

Houston County Planning Commission  
January 25, 2024

**Approved on April 25, 2024 by Greg Myhre and Wayne Feldmeier.**

The Houston County Planning Commission met at 5:00 p.m. on Thursday, January 25, 2024. 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, Cindy Wright, Josh Gran, Larry Gaustad, Johnathon Glasspoole and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Wayne Feldmeier made a motion to approve the minutes of November 15 & 16, 2023. Cindy Wright seconded. All were in favor. Motion carried.

Election of Chairperson for 2024 took place. Greg Myhre nominated Cindy Wright for Chairperson. Jim Wieser seconded. Roll call vote was taken and all were in favor. Cindy Wright abstained. Motion carried.

Election of Vice Chairperson for 2024 took place. Jim Wieser nominated Josh Gran for Vice-Chairperson. Greg Myhre seconded. Cindy Wright made a motion to cease nominations. All were in favor. Josh Gran abstained and all were in favor. Motion carried.

Election of a Board of Adjustment delegate for 2024 took place. Greg Myhre nominated Jim Wieser. Cindy Wright seconded. Wayne Feldmeier made a motion to cease nominations. Roll call vote was taken and all were in favor. Jim Wieser abstained. Motion carried.

**Notice of Public Hearing No. 970** was read for applicants, **Ross and Shauna Mundinger**, 1631 Green Bay Street, La Crosse, WI 54601.

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

- The Houston County Zoning Ordinance provides the following requirements for Single-family non-farm dwellings in the agriculture protection district:
  - 14.3 CONDITIONAL USES**
  - Subdivision 1. Conditional Uses.** *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*
  - (10) Dwellings. Single-family non-farm dwellings subject to the following:*
    - (a) No more than one (1) dwelling per quarter-quarter section.*
    - (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*

(c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*

(d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*

(e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- The proposed location is agricultural land with no existing structures on the parcel.
- The proposed dwelling is in an area actively farmed but the Seaton Loam soil (388E) has a land capability classification of VI e, which is not a prime designation. Slopes for the parcel range from 14 to 17% and are not considered to be bluff land. Supporting calculations using MN TOPO and where measurements were taken from are included as attachments. The building site is in shoreland and will require field verification to meet the 100 ft setback to the ordinary high-water level (OHWL). Note that if the building encroaches on the setbacks the potential for moving the building back likely exists based on the OHWL and the deck could possibly be switched to a cement slab, which would not be considered in the structure's setback.
- The site is not in the floodplain and no wetlands are present in the proposed building area. The site is accessed from Ten Bluffs Drive, which is a township road and the 12% slope requirement can be met.
- The proposed dwelling's footprint includes a three-car garage and a deck. The dwelling's septic system will be designed for three bedrooms.
- The closest dwelling is approximately 700 ft from the proposed location. There are no mines in the area and the nearest feedlot is greater than a mile away.
- Notice was sent to Brownsville Township and the ten closest property owners. One verbal comment from James Fuchsel was received inquiring about whether it was an open quarter-quarter. It was shown to be open.

Chairwoman Wright asked the applicants if they had anything additional to add. Ross and Shauna Mundinger explained their proposal.

ES Director Herrick discussed shoreland regulations.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented.

Chairwoman Wright 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 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 a single-family non-farm dwelling. Housing is a needed 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 new dwelling with proper erosion control and septic treatment will have minimal impact on the local 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: Measures, such as the erosion control plan, will be in place for the construction of the new dwelling to minimize the 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 conditions will not be a concern other than locating a second absorption area in an undisturbed location. 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: The owner will be responsible for all utilities on the parcel as it is a new site and the township will have to approve driveway access to Ten Bluffs Drive.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: The new dwelling will have a low-profile view shed and the closest neighbor is located 700 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 be minimally impacted by the new dwelling. The area continues to be agricultural, and the dwelling 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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

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

Josh Gran made the motion to recommend the Houston County Board approve the Conditional Use application 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 complying 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.

**Notice of Public Hearing for No Wake Zone Ordinance.** ES Director Herrick read the notice and the draft no wake zone ordinance and outlined the Planning Commission's role to make a recommendation to the Board of Commissioners.

Mayor Mike Poellinger, City of La Crescent, provided background information on the City of La Crosse's no wake areas along the main channel that's forced higher speed boat traffic to West Channel. This is compounded by the fact that an increasing number of fishing tournaments are held throughout the summer, primarily on the weekends. The City is requesting support to protect the safety of property owners.

There was general discussion with Mayor Poellinger on safety concerns, enforcement, and costs associated with this proposal. He said currently La Crosse County has transitioned to GPS mapping and no longer places buoys, but the City would pay for buoys if there is a requirement for them. The City of La Crescent also owns a boat, but currently has nothing to enforce.

It was discussed that there are other residential areas along the Mississippi River in Houston County that are equally impacted by wakes, but gain no protection from this ordinance.

Chairwoman Wright asked for additional public comment.

Tom Aiuppa, a resident of Shore Acres, described the area in question and feels that overall creating a no wake zone will not substantially increase the amount of time it will take for boaters to travel the short distance. He also noted that Minnesota does not have a no wake zone during high water, unlike Wisconsin, which increases damage potential to dwellings along the river. Chairwoman Wright clarified with Mr. Aiuppa that this is a reaction to changes (the institution of main channel no wake zones) that have been made by La Crosse County and the City of La Crosse in the last five years.

