

Houston County Planning Commission  
December 19, 2019

**Approved on January 30, 2020 by Bob Burns and Bob Conway**

The Houston County Planning Commission met at 6:00 p.m. on Thursday, December 19, 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 and Ed Hammell. Bob Burns, County Commissioner, was present. Aaron Lacher, Environmental Services Director was present for Zoning. Rich Schild and Jim Wieser was absent.

**Notice of Public Hearing No. 900** was read for Caledonia Sno Gophers Snowmobile Club, represented by Gary Becker. Site location is 15939 State 76, Caledonia, MN 55921.

The applicants are seeking a Conditional Use Permit to construct and operate a snowmobile trail groomer shed in an agricultural district in Section 25 of Caledonia Township.

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

- The applicants seek a conditional use permit (CUP) (14.3, subd. 1 (25), Other Uses) to operate a snowmobile trail groomers and storage shed for a nonprofit (Caledonia Sno Gophers Snowmobile Club). They may also hold periodic Board meetings in the building, which are limited to 4-8 members and not open to the public.
- The Caledonia Sno Gophers have submitted this application with the consent and support of Ma Cal Grove County Club. The Sno Gophers propose to purchase approximately 2 acres from the Ma Cal Grove to construct a storage shed. A CUP is required because sheds for non-agricultural uses are not a permitted use in the Agricultural Protection District.
- The decision to apply for a CUP is based on the following: Neither snowmobile clubs nor nonprofits are a codified as a CUP or interim use (IUP) in the Ag District. Because the use is not listed, staff considered the "Other Uses" section provided for both CUPs and IUPs with the Applicant. The Sno Gophers are proposing a capital investment to build a shed, and would prefer that this asset be transferable. CUPs "run with the land" and are transferable; IUPs are applicant specific and are not transferable. Based on this, an application for a CUP was submitted. Under a CUP, the parcel and building could be sold to another snowmobile club, who could continue to use the property with no additional approvals from the County. Transitioning the building to a different use, other than agriculture, would require amendment of the CUP.
- Section 14.3, subd. 1 (25) reads as follows: "Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible to with other use already permitted in the district." The "uses listed above" phrase refers to the CUPs enumerated in the Ordinance. Enumerated CUPs that might be operated by nonprofits, and as such, be similar in organization, include gun clubs and horse stables.
- Addressing the issue of compatibility, the proposed uses of the building are limited to equipment and document storage, equipment maintenance, and monthly board member meetings (4-8 members). These activities are thought to be compatible with the existing uses in the area including the golf course, the motel, single family residences, and agriculture. In addition, several existing snowmobile trails converge near this location, making this an ideal site from a trail-maintenance perspective. A

list of the proposed uses of the building has been provided, and indicates, as one might expect, seasonal variation with higher usage in the winter.

- The Ordinance provides standards for parking spaces, requiring 300 s.f. per space. The method of calculating the required number of spaces for the proposed use is not specifically addressed in Ordinance. In this circumstance, the Planning Commission and County Board are directed to determine the appropriate amount of space needed for parking. Staff recommends eight spaces, for a total of 2,400 s.f.
- The proposed building is approximately 48' x 80'; if the CUP is granted, the Applicant has indicated the specific building footprint may vary slightly from this before they finalize plans and submit a zoning application. Should the CUP be granted, the proposed building would be considered a principal building. A preliminary survey, and an application and design for a holding tank have been provided to the County. Access from State 44 is being sought, and the Applicant is working with MNDOT on an application.
- The site is located south of the City of Caledonia, with access proposed from State 44/76. The location is surrounded by the golf course, which is zoning Agricultural Protection District. An intermittent stream is located to the south, and flows across the golf course into the Crooked Creek South Fork. Slopes are predominately 2-18%, with a smattering of steeper slopes along the intermittent stream banks.
- Caledonia Township, the City of Caledonia, property owners within ¼ mile, and various federal, state, and local agencies were notified. No comments were received.

Chairman Griffin asked the applicants if they had anything to add. Gary Becker and Bob Klug were in attendance. They indicated everything was straight forward in the presentation.

Bob Conway asked if they will need water at the facility. Gary Becker said they would hook up to Ma Cal Grove's water for the limited amount they will use.

Bob Burns asked if a driveway permit has been applied for. Gary Becker said they have been working with MNDOT.

Dan Griffin asked if they will use the Ma Cal Grove access or if they will have a separate driveway. Gary Becker said it will be a separate driveway.

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: Section 0100.05080, subd. 1, states as a goal the provision of "...open space to meet the recreation needs of the citizens of the County." The request is to provide the infrastructure necessary to support the recreational use of open space (i.e. snowmobile trail).

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

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

Staff Analysis: The applicant has indicated that their existing building does not have adequate space for the current needs, and that economic considerations have led them to seek unincorporated land. The proposed location is ideal because it is located at the confluence of three trails.

Bob Burns – Yes  
Bob Conway – Yes  
Daniel Griffin – Yes, They have a need.  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes, Good location for trails.

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

Staff Analysis: Wastewater is a potential threat to water quality. Wastewater generation is estimated to be minimal, and the applicant indicates a holding tank will be utilized to collect wastewater so that it can be properly treated.

Bob Burns – Yes, Agrees with SA, will not be a year round use.  
Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes, Agrees with Bob Burns, it is seasonal.  
Edward Hammell – Yes

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

Staff Analysis: The building and associated driveway and parking area will reduce water infiltration on the site. Assuming these impervious features total approximately 7,000 s.f., and the parcel is approximately 80,000 s.f., the percentage of the lot that would be impervious is approximately 8%. The impact of this is estimated to be negligible, with no adverse effect.

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

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

Staff Analysis: The applicant has indicated that septic and building officials have reviewed the soils on site and found them to be acceptable for the proposed use.

Bob Burns – Yes  
Bob Conway – Yes, Agrees with SA.  
Daniel Griffin – Yes

Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes

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

Staff Analysis: Wastewater is the only identified potential pollution hazard for which County standards exist that was identified, and is addressed in Finding #3 above.

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

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

Staff Analysis: Needed utilities are presumed to be available. The applicant is seeking a permit to construct a new driveway access from State 44; access from the existing golf course driveway via easement is another option. Drainage is sufficient, and no changes to existing drainage are proposed.

Bob Burns – Yes  
Bob Conway – Yes  
Daniel Griffin – Yes, They have been addressed.  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – 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: A minimum parking lot area will be determined by the Planning Commission.

Bob Burns – Yes, 2,400 sq. ft. is more than adequate.  
Bob Conway – Yes, Agrees with SA.  
Daniel Griffin – Yes, Is adequate.  
Larry Hafner – Yes, Agrees with SA, have additional space available.  
Edward Hammell – Yes, Agrees with SA.

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

Staff Analysis: Use of the driveway is estimated to be minimal. The Applicant is working with MNDOT to permit a driveway. MNDOT is best suited to determine if a driveway is appropriate, and what is needed additionally to prevent traffic congestion and hazards.

Bob Burns – Yes, Agrees with SA, will not be used as a gathering place, just equipment.  
Bob Conway – Yes  
Daniel Griffin – Yes, MNDOT has approved.  
Larry Hafner – Yes  
Edward Hammell – Yes

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

Staff Analysis: Due to the limited use of the building, any impacts are estimate to be negligible. Ma Cal Golf Course will arguably experience the most impacts from proposal, and appears to support the application. No comments in opposition were received.

Bob Burns – Yes, Agrees with SA.  
Bob Conway – Yes, Agrees with SA.  
Daniel Griffin – Yes, The busy seasons will counter each other.  
Larry Hafner – Yes, Agrees with Dan.  
Edward Hammell – Yes, Agrees with all.

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: Snowmobile trails exist in the area, and no changes or increases to them have been presented. The existing use of the proposed location is as a golf course, a recreational use. The proposed use is also in the service of a recreational use. A change from one recreational use to another is not anticipated to impact development in the surrounding area.

Bob Burns – Yes, Agrees with SA.  
Bob Conway – Yes  
Daniel Griffin – Yes, Agrees with SA.  
Larry Hafner – Yes  
Edward Hammell – 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 lighted signs are proposed. No impacts are anticipated.

Bob Burns – Yes, Agrees with SA.  
Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes, Agrees with proposal.

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: No impacts to public health, safety, morals, or welfare are anticipated. The proposal will enhance the available recreational opportunities within the County.

Bob Burns – Yes, Agrees with SA, supported by the comprehensive plan.

Bob Conway – Yes

Daniel Griffin – Yes

Larry Hafner – Yes, Increases recreational opportunities.

Edward Hammell – Yes

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

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application to construct and operate a snowmobile trail groomer shed in an agricultural district with 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 2,400 s.f. of parking space is required.
4. A zoning permit will be required for to the construction of the proposed building. Prior to the issuance of a zoning permit, the applicant shall demonstrate compliance with all applicable accessibility codes.
5. The proposed area is currently part of an area (PID 03.0264.000) covered by existing conditional use permit (410 CUP – 2019). All uses approved by Permit 410 CUP – 2019 will remain in effect on PID 03.0264.000, but will be extinguished on the new parcel proposed to be exempted from PID 03.0264.000.

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, January 7, 2020.

**Notice of Public Hearing No. 901** was read for James and Samantha Cunningham of Black Hammer Stables, 20232 Norgard Drive, Spring Grove, MN 55974.

The applicants are seeking a Conditional Use Permit to operate a horse stable in an agricultural district in Section 10 of Black Hammer Township.

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

- The petitioner is seeking a Conditional Use Permit (CUP) to operate an equestrian facility in the agricultural district to include: boarding, training, lessons, clinics, therapy and small special events such as birthday parties (HCZO 14.3 subdivision 1(15)).
- The site is located approximately a quarter mile off County 11 on Norgard Drive on a 35-acre parcel. The parcel consists of a dwelling, horse barn, and accessory sheds on a mixture of woodland and tillable ground.

- Facility components include an outdoor arena, obstacle course, round pen, pasture, a trail system and the horse barn, with future hopes of putting up an indoor arena. The petitioner has identified that no more than 15-20 horses will be living on-site at any one time. The barn has capacity for seven horses so the remainder will be confined on pasture. Pastures will be rotated to maintain adequate growth for forage and leveled on a monthly basis to increase decomposition of manure and reduce odor. At 20 horses, this site is not required to register as a feedlot as required by MN Chapter 7020. However, all feedlot regulations still apply. The primary concern is in terms of manure management. When temporarily stockpiling, manure must be removed at least once per year and spread at agronomic rates. Those sites should then maintain vegetation during a growing season before being used again. The applicant stated that they plan to have a temporary compost site for barn manure behind the barn with plans to relocate each year. It is stated that no runoff will occur that could potentially contaminate groundwater. The dry lot will be scraped each spring and transferred to local producers for fertilizer.
- Norgard Drive is a short, gravel township road connecting County 11 to a system of other township roads and this is the only residence on the road. No concerns have been expressed by Black Hammer Township
- The petitioner estimates that there will be an average of 20 trips per week with an increase to 50 for special occasions.
- There are many equestrian recreational opportunities in the area and the petitioner feels a facility to complement those is in high demand. They plan to offer lessons, clinics, boarding, training and eventually become certified for mental health and PTSD therapy through an independent organization, Eagala. At that time they will work closely with mental health professionals within Houston and surrounding Counties to provide an accessible and affordable therapy option. The facility will be open for boarders between 6AM and 10PM with lessons offered at designated times on Tuesdays and Wednesdays or by appointment. All training activities will be done by appointment. Overall, they hope to offer lessons to 10-12 clients a week, therapy on an as needed basis, and host 6-8 producers.
- The applicant lives on-site so should be available should an emergency arise and has provided information regarding fire code and accessibility in their business plan.
- The site is an existing homestead. The dwelling was constructed in 1900 and two existing outbuildings in 1936. No permit was found for the horse barn, but assessor's reports indicate it was built in 1991. At that time, it would have been exempt from requiring a permit.
- Slopes around the facility range from 8-12%. The head of an intermittent stream begins at the north edge of the parcel, approximately 350 feet from the horse barn. This leads to an unnamed creek that eventually flows into Riceford Creek, approximately 2.4 miles away.
- The closest neighbor appears to be a cabin approximately a quarter mile to the northwest, and then there are three dwellings at approximately 2,760 feet, 2,060 feet and 3,760 feet to the south and east, as shown below. Much of the land surrounding this site is row crop with some forestland to the north.
- Black Hammer Township and the ten closest neighbors were notified. No comments have been received by the Zoning Office.

Chairman Griffin asked the Cunningham's if they had anything to add. Samantha said she is currently running a small facility doing lesson for mostly retired women. They board four horses right now and that will number will remain small. She also does kid's lessons. She said their focus in the future will be PTSD therapy.

Dan asked if she sponsor's any activities. Samantha said there are horse shows she is involved in and is affiliated with competitions up to the state level.

Aaron Lacher asked what Samantha envisions for the number of clients per week. She said right now it is very minimal because she does not have an indoor arena. She hopes to have an arena within 5 years. Therapy lessons run every other week. Regular lessons run weekly, but she can only have a limited number of people there at one time for lessons. She envisions 50-60 trips total per week in the future as her services increase.

Larry Hafner asked if she plans to have employees in the future. Samantha said not right now, but it could be possible with the therapy program in the future she may need help.

Larry Hafner asked if she had sufficient parking. Samantha indicated there was sufficient space available for parking. Most of the front yard is available.

Dan Griffin asked about hosted events and the number of people that would be there at one time. Samantha said she would need an indoor arena and would check into renting land from neighbors for parking if she doesn't not have enough.

Dan Griffin asked if restrooms will be provided. Samantha indicated they will provide portable toilets for hosted events.

Dan Griffin asked about manure management. Samantha said her brother hauls it to his farm, but there is not much of a pile.

Bob Burns asked if she boards many horses. Samantha indicated she currently does not board many because they are outside. Boarding really isn't her focus. She likes to train and flip horses. The numbers of boarders will stay low. There are certain horse types she looks for when boarding them.

Bob Burns asked if there are training requirements for the PTSD therapy sessions. Samantha indicated she would become certified for mental health and PTSD therapy through an independent organization called Eagala.

Dan Griffin asked if she had any insurance requirements. Samantha said she currently has coverage for 12 horses, besides her own.

Ed Hammell asked if she lived on the site. Samantha indicated they do. They bought the site about one year ago.

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 conforms with many parts of the Land Use Plan. The Plan calls for support of commercial agriculture throughout, but Section 0100.0502, Subd. 2, states “Policy 2. Promote agriculture as a significant economic activity and land use” and the economic development section promotes “Goal 1. Diversified economic development” (0100.0505, sub. 1).

Bob Burns – Yes, Agrees with SA, and Land Use Plan findings.  
Bob Conway – Yes  
Daniel Griffin – Yes, Good activity.  
Larry Hafner – Yes  
Edward Hammell – Yes

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

Staff Analysis: Houston County and the surrounding area offers many equestrian opportunities, but the applicant states that many boarding facilities in the area are full and have waiting lists. The location, among row crops and timber, keeps the operation within an agricultural/recreational community. With 20 plus years of equestrian experience and a background in education, the applicants wish to offer the opportunity for horse owners to not only board, but also expand their natural horsemanship knowledge and challenge their abilities. In addition, the petitioner has discovered a need for mental health and PTSD therapy in the area and is working to become certified as an equine therapy facility.

Bob Burns – Yes  
Bob Conway – Yes  
Daniel Griffin – Yes, Agrees with SA.  
Larry Hafner – Yes, It’s an activity that should be supported.  
Edward Hammell – Yes, Useful proposal.

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

Staff Analysis: This proposal should not degrade the water quality of the County. The facility will be managed in accordance with Minnesota Chapter 7020, regarding feedlot regulations, and portable restrooms will be available to the public.

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

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

Staff Analysis: The proposed use will not increase the quantity of water runoff. While creating arenas and other riding areas has replaced vegetation with screenings, if constructed properly it should not affect the quantity of water runoff.

Bob Burns – Yes

Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes, Well planned area.

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

Staff Analysis: The soils are better suited to forage crops and pasture rather than prime ag land.

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

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

Staff Analysis: Portable bathroom facilities will be provided to the public. At least one will be available 24/7 and if needed for larger events, additional restrooms will be brought in. The applicant has been made aware of state feedlot regulations regarding manure stockpiling and is responsible for maintaining compliance.

Bob Burns – Yes, Agrees with SA and applicant’s explanation on manure management.  
Bob Conway – Yes, Good idea to find out how many toilets are necessary for expected attendance.  
Daniel Griffin – Yes  
Larry Hafner – Yes  
Edward Hammell – Yes

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

Staff Analysis: This is an existing residential acreage and so all necessary utilities are present.

Bob Burns – Yes, Agrees with SA.  
Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes  
Edward Hammell – 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 petitioners have identified parking space off Norgard Drive between the training ring and the township road and between the shed and driveway. The applicants believe this provides parking for up to 15 vehicles with trailers. In addition, a large loading area and turnaround for truck/trailer traffic will improve flow. If necessary, additional parking will be available between the training ring and obstacle course. Preferred/handicap parking is available close to the barn and arena if needed.

Bob Burns – Yes  
Bob Conway – Yes, Sounds like the neighbors are willing to help also.  
Daniel Griffin – Yes, Adequate measures have been taken.

Larry Hafner – Yes  
Edward Hammell – Yes

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

Staff Analysis: The petitioners anticipate the traffic to average 20 trips per week with peak traffic up to 50 trips per week. The applicants believe they have sufficient parking to accommodate clients/patrons so as not to create a hazard on Norgard Drive. No concerns were received from Black Hammer Township.

Bob Burns – Yes  
Bob Conway – Yes, Horse owners are pretty safe drivers.  
Daniel Griffin – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes, Shouldn't be 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 predominant uses in this area are agriculture and recreation so this is a consistent use. Neighbors are setback at least a quarter mile from the facility and no components of the operation create an obvious nuisance. Many current neighbors allow them to utilize trail systems around their properties.

Bob Burns – Yes, Agrees with SA and Ed.  
Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes, Applicant has implemented a good neighbor policy.

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 uses in this area are agriculture and recreation, which are consistent with the proposal.

Bob Burns – Yes  
Bob Conway – Yes  
Daniel Griffin – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – 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 applicants have restricted times of operation for boarders and will set lessons and training by appointment so traffic should be limited to reasonable times. Noise is not a concern and neighbors have not brought concerns about additional existing outdoor lighting (i.e. arena). The applicant plans to remove manure stockpiles every year as well as relocate them to allow vegetative growth. The pastures are managed in such a way to aid in decomposition and reduce odor. All

appropriate state feedlot regulations must be followed. The barn and arena ground consist of screenings rather than sand to keep dust to a minimum.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes  
 Daniel Griffin – Yes, In Ag district, will have minimal impact.  
 Larry Hafner – Yes  
 Edward Hammell – 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: The proposal is a low intensity use that is compatible with the area.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes  
 Daniel Griffin – Yes  
 Larry Hafner – Yes, Is a lot quieter than most farming operations.  
 Edward Hammell – 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: This project should not affect the public's health, safety, morals, and general welfare. The applicant identifies soft arena ground, safe and quality fencing and equipment as important components of their operation. Overall, they strive to provide an equestrian experience in both a safe and fun environment.

Bob Burns – Yes, Agrees with SA and applicant will only accept certain animals.  
 Bob Conway – Yes  
 Daniel Griffin – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes

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

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application to operate a horse stable in an agricultural district with the following conditions:

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

3. The Permittee shall provide documentation that any new buildings, and change of use of existing buildings, complies with all applicable building codes.

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, January 7, 2020.

Ed Hammell made a motion to approve the minutes of September 26, 2019. Bob Burns seconded. Motion carried.

**OTHER BUSINESS:**

Larry Hafner made a motion to adjourn the meeting. Bob Conway seconded. Motion carried.

Submitted by the Planning Commission Clerk on December 20, 2019.

Houston County Planning Commission  
January 30, 2020

**Approved on April 30, 2020 by Jim Wieser and Rich Schild**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, January 30, 2020. 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, Wayne Feldmeier, Larry Hafner and Ed Hammell, Rich Schild and Jim Wieser. Bob Burns, County Commissioner, was present. Aaron Lacher, Environmental Services Director, was present for Zoning.

Bob Burns made a motion to approve the minutes of December 19, 2019. Bob Conway seconded. Jim Wieser and Rich Schild abstained, as they were not present for the December meeting. Motion carried.

Election for Chairperson for 2020 took place. Jim Wieser nominated Ed Hammell for Chairperson, Bob Burns seconded. There were no other nominations. Motion carried unanimously.

Election for Vice Chairperson for 2020 took place. Bob Burns nominated Larry Hafner for Vice-Chairperson, Rich Schild seconded. There were no other nominations. Motion carried unanimously.

