

Houston County Planning Commission
January 24, 2019

Approved on February 28, 2019 by unanimous consent

The Houston County Planning Commission met at 7:00 p.m. on Thursday, January 24, 2019. 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 Jim Wieser. Fred Arnold, County Commissioner, was present. Aaron Lacher, Environmental Services Director was present for Zoning. Rich Schild was absent.

The agenda was reviewed. Dan Griffin made the motion to accept the agenda. Jim Wieser seconded. Motion carried.

Election of Chairperson for 2019 took place. Ed Hammell nominated Dan Griffin for Chairperson, Larry Hafner seconded. There were no other nominations. Motion carried unanimously.

Election of Vice Chairperson for 2019 took place. Jim Wieser nominated Ed Hammell for Vice Chairperson, Larry Hafner seconded. There were no other nominations. Motion carried unanimously.

Jim Wieser made a motion to approve the minutes of December 13, 2018. Fred Arnold seconded. Motion carried.

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

Notice of Public Hearing No. 890 was read for **Tricia Babinski**, 13067 Crazy Corners Road, Caledonia, MN 55921.

Tricia Babinski is seeking an Interim Use Permit for a Start-up Business (Coffee Roasting Business) in an agricultural district in Section 7 of Brownsville Township.

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

- The business must be located on the homesteaded property of the business owner.
- The business shall be compatible with the neighborhood, and not create a nuisance.
- The business may be permitted through an IUP and shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Commission and County Board of Commissioners. However, upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the IUP or other County Ordinances, a hearing may be held to review the existence of any alleged violations.
- At the time of expiration of permit, all business activities must end, and business related vehicles, equipment, and materials must have been removed from the property.

- The permit is not transferable.
- The business is located on a minimum of 1 acre.
- Days and hours of operation shall be determined by the County Board.
- The maximum number of employees (FTE) working on-site shall be determined by the County Board.
- There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.
- Excessive noise, glare, odors, traffic or other nuisances may be justification for the County Board to revoke or modify the terms of the Interim Use Permit.
- The applicant and/or property owner shall permit the County to inspect the property at any time.
- No new structures or additions are proposed as part of the application.
- Brownsville Township and the ten nearest property owners were notified. No comments were received.

Chairman Griffin asked Tricia Babinski if she had anything to add. Tricia said she wished to start a business to roast coffee and sell it to the public. She would like to do retail and wholesale sales.

Jim Wieser asked how large her parcel of land was. Tricia indicated two acres.

Dan Griffin asked about traffic and parking availability. Tricia did not think there would be much traffic and there is plenty of parking space. Deliveries would come by UPS.

Larry Hafner asked if she would be doing the coffee roasting herself. Tricia indicated she would be.

Larry Hafner asked if she has sufficient utilities and if she checked into state regulations. Tricia indicated she wished to gain county approval first and then will check into state regulations.

Dan Griffin clarified this operation would not be a coffee shop and she would just be selling coffee. Tricia indicated she would just be selling it.

Jim Wieser asked if she was agreeable to a limit of 3 employees. Tricia indicated that was acceptable.

Aaron Lacher asked for clarification on parking availability. Tricia indicated where the parking spaces would be located on the aerial photo. There is approximately 10 spaces in front of the building and around 30 spaces overall.

Bob Burns asked what her hours of operation would be. Tricia indicated the retail hours would be 9 to 5 during the week and Saturday mornings. There may be a sign on the main building so people know where to go.

Larry Hafner asked if she will be offered ground coffee and/or coffee beans. Tricia indicated she would offer both.

Bob Burns clarified she would be taking phone orders as well as people stopping in with their requests. Tricia indicated she would be offering both options.

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

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

Larry Hafner made a motion to discuss the Babinski application. Ed Hammell seconded. Motion carried.

There was general discussion on the application and it was the consensus that it meets the requirements of a start-up business.

Chairman Griffin 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:

(SA = Staff Analysis)

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.

Staff Analysis: A coffee roasting enterprise adds diversity to the economic activities in the area. Section 0100.0505 Subd. 1 Goal 1 sets forth a goal of encouraging and promoting diversified economic development.

Robert Burns – Yes, Agrees with SA and applicant analysis.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: An Interim Use permit is necessary for the operation to be conducted commercially.

Robert Burns – Yes
 Daniel Griffin – Yes, Agrees with SA, good use, good application.
 Larry Hafner – Yes, Agrees with applicant analysis.
 Edward Hammell – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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

Staff Analysis: No impacts are anticipated.

Robert Burns – Yes, This is an inside business, no issues.

Daniel Griffin – Yes

Larry Hafner – Yes, Agrees with applicant analysis.

Edward Hammell – Yes

James Wieser – Yes

Fred Arnold – Yes

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

Staff Analysis: No impacts are anticipated.

Robert Burns – Yes, Same reasoning as #3.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

James Wieser – Yes

Fred Arnold – Yes

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

Staff Analysis: NA

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

Staff Analysis: The equipment and processes associated with the application have benign to marginal pollution impacts, more or less equivalent to those associated with a common household.

Robert Burns – Yes

Daniel Griffin – Yes, No impacts of pollution hazards.

Larry Hafner – Yes

Edward Hammell – Yes

James Wieser – Yes, Agrees with SA very limited pollution hazards.

Fred Arnold – Yes, Agrees with applicant analysis.

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

Staff Analysis: No additional infrastructure or modifications will be necessary.

Robert Burns – Yes, Agrees with SA. Business can grow, if growth creates access problems, this can be addressed in future renewal.

Daniel Griffin – Yes, Nothing more needed at this point.

Larry Hafner – Yes

Edward Hammell – Yes, plenty of parking and easy access.

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.

Staff Analysis: Some retail sales will occur on site, the existing driveway is adequate.

Robert Burns – Yes, Any issues can be addressed with renewal.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – 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.

Staff Analysis: Associated traffic is limited to periodic delivery trucks. Limited retail sales will occur on site, the existing driveway is adequate.

Robert Burns – Yes

Daniel Griffin – Yes, Agrees with SA, limited retail sales.

Larry Hafner – Yes, Agrees with applicant analysis.

Edward Hammell – 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.

Staff Analysis: No impacts on the neighboring properties are anticipated.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – 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.

Staff Analysis: No structural infrastructure is proposed.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes, Agrees with SA.

James Wieser – Yes, Agrees with SA.

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: No impacts are anticipated.

Robert Burns – Yes
 Daniel Griffin – Yes, No impact on neighboring property.
 Larry Hafner – Yes
 Edward Hammell – Yes
 James Wieser – Yes, Agrees with applicant analysis.
 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.

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: The effect of the proposal is not anticipated to be greater than that of a typical farming operation or residence with a shop facility.

Robert Burns – Yes, Agrees with SA.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – 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.

Staff Analysis: No potential adverse effects to the public have been identified.

Robert Burns – Yes, There are recommendations to County Board to address any issues.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 James Wieser – Yes
 Fred Arnold – Yes

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 permit shall be subject to renew at five year intervals. The renewal process shall be initiated by the Permittee, and may be done administratively. No public hearing is required for renewal unless it is determined by the Zoning Administrator or the County Board that a hearing is necessary. In the event it is determined that a hearing is necessary, the hearing will take place only after the Permittee submits an application to the County.
3. The permit shall expire if it is not renewed at or near five year intervals. The permit shall expire at such time that Jeffrey & Tricia Babinski no longer own AND maintain homestead status on the property described in the application (currently PID #02-0268-000).

4. Hours of operation shall not exceed Monday-Friday 8am-5pm. Saturday 9am-1pm, subject to administrative alteration.
5. The maximum number of employees working onsite shall not exceed 3 at any time, subject to administrative alteration.

Fred Arnold made a motion to accept the findings as presented. Bob Burns seconded. Motion carried.

Ed Hammell made the motion to recommend the Houston County Board approve the Interim 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 Tuesday, February 12, 2019.

OTHER BUSINESS:

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

Submitted by the Planning Commission Clerk on January 25, 2019.

Houston County Planning Commission
February 28, 2019

Approved on March 28, 2019 by Bob Burns and Rich Schild

The Houston County Planning Commission met at 7:00 p.m. on Thursday, February 28, 2019. A summary of the meeting follows.

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

The agenda was reviewed and approved by unanimous consent.

The minutes of January 24, 2019 were reviewed and approved by unanimous consent.

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

Notice of Public Hearing No. 891 was read for **Tim Stencel**, 1345 County 6, La Crescent, MN 55947.

Tim Stencel is seeking a Conditional Use Permit to build an accessory building larger than 1,500 square feet in a residential district in Section 9 of La Crescent Township.

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

- The request is to construct a 1,980 s.f. accessory building in the Residential District. The use of the building will be incidental to the primary dwelling.
- Section 29, General Provisions, of the Houston County Zoning Ordinance (HCZO) includes language regulating accessory structures in various districts, which contains the CUP requirement. The language is less-than-perfect and requires interpretation, thus a written policy has been drafted (enclosed), which provides for placement of accessory buildings in the Residential District as follows:

=<200 sf	No permit required
201-1499 sf	Zoning permit required
=>1500 sf	CUP required

- The building is proposed to be plumbed with in-floor heating, and an outdoor water spigot. No components that generate wastewater are proposed.
- The 1.5 acre property is located west of the City of La Crescent, with scattered spot city annexations to the south and west. Except for the adjacent property to the West, which houses a school bus company, it is surrounded by residential lots containing homes. The lot size can accommodate the proposed building while meeting setback requirements.
- The property slopes to the south and west at an approximate 2% slope.

- A septic drainfield was installed in the SE section of the lot in 2014, and is a sufficient distance from the proposed building. There are no water features present; the nearest is a mapped wetland 160' to the west, and an unnamed stream 1400' to the west.
- The site is accessed off of County 6 via a semi-shared driveway.
- The soil at the site is listed as Bertrand silt loam (76B) in the soil survey. The first horizon of soil is 36" of moderately well drained silt loam. The next horizon is 24" of sand.
- La Crescent Township and the ten nearest property owners were notified. There was one call to the Zoning office in regard to the application. The Township did contact the Zoning office to indicate they have no issue with the approval.