Dave Hanifl, a resident of Shore Acres, described the boating activity that creates issues. Then consider the compounding effect of multiple high speed boats traveling on the small channel at the same time. His primary concerns are safety and erosion.

Chairwoman Wright summarized the discussion over costs, enforcement, safety factors, erosion factors and inconvenience to thru boat traffic.

Wayne Feldmeier made a motion to recommend the Houston County Board approve the No Wake Zone Ordinance with the stipulation that they feel the City of La Crescent should be responsible for annual installation/removal costs and equipment costs (i.e. signage and buoys). Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

The draft ordinance, with the stipulation, will be presented to the Houston County Board of Commissioners for final action.

Under other business, ES Director Herrick handed out the guidance document from the Zoning Office that compares non-farm and farm dwellings and there was general discussion.

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

Submitted by the Planning Commission Clerk on January 26, 2024.

Houston County Planning Commission  
April 25, 2024

**Approved on May 23, 2024 by Wayne Feldmeier and Greg Myhre.**

The Houston County Planning Commission met at 5:00 p.m. on Thursday, April 25, 2024. A summary of the meeting follows.

The meeting was called to order by Chairwoman Cindy Wright. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, and Jim Wieser. Greg Myhre, County Commissioner, was present. Martin Herrick and Amelia Meiners were present for Environmental Services.

Greg Myhre made a motion to approve the minutes of January 25, 2024. Wayne Feldmeier seconded. All were in favor. Motion carried.

**Notice of Public Hearing No. 971** was read for applicants, **Jason and Amber Wieser**, 4017 County 6 La Crescent, MN 55947.

The petitioners are requesting to amend the zoning map to change parcels PID 08.0089.001 & PID 08.0077.001 from Agricultural Protection District to Residential District.

- The applicants are proposing to rezone in order to open the quarter-quarter section in the Agriculture Protection District for a proposed single-family dwelling on parcel PID 08.0089.000.
- An application for rezoning the parcel to Residential from the Agriculture Protection District was submitted on March 21, 2024. Additionally, the neighboring parcel PID 08.0089.000 has a variance request being reviewed that is linked to this and is predicated on the rezoning being approved.
- Notice was sent to La Crescent Township and the ten closest property owners. No comments have been received to date.
- No activities are proposed for parcels PID 08.0089.001 & PID 08.0077.001 associated with this rezone request. On 9/28/2004 La Crescent Township granted a permit for a single-family dwelling with an attached garage. The parcel is approximately 1.9 miles from the City of La Crescent and is adjacent to the Golf View Addition Subdevelopment.

Chairwoman Wright asked the applicants if they had anything additional to add.  
-Noted applicant called in.

Chairwoman Wright asked if anyone from the public would like to comment.  
-Chairwoman Wright commented as a neighbor she is ok with project.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

EVALUATION

Section 8.6 of the Houston County Zoning Ordinance requires that the Board make findings in support of a decision but does not prescribe specific criteria. The following findings are proposed by staff for your consideration. Please consider formulating additional findings as you see fit.



1. The property at 4017 County 6, La Crescent, Mn is zoned Agricultural Protection District and is approximately 1.89 miles from the City of La Crescent.

Board agreed to the finding by a unanimous vote.

2. The City of La Crescent Comprehensive Land Use Plan for future land use identifies La Crescent Township within two miles of the current city limits.

Board agreed to the finding by a unanimous vote.

3. The Houston County Comprehensive Land Use Plan in Chapter 2, Policy 1. Identifies limiting development in agricultural areas unless identified for development under city capital improvement plans or city comprehensive plans.

Board agreed to the finding by a unanimous vote.

4. Parcel 08.0089.001 meets the requirements for lot setbacks and septic systems in the residential district.

Board agreed to the finding by a unanimous vote.

5. The soils on parcels PID 08.0089.001 & PID 08.0077.001 are not prime agricultural soils ranging from a land capability classification of 6e to 7e.

Board agreed to the finding by a unanimous vote.

6. The rezoning will remove this dwelling from the one dwelling per quarter-quarter density standard for the Agricultural Protection District in the NW ¼-NW ¼. And allow the proposed dwelling for PID 08.0089.000 to be located on non-prime ag land in this quarter-quarter.

Board agreed to the finding by a unanimous vote.

Chairwoman Wright asked members if they had any findings to add.

Chairwoman Wright asked that the Findings be adopted if there were no additional questions or concerns.

Greg Myhre made a motion to accept the findings as presented. James Wieser seconded. Roll call vote was taken.

	Yes	No	SA	Comment
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Josh Gran				
Wayne Feldmeier	X			

Cindy Wright	X			
Greg Myhre	X			

All were in favor. Motion carried. James Wieser made a motion to recommend approval of the rezone. Johnathon Glasspoole seconded. Roll call vote was taken. All were in favor. Motion carried.

The Findings and application will be presented to the Houston County Board of Commissioners for final action on May 7<sup>th</sup>, 2024.

General discussion on future cannabis ordinance was had.

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

Submitted by the Planning Commission Clerk on April 26, 2024.

Houston County Planning Commission  
May 23, 2024

**Approved by Commissioner Myhre and Jim Wieser on July 25, 2025.**

The Houston County Planning Commission met at 6:20 p.m. on May 23, 2024. A summary of the meeting follows.

