

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.