Chairman Griffin asked Tim Stencel if he had anything to add. Tim discussed the reasoning for his building and why he needs the space. Valerie Stencel talked about what the building will look like. Tim said there is an easement on the driveway use.

Dan Griffin asked how he would access the building. Tim said they share the driveway with Ready Bus Line.

Larry Hafner asked if there was an agreement for the driveway use. Tim said there is an easement, but Recorder's office could not find it.

Aaron Lacher said the private driveway usage is between two private parties and the county will not be involved.

Bob Burns clarified there would be no restroom facilities in the building and it would be for personal use only. Tim said that was correct.

Dan Griffin asked how the 17 foot height of the proposed shed compares to their house. Tim discussed the pitch of the roof and said it is not higher than their house.

Aaron Lacher stated a neighbor to the south had concerns with storm water runoff and he had RRSWCD look at the site due to those concerns. The water drains to the west and then goes south into a culvert. The soil type is Bertrand silt loam and the first horizon of soil is 36" of moderately well drained silt loam which is a good soil type to accept water. The next horizon is 24" of sand. Tim Stencel also talked about his plans for gutters and downspouts on the proposed building.

Chairman Griffin asked if anyone wished to speak. Tom Ready, neighbor to the west, spoke. Tom said he did not know about the proposed project until the notice came in mail. He also is not aware of any easement for the driveway and he has always maintained it. He said he does have a concern since he sold his bus company 5 years ago and leases the buildings to the bus company owner. There are 100+ buses going in and out a day and the road is used 24/7. He understood he owned the entire blacktopped road. He also has concerns on how the water will drain off the new building.

Dan Griffin clarified that the water drains toward the Ready property due to the slope of the road. Tom said that was correct, it comes his way.

There was general discussion on the water drainage issues and the clay soils in the area which make storm water runoff a challenge.

Dan Griffin asked Tom if he had any knowledge of a driveway easement. Tom said he is not aware of one. He knows his Dad did not have an agreement with the doctor that owned the house prior.

Rich Schild asked Tom if there was an easement for the driveway, if he would still allow Tim to use it. Tom Ready said they lease the buildings to the owner of the bus company, so any usage cannot be a hindrance to them.

Aaron Lacher asked Tom what volume of usage would be acceptable. Tom said he has a lease commitment to the bus company, he owns the property but they lease it and the road cannot be blocked due to the volume of traffic going in and out.

Tim Stencil indicated there would not be any additional traffic on his part with the new building. He approached the Planning Commission and showed them the route he currently uses.

Dan Griffin asked if it was possible to move the building closer to Valley Lane and access off that road. Tim said he wouldn't be able to due to the placement of the septic system.

Dan Griffin said Tim should find out whether or not there is an easement and have the land surveyed. It would be helpful to know down the road in the future when it is sold.

Dan Griffin suggested that the hearing be tabled so Tim talk with his neighbor and check where the property lines run.

Larry Hafner made a motion to table the public hearing. Rich Schild seconded. Motion carried.

Aaron Lacher asked Tim Stencil if he wished to extend his CUP application. Tim stated he wished to extend his CUP application indefinitely.

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

Notice of Public Hearing No. 892 was read for **Mathy Construction Company**, 920 10th Avenue North, Onalaska, WI 54650.

Mathy Construction Company is seeking an Interim Use Permit to set up and operate a temporary bituminous plant in an agricultural district in Section 16 of Mayville Township.

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

- The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in an existing quarry (Gengler Quarry CUP #314) in Mayville Township.

- The plant is proposed to be located in the Gengler Quarry on County 32. The plant will provide product for four county highway projects: CSAH 249, CSAH 10, CSAH 20, and CSAH 24. Haul routes have been provided for these projects and reviewed by the County Engineer, who recommended approval of the application. The Highway Department will be accepting bids for work on CSAH 2, CSAH 3, and CSAH29, which may also utilize product from this plant.
- A similar plant was operated out of this location in 2016; zoning did not receive any complaints regarding the 2016 operation.
- The plant will be located in an existing quarry (Gengler) approximately 55 acres in size. The site is accessed via County Road 32. Floor elevation will be 926 feet. The nearest well records indicate a static water level elevation of 770 feet.
- Mayville Township and the ten nearest property owners were notified. No comments were received.

Chairman Griffin asked the Mathy representative to discuss the plans for the plant. Derek Frederixon spoke about the proposed upcoming road projects.

Dan Griffin asked when they anticipate getting started. Derek said it would be June or July.

Bob Burns asked if there was a spill protection plan and berms in place. Derek said everything is contained within the site and no berms are necessary.

Bob Burns asked that when the CSAH 20 project starts that they do not use Kingston Street in the City of Caledonia as a haul route since the black topping project is not officially complete. Aaron Lacher said that can be added as a condition on the permit.

Dan Griffin asked how long they anticipated running the plant. Derek said approximately 7 weeks. Bob Burns stated the permit would run until the end of October.

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

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

Larry Hafner made a motion to bypass Findings 13 and 14 since they are not applicable. Rich Schild seconded. Motion carried.

Chairman Griffin 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:

(SA = Staff Analysis)

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.

Staff Analysis: The Comprehensive Plan, section 0100.0510 Subd. 2, Policy 4 states: “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.” The application is within the parameters of this policy.

Robert Burns – Yes, agrees with SA and county land use plan.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

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

Staff Analysis: The scheduled reconstruction of roadways in the County creates a need.

Robert Burns – Yes, centrally located for county projects.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes SA

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

Staff Analysis: Standard precautions required by State and Federal Law will be followed. As an added measure, operators receive specialized training for spill response, and a highly trained response team is at the ready.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with SA and state and federal laws.

Edward Hammell – Yes

Rich Schild – Yes

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

Staff Analysis: Runoff is contained within the existing quarry site.

Robert Burns – Yes, have provided a storm water pollution prevention plan.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes

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

Staff Analysis: The plant will be located on the quarry floor. The soil has been previously removed.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA.

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

Staff Analysis: Applicable Federal and State standards are met, including plant emissions and storm water quality. A Spill Prevention Control Countermeasure Plan is in place and employees are provided training regarding it.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

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

Staff Analysis: The County Engineer is aware of the proposed route and approves of the proposed site.

Robert Burns – Yes, provided that Kingston Street will be removed as haul route.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – 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: The existing quarry has adequate parking for the employees needed to operate the plant.

Robert Burns – Yes quarry site provides adequate area for staging.

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

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

Staff Analysis: The haul routes identified make use of the most robust roadways available.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, should not use Kingston Street in City of Caledonia as haul route.

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.

Staff Analysis: Adjacent properties are quarries, woodland, and cropland. No impact is anticipated.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, agrees with SA.

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

Staff Analysis: Adjacent properties are quarries, woodland, and cropland. No impacts are anticipated.

Robert Burns – Yes, agrees with SA.
 Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – 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: The measures proposed mitigate potential nuisances to the extent practical and are adequate given the relatively isolated location of the site. This includes efforts to reduce asphalt odor and dust suppression on gravel roads.

Robert Burns – Yes
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – 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.

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: The proposal includes adequate measures to protect the public's health, safety, morals, and general welfare, including compliance with compliance with state and federal, and planning for an unforeseen spill. Additionally, the applicant's previous work in the county has been conducted as presented and without incident.

Robert Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes, agrees with SA and previous work Mathy has done.
Edward Hammell – Yes
Rich Schild – Yes

RECOMMENDATION

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

1. All applicable federal, state and local permits be obtained and followed.
2. Permit expiration shall be October 31, 2019.
3. Haul route shall not include Kingston Street in Caledonia.

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

Rich Schild made the motion to recommend the Houston County Board approve the Interim 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, March 12, 2019.

OTHER BUSINESS:

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

Submitted by the Planning Commission Clerk on March 4, 2019.

Houston County Planning Commission
March 28, 2019

Approved on April 25, 2019 by Rich Schild and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, March 28, 2019. A summary of the meeting follows.

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

Notice of Public Hearing No. 893 was read for **Brian and Rhoda Dobeck and David and Judy Winsky**, 715 North 1st Street, La Crescent, MN 55947.

Brian and Rhoda Dobeck are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district in Section 13 of La Crescent Township. They plan to purchase land from David and Judy Winsky upon approval of the Conditional Use Permit.

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

- The HCZO 0110.1403 Subd. 1 Subp. 10 requires the following of non-farm dwellings, single-family non-farm dwellings subject to the following:
- No more than one (1) dwelling per quarter-quarter section.
- 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.
- 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.
- 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.
- Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty – three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.
- The proposal satisfies these requirements.
- The petitioners propose to purchase around 3.3 acres if a conditional use is approved for them to build.
- The proposed location will consist of 3.3 acres along the eastern boundary of a 160 acre parcel. The area is currently production and pasture ground. There are no existing dwellings within the proposed quarter-quarter. They will repurpose an existing farm road as a driveway with 33 feet of frontage to County 25. The area is outside of the floodplain and there are no water features present. This location does not meet the definition of bluff as the average slopes over the incline were calculated by a surveyor to be between 19-21% and confirmed by staff. Slopes at the building site are 17%. Soils are

Class IV. There is a feedlot belonging to the current owner and parents of one of the applicants that is within a quarter mile of the proposed dwelling, which qualifies for a setback exemption under 33.16 Subd. 6.

- La Crescent Township and the ten nearest property owners were notified. There was one inquiry from the public to the Zoning office.

Chairman Griffin asked Brian and Rhoda Dobeck if they had anything to add. Brian said their plan is to build on property currently owned by his wife's parents. The location of the house will not affect the bluff zone. They also have a septic design in place.

Dan Griffin asked what the slope of the driveway would be. Brian said less than 12 percent.

Bob Burns asked if they had a septic contractor chosen. Brian said they have a design in place, but have not hired a contractor yet.

Aaron Lacher discussed the feedlot setback requirement and since the Dobecks are family the variance setback requirement from a feedlot was waived. He asked if this would be problematic if the farm is sold in the future, as the new owner's would need to apply for a variance to operate a feedlot. David Winsky indicated he understood.

Dan Griffin reiterated that if the feedlot is sold, the new owners would need to go through a variance if they want to operate as a feedlot in order to use it as a feedlot. David Winsky indicated it would not be problematic.

