

Houston County Planning Commission
March 23, 2023

Approved on April 27, 2023 by Jim Wieser and Cindy Wright

The Houston County Planning Commission met at 5:00 p.m. on Thursday, March 23, 2023. A summary of the meeting follows.

The meeting was called to order by Environmental Services Director Martin Herrick. Roll call was taken. Members present were Wayne Feldmeier, Ed Hammell, Larry Hafner, Cindy Wright, Josh Gran and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick was present for Environmental Services.

Election of Chairperson for 2023 took place. Jim Wieser nominated Ed Hammell for Chairperson. Wayne Feldmeier seconded. Greg Myhre made a motion to cease nominations. All were in favor. Motion carried.

Election of Vice Chairperson for 2023 took place. Larry Hafner nominated Jim Wieser for Vice-Chairperson. Josh Gran seconded. Wayne Feldmeier made a motion to cease nominations. All were in favor. Motion carried.

Greg Myhre made a motion to approve the minutes of August 25, 2022. Jim Wieser seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 952 was read for applicant, **Anthony and Joyce Heppner**, 22881 County 8, Mabel, MN 55954.

The applicants are requesting a Conditional Use Permit to process and sell farm raised meat and animal products in an agricultural district.

- Anthony and Joyce Heppner are submitting this application for a Conditional Use Request to retrofit an existing 22ft X 18 ft building into a retail farm outlet for meats. The proposal has no revisions to existing septage systems. This proposal does not include any new structures. Apart from an external holding tank all activities will occur within the existing structure.
- An application for a Custom Exempt meat processing license has been applied for with the Minnesota Department of Agriculture (MDA). The MDA requirements address the required building revisions. A Retail Exempt license will be applied for in the fall of 2023
- The liquid and solid waste residuals from the processing are industrial by-products that are regulated by the Minnesota Pollution Control Agency (MPCA) and can be land applied for soil nutrients as a beneficial use. The estimated quantities of liquid and solid wastes generated from the meat processing are below the MPCA's 50,000 gallon and 10 dry ton respective permitting requirements for land application.
- The MPCA best management practices for land application of by-products include:
 1. Baseline analytical for the by-products,
 2. Notification of intent to land apply the by-products,
 3. Evaluate the proposed the soils, slope, and application methods,
 4. Maintain separation distances for application of by-products,

5. Suitability requirements for pathogen containing by products including at least five feet to groundwater, three feet to bedrock, 200 ft to residences, 600 ft to public contact sites and 600 ft to residential developments and the appropriate soil texture and structure.
6. Composite soil sampling prior to initial application and within three years prior to each application.
7. Determine allowable rates of by-product application based on the MPCA's electronic rate application calculator.
8. The MPCA's general provisions for land applying by-products are noted below in the recommended condition No 3.
 - Retail sales will occur only on Tuesday and Friday afternoons and Saturday mornings. Estimated vehicle traffic is two cars per day and two small delivery vans per week. The business will be operated by family members with potentially one full time employee in the future. Processing will include 1 to 2 beef and 4 pigs weekly with deer in the fall.
 - The Heppner parcel is located approximately ½ mile southeast of County 8 on a private drive in Spring Grove Township. On 8/31/2020, 6.67 acres, including the residence and the farm buildings were split off from 13.0393.000 creating parcel 13.0393.002.
 - Since they are repurposing an existing structure, many of the standards are not applicable. There are no bluff impacts, floodplain, shoreland, slope, feedlot or mining concerns. There is an existing septic which will not have additional loading from this activity. The additional traffic will be minimal based on 11 hours of retail sales per week. The only potential signage road will be on the side of the building.
 - Spring Grove Township and the ten closest neighbors were notified. No comments were received.

Chairman Hammell asked the applicants if they had anything to add. Tony Heppner explained he retrofitted an old milk house into a butcher shop. He would like to do full retail, but will need to work towards that in phases. He is seeking a custom exempt license through the MPCA which is the same level of licensing that Bluff Country Meats operates under. Under a custom exempt license, he can do custom slaughter and minimal retail marketing of his own animals. This is his way of adding value to his livestock without expanding his herd. He has a large upright freezer, a walk in cooler with a rail to slide the carcasses in, many deep freezers and an enclosed trailer with deep freezers inside to allow for mobile transport. He is working on obtaining grant funds to purchase a walk in freezer among other things. Greg Myhre asked where the waste water was stored. Tony explained that it drains into an old septic tank that will contain only water from the butchering process. It will be emptied and land spread along with composted animal waste. There is a separate septic system for the house. He explained that he can't sell outside of the State of Minnesota. Jim Wieser asked Tony if they planned to compost anything that is not useable. Tony said he is composting animal waste in a pile with his livestock bedding pack and then land applying it. Greg Myhre asked if Tony would need to have an onsite USDA inspector. Tony stated that he would not under a custom exempt license and that the MPCA inspects his operation four times per year. Tony explained he hopes to have a rental trailer for people to use to process their own chickens. Josh Gran said it's awesome to have more small processors in our local communities. Tony stated the State of Minnesota has never received a report of food borne illness related to home or on farm slaughter.

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

Jim Wieser made a motion to bypass question 13 that are not applicable. Larry Hafner 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 Houston County Land Use Plan.

Staff Analysis: A primary goal of the Land Use Plan is to promote commercial agricultural practices. Processing and retail sales of agricultural products are within the scope of this goal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants are requesting a conditional use permit to change the use of an accessory structure to a farm outlet store. The proposed change to direct sales initiated the need for a conditional use permit.

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 states they will have no additional septage from the proposed activity. The solid and liquid waste residuals are not septage and will be composted, and land spread according to MPCA's Best Management Practices for Beneficial Use of industrial by-products. Residual material that is not land spread will be managed by a solid waste hauler transporting it to the La Crosse County Landfill.

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 is an existing building, and the impermeable surface area will not change. The process wash water will not be managed as surface water.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Best Management Practices for land spreading industrial by-products address soil suitability based on the USDA soil classification system to ensure nutrients are utilized and ground contours are amenable to preventing run off.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: By virtue of food grade facilities the potential pollution hazards are minimized including routine inspections for the respective products. Additionally, the liquid and solid wastes are addressed through proper storage, land spreading and disposal in the La Crosse County Landfill.

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: 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. The conditional use permitting is for a change to retail sales as the facility has already been operating.

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 traffic for this activity will be minimal and there is adequate parking. There is enough space for unanticipated demand. The applicant owns adequate contiguous acres for off-street parking and loading.

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: Traffic associated with this proposal can be readily managed.

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: While it will include direct to consumer sales, this farm is set back off the road and not directly visible to neighbors. The farm outlet itself will have no nuisance factors and its viewshed is blocked by other structures.

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

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

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: 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.

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: 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.

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.

Chairman Hammell asked if Tony would need to keep a log of where he land applied. Martin stated that he would need to report land applications to Houston County. Jim Wieser and Greg Myhre asked for further explanation of Condition three. Martin explained.

Greg Myhre made the motion to recommend the Houston County Board approve the Conditional Use application to operate an agriculture oriented business in the 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. The following general provisions shall be followed when land applying by products:
A by-product must be immediately incorporated on locations prone to flooding,
Application of by-product shall not be applied on ponded water or any other liquids,

Application of by-products shall not be applied to areas that remain fallow for an entire cropping year,

Liquid by-product shall be injected or incorporated within 48 hours for soils with a surface horizon permeability of less than 0.2 inches per hour,

By-products shall not be applied from public road or across public road right of ways,

The application area shall be delineated, fencing and natural barriers can be used as reference,

By-products shall be uniformly distributed over the application area,

By-product run off shall not occur,

No ponding of by-product shall be observed six hours after application.

Cindy Wright 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.

Chairman Hammell asked about the progress of the Comprehensive Land Use Plan. Martin gave an update.

Jim Wieser a motion to adjourn the meeting. Greg Myhre seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on March 24, 2023.

Houston County Planning Commission
April 27, 2023

Approved on May 25, 2023 by Jim Wieser and Josh Gran

The Houston County Planning Commission met at 5:30 p.m. on Thursday, April 27, 2023. 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, Larry Hafner, Cindy Wright, Josh Gran and Jim Wieser. Greg Myhre, County Commissioner, was present virtually, but abstained from voting. Martin Herrick and Amelia Meiners were present for Environmental Services.

Jim Wieser made a motion to approve the minutes of March 23, 2023. Cindy Wright seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 953 was read for applicant, **Mary Lou Graf**, 8892 Crispy Rd, Hokah, MN 55941.

The petitioner is seeking an Interim Use Permit (IUP) for a temporary farm dwelling. The applicant will move to the temporary farm dwelling and a son will reside in the existing dwelling.

- The applicant resides in the single-family dwelling on this 80-acre parcel in Brownsville Township. She has an open quarter but would like to utilize existing infrastructure from a mobile home removed from the parcel in 2008. It is within the same quarter-quarter as the permanent dwelling and will allow for use of an existing water line and septic system, which will obtain a certificate of compliance for the mobile home's existing Subsurface Sewage Treatment System (SSTS). Per the Houston County Zoning Ordinance (HCZO), the secondary dwelling shall be removed when the applicant ceases to occupy it.
- The ordinance language for temporary farm dwellings is found in Section 29.20 subd. 1 and notes one of the five conditions must be met but precedence has been to require all five conditions to be met. As a temporary dwelling, it is reasonable that it be considered an accessory dwelling and the applicant can meet the five requirements.
- Relevant HCZO language:
 - **14.4 INTERIM USES.**
***Subdivision 1. Interim Uses.** In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.*
(6) Temporary Farm Dwelling – Manufactured Home.
(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a “Temporary Farm Dwelling” as defined in section 29 of this Ordinance.
 - **29.20 TEMPORARY FARM DWELLING**
***Subdivision 1. Temporary Farm Dwelling.** A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:*
(1) The manufactured home will be an accessory dwelling unit located on a farm.
(2) The manufactured home will be occupied by persons who are:
(a) Members of the family of the persons occupying the principal dwelling house on the premises.

(b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.

(3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.

(4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

(5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

- This is an existing farmstead consisting of a dwelling and multiple outbuildings. It has a feedlot, but the family is exempt from feedlot setback regulations for their facility.
- There is no mine within 1,000 feet.
- Slopes within the farmstead are under 8% and they will utilize a flat area that had been used for this purpose previously. The proposed location has infrastructure including well access and septic.
- While there are no soil requirements for this application, the land capability classification for the soil is 4e, which is not considered to be prime agricultural land.
- No floodplain, wetland or shoreland concerns exist on site.
- Brownsville Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the applicant if she had anything to add. Mary Lou Graf stated that she would like to place a mobile home so that her son can be closer to help on the farm. She stated that there was a mobile home in that location for her mother-in-law at one time and all of the utilities are existing. Chairman Hammell asked if there was an existing septic. Mary Lou stated that there was a holding tank. Jim Wieser asked if the holding tank would be adequate. Marty stated that it would be as long as it passes an inspection. Chairman Hammell stated that he visited the site and he thought it was set up well. Mary Lou stated that a couple neighbors asked her about the application, but raised no concerns.

Chairman Hammell asked if anyone from the public would like to comment. 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 question 9 and 14 that are not applicable. 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 Houston County Land Use Plan.

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving

agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

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 that the farm requires upkeep and maintenance such as maintenance, repairs, fencing, plowing snow, lawn mowing, etc. With limited physical abilities, the applicants are in need of someone younger to help out.

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 will obtain a certificate of compliance for the existing SSTS, which was used by the previous mobile home location.

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: No impact is anticipated. The slope is under 8% and the proposed mobile home will not substantially increase the amount of runoff from the site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 586D2 with a land capability classification of 4e making it not prime agricultural land. The USDA Web Soil Survey for the site states it is moderately limited for at-grade and trench absorption fields if the proposed holding tank is not used.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicant will be required to have a certificate of compliance for the SSTS prior to the issuance of a building permit for the mobile home.

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 site will utilize the same driveway as the main dwelling and the existing well. The existing septic system for the previous mobile will need a certificate of compliance, which could require upgrades. Utilities are present in this location, but if any new requirement arise it is 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: There is adequate space within the farmstead to accommodate parking and loading space.

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: The surrounding property is primarily utilized as agricultural or rural residential. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

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 predominant use is agricultural. This proposal will not impact the development of surrounding property any more than the existing conditions.

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: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

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: This is a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the dwelling.

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: There are no anticipated issues affecting 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. Cindy Wright seconded. A roll call vote was taken. All were in favor. Motion carried.

Chairman Hammell asked for a voice vote to approve the conditions as presented. All were in favor.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.
4. The permit shall expire when Mary Lou Graf ceases to reside in the temporary dwelling or is no longer engaged in farming.
5. The existing farm dwelling may only be inhabited by immediate family members (spouse and children).
6. At the time of termination of the permit, the temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

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.

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

Submitted by the Planning Commission Clerk on April 28, 2023.

Houston County Planning Commission
May 25, 2023

Approved on June 22, 2023 by Greg Myhre and Wayne Feldmeier

The Houston County Planning Commission met at 5:30 p.m. on Thursday, May 25, 2023. 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, Larry Hafner, Cindy Wright, Josh Gran and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Jim Wieser made a motion to approve the minutes of April 27, 2023. Wayne Feldmeier seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 954 was read for applicant, **Brad Olinger**, 15497 Crazy Corner Rd, Caledonia, MN 55921.

The petitioner is seeking an Interim Use Permit (IUP) for a temporary farm dwelling. The temporary dwelling will be used exclusively for farm help.

- The applicant resides in the single-family dwelling on this 91.86-acre parcel in Crooked Creek Township. There is an additional parcel with an open quarter-quarter for a dwelling to be placed but he would like to utilize existing infrastructure as much as possible. The proposed interim temporary dwelling is within the same quarter-quarter as the permanent dwelling and will allow for use of existing utilities except for the septic system. A new holding tank with an approved design will be used for the septic system. The temporary dwelling shall be removed when the occupant is not actively engaged in farming Parcel ID 04.0017.000 or the conditions of the permit are no longer met.
- There is precedence for permitting temporary farm dwellings. The ordinance language for temporary farm dwellings is found in Section 29.20 subd. 1 and notes one of the five conditions must be met but precedence has been to require all five conditions to be met. As a temporary dwelling, it is reasonable that it be considered an accessory dwelling and the applicant can meet the five requirements.
- Relevant HCZO language:
 - **14.4 INTERIM USES.**
***Subdivision 1. Interim Uses.** In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.*
(6) Temporary Farm Dwelling – Manufactured Home.
(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a “Temporary Farm Dwelling” as defined in section 29 of this Ordinance.
 - **29.20 TEMPORARY FARM DWELLING**
***Subdivision 1. Temporary Farm Dwelling.** A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:*
(1) The manufactured home will be an accessory dwelling unit located on a farm.
(2) The manufactured home will be occupied by persons who are:

(a) Members of the family of the persons occupying the principal dwelling house on the premises.

(b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.

(3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.

(4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

(5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

- This is an existing farmstead consisting of a dwelling and multiple outbuildings. It has a feedlot, but the family is exempt from feedlot setback regulations for their facility. There is no mine within 1,000 feet.
- Slopes within the farmstead are under 8% and they will utilize a flat area that is high traffic and no longer viable for crop use. The proposed location has infrastructure except for a septic system.
- While there are no soil requirements for this application, the soil is prime agricultural land, but it has been substantially disturbed and altered by high traffic use.
- No floodplain, wetland or shoreland concerns exist on site.
- Crooked Creek Township and the ten nearest property owners were notified. One comment was received.

