpiled materials have been relocated to areas outside of the drainage and berms have been improved on the site. Skyline has cleaned up the discharge on their property and has agreed to clean up the discharge on a portion of private property. If necessary, a condition could be added to a CUP requiring cleanup.
- A lengthy discussion of site characteristics is contained in the included EAW. (On file).
- An additional submittal was received from Diane Fields on January 26, 2018 and is on file.
- Winnebago Township and the ten closest property owners were notified. Comments from property owners received were that Skyline trucks servicing the existing quarry drive too fast, create too much dust, and create congestion by staging along County 5.

Chairman Burns asked Skyline Materials to present additional information that was requested of them at the December meeting.

Jeremy Bril, project engineer, and Ron Fadness, general counsel, were present for Skyline Materials.

Jeremy Bril presented each area they were asked to expand on from the December 21, 2017 meeting. A summary follows:

1) Traffic Patterns, Traffic Control and Driveway Location:

The average truck traffic is expected to be 15 trucks per day (peak of 25). This estimate is based on the amount of material sold from the Winnebago Quarry in 2017.

As stated in the EAW, the rock crushing plant and material stockpiles will initially be located in the existing quarry on the west side of County 5. During this time, material will be transported from the proposed quarry on the east side of the road to the existing quarry on the west side of the road. During the time periods that crushing takes place (estimated to be for a period of 3-5 days, three times per year), the estimated truck traffic would be 150 trips per day. Once enough of the proposed quarry is developed (approximately 2 acres), the rock crushing plant and material stockpiles will be located in the new quarry area. As directed by the Houston County Engineer, orange signs will be placed along County 5 during periods of increased truck traffic.

After meeting with the Houston County Highway Engineer on site to discuss potential locations for the driveway for the proposed quarry, the location chosen will be the existing north driveway which serves the scale and scale house. A new culvert will be installed in the existing driveway to meet the Engineer's requirements. It is expected that the scale and scaled house will be moved to the existing quarry until the new quarry has sufficient space available. The existing south driveway serving the scale and scale house will be removed. (Copy of Houston County Application for Access or Entrance to Public Roadway on file).

Aaron Lacher said he will be recommending stop signs at all quarry exits. If there are any concerns on signage, the County Highway Engineer's recommendations will be followed.

2) Cleaning out Dry Run:

The landowner's attorney has been contacted on several occasions to inquire about working out a plan to clean out the sediment deposited in the dry run. A response was received on January 24, 2018 indicating the attorney was working on a draft agreement. (Copy of e-mail correspondence on file).

Dan Griffin asked for an update on the sediment removal arrangements with the affected landowner. Ron Fadness went over the e-mail correspondences with the landowner's attorney that were provided in the packet. At this time, no outcome has been reached.

3) Stormwater Management at Existing Quarry:

In regard to questions received on the ability of the existing quarry to hold water, our staff completed a topographic survey of the quarry floor and determined that the quarry is able to hold water but additional water storage volume is needed to prevent water from leaving the main quarry area. Construction of a 60' long x 40' wide x 20' deep detention basin is proposed to provide additional volume for stormwater runoff. It was also determined that improvements are needed in the access road leading up to the quarry. The road will be re-graded to direct the water into the existing stockpile area on the east side of the access road. The existing berm at the bottom of the access road is not sufficiently containing water so the berm will be re-constructed with more suitable materials. The berm located between the stockpile area and the road ditch will also be re-constructed with more suitable materials to allow vegetation to grow. (Copy of proposed stormwater management improvements at existing quarry on file).

Jim Wieser asked when these improvements would be done. Jeremy Bril said the improvements will be done as soon as possible and before they start the expansion.

Dan Griffin asked how far they plan to dig down. Jeremy Bril said they plan to dig down 20 feet. This is based on the hydrological study.

Aaron Lacher asked how close they are getting into the sandstone. Jeremy Bril was unsure. Aaron asked if it could be resigned, if the county didn't want them to go that deep. Jeremy indicated they could.

4) Stormwater Management at Proposed Quarry:

The company hired an engineering consulting firm to complete a hydrologic study of the proposed quarry area and the necessary stormwater practices needed to control the runoff for the different stages of quarry development. Based on the engineer's study, the proposed detention basins will be able to contain a 10-year, 24-hour storm event, and the berms placed around the entire quarry will be able to contain a 100-year, 24-hour storm event. (Copy of erosion control plan for the proposed expansion on file).

Jim Wieser asked where the water outlets from the retention ponds. Jeremy Bril said it will outlet further downstream outside the quarry under the berm. Jim asked how wide the berms are between the county road and mine site. Jeremy Bril said approximately 30 feet. They are designed to withstand a 100-year flood event.

5) Reclamation Plan for Existing Quarry:

The company hired an engineering consulting firm to develop a reclamation plan for the existing quarry to address the erosion occurring on top of the existing quarry. The reclamation plan includes a strategy for addressing the erosion on top of the quarry. They also intend to place material along the quarry face to further stabilize the erosion issue. This will involve shooting a hole in the quarry floor to provide stability for the placed material and building up to the top of the quarry face at a steep angle. This will require a substantial amount of material but they believe this is the best solution for addressing the erosion issue. Coupled with the engineer's plan, it provides a top-down (Plan A) and bottom-up (Plan B) approach for fixing the problem. Based on the proposed reclamation plan, it is expected that they will finish removing rock from the existing quarry within the next 2-3 years. (Copy of reclamation plans on file).

"Plan A" would be working on top and they want to start as soon as possible. Dan Griffin asked if there is enough room to get up there to do that. Jeremy Bril said the setback will be an issue and they would need permission to encroach on setback. "Plan B" will be a long term solution and works from the bottom up. Ed Hammell asked if they will have enough material from the other side for this to work. Jeremy Bril indicated there would be. Larry Hafner asked what the time frame was on Plan B, the bottom up approach. Jeremy Bril said it could take up to 5 years.

6) Blasting Seismograph Measurements:

All blasting and required measurements are done by a third party.

7) Surveying Proposed Quarry:

Regarding the placement of setback/boundary markers around the outside of the proposed quarry, the company plans to have a third party licensed land surveyor place the markers prior to development of the proposed quarry.

At this time Chairman Burns asked if anyone wished to speak.

Houston County Highway Engineer Brian Pogodzinski spoke. He stated he has worked with the Zoning office on determining the impacts and recommended restrictions for the new mine if it were to be approved. Those items are:

- Driveway access for the new mine area – A new permit is needed for the east side of CSAH 5. The current north scale house entrance will be utilized for the new mine and modified by upsizing the existing culvert and widening so trucks do can pass by one another on the driveway entrance area. The southern entrance to the existing scale house will be eliminated. These measures will increase sight distance and lower the amount of trucks needed to sit stopped along the side of the road.
- Drainage – The stormwater runoff from the ravine to the west of the proposed driveway will need to be directed to the south of the new entrance in a similar flow pattern as which currently exists.
- Roadway impacts – Temporary MN MUTCD compliant Black on Orange Truck Crossing signs shall be placed along CSAH 5, both north and south of the quarry area, whenever trips between the east and west quarry areas are 6 or more per hour or whenever deemed necessary by the Houston County Highway Engineer.

Highway Engineer Pogodzinski stated he has received a complete driveway permit application from Skyline Materials and is holding off on issuing the permit until the quarry is approved by the County. At which time, he will then issue the permit with the conditions listed above and any additional conditions the board imposes that impact the roadway.

Bob Burns clarified with Highway Engineer Pogodzinski that the driveway entrance meets specifications for the new facility. Brian stated it will be a standard industrial entrance, which is a wider entrance allowing trucks to come and go at the same time. 18 inch culverts will be put in place.

Larry Hafner asked Highway Engineer Pogodzinski if there are any alternate route options available for residents when they are hauling on County 5. Brian stated there are some options available and most residents would know which roads to use if they wish to avoid County 5.

Jim Wieser asked Highway Engineer Pogodzinski about the culvert size on west driveway. Brian stated the west culvert is undersized which is okay if the driveway is low enough so that water can pass over the top when flooding.

Mike Fields stated that back in 2010 Skyline Materials violated a setback requirement. The Fields' will not grant permission to access their property for "Plan A" that Skyline is proposing. Their Plan B should be Plan A. With the setback violation Skyline was directed to seed and mulch the affected area which is now experiencing erosion. He stated they don't have a valid reclamation plan on file and he would like to see Skyline be required to reclaim the old site first before they can start any new mining.

Diane Fields stated there is an existing reclamation plan from 2011 approved by the Board of Adjustment. She is of the opinion that Skyline's conditional use application does not include the existing pit. Aaron Lacher went over the application request which covers a previously mined 6.4 acre area as well an additional 27.9 acres east of County 5. She said a plan to shore up the cliff face needs to be addressed. Permission to work up there (on the Field's property) had been granted before and she doesn't want that disturbed any further, so they will not grant permission again. She also has concerns that taking five years to reclaim that site seems too long. (Submittal received 1/26/18, on file).

Audrey Almo stated her complaint is about her cabin. She is unsure why it took until 2 weeks before the first hearing for Bruening's to step forward to clear out the dry run. Her basement has been flooded many times in recent years and each time it floods, she loses a well pump, even after it was put on the basement ceiling. The waters bring in mud, which she's had to have someone clean up. The land by her shed/outhouse has been eroding away along the dry run, where much of the flood waters leave her property since the dry run problem. With the MPCA violation or notice of problem unresolved, she doesn't feel a permit can be issued. The trucks go too fast and there are trucks are also waiting on the road to enter the quarry which holds up traffic. The road is too curvy to pass the trucks safely.

Ken Tschumper, La Crescent Township, stated the following: The stormwater runoff violation needs to be resolved before granting a new permit, the stormwater runoff violation constitutes an ordinance violation, if Skyline is not granted a conditional use permit how are they going to do reclamation of existing mine, is the County going to be supplied rock from this site.

Bruce Kuehmichel, City of Caledonia resident, stated when he looks at the 6.4 acre quarry he sees three faces; a horseshoe shape. He thinks the entire quarry needs to be reclaimed.

Bryan Van Gorp, Yucatan Township, stated the Fields and Almos have testified that there are current and unresolved violations at this site. Once a conditional use permit is issued there is no reason to fix the problems.

Chairman Burns asked if anyone else wished to speak. There were no other comments. Public comment ended.

Jeremy Bril, project engineer, and Ron Fadness, general counsel, answered additional questions from the planning commission.

Larry Hafner stated he cannot understand the reason why they can't come to terms with the landowners and clean out the dry run. Ron Fadness explained the chain of e-mails between the Gaustad's attorney and their office and why they haven't been able to proceed. He asked the planning commission to focus on the required process that has been complied with to operate on the east side.

Aaron Lacher again made clear that the conditional use application covers the existing west side with the new proposed east side, approximately 34.4 acres. Jeremy Bril presented a map which clarified the CUP area.

Dan Griffin asked if they would consider doing only Phase 1 of the proposal. Ron Fadness stated they wish to deal with everything they need to today. Phase 1 is at least a 20 year endeavor, maybe more. They understand Phase 2 would require a variance.

Dan Griffin made a motion to close the public hearing. Larry Hafner seconded. Motion carried.

Dan Griffin made a motion to reconvene the planning commission meeting and discuss the proposed application. Larry Hafner seconded. Motion carried.

Dan Griffin stated the concerns with old quarry have been addressed and Skyline has met the conditions they were asked to do. He thinks the bottom to top approach may need a timeline.

There was general discussion on the old reclamation plan. Since mining activities have not ended at the existing quarry, the new reclamation plan will replace it.

Larry Hafner asked if there could be a bond placed on the reclamation plan if the corrective plan doesn't work.

Ed Hammell asked if they would be able to do the top down plan without encroaching on the setback. Ron Fadness said he was not sure they would be able to. It may be dangerous and safety will come first.

Jim Wieser stated he has concerns about the west quarry reclamation. It may take 3-5 years to complete and is dependent on the east quarry development. He has traffic concerns and run off from the east mine.

Aaron Lacher read a letter from Jeff Green Groundwater Hydrologist, Ecological & Water Resources we the Minnesota Department of Natural Resources in Rochester, MN. "As we discussed on the phone, the proposed quarry approximately ½ mile northeast of the spring is, based on the county atlas geologic map, in the Oneota Formation. The new area that is to be mined is east of the existing quarry. The current quarry is dry and has not pirated groundwater flow. If the new quarry does not go any deeper than the existing quarry that will limit the possibility of the quarry pirating groundwater flow and impacting the spring."

"I have been out to Camp Winnebago Spring several times. Tony Runkel, the Minnesota Geological Survey's Chief Geologist was out there with me a number of years ago. He put the spring in the Jordan Sandstone "Excellent exposures nearby indicate spring is at a position of about 20 ft. below Jordan top". That position in the bedrock strata should also help ameliorate impacts from mining in the overlying Oneota Formation."

At this time the recommended conditions were discussed.

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

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.

Statements in support or opposition included: There are sections that talk about protection of bluffs and sections that discuss expansion of economic development in the county, it is an acceptable use in the area since it is an existing quarry, there is easy road access, the proposal will result in job opportunities, the proposal fits well with the County plan, it is important to be in proximity of where it is used, we need rock and competing rock quarries, rock is important, we need to have it. Rock is not important

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – No
 Fred Arnold – No

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

Statements in support or opposition included: Bruening doesn't have a quarry close by, we need mines spread out around the county, the applicant indicated hauling gravel is economical up to 15 miles, beyond that costs escalate to truck it. Other sites in the area could be used.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – No
 Fred Arnold – Yes

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

Statements in support or opposition included: The applicant has agreed to implement the DNR recommendations, the guidelines and proposal are sufficient, conditions protect the water, nothing is 100% safe, the county can't take a chance on water.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The proposed use will not adversely increase the quantity of water runoff, conditions provide adequate protection, berms and holding ponds are incorporated into plan.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: Rock is present at the site.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: Biggest concern is runoff, there are no nitrates or chemicals, there is a good plan to retain everything, issues in the past.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: There are no utilities, County Road 5 is designed for heavy traffic, drainage is controlled.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The old quarry is ample for off street parking.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: The County Highway Engineer's plan will be implemented.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – No
 Fred Arnold – Yes

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.