Larry Hafner asked if there was a frontage requirement on a public road. Aaron Lacher indicated they would own the 33 feet required.

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

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

Bob Burns made a motion to bypass Findings 8, 9, 12 and 14 since they are not applicable. Larry Hafner seconded. Motion carried.

Section 11.05 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

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.

Staff Analysis: The proposal satisfies the criteria for non-farm dwellings.

Robert Burns – Yes, agrees with SA and current ordinance.

Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes

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

Staff Analysis: A CUP is needed to build a dwelling on less than 40 acres. The applicant indicates that being closer to her parents will allow them to help work on the farm.

Robert Burns – Yes, agrees with SA. This is a family member and family farm operation.
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, agrees with SA.

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

Staff Analysis: Septic is a potential pollution source. The Applicant will be required to comply with State septic regulations, thus negating the threat. Septic plans have been submitted for review with this application.

Robert Burns – Yes, septic design is submitted and will be done by a licensed contractor.
 Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes

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

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

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes, agrees with SA.
 Rich Schild – Yes, erosion plan will take care of.

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

Staff Analysis: Soil survey indicates a type IV silt loam with 12-20% slopes. Slopes are the main building limitation, and it is recommended that structures be designed to conform to the natural slope of the land. A walkout basement makes use of the existing slope.

Robert Burns – Yes
 Daniel Griffin – Yes, meets requirements.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, agrees with SA.

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

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

Robert Burns – Yes, agrees with SA.
 Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes

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

Staff Analysis: The site will be accessed off County 25. A Driveway Access Permit, Soil Erosion Control Permit, and Septic Permit will be required prior to building. There is an existing farm road that will be converted to a driveway. A proposed well location is located on the south side of the house, opposite the septic system. Information on other utilities has not been provided. No impacts to drainage are anticipated.

Robert Burns – Yes
 Daniel Griffin – Yes, agrees with SA, requirement met.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – 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: A potential concern is the existing feedlot owned by the co-applicants. An exemption from setback is currently available, but if ownership of the feedlot falls outside the family, the feedlot setback would again apply, creating a non-conformity. Because the feedlot owners are co-applicants, staff conclude they have considered this outcome, and concluded it is not injurious.

Robert Burns – Yes, agrees with SA, adjoining property owners did not provide comments against.
 Daniel Griffin – Yes
 Larry Hafner – Yes, SA
 Edward Hammell – Yes
 Rich Schild – Yes, SA took care of themselves.

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 anticipated. This proposal conforms to the County's one per quarter-quarter development protocol.

Robert Burns – Yes

Daniel Griffin – Yes, conforms to ordinance.

Larry Hafner – Yes

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, agrees with 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.

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: This proposal conforms to the County's one per quarter-quarter development protocol.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA.

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 impact is anticipated to the public's health, safety, morals, and general welfare.

Robert Burns – Yes

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes, almost seems non applicable.

Rich Schild – Yes, should have no impacts.

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. A certificate of survey completed by a licensed surveyor is required prior to the issuance of a zoning permit.

3. A deed restriction shall be placed on the parent parcel (current PID 080339000) stating that any future use of the feedlot that does not qualify for a setback exemption from the proposed dwelling will require a variance. The deed restriction shall be prepared and recorded at the applicant's expense. This requirement may be waived by the County.

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

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

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, April 9, 2019.

Notice of Public Hearing No. 894 was read for **Tanner Johnson and Tamara Boldt**, 14100 Torgerson Drive, Houston, MN 55943.

Tanner Johnson is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district in Section 11 of Houston Township. The land will be transferred from Tamara Boldt, the applicant's parent, by the end of March. Tamara Boldt is currently a co-applicant on the application.

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

- The HCZO 0110.1403 Subd. 1 Subp. 10 requires the following of non-farm dwellings, single-family non-farm dwellings subject to the following:
- No more than one (1) dwelling per quarter-quarter section.
- 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.
- 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.
- 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.
- Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty – three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.
- The proposal satisfies these requirements.
- A house was previously located at this location, and was removed between 2010 and 2014. A split occurred in 2010 that created the subject parcel. A CUP for a new dwelling to replace the original dwelling on less than 40 acres was granted in 2013; this permit expired because the use approved did not commence within nine months of granting, per HCZO 6.3.
- The proposed location consists of 2.47 acres. No existing dwellings are present within the proposed quarter-quarter. There is an existing driveway left from a former dwelling and the parcel has 445 feet

of frontage on Sather Valley Road. There are class II and class VI soils, but the slope is not ideal for tillable ground and the land has not been in production for a period of ten years. The area is out of floodplain and no water features exist there.

- The slopes vary from 13-21%. The existing driveway is at a 7% grade. Staff visually observed a toe of bluff in the field, and measured an 18% over a 120' segment below it. A one acre building envelope was identified based on the toe location.
- Houston Township and the ten nearest property owners were notified. No comments were received.

Rich Schild asked if septic system locations had been identified. Aaron Lacher said Chance Nelson, a licensed contractor, has indicated there are 3 potential locations.

Chairman Griffin asked Tanner Johnson if he wished to add anything. Tanner said he would like to put up a house where he grew up. His parents were going to build there, but then ended up purchasing a different site.

Bob Burns asked if it would be a modular home. Tanner indicated it would be and would not have a basement.

Rich Schild asked Tanner if he had plans to build any out buildings later. Tanner indicated he had no plans.

Bob Burns clarified that the building site is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and near the intersection of 4 quarter quarters. Potentially, there could be houses in the remaining open quarters. Aaron Lacher indicated there was potential for that.

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

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

Bob Burns made a motion to bypass Findings 8, 9, 12 and 14 since they are not applicable. Larry Hafner seconded. Motion carried.

(SA = Staff Analysis)

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:

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

Staff Analysis: The proposal satisfies the criteria for non-farm dwellings.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes, conforms to land use plan.

Larry Hafner – Yes, satisfies criteria.

Edward Hammell – Yes

Rich Schild – Yes

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

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

Robert Burns – Yes
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes

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

Staff Analysis: Septic is a potential pollution source. The Applicant will be required to comply with State septic regulations, thus negating the threat. Septic location proposals have been submitted with this application. The Erosion Control Plan has outlined the required water diversions and treatment to reduce sediment loss.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes

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

Staff Analysis: An Erosion Control Plan will oversee the construction process, and cover post-construction drainage. One has been submitted with the application.

Robert Burns – Yes
 Daniel Griffin – Yes, erosion plan will address issue.
 Larry Hafner – Yes
 Edward Hammell – Yes, agrees with SA.
 Rich Schild – Yes, partially in place already.

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

Staff Analysis: The soil conditions are adequate to accommodate the proposed use.

Robert Burns – Yes, agrees with Dan and Rich, never been farmed.
 Daniel Griffin – Yes, land has never been farmed.
 Larry Hafner – Yes
 Edward Hammell – Yes, right by a road, good place for a house.
 Rich Schild – Yes, not been farmed or pastured.

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

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

Robert Burns – Yes, agrees with SA.
 Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA, taking care of water run-off.

Edward Hammell – Yes

Rich Schild – Yes, 3 septic sites have been identified.

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

Staff Analysis: The site will be accessed off Sather Valley Road. A Driveway Access Permit (if required by Houston Township), Soil Erosion Control Permit, and Septic Permit will be required prior to building. Nothing is known at this time that would prevent these permits from being issued. The Erosion Control Plan indicates water above the house will be diverted around to an existing drainage channel.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes, agrees with SA, been covered.

Larry Hafner – Yes, everything has been considered.

Edward Hammell – Yes

Rich Schild – 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: Within density requirements, will not be injurious, adjoining property owners were notified and will affect anyone who wants to start a feedlot.

Robert Burns – Yes, adjoining properties were notified and no comments were received.

Daniel Griffin – Yes, it is the only house in the quarter, quarter, allowed under ordinance.

Larry Hafner – Yes, agrees with analysis as discussed.

Edward Hammell – Yes

Rich Schild – Yes, agrees with discussion.

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 anticipated. This proposal conforms to the County's one per quarter-quarter development protocol.

Robert Burns – Yes, location is near intersection of 4 quarter quarters.

Daniel Griffin – Yes, could impact a feedlot, but no one expressed a concern.

Larry Hafner – Yes

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, agrees with 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.

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: This proposal conforms to the County's one per quarter-quarter development protocol.

Robert Burns – Yes

Daniel Griffin – Yes

Larry Hafner – Yes, meets one per quarter, quarter definition.

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA.

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

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

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.

Ed Hammell 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, April 9, 2019.

Notice of Public Hearing No. 895 was read for **Ma Cal Grove Country Club**, 15939 State 76, Caledonia, MN 55921. Jed Hammell is the representative.

The application is for a conditional use permit under HCZO Section 14.3 Subd. 1 (25) to allow for the operation of a commercial golf course and clubhouse.

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

- On February 2, 2019, a fire destroyed the club house on the property. Reporting in the Caledonia Argus on February 3rd described the incident as follows: *“Around 3:00 p.m. on Saturday, Feb. 2, a fire broke out at the Club House at Ma Cal Grove golf course. The fire, which was fought by departments from Caledonia, Eitzen and Spring Grove, did major damage. Fortunately no injuries were reported. Members of the board and administrative staff were on the scene, but didn't wish to speak at that moment. The Argus will do an interview with them in this week's issue to assess what they believe happened and where they will go moving forward.”*
The property is located in the Agricultural Protection District. This district does not contain an explicit option for the requested uses, however the Planning Commission may approve a use they determine to be appropriate under HCZO 14.3 Subd. 1 (25), which provides for the following as conditional 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 [may be permitted]*.
Within the application, the applicant identifies the golf course and the clubhouse as two distinguishable uses, and provides analysis of compliance status in light of the recent fire. At issues are whether the uses qualify as legal nonconforming, and how the fire affects this status. Given the application before the Board, this is arguably a moot point, and, again due to the application before the Board, minimal staff time was devoted to investigation. It can be noted that County records indicate that the clubhouse was built in 1973, however what is believed to be the course and the building can be seen on a historic photograph from 1968 (Figure 1). While pre-zoning establishment is only one of three criteria required for legal nonconforming status, given the application before the Board, staff does not contest the applicant's analysis that continued use of the golf course likely could continue as a legal nonconformity. However, should the application be denied, a more thorough review would be necessary. The nonconforming status of the clubhouse was terminated by the fire, as provided for in to Minn. Stat. § 394.36 and HCZO Section 9. Minn. Stat. § 394.36 contains language specific to the situation: *“[If any] nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its estimated market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.”*
- The discussion is largely heuristic, and is immaterial to the matter before the Board, however it serves to demonstrate the 60-year presence of the facility in the community. The two uses—golf course and clubhouse—are bundled as one request in the application, an approach supported by staff.
- The golf course is presented for approval as it currently exists. The course consists of 9 holes on approximately 100 acres contained in three parcels (030264000, 030246000, & 030253000).
- The clubhouse is presented in concept, and will include a restaurant, catering kitchen, event seating, bar, pro-shop, office, lockers and other facilities. Many of these activities may require additional approvals from other agencies, and a condition is proposed to ensure compliance. Should the CUP be granted, a zoning permit will be required for the placement of the clubhouse, and applicable standards will be required (e.g. setbacks, septic, etc.). The reference to “other facilities” requires additional clarity, and as presented, the Board would not be approving uses not specifically included in the application.

