



Jeffrey Babinski  
County Administrator

# HOUSTON COUNTY

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Commissioners:  
District 1  
Jack Miller  
District 2  
Eric Johnson (Chair)  
District 3  
Robert Burns (Vice-Chair)  
District 4  
Teresa Walter  
District 5  
Greg Myhre

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## HOUSTON COUNTY BOARD OF COMMISSIONERS BOARD MEETING AGENDA

9:30, May 12, 2020, County Board Room, Historic Courthouse

**\*\*\*\*\*The meeting will be accessible to public participants via our conference call line at 312-626-6799 and entering meeting ID: 97633772030 and password 007800. Public attendees are requested to mute their line until addressed.\*\*\*\*\***

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### APPROVE AGENDA

### APPROVE PREVIOUS MINUTES

- April 28 - Board Meeting
- May 5 – Board Meeting and Workgroup Session

### PUBLIC COMMENT

### COVID-19 Update from Public Health

### CONSENT AGENDA

(Routine business items enacted by one unanimous motion. Commissioners may request moving items on the consent agenda to the Action Item list if they desire discussion before taking action.)

- 1) Approve Claims, Human Service & License Center disbursements.
- 2) Affirm the following personnel actions:
  - i. Sheriff's Office
    1. Hire Kurt Zehnder, Nathan Klinski, Seth Louks, Kaylee Inglett, Doug Inglett and Brett Levin as temporary-casual (67 day) Deputy Sheriffs for Water Patrol and Road Patrol augmentation.

### ACTION ITEMS

- 1) Consider approval of a Conditional Use Permit for Greg Larson to build a dwelling on less than 40 acres in an Ad District in Houston Township. (Lacher)
- 2) Consider approval of a Conditional Use Permit for Sarah Sander to operate a pet crematorium in an Ag District in Brownsville Township. (Lacher)

- 3) Consider approval of a Conditional Use Permit for Pamela Bauer to operate a pet crematorium in an Ag District in Winnebago Township. (Lacher)
- 4) Consider sending letter to request extension of DHS waivers and procedure modifications past the peacetime emergency period until a vaccine or effective treatment for COVID-19 has been established. (Pugleasa)
- 5) Consider approval and release of a Request for Proposal to hire a Construction Manager to oversee final design and construction of a Highway Department facility and site modifications. (Pogodzinski)

#### **DISCUSSION ITEMS**

- 1) Administrator Updates
- 2) Commissioner Reports & Comments

#### **CLOSING PUBLIC COMMENT**

#### **ADJOURN**

#### **REMINDERS**

# Houston County

## Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 5-May-20

Person requesting appointment with County Board: Aaron Lacher

**Issue:**

Approve 3 Conditional Use Permits: 1) Greg Larson - CUP to build a dwelling on less than 40 acres in an Ag District in Houston Township 2) Sarah Sander - CUP to operate a pet crematorium in an Ag District in Brownsville Township. 3) Pamela Bauer - CUP to operate a pet crematorium in an Ag District in Winnebago Township. (CUPs were approved by the Planning Commission on April 30, 2020.)

**Justification:**

**Action Requested:**

Final Approval by the County Board. (Agenda, Hearing Notices, Findings and Staff Reports are attached.)

For County Use Only			
<b><u>Reviewed by:</u></b>	_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
	_____ Finance Director	_____ County Engineer	_____ Environmental Services
	_____ IS Director	_____ Other (indicate dept)	
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
May 12, 2020**

**Date Submitted:** 05.07.2020

**By:** Tess Kruger, HRD/Facilities Mgr.

**APPOINTMENT REQUEST**

- None

**CONSENT (HR requests)**

**Sheriff's Office**

- Hire Curt Zender, Nate Klinski, Seth Louks, Kaylee Inglett, Doug Inglett, and Brett Levine as temporary-casual (67 day) Deputy Sheriffs for Water Patrol and Road Patrol

<b><u>Reviewed by:</u></b>	<input checked="" type="checkbox"/> County Administrator	<input type="checkbox"/> County Attorney	<input type="checkbox"/> Zoning Administrator
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input type="checkbox"/> Environmental Services
	<input type="checkbox"/> IS Director	<input type="checkbox"/> Other (indicate dept)	<input type="checkbox"/> Sheriff
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Greg Larson DATE: April 30, 2020

C.U.P. REQUESTED: Build a dwelling on less than 40 acres in an Ag district.