Statements in support or opposition included: Noise and vibration is not every day, reclamation is sufficient, current mine has already been injurious to neighbors.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – No
James Wieser – Yes
Fred Arnold – No

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.

Statements in support or opposition included: This is an agricultural district and will not impede agriculture, quarries are not new to the area, mine area is small will not impede agriculture.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – No
James Wieser – Yes
Fred Arnold – Yes

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.

Statements in support or opposition included: Dust control measures will be required.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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: Not Applicable

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.

Statements in support or opposition included: Quarries have been a characteristic of the area for 70 years.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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.

Statements in support or opposition included: The conditions applied ensure the public's health, safety, morals and general welfare.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall submit an annual reclamation report which includes the following information:
 - a. Name and mailing address of operator;
 - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
 - c. Mine location;
 - d. A Map or maps that accurately show and label:
 - i. Total acreage of the mine area;
 - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
 - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
 - iv. The total acreage of reclaimed land;
 - v. The anticipated acreage of new disturbance to be created by mining operations;
 - vi. The anticipated acreage of new reclamation activities;
 - vii. Any anticipated changes to the locations of stockpiles, berms, gates, fences, or haul roads.
 - e. A statement of progress of mining operations since the County approved the reclamation plan or since the last annual report, whichever is later.

- f. A statement of mining operations and reclamation activities expected to occur in the next 24 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 24 months.
 - g. A certification signed by the operator that information provided is true and accurate.
- 3. Only vehicles approved for on-road use will be allowed to transport material from the proposed quarry location on the east side of the roadway to the existing quarry on the west side. These vehicles must comply with all road regulations, including spring load restrictions.
- 4. A financial assurance shall be filed with the County Treasurer equal to 110% of the estimated cost of fulfilling reclamation. Reclamation costs shall be determined annually based on the area disturbed and the area anticipated to be disturbed within a 12 month period. Upon notification by the Houston County Zoning Department of financial assurance or deposit approval, the operator may commence nonmetallic mining and reclamation operations.
 - a. Financial Assurance Requirements.
 - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
 - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
 - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
 - iv. The bond shall be payable to "Houston County, Minnesota".
 - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
- 5. Screening consisting of natural topographic features or trees and vegetation shall be maintained, including replacement if necessary, between the mining area and a minimum of a 133' from the centerline of C.S.AR. 5 on the east side of C.S.AR. 5, to the extent practical, as determined by Houston County. Screening shall be maintained and/or established on the west side of C.S.A.H. 5 from the north side of the existing driveway and continuing 200' to the north. This screen is intended to reduce visibility of mining operations from C.S.AR. 5, but not provide for total concealment.
- 6. The mine perimeter and applicable setbacks shall be surveyed and marked on the ground with metal posts at maximum intervals of 250' such that each post is visible from each adjacent post during leaf-on conditions.
- 7. The east and north property lines of parcel 16.0053.001 shall be marked with posts. Posts shall be set and maintained at maximum intervals of 250' such that each post is visible from each adjacent post during leaf-on conditions.
- 8. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.

9. Seismograph(s) shall be used to monitor the effects of blasting on buildings on neighboring properties. The Permittee shall notify the owners of buildings located within 3000' of the mine site of the option of having a seismograph located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners. At least one seismograph measurement shall be recorded for each blast at one of the participating properties, or, if permission from neighboring property owners is not granted, on a location on the Permittee's property to be determined by the blasting contractor. Measurements shall be taken using industry standard practices. Adverse effects from blasting shall be no greater than those allowed under Section 816.67 of Chapter 30 of the Code of Federal Regulations (30 CFR Ch. VII (7–1–13 Edition)).
10. Hours of operation shall be limited to the following, but may be suspended by Houston County in the event of a declared emergency:
 - Weekdays: 7:00 AM – 7:00 PM
 - Saturdays: 7:00 AM – 12:00 PM
 - Sundays: Closed
 - Holidays*: Closed
 *Holidays shall mean holidays observed by Houston County
11. Prior to commencing operations on the east of C.S.A.H. 5, the Permittee shall make a good faith effort, as determined by Houston County, to remove the sediment and debris discharged from the existing mining site. Updates will be provided to the Zoning Administrator every 90 days, who will report to the Planning Commission.
12. Temporary 36"x36" or 48"x48", W8-6, Black on Orange "Truck Crossing" signs shall be placed along C.S.A.H. 5 above and below the quarry whenever trips between the east and west quarry areas are 6 or more per hour, or whenever deemed necessary by the Houston County Engineer. Signs will be supplied, placed, and removed by the quarry operator. Signs and installation shall conform to the requirements of the MN MUTCD and as directed by the Houston County Engineer.
13. Quarry operations including extraction, processing, stockpiling, and the staging, loading, or weighing of trucks shall not be conducted to the west of C.S.A.H. 5 at any time after February 15, 2021. Reclamation efforts approved by the County may continue after this date. Ending quarry operation on the west of C.S.A.H. 5 shall not be considered a cease of operations in the context of Section 27.10 Subd. 2 of Houston County Zoning Ordinance adopted November 7, 2017 as quarry operations will continue on the east side of C.S.A.H. 5. Reclamation shall be completed by February 15, 2023.
14. Stop signs shall be installed at all quarry exits.
15. Perimeter berms, and interior berms intended to direct or prevent the flow of water, shall be constructed according to National Resources Conservation Service Field Office Technical Guide, or as directed by the Root River SWCD.
16. The County is granted the right to access the property for the purposes of locating an existing well believed to be on the property, and may use reasonable methods to investigate its presence. If a well is located on the Permittee's property, the Permittee shall promptly have the well sealed by a licensed well contractor.

17. The Permittee is responsible for the stabilization of the wall in the existing quarry. The Permittee shall implement corrective measures to stabilize the existing quarry wall as presented in Phase 1 and Phase 2 of Attachments E and F in the document entitled “Winnebago Quarry CUP Hearing Follow Up Information.” The work identified as Phase 1 of Erosion Stabilization Plan in Attachment E requires work within the property-line setback, and can be done with permission from the adjacent landowner. If permission is granted, Phase 1 shall be implemented as soon as conditions allow. If permission cannot be obtained by December 31, 2018, Phase 1 is not required, and the Permittee shall use all practical means to remedy the problem. The Permittee shall implement Phase 2 measures, except those requiring work within the property-line setback. Certification of reclamation by the County will ultimately require the area to be stable, which may require measures in addition to Phase 2. The Permittee may propose modifications to Phase 2, or additional measures, which can be implemented with approval from the Environmental Services Department.
18. No use (i.e. excavating, processing, or stockpiling) of the site for a period of five consecutive years is considered abandonment and will trigger termination of the permit and commencement of reclamation.
19. Excavation on the east side of C.S.A.H 5 shall not go below an elevation of 950’, except for settling ponds which shall be located in consultation with the DNR Hydrologist.
20. Dust control measures will be implemented according to the County Engineer.

Bob Burns seconded. A roll call vote was taken.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – No
 James Wieser – No
 Fred Arnold – Yes

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 27, 2018.

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

4635	Thomas Sawle – Caledonia Township Build cabin (16’ x 24’)
4636	Curt Wiebke – Mayville Township Replace cattle shed/hay storage (50’ x 50’)
4637	Wermager Family Revocable Trust – Brownsville Township Build cattle shed/wind break (11’ x 48’)

- 4638 Judy Mauss and Chris Schafer – Hokah Township
Build pole building (45' x 80')
- 4639 Vena Ferro – Money Creek Township
Build shed (20' x 22')
- 4640 Paula Streit – Money Creek Township (*Variance #319*)
Build addition on existing pole barn (40' x 56') and lean-to (10' x 35')
- 4641 Minnayr Associates LLP – c/o Stan Bissen – Union Township
Build pole barn (40' x 40')
- 4642 Scott Schiebel – Hokah Township (*Variance #318*)
Replace barn with garage (30' x 40')

OTHER BUSINESS:

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

Submitted by the Planning Commission Clerk on February 20, 2018.

Houston County Planning Commission
April 19, 2018

Approved on August 16, 2018 by Dan Griffin and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, April 19, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Fred Arnold, County Commissioner, was present.

The agenda was reviewed. Larry Hafner made the motion to accept the agenda. Jim Wieser seconded. Motion carried.

Dan Griffin made a motion to approve the minutes of February 15, 2018. Bob Burns seconded. Motion carried.

Larry Hafner made a motion to close the Planning Commission meeting and open the public hearing. Jim Wieser seconded. Motion carried.

Notice of Public Hearing No. 882 was read for **Mathy Construction Company**, 920 10th Avenue North, Onalaska, WI 54650 and Glenn Kinneberg, 14824 County 17, Spring Grove, MN 55947.

Chairman Burns asked if any board member had a conflict of interest concerning this request. Chairman Burns indicated he would not vote due to his prior affiliation with the company.

Mathy Construction Company, 920 10th Avenue North, Onalaska, WI 54650 (applicant) and Glenn Kinneberg, 14824 County 17, Spring Grove, MN 55947 (landowner) are seeking an Interim Use Permit for a temporary bituminous plant in an agricultural district in Section 21 of Wilmington Township.

Aaron Lacher, Zoning Administrator, made the following comments in regard to the application:

- The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in an area previously quarried in Wilmington Township.
- The plant will produce asphalt for the County 27 project, from State 44 to State 76. The timeline identified in the application begins in May and extends to the end of the year. Aggregate for the project will be sourced from the Gengler Quarry, Swenson Quarry (Newburg Township, Fillmore County, enter Houston Co on State 44), and the Iverson Sand Pit (Iowa – enter MN on State 76); The applicant anticipates four round-trips per hour from each aggregate source and twelve round-trips per hour from the plant to the project site. Hours of operation will be 6 AM to 8 PM. Haul routes go through the City of Caledonia, westward on County 3 to State 44; avoiding Caledonia would require travel on township roads. County 3 through Caledonia is scheduled for repair in the near future.

- The following materials will be kept on site:
 Asphalt cement 30,000 gals.
 Diesel Fuel 9,200 gals.
 Liquid Propane 18,000 gals.
 Tack 7,000 gals.
 Petroleum Lubricants 150 gals.
- The Applicant has a Spill Prevention Control Countermeasure Plan in place.
- The Applicant states that the plant equipment proposed is compliant with MPCA air quality requirements.
- The plant is proposed in the Kinneberg Quarry. The site does not have a CUP and is being leased by Bruening Rock Products. This site may or may not meet the criteria to operate as a quarry, but that point is not relevant to the current application as no onsite quarrying is proposed. An IPU permit to locate a plant and bring in material for asphalt production need not be in a legally operating quarry. A permit could be granted in a corn field, parking lot, or any other location deemed appropriate by the County.
- Access is from County 17, and requires use of a driveway located on parcel 15.0251.000. The plant itself will be entirely contained on parcel 15.0230.000.
- The proposed location is approximately 1,200' from the landowner's house to the north. A house is located approximately 2,100' to the west, and 2,500' to the east. Wilmington Town Hall is 350' to the north.
- No public waters are mapped on site (nearest is Bee Creek, 9,500' southeast). A pond is located 500' north on the other side of County 17, and drains into an intermittent stream. Drainage from the area is generally to the north, presumably through a culvert to the pond; the quarry floor is at an elevation of 1,196' drains to the northeast along the driveway – see contour map below. The floor pitch is gradual, and berms may be an effective way to contain runoff within the site if the PC believes this is necessary.
- Wilmington Township and the ten nearest property owners were notified. No comments were received.

Chairman Burns asked Mathy Construction Company if they wished to add anything. Andy Marinelli, Vice President of the Portable Division, was present for Mathy Construction.

Mathy Construction has contracted with Houston County to repave County 27 and would like to use the existing Kinneberg site for their temporary asphalt plant. They plan to move in June 1st and the project will take about 4 weeks.

Aaron Lacher asked Andy if they would be agreeable to installing some berms by the driveway. Andy indicated they would be able to do this.

Dan Griffin asked where the truck traffic would be coming from. Andy indicated trucks coming from the Iverson Sand Pit in Iowa will enter Minnesota on State 76. County 17 will also be used to bring material in.

Jim Wieser asked if they were grinding the old surface with this resurfacing project. Andy indicated they would be and the grinding process will start on May 21st.

Jim Wieser asked if the city of Caledonia had any comments on truck traffic. Andy indicated he had not received any.

Aaron Lacher indicated County Highway Engineer Pogodzinski reviewed the truck routes.

Bob Burns asked which direction the trucks would be leaving the plant. Andy said they can go in either direction and will make a circle and then return. There will be truck hauling signs posted which is standard. Bob asked if any of the crew will be staying on the site. Andy indicated they will be staying. This will also offer a security presence.

Chairman Burns asked if anyone wished to speak. There were none.

Jim Wieser made a motion to close the public hearing and reconvene the planning commission meeting. Dan Griffin seconded. Motion carried.

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

Subdivision 1. Findings. 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.

Analysis: Supported by Section 0100.0510 Subd. 2, Policy 4: “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.”

Statements in support or opposition included: Need to keep roads up, need asphalt plants to run, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: The scheduled reconstruction of County 27 nearby creates a need.

Statements in support or opposition included: Most practical way to recondition road, need to fix County 27, it is needed, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response.

Statements in support or opposition included: Mathy has shown they know what they are doing, spill prevention control plan in place, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Berms could be required to contain runoff within the existing quarry site.

Statements in support or opposition included: Berms will contain run-off, operator has indicated their willingness to install berms, add as a condition, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Not Applicable

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: A Spill Prevention Control Countermeasure Plan is in place. Applicable air quality standards are met.

Statements in support or opposition included: Equipment has been tested and meets requirements, there is a spill control plan in place, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes

Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Proposed routes avoid township roads, which can be damage by heavy traffic. The County Engineer is aware of the proposed route and has no objections.

Statements in support or opposition included: The county engineer agrees, all township roads should be avoided, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: Not Applicable, all parking will be on-site.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Increased traffic loading on all routes utilized is projected at 20 trucks per hour, an insignificant amount.

