

Houston County Planning Commission
February 25, 2021

Approved on April 29, 2021 by Greg Myhre and Larry Hafner

The Houston County Planning Commission met by zoom/phone conference at 7:00 p.m. on Thursday, February 25, 2021. 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.

Larry Hafner made the motion to accept the agenda. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made a motion to approve the minutes of November 19, 2020. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Election of Chairperson for 2021 took place. Larry Hafner nominated Ed Hammell for Chairperson. Rich Schild seconded. There were no other nominations. Roll call vote was taken. All were in favor. Motion carried unanimously.

Election for Vice Chairperson for 2021 took place. Wayne Feldmeier nominated Rich Schild for Vice-Chairperson. Larry Hafner seconded. There were no other nominations. Roll call vote was taken. All were in favor. Motion carried unanimously.

Notice of Public Hearing No. 920 was read for Blaine Benzing, 124 Hackney Drive, Caledonia, MN 55291. (Site location is on County 2, Eitzen, MN 55931.)

The applicant is requesting to build a cabin in an Ag district in Section 32 of Jefferson Township.

- The applicant is requesting to construct a 400 square foot primitive cabin. The proposed location of this cabin is shown in the image below.
- 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.
- Parcel 07.0232.000 is 1.60 acres and is not under agricultural crop production, located ½ mile from the Iowa boarder, and accessed from County Road 2. The images below show the approximate location of the cabin and the applicable setbacks. There are no bluffs in the immediate vicinity. The proposal will meet all of the required setbacks (50' from the property line and 100' from the county road). There is a dwelling directly across the County Road, approximately 500' from the proposed location; three additional dwellings are located within a ½ mile. The property adjoins approximately 500 acres of state forest land.

- Jefferson Township and the ten nearest property owners were notified, there have been no comments from the township or neighboring property owners. Comments were received from MNDOT and HoustonDOT. MNDOT indicated no objections to the application. HoustonDOT indicated concern over the extent of the right-of-way in the area and the related setbacks – all structures must be setback 100' from the centerline of County Highways, or 20' beyond the ROW, whichever is greater. The County Surveyor reviewed the application and ROW documents, and determined that the proposal satisfies these requirements.

Chairman Hammell asked Blaine Benzing if he had anything to add. Blaine said he purchased the property about a year ago. He took a course on building cabins and shortly after that the Houston County Historical Society was looking for volunteers to help with the cabin at the fairgrounds, so he helped with that. He has ownership in a portable saw mill and plans to do the work himself. He would like the proposed cabin to look a lot like the one at the fairgrounds and it would be approximately 360 sq. ft. in size.

Larry Hafner asked how often he planned to use the cabin and if there were options for a restroom facility. Blaine said it will mainly be day use for his family. There is an outhouse on the state property that adjoins his property. He may also check into having a port-a-potty on his site.

Greg Myhre asked where the driveway is located. Blaine said it comes right off the county road. He is currently working out an easement agreement because the state uses his driveway.

Aaron Lacher asked Blaine to describe what the cabin would include (deck, porch, solar panels, etc.) Blaine said it will be built on a rock foundation. There will be small porch facing the woods. There will be a small loft, no electricity maybe a portable generator.

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. 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:

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. 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.* Allowing this cabin would give the applicant a place to stay on his land and would make it easier for he and his family to improve and manage this property.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with SA, applicant has already improved the area.
 Greg Myhre – Yes
 Rich Schild – Yes
 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
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA, makes sense to accommodate him to care for property.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 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.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes
 James Wieser – Yes, Agrees with SA.

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

Staff Analysis: Yes, very little soil disturbance would take place during construction.

Bob Conway – Yes
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 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 accommodate the construction of a simple cabin.

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

Rich Schild – Yes

James Wieser – Yes, Agrees with SA, will have minimal soil impact.

6. That potential pollution hazards have 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. There is an existing driveway on this property that the applicant will use.

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, 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: Constructing a primitive log cabin should have minimal impact, if any, on the use and enjoyment of other properties in the immediate vicinity.

Bob Conway – Yes, cabin will be an asset.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA, cabin as described will be an asset to the area.

Ed Hammell – Yes, Agrees with SA and Larry Hafner's comment.

Greg Myhre – 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: 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
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 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. No impacts to the public's health, safety, morals, and general welfare are anticipated.

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

Larry Hafner made a motion to accept the findings as presented. Rich Schild 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;

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, March 2, 2021.

OTHER BUSINESS:

There was general discussion on the possibility of updating the ordinance. Aaron discussed some work that was done on the comprehensive land use plan and that had since stopped due to covid. Chairman Hammell thought this should be re-visited in the near future or when possible. It was suggested a committee of members review possible changes/updates to the ordinance.

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 February 26, 2021.

Houston County Planning Commission
April 29, 2021

Approved on May 27, 2021 by Rich Schild and Greg Myhre

The Houston County Planning Commission met by zoom/phone conference at 6:00 p.m. on Thursday, April 29, 2021. 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 Amelia Meiners were present for Environmental Services.

Greg Myhre made a motion to approve the minutes of February 25, 2021. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 921 was read for Anthony Krenzke, 1596 Highwood Drive, La Crescent, MN 55947.

The applicant is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

- The applicant is proposing to build a 40'x60' house with an attached 30'x30' garage. The HCZO 14.3 subd.1 (10) requires the following; *(10) Dwellings. Single-family non-farm dwellings subject to the following:(a) No more than one (1) dwelling per quarter-quarter section. (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance. (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.(d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24. (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty –three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- The applicant has owned this parcel since 2004.
- This is a 13-acre site in the agricultural protection district off East Townhall Road in La Crescent Township with 180 feet of road frontage. It consists of a long narrow cross section of the valley and then approximately 8.5 acres of timber. Slopes within the valley are less than 18%, but most of the timber is greater than 24%. Soils are primarily 388D2 and 388E, which are class IVe and VIe, respectively. A small section of 388C2, a class IIIe soil, may be utilized for the septic system, but the ground has not been in production since at least 2008. Slope is the main limiting factor for building sites on these soil types, but slopes will be under 12% in this location.
- There are no existing dwellings within the SW NW quarter-quarter, however, three dwellings appear to be close or split by quarter-quarter lines. The dwellings at 1555 and 1700 E Townhall Road were

determined to be in the SW NW quarter-quarter and just have outbuildings that occupy the SE NW quarter-quarter. The north SE NW quarter-quarter line bisects the dwelling at 1908 E Townhall Road. At that location, an attached garage primarily lies within the SE NW quarter-quarter and there is no dwelling within the NE NW quarter-quarter. As such, this dwelling was determined to be within that aforementioned quarter-quarter.

- This parcel contains an intermittent stream with adjacent floodplain that runs down the valley floor, but the building site will be outside of that area. The DNR recommends a driveway with no grading and a low profile crossing. Driveway materials are considered fill so up to 1,000 cubic yards can be placed in general floodplain without a CUP. However, the applicant does not plan to modify the existing driveway at this time. There should be adequate acreage to meet the property line and road setbacks.
- La Crescent Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked Anthony Krenzke if he had anything to add. Anthony said he is planning to build a single family dwelling on the property he owns.

Jim Wieser asked about the driveway. Anthony said he plans to utilize the existing driveway and keep it gravel until right next to the house. He has not had issues with washouts since he has owned the land.

Rich Schild asked if Anthony planned to do anything heavier at the base of the driveway with gravel over the top. Anthony said he believes it met the requirements at the time it was installed.

Bob Conway referred to the aerial photo and asked if there was a tree line, creek or ditch next to the driveway. Anthony indicated it was a fence line.

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

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

Rich Schild made a motion to bypass questions 8, 12 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:

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 Comprehensive Plan and Zoning Ordinance both offer a basis for restricting non-farm development in order to minimize incompatibility between agricultural uses and residential uses and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development. This proposal

satisfies the density limitations and staff feel this is a good location to encourage development. East Townhall Road has the public infrastructure and consists of both residentially and agriculturally zoned parcels. In addition, there seems to be limited commercial agricultural use in this valley.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, The road is already in place, good place for a house.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA, has covered all the bases.

James Wieser – Yes, The land has not been in production for many years.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA, would like to build a house to live in.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: The applicant has already worked with a septic contractor to determine a location and that soils are adequate for treatment.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Did their homework.

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, The only potential issue could be the septic, but is confident in designer.

James Wieser – Yes

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

Staff Analysis: The applicant plans to meet all requirements of their erosion control plan to address any runoff concerns.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, History shows everything should be ok and the DNR is ok.

James Wieser – Yes, A single family dwelling will not increase water runoff.

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

Staff Analysis: The main limiting factor for these particular class IV and VI soils is slope, but the proposed location will be under 12%. A septic contractor has been consulted and feels that there are two Type I soil treatment area options.

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

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

Staff Analysis: Any future septic system will need to be permitted and meet all state requirements.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, Potential pollution hazards have been addressed.
 James Wieser – Yes

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

Staff Analysis: The applicant has owned this parcel since 2004. The existing driveway location and address point will not change. If the applicant wishes to modify the driveway across floodplain, there may be additional requirements that are the responsibility of the applicant. An erosion control permit and septic permit will be submitted with the building permit application.

Bob Conway – Yes, Agrees with SA, have had big floods after 2004, should be ok.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes, Agrees with Bob C.
 Greg Myhre – Yes, Agrees with SA.
 Rich Schild – Yes, Erosion control plan, septic permit and driveway will benefit him.
 James Wieser – Yes, Agrees with Bob C.

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

N/A

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

Staff Analysis: The proposed use will not drastically change the traffic on Townhall Road.

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

Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 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 surrounding properties are primarily rural residential in nature. Some parcels are zoned residential and some are zoned agricultural, but there is minimal commercial agriculture in this area. Therefore, this proposal is consistent with other properties in this valley.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 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: With the exception of bluff land, much of the adjacent property has already been developed to the extent possible.

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, A Conditional Use Permit is part of orderly development.
 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.

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 proposal is consistent with other properties along East Townhall Road.

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, 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.

N/A

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

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

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA.

James Wieser – Yes

Jim Wieser made a motion to accept the findings as presented. Larry Hafner 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 for a single family nonfarm dwelling in an Ag District with the following condition:

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

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.