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

Wayne Feldmeier made a motion to approve the minutes of April 25, 2024. Greg Myhre seconded. All were in favor. Motion carried.

**Notice of Public Hearing No. 972** was read for applicants, **Peter Shufflebotham and Kate Woodward**, 527 5<sup>th</sup> St. S La Crescent, MN 55947.

The petitioners are requesting A Conditional Use Permit (CUP) for a single-family dwelling in the agricultural protection district of Hokah Township.

- A permit for a mobile home was issued on 4/23/1978. The parcel initially contained 46.67 acres and has since been split. The existing dwelling cannot show occupancy for 8 of the last 10 years per Section 14.2 Subdivision 1 (5) (b) to be considered a permissible single-family dwelling. The trailer shows vandalism indicating no upkeep, which has been observed for multiple years and is a criterion for occupancy. Consequently, it will require a conditional use permit (CUP). The site is an open quarter-quarter and can meet the .9 acres minimum buildable lot requirement.
- The elevation changes limit the size of building replacements from the current trailer and pending variances are needed to account for the larger structure.
- The new owner has been cleaning the site and does not intend to have any other structures on the parcel besides the dwelling and attached garage.
- **Based on the Board of Adjustment tabling from the 4/25/24 hearing, the applicant has revised the design of the proposed building from 4900 square ft to 4000 square ft.**
- The site requires a new septic system and a preliminary review has indicated that a mound system would be needed for treatment. **With the reduced building footprint, the proposed septic system is being revised from the 4/25/24 hearing to include a drain field. A preliminary design for a drain field is included in the Appendix.** The site is not required to have multiple drain field location as it was developed prior to 1/23/1996.
- Staff have discussed the very steep slope near the northeast corner of the proposed structure with the applicant and will require the design of a retaining wall or other measures by a Professional Geotechnical Engineer registered in the State of Minnesota. **A building permit will not be granted until a stability factor of safety of 1.3 or greater has been demonstrated.** There is evidence of a previous slide that has partially revegetated located to the northeast of the proposed structure.
- Hokah Township and the ten closest property owners were notified for the CUP application. Numerous comments were received for the 4/25/24 Board of Adjustment hearing and are included in the Appendix. Also, inquiries on the tabling at the 4/25/24 hearing have been made. Zoning contacted Jay Squires outside counsel on this issue and his response is included in the Appendix. But to date no comments have been received regarding the CUP application.
- The site has limited buildable area due to elevation changes. While the site had a septic system prior to January 23,1996 and does not need a second location for a drain field, the site soils do not have any septage treatment credit and a mound system will have to be designed for treatment.

- The toe of the bluff projects into the northeast corner of the buildable area of the site. A profile of the site is shown in the Appendix. It is apparent where the toe of the bluff starts and zoning staff had discussions with the applicant regarding the toe of the bluff. Staff made it very clear that for zoning to consider encroachment into the 25 ft setback zone a review, plan and sign off by a Professional Geotechnical Engineer will be required for all measures to stabilize the toe of the bluff in the northeast portion of the project.
- There is a large culvert that routes surface water from the neighboring hills under part of the front yard and onto the downgradient neighboring property. This structure cannot be altered.

Chairwoman Wright asked the applicants if they had anything additional to add. Peter Shufflebotham and Kate Woodward were present to answer questions.

Chairwoman Wright also acknowledged that due to earlier Board of Adjustment (BOA) hearings running behind the Planning Commission members were able to hear the BOAs discussion about this site.

Commissioner Myhre asked about the total size of the proposed structure. The applicants said they reduced the size by 1,300 square feet from their original proposal [to the BOA] with most of that coming from the shop/garage area.

ES Director Herrick explained the site needs a conditional use permit due to a period of no occupancy even though a mobile home existed previously.

Larry Gaustad asked about the layout of the property and questioned the corner of the shop that will be right against the hill. Peter Shufflebotham stated they will be constructing a retaining wall so there will be approximately 12-feet between that and the structure.

Commissioner Myhre questioned why he is being allowed to dig out the hill and expressed his safety concerns with this site.

There was clarification that the BOA just granted a variance for the toe of bluff setback and that is the BOAs role.

Chairwoman Wright pointed out that the BOA's previous concern was locating a septic system and the structure has now been downsized to allow for a full septic system.

Larry Gaustad asked if there would be room for a play area for the kids and mentioned to check with the township regarding planting trees.

It was established that Welke Road is a dead-end road with four dwellings beyond this site.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting. Previous comments from the variance were included in the CUP packet. Commissioner Myhre asked about SWCD comments and ES Director Herrick read the summary of his conversation with Dave Walter.

Chairwoman Wright stated that there would be engineering requirements to be achieved before a building permit could be sought. It was discussed whether the hearing should be tabled to allow for engineering to be completed, but consensus was to continue on with it as a condition as proposed.

Jim Wieser informed the Planning Commission that he and ES Director Herrick attended the Hokah Township hearing. There were a lot of questions, but ultimately, he felt they were accepting of the proposal.

Commissioner Myhre expressed concern that this area flooded recently and he was concerned for the family's welfare if we were to allow a dwelling in this location.

There were final questions and clarification on the building size and building design.

Josh Gran motioned and Jim Wieser seconded to remove Findings 8, 9, 12, 13, and 14.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

### EVALUATION

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

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

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

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

Board initially voted by consent, but Jim Wieser asked for voting to be conducted via roll call because it was unclear if there was general consent. The finding was then voted on by roll call.