Statements in support or opposition included: No worse than harvest time, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Adjacent properties are primarily cropland. Any impacts will be short-term. The nearest home is that of the co-applicant, and is ¼ mile away.

Statements in support or opposition included: This is short term, impact is short term, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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.

Analysis: The predominant use in the area is agricultural cropland which is not anticipated to be affected.

Statements in support or opposition included: Agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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 measures proposed mitigate potential nuisances to the extent practical and are adequate given the relatively isolated location of the site.

Statements in support or opposition included: Isolated location, agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: Not Applicable

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: Not Applicable

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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 proposed location is appropriate due to distances to neighboring dwellings. The Spill Prevention Control Countermeasure Plan mitigates unforeseen threats to public's health, safety, morals, and general welfare to the extent practical. The proposed haul routes result in the minimum wear on public road infrastructure, thus protecting the general welfare.

Statements in support or opposition included: Agree with analysis.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. Runoff from within the plant footprint shall be contained within the existing quarry floor, using berms when necessary.
3. Permit expiration shall be December 31, 2018.

Rich Schild seconded. A roll call vote was taken.

Robert Burns – Abstained
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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 8, 2018.

Notice of Public Hearing No. 883 was read for **Winnebago Springs, LLC**. 19708 Camp Winnebago Road, Caledonia, MN 55921.

Chairman Burns asked if any board member had a conflict of interest concerning this request. There were none.

Jim Wieser made a motion to close the Planning Commission meeting and open the public hearing. Ed Hammell seconded. Motion carried.

Darin Meyer, De-Su Holsteins LLC, 20214 County 28, Caledonia, MN 55921 (owner) and Shannon Schuttemeier, Winnebago Springs, LLC, 19708 Camp Winnebago Road, Caledonia, MN 55921 (operator), is seeking a conditional use permit for a wedding and event Venue in an agricultural protection district in Section 7 of Winnebago Township.

Aaron Lacher, Zoning Administrator, made the following comments in regard to the application:

- The request is for a Conditional Use Permit to have a wedding and event venue in an Agricultural Protection District. The application is made under the “other uses” provision for Conditional Uses in the Houston County Zoning Ordinance. *Section 14.3 subdivision 1 (25): Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible to with other use already permitted in the district.*
- The Applicant purchased the property in October of 2017. The property was previously operated as Camp Winnebago, a non-profit organization. For the purposes of evaluating the current application, the historic use of the property can be divided into two parts—a programmed summer camp and a passive RV campground. The Applicants’ intention is to separate the two uses; the summer camp operation would be discontinued and replaced with a wedding and event venue operation, while the RV campground would continue unchanged as a legal non-conforming use. As such, the current application does not include use as an RV campground nor the area within which the RV campground exists
- **Current Application:** The proposal is to use existing and new infrastructure to host weddings and events. These events would take place primarily within the existing camp infrastructure, but also extend north to a grassed area along the creek. The Applicant would provide facilities to guests, who would be responsible for all other needed amenities (e.g. food & drink, tents, portable restrooms, event security, entertainment, liability insurance). The facility would be offered for rent year-round;

the applicants estimate the busiest time to be May-September with typical wedding attendance between 200-500 guests.

The application materials also make reference to occasional live-music events, proposed to occur in the lower grassed area north of the facilities. At this time, the applicants anticipate working with area non-profits on concerts as fund-raising events, and would rely on the partnering organization to provide a majority of the planning and operational needs of an event. Staff recommendations below would require County Board approval of each event, and may provide options for the County to approve this component of the application in concept while allowing later approval of details surrounding specific events. For example, the CUP could approve the concept of concerts, place general parameters around number of events, attendance, volume, and require the applicant to seek County Board approval of individual events.

- **Parking:** The HCZO specifies a total area of 300 s.f. per parking space (including access drive) with each parking space measuring 9' x 20' (180 s.f.). Two areas have been proposed for parking, shown below, totaling approximately 167,000 s.f. and providing approximately 556 spaces. Applicants have indicated that there will be additional designated handicapped parking spaces.

For places of assembly, the HCZO specifies one parking space for every three seats. Based solely on proposed parking space area, this requirement would limit facility capacity to 1659 seats. Details of the parking lot layout, access routes, and parking procedures would be helpful in determining a more accurate number of spaces, and it is unclear how guests would know where to park. Due to overlap in the designated parking area and concert area, it is unclear where parking would occur during concert events.

The larger of the two parking areas is located in a floodplain. Applicants have indicated that shuttles will be used if flooding is anticipated. Additional details regarding flood prediction and shuttle operations may be helpful.

- **Security:** Applicants have provided specimen contracts and rules governing the proposed operation. The facility would not be staffed at all times; instead guests would be provided with phone numbers of owners/managers, one of whom would be available to answer calls at all times. In the event cellular reception is poor, a landline telephone is located in the main building. Guests would be instructed to call 911 in the event of an emergency. The PC might consider requiring professional security or emergency medical technicians be present when attendance exceeds thresholds.
- **Food & Drink:** The Applicants indicate that food and drink will be provided by caterers of the customers' choice. The proposal is for guests to bring their own alcohol onsite, but to require a license for the sale of alcohol. Minnesota Liquor laws and rules (340A.404. Subdivision 12) allow for the sale of liquor under a caterer's permit issued to a restaurant that holds a valid on-sale intoxicating liquor license issued by any municipality. The holder of a caterer's permit may sell intoxicating liquor in-conjunction with their food service at a place other than their licensed premises. The permit holder must notify the county sheriff of where the event will take place.
- **Site History:** The site presumed to have operated as a camp since 1967. The Houston County Association for Retarded Children, Inc. acquired the property on April 13, 1967. Shortly after, in 1969, the property was deeded to Camp Winnebago, Inc. Camp Winnebago, a non-profit summer camp.
- The current application does not include use as an RV campground nor the area within which the RV campground exists. The original campground owners took possession of the property prior to zoning (Aug. 30, 1967), the RV campground appears on a 1991 aerial (below) and subsequent aerials, and a DNR permit was issued in 1968 to excavate the pond near the campground, which could suggest an effort to provide recreational amenities to the campground, all of which supports a conclusion that the RV campground is a legal non-conforming use. However, it is not necessary for the PC to make a determination regarding the RV campground as the application is limited to the use of the property as a wedding/event venue and does not include the area in use for RV camping.
- The proposed use is located on two parcels totaling 102.3 acres. Of this, approximately 20 acres have been identified for use in the application. A portion of the property is located in the floodplain with a base flood elevation of 850'-854'. The existing buildings and the areas proposed for weddings and

events are located on higher ground, above 880', however parking and concerts are proposed within the floodplain.

- Multiple buildings exist at the site, including a 6,496 s.f. center built in 2003. The current proposal constitutes a change in use, triggering the need for a CUP and review of buildings for applicable state and federal standards. An Architect's statement that the 2003 design met American's with Disabilities Act standards has been located, but does not verify the structure "as built," or address any of the remaining structures. State review for building code compliance may be required for buildings capable of accommodating 200+ people. Staff are not experts in this area and lack the requisite knowledge to determine compliance. Staff recommendation is for the applicant to demonstrate compliance with applicable state and federal requirements by hiring qualified professional to conduct a review and certify compliance.
- Winnebago Township and the ten nearest property owners were notified. No comments were received.

Chairman Burns asked the Winnebago Springs representatives if they wished to speak. Shannon Schuttemeier and Dustin Meyer were present for Winnebago Springs. Shannon went over the plans for the wedding and event venue. She also indicated lodging in the area is very limited, so they believe this will be a good fit. They plan to offer lodging year around.

Dan Griffin asked about the updated information on the building codes. Shannon said they had a licensed building inspector from Winona (Greg Karow – MN Certified Building Official #1580) visit the site. Mr. Karow said the ADA code is still in effect. His inspection confirmed the architect's design was built according to the original plans. The fire code standards are met and the lodging facilities are also compliant.

Dan Griffin asked if the lodging cabins needed to be ADA compliant as well. Shannon said they are not required to be because there are only 8 beds in each, however, they are going above and beyond and making them ADA compliant.

Aaron Lacher asked what the posted capacity limit was for the main building. Shannon stated 250. Aaron indicated there needs to be compliance with fire code, building code and ADA compliance.

Dan Griffin asked if there are more than 250 guests what their plan is. Shannon said the renters will need to set up tents outside and bring in pot-a-potties. There was discussion on controlling the number of people that are actually in the building at one time and the structural integrity of building if there is a large event, such as a 500 person event. The past owners rented the main building approximately 7 times per year. There will be no camping on top, only the lodging facilities are available.

Lengthy discussion continued on the main building and the applicable codes. It was decided that more clarification was needed and they will hire someone to do that.

Bob Burns asked some general questions. The questions and answers follow:

1) The definition of bunk houses. These are lodging facilities mainly for hunters, where there are single beds and no queen beds. There are more beds, but the same sleeping capacity. 2) The business plan mentions shuttling will be available. That is an option and can be from different locations, that is up to the renter. 3) Is there a grade requirement for the air chapel. The chapel design

is at a 2-3% slope, which is minimal. 4) If renters bring in their own alcohol, who is responsible. The renters are responsible if they give it away. 5) Are the three proposed lodging facilities required to be ADA compliant. They do not; only the main building is required to be ADA compliant due to the 250 capacity. 6) How often does the elevator need to be inspected. It is inspected yearly. 7) Aerial mapping indicates there is available parking on the lower level. This is the “preferred area” for parking, as it is out of the floodplain. 8) Is there a phone onsite for emergency purposes. There is a phone in the main building and there will be Wi-Fi cell service available in each lodging facility. 9) Music decibel level inside and outside. Indoor amplified must not exceed 50 decibels. Outdoor music volume must not exceed 135 decibels as measured from any location. 10) Where will staging be located for the outdoor events. The event manager will decide where they want to have it. The County Board approves these events.

Chairman Burns asked if anyone else wished to speak.

Audrey Almo asked if there is a music event, where they are going to park. Shannon Schuttemeier indicated all parking will be on their grounds and determined once the applicant picks out where the stage will be.

Dan Griffin made a motion to close the public hearing and reconvene the planning commission meeting. Larry Hafner seconded. Motion carried.

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

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 would likely create increased demand for ancillary hospitality business such as caterers, florists, and lodging providers. The proposal is constant with section 0100.0505 Subd. 1 goal 1: Diversified Economic Development. Encourage and promote diversified economic development in order to provide for continued employment opportunities.

Statements in support or opposition included: Good for economic development, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Land use permitting is necessary to implement the proposal. The applicants believe there is a need for such a venue in the area. Two similar permits have previously been granted; both operate in the north half of the County.

Statements in support or opposition included: Asset to the county, there is a need, similar use from prior owners, agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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

Analysis: Septic is a potential threat to groundwater. The existing SSTS varies in age and was installed to code at the time of installation. The majority of load on the SSTS systems will likely come from the main building, which was built in 2003 under the same SSTS code enforced today. That system is designed to maximum daily flow rate of 2,700 gallons per day.

Statements in support or opposition included: The system is adequate, agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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

Analysis: The proposal does not include significant departures from the previous operation related to runoff; no impact is anticipated.

Statements in support or opposition included: Agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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

Analysis: The proposal does not include significant departures from the previous operation related to soil conditions.

Statements in support or opposition included: Agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes

Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: Septic is a potential threat to groundwater. The existing SSTS varies in age and was installed to code at the time of installation. The majority of load on the SSTS systems will likely come from the main building, which was built in 2003 under the same SSTS code enforced today. That system is designed to maximum daily flow rate of 2,700 gallons per day.

Statements in support or opposition included: They have been addressed, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Analysis: The infrastructure needs of the proposed use and previous use are similar regarding utilities, drainage, and other necessary facilities. Access roads within the parking area need to be identified to determine adequacy.

Statements in support or opposition included: There is emergency phone access, upper and lower parking was discussed, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: Access roads within the parking area need to be identified to determine adequacy. Parking lot layout is needed to determine adequacy. Parking procedures are needed to determine adequacy.

Statements in support or opposition included: ADA parking requirements will be met, applicant has shown parking maps and indicates shuttling as an option, parking will be sufficient, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes

Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Statements in support or opposition included: Parking areas are designated, use of shuttles possible, parking on top and below will eliminate congestion, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: The nearest dwelling is approximately 650' south of the main building, on the south side of Camp Winnebago Road. A cabin is located approximately 1,300' east. Noise and traffic are the primary concerns; conditions are proposed to limit impacts of noise, current traffic count on County 5 is 170 vehicles per day. Information regarding design capacity is being sought.

Statements in support or opposition included: Notification to property owners resulted in no comments, similar to previous use, works well and conditions are adequate, isolated site, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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: Recognizing the existing infrastructure and past use of the site and how it affected surrounding property, the proposed change of use is normal and orderly. The adjacent area is primarily wooded hillsides, steep slopes, ditches, all draining into a trout stream.

Statements in support or opposition included: Similar to past use, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes

James Wieser – Yes
Fred Arnold – Yes

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: Noise is a concern; the applicant has indicated a willingness to accept restrictions on hours of operation and volume.

Statements in support or opposition included: Applicants are willing to deal with restrictions, noise and music have been addressed, agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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: Not Applicable

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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: The proposal is more so a reuse of existing development than a proposed new development.

Statements in support or opposition included: Agree with analysis.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes
Richard Schild – Yes
James Wieser – Yes
Fred Arnold – Yes

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 primary concern is emergency response, in particular instances of flooding and how it could impact parking. The PC should seek information in order to have confidence that adequate procedures and protocols are in place.