Chairman Hammell asked the applicant if he had anything to add. Brad Olinger explained that he is a fifth-generation farmer and his neighbor has been helping him farm for the last 15 years. His neighbor rents a home next door that is going to be torn down. He would like to place a second dwelling for his neighbor to live in so that he can continue to help on the farm. He explained the spot where he wants to place the second home is currently a parking area. He said that the dwelling would be an Amish cabin on skids.

Chairman Hammell asked if anyone from the public would like to comment.

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

Jim Wieser made a motion to bypass question 9 and 14 that are not applicable. Greg Myhre 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 an interim use permit unless they find the following:

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

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal provides needed additional labor for the farm.

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 that the farm requires additional labor.

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 new septic system will require an approved design and other existing utilities will be used minimizing construction disturbance.

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: No impact is anticipated. The slope is under 8% and the proposed temporary dwelling will not substantially increase the amount of runoff from the site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 103B and 103C2 with land capability classifications of 2e and 3e respectively making the location prime agricultural land. The disturbed soils in the area would limit septic designs other than the proposed holding tank.

Chairman Hammell asked Marty to explain. Marty explained that installing a full drain field would be tough because the soils have been so consolidated by things such as truck traffic.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicant will be required to have a certificate of compliance for the SSTS prior to the issuance of a building permit for the temporary dwelling.

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 site will utilize the existing driveway and utilities except for the SSTS. Utilities are present in this location, but if any new requirement arises it is 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: There is adequate space within the farmstead to accommodate parking and loading space.

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 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 surrounding property is utilized as agricultural. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

Board agreed to the finding by a unanimous vote.

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 surrounding predominant use is agricultural. This proposal will not impact the development of surrounding property any more than the existing conditions.

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: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

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: This is a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the dwelling.

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: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. A roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made a motion to accept the proposed conditions. Wayne Feldmeier seconded. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.
4. The permit shall expire when no farm labor for Parcel 04.0017.000 resides in the temporary dwelling.
5. The existing farm dwelling may only be inhabited by immediate family members (spouse and children) or an employee of the primary dwelling resident, who is actively engaged in farming Parcel 04.0017.000.
6. At the time of termination of the permit, the temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

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.

Notice of Public Hearing No. 955 was read for applicant, **John and Karyl Diersen**, 8245 County 3, Caledonia, MN 55921.

The Petitioner is seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that will generate 300 or more animal units of manure and a CUP for the construction of a manure storage structure with a capacity over 20,000 gallons.

- The site is located slightly more than three miles east of the City of Caledonia off County 3. The farm is operated by John and Karyl along with their sons, Josh and Jayson. John and Karyl live onsite. They have expanded slightly over the years and are now at a capacity that requires a conditional use permit. The feedlot permit application identifies the expansion will contain up to 295 dairy cows, 95 dairy heifers, and 40 dairy calves. It also identifies 528.1 acres of land available for manure application. The proposed manure basin will be 154 feet wide by 268 feet long by 14 feet deep with a capacity of 2.89 million gallons. This is estimated to be twelve months storage. It's proposed the basin will be regularly emptied on an annual basis, likely in October and November.
- The manure storage is proposed on the southwest corner of the farmstead. Currently manure is scraped to a pad and pushed over to a loading area. There is some runoff from that location. Milk house waste is currently stored in a holding tank within an animal holding area. Any flow from the adjacent open lot/holding area will be directed to the basin. Open lot runoff from the lot east of the round roof barn is managed with a vegetated filter strip.
- A feedlot inspection was completed by Houston County staff in April and the petitioners have since applied for an Interim Feedlot Permit for construction. Review of the feedlot permit materials is still in process, but liquid manure storage areas are required to comply with various location and design standards contained within the state feedlot rules. A review of their manure management plan will be completed as well.
- The Comprehensive Nutrient Management Plan (CNMP) developed for the Diersen's included an air emissions and odor management plan that notes the following methods for reduction of emissions: plan to establish adequate separation distances; maintain clean, dry floors to eliminate manure build up; eliminate manure buildup under gates, feeders, etc.; promptly clean up any spilled feed and reduce feed waste/water losses. The following strategies were identified in the complaint response protocol: reduce nutrient waste with diet manipulation and the addition of chemicals to manure to reduce odor/emissions.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

Animal Feedlot. "Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Manure Storage Area. "Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MR part 7020.2000, subpart 3, are not manure storage areas.

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(3) *Animal Feedlots.* New or the expansion of existing animal feedlots that generate 300 or more animal units of manure.

(18) *Manure Storage.* New, or the expansion of existing manure storage structures with a capacity over 20,000 gallons.

33.14 FEEDLOT PERMIT APPLICATION

Subdivision 1. Information Required for a Feedlot Permit Application. In general, the following

information is required for review prior to the issuance of a 2-year Interim Permit; a Construction Short Form Permit; a State Disposal System Permit, or a National Pollution Discharge Elimination Systems Permit:

- (1) A completed State of Minnesota Permit Application as set forth in MR, 7020.0505.
- (2) A Good Neighbor Plan as defined in this Ordinance.
- (3) In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.
- (4) A plan for disposal of dead animals that is consistent with the Minnesota Board of Animal Health regulations.
- (5) The Feedlot Advisory Committee may be requested to conduct an on-site review of any new feedlot, or the expansion of an existing feedlot. The committee will provide to the planning commission findings of fact and make recommendations regarding setbacks, location concerns, the need for vegetative screening, or any other technical information deemed necessary.

33.24 LIQUID MANURE STORAGE AREAS

Minnesota Rules part 7020.2100 describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under MR, part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to MR, part 7020.0405.

- The site is an existing dairy facility approximately three miles east of the City of Caledonia. The site consists of confinement buildings, open lots, runoff controls and feed storage.
- Slopes are under 10% throughout the farmstead. The site is in the Crooked Creek Watershed with the closest intermittent stream, Ballpark Creek, located just over 1,000-feet away to the east. Crooked Creek is approximately 4.6 miles via Ballpark Creek or 2 miles via Shamrock Creek, an intermittent stream approximately 2,000-feet west of the site.
- There are no dwellings within a quarter mile of the proposed basin and eight within a half mile. All eight dwellings within a half mile are considered farm dwellings (accompanied by over 40 acres of land) with seven of those lying on the same parallel or north (either east or west) of the site. Approximately a quarter mile south of the property is another large dairy operation.
- The well at this location is approximately 350 feet from the proposed basin and it is not located in a Drinking Water Supply Management Area. There are no indications of karst features in the immediate vicinity of this operation.
- Prevailing winds measured in Preston and Rochester are from the south and northwest, thus winds are not anticipated to substantially increase odor at any of the neighboring properties. An OFFSET (Odors From Feedlots Setback Estimation Tool) was completed during the CNMP process and rates the site at 96% annoyance free. Staff ran an independent OFFSET which rated the site at 96% which included the proposed manure storage to the extent possible.
- Mayville Township and the ten nearest neighbors were notified. One comment was received by the Zoning Office.

Chairman Hammell asked the applicant if he had anything to add. John Diersen stated he

wants to add a manure storage structure. He is currently hauling two loads of manure every day. The pit would hold one year of manure storage.

Chairman Hammell asked if anyone from the public would like to comment.

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

Greg Myhre made a motion to bypass question 8, 9, 13 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 Houston County Land Use Plan.

Staff Analysis: The Comprehensive Plan prioritizes support of commercial agriculture. For instance, Part 0100.0501 recognizes: "Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county". For dairy operations to remain viable it often times requires expansion and along with that a manure basin allows them to more responsibly handle manure.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The petitioners currently operate a daily scrape and haul operation and manure storage will allow them to limit land application of manure to the fall as well as the opportunity to be more selective in respect to appropriate weather conditions for land application.

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 project is ultimately to help protect water quality by providing the producer with the ability to handle manure only when conditions are appropriate.

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: All water that falls within the manure basin will be contained and clean water diversions will ensure stormwater is directed around the new project. Runoff controls exist in the open lot area and won't be affected by this construction.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Feedlot permits require soils to meet specific standards for approval as well as minimum bedrock separation requirements.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: A complete review of the liquid manure storage basin design and plans will be completed along with a manure management plan review before the feedlot permit is granted. This is to ensure that the project will meet specifications in place to minimize any pollution concerns.

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 dairy facility, so the necessary public infrastructure and utilities are present at this location. Any rerouting within the site of utilities, access roads, drainage, etc. as part of the project will be the responsibility of the producer.

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: Manure storage is commonly found in the agricultural district and proper management will reduce any adverse effect to neighboring properties. This area consists of farming operations with farm dwellings and the Ordinance clearly states that neighboring properties in this district may be subjected to inconveniences, including odor, from “normal and accepted agricultural practices”.

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 predominant use in this area is agriculture. There is another large dairy facility south of this farm, but the addition of a basin at this location will not impact neighboring agricultural operations.

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: Manure handling does create odors, but the addition of the basin is an improvement since they will not be hauling daily. Their Good Neighbor Notice identifies they will try to haul when wind is not an issue and will hire a custom applicator to inject the liquid manure.

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: N/A

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

Staff Analysis: This project aims to reduce manure runoff potential, eliminate groundwater pollution hazards, improve soil health, and therefore protect 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. Wayne Feldmeier seconded. All were in favor. Motion carried.

Greg Myhre made a motion to accept the proposed conditions. Jim Wieser seconded. All were in favor.

Josh Gran made the motion to recommend the Houston County Board approve the Conditional Use application for expansion of a feedlot to 461.5 animal units and manure storage over 20,000 gallons with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall obtain all permits and approvals required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder 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.

Greg Myhre made a motion to adjourn the meeting. Josh Gran seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on May 26, 2023.

Houston County Planning Commission
June 22, 2023

Approved on July 25, 2023 by Greg Myhre and Wayne Feldmeier

The Houston County Planning Commission met at 5:00 p.m. on Thursday, June 22, 2023. 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, Larry Hafner, Cindy Wright, Josh Gran and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick was present for Environmental Services.

Greg Myhre made a motion to approve the minutes of May 25, 2023. Wayne Feldmeier seconded. All were in favor. Motion carried.

Marty handed out a Resolution for the Planning Commission's review to recommend approval of the Comprehensive Land Use Plan to the Board of Commissioners.

Greg Myhre made a motion to sign the resolution and recommend adoption of the Comprehensive Land Use Plan to the Board of Commissioners. Cindy Wright seconded. A roll call vote was taken. All were in favor of signing the resolution.

Notice of Public Hearing No. 956 was read for applicant, **Mathy Construction Company**, 920 10th Ave N, Onalaska, WI 54650, and **J&C Farms Inc.**, 103 2nd Ave SE, Spring Grove, MN 55974.

The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in the Underpass Quarry in Spring Grove Township.

- The plant will produce asphalt for the CSAH 16 project (CSAH 16 runs from Spring Grove to the Iowa border) and any additional projects within the area that are accepted after this application. The applicants identify a maximum time of operation from July to September of 2023, with the plant operating from Monday through Saturday between 5AM and 9PM. Haul routes are identified within the packet and will pass through the City of Spring Grove to where CSAH 16 begins.
- Some materials will be hauled from the Gengler Quarry near Caledonia. It's anticipated that there will not be more than 50 loads per day from that site and a maximum of 250 loads. The number of daily hauls of asphalt to the project area is 125 loads per day.
- The following materials will be kept on site (approximate):

Asphalt cement	60,000 gallons
Diesel Fuel	10,000 gallons
Burning Oil	15,000 gallons
Tack	7,500 gallons
Petroleum Lubricants	55-150 gallons
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 and the applicant identifies a typical plant footprint with stockpiles is around 4 acres. This site received a mineral extraction CUP in 2020 (CUP #284) to expand their operation and is owned by J & C Farms Inc. An interim permit (22 IUP) was issued on 6/14/21 for a temporary bituminous plant at this location. Access is from State 44. State 44 sees 2,974 trips per day at the quarry access. 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 applicants if they had anything to add. Sam Costigan of Mathy Construction explained they would like to place an asphalt plant in Underpass Quarry to pave CSAH 16. Sam explained they would place extra truck hauling signs at the intersection of Highway 44 and CSAH 16 due to a blind intersection, as an extra precaution. Chairman Hammell asked if flashing lights would be added to the signs on that intersection. Sam stated at this point there are no plans for that. Larry Hafner asked if the signs will remain overnight. Sam explained the main signs would remain in place, but that traffic signs in the direct work area will be turned or taken down at night.

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

Jim Wieser made a motion to bypass question 5, 13 and 14 that are not applicable. Greg Myhre 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 an interim use permit unless they find the following:

1. That the proposed use conforms to the Houston 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).

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Scheduled projects on CSAH 16 have a need for a temporary asphalt plant.

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

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

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 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.

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: Proposed routes avoid township roads, which can be damaged by heavy traffic. CSAH 16 runs from the City of Spring Grove to the Iowa border so haul routes through the City will be required.

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: All plant parking and loading will be within the quarry footprint and there is adequate space within the quarry footprint 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 will be a short-term operation and with the location of this project there will be inconveniences. However, additional measures may be taken to minimize traffic hazards in Spring Grove, such as temporarily blocking off street parking, due to limited visibility at the CSAH 16 and State 44 intersection.

Board agreed to the finding by a unanimous vote.

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.

Board agreed to the finding by a unanimous vote.

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.

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

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: 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 proposed location is appropriate due to the distance 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.

Board agreed to the finding by a unanimous vote.

Jim Weiser made a motion to accept the findings as presented. Larry Hafner 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 for a temporary bituminous plant 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, 2023.

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. 957 was read for applicant, **Blake & Kirsten Mauss**, 808 Main St E, Caledonia, MN 55921, and **Jeffrey & Kelly Mauss**, 8048 South Fork Dr, Caledonia, MN 55921.

The petitioners are seeking an Interim Use Permit (IUP) for a temporary farm dwelling. Jeff and Kelly Mauss own the property with the existing mobile home and would like for their son and daughter-in-law, Blake and Kirsten, to reside in it.

- This situation is unique in that there is an existing mobile home present at this location. Back in 1993 a Zoning Permit (#1671) was issued to install a mobile home in the same quarter-quarter as the existing farm dwelling. It contained the condition that the “mobile home is considered a second farm home and cannot be used as rental property”. No floodplain, wetland or shoreland concerns exist on site.
- The following language is from the 1993 Houston County Zoning Ordinance (HCZO):
 - 603.2 Permitted Uses*
 - 2. farm buildings and dwellings (frame or one mobile home) and their accessory buildings on one farm provided the resident or residents of the dwelling or dwellings either owns, operates or is employed on the farm.*
 - 724. Mobile Homes*
 - 724.1 Temporary Farm Dwelling*
 - A mobile home may be permitted in an Agricultural District if the Zoning Administer finds one or more of the following conditions satisfied:*
 - 1. The mobile home will be an accessory dwelling unit located on a farm.*
 - 2. The mobile home will be occupied by persons who are:*
 - a. Members of the family of the persons occupying the principal dwelling house on the premises.*
 - b. Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling*

house on the premises; and who earn fifty percent (50%) or more of their annual gross income for federal income tax purposes from such farming on the premises.