- The HCZO regulates parking lot design, specifying 300 s.f. per space, and providing a minimum parking capacity for various uses, including places of assembly, and restaurants and bars, which each require one space for every three seats based on design capacity. Alternatively, the Board may prescribe a different means of determining parking requirements. Assuming the clubhouse will accommodate seating for 300 guests, 30,000 s.f. of parking would be required, not including driving lanes. For perspective, the existing paved lot at the site is approximately 32,000 s.f. Should the Board approve the request with a capacity of 300 guests, staff recommend the existing lot be determined adequate, with the stipulation that all other applicable standards (e.g. handicapped accessibility) be satisfied.
- The site is located south of the City of Caledonia, with access from State 44/76. The course is surrounded by the Agricultural Protection District on all directions except North, which is residentially zoned and contains several subdivisions containing single family homes. Three intermittent streams cross the course, flowing to the Crooked Creek South Fork. Floodplain cuts across the NE corner of the course; golf courses are a permitted use in a floodway, but requires an administratively issued permit. Slopes are predominately 2-18%, with a smattering of steeper slopes along intermittent stream banks.
- Caledonia Township and the ten closest property owners were notified. No comments were received.

Ed Hammell indicated he would be recusing himself from the final vote do to his association with family members on the golf course board.

Chairman Griffin asked the Ma Cal Grove Country Club representatives if they wished to add anything. Present for Ma Cal Grove were Jed Hammell, board member and appointed representative, Bob Klug, President of the Ma Cal Grove Board and David Selness, Vice President of the Ma Cal Grove Board. Jed Hammell indicated there are 400 shareholders who own the country club. The original clubhouse was built on a foundation of an old farm home. The venue is a great place for many activities such as meetings, weddings, fundraisers and golf tournaments. The country club has good insurance and they want to rebuild clubhouse. The exact location of the new clubhouse is yet to be determined. They are looking at removing the three cart sheds that are to the east of the old clubhouse and rebuild a new clubhouse there. The new clubhouse will not have a basement. An extended driving range will replace the old clubhouse. There will still be plenty of parking, since much of that will remain the same. They have reapplied for a liquor license. They have a licensed professional weed applicator on staff who is also their greens keeper. There has been incredible support from the area and no one is against them rebuilding.

Bob Burns asked if the existing septic system would be adequate. Jed Hammell said they would have to build a new system according to code.

Larry Hafner asked if they planned to build new cart storage buildings. Jed said most likely and they may be located by the maintenance building or by the parking lot.

Dan Griffin asked about the bar and restaurant usage. Jed said it will be pretty much the same except they would like to separate the event usage area from the bar and restaurant area so an event can be going on and the bar and restaurant can still be open to the public.

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

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

Larry Hafner made a motion to bypass Finding 13 since it is not applicable. Rich Schild seconded. Motion carried.

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:

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

Staff Analysis: Section 0100.0505, Subd. 1, goal 3 of the Comprehensive Plan states: Encourage and promote the location of commercial facilities so as to provide reasonable access for the citizens to adequate supply of goods and services. Granting the request will provide citizens with access to a commercial recreational facility.

Robert Burns – Yes, agrees with SA, historical site that is being continued.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – abstained
 Rich Schild – Yes, asset to Houston County.

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

Staff Analysis: Continued operation of the facility necessitates the CUP.

Robert Burns – Yes
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – abstained
 Rich Schild – Yes

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

Staff Analysis: The clubhouse will produce wastewater that will be properly treated according to septic standards; no additional effects are anticipated. The use of land as a golf course may include pesticide, herbicide, fertilizer, and soil amendment application. The applicant indicates application is done by licensed professional, when required.

Robert Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA, licensed professional applicator on staff.
 Edward Hammell – abstained
 Rich Schild – Yes, licensed professional on staff and new SSTS will improve water quality.

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

Staff Analysis: The clubhouse is not anticipated to have any effect. There are no major land alterations proposed on the golf course. Drainage will continue as in the past; there are no known issues with the status quo.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes, new location may improve drainage to holding pond.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – abstained

Rich Schild – Yes, agrees with SA.

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

Staff Analysis: Silt loam soils are present throughout the property. The USDA soil survey provides ratings of soils for various uses, including lawns, landscaping, and golf fairways. This category considers the soil's ability to maintain established vegetation. The soil survey indicates that approximately 80% of the property is "somewhat limited" for use within the lawns, landscaping, and golf fairways category. A somewhat limited rating indicates that the soil is moderately favorable for a specified use.

Robert Burns – Yes, agrees with SA.

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with SA.

Edward Hammell – abstained

Rich Schild – Yes

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

Staff Analysis: The clubhouse will produce wastewater, which will be treated according to state septic standards, and thus does not present a pollution hazard. The golf course may require pesticide, herbicide, fertilizer, and soil amendments. The applicant has indicated that application will be done by licensed applicators, when applicable.

Robert Burns – Yes, agrees with SA, septic will be upgraded.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – abstained

Rich Schild – Yes, agrees with SA.

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

Staff Analysis: All necessary infrastructure is in place.

Robert Burns – Yes, agreed based on less than 300 guests.

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with SA.

Edward Hammell – abstained

Rich Schild – Yes, parking may be changed, not significant.

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: An existing parking lot exists and is reasonably provides the area specified by the HCZO.

Robert Burns – Yes, agrees with SA and with Rich.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – abstained

Rich Schild – Yes, they have identified additional parking for busy times.

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

Staff Analysis: Access is provided via State 44/76. MNDOT has been notified of the application. Tracy Schnell of MNDOT stated *“This proposal appears to have no significant impact on MnDOT roadways and is acceptable to MnDOT”*. Access from a public road must be granted from the road authority, and consideration is based on the proposed or observed use (i.e. trips per day) rather than zoning authority approval.

Robert Burns – Yes, based on MNDOT approval.

Daniel Griffin – Yes

Larry Hafner – Yes, historically access has not been a problem.

Edward Hammell – abstained

Rich Schild – Yes, agrees with SA, historically not a problem.

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

Staff Analysis: The clubhouse and golf course are proposed to continue in the same manner of operation that has occurred during the last half century. Zoning is not aware of any past issues due to either the clubhouse or golf course.

Robert Burns – Yes, agrees to SA and will be beneficial to neighbors.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – abstained

Rich Schild – Yes, agrees with Bob’s comment.

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: Development has occurred around the golf course over the last half century. Re-establishing the nonconforming use as a conditional use will not affect the predominant uses, residential to the north and agricultural to the south.

Robert Burns – Yes

Daniel Griffin – Yes, agrees with SA, will not affect or change status quo.

Larry Hafner – Yes, will be an improvement for the area.

Edward Hammell – abstained

Rich Schild – 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: No odor, fumes, dust or vibration are anticipated. There is potential for noise due to events at the clubhouse, however there are no known prior complaints of this. The application does not contain requests for signage.

Robert Burns – Yes, agrees with SA, noise can be redirected if problem arises.

Daniel Griffin – Yes, applicant has good history.

Larry Hafner – Yes, agrees with SA, good history advantage.

Edward Hammell – abstained

Rich Schild – 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.

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: A motel operates to the west that is compatible with the proposal. No effect is anticipated on the residential land to the north or the agricultural land to the south.

Robert Burns – Yes, no increase on usage based on normal operation.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – abstained

Rich Schild – Yes, agrees with SA.

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

Staff Analysis: The request is to continue a use that has occurred for the last half century, and in doing so ensure compliance with all applicable standards. Operation under a CUP is not anticipated to result in any reduction to the public's health, safety, morals, and general welfare.

Robert Burns – Yes, agrees with SA, and new and improved benefits of new facility.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – abstained

Rich Schild – Yes

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.
3. A minimum of 30,000 s.f. of parking area shall be required. The existing parking lot area is estimated to be approximately 32,000 s.f.

Bob Burns 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 Tuesday, April 9, 2019.

The minutes of February 28, 2019 were reviewed. Bob Burns made a motion to approve the minutes. Rich Schild seconded. Motion carried.

OTHER BUSINESS:

Dan Griffin introduced the meeting format that will be followed.

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

Submitted by the Planning Commission Clerk on March 29, 2019.

Houston County Planning Commission
April 25, 2019

Approved on May 23, 2019 by Jim Weiser and Rich Schild

The Houston County Planning Commission met at 6:00 p.m. on Thursday, April 25, 2019. A summary of the meeting follows.

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

Notice of Continuation of Public Hearing No. 891 was read for **Tim Stencel**, 1345 County 6, La Crescent, MN 55947.

Tim Stencel is seeking a Conditional Use Permit to build an accessory building larger than 1,500 square feet in a residential district in Section 9 of La Crescent Township.