Statements in support or opposition included: Discussion with applicants, notification of sheriff and event planners, Wi-Fi and phones will be available, discussion of emergency issues, agree with analysis.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

1. The Permittee shall comply with all federal, state, and local laws and regulations. Occupancy cannot exceed limits permitted by state codes.
2. Permittee will notify County Zoning of all events/weddings/concerts with anticipated attendance greater than 500 guests no later than five business days prior to the event.
3. The Permittee shall instruct guests not to park on County 5 and Camp Winnebago Road.
4. Outdoor amplified music/speaking must end no later than 9:00 PM, except for Outdoor Concerts which are regulated below. After 9:00 PM, indoor amplified music/speaking must not exceed 50 decibels as measured from the intersection of Camp Winnebago Road and the main building driveway (PID 16.0077.000).
5. Outdoor Concerts are limited as follows:
 - a. Each event must be approved by the County Board of Commissioners no later than two months prior to the event except for the year 2018, during which the approval must be secured 30 days prior to the event. The Permittee or event manager should inform the Board of the proposal including:
 - i. Written permission from property owner (e.g. Winnebago Springs)
 - ii. Anticipated attendance
 - iii. Parking
 - iv. Security
 - v. Temporary fencing
 - vi. Bathroom facilities
 - vii. Staging
 - viii. Alcohol
 - ix. Food
 - b. Maximum of 2 events per year.
 - c. Events are limited to Friday and Saturday.
 - d. Music and the event must end no later than 12:00 AM.
 - e. Attendance is limited to 1,500 attendees.
 - f. Music volume must not exceed 135 decibels as measured from any location.
 - g. No parking shall be permitted in the shore impact zone (50' from the stream bank).
6. Future rental facilities (3) identified within the application are approved in concept, but must meet all building requirements with the zoning ordinance and will require the issuance of building-specific zoning permits.
7. A landline telephone shall be maintained at the site.

Rich Schild seconded. A roll call vote was taken.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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 8, 2018.

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

- | | |
|------|--|
| 4643 | John Schwanbeck – Hokah Township
Build storage shed (14' x 24') |
| 4644 | Matthew Feldmeier and Wendy Sampson – Yucatan Township
Build house (30' x 60') garage (30' x 30') porch (6' x 20') |
| 4645 | Winnebago Springs – Winnebago Township
Build wedding chapel (54' x 48') storage addition (30' x 18') and (2) decks (15' x 18') deck (18' x 60') |
| 4646 | Tim and Gwen Nelson – Yucatan Township
Build breezeway (12' x 26') garage (26' x 26') |
| 4647 | David and Carol Hutchinson – Black Hammer Township
Build pole shed/garage (32' x 32') |
| 4648 | Brian Tostenson – Union Township
Build lean-to on shed (16' x 40') |
| 4649 | Joe and Jane Michalke – Mound Prairie Township
Build house with attached garage (44' x 74') |
| 4650 | Allyn Jacob – Yucatan Township
Build 3 grain bins – 18' diameter |
| 4651 | Doug and Julie Heintz – Sheldon Township
Build house (34' x 58') garage (24' x 36') and (24' x 24') 4-season room (16' x 20') |

OTHER BUSINESS:

Fred Arnold made a motion to adjourn the meeting, Jim Wieser seconded. Motion carried. Submitted by the Planning Commission Clerk on April 23, 2018.

Houston County Planning Commission
August 16, 2018

Approved on September 13, 2018 by Fred Arnold and Larry Hafner

The Houston County Planning Commission met at 6:00 p.m. on Thursday, August 16, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell and Rich Schild. Fred Arnold, County Commissioner, was present. Jim Wieser was absent.

The agenda was reviewed. Dan Griffin made the motion to accept the agenda and approve the minutes of April 19, 2018. Larry Hafner seconded. Motion carried.

Larry Hafner made a motion to close the Planning Commission meeting and open the public hearing. Ed Hammell seconded. Motion carried.

Notice of Public Hearing No. 884 was read for **Sarah Wexler-Mann/Sweet 16 Farm, LLC**, 21215 State 16, Houston, MN 55943.

Sarah Wexler-Mann is seeking to amend Interim Use Permit #17 for a Start-up Business consisting of a roadside farm stand and disc golf in an Agricultural Protection District to allow for exhibitions and camping in Section 33 of Yucatan Township.

Amelia Meiners, of the Zoning Administration, commented on the application:

- The petitioner is seeking to amend her Interim Use Permit to operate a Start-Up Business in an Ag Protection District to include exhibitions and the operation of two special event campgrounds.
- **Existing IUP:** The permit provides for two primary operations: a farm store (roadside stand) and a recreational disc golf course. Operation is seasonal in nature. A variety of items are offered for sale many being agricultural products produced onsite. Recreational disc golf is also offered on an established course.
- **Amended Application:** The applicant would like to receive an Exhibition Permit to provide a venue for hosting public/private events including live music, farm tours, workshops, and weddings. Two campground locations have also been proposed for primitive camping only to accommodate guests for events hosted by Sweet 16 Farms LLC. The applicant is seeking a Special Event Campground Area (SECA) permit which has received plan approval by the Minnesota Department of Health, but does still require final approval from a local inspector. It should be noted that the SECA permit is only for two events per year.
- **Existing IUP:** The operation is on a 65 acre parcel off of State 16. The site is partially included in the FEMA Floodplain, including the farm stand and the parking area. The stand is mobile, and thus is not considered a structure, however, an emergency plan for its removal has been provided by the applicant. Parking areas are a permitted use in a floodplain. The disc golf course may also overlap slightly with the floodplain, but it is also a permitted use. The site is accessed via an established farm entrance off State 16. MnDOT indicated that no improvements or additional permits would be required for the proposed use of up to 100 trips per day. The majority of the disc golf course is located on irregular shaped terraces, narrow gullies, valley foot slopes, and side slopes of terraces. A

buffer separates the course from adjacent properties, with the nearest component being approximately 50' from the parcel line in the northwest corner.

- **Amended Application:** For this application the petitioner is looking at expanding the parking area, utilizing two clear, flat areas on higher ground for primitive camping and using the farmstead site, with the exception of the farm structures, for public/private events.

Within the barnyard there are two locations proposed for music as indicated in the site plan included with this packet. At the southwestern edge of the barn site is one proposed outdoor stage location set up on a concrete lot and the second proposed location, is an outdoor wooden stage at the southeastern corner of the building sites along the hops fields. The petitioner plans to limit music events to three per year and up to 1,500 attendees each as similar permit holders do. The applicant is also asking for the same conditions on music controls as those imposed on similar permit holders. Those proposed music conditions are listed at the end of this document. The applicant references an indoor stage as well, but also says she doesn't plan to use any buildings. Any usage of buildings would require that they meet applicable codes.

The locations for the proposed campground areas are two approximately half acre open field areas up on higher ground. Campers will be allowed to drive to their campsites to unload, but then vehicles must be returned to the designated parking area below. Based upon recommendations from MDH each camping area can accommodate approximately 50 tents. MDH does have strict guidelines for portable toilets. Each campground must have them within 400 feet and one toilet per gender is required for every 150 sites. Campground #1 is located approximately 300 feet south of the stage areas and Campground #2 is located approximately 300 feet west of the stage areas. The petitioner has received preliminary approval from MDH on the plan, but must still receive final approval from the local inspector. Staff recommends deferring to MDH for any SECA permit stipulations. The SECA permit is limited to twice per year and the applicant's plan is included in her packet. Access to Campground #1 is rock and varies in slope from 5%-18% and Campground #2 is accessible via lawn/field access road and contains slopes between 5%-14%. The requirement for residential driveways is 12% maximum.

For events, the petitioner plans to have large tents brought in instead of utilizing existing farm facilities. No alcohol will be served to minors and if alcohol is served the vendor will be required to hold a valid liquor liability insurance policy and have all appropriate licensing. Minnesota Liquor laws and rules (340A.404 Subdivision 12) allow for the sale of liquor under a caterer's permit issued to a restaurant that holds a valid on-sale intoxication liquor license issued by any municipality. There are no functioning restrooms on site so portable toilets will be required and the number in this area is at the discretion of the applicant.

The insurance policy provided for the initial IUP was through Auto Owners/Krage Agency, but did not provide coverage for Special Events. A certificate of insurance is not required by the County, but can be requested if desired. According to the applicant the policy does now cover Special Events. The parking area has expanded from the original proposal. The main farm access is via a field road to the west of the house driveway. The HCZO specifies a total area of 300 square feet per parking space including road access. The applicant estimates the main parking area to be about one acre in size with about 3 acres available for overflow. No handicap areas were identified so more information may need to be identified by the applicant if desired. HCZO does not specify required number of off street parking spaces for this particular use and defers to the County Board and Planning Commission for determination. Staff estimates approximately a 560 vehicle capacity based upon the drawing included in the applicant's plan. Assuming three people per vehicle, there is parking to accommodate the 1500 people limit she is proposing. This area is all in floodplain, but a parking area is a permitted use. The PC may wish to seek more information from the applicant about emergency evacuation plans.

MnDOT has expressed some concern over the potential increase in traffic and possibility of backups on Highway 16, but did not have time to formally comment at the time of this mailing. They also want to ensure that no one will be parking on Highway 16. As Staff understood the applicant does not plan to grade or gravel any of the expanded parking area so a hydrological assessment should not

be an issue for MnDOT. The applicant will have to adjust and follow her Access Permit with MnDOT as a condition of this Permit.

The applicant lives onsite and so will be available or have staff available during all events on site as stipulated by MDH for the SECA area.

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

Chairman Burns asked Sarah Wexler-Mann for her comments. Sarah indicated the reason to amend her existing permit was to include live music events, farm tours, workshops, weddings and other public and private events. She talked about her tagline for her business being “Sustainability and Community” and its importance in allowing the public to participate in events at the farm and what the farm promotes. She wishes to provide a safe atmosphere for people to experience farm life.

Dan Griffin asked what she was planning for public events. Sarah indicated the only event she has planned right now is the Hop Harvest event coming up on August 25, 2018. She said they did this event last year and about 75 people showed up. Harvesting hops is very labor intensive and she depends on volunteers to assist in the harvest and wishes to provide entertainment in appreciation for their efforts. She would also like to possibly do some farm tours with the local food co-ops.

There was lengthy discussion on what the three music events would/should include and what the possible conditions and parameters for these events would be. *(Conditions were also reviewed from previous permitted uses to help determine conditions for the proposed amended application.)*

Dan Griffin stated he would like to see limiting the three music events to the weekends only, with the upcoming Hop Harvest event being counted as one event. He also talked about shut down times and decibel levels that the board should consider. Dan stated that amplified music can really carry in valley.

Larry Hafner questioned if the neighbors were in favor of the new proposal, referencing concern on how amplified music can carry in the valley. Sarah indicated her closest neighbor, Jerome Beranek, was in attendance and that she had talked to him.

Bob Burns discussed the fact that there should be absolutely no parking on Highway 16. Handicapped designated areas should be in place. Minnesota Department of Health indicates she needs portable toilets for both men and women and if the number of attendees exceeds 150, then more toilets will be needed.

Chairman Burns asked if anyone wished to speak.

Jerome Beranek stated he is the closest neighbor to the west. He said he had a lengthy discussion with Sarah about her business plan. He is not totally in favor of her new proposal. He wondered if there was a required minimum setback from the proposed campground to his property because he has concerns on how close people will be camping to his property. He indicated he can hear people talking when they are playing disk golf, so he has concerns on how much noise there will be with people camping and how late they will stay up. He chose to live where he lives because of the quietness. He also has to get up very early for his job as he

commutes a long distance. He anticipates having his property surveyed and putting up a fence. He would like the campsite to be in a different location.

There was discussion that camping would be limited to 2 times per year under the Special Event Campground Area (SECA) through the Minnesota Department of Health (MDH). MDH has approved the initial plan but Sarah still needs final approval from a local inspector. Sarah showed the board where the proposed sites would be on an aerial photo. She plans to have the closest camping area a quiet campsite for families. She also indicated she would talk to her neighbor, Mr. Beranek, again. (Sarah events are limited to 2 camping and 3 events. She wants a quiet campground for families to camp and she designated the area closer to him as a family campground.)

Chairman Burns asked if anyone else wished to speak. There were no other comments.

Commissioner Arnold reiterated the fact that Interim Use Permits are reviewed every 5 years if things needed to be tweaked with the permit.

Dan Griffin stated he wasn't in favor of camping events that can run up to 14 nights. He is of the opinion that 4 nights should be the maximum. If over that amount, she needs to seek approval from the Zoning Administrator.

There was general discussion on use of existing buildings. The buildings will not be used until they meet all requirements; she will use tents until they pass code.

Ed Hammell questioned where the staging would be set up. Sarah pointed out on the aerial photo where the stages would be placed.

MnDOT guidelines were reviewed. MnDOT indicated that no additional permits would be required for the proposed use of up to 100 trips per day; however, they expressed some concern over the potential increase in traffic and possibility of backups on Highway 16. They did not have time to formally comment, but want to ensure that no one will be parking on Highway 16. Parking was discussed and Sarah indicated she will have a parking attendant directing traffic off the Highway onto her designated parking areas.

Dan Griffin thought the permit should be reviewed sooner than 5 years. He suggested it be reviewed within 2 years to see how things are going.

Commissioner Arnold had to leave the meeting at this time to attend another meeting.

Dan Griffin made a motion to close the public hearing and reconvene the planning commission meeting. Larry Hafner seconded. Motion carried.

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

Subdivision 1. Findings. 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.

Analysis: The proposal conforms with the County's policy 0100.0502 – "Promote Agriculture As Significant Economic Activity And Land Use".

Robert Burns – Yes, this is a small farm promoting business in small farm agriculture.

Daniel Griffin – Yes, she is growing a crop.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes, allows people to see agriculture.

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

Analysis:

Existing IUP: The area for the disc golf course is poorly suited for conventional agriculture but appropriate for this use; a commercial enterprise requires a permit.

Amended application: The applicant stated the tagline for the business is "Sustainability and Community" and allowing the public to participate in events at the farm is what the farm promotes. She wishes to provide a safe atmosphere for people to experience farm life. The applicant plans to host Hop Harvest Fest the end of August. Harvesting hops is very labor intensive and so the applicant depends on volunteers to assist with harvest and wishes to provide entertainment in appreciation of their efforts. The Special Event Campground Area activity is only in conjunction with hosted events and MDH limits it to twice per year. The applicant is asking for approval of three music events per year.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with sustainability.