3. The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. ,b. above.

4. At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises within sixty (60) days when practical.

5. The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

- At the time the mobile home was permitted, a second farm dwelling was a permitted use in the agricultural protection district. The mobile home was occupied continuously by members of the family through December of 2022 and has been vacant since that time. The permit did not contain any language specific to the 1993 HCZO 724.1 subd. 3 requirements, but the application was signed by, and a permit was issued to Carol Welscher. In addition, the application noted that the mobile homeowner would be Kelly Mauss. Jeff and Kelly Mauss then purchased some acreage including the permanent dwelling from Carol in 1997 and the two parties switched dwelling units at some point after that. Carol Welscher passed in December 2022.
- It's unclear on the permits whether this use can be allowed to continue among family. Staff believe the intent of the ordinance at that time was for the second farm dwelling to terminate once the two parties involved were no longer on the premises. Carol's passing would then terminate that arrangement. Since the structure is present the petitioners would like to utilize it for the next generation and our current ordinance now allows a second farm dwelling as an interim use.
- Current relevant language from the Houston County Zoning Ordinance:

14.4 INTERIM USES.

Subdivision 1. Interim Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.*

(6) Temporary Farm Dwelling – Manufactured Home.

(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a "Temporary Farm Dwelling" as defined in section 29 of this Ordinance.

29.20 TEMPORARY FARM DWELLING

Subdivision 1. Temporary Farm Dwelling. *A manufactured home may be permitted in an Agricultural District if the Zoning Administrator finds one of the following conditions satisfied:*

(1) The manufactured home will be an accessory dwelling unit located on a farm.

(2) The manufactured home will be occupied by persons who are:

(a) Members of the family of the persons occupying the principal dwelling house on the premises.

(b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.

(3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.

(4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

(5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

- The ordinance language for temporary farm dwellings is vague and it is the understanding of staff that while the ordinance says one of the criteria must be met, the Planning Commission in the past has in fact required that all criteria be met. As a temporary dwelling, it is reasonable that it be considered an accessory dwelling as Item 1 indicates. The petitioners are family, which meets the requirement for Item 2. Items 3-5 are then met by virtue of conditions being included on the IUP.
- To the knowledge of current staff in the office, there have been no complaints brought forward regarding this living situation since 1993.
- This is an existing farmstead consisting of a permanent dwelling, mobile home and a couple outbuildings. There will be no change to the well or septic.
- If an interim use permit is granted, there will be no further permitting requirement unless there is desire to replace the mobile home in the future.
- Mayville Township and the ten nearest property owners were notified. No comments were received.

Chairman Hammell asked the applicants if they had anything to add. Blake Mauss stated he would like to occupy an existing trailer house on his parent's farm. The house was previously occupied by his grandma. Jeff Mauss explained a permit was granted for a second farm dwelling in 1997 and he would like his son to live in the existing trailer.

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

Greg Myhre made a motion to bypass question 9 and 14 that are not applicable. 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 Houston County Land Use Plan.

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal brings the next generation back to the farm to provide assistance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing mobile home that was placed to allow family to stay on site and assist with the farm. This review is not a change of use, but initiated by a turnover of generations on the farm.

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 dwelling was connected to a septic system at the time of install and no changes are proposed.

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: No impact is anticipated since this is an existing structure.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soils are 103B and 103C2. The Soil Survey –Houston County states it is suitable for building site development and septic tank absorption fields.

Chairman Hammell asked if the septic system served both dwellings. Jeff stated that it did.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Since this is an existing structure there is not believed to be any future potential pollution hazards.

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 site utilizes the same driveway as the main dwelling and is already connected to the well and septic. Utilities are present in this location, but if any new requirement arises it is 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: There is adequate space within the farmstead to accommodate parking and loading space. This site is at the end of a dead end road so no effect to traffic is anticipated.

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 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 surrounding property is primarily utilized as agricultural. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing permitted use.

Board agreed to the finding by a unanimous vote.

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 surrounding predominant use on vacant property is agricultural and all of the adjacent parcels are under ownership of the petitioners or family members. There are a couple farmsteads beyond that. This proposal will not impact development of surrounding vacant property any more than the existing condition.

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: This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration. No concerns have been brought forward in the last 30 years that the mobile home has been present.

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: This is a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis.

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: There are no anticipated issues affecting 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. A roll Call vote was taken. All were in favor. Motion carried.

Greg Myhre made a motion to accept the conditions as presented. Jim Wieser seconded. A 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 for a temporary farm dwelling with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.
4. The permit shall expire when either party is no longer residing on the premises.
5. At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

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. 958 was read for applicant, **Sean Mazzei**, 11701 134th Ave N, Dayton, MN 55327.

The petitioner is requesting a Conditional Use Permit to construct a non-farm dwelling in the agricultural protection district of Winnebago Township.

- This parcel is in Winnebago Township. The parcel is tillable acreage. Slopes are under 12% grade and a driveway is established. Both soil classifications found on the parcel are the Blackhammer-Southridge complex with the 580 D2 and 580 C2 having land capability classifications of 4e and 3e respectively. The 580C2 soil is prime ag soils, which is actively tilled and can't be developed. Figure 4 shows the line separating the respective soil classifications. The existing road can be routed to stay under the 12% slope requirement and connect to County Highway 14. The proposed dwelling exceeds the 400 square ft maximum to be considered as such in the Houston County Ordinance. The dwelling will be brought in by trailer. The dwelling will have power but will not have water or a septic system. The dwelling will be orientated north south to work with the contours of the site and the limitations created by the prime ag soils.
- The closest dwelling is approximately 1600 ft feet from the proposed location. The adjacent neighbor has a shop located within the same quarter-quarter and a common driveway is used.

- There are no mines in the area and the nearest feedlot is greater than 2500 ft away. There are no concerns for wetland, floodplain, shoreland or bluff land for this proposal.
- The Houston County Zoning Ordinance provides the following requirements for single family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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.*
- Winnebago Township and the ten nearest property owners were notified. One comment was received by the Zoning Office.

Chairman Hammell asked the applicant if he had anything to add. Sean was not in attendance. Jim Burg spoke on Sean's behalf. Jim stated he had sold 30 acres to Sean. Sean has had a camper in that location for the last two years for hunting purposes. Jim stated that Sean intends to place a 16x28 foot cabin type structure as a dwelling and then replace it with a new house in the next five years.

Ownership and maintenance of the driveway was discussed. Ownership was unclear. Jerald Schroeder maintains the driveway.

Chairman Hammell asked about the soils classification. Marty stated the two acres that Sean intends to build on is 60% is prime ag land. Sean owns a total of 30 acres. Jim stated Sean recently bought the two acres with the intention of planting trees on the south half as a barrier between him and Jerald Schroeder.

Wayne Feldmeier asked if the road is built well enough to allow access to emergency service vehicles. Jim Wieser stated he had visited the site and the road seems fine except for the last 100 to 200 feet closer to the building site. Jim stated that Sean will do whatever he needs to do to meet expectations.

Cindy Wright asked for clarification if the application was for the present or the future. Jim stated that he wants to place a temporary dwelling and replace it with a home in 5 years.

Jim Wieser asked if a septic system would be required. Marty stated it will not be required due to the fact there is no plumbing proposed. Chairman Hammell asked if a condition could be added requiring him to have a porta potty.

Wayne Feldmeier asked if the size will meet the criteria for a cabin. Marty stated that it's too big. Josh Gran asked if the large porch was included in the building permit. Marty stated that it is.

Larry Hafner conjectured Sean is planning to place this as a dwelling to reserve the quarter-quarter. Jeff Adamson introduced himself as Sean's brother-in-law and stated he had spoken with Sean last night and that Sean has no intentions of building a house there. Jeff stated that Sean does not want to tie up the quarter-quarter to prevent anyone else from building a dwelling.

Marty stated he may be able to seek a variance to allow a larger footprint for a cabin.

Chairman Hammell asked if anyone from the public would like to comment.

Jerald Schroeder stated he owns 20 acres to the south. He would like to build a house on that quarter-quarter. He already has a shed with power and water. Jerald stated he built the road and has asked Sean to help with maintenance and Sean has not agreed help. Josh Gran asked how many total acres Jerald owns in that area. Jerald stated he owns 40 acres total.

The Board discussed tabling the hearing to seek greater clarity of Sean's intentions.

Greg Myhre made a motion to postpone the hearing. Cindy Wright seconded. A roll call vote was taken. All were in favor.

Notice of Public Hearing No. 959 was read for applicant, **Kimberlee Burrichter and Douglas Dammen**, 1545 County 6, La Crescent, MN 55947.

The petitioners are requesting a Conditional Use Permit for substantial land alteration in a residential district of La Crescent Township.

- The project was started prior to receiving a substantial land alteration permit. The slopes exceed 12 % and the volume of fill material will exceed 500 cubic yards.
- This is a parcel in La Crescent Township. The site was altered by road work and the buttressing is a legitimate concern. The slopes exceed 12 % to approximately 30 percent or greater. The slopes are shallower near the roadway. The filling has not been in the lower elevations of the parcel which contain wetlands. Erosion control measures have been implemented and additional grade controls are required with the completion of the filling and final grading.
- Relevant language from the Houston County Zoning Ordinance:

SECTION 24 - LAND ALTERATION

24.1 SUBSTANTIAL LAND ALTERATION

Subdivision 1. Substantial Land Alteration Defined. *Substantial land alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of:*

(1) Fifty (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.

- (2) *The movement of more than 10 cubic yards of material in steep slopes or within shore or bluff impact zones; and*
- (3) *In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.*

24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION Subdivision 1. Conditional Use Permit Required. *A Conditional Use Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in any of the following:*

- (1) The excavation, grading and/or filling would result in substantial alteration of existing ground contours*

3.6 DEFINITIONS

Steep Slope. *Land having an average slope over 12 percent, as measured over distances of 50 feet or more, that is not a bluff.*

Section 5.2 Zoning Permits

Subdivision 8. Penalty for Beginning without a Zoning Permit. *Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions hereof shall be subject to a penalty under this ordinance. The contractor, owner, person, firm or corporation that begins an activity or project requiring a zoning permit without first securing said zoning permit shall be subject to triple the normal application fees. This includes all applicable zoning applications required for the project or activity. A denial of said application shall require the owner, firm, corporation and/or contractor to restore the project or activity to its original and/or compliant use, tear down any non-compliant structures, excavate earth to original ground elevations, move structure to compliant location, or construct a compliant septic system as the case may be. After-the-fact zoning permit applications shall be subject to a fee of triple the original application fee. Projects of less than \$1000 in value may be exempt in tripling application fee. This includes any and all permits issued through the zoning office. Any activities in violation of this ordinance shall be subject to the legal remedies available.*

- La Crescent Township and the ten closest property owners. One written comment was received.
- Anonymous verbal complaints were received about the initial filling, trucks hauling and mud tracking, adequate sediment controls and policing of the fill material sources. Martin Herrick brought these to the owner's attention and the silt fencing was redone. Placement of the culvert was delayed due to pipe availability.

Chairman Hammell asked the applicants if they had anything to add. Douglas Dammen and Kim Burrichter introduced themselves as the owners of the property. Kim passed out informational documents and maps to the Planning Commission.

Doug said in August of 2020 properties on Hickory Lane behind their property were being annexed. He explained they had reached out to the zoning office in 2020 to discuss creating a second lot on their property.

Doug explained their property was used for storage, heavy equipment and fill for a construction project on Horse Track Addition. The contractor left behind fill that was leveled out and seeded down. The fill increased the elevation of the property by about 2 feet. The grade was sloped in such a way that water run off was directed toward the road. The contractor installed a water catch basin to drain the neighboring property into a ravine on his property. He explained that while not a lot of water runs through the pipe the water discharges into a deep ravine causing erosion on his property.

Doug explained that this March he was approached by a contractor looking for a place to dump fill from basement projects and thought it could be a good way to fix the erosion problems and make their property more usable. They hope to make this a possible buildable lot in the future. Doug went over the maps that were submitted to the Planning Commission. He stated this project will not change the flow of water. He stated since the city has annexed the neighboring property it could be a buildable site with city water and electricity.

Chairman Hammell asked if Doug and Kimberlee had given permission for the use of their property during the Horse Track Addition work. Doug stated they did not give them permission, nor did they confront the contractor about the use.

Chairman Hammell asked if water and sewer are present on the portion of their property that they would like to develop. Doug stated if they created a separate lot and apply for a building permit it would be immediately annexed because all of the utilities are present.

The Planning Commission discussed refunding the after-the-fact permit fees because they had talked with the Zoning office in 2020. Marty stated they have been very responsive to correct the matter. Jim Wieser stated the problems that caused this project to take place were inherited.

Greg Myhre made a motion to refund the after-the-fact fees since initial contact was made in 2020. Wayne Feldmeier seconded. A roll call vote was taken. All were in favor.

Jim Wieser asked Doug to explain what the finished project will look like. Doug explained the grade will be no more than 30% to the bottom of the hill. Their goal is to slow down the water flow. They will be adding a culvert to bring water into a collection basin, cover it with black dirt, mat it, seed it, plant trees and eventually keep it mowed. Jim Wieser stated the project will be limited by the wetland. Larry Hafner asked if they had any other opportunities to get fill from contractors. Toby Burrichter stated they had a recent call from a contractor that would supply another 50 loads.

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

Greg Myhre made a motion to bypass question 8, 9, 12, 13 and 14 that are not applicable. 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 Houston County Land Use Plan.

Staff Analysis: Goal 2.3 of the Comprehensive Land Use Plan references protection of natural resources. Buttressing the existing slopes and routing surface water in a controlled manner will assist this process.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Buttrressing the roadway and providing additional controls on routing surface water has merit and demonstrates a need for the proposed use.

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: With proper control of surface water runoff and establishing vegetation on the slopes the sediment load to water bodies should be reduced.

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 quantity of water will not increase with the installation of a culvert to direct water and dissipate the energy.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The clay soils being placed will provide some strength to the slopes when vegetation is established.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soil erosion measures will decrease runoff.

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 culvert is being placed to direct surface water and dissipate the energy.

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: With vegetation reestablished and good surface water routing the parcel will assist downstream parcels in managing surface water runoff.

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: Providing a stabilized buttressed slope for the roadway and routing surface water through a culvert as opposed to sheet flow on the compromised bank is a substantial improvement.

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: N/A

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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 substantial land alteration in a residential district with the following conditions:

1. Map or plat of the proposed area of land alteration.

2. Legal description of land to be altered.
3. Nature of proposed alteration, rough grade estimates and future use of the property.
4. Starting date and approximate completion date of the operation.
5. The name of all owners of the land to be altered.
6. The names and addresses of all owners and occupants of the adjoining land that may be affected by the land alterations.
7. The Permittee shall comply with all federal, state, and local laws and regulations.
8. 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.

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

Submitted by the Planning Commission Clerk on June 23, 2023.

Houston County Planning Commission
July 25, 2023

Approved on July 27, 2023 by Wayne Feldmeier and Jim Wieser

The Houston County Planning Commission met at 8:30 a.m. on Tuesday, June 25, 2023. 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, Larry Hafner, Cindy Wright and Jim Wieser. Greg Myhre, County Commissioner, was present. Josh Gran was absent. Marty Herrick and Amelia Meiners were present for Environmental Services.

Marty Herrick explained this hearing was to make a recommendation to the Board of Commissioners concerning the adoption of the Comprehensive Land Use Plan.

Larry Hafner asked for clarification that this is the final plan. Marty stated that this is the final there will be no more changes. Marty stated that we have not gotten any recent comments on the plan. Cindy Wright asked if any other comments had been received. Amelia stated maybe 6 to 12. Marty stated that some of those weren't really comments on the Comp Plan.

Wayne Feldmeier recommended that Zoning staff and townships should meet at the project sites to make sure the rules are followed to would alleviate issues. Larry Hafner stated that was more of an ordinance issue.