Notice of Public Hearing No. 922 was read for Robert Ott, 1590 State 16, La Crescent, MN 55947.

The applicant was issued a conditional use permit by La Crescent Township on 9/7/2012 to operate a firearms safety training business at his residence at 1590 UD Hwy 16 La Crescent MN. The request is an amendment to this permit to include the sales of firearms and accessories.

- In 2012, the applicant requested and received a CUP for a firearms safety training business. The applicant is currently seeking to expand his business to include retail sales. The applicant has indicated to staff that sales would be limited to students enrolled in the training courses currently offered.

- As an amendment to an existing CUP, the Board is not evaluating the initial grant—what has already been permitted. Still, it is necessary to consider how this request aligns with established uses in Ordinance. Section 14.3 established conditional uses within the Ag Protection District, which includes gun clubs and other uses. While not technically a gun club, the request can be viewed as compatible with Ordinance provisions either as a gun club or under the other uses clause.
- The subject property is located approximately one mile south of the City of La Crescent. The parcel is 9.82 acres in area, and consists predominantly of steep slopes. To the east, wetlands and the Mississippi River extend. To the west are undeveloped bluffs. An abandoned house and industrial zoned areas are to the south. The nearest dwelling is located approximately 1000' to the north.
- La Crescent Township, the City of La Crescent, and the ten nearest property were notified. No comments were received.

Chairman Hammell asked Robert Ott if he had anything to add. Robert said he would like to sell firearms to go along with his existing CUP permit and the ATF requests proof of permitting. There will be no traffic issues. He would keep everything as is.

Larry Hafner asked if he would be posting any signage. Robert said he would not be adding signage. He is mainly planning to help out with fundraisers when they need guns to raffle and the ATF needs a physical address to do this.

Bob Conway said he was not familiar with ATF requirements. Robert explained that he needs letter saying he is allowed to sell firearms in the County. He does not plan to maintain a lot of inventory. He will order as needed.

Rich Schild asked if he could sell to anyone. Robert said it would be open to public, but not advertised. He would like the ability to help students that go through his courses to choose a firearm that is right for them. He also plans to help out with fundraisers and benefits when needed.

Ed Hammel asked if there are background check requirements. Robert said there would be and he will follow all requirements of the Federal Firearms License (FFL).

Larry Hafner asked how long documentation is required to be kept and how often he would be inspected. Robert said there is an audit about every three years for high explosives licensing and he believes the FFL will be similar. They will go through inventory and records.

Aaron Lacher asked if there would be any security measures and how the inventory would be stored even though Robert does not plan to carry much inventory. Robert said he plans to install security cameras and a locked gun safe. He believes the FFL will require him to set aside a specific amount of storage space based on building size.

Aaron Lacher asked Robert to explain the procedure he uses to prevent any lead buildup with target shooting. Robert said that removeable targets are used and they catch the ammunition and then are emptied out. No rounds are fired into the hillside and there is no trap shooting.

Nanette Anderson, a neighbor to the north, spoke. She said they have no questions or concerns. She and her husband feel this is a good opportunity since Robert is already offering classes and he will help them decide which firearm is best for them.

Wayne Feldmeier said he took Robert's class and overall the class promotes safety over gun sales. He would encourage anyone to take the class. Robert is a good instructor.

Larry Hafner commented there were no issues following the original hearing in 2012.

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

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

Wayne Feldmeier made a motion to bypass questions 13 and 14 that are not applicable. Larry Hafner 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: Section 0508 of the CLUP outlines strategies for the provision of recreational activities. While not specifically referenced, hunting and competitive shooting can be viewed as included in this category, and the training offered by the applicant may be incorporated into outdoor recreational pursuits.

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

James Wieser – Yes

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

Staff Analysis: The growth of the business to include retail gun sales requires amendment of the existing permit.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, This is a logical addition.

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with Ed H.

James Wieser – Yes

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

Staff Analysis: No additional construction is proposed. Adding a retail component will not affect water quality. Note that the applicant indicates protocols are in place to catch and collect ammunition fired on site.

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 and Robert has shown he's reliable in collecting lead.

James Wieser – Yes

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

Staff Analysis: No additional construction is proposed. Adding a retail component will not affect water runoff. Note that the applicant indicates protocols are in place to catch and collect ammunition fired on site.

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, 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: No additional construction is proposed. Adding a retail component will not affect soil conditions. Note that the applicant indicates protocols are in place to catch and collect ammunition fired on site.

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

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

Staff Analysis: No additional construction is proposed. Adding a retail component will not result in the creation of pollution hazards. Note that the applicant indicates protocols are in place to catch and collect ammunition fired on site.

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, The retail component will not add a pollution hazard.

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

Staff Analysis: No changes involving utilities are proposed.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 Rich Schild – Yes
 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: No changes related to parking, or anticipated trips per day, are proposed.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 Rich Schild – Yes, La Crescent Township zoning looked at it too, so believes it will be fine.
 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 changes related to parking, or anticipated trips per day, are proposed.

Bob Conway – Yes
 Wayne Feldmeier – Yes
 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 addition of retail sales is not anticipated to impact neighboring properties. Staff are not aware of any complaints resulting from the existing permit.

Bob Conway – Yes, Agrees with Ed H. and Larry H.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA, viewed as a positive in the neighborhood to use safely.

Ed Hammell – Yes, The neighbors support it.
 Greg Myhre – Yes, Agrees with Larry.
 Rich Schild – Yes, Agrees with Ed H.
 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: In general, the surrounding area is too steep to support additional development.

Bob Conway – Yes, Agrees with SA, took gun safety from Bob Ott, he does a good job.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, Agrees with SA, does not believe there will be other development.
 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: Hours of operation and natural surroundings has severely limited any lighting or noise pollution.

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, Robert has stated there won't be additional signs.
 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.

NA

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

NA

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

Staff Analysis: The 2012 CUP contained two conditions:

- Shooting allowed only between the hours of 8 AM to 10 PM.
- Mr. Ott is required to keep his Fire Arms Safety Instructors license current.

These conditions have been sufficient during the lifetime of the permit. Staff recommend reaffirming these conditions, with a slight modification, and addition one additional condition.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes, Agrees with SA, also has ATF involved for general welfare concerns.

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.

Larry Hafner made the motion to recommend the Houston County Board amend the conditional use permit granted by La Crescent Township September 10, 2012 to operate a firearms safety training business to allow for the sale of firearms and accessories, with no additional modifications to the existing permit, and subject to three conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. Shooting allowed only between the hours of 8 AM to 10 PM.
3. The Permittee is required to have a current nationally accredited firearms safety instructor license.

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.

Notice of Public Hearing No. 923 was read for Tom and Cole Hoscheit, 11608 County 5, Caledonia, MN 55921.

The applicants are seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that generates 300 or more animal units of manure.

- The site is located just under a mile south of the City of Caledonia in Mayville Township. The home on the parcel dates to 1900 and it is assumed the farmstead dates to a similar time. The operation has been in existence for over 60 years and two homes to the south are within a quarter mile. In 1999, a variance was granted to reduce the required quarter mile setback from the existing dwellings. Then in 2002, a variance was granted to reduce the south property line setback for a calf barn addition. A permit was issued in 2010 to construct a calf barn. No other building permits are on record, but agricultural buildings did not require permits until 2004. The free stall barn expansion is proposed on the north side of the farmstead and does not encroach beyond the variances previously granted; for this reason the Petitioner is not required to seek a variance in conjunction with this CUP application.
- Feedlots over 300 animal units have two permitting components. The County requires a CUP, which is essentially an operating permit. A maximum number of head is specified, which means any expansion beyond that number requires a new hearing. The applicants were granted a CUP in 2017 with a maximum number of 434 animal units. This proposal identifies a new maximum of 800

animal units. The second component is a state feedlot permit. These permits are needed when any site over 300 animal units is proposing construction or expansion of animal units. As part of this application and review process, staff will review the site plan, manure management plan and liquid manure storage plans, if applicable. The applicants currently have an active interim permit (expiration of June 5, 2022) that was granted for construction of the liquid manure storage basin. This will be closed out upon completion of required submissions and a new permit will need to be issued for this proposed expansion. The feedlot permit for this proposal will be applied for at a later date.

- The County became aware that the number of animals onsite had been increased beyond 300 animal units to 430 animal units (300 dairy cows and 50 dairy calves) during a routine compliance inspection conducted in May of 2016. At that time, damage to the liner of the manure storage structure was also discovered. As a result, the applicants applied for and were granted CUPs for expansion of animal units and construction of a manure storage structure (2017). Since the manure storage structure required repair anyway, the applicants decided to take on a larger project and modify the design to increase the functionality. The result increased the size to approximately 1.86 million gallons, which is about 195 days (six and half months) of storage at their current capacity. If they increase the number of cows by 200 head, staff estimate the length of storage will be reduced to four months. The applicants identify that the expansion would include a 200-stall freestall barn, which would be 280 animal units. Based on standard numbers provided by the MPCA, the capacity of the additional 164'x112' building along with the existing confinement barns is 507 head or 709.8 animal units plus 10 animal units of dairy calves for a total proposed 719.8 animal units for the site. Remember this proposal is only considering the addition of a single building to the site, but the applicants have included a cushion on animal units. From a manure application standpoint, if the site produces 5,534,600 gallon of waste per year and its land applied at 10,000 gallons per acre, they require 553.5 acres. Land application details will be evaluated as part of the manure management plan review portion of the feedlot permit process.
- Note that feedlots that do not meet the CAFO threshold (less than 700 mature dairy cows) are not required to have a minimum amount of manure storage. However, once over 300 animal units, sites are required to maintain a manure management plan, complete with annual updates, as well as land application records. Both can be requested at any time, and subsequently reviewed, by the feedlot officer.
- OFFSET, or Odor From Feedlots Setback Estimation Tool, predicts an 86% annoyance-free factor with current infrastructure. The proposed expansion of an additional freestall barn does not change that number. The OFFSET guide indicates that the program assumes the receptor is always located downwind of the odor source in the prevailing wind direction. The affected neighbor is to the southwest and as shown in the windrose plot, prevailing winds are predominately from the northwest and south, likely reducing the presence of odors at the neighboring properties.
- This farmstead is on a 140.47-acre parcel of 616.14 total acres owned between the two applicants. There is a subdivision approximately 3,500 feet northwest of the farmstead and city limits are approximately 4,500-feet to the north. There is an intermittent stream with adjacent floodplain approximately 1,630 feet north of this site. The site consists of a dwelling and multiple feedlot components including a milk parlor, liquid manure storage structure, multiple confinement buildings, feed storage, open lots and machinery storage. Slopes at the site are variable, but under 10%. In the area of the proposed free stall barn slopes are 6%. As long as soils are adequate for building sites, the classification is irrelevant for this application.
- Notice was sent to Mayville Township. Comments were received and are included in this packet. The County Highway department commented on issues they have had with the producer in the past in regards to manure and sediment on the road. The applicant responded that they purchased a power broom for a skid loader so that they can scrape the highway and broom when complete.