	Yes	No	SA	Comment
Josh Gran	X			Feels it can be constructed safely.
Jim Wieser	X			
Johnathon Glasspoole		X		Not comfortable with the proposal. The dwelling is too large for lot.
Larry Gaustad		X		
Wayne Feldmeier		X		Going into bluffs. This does not meet setbacks.
Cindy Wright	X			BOA required engineer approval.
Greg Myhre		X		Proposal does not follow the ordinance.

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

Staff Analysis: This is a replacement of an existing dwelling and single-family housing is needed.

	Yes	No	SA	Comment
Josh Gran	X			Agree with Cindy Wright.
Jim Wieser	X			Agree with Cindy Wright.
Johnathon Glasspoole	X			They've demonstrated a need.
Larry Gaustad		X		There is not a good proposed site for a house.
Wayne Feldmeier		X		Doesn't believe in engineers.
Cindy Wright	X			Straight forward question of use.
Greg Myhre		X		It's not a good place to build a house.

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

Staff Analysis: The applicant will be required to install and operate a compliant septic system and

has been removing other potential contaminant sources from the property.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

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

Staff Analysis: Existing water management structures will not be altered and surface water diversion structures are being considered for the buttressing of the slope.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad		X		
Wayne Feldmeier		X		The toe of bluff setback is there so you don't dig into it.
Cindy Wright	X			Noted that the BOA put requirements into place during their meeting.
Greg Myhre		X		Water runoff will be a problem when you dig into the hill.

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

Staff Analysis: A geotechnical evaluation of the slope is being required and the septic system will require a mound system for treatment. Engineering measures are being required for the site's soil conditions.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

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

Staff Analysis: A compliant septic system will be operated, and the applicant has removed substantial amounts of potential pollution hazards.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			

Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

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

Staff Analysis: Some utilities exist and others, like the septic system will be upgraded. Additionally surface water management will be addressed in the geotechnical report for the slopes.

	Yes	No	SA	Comment
Josh Gran	X			Clarified the proposal is not in a FEMA flood zone.
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad		X		
Wayne Feldmeier		X		If it's in flood zone you can't put a house there.
Cindy Wright	X			
Greg Myhre		X		Due to fact that it will be in flood zone.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: This is a replacement for an existing use.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre		X		Water running down to neighbor's property.

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: As noted above this is a replacement for an existing use and only one structure will be located on the parcel. Other existing structures have been removed.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier		X		
Cindy Wright	X			
Greg Myhre		X		Potential flooding will cause trouble with neighbors.

Chairwoman Wright asked that the Findings be adopted if there were no additional questions or concerns.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded.

Prior to a roll call vote on the motion, Josh Gran asked for the Planning Commission to reconsider Finding #1 due to the inconsistency of the previous decision.

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



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

	Yes	No	SA	Comment
Josh Gran	X			Agree with Jim Wieser.
Jim Wieser	X			That's why we have variances.
Johnathon Glasspoole		X		Not comfortable with proposal.
Larry Gaustad		X		Agree with Wayne Feldmeier and Greg Myhre.
Wayne Feldmeier		X		It's in the ordinance.
Cindy Wright	X			
Greg Myhre		X		Proposal does not follow the ordinance.

With no change the Planning Commission proceeded with the motion on the table. Roll call vote was taken to approve the findings as presented.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend denial of the CUP. Wayne Feldmeier seconded. Roll call vote was taken. Motion carried.

	Yes	No	SA	Comment
Josh Gran		X		
Jim Wieser		X		
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright		X		
Greg Myhre	X			

The Findings and application will be presented to the Houston County Board of Commissioners for final action.

**Notice of Public Hearing No. 973** was read for applicants, **Spiker Family Revocable Trust**, 1320 Urbana Ave S, Tulsa, OK 74112.

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

- Initially a complaint was received about the project and Martin Herrick met with the contractor onsite. Dave Walters from the soil and water program was contacted about the project and he measured the volume of material. The project was started prior to receiving a substantial land

alteration permit. The permit is being applied for by the contractor Zenke Inc. The contractor did not think the replacement of existing soils that were exhumed previously were required to be included in the 5000 cubic yard calculation. The zoning office was not contacted about the project prior to the complaint being received.

- Notice was sent to La Crescent Township and the ten closest property owners. General inquiries from anonymous callers were received about the project inquiring about what was planned for the area. Jim Klock also inquired about the project. The Spiker family provided a response letter, which is included in the Appendix outlining the plans for the parcel.
- This is a parcel in La Crescent Township. The project has been completed. Erosion control measures have been implemented including seeding. The parcel is an open quarter -quarter, which the owners are planning to build on at a later date as noted in their response letter.

Chairwoman Wright asked the applicants if they had anything additional to add. Travis Zenke and Keith and Denise Spiker were present. Travis Zenke explained that the work took place in February and March and the intent is for this to be a future dwelling site. There was general discussion about the project.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Josh Gran motioned and Jim Wieser seconded to remove Findings 8, 9, 12, 13, and 14.

## EVALUATION

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

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

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

Staff Analysis: Goal 2.3 of the Comprehensive Land Use Plan references protection of natural resources. Applying for a land alteration permit protects natural resources.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The roadway is needed for a future dwelling 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 concentrated water is routed through a culvert controlling the surface water and dissipating 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 soil is adequate to support vegetation.