Larry Hafner said he likes the Comprehensive Land Use Plan's process for making changes. He stated that the Plan recommends we review it at least every 10 years, but it might be better to review it every 5 years. Greg Myhre stated that a 5-year review might be better than 10 years. Amelia commented that it took us 30 years to get to this point. Marty stated that 10 year is the state requirement, and we don't have to stick with that. Chairman Hammell stated that a review wouldn't mean that we'd have to hire anyone, but that we could just go through it and discuss it. Larry Hafner stated that we could keep track of requests. Marty said we could see trends on certain types of activities that may need addressing.

Cindy Wright asked about the implementation plan. She stated that in the notes it says that the County "can" and the County "will" in different parts. She said it seems to be an obligation when it says the County "will" and an option when it says that the "can". She said I'm assuming that we will continue to follow the plan even when it is implied that it's optional. She stated she assumed that when it says the County "can" work with residents that the County "will" work with residents, because it probably should happen. Chairman Hammell asked if that part of the Plan was complete. Marty stated that it is complete. Chairman Hammell said the best way to resolve it would be to change all the "cans" to "wills", but it's already done. Larry Hafner stated that this is the final. Amelia stated that just because it says "can" doesn't mean that we won't do those things. Cindy Wright suggested these things be followed even if it's implied as optional. She felt that it was kind of random that some things are required, and some are optional.

Jim Wieser stated the Plan does a good job of highlighting the desire to limit development in the Ag District. He said the one thing that really stood out to him was the demographics we are looking

at for the next 20-25 years. He said we are looking at a population decrease of 25 percent. He said that's a lot and affects any formal government we have in the county. He said that Houston is looking at a new bonding referendum. He questioned who is going to be paying for those bonds in 20 years if we don't have the population.

Chairman Hammell stated he felt the general consensus was the Planning Commission was in agreement to recommend the Board of Commissioners approve the adoption of the Comprehensive Land Use Plan. The members agreed with Chairman Hammell.

Greg Myhre made a motion to recommend adoption of the Comprehensive Land Use Plan to the Board of Commissioners. Wayne Feldmeier seconded. A roll call vote was taken. All were in favor. Motion carried.

Wayne Feldmeier made a motion to approve the minutes of June 22, 2023. Jim Wieser seconded. All were in favor. Motion carried.

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

Submitted by the Planning Commission Clerk on July 26, 2023.

Houston County Planning Commission
July 27, 2023

Approved on August 24, 2023, by Greg Myhre and Wayne Feldmeier

The Houston County Planning Commission met at 5:00 p.m. on Thursday, July 27, 2023. 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, Larry Hafner, Cindy Wright, and Jim Wieser. Greg Myhre, County Commissioner, was present. Josh Gran was absent. Martin Herrick was present for Environmental Services.

Wayne Feldmeier made a motion to approve the minutes of July 25, 2023. Jim Wieser seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 960 was read for applicant, **Sean Mazzei**, 11701 134th Ave N, Dayton, MN 55327.

The petitioner is requesting a Conditional Use Permit to construct a cabin in the agricultural protection district of Winnebago Township.

- This parcel is in Winnebago Township. The parcel is tillable acreage. Slopes are under 12% grade and a driveway is established. Both soil classifications found on the parcel are the Blackhammer-Southridge complex with the 580 D2 and 580 C2 having land capability classifications of 4e and 3e respectively. The 580C2 soil is prime ag soils, which is actively tilled. The existing road as shown in figures 1 and 2 can be routed to stay under the 12% slope requirement and connect to County Highway 14. The footprint for the cabin's supports as shown in figure 3 is estimated to be 364 square feet and will not exceed the 400 square ft maximum to be considered as such in the Houston County Ordinance. The cabin will be brought in by trailer. The cabin will be unimproved without amenities such as water or septic. The cabin will be orientated north south to work with the contours of the site and the limitations created by the prime ag soils.
- The closest dwelling is approximately 1600 ft from the proposed location. The adjacent neighbor has a shop located within the same quarter-quarter and a common driveway is used.
- There are no mines in the area and the nearest feedlot is greater than 2500 ft away. There are no concerns for wetland, floodplain, shoreland or bluff land for this proposal.
- The Houston County Zoning Ordinance provides the following requirements for cabins in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(5) *Cabins. Cabins, 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.

- Notice was sent to Winnebago Township and the ten closest property owners. No comments were received.

Chairman Hammell asked Marty to review the request as the applicant was not in attendance. Marty explained that Sean Mazzei changed his previous Conditional Use Permit from a dwelling to a cabin to allow his neighbor the ability to build a dwelling in the quarter-quarter. Marty stated that was the only real change from the previous hearing's discussion. Jim Wieser stated he appreciates that the two parties involved worked together.

Chairman Hammell asked if anyone from the public would like to comment.

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

Greg Myhre made a motion to bypass question 8, 9, 12, 13 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 Houston County Land Use Plan.

Staff Analysis: Cabins are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant indicates the cabin is for recreational purposes and storage of equipment used to manage the site. This demonstrates a need for the proposed use.

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 cabin will not have a water supply or a septic system and will have minimal impact on 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: The cabin footprint is minimal and will not substantially influence the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The soil survey indicates that prime ag soils are not being built on. The cabin will conform to the natural slope of the land. A septic system will not be installed so soil permeability is not a major consideration.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There are no anticipated pollution hazards.

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: No modern amenities will be installed with the cabin and access is from County Highway 14.

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: There is one neighbor's shop, which is approximately 600 ft from the proposed cabin. The addition of a limited use cabin is not anticipated to negatively affect the use of neighboring 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 predominant land use is agriculture and forest, the continuation of which will not be impacted by the cabin. Much of the area continues to be tillable acreage and woodland. The cabin should not impact neighboring landowners' ability to utilize their properties for existing 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: 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: N/A

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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.

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for a cabin in the 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.

There was general discussion about structure types and cabin regulations.

Greg Myhre made a motion to adjourn the meeting. Chairman Hammell seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on July 28, 2023.

Houston County Planning Commission
August 24, 2023

Approved on September 19, 2023, by Greg Myhre and Larry Hafner

The Houston County Planning Commission met at 5:30 p.m. on Thursday, August 24, 2023. 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, Josh Gran, Larry Hafner, Cindy Wright and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick was present for Environmental Services. John Pugleasa was present for Public Health and Human Services.

Greg Myhre made a motion to approve the minutes of July 27, 2023. Wayne Feldmeier seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 961 was read for applicant, **Paul & Joan Wiste**, 409 S Grant St, Spring Grove, MN 55974.

The petitioners are requesting a Conditional Use Permit to construct a dwelling in the agricultural protection district of Black Hammer Township.

- The Houston County Zoning Ordinance provides the following requirements for dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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.

- On September 15, 1998, Conditional Use Permit No 381 was issued to erect a dwelling on this parcel. The extent of the site construction was placing a reinforced slab to support the dwelling. The Zoning office considered this to not be enough construction for the permit to still be in effect. The following ordinance outlines the timeline for expiration of a permit:

SECTION 6 - CONDITIONAL USE PERMITS

6.4 INVALIDATION OF PERMIT

An approved Conditional Use Permit shall expire if the use approved has not commenced within 9 months.

- This parcel is in Black Hammer Township. The parcel is not tillable acreage. Slopes for the buildable portions of the parcel area vary from 12% to 23% grade. The slopes near the dwelling are approximately 14%. The site has access from County 4 and the driveway can be routed to the dwelling with slopes of 12% or less. The soil classifications found on the parcel are the Festina and Elbaville silt loam located near the dwelling and the Brodale sandy loam found on the steep wooded slopes.
- The footprint for the dwelling is 16ft by 20ft, which is smaller than the existing slab. The dwelling will be brought in by trailer and will not have a septic system.
- The closest dwelling is approximately 1450 ft feet from the proposed location. There are no mines in the area and the nearest feedlot is greater than 2500 ft away. Note that in Beacon an error shows an inactive feedlot, which is not correctly plotted near the proposed dwelling. There are no concerns for wetland or flood plain. The site is within the shoreland zoning district, but it is not within the setback distance from the ordinary high-water level or a shoreland impact zone.
- The supporting documentation for the site showing buildable lot, slopes and shoreland and the 1998 Conditional use permit are included as attachments.
- Notice was sent to Black Hammer Township and the ten closest property owners. One inquiry from was received.

Chairman Hammell asked the applicants if they had anything to add. Paul Wiste explained they would like to place a dwelling on an existing slab. He stated they had been granted a conditional use permit in 1998 to place a dwelling. The slab was installed in 1998 and then the project was put on hold. He stated that his nephew is selling a 16X20 foot cabin and they would like to place the cabin as a recreational dwelling. He stated he would like to have electricity in the cabin and that is their reason for applying for a conditional use permit for dwelling.

Jim Wieser and Paul discussed the slope of the current access road. Marty stated the slope of road is ok.

Greg asked if the building was on skids. Paul stated that it is.

Jim asked how many acres are considered buildable. There is about one buildable acre.

Cindy Wright asked about the slope concerns raised by Goeffrey Halverson. Marty stated he had checked the slopes, and they are less than 24%.

Chairman Hammell asked if anyone from the public would like to comment.

Goeffrey Halverson stated his concerns about shoreland, slopes and limited possible septic sites have all been alleviated after talking with Marty and the Wistes.

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

Greg Myhre made a motion to bypass question 8, 9, 12, 13 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 Houston County Land Use Plan.

Staff Analysis: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: The applicant indicates the dwelling is for recreational purposes. This demonstrates a need for the proposed use.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: The dwelling will not have a water supply or a septic system and will have minimal impact on water quality.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: The dwelling footprint is minimal and uses an existing foundation and will not substantially influence the quantity of water runoff.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: While the Festina silt loam is a prime ag soil it has limited values base on its extent. The site has not been used for agricultural purposes. The foundation of the proposed dwelling has been in place for approximately 25 years and appears to be satisfactory condition to build on.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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

Staff Analysis: There are no anticipated pollution hazards.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		

James Wieser X

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

Wayne Feldmeier raised concerns about the minimum buildable lot size and possible future septic system needs.

The Planning Commission chose to edit the finding due to the applicants' desire to have electricity and need for a possible future septic system.

~~Staff Analysis: No modern amenities will be installed with the dwelling and access is from County Highway 4.~~

Staff Analysis: All utilities will be the responsibility of the applicant and access is from County Highway 4.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier		X	Township will be upset about this.
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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: The terrain creates limited view shed for the neighbors and the closest dwelling is greater than 1000 ft away. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		

Cindy Wright	X
James Wieser	X

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

Staff Analysis: The predominant land use is agriculture and forest, the continuation of which will not be impacted by the dwelling. The area continues to be woodland, and the dwelling should not impact neighboring landowner's ability to utilize their properties for existing uses.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		
James Wieser	X		

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: N/A

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

Staff Analysis: N/A

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

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Josh Gran	X		
Wayne Feldmeier	X		
Larry Hafner	X		
Ed Hammell	X		
Greg Myhre	X		
Cindy Wright	X		

James Wieser

X

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 a conditional use permit for a dwelling in the 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.

Notice of Public Hearing No. 962 was read for applicant, **Aaron & Amanda Middendorf**, 13429 County 17, Caledonia, MN 55921.

The petitioners are requesting a Conditional Use Permit to replace a dwelling in the agricultural protection district of Wilmington Township.

- With the replacement of the existing dwelling its non-conforming status is lost, and a Conditional Use Permit for a Single-family non-farm dwelling is required. The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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.

- Note that we will require the existing dwelling to be removed in the building permit to prevent the potential for two dwellings to be in the same quarter-quarter section.
- The proposal is to raze three buildings including the house and construct a new dwelling. The only existing building that would remain would be in the northeast corner of the parcel. The green overlay in Figure 2 shows the proposed location of the new dwelling, which will be located where one of the current buildings to be razed is located.
- The proposed dwelling is not in an area that has been actively farmed. Slopes for the parcel are approximately 2.5 %. The site will use the existing access to County Highway 17 which doesn't have slope concerns.
- The proposed dwelling is one story with approximate dimensions of 55 ft by 63 ft, which includes a four-car garage. The dwelling will be adding a bedroom that will require a septic evaluation and likely a permit.
- The closest dwelling is approximately 580 ft from the proposed location. There are no mines in the area and the nearest feedlot is greater than 1600 ft away. There are no concerns with wetlands, shoreland, floodplain or bluff setbacks.
- Notice was sent to Wilmington Township and the ten closest property owners. No comments were received.

Chairman Hammell asked the applicants if they had anything to add. Aaron Middendorf explained they would like to replace their existing dwelling. He stated they plan to tear down two buildings and that the house will be torn down once the new house is built.

Jim Wieser asked if the septic will be upgraded. Aaron stated they plan to install a new septic.

Chairman Hammell asked if anyone from the public would like to comment.

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

Greg Myhre made a motion to bypass question 8, 9, 12, 13 and 14 that are not applicable. Cindy Wright 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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant indicates the dwelling is for replacement of an existing single-family home. This demonstrates a need for the proposed use.

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: All existing utilities will be used with the septic system being revised. The new dwelling will have less impact on water supply and water quality than the existing dwelling.

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: Replacement of the existing dwelling, which will be torn down, will not substantially influence the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: With the existing dwelling being removed and replaced the soil conditions will not be a concern other than locating a second absorption area. Soil conditions are adequate for the proposed use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There are no anticipated pollution hazards.

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: Razing the old structure and replacing with a new dwelling will not require new utilities or roadway revisions with the exception of the septic system.

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: The new dwelling will be one story dwelling versus the existing two-story dwelling and will have a lower profile and less view shed. The closest neighbor is located 580 ft away. The addition of a dwelling is not anticipated to negatively affect the use of neighboring 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 predominant land use is agriculture and the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowner's ability to utilize their properties for existing 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: 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: N/A

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Wayne Feldmeier made the motion to recommend the Houston County Board approve a conditional use permit for a dwelling in the 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.

Notice of Public Hearing No. 963 was read for applicant, **J&C Farms**, 103 2nd Ave SE, Spring Grove, MN 55974.

The petitioners are requesting amendments to Conditional Use Permits 417 and 418 to revise setbacks for the west side of the property in Spring Grove Township.

- The parcel 13.0255.001 is located adjacent to Highway 44 near Spring Grove, Mn. Conditional Use Permit 417 for Mineral extraction in an agricultural district was issued on February 28, 2020. Condition No. 7 states, “The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft.”
- Conditional Use Permit 418 for Mineral Extraction in an agricultural district was issued on February 28, 2020. Condition No. 6 states, “The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft.”
- To grant the setback request in accordance with Section 27.8 Subd. 7 (3) Adjoining Property Line, amendments to CUP 417 & CUP 418 are needed. Conditions in both permits require a 50 ft setback around their entire perimeters. Both Bruening and J& C Farms owners have provided written consent for dropping the 50 ft setback. The written consent will be recorded with the county recorder.
- The Houston County Zoning Ordinance provides the following requirements for Mineral Extraction in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(19) Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

27.8 OPERATIONAL PERFORMANCE STANDARDS

Subdivision 7. Setback Requirements. *When more than one (1) setback standard applies, the most restrictive standard shall apply. Setback requirements in Subp. 1 & 2 are reciprocal. Mining operations shall not be conducted closer than:*

(3) Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.

- This parcel is in Spring Grove Township. The parcel is not tillable acreage. The site has been a quarry for an extended period. The revised setback proposal will not influence drainage patterns as an elevation buffer will be maintained between the Bruening & J&C Farms quarries. The reclamation plan and the elevation buffer are used to prevent surface water from connecting across the quarries.
- Notice was sent to Spring Grove Township and the ten closest property owners. One anonymous verbal inquiry was received.