**Notice of Public Hearing No. 902** was read for Curt Roverud of J & C Farms, 103 2<sup>nd</sup> Avenue SE, Spring Grove, MN 55974.

The applicant is requesting to amend Conditional Use Permit #284. The amendment would decrease the approved acres from 52 to 29.45 acres and adjust property line setbacks in Section 20 of Spring Grove Township.

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

- The applicant was issued CUP #284 for mineral extraction in 2008. The permit provides for a rock quarry on 52 acres, and stipulates 100-200 foot setbacks from the southeast and southern property lines. The amendment request would reduce these setbacks to the standard 50 foot required by Ordinance, and cover the southern portion of the existing permit.
- An environmental assessment worksheet (EAW) was completed for this project and approved by Houston County in 2018. This process entailed an examination of various aspects of the project, and is meant to inform decision-makers as well as identify ways to protect the environment. Board Members should familiarize with the EAW, as the information it contains is germane to this request and will not be duplicated in this report.
- The current application differs from the information submitted in the EAW in two ways. First, the EAW stated that reclamation will be done in accordance to the County Ordinance, which calls for 3 inches of topsoil to be provided for. The overburden removed from atop the rock is commonly preserved onsite for future reclamation. The applicant estimates that 45,000 cubic yards of overburden materials is available on this site, and it is calculated that 11,874 cubic yards of material

are needed to achieve a 3 inch overlay. The reclamation plans submitted call for overburden material to be used to create berms buttressing the highway, and at the quarry entry. Any remaining material would then be spread on the quarry floor, however the applicant stops short of committing to providing a 3 inch overlay throughout.

- While the cubic yard quantities stated above suggest ample overburden is available, when this application is considered in conjunction with the concurrent application to the north, which has nearly a 5,000 cubic yard deficit if available overburden is to be relied upon, there is still sufficient material to provide for a 3 inch overlay on both sites. According to these calculations, a 3 inch overlay could be achieved while leaving 28,417 cubic yards of material for berm construction.
- Second, the EAW states that reclamation will be ongoing such that the active quarry never exceeds 40 open acres. The present application does not provide for ongoing reclamation.
- Staff view these deviations from the EAW to be within the Board's purview to accept during the permitting process. Regarding topsoil for reclamation, the calculations provided suggest that there is ample material to provide for a 3 inch topsoil overlay. Regarding the sequencing of reclamation – ongoing or not—this strategy is not believed to significantly change the project impact.
- Spring Grove Township, the ten nearest property owners, and multiple state agencies were notified. MNDOT indicated no concerns with the application. Houston County DOT indicated the quarry is an important source of materials for County and Township projects. One letter of support was received from the public. One inquiry was received from the public.

Bob Burns stated one of his concerns is the vagueness of the reclamation plan. He has no understanding of when things are going to be done. Rich Schild said the reclamation plan doesn't have a commitment to the three inch overlay.

Chairman Hammell asked Curt Roverud if he wished to speak. Curt said he wished he could see the future. He could put dirt down, but doesn't have material to do it, that's why he's proposing a berm. In the end, the site could be a good location for a storage facility or a factory. He doesn't know what will happen in 10-15 years.

Jim Wieser asked how much of a stockpile is there. Curt said thousands of yards.

Bob Conway asked if there is a requirement to put down 3 inches of overlay to complete the project. Aaron Lacher said there is a requirement to do a reclamation plan, but the future use really needs to be determined. His view is to approve a reclamation plan as a whole, but not every little detail.

Bob Burns stated that once the quarry's use is over, reclamation should be done in 1 year with 3 inches. If the plan deviates he needs to go to zoning for the change. The reclamation plan needs to have some commitment to it. Curt said if something changes he doesn't want to be committed to that plan. Jim Wieser stated that even if you don't know what the end use will be, something should be in place.

Ed Hammell asked how many years of rock is left in the quarry. Curt said there are quite a few years left. Aaron Lacher said Curt is not proposing any reclamation until the entire mine is depleted.

Chairman Hammell asked if anyone else wished to speak.

Richard Storlie spoke. He is a neighbor to the south. He is concerned about the boundary on the south side. In 2008 there was a 100 foot setback placed and now it may be changed to 50 feet for the reason of the blasting. They have had sand and sediment in their well in the past after blasting. They have placed seismograph meters at their property, but would like to see the 100 foot setback remain. Stuart Storlie said they have a water filter, but when there is blasting there is more sand that comes in. They have a shallow well and it could disrupt it. Their concern is that there may be too much intensity and it will affect their water supply.

Rich Schild asked how many times a year they blast and how long it takes to settle down. Richard Storlie said it takes to 2-3 weeks to settle down. Richard said there has been 12 years of use at the quarry and there is about 20 years left.

Aaron Lacher asked Curt Roverud to describe what a 30,000 ton blast is like. Curt said it is a smaller blast and not all one big bang. The front gets shot out first and then they move back and force it out.

Bob Burns asked Richard Storlie what the seismograph readings have indicated. Richard said it can vary and depends on the wind and humidity. They have been good about letting them know when the blasting is going to take place and doing the readings.

Rich Schild asked who actually does the seismograph readings. Stuart Storlie said Olson Explosives is the one that does the blasting and they come out and set up the meter wherever they want it placed.

Bob Conway asked who hires the blaster. Curt Roverud said Bruening Rock does because they lease it. Bob Conway asked if they have liability insurance if there would be any well issues. Curt said they do have insurance.

Michelle Schwartzhoff, daughter of Janet Fossum, neighbor to the south spoke. Their concern is also their well. As they get closer to property lines this could affect their wells. They have done seismograph readings at her Mom's site also. Her Mom has some cracks in her walls and she can tell after there has been a blast because her pictures are skewed. They would like the current setback to remain at 100 feet.

Bruce Kuehmichel stated in 2012 the Kruckow mine on the Sheehan land was shut down for 6 months. The point is, the only way you can prove that damage is done is to prove what's there before the blast occurred. You have to have proof beforehand. The closer you get to the other properties, the less of a cushion there is.

Curt Roverud responded to the neighbor's concerns. The wells in question are not on the same elevation as the quarry site; they sit lower. The setback really isn't an issue because it's over a half mile away even at a 50 foot setback. He has not heard a good reason why he cannot have a 50 foot setback on the south end.

Aaron Lacher asked if blasts can be adjusted if it becomes an issue the closer you get to the end of life at the quarry. Curt Roverud said smaller blasts could be done.

Bob Burns stated the quarry has been there a long time and is an important source for many projects as indicated by the Houston County Highway Department.

Aaron Lacher stated the need to have discussion on setbacks. Bob Burns said the original setbacks were due to a previous land owner wanting to build a house close to the quarry site and that never happened. He suggested to remove the 200 foot setback, but keep the south side setback of 100 feet.

Aaron Lacher asked for discussion on reclamation bonding. Bob Burns suggested to leave the amount at \$30,000, combined for 2 sites and the final reclamation should remain at 3 inches of overlay unless the whole plan changes. They would have one year to reclaim the site after the use ceases.

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:

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 Comprehensive Plan outlines various goals surrounding transportation, residential development, and agriculture. The materials produced by the quarry contribute to the achievement of these goals.

Bob Burns – Yes, Agrees with SA, meets comp plan, need good roads to improve transportation.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with Bob B. analysis.

Edward Hammell – Yes

Rich Schild – Yes, Good spot, meets comp plan.

James Wieser – Yes

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

Staff Analysis: The materials produced by the quarry are needed for a variety of purposes. Comments were received from Houston County DOT emphasizing that this is one of the most active quarries in the County, and a commonly used location for asphalt and concrete plants during county or state highway projects.

Bob Burns – Yes, This is going to create additional reserves for quarry, so it can remain active.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes, Active mine, need to keep it going.  
 Rich Schild – Yes  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: There are no water features located on the area to be covered by this permit. There are two man-made ponds within the quarry site to the north. Stormwater is contained within the quarry floor. Runoff from adjacent agricultural fields will not be permitted to flow into the quarry. No chemical storage is proposed beyond gasoline/diesel fuel.

Bob Burns – Yes, Water from quarry drains to north.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes, Well run operation.  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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

Staff Analysis: All stormwater is contained within the quarry floor.

Bob Burns – Yes  
 Bob Conway – Yes, Overflow is to north.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: The site contains limestone (Decorah Shale & Platteville) suitable for processing into stone products. The limestone is overlaid with approximately 15' of overburden, primarily silt loams.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes, Good use of available limestone.

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

Staff Analysis: No hazardous materials except gasoline and diesel fuel will be stored onsite. Fuel and lubricants within internal machinery tanks may be present onsite. Portable toilets will be utilized and

serviced by licensed companies. Licensed blasting contractors will be utilized and will follow standard operating procedures to reduce dust control that includes reducing the size of the charge, time and sequence of blasts and monitoring the wind speed and direction.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes, This proposal doesn't include gas or diesel storage.

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

Staff Analysis: The site is accessed via State 44. An average of 28-45 trips per day is estimated. All other necessary facilities are currently in place.

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

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

Staff Analysis: The quarry is operated with four employees. The existing quarry floor provides ample space for employee parking, as well as truck loading.

Bob Burns – Yes, Agrees with SA, existing quarry size has adequate space to move around.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: An average of 28-45 trips per day is estimated. MNDOT indicated that the proposal is not anticipated to have significant impacts on state roadways.

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

James Wieser – Yes, Similar to previous finding.

- 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: Noise will be emitted by earth moving equipment and other quarry operations during their established hours of operation. Heavy equipment noise, including back-up beepers, may be noticeable at the site and on adjacent properties. The area is sparsely populated. The closest residence is approximately 1,100 feet from the quarry boundary to the west. The next closest residence is 1,400 feet to the southeast. The topography of the working face, operational area, wind speed and direction will influence the noise for receptors in the area.

When blasting, the owner and operator will retain professional and licensed blasting contractors who operate in accordance with all federal, state and county regulations. Residences within close proximity will be notified before blasting occurs. Two houses at a distance of approximately 2000 and 2640 feet from previous blasts were recorded and showed no reading from seismic graph equipment.

- Bob Burns – Yes, There are closer houses that should be monitored.
- Bob Conway – Yes
- Wayne Feldmeier – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Rich Schild – Yes
- James Wieser – Yes, Agrees with SA.

- 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 uses in the area consist of agricultural activities and forested areas. Looking at the area within approximately 1 mile of the site, the predominant land covers in 2018 were grass/pasture (32%), corn (28%), deciduous forest (17%), and soybeans (13%). Developed areas comprise approximately 6% of the area within a 1 mile radius of the quarry. Given present uses, the proposal is not anticipated to be an impediment to current or future uses.

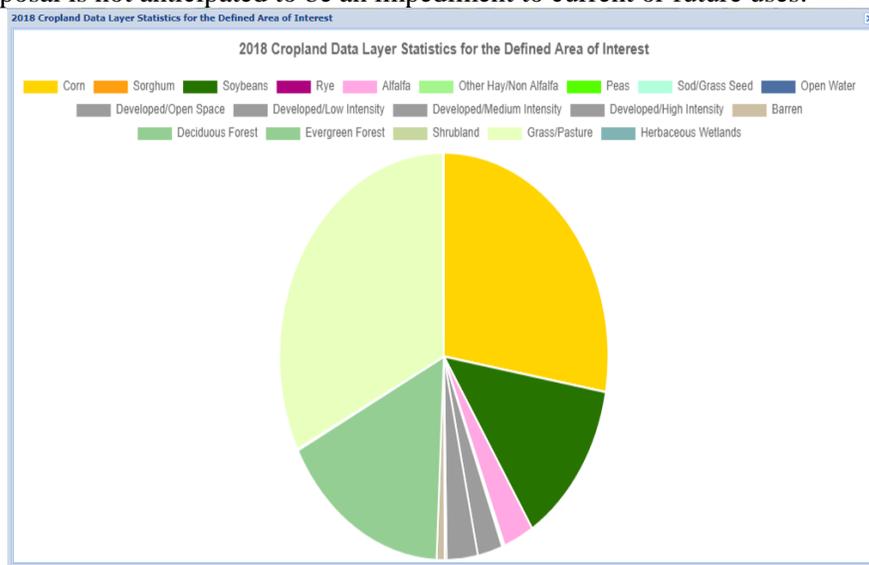


Figure 1 2018 Land Uses



Staff Analysis: Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (MN Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties. The maximum allowable noise levels for this activity, per MN Rules 7030, would be measured at the property line and would need to be less than:

- Daytime and nighttime: L10 (10% of the time in a one hour survey) = 80 dB
- Daytime and nighttime: L50 (50% of the time in a one hour survey) = 75 dB

Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Therefore, the dust from the quarry is expected to be confined to the property limits. Dust suppressants such as misting around equipment, enclosed equipment, watering or treatments of the haul roads, covered truck loads, clean-up of spilled material, and limiting the exposed working face are primary tools that the applicant has identified for minimizing dust, and can be expected to be utilized as needed.

Bob Burns – Yes, Agrees with SA.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes

Edward Hammell – Yes

Rich Schild – Yes, Agrees with SA.

James 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: 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 quarry has expanded at a rate of approximately 1.5 acres annually under its current operation. It is expected that this rate of growth is more rapid than a typical quarry in the County. In part the intensity of use at the quarry is driven by State and County DOT projects. The rate of quarrying is not regulated under Ordinance—the reference to mineral extraction in the Agricultural District refers to Section 27, Mineral Extraction. Section 27 provides that mineral extraction be done in accordance to the Comprehensive Plan, which, as stated in Finding #1, outlines several goals that are dependent on a supply of aggregate materials. Thus, the intensity of use is characteristic of the Agricultural District.

Bob Burns – Yes

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – 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: The applicant has completed an EAW, which incorporated a multi-agency review. The site has operated under a past permit since 2008, and at different times prior to that, with no known impacts to the public's health, safety, morals, and general welfare. The current proposal is not significantly different from past practices.

Bob Burns – Yes  
 Bob Conway – Yes  
 Larry Hafner – Yes  
 Wayne Feldmeier – Yes  
 Edward Hammell – Yes, EAW done and approved.  
 Rich Schild – Yes  
 James Wieser – Yes, Agrees with SA.

Jim Wieser made a motion to accept the findings as presented. Rich Schild seconded. Motion carried.

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

1. This amendment only becomes valid if and when conditional use application #2019-CUP-54902 is approved.
2. The Permittee shall comply with all federal, state, and local laws and regulations;
3. 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.
4. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
  - a. Name and mailing address of operator;
  - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
  - c. A Map or maps that accurately show and label:
    - i. Total acreage of the mine area;
    - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
    - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
    - iv. The total acreage of reclaimed land;
  - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
  - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
  - f. A certification signed by the operator that information provided is true and accurate.
  - g. Final reclamation shall meet the County zoning ordinance standards after mining operations cease.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
  - a. Financial Assurance Requirements.
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.

- iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
  - iv. The bond shall be payable to "Houston County, Minnesota".
  - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line set backs shall be 50', except the southern property line setback shall be 100 feet.
  7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
  8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners. At least one seismograph measurement shall be recorded for each blast at one of the participating properties, or, if permission from neighboring property owners is not granted, on a location on the Permittee's property to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and impacts on neighboring properties must be within the limits of applicable regulations.
  9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays\*: Closed. \*Holidays shall mean holidays observed by Houston County Limits to hours of operation may be suspended by Houston County.
  10. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application to amend Conditional Use Permit #284 for Mineral Extraction in an Ag District with 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, February 11, 2020.

**Notice of Public Hearing No. 903** was read for Curt Roverud of J & C Farms, 103 2<sup>nd</sup> Avenue SE, Spring Grove, MN 55974.

The applicant is requesting a Conditional Use Permit for mineral extraction (rock) on 23.98 acres in Section 20 of Spring Grove Township.

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

- The requested area was included in CUP #284 for mineral extraction issued in 2008. An application to amend CUP #284 has been received by the County -- the amendment would remove the area requested here from the permit.
- An environmental assessment worksheet (EAW) was completed for this project and approved by Houston County in 2018. This process entailed an examination of various aspects of the project, and is meant to inform decision-makers as well as identify ways to protect the environment. Board Members should familiarize with the EAW, as the information it contains is germane to this request and will not be duplicated in this report.
- The current application differs from the information submitted in the EAW in three ways. First, the EAW stated that reclamation will be done in accordance to the County Ordinance, which calls for 3 inches of topsoil to be provided for. The overburden removed from atop the rock is commonly preserved onsite for future reclamation. The applicant estimates that 45,000 cubic yards of overburden materials is available on this site, and it is calculated that 11,874 cubic yards of material are needed to achieve a 3 inch overlay. The reclamation plans submitted call for overburden material to be used to create berms buttressing the highway, and at the quarry entry. Any remaining material would then be spread on the quarry floor, however the applicant stops short of committing to providing a 3 inch overlay throughout.
- While the cubic yard quantities stated above suggest ample overburden is available, when this application is considered in conjunction with the concurrent application to the north, which has nearly a 5,000 cubic yard deficit if available overburden is to be relied upon, there is still sufficient material to provide for a 3 inch overlay on both sites. According to these calculations, a 3 inch overlay could be achieved while leaving 28,417 cubic yards of material for berm construction.
- Second, the EAW states that reclamation will be ongoing such that the active quarry never exceeds 40 open acres. The present application does not provide for ongoing reclamation.
- Third, the EAW indicated that no chemical storage will occur onsite beyond onboard fuel tanks. Presently, the applicant proposes one 1,000 gallon double wall tank and one 500 gallon tank in a concrete structure.
- Staff view these deviations from the EAW to be within the Board's purview to accept during the permitting process. Regarding topsoil for reclamation, the calculations provided above suggest that there is ample material to provide for a 3 inch topsoil overlay. Regarding the sequencing of reclamation – ongoing or not—this strategy is not believed to significantly change the project impact. Regarding the storage of fuel, provided that the Board is confident that the storage tanks are adequate for safe storage, this change is not believed to significantly change the project impact.
- Spring Grove Township, the ten nearest property owners, and multiple state agencies were notified. MNDOT indicated no concerns with the application. Houston County DOT indicated the quarry is an important source of materials for County and Township projects. One letter of support was received from the public. One inquiry was received from the public.

Chairman Hammell asked Curt Roverud if he wished to speak. Curt explained the use for this site. He explained that he has spent almost \$20,000 on this entire process. The EAW review had to be reviewed by an outside firm. He has spent 3 years and a lot of money to do this when he already had an existing conditional use permit.

Chairman Hammell asked if anyone else wished to speak.

Bruce Kuehmichel stated that the money spent will be made up. The adjacent property owners may lose their well use. Soil is the only thing that filters water.

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 Comprehensive Plan outlines various goals surrounding transportation, residential development, and agriculture. The materials produced by the quarry contribute to the achievement of these goals.

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

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

Staff Analysis: The materials produced by the quarry are needed for a variety of purposes. Comments were received from Houston County DOT emphasizing that this is one of the most active quarries in the County, and a commonly used location for asphalt and concrete plants during county or state highway projects. The area covered by this request is needed for processing, stockpiling, and loading.

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

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

Staff Analysis: There are no water features located on the area to be covered by this permit. There are two man-made ponds within the quarry site to the north. Stormwater is contained within the quarry floor. Runoff from adjacent agricultural fields will not be permitted to flow into the quarry. No chemical storage is proposed beyond gasoline/diesel fuel.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes

Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: All stormwater is contained within the quarry floor.

Bob Burns – Yes, Overflow will be to the north.  
Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Edward Hammell – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: The site contains limestone (Decorah Shale & Platteville) suitable for processing into stone products. Approximately 15' of overburden, primarily silt loams, has been removed, leaving a limestone surface that is suitable for processing, stockpiling, and loading.

Bob Burns – Yes  
Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Edward Hammell – Yes  
Rich Schild – Yes, Agrees with SA, Overburden will be used for berms.  
James Wieser – Yes

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

Staff Analysis: No hazardous materials except gasoline and diesel fuel will be stored onsite. Fuel and lubricants within internal machinery tanks may be present onsite, and two storage tanks are proposed. Portable toilets will be utilized and serviced by licensed companies. Licensed blasting contractors will be utilized and will follow standard operating procedures to reduce dust control that includes reducing the size of the charge, time and sequence of blasts and monitoring the wind speed and direction. Dust control measures are proposed as needed.

Bob Burns – Yes, Agrees with SA and Jim.  
Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA and Jim.  
Edward Hammell – Yes  
Rich Schild – Yes  
James Wieser – Yes, Storage tanks are contained as to code.

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

Staff Analysis: The site is accessed via State 44. An average of 28-45 trips per day is estimated. All other necessary facilities are currently in place.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes, Ample areas to park.  
 James Wieser – Yes

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

Staff Analysis: The quarry is operated with four employees. The existing quarry floor provides ample space for employee parking, as well as truck loading.