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: NA

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

Staff Analysis: NA

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

Staff Analysis: With vegetation reestablished and good surface water routing the parcel will 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 roadway and routing surface water through a culvert is an improvement for a future dwelling.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. Roll call vote was taken.

	Yes	No	SA	Comment
Josh Gran	X			Beautiful place to build a house.
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier		X		
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend approval of the CUP 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 complying with the conditions and all other applicable statutes, rules, and ordinances.

Josh Gran seconded. All were in favor. Motion carried.

Zoning Staff originally charged the applicants triple the conditional use permit hearing fee per the Houston County Zoning Ordinance since this was an after-the-fact request. Greg Myhre motioned to refund the difference between the regular and after-the-fact (\$1400). Josh Gran seconded. General consent passed the motion with John Glasspoole voting nay. Motion carried.

The Findings and application will be presented to the Houston County Board of Commissioners for final action.

**Notice of Public Hearing No. 975** was read for applicants, **Affordable Investments, LLC/Kenneth Johnston** 17186 County 26, Houston, MN 55943.

The petitioners are requesting a Conditional Use Permit for a wedding venue within the agriculture protection district of Money Creek Township.

- The applicant is proposing a wedding venue, which has a cyclical nature and will not operate continuously.
- The parcel has a recent zoning permit 2024-Z -5385, dated 4/17/24, which has not been constructed yet. The parcel has an abandoned feedlot that is not on the feedlot registry.
- The applicable ordinance for this activity is found below in Section 14 -Agricultural Protection District.
- Notice was sent to the Money Creek Township and the ten closest neighbors. Only one comment was received to date from Phil Niesen who had no objection.
- The existing farm building will be repurposed for the venue with upgrades for ADA compliance. Two 3000-gallon holding tanks for the septic system will be installed. Additional measures will be implemented to control traffic and accommodate the wedding facility.
- Figure 1. shows the driveway has a good line of site both vertically and horizontally aiding transitions onto County Highway 26. And the level nature of the site with minimal site obstructions will assist in traffic management.

Chairwoman Wright asked the applicants if they had anything additional to add. Ken Jr. and Tara Johnston were present to give a brief overview of the project and answer questions regarding onsite food prep, the septic design, onsite parking and ADA accommodation. They are hoping to be operational by this fall.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Jim Wieser motioned and Josh Gran seconded to remove Findings 13 and 14.

## EVALUATION

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

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

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

Staff Analysis: Goal 1.4 of the Houston County Comprehensive Land Use Plan notes implementing economic development strategies that reflect local values and supports agriculture, while attracting new businesses.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant notes that they are targeting reasonable costs for their venue.

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 venue will have a properly sized septic system of approximately 6000 gallons, which will not degrade the water quality of Houston County.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The quantity of water runoff will not increase as the modifications to the existing structures will not substantially increase the site's impermeable surface area. This does not restrict infiltration.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The on-site soils have adequate drainage and strength characteristics to support the venue.

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 cyclical nature of the venue and adequate sanitary facilities will limit the pollution potential.

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: Plans for parking, septic systems as well as ADA requirements will be implemented.

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: A plan for adequate off-street parking has been included with the application.

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: Enough area is available to control any traffic hazards.

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: Trees are proposed to reduce the view shed of the venue from County 26. The closest neighboring residence is greater than 700 feet away from the venue. With vegetation maintained and adequate surface water routing, the venue will have minimal impact on surrounding properties.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The venue is repurposing existing structures and will not impede development in the area.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Trees are proposed to reduce the view shed of the venue.

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

Board agreed to the finding by a unanimous vote.

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

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			

Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend approval of the CUP 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 complying with the conditions and all other applicable statutes, rules, and ordinances.

Josh Gran seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

The Findings and application will be presented to the Houston County Board of Commissioners for final action.

**Notice of Public Hearing No. 974** was read for applicants, **Wayne Feldmeier**, 5940 Little Valley Rd, Houston, MN 55943.

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

- The Houston County Zoning Ordinance provides requirements for cabins in the agriculture protection district.
- Notice was sent to Houston Township and the ten closest property owners. To date one inquiry has been received with no objection from Troy Bartelt.
- This parcel is in Houston Township. The parcel has no tillable acreage. The driveway will connect to MN Highway 16 shown in Figure 1.
- The footprint for the cabin will occupy 392 square ft and will not exceed the 400 square ft maximum to be considered as such in the Houston County Ordinance. The cabin dimensions are shown in Figure 3.
- The cabin will be brought in by trailer. The cabin will be unimproved without amenities such as water or septic.
- The closest dwelling is approximately 650 ft feet from the proposed cabin location as shown in Figure 2. The cabin and dwelling are both located in the same qtr. qtr.
- There are no mines or feedlots in the area. There are no concerns for wetland, floodplain, shoreland or bluff land for this proposal.

Chairwoman Wright asked the applicants if they had anything additional to add. Wayne Feldmeier was available for questions and abstained his position on the Planning Commission for this hearing. There was general discussion about the project. The cabin will be under 400 square feet with access off State 16.



Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Josh Gran motioned and Greg Myhre seconded to remove Findings 8, 9, 12, 13, and 14. All were in favor. Motion carried.

## EVALUATION

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

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

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

Staff Analysis: 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. This demonstrates a need for the proposed use.

Board agreed by general consent with John Glasspoole voting nay.