Chairman Hammell asked if the applicant had anything to add. Chris Priebe a consultant for the quarry, explained that an Environmental Assessment Worksheet was completed for the quarry in 2015. The 2016 update of the Houston County Zoning Ordinance limited quarry size to less than 40 acres. The quarry was larger than 40 acres at that time, so the quarry was split into two parts to make it work with the ordinance. Conditional Use Permits 417 (south part of the quarry) and 418 (north part of the quarry) issued in 2020 both state, "Property line setbacks shall be 50 ft." The property line language was missed at that time and needs to be corrected, as the quarry has been operating up to this property line for the last 50 years. A signed waiver between the neighboring quarry owners has been filed with the Houston County Recorder to allow the property line encroachment. Conditional Use Permit 379 for the neighboring quarry does not list any setback requirements.

Chris stated the area between the quarries is used for staging and stockpiling. Marty stated drainage will stay separate for each quarry. Chris stated the quarry would continue to meet the 1000-foot setback from existing dwellings. Chairman Hammell asked if property lines were marked. Chris said they are. Jim Wieser asked if they were proposing a zero-foot setback. Chris said yes and explained both quarries are currently mined by the same company. Chris stated there will continue to be a vertical wall between the quarries.

Chairman Hammell asked if anyone from the public would like to comment. Richard Storlie a neighbor of the quarry asked if this would allow the quarries to process sand and rock. It was agreed that it would. He said blasting has been better, but when they blast there is a disturbance in the water. He asked if this would allow the quarries to join closer together. The Board agreed that it would. He asked how much material was still mineable near his property to the south of the quarry. Chris stated there is very little on the southwest left and most of what is left is to the northeast.

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

Greg Myhre made a motion to bypass question 5, 13 and 14 that are not applicable. Larry Hafner 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 Houston County Land Use Plan.

Staff Analysis: The need for aggregate is recognized in the Comprehensive Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The mutual consent for the setback provides a practical approach to controlling the setbacks in active work areas.

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 drainage from the J&C Quarry and the Bruening Quarry will not connect. An elevation buffer will be maintained separating them.

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 proposal will not change site operations regarding water runoff.

Board agreed to the finding by a unanimous vote.

Cindy Wright asked how water runoff is monitored. Chris stated the quarry's water is self-contained.

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

Staff Analysis: N/A

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

Staff Analysis: There are no anticipated pollution hazards associated with the 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: No road revisions will occur, and the quarry drainage areas will stay separate and follow their existing operating plans.

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 activities related to this are exclusively within the quarries.

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: The site operation plan addresses the management of their equipment's activities.

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 setback amendments for the parcels will not be injurious to other property owners in the area. The influence on operations will be minimal.

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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

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: The proposal will have minimal impact on site operations.

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: 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: Site specific conditions are only being modified where mutual consent has been given by both parties with the potential to be impacted.

Board agreed to the finding by a unanimous vote.

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

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for mineral extraction in the 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. Condition 7 of the 2/28/2020 Conditional Use Permit 417 is revised to the following language: "The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below."
4. Condition 6 of the 2/28/2020 Conditional Use Permit 418 is revised to the following language: "The mine perimeter shall be surveyed, and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 ft except for the west side of the parcel as shown in Figure 2 below."

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.

Marty stated we are proposing a moratorium on Cannabis that will go into 2025. He stated the Planning Commission provides input that will go before the Board of Commissioners. Public Health and Human Services Director John Pugleasa stated the new adult use cannabis law that passed the legislature this year provides stipulation that in addition to getting a state license to sell you need a local permit. The draft ordinance relates to public use, and it is a model ordinance from the state Counties Attorney's Association. Chairman Hammell asked how long the moratorium would last. It would last until January of 2025. John explained the State would license all distributaries, but they won't be ready until January 2025. Jim Wieser asked if this recommendation could wait so the Planning Commission could have time to review this.

Josh Gran asked if this related to the THC edibles being sold around the county. John said there are three categories of products and explained that CBD products have no cannabis or THC and have been legal for quite some time. In 2022 the state legislature passed a bill allowing THC edibles and beverages to be sold without licensing requirements. The 2023 legislation legalizing adult use cannabis will require THC edibles to be licensed once the Office of Cannabis Management is operational, hopefully by 2025. The 2023 legislation allows dispensaries to sell adult use cannabis and individuals to possess up to 8 plants and up to 2 pounds of marijuana. It will also regulate serving concentration and servings per package of the sale of THC gummies and infused beverages. He said

currently you can have the products in your possession, but you can't sell or purchase them in Minnesota until those licensed distributors are up and operational.

Wayne Feldmeier expressed frustration that cannabis will be legalized. John stated that the State of Minnesota has legalized it and Houston County is required to respond to this. He stated it was coming to the Planning Commission as part of the regulations of land use. Greg Myhre stated cities have their own ordinances to control this. John stated this isn't something the County has legalized; it was made legal by the State. He said that Minnesota became the 23rd state to legalize adult use recreational marijuana. He asked the Planning Commission to consider how the County should regulate the placement of these businesses.

Larry Hafner asked if the County could be more restrictive than the State. John stated that the Minnesota legislature made it so the Counties cannot be more restrictive than the State in this instance. He stated there is an ability to regulate this through land use.

Tim Gunn asked if the sale of this could be restricted. John stated there is a difference between what people can possess and what people can sell. John said his understanding of this was that you can restrict it to one dispensary per 12,500 people. You can have regulations as to how businesses are sited and some of it is already in the statute addressing things such as distances from schools. Chairman Hammell asked what the population of Houston County is. The population is about 18,000. Tim asked if the cities were under the County. Cities will have their own regulations. Tim stated he is concerned about kids as THC gummies are for sale all over. Tim stated his background was in law enforcement in Chicago. He is concerned kids will be exposed to people consuming these products. John stated the proposed ordinance talks about public use and restricting public use near areas where children may be present.

Larry Hafner asked if the cities will have different ordinances than the County. John stated it is possible.

Tim asked if you could control it by limiting the number of distributaries in the County like we do with liquor licenses. Can we make it illegal to walk on the sidewalk smoking cannabis like it is illegal to walk down the sidewalk with a beer? John stated there could be laws as it relates to public consumption of marijuana.

Jim Wieser made a motion to table the cannabis discussion until next month. Larry Hafner seconded. Roll call vote was taken. All were in favor. Motion carried.

Marty discussed the draft of the no wake zone ordinance and the Planning Commission's role to recommend this to the Board of Commissioners. Marty stated this evolved because of safety concerns of residents.

Cindy Wright asked who will enforce this. The Sherriff's Office and Minnesota Conservation Officers will enforce it.

Chairman Hammell and Greg Myhre voiced interest in recommending it to the Board of Commissioners.

Larry Hafner stated he would like time to review the draft prior to recommending it. Other members expressed interest in recommending approval. Larry Hafner said, "I can abstain. I just don't like to have someone put something in front of me and say sign it." Josh Gran referenced Larry Hafner's comment stating he had heard half of the legislators who voted on the 2022 bill allowing the sale of THC didn't read the bill and found out later that it was buried in the bill they had approved.

Marty explained that from the Highway 16 bridge to the swing bridge, there would be a no wake zone in effect that would go out 100 feet from the ordinary high-water line.

Marty read the proposed draft of the No Wake Zone Ordinance for the Planning Commission. Larry Hafner stated after hearing the draft read, he was ok with recommending this to the Board of Commissioners. Cindy Wright stated it's a safety issue and we should vote to recommend this.

Greg Myhre made a motion to recommend the Houston County Board approve the No Wake Zone Ordinance as presented. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

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

Submitted by the Planning Commission Clerk on August 25, 2023.

Houston County Planning Commission
September 19, 2023

Approved on September 28, 2023, by Greg Myhre and Jim Wieser

The Houston County Planning Commission met at 4:00 p.m. on Tuesday, September 19, 2023. A summary of the meeting follows.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Ed Hammell, Larry Hafner, Cindy Wright and Jim Wieser. Josh Gran and Wayne Feldmeier were absent. Greg Myhre, County Commissioner, was present. Sam Jandt, County Attorney, was present. John Pugleasa was present for Public Health and Human Services. Marty Herrick was present for Environmental Services.

Chairman Hammell explained the public hearing was being held to discuss the regulation of Cannabis. Sam explained this ordinance will regulate the public use of Cannabis. Sam talked about the 2022 and 2023 statutes. He stated that this subject might come before the Planning Commission again as it evolves in the legislature. He stated this will regulate the public use of Cannabis products. He stated this would be a petty misdemeanor and would incur a maximum penalty of a \$300 fine. John stated that he agreed with Sam that this will evolve once the Office of Cannabis Management is operational, and licensing is available. Chairman Hammell asked how the cities will handle Cannabis. Sam said the County will have jurisdiction over the cities because of our public health jurisdiction, but not over the zoning portion of this. Sam stated our ordinance requires this to go through the Planning Commission prior to being adopted. Greg Myhre asked who has the authority to enforce this? Sam stated that the County would have the power to prosecute. Greg Myhre asked if our ordinance overrules the cities. Sam agreed stating they can't be less restrictive, but they can be more.

Jim Wieser asked if this encompasses any product. Sam stated the products are listed in the definition statement. He stated the definition section will control it, but it will also have to be tested to see what it is. Jim asked if this covered medical use. Sam said it doesn't. He stated complaint paperwork should be filed and the County Attorney's office would determine the proper response. Issues such as testing, and the availability of testing will make this difficult. Sam stated he intends to suggest that the County Board form a study committee because of all the unknowns.

Cindy asked when the Minnesota Office of Cannabis Management will be up and running. Sam stated it will have to be in place by January 1st, of 2025. Cindy Wright expressed concerns about agencies such as schools being informed. John agreed with her concerns and stated he hopes the study committee can help with this.

Chairman Hammell stated he felt this was to regulate public use. Sam agreed stating it will be similar to public consumption for alcohol. Larry Hafner asked if growers can grow and sell across state lines. Sam stated sales are not legal at this time and it will depend on how much and where you are transporting it. Larry Hafner asked how much they can have in their possession. John stated you can possess 2 lbs of marijuana in your home, you can have up to 2 oz in your possession, and you can have eight plants per household and only 4 plants can be flowering. John said as of August 1st, 2023, you can have it, but you can't buy or sell it until the licensing is ready. Jim Wieser stated this ordinance would only be for public use. John agreed. John stated this also includes gummies and infused beverages. He stated when the THC ordinance passed it caught a lot of people off guard. Larry stated we won't just

enforce our ordinance, but also the state ordinance. Sam agreed. Jim Wieser asked if there were any issues or examples of complaints. Cindy stated Section 3 Prohibited Acts says, "No person shall use" and asked if this addresses juvenile use. Sam stated this does cover everyone. John stated as time goes by we'll learn what we need to do to mitigate these issues. Chairman Hammell stated that as far as approving how many places can sell this we're not there yet. John agreed. Sam stated there are a lot of proactive things that we can do such as how far they must stay from a daycare or school, and some are already stated in the statute. Sam stated this is moving forward, and this is a way to direct how it works. Sam stated that the proposed ordinance is from the County Attorney's Association, and it is being used statewide. Greg Myhre stated this is the beginning of many ordinances.

Greg Myhre made a motion to recommend adoption of the Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places to the Board of Commissioners. Jim Wieser seconded. A roll call vote was taken. All were in favor. Motion carried.

Greg Myhre made a motion to approve the minutes of August 24, 2023. Larry Hafner seconded. All were in favor. Motion carried.

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

Submitted by the Planning Commission Clerk on September 20, 2023.

Houston County Planning Commission September 28, 2023

Approved on October 26, 2023

The Houston County Planning Commission met at 6:30 p.m. on Thursday, September 28, 2023. 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, Larry Hafner, Cindy Wright and Jim Wieser. Josh Gran was absent. Greg Myhre, County Commissioner, was present. Martin Herrick was present for Environmental Services.

Greg Myhre made a motion to approve the minutes of September 19, 2023. Jim Wieser seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 964 was read for applicant, **Joseph Gardner**, PO Box 115, Eitzen, MN 55931.

The applicant is requesting a Conditional Use Permit to continue use of a previously legal, non-conforming dwelling on less than 40 acres in the agricultural protection district.

- This is a unique situation. This is currently a 2.5-acre parcel, but was once combined with the parent parcel, PID 05.0011.000 and together they total 8.2-acres. There are five other houses in this quarter-quarter, but they are within the residential district.
- According to the Assessor's records, the original dwelling on this parcel was constructed in 1952. From that point on the house was continuously occupied until a fire took place on July 5, 2020, to which a 30% obsolescence (loss) was recorded on the property. Staff then had to determine if the dwelling was occupied after the fire. One item that has been used to determine occupancy of a dwelling is mail service. When contacted about this parcel in October of 2022, the La Crescent Post Office had the location listed as vacant but did not note a specific "start date". Staff spoke with the landowner, Eric Thesing, shortly afterward and he stated after the fire the dwelling was "non-livable". In October of 2020, they also purchased a house in the City of Brownsville. Establishing occupancy is important because this parcel existed with a dwelling on under 40 acres on August 30, 1967, when the Houston County Zoning Ordinance (HCZO) was first adopted and has continued as a legal, non-conforming use. Section 9.1, subdivision 6 of the HCZO states:
Subdivision 6. Non-Conformities; Certain Classes of Property. *This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, the board may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.*

- This dwelling was not destroyed to the extent of 50% of its market value, but the discontinued use for more than a year requires that the occupancy of the land be conforming moving forward. For a dwelling on under 40 acres this means a conditional use permit is required.
- The applicant purchased the property in December of 2022 with the intent of remodeling the original dwelling, but after closer inspection discovered that was not an option. That dwelling was then removed from the property in June. At that point, the applicant began converting a building originally permitted as a garage into a dwelling. On August 28th, he came into the office for a permit to build an addition (breezeway and attached garage). At that time, he was told that a change of use was required on the existing garage and that the deck also required a permit.
- The existing garage was permitted (Permit #2549 on 8/1/2002), but during parcel review it was discovered it does not meet the 130-foot highway setback as required on the permit. That request is being reviewed by the Board of Adjustment.
- This is a 2.5-acre parcel in the agricultural protection district of Hokah Township and is the only dwelling within the ag district of the SW SE quarter-quarter. A portion of this parcel is within floodplain, but repurposing of the garage is likely a better option than adding fill in the floodplain. The northwest corner of the parcel is mapped wetland and shoreland setbacks are met. Soils are 599E2 which is class VIe. There are no slope or bluff concerns, and the applicant will continue to use the existing driveway. MN DOT has 75-feet of right-of-way in this location and this parcel meets the buildable lot standard.
- Hokah Township and the ten closest property owners were notified. The township was fine with the applications. No other comments were received.

Chairman Hammell asked the applicant if he had anything to add. Joe Gardner stated he is converting a garage into a mini home. Chairman Hammell asked if this will be his permanent residence. Joe said it will be. Joe explained the old home was damaged by fire and was torn down. He said he also plans to build a deck and a garden shed.

Chairman Hammell asked if anyone from the public would like to comment.

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

Greg Myhre made a motion to bypass question 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 location satisfies the density limitations and compliance requirements identified in our 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 Conditional Use Permit is required for this parcel to be compliant with the nonfarm dwelling requirements and allow continued use of a dwelling at this location.

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 use of this parcel has been for a single-family dwelling for many years and the new proposal will not intensify that use. A new septic system designed and installed by a licensed Minnesota septic professional will be required.

