

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: May 28, 2024

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Fillmore County Journal Reporter Charlene Selbee, Finance Director Carol Lapham, Board Clerk/EDA Director Allison Wagner, Recorder Mary Betz, Public Health and Human Services Director John Pugleasa, Public Health Supervisor Jordan Knoke, Deputy Auditor/Treasurer Mark Bennett, Engineer Brian Pogodzinski, Appraiser Joe Olson, Appraiser Kelly Peterson, Appraiser Dave Feuerhelm, Office Support Specialist Lee Langager, Human Resources Director Theresa Arrick-Kruger, Semcac Executive Director Jennifer Hengel, and Semcac Transportation Director Bill Spitzer

Presiding: Chairperson Johnson

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Burns, seconded by Commissioner Schuldt motion unanimously carried to approve the agenda.

Motion was made by Commissioner Severson, seconded by Commissioner Burns, motion unanimously carried to approve the meeting minutes from May 21, 2024.

Public Comment:

None.

APPOINTMENTS

Semcac Executive Director Jennifer Hengel and Transportation Director Bill Spitzer presented to the Commissioners. Hengel said Semcac was a nonprofit, 501c3 Community Action Agency designated to serve southeastern Minnesota. It was established in 1966 and began serving Houston County at that time. Hengel reviewed Semcac's impact in Houston County in 2024. This included serving 12,240 meals at senior Dining and delivering 25,627 meals to County seniors in Caledonia, Eitzen, Hokah, Houston, La Crescent, and Spring Grove. In addition to the senior meals Semcac helped seniors and caregivers in Houston County with

individual assistance. Other programs Semcac offered included energy assistance, household weatherization, housing rehab loans, Head Start and Early Start Education programs, outreach and emergency services to support people through crisis situations. Semcac had a family planning clinic in Winona. Spitzer said Semcac had three transit programs. Semcac transportation resulted in people getting to their medical and dental appointments, senior dining, and other locations to meet essential needs. 4,900 rides were provided on Rolling Hills Transit busses in Houston County. 798 riders were provided to 63 seniors through the Volunteer Driver Program in Houston County.

CONSENT AGENDA

Motion by Commissioner Severson, seconded by Commissioner Schuldt, motion unanimously carried to approve the consent agenda. Items approved are listed below.

- 1) Approve the below Liquor Licenses from July 1, 2024 – June 30, 2025.

LIQUOR LICENCES, WINE AND STRONG BEER

Ferndale Golf, LLC dba Ferndale Golf, LLC (contingent upon submission of required paperwork)

Ma Cal Grove Country Club, Inc. dba Ma Cal Grove Country Club, Inc. (contingent upon submission of required paperwork)

Par 4 Golf, LLC dba Valley High Golf Club Shellhorn Enterprises, Inc. dba Shellhorn Bar and Grill (contingent upon submission of required paperwork)

Gasthaus, LLC dba Little Miami

City of La Crescent dba Pine Creek Golf Course (Wine & Strong Beer)

Creek Haven Inc, dba Money Creek Haven Campground (contingent upon submission of required paperwork)

ON SALE BEER LICENSES

Lawrence Lake Marina, LLC dba Lawrence Lake Marina

La Crescent Snowmobile Club dba La Crescent Snowmobile Club

City of La Crescent dba Pine Creek Golf Course

Gopher State Sportsmans Club dba Gopher State Sportsmans Club

OFF SALE BEER LICENSE

Lawrence Lake Marina, LLC dba Lawrence Lake Marina

La Crescent Snowmobile Club dba La Crescent Snowmobile Club

City of La Crescent dba Pine Creek Golf Course

Houston Food Mart dba Houston Food Mart (contingent upon submission of required paperwork)

- 2) Public Health & Human Services

Change the employment status of Case Aide, Leigh Goetzinger, from probationary to regular, effective 06/11/2024

Change Elizabeth Knutson's resignation date to end of the workday 06/13/2024

Hire Kelsey Einertson as a 67-day temporary casual employee at a pay rate of \$15.88/hour (this work is funded by the opioid settlement)

- 3) Sheriff's Office

Hire Amy Gehrke as a probationary 1.0 FTE, Licensed Sheriff's Deputy, Step 2, effective 06/01/2024 conditioned upon successful completion of Sheriff's Office background checks

ACTION ITEMS

File No. 1 – Commissioner Myhre moved, Commissioner Severson seconded, motion unanimously carried to review and approve payments. See payments below.