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 Mn Highway 16.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: There is one neighbor, which is approximately 650 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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

Greg Myhre made a motion to accept the findings as presented. Johnathon Glasspoole seconded. Roll call vote was taken.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend approval of the CUP 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 complying with the conditions and all other applicable statutes, rules, and ordinances.

Larry Gaustad seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran	X			
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

The Findings and application will be presented to the Houston County Board of Commissioners for final action.

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

Submitted by the Planning Commission Clerk on May 24, 2024.

Houston County Planning Commission  
July 25, 2024

**Approved on September 26, 2024 by Jim Wieser and Greg Myhre**

The Houston County Planning Commission met at 5:00 p.m. on July 25, 2024. A summary of the meeting follows.

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

Greg Myhre made a motion to approve the minutes of May 23, 2024 with a correction. Jim Wieser seconded. All were in favor. Motion carried.

**Notice of Public Hearing No. 976** was read for applicants, **Dale & Sally Mensink and Scott and Tina Bartsch**, 14889 Paradise Drive, Houston, MN 55943

The petitioners are requesting A Conditional Use Permit (CUP) for a single-family non-farm dwelling in the agricultural protection district of Houston Township.

- The proposed location is silvicultural land with no existing structures on the parcel. 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:*

- *No more than one (1) dwelling per quarter-quarter section.*
- *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.*
- *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.*
- *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.*
- *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual*

*access at least thirty–three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- The proposed dwelling has total dimensions of approximately 40 ft X 80 ft.
- The site is non-prime agricultural land which has been replanted in trees. Figure 2 above shows the proposed location of the new dwelling. To date only the proposed footprint of the dwelling has been submitted. The number of bedrooms has not been disclosed.
- The proposed dwelling's location is used for silviculture. The site's soil is the La Farge Silt Loam (605D2) with a land capability classification of IVE, which is not a prime soil designation. Slopes for the parcel range from 8% to 14% and are not considered to be bluff land. The site is not in the floodplain and no wetlands are present in the proposed building area. The site is accessed from Paradise Drive through the neighboring parcel and the 12% slope requirement can be met. An easement will be required if the proposed dwelling is not under the same ownership as the parcel directly accessing Paradise Drive.
- The closest dwelling is approximately 820 ft from the proposed location, which is a family member. The closest mine exceeds the 1000 ft setback and the nearest feedlot is greater than a mile away.
- The proposed site's setback will exceed 40 ft to any slopes meeting the definition of a bluff.
- Houston Township and the ten closest property owners were notified for the CUP application. To date no comments have been received.

Chairwoman Wright asked the applicants if they had anything additional to add. Dale and Sally Mensink and Tina Bartsch were present to answer questions.

There was general discussion about the location and driveway access. The new parcel will be five acres more or less.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Jim Wieser made a motion to bypass questions 8, 9, 12, 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 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 a single-family non-farm dwelling. Housing is a needed 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 new dwelling with proper erosion control and septic treatment will have minimal impact on the local 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: Measures, such as the erosion control plan, will be in place for the construction of the new dwelling to minimize the 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 conditions will not be a concern other than locating a second absorption area in an undisturbed location. 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: The owner will be responsible for all utilities on the parcel as it is a new site and the township will have to approve driveway access to Paradise Drive.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: The new dwelling will have a low-profile view shed and the closest neighbor is located 820 ft away, which is a family member. 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 be minimally impacted by the new dwelling. The area continues to be primarily agricultural, and the dwelling 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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

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

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend the Houston County Board approve a conditional use permit for a dwelling in an agricultural protection district in Houston Township with the following conditions:

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

Johnathon Glasspoole seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with the stipulations, will be presented to the Houston County Board of Commissioners for final action.

**Notice of Public Hearing No. 977** was read for applicants, **Gerald Ladsten and Tyler Ladsten**, 21691 Honey Drive, Spring Grove, MN 55974

The petitioners are requesting A Conditional Use Permit (CUP) for a single-family non-farm dwelling in the agricultural protection district of Spring Grove Township.

- The proposed location is pastureland with no existing structures on the parcel. 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:*

- *No more than one (1) dwelling per quarter-quarter section.*
- *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.*
- *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.*



- *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.*
- *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- The proposed dwelling has total dimensions of 36 ft X 72 ft.
- The site is prime agricultural land but as noted above it has not been cropped for the last 10 years. A three-bedroom house is being proposed.
- The proposed dwelling location is used for pasture. The site's soil is the Lindstrom silt loam (301C) with a land capability classification of IIIe, which is a prime soil designation. Based on Beacon's pictometry, the location has not been cropped for any of the last 10 consecutive years exempting it from the prime ag soil restriction under Section 14.3 Subd. 1 (10)(c). Slopes for the proposed site range from 16% to 18% and are not considered to be bluff land. The site is not in the floodplain and no wetlands are present in the proposed building area. The site is accessed from Honey Drive through the neighboring parcel and the 12% slope requirement can be met. An easement to Honey Drive is included in the parcel description.
- The closest dwelling, which is a family member, is approximately 820 ft from the proposed location. The closest edge of the mine property is 2400 ft to the west of the proposed dwelling and the nearest feedlot is greater than 2300 ft away from the site.
- The proposed dwelling's location will exceed the 40 ft setback to any slopes meeting the definition of a bluff.
- Spring Grove Township and the ten closest property owners were notified for the CUP application. One question from Richard Storlie was received regarding the location of the proposed dwelling.