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 square footage of impervious surface on this parcel will likely be very similar to impervious conditions once all buildings are complete. In addition, the original house was likely partially within floodplain while the proposed dwelling is well above. This relocation will be a benefit to stormwater flow over the parcel.

Chairman Hammell asked if the garden shed will be located near where the old house was. Joseph said it would be.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing structure, but soils at this location can accommodate structures with proper design.

Board agreed to the finding by a unanimous vote.

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

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

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: Since a single-family dwelling has been located on this parcel for many years all utilities should be present. Any additional utilities are 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: There is adequate open space on this property for parking of recreational equipment and vehicles.

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: While this parcel is within the agricultural district, the surrounding area is primarily residential or government owned recreational land. This is also a continuation of an existing use and should not be injurious to those in the immediate vicinity. The improvements made by the applicant will likely increase nearby property values.

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 site has been a legal, non-conforming dwelling since 1967 and bringing it up to current standards should not adversely affect surrounding vacant property.

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 proposal is consistent with neighboring residential properties and proposed in an open quarter-quarter of 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: This proposal will not negatively affect 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. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

Wayne Feldmeier made the motion to recommend the Houston County Board approve a conditional use permit for a dwelling in the 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.

Cindy Wright 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. 965 was read for applicant, **Bluff Country LLC**, 5130 County 21, La Crescent, MN 55947.

The petitioners are requesting a Conditional Use Permit to place a dwelling in the agricultural protection district of La Crescent Township.

- The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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 proposed dwelling location area has been mowed. The applicant did not know the farming status. There are prime ag soils that require 10 years without tillage. Slopes for the parcel are approximately 4 % and road access to North Pine Creek Road should not be a problem.
- The dwelling design has not been included with the application, but the septic review assumed a three-bedroom system.
- The closest dwelling is greater than 1000 ft away. There are no mines in the area and the nearest feedlot is approximately 1500 ft away. The wetland, shoreland, floodplain or bluff setbacks are close but can be met. Distances to the ordinary high-water level for Pine Creek are beyond 100 ft.
- Notice was sent to La Crescent Township and the ten closest property owners. Three comments were received.

Marty explained this hearing concerns a conditional use permit for a single-family nonfarm dwelling only and has nothing to do with a proposed future subdevelopment.

Chairman Hammell asked the applicants if they had anything to add. Mike Sexauer explained he purchased the property and has parceled off some portions of it. He would like to subdivide the parcel in the future. He stated he is asking for a conditional use permit for a future eight-acre parcel. Cindy Wright asked how many conditional use permits he is seeking. Mike stated he is seeking one but has plans to seek another one in the future.

Chairman Hammell asked if he would build the home and then sell it. Mike said that's the plan. Mike discussed the need for housing in the area. Greg Myhre asked what the township had to say. Mike stated the only concern raised was the road. The Board asked Mike to explain how the parcel would be split. Mike shared a map with the Board.

Cindy Wright asked how far the proposed house would be from Pine Creek. There was discussion whether the project would be in shoreland. Marty stated it is on the edge of shoreland.

Concerns were raised regarding possible nearby burial mounds.

Chairman Hammell asked if anyone from the public would like to comment.

Ed Walsh stated he's concerned the application is contrary to the Comprehensive Land Use Plan and the Houston County Zoning Ordinance.

Tim Payne spoke on behalf of La Crescent Township Board stating the township was not contacted by Mike concerning the conditional use application. The township did receive the automated email, but there was no contact made by the applicant. He expressed frustration that Mike did not notify the township. Larry Hafner asked if the township had a chance to discuss the application. Tim stated they had not. Greg Myhre stated we should table this, so the township has time to review it.

Christopher Fechner stated he is a professional land surveyor. He agreed with Ed Walsh's statements. He was concerned the application would allow septic systems to be placed in clay and near archeological findings. He said he spoke with the DOT and was told that average daily traffic is about 10 units per day per household. Chris stated the plan he saw had 21 lots and the road can't handle that amount of traffic. How does this property development affect the Winona County roads? How will this impact the entire community?

John Bauer stated the Indian burial mounds are about 150 yards from the proposed house and the driveway will be about 160 feet from the creek according to his GPS. Jim Wieser asked if the Indian mounds had been studied. John thought it was a recorded site and showed the Board where the Indian mounds were on the map.

George Johnston asked if registered feedlots had any bearing on the building. Marty stated feedlot setbacks for a single-family dwelling are $\frac{1}{4}$ mile and subdivisions setbacks are $\frac{1}{2}$ mile. Marty shared a map of the nearby feedlots with the Board.

George asked why he was not sent a public notice. The ten nearest landowners were sent notices and the hearing notice was posted in the Fillmore County Journal.

Ed Moldenhauer shared frustrations that ag land was being lost. He stated the land grows great crops with the southern exposure. Ed stated there are farms nearby that generate offensive noise and odors. He said Johnson's have made hay off that land for many years. Marty stated in the past ag land has been defined as tillable acres.

Lori Bauer said she owns the adjoining farm with her son. They have animals and run their grain dryer late at night and she doesn't feel it's a good situation to build homes next door. She said they raise crops, hogs, chickens, beef and have a green house. She shared past trouble with people who don't understand farming.

Marty read a comment submitted by Marvin Leitzke and Patricia Bruger in opposition to the application. Marty stated there were also two verbal comments opposed to this application.

Jim Wieser asked if it would be possible to get more information regarding setbacks from the Indian burial mounds. Marty said we can make a request to the MN State Historic Preservation Office. Larry asked if there is some kind of marker for the mounds. Cindy Wright asked that more information be included in the board packet concerning water runoff, soil conditions and how Pine Creek area will be impacted prior to the next hearing for this application.

George Johnston said, "They already did some soil samples in the middle of the big field there. That's the reason it's such beautiful farm ground is because it maintains the moisture. My yard is right next door and I've never watered it in 58 years." He stated his lawn is perfectly green this year.

Greg Myhre made a motion to table this until the township could review it. Cindy Wright seconded. Roll call vote was taken. All were in favor. Motion carried.

Marty will plan to attend the La Crescent Township meeting.

Larry Hafner asked that it be posted in the Houston County News. Marty said he would make that happen.

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

Submitted by the Planning Commission Clerk on September 29, 2023.

Houston County Planning Commission
October 26, 2023

Approved on November 15, 2023, by Jim Wieser and Greg Myhre

The Houston County Planning Commission met at 5:45 p.m. on Thursday, October 26, 2023. A summary of the meeting follows.

A quorum was present so other business regarding what constitutes prime ag soils was discussed prior to the first scheduled public hearing.

The meeting was called to order by Chairman Ed Hammell. Roll call was taken. Members present were Wayne Feldmeier, Josh Gran, Ed Hammell, Cindy Wright and Jim Wieser. Larry Hafner was absent. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Notice of Public Hearing No. 966 was read for applicants, **Thomas and Judy Vix**, 18568 State 16, Houston, MN 55943.

The applicants are requesting a Conditional Use Permit for a solar energy system within the floodplain area of the agriculture protection district of Houston Township.

- The applicant is proposing a 37.5 KW ground mounted solar array. The approximate dimensions are
- 12 ft. by 205 ft. The energy will be used by the applicant with excess used to generate income.
- The view shed of the array will be minimal from the public's access. The parcel is 27.5 acres and is located within the floodplain as shown in Figure 3. The posts will be driven 9 ft into the ground which will provide enough shear strength to prevent uplift and prevent frost heaving.
- The solar array will be located in the floodplain, but this is allowed with conditions to protect the system from flooding. The conditional use permit will require survey control and functional equipment be above the base flood elevation (BFE).
- The applicable ordinances and permitting for this activity are cross referenced between Section 14 - Agricultural Protection District, Section 21 - Flood Plain District and Section 29 – General Provisions.
- The following Ordinance is applicable:

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(22) Solar Energy Systems. Solar energy systems and solar structures.

SECTION 21 - FLOOD PLAIN DISTRICT

21.6 FLOOD FRINGE DISTRICT (FF)

Subdivision 3. Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 21.11 subd. 4 of this ordinance and further subject to the standards set forth in Section 21.6 subd. 4, if otherwise allowed in the underlying zoning district(s).

(3) The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded

enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 21.6 subd. 4 (4).

SECTION 29 - GENERAL PROVISIONS

29.8 SOLAR ENERGY SYSTEMS AND SOLAR STRUCTURES

Subdivision 1. Permitted by District. Solar energy systems and solar structures shall be a permitted use in all districts except the flood plain districts provided the system is in compliance with minimum lot requirements and setbacks. Within the flood plain district, solar structures shall be a conditional use.

- Houston Township and the ten closest property owners were notified. To date no comments have been received.

Chairman Hammell asked the applicant if they had anything to add. Tom and Judy Vix, along with their solar contractor, Paul Kreidemacher of MinnSolar, clarified the location and explained that all electricity generated would go directly into the grid.

Chairman Hammell asked if anyone from the public would like to comment. Staff noted that an updated board packet was created including attachments from the DNR that were missed in the original packet. These were also handed out at the meeting.

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

Wayne Feldmeier recused himself from the remainder of the hearing due to a family connection with the Vix's.

Commissioner Myhre made a motion to bypass question 8, 9, 12, 13 and 14 that are not applicable. Wayne Feldmeier 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: Goal 2.13 of the Comprehensive Land Use Plan encourages options for alternative energy systems in the County. The solar energy system is an alternative energy system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Clean energy and self-sufficiency are protective of the environment.

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: With re-establishment of the disturbed vegetation, the water quality will not be impacted by the solar energy 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 quantity of water runoff will not increase with the installation of the solar energy system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The on-site soils are adequate to support the solar energy system.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The disturbed soil will be vegetated to prevent erosion and decrease runoff.

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: Any connections for the solar energy system are 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: With vegetation reestablished and good surface water routing, the parcel will have minimal to no impact on surrounding 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 solar energy system is not anticipated to cause any problems with development in the area.

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: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

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

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for a solar energy system in the flood plain district of the agriculture protection district in Houston 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. Documentation of the final elevation of the respective components including the base elevation, minimum panel elevation and the watertight connections for the systems shall be submitted to the Houston County Zoning Office within 90 days of installation.
4. Houston County and the Planning Commission are not responsible for disposal of any equipment associated with this decision in the case of a natural disaster.

Commissioner 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 approve the minutes of September 28, 2023. All were in favor. Motion carried.

Notice of Public Hearing No. 967 was read for applicant, **Josh Dahl**, 23016 Bridge Creek Drive, Rushford, MN 55971.

Present for this hearing were Josh and Stephanie Dahl and kids, Richard and Sharon Howe, Andrew Howe, Franklin Hahn, Mike Root and Larry Gaustad, Tom Kulas, and Burdell Hahn with Yucatan Township.

The applicant is requesting a Conditional Use Permit (CUP) for the expansion of an animal feedlot that generates 300 or more animal units of manure, from 342 animal units (au) to 534 au. This animal unit increase equates to 143 milk cows in Yucatan Township.

- The site is an existing dairy operation in the southeastern quadrant of Yucatan Township, approximately one mile from the Fillmore County border and roughly seven miles from both Rushford and Houston. It is near the end of a dead-end township road with three residences beyond the farm.
- The nearest dwelling is approximately 750' south of the site; a second dwelling is approximately 1,275' south.
- This is within the Bridge Creek watershed and the aforementioned improvements were part of a Field to Stream Partnership for watershed improvement. Bridge Creek is approximately 2,750 feet east of the feedlot facility and there are two intermittent streams to the west and south, approximately 1,860 feet and 1,600 feet, respectively. Slopes around the buildings are minimal and as long as soils are adequate for building sites, the classification is irrelevant for this application.
- The home at this location dates to 1912, and it is assumed the farmstead dates to a similar time. The Petitioner's family has owned and operated the site since 1988. Currently, it's a dairy facility with 346.3 au, primarily of dairy cattle over 1,000 pounds, but also including dairy heifers, dairy calves and a few beef cattle and horses. In 2017, the petitioners sought a CUP to expand from 243 au to 342 au and to construct a manure basin. That expansion included construction of a free stall barn that allowed them to move heifers from a nearby feedlot facility, consisting of open lots, to this site where the barn would utilize the manure storage structure. The second feedlot was then closed.
- The heifer barn and liquid manure storage structure projects were completed a few years ago and the petitioner met the requirements set forth in the feedlot permit and conditional use permit at that time. The free stall barn was constructed in such a way that it could be easily added onto in the future and that is what the applicant is seeking to do at this time with the proposed expansion. The applicant plans to add approximately 80 milk cows to the herd right away but wishes to have a cushion on the CUP.
- Feedlots over 300 animal units have two permitting components. The County requires a CUP, which is essentially an operating permit, that identifies a maximum number of animals. This means any expansion beyond that number requires a new hearing. 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 and manure management plan to make sure there is adequate land base to handle manure nutrients. The feedlot permit application was submitted on October 10th and is currently under review.

- The addition of 80 head of milk cows would generate approximately 546,000 gallons of manure a year. Based on engineering plans, the pit storage capacity is roughly 1.9 million gallons. The storage structure is typically emptied in the spring and fall, and this expansion would result in a biannual reduction of 14% capacity.
- 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.
- In 2005, when the free-stall barn was permitted, a variance of 620' was granted due to the proximity to the dwelling south of the site. The proposed expansion does not encroach beyond the variance previously granted; for this reason the Petitioner was not required to seek a variance in conjunction with this CUP application.
- OFFSET, or Odor From Feedlots Setback Estimation Tool, predicts a 91% annoyance-free factor with current infrastructure. The proposed expansion of an additional free stall barn reduces that to 90%. 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 the prevailing winds are predominately from the northwest and south, likely reducing the presence of odors at the neighboring properties. It also only accounts for earthen manure storage and the guide states that properly designed lagoons may have far less odor. If adjusted to allow for a 4" straw or natural crust on the earthen manure storage, then it changes to a 92% annoyance-free factor.
- There have been concerns raised in the past about the tracking of manure, mud and dirt onto the township road. Proposed condition #3 was copied from a previously granted CUP to address those concerns. Staff have fielded complaints out there in the past, but not since the manure storage structure was constructed and commercial haulers have been used.
- The Township and all neighbors within 5,000 feet were notified through the "Good Neighbor Notice" as required by Rule. No written comments were received, but there was one phone call inquiry and they will likely submit comments prior to the hearing or attend the hearing.
- Yucatan Township and the ten closest property owners were notified. To date no comments have been received.

Chairman Hammell asked the applicant if he had anything to add. They would like to increase the milking herd by about 80 stalls, which would amount to approximately 100 head. Jim Wieser asked about manure handling and the expansion impact on manure basin capacity. Josh and Stephanie Dahl stated that they are looking to expand to remain competitive and build a farm that they can hand down to the next generation.

Chairman Hammell asked if anyone from the public would like to comment. Two written comments were provided at the hearing and were read for members. The second was not signed, but Sharon Howe responded it came from her.

Larry Gaustad, Burdell Hahn, and Tom Kulas, Supervisors with Yucatan Township, spoke regarding issues they've had with the operation of the site and difficulties maintaining the township road and right of way. There was discussion amongst the PC members regarding a condition stating no silage bags in the right-of-way and tracking of mud, dirt and manure on the road.

Franklin Hahn commented on his experience with that site as a past township board member and stated these conditions also need to be enforced on.

Mike Root, a feed supplier for the Dahl's, discussed the improvements that have been made at the site and how the site overall compares to others around the countryside. He stated they have plans to move away from silage bags in the future which may resolve some of the township's concerns.