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

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

Staff Analysis: An average of 28-45 trips per day is estimated. MNDOT indicated that the proposal is not anticipated to have significant impacts on state roadways.

Bob Burns – Yes, Truck hauling projects typically use signage.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

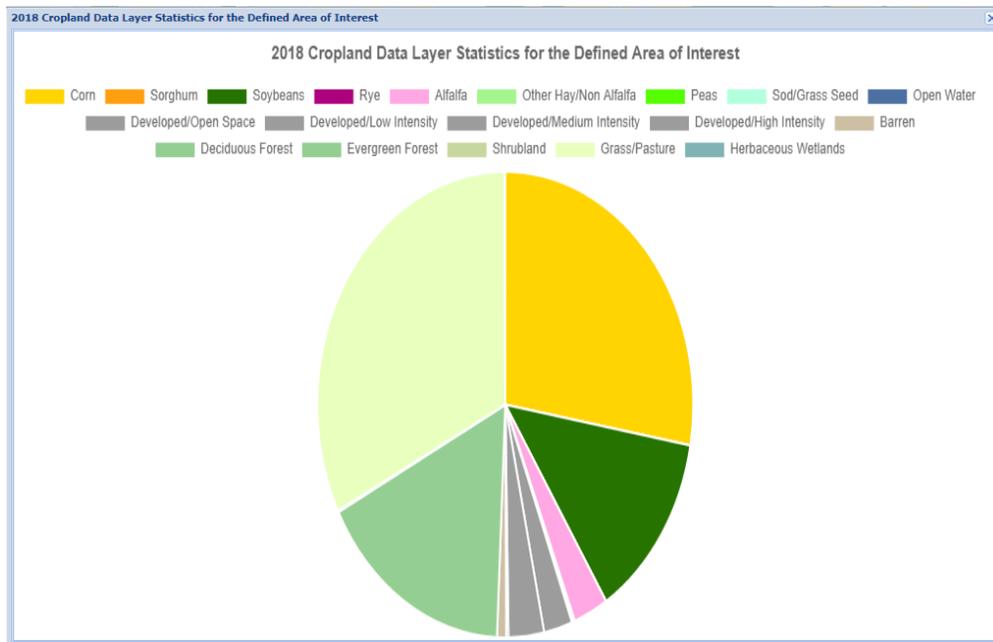
Staff Analysis: Noise will be emitted by earth moving equipment and other quarry operations during their established hours of operation. Heavy equipment noise, including back-up beepers, may be noticeable at the site and on adjacent properties. The area is sparsely populated. The closest residence is approximately 1,100 feet from the quarry boundary to the west. The next closest residence is 1,400 feet to the southeast. The topography of the working face, operational area, wind speed and direction will influence the noise for receptors in the area.

When blasting, the owner and operator will retain professional and licensed blasting contractors who operate in accordance with all federal, state and county regulations. Residences within close proximity will be notified before blasting occurs. Two houses at a distance of approximately 2000 and 2640 feet from previous blasts were recorded and showed no reading from seismic graph equipment.

- Bob Burns – Yes, This is CUP area #1, will have minimal blasting.
- Bob Conway – Yes
- Wayne Feldmeier – Yes
- Larry Hafner – Yes
- Edward Hammell – Yes
- Rich Schild – Yes
- James Wieser – Yes

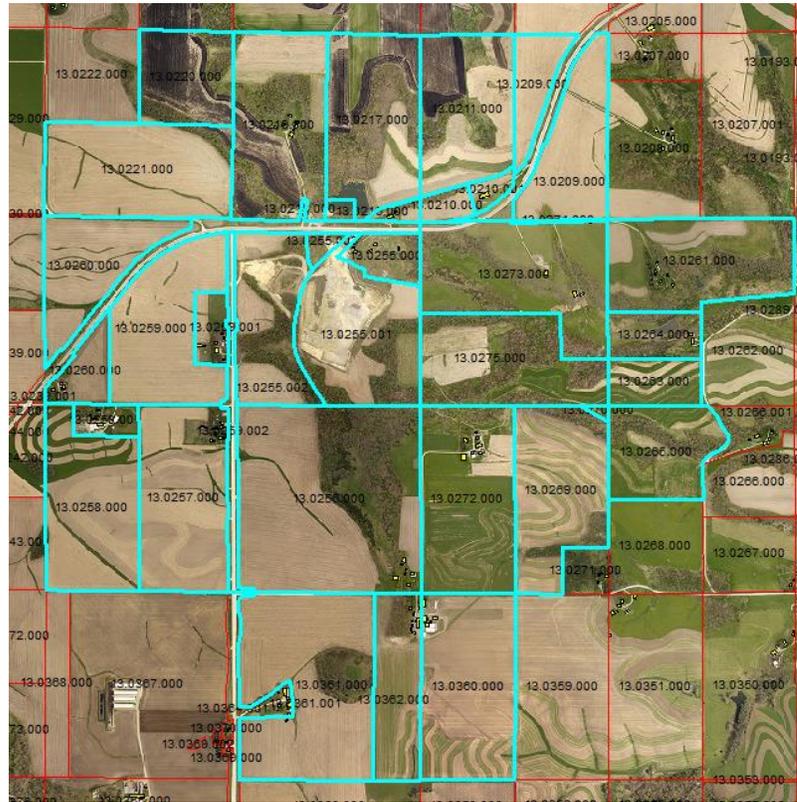
11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The predominant uses in the area consist of agricultural activities and forested areas. Looking at the area within approximately 1 mile of the site, the predominant land covers in 2018 were grass/pasture (32%), corn (28%), deciduous forest (17%), and soybeans (13%). Developed areas comprise approximately 6% of the area within a 1 mile radius of the quarry. Given present uses, the proposal is not anticipated to be an impediment to current or future uses.



**Figure 3 2018 Land Uses**

The site is located between Spring Grove and Mabel on Highway 44. Spring Grove is three miles to the northeast and Mabel four miles to the southwest. The property is bound by wooded forest with agricultural crop lands beyond the woodland. To the east of the access roads on the north side of the quarry is an abandoned building from the old farmstead. The closest residential building site is located approximately 1200 feet to the quarry’s west boundary. There are thirteen dwellings located on parcels within a half mile radius of the quarry.



**Figure 4 Parcels within 1/2 Mile**

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

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (MN Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties. The maximum allowable noise levels for this activity, per MN Rules 7030, would be measured at the property line and would need to be less than:

- Daytime and nighttime: L10 (10% of the time in a one hour survey) = 80 dB
- Daytime and nighttime: L50 (50% of the time in a one hour survey) = 75 dB

Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Therefore, the dust from the quarry is expected to be confined to the property limits. Dust suppressants such as misting around equipment, enclosed equipment, watering or treatments of the haul roads, covered truck loads, clean-up of spilled material, limiting the exposed working face are primary tools that the applicant has identified for minimizing dust, and can be expected to be utilized as needed.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes, Agrees with SA, hours of operation will help noise.  
 James 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: 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 quarry has expanded at a rate of approximately 1.5 acres annually under its current operation. It is expected that this rate of growth is more rapid than a typical quarry in the County. In part the intensity of use at the quarry is driven by State and County DOT projects. The rate of quarrying is not regulated under Ordinance—the reference to mineral extraction in the Agricultural District refers to Section 27, Mineral Extraction. Section 27 provides that mineral extraction be done in accordance to the Comprehensive Plan, which, as stated in Finding #1, outlines several goals that are dependent on a supply of aggregate materials. Thus, the intensity of use is characteristic of the Agricultural District.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes, Proposal consistent with past performance.

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 applicant has completed an EAW, which incorporated a multi-agency review. The site has operated under a past permit since 2008, and at different times prior to that, with no know impacts to the public's health, safety, morals, and general welfare. The current proposal is not significantly different from past practices.

Bob Burns – Yes, Agrees with SA, EAW went through multiple agencies.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

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. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
  - a. Name and mailing address of operator;
  - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
  - c. A map or maps that accurately show and label:
    - i. Total acreage of the mine area;
    - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
    - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
    - iv. The total acreage of reclaimed land;
  - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
  - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
  - f. A certification signed by the operator that information provided is true and accurate.
  - g. Final reclamation shall meet the County zoning ordinance standards after mining operation ceases.
4. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
  - a. Financial Assurance Requirements.
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
    - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
    - iv. The bond shall be payable to "Houston County, Minnesota".
    - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
5. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50', except the southern property line setback shall be 100 feet.
6. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall

- contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
7. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners. At least one seismograph measurement shall be recorded for each blast at one of the participating properties, or, if permission from neighboring property owners is not granted, on a location on the Permittee's property to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and impacts on neighboring properties must be within the limits of applicable regulations.
  8. Hours of operation shall be limited to the following:
    - Weekdays: 6:00 AM – 8:00 PM
    - Saturdays: 8:00 AM – 3:00 PM
    - Sundays: Closed
    - Holidays\*: Closed. \*Holidays shall mean holidays observed by Houston County.
    - Limits to hours of operation may be suspended by Houston County.
  9. Excavation shall not occur below a depth of 1,200', except as part of an approved reclamation plan.

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application to do mineral extraction in an agricultural district with 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 11, 2020.

**OTHER BUSINESS:**

Bob Conway made a motion to adjourn the meeting. Rich Schild seconded. Motion carried.

Submitted by the Planning Commission Clerk on January 31, 2020.

Houston County Planning Commission  
April 30, 2020

**Approved on May 28, 2020 by Jim Wieser and Bob Conway**

The Houston County Planning Commission met by phone conference at 6:30 p.m. on Thursday, April 30, 2020. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Bob Conway, Wayne Feldmeier, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Bob Burns, County Commissioner, was present. Aaron Lacher, Jim Gardner and Amelia Meiners were present for Environmental Services.

Jim Wieser made a motion to approve the minutes of January 30, 2020. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 904** was read for Greg Larson, 6963 County 18, Hokah, MN 55941.

The applicant is requesting to build a dwelling on less than 40 acres in an Ag district in Section 4 of Houston Township.

Jim Gardner of Environmental Services, commented on the application:

- Non-farm dwellings are subject to the following: (a) *No more than one (1) dwelling per quarter-quarter section.* (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.* (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.* (d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.* (e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- The proposed location is parcel no. 06.0278.004 currently owned by David Lee in Houston Township. The parcel is 10 acres and is within an open quarter quarter (no dwelling currently). Feedlots are located approximately 2,400' to the NE and 3,900' to the SW, beyond the required ¼ mile setback. The proposed house is on class III and IV soils and it is believed that the site has not been in agricultural production within the last 10 years. The minimum lot size in the agricultural protection district is one acre. The subject parcel is 10 acres with 660' of frontage on State 16.
- This site has a clearing with an area of roughly 2 ¾ acres that is relatively level. Within the 50' setbacks, this clearing is about 2 ½ acres which provides adequate space for two type I septic

systems which is required by MN Chapter 7082.0050 F. Greg Larson has been working with a licensed septic contractor and has identified two locations a type I septic system could be installed.

- Between 2010 and today, the approximately 2 ¾ acre clearing has not been farmed or put into production. The soils within the clearing are class III and the vegetation of the open area is primarily native prairie grasses. I (Jim Gardner) reviewed aerial imagery of the site from 2008 to 2017. There is no evidence of cultivation but previous hay production could not be verified through aerial imagery. Greg Larson is aware of the requirement that class I-III soils that have been farmed within the last 10 years on parcels less than 40 acres cannot be built on. Greg spoke with the current property owner, David Lee, and verified that this site has not been farmed within the last 10 years.
- Houston Township and the ten closest property owners were notified. No comments were received.

Jim Wieser questioned who the current owner of the parcel was. The purchase agreement provided indicates the land transferred to Greg Larson on March 1, 2020. Greg Larson indicated the purchase agreement was extended to May 1, 2020.

Chairman Hammell asked Greg Larson if he wished to speak. Greg Larson indicated their family has been looking for land in the county for some time. They would like to build a home closer to the Houston school district where their two daughters attend.

Rich Schild questioned how steep the slope of their driveway would be. Greg Larson indicated he has been working with Dave Walter of RRSWCD and they will meet the required 12 foot slope requirement.

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:

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

Larry Hafner made a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Bob Burns seconded. Roll call vote was taken. All were in favor. Motion carried.

**(SA = Staff Analysis)**

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

Staff Analysis: The proposed dwelling is in an open quarter-quarter section and is greater than ¼ mile away from any feedlot or mine. Although 2¾ of an acre of this site has class III soils, it has not been farmed in any way for at least 10 years.

Bob Burns – Yes, Agrees with SA, 2¾ acres not farmed.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: The Applicant identified that his children attend school in Houston and he wants his family to be closer while maintaining his family's outdoor lifestyle.

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

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

Staff Analysis: Building any sort of structure requires disturbance. Greg Larson is not proposing anything out of the ordinary, and no effects are anticipated. Minnesota Rules Chapters 7080-7083 requires every new construction to have a compliant septic system.

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

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

Staff Analysis: Constructing any sort of structure requires some soil disturbance. An erosion control plan will be required with the application for a zoning permit, which will address post construction site construction site drainage.

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

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

Staff Analysis: None of the soils described in the proposed site propose a threat or concern to the construction of a typical dwelling.

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

James Wieser – Yes, Agrees with SA.

- 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 Burns – Yes, Agrees with SA and Jim Wieser.  
Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes  
Rich Schild – Yes  
James Wieser – Yes, Erosion control and septic system are planned.

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

Staff Analysis: This site is very accessible. It has 660’ of frontage on State 16 and it is less than three miles from the city of Houston. The Applicant has already been in contact with a licensed septic contractor and has identified two adequate locations for a type I septic system.

Bob Burns – Yes  
Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Edward Hammell – Yes  
Rich Schild – Yes  
James Wieser – Yes, applicant is working with MN DOT and RRSWCD on driveway.

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

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

James Wieser – Yes

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

Staff Analysis: Granting this permit will close the NW NW quarter quarter due to the dwelling density policy. Brian Lee owns the remaining 30 acres in this quarter quarter section. All of the land immediately surrounding this site is wooded and cultivated. Constructing a dwelling will not impede nearby agricultural activity.

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

- 12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

- 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 application conforms to the one dwelling per quarter quarter section density limitation.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes, Complies with the ordinance.  
 Rich Schild – Yes, Agrees with SA.  
 James 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: 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: It is unlikely that the addition of a house will have any effect on the public's health, safety, morals, and general welfare.

Bob Burns – Yes  
 Bob Conway – Yes

Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

Bob Burns made a motion to accept the findings as presented. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Conditional Use application for a non-farm dwelling in an Ag District with the following condition:

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

Rich Schild seconded. Roll call vote was taken. All were in favor. 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 12, 2020.

**Notice of Public Hearing No. 905** was read for Sarah Sander, 3956 County 3, Brownsville, MN 55919.

The applicant is requesting to operate a pet crematorium in an Ag district in Section 4 of Brownsville Township. The above applicant is proposing to allow operation of a pet crematorium for small animals on this property. *(Patricia Burfield and Michelle Smith will be renting a portion of this property to start this business and it should be understood that they will be referred to as the applicants, rather than the property owner.)*

Amelia Meiners of Environmental Services, commented on the application:

- The applicants will be buying an existing business in Vernon County, WI, and once a building can be constructed on this parcel, they plan to relocate that business to Houston County. Small animal cremation services will be offered to both private pet owners and through local veterinary offices, but a majority of current business is through veterinarians. “Small animals” are generally understood to be companion animals, such as dogs, cats, rabbits, birds, and rodents. Currently no other pet crematorium operates in the County, so animals are sent outside of the immediate region for incineration or are disposed of using alternative methods. Note that some jurisdictions may have special regulations regarding those alternative methods, such as burial. The petitioners hope with a facility in the county that they will be able to provide more efficient services to local citizens than what is currently offered. Deceased animals will be transported and incinerated in cadaver bags. A few factors will determine in what state the animals will be transported, but they will be either frozen or recently deceased.
- The Department of Labor and Industry has no specific restrictions or regulations regarding pet crematoriums, but the building must be in compliance with MN State Fire Code Chapter 30 regarding industrial ovens, NFPA 86, and the 2020 MN Mechanical and Fuel Gas Code. The proposed structure will house the retort units and an office. The Environmental Protection Agency mandates equipment standards and provides parameters for emissions. At this time, there are no state

or federal licensure or certification requirements for the operator or business. The Board of Animal Health only regulates livestock and the Department of Health only regulates human grade crematoriums through Minnesota Chapter 149A. The Pollution Control Agency regulates air quality, but Minnesota Rule 7007.0250, subp. 6(B) exempts crematoriums from needing a state permit provided they meet the requirements of subpart 3 of that Rule.

- The applicants have provided a brief overview of the business and cremation process in their Operations Plan. Once the operators receive notification of a deceased animal they plan a route for pick up based on client location. The pets are brought back to the facility and are then either cremated immediately or stored in a freezer. The cremation process begins with preheating the afterburner chamber and then combustion takes place in the primary chamber. The highly combustible gas mixture then flows into the secondary chamber, which facilitates complete oxidation of gases. Once incineration is complete, the residual of the remains is removed and pulverized. The ashes are then returned to their owners in an urn. The plan projects that they will reach a point of twelve-hour continuous service.
- They hope to expand the business to two retorts within five years to accommodate expansion of the business and for efficient equipment maintenance schedules. Manufacturers recommend annual equipment inspections and recalibrations along with the five-year deep maintenance schedule and offer technical support 24 hours a day. The two applicants will conduct all business operations between 8AM and 8PM. Once the second unit is installed, they anticipate the need for one additional employee.
- The site is located approximately three miles southwest of Brownsville off County Road 3 on just over five acres. There are five neighbors within a quarter mile and six additional within a half mile. Within a quarter mile, four are residential properties and one is a commercial agricultural equipment repair shop. The residential property to the northeast is approximately 1,050 feet and to the south, there are three residences at approximately 650 feet, 800 feet and 450 feet. Note that the property owner's residence is 120 feet away from the proposed business location and the commercial building is approximately 825 feet to the northeast. Slopes at that location are less than 10%.
- Surface water is limited near the site. There are intermittent streams in both the Wildcat Creek watershed to the northwest and northeast at 2,650 feet and 3,000 feet and in Crooked Creek watershed to the southeast and southwest at 2,000 feet and 3,400 feet, respectively.
- This is a rural residential property with multiple small conforming outbuildings. There should be adequate space to accommodate the proposed facility and those details will be addressed during the building application process. In the business plan, the petitioner identifies that this proposal will not bring additional public traffic to the site. The operators plan to transport all deceased pets from private homes or veterinary clinics to the facility and will then return the packaged cremated remains. There are already two Conditional Use Permits granted to this parcel. Number 213-CUP (2004) to conduct equine experiential learning services as a home occupation in the agricultural district and Number 321-CUP (1995) to conduct auto repair as a home occupation in the agricultural district.
- According to wind data compiled by Iowa State University using data from a station in Preston, prevailing winds are directly out of the south and northwest. While the applicants have provided data to show that pollution is a minor risk with this proposal, staff feels this information is important to note.
- Brownsville Township and the ten closest property owners were notified. Numerous letters of support were received.

Chairman Hammell asked the applicants if they wished to speak. Michelle Smith spoke on behalf of the applicants. She said they are unable to build a building on their property due to their residence being in the Minnesota Land Trust. Sarah Sander has agreed to let them rent a portion of her land and build a building to house their equipment and operate their business from. She said she hopes the information they provided is substantial enough for the

board to recognize this type of service is greatly needed in our area. They would be happy to answer any questions.

Bob Burns asked what a “recently deceased” pet is termed. Michelle said this when the vet calls for a pick up as soon as a pet has been euthanized or hit by a vehicle. They respond as soon as they can (or within a 24 hour period of time). The pets are placed in cadaver bags in a freezer until they can get there.

Bob Burns asked about picking up pets at individual homes. How soon does this happen. Michelle said they don’t have control over when the pet owner would notify them, but typically most pet owners will take care of this immediately. They will pick up at the pet owner’s home or the vet clinic. Pets will not be dropped off at the Sarah Sander property.

Bob Burns asked if there was a size limit for their services. Michelle indicated the unit they use can take up to a 500 pound animal. They will only be offering services on deceased animals. They will not euthanize.

Bob Burns asked what their hours of operation would be. Michelle said typically 8AM to 8PM. Emergencies may come up from time to time.

Bob Burns asked if there will be any odors with this type of service. Michelle said there is no odor at all with the equipment they use.

Rich Schild asked about maintenance and manufacturer recommended annual inspection. Michelle indicated they will do daily, weekly and monthly maintenance on the equipment. Once a year a technician will be coming to do the annual inspection. Every 5-6 years there will be a major retort inspection.