Chairman Hammell asked the Hoscheit's if they had anything to add. Cole Hoscheit said they plan to add another barn similar to the one that is there. He discussed the manure storage improvements that have been made since the last permit application.

Bob Conway asked if the manure storage container will be large enough for the additional cattle. Cole said they currently have about 11 months of storage and figures he will have adequate storage even with the increase.

Amelia Meiners read the comment received from the Highway Engineer. Cole said there is no excuse and it is not a goal to make a mess. With the old system it was more difficult to haul since they needed a crane to come in to load and they were required to haul when they didn't necessary want to.

Greg Myhre commented that with the updated pit this should get better.

Bob Conway commented that they have addressed the issue with a larger storage tank.

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

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 primary goal of both the Zoning Ordinance and Comprehensive Plan is to preserve and encourage commercial agriculture. The applicants currently operate a dairy farm.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: The applicants would like to expand the operation and the first step in doing so is increasing the number of animal units allowed under their Conditional Use Permit. If approved, they will need to apply for and receive a Minnesota State Feedlot Permit as well.

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
 James Wieser – Yes

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

Staff Analysis: A new roof structure will continue to provide total containment of on-site animals, which will assist in less pollution potential. During the manure storage modification project completed in 2020, clean water diversions and grading took place to improve treatment of runoff. In addition, the presence of functional manure storage will allow the applicants the ability to handle manure more efficiently and at more ideal times.

Bob Conway – Yes, Agrees with SA and Ed H.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes, has worked at improving the operation.
 Greg Myhre – 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: The addition of another roof should not adversely increase the quantity of water runoff.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 Rich Schild – Yes, Agrees with SA, grading and waterways should help.
 James Wieser – Yes

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

Staff Analysis: Soil type 401B is suitable for building site development. Soils in the location of the proposed free stall barn are similar to those of the existing free stall barn, which to the knowledge of staff have not had an issue. A karst inventory was completed during the planning phase of the liquid manure storage structure and did not yield karst formations near the farmstead.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes, Agrees with SA.
 Rich Schild – Yes, Agrees with SA, appreciate the karst inventory.
 James Wieser – Yes, Agrees with Rich S.

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

Staff Analysis: Manure management is the largest potential pollution hazard in an operation such as this. All milk house waste goes to the manure storage structure as well. The applicants addressed a previous pollution concern by completing a manure storage project in 2020. Note that once sites expand over 300 animal units they are required to complete annual manure management plan updates and keep land application records. The applicants identify that they have implemented additional conservation practices such as cover crops and contour farming along with knifing in manure, which reduces the possibility of runoff and maximizes the return.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees with Jim W.

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes

James Wieser – Yes, Manure management with new storage will help control pollution hazards.

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

Staff Analysis: All utilities, access roads, drainage and other facilities are existing. Should additional needs arise, the applicants are responsible for all costs and meeting requirements.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – 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: The increase in animal units will not have a direct increase on traffic. The site currently has adequate off-street parking so that the county and township roads are not impacted.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes, Agrees with SA.

Rich Schild – Yes

James Wieser – Yes, The increase in animal units will increase traffic, but should have plenty of access.

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

Staff Analysis: The County Highway Department has addressed issues here in the past, even after it was addressed during the previous CUP process. Staff recommend a condition to address the concern of manure and sediment on the roadways.

Bob Conway – Yes
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, Provided the condition is included.
 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: This will be an increase in intensity of an existing operation so the proposal shall not have any new impacts.

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
 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: This will be an increase in intensity of an existing operation so the proposal shall not have any additional impact than the current operation. Aside from the proximity of city limits and adjacent subdivisions, the predominant use in this area is agriculture.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes, Ag area.
 Greg Myhre – Yes, Agrees with SA.
 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: The applicants completed a manure storage project in 2020 that will enable them to have longer-term storage than in the past, although additional animal units will alter that slightly. That enables them to agitate and haul less often, lessening offensive odors. There will be no lighted signs and the degree of dust, noise and vibration will not differ from what may currently exist.

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

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.

N/A - Roll call vote was taken to bypass. 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: Dairy operations are commonly found throughout Houston County. Roughly 6% of the registered feedlots here are dairies over 300 animal units, most of which exist in the southern half of the County. At 800 animal units, the applicants would become one of the largest dairy facilities.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes

Ed Hammell – Yes, Dairies are getting larger, that's just a fact.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA and with Ed H..

James Wieser – 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: With the completion of the manure storage repairs, the site should serve to protect the public's health, safety, morals, and general welfare.

Bob Conway – Yes

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Agrees with SA.

Greg Myhre – Yes

Rich Schild – Yes

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.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for the expansion of an animal feedlot that generates 300 or more animal units of manure 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. No excessive manure, mud or dirt associated with the operation of the site shall be applied, spilled, tracked or otherwise become located on or within the roadway or right-of-way of County Rd 5 or Smoking Drive. Any spillage must be cleaned up as soon as practical.

4. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing construction.

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.

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 April 30, 2021.

Houston County Planning Commission
May 27, 2021

Approved on July 22, 2021 by Larry Hafner and Bob Conway

The Houston County Planning Commission met by zoom/phone conference at 5:00 p.m. on Thursday, May 27, 2021. 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. Amelia Meiners was present for Environmental Services.

Rich Schild made a motion to approve the minutes of April 29, 2021. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 924 was read for Mathy Construction Company, 920 10th Avenue North, Onalaska, WI 54650.

The applicant is seeking an Interim Use Permit to set up and operate a bituminous plant in an agricultural protection district at the Underpass Quarry in Spring Grove Township.

- The plant will produce asphalt for the CSAH 8, 11 and 33 projects and any additional projects within the area that are accepted after this application. The applicants identify a maximum time of operation from June to August of 2021, with the plant operating from Monday through Saturday between 5AM and 9PM. Haul routes are identified within the packet and will by-pass the City of Spring Grove.
- The applicants did not identify the source of aggregate or anticipated number of hauls in the application. Perhaps it can be provided during the hearing if the Planning Commission feels it important for decision-making.
- The following materials will be kept on site (approximate): Asphalt cement 60,000 gals., Diesel Fuel 10,000 gals., Burning Oil 15,000 gals., Tack 7,500 gals., Petroleum Lubricants 55-150 gals., Aggregate Material
- The applicant has a Spill Prevention Control Countermeasure Plan in place in accordance with 40 CFR part 112, Subparts A and B. In addition, emissions testing is completed on all plants and documentation was provided to show this plant meets MPCA standards.
- The plant is proposed in the Underpass Quarry. This site received a mineral extraction CUP in 2020 (CUP #284) to expand their operation and is owned by J & C Farms Inc. Access is from State 44. There are two homes approximately 2,000 feet in the easterly direction and one approximately 1,100 feet to the west. These distances are based upon the quarry perimeter as the specific plant location is unknown.
- There is a manmade pond in the quarry north of State 44 and five intermittent streams around the Underpass Quarry. According to the EAW two small ponds were excavated within the Underpass Quarry for washing operations, but groundwater fluctuations do not always support that purpose. The closest intermittent stream is 650 feet to the northeast, with the remaining four at least twice as far.
- Spring Grove Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the Mathy Construction representative if there was anything to add. Sam Costigan of Mathy Construction gave a brief overview of the project. The plant is needed to complete the road projects on County 8, 11 and 33. There will be no haul routes through the City of Spring Grove.

Amelia stated that she received an e-mail from Tracy Schnell/MNDOT. The project is acceptable to MNDOT.

Jim Wieser asked if they would be recycling the old blacktop. Sam Costigan said they would be. Some will be stored on site and some will be brought in.

Amelia added they would be bringing in aggregate from Dorchester and Decorah.

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

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

Ed Hammell made a motion to bypass questions 5, 13 and 14 that are not applicable. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

SA = Staff Analysis

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

Subdivision 1. Findings. The Planning Commission shall not recommend an interim 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 says to “Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost” (Section 0100.0510 Subd. 2, Policy 4).

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

James Wieser – Yes

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

Staff Analysis: Scheduled projects on County 8, 11, and 33 have a need for a temporary asphalt plant.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, Roads have to be maintained in the County.
 Greg Myhre – Yes
 Rich Schild – Yes, There is a need for this use.
 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. As an added measure, operators receive specialized training for spill response.

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: This use should not impact quantity of water runoff, but berms could be required to contain runoff within the existing quarry site.

Bob Conway – Yes, Agrees with SA.
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes
 Ed Hammell – Yes, The condition on the permit will take care of it.
 Greg Myhre – Yes
 Rich Schild – Yes, Agrees with SA and Ed H.
 James Wieser – Yes

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

Staff Analysis: NA

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

Staff Analysis: A Spill Prevention Control Countermeasure Plan is in place and maintained by educated and competent employees. Applicable air quality standards are met as well.

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

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

Staff Analysis: Proposed routes avoid township roads, which can be damaged by heavy traffic. All projects are west of the City of Spring Grove so there should not be increased traffic through town.

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. MNDOT gave a green light.
 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 is adequate space within the quarry footprint for this use.

Bob Conway – Yes
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes
 James Wieser – 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: For past projects, increased traffic loading on all routes utilized was not projected to impact traffic a significant amount. Remember this will be a short-term operation.

Bob Conway – Yes
 Wayne Feldmeier – 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 Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The quarry is skirted by timber and adjacent properties are primarily cropland. Any impacts will be short-term for this operation. The nearest dwellings are approximately 2,000 feet away.