Chairman Hammell then asked the applicants to come back to the front to answer additional questions. Josh discussed that he feels he has made improvements as they have put down a lot of rock. Stephanie pointed out that manure hauling is twice a year now that they have the pit, but this year being so dry made it difficult to drag line as they normally do and forced them to haul more in slingers. Josh Gran asked what contact the applicants had with the township regarding this matter. Josh Dahl responded that his contact has only been with the Feedlot Officer or Sheriff's Office.

Jim Wieser reiterated that they already have a condition on his 2017 permit regarding road conditions and he's concerned that approval of this permit will only perpetuate the problem.

Chairman Hammell asked Josh Dahl if he was willing to address the issue and Josh responded that he felt he had been working to improve the site.

Josh Gran noted that it seems people are being opportunistic of the fact that the Dahl's are seeking a permit and we are unfairly singling out one farm when it likely happens across the County.

Cindy Wright noted that communication is key and building tensions over the last few years seem to be a driving factor in the comments presented today.

Chairman Hammell asked if adding conditions would satisfy the Township and Larry Gaustad responded that he felt the Planning Commission should view the road prior to deciding. General discussion took place.

Josh approached the PC to point out components of the operation to members on aerial imagery. After all the additional back and forth, Chairman Hammell proposed that they meet on site. ES Director Herrick discussed that a plan outlining some options for improving the base could be required.

Chairman Hammell asked if the Township and Josh and Stephanie Dahl would be willing to meet onsite with the PC. With their agreement, Commissioner Myhre motioned to table the hearing for members to meet onsite. Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

A time and date were discussed.

Wayne Feldmeier made a motion to adjourn the meeting until November 15th at 9:30am. Jim Wieser seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on October 27, 2023.

Houston County Planning Commission
November 15, 2023

Approved on January 25, 2024, by Wayne Feldmeier and Cindy Wright

The Houston County Planning Commission met at 9:30 a.m. on Wednesday, November 15, 2023. A summary of the meeting follows.

The meeting was called to order at 23016 Bridge Creek Drive by Chairman Ed Hammell. Roll call was taken. Members present were Wayne Feldmeier, Ed Hammell, Cindy Wright, Larry Hafner and Jim Wieser. Josh Gran was absent. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Notice of Continuation of Public Hearing No. 967 was read for applicant, **Josh Dahl**, 23016 Bridge Creek Drive, Rushford, MN 55971.

The applicant is requesting a Conditional Use Permit (CUP) for the expansion of an animal feedlot that generates 300 or more animal units of manure, from 342 animal units (au) to 534 au. This animal unit increase equates to 143 milk cows in Yucatan Township.

- The site is an existing dairy operation in the southeastern quadrant of Yucatan Township, approximately one mile from the Fillmore County border and roughly seven miles from both Rushford and Houston. It is near the end of a dead-end township road with three residences beyond the farm.
- The nearest dwelling is approximately 750' south of the site; a second dwelling is approximately 1,275' south.
- This is within the Bridge Creek watershed and the aforementioned improvements were part of a Field to Stream Partnership for watershed improvement. Bridge Creek is approximately 2,750 feet east of the feedlot facility and there are two intermittent streams to the west and south, approximately 1,860 feet and 1,600 feet, respectively. Slopes around the buildings are minimal and as long as soils are adequate for building sites, the classification is irrelevant for this application.
- The home at this location dates to 1912, and it is assumed the farmstead dates to a similar time. The Petitioner's family has owned and operated the site since 1988. Currently, it's a dairy facility with 346.3 au, primarily of dairy cattle over 1,000 pounds, but also including dairy heifers, dairy calves and a few beef cattle and horses. In 2017, the petitioners sought a CUP to expand from 243 au to 342 au and to construct a manure basin. That expansion included construction of a free stall barn that allowed them to move heifers from a nearby feedlot facility, consisting of open lots, to this site where the barn would utilize the manure storage structure. The second feedlot was then closed.
- The heifer barn and liquid manure storage structure projects were completed a few years ago and the petitioner met the requirements set forth in the feedlot permit and conditional use permit at that time. The free stall barn was constructed in such a way that it could be easily added onto in the future and that is what the applicant is seeking to do at this time with the proposed expansion. The applicant plans to add approximately 80 milk cows to the herd right away but wishes to have a cushion on the CUP.

- Feedlots over 300 animal units have two permitting components. The County requires a CUP, which is essentially an operating permit, that identifies a maximum number of animals. This means any expansion beyond that number requires a new hearing. 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 and manure management plan to make sure there is adequate land base to handle manure nutrients. The feedlot permit application was submitted on October 10th and is currently under review.
- The addition of 80 head of milk cows would generate approximately 546,000 gallons of manure a year. Based on engineering plans, the pit storage capacity is roughly 1.9 million gallons. The storage structure is typically emptied in the spring and fall, and this expansion would result in a biannual reduction of 14% capacity.
- 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.
- In 2005, when the free-stall barn was permitted, a variance of 620' was granted due to the proximity to the dwelling south of the site. The proposed expansion does not encroach beyond the variance previously granted; for this reason the Petitioner was not required to seek a variance in conjunction with this CUP application.
- OFFSET, or Odor From Feedlots Setback Estimation Tool, predicts a 91% annoyance-free factor with current infrastructure. The proposed expansion of an additional free stall barn reduces that to 90%. 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 the prevailing winds are predominately from the northwest and south, likely reducing the presence of odors at the neighboring properties. It also only accounts for earthen manure storage and the guide states that properly designed lagoons may have far less odor. If adjusted to allow for a 4" straw or natural crust on the earthen manure storage, then it changes to a 92% annoyance-free factor.
- There have been concerns raised in the past about the tracking of manure, mud and dirt onto the township road. Proposed condition #3 was copied from a previously granted CUP to address those concerns. Staff have fielded complaints out there in the past, but not since the manure storage structure was constructed and commercial haulers have been used.
- The Township and all neighbors within 5,000 feet were notified through the "Good Neighbor Notice" as required by Rule. No written comments were received, but there was one phone call inquiry and they will likely submit comments prior to the hearing or attend the hearing.
- Yucatan Township and the ten closest property owners were notified. To date no comments have been received.

Chairman Hammell asked the applicant about what kind of work he is proposing. Josh stated he had spoken with the township a couple years ago about adding a culvert under the township road to run the dragline through. There was discussion about the feasibility of this with the Township. Burdell Hahn, Larry Gaustad and Deb Dewey were present for Yucatan Township. In addition, it was discussed that they should plan to travel on their own property rather than the township road if possible and that the township road and right of way should not be used for farm operations (loading feeder wagons, loading manure spreaders, etc.). Maintaining open lines of communication is key.

Chairman Hammell asked if anyone from the public would like to comment. One written comment received after publication of the board packet was read for the record.

Carter Lee pointed out that part of living in agricultural areas is dealing with farm operations and he also acknowledged that roads are difficult to maintain with equipment getting larger.

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

Greg Myhre made a motion to bypass question 8, 13 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: The primary goal of both the Zoning Ordinance and Comprehensive Plan is to preserve and encourage commercial agriculture. The applicant currently operates a dairy farm.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant is looking to expand his dairy herd and the first step in doing so is increasing the number of animal units allowed under the Conditional Use Permit. A feedlot permit will be required prior to construction and expansion as well.

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 new roof structure will continue to provide total confinement of on-site animals, which will assist in less pollution potential from the feedlot. Additional head will require the producer to demonstrate there is adequate land base to accommodate nutrients.

Board agreed to the finding by a unanimous vote. Jim Wieser emphasized that it's up to the producer to control runoff and ensure adequate land base.

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

Staff Analysis: This proposal shall not adversely affect the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Soil conditions are adequate provided foundations and footings are designed to prevent structural damage caused by shrinking and swelling of soils.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This barn addition will be total confinement and will be connected to the manure storage structure. In addition, producers over 300 animal units are required to maintain manure management plans that identify adequate land base to accommodate animals permitted on site.

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: Drainage will need to be addressed after the free stall barn addition to ensure that roof water does not pool near the manure storage structure that may compromise the walls. All other utilities are present.

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: There have been concerns with manure, dirt, and mud on the roadway in the past. Continued efforts should be made to minimize any tracking of manure and sediment onto the roadway.

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 overall use of the site will not change from the previous operation.

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 proposal will not alter the use that is already exercised at this property and therefore will not impede normal and orderly development of surrounding property.

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: The site is in an Agricultural District where some agricultural smells are to be expected. It was calculated that the additional animal units will only slightly increase the odor-annoyance factor.

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: 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 shall not affect the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

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.

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for the expansion of an animal feedlot that generates 300 or more animal units of manure, from 342 animal units (au) to 534 au. This animal unit increase equates to 143 milk cows in Yucatan 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. No 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 Bridge Creek Drive. Anything tracked on the roadway shall be cleaned up within a timely manner.
4. Farm operations must stay out of the township road right-of-way.
5. A plan and schedule shall be submitted with a building permit application for the addition detailing how site conditions will be modified to reduce tracking of mud onto the township road.

Cindy Wright 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 motioned to approve minutes of the October 26th meeting. Greg Myhre seconded. All were in favor. Motion carried.

Greg Myhre made a motion to adjourn the meeting. Wayne Feldmeier seconded. All were in favor. Motion carried.

Submitted by the Planning Commission Clerk on November 17, 2023.

Houston County Planning Commission
November 16, 2023

Approved on January 25, 2024, by Wayne Feldmeier and Cindy Wright

The Houston County Planning Commission met at 5:00 p.m. on Thursday, November 16, 2023. 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, Josh Gran, Larry Hafner, Ed Hammell, Cindy Wright and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Notice of Continuation Public Hearing No. 965 was read for applicant, **Bluff Country LLC**, 5130 County 21, La Crescent, MN 55947.

The petitioner is requesting a Conditional Use Permit to place a dwelling in the agricultural protection district of La Crescent Township. The first CUP hearing was held on September 28th and was tabled to get additional input on the project. A 60-day extension letter was sent to the applicant for additional review of the project.

- The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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 proposed dwelling location area has been mowed. The applicant did not know the farming status. There are prime ag soils that require 10 years without tillage. Slopes for the parcel are approximately 4% and road access to North Pine Creek Road should not be a problem. Since the first hearing the applicant has contacted the farmer who worked on the site and has supplied the zoning office with an affidavit stating that he has not taken a crop on the site for the last 10 years.
- The dwelling design has not been included with the application, but the septic review assumed a three-bedroom system.
- The closest dwelling is greater than 1000 ft away. There are no mines in the area and the nearest feedlot is approximately 1500 ft away. The wetland, shoreland, floodplain or bluff setbacks are close but can be met. Distances to the ordinary high-water level for Pine Creek are beyond 100 ft.
- Notice was sent to La Crescent Township and the ten closest property owners. Three comments were received.

Chairman Hammell asked the applicants if they had anything additional to add. Michael Sexauer explained that he plans to divide the parcel into two properties and construct dwellings on each. Chairman Hammell asked about the plans for driveway.

Chairman Hammell asked if anyone from the public would like to comment.

Dave Baumgartner commented that development is encroaching on ag land outside of La Crescent and he feels this should remain farmland.

Jon Bauer is concerned about the slope of the driveways, the maintenance of burial grounds on the property and refuted the affidavit submitted by the applicant. He provided copies of tract maps dating back ten years to the Planning Commission. Bauer farms part of this tract which enabled him to get the maps that show those parcels are in the program, however he was unable to get permission to see what crops were recorded on these strips. That information is considered private by the Farm Service Agency.

George Johnston previously provided a petition to the Zoning Office and brought another copy to add to the record for this proposal. He feels this is setting a precedent for incremental development on prime ag land and will hurt the local farmers in need of additional tillable acreage.

Ed Walsh provided an overview of relevant sections of the Zoning Ordinance and Comprehensive Land Use Plan that should yield a recommendation of denial based on this being a prime agricultural area.

Lori Bauer feels not enough information has been provided on the proposal. She fears that issues may transpire in the future with existing agricultural uses and also asked about floodplain.

Tony Oldenburg is worried about the road handling increased traffic. He stated the Township required a bond for his building projects in the past and questioned if the County had similar requirements.

Roy Lemke with La Crescent Township summarized the written document that was provided by Greg Schieber, the attorney representing the Township, prior to the hearing.

Travis Baumgartner is concerned about increased traffic.

Clayton Winneshiek, President of the Ho Chunk Nation, explained his fear of incremental development and requested the State Historical Society and Archaeologist review the burial site. The location is not in the immediate vicinity of the proposed dwellings.

Ed Heberlein wants the burial ground to remain protected.

Darla Krzoska, attorney for the applicant, provided some comments to address concerns at the end of the public comment period. She stated that in her discussion with the Highway Engineer that "he's not concerned" with the impact of this proposal on the roadway. This is also not a County road within his jurisdiction. She also noted the Planning Commission's role in balancing the interests of the Comprehensive Plan between preserving ag land and encouraging development. The applicant does not plan to impact the burial mounds.

Michael Sexauer provided a closing statement summarizing the need for housing in Houston County.

Jim Wieser went through the non-farm dwelling section of the ordinance and broke down how each item has been satisfied. General discussion resulted on conflicting items of evidence.

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

During reading of the Findings Greg Myhre made a motion to bypass question 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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Greg Myhre – No, the comprehensive plan says ag land cannot be built on and there's a burial mound onsite.

Cindy Wright – No, for aforementioned reasons.

Wayne Feldmeier – No

Ed Hammell – No

Jim Wieser – Yes

Larry Hafner – No, agrees with Greg.

Josh Gran – Yes

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – No

Jim Wieser – Yes

Larry Hafner – Yes

Josh Gran – Yes. Stated that housing is needed, and this is a single-family home. Questioned why others voted no.

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

Greg Myhre – No

Cindy Wright – No, it's unknown.

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: The placement of the dwelling can't be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)(Seaton Silt loam) and 455 B2 (2E) (Festina Silt Loam) soils. Additionally, non-farm dwellings are

required to have an erosion control plan. An affidavit was supplied noting the area has not been cropped for the last 10 years.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – No, it's still ag land. The ordinance is drafted to protect ag land.

Jim Wieser – Yes, believe that with the signed affidavit it meets the standard.

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – No

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling located greater than 1000ft away from the closest neighbor will have minimal impact on the area. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

Greg Myhre – No
 Cindy Wright – No
 Wayne Feldmeier – No
 Ed Hammell – Yes
 Jim Wieser – Yes, it does not expand the density.
 Larry Hafner – No
 Josh Gran – Yes

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

Staff Analysis: The predominant land use is agriculture and the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties for existing uses.

Greg Myhre – No
 Cindy Wright – No
 Wayne Feldmeier – No
 Ed Hammell – No
 Jim Wieser – Yes
 Larry Hafner – No
 Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate quarters. This is still within the density standards for the agricultural protection district.

Greg Myhre – No
 Cindy Wright – No

Wayne Feldmeier – No
 Ed Hammell – No
 Jim Wieser – Yes
 Larry Hafner – No
 Josh Gran – Yes

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

Staff Analysis: NA

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

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

Greg Myhre – No
 Cindy Wright – No
 Wayne Feldmeier – No
 Ed Hammell – Yes
 Jim Wieser – Yes, the application meets the standards in the ordinance.
 Larry Hafner – No
 Josh Gran – Yes

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

Larry Hafner made the motion to recommend to the Houston County Board denial of a conditional use permit for a dwelling in the agricultural protection district in La Crescent Township.