Edward Hammell – Yes

Richard Schild – Yes, has shown a need.

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

Analysis: Portable bathrooms will be available to guests.

Robert Burns – Yes

Daniel Griffin – Yes, will be using appropriate number of portable toilets.

Larry Hafner – Yes, will not degrade water quality.

Edward Hammell – Yes

Richard Schild – Yes

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

Analysis: The proposal does not include significant departures from the previous operation related to runoff; no impact is anticipated. The expanded parking area is a field and as staff understands the owner does not plan to grade or gravel any area, just mow, which may affect water runoff. However, this area falls under the scope MnDOT's Access Permit which is still being amended.

Robert Burns – Yes

Daniel Griffin – Yes, no gravel being put down.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes

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

Analysis: The steep slopes present at the site are poorly suited for many uses, but are an asset for the recreational use proposed. The sites looking to be utilized for expanded parking, camping, and event siting are all maintained now for recreation or lawn so should be adequate for the proposed uses.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes, provided care is taken with campsites.

Richard Schild – Yes, better than cattle.

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

Analysis: The applicant plans to bring in portable toilets and encourages recycling of materials.

Robert Burns – Yes, appears to be good steward of the land.

Daniel Griffin – Yes, as long as adequate toilets are being provided.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes

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

Analysis: Access for the initial Interim Use Permit was approved by MnDOT for 100 trips per day. The increase in traffic for events has yet to be approved by MnDOT. Camping is primitive and so doesn't require excessive utilities. MDH did request an electrical inspection as part of the SECA permit.

Robert Burns – Yes

Daniel Griffin – Yes, clarified that no electrical inspection is required. MnDOT will oversee when required.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes, agrees with analysis.

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: Applicant has identified adequate parking areas. Access roads/parking lot layout within the parking area need to be identified to determine adequacy, but based on general figures the parking areas can accommodate approximately 560 vehicles.

Robert Burns – Yes, conditions will include parking attendant to prevent backup.

Daniel Griffin – Yes

Larry Hafner – Yes, more than adequate room for parking vehicles.

Edward Hammell – Yes

Richard Schild – Yes

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

Analysis: Parking attendants will be there during large events to efficiently get people to spots and alleviate backups on the state highway. At this time MnDOT expressed concerns regarding increased traffic and possible congestion on Highway 16, but they need more time to make a decision on the Access Permit. The IUP could be approved contingent with the Access Permit approval as a condition.

Robert Burns – Yes, on a condition that parking attendant will be used.

Daniel Griffin – Yes, parking attendant be a condition.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes

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

Analysis: An adequate buffer separates the disc golf course from the adjacent properties. The closest neighbors are 1,700, 3,000, and 3,200 feet away to the west. If music is always in the same location it will be directed towards the east/southeast or south in which neighbors are 3,800 and 5,200 feet, 1 and 1.4 miles away with forested areas as buffers.

Robert Burns – Yes, conditions serve as a safeguard.

Daniel Griffin – Yes, needs to be considerate of neighbors.

Larry Hafner – Yes

Edward Hammell – Yes, staging should be placed for consideration of neighbors.

Richard Schild – Yes

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.

Analysis: NA

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: Noise is a concern; the applicant has indicated a willingness to accept restrictions on hours of operation and volume as other permitted facilities have.

Robert Burns – Yes, volumes and light need to be addressed in conditions.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes, set conditions.

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: The proposal is a low intensity use that is compatible with the area.

Robert Burns – Yes

Daniel Griffin – Yes, there are limited events.

Larry Hafner – Yes

Edward Hammell – Yes

Richard Schild – Yes, agrees with analysis.

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: Public health, safety, morals, and general welfare are not anticipated to be impacted. The applicant states that the farm events are open to the public and geared towards families with a zero tolerance for stupidity including drugs and intoxication. The farm site itself will be removed from floodplain as maps get updated this fall. The campground should be approved by MDH prior to use for health concerns. MnDOT will reevaluate the Access Permit.

In the event of an emergency there is a landline at the main house and volunteer staff will be on hand to assist. If attendance exceeds 250 the applicant plans to have a CPR/AED and first aid certified employee on site. There is reserved/designated parking for emergency vehicles at the farm entrance.

Robert Burns – Yes

Daniel Griffin – Yes, concerns are covered.

Larry Hafner – Yes, agrees with analysis.

Edward Hammell – Yes

Richard Schild – Yes

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

Existing conditions:

1. The Permit Holder shall comply with all applicable federal, state, and local laws and regulations.
2. The Permit Holder shall submit a written flood plan outlining the actions necessary for the removal of the farm stand from the Flood Hazard Area should flooding conditions threaten.
3. Permit valid for 5 years and renewed administratively by the zoning office. The initial permit was issued in July 2016 and will be renewed in July 2021.
4. Portable restrooms will be used until septic is up to code.

Proposed conditions:

5. A one-time review of the permit shall occur in September of 2019 by staff.
6. One security staff be provided for every 500 people.
7. Permittee will notify County Zoning and Sheriff's office of all events/wedding/concerts with anticipated attendance greater than 500 guests no later than five business days prior to the event.
8. Should the Permit Holder decide to utilize existing farm structures for events in the future she must demonstrate to the County that all applicable state and federal standards, including, but not limited to fire, health, building codes, OSHA, and ADA compliance are met. The applicant shall demonstrate compliance by hiring a qualified professional to conduct a review and certify compliance.
9. Attendance is limited to 1,500 attendees.
10. A Minnesota Department of Transportation "Change in Use" Access Permit must be obtained/updated and followed.
11. Limited to 3 public events with amplified music or speakers per year.
12. The campground shall be operated as a Special Event Campground Area and maintain compliance with all of the Minnesota Department of Health regulations. Camping events (more than 5 campsites

- used) shall be limited to 2 events per year, with each event lasting no more than 4 overnights. Additional camping events may be approved by the Zoning Administrator.
13. Guest parking shall be monitored and no parking shall be permitted along the public highway.
 14. Lights will not be placed so as to affect neighbors or vehicles traveling on Highway 16.
 15. Music conditions:
 - a. All federal, state, and local permits be obtained and followed.
 - b. Limited to 3 public events with amplified music or speakers per year.
 - c. Friday night (Saturday morning) and Saturday night (Sunday morning) – maximum music decibels will be 120 at any location. Music will be reduced to 80 decibels between 12am-1am with music ending at 1am.
 - d. The applicant will need to demonstrate the knowledge and provide the equipment to satisfy to the County that these conditions are met.
 - e. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
 - f. Amplified music and speakers must end by 9 PM on Sunday through Thursday, and 1 AM on Friday night (Saturday morning) and Saturday night (Sunday morning). Events not open to the public shall not be counted toward the 3 public events allowed each year.

Bob Burns made the motion to recommend the Houston County Board approve the Interim Use application based on the above conditions.

Rich Schild seconded. A roll call vote was taken.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Richard Schild – Yes
 James Wieser – Absent
 Fred Arnold – Not present

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

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, August 21, 2018.

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

4652	Jason Devine – La Crescent Township Build deck (20' x 24')
4653	Tim Carpenter – Houston Township Build pole shed (48' x 72') lean-to (12' x 48')
4654	Matt Schieber – La Crescent Township Build house and garage (30' x 40')
4655	Scott Meyer – Winnebago Township

- Build shop (32' x 60')
- 4656 David and Vickie Edwards – Black Hammer Township
Build house and garage (52' x 84') porch (20' x 12') deck (20' x 12')
- 4657 Charles Chihak – La Crescent Township
Build ground mount solar array (38' x 11')
- 4658 Wayne Houdek – Mayville Township
Build machine shed (60' x 160')
- 4659 Francis Myhre – Wilmington Township
Build house (56' x 46') garage (30' x 36')
- 4660 Al Lorenz – Union Township
Build pole building (56' x 48')
- 4661 Royce DeCook – Black Hammer Township
Build pole shed (30' x 48')
- 4662 Daniel Fuchsel – Mound Prairie Township
Build lean-to on pole shed (12' x 24')
- 4663 Nicholas and Gina Meinertz – Black Hammer Township
Build house and garage (54' x 76')
- 4664 Fred Sandvik – Mound Prairie Township
Build pavilion (50' x 120') enclose barn entry (14' x 24') build storage (14' x 10')
(2) waterless bathrooms (9' x 20') each.
- 4665 Ron Konkel – Jefferson Township
Build house (32' x 56') garage (30' x 32') porch (56' x 6') deck (30' x 6')
- 4666 Rachel Albrecht – La Crescent Township
Install roof mounted solar array (846 sq. ft.)
- 4667 Dennis and Tatiana Deters – Spring Grove Township
Build lean-to on barn (15' x 30')
- 4668 David Selness and Lynette Grosch – Spring Grove Township
Build house and garage (32' x 66')
- 4669 Anthony Koch – Winnebago Township
Build porch (8' x 12') attached garage (26' x 24') and addition (32' x 10')
Variance Permit #323
- 4670 Philip Augedahl – Mayville Township
Build addition on garage (20' x 8')
- 4671 Jim and Mary Wilson – Union Township
Build garage (30' x 40')
- 4672 Greg Gran – Crooked Creek Township

- Replace mobile home (16' x 70')
- 4673 James and Kathryn Hall – Spring Grove Township
Build shed (30' x 40') *Variance Permit #325*
- 4674 Tim and Kelly Meyer – Caledonia Township
Build pole shed (54' x 74')
- 4675 Marlin and Mary Ann Carrier – Yucatan Township
Replace portion of existing deck (12' x 24') and convert portion of existing deck to 3-season porch (12' x 12')
- 4676 Josh and Amanda Bedard – Money Creek Township
Build living room addition (26' x 30')
- 4677 Martin Romain – Yucatan Township
Build pole building (40' x 36')
- 4678 Barb Miller – Mound Prairie Township
Build deck (12' x 10')
- 4679 Ralph and Sue Felten – Mayville Township
Build living room and office addition on house (14' x 30') and (14' x 24')
- 4680 William and Karen Kohlmeyer – Mayville Township
Build house (36' x 46') garage (34' x 24') porch (8' x 40') deck (10' x 12')
- 4681 Charles Frandsen – Union Township
Build detached garage (24' x 28')
- 4682 David Faas – Houston Township
Build shed (16' x 22') *Variance Permit #324*
- 4683 James and Lisa Kleist – Money Creek Township
Build screen room (10' x 12')
- 4684 Russell Smith – Money Creek Township
Replace pole building due to fire (40' x 40')
- 4685 Andrew and Anita Schauer – Jefferson Township
Build pole barn (56' x 80')
- 4686 Dean Beneke – Jefferson Township
Build grain bin (5,300 bushels)
- 4687 David Wiebke – Wilmington Township
Build pole barn (60' x 160')
- 4688 Knute Knutson – Money Creek Township
Build storage shed (32' x 40')
- 4689 Gary and Denise Wiemerslage – Wilmington Township
Build grain bin (27' x 27')

- 4690 Clair Welch – Mound Prairie Township
Replace garage (20' x 24')
- 4691 Harry Walker – La Crescent Township
Build living room addition on trailer (14' x 16')
- 4692 Greg Bichel – Union Township
Build grain bin (10,000 bushels)
- 4693 America Tower/T-Mobile – Houston Township
Add new colocation on existing tower
- 4694 Chad Rask – Black Hammer Township
Replace shed (30' x 60')
- 4695 Nels and Melanie Solum – Spring Grove Township
Build addition (30' x 28') and breezeway (19' x 16')

OTHER BUSINESS:

Aaron Lacher touched on the online permitting process for zoning permits.

September meeting will be held on the 2nd Thursday.

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

Submitted by the Planning Commission Clerk on August 17, 2018.

Houston County Planning Commission
September 13, 2018

Approved on November 1, 2018 by Ed Hammell and Jim Wieser

The Houston County Planning Commission met at 6:00 p.m. on Thursday, September 13, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Larry Hafner, Ed Hammell and Jim Wieser. Fred Arnold, County Commissioner, was present. Daniel Griffin and Rich Schild were absent.

The agenda was reviewed. Ed Hammell made the motion to accept the agenda. Fred Arnold seconded. Motion carried.

Fred Arnold made a motion to approve the minutes of August 16, 2018. Larry Hafner seconded. Motion carried.

Larry Hafner made a motion to close the Planning Commission meeting and open the public hearing. Jim Wieser seconded. Motion carried.

Notice of Public Hearing No. 885 was read for **James Gilmer**, 745 Sather Valley Road, Houston, MN 55943.

James Gilmer is seeking a Conditional Use Permit to construct a replacement bridge in a floodway in Section 2 of Houston Township.

Aaron Lacher, Zoning Administrator, commented on the application:

- The Applicant seeks permission to construct a bridge in a floodway.
- A culvert will be used to replace the existing bridge spanning Looney Creek. Based on 1968 aerial photographs, it was concluded that the existing bridge predates zoning rules. The Applicant's construction plans include detailed information on the proposal; a hydraulic report models the effects of both the existing bridge and the proposed replacement. For the purposes of this analysis, anticipated effects of the proposal are weighed against the status quo rather than an undeveloped stream.
- The proposal is anticipated to impact a wetland. The Houston County Technical Evaluation Panel (TEP) conducted an onsite inspection and completed Findings Report according to the Minnesota Wetland Conservation Act requirements. The TEP concluded that wetlands had been properly delineated, that impacts were being minimized, and that the correct quantity of wetland credits would be purchased to counteract unavoidable impacts. TEP Panel documentation is attached to this report.
- The DNR is responsible for the management of public waters, including Looney Creek. The Applicant has applied for and been issued an Individual Permit for Public Waters Work (2018-2318) from the DNR for this project. DNR Public Waters permit information is attached to this report.
- The existing bridge is used to access property and a dwelling located on a parcel of approximately 175 acres. According to county records, the existing house was constructed in 1900.
- The floodplain mapping for Houston County is in the process of being updated. The pending maps represent the best available information regarding floodplain and are used, along with elevations, for permitting purposes. The proposed site is located in a Zone A of a Flood Hazard Area. Within Zone

A areas, a floodway/flood fringe delineation has not been completed. In these circumstances, it is acceptable to apply floodway standards as they are the most restrictive.