Bob Conway – Yes, Agrees and neighbors had no comments.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, This is a short term project.
 James Wieser – Yes

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

Staff Analysis: The predominant use in the area is agricultural cropland, which is not anticipated to be affected. This temporary facility should not have an impact greater than the operating quarry in which it will be housed.

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

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: Fugitive dust is controlled with water and odor suppressant is added to the asphalt mix.

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

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes, Agrees with SA and Rich S.
 Greg Myhre – Yes
 Rich Schild – Yes, Agrees with SA and Mathy has a good track record.
 James Wieser – Yes, Agrees with SA.

Jim Wieser 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 Interim Use application to set up and operate a bituminous plant in an agricultural protection district at the Underpass Quarry in Spring Grove Township 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. Runoff from within the plant footprint shall be contained within the existing quarry floor.
4. Permit expiration shall be December 31, 2021.

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.

Notice of Public Hearing No. 925 was read for Joseph Baxter, 3945 County 5, Eitzen, MN 55931.

The applicant is seeking a Conditional Use Permit to place a dwelling on less than 40 acres in the agricultural protection district.

- The applicant is proposing to move in a 14-foot by 56-foot mobile home in the agricultural district.
- The applicant has owned the parcel since 2004, but it was part of a larger acreage owned by his family since 1961. In recent years he has utilized the site for camping.
- This is a five-acre parcel located in the agricultural protection district of Jefferson Township. The proposed location is within an open quarter-quarter and contains approximately two buildable acres. While doing research for the public hearing, staff discovered that there may not be owned or easement access to County 5 and more research is required. That information will be provided at the hearing. Adequate acreage exists to accommodate property line and road setbacks and there are no mines or feedlots in the vicinity. Soil is 1862 a silty clay, class 3w. This technically is considered a prime agriculture soil, but the ground has not been in production for at least ten years. Slopes are under 18% at the building site and the driveway will meet slope standards. Half of this parcel does fall within floodplain, but the proposed dwelling location is outside of that delineation as well as wetlands. There is no bluff concern.
- Jefferson Township and the ten nearest property were notified. No comments were received.

Chairman Hammell asked Joseph Baxter if he had anything to add. Joseph was unable to attend the hearing. Shirley Compton spoke on his behalf.

Rich Schild asked for clarification on the 33 foot access requirement. Amelia stated Joe would not be able to get a zoning permit until that is resolved. A quit claim may be the way to go if the adjacent landowners would be in agreement. Shirley Compton stated she would be in contact the landowners.

Chairman Hammell stated he was in agreement with the resolution and wished to move forward.

Amelia stated that she received an e-mail from Tracy Schnell/MNDOT. The project is acceptable to MNDOT.

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

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

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.

SA = Staff Analysis

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

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

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

Staff Analysis: The location satisfies the density limitations and this proposal is consistent with most other residential properties along County 5.

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

James Wieser – Yes

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

Staff Analysis: A Conditional Use Permit is required to construct a single-family dwelling in the agricultural district.

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.

James Wieser – Yes

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

Staff Analysis: A septic system designed and installed by a licensed Minnesota septic professional will be required.

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

James Wieser – Yes

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

Staff Analysis: The proposed structure is relatively small should not increase water runoff. In addition, an erosion control plan will be required with the dwelling permit.

Bob Conway – Yes

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, Agrees, the site is not steep.

Greg Myhre – Yes

Rich Schild – Yes

James Wieser – Yes

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

Staff Analysis: Soils are technically considered prime agriculture soils, but since the ground has been out of production for ten years or more this location is allowable. There will be little to no excavation for placement of the mobile home.

Bob Conway – Yes

Wayne Feldmeier – 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, Agrees with SA.

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

Staff Analysis: Adequate treatment of septage is most likely the largest pollution hazard. A septic system, designed and installed by a licensed MN septic professional will be required.

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

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

Staff Analysis: There is an existing driveway and electrical will be installed at the time of construction. All utilities are the responsibility of the applicant. Thirty-three feet of easement or owned access to County 5 is required prior to issuance of the building permit.

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.
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: This area is highly respected for its recreational value in addition to being used for agriculture. There are multiple small rural residential properties along County 5 so this will not be out of character and this dwelling should not impact the agriculture in the immediate vicinity of the proposal.

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

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: This valley has a variety of uses. Much of the vacant or undeveloped land is agricultural or recreational and this proposal will not impact those uses. There are multiple other rural residential properties in this area and the applicant has been using his property recreationally in the past.

Bob Conway – Yes
 Wayne Feldmeier – Yes, Agrees with SA.
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, Agrees with SA, the land has been out of production for 10 years.
 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 proposal is consistent with neighboring residential properties and proposed in an open quarter-quarter.

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

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

Staff Analysis: N/A

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

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

Bob Conway – Yes
 Wayne Feldmeier – 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

Larry Hafner made a motion to accept the findings as presented. Bob Conway 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 place a dwelling on less than 40 acres in an agricultural protection 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. Thirty-three feet of owned or easement access to the public road is required prior to any building permit issuance.

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.

Notice of Public Hearing No. 926 was read for Matt and Marcia Welch, 19649 Elgin Circle NW, Elk River, MN 55330.

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

- The applicants are proposing to build a three bedroom, two to three bath dwelling with a garage on less than 40 acres.
- The applicants have signed a purchase agreement contingent upon approval of a Conditional Use Permit. The current landowners approve of the application.
- In 2008, the current landowners were granted a CUP to build a house on less than 40 acres (#722) and a building permit (#3480) to build a house and shop. As seen in aerial imagery, the shop was constructed, but no dwelling was constructed. According to HCZO 6.4, *an approved CUP shall expire if the use approved has not commenced within nine months*. A zoning permit expires after one year if the project had not been started.
- This is a 28.9-acre parcel in the agricultural protection district of Houston Township. It is an open quarter-quarter with adequate road frontage. The parcel is split between steep timber ground and rolling valley floor. A dry run, mapped as an intermittent stream, runs down the valley floor. The intermittent stream is not classified as a public watercourse. As a result, shoreland is not a concern. The proposed dwelling location is in area that has been maintained as lawn since late 2008. Soils in the proposed location are 388D2 and 604, class 4e and 5w soils, respectively. The Web Soil Survey lists both as very limited to building, primarily due to slope. However, the building site is between 15-20% slope and an existing driveway to the shop meets access standards. There are no floodplain or feedlot concerns.
- Houston Township and the ten nearest property were notified. One comment was received.

Chairman Hammell asked Matt and Marcia Welch if they had anything to add. Marcia spoke and said they would like to build a 3-4 bedroom retirement home on this property.

Rich Schild said this is essentially the same as the previous CUP application, just different people looking to build.

Amelia stated that she received an e-mail from Tracy Schnell/MNDOT. The project is acceptable to MNDOT.

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

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

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

SA = Staff Analysis

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

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

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

Staff Analysis: The Comprehensive Plan and Zoning Ordinance both restrict non-farm development to minimize incompatibility between agricultural uses and residential uses and push to conserve the expenditure of public funds for scattered development. Since partial development has already taken place on this parcel, staff feel it is a good area to encourage further development. In addition, there is limited commercial agriculture in the immediate vicinity of this proposal and the location satisfies the density limitations.

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
 James Wieser – Yes

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

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

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

Staff Analysis: A septic system will be designed and installed by a licensed septic professional per MPCA requirements.

Bob Conway – Yes
 Wayne Feldmeier – Yes, Agrees with SA.
 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: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before and after construction.

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

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

Staff Analysis: Non-farm dwellings cannot be constructed on prime agricultural soils. This site meets that requirement and the soil type is adequate for building.

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

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

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

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

Staff Analysis: A driveway was constructed with the initial build on this property and still meets applicable standards. Many utilities already exist on or near this site. If any new utility installations are necessary, it will be the responsibility of the landowner.

Bob Conway – Yes

Wayne Feldmeier – Yes, Agrees with SA.

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA, driveway is already there.

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: Adequate space exists around the building envelope of this parcel so that no parking on the township road will be necessary for future residential use.

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

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: N/A

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

Staff Analysis: This area is not widely inhabited and this site is partially developed. There are dwellings approximately a quarter mile before and after this site on the township road. Aside from that, the area is primarily recreational and agricultural and a dwelling should not affect the use of those properties.

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

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: Predominant uses are recreation and agriculture. Presumably, topography adjacent to the township road limits the development that can take place in this valley. A dwelling addition on this existing site should not affect the surrounding properties.

Bob Conway – Yes
 Wayne Feldmeier – 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, 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: 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 is an area of limited development, but two other residential sites are found along Hop Hollow Road in adjacent quarter-quarters. This proposal is consistent with those properties.

Bob Conway – Yes
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – 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: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

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

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 to build a dwelling on less than 40 acres in an agricultural protection 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.

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.

Notice of Public Hearing No. 927 was read for William Gerdes, 16843 Beaver Ridge Drive, Caledonia, MN 55921.

The applicant is requesting a Conditional Use Permit to operate a farm outlet to sell milk and other farm products in an agricultural district.

- The applicant would like to change the use of a silo into a farm outlet and office with friends and family guest quarters. The scope of the hearing shall be based on the operation of the farm outlet only. A change of use request for this structure to become a non-commercial guest quarters will be handled administratively by the Zoning Office. This proposal does not include any feedlot expansion and no new structures.
- The original farm dwelling dates back to 1900, but many of the buildings have been constructed more recently. The facility consists of confinement barns, machine sheds, multiple silos, a milking parlor and two dwellings. The Assessor's report indicates the harvestor silo (20'x 27') was constructed in 1971. This farm has been in the Gerdes family for multiple generations.
- It is the responsibility of the applicant to determine if any additional state or federal permits or licensures are required to sell the specific products.
- The Gerdes' Family Farm is located approximately a third of a mile off Beaver Ridge Drive in Caledonia Township. Two intermittent streams flow into the Beaver Creek valley at approximately 900 and 1400 feet away. Since they are repurposing an existing structure, many of the standards are not applicable. There are no bluff impacts, floodplain, shoreland, slope, feedlot or mine concerns. There is an existing septic holding tank south of the silo.
- Caledonia Township and the ten nearest property were notified. No comments were received.

Chairman Hammell asked William Gerdes if he had anything to add. Will said they are requesting a conditional use permit to sell milk and other farm products. They would like to convert the existing silo into office space and have guest quarters for family in the upper level.