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

- The request is to construct a 2,328 s.f. accessory building in the Residential District. The use of the building will be incidental to the primary dwelling.
- The applicant has amended the proposal to allow for vehicle access within the property, with a new driveway extending south from the existing driveway.
- Section 29, General Provisions, of the Houston County Zoning Ordinance (HCZO) includes language regulating accessory structures in various districts, which contains the CUP requirement. The language is less-than-perfect and requires interpretation, thus a written policy has been drafted (enclosed), which provides for placement of accessory buildings in the Residential District as follows:

=<200 sf	No permit required
201-1499 sf	Zoning permit required
=>1500 sf	CUP required

- The building is proposed to be plumbed with in-floor heating, and an outdoor water spigot. No components that generate wastewater are proposed.
- The 1.5 acre property is located west of the City of La Crescent, with scattered spot city annexations to the south and west. Except for the adjacent property to the West, which houses a school bus company, it is surrounded by residential lots containing homes. The lot size can accommodate the proposed building while meeting setback requirements.
- The property slopes to the south and west at an approximate 2% slope.
- A septic drainfield was installed in the SE section of the lot in 2014, and is a sufficient distance from the proposed building. The applicant discussed the proposed driveway location with Jake Weiser, a licensed septic installer who installed the existing system. There is no setback requirement for a driveway from a septic tank or pipe, though precautionary sets would be recommended if a road were atop a pipe. Mr. Weiser concluded that there would be no effect to the system provided the driveway was not placed atop the existing tank or pipe. Staff confirmed this information with Weiser.

- There are no water features present; the nearest is a mapped wetland 160' to the west, and an unnamed stream 1400' to the west.
- The site is accessed off of County 6 via a semi-shared driveway.
- The soil at the site is listed as Bertrand silt loam (76B) in the soil survey. The first horizon of soil is 36" of moderately well drained silt loam. The next horizon is 24" of sand.
- Under present conditions, drainage from the site is to the west through the aforementioned culvert. Staff believe that the applicant's proposal for drainage is inadequate, both because it lacks sufficient detail, and, given the detail provided, is considered undersized. Staff is recommending a more substantial feature as a condition, and urges the board to devote time for discussion on this matter.
- One comment was received with concern about how shed is accessed. The existence, location, and extent of an easement could not be confirmed.
- La Crescent Township and the ten nearest property owners were notified. There was one call to the Zoning office in regard to the application. The Township did contact the Zoning office to indicate they have no issue with the approval. Zoning received two comments from neighbors concerned about drainage onto their properties. The building will create 2,328 s.f. of impervious surface, not including driveway area. The driveway area is not being included because no permitting is necessary to extend a driveway within a parcel. To handle roof runoff, the applicant is proposing to install a 4' wide rock and gravel band around the perimeter of the building. Any runoff that does not infiltrate will be directed west, through a culvert under the neighbor's driveway.

Larry Hafner asked if there would be much of an increase in stormwater volume. Aaron Lacher said it would be a very minimal increase during a regular rain event.

Jim Wieser asked how large the culvert was that runs from the bus company. It was indicated it was likely a 12 to 18 inch culvert.

Tim Stencil stated there is an older 12' x 20' building that will be removed. The total square footage of the cemented area for that building is 14' x 25' or 350 square feet. That area should be deducted from any drainage calculations. They also drain their pool each fall and approximately 10,000 gallons of pool water is drained in their backyard and it's gone within one hour.

There was discussion on the drainage from the new building and the predicated path it will take. Tim explained that none of the water would go out to the road. He reviewed his site plan with the members.

Tim explained he has plans to put in a gravel driveway that will be entirely on his property.

Dan Griffin asked about water runoff treatment around the perimeter of the building. Tim stated he would be putting gravel all the way around the building.

Chairman Griffin asked if anyone wished to speak. Tom Ready stated the Stencil lot sits up higher than his lot and asked if the new driveway will slope towards his driveway. Tim Stencil stated the only part of his lot that is higher is where the current existing driveway is and he will be putting up a retaining wall in the area. His driveway will not drain onto the Ready road. Where the bushes currently are, it slopes down and this will remain level with the Ready road.

Rich Schild asked if Tim would be backfilling the retaining wall with gravel. Tim indicated he would be.

Tom Ready asked how snow removal would be handled. Tim Stencel said he would plow towards the house. Aaron Lacher indicated that Mr. Stencel could technically gravel his entire lot if he wanted to.

There was discussion on culvert concerns of Mr. Ready and who was going to help him pay for erosion in the future. He hopes the runoff on the Stencel property will be absorbed on their property. Mr. Ready built culverts for the bus company and not others.

It was also discussed that the soils are very good on the Stencel property and will absorb the water very well.

Chairman Griffin asked that the Findings be read if there were no additional questions of concerns.

Section 11.05 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

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.

Staff Analysis: The building site is suitable and thus conforms to the policy of limiting development to suitable sites (0100.0501 subd. 2 policy 7). Diversity in housing types is included as a residential development policy goal. Approving the application would provide an option to a landowner whose preferred housing type includes proximity to urban center as well as a large personal shop.

Daniel Griffin – Yes
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: The applicant has indicated he requires space to accommodate several classic cars and woodworking equipment. To the extent one can need these items, an associated need for adequate space to store and use them exist.

Daniel Griffin – Yes, agrees with SA. He has stated his need.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: No impacts to the water quality are anticipated.

Daniel Griffin – Yes, conditions will neutralize potential erosion.

Larry Hafner – Yes

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, agrees with SA.

Jim Wieser – Yes

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

Staff Analysis: With the addition of the proposed building, infiltration would be reduced, however, the lot would continue to have significant pervious area. A condition is proposed to capture roof runoff onsite.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, percentage of additional runoff is very small.

Edward Hammell – Yes, agrees with SA, proposal to capture water is adequate.

Rich Schild – Yes, conditions will take care of increases and he is proposing more than most have.

Jim Wieser – Yes, agrees with SA, containing average rainfall will take care of additional runoff.

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

Staff Analysis: The soil at the site is mapped as Bertrand, 76B. The soil survey indicates that there are only slight building limitations for buildings on-grade; slight is the rating given if soil properties are generally favorable for the indicated use.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, silt loam is ideal for proposal.

Jim Wieser – Yes

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

Staff Analysis: No pollution hazards are anticipated.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA.

Jim Wieser – Yes

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

Staff Analysis: The proposal will not result in the need for additional utilities. There may be an increase in stormwater runoff, particularly if the proposed driveway is accounted for, however, given the amount of area that is currently draining through the existing culvert system, this increase is likely inconsequential, and will not result in a need for additional drainage infrastructure.

Daniel Griffin – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA, conditions take care of this.

Jim 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: The neighboring properties are residential and commercial/business. The placement of the shed is such that it does not appear to significantly impact views from existing homes – the shed would be visible from the rear of many homes that currently see large sheds at the bus company. Stormwater runoff is a concern, and a condition to negate the impact of increases is proposed. The shed design, albeit a subjective measure, is arguably architecturally appropriate for the location.

Daniel Griffin – Yes

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, agrees with SA.

Jim Wieser – Yes, agrees with SA.

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 land surrounding the property is nearly fully developed at present. No impact is anticipated.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, agrees with SA.

Jim Wieser – Yes, agrees with 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.

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: The shed is not intended as a residence.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA, shed will not be a residence.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes, agrees with SA.

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: As proposed, no impacts to the public's health, safety, morals, and general welfare have been identified.

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes, agrees with SA.

Rich Schild – Yes, agrees with SA.

Jim Wieser – Yes, agrees with 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.
3. Roof runoff will be collected in a stormwater feature 4' x 46' located south of the building. All runoff from the 36' x 46' primary structure shall be directed to this feature. The structure will extend 3' below grade, and be constructed to have sloped sides so as to collect water at an east/west center line. Geotextile fabric shall be installed, and rock shall be placed so as to create a finished grade slightly concave to the surrounding area. Details of the feature shall be provided with the application for a zoning permit, and zoning staff shall inspect upon completion of construction. Alternatively, the applicant may choose to implement an alternative design prepared by a licensed engineer.
4. During construction and until vegetation is established, a silt fence shall be installed on the south and west sides of disturbed areas.
5. The existing shed and concrete pad south of the house shall be removed prior to construction of the proposed shed.

Rich Schild 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, May 7, 2019.

OTHER BUSINESS:

Rich Schild made a motion to approve the minutes of March 28, 2019. Larry Hafner seconded. Motion carried.

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

Submitted by the Planning Commission Clerk on April 26, 2019.

Houston County Planning Commission
May 23, 2019

Approved on July 25, 2019 by Jim Wieser and Larry Hafner

The Houston County Planning Commission met at 7:00 p.m. on Thursday, May 23, 2019. A summary of the meeting follows.

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

Notice of Public Hearing No. 896 was read for **Mark and Dana Cairns**, 107 East Fremont Street, Hokah, MN 55941.

Mark and Dana Cairns are seeking an Interim Use Permit for a Start-up Business (Seasonal Storage Facility) in an agricultural protection district in Section 5 of Hokah Township.

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

- The applicant is seeking an Interim Use Permit to operate a storage facility in the Ag Protection District to include winter storage for boats, cars, RVs, and other large non-household items and summer storage for items such as boat trailers.
- The petitioner anticipates winter storage for boats, RVs, cars, and other large non-household items, but plans to offer summer leases as well to accommodate boat trailers, etc. The lease term will be six-months and the hours of operation will be from 8AM – 8PM, seven days a week, by appointment only. He will accept limited daily check-in and check-out, but it's not preferred. The applicant anticipates capacity at 22-24 spots per season which is based upon the room required for a standard 20-foot boat, but the number will vary with the type and size of vehicles and equipment present.
- The facility will be located on a 6 acre parcel in the Ag Protection District of Hokah Township that also includes the applicant's primary residence. The applicant owns an additional 1.8 acre parcel north of this parcel that lies within Hokah city limits. The proposed location is an area of the property that is currently used for personal storage, but no buildings exist. Access is off of East Fremont Street which is maintained by the city, but serves no other residences. The site is not located in shoreland or floodplain and will be built on slopes under 24%. Traffic is anticipated to be less than 100 trips per year and visits will be by appointment only so heavy traffic at one time is not a concern. The applicant does not plan to use the existing shed for commercial storage and there will be no additional water or septic requirement with the addition of this building. The facility will be run by Mark and Dana and will terminate upon a change in ownership.
- Both Hokah Township and Hokah City have submitted formal letters of approval for the project. The ten closest surrounding property owners were notified as well and no other comments have been received.