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

### FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires the following:

#### (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.





# HOUSTON COUNTY

## ENVIRONMENTAL SERVICES

Solid Waste ● Recycling ● Zoning  
304 South Marshall Street – Room 209, Caledonia, MN 55921  
Phone: (507) 725-5800 ● Fax: (507) 725-5590



### STAFF REPORT

3/3/2020

Application Date: 2/17/2020  
Hearing Date: 3/26/2020  
Petitioner: Greg Larson  
Reviewer: Jim Gardner  
Zoning: Ag Protection  
Address: 6963 County 18, Hokah, MN  
Township: Houston  
Parcel Number: 05.0045.001  
Submitted Materials: CUP Application, Land Purchase Agreement

### OVERVIEW

#### REQUEST

A Conditional Use Permit for a Non-Farm Dwelling (14.3 (10)) is requested.

#### SUMMARY OF NOTEWORTHY TOPICS

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.*

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 qtr qtr (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.

Houston Township and the ten closest property owners were notified. No comments were received.

[illegible]

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Between 2010 and today, the approximately 2 <sup>3</sup>/<sub>4</sub> 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.

## EVALUATION

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 proposed dwelling is in an open quarter-quarter section and is greater than <sup>1</sup>/<sub>4</sub> mile away from any feedlot or mine. Although 2 <sup>3</sup>/<sub>4</sub> of an acre of this site has class III soils, it has not been farmed in any way for at least 10 years.

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.

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.

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.

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.

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.

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.

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.

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 qtr qtr due to the dwelling density policy. Brian Lee owns the remaining 30 acres in this qtr qtr section. All of the land immediately surrounding this site is wooded and cultivated. Constructing a dwelling will not impede nearby agricultural activity.

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 qtr qtr section density limitation.

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.

## RECOMMENDATION

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

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

Proposed Motion: Recommend approval of a Conditional Use Permit for Non-Farm dwelling, with the conditions listed above.

## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Sarah Sander DATE: April 30, 2020  
C.U.P. REQUESTED: Operate a pet crematorium in an Ag district.

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

### FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires 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.



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning  
304 South Marshall Street – Room 209, Caledonia, MN 55921  
Phone: (507) 725-5800 • Fax: (507) 725-5590



## STAFF REPORT

4/15/2020

Application Date: 2/28/2020  
Hearing Date: 4/30/2020  
Petitioner: Sarah Sander  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 3956 County 3  
Township: Brownsville  
Parcel Number: 020232001  
Submitted Materials: CUP Application, Operation Plan, Comparison Chart,

## OVERVIEW

### REQUEST

The petitioner is seeking a Conditional Use Permit (CUP) to operate a pet crematorium in the agricultural district (HCZO 14.3 subdivision 1(25)).

### SUMMARY OF NOTEWORTHY TOPICS

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 in this document, rather than the property owner.

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.

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Brownsville Township and the ten closest property owners were notified. Numerous letters of support were received.

#### SITE CHARACTERISTICS

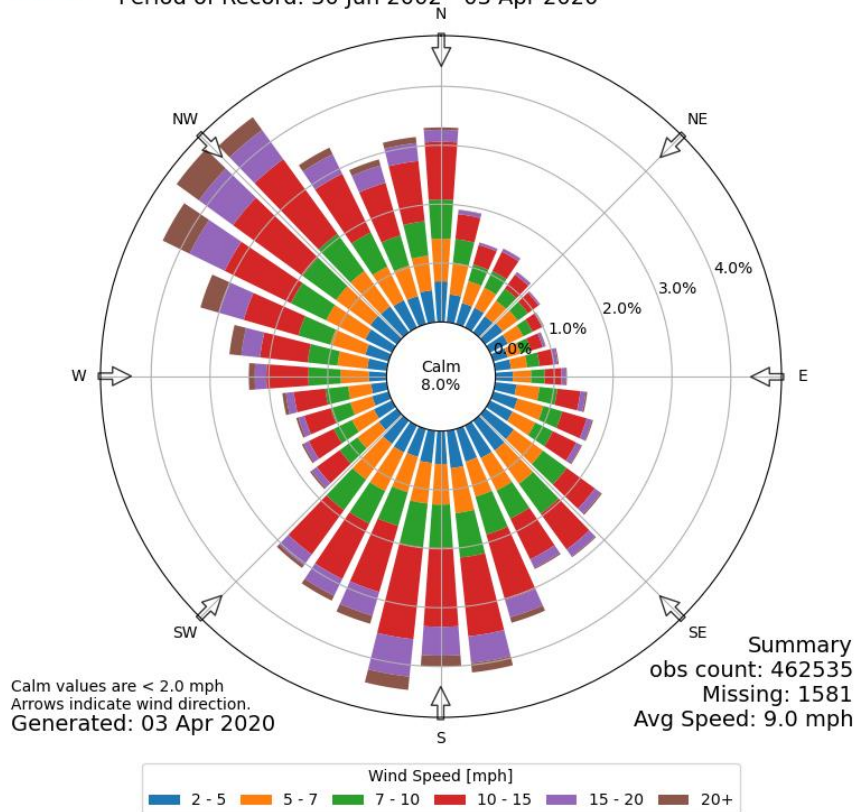
The site is located approximately three miles southwest of Brownsville off County Road 3 on just over five acres. There are five neighbors within a quarter mile and six additional within a half mile. Within a quarter mile, four are residential properties and one is a commercial agricultural equipment 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.