Rich Schild asked what other kinds of products they would sell. Will said starting out, it would be raw milk, but could be eggs, meat, etc. down the road.

Larry Hafner asked for clarification on the silo use for guests. Will said they have a larger family and would like to remodel the upper level for extra space when family visits.

Greg Myhre asked if they would be bottling the milk. Will indicated they would not be. They are not allowed to do that under state requirements. Customers will bring their own containers or buy containers onsite to purchase milk.

Larry Hafner asked if state requirements were looked into. Liz Gerdes indicated she has been in contact with the MN Dept of Ag as far as licensing and inspections, etc.

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

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

Greg Myhre made a motion to bypass questions 5 and 13 that are not applicable. Jim Wieser seconded. Roll call vote was taken. All were in favor. Motion carried.

SA = Staff Analysis

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

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

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

Staff Analysis: The main purpose of the Land Use Plan is to promote practices that allow expansion and maintenance of commercial agriculture.

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

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

Staff Analysis: The applicants are requesting a building permit to change the use of a silo into a farm outlet store. This change to direct sales initiated the need for a conditional use permit.

Bob Conway – Yes, Agrees with SA and Rich S.
 Wayne Feldmeier – Yes
 Larry Hafner – Yes, Agrees with SA.
 Ed Hammell – Yes
 Greg Myhre – Yes
 Rich Schild – Yes, Agrees with SA this will help smaller farm operations.
 James Wieser – Yes, Agrees with Rich S.

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

Staff Analysis: The applicant states they plan to use a holding tank for wastewater. Any modifications or install of new septic system needs to be completed by a licensed MN septic professional.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes, They have taken good care of the place.

Greg Myhre – Yes

Rich Schild – Yes, Agrees with Ed.

James Wieser – Yes

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

Staff Analysis: This is an existing building and the proposed change of use will not have a greater impact than the current use.

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

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

Staff Analysis: N/A

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

Staff Analysis: Any new septic system or modification of an existing system will need to be completed by a licensed MN septic professional. There will be no harmful byproducts or toxic materials used for this project.

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

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

Staff Analysis: The existing farmstead has all utilities and existing road access. Should any new utility need arise, the costs will be the responsibility of the landowner.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Agrees with SA, looks like everything is there already.

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: They have designated two areas for parking at this time. The applicant owns approximately 240 contiguous acres here so there should be adequate space for off-street parking and loading if more space is needed.

Bob Conway – Yes, Agrees with SA and Jim W.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, photos show there would be plenty of parking space.

James Wieser – Yes, the farm is located at the end of a long driveway with plenty of parking.

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

Staff Analysis: Farm outlet guests have reserved time slots for milk pick up to stagger traffic. Those time slots are limited to six guests.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes, at the end of a driveway, no issue.

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: This farm is set back off the road and not directly visible to neighbors. It will remain a dairy operation as it has been for many years, but include direct to consumer sales. The farm outlet itself will have no nuisance factors.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes

Ed Hammell – Yes

Greg Myhre – 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: Much of the surrounding acreage is cropland and an additional component at this farm will not impede future surrounding development.

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, the permit is part of the orderly development.

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: This proposal will not produce offensive odors, fumes, dust, noise or vibrations and there will be no lighted signs.

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

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 agricultural community is evolving and many smaller producers are beginning to provide a unique direct sales service to increase viability. This practice ultimately does not change the commercial agriculture that already exists at this and neighboring sites.

Bob Conway – Yes, Agrees with SA.

Wayne Feldmeier – Yes

Larry Hafner – Yes, Agrees with SA.

Ed Hammell – Yes

Greg Myhre – Yes

Rich Schild – Yes, Good analysis.

James Wieser – 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 applicant is required to follow all county, state and federal guidelines for the operation of their business, which should result in protection for the public's health, safety, morals and general welfare.

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

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 operate a farm outlet to sell milk and other farm products in an agricultural protection 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.

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.

Jim Wieser 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 May 28, 2021.

Houston County Planning Commission
July 22, 2021

Approved on August 26, 2021 by Wayne Feldmeier and Greg Myhre

The Houston County Planning Commission met at 5:00 p.m. on Thursday, July 22, 2021. 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, Ed Hammell, Rich Schild and Jim Wieser. Greg Myhre, County Commissioner, was present. Amelia Meiners was present for Environmental Services.

Larry Hafner made a motion to approve the minutes of May 27, 2021. Bob Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 928 was read for Karl Housker, 322 North Maple Street, Mabel, MN 55954.

The applicant is seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district in Caledonia Township.

- This is currently a four-acre parcel off Prairie Ridge Road in Caledonia Township. This site currently only consists of a feedlot with two barns and an open lot, but at one point there was a dwelling. It is unclear in what year that was removed, but it has been over ten years. The applicants are proposing to parcel off enough property to achieve a buildable lot to construct a "shouse". Details regarding building size have not been provided, but the applicants are aware that there is a limited building envelope within the proposed property lines.
- The current landowner approves of the Conditional Use Permit request.
- The parcel is in an open quarter-quarter with adequate road frontage. The area within the proposed parcel split consists of farmstead mix (driveway and lawn). Since this is a non-farm dwelling, it cannot be located on prime agricultural soils. The area in which they plan to build meets the exemption for being out of production for ten years or more. The septic system may be located on prime ag soils. There is no floodplain, wetland, shoreland, bluff or slope concern.
- This location presents a unique challenge. There is a feedlot at this location, but the landowner is the brother-in-law of the applicant so they will be exempt from that setback. However, there is a registered feedlot directly across the road from this site at approximately 200 feet. This feedlot is registered for zero animal units and the producer states he last had animals on-site 1/11/15. Aerial imagery supports that fact. When discussing formally closing the site during a regular feedlot registration cycle, the producer mentioned his son-in-law may wish to restock the site at some point and he did not want to hinder his future ability to do so. It is staff opinion that at this point based upon ordinance definition of a new feedlot, if the son-in-law wishes to restock in the future regardless of whether infrastructure is existing it will be considered a new site. If this dwelling is approved and the son-in-law was to restock the feedlot, he would be required to complete a variance for setback to a residential dwelling. He could never restock the site either. Staff is asking the Planning Commission to make a determination on whether a feedlot variance should be required. Relevant ordinance language below - ***New animal feedlot.*** "*New animal feedlot*" means an animal feedlot or manure storage area: 1. Constructed, established, or operated at a site where no animal

feedlot or manure storage area existed previously; or 2. That existed previously and has been unused for five years or more.

- **33.16 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS**

Subdivision 6. Residential Dwelling Setback from Feedlot. New dwellings and the expansion existing dwellings, other than the feedlot owner's or family member's dwelling, less than one-fourth ¼ mile from a registered feedlot shall be reviewed by the feedlot advisory committee and shall require the granting of a site specific variance from the board of adjustment.

- Caledonia Township and the ten nearest property owners were notified. One comment was received.

Vice Chairman Hafner asked Karl Housker if he had anything to add.

Karl stated that he plans to purchase one acre of land from his brother-in-law, to build a "shouse". Karl stated the "shouse" will not have a basement but would have a storm shelter. Karl intends to keep an eye on his brother-in-law's cattle.

Rich Schild asked Karl if it was just one acre. Karl confirmed that it would be just one acre he would be purchasing from his brother-in-law. Rich Schild asked if on that one acre there would be room for the building plus the septic system. Karl responded that in the preliminary septic inspection plan there is room for two septic spots.

Bob Conway asked if this property would be their residence. Karl confirmed that it would be. Bob Conway asked if there was a well there. Karl stated that there is a well on the property and that they will be doing a shared well agreement. Karl stated that they are doing this preliminary work so that they can be sure that if they purchase the property it is a buildable site.

Jim Weiser asked if the one acre was surveyed. Karl stated that they had not had an official survey just a rough layout of a plan that Amelia had assisted in creating.

Jim Weiser stated that he drove by the site and noticed that there was hay in the buildings. He then asked if cattle are there seasonally. Karl explained that his brother-in-law recently had to fix some fences but there are cattle on the property now.

Bob Conway asked if the one acre is tillable. Karl explained that it was not as there was a house there previously.

Amelia explained that the building site is a registered feedlot, but because it belongs to his brother-in-law, Karl would be exempt from any sort of feedlot setback. She also explained that across the road there is another registered feedlot located about 200 feet from the proposed building site. She explained that the neighboring feedlot has not had animals since 2015 and that the owner has registered it for zero animal units. Amelia stated that she had spoken with the neighboring feedlot owner and he would like to keep his feedlot permit in the event that his son-in-law would ever decide to house livestock there. Amelia explained that the ordinance states that a feedlot variance permit is required for a dwelling setback from any registered feedlot. Amelia stated that feedlots are considered new feedlots if they have not housed animals for five years or more and if the feedlot owner does restock it will be considered a new feedlot. Amelia stated that currently he could restock it without issue as there's no house within a quarter mile other than his own, but if Housker's permit is approved and the house is built, the feedlot owner will be required to get a variance to restock his feedlot. Amelia asked the Board for some guidance as to whether or not this application should have a feedlot variance included.

Jim Wieser stated that in his opinion he did not feel that a feedlot variance was necessary for this permit.

Wayne Feldmeier asked if their house would be the only one on that forty. Karl confirmed that it would be the only one.

Amelia stated that she received an e-mail from Tracy Schnell/MNDOT. The project is acceptable to MNDOT.

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

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

Jim Weiser made a motion to bypass questions 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 an interim 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 encourages agriculture. This site will not be removing any land from production and having a dwelling on-site will allow the applicant to assist his brother-in-law with cattle if needed.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: A septic professional completed a preliminary review of the site to determine that there are two locations for Type I systems. Further work will need to be completed by a licensed septic professional per MPCA requirements.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction. There is minimal slope at this site.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: Non-farm dwellings cannot be constructed on prime agricultural soils. This site meets the exemption for not having been in production for ten years or more. A dwelling was located in proximity to the proposed location at one time.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk. This site has been preliminarily approved by a septic professional.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: This is an existing developed site so many utilities are present. If any new installations are necessary, any costs are the responsibility of the applicant.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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 applicant plans to purchase an acre parcel which should allow for adequate off-street parking.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

Staff Analysis: N/A

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

Staff Analysis: The primary use of surrounding acreage is agricultural. Tillable acreage surrounds much of the property while across the road is a farm dwelling. A dwelling existed at this site at one time as well.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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: This request meets the required agricultural protection district density limitations.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote. Ed Hammell and Greg Myhre were not present to participate in the vote.