Vice Chairman Hammell asked Mark and Dana Cairns if they had anything to add. Mark discussed the shed dimensions and stated this will be a retirement endeavor.

Ed Hammell asked if they would have to carry insurance for this business. Mark indicated they would.

Bob Burns asked what the height of the peak of the roof would be. Mark said the ceiling is 14 feet high and then it would be approximately another 10 feet from there.

Bob Burns questioned potential pollution hazards such as gas tanks and whether they would need to be removed. Mark said only portable tanks would need to be removed. Bob asked if this will strictly be an interior storage facility. Mark said that was correct, there will be no parking outside of the building. Bob asked what the setback from the north property line was. The Cairns also own the parcel to the north (which is a hillside and an unbuildable site in Hokah City limits). These are two separate parcels. There was general discussion on whether or not the setback should be measured from the main parcel (in Hokah Township) to make sure there will be compliance if they ever sold the north parcel separately. This will be addressed in a condition.

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

Vice Chairman Hammell 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:

(SA = Staff Analysis)

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.

Staff Analysis: The proposal conforms with the County's policy 0100.0502 – "Preserve Prime Agricultural Land". The location is near urban areas, but is not prime agricultural soils and is therefore a suitable location for this use.

Larry Hafner – Yes, agrees with Bob Burn's statement.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes

Robert Burns – Yes, agrees with SA, the Comprehensive Land Use Plan recommends that businesses such as this be located close to a residential area.

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

Staff Analysis: The applicant feels there is a demand for this type of facility and intends to use it as retirement income.

Larry Hafner – Yes, agrees with SA, and applicant already has many customers lined up.

Edward Hammell – Yes, will be a good service to the county.

Rich Schild – Yes

Jim Wieser – Yes, agrees with SA.
Robert Burns – Yes

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

Staff Analysis: This facility does not include any usage of water.

Larry Hafner – Yes, agrees with SA.
Edward Hammell – Yes
Rich Schild – Yes
Jim Wieser – Yes
Robert Burns – Yes, substantial area for drainage to be absorbed into ground.

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

Staff Analysis: The direction of water flow will not be changed with the addition of this facility as there are no major land alterations planned.

Larry Hafner – Yes
Edward Hammell – Yes
Rich Schild – Yes
Jim Wieser – Yes, agrees with SA.
Robert Burns – Yes, substantial area for drainage to be absorbed into ground.

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

Staff Analysis: Soils are adequate for the proposed use. The USDA soil survey instructs buildings to be designed to conform to the natural slope and explains this soil is not suitable for row crop production.

Larry Hafner – Yes
Edward Hammell – Yes
Rich Schild – Yes
Jim Wieser – Yes, good land use for this soil.
Robert Burns – Yes, agrees with SA.

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

Staff Analysis: Machines and vehicles will be winterized prior to storage and portable fuel tanks and toilets will be removed. In addition, the applicant plans to place a lime screenings base. Septic is not applicable for this application.

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

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

Staff Analysis: No new utilities are needed.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes

Robert Burns – 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: There will be adequate area in front of the building for maneuvering vehicles or equipment around. This area is all well within the petitioners property. Limited parking is needed as access will be by appointment only and numbers can be controlled.

Larry Hafner – Yes

Edward Hammell – Yes, well planned.

Rich Schild – Yes

Jim Wieser – Yes, there is enough room for off street parking.

Robert Burns – Yes

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

Staff Analysis: The petitioner estimates less than 100 trips per year and plans to have customers by appointment only so heavy traffic will be prevented in that respect. Access is off Fremont Street and they are the only residence utilizing it.

Larry Hafner – Yes, agree with SA, size of facility limits the size of equipment that can be stored.

Edward Hammell – Yes

Rich Schild – Yes, no traffic hazards or congestion.

Jim Wieser – Yes

Robert Burns – Yes, only current resident on East Fremont Street.

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.

Staff Analysis: The closest neighbors are located on the other side of County 18 and the applicant is the only residence on the road.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes, tree line provides adequate screening.

Robert Burns – 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.

Staff Analysis: The applicant owns the property around this and either the slopes or agricultural land inhibit other development. The city and township have no objections.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes
 Robert Burns – Yes, agrees with 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.

Staff Analysis: There will be no signage. No odor, fumes, dust or vibrations are anticipated.

Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes
 Robert Burns – Yes, existing drive is crushed rock, no additional dust or noise.

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: 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.

Staff Analysis: This building will be no different in size from the typical agricultural building found within the Ag Protection District. No effect is anticipated on the residential land to the south and west or the agricultural land to the east.

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

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

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

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 permit shall be subject to renewal at five year intervals. The renewal process shall be initiated by the Permittee, and may be done administratively. No public hearing is required for renewal unless it is determined by the Zoning Administrator or the County Board that a hearing is necessary. In the event it is determined that a hearing is necessary, the hearing will take place only after the Permittee submits an application to the County.
3. The permit shall expire if it is not renewed at or near five year intervals. The permit shall expire at such time that Mark and/or Dana Cairns no longer own and maintain homestead status on the property described in the application (currently PID #05-0061-000).
4. Hours of operation shall be 8 AM – 8 PM, Sunday through Saturday (seven days a week).
5. The maximum number of employees working onsite shall not exceed two at any one time.
6. The building shall be setback 50 feet from all parcel lines, including the parcel to the north under co-ownership.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Interim 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, June 11, 2019.

OTHER BUSINESS:

Jim Wieser made a motion to approve the minutes of April 25, 2019. Rich Schild seconded. Motion carried.

Ed Hammell made a motion to adjourn the meeting. Bob Burns seconded. Motion carried.

Submitted by the Planning Commission Clerk on May 24, 2019.

Houston County Planning Commission
July 25, 2019

Approved on August 22, 2019 by Jim Wieser and Rich Schild

The Houston County Planning Commission met at 7:00 p.m. on Thursday, July 25, 2019. A summary of the meeting follows.

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

Notice of Public Hearing No. 897 was read for **Robert and Heather Strand**, 801 3rd Avenue NW, Buffalo, MN 55313.

Robert and Heather Strand are seeking a Conditional Use Permit to build a house on less than 40 acres in an agricultural protection district in Section 30 of Yucatan Township.

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

- The proposed location is within an open quarter quarter (no dwelling currently). Feedlots are located approximately 2,100' to the NW and 3,300' to the SW, beyond the require ¼ mile setback. The house is proposed on class VI soils which are not believed to have been in agricultural production previously. The minimum lot size in the Ag district is one acre. The subject parcel is 4.6 acres, and there is contiguous 17 acre parcel owned by the applicants. A one acre building envelop was identified. Additionally, a second (replacement) septic location was identified. The parcel has 1,200' of frontage on County 15.
- A driveway and parking area are currently installed on the property, and an RV is currently kept on site.
- The subject parcel consists of a narrow strip atop a bank along a county highway. An addition parcel is owned to the east having a small field, creek, wetland, and wooded areas. The house is proposed atop the bank, which drops 26' at slopes ranging from 16-21%. These slopes are not considered to be a bluff as defined by ordinance.
- Several water features are present on the parcels. Floodplains and wetlands boarder Girl Scout Camp Creek as it meanders into the South Fork of the Root River. The proposed house location is above the base flood elevation of 747', with the lowest adjacent grade estimated to be 770'. The house is proposed just outside of the Shoreland overlay district (i.e. 300' from ordinary high water mark).
- Silt loam soils are present at the site. According to the soil survey, slopes represent the primary limitation to building, and buildings should be designed to conform to the natural slope of the land.
- Yucatan Township and the ten nearest property owners were notified. No comments or inquiries were received.

Vice Chairman Hammell asked Robert and Heather Strand if they had anything to add.

Robert Strand said they would like to build a two bedroom house, slab on grade with an attached garage. The location is across from the old girl scout camp. The current driveway they use is the old township road prior to rerouting County 15.

Vice Chairman Hammell asked if anyone wished to speak.

Deb Dewey from Yucatan Township spoke. Her concern is that some residents have complaints related to agriculture living in the country.

Larry Gaustad from Yucatan Township spoke. He said the township welcomes people to build in the township. Wondered if there are ordinances related to agriculture. Ed Hammell responded that it's an ag district and the ordinance puts people on notice prior to building.

Robert Strand said they have owned the property for seven years and are familiar with farming practices in the area. He has talked with his neighbors and they have a good rapport.

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

Vice Chairman Hammell 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:

(SA = Staff Analysis)

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.

Staff Analysis: The proposal satisfies the all ordinance requirements applicable to non-farm dwellings.

Bob Conway – Yes, Agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes
 Bob Burns – Yes, Agrees with SA.

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

Staff Analysis: The applicants have elected to live in Houston County and will require housing.

Bob Conway – Yes
 Larry Hafner – Yes, Agrees with SA, township encourages people to build in township.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes
 Bob Burns – Yes, Agrees with SA, agrees with Larry.

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

Staff Analysis: Wastewater is a potential pollutant associated with any dwelling. The applicants will install an onsite sewage treatment system meeting all applicable standards. No other impacts are anticipated.

Bob Conway – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes, Looked at proposal, did their homework.

Rich Schild – Yes, Agrees with SA.

Jim Wieser – Yes, Agrees with Ed.

Bob Burns – Yes

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

Staff Analysis: An erosion control plan will be required with the application for a zoning permit, which will address post construction site drainage. The effects of increased runoff due to impervious surfaces (e.g. roof, driveway) are estimated to be negligible. The field downslope provides ample buffer and infiltration area between the house and the creek.

Bob Conway – Yes

Larry Hafner – Yes, Agrees with SA, will have erosion control plan.

Edward Hammell – Yes

Rich Schild – Yes, Agrees with SA.

Jim Wieser – Yes, Agrees with SA.

Bob Burns – Yes, Agrees with SA, relatively small structure, small increase in runoff.

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

Staff Analysis: The soil survey indicates ground slope to be the primary challenge for construction at the location. The applicants proposed a walkout style structure, designed to complement the existing slopes.