Jim Wieser asked why the application is under a conditional use permit and not an interim use permit, since a conditional use permit says with the land. Aaron Lacher indicated it is really the purgative of the applicant. They are investing substantial money in their business and will be building a building to house the equipment.

Jim Wieser asked the procedure with the cadaver bags. Michelle said when the deceased pet is picked up it is put in a cadaver bag and it remains in bag and is cremated with the pet.

Larry Hafner asked if the local fire department will be notified and if they will be aware of the equipment that will be on site. Michelle Smith indicated she is actually on the Brownsville volunteer fire department and the department is aware of opportunity they are pursuing.

Comments from the public were read for the record. (Comments are on file.)

Bob Burns clarified that the conditional use permit will be issued to Sarah Sanders and it stays with the land.

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:

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

**(SA = Staff Analysis)**

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

Staff Analysis: The proposal conforms with the Land Use Plan as it promotes “Policy 1. Diversified economic development” (0100.0505, sub. 2). This proposal will complement the veterinary services in the area as well as offer an alternative option for dealing with a deceased pet to the many members of Houston County that enjoy small animal companionship.

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

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

Staff Analysis: The applicants are purchasing an existing business that they would like to bring into Houston County and expand on, but need a location in which to operate. They would like provide a more efficient cremation service to local clients than what is currently offered.

Bob Burns – Yes, Agrees with SA, there is no such business in the county like this.  
 Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA, this is a needed service.  
 Edward Hammell – Yes  
 Rich Schild – Yes, Agrees with SA, most people are taking pets out of county for these services.  
 James Wieser – Yes, agrees with comments submitted.

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

Staff Analysis: The proposed business only has general water needs in conjunction with the building (i.e. sink, toilet, and general cleaning) as no part of the cremation process or retort maintenance cleaning requires water. The septic system will consist of a holding tank.

Bob Burns – Yes, Agrees with SA, there is no run off from the process.  
 Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: The proposed location will require minimal landscaping, reducing the risk of erosion, and roof water will be collected by gutters, minimizing the effect of roof runoff. The additional roof square footage should not adversely increase the quantity of water runoff.

Bob Burns – Yes, Agrees with SA, proposing adequate runoff controls.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes, smaller building compared to ag buildings.

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: According to the *Soil Survey – Houston County*, soils are silt loam. There are two different soil types, 580D2, which is a class IV and 103B, which is class II. As long as the building conforms to the natural slope, the soils are suitable for development.

Bob Burns – Yes, Agrees with SA.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes, there will be minimal soil disturbance.

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

Staff Analysis: There is limited surface water near the site and a holding tank shall limit the risk to ground water. Proper functioning cremation equipment limits the risk for air pollution and all solid waste residual will be returned to the owner.

Bob Burns – Yes, Agrees with SA, applicants will be doing proper maintenance.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes, Agrees with Bob Burns that proper maintenance will be done.

James 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 homestead so all utilities are present.

Bob Burns – Yes, Agrees with SA, they will provide extra utilities if needed.

Bob Conway – Yes

Wayne Feldmeier – Yes, agrees with Bob Burns.

Larry Hafner – Yes

Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: Members of the public will not be invited to this site and so off street parking is not necessary for this business. The operations vehicle will have access to the building for drop off and parking needs and will be the only business related traffic.

Bob Burns – Yes, Agrees with SA, applicants indicated no pet owners will be on site.  
 Bob Conway – Yes, Agrees with SA and Bob Burns and Rich Schild.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes, pets will be picked up and dropped off.  
 James Wieser – Yes, agrees with Bob Burns and Rich Schild.

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

Staff Analysis: The business will only have one or two operations vehicles and no public access. The applicants believe the additional trips, from both employees and delivery services, for their business will not significantly alter the normal number for a residential property.

Bob Burns – Yes, Agrees with SA, applicants indicated no pet owners will be on site.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: Aside from residential purposes, area land uses are for agriculture and recreation. All business operations will be confined to the building and not visible to the public. Hours of operation will be between 8am and 8pm and there will not be an increase in traffic at this site. If installed and maintained properly, equipment will meet EPA emission requirements for air quality.

Bob Burns – Yes, Agrees with SA, but not idea of operating on Sundays.  
 Bob Conway – Yes, Agrees with SA and Ed Hammell.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes, committed to maintaining equipment properly.  
 Rich Schild – Yes  
 James Wieser – Yes, Agrees with Ed Hammell.

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 uses in this area are rural residential, recreational and agriculture. The crematory operation will be discreet and will not impede the normal and orderly development of surrounding properties.

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

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: The equipment is designed to ensure complete combustion of gases with minimal noise and any noise will further be reduced by additional building insulation. Any particulates released into the air from pulverizing remains will be contained within the equipment, since it will be returned to owners. There will be no sign on the highway, lighted or otherwise, and only minimal signage on the business door. The applicants plan to have hours of operation from 8am to 8pm and at most anticipate three employees in the building.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James 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 - Jim Wieser made a motion to skip. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

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 proposal is no greater intensity than the surrounding rural residential and agricultural business. Vehicular traffic will not vary greatly than that of a regular household. This proposal will only require a single structure that will be large enough to accommodate growth in the future if necessary.

Bob Burns – Yes, Agrees with SA.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes

Rich Schild – Yes  
James Wieser – 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: Qualified contractors will be completing the installation to ensure that work has been done up to code. Manufacturer's guidelines will be followed to ensure safe operation of the unit at all times and annual equipment inspections will be done by the manufacturer to ensure proper function along with daily and monthly monitoring by staff.

Bob Burns – Yes, Agrees with SA and information provided during the discussion.  
Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Edward Hammell – Yes  
Rich Schild – Yes, Agrees with SA, safe way to dispose of pets will enhance public health.  
James Wieser – Yes

Larry Hafner made a motion to accept the findings as presented. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

Rich Schild made the motion to recommend the Houston County Board approve the Conditional Use application for Sarah Sander to operate a pet crematorium as described in her application in an Ag District with 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.

Larry Hafner seconded. Roll call vote was taken. All were in favor. 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 12, 2020.

**Notice of Public Hearing No. 906** was read for Pam Bauer, 11475 Wildflower Drive, Caledonia, MN 55921.

The applicant is requesting to operate a pet crematorium in an Ag district in Section 6 of Winnebago Township.

Amelia Meiners of Environmental Services, commented on the application:

- The applicant is proposing to operate a small animal pet crematorium, offering only individual cremations, to accommodate the growing companion animal population. Services will be offered to both private pet owners and through local veterinary offices. "Small animals" are generally understood to be companion animals such as dogs, cats, rabbits, birds, and rodents. Currently no other pet crematorium operates in the County so animals are sent out of the area for incineration or

are disposed of using alternative methods. Note that some jurisdictions may have special regulations regarding those alternative methods, such as burial. This proposition is not an extension of an existing business. The applicant will be starting new and networking as she goes and so does not have an idea of volume of clients at this time. However, she plans to keep the business small, with herself as the only employee. Deceased animals will be transported to the site in plastic totes, which will later be sanitized with a bleach cleaner. A few factors will determine in what state the animals will be transported, but they may be either frozen or freshly deceased. Any additional items sent with the animal will not be incinerated, but returned with the cremains to ensure that no potentially harmful materials enter the incinerator.

- The petitioner indicates that the Department of Labor and Industry has no restrictions or regulations regarding pet crematoriums, but the building must be in compliance with fire code, NFPA 86, and the 2020 MN Mechanical and Fuel Gas Code. The proposed structure for housing the incinerator is based on manufacturer recommendations. The Environmental Protection Agency mandates equipment standards and provides parameters for emissions. At this time, there are no state or federal licensure or certification requirements for the operator or business. The Board of Animal Health only regulates livestock incineration and the Department of Health regulates human grade crematoriums through Minnesota Chapter 149A. Both departments defer to the Pollution Control Agency for emissions regulations, but Minnesota Rule 7007.0250, subp. 6(B) exempts crematoriums from needing a state permit provided they meet the standards of subpart 3 of that same Rule.
- The P16 model manufacturer specifications identify that it consists of two burners, a secondary chamber, stack, timers and temperature control. Further, it states that the secondary chamber and insulated, refractory-lined stacks assist with emissions control and the concave refractory bottom insures burnout and total destruction of liquid wastes. Propane will be the fuel source. In the business plan, the applicant informs that the primary burner reaches 1800 degrees Fahrenheit and the secondary re-burner will burn at 900 degrees Fahrenheit to eliminate any elements left over from the initial process. Thus eliminating all odors and pollutants. No particulates will be visible leaving the stack, only heat.
- The site is located approximately three and a half miles south of Caledonia at the end of a dead end township road. There are three neighbors, all at approximately 1,800 feet. Two are residences and one is a commercial campground and wedding venue property. Note that the applicant's residence is 140 feet away from the proposed incinerator location. Slopes near that location are less than 10%.
- Surface water is limited near the site. This is in the Winnebago Creek watershed and the closest confluences with Winnebago Creek are at approximately 2,000 feet in the southwest and southeast directions. There are unnamed intermittent streams 1,700 feet and 2,850 feet to the west and east, respectively.
- This is a rural residential property with a two existing outbuildings. The proposed facility addition will add 200 square feet to the northernmost outbuilding. In the business plan, the petitioner identifies that this proposal will not bring additional public traffic to the site. The operator plans to transport all deceased pets from private homes or veterinary clinics to the facility and will then return the packaged cremated remains.
- According to wind data compiled by Iowa State University using data from a station in Preston, prevailing winds are directly out of the south and northwest. While the manufacturer states that the cremation system is designed to meet air quality regulations and that no particulates or odor will be released, staff feels this information is important to note.
- Winnebago Township and the ten closest neighbors were notified. Numerous comments were received.

Chairman Hammell asked Pam Bauer if she wished to speak. Pam explained this will be a small business and she will be doing all the work herself. She will be picking up and returning pets to the owners after cremation. The pets will go directly into the incinerator or a freezer. There will be no services or burials on their property. They will be buying brand new

equipment and there will be no smell as it is a double burner incinerator. They plan to build an addition on an existing building to house the equipment and operate the business. She is gearing toward small pets only. She will be targeting individuals and vet clinics.

Rich Schild asked if she will be doing annual inspections on the equipment. Pam said they met in person with manufacturer and will do daily inspections, quarterly inspections and yearly the burner units get cleaned and inspected.

Ed Hammell asked if she will use cadaver bags instead. Pam said she plans to use the bags instead of totes after doing some additional research.

Bob Burns asked if she would be euthanizing animals and what her business ours would be. Pam indicated she will not be euthanizing pets and her business hours will be Monday through Friday 9-6, Saturday 9-12 and closed on Sundays.

Bob Burns asked if there will be burials on their property. Pam indicated there would not be.

Comments from the public were read for the record. (Comments are on file.)

Aaron Lacher asked what future plans she may have. Pam said the business will remain small and will be just her. She is looking ahead at her retirement years and wants to remain small with 8 to 10 animals per week maximum.

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:

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

**(SA = Staff Analysis)**

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

Staff Analysis: The proposal conforms with the Land Use Plan as it promotes “Policy 1. Diversified economic development” (0100.0505, sub. 2). This proposal will complement the small animal veterinary services in the area as well as offer an alternative option for dealing with a deceased pet to the many members of Houston County that enjoy small animal companionship.

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

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

Staff Analysis: The applicant feels that there is a gap in cremation services in the immediate area and plans to fill the void with an affordable and ethical alternative.

Bob Burns – Yes, Agrees with SA and Ed Hammell.

Bob Conway – Yes, Agrees with SA and Ed Hammell.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Edward Hammell – Yes, filling different need, smaller business than the hearing prior.

Rich Schild – Yes

James Wieser – Yes, agrees with Ed Hammell.

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

Staff Analysis: There is no surface water in the immediate vicinity of the proposed facility. The petitioner states that there is no need to have water directly at the site. If handwashing is necessary the residence will be used, but water is not necessary to clean the crematory unit or required for the incinerating process. A bleach cleaner will be used for disinfecting transport totes and the resulting materials from that process will be disposed of properly. Deceased animals will be stored in a freezer inside if not cremated immediately and will not be exposed to the elements.

Bob Burns – Yes, operation is enclosed in a building and will not affect run off.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes

Rich Schild – Yes, totes are a moot point, will be using bags instead.

James Wieser – Yes

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

Staff Analysis: While they will be adding additional roof square footage, this will not adversely increase the quantity of water runoff at this site.

Bob Burns – Yes, new addition on building is minimal.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, addition is minimal agrees with Bob Burns.

Edward Hammell – Yes

Rich Schild – Yes

James Wieser – Yes, Agrees with SA.

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

Staff Analysis: Soil conditions at this site are class III. The *Soil Survey – Houston County* indicates that these Seaton silt loam soils can accommodate construction for the lean to addition.

Bob Burns – Yes, Agrees with SA.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Edward Hammell – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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

Staff Analysis: The cremation system will not produce wastewater and any solid waste residual will be sealed in a bag, which will be returned to the owner in an urn. According to the manufacturer, the incinerator is designed to meet air quality regulations [EPA] using dual chamber combustion and the concave refractory bottom insures burnout and total destruction of liquid wastes. The secondary burner removes odor and no particulates or smoke are visible leaving the stack, only heat.

Bob Burns – Yes  
 Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA, least polluting method to dispose.  
 Edward Hammell – Yes, unit will be maintained.  
 Rich Schild – Yes, agrees with Ed Hammell and Larry Hafner.  
 James Wieser – Yes, very minimal pollution from this process.

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

Staff Analysis: This is an existing residential site so all necessary utilities exist.

Bob Burns – Yes, if they need additional electrical service, they provide it.  
 Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: The public will not be driving out to this site. The applicant plans to pick up deceased animals at specified locations and transport them back to the facility. After incineration, the applicant will then transport the residual back to the owner, therefore no additional off-street parking and loading space is necessary at this facility.

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

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

Staff Analysis: No traffic at the site, dead end road.

Bob Burns – Yes, sole propriety, no employees.  
 Bob Conway – Yes, agrees with Ed Hammell.  
 Wayne Feldmeier – Yes, agrees with Ed Hammell.  
 Larry Hafner – Yes  
 Edward Hammell – Yes, facility on dead end road, no traffic congestion.  
 Rich Schild – Yes, agrees with Ed Hammell.  
 James Wieser – Yes

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

Staff Analysis: There are no dwellings or commercial properties within a quarter mile of the facility. The manufacturer states that the unit meets EPA standards for air pollution. The incineration process takes less than an hour more or less depending upon pet size and will only take place on an as needed basis.

Bob Burns – Yes, switching to cadaver bags eliminates concerns during transportation.  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: The predominant uses in this area are agriculture and recreation. This should have little impact on development for those purposes.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Edward Hammell – Yes, won't operate continually, minimal impact.  
 Rich Schild – Yes, Agrees with Ed Hammell.  
 James Wieser – Yes

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: There will be no signage for the business. If installed and used properly the incinerator does not produce offensive odors or fumes according to the manufacturer and dust, noise and vibration are not a concern.

Bob Burns – Yes  
 Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes

Edward Hammell – Yes  
Rich Schild – Yes  
James 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 - Roll call vote was taken to skip. All were in favor. Motion carried.

- 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 is located in the agricultural district and there is no significant development coinciding with this business proposal. The applicants wish to construct a lean-to to house the incinerating unit, but that is the extent of planned development and it will not cause the property to differ from other rural residential properties in the agricultural district. It will

Bob Burns – Yes  
Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Edward Hammell – Yes  
Rich Schild – Yes  
James Wieser – Yes, minimal development with application.

- 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: A goal of the business is to provide a safe and ethical alternative for area small companion animal owners dealing with the death of pets. The proposed location is far from major development and uses technology that meets air quality regulations as well as controls that provide safe and easy operation.

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

Larry Hafner made a motion to accept the findings as presented. Ed Hammell seconded. Roll call vote was taken. All were in favor. Motion carried.

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application for Pamela Bauer to operate a pet crematorium as described in her application and during this hearing in an Ag District with 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. Prior to commencing cremation business operations, parcel #16.0062.000 must be brought into compliance with applicable zoning requirements.
4. Animals will be transported in cadaver bags that will be incinerated with the animals.

Jim Wiser seconded. Roll call vote was taken. Bob Burns - No, Bob Conway – Yes, Wayne Feldmeier – Yes, Larry Hafner – Yes, Ed Hammell – Yes, Rich Schild – Yes, James Wieser – Yes. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, May 12, 2020.

**OTHER BUSINESS:**

Rich Schild made a motion to adjourn the meeting. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on May 1, 2020.

Houston County Planning Commission  
May 28, 2020

**Approved on June 25, 2020 by Jim Wieser and Rich Schild**

The Houston County Planning Commission met by phone conference at 6:00 p.m. on Thursday, May 28, 2020. A summary of the meeting follows.

The meeting was called to order by Vice Chairman Larry Hafner. Roll call was taken. Members present were Bob Conway, Wayne Feldmeier, Larry Hafner, Rich Schild and Jim Wieser. Greg Myhre, County Commissioner, was present. Aaron Lacher, Jim Gardner and Amelia Meiners were present for Environmental Services. Ed Hammell was absent.

Jim Wieser made a motion to approve the minutes of April 30, 2020. Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 907** was read for Mathy Construction (applicant) and John Abnet (landowner). Site location is 1485 Evans Hill, La Crescent, MN 55947.

The petitioners request an Interim Use Permit to set up and operate a bituminous plant in an existing quarry (Abnet Quarry, La Crescent Township permit #228) in Section 2 of La Crescent Township.

Aaron Lacher of Environmental Services, commented on the application:

- The asphalt plant is proposed to be located within the floor of the Abnet Quarry, located off of Evans Hill Rd. The plant will support paving of CSAH 6 from the Winona County line to La Crescent City limits, a distance of 6.67 miles. Additional projects may be support by the plant as well.
- Haul routes are identified in the application, and were reviewed by the County Engineer. Some inbound routes are proposed through the City of La Crescent, and the City was given opportunity to provide comment.
- Test results for the proposed plant were provided. The test found Plant 52 emitted 0.0053 grains per dry standard cubic foot (GR/DSCF) of particulate matter; the regulatory maximum is 0.039 GR/DSCF.
- The plant is proposed in an existing quarry. Drainage is contained within the quarry in which two retention ponds are located.
- The quarry floor is at an elevation of approximately 1060. Nearby wells located approximately ½ mile to the south indicated a ground water level of 723' and 713' for the Wonewoc Sandstone Aquifer. A sealed well is located in the NW corner of the quarry floor.
- In addition to the retention ponds within the quarry, an intermittent stream is mapped on the western edge of the parcel, and runs in the ditch on the eastern side of Evans Hill Rd before entering Pine Creek.
- La Crescent Township, the City of La Crescent, and the ten nearest property owners were notified. Comments were received from County DOT, MPCA, and City of La Crescent. No comments were received from the public.

Vice Chairman Hafner asked Derek Frederixon of Mathy Construction if he wished to speak. Derrick said they would be moving in the plant the week of June 8<sup>th</sup> and the project would be starting the week of June 15<sup>th</sup>. This plant is for a Houston County highway project that will last approximately 3 weeks. There could be one additional project that may be supported by this plant as well.

Aaron Lacher indicated the County Highway Engineer did not have any concerns and that he approved of the haul routes. The City of La Crescent did not have any comments. MPCA indicated there should be adequate sanitary facilities on site for the workers. MNDOT indicated there were no concerns with the roadways being used.

No there were no comments from the members of the public. The Planning Commission members did not have any questions.

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

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

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

Jim Wieser made a motion to bypass questions 13 and 14 that are not applicable. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

**(SA = Staff Analysis)**

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.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – 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.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes #2 lines up with #1.

James Wieser – Yes

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. The applicant has provided information the Spill Prevention Control Countermeasure plan in place, and outlined steps to protect water quality should a spill occur.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA. Quarry holding ponds are adequate.

James Wieser – 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.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

James Wieser – Yes, Agrees with SA.

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. The rock floor is a suitable surface for asphalt plant operations.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – 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. The applicant indicates there will be 3-5 portable toilets on site.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes, Agrees with SA.

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 haul routes and indicates they are acceptable. Routes also go through the City of La Crescent, which did not indicate concerns over the proposed routes. The applicant indicates there will be 3-5 portable toilets on site, as well as a dumpster.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, County 26 was built for heavy traffic.  
 James Wieser – Yes, Haul routes are accepted by the City of La Crescent.