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

The Board discussed the feedlot variance further and decided that a feedlot variance was not necessary for this permit.

Wayne Feldmeier made the motion to recommend the Houston County Board approve the Conditional Use application to build a dwelling on less than 40 acres in an agricultural protection 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. Contingent upon the creation of a new parcel substantially similar to the proposed parcel as described in the application.

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.

Notice of Public Hearing No. 929 was read for Thomas Ready, 1369 County 6, La Crescent, MN 55947.

The applicant is seeking a Conditional Use Permit to operate a storage facility in the General Business District.

- This is a 1.57-acre parcel in La Crescent Township, but there is 5.2 contiguous acres here. All three are zoned General Business.
- La Crescent Township handled zoning when former business activities were permitted on this property so permitting history is unknown. There is currently no conditional use permits on record for this parcel
- The applicant owned and operated a bus company for many years and has since retired. The bus sheds are empty and the applicant is looking to convert them into multi-unit storage facilities. This will only require interior construction activities aside from installing additional garage doors. Therefore, no zoning permits will be required. Proposed building layouts are shown below; larger drawings are included in the packet.
- Relevant ordinance language: **17.3 CONDITIONAL USES**
Subdivision 1. Conditional Uses. *In the General Business District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*
(1) Auto Service Stations.
(2) Drive in Business.
(3) Passenger and Freight Transportation Terminals.
(4) Single and Multi-Family Dwelling Units.
(5) 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 uses already permitted in the district.*
- The applicant is proposing this use under “other uses”. If single and multi-family dwelling units are a conditional use in this district, this could be considered an accessory use to those and therefore a relevant fit.
- This is a 1.57-acre parcel in the General Business District of La Crescent Township. It is surrounded by residentially zoned properties within La Crescent Township and many properties that have been annexed into the City of La Crescent. There is an unnamed tributary to Pine Creek approximately 750 feet to the west and Pine Creek is 1,610 feet to the south. There are no floodplain, shoreland, wetland, slope or bluff concerns with this proposal. This physical property of this site will not change.
- La Crescent Township and the ten nearest property were notified. No comments were received.

Amelia read an email with concerns from Timothy and Valerie Stencil.

Chairman Hammell asked Tom Ready if he had anything to add.

Tom Ready presented a copies of building site to the Board. Tom stated that his bus service was the first property developed in that area. Tom explained that he plans to divide the building into 29-35 rental units to store boats, campers, and miscellaneous personal storage. Tom stated that when the bus service was operational there were approximately 200 vehicles entering/exiting his building 7 days a week. Tom explained that he expects the new business would have less traffic as he does not expect the renters of the units to visit the property frequently. Tom shared that security cameras will be reinstalled on site and is property is surrounded by large pine trees that would buffer any noise that would be created by the renters.

Bob Conway commented that it seems like a good use for the property. Tom agreed and briefly discussed the other business options that he could have chosen and how those would have impacted the neighborhood. Tom explained that the rental units seemed like a much less disruptive fit.

Rich Schild clarified that Tom was actually envisioning less traffic. Tom agreed and stated that when you drive by a storage unit facility you rarely see people hanging around those properties.

Larry Hafner asked if he planned to have someone checking on the property occasionally. Tom explained that his wife's sister and her husband live next door and that they've always kept a close eye on the place.

Bob Conway asked Tom if his rental agreement would include specific times to enter the building. Tom stated that he does not plan to include approved entry hours in the rental agreement. Tom stated that he does not have concerns about renters entering the units after dark because of the type rentals and the fact that the units will not have interior lighting.

Jim Weiser asked Amelia if this permit only applies to the middle lot of the three. Amelia confirmed that. Jim Weiser asked Amelia if Tom will need to apply for another CUP if he does decide to expand into the other lots. Amelia stated that for now it's only on this lot because that is where the buildings are but if he decided to put up another building that would possibly require another CUP.

Bob Conway asked for clarification on the wording of the "General Business District" and asked if this is a business district. Amelia explained that Tom's business existed before that area of La Crescent was developed. Amelia explained that La Crescent Township used to do their own zoning and that she believed that Tom had had it rezoned at one time to accommodate the bus business. Amelia stated that they looked at rezoning and that warehouse and storage is an approved use of an industry district but that was the only district that would allow that use. Amelia stated that rather than rezoning we thought that asking for a permit for other uses would be a good resolution.

Amelia stated that she received an e-mail from Tracy Schnell/MNDOT. The project is acceptable to MNDOT.

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

Bob Conway stated that the security cameras should take care of the security aspect and the absence of lights in the storage facilities themselves should cut down on the evening visits.

The Board further discussed the concerns raised in the Stencil's email.

Rich Schild commented that it would be a shame to let those buildings sit empty.

Jim Weiser commented that it is a good use of the existing structures and that there is a need for storage space for large items. Jim stated that part of the Board's job is to promote businesses within Houston County. Chairman Hammel and Rich Schild agreed.

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

Jim Weiser made a motion to bypass questions 5 and 13 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:

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 landowner would like to maintain the property by finding a new use for his existing infrastructure rather than let it deteriorate which is in the best interest of the County.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Former business operations have ceased and in an effort to utilize existing infrastructure in good condition the applicant the applicant has decide to offer storage services. With the number of residential properties in close proximity, this may be a good service to provide with little impact.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This use will not change the exterior of the existing structures and will not have a different effect on water quality than the current use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This use will not change the exterior of the existing structures and will not have a different effect than the current use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: There should be no pollution hazards. There will be no additional on-site septic.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing site and there will be no additional utilities needed. If a utility need arises, it will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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: This site used to accommodate multiple busses so will have adequate off-street parking and loading spaces for this use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site used to accommodate school buses in which there were 100-150 departures per day. The applicant estimates the new use will have 10-15 trips per day of light vehicle traffic.

Board agreed to the finding by a unanimous vote.

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 surrounding properties are residential and the proposed use will complement those properties and actually be less intense than the previous business.

Board agreed to the finding by a unanimous vote.

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: This area is highly developed and this use should not affect any future change of uses.

Board agreed to the finding by a unanimous vote.

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: Storage units will create less of a nuisance to neighboring properties than what the bus company did.

Board agreed to the finding by a unanimous vote.

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 the only commercial development in the area and the proposal will be a complement to the residential development in the area.

Board agreed to the finding by a unanimous vote.

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: To the County's knowledge, this location has never had an issue affecting the public's health, safety, morals and general welfare and that will not change with the new use.

Board agreed to the finding by a unanimous vote.

Larry Hafner made a motion to accept the findings as presented. Richard 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 operate a storage facility in the General Business 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.

Richard 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.

Larry Hafner made a motion to adjourn the meeting. Robert Conway seconded. Roll call vote was taken. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on July 23, 2021.

Houston County Planning Commission
August 26, 2021

Approved on September 23, 2021 by Jim Wieser and Rich Schild

The Houston County Planning Commission met at 5:00 p.m. on Thursday, August 26, 2021. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Wayne Feldmeier, Larry Hafner, Ed Hammell, Rich Schild and Jim Wieser. Greg Myhre, County Commissioner, was present. Bob Conway was not present. Amelia Meiners was present for Environmental Services.

Wayne Feldmeier made a motion to approve the minutes of July 22, 2021. Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 930 was read for co-applicants, Josh & Autumn Wiste, 14425 17th Ave. N., Plymouth, MN 55447 and Mike & Jennifer Wiste, 21333 Sugar Valley Road, Spring Grove, MN 55974.

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district in Spring Grove Township.

- This is currently a 120-acre parcel in Spring Grove Township comprised of a farmstead and primarily tillable ground. The landowners are looking to split off a 5.5-acre section in the southeastern corner for their son and daughter-in-law to build a dwelling. Any reference to applicants further in this document is actually referring to Josh and Autumn Wiste. The potential building site consists of timber ground and is accessed off Stratford Road. The road is vacated west of the north-south quarter-quarter line separating the SE NW and SW NE quarter-quarters of Section 23.
- Surrounding property use is primarily agricultural, but there are two neighboring properties with conditional use permits. The property at 19479 Stratford Drive has a permit to operate a sawmill and the property at 19315 Stratford Drive has a permit to operate a bed and breakfast. These are both within a quarter mile.
- A 5.5-acre parcel will be split off the southeast corner of the SE NW quarter-quarter of Section 23 in Spring Grove Township. It is an open quarter-quarter. There is approximately 2 acres of top ground area less than 23% grade to accommodate a dwelling and all accessory requirements. There should be adequate acreage to meet all property line and road setback requirements. Stratford Drive allows access in the southeast corner of the property and driveway slopes of less than 12% should be achievable. The applicant believes there is 33' of road frontage.
- Slopes at the building site are between 10- 20%. This location just barely meets the definition of a bluff and with that there will be a 40 foot top of bluff setback. A section of the split parcel will contain soils type 492C, a class III soil, but the property has been timber and therefore out of production for ten years or more. It is exempt from the prime ag soil requirement. The shrinking and swelling tendencies of this soil are a concern, but proper structural design and backfilling can prevent issues. Sites should conform to the natural slope of the land.
- There is an intermittent stream approximately 450 feet to the northwest and 1,900 feet to the west. There are no wetland, shoreland or floodplain concerns with this proposal.

- The closest feedlots are about a half mile away and there are no mines within 1,000 feet.
- Spring Grove Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the Wistes if they had anything to add.

Mike Wiste explained that 5.54 acres have been transferred to Josh and Autumn Wiste. Mike stated that Josh and Autumn have three children. Mike explained that one of the children has medical difficulties and having them close will allow family to help out more.

Amelia stated that since the board packet was mailed, the land has been surveyed, a parcel has been created and transferred to Josh and Autumn Wiste.

Jim Wieser asked if the land was currently a woodlot. Mike confirmed that it was.

Amelia read an email from Alvin Moen in opposition to granting a conditional use permit on less than 40 acres. The Board decided that Alvin's property was in a different quarter-quarter and would not be affected by granting a permit to Wistes.