- Houston Township and the ten nearest property owners were notified. No comments were received.
- Utilities, included bridges, are a Conditional Use in the Floodway District. Applicable performance standards for Conditional Uses in a Floodway include:

1. No stage increase. All uses. No structure, fill, deposit, obstruction, storage or materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

Analysis: Figure 2, taken from the hydraulic report prepared by the Applicant's engineer, shows a 0.23 foot decrease in the 100-year storm event for the proposal compared to existing conditions.

2. Procedures and Standards. All floodway Conditional Uses shall be subject to the procedures and standards contained in Part 21.24, subd. 6.

Analysis: An analysis of findings contained in 21.24, subd. 6 will be included with the normal findings required for Conditional Use Permits.

3. Zoning Consistency Required. The Conditional Use shall be permissible in the underlying zoning district.

Analysis: Driveways, included bridges, are properly considered an accessory use incidental to a permitted, or legal nonconforming dwelling.

Storm Event	Discharge	Existing WSEL			Proposed WSEL			WSEL Impact
	(cfs)	Upstream	Downstream	Stage Increase	Upstream	Downstream	Stage Increase	
1.5-year	113	801.6	801.36	0.24	801.46	801.31	0.15	-0.14
2-year	190	802.3	802.03	0.27	802.18	801.99	0.19	-0.12
5-year	489	804	803.54	0.46	803.93	803.5	0.43	-0.07
10-year	787	805.17	804.49	0.68	805.15	804.42	0.73	-0.02
25-year	1300	807.25	805.97	1.28	807.86	805.55	2.31	0.61
50-year	1780	809.77	806.31	3.46	809.21	806.4	2.81	-0.56
100-year	2370	810.26	807.12	3.14	810.03	807.3	2.73	-0.23

Figure 1 Water Surface Elevation Levels

Storm Event	Discharge	Bridge Velocity (fps)		
	(cfs)	Existing	Proposed	Increase
1.5-year	113	2.13	1.65	-0.48
2-year	190	2.83	2.16	-0.67
5-year	489	4.98	3.79	-1.19
10-year	787	6.83	5.24	-1.59
25-year	1300	10.82	7.59	-3.23
50-year	1780	7.38	9.73	2.35
100-year	2370	7.73	9.79	2.06

Figure 2 Summary of Bridge Velocities

Chairman Burns asked for comments from Brian Malm, consultant for James Gilmer. Brian gave an overview of the project related to the packet materials there were presented to the Planning Commission members for review. Replacement of the bridge is needed due the Gilmer's wanting to build a new home and the current bridge will not support cement trucks crossing it. The proposal is anticipated to provide an overall reduction in flood stage and flood velocity. They will be replacing a bridge that currently has a rectangular opening with one that has an arched opening; thus allowing for more water to flow through.

Jim Wieser asked if the bridge would be full during a 25 year flood event and if it would overflow during 50 and 100 year events. James Gilmer indicated there has never been an overflow, even in 2007. The new bridge will also have a wider opening at the bottom.

Aaron Lacher shared that the Gilmer's have already been granted permits from the DNR and a wetland delineation was completed and permitted. An Army Corp of Engineer permit is still needed, but takes some time to process. The conditional use permit is the only other permit still needed.

Larry Hafner asked if they would be changing the water flow. Brian Malm indicated the flow path will not change. The new bridge will also wider at the bottom allowing more water to flow through.

Jim Wieser referenced C2.01 of the Bolton and Menk preliminary plan and questioned the changing flow and slight bend in stream. Brian Malm stated the current flow path does not change and they are widening it and making it straighter. Aggregate will be used on the base. Jim Wieser asked if a bypass will be needed during construction. Brian said the project should only take 2 to 3 weeks, so it may not be needed. The Gilmer's indicated they plan to park car by the township road and cross the stream as needed.

Bob Burns asked if they will have an inspector onsite. Brian Malm indicated they do at times, but they haven't determined whether one will be yet.

Bob Burns wondered what type of material from upstream could come down and if the new structure will be safer or if it may get plugged. James Gilmer said it's mainly a wooded area upstream, but one never knows what may come floating down. In 2007, the bridge never plugged, but it washed out the approaches on both sides. The new structure will also allow better water flow.

Bob Burns asked James Gilmer if he had weight concerns with the existing bridge. James said his 1st concern is the propane truck crossing it in the condition it's in. The supports underneath are not safe. They also want to build a new home so they need a new bridge for that reason also. Ed Hammell also expressed concern for emergency vehicles being able to cross over.

Larry Hafner asked James Gilmer if he was solely funding the new bridge. James indicated he was.

Aaron Lacher talked about the additional considerations (*Part 21.24, subd. 6. Factors Upon Which the Decision of the Planning Commission Shall be Based*) the board needs to keep in mind when they are going through the findings.

Larry Hafner asked about the wetland impacts. Brian Malm said they are impacting .34 acres of wetlands, so \$1,500 in wetland credits needed to be purchased. That process has been completed.

Chairman Burns asked if anyone wished to speak. There were no other comments.

Fred Arnold made a motion to close the public hearing and reconvene the planning commission meeting. Jim Wieser seconded. Motion carried.

Jim Wieser made a motion to discuss the Gilmer application. Bob Burns seconded. Motion carried.

Chairman Burns asked if anyone needed to recuse themselves from voting. No one indicated they did. Chairman Burns asked if any members visited the site. No one indicated they did.

There was general discussion on the need for the bridge to be replaced.

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

Section 11.05 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:

(SA = Staff Analysis)

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

Analysis: 0100.0501 Subd. 2 Policy 4 lists compliance with state mandated floodplain standards. The proposal satisfies these standards. 0100.0501 Subd. 2 Policy 7 prohibits development in unsuitable areas. That is not what is proposed in this case. Any bridge spanning a watercourse subject to flooding will by default be located in a floodplain. The house and homestead that necessitate this bridge are located outside of the Flood Hazard Area.

Robert Burns – Yes - agrees with staff analysis (SA) and meets criteria.

Larry Hafner – Yes - SA

Edward Hammell – Yes - SA

James Wieser – Yes

Fred Arnold – Yes

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

Analysis: Vehicle and equipment access to approximately 140 acres and the existing house and outbuildings is accomplished via bridge. Staff relies on the Applicant's determination that existing bridge condition warrants replacement.

Robert Burns – Yes

Larry Hafner – Yes - agrees with SA, discussion supports they need a new bridge for safety.

Edward Hammell – Yes, safety factor, needs access.

James Wieser – Yes - needs to replace, safety issue.

Fred Arnold – Yes

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

Analysis: The Applicant has sought and received approvals from regulating authorities of wetlands and public waters.

Robert Burns – Yes - agrees with SA.

Larry Hafner – Yes - SA - water will run under any bridge.

Edward Hammell – Yes - well thought out plan.

James Wieser – Yes

Fred Arnold – Yes - SA

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

Analysis: The hydraulic report submitted by the Applicant indicates that the project will produce a reduction in the 100-year flood stage. This is a stage increase for the 25-year event, however, the net improvement seen when considering all the frequency events modeled is overwhelmingly positive.

Robert Burns – Yes

Larry Hafner – Yes

Edward Hammell – Yes – agrees with SA, research done by engineer.

James Wieser – Yes

Fred Arnold – Yes - SA

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

Analysis: The project has been designed by a professional engineer. The plans appear to account for conditions present at the site.

Robert Burns – Yes - Engineer's plan, 21.24 Subd. 6 is supported.

Larry Hafner – Yes - SA

Edward Hammell – Yes

James Wieser – Yes - Engineer's plan.

Fred Arnold – Yes - Engineer's report is thorough.

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

Analysis: The Applicant has been issued a permit for work in public waters by the DNR. The permit makes recommendations regarding sediment and erosion control practices.

Robert Burns – Yes - SA

Larry Hafner – Yes - SA

Edward Hammell – Yes - SA

James Wieser – Yes - Applicant is working with DNR.

Fred Arnold – Yes - SA

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

Analysis: The Project itself is a part of ongoing access road maintenance.

Robert Burns – Yes - needs ongoing accessibility of the property.

Larry Hafner – Yes - SA

Edward Hammell – Yes

James Wieser – Yes - SA

Fred Arnold – Yes

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 impacts are anticipated.

Robert Burns – Yes

Larry Hafner – Yes - SA - will not affect anyone.

Edward Hammell – Yes

James Wieser – Yes

Fred Arnold – Yes - positive impact for property owner.

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: Approval is necessary for the continuing use of an established home site.

Robert Burns – Yes

Larry Hafner – Yes - SA

Edward Hammell – Yes

James Wieser – Yes - Replacement will only affect applicant.

Fred Arnold – Yes - SA

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 nearest dwelling is approximately 1,600' from the project. Any disturbance will be temporary – limited to the construction period.

Robert Burns – Yes - 1,600 feet to closest neighbor.

Larry Hafner – Yes
 Edward Hammell – Yes - This is a daytime project.
 James Wieser – Yes - Temporary disturbance.
 Fred Arnold – Yes - SA

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: Staff relies on regulating authorities for wetlands and public waters to conclude that necessary plans and conditions are in place for the welfare of those resources. Anticipated impacts beyond this are limited and pose no threat to the public.

Robert Burns – Yes - Based on 21.24 subd 6.
 Larry Hafner – Yes - SA, has contacted other organizations and gotten necessary permits.
 Edward Hammell – Yes
 James Wieser – Yes
 Fred Arnold – Yes

(DURING THE MEETING THE PLANNING COMMISSION WAS INSTUCTED TO REVIEW THE FACTORS BELOW AND TAKE THEM INTO CONSIDERATION WHEN THE STANDARD FINDINGS WERE MADE.)

Part 21.24, subd. 6. Factors Upon Which the Decision of the Planning Commission Shall be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

Analysis: The proposal is anticipated to provide an overall reduction in flood stage and flood velocity. The Board might inquire about increases in velocity for 50 and 100-year events.

2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

Analysis: No increased risk is anticipated.

3. The proposed water supply and sanitation systems; and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

Analysis: NA

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

Analysis: The culvert is designed and installed to withstand the forces of flooding.

5. The importance of the services provided by the proposed facility to the community.

Analysis: NA

6. The requirement of the facility for a waterfront location.

Analysis: It is typical for bridges, by their very nature, to occupy a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.

Analysis: Reuse of the existing site will have less impact on the stream and adjacent lands.

8. The compatibility of the proposed use with existing development and development anticipated in the fore seeable future.

Analysis: Maintenance of the bridge allows the continued use of the existing property.

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

Analysis: 0100.0501 Subd. 2 Policy 4 lists compliance with state mandated floodplain standards. The proposal satisfies these standards. 0100.0501 Subd. 2 Policy 7 prohibits development in unsuitable areas. That is not what is proposed in this case. Any bridge spanning a watercourse subject to flooding will by default be located in a floodplain. The house and homestead that necessitate this bridge are appropriately located outside of the Flood Hazard Area.

The proposal complies with floodplain regulations.

10. The safety of access to the property in times of flood for ordinary and emergency vehicles.

Analysis: The proposed bridge elevation is 809.73. Based on the hydraulic report, the Base Flood Elevation (BFE) during a 100-year event is 810.03. From this, a Regulatory Flood Protection Elevation (RFPE) of 811.53 can be calculated. The standard for access is vehicle access not more than two feet below RFPE. The bridge surface elevation must be 809.53 or higher; the proposal complies with this requirement.

11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

Analysis: Surface water elevations and velocities are anticipated to experience an overall reduction under the proposal. The culvert installation is such that the finished product will have a natural channel bottom. There is no indication that the proposal will have a negative effect on the duration, rate of rise, or sediment transport of flood waters.

12. Such other factors which are relevant to the purposes of these flood plain controls.

Analysis: None

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommends requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The project must be commenced no later than 12 months after the approval date by the County Board.

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

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

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 25, 2018.

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

4696	Shawn Mahoney – La Crescent Township Build RV garage (24' x 70')
4697	Darrel and Shirley Skree Trust/Gary Skree – Sheldon Township Build addition on shed (14' x 28')
4698	Clair Olson – Yucatan Township Install ground mount solar panels (100' x 74')
4699	Clair Olson – Yucatan Township Cattle shed (32' x 80')
4700	Hokyoji Zen Practice Community – Jefferson Township Build kitchen, dining and office building (42' x 56')
4701	Hokyoji Zen Practice Community – Jefferson Township Build shed/pole shed (12' x 24') – no animals
4702	Hokyoji Zen Practice Community – Jefferson Township Build 2-story dormitory (26' x 60')
4703	Debra Klinski – Sheldon Township Build garage (22' x 24')
4704	Donald and Lila Bunke – Yucatan Township Build house (40' x 50')

- 4705 Craig and Vicki Heuser – Yucatan Township
Build sunroom addition (14' x 16')
- 4706 Seth and Renae Hargrove – Houston Township
Build shop/storage shed (40' x 56')

OTHER BUSINESS:

Aaron Lacher gave an update on the Winnebago Quarry ditch clean up. Aaron gave a timeline review of correspondence. Skyline Materials has been given permission by the Gaustads to start the clean-up process, but not Almos. General discussion took place, no decisions were made.

Jim Wieser made a motion to adjourn the meeting. Fred Arnold seconded. Motion carried.

Submitted by the Planning Commission Clerk on September 14, 2018.

Houston County Planning Commission
November 1, 2018

Approved on December 13, 2018 by Jim Wieser and Dan Griffin

The Houston County Planning Commission met at 6:00 p.m. on Thursday, November 1, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Fred Arnold, County Commissioner, was absent. Daniel Griffin arrived later. Aaron Lacher, Environmental Services Director was present for Zoning.

The agenda was reviewed. Larry Hafner made the motion to accept the agenda. Jim Wieser seconded. Motion carried.

Jim Wieser made a motion to approve the minutes of September 13, 2018. Ed Hammell seconded. Motion carried.

Larry Hafner made a motion to close the Planning Commission meeting and open the public hearing. Rich Schild seconded. Motion carried.