Chairwoman Wright asked the applicants if they had anything additional to add. Gerald Ladsten and Tyler Ladsten were present to answer questions.

Jim Wieser clarified that the existing buildings would be compliant with the property split.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Greg Myhre made a motion to bypass questions 8, 9, 12, 13, and 14 that are not applicable. Johnathon Glasspoole 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 a single-family non-farm dwelling. Housing is a needed 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 new dwelling with proper erosion control and septic treatment will have minimal impact on the local 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: Measures, such as the erosion control plan, will be in place for the construction of the new dwelling to minimize the 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 conditions will not be a concern and 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: The owner will be responsible for all utilities on the parcel as it is a new site, and the driveway will be connected to an existing driveway using an easement.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: The new dwelling will have a low-profile view shed with the existing structures and the closest neighbor is located 820 ft away, which is also a family member. 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 be minimally impacted by the new dwelling. The area continues to be primarily agricultural, and the dwelling 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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

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

	Yes	No	SA	Comment
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Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

Jim Wieser made a motion to recommend the Houston County Board approve a conditional use permit for a dwelling in an agricultural protection district in Spring Grove Township with the following conditions:

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

Johnathon Glasspoole seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with the stipulations, will be presented to the Houston County Board of Commissioners for final action.

**Notice of Public Hearing No. 978** was read for applicants, **Nathan and Jennifer Wurm**, 12759 Phillip Drive, Caledonia, MN 55921.

The petitioners are requesting A Conditional Use Permit to place an accessory structure in the Green Acres residential district of Caledonia Township.

- The Houston County Zoning Ordinance provides the following applicable requirements for the proposed accessory use in the residential district:
- **15.4 ACCESSORY USES Subdivision 1. Incidental to Principal Use.** Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.
- **15.12 GENERAL STANDARDS** Additional requirements for parking, signs, sewage systems, and are set forth in Section 29 and 30.
- **29.14 ACCESSORY BUILDINGS AND STRUCTURES**
- **Subdivision 1. Accessory Buildings and Structures in Residential Districts**
- (3) No accessory building shall exceed the height of the principal building.
- (4) Accessory buildings, 200 square feet in area or less that are portable and not attached to any foundation, and which meet all other requirements of this ordinance, are permitted uses and do not

*require a building permit. All other accessory structures in the Residential District, except as provided in paragraph 5 below shall require a conditional use permit.*

- The proposed accessory building is a gymnasium with an elevated ceiling for a basketball court. While the proposed structure fits into the site's contours as much as possible its height will exceed the principal building elevation by approximately 8 ft. The local topography varies with numerous two-story dwellings that have walk out basements, so the viewshed is not extreme for the area. The building's exterior materials will blend in with the principal building and any exterior lighting will be minimized for access purposes only.
- The location is in the Green Acres Sub Development of Caledonia Township. Note that Houston County cannot enforce the covenants for the Green Acres Subdivision,
- The property consists of 1.58 acres in the Green Acres residential development. No road modifications will be required. The proposed septic system will be a holding tank dedicated to this building that will require an approved design and a permit. There will be no commercial activity related to this and no external signs will be installed. The proposed dimensions are 50 ft X 104 ft with part of the building approximately 6 ft below grade. The estimated height will be 8 feet above the height of the house for a total height of approximately 24 feet.
- Caledonia Township and the ten closest property owners were notified for the CUP application. To date, comments only have been from the Township

Chairwoman Wright asked the applicants if they had anything additional to add. Brent Augedahl and Nathan Wurm were present to answer questions. Brent Augedahl stated that the building will blend in with others in the neighborhood and the goal is to provide the local kids a space to be active rather than occupy their time with technology. It was clarified that this would not be a commercial structure and Brent felt the proposal would not differ greatly than if another single family dwelling was constructed in that location.

ES Director Herrick stated he had asked the Root River SWCD to view the site, but a report was not provided prior to the hearing.

Larry Gaustad said he spoke with three neighbors and one was not in favor due to a rumor that the building would contain a bar. Brent Augedahl clarified that if there is one it would be similar to bar areas common in dwellings.

Chairwoman Wright explained that part of the review is not only looking at the current proposed use, but the future.

Jim Wieser pointed out language in the Zoning Ordinance that he felt conflicted with this proposal.

Other discussion involved traffic impacts, but the applicants stated they felt this would not create extra traffic on this road.

Chairwoman Wright asked if anyone from the public would like to comment. No members of the public commented at the meeting.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Greg Myhre made a motion to bypass questions 8, 9, 12, 13, and 14 that are not applicable. Jim Wieser seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: Accessory structures are conditionally allowed in the residential 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 structure's use is recreational for the permitted dwelling. Housing and associated activities are a needed 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 new dwelling with proper erosion control and septic treatment will have minimal impact on the local 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: Measures, such as the erosion control plan, will be in place for the construction of the structure to minimize the 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 conditions will not be a concern and 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: The owner will be responsible for all utilities on the parcel and the driveway will be connected to Phillip Drive.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: NA

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

Staff Analysis: NA

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

Staff Analysis: The accessory structure will not be injurious to others in the area. The addition of an accessory structure 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 land use is residential and the continuation of which will be minimally impacted by the new structure. The structure 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: NA

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

Staff Analysis: NA

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

Staff Analysis: NA

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

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

Board agreed to the finding by a unanimous vote.