Rich Schild asked what type of soil the parcel was made up of. Amelia stated that it was a silt loam soil.

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

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

Jim Wieser made a motion to bypass questions 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: This proposal meets the density limitations required for the Agricultural Protection District in the Land Use Plan and Houston County Zoning Ordinance. In addition, they will be utilizing ground that has no current tillable value.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A septic professional completed a preliminary review of the site to determine that there are two locations for Type I systems. Further work will need to be completed by a licensed septic professional per MPCA requirements.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction. Slopes are 10-20% at this site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This newly created parcel will consist of cleared timber ground. One area is class III soils, but because it has not been in production it meets the exemption for non-farm single family dwellings.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Treatment of septage is likely the biggest potential pollution hazard, but a septic system designed and installed by a licensed MN professional should mitigate that risk.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This proposal is adjacent to an access road and in proximity to other necessary utilities. All utility costs will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 applicant plans to purchase a 5.5-acre parcel, which should allow for adequate off-street parking.

Board agreed to the finding by a unanimous vote.

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: Most of the neighboring property is agricultural, but the applicants should be aware that two neighboring properties have CUPs for commercial operations within a quarter mile. Dwellings are also present at these sites. A new single-family dwelling will not be injurious to those uses.

Board agreed to the finding by a unanimous vote.

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: This request meets the density limitation requirement for the agricultural protection district.

Board agreed to the finding by a unanimous vote.

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: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote.

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.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application to build a dwelling on less than 40 acres in an agricultural protection 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.

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.

The Board discussed some general Zoning issues and updating the land use plan.

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 August 27, 2021.

Houston County Planning Commission
September 23, 2021

Approved on November 4, 2021 by Greg Myhre and Jim Wieser

The Houston County Planning Commission met at 5:00 p.m. on Thursday, September 23, 2021. A summary of the meeting follows.

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

Jim Wieser made a motion to approve the minutes of August 26, 2021. Rich Schild seconded. Roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 931 was read for applicant, **Kerry Ruffridge**, 19001 County 8, Mabel, MN 55954.

The applicant is seeking a Conditional Use Permit to change the use of an existing building into a non-farm dwelling on less than 40 acres in an Agricultural District.

- At one point, the applicant owned over 40 contiguous acres in Spring Grove Township, consisting of a cabin structure, a farmstead and a separate Ag building. The cabin and a majority of the acreage has been sold off, leaving 37 acres consisting of a farmstead and the separate pole shed. The farmstead has been parceled off as well. The pole building was permitted in 2020 (Permit #4939) for the storage of a tractor, trailers, etc. Now the applicant is looking to change the use of this structure into a shop with a studio apartment. A building permit will be required to do so.
- This structure will be the only dwelling within the NW SE quarter-quarter and meets all the necessary building standards required of a dwelling.
- The remaining property consists of timber acreage. This dwelling is proposed on what may become an 8-acre parcel in the NW SE quarter-quarter of Section 6 in Spring Grove Township near Riceford.
- Slopes at the building site are 10-15%, but there will be no additional structure added. The site will need to accommodate a septic system. The soils are class VI.
- There is an intermittent stream approximately 500 feet in the southwest direction and one 2,000 feet to the northwest. There are no wetland, shoreland or floodplain concerns with this proposal. There are no feedlots within a quarter mile and no mines within 1,000 feet.
- Spring Grove Township and the ten nearest property owners were notified. One comment was received.

Chairman Hammell asked Kerry Ruffridge if he had anything to add.

Kerry Ruffridge stated that he wants to add living quarters to the shop he built last year.

Greg Myhre asked for the dimensions of the shop. Kerry stated that the shop is 32 ft by 48 ft and he plans to use half of it as his dwelling and the other half as shop. Bob Conway asked if it was originally constructed as an outbuilding for the farm. Kerry confirmed that it was.

Amelia asked Kerry to explain what his plans were for well and septic. Kerry stated that Larson Well Drilling will be drilling a well to the northeast of the building and STS Plumbing will be installing the septic and has two possible sites options.

Jim Wieser asked Kerry what the final lot size will be once the parcel split is complete. Kerry stated that it would be 8.65 acres.

Greg Myhre asked if the living quarters would be a one bedroom. Kerry replied that it would be a one bedroom studio apartment.

Rich Schild asked Kerry if his septic would be just a holding tank or a full septic. Kerry stated that it would be a full septic. Rich Schild asked if the shop was his personal shop. Kerry confirmed that it was. Bob Conway asked if any oil would enter the septic system. Kerry answered that it would not.

Amelia stated that in 2002 Kerry received a permit to place a trailer and eventually build a house. Amelia explained that the permanent structure was to be built within a year, but was never constructed. (Amelia stated that Kerry has only had an RV there since that time and that an E911 address was not issued until Fall of 2020, which is consistent with the fact that no one appeared to be living there.)

Bob Conway asked if Section 29.15 prohibiting the use of an accessory building as a permanent residence applied in this case. Amelia state that another zoning application (with no fee attached since the building is already up) will need to be submitted for the shop to change the use of it from an ag building into a dwelling.

Chairman Hammell asked if anyone else wished to speak.

Dennis and Monica Dotseth addressed the concerns they had previously submitted with the Board.

Rich Schild asked Amelia if there would be an erosion control plan. Amelia stated that since this is an existing building she probably wouldn't include it as a condition. Ed Hammel commented that the only erosion would be from the septic system and that the well wouldn't cause too much erosion. Bob Conway mentioned that the roof would also be a contributing factor, but the site is flat enough that it won't be a problem.

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

Greg Myhre made a motion to bypass questions 9, 12 and 14 that are 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: This proposal meets the density limitations required for the agricultural protection district in the Land Use Plan and Houston County Zoning Ordinance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant plans to have a septic professional install a septic system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The exterior of the structure will not change so the quantity of water runoff will be no different from the current use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils meet the non-farm dwelling standards and are adequate to accommodate a septic system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will hire a licensed septic professional to complete his septic design and install.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing site with utilities and an access road. Any new utility cost will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: An eight-acre parcel will result which should provide adequate off-street parking and loading space for a residential property.

Board agreed to the finding by a unanimous vote.

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: Surrounding properties are residential or tillable acreage. An additional dwelling unit will not influence the surrounding agricultural uses or other residential properties.

Board agreed to the finding by a unanimous vote.

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 surrounding properties are rural residential as most other surrounding quarter-quarters have been developed. Any surrounding vacant ground is recreational or agricultural and an additional dwelling unit will have no impact.

Board agreed to the finding by a unanimous vote.

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 request meets the density limitation requirement for the agricultural protection district.

Board agreed to the finding by a unanimous vote.

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: A non-farm dwelling should not negatively affect the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Wayne Feldmeier made the motion to recommend the Houston County Board approve the Conditional Use application to change the use of an existing building into a dwelling on less than 40 acres in an agricultural protection 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.

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.

Notice of Public Hearing No. 932 was read for applicant, **Josh Ross**, 6752 State 44, Caledonia, MN 55921.

The applicant is seeking a Conditional Use Permit to build an accessory building in the Residential District. The use of which will be accessory to the primary dwelling.

- This is a 1.82-acre parcel located in Union Township off State 44. In 2012, the applicant was granted a zoning amendment to change the zoning district from agricultural protection to residential in order to change the use of the existing structure on this parcel into a dwelling. There is already a dwelling in the NW SW quarter-quarter. In 2014, Permit #4263 approved the construction of a garage and the change of use from a church to a dwelling. That existing garage is 1440 square feet. There is no limit on the number of accessory structures allowed.
- 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 rear yard is approximately 25,500 square feet so a 2,592 square foot building is allowable (9.8%) under Section 29.14 subd. 3 (5).
- No components that generate wastewater are proposed.
- This site is located north of State 44 at the County 20 intersection in Union Township. The parcel is approximately 1.8 acres with variable slope. Slopes are higher west of the proposed garage, but the grade at the proposed garage location meets standards.
- There is an intermittent stream approximately 1,000 feet to the south, which flows to Thompson Creek. Thompson Creek is about 1,500 feet south of the proposed structure.
- There is no bluff, wetland, shoreland or floodplain concern. Feedlot and mine setbacks are not relevant to accessory structures.
- Union Township and the ten closest property owners were notified. No comments were received.

Chairman Hammell asked Josh Ross if he had anything to add.

Josh Ross stated that he would like to build a 36' X 72' storage shed for a third vehicle, boat, lawnmower and other miscellaneous items.

Jim Wieser asked Josh what the height of the shed would be. Josh stated that the shed would have 14' sidewalls and 10' door.

Greg Myhre asked if the shed would be located behind the house. Josh stated that the shed would be behind the house about where the cement driveway ends.

Jim Wieser questioned why there were two separate lot lines marked in the packets. Amelia explained that Beacon (lines marked in blue in Board packet) often has incorrect property lines mapped. Amelia stated that she mapped out the correct property lines in red and verified them with the Surveyors office.



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

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

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.

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 generally encourages building in areas that are already developed. The applicant has taken a structure that was formerly a church to use as a dwelling and would now like to continue to improve the property by adding an additional accessory structure.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies he has a need to store larger equipment such as a boat and tractor. He will meet the garage door size requirements found in the HCZO.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This proposal does not identify any pollution potential that could degrade water quality.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: It is presumed that this property takes on a majority of the water from the surrounding hillsides and that the parking lot was designed to direct that flow. This proposal should not increase runoff and be located so it does not impede natural flow patterns.

Bob Conway asked Josh if the valley behind his property caused the water to flow toward his property during a heavy rain. Josh stated that if you're standing facing the highway the left property line (to the east of the shed) has a pretty good ditch that will carry some water in a heavy rain.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are a silt loam with slopes being the main limitation. However, slopes at this site are under 18%. Structures should be designed to conform to the natural slope of the land.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There will be no wastewater generated with this proposal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing site; all utilities, roads, etc. are present. Any new facility need will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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 surrounding property is bluff land, residential or tillable acreage. An additional accessory structure will not be injurious to those uses.

Board agreed to the finding by a unanimous vote.

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: Accessory structures are allowable in the residential district and since this property is surrounded by the agricultural protection district, a larger accessory structure will not be out of place with other properties in the vicinity.