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.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Large quarry floor.  
 James Wieser – 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.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Using truck routes through city.  
 James Wieser – Yes

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

Staff Analysis: The properties in the immediate vicinity are woodland and cropland. The nearest dwellings are approximately 3,000' to the north. Impacts are anticipated to be marginal and temporary relative to the baseline quarry operation and the proposed resurfacing of CSAH 6. An IUP was previously issued for a multi-use agri-tourism facility south of the quarry. The permit holders were provided notice of this application and did not provide comment.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes

Greg Myhre – Yes, Agrees with SA.  
Rich Schild – Yes, Agrees with SA and is short term.  
James 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: Adjacent properties are woodland and cropland. The County is not aware of any proposed development of the surrounding land during the proposed permit term.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: 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.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James 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: 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.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

Greg Myhre made a motion to accept the findings as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made the motion to recommend the Houston County Board approve the Interim Use application for Mathy Construction to operate a bituminous plant in an Ag District as proposed with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. Permit expiration shall be December 31, 2020.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 9, 2020.

**Notice of Public Hearing No. 908** was read for George and Susan Kittleson, 405 North Kingston Street, Caledonia, MN 55921. Site address is 11168 Kittleson Road, Caledonia, MN 55921.

Aaron Lacher of Environmental Services, 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 applicant has indicated that they intend to build a 1,520 square foot house with a 1,040 square foot attached garage, which would serve as a seasonal dwelling. There are currently no dwellings in the NE NW. The closest feedlot is located approximately one mile to the southeast. The proposed building site is within the original farmstead, and is assumed not to have been in agricultural

production for at least a century. The applicant has a legally recorded 20' wide perpetual easement the property to Kittleson Rd. A variance of 13' from access standards was granted in 2019.

- The subject parcel, 12.0311.001, is the site of an old farmstead established in the early 20<sup>th</sup> century (Figure 1). In 1972, it is believed that the farmstead and land totaling two acres were split from parent parcel 12.0311.000, resulting in the subject parcel becoming accessible only by a 20' easement. The original farmhouse was demolished sometime between 2010 and 2014. In 2019, a variance was granted reducing the easement width required for future building permit issuance.
- The subject parcel is two acres in area, accessed via a 20' easement overlaid on PID #12.0314.000 from Kittleson Rd. It is located in the NE NW of 33-103-6, in which there are currently no dwellings. Slopes on the parcel are 6-12%, and there are no bluffs in its vicinity. There are no water features or wetlands mapped on the property. Soils are class III silt loam, but are not known to have been in production previously. The nearest registered feedlot is approximately one mile southeast.
- Sheldon Township and the ten closest property owners were notified. No comments were received.

Vice Chairman Hafner asked the applicants if they wished to speak. George and Susan Kittleson were present along with their contractors David and B.J. Augedahl. They had no comments.

Jim Wieser asked if the building shown on page 4 meets setbacks. Aaron Lacher said the building has been taken down.

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

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

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

**(SA = Staff Analysis)**

Greg Myhre made a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

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

Staff Analysis: Section 0506 subd. 2 policy 10 of the comprehensive plan encourages the rehabilitation of existing homes. The board may choose to extend this policy to homesteads, and find that this proposal supports the land use plan because it is utilizing an existing homestead site.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes, Existing homestead site.

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

Staff Analysis: A CUP is required for a non-farm dwelling. Insofar as one can need a seasonal dwelling, the applicants satisfy this requirement.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes, Agrees with SA.

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  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – 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 site drainage during and after construction. The effects of increased runoff due to impervious surfaces (e.g. roof, driveway) are estimated to be negligible.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Will not have more run-off than other properties.  
 James Wieser – Yes

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

Staff Analysis: The soil survey indicates a silt loam suitable for buildings designed to conform to the natural slope of the land, or with appropriate land shaping.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Septic will be taken care of.  
 James Wieser – 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 and application will be required with the zoning permit application. Access is via an existing connection to a town road. The placement of a house on the site is not thought to create drainage problems.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: Potential impacts include an existing seasonal dwelling located approximately 300' to the southwest, in a separate qtr qtr. The existing dwelling is located on a 39.5 acre parcel and was permitted in 2014. The existing dwelling is approximately 165' from the Kittleson's west property line. Kittleson proposes the new dwelling to be approximately 75' from the west property line. The minimum required setback is 50'. No comments were received from property owners on the application. The Board should consider the potential impacts of an additional dwelling at this location in formulating reasons why this finding is, or is not, met.

Bob Conway – Yes, Met setbacks, soils are adequate.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA and #1.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with Larry, meets setbacks.  
 James Wieser – Yes, meets quarter quarter requirements of ordinance.

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 NE NW qtr qtr due to dwelling density. Agriculture is the predominant use in the area, and is not anticipated to be affected.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James 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 proposal conforms to the one dwelling per qtr qtr density limitation.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James 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: 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  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes

Rich Schild made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Jim Wieser made the motion to recommend the Houston County Board approve the Conditional Use application for a non-farm dwelling in an Ag District with the following condition:

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

Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 9, 2020.

**Notice of Public Hearing No. 909** was read for Joe Macejik, 207 9<sup>th</sup> Street South, Brownsville, MN 55919. Site address is 15847 Paradise Drive, Houston, MN 55943.

The applicant is requesting to build a cabin in an Ag district in Section 21 of Houston Township.

Jim Gardner of Environmental Services, commented on the application:

- The applicant is requesting to tear down an old shed and construct a 16'x24' cabin in its place. The red dot on the southern end of the property is the location of the old shed where he would like to construct his cabin.
- Cabins are subject to the following: (a) not more than one (1) cabin per quarter of a quarter section shall be allowed. (b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground. (c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling. (d) No cabin shall have a gross floor area exceeding 400 square feet. (e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.
- A 384 s.f. cabin footprint is proposed. The cabin would have a loft and a deck (in addition to 384 s.f.). The cabin would be placed on piers.
- Additionally, bluff setbacks apply, 29.17 Subd. 2 states: *Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.*
- Jim Gardner, visited the proposed location of this cabin on May 20<sup>th</sup> with the property owner, Joe Macejik to measure the slope and the distance this cabin would be from the top of the bluff. To determine where the bluff began, I used a clinometer which is a field instrument used to accurately slope and a 100' measuring tape. The average slope immediately surrounding the proposed cabin site is 11-13%. The 11%-13% average grade gradually gets steeper on the western, northern, and eastern sides of the hill. At 25' from the proposed cabin site, the average slope is about 15%-16% on the western, northern, and eastern ends. At 40' from the proposed cabin, the grade is steeper but not steep enough to be the side of the bluff.
- Slope measurements at 40' away from the proposed cabin with the reference point approximately 25' away. Western: 16% Northern: 17% Eastern: 17%
- The closest the proposed cabin would be from the bluff is 65', which is on the eastern side of the site. At 65', the slope gets steeper where it would be considered the side of the bluff.
- The structure with the white garage door is the old shed the applicant would like to remove and replace with a cabin. The applicant does not know how old these buildings are and there are no records for these buildings.
- Houston Township and the ten closest neighbors were notified. No comments were received.

Vice Chairman Hafner asked Joe Macejik to add any comments. Joe said they would like to build a 384 square foot cabin for recreational use. It will be none permanent with no utilities or water.

Larry Hafner asked if the cabin would be close to his residence. Joe indicated he lives in Brownsville.

Rich Schild said the location is a nice spot. He asked how they would access the site. Joe said there is an old logging road off Paradise Drive.

Aaron Lacher indicated MNDOT had no issues with the proposal.

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

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

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

**(SA = Staff Analysis)**

Jim Wieser made a motion to bypass questions 6, 8, 9, 11, 12 and 14 that are not applicable. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

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

Staff Analysis: Yes. 0100.0507 Subd. 2. Policy 1 states: *Promote land management practices that protect the natural resources in the County including wetlands and sloughs, bluffs, woodlands, and prime agricultural areas.* The Macejik family has owned this property for about a year and they have already began working with the DNR to control invasive species and learn how to responsibly manage their mostly wooded acreage. Allowing this cabin would give them a place to stay on their land and would make it easier for them to improve and manage their land.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Good use of property.  
James Wieser – Yes

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

Staff Analysis: Yes. The applicant would like to have a place to stay on his property so he and his family can utilize, manage, and maintain the property more easily.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: Yes. Constructing this cabin would have a very minimal impact, if any, on water quality.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA, there won't be any utilities.  
Greg Myhre – Yes  
Rich Schild – Yes, No more impact than current shed.  
James Wieser – Yes, Agrees with Larry and Rich.

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

Staff Analysis: Yes. The proposed cabin would be built on a platform supported by posts. Very little soil disturbance, if any, would take place during construction.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes

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

Staff Analysis: Yes. The soils on this site can accommodate the construction of a simple cabin.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Logging road has been there for years.  
James Wieser – Yes, No excavation of soils.

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

Staff Analysis: N/A

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

Staff Analysis: This cabin will not require any utilities. The existing logging road from the field at the bottom of the bluff to the existing sheds will serve as the walking/utv trail to the proposed cabin.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.

Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: 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: Replacing an existing shed with a seasonal cabin will have little to no effect on other property owners.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Improves area.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with Larry, no one can even see the cabin.  
James Wieser – Yes

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

Staff Analysis: N/A

- 12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

- 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: Houston County Zoning Ordinance states that no more than one cabin per quarter-quarter is allowed. There are no other known cabins in this quarter-quarter section.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James 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: 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: Yes. The proposed cabin is greater than 40' from the top of the bluff.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

Bob Conway made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application for Joe Macejik to build a cabin in an Ag District with the following condition:

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

Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 9, 2020.

**Notice of Public Hearing No. 910** was read for Mark and Molly Frickson, 16231 County 26, Houston, MN 55943.

The applicants are requesting to operate a custom meat processing and fresh meat market in an Ag district in Section 5 of Money Creek Township.

Amelia Meiners of Environmental Services, commented on the application:

- The petitioners are seeking a Conditional Use Permit (CUP) to operate a custom meat processing facility in the agricultural district (HCZO 14.3 subd. 1(1)). This falls under agriculture-oriented business.
- The petitioners plan to operate a custom large animal meat processing facility and market at their farmstead, with the goal of moving 20 to 30 head of cattle or hogs through the facility each week. They believe there is a need for an alternative market for livestock producers and look forward to providing an estimated five to ten employment opportunities for local residents. They plan to process deer in November and December as well, which will take priority at that time, seasonally reducing their availability to process livestock. A new building will be necessary for the operation and will be

constructed between the existing barn and an existing silo, which will be removed. The proposed building will be approximately 50 foot by 50 foot and still requires zoning approval. There will be twelve customer parking spots available and ten employee parking spots adjacent to the building.

- The applicants figure they will custom process approximately 10 to 15 animals a week and the difference will be purchased stock from local sales barns and private farms to supplement the retail counter. While they will need to maintain retail stock, custom processing will take priority, so demand from that portion of the business will dictate the numbers being purchased by the operators. The building will be open for processing Monday through Friday from 6AM-5PM, while the retail counter will be open Monday through Friday from 9AM-5PM and Saturday 9AM to 2PM. The applicants anticipate a startup average of five people a day, 30 people a week and 120 people a month, for retail beef and pork demand. The electric smoker will run an average of three days a week and the applicants state that the smell could be detected up to a quarter mile away, at most.
- Animals will not be on-site more than 24 hours prior to slaughter. Once on-site, they will be held in a temporary total confinement lot where food and water will be provided. Holding pens will have a cement floor and will drain to a holding tank that will collect both manure and wash water. All slaughtering will be done indoors with a USDA inspector present and inedibles will be stored in barrels in an interior room out of public view. According to the applicant, this room is strictly for housing inedibles and is required to be refrigerated. The hope is that rendering can pick up within 24 hours. It is unclear at this time on what days slaughter will take place, as it will be dependent upon inspector availability.
- There will be no hazardous waste and little nuisance resulting from this operation. The applicants currently raise a handful of grass fed beef at this site so barnyard noises and smells exist already. This is not currently a registered feedlot and is not required to be registered until they reach 50 animal units on site. That is 50 slaughter steers or approximately 160 hogs. Runoff will be limited to natural rainwater from the rooftop, which will be directed appropriately during construction and additional odors will result from the smokehouse portion of the business. The applicants plan to use holding tanks for any waste and wash water, which will require the County approve septic applications and pumping contracts. There will be separate holding tanks for septage and the wash water from the kill floor. The old barn will be used as a total confinement holding area and will be retrofitted with a drain and holding tank to capture manure and wash water. The applicants state that the holding area will need to be cleaned every night and speculate that most of the waste from the holding pens will be water. Any solid waste will be disposed of in dumpsters and removed regularly with the exception of inedibles. They will limit age of the animals to ensure that rendering is a viable option for carcass disposal.
- The main regulatory authority for a business such as this falls under the MN Department of Agriculture (MDA). The Board of Animal Health dictates proper disposal methods for inedibles and the MN Department of Natural Resources provides regulations for handling deer carcasses in regards to the ongoing CWD issues. It is possible that this business may require a water appropriations permit which will fall under DNR jurisdiction. According to the MDA website, there are three main types of processors: continuous inspection, custom exempt and retail exempt. Because the applicants plan to sell their products to other retail outlets and across state lines in the future, they will require continuous inspection. That means that every animal entering the kill floor will be inspected for signs of disease. There are two types of continuous inspections: federal and E2 or "Equal Too". Again, because this proposal includes markets across state lines, the applicants will need federal inspection by USDA officials under the Federal Meat Inspection Act. All processing establishments are required to have Sanitation Standard Operating Procedures (SSOP's) and a Hazard Analysis Critical Control Point (HACCP) plan in place. These help to ensure safe food handling practices. The SSOP's describe the cleaning program and records requirements necessary to monitor that facilities are being cleaned regularly and the HACCP plan is the food safety plan that covers biological, chemical, and physical food safety hazards that may arise during the production process. There are federally regulated requirements for both plans.

- Wild game cannot be sold and must only be consumed by the owner, owner's immediate family and non-paying guests. It must be marked "not for sale" and has specific record keeping and processing requirements. Currently, the DNR manages CWD zones and has special regulations regarding transport and disposal of carcasses. Deer will only be accepted during business hours and everyone will be guaranteed their own meat back.
- Note that staff will provide more information to the Planning Commission regarding the county highway as well as holding tank capacity and water usage prior to the upcoming hearing, as information is not available at this time.
- This parcel is located off County 26 in far northeastern Money Creek Township, right on the Winona County border. The applicants have a 20-acre property with one agricultural outbuilding. That Ag building cannot be used for this business so a new building will be constructed. County 26 is a paved county road connecting Houston and Winona Counties, however, it is paved at half the thickness of a typical county road and is not designed for heavy traffic. The applicants anticipate little impact on traffic resulting from their business. Again, they anticipate five people per day for retail business, but will have approximately 10-20 producers dropping off cattle every week dependent upon inspector availability. This will consist of typical truck and livestock trailer traffic, no semis, and the existing driveway access is large enough for multiple vehicles to enter and exit at the same time. There will be approximately twelve parking spots available for customers with an additional ten spaces available for employees.
- There are neighbors to the north, west, south and southeast at 750 feet, 2200 feet, two at 2000 feet, and 2600 feet, respectively. Neighboring properties, aside from being residential in nature, appear to be agricultural or recreational acreages.
- Surface water is limited near the site, Campbell Creek is approximately 900 feet to the west with intermittent or tributary streams at 1150 feet to the north and 2250 feet to the south. Slopes in the proposed location are between 2 and 18%. Wind data from a station in Preston, MN, indicates the prevailing wind are out of the northwest and south.
- Money Creek Township and the ten closest neighbors were notified. Comments were received and are included in this packet.

Vice Chairman Hafner asked the Frickson's to comment on their application. Mark said they plan to slaughter 5 head a day at the most. The animals come in 24 hours prior to slaughter and they would only keep up to 5 head overnight. All animals will be housed in the building onsite and will be fed and watered. They will have 3 holding tanks total for waste water. A1 Precision Pumping will be doing the pumping once a week. Water usage averages around 175 gallons per head, but varies on days of slaughter and days of processing.

Larry Hafner asked how many animals would be onsite at one time. Mark said at the most 30 would be onsite which includes their own animals.

Greg Myhre asked where the waste water will be going once it's pumped. Mark said A1 Precision Pumping will spread the water on his parent's farm land.

Greg Myhre asked if water usage would be higher on slaughter days. Mark indicated it would be.

Jim Wieser asked if they needed wastewater approval. Mark said the state has approved their wastewater usage plan.

Greg Myhre what size the tanks were for wash down water. Mark indicated they were 3,000 gallon tanks.

Aaron Lacher asked when they would be land applying during year. Mark said they plan to land apply all year round.

Rich Schild asked if this was the first stop on getting permits. Mark indicated he needs county approval first and then it will be state approval next.

Bob Conway asked if they needed butcher credentials. Mark said they do not, but his wife does have experience already.

Bob Conway asked what the cooler temperature needed to be for the inedibles. Mark said that it needs to be 55 degrees for inedibles. They will be kept them in 55 gallon barrels that get exchanged out.

Greg Myhre asked if they have outlets wanting the product. Mark said they have had several contacts already.

Greg Myhre asked how the water will get pumped and applied when it's cold in the winter time. Mark said the field roads are plowed all winter and A1 may have insulated tanks.

Jim Wieser asked if there will be an inspector on site. Mark said a USDA inspector will be on site for all custom and contracted processing.

Greg Myhre asked if any semis would be coming in. Mark said no, just goosenecks or cattle trails.

Larry Hafner asked if they will also be smoking meat. Mark indicated they would be.

Tracy Hope, a neighbor to the south, wondered what the road impacts would be on County 26. Aaron Lacher said the County Highway Engineer indicated in his e-mail that the usage predicted would have minimal road impacts.

Tracy Hope asked if they would be processing venison. Mark stated they could, but it cannot be resold and is DNR controlled. Any venison would be kept in a separate cooler until it is picked up.

There was lengthy general discussion on CWD and DNR requirements.

Richard Nelson, who lives on County 26, said he submitted comments and they were addressed.

Comments from the public were read for the record. (Comments are on file.)

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

Greg Myhre made a motion to bypass question 13 as it is not applicable. Bob Conway seconded. Roll call vote was taken. All were in favor. 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: The Land Use Plan identifies preserving commercial agriculture as a viable, essential, and permanent land use in the County (0100.0501, Goal 1 and 0100.0502 subd. 1, Goal 1) as well as promotes “Policy 1. Diversified economic development” (0100.0505, subd. 2). This proposal conforms to that plan by proposing to provide an additional processor and market for our local livestock producers.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes, Will help local agriculture.  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: The applicants feel that more options are needed for both local residents wishing to purchase fresh meat and producers to process and market locally raised livestock.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: Upon County approval, wastewater and manure from the facility will be directed to designated holding tanks and pumped as needed. There will be separate tanks for septage and the kill floor wastewater. While the hope is to have a continuous supply of animals, they will never be on-site more than 24 hours and the temporary holding facility will be total confinement. There will be drains from the holding pens to another holding tank to contain wash water and manure. Holding pens will be washed at the end of each day and the tanks will then be pumped and land applied by a pumping contractor.

Bob Conway – Yes, inedibles will be kept at 55 degrees.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA, applicant has answered all questions.  
 James Wieser – Yes, Agrees with Rich.

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

Staff Analysis: Rainwater will be dealt with accordingly, but this proposal will not adversely increase the quantity. Grading and erosion control will take place during construction to minimize the risk of erosion and direct water in a desirable direction.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: The soils at this site are 388C2 and are class IIIe. According to the *Soil Survey – Houston County*, buildings should be designed to conform to the natural slope of the land and might require some land shaping. However, it's recommended that roads have a coarse textured base material brought in to protect them from damage due to the low strength of this soil and the hazard of frost action.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: All wastewater will go to holding tanks and be pumped and land applied by a MN Pollution Control Agency licensed contractor. Manure will also be contained in a holding tank and land applied by a licensed contractor. Solid waste, i.e. garbage, will be stored in a dumpster and collected regularly and the hope is that the rendering company will collect inedibles within 24 hours.

Bob Conway – Yes, In bad weather they have Mark's parents holding tank on their nearby farm.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: This is an existing farmstead so utilities are present. The applicant feels their driveway approach is adequate to handle truck and trailer traffic, but additional roads/driveways will be constructed on the property to create unloading areas as well as a parking area. If additional or upgraded utilities are required, they will be the responsibility of the applicant.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes

Larry Hafner – Yes  
 Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: There will be approximately twelve parking spots for customers and an additional ten available for employees as well as an unloading area for livestock.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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

Staff Analysis: Off street parking will be available to keep customers from parking along the shoulder of the road. With only 20-30 head of cows or hogs coming to the facility weekly, producers should be able to stagger dropping off animals to reduce the number of haulers in the facility at one time and decrease the likelihood of creating a hazard on County 26. It is likely that truck and trailer traffic is currently a regular occurrence on this highway. During deer season, they will accept animals by walk-in during business hours only and believe there is adequate parking to accommodate that additional traffic.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes, Is familiar with County 26, does not currently have heavy traffic.  
 James Wieser – Yes, Agrees with SA.