Notice of Public Hearing No. 886 was read for **Kenneth Johnston**, 17186 County 26, Houston, MN 55943.

Kenneth Johnston is seeking a Conditional Use Permit to build a cabin in an agricultural district in Section 8 of Money Creek Township.

Aaron Lacher, Environmental Services Director, commented on the application:

- The parcel #10.0321.002 was created in 2001 when 9 acres were split from parcel #10.0321.000. A permit was issued to Theresa Johnston to install a mobile home in 2000. The parcel indicated on the permit is #10.0299.000, also owned by the Johnston's. During the property split that created parcel #10.0321.002 in 2001, it is believed that the parcel boundaries were adjusted such that the trailer become located on parcel #10.0321.002.
- Within an Ag District, cabins area a conditional use subject to the following:
 - (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.
- There are no cabins located in the NW SW quarter quarter. The applicant has proposed a 20' x 20' structure intended for transient use only. It is staff's opinion that the PC and CB have discretion to allow lofts, solar panels, holding tanks, or construction on posts as determined appropriate.

- The proposed site is located on a 9 acre parcel contiguous with two other parcels, and totaling 83 acres. The proposed site is atop a bank on the outer edge of an existing farmstead. Campbell Creek is to the northeast, requiring consideration of floodplain and Shoreland regulations.
- Should the CUP be granted, the precise location of the cabin will be determined during the zoning permitting process. The following analysis was done using an approximate location. Regarding floodplain, the location is outside of both the current and pending flood hazard areas, but is close enough that elevation information was compiled. Sitting atop a small bank that falls 28' to Campbell Creek at a slope of 20%, the location is above the 760' contour line as seen using the State's 2008 LiDAR data, significantly above the Regulatory Flood Protection Elevation for this section of stream of 742.8', as shown below.
- Campbell Creek is a public water with a Shoreland overlay district extending 300' landward from its banks. The proposed location is setback approximately 145' from the ordinary high water level, satisfying the 100' setback requirement.
- Money Creek Township and the ten nearest property owners were notified. No comments were received.

Chairman Burns asked Kenneth Johnston if he wished to speak. Ken stated the cabin would be used for family enjoyment. He indicated he wanted to have a loft in the cabin, but it didn't show up on the diagram he submitted.

Bob Burns asked how much farther back Ken would need to build according to the DNR setback requirement. Aaron said it would be approximately 40 feet back from the 760' contour line and would line up with the south side of pole barn.

Jim Wieser questioned who the closest neighboring site was. Ken said it's a pole barn on the Hargrove property.

Larry Hafner asked about electricity and the holding tank mentioned. Aaron Lacher stated the holding tank is allowable and that Ken was looking at the option of a solar panel hookup.

Aaron Lacher asked Ken on his intentions for a loft and holding tank for the record. Ken said he would like both. Both are permissible. A septic permit and maintenance agreement from a pumper will be required.

Chairman Burns asked if anyone wished to speak. There were no other comments.

Rich Schild made a motion to close the public hearing and reconvene the planning commission meeting. Larry Hafner seconded. Motion carried.

Jim Wieser made a motion to discuss the Johnson application. Larry Hafner seconded. Motion carried.

Chairman Burns asked if anyone needed to recuse themselves from voting. No one indicated they did. Chairman Burns asked if any members visited the site. Rich Schild indicated they did.

There was general discussion on the cabin with Ed Hammell stating he thought this was a good thing for family use.

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

Section 11.05 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:

(SA = Staff Analysis)

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

Staff Analysis: The proposal satisfies the requirements for a cabin set forth in the official controls.

Robert Burns – Yes, satisfies cabin requirements.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, meets ordinance requirements.
 James Wieser – Yes

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

Staff Analysis: The applicant indicates that he will use cabin with his family. Insofar as one can have a need for a cabin, this qualifies.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, agrees with SA.
 James Wieser – Yes

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

Staff Analysis: No potential pollution sources are associated with the proposal. Holding tank is a proper means to use for wastewater, DNR on setback.

Robert Burns – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes

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

Staff Analysis: No excavation is proposed with the project, reducing the threat of sediment runoff. Gutters are proposed along the roofline, and with water outlet design, no adverse effects from water runoff are anticipated.

Robert Burns – Yes, the DNR setback alleviates runoff issue.
 Larry Hafner – Yes
 Edward Hammell – Yes, agrees with SA, is well planned.
 Rich Schild – Yes
 James Wieser – Yes

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

Staff Analysis: The cabin will either be on skids or attached to posts, making most soil conditions adequate.

Robert Burns – Yes
 Larry Hafner – Yes, cabin has very little demand on surroundings.
 Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes, conditions are adequate.

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

Staff Analysis: No pollution hazards have been identified.

Robert Burns – Yes, agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, sewage only concern and holding tank is being installed.
 James Wieser – Yes

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

Staff Analysis: The proposed location is within an existing farmstead. Access and drainage are already established. Utilities are not a factor.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, agrees with SA.
 James Wieser – Yes

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: 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.

Staff Analysis: No impacts are anticipated.

Robert Burns – Yes, no negative neighboring responses.
 Larry Hafner – Yes, only family use, so no additional traffic.
 Edward Hammell – Yes, on existing farmstead.
 Rich Schild – Yes
 James Wieser – Yes

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 impacts are anticipated.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes, agrees with SA.
 Rich Schild – Yes
 James Wieser – Yes

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: 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.

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: No impacts are anticipated.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes, agrees with SA.
 Rich Schild – Yes
 James Wieser – Yes

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommends requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

3. In the event that a holding tank is installed, a maintenance agreement must be filed with the County.

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

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 13, 2018.

Jim Wieser made a motion to close the Planning Commission meeting and open the public hearing. Rich Schild seconded. Motion carried.

Notice of Public Hearing No. 887 was read for **John Jordan and Ralph Zerbe**, 3 Stinson Road, Houston, MN 55943.

John Jordan and Ralph Zerbe are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district in Section 1 of Money Creek Township.

Aaron Lacher, Environmental Service Director, commented on the application:

- A parcel split is proposed as part of this request. The split would result in potential new ownership of the proposed dwelling and associated land. The applicant has provided an approximate parcel area of 4 acres, and has indicated that a survey would be done should the request be granted.
- A variance was granted (#322) in 2018 to allow construction on a 20% slope, 243' upslope from the toe of a bluff. The request resulted from a gradual slope increase where a toe of bluff was not visually discernable, thus a mathematical method of determining the toe was employed, resulting in an impractical outcome that prohibited use of the site as a building site. The granting of the variance effectively moved the toe of the bluff upslope.
- Dwellings on less than 40 acres in the Ag District are considered non-farm and area 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 proposed dwelling would be the only dwelling in the quarter quarter. The house would sit on class IV and VI soils. The applicants own a feedlot is located approximately 1,200' - 1,500' to the east; in the event the property is transferred, immediate family members are exempt from feedlot setback requirements.

- North site: The proposed site is on 20% slopes and class VI soils. The site has historically been in hay or other agricultural production. There are currently no dwellings located in the quarter quarter. Stinson Rd cuts through the existing parcel. There are no mapped floodplains or wetland on the proposed parcel.
- Money Creek Township and the ten nearest property owners were notified. No comments were received.

Chairman Burns asked for comments from John Jordan and Ralph Zerbe. John said his daughter and son-in law wish to transition into the farming operation. They would like to move back to the area and build a home. This is a stepping stone to help them get started by offering a smaller piece of land to start out with. The site for the proposed house is in the best location to preserve the organic farmland. They are working with local contractors on the house design and septic system.

Bob Burns questioned if this was the only house located in the quarter quarter. Aaron Lacher indicated it would be the only home within the forty.

Jim Wieser asked what the slope would be for accessing the home. Aaron Lacher indicated they are aware of the 12% slope requirement for driveways and have been working with their builder. The house has been moved down slope a bit, so this will be easier to achieve.

Larry Hafner discussed the importance on slope requirements for emergency vehicles to access the property. John Jordan said the driveway slope requirement should be fine, he also said they are planning the site to be able to meet any setback requirements for additional buildings in the future.

Bob Burns asked if John's children eventually plan on purchasing additional land in the future. John Jordan said that is a possibility.

Chairman Burns asked if anyone wished to speak. There were no other comments.

Larry Hafner made a motion to close the public hearing and reconvene the planning commission meeting. Jim Wieser seconded. Motion carried.

Rich Schild made a motion to discuss the application. Bob Burns seconded. Motion carried.

Chairman Burns asked if anyone needed to recuse themselves from voting. No one indicated they did. Chairman Burns asked if any members visited the site. Rich Schild indicated he did and it's a nice location for a home.

There was general discussion on the application. Aaron said the exact location for the home is to be determined.

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

Section 11.05 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:

(SA = Staff Analysis)

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

Staff Analysis: While the current proposal is for non-farm development, and those standards are satisfied, the statements of purpose from the applicant reveal the long-term goal of a generational transfer of the farm. The site location was selected in part to avoid development on flatter, more productive ground. Technically, the proposal satisfies the applicable performance standards, such as minimum lot size and SSTS compliance.

Robert Burns – Yes, SA
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, goal is to transition the farm.
 James Wieser – Yes

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

Staff Analysis: A CUP is required for a dwelling on less than 40 acres. Insofar as one can demonstrate the need for a dwelling, the applicants do so.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, SA and BOA already granted variances.
 James Wieser – Yes

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

Staff Analysis: Potential pollution sources include inadequate wastewater treatment. The applicants have identified a licensed SSTS professional to design and install a wastewater treatment system.

Robert Burns – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes

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

Staff Analysis: Potential pollution sources include sediment runoff. An erosion control plan will be required for the construction of the home, and, if followed, prevents sediment runoff.

Robert Burns – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes, they have plans in order.
 Rich Schild – Yes
 James Wieser – Yes, erosion plan will be in place.

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

Staff Analysis: A licensed SSTS professional took several borings on the site to confirm that the soil is of a condition to support a septic system. The builder contractor identified no current obstacles to being able to put a residential home on this site.

Robert Burns – Yes

Larry Hafner – Yes, site should have room for 2nd system.

Edward Hammell – Yes

Rich Schild – Yes, 4 acres provides options for locating appropriately.

James Wieser – Yes, SA

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

Staff Analysis: Refer to #s 3 & 4 above.

Robert Burns – Yes, SA

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: Access will be byway of township road. The proposed parcel has sufficient frontage.

Robert Burns – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, amount of frontage provides options for driveway.

James Wieser – Yes

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: 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.

Staff Analysis: No impacts are anticipated.

Robert Burns – Yes

Larry Hafner – Yes, no other families in the immediate area.

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes

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: The proposal satisfies the requirements for development in the Ag District, and is typical of non-farm dwellings throughout the County.

Robert Burns – Yes

Larry Hafner – Yes

Edward Hammell – Yes, will make area look better with new home.

Rich Schild – Yes, doing in orderly fashion for next generation.

James Wieser – Yes

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: 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.

Staff Analysis: Refer to #11.

Robert Burns – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes, only house in quarter quarter.

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: No adverse impacts of the public's health, safety, morals, and general welfare are anticipated.

Robert Burns – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommends requiring the following conditions:

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

2. Construction shall not commence until a survey completed by a licensed land surveyor is filed with the County.

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

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 13, 2018.

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

- | | |
|------|--|
| 4707 | Christine Koch/Bob Koch – Winnebago Township
Build partial confinement barn (42' x 88') partial confinement barn (32' x 300')
with adjacent 32' x 300' open lot. |
| 4708 | Mark and Jolyn Amunrud – Winnebago Township
Remodel cabin/Add detached garage (24' x 36') |
| 4709 | Michael and Rosanna Peterson – Money Creek Township
Build garage and family room addition (24' x 44') |
| 4710 | Adam and Nancy Johnson – Spring Grove Township
Build attached garage (28' x 30') |
| 4711 | Bruce and Sandra Eddy – Sheldon Township
Build addition (26' x 28') deck (14' x 20') enclosed entryway (8' x 12') and deck
(10' x 18') |
| 4712 | Cory and Dean Feine – Money Creek Township
Build grain bin (35' x 35') |
| 4713 | Gary Gimble – Spring Grove Township
Build attached garage (16' x 26') |
| 4714 | Allyn and Kaye Jacob – Yucatan Township
Build cattle shed (34' x 40') |
| 4715 | Tweten Family Farm Trust – Caledonia Township
Build lean-to roof/covered entry on house (26' x 8') |
| 4716 | Michael and Wendy Woyczik – Brownsville Township
Build pole shed (40' x 60') |
| 4717 | Shawn and Lisa Mahoney – La Crescent Township
Build solar mounts (13' x 58') |
| 4718 | Lois McElhiney – Mound Prairie Township
Build addition on existing machine shed (24' x 30') |

- 4719 Norman Lemke – Mayville Township
Build hoop barn (30' x 70')
- 4720 William Johnson - Crooked Creek Township
Build pole building (68' x 80')
- 4721 Irvin and Joanne Schansberg - Caledonia Township
Build pole shed (32' x 48') and frame shed (24' x 60')

OTHER BUSINESS:

Larry Hafner made a motion to close the Planning Commission meeting and open the public hearing. Rich Schild seconded. Motion carried.

Aaron Lacher presented the areas of change within the ordinance. There was general discussion on the various areas.

The following sections with proposed updates/changes are as follows:

Section 3 – Rules and Definitions

General formatting - No substantive change

Section 5 – Permits

General formatting - No substantive change

Section 6 – Conditional Use Permits

Revisions to findings required for a Conditional Use Permit

Section 7 – Interim Use Permits

Revisions to findings required for an Interim Use Permit

Section 9 – Non-Conforming Uses

General formatting - No substantive change

Section 11 – Planning Commission

General formatting - No substantive change

Section 13 – Classification of Zoning Districts

Update reference to floodplain map and study

Section 21 – Flood Plain District

Update based on new flood hazard area mapping

Section 22 – Shoreland Zoning District

Update based on state model ordinance

Section 27 – Mineral Extraction

General formatting - No substantive change

Section 32 – Essential Service Utility Permits

General formatting - No substantive change

Section 33 – Livestock Feedlot Standards

General formatting - No substantive change

Section 35 – Adult Use Ordinance

General formatting - No substantive change

Section 36 – Houston County Subdivision Regulations

General formatting - No substantive change

Section 37 – Riparian Buffer Standards

General formatting - No substantive change

A copy of the Ordinance with changes can be found at: www.co.houston.mn.us.