2024/05/28 COMMISSIONER'S WARRANTS:

VENDOR NAME	AMOUNT
BLUFF COUNTRY BRINE LLC	23,123.20
ERICKSON ENGINEERING LLC	2,610.00
ESRI	6,831.00
SKYLINE SALT SOLUTIONS	46,437.02
SOUTH CENTRAL COLLEGE	3,629.39
	<u>82,630.61</u>
20 VENDORS PAID LESS THAN \$2000.00	<u>7,770.37</u>
	<u>90,400.98</u>
PUBLIC HEALTH & HUMAN SERVICES	<u>530,348.95</u>
	<u><u>620,749.93</u></u>

File No. 2 – Commissioners discussed changing the step placement of the Assessor (D61) with Human Resources Director Kruger. At the board meeting the week prior a motion had passed with three votes to make a banding and pay rate change for the Assessor to D61, Step 7 effective 05/27/2024. Commissioner Burns said he had requested the item be placed on the agenda for further consideration, as he said he was afraid the County would lose the current assessor without an additional increase. Commissioner Johnson had recused himself from the vote the week prior, and said he would need to again if a vote was taken due to a conflict of interest. Commissioner Johnson said while he could not vote on the matter he did want the County to consider a precedent they may be setting by voting on the matter again. Commissioner Myhre who had voted no the week prior said he was not interested in reviewing the matter further. No motions were made after the discussion, and no official action was taken.

Public Comment:

None.

DISCUSSION ITEMS

Commissioners discussed recent and upcoming meetings including a District 9, Joint Board of Health, La Crescent City Council, Hiawatha Valley Mental Health, Finance, and Semcac meeting.

Commissioner Schuldt said he had gotten two calls regarding a matter that had gone before the planning commission. He said the callers had encouraged the Commissioners to watch the planning meetings.

Commissioner Myhre said he wanted to review some ordinances at an upcoming workgroup session and discuss possible changes.

There being no further business at 9:59 a.m., a motion was made by Commissioner Burns, seconded by Commissioner Severson, motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on June 4, 2024.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Eric Johnson, Chairperson

Attest: _____
Polly Heberlein, Interim Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
June 4, 2024**

Date Submitted: May 30, 2024

By: Tess Kruger, HRD/Facilities Mgr.

ACTION

- **Discuss/change the step placement of the Assessor (D61)
(Request by Commissioner Severson)**

APPOINTMENT REQUEST

- **Labor Negotiations – Closed session pursuant to Minn. Stat. §13D.03, Subd. 1, (b) to discuss labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to sections [179A.01](#) to [179A.25](#).**

HR CONSENT AGENDA REQUEST

Assessor's Office

- **Accept the resignation of Lucas Onstad, Assessor, effective 06/28/2024**
- **Initiate a competitive search for a 1.0 FTE Assessor, D61**
- **Approve the banding and pay rate change of Accredited Minnesota Appraiser Joseph Olson from B25 to non-exempt to C41, Step 2 effective 06/03/2024**

DOT

- **Confirm the resignation of Adam Jahnke, effective 05/30/2024**
- **Initiate a competitive search for a 1.0 FTE Maintenance Specialist B23**

Sheriff's Office

- **Hire Bryce Helke as a 67-day Temporary/Casual Jailer/Dispatcher at a pay rate of B23, Step 1, conditioned upon successful completion of background check**
- **Change the start date of Amy Gehrke, Deputy Sheriff from 6/1/2024 to 7/1/2024**

CC:

 HR Director

 X **Sheriff**

 X **Finance Director**

 X **Engineer**

 IS Director

 PHHS

 County Attorney

 X **(indicate
other dept)**

Assessor

 Environmental Svcs

HOUSTON COUNTY AGENDA REQUEST FORM

Date Submitted: 5.16.24

By: Polly Heberlein – Interim Auditor-Treasurer

ACTION ITEM:

Consider approval of Public Hearing per M.S. 340A.405. sub (d) for Off Sale Liquor License for Money Creek Haven to be held at 9:05 a.m. The hearing is open to any interested person at which time may appear either in person or by agency or attorney, in opposition to or support of the request.