[FKA] PRESTON (AWOS)  
Windrose Plot [All Year]  
Period of Record: 30 Jun 2002 - 03 Apr 2020



**Figure 2. Wind rose showing wind direction and frequency for the closest weather station, which is located in Preston, MN.**

## EVALUATION

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

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

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

Staff Analysis: The proposal 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 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.

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.

## RECOMMENDATION

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

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

Proposed motion: Recommend approval of a Conditional Use Permit to Sarah Sander to operate a pet crematorium as described in her application and during this hearing in the Agricultural Protection District.



## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: *Pamela Bauer* DATE: *April 30, 2020*  
C.U.P. REQUESTED: *Operate a pet crematorium in an Ag district.*

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

### FINDINGS OF FACT

Section 11.5 of the Houston County Zoning Ordinance requires 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, comments and 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 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 with 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.



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning  
304 South Marshall Street – Room 209, Caledonia, MN 55921  
Phone: (507) 725-5800 • Fax: (507) 725-5590



## STAFF REPORT

3/10/2020

Application Date: 2/21/2020  
Hearing Date: 4/30/2020  
Petitioner: Pamela Bauer  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 11475 Wildflower Dr  
Township: Winnebago  
Parcel Number: 160062000  
Submitted Materials: CUP Application, Business Plan, Manufacturer Specifications

## OVERVIEW

### REQUEST

The petitioner is seeking a Conditional Use Permit (CUP) to operate a pet crematorium in the agricultural district (HCZO 14.3 subdivision 1(25)).

### SUMMARY OF NOTEWORTHY TOPICS

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.

### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Winnebago Township and the ten closest neighbors were notified. Numerous comments were received.

### SITE CHARACTERISTICS

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%.