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 predominant uses in this area, aside from residential, are agriculture and recreation. This should have little impact on development for those purposes and should benefit local livestock growers and deer hunters.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes, Benefit for local growers.

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: Again, this area is predominately agricultural and recreational in nature. This use will have little impact on neighboring properties and will complement livestock producers and hunting land. In recent years, with heightened concerns of CWD, the availability of another local processor means less need to transport carcasses long distances thus limiting potential spread.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James 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: There is only one neighboring dwelling within a quarter mile. The applicants' state that the operation will be all indoors with no lighted signs along the road, however there will be non-lit signage on the road. Business hours will be 6AM to 5PM. The applicants already have a few head of pasture cattle so barnyard noises and odors occur currently, but odors from the smokehouse will begin with the new operation. They anticipate the electric smokehouse will be operating an average of three days a week and do not believe it will have any different impact than an outdoor wood burner. County 26 is paved and so any additional traffic, although little is anticipated, will not increase dust.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA, applicant has answered any concerns the PC had.  
 James 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: This proposal is considered an agriculture oriented business and therefore fits within the agriculture district, amongst the small local livestock producers and hunting properties. There is not commercial or industrial development near this location nor would this proposal inhibit any from taking place.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes

James Wieser – 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: The petitioners hope to sell meat not only in their own retail facility, but eventually across state lines with hopes of wholesaling to restaurants and small grocers in the future. This sort of business requires continuous inspection, meaning a federal or USDA inspector is on-site for all slaughter. Establishments are required to have Sanitary Standard Operating Procedures and Hazard Analysis and Critical Control Point plans in place with MN Department of Ag, which ensure safe products are produced. The County will approve any SSTS plans for containing and treating wastewater and a plan for disposing of inedibles must be on file and approved by the state. This proposal will collect and contain all waste, which will then be handled and disposed of by licensed professionals.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA, applicant has extensive knowledge.

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA, plenty of inspectors involved.

James Wieser – Yes

Jim Wieser made a motion to accept the findings as presented. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Bob Conway made the motion to recommend the Houston County Board approve the Conditional Use application for Mark and Molly Frickson to operate a custom meat processing and fresh meat market in an Ag District with the following condition:

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.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 9, 2020.

### **OTHER BUSINESS:**

Greg Myhre made a motion to adjourn the meeting. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on May 29, 2020.

Houston County Planning Commission  
June 25, 2020

**Approved on July 30, 2020 by Greg Myhre and Larry Hafner**

The Houston County Planning Commission met by phone conference at 7:00 p.m. on Thursday, June 25, 2020. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Bob Conway, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Greg Myhre, County Commissioner, was present. Aaron Lacher was present for Environmental Services. Wayne Feldmeier was absent.

Jim Wieser made a motion to approve the minutes of May 28, 2020. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 911** was read for Shannon Fritcher, 72040 250<sup>th</sup> Avenue, Hayfield, MN 55940.

The applicant is requesting to build a cabin in an Ag district in Section 8 of Winnebago Township.

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

- Cabins are subject to the following: (a) not more than one (1) cabin per quarter of a quarter section shall be allowed. (b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground. (c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling. (d) No cabin shall have a gross floor area exceeding 400 square feet. (e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.
- The applicant has identified two potential sites for the cabin. The Board can recommend an approval that would allow the applicant to place a cabin at either site, and the precise location would be determined during the zoning permit process. Both sites appear to satisfy requirements set forth by the Ordinance.
- The location is on a 70 acre parcel in Winnebago Township, the quarter quarter in which the cabin is proposed is entirely with the parcel. There are no dwellings, cabins, or other improvement within the parcel. The building site is on a ridge—there are no flood plain or drainage way concerns. Slopes at the first option are approximately 4% and at the second option are approximately 14%. Soils at site one are a class III silt loam; site two soils are a class VI silt loam. Buildings on each soil type should be designed to conform to the natural slope of the land. The parcel is accessed via Balentine Road, which adjoins the parcel in the southeast corner. The Applicant is proposing to install driveway, the existing topography is will allow appropriate driveway slope to be achieved.
- Winnebago Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked Shannon Fritcher to add any comments. Shannon said he wants to build a cabin for recreational and hunting use. It will have solar panels, a deck and a loft on half of the upper level.

Rich Schild asked what he plans to do for restroom facilities. Shannon said he will have a composting toilet in the cabin.

Ed Hammell asked if he preferred Site 1 or Site 2 for the cabin location. Shannon said he prefers Site 1 over Site 2 as it sits upslope. Site 1 includes land that is currently in CRP. The Farm Service Agency viewed the site on June 23<sup>rd</sup> and it was determined he would be using approximately a 10th of an acre to build the cabin.

Jim Wieser asked where Balentine Road ends. Shannon said it ends right at the end of the fence line. Shannon said he planned to build a driveway, but the neighbor to the east said he could use his driveway to access his cabin.

Ed Hammell asked what if there becomes an issue with using the neighbor's driveway. Shannon said he would then put in his own driveway.

Rich Schild asked if he would be renting the cabin out to friends. Shannon indicated he would not be.

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:

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

Larry Hafner made a motion to bypass questions 8, 12, 13 and 14 that are not applicable. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

**(SA = Staff Analysis)**

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

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

Bob Conway – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: The applicant indicates the cabin is intended for recreation and hunting. This demonstrates a need for the proposed use to the extent possible for this type of request.

Bob Conway – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no wastewater system requirement, and it is presumed that individuals approach wastewater appropriately.

Bob Conway – Yes,  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Composting toilet, not an issue.  
James Wieser – Yes

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

Staff Analysis: The cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff.

Bob Conway – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Would not want to ruin property.  
James Wieser – Yes

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

Staff Analysis: The soil survey indicates that soils at both sites can accommodate buildings, but should conform to the natural slope of the land. The applicant has indicated that the cabin would be sit atop post sunk in the ground, a minimal land shaping would be required during the install.

Bob Conway – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes, Soils are adequate and there will be minimal disturbance.

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

Staff Analysis: There are none anticipated.

Bob Conway – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes, Agrees with SA, Waste will not be a problem.  
 James Wieser – Yes

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

Staff Analysis: No utilities are proposed. Access is from the township road, off which the parcel has 300+ feet of frontage, and from which there is an existing field access.

Bob Conway – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: NA

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

Staff Analysis: The addition of a cabin is not anticipated to affect traffic to and from the property.

Bob Conway – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: The parcel is located at the end of Balentine Road. Three houses are within 2,000 feet of the proposed locations. It is presumed that the property is currently used for recreation and hunting. The additional of a cabin to accommodate these uses is not anticipated to affect the use of neighboring properties.

Bob Conway – Yes, Agrees with SA.  
 Larry Hafner – Yes  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James 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: There are three existing dwellings access from Balentine Road. The predominant land use is agriculture and forest, the continuation of which will not be impacted by a cabin. There are no known developments proposed in this area.

Bob Conway – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Bob Conway – Yes  
 Larry Hafner – Yes, Taking care of the land.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA and Jim Wieser.  
 James Wieser – Yes, Building a cabin will have minimal impact.

Larry Hafner made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for Shannon Fritcher to build a cabin in an Ag District with the following condition:

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

Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, July 14, 2020.

**OTHER BUSINESS:**

Bob Conway made a motion to adjourn the meeting. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on June 26, 2020.

Houston County Planning Commission  
July 30, 2020

**Approved on August 27, 2020 by Bob Conway and Wayne Feldmeier**

The Houston County Planning Commission met by phone conference at 6:00 p.m. on Thursday, June 30, 2020. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Bob Conway, Wayne Feldmeier, Larry Hafner, Ed Hammell and Rich Schild. Greg Myhre, County Commissioner, was present. Aaron Lacher, Amelia Meiners and Jim Gardner were present for Environmental Services. Jim Wieser was absent.

Greg Myhre made a motion to approve the minutes of June 25, 2020. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 912** was read for Jesse and Andrea Sylvester, 516 La Crosse Street, Onalaska, WI 54650.

The applicants are requesting to build a dwelling in an Ag district in Section 5 of Mound Prairie Township.

- Non-farm dwellings are subject to the following: *(a) No more than one (1) dwelling per quarter-quarter section. (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance. (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more. (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24. (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- The proposed location is on parcel no. 11.0022.000 owned by Larry Ledebuhr in Mound Prairie Township. A smaller parcel roughly 18 acres in area will split from 11.0022.000 and owned by the applicants. The proposed house is in an open quarter-quarter section and is not within ¼ mile of a registered feedlot. The predominant soil the proposed house would be on is a Festina Silt Loam, which is a class II soil. Because this site has not been used for the production of field crops or has been enrolled in a government program, a dwelling can be permitted even though the soil is a class II.
- Mound Prairie Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the applicants to add any comments. Andrea Sylvester said they wish to build a house and garage and are going through the conditional use process since they wish to build on less than 40 acres.

Ed Hammell asked if they are planning to build this year. Andrea indicated they would like to get started.

Greg Myhre asked how many acres the parcel will contain. Andrea said approximately 18 acres.

Ed Hammell asked who would be sharing the driveway. Andrea said there is one neighbor before their site and her parents are down the road. The driveway connects to the township road.

Public comments were read for the record (on file).

Dawn Huebner talked about her comments and the applicants addressed them.

Wayne Feldmeier asked if the house was going to be built in a field. Andrea said it is pasture land and was never tilled.

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:

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

Larry Hafner made a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

**(SA = Staff Analysis)**

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

Staff Analysis: The proposed dwelling is in an open quarter-quarter section and is greater than ¼ mile away from any feedlot or mine. The soils are mostly class II however, in accordance with Chapter 14.3 paragraph 10c of the Houston County Zoning Ordinance, this site has not been used for the production of field crops or was enrolled in a government program within the last 10 years.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Good parcel to build on, hasn't been used for tillage.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: The Applicant wishes to construct their home next to immediate family. Larry Ledebuhr, who is Andrea Sylvester's father, currently owns the land. Andrea's mother and father live in the house at the end of Murry Valley Dr.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes

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

Staff Analysis: Building any sort of structure requires disturbance. Jesse and Andrea Sylvester are not proposing anything out of the ordinary, and no effects are anticipated. Minnesota Rules Chapters 7080-7083 requires every new construction to have a compliant septic system. Jesse and Andrea have already hired a licensed septic business to design a septic system.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes

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

Staff Analysis: Constructing any sort of structure requires some soil disturbance. An erosion control plan will be required with the application for a zoning permit, which will address post construction site construction site drainage.

Bob Conway – Yes, House will not cause runoff problems.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Erosion control will take of any issues.

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

Staff Analysis: None of the soils described in the proposed site propose a threat or concern to the construction of a typical dwelling.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes

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

Staff Analysis: This site is very accessible. It already has direct access to Murry Valley Dr. Other utilities and services such as electric, water, and septic can be easily provided.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.

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: No impacts on permitted uses on neighboring properties are anticipated.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – 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: Granting this permit will close the SW NE qtr qtr due to the dwelling density policy. The applicants, Jesse and Andrea Sylvester and Larry and Mary Ledebuhr will be the only two

property owners in this quarter-quarter section. Larry and Mary Ledebuhr are not at all against Jesse and Andrea Sylvester building their home there and closing off that quarter-quarter section.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Closing the quarter, quarter is orderly development.

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: N/A

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 application conforms to the one dwelling per quarter-quarter section density limitation.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Quarter, quarter rule applies.

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: It is unlikely that the addition of a house will have any effect on the public's health, safety, morals, and general welfare.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes  
 Ed Hammell – Yes  
 Greg Myhre – Yes, Agrees with SA.  
 Rich Schild – Yes, Agrees with SA.

Wayne Feldmeier made a motion to accept the findings as presented. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Larry Hafner 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 Ag District with the following condition:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. Prior to the issuance of any permits associated with this application, a deed creating a new parcel similar to the approximate property outline provided by the Applicants will be recorded with the County.

Bob Conway seconded. Roll call vote was taken. All were in favor. 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 11, 2020.

**Notice of Public Hearing No. 913** was read for Northern Natural Gas Company, 1120 Centre Pointe Drive #400, Mendota Heights, MN 55120.

- The Petitioners are seeking a Conditional Use Permit for essential services in the Agricultural Protection District.
- Northern Natural Gas operates a natural gas transmission pipeline system throughout the Midwest and is updating infrastructure to comply with federal regulations. Natural gas is a colorless, tasteless and odorless gas utilized as a source of energy for generating electricity and heating, but also used as a raw material for industrial processing among numerous other things. This project requires a new town border station (TBS) near the City of La Crescent to complete odorization along the La Crosse branch line. 49 CFR § 192.625 (a) requires that a combustible gas in a distribution line must contain a natural odorant or be odorized so that [...] the gas is readily detectable by a person with a normal sense of smell. Mercaptan will be the odorant used for this project.
- The nature of the proposal requires that the location of the station be in proximity to the existing branch line. The existing line crosses the Mississippi River corridor from La Crosse, WI and stays along the south edge of the City of La Crescent before heading west into agricultural area.
- The applicants have reached an agreement with landowners, Richard and Patricia Malinowski, to construct the station on their property off County 25. This location provides easy access to the 16" La Crosse branch line in a location that has little environmental hazards. Included in the packet is an aerial overview of the proposed station showing the easement site to include a 20 foot permanent drive, small building, an aggregate pad and a small amount of surrounding acreage totaling 0.76 acres. The station will be approximately 75 feet by 120 feet, enclosed using up to 10 foot high chain link fence. That enclosed area will house a 323 square foot regulator and metering building surrounded by crushed aggregate. Screening in the form of trees will be installed beyond the boundaries of the fence, per the agreement with the landowners.
- Northern Natural Gas has submitted a zoning application for the permanent structure, as well as the access permit application to the County Highway Department, but both are being held pending the hearing outcome. An E911 address will be assigned as part of the zoning permit.
- The Federal Energy Regulatory Commission (FERC) governs the construction standards for these facilities and Northern plans to hire a third party contractor to complete all inspections. The guide, *Upland Erosion Control, Revegetation and Maintenance*, dictates standard operating procedures for FERC contractors regarding sediment control, seeding and other revegetation efforts.
- The proposed location is just under two miles southwest of La Crescent on County 25. This area is predominately-rural residential properties and commercial agriculture and is all within the agricultural protection zoning district. There are eleven residences within a half-mile, as well as the

WXOW broadcasting studio. Slopes at the proposed location are under 10% and the closest surface water is four intermittent streams all around 2,000 feet away in each of the ordinal directions. This site does not impact bluff, shore land, floodplain or wetland setbacks or standards.

- La Crescent Township and the ten nearest property owners were notified

Chairman Hammell asked the applicant to add any comments. Mitch Kleist of Northern Natural Gas described the project plans that were included in the conditional use request.

Public comments were read for the record (on file). Comments from the public were addressed by Mitch Kleist and he said they were satisfactorily resolved.

Larry Hafner commented that the original pipeline has been there 40 years. Mitch Kleist concurred and said they are federally regulated and operating under a waiver and need to actively pursue options. This is the 2<sup>nd</sup> application they have pursued and found a better option than the 1<sup>st</sup> application that was submitted.

Larry Hafner asked if there will be an additional main pipeline. Mitch Kleist said Northern Natural Gas has no plans to construct a new pipeline through the City of La Crescent.

Rich Schild asked what the screening would include. Mitch Kleist said the landowners will research the type of screening they wish to have.

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:

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 County Land Use Plan identifies that we regulate the location of essential services (0100.0509 subd. 2(5)) to minimize pollution problems and the impact on prime agriculture area. While site options are limited to areas with proximity to the La Crosse branch line, this proposal provides a location that appears to have been out of row crop production since at least 2014 and minimizes environmental impacts that could lead to pollution problems. Natural gas is a vital resource for residential, commercial and industrial purposes and provides an economic benefit to the County.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes

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

Staff Analysis: Federal code requires that natural gas be odorized and in order to do so infrastructure must be put in place along the relevant branch line. Location options closer to La Crescent are not ideal and have issues with shore land and steep slopes that would most likely require a variance. This location will allow Northern to continue to serve local residents and minimize their impact on the surrounding environment.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Gas company representative explained well.

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

Staff Analysis: Northern must construct the facility to the FERC guidelines, which includes the *Upland Erosion Control, Revegetation and Maintenance Plan*. A third party inspector will be on-site to ensure that all environmental laws and best practices are followed, including silt fence installation and maintenance, seeding, slope breakers, wattles, and other erosion control methods. Slopes are less than 10% at this site so minimal grading will take place and no SSTS is proposed. Overall, this project will have minimal impact on water quality.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Better site than first site that was chosen.  
Greg Myhre – Yes  
Rich Schild – Yes

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

Staff Analysis: This proposal only includes a 323 square foot structure, but the remaining area in the 9,000 square foot lot will consist of loose aggregate. Again, FERC's *Upland Erosion Control, Revegetation and Maintenance Plan* dictates measures that need to be taken to control the risk of erosion and to enhance revegetation after the project is complete.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes, Erosion control is better here than first site.

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

Staff Analysis: Soils at this site are 580B, a silt loam, class II soil and border a class III soil. The *Soil Survey – Houston County* describes that foundations and building footings should be designed to allow for the shrinking and swelling of soil and that backfilling around foundations with suitable coarse materials provides assurance against structural damage. Roads will also need to be constructed on a coarse textured base. The applicant's plans are consistent with these recommendations. Because site preparation would be minimal and soils are adequate, this site did not warrant in-depth geotechnical investigations by Northern Natural Gas.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: Northern Natural Gas states that every effort is made to prevent spills and protocols are in place to prevent potential spills from adversely affecting any soil. Secondary containment structures are used and liquid transfer plans will be followed during fueling of equipment on-site. Again all FERC plans will be implemented during construction. A recent publication received from Northern Natural Gas regarding pipeline safety identifies that accidents pertaining to pipeline facilities are rare with the leading cause being third party excavation. Note that the whole purpose of this project is to assist in identifying a potential pollution and safety hazard should one exist in the future.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes

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

Staff Analysis: An “application for access or entrance to public roadway” permit is required and has been submitted to the Highway Department. The County Engineer has no concerns with their project as currently proposed. This is an access point for the La Crosse branch line and overhead electrical runs parallel to County 25. The petitioners have not identified any other utilities necessary for this proposal and if an additional need arises, it will be the responsibility of the applicant to cover associated costs.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Staff analysis covers all potential concerns.

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 facility will consist of a 9,000 square foot working area, which was designed in part to provide adequate space to accommodate any company vehicles completing maintenance at the facility.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, 9,000 square feet is adequate.

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

Staff Analysis: The facility will consist of a 9,000 square foot working area designed to accommodate company maintenance vehicles. County 25 serves rural residences and commercial agriculture, so traffic will be heavier during regular commuting hours. After construction, staff speculates most maintenance visits will take place during normal business hours. The County Engineer plans to approve the access permit for this site pending the result of the public hearing.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA. There is good visibility in both directions.  
 Ed Hammell – Yes, Agrees with SA, and Larry’s comment.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Only congestion may be during construction and not much after that.

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: Commercial agriculture and rural residences surround this location. There is an existing pipeline running through this area that has no impact on the enjoyment of properties. This station will only affect approximately 0.76 acres of land that has not been in row crop production. The landowners have required screening around the proposed TBS as part of the easement agreement with Northern Natural Gas.

Bob Conway – Yes, Agrees with SA. Appreciates NNG working with neighbors.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA. It’s a win-win for NNG and neighbors.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Satisfied neighbor’s concerns.

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: There is an existing transmission line running through this area and a TBS to enable the applicants to odorize that line will not impede the normal and orderly development of surrounding vacant land. Many of the quarter-quarters within a half mile around this project currently have dwellings or established farmsteads so vacant land surrounding this site is limited. This project will not impede future commercial agriculture or potential dwellings.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 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: After initial construction, activity at this site will be limited. Northern Natural Gas plans to install special regulating valves that will emit lower noise levels than usually found in facilities such as these. Natural gas is odorless in its normal state and the facility itself will not emit an odor. There will be no lighted signs along 25 or lights for the proposed TBS.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – 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: N/A (Roll call vote was taken to bypass. All in favor. Motion carried.)

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 proposal will occupy less of a footprint than the nearby commercial agriculture and broadcasting facilities.

Bob Conway – Yes  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Not much of an impact with no lights.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA. Small footprint.