**Money Creek Haven
18502 County 26
Houston, MN 55943**

Reviewed by:

<input type="checkbox"/> HR Director	<input type="checkbox"/> County Sheriff	<input type="text"/>
<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input type="text"/>
<input type="checkbox"/> IS Director	<input type="checkbox"/> PHHS	<input type="text"/>
<input type="checkbox"/> County Attorney	<input checked="" type="checkbox"/> Other (indicate dept)	<input type="text"/>
<input type="checkbox"/> Environmental Svcs		<input type="text"/>

Recommendation:

Decision:



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar St., Suite 222, St. Paul, MN 55101-5133
(651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555
WWW.DPS.STATE.MN.US



APPLICATION FOR OFF SALE INTOXICATING LIQUOR LICENSE

No license will be approved or released until the \$25 Retailer ID Card fee is received.

Workers compensation insurance company. Name STATE FUND MUTUAL Policy # 23445.220
Licensee's MN Sales and Use Tax ID # 6428814 To apply for a MN sales and use tax ID #, call (651) 296-6181
Licensee's Federal Tax ID # 41-1957084

If a corporation, an officer shall execute this application. If a partnership, a partner shall execute this application.

Licensee Name (Individual, Corporation, Partnership, LLC)	Social Security #	Trade Name or DBA
<u>MONEY CREEK HAVEN INC</u>	<u>—</u>	<u>MONEY CREEK HAVEN</u> <u>CAMP GROUND</u>
License Location (Street Address & Block No.)	License Period	
<u>18502 COUNTY 26</u>	From <u>5/22/24</u> To <u>7/1/24</u>	
City	County	State
<u>Houston</u>	<u>Houston</u>	<u>MN.</u>
Name of Store Manager	Business Phone Number	DOB (Individual Applicant)
<u>MIKE BURBACH</u>	<u>507.896.3544</u>	<u>55943</u>

If a corporation or LLC state name, date of birth, Social Security # address, title, and shares held by each officer. If a partnership, state names, address and date of birth of each partner.

Partner Officer (First, middle, last)	Title	Shares	Address, City, State, Zip Code
<u>WAYNE LESLIE FITTING</u>	<u>PRESIDENT</u>	<u>50%</u>	<u>5369 OAK FOREST LANE</u>
Partner Officer (First, middle, last)	Title	Shares	Address, City, State, Zip Code
<u>CARLA MARIE FITTING</u>	<u>SECRETARY</u>	<u>50%</u>	<u>Houston, MN.</u>
Partner Officer (First, middle, last)		Shares	Address, City, State, Zip Code
			<u>55943</u>
Partner Officer (First, middle, last)	DOB	SS#	Title
			Shares
			Address, City, State, Zip Code

1. If a corporation, date of incorporation 1999, state incorporated in MINNESOTA, amount paid in capital —. If a subsidiary of any other corporation, so state — and give purpose of corporation —. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota? ☒ Yes ☐ No
2. Describe premises to which license applies; such as (first floor, second floor, basement, etc.) or if entire building, so state.
POOLSIDE, LODGE OFFICE, FIRST FLOOR
3. Is establishment located near any state university, state hospital, training school, reformatory or prison? ☐ Yes ☒ No If yes state approximate distance. —
4. Name and address of building owner: N/A
5. Has owner of building any connection, directly or indirectly, with applicant? ☐ Yes ☒ No
Is applicant or any of the associates in this application, a member of the governing body of the municipality in which this license is to be issued? ☐ Yes ☒ No If yes, in what capacity? —
6. State whether any person other than applicants has any right, title or interest in the furniture, fixtures or equipment for which license is applied and if so, give name and details. N/A
7. Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota? ☐ Yes ☒ No If yes, give name and address of establishment. —

8. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment? ☒ Yes ☐ No
9. State whether applicant has or will be granted, an On sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises. ☒ Yes ☐ No ☐ Will be granted
10. State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License. ☐ Yes ☐ No ☒ Will be granted
11. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality. 6
12. State Number of Employees 14
13. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub2(d)?
14. If this license is being issued by a County Board, is it located in an organized township? If so, attach township approval.

1. State whether applicant or any of the associates in this application, have ever had an application for a liquor license rejected by any municipality or state authority; if so, give dates and details. NO
2. Has the applicant or any of the associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give dates and details. NO
3. Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere, including State Liquor Control penalties? ☐ Yes ☒ No If yes, give dates, charges and final outcome.
4. During the last license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop)*M.S. 340A.802. ☐ Yes ☒ No If yes, attach a copy of the summons.

This licensee must have one of the following:

(ATTACH CERTIFICATE OF INSURANCE TO THIS FORM.)