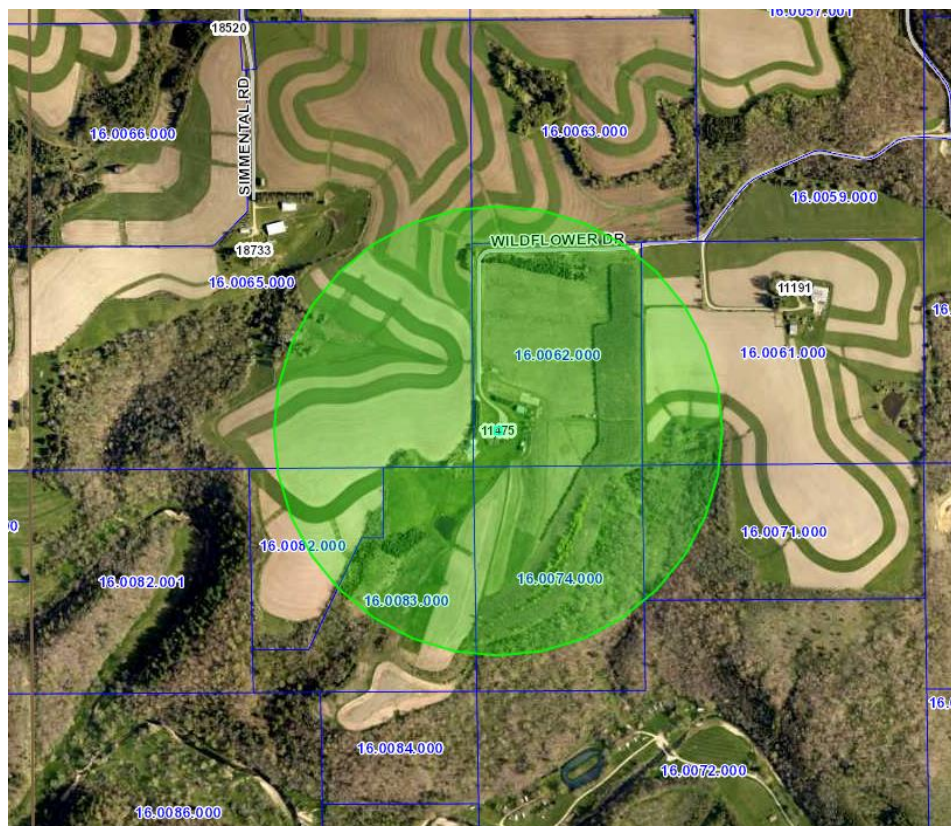
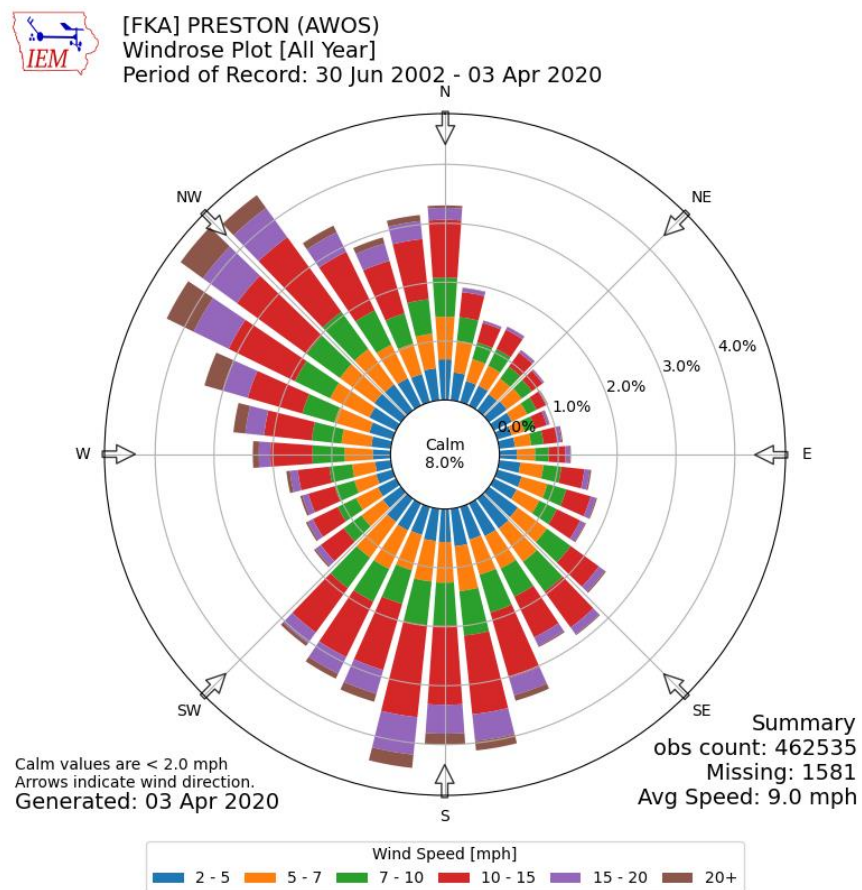


Figure 1. The highlighted area shows a quarter mile (1320 feet) radius from the dwelling at 11475 Wildflower Drive. The incinerator will be located 140 feet north of the dwelling.

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.



**Figure 2. Wind rose from the Preston, MN, weather station.**

## EVALUATION

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

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

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



Staff Analysis: The proposal 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.

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.

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.

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.

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.

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.

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.

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.

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: 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.

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.

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.

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 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

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.

## RECOMMENDATION

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

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

Proposed motion: Recommend granting a Conditional Use Permit to Pamela Bauer to operate a pet crematorium as described in her application and during this hearing in the Agricultural Protection District, with the aforementioned conditions.