Bob Conway – Yes, Footing will be incorporated.

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes, Meets ordinance requirements.

Bob Burns – Yes, Agrees with Bob C.

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

Staff Analysis: Wastewater and erosion are two potential hazards. Both will be mitigated to an acceptable extent for the reasons stated in findings 3 and 4.

Bob Conway – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA.

Jim Wieser – Yes, Agrees with SA.

Bob Burns – Yes, Agrees with SA.

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

Staff Analysis: A septic design has been completed. A connection to the county road was approved in 2012 (DW2012-01). The placement of a house on the site is not thought to create drainage problems.

Bob Conway – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with Bob B.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes, Agrees with SA.

Bob Burns – Yes, Agrees with SA, drive area is already in place.

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

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 on permitted uses on neighboring properties are anticipated, and no comments were received from property owners on the application.

Bob Conway – Yes, Agrees with SA.

Larry Hafner – Yes, Discussion of Ag practices makes applicants aware of Ag district.

Edward Hammell – Yes, Agrees with Larry.

Rich Schild – Yes, Township board encouraged building in general.

Jim Wieser – Yes, Agrees with SA.

Bob Burns – 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: Granting the permit will close the SE SE quarter quarter in due to the dwelling density policy. All remaining property in the SE SE is owned by the MNDNR, an entity whose predominant uses does not include dwellings.

Bob Conway – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA.

Jim Wieser – Yes, Agrees with SA.

Bob Burns – Yes, Agrees with SA, falls within all county ordinance requirements for situation.

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: The application conforms to the one dwelling per quarter quarter density limitation.

Bob Conway – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Edward Hammell – Yes, Agrees with SA.
 Rich Schild – Yes, Agrees with SA.
 Jim Wieser – Yes, Agrees with SA.
 Bob Burns – Yes, Agrees with SA.

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: The addition of a house is not anticipated to have any effect on the public's health, safety, morals, and general welfare.

Bob Conway – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Edward Hammell – Yes, Agrees with SA.
 Rich Schild – Yes, Agrees with SA.
 Jim Wieser – Yes, Agrees with SA.
 Bob Burns – Yes, Agrees with SA.

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;

Larry Hafner made a motion to accept the findings as presented. Bob Burns seconded. Motion carried.

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

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

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, August 13, 2019.

OTHER BUSINESS:

Jim Wieser made a motion to approve the minutes of May 23, 2019. Larry Hafner seconded. Motion carried.

Larry Hafner made a motion to adjourn the meeting. Jim Wieser seconded. Motion carried.

Submitted by the Planning Commission Clerk on July 29, 2019.

Houston County Planning Commission
August 22, 2019

Approved on September 26, 2019 by Jim Wieser and Ed Hammell

The Houston County Planning Commission met at 6:30 p.m. on Thursday, August 22, 2019. A summary of the meeting follows.

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

Notice of Public Hearing No. 898 was read for **Clair and Jarad Olson**, 22563 County 13, Rushford, MN 55971.

Clair and Jarad Olson are seeking a Conditional Use Permit to expand a feedlot from 230.5 animal units (a.u.) to 330 a.u., consisting of dairy cattle and to build a manure storage structure with a capacity over 20,000 gallons in Section 17 of Yucatan Township.

Amelia Meiners, Feedlot Officer, commented on the application:

- The Petitioner is seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that will generate 300 or more animal units of manure (HCZO 14.3, subdivision 1, subsection 3), and a CUP for the construction of a manure storage structure with a capacity over 20,000 gallons (HCZO 14.3, subdivision 1, subsection 18).
- The site is located slightly more than a mile east of the Fillmore County line on County 13 or approximately six miles southwest of the City of Houston in the Bridge Creek watershed and the greater Root River watershed. The homes on the parcel date back to the first half of the 20th century as does the farmstead itself.
- Clair, wife Patty, and their son Jarad currently run the farm with plans for Jarad to continue the farming operation in the future, making him the fifth generation. The operation currently consists of the main dairy site and two heifer lots on outlying sites. The main dairy site employs adequate open lot runoff controls on both lots, which will be modified or maintained with the basin construction. On the contrary, the outlying heifer sites have high pollution risk from open lot runoff. With the addition of the freestall barn to house the milk cows, the petitioner's will be able to modify their operation by eliminating the use of those outlying open lots and housing those heifers in the existing freestall barn during the winter months when runoff risks are high. Then during the growing season the heifers will go out on pasture. Therefore, this is not an expansion for their operation as a whole, more of a reorganization.
- The proposed freestall barn will extend approximately 120 feet beyond the west line of the existing freestall barn. The new basin location is directly south of the existing freestall barn in the footprint of the existing earthen basin. There is one farmstead within the quarter mile feedlot setback at approximately 700 feet west of the proposed freestall barn. HCZO Section 33.16, Subdivision 5 says that "New feedlots and the expansion of existing feedlots located within one-fourth (1/4) mile of dwellings, other than the owner's, operator's, or their family member's dwelling, *may* be reviewed as a site specific variance". According to the department policy developed regarding when variances are required for a feedlot setback from a dwelling, the variance can be waived at the recommendation of the Zoning Administrator and Feedlot Advisory Committee. However, the fifth condition of that

policy states that for sites requiring a Condition Use Permit, the Planning Commission can require that the applicant go through the variance process as a condition of the permit. The dwelling at that site has been uninhabited for some time. For zoning purposes, if the dwelling is uninhabited eight of the last ten years then it is no longer considered a dwelling (HCZO Section 3.6, *Dwelling* definition). Assessor's records indicate the value of the home at \$2,000 in 1995. There is a note that in 2000 there were improvements made including laundry, new floor coverings and paint throughout, but that the dwelling lacks insulation and needs siding and windows. The value increased to \$10,000 at that point and later to \$32,006 in 2003. Records from 2009 describe the home as an old structure that needs a lot of maintenance and now the current estimated building value for the dwelling is \$24,850. People search indicates the parcel owner's current address is in Montana and the Rushford Post Office does not currently deliver mail to that site. Additional details may be provided at the time of the hearing. Therefore, a variance hearing will not be pursued at this time unless the Planning Commission deems it necessary.

- The other nearby dwellings not under the same ownership include one approximately 1,800 feet to the northwest, one 3,400 feet to the west, one 3,500 feet to the south of the proposed basin, one 2,500 feet to the east and two about 3,300 feet to the east of the existing farm structures.
- The manure storage is proposed on the southwest corner of the farmstead and will eliminate an existing earthen basin. The current earthen basin contains only milk house waste and according to the petitioner was constructed with the help of NRCS prior to them running the farm. No records have been located at the County. Engineer evaluation states that it is unclear whether the basin is lined and that the side slopes are eroded and contain wetland vegetation. The report indicates that the basin contains a large amount of sludge, minimizing the storage capacity to about 82,000 gallons. The engineers recommend closing the structure.
- A construction feedlot inspection was completed by Houston County in July and the petitioners have since applied for and been issued an Interim Feedlot Permit for construction and the elimination of the existing earthen basin that is a potential pollution hazard. Manure pits are required to comply with various location and design standards contained within the state feedlot rules. The interim feedlot permit has been issued and requires the CFO must review and approve the LMSA plans prior to construction.
- Prevailing winds measured in Preston and Rochester are from the south and northwest, thus winds should not increase odor at any of the neighboring properties.
- The site consists of confinement buildings, open lots, runoff controls, a vacant old hog barn with under barn liquid manure storage, feed storage and an earthen basin used to hold parlor wastewater. Slopes range from 1%-10% throughout the site. The site is in the Bridge Creek Watershed with the closest intermittent stream located approximately one half mile away with only an additional quarter mile to Bridge Creek. The South Fork of the Root River is just over three miles from the farm site.
- Yucatan Township and the ten nearest property owners were notified. No comments or inquiries were received.

Chairman Griffin asked Clair Olson if he had anything to add. Clair provided background information on the farming operation. He said his son, Jarad, will be the 5th generation on the farm. The original earthen basin was designed by NRCS. It was recommended that the existing basin be closed and a new concrete pit be constructed.

Jim Wieser asked how many months of pit storage he would have. Clair said 12 to 14 months.

Dan Griffin asked how many acres was needed to empty the pit. Clair said approximately 120 acres and he has the acres available.

Jim Wieser asked if Clair previously built a mono slope barn. Clair indicated he did. Jim asked if the manure will be scraped into the pit. Clair indicated it would not be scraped.

Ed Hammell asked Clair how the manure will be getting to the pit. Clair explained that is a flume system and how the process works.

Chairman Griffin asked if anyone wished to speak. Gordon Holter stated he has been a neighbor for over 40 years and the Olson's have always been good neighbors.

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

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

Larry Hafner made the motion to bypass Findings 8,9,13 and 14 as they do not apply. Bob Conway seconded. Motion carried.

Section 11.05 of the Houston County Zoning Ordinance requires the following:

(SA = Staff Analysis)

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.

Staff Analysis: This is an existing dairy facility that is looking to update their infrastructure. The Comprehensive Plan calls for support of commercial agriculture throughout. Part 0100.0501 provides: "Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county". Thus, expansion of a dairy operation conforms to the Comprehensive Plan.

Bob Conway – Yes

Daniel Griffin – Yes, agrees with SA, conforms to county land use plan.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes

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

Staff Analysis: The petitioner currently operates a daily scrape and haul operation and manure storage will allow them to spread at more conducive times. They plan to use a commercial applicator who will knife it in, allowing better utilization of nutrients, reduced runoff potential and improved soil health in addition to reducing the frequency of odor from hauling.

Bob Conway – Yes

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes, agrees with SA, will improve and upgrade current pit to meet modern standards.

Edward Hammell – Yes, good improvement.

Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: This project will actually help eliminate a pollution hazard. The plans were designed by FSA, NRCS and SWCD. The petitioner currently runs a daily scrape and haul operation. Construction of the free stall barn will allow the petitioner to bring heifers to the main site for winter feeding and in return remove them from outlying sites with non-compliant open lots.