Check one

- ☐ A. Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.
- or
- ☐ B. A surety bond from a surety company with minimum coverage as specified in A.
- or
- ☐ C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title

Signature of Applicant

Date

WAYNE L. FITTING President

[Signature]

4/19/24

REPORT BY POLICE/SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota or municipal ordinances relating to intoxicating liquor except as follows:

Houston County
Police/Sheriff's Department

Sheriff
Title

[Signature]
Signature

County Attorney's Signature

PS 9136-(2009)

IMPORTANT NOTICE

All retail liquor licensees must register with the Alcohol, Tobacco Tax and Trade Bureau.
For information call (513) 684-2979 or 1-800-937-8864

**HOUSTON COUNTY
AGENDA REQUEST FORM**

Date Submitted: 05.16.24

By: Polly Heberlein- Interim Auditor-Treasurer

ACTION ITEM:

**Consider approving Off-Sale Liquor License for Money Creek Haven Inc,
which will expire on 6/30/24.**

**18502 County 26
Houston, MN 55943**

**License will be prorated to June 30, 2024 and will be renewed as of July 1,
2024.**

Reviewed by:

<u> </u>	HR Director	<u>XX</u>	County Sheriff	<u> </u>
<u> </u>	Finance Director	<u> </u>	County Engineer	<u> </u>
<u> </u>	IS Director	<u> </u>	PHHS	<u> </u>
<u>XX</u>	County Attorney	<u>XX</u>	Other (indicate dept)	<u>Auditor/Treasurer</u>
<u> </u>	Environmental Svcs			

Recommendation:

Decision:

340A.405 INTOXICATING LIQUOR; OFF-SALE LICENSES.

Subdivision 1. **Cities.** (a) A city other than a city of the first class may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store, or to a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

(b) A city of the first class may issue an off-sale license to an exclusive liquor store, a general food store to which an off-sale license had been issued on August 1, 1989, or a drugstore to which an off-sale license had been issued on or prior to May 1, 1994.

Subd. 2. **Counties.** (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey County containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey County containing a town that may not exercise powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town, or a combination off-sale and on-sale license to a restaurant within that town, with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than one mile by the most direct route from the boundary of any statutory or home rule city that had established a municipal liquor store before August 1, 1991, provided, that a county board may not issue a new license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of a city that (1) is located outside the metropolitan area as defined in section 473.121, subdivision 2, (2) has a population over 5,000 according to the most recent federal decennial census, and (3) had established a municipal liquor store before August 1, 1991.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b, prior to January 1, 1985.

Subd. 3. **Towns.** The town board of a town within Ramsey County exercising powers under section 368.01, subdivision 1, within Ramsey County may issue an off-sale intoxicating liquor license with the approval of the commissioner to an exclusive liquor store located within the town.

Subd. 4. **Temporary off-sale licenses; wine auctions.** (a) The governing body of a city or county may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A

license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city or county. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Subd. 5. [Repealed, 1990 c 554 s 22]

Subd. 6. **Airports commission.** The Metropolitan Airports Commission may with the approval of the commissioner issue licenses for the off-sale of wine at the Minneapolis-St. Paul International Airport.

History: 1985 c 263 s 1,2; 1985 c 305 art 6 s 5; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1987 c 310 s 9,10; 1987 c 328 s 3; 1987 c 381 s 3; 1987 c 402 s 1; 1989 c 49 s 2; 1990 c 545 s 1; 1990 c 554 s 11,12; 1991 c 249 s 8,9; 1994 c 611 s 18-20

EXPLANATORY NOTE

No County Board can issue license for sales in any Town without consent of such Town Board and recommendations of Sheriff and County Attorney. The following form of consent by the Town Board may be used.

STATE OF MINNESOTA

COUNTY OF Houston TOWN OF MONEY CREEK

It is hereby certified that the Town Board of the Town of Money Creek
in said County and State, by resolution on the 18th day of April 2024
did consent to the issuance of the liquor on/off sale license applied for on behalf of
Money Creek Haven.

Dated 4/18/2024 2024

Attest [Signature]
Town Clerk

THE TOWN BOARD OF THE TOWN OF

[Signature]
By Paul Lebesch Chairman

State of Minnesota
License Applicant Information

Under Minnesota Law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest;
- The licensing agency will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failing to supply this information may jeopardize or delay the issuance of your license or processing your renewal application.

Please fill in the following information and return this form along with your application to the agency issuing the license. Do not return this form to the Department of Revenue.