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 will not adversely affect the public's health, safety, morals, and general welfare. Recall this is an existing transmission line and the project's purpose is to odorize the line, which will assist in more quickly identifying leaks. Northern Natural Gas states that while natural gas is flammable, potentially hazardous and explosive under certain conditions, many prevention and safety measures are taken to ensure the integrity of the pipeline system. In addition, markers identify transmission line locations and include emergency phone numbers for company control centers. All applicable local, state and federal laws and codes, ensuring all strength requirements and safety protocols will be met.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes

Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA. Analysis covers every base.

Larry Hafner made a motion to accept the findings as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application for Essential Services in an Ag District with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The Permittee shall install screening to minimize the visual impact of the facility.

Rich Schild seconded. Roll call vote was taken. All were in favor. 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 11, 2020.

**Notice of Public Hearing No. 914** was read for Abnet Properties, LLC/John Abnet, 33781 County 16, La Crescent, MN 55947.

The applicant is requesting to do mineral extraction in an Ag district in Section 2 of La Crescent Township.

- Mineral extraction is regulated by section 27 of the Houston County Zoning Ordinance. Section 27 sets forth standards for quarry operation, reclamation, size, density, and location. Of note are the following: 27.8 subdivision 1 (4) Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows: (a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres. 27.8 subd. 6 (3) Public Roads. For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations. 27.8 subd. 7 (3) Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder. 27.8 subd. 7 (6) Dust and Noise. Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to any dwelling existing prior to the issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling within 1000 feet. 27.10 subd. 2. Reclamation Plan Commencement Requirement. All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases. 27.11 PERFORMANCE BOND REQUIRED. A performance bond for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

- The current application was submitted by Abnet Properties, LLC. State business filing details indicate that the company was organized in January of 2020, is currently active and in good standing, and lists John Abnet as the registered agent. Title to the subject property is held by Eugene and Lori Bauer. The application accepted from Abnet Properties was accompanied by an executed contract of sale signed by John Abnet and the Bauers.
- The proposed quarry is adjacent to an existing rock quarry located on an 80 acre parcel of which 27 acres have been quarried. Approximately 10 additional acres are identified for quarrying. A permit for this quarry was granted to Greg Abnet by La Crescent Township in 1981. John Abnet purchased the property from Greg Abnet in 2010; the permit transferred with title. A reclamation plan for this area was recently submitted, and the County undertook a review of the operation, finding it to be substantially in compliance with Ordinance requirements. Noncompliance was limited to encroachment within the eastern property line setback. The operator indicates the adjoining property owner consents to this, yet consent is required to be documented in writing. The operator currently has a purchase option for this property in place, should it not be exercised, the operator has indicated he will provide written permission for the encroachment.
- M.R. 4410.4300 sets forth conditions under which it is necessary to complete an environmental assessment worksheet (EAW). Generally, new permits for rock quarries affecting 40 or more acres require mandatory EAWs. The statutory authority providing for EAWs was enacted by the Minnesota Legislature in 1998 (L 1998 c 401 s 54). The application seeks approval for a rock quarry on a 60 acre parcel, with the extent of mining proposed at 36.05 acres. The applicant has provided an analysis of whether an EAW is necessary, concluded that one is not. Zoning staff concur with this analysis.
- The proposed location is approximately 3 miles west of the City of La Crescent. Access is by way of Evans Hill Rd, via the existing driveway for the adjacent quarry. In addition to the retention ponds within the proposed quarry, an intermittent stream is mapped to the west, and runs in the ditch on the eastern side of Evans Hill Rd before entering Pine Creek. A series of ponds are located within the floor of the existing quarry, and runoff from the proposed quarry would be directed into these ponds as well.
- The subject 60 acres consists of ridgetop and side hills. Atop, slopes are predominantly 2-18%, while side hills are consistently greater than 24%. The Applicant indicates that through the use of perimeter berms the proposed quarry will not be visible from the valley surrounding Pine Creek, as is the case with the existing quarry.
- Land use at the proposed site is presently cropland and forest. According to the Houston County Soil Survey, the cropland consists of silt loams with modest cropland value, primarily due to slopes. The applicant has conducted a geological study, and indicates that there are Oneota Dolomite reserves beginning approximately 20' below the surface, and extending downward to an elevation of approximately 990' (applicant data), at which point the dolomite ends and a horizon of Jordan Sandstone begins. No extraction of sandstone is proposed, and a final quarry floor elevation of 1,040' is proposed. Groundwater elevation is estimated at 880'-1,000'. Nearby well records show static water levels of 713' feet to the south (UN#564627), 723' to the southwest (UN#733135), 720' to the northwest (UN#518296), and 794' to the northwest (UN#729813); these wells all draw water from the Wonewoc Sandstone Aquifer, which is separated from the Oneota Dolomite by the Lone Rock, St. Lawrence, and Jordan Sandstone formations.
- Thirteen dwellings are located within approximately ½ mile of the subject parcel. The nearest dwelling is to the southeast of the subject parcel, with the dwelling being approximately 615' from the subject parcel and just over 1,000' from the proposed mining extent.
- The effects of blasting on neighboring properties is a potential concern for any quarrying operation employing the use of explosives, as is proposed with this application. The effects of blasting at the existing quarry west of the proposed location can inform. The Applicant provided seismograph information from the existing quarry taken during a 5/7/2020 blast and recorded at neighboring dwellings located approximately 3,500' and 2,500' from the blast site. The data indicate peak

particle velocities (PPV) of 0.068 inches per second at each location. Based on the frequencies of the vibrations, the federal guidelines for these blasts indicate an acceptable PPV ceiling ranging from 0.75 – 2.0 PPV. Thus the 5/7/20 seismograph readings indicate PPV more than 10x lower than federal guidelines.

- La Crescent Township and the ten nearest property owners were notified, as were various state agencies. Comments were received from MNDOT, indicated no objection to the proposal. Comments were received from two members of the public.

Chairman Hammell asked the applicant to add any comments. Andrew Peters of Milestone Materials addressed the board. He gave a summary of the proposed application and the materials that were included for the board members to review.

Aaron Lacher went on to discuss Finding #14 and the size limitation of a quarry.

Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of chapter 27. Chapter 27.8 subdivision 1 (4) establishes area limits:

*Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:*

*(a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.*

*(b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.*

Chapter 27.8 subdivision 1 (5) establishes density limits:

*Mine Density Standards. New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.*

Taken together, these sections allow for multiple rock quarries to be operated contiguously under multiple permits, and in excess of 40 cumulative acres. The reference to a “single permit” in 27.8 subdivision 1 (4) qualifies the area limitations such that they do not apply to multiple permits. A setback standard for sand mining limits the density of sand operation, however no density limitation is provided for rock quarrying.

Andrew Peters of Milestone Materials concurred with the finding and stated that John Abnet is planning for the future.

Rich Schild verified that the applicant could not apply to amend the existing permit so they are applying for a new CUP. Aaron Lacher indicated that was correct and that multiple permits can be stacked.

Public comments were read for the record (on file).

Dan Smith spoke. He lives below the quarry on Turkey Valley Lane. He discussed some blasting issues they have had in the past and wanted them to be on record.

Tony Tomashek of Milestone Materials stated that the blasting levels at this quarry location are very low.

Jim Rozovics spoke. He questioned whether the application is for a new CUP that sits next to another CUP or really an expansion. Kathy Rozovics added that the blasting is a lot louder and worse than imagined, several residences are affected.

Rich Schild verified that there was no EAW required. Aaron Lacher stated the Houston County Attorney reviewed the application and thought the analysis was correct, that no EAW was required.

Bob Conway discussed Finding #14 and that it addresses the 40 acre rule. There is a distinction on how it's permitted and how it's operated.

Bob Conway asked what type of coverage there is for individuals if they claim damages due to blasting. Tony Tomashek of Milestone Materials said the blasting company carries 5 million dollars in insurance coverage and if it's proved to be coming from the blasting a 3<sup>rd</sup> party is hired to come and inspect any damages. Tony also discussed blast reporting and sequential blasting.

Larry Hafner asked if there is some type of baseline that can be established for the neighboring properties. Tony Tomashek indicated it is done through home inspections.

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:

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 Comprehensive Plan 0100.0505 subd. 2 policy 2 states: "Encourage industrial development in such a way as to enhance the tax base and increase employment opportunities while at the same time place minimal demands on the environment." The Board may find that aggregate sources are a necessary industry throughout the County, that extraction of these resources must occur somewhere, and that approving an additional quarry permit adjacent to the existing quarry places less demand on the environment than would locating a similar facility in an isolated, undeveloped area.

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 Board may find that a quarry in this location is likely to be utilized for future road maintenance project. The application is within the parameters of this policy.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Promotes quarry advancement as townships need rock.

Greg Myhre – Yes

Rich Schild – Yes, Quarries are better side by side than spread out.

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

Staff Analysis: Aggregate resources are a diminishing asset. The Applicant indicates the aggregate is needed for various projects, many related to transportation.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA. Materials used in construction.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: The Applicant indicates the site will operate under a National Pollution Discharge Permit (NPDES) which sets parameters for water quality at the State level. Onsite fuel storage is done according to governments and industry standards. Portable toilets are used.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: The proposed operations plan indicates that stormwater will be collected and contained within the quarry floor.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: The Applicant has completed a geological investigation of the bedrock and determined it to be suitable for processing into rock products. The bedrock is covered by approximately 20' of overburden.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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

Staff Analysis: Potential pollution hazards include fuel storage, wastewater, dust, vibration and noise. Fuel storage will be done according to industry standards. Portable toilets will be located on site. A combination of dust control methods have been proposed, and air quality is regulated under the required state permit. Federal guidelines exist that provide acceptable levels of vibration, and are included in the recommended conditions. Noise is regulated by the State.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 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: The infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA. More desirable to have two permits.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA and Larry.

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 infrastructure in place at the adjacent quarry will be utilized for the proposed quarry.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA. More desirable to have two permits.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Road used has been used for hauling rock for a long time.

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

Staff Analysis: The proposal is to use the driveway and parking areas currently in use with the existing quarry.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

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: Active quarrying is already underway in the area. The surrounding property is predominantly agricultural use and woodland, which is not anticipated to be affected. There are some dwellings located with ½ mile of the site. The proposal would allow quarrying to occur further to the east, which may have effects on properties east of the location. In particular, the request would allow quarrying closer to the existing dwellings on Turkey Valley Lane. The Board should consider the following when assessing potential impacts on these dwellings: Setbacks required by Ordinance performance standards are met. State standards for noise and dust are applicable. Federal guidelines for vibration exist, and the Board can require adherence to them as a condition. The Board can limit hours of operation as a condition.

Bob Conway – Yes, State standards are sufficient.

Wayne Feldmeier – Yes

Larry Hafner – Abstained

Ed Hammell – Yes, Blasting has been occurring for 20 years. Federal standards are satisfied and adequate.

Greg Myhre – Yes, No problem.

Rich Schild – No, Windows have been broken already.

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 areas adjacent to the proposed site are pasture and woodland. The County is not aware of development plans for this area. The majority of the area ¼ east of the site is forested side hills, and is likely too steep for development. Undeveloped areas of Turkey Valley Lane are ¼ mile or more from the proposed site, exceeding the setback requirement for a new dwelling.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

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: : Noise is regulated by Minnesota Administrative Rules Chapter 7030, Noise Pollution Control (Mn Rules 7030) for Class 3 noise areas (agricultural and related activities) that prescribes standards for day and night that are consistent with speech, sleep, annoyance and hearing conservation requirements on nearby properties. The maximum allowable noise levels for this activity, per Mn Rules 7030, would be measured at the property line and would need to be less than:

- Daytime and nighttime: L10 (10% of the time in a one hour survey) = 80 dB
- Daytime and nighttime: L50 (50% of the time in a one hour survey) = 75 dB

Limestone excavated out of the quarry is not easily airborne and the dust particles created are not easily suspended in the air for prolonged periods. Therefore, the dust from the quarry is expected to be confined to the property limits. Dust suppressants such as misting around equipment, enclosed equipment, watering or treatments of the haul roads, covered truck loads, clean-up of spilled

material, and limiting the exposed working face are primary tools that the applicant has identified for minimizing dust, and can be expected to be utilized as needed.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – 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: N/A (Roll call vote was taken to bypass. All in favor. Motion carried.)

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: Mineral extraction is a conditional use in the Agricultural Protection District, subject to the requirements of chapter 27. Chapter 27.8 subdivision 1 (4) establishes area limits:

*Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:*

*(a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.*

*(b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.*

Chapter 27.8 subdivision 1 (5) establishes density limits:

*Mine Density Standards. New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.*

Taken together, these sections allow for multiple rock quarries to be operated contiguously under multiple permits, and in excess of 40 cumulative acres. The reference to a “single permit” in 27.8 subdivision 1 (4) qualifies the area limitations such that they do not apply to multiple permits. A setback standard for sand mining limits the density of sand operation, however no density limitation is provided for rock quarrying.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 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 adjacent quarry has operated under a past permit since 1980, with no known impacts to the public's health, safety, morals, and general welfare. The current proposal is not significantly different from the operation of the adjacent quarry.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.

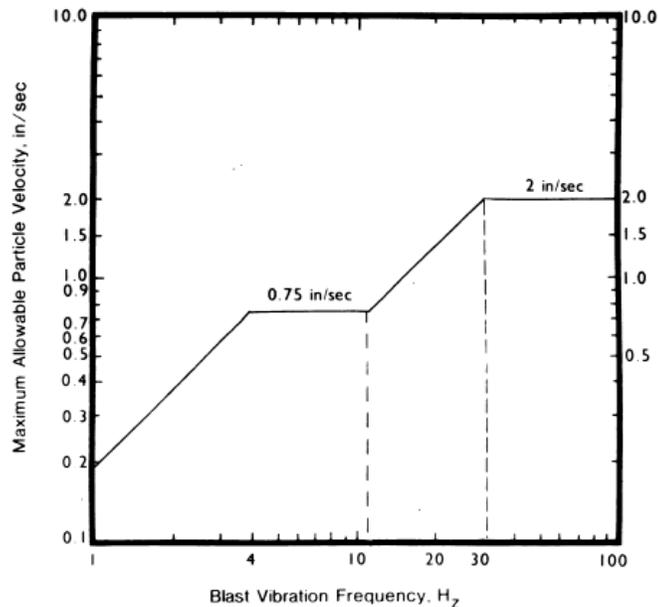
Wayne Feldmeier made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application for Mineral Extraction in an Ag District with 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. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
  - a. Name and mailing address of operator;
  - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
  - c. A Map or maps that accurately show and label:
    - i. Total acreage of the mine area;
    - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
    - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
    - iv. The total acreage of reclaimed land;
  - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
  - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
  - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.
  - a. Financial Assurance Requirements.
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
    - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or

certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.

- iv. The bond shall be payable to "Houston County, Minnesota".
  - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.
  7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.
  8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 8:00 AM – 3:00 PM Sundays: Closed Holidays\*: Closed. \*Holidays shall mean holidays observed by Houston County. Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 1,040'.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. 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 11, 2020.

**OTHER BUSINESS:**

Larry Hafner made a motion to adjourn the meeting. Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on July 31, 2020.

Houston County Planning Commission  
August 27, 2020

**Approved on September 24, 2020 by Bob Conway and Larry Hafner**

(Bob Conway made a motion to approve the minutes of August 27, 2020 with a correction on the Bolduan staff report to say a 400 square foot cabin footprint. Larry Hafner seconded.)

The Houston County Planning Commission met by phone conference at 7:00 p.m. on Thursday, August 27, 2020. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Bob Conway, Wayne Feldmeier, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Greg Myhre, County Commissioner, was present. Aaron Lacher and Jim Gardner were present for Environmental Services.

Bob Conway made a motion to approve the minutes of July 30, 2020. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 915** was read for Joseph and Laurie Bolduan, 9924 County 20, Caledonia, MN 55291.

The applicants are requesting to build a cabin in an Ag district in Section 34 of Union Township.

Jim Gardner commented on the application:

- The applicants, Joseph and Laurie Bolduan, are requesting to place a cabin on the Northeast edge of their field on parcel no. 14.0286.000. The cabin is 20' wide by 20' long and will have a 4' porch on the East side. The proposed cabin would be placed on level ground and will be more than 40' from the top of the bluff. Houston County Zoning Ordinance chapter 29.17 Subd. 2 states that structures shall be set back at least 40' from the top of a bluff.
- Cabins are subject to the following: (a) *Not more than one (1) cabin per quarter of a quarter section shall be allowed.* (b) *A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.* (c) *A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.* (d) *No cabin shall have a gross floor area exceeding 400 square feet.* (e) *Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.*
- A 384 s.f. cabin footprint is proposed. The cabin would have a loft and a deck (in addition to 384 s.f.). The cabin would be placed on piers.
- The subject parcel is 80 acres and is connected to two, 40 acre parcels owned by the applicants. The parcel consists of a field, meadow, and wooded acreage. With the proposed cabin location being on top of the bluff, the building envelope is over 95 acres. The soil of the proposed cabin location is a Blackhammer-Southridge silt loam. There is some tendency for this soil to shrink and swell but those soil characteristics can easily be mitigated by adding some sand next to any new foundation. This cabin would be built on piers so this would not be a problem at all.
- Union Township and the ten nearest property owners were notified. Three comments were received.

Chairman Hammell asked the applicants to add any comments. Joe Bolduan discussed his plans for a cabin. He said they have wanted to do this for 10 years and now have the ability to do that. The cabin will be for family use for hunting and recreation.

Public comments were read for the record (on file).

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

Jim Wieser made a motion to bypass questions 6, 8, 9, 11, 12 and 14 that are not applicable. Rich Schild seconded. Roll call vote was taken. All were in favor. 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: Yes. There are no other known cabins in the same quarter-quarter section as the proposed cabin. 0100.0507 Subd 2. Policy 1 of the current Houston County Land Use Plan States: *Promote land management practices that protect the natural resources in the County including wetlands, sloughs, bluffs, woodlands, and prime agricultural areas.* The applicants, Joseph and Laurie Bolduan, own parcels 14.0286.000, 14.0287.000, and 14.0288.000 totaling 160 combined acres. There are no buildings on either of the three parcels making the proposed cabin the only structure on the property. The proposed cabin would be a place for the applicants to stay on their property making it easier for them to manage and care for their land.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: Yes. There are no structures or places to stay anywhere on the three parcels. This cabin would give them an area to sleep and stay on their land. Having a place to stay will give the applicants more ability to manage, utilize, and steward the land.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes, Will make it easier to do things with the land.

James Wieser – Yes, Agrees with SA.

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

Staff Analysis: Yes. This proposed cabin will be built on piers. Very little soil disturbance will result from the placement of this cabin.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: Yes. Very little soil disturbance will happen as a result of setting in the piers and placing the cabin on top.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James Wieser – Yes

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

Staff Analysis: Yes. The soils on this site can handle the construction and placement of a simple cabin.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes, Agrees with SA.

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

Staff Analysis: N/A

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

Staff Analysis: Yes. The applicants already have access to their property via a field access road. No utilities will be installed since this is a primitive cabin.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes  
Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes, Agrees with SA.

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: Yes. There should be little to no effect on surrounding property owners from the proposed cabin.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes, Agrees with SA.  
James Wieser – Yes, Remote location of cabin will not affect 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: N/A

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

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: Houston County Zoning Ordinance states that no more than one cabin per quarter-quarter is allowed. There are no other known cabins in this quarter-quarter section.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – Yes, Agrees with SA.  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – Yes  
James 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: 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: Yes. The proposed cabin meets all of the setbacks for property lines and top-of-bluff setback.

Bob Conway – Yes  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes, Agrees with SA.

Ed Hammell made a motion to accept the findings as presented. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application to build a cabin in an Ag District with the following condition:

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

Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 8, 2020.

**Notice of Public Hearing No. 916** was read for James and Audra Wieser, 2240 County 6, La Crescent, MN 55947.

The applicants are requesting to build a cabin in an Ag district in Section 13 of Yucatan Township.

Jim Gardner commented on the application:

- The applicant is requesting to place a cabin on the southeast corner of his property. The proposed location would meet the 100' setback from the centerline of County Road 4 and would be at least 50' from the property lines.
- Cabins are subject to the following: (a) *Not more than one (1) cabin per quarter of a quarter section shall be allowed.* (b) *A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.* (c) *A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.* (d) *No cabin shall have a gross floor area exceeding 400*

square feet. (e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.

- A 384 s.f. cabin footprint is proposed. The cabin would have a loft and a deck (in addition to 384 s.f.). The cabin would be placed on piers.
- The subject parcel is approximately 80 acres consisting of woodland and meadow. The proposed building locations offers a half acre envelope laid in steep slopes that could be connected to a larger 3+ acres envelope to the northwest. Soils are a Kennebec silt loam. Flooding hazard is commonly a limitation for building on this soil type, however, floodplain is only found on the east side of County 4 in this location. There are no mapped water features or wetlands near the proposed location.
- Yucatan Township and the ten nearest property owners were notified. One comment was received.