Greg Myhre seconded. Roll call vote was taken. Greg Myhre - Yes, Cindy Wright – Yes, Wayne Feldmeier – Yes, Ed Hammell – Yes, Jim Wieser – No, Larry Hafner – Yes, Josh Gran - No. Motion carried to deny. The Findings will be submitted to the Houston County Board of Commissioners for their review.

Notice of Public Hearing No. 968 was read for applicant, **Bluff Country LLC**, 5130 County 21, La Crescent, MN 55947.

The petitioners are requesting a Conditional Use Permit to place a dwelling in the agricultural protection district of La Crescent Township.

Two CUPs are being considered for this parcel. The first or north CUP hearing was held on September 28th and was tabled to get additional input on the project. A 60-day extension letter was sent to the applicant for additional review of the north project. This CUP is for the second lot or the south site.

- The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(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 proposed dwelling location is in parcel F. The area has had the grass cut. At the first hearing for the north site the applicant did not know the status of the active farming. There are prime ag soils that require 10 years without tillage. Slopes for the parcel are approximately 4% and a road access to North Pine Creek Road should not be a problem. Since the first hearing the applicant has contacted the farmer who worked on the site and has supplied the zoning office with an affidavit stating that he has not taken a crop on the site for the last 10 years.
 - The dwelling design has not been included with the application, but the septic review assumed a three-bedroom system.
 - There are no mines in the area and the nearest feedlot is approximately 1500 ft away. Distance to the local feedlots is included in the appendix. The wetland, shoreland, floodplain or bluff setbacks are close but can be met. Distances to the ordinary high-water level for Pine Creek are beyond 100 ft.
 - Notice was sent to La Crescent Township and the ten closest property owners. While objections have been received for the north site, which could be assumed to include this site, only one comment was received for this site.

Chairman Hammell asked the applicants if they had anything to add. The applicant was no longer in attendance.

Chairman Hammell asked if anyone from the public would like to comment. It was requested that all comments provided for the previous hearing be included on the record for this proposal.

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

Josh Gran made a motion to bypass question 8, 9, 12 and 14 that are not applicable. Greg Myhre 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: Single family non-farm dwellings are conditionally allowed in the Agriculture Protection District. This protects agricultural interests, which is a primary goal of the Comprehensive Land Use Plan.

Greg Myhre – No
Cindy Wright – No
Wayne Feldmeier – No
Ed Hammell – No
Jim Wieser – Yes
Larry Hafner – No
Josh Gran – Yes

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

Staff Analysis: The applicant indicates the dwelling is for a single-family home. Housing is needed in the area.

Greg Myhre – No
Cindy Wright – No
Wayne Feldmeier – No
Ed Hammell – Yes
Jim Wieser – Yes
Larry Hafner – No
Josh Gran – Yes

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

Staff Analysis: With the proper design, installation, and operation a septic system will not degrade the water quality in the county.

Greg Myhre – No

Cindy Wright – No because she’s unsure. What is being proposed will be close to Pine Creek which is a major waterbody in that area.

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: Proper placement of the proposed structures and surface water management can be implemented to minimize runoff and associated problems.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: The placement of the dwelling can’t be on class I through III soils unless it has been out of production for 10 years or more. Parcel E has 388C2 (3E)(Seaton Silt loam) and 455 B2 (2E) (Festina Silt Loam) soils. Additionally, non-farm dwellings are required to have an erosion control plan. An affidavit was supplied noting the area has not been cropped for the past 10 years.

Greg Myhre – No

Cindy Wright – No based on the reports given.

Wayne Feldmeier – No

Ed Hammell – No, for the same reasons as before. It needs to be out of production for 10 years or more.

Jim Wieser – Yes

Larry Hafner – No

Josh Gran – Yes

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

Staff Analysis: A properly operated septic system will prevent deleterious discharges to the environment.

Greg Myhre – No

Cindy Wright – No

Wayne Feldmeier – No

Ed Hammell – Yes

Jim Wieser – Yes

Larry Hafner – No
Josh Gran – Yes

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

Staff Analysis: Evaluation of the locational criteria, the erosion control plan and approved road access will provide the necessary facilities for the proposed dwelling.

Greg Myhre – No
Cindy Wright – No
Wayne Feldmeier – No
Ed Hammell – Yes
Jim Wieser – Yes
Larry Hafner – No
Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: A single family non-farm dwelling will have minimal impact on the area. The addition of a dwelling is not anticipated to negatively affect the use of neighboring properties.

Greg Myhre – No
Cindy Wright – No
Wayne Feldmeier – No
Ed Hammell – No
Jim Wieser – Yes
Larry Hafner – No
Josh Gran – Yes

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

Staff Analysis: The predominant land use is agriculture and the continuation of which will not be impacted by the dwelling. The area continues to be agricultural, and the dwelling should not impact neighboring landowners' ability to utilize their properties for existing uses.

Greg Myhre – No due to the fact that its I, II, and III soils.
 Cindy Wright – No, agree with Greg Myhre.
 Wayne Feldmeier – No
 Ed Hammell – No for the same reason.
 Jim Wieser – Yes
 Larry Hafner – No
 Josh Gran – Yes

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

Staff Analysis: NA

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

Staff Analysis: There are two CUP's being considered for this area, but they are in separate qtr.-qtrs. This is still within the density standards for the agricultural protection district.

Greg Myhre – No
 Cindy Wright – No
 Wayne Feldmeier – No
 Ed Hammell – Yes, this meets the density requirements.
 Jim Wieser – Yes, agree with Ed Hammell.
 Larry Hafner – No, for lack of discussion.
 Josh Gran – Yes, agree with Ed and Jim.

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

Staff Analysis: NA

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

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

Greg Myhre – No
 Cindy Wright – No
 Wayne Feldmeier – No
 Ed Hammell – No, it does change the welfare of the farmers in the area.
 Jim Wieser – Yes

Larry Hafner – No
 Josh Gran – 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 denial of a conditional use permit for a dwelling in the agricultural protection district in La Crescent Township.

Cindy Wright seconded. Roll call vote was taken. Greg Myhre – Yes, Cindy Wright – Yes, Wayne Feldmeier – Yes, Ed Hammell - Yes, Jim Wieser – No, Larry Hafner – Yes, Josh Gran – No. Motion carried to deny. The Findings will be submitted to the Houston County Board of Commissioners for their review.

Notice of Public Hearing No. 969 was read for applicants, **Skyline Materials LTD**, 900 Montgomery Street, Decorah, IA 52101 and **Wesley Fort**, 19519 County 26, Houston, MN 55943.

The petitioners are requesting a Conditional Use Permit for the expansion of an unpermitted rock quarry in Money Creek Township. The CUP will address the existing conditions and the quarry's expansion.

- Both parcels were owned by Wesley Fort with PID 10.0103.000 being sold to Skyline Materials in 2015 and 8 acres of PID 10.0104.000 currently being purchased by Skyline Materials for a quarry expansion. The existing quarry operations are located within PID 10.0103.000 and occupy 6.7 of the 7.94-acre site. Parcel PID 10.0104.000 contains 81.06 acres. The quarry is mined for limestone/dolomite aggregate. The quarry expansion is estimated to provide an additional 10 to 15 years of site life. No production increases are anticipated with this proposal and no increased use of the road or truck traffic is expected.
- Parcels 10.0103.000 and 10.0104.000 are located adjacent to County Highway 26 west of the village of Money Creek. The dwelling located on PID 10.0104.000 was permitted in 1971.
- Issuing a CUP will bring the site into compliance with the applicable ordinances for quarrying operations including site reclamation with a performance bond as well requirements for daily operations. A portable crusher will be used as needed with no onsite washing occurring. The operator will be required to maintain their MPCA/ NPDES permit and reporting.
- Proposed hours of operation are Monday through Friday 6:00 AM to 8:00 PM and Saturday 8:00 AM to 3:00 PM.
- Land use in the area is agricultural and woodland with residential and general business districts located greater than 4200 feet to the east of the site.
- The quarrying is into a hilltop that has a surface water divide that works in concert with County Highway 26. The site is not in flood plain, shoreland or bluff land. There is wetland located approximately 340 ft north of the site and does not receive any runoff from the quarry due to the surface water divide. A wooded section exists between Highway 26 and the north side of the quarry providing screening from the public roadway.
- The quarrying is from north to south with the deepest portion of the quarry on the west side closest to the neighboring dwelling. This vertical wall in the quarry provides a barrier for dust and screens the quarry operations.
- The well depth to potable water is substantially below the Oneota dolomite formation.

- The existing quarry has no tillable acreage. The parcel containing the proposed expansion has tillable acreage. The soils in the quarry expansion area include (103C2) Seton Silt Loam with a land capability subclass rating of 3e, (586D2) Nodine Rollingstone Silt Loam with a land capability subclass rating of 4e and the (592E) Lamoille-Elbaville Silt Loam with a land capability subclass rating of 6e. Total overburden depth to be removed prior to quarrying rock is estimated to be 5 to 15 feet in depth. The overburden will be used in the site restoration, which will cover 13.4 acres.
- The setback requirement referenced below under **Section 27.8 Subd. 7(6) Dust and Noise** references a 1000 ft perimeter from the quarrying where any expansions cannot expand closer to an existing dwelling. This expansion will not encroach closer than the 410 ft existing setback. Figure 3. shows the proposed setback from the dwelling for the proposed expansion.
- The Houston County Zoning Ordinance provides the following requirements for Mineral Extraction in the agriculture protection district:

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(19) Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

SECTION 27- MINERAL EXTRACTION

27.1 PURPOSE

The purpose of this Section is to ensure extraction of minerals is done in accordance with the Houston County Comprehensive Land Use Plan, to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:

Subdivision 1. Agricultural Purposes. *The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.*

Subdivision 2. Commercial and Industrial Purposes. *The establishment of commercial and industrial development sites in commercial and industrial zoning districts.*

Subdivision 3. Natural Resources Purposes. *The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.*

Subdivision 4. Health, Safety and General Welfare. *The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.*

27.6 CONDITIONAL USE PERMIT REQUIRED

Except as allowed under Sections 27.4 or 27.5, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

Subdivision 1. Application for Permit. *Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for*

such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

- (1) Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.*
- (2) An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.*
- (3) An existing conditions map as described in Section 27.7 below.*
- (4) An operation plan and map, as described in Sections 27.8 and 27.9 below.*
- (5) A Reclamation plan and map as described in Section 27.10 below.*
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.*
- (7) An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.*
- (8) Any other information requested by the Planning Commission or governing body.*

Chairman Hammell asked the applicants if they had anything to add. Chris Priebe, with G-Cubed, explained the proposal. The existing quarry provides material for local township and private jobs but is currently running to the end of the source. Wesley Fort, the landowner of the expansion area, and a representative of Bruening Rock Products, Floyd Hackman, were also present.

Chairman Hammell asked if anyone from the public would like to comment. There was none.

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

Josh Gran made a motion to bypass question 5 and 13 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: The need for aggregate is recognized in the 2040 Comprehensive Land Use Plan under values guiding the plan found on page 6.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The dolomite rock works well as an aggregate for road projects and the site provides a local source for future construction.

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 topography and site operations create surface water flow from running off the site. Additionally, the surface water divide minimizes flow into the site from the north.

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 proposal will not change site operations regarding water runoff. The inward surface water gradient prevents runoff from the site.

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 have been addressed and that standards have been met.

Staff Analysis: The primary on-site activities will be portable crushers and stockpiling materials with no washing or processing occurring. There are minimal pollution hazards associated with the 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: No road revisions will occur, and the quarry drainage will stay on site and follow their existing operating plans.

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 activities related to this are exclusively within the quarry.

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: The site operation plan addresses the management of their minimal equipment activities. And truck traffic from the quarry is not expected to increase.

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 CUP will improve the site's restoration and the expansion will not increase production from present levels. The quarry's location and view shed have minimal impact on neighboring 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 revisions to site operations are minimal and should not have additional impact on surrounding properties.

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: Dust suppression and inspection of roadways for spillage will be performed by the site's operator in accordance with the site operations plan. The proposal will have minimal impact on site operations.

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: Continuation of a quarry is not increasing the intensity of development in the zoning district.

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: Site specific conditions for quarrying are being applied as part of the CUP for site operations and restoration.

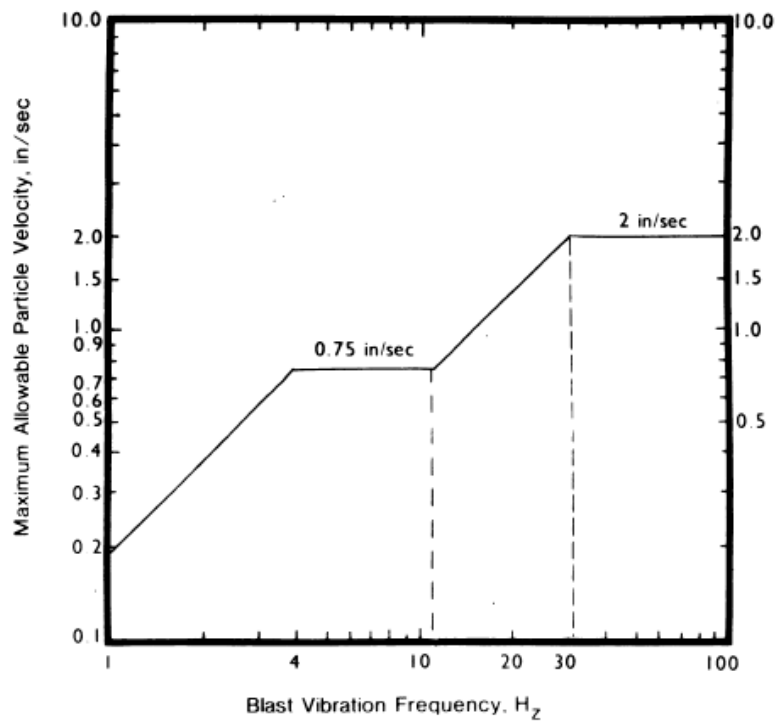
Board agreed to the finding by a unanimous vote.

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.

Jim Wieser made the motion to recommend the Houston County Board approve a conditional use permit for mineral extraction in the agricultural protection district in Money Creek 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. *When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:*
 - a. *Name and mailing address of operator;*
 - b. *The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;*
 - c. *A Map or maps that accurately show and label:*
 - i. *Total acreage of the mine area;*
 - ii. *The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;*
 - iii. *The acreage of any portion of the mine area presently undergoing the process of reclamation;*
 - iv. *The total acreage of reclaimed land;*
 - d. *A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.*
 - e. *A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.*
 - f. *A certification signed by the operator that information provided is true and accurate.*
4. *Final reclamation shall meet the County zoning ordinance standards after mining operation cease.*
5. *A financial assurance shall be filed with the County Treasurer in an amount not less than \$1,500 per acre.*
 - a. *Financial Assurance Requirements.*

- i. *Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.*
 - ii. *Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.*
 - iii. *Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.*
 - iv. *The bond shall be payable to "Houston County, Minnesota".*
 - v. *Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.*
- 6. *The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50'.*
- 7. *The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting.*
- 8. *Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County when requested. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, at locations determined by the blasting contractor. Blasting shall only occur Monday – Friday from 8 AM – 6 PM. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:*



9. *Hours of operation shall be limited to the following: Weekdays: 6:00 AM – 8:00 PM Saturdays: 7:00 AM – 3:00 PM. Limits to hours of operation may be suspended by Houston County.*
10. *Excavation shall not occur below the Oneota dolomite formation.*

Ed Hammell 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.

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

Submitted by the Planning Commission Clerk on November 17, 2023.