ON SALE & OFF SALE Please print or type
Name of license being applied for and license number
LIQUOR LICENSE
Licensing Authority (name of city, county or state agency issuing license)
Houston County
License renewal date

Personal information:

Applicant's last name FITTING First name and initial WAYNE L. State MN
Applicant's address 5369 OAK FOREST LN Houston MN 55943

Business information (if applicable):

Business name MONEY CREEK HAVEN INC.
Business address 18502 County Rd Houston MN 55943
Minnesota tax identification number 6428814 Federal tax identification number 41-1957084

If a Minnesota tax identification number is not required, please explain on the reverse side of this form.

Signature Wayne Fitting Title PRESIDENT Date 4/19/24



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/25/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Minnesota National Agency, Inc. 706 Lake Street South, PO Box 240 Long Prairie, MN 56347	CONTACT NAME: Mark T. Maloney PHONE (A/C No. Ext): 320-732-6612 E-MAIL ADDRESS: Mark@mnnationalagency.com FAX (A/C No.): 320-732-6907 INSURER(S) AFFORDING COVERAGE INSURER A: Secura Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Money Creek Haven, Inc. Money Creek Haven Campground 18502 County 26 Houston MN 55943	NAIC #

COVERAGES**CERTIFICATE NUMBER:** 20230818102015735**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			03/01/2024	03/01/2025	EACH OCCURRENCE \$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
		MED EXP (Any one person) \$ 5,000				
		PERSONAL & ADV INJURY \$ 1,000,000				
		GENERAL AGGREGATE \$ 2,000,000				
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:					PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					BODILY INJURY (Per person) \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					BODILY INJURY (Per accident) \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below					PROPERTY DAMAGE (Per accident) \$
A	Liquor Liability	N N		5/15/2024	03/01/2025	Each Occurance \$1,000,000 Aggregate \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, AUTOMOBILE POLICIES ATTACHED, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Money Creek Township
Att: Adam Florin
1937 Money Creek Road
Houston, MN 55943

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**CERTIFICATION OF COMPLIANCE -
MINNESOTA WORKERS' COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of MSS Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit to self-insure. This information will be collected by the licensing agency and retained in their files.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated, it may result in a \$1,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Company Name: STATE FUND Mutual

Policy Number: [REDACTED]

Dates of Coverage: 4/16/24 to 4/16/25

(or)

I am not required to have workers' compensation liability coverage because:

- ☐ I have no employees
- ☐ I am self insured (include permit to self-insure)
- ☐ I have no employees who are covered by the workers' compensation law (these include: Spouse, Parents, Children and certain farm employees)

I certify that the information provided above is accurate and complete and that a valid workers' compensation policy will be kept in effect at all times as required by law.

Name: FITTING WAYNE LESLIE
(last, first, full middle)

Doing Business as: MONSIEUR CLEVER HAVEN INC
(business name if different than your name)

Business Address: 18502 COUNTY 26

City, State, Zip: Houston, TX 77058 Phone: 307-896-3544

Signature: Wayne Fitting Date: 4/19/24



DEPARTMENT OF PUBLIC SAFETY
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar Street Suite 133
St. Paul, MN 55101-5133
Phone (651) 296-6979 TDD (651) 282-6555
Fax (651) 297-5259

CARD NUMBER

(Office Use Only)

APPLICATION FOR RETAILER'S (BUYER'S) CARD FOR LIQUOR AND WINE
PLEASE RETURN THIS APPLICATION WITH FEE \$20.00

ISSUING AUTHORITY	TYPE CODE	BUYER'S CARD EXPIRES	IDENTIFICATION #
PRINT NAME OF LICENSEE (AS SHOWN ON LICENSE) <i>MONEY CREEK HAVEN INC</i>		BUSINESS NAME (DBA) <i>MONEY CREEK HAVEN</i> <i>Campbell Road</i>	
BUSINESS ADDRESS <i>18502 COUNTY 24</i>		COUNTY <i>Houston</i>	BUSINESS PHONE <i>507-896-3544</i>
CITY, STATE, ZIP CODE <i>Houston MN 55943</i>		AUTHORIZED SIGNATURE <i>Wynne J. [Signature]</i>	

PS 9135 (12/98)

Money Creek Township Resolution No. 2024-05-14A

**RESOLUTION CONSENTING TO A LIQUOR LICENSE ISSUED
BY HOUSTON COUNTY, MINNESOTA**

WHEREAS, Minnesota Statutes § 340A.410, subdivision 1, states that “a county may not issue a retail license to sell any alcoholic beverage within an organized town unless the governing body of the town has consented to the issuance of the license”;

WHEREAS, the license for Money Creek Haven is a retail license as defined by Minnesota Statute § 340A.101;

NOW, THEREFORE BE IT RESOLVED, the town board of Money Creek Township, Houston County, Minnesota, consents to a liquor license being issued by Houston County in Money Creek Township.