Chairman Hammell asked the applicants to add any comments. Jim Wieser said he purchased some land for hunting. They travel a distance to be able to hunt on the land and had an older camper there, but would like to upgrade to a cabin structure.

Public comments were read for the record (on file).

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

Larry Hafner made a motion to bypass questions 6, 8, 9, 11, 12 and 14 that are not applicable. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. 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: Yes. This cabin would be the only (known and permitted) cabin in that qtr. qtr. section. Additionally, 0100.0507 Subd 2. Policy 1 of the current Houston County Land Use Plan states: *Promote land management practices that protect the natural resources in the County including wetlands, sloughs, bluffs, woodlands, and prime agricultural areas.* Mr. Wieser's parcel is primarily steep and wooded which is not conducive to agricultural production.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA.

James Wieser – Yes

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

Staff Analysis: Yes, this proposed cabin would give the applicant a place to stay and would give easier access to his property. This cabin would allow him to focus more on the care of his land and increase his ability to utilize his property.

Bob Conway – Yes  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: Yes. The applicant stated that this cabin is on skids. Little, if any soil disturbance would result by placing this pre-constructed cabin on this site.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James Wieser – Yes

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

Staff Analysis: Yes. The proposed location of this cabin is on a flat surface so little if any soil disturbance will take place. This proposed cabin is on skids and just has to be set in the desired location.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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

Staff Analysis: Yes. The soils on this site can accommodate the placement of a simple cabin.

Bob Conway – Yes  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

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

Staff Analysis: N/A

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

Staff Analysis: This cabin will not require any utilities.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA and county highway report too.

James Wieser – Yes, Agrees with SA.

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: Yes. Placement of a primitive cabin should have little to no effect on the surrounding property owners.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA, There was an RV there before.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA and Ed Hammell.

James 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: N/A

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: N/A

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: Houston County Zoning Ordinance states that no more than one cabin per quarter-quarter is allowed. There are no other known cabins in this quarter-quarter section.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – Yes  
 James 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: 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: Yes. The proposed cabin meets all of the setbacks for property lines, and road setback.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes, Agrees with SA.  
 Larry Hafner – Yes  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – Yes, Agrees with SA.  
 James Wieser – Yes

Larry Hafner made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Wayne Feldmeier made the motion to recommend the Houston County Board approve the Conditional Use application to build a cabin in an Ag District with the following condition:

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

Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 8, 2020.

**Notice of Public Hearing No. 917** was read for Eric and Amy Wink, N7005 Acorn Street, Holmen, WI 54636.

The applicants are requesting to build a cabin in an Ag district in Section 7 of Caledonia Township.

Aaron Lacher commented on the application:

- The Applicant is requesting approval for a cabin structure. Cabins are a Conditional Use in the Agricultural Protection District.
- The applicant has already substantially constructed the cabin. Work has been halted pending the required approvals.
- The Applicant began communicating with zoning staff in the fall of 2019, with questions about requirements for cabins, RVs, and logging roads. Staff notes show five interactions between 8/16/19 and 12/27/19. The Applicant also submitted a draft presentation for a future cabin application. In early July, staff received a call from the Applicant indicating he no longer wanted to pursue a cabin, and instead wanted to construct an agricultural building. On July 9<sup>th</sup>, an application was received for a 12' x 24' shed (application fee received July 13<sup>th</sup>). On July 17<sup>th</sup>, staff received a call from Caledonia Township indicating building was underway and they had not been contacted. No permit had been issued at this time. Building was halted. Staff received several emails from the applicant after this time regarding the appropriate classification of the building, among other issues. The Applicant withdrew his application for an agricultural building, and applied for a CUP for a cabin.
- Cabins are subject to the following: *(a) Not more than one (1) cabin per quarter of a quarter section shall be allowed. (b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground. (c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling. (d) No cabin shall have a gross floor area exceeding 400 square feet. (e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.*
- Additional pertinent Ordinance language include the definition of buildable lot:  
*Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance. Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of: Area of a slope of twenty-four (24) percent or greater. A shoreland impact zone as defined by this Ordinance. Protected waters as defined in this Ordinance. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39. All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19.*
- The definition of a bluff outside of the Shoreland District: *A topographic feature such as a hill, cliff, or embankment having all of the following characteristics: The total vertical rise between the toe and top of the topographic feature is 50 feet or more; and the grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.*
- The lot area standards in the Agricultural Protection District: *Minimum Lot Area. (1) All new farm dwellings, and the division of farmsteads having two (2) or more dwellings, shall have a Buildable Lot, as defined in this Ordinance, with a minimum lot area of one (1) acre for each dwelling. (2) All non-farm dwellings shall be located on a Buildable Lot as defined in this*
- *Ordinance and have a minimum lot area of one (1) acre.*
- And, the requirement that new lots created by subdivisions meet the buildable lot standards:  
*29.2 LAND SUITABILITY Subdivision 1. Land To Be Subdivided Must Be Suitable In Its Natural State. Except for minimal alteration, no land shall be subdivided which is held unsuitable for the proposed use in its natural state for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the County. Any new lot, except an Outlot, resulting from the subdivision of land for the purpose of development, must be a Buildable Lot as defined in this*

*Ordinance. Any new access entering onto a public right of way from private property must be an Access as defined in this Ordinance.*

- The applicant acquired ownership of the subject parcel, and an adjacent parcel (03.0067.009) in January of 2019, with the deed being recorded in April of 2019. Both parcels are the result of subdivisions. Parcel 03.0077.000 began as an 80 parcel, which was split three times, reducing it to 5.10 acres. Parcel 06.0067.009 is from a 317 acre parent parcel, with a current area of 32 acres. The subdivisions separated flatter ground from steeper bluff sides. The entirety of the Applicant's property is steeper than 24%, and does not contain a buildable lot, and as a result, the initial subdivisions may not have complied with HCZO 29.2.
- A driveway and privy have been installed. The HCZO has standards for driveways: *Design Standards. The following design standards are general standards and may modified to meet site specific needs as determined by the jurisdiction. (1) Approach. The access approach immediately adjacent to the public right-of-way shall be a flat area twenty (20) feet wide and twenty (20) feet long. (2) Gradient. Driving Surface Gradient shall not exceed twelve (12) percent. (3) Width. The driveway shall have a width of not less than twelve (12) feet at the narrowest dimension. (4) Side Slopes. Driveway banks shall not exceed a 2:1 slope gradient.*
- The HCZO requires that sewage must be treated according to state septic rules. M.R. 7080.2280 sets forth standards for Privies, which are discussed in the enclosed fact sheet from St. Louis County.
- The parcel consists of 5 acres of bluffland, continuous with a second 32 acre parcel. Slopes average over 40% according to Lidar, and were measured at 36% over an undisturbed segment above the cabin. Beyond an intermittent stream mapped in the southwest corner of the adjacent parcel, there are no floodplain areas, streams or wetlands known on either of the Applicant's parcels.
- The cabin location is along a logging road. The Township believes this logging road may have been established in the 1980s by a previous owner. The Lidar imagery in this area was taken in 2008, and the logging road may be visible in the hill shade image below. The flattened area where the cabin was constructed is not visible in this image, and the site work is presumed to have occurred more recently.
- Mapped soils in the cabin vicinity include 593F – Elbaville silt loam which is generally not suitable for building sites due to slope according to the soil survey. A band of 601E – Council sandy loam extends slightly into the subject parcel, downslope of the cabin location, and within the road setback area.
- Caledonia Township and the ten nearest property owners were notified. The Township submitted comments in support of the application.

Rich Schild commented that the cabin project got started without any permits. Any questions on whether a permit was needed should have been directed to the zoning office only.

Jim Wieser stated there is really no location to build on this property according to the zoning ordinance.

Rich Schild asked whether a variance would also be needed as well. Aaron Lacher said the planning commission would determine whether a variance is needed.

Ed Hammell asked if a driveway is required to have a cabin. Aaron Lacher said cabins have been allowed with no driveway.

Greg Myhre stated he visited the site after a rainfall and there was no wash outs on the road.

Wayne Feldmeier stated that if this cabin is permitted on a steep slope then cabins in the valleys need to be approved also.

Chairman Hammell asked the applicants to add any comments. Eric Wink discussed the site and said he made a lot of misinterpretations on what was already done.

Greg Myhre asked if the driveway had been a logging road. Eric Wink said as far as he knows. He is not sure what occurred prior to him owning it.

Wayne Feldmeier said rules need to be followed otherwise there is no reason for the planning commission board to be here.

Rich Schild commented that Mr. Wink was told to stop working and he kept going. Aaron Lacher said Mr. Wink was given permission to make the structure water tight.

Rich Schild said this dream cabin was not given much thought as far as following the rules.

Larry Hafner said this parcel of land has too great of slope to build on. Since excavation has already been done, does not make it okay.

Doug De Wall, Caledonia Township board, said he visited the site and Mr. Wink seems to be an honest individual that made a mistake.

There was lengthy general discussion on whether a variance would be needed and that slope should be determined and go from there.

Public comments were read for the record (on file).

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

Larry Hafner made a motion to bypass questions 8, 12, 13 and 14 that are not applicable. Greg Myhre seconded. Roll call vote was taken. All were in favor. 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: Several sections of the Comprehensive Plan discuss limiting development to buildable lots. However, this limitation is qualified as applicable to residential development (0100.0502 Policy 9) or to allow adequate space for sewer systems (0100.0502 Policy 6).

The Comprehensive Plan contains policies for prohibiting development in unsuitable areas (0100.0502 Policy 7) and for the protection of steep bluffs (0100.0502 Policy 6).

HCZO 25.2 - Slopes requires an erosion control permit for certain activities based on percent slope. 25.2 subd. 4 addresses slopes 25% or greater:

*Subdivision 4. Type IV Slope Site-Specific Erosion Control Plan. The County has Determined that land development activities on slopes 25 percent or greater, Type IV Slopes, create an erosion hazard and that the potential for offsite damage to public and private property warrants protection of these environmentally sensitive areas.*

HCZO 29.17 – Bluff Land Protection:

*Subdivision 1. Prohibited in the Bluff Impact Zone. Structures and accessory facilities must not be placed within bluff impact zones.*

The Board may find that the proposal does or does not align with the Comprehensive Plan policies. The Board may find that a variance should be sought seeking relief from the HCZO regulations.

Bob Conway – Yes, Agrees with SA and alleviated by variance.

Wayne Feldmeier – No, Doesn't meet erosion standards and slope requirements.

Larry Hafner – Yes

Ed Hammell – Yes, Approach with conditions in the end and resolve with variance.

Greg Myhre – Yes

Rich Schild – No, Agrees with Wayne Feldmeier, 24% wipes it off the table.

James Wieser – No, Doesn't meet requirements for building on bluff. Shouldn't be pushed to BOA.

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

Staff Analysis: The applicant indicates the cabin is intended for forestry, recreation and hunting. This demonstrates a need for the proposed use to the extent possible for this type of request.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – No

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes, Agrees with SA.

Rich Schild – No, once #1 was violated all other answers are no.

James Wieser – Yes, Maximize use of property.

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

Staff Analysis: Any effects on water quality resulting from the placement of a cabin are anticipated to be negligible. There is no wastewater system requirement, and it is presumed that individuals approach wastewater appropriately. The slopes at the site require that any development occur with care for erosion. A condition that a future permits require an erosion control plan is proposed below.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – No

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – No  
James Wieser – Yes, Agrees with SA.

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

Staff Analysis: The cabin footprint is minimal, and is not anticipated to have an effect on quantity of water runoff based on size.

Bob Conway – Yes, Agrees with SA.  
Wayne Feldmeier – No  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Rich Schild – No  
James Wieser – Yes, Agrees with SA.

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

Staff Analysis: The soil survey indicates an Elbaville silt loam with 30-45% slopes comprising concave terrain within footslopes. According to the Soil Survey of Houston County, this soil is prone to erosion and gully formation, and is generally not suitable for building sites because of the steepness of slope. Minor site work has already been done, and the cabin sits atop posts. The township has indicated that erosion is not currently a problem in this area.

The Board should consider whether these challenges can be overcome, and if so, what would be needed for that to occur.

Bob Conway – Yes, Agrees with SA and Ed Hammell.  
Wayne Feldmeier – No  
Larry Hafner – No, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA, Challenges can be remedied by conditions.  
Greg Myhre – Yes, Agrees with SA.  
Rich Schild – No, Board should not have to solve these problems.  
James Wieser – No, Not a good place to put a cabin.

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

Staff Analysis: There are none anticipated.

Bob Conway – Yes  
Wayne Feldmeier – No  
Larry Hafner – Yes  
Ed Hammell – Yes  
Greg Myhre – Yes  
Rich Schild – No, Violated #1.  
James Wieser – Yes, Permit for privy.

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

Staff Analysis: No utilities are proposed. Access is from the township road, off which the parcel has 1,100+ feet of frontage. The applicant has discussed driveway connections, of which there are two, with the Township.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes  
 Greg Myhre – Yes  
 Rich Schild – No  
 James Wieser – Yes, Agrees with SA.

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: The addition of a cabin is not anticipated to affect traffic to and from the property.

Bob Conway – Yes  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – No  
 James Wieser – Yes, Agrees with SA.

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: It is presumed that the property is currently used for recreation and hunting. The addition of a cabin to accommodate these uses is not anticipated to affect the use of neighboring properties.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – No  
 James Wieser – Yes

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

Staff Analysis: The predominant land use is agriculture and forest, the continuation of which will not be impacted by a cabin. There are no known developments proposed in this area.

Bob Conway – Yes

Wayne Feldmeier – Yes  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – No  
 James 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: 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: Public health, safety, morals, and general welfare are not anticipated to be impacted.

Bob Conway – Yes, Agrees with SA.  
 Wayne Feldmeier – No  
 Larry Hafner – Yes, Agrees with SA.  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Rich Schild – No, General welfare requires people to follow rules of the county.  
 James Wieser – Yes, Agrees with SA.

Jim Wieser made a motion to accept the findings as presented. Larry Hafner seconded. Roll call vote was taken. Bob Conway – Yes, Wayne Feldmeier – Yes, Larry Hafner – Yes, Ed Hammell – Yes, Greg Myhre – Yes, Rich Schild – No, James Wieser – Yes. Motion carried.

Wayne Feldmeier made the motion to recommend the Houston County Board deny the Conditional Use application to build a cabin in an Ag District.

Rich Schild seconded. Roll call vote was taken. Bob Conway – Yes, Wayne Feldmeier – Yes, Larry Hafner – Yes, Ed Hammell – Yes, Greg Myhre – No, Rich Schild – Yes, James Wieser – Yes. Motion carried to deny. The Findings will be submitted to the Houston County Board of Commissioners for their review.

### **OTHER BUSINESS:**

Larry Hafner made a motion to adjourn the meeting. Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on August 27, 2020.

Houston County Planning Commission  
September 24, 2020

**Approved on November 19, 2020 by Wayne Feldmeier and Greg Myhre**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, September 24, 2020. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Bob Conway, Larry Hafner, Ed Hammell, and Jim Wieser. Greg Myhre, County Commissioner, was present. Aaron Lacher and Amelia Meiners were present for Environmental Services. Wayne Feldmeier and Rich Schild were absent.

Bob Conway made a motion to approve the minutes of August 27, 2020 with a correction on the Bolduan staff report to say a 400 square foot cabin footprint. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

**Notice of Public Hearing No. 918** was read for Andrew and Kristi Esser, 1298 Lost Park Drive, La Crescent, MN 55947.

The applicants are requesting to build an accessory building in a residential district in Section 9 of La Crescent Township.

Aaron Lacher commented on the application:

- The petitioners are seeking a Conditional Use Permit (CUP) to build a 2100 square foot accessory building in the residential district. The use of which will be accessory to the primary dwelling.
- The applicants received two variances last month. Variances of: 1) Variance of 18 feet to allow a shed to be built 7 feet from the toe of a bluff. 2) Variance of door height requirements to allow a 13-foot garage door.
- Applicable Ordinance language includes: Bluff setback standards: *29.17 Subdivision 2. Setback from the Toe of a Bluff. Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.* Accessory building standards: *29.14 Subdivision. 1. Accessory Buildings and Structures in Residential Districts. (5) No private garage used or intended for the storage of passenger automobiles shall exceed fifteen hundred square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet. Setback standards shall meet the requirements as set forth in section 14 of this ordinance.*
- When read in context Section 29.14 is ambiguous, and a zoning policy was drafted in 2019 to ensure consistent application of these standards. 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 subject parcel is located in the Cliff View Second Addition subdivision, platted in 2001. Parcel 08.0855.000 consists of Lots 1 & 2 of Block 1. The existing house is located on Lot 1, and the shed is proposed on Lot 2. Lots 1 & 2 separate parcels until they were combined in 2016.
- While it does not supersede modern zoning standards, it is worth noting that Lot 2 is shown as a buildable lot on the plat that was approved in 2001, and that the shed is now presumably proposed where the principle structure was envisioned at that time.
- The site is located along the foot slopes that bound Pine Creek Valley to the north. The parcel contains 4+ acres. The bluff to the east of the site rises 80+ feet at a 28% slope. The proposed shed location has been modified, work done by the previous owner according to the applicant, who speculates it was done around the time of the platting. During a site visit, a change in post alteration slope was identified, which was determined to be the toe of bluff.
- No floodplain, water features, or wetlands are mapped on the property. Drainage does occur from north to south along the western property line, and a drainage easement is shown on the plat.
- La Crescent Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the applicants to add any comments. Andy Esser stated it should be 8 acres in the parcel report.

There was general discussion regarding the application. Jim Wieser asked about erosion control.

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:

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

Jim Wieser made a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

**(SA = Staff Analysis)**

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

Staff Analysis: The Comprehensive Land Use Plan identifies that urban development will be encouraged in rural areas adjacent to the City of La Crescent. Accessory structures are allowable within urban areas, but are limited in size. Generally, residential lots tend to be smaller, but the applicants own an 8-acre lot.

Bob Conway – Yes  
 Larry Hafner – Yes  
 Ed Hammell – Yes, Agrees with SA.  
 Greg Myhre – Yes  
 Jim Wieser – Yes, Agrees with SA.

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

Staff Analysis: The applicants plan to remove a small storage shed currently on their property that they have outgrown. In addition, this shed will enable them to store a boat, camper and additional vehicles for future drivers.

Bob Conway – Yes  
Larry Hafner – Yes, Much better to store stuff inside a building.  
Ed Hammell – Yes, Agrees with Larry Hafner.  
Greg Myhre – 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.

Bob Conway – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Jim Wieser - Yes

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

Staff Analysis: Last month the applicant received a variance to reduce the toe of bluff setback and has since completed an erosion control plan with recommendations on how to remedy some potential erosion issues that come with building in areas such as those.

Bob Conway – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes, Agrees with SA.  
Greg Myhre – Yes  
Jim Wieser – Yes

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

Staff Analysis: Soils are 388E. Soil Survey – Houston County identifies the main limitation as slope to the degree that extensive land shaping is generally needed as well as building to conform to the natural slope of the land. The applicant’s proposal is consistent with those recommendations.

Bob Conway – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Jim Wieser – Yes, Agrees with SA.

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

Staff Analysis: No pollution hazards are anticipated.

Bob Conway – Yes  
Larry Hafner – Yes  
Ed Hammell – Yes  
Greg Myhre – Yes

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 residential property so all utilities are present, but will be extended to the new structure. That cost lies with the applicant. A new driveway will be constructed and the erosion control plan identifies methods to reduce erosion.

Bob Conway – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Plans to use berms to divert some of the runoff.

Greg Myhre – 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 neighboring properties are residential. They are on a cul-de-sac and tree cover may block neighboring homes from viewing this proposal. There are steep slopes to the north and east, which limits any future development on properties in those directions.

Bob Conway – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Jim Wieser - Yes

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

Staff Analysis: The land surrounding them is fully developed to the extent possible. No impact is anticipated.

Bob Conway – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

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 to be used as a residence and accessory structures are allowable in the residential district. With just over eight acres, the applicants have a larger lot size than typically found in the residential district.

Bob Conway – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – 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, moral, and general welfare have been identified.

Bob Conway – Yes  
Larry Hafner – Yes, Agrees with SA.  
Ed Hammell – Yes  
Greg Myhre – Yes  
Jim Wieser – Yes

Larry Hafner made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application to build an accessory building in excess of 1,500 square feet with the following condition:

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

Greg Myhre seconded. Roll call vote was taken. All were in favor. 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.

**OTHER BUSINESS:**

Larry Hafner made a motion to adjourn the meeting. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on September 25, 2020.