Dan Griffin made a motion to approve the ordinance changes as submitted. Larry Hafner seconded. Motion carried.

Aaron gave a brief update on the Winnebago Quarry correspondence between Ron Fadness, Bruening attorney and Senell Jaster, Gaustad attorney. The board members discussed that Bruening's were making every attempt to gain permission to the Gaustad property to clean up sediment. It was a consensus that a certified letter be sent to the Gaustad attorney from Bruening.

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

Submitted by the Planning Commission Clerk on November 2, 2018.

Houston County Planning Commission
December 13, 2018

Approved on January 24, 2019 by Jim Wieser and Fred Arnold

The Houston County Planning Commission met at 6:00 p.m. on Thursday, December 13, 2018. A summary of the meeting follows.

The meeting was called to order by Chairman Bob Burns. Roll call was taken. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Fred Arnold, County Commissioner, was present. Aaron Lacher, Environmental Services Director was present for Zoning.

The agenda was reviewed. Larry Hafner made the motion to accept the agenda. Jim Wieser seconded. Motion carried.

Jim Wieser made a motion to approve the minutes of November 1, 2018. Dan Griffin seconded. Motion carried.

Dan Griffin made a motion to close the Planning Commission meeting and open the public hearing. Larry Hafner seconded. Motion carried.

Notice of Public Hearing No. 888 was read for **Earl and Nancy Emerick**, 2478 Superior Lane SW, Rochester, MN 55901.

Earl and Nancy Emerick are seeking a Conditional Use Permit to build a cabin in an agricultural district in Section 16 of Houston Township.

Aaron Lacher, Environmental Services Director, commented on the application:

- Cabins are subject to the following by ordinance:
Not more than one (1) cabin per quarter of a quarter section shall be allowed.
A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.
A cabin shall be for transient use only and shall not be used as a permanent, year around dwelling.
No cabin shall have a gross floor area exceeding 400 square feet.
Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.
- There are currently no cabins located in the proposed quarter quarter (NW NE), and the applicant owns the entire quarter quarter.
- A 14' x 24' storage shed was permitted on this parcel in 2017. The shed is used for agricultural and recreational purposes, and is considered the current primary building. The cabin is proposed adjacent the existing shed.
- The parcel is accessed via a 33' easement. The slope from the township road averages 5%.
- The proposed location is on a 40 acre parcel contiguous with a second 40 acre parcel.
- The parcels consist of agricultural ground and wooded bluffland, creating a bowl around the ag land to the east, west, and south.
- To the west of the cabin location, a bluff rises 400'. Based on LiDAR data, a change in slope is estimated to be at the 922' contour, which would be considered the toe – a 25' setback from this point will be required.

- An intermittent stream is located east of the proposed location, and flows to the east into Silver Creek. There are no mapped floodplains or wetlands on the property.
- Houston Township and the ten nearest property owners were notified. No comments were received.

Chairman Burns asked Earl Emerick if he had anything to add. Earl said they would like to build a cabin on their land and intend to use the cabin for camping enjoyment with their children and grandchildren. Aesthetically, the cabin will look very similar to the storage shed they recently built.

Dan Griffin confirmed that the Emerick's use the Wallace driveway to access their property. Earl indicated that was correct and that they have a permanent easement with the Wallace's.

Jim Wieser asked if the easement would ever be improved. Earl said they have no plans at this time.

Bob Burns clarified that the easement could be improved if they wanted. Earl said that was correct; if they ever want to put in driveway, they will come back for any necessary permits.

Aaron Lacher questioned whether they anticipated using solar panels. Earl stated they were not and they currently use a solar powered generator, however, it only works when the sun shines. The appliances run off a small LP tank. They may need a larger generator down the road.

Larry Hafner asked if they considered burning wood. Earl said that may be a possibility, but they haven't decided for sure. They may burn wood, use a pellet stove, or 100-pound LP tanks.

Aaron Lacher asked if they intended to put in a loft. Earl said there will be a low loft on one end for storage purposes only.

Chairman Burns asked if anyone wished to speak. There were no other comments.

Fred Arnold made a motion to close the public hearing and reconvene the planning commission meeting. Ed Hammell seconded. Motion carried.

Dan Griffin made a motion to discuss the Emerick application. Larry Hafner seconded. Motion carried.

Chairman Burns asked if anyone needed to recuse themselves from voting. No one indicated they did. Chairman Burns asked if any members visited the site. No one indicated they did.

There was general discussion on the cabin application and it was the consensus that it meets the requirements of a cabin.

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

Section 11.05 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:

(SA = Staff Analysis)

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

Staff Analysis: The proposal satisfies the requirements for a cabin set forth in the official controls.

Robert Burns – Yes, SA conforms to requirements
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes
 Rich Schild – Yes, meets requirements
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: The applicant indicates that he will use the cabin for forestry projects and recreation. Insofar as one can have a need for a cabin, this qualifies.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes
 Rich Schild – Yes, better than tent
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: No potential pollution sources are associated with the proposal.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA they have plan in place
 Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: No excavation or grading is proposed. No impact is anticipated.

Robert Burns – Yes
 Daniel Griffin – Yes, should not affect quality of runoff

Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes, SA

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

Staff Analysis: The cabin will sit on skids, making most soil conditions adequate.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, shouldn't be anything to it.
 James Wieser – Yes
 Fred Arnold – Yes, SA

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

Staff Analysis: No pollution hazards have been identified.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes, SA
 Rich Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: The site is accessed via an easement off of Traff Drive. No impacts to drainage are anticipated. Utilities are not a factor.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes
 Rich Schild – Yes, SA
 James Wieser – Yes, SA they have an easement address access issue
 Fred Arnold – Yes

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: 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.

Staff Analysis: No impacts are anticipated. Possibility that TSI work will have a long term benefit on adjacent forest.

Robert Burns – Yes, SA
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, SA
 James Wieser – Yes
 Fred Arnold – Yes

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 impacts are anticipated.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, no impacts
 Edward Hammell – Yes
 Rich Schild – Yes, no impacts
 James Wieser – Yes
 Fred Arnold – Yes

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: 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.

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: No impacts are anticipated.

Robert Burns – Yes, commensurate for 1 cabin per $\frac{1}{4}$ $\frac{1}{4}$
 Daniel Griffin – Yes, SA
 Larry Hafner – Yes, complies

Edward Hammell – Yes
 Rich Schild – Yes
 James Wieser – Yes
 Fred Arnold – Yes, SA

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

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

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 Wednesday, December 26, 2018.

Dan Griffin made a motion to close the Planning Commission meeting and open the public hearing. Ed Hammell seconded. Motion carried.

Notice of Public Hearing No. 889 was read for **Kaare Sannes and Don Hagen (Co-Applicants) for Spring Grove High School Trap Club and Winnefred Buxengard (Landowner)** at 22322 State 44, Spring Grove, MN 55974.

The interested parties are seeking a Conditional Use Permit to operate a gun club in an agricultural district in Section 17 of Spring Grove Township.

Aaron Lacher, Environmental Service Director, commented on the application:

- The trap facility will be operated by a nonprofit organization (Spring Grove Trap Club) consisting of a 5 person board. The organization will not have membership beyond the Board. It is understood that the trap facility will be utilized exclusively by the Spring Grove High School Clay Target Team and 4-H clubs.
- A house is currently located on the proposed parcel, approximately 950' from the closest shooting lane. Once shooting range is established, no structure can be placed within 750' of the area defined by as the range.
- Shooting ranges are regulated as a conditional use under the county ordinance. Additional state regulations apply. M.S. Chapter 87A establishes that the performance standards recommended for ranges in the
- National Rifle Association (NRA) 1999 publication, The Range Source Book: A Guide to Planning and Construction, apply to ranges in Minnesota.
- **Noise Considerations** M.S. Chapter 87A regulate the sound generated at a shooting range as measured from a neighboring property, and incorporates, and modifies, the standards set in M.R.

Chapter 7030. Noise measured at a neighboring home cannot exceed 63 decibels when measured as a “steady state” level of sound. Noise measures on a public road, or agricultural area cannot exceed 78 decibels when measured as a “steady state” level of sound. These levels are maxims allowed under state law. The County has the ability to require more stringent standards if necessary.

- It is estimated that there are 13 homesteads within a one mile radius of the proposal where the range where the lower noise standard would apply.
- The proposed shooting lanes are approximately 350’ from the western property line and 350’ from State 44; the higher noise standard would apply at both locations. If the Trap Range Area identified in the application is to be considered the point at which volumes are measured, this distances are drastically reduced.
- M.R. Chapter 7030 regulates noise and provides the following: *“Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.”* The County must be confident that the proposal will conform to state rules.
- **Lead Considerations** Lead shot fall can raise lead levels in the soil in the shot fall zone. Pellets can breakdown, with lead becoming soluble, at which point lead becomes more mobile and can be transported onto areas adjacent the shot fall zone via runoff, or downward through the soil.ⁱ The EPA has provided best management practice (BMPs) intended to prevent lead contamination. These BMPs focus on:
 - Range Size (primarily for shotgun ranges)
 - Soil Characteristics
 - Topography/Runoff Direction
 - Annual Precipitation
 - Ground and Surface Water
 - Vegetation
 - Accessibility
 - Lead Volume
 - Size of Shot/Bullets
 - Operating Schedule
 - Shooting Direction and Pattern
 - Range Life Expectancy
- The information provided by the applicant touches on some of these topics, while there is no information on others. For instance, the Environmental Stewardship Plan states “Identify issues of potential environmental concern that may exist” as one of its purposes, but fails to identify any specific issues. In general, more detail would benefit the stewardship plan, and be helpful to the county in making permitting decisions. Considering the application in whole, answers to the following questions would be helpful:
 - a. What will constitute the trap range, the entire parcel or the area drawn and labeled Trap Range Area in the application?
 - b. Does the proposal satisfy the performance standards listed in the NRA guidebook (County does not have access to this book)?
 - c. Will the proposal conform to state noise standards?
 - d. Will lead shot be used/allowed?
 - i. How will lead be managed?
 - e. Where is the shot fall area?
 - f. How far will trap loads travel? What is a safe distance beyond the trap line?
 - i. Initial research suggests No. 7.5 shot have a maximum range of 300 yds.
 - g. Will use of the facility be limited?
 - i. High school trap team
 - ii. 4-H
 - iii. Memberships

- iv. Public
 - h. When will the site operate?
 - i. Will there be any bleachers?
 - j. Where will parking take place?
 - k. Does ADA apply (Note that separate zoning permits will be required for structures)?
- Spring Grove Township and the ten nearest property owners were notified. No comments were received.

Dan Griffin asked how far from the property line the shooters would be and if all lead would be used. Don Hagen indicated they would have to measure and they use all lead.

Larry Hafner asked how active the site would be. Don Hagen said they meet twice a week during season. Kaare Sanness said the season runs 3 months in the spring and 2 months in fall. There was a trap range at this same location in the 1960's-70.

Rich Schild asked how long practices last. Kaare Sanness said approximately 2 hours. There are currently 20 kids on team and each kid shoots 100 rounds (25 shots per round). They may have 2 trap houses.

Dan Griffin asked what they would need to build. Don Hagen said 2 traps houses and they are built somewhat underground.

Dan Griffin asked if there was ample parking space. Don Hagen said there is plenty of room.

Dan Griffin asked what sort of agreement they had with the Buxengard's. Gary Buxengard stated they can use the land as long as they want. They do not have a contract written up yet.

Dan Griffin questioned whether an interim use permit (IUP) would better suit this situation versus a conditional use permit (CUP). He believes an IUP may be the way to go because it would sunset when the contract ends for both parties and a conditional use would stay with the land. He thinks they should research the additional questions that need to be answered and come back under an interim use application.

Bob Burns questioned if they needed lights installed. Don Hagen indicated that practice is right after school, so they would not need lights. Bob Burns asked if they would be providing a portable toilet. It was indicated there will be one available. Bob Burns asked if they had a clean-up plan for lead. Don Hagen said there is a company that comes and reclaims lead, they need to contact them.

Rich Schild asked if they envisioned the public ever being at the site. Don said it is possibility.

Dan Griffin asked where the cash flow comes from. It was indicated through donations and grants.

Jim Wieser asked how the program works. Kaare Sanness said this is like any other sporting event through the MSHSL. The spring league runs April to June. There is a fall league also. The teams complete at their home locations, they do not travel, and everything is recorded online for the state.

Aaron Lacher asked how many members there were on the team and if they anticipated installing bleachers at the site. Kaare Sanness said there are 20 members and they are not planning on setting up bleachers.

Aaron Lacher questioned if they checked into ADA requirements if they would be open to public. Don Hagen said they would adhere to any rules if that occurred.

Bob Burns asked who owned the property. Gary Buxengard indicated his mother still lives in the house, but turned over the land the three sons 12 years ago.

There was general discussion on whether an interim use permit would be a better option for this situation.

Chairman Burns asked if anyone wished to speak.

John Storlie indicated he was interested in possibly building a house close to the site and has concerns with how far the shots will travel. Dan Griffin asked approximately how far away John planned to build. John said approximately $\frac{3}{4}$ mile away.

Kaare Sanness stated he would formally like to withdraw the conditional use permit application on behalf of the Spring Grove High School Trap Club and reapply under an interim use permit application.

Chairman Burns asked if anyone wished to speak. There were no other comments.

Larry Hafner made a motion to close the public hearing and reconvene the planning commission meeting. Fred Arnold seconded. Motion carried.

OTHER BUSINESS:

Winnebago Quarry clean-up has been completed. Correspondence and photos are on file.

Larry Hafner made a motion to adjourn the meeting. Fred Arnold seconded. Motion carried.

Submitted by the Planning Commission Clerk on December 14, 2018.