Passed this 14th day of May, 2024

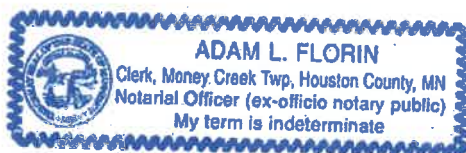
BY THE BOARD



Town Board Chair

Attest: 

Town Clerk





Date: May 30, 2024

To: Houston County Commissioners & Staff

From: Allison Wagner, Houston County EDA

RE: Appointment to update Board of Commissioners on Houston County Childcare Core Team progress

Background: Houston County's grant with First Children's Finance will be sunseting soon, however the work of the Houston County Childcare Core Team will continue. Workforce Development Inc., has been a partner in childcare efforts working to help disburse ARPA dollars the Commissioners allocated towards childcare. Public Health and Human Services Director Pugleasa and Wagner will introduce speaker Kyle Mullen from WDI who will give an update on the Houston County Childcare Facilities Grant, impact, and next steps.

Recommendation: None.

Action Required: No action needed.

Houston County Agenda Request Form

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

Date Submitted: 5/30/2024

Person requesting appointment with County Board: Martin Herrick

Issue:

CUP Approvals/Denials: 1) CUP for Shufflebotham/Woodward to place a dwelling on less than 40 acres in Hokah Twp. (PC recommended denial). 2) CUP for Spiker for land alteration of 5,000 or more cubic yards to install a driveway in La Crescent Twp. (PC recommended approval). 3) CUP for Feldmeier to build a cabin in an ag district in Houston Twp. (PC recommended approval). 4) CUP for Johnston for multi-use event space in Money Creek Twp. (PC recommended approval).

Justification:

Action Requested:

Final Approval/Denial by the County Board. (Agenda, Hearing Notice, Findings and Staff Report are attached.)

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

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

**HOUSTON COUNTY
BOARD OF ADJUSTMENT AND
PLANNING COMMISSION
Thursday, May 23, 2024**

Hearings are in the Houston County Commissioner's Room.
Please enter through the west entrance. Doors will open at 4:45 pm.

BOARD OF ADJUSTMENT

Approve Minutes for April 25, 2024.

VARIANCE HEARING:

- 5:00 pm ***Bradly & Michelle Moll – Sheldon Township***
1. Variance to decrease feedlot setback from proposed dwelling. (Section 33.16 Subdivision 6).
- 5:20 pm ***Thomas VanGundy – Money Creek Township***
1. Variance for rear yard setback (Section 14.9 Subdivision 1).
- 5:40 pm ***Peter Shufflebotham & Kate Woodward-Hokah Township***
1. Variance to reduce front yard setback requirements for proposed dwelling (Section 14.7 Subdivision 3).
2. Variance to reduce rear yard setback standards for a proposed dwelling (Section 14.9 Subdivision 1).
3. Variance to reduce setback from toe of bluff for a proposed dwelling (Section 29.17 Subdivision 1).

PLANNING COMMISSION

Approve Minutes for April 25, 2024.

CONDITIONAL USE HEARING

- 6:00 pm ***Peter Shufflebotham & Kate Woodward-Hokah Township***
1. Conditional use permit to place a single-family dwelling on less than a 40 acre parcel. (Section 14.3 Subdivision 1. (10)).
- 6:20 pm ***Spiker Family Trust – La Crescent Township***
1. Conditional use permit for land alteration of 5000 or more cubic yards to install a driveway. (Section 24.2 Subdivision 1 Subsection 1).
- 6:40pm ***Wayne Feldmeier-Houston Township***
1. Conditional use permit to build a cabin in the agricultural protection district. (Section 14.3 Subdivision 1 Subsection 5).
- 7:00pm ***Kenneth Johnston-Money Creek Township***
1. Conditional use permit to create a multi-use event space. (Section 14.3 Subdivision 25).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Peter Shufflebotham & Kate Woodward, 527 5th St S La Crescent, MN 55947, for a Conditional Use Permit (Section 14.3, Subdivision 1(10)) in Hokah Township on following premises, to-wit:

PT NW1/4 SW 1/4, Section 3, Township 103, Range 4, Houston County, Minnesota.
(Parcel #05.0031.001)

Said applicants standing and making application are as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:00 p.m. on Thursday, May 23, 2024.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Tuesday, May 14, 2024. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 8, 2024

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Peter Shufflebotham & Kate Woodward DATE: May 23, 2024
C.U.P. REQUESTED: Place a dwelling on less than 40 acres in an ag district.