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

	Yes	No	SA	Comment
Josh Gran				

Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend the Houston County Board approve a conditional use permit, pending BOA approval, for an accessory structure in the residential district of Caledonia Township with the following conditions:

1. The permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is complying with the conditions and all other applicable statutes, rules, and ordinances.
3. The permittee shall complete an erosion control plan including surface water management.

Cindy Wright commented that this is not setting precedent as similar proposals will require site specific reviews.

Johnathon Glasspoole seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier				
Cindy Wright	X			
Greg Myhre	X			

The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with the stipulations, will be presented to the Houston County Board of Commissioners for final action.

There was discussion amongst the Planning Commission after hearings around members conducting site visits and the best approach to ensure each site is reviewed fairly. The Planning Commission also expressed that they would like the Townships more involved from the beginning with permit applications and would like to see improved communications. In addition, the draft cannabis ordinance was handed out and introduced but will be formally reviewed at a later meeting.

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

Submitted by the Planning Commission Clerk on July 26, 2024.



Houston County Planning Commission  
September 26, 2024

**Approved on October 24, 2024 by Wayne Feldmeier and Jim Wieser**

The Houston County Planning Commission met at 5:30 p.m. on September 26, 2024. A summary of the meeting follows.

The meeting was called to order by Chairwoman Cindy Wright. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, and Jim Wieser. Greg Myhre, County Commissioner, was present. Josh Gran was absent. Amelia Meiners was present for Environmental Services.

Jim Wieser made a motion to approve the minutes of July 25, 2024. Greg Myhre seconded. All were in favor. Motion carried.

**Notice of Public Hearing No. 980** was read for applicant, **Bruce Mann**, 21888 Braaten Drive, Spring Grove, MN 55974.

The petitioner is requesting A Conditional Use Permit (CUP) for a single-family non-farm dwelling in the agricultural protection district of Black Hammer Township.

- This is a 3.77-acre parcel off Braaten Drive in Black Hammer Township that was split in 2018. An agricultural building was permitted here in 2020 and a well was drilled in 2023. Except for what remains timber, this area was agricultural field prior to the construction of the agricultural building.

The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following:

*(10) Dwellings. Single-family non-farm dwellings subject to the following:*

- *No more than one (1) dwelling per quarter-quarter section.*
- *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.*
- *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.*
- *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.*
- *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- The SE ¼ SE ¼ of Section 32 is an open quarter-quarter with adequate road frontage and an existing driveway that meets requirements. Since this is a non-farm dwelling and has been used as tillable acreage within the last ten years, a dwelling cannot be located on prime agricultural soils, but the soils here are 401D which is class IVe. The septic system was permitted earlier this year and was installed already. There is no floodplain, wetland, shoreland, or bluff concern. The closest intermittent stream is approximately 900 feet to the north which flows to Riceford Creek. Slopes at the building site are 17-23% and careful adherence to the approved erosion control plan will be necessary to ensure there is no runoff during construction that may impact the septic system or neighboring property below. There are no feedlots or mine operations in the proximity and it meets the buildable lot standard. The surrounding properties are managed forest, tillable acreage and a couple farm dwellings.
- Black Hammer Township and the ten closest property owners were notified. No comments were received.

Bruce Mann was present to answer questions. Chairwoman Wright asked if he had anything additional to add.

Chairwoman Wright then asked if anyone from the public would like to comment, but no members of the public were present. Chairwoman Wright stated she spoke with Clayton Johnson with Black Hammer Township and he did not have any issues. Jim Wieser mentioned he was able to visit the site and Greg Myhre and Cindy Wright both stated they had as well.

Chairwoman Wright asked that the Findings be read if there were no additional questions or concerns.

Greg Myhre made a motion to bypass questions 9, 12, and 14 that are not applicable. Johnathon Glasspoole seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes 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 applicant has family in this area and would like to establish a permanent residence here.

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 largest pollution potential with single family dwellings is adequate treatment of septage, but a septic system has already been permitted and installed.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction, but the addition of a single family dwelling should not adversely increase 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 – Houston County identifies slope as the main limitation for building sites on 401D soils due to it requiring extensive land shaping and recommends that the building be designed to conform to the natural slope of the land.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic system meeting minimum state requirements has been permitted and installed.

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 developed site so many utilities are present. If any new installations are necessary, all costs are the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential 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: N/A

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

Staff Analysis: The primary use of surrounding acreage is agricultural and the addition of a dwelling will not impact the ability to continue to use those properties in that manner.

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 fields. This dwelling meets the density standard and will not impact surrounding agriculture.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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.

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

Greg Myhre made a motion to recommend the Houston County Board approve a conditional use permit for a single-family dwelling under 40 acres with two conditions in Black Hammer Township:

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 complying with the conditions and all other applicable statutes, rules, and ordinances.

Johnathon Glasspoole seconded. Roll call vote was taken. All were in favor. Motion carried.

	Yes	No	SA	Comment
Josh Gran				
Jim Wieser	X			
Johnathon Glasspoole	X			
Larry Gaustad	X			
Wayne Feldmeier	X			
Cindy Wright	X			
Greg Myhre	X			

The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with the stipulations, will be presented to the Houston County Board of Commissioners for final action.

Greg Myhre made a motion to adjourn the meeting. Larry Gaustad seconded. Motion carried.

Submitted by the Planning Commission Clerk on September 27, 2024.