Bob Conway – Yes
 Daniel Griffin – Yes, will help water quality, not degrade it.
 Larry Hafner – Yes, takes livestock out of failing barn.
 Edward Hammell – Yes, agrees with SA.
 Rich Schild – Yes, allows elimination of earthen pit, allows better manure application practices.
 Jim Wieser – Yes

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

Staff Analysis: Water runoff controls are included in the design plans provided by NRCS and this producer has already implemented runoff controls in the open lot area to the east that won't be highly affected by this construction.

Bob Conway – Yes
 Daniel Griffin – Yes, will not increase quantity of runoff, bigger pit will catch a lot of water, NRCS has approved.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: Feedlot permits require the use of construction materials appropriate for the soils present; minimum bedrock separation is also required. Construction of the pit will require meeting these same standards. Currently the area in which the basin will be constructed is occupied by an earthen basin. Soils have met the requirements of NRCS.

Bob Conway – Yes, agrees with Jim.
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes, agrees with SA, pit is improvement over earthen basin.
 Edward Hammell – Yes
 Rich Schild – Yes, soil tests have been done.
 Jim Wieser – Yes, soils meet NRCS standards.

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

Staff Analysis: An existing earthen basin will be eliminated with the construction of the new concrete basin and the use of non-compliant open lots will be eliminated.

Bob Conway – Yes
 Daniel Griffin – Yes, agrees with SA, beneficial to knife in manure.

Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes, the project is to improve water quality.
 Rich Schild – Yes, beneficial to spread manure at convenient times.
 Jim Wieser – Yes

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

Staff Analysis: This is an existing dairy facility so the necessary infrastructure and utilities are already present.

Bob Conway – Yes
 Daniel Griffin – Yes, agrees with SA.
 Larry Hafner – Yes, agrees with SA, site has a good history of compliance.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim 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: N/A

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

Staff Analysis: N/A

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

Staff Analysis: This operation fits in line with other uses in the agricultural district.

Bob Conway – Yes
 Daniel Griffin – Yes, sees no adverse impacts for anyone.
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, mostly farms in that area.
 Jim Wieser – Yes, will be an improvement for neighbors.

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

Staff Analysis: The predominant use in this area is agriculture.

Bob Conway – Yes
 Daniel Griffin – Yes, it is in the Ag district, predominant use is Ag.
 Larry Hafner – Yes, agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes, the project is orderly development of Ag land.
 Jim 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: Manure handling does create odors, but the addition of the basin will lessen the odor as they won't be hauling on a daily basis. The basin will form a crust, which will help reduce odors as well.

Bob Conway – Yes, knifing manure in is good.

Daniel Griffin – Yes, application with drag line will result in less odor.

Larry Hafner – Yes, agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes, plans show they have taken steps to reduce odors.

Jim Wieser – 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.

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: This project aims to reduce runoff, eliminate groundwater pollution hazards, improve soil health, and therefore protect the public's health, safety, morals, and general welfare.

Bob Conway – Yes

Daniel Griffin – Yes, agrees with SA.

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes

Jim Wieser – Yes

Bob Conway made a motion to accept the findings as presented. Ed Hammell seconded. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application for an operation of a feedlot with 330 a.u. and construction of manure pit measuring 130' x 205' x 12' with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;

3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder complies with the conditions and all other applicable statutes, rules, and ordinances.

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

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 10, 2019.

Jim Wieser made a motion to approve the minutes of July 25, 2019. Rich Schild seconded. Motion carried.

OTHER BUSINESS:

Aaron discussed a few situations with the members regarding the ordinance. The ordinance was reviewed for interpretation.

Larry Hafner made a motion to adjourn the meeting. Jim Wieser seconded. Motion carried.

Submitted by the Planning Commission Clerk on August 22, 2019.

Houston County Planning Commission
September 26, 2019

Approved on December 19, 2019 by Ed Hammell and Bob Burns

The Houston County Planning Commission met at 7:00 p.m. on Thursday, September 26, 2019. A summary of the meeting follows.

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

Notice of Public Hearing No. 899 was read for **Stuart Owens and Jeff Beckman**. Site location is 19016 Perkins Valley Road, Houston, MN 55943.

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in an agricultural district in Section 26 of Money Creek Township.

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

- Non-farm dwellings are subject to the following (14.3 subd. 1 (10)):
 - (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 applicants are seeking a variance from requirement (d) concurrent with this application as they seek approvals needed to rebuild on an existing farmstead believed to have been established in 1888. The existing buildings are in various states of dilapidation, and the applicants have indicated plans to remove six of seven structures. The sole building to remain is a 20' x 40' garage constructed of concrete block, positioned very near the town road (approximately 20'), and considered to be a legal nonconforming structure on account of its 19th century origin.
- Ownership of the property was transferred to the co-applicant, Jeffrey Beckman, in 2005. The existing house is believed to have been inhabited until sometime in the early 2000s. Because it has been vacant since at least 2005, the house no longer retains dwelling status for zoning purposes. There are no other dwellings in the quarter quarter.
- The farmstead is located on 34 acre parcel. There is approximately 2,700' of frontage on Perkins Valley Dr., which extends through the farmyard, separating the house from the larger outbuildings.

A building envelope approximately 1 acre in area is north of the road, upon which sit the house and several outbuildings, including the garage that is proposed to remain. Beyond maintaining the garage, no additional development is proposed in this area at this time. South of the road, bound by the road to the north and a steep slope to the south, there is a building envelope measuring approximately 0.8 acres in area. Note that area calculations include the public road for which there is a four rod right-of-way. A new house, well, and septic are proposed in this area, and require CUP. As part of their application, the applicants submitted a preliminary assessment completed by a septic designer that identifies locations for two drainfields.

- The proposed building site is on a 2% slope, on ground never in production. The parcel extends into two quarter quarters, however only the NE NE is eligible for a dwelling. Within the NE NE, the balance of the property consists of steep slopes and floodplain. An intermittent stream runs to the southeast into the Root River. The proposed building site is at an elevation of 750' and above, well above the base flood elevation of 698'. A registered feedlot is located approximately 2110' to the east, beyond County setback requirements.
- Money Creek Township and the ten nearest property owners were notified. No comments or inquiries were received.
- Applicants were granted a variance earlier in the evening.

Chairman Griffin asked the applicants if they had anything to add. Stuart Owens and Pete Peterson, realtor, were present. Pete said Aaron explained everything well. The property was previously listed by another realtor as a buildable site, however, it is only buildable by first applying for a variance and conditional use request.

Bob Burns clarified the location of the proposed septic system on the aerial photo provided. He asked if a future septic location had been identified. Aaron Lacher said it has not been identified at this time, and second site does not have to be within the buildable envelope.

Dan Griffin asked what the time frame was on the removal of the old buildings. Stuart said as soon as possible, as he would like to start building next year. He predicted it would take a month or two to remove the existing buildings.

Jim Wieser asked if he needed to drill a new well. Stuart indicated that was correct and has plans to cap the old one, if it has not been done already.

Dan Griffin stated most of the board members heard the supporting testimony at the previous variance hearing.

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

Chairman Griffin 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:

(SA = Staff Analysis)

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.

Staff Analysis: The proposal is to reuse an existing building site, an action that is encouraged. All other performance standards can be met, or a variance has been sought.

Bob Burns – Yes, Everyone is in favor, variance has been approved.
 Daniel Griffin – Yes
 Larry Hafner – Yes, Agrees with SA and Bob Burns.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes, Improving existing building site.

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

Staff Analysis: A CUP is needed to in order to permit a dwelling on <40 acres in the Ag district.

Bob Burns – Yes, No one disagrees.
 Daniel Griffin – Yes
 Larry Hafner – Yes, Agrees with SA.
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: No impacts are anticipated.

Bob Burns – Yes, Agrees with SA.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: No impacts are anticipated.

Bob Burns – Yes, Agrees with SA and Jim Wieser.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, Agrees with SA.
 Jim Wieser – Yes, Removal of old buildings will decrease runoff.

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

Staff Analysis: A septic designer has evaluated the site and identified two areas suitable for waste treatment.

Bob Burns – Yes
 Daniel Griffin – Yes

Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes, Agrees with SA.

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

Staff Analysis: A compliant septic system will be installed, negating the only potential pollutant identified.

Bob Burns – Yes, Agrees with SA.
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes
 Jim Wieser – Yes

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

Staff Analysis: All necessary infrastructure is in place, or can be placed.

Bob Burns – Yes
 Daniel Griffin – Yes, Agrees with SA.
 Larry Hafner – Yes
 Edward Hammell – Yes, Short driveway.
 Rich Schild – Yes
 Jim Wieser – Yes, Agrees with Ed Hammell.

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: The removal of several dilapidated buildings is more likely to enhance the enjoyment of neighboring properties.

Bob Burns – Yes
 Daniel Griffin – Yes
 Larry Hafner – Yes
 Edward Hammell – Yes
 Rich Schild – Yes, Buildings are about to fall down, removing them will make the valley nicer.
 Jim Wieser – Yes, Neighbors are in favor.

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 is in accord with the County's density requirements. No impacts on surrounding development are anticipated.

Bob Burns – Yes
Daniel Griffin – Yes
Larry Hafner – Yes
Edward Hammell – Yes, Increases development in area.
Rich Schild – Yes
Jim 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: The proposal is in accord with the County's density requirements.

Bob Burns – Yes, Agrees with SA.
Daniel Griffin – Yes, only house in the quarter quarter.
Larry Hafner – Yes
Edward Hammell – Yes
Rich Schild – Yes, Agrees with SA.
Jim Wieser – 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.

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 to the public's health, safety, morals, and general welfare are anticipated.

Bob Burns – Yes, Agrees with SA.
Daniel Griffin – Yes
Larry Hafner – Yes, Getting rid of old buildings increases safety.
Edward Hammell – Yes
Rich Schild – Yes, Agrees with SA and Larry Hafner.
Jim Wieser – Yes, Agrees with Larry Hafner.

The Planning Commission must consider the criteria above.

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

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application to build a dwelling on less than 40 acres in an agricultural district with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. Buildings identified for removal in the application materials shall be removed by December 1, 2020.

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, October 8, 2019.

Jim Wieser made a motion to approve the minutes of August 22, 2019. Ed Hammell seconded. Motion carried.

OTHER BUSINESS:

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

Submitted by the Planning Commission Clerk on September 27, 2019.