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

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires 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 agreed by general consent with a 6 to 1 vote, with Commissioner Myhre voting nay. Jim Wieser then asked for voting to be conducted via roll call. The finding was then voted on via roll call.

	Yes	No	SA	Comment
Josh Gran	X			Feels it can be constructed safely.
Jim Wieser	X			
Johnathon Glasspoole		X		Not comfortable with 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.

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.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



STAFF REPORT 5/16/2024

Hearing Date: 5/23/2024
Petitioner: Peter Shufflebotham & Kate Woodward
Reviewer: Martin Herrick
Zoning: Agricultural Protection District
Address: 2928 Welke Drive
Township: Hokah
Parcel Number: 05.0031.001
Submitted Materials: Conditional Use Permit Application

OVERVIEW

REQUEST

A Conditional Use Permit (CUP) for a single-family dwelling in the agricultural protection district of Hokah Township is requested. This application is predicated on the outstanding variance requests being granted. The applicant is proposing to replace the existing trailer with a larger house and garage.

Figure 1. shows the existing conditions and Figure 2. and Figure 3. show the proposed structure's location and setbacks in plan and aerial views. Larger copies of Figure 2. and 3. are included in the Appendix. **The plans shown below have been revised to reflect a smaller footprint for the building from the 4/25/24 Board of Adjustment hearing.**



Figure 1. Existing Conditions

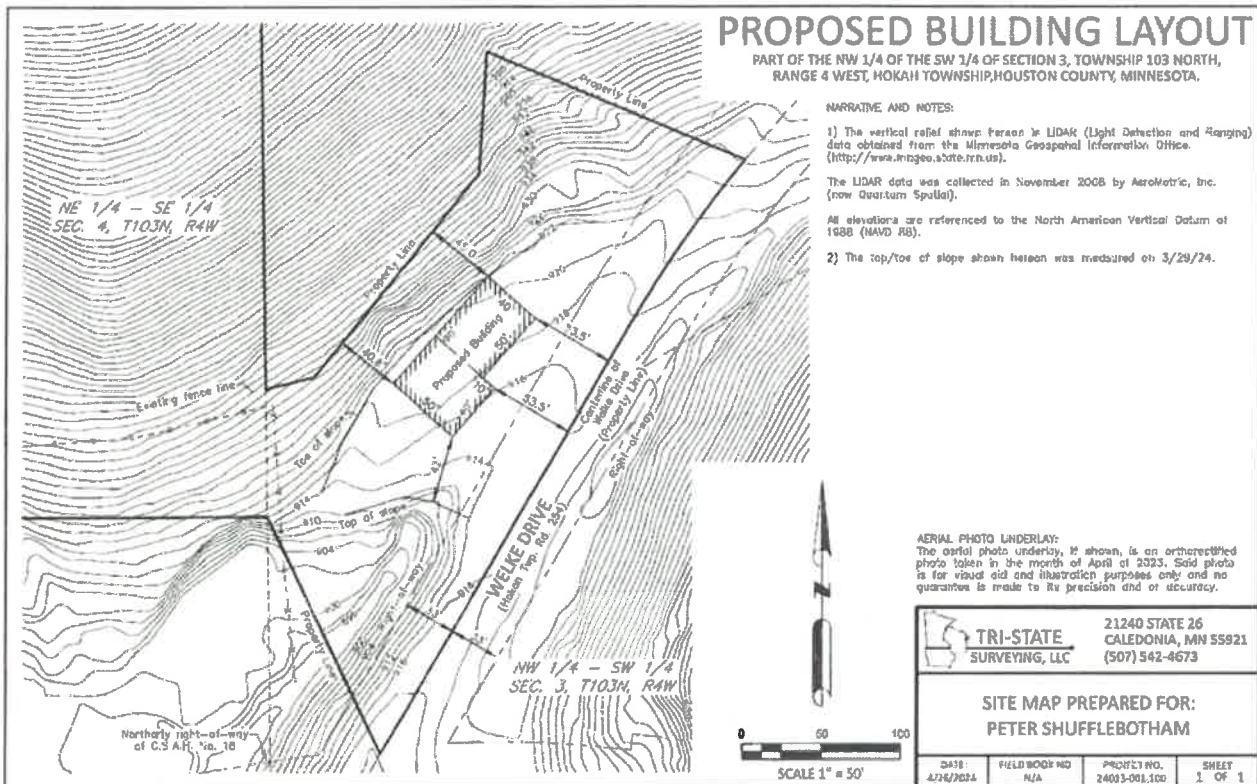


Figure 2. Setbacks for proposed Dwelling (Revised Plan View)