Board agreed to the finding by a unanimous vote.

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 surrounding area is within the agricultural protection district, this proposal will be consistent with uses and structures found within that district, but will meet residential district standards.

Board agreed to the finding by a unanimous vote.

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: This proposal has no impacts to the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Bob Conway 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 Conditional Use application to build an accessory building in the residential 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.

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.

The Board discussed the next meeting date and discussed updating the land use plan.

Jim Wieser 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 24, 2021.

Houston County Planning Commission
November 4, 2021

Approved on December 16, 2021 by Greg Myhre and Wayne Feldmeier

The Houston County Planning Commission met at 5:00 p.m. on Thursday, November 4, 2021. A summary of the meeting follows.

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

Greg Myhre made a motion to approve the minutes of September 23, 2021. Jim Wieser seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 933 was read for applicant, **Daniel & Marissa Solum**, 470 Bush Valley Rd, La Crescent, MN 55947.

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

- This is a 24-acre parcel in La Crescent Township with a single pole-shed type structure. Permit #1011 was issued by La Crescent Township on 8/11/2003 for a 33' x 44' pole building and on 9/23/03 Permit #1018 was issued for the septic system. The applicants at that time identified the pole shed would be used for storage and that a future house was planned for the following year. There is no record a separate dwelling permit was sought. Assessor's records indicate that in 2007, the pole shed had been a residence for three years.
- In 2019, the applicant contacted the office to see about constructing an addition on the current structure and it was discovered that the previous landowners had only permitted the structure as an accessory building and had never received a conditional use permit for a dwelling on the property. It has been a 24-acre parcel since it was created in 1997 and the La Crescent Township Ordinance in effect at that time mirrored the County ordinance language for farm and non-farm dwellings (see Fig. 1 below). For the above reasons, the addition permit application was denied until the applicants could bring the site into compliance. At this point, they are seeking the conditional use permit so they can construct a new dwelling, which will require that the established, unpermitted "dwelling" at the site be reverted to the use it was actually permitted for in order to comply with the dwelling density rule.
- This site is located on the side hill and slopes seem to be the biggest challenge, but the site does meet the bluff setbacks and slope requirements. Slopes range from 7-12% at the building site. There is one soil area, 580C2, near the proposed dwelling location that is a Class 3 soil, but this ground has been out of production for at least 10 years and is now exempt from the prime ag soil requirement. This will be the only dwelling in the NE SE quarter-quarter of Section 13. The closest feedlot is 2,150 feet away and there is no mine within 1,000 feet.
- Floodplain, wetlands and shoreland are not a concern. There is an unnamed intermittent stream approximately 375 feet east of the existing structure that then skirts about 575 feet south as well.
- La Crescent Township and the ten nearest property owners were notified. One comment was received and is included in the packet.

Amelia explained that she recommends adding a condition requiring the use of the shed as a dwelling to end upon occupancy of the proposed dwelling and that Solums be required to apply for a change of use permit on the existing building if they decided not to build the proposed dwelling.

Chairman Hammell asked the Solums if they had anything to add. Dan Solum stated that they would like to build a home with an attached garage and that they plan to use the existing dwelling as a shop.

Rich Schild asked if they would be able to use the existing septic system for the shop. Dan Solum stated that Septic Pros will install a new septic system. Dan stated that Septic Pros was planning to inspect and hopefully reuse the old tank in the new system. Dan stated that the shop and house would both be connected to the new system. Larry Hafner questioned if the distance would be close enough to connect both. Dan stated that it sounded like that was Septic Pros' plan. Larry Hafner asked how far the new house would be from the current system. Dan stated that it would be about 60 ft. Rich Schild stated that 60 ft should be no problem to connect them.

Jim Wieser asked if the proposed placement of the house would meet setbacks. Amelia stated that it would be right at the 50 ft setback. Amelia clarified that the proposed house would also meet slope standards.

Chairman Hammell mentioned that there was one comment from the public in the packet. Amelia stated that the comment received was in favor of the Solum's proposal.

Chairman Hammell asked that the Findings be read as there was no public present for comment.

Greg Myhre made a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Jim Wieser seconded. 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: This proposal meets the density limitations required for the Agricultural Protection District in the Land Use Plan and this is an area of the County where growth is encouraged.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district and this will correct a non-compliant dwelling situation left by a previous landowner.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: A licensed septic professional will be utilized to design and install a new septic system. The existing system will be abandoned as required.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: Strictly adhering to the approved erosion control plan will ensure runoff is managed adequately. A new structure will not adversely increase the quantity of runoff. Compliance with an approved erosion control plan will be required during and post construction.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: Soil types 580C2 and 580D2 are present in the proposed dwelling location. They are identified as somewhat limited or very limited primarily due to slope. This location requires extensive land shaping and a design that conforms to the natural slope of the land and to accommodate the natural shrinking and swelling of soils.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: The largest potential pollution hazard with single-family dwellings is the septic system. The septic system will be designed and installed by a licensed MN septic professional. Erosion potential will be addressed with the erosion control plan.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: This is an existing site and all utilities are present. Any modifications or new utility requirements are the financial responsibility of the applicant.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: This site has been used as a residential property for almost twenty years and to our knowledge, there have been no complaints regarding that use.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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: This conditional use request brings the site into compliance for a use that has been present at this location since 2003. The continuation of a residential property will not influence the surrounding agricultural properties.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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 request meets the density limitation requirement for the agricultural protection district.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Staff Analysis: N/A

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

Staff Analysis: The continuation of a non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote. Bob Conway was not present to participate in the vote.

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

Amelia stated that she recommend adding a condition as a way of preventing two dwellings from ending up on that quarter-quarter section. Amelia explained that if the house doesn't happen that the Solums would need to change the use of the shed to a dwelling or that it no longer be used as a dwelling once the house is up. Rich Schild asked if they would need to come back in and get the shed permitted as a dwelling, if for some reason they decide not to build the house. Amelia explained that they would need to apply for a building permit to document the shed as a dwelling. Amelia stated that in situations where there is no square footage being added there will be no permit fee. Larry Hafner stated that he felt the added condition was a good idea.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a single-family dwelling on under 40 acres 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. Use of the pole shed as a dwelling shall end upon occupancy of the proposed dwelling. If that dwelling is not constructed, the landowner must apply for a change of use permit on the existing building.

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.

Notice of Public Hearing No. 934 was read for co-applicants, **Carl & Elizabeth Olson**, 127 2nd Ave SW, Spring Grove, MN 55974 and **Wayne & Elsie Olson**, 8454 County 10, Houston, MN 55943.

The applicants are seeking a Conditional Use Permit to build a dwelling on less than 40 acres in the agricultural protection district.

- The applicants will be purchasing approximately seven acres of the family farm in the northwest corner of the SW NW quarter-quarter of Section 17 in Sheldon Township to build a dwelling. The building site has historically been pasture.
- There are no bluff, floodplain, wetland, or shoreland concerns. There is a registered feedlot, belonging to Wayne and Elsie Olson, at 8454 County 10, but the applicants are exempt from meeting the setback to site. The next closest is over a half mile away. There does not appear to be a mine within 1,000 feet. A septic installer has been on-site to identify two potential type I systems as is

required for new lots, but the specific details were not available at the time of publication. They will have approximately 675 feet of road frontage off County 10.

- The structure will need to be located on slopes under 23%. There is approximately 0.9 acres in the immediate vicinity of the proposed dwelling that will meet the slope requirement. The soil type is 388C2, which is a class III Seaton silt loam soil. It is suggested that buildings constructed on this soil type be designed to conform to the natural slope of the land. The site has always been pasture and most of the parcel will continue to be after construction.
- Sheldon Township and the ten nearest property owners were notified. One comment was received and is included in the packet. There were a couple additional inquiries, but no formal comments submitted.

Chairman Hammell asked the Olsons if they had anything to add. Carl Olson stated that they wanted to build a home close by so their family could be more actively involved in the family farm.

Larry Hafner asked if the property would have its own well. Carl stated that it would.

Amelia read an email from county engineer Brian Pogodzinski. Brian's email stated that based on aerial photos they should be able to find a suitable location for a new driveway and that he had no issues with the proposed Conditional Use request. Amelia stated that the Olsons will need to submit an application to the Highway Department for a new driveway access when they apply for a building permit.

Chairman Hammell asked if anyone else wished to speak. Brian Jore stated that his family is supportive of Olsons building a home on the property. Brian stated that he was representing the Jore family. Brian explained his family has property line concerns and asked the Board to require the property line issues be addressed prior to granting a conditional use permit. The Board discussed the concerns with both parties and decided to move forward.

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

Greg Myhre a motion to bypass questions 8, 9, 12 and 14 that are not applicable. Rich Schild seconded. 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 Comprehensive Plan provides the basis for limiting development in the agricultural protection district. The proposal satisfies the conditions necessary.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A CUP is required to construct a single-family dwelling in the agricultural district

Board agreed to the finding by a unanimous vote.

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.

Board agreed to the finding by a unanimous vote.

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 zoning permit application to address construction and post construction site drainage. The effects of increased runoff due to impervious surfaces (e.g. roof, driveway) are estimated to be negligible.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The soils are class III, but it qualifies for an exemption from the prime ag soils requirement since it has historically been pasture. Soil borings will be needed to determine suitability for septic system.

Board agreed to the finding by a unanimous vote.

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.

Board agreed to the finding by a unanimous vote.

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

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

Bob Conway commented that Olson's should carefully consider erosion control as they decide on a site plan.

Board agreed to the finding by a unanimous vote.

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 effect is anticipated. There are other dwellings in this vicinity and an additional one will not impact the uses of adjacent properties.

Board agreed to the finding by a unanimous vote.

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 SW NW quarter-quarter per the dwelling density policy. All remaining property in that quarter-quarter belongs to the applicants. This proposal will enable applicants to continue operating the family farm which is a common use in the agricultural district.

Board agreed to the finding by a unanimous vote.

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

The Board again discussed property line concerns with Brian Jore.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application for a single-family dwelling on under 40 acres 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 Certificate of Survey completed by a licensed surveyor is required for the newly created parcel, which shall be substantially similar to the proposed parcel as described in the application.

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.

Larry Hafner made a motion to adjourn the meeting. Bob Conway seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on November 5, 2021.