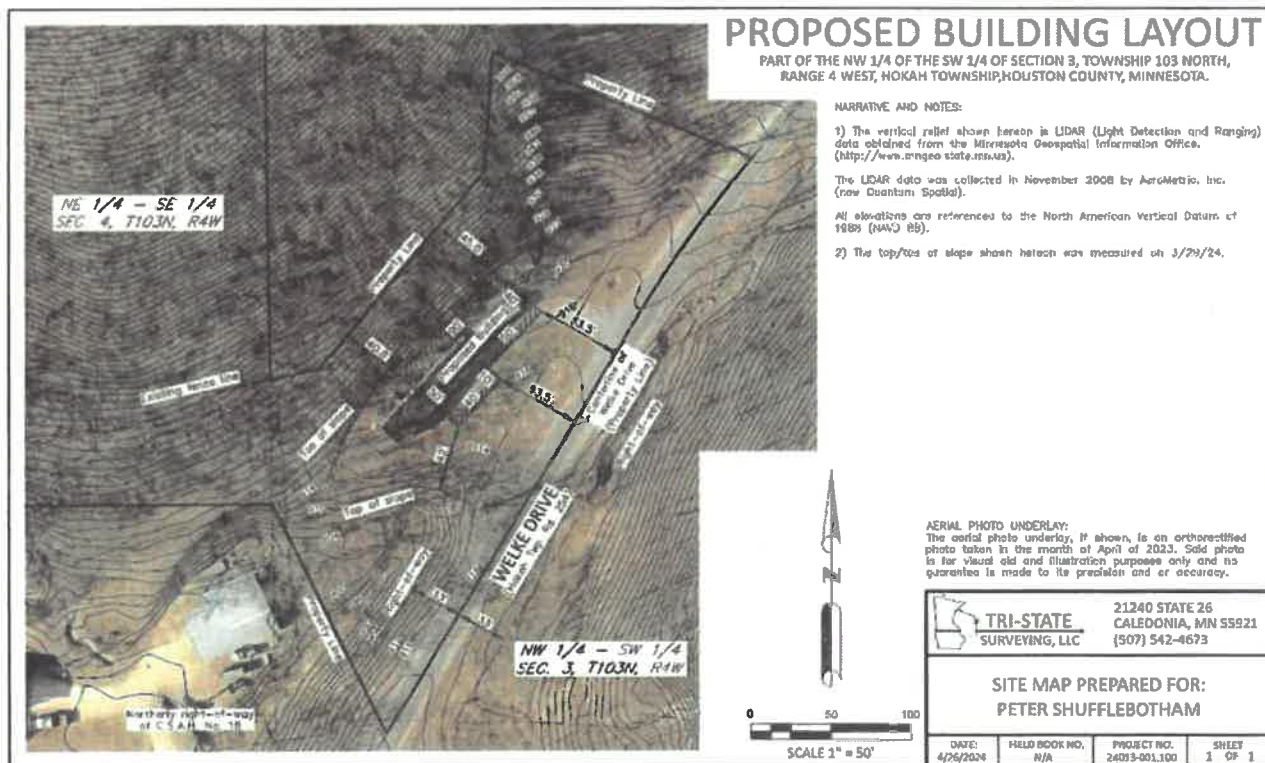


Figure 3. Setbacks for Proposed Dwelling (Revised Aerial View)

SUMMARY OF NOTEWORTHY TOPICS

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 permittable 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.

The following ordinances are applicable:

3.6 DEFINITIONS

Bluff. *Outside Shoreland: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:*

- *The total vertical rise between the toe and top of the topographic feature is 50 feet or more; and*
- *The grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.*

Toe of the Bluff. *The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.*

Buildable Lot. *A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance. Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:*

- *Area of a slope of twenty-four (24) percent or greater.*
- *A shoreland impact*

zone as defined by this Ordinance. • Protected waters as defined in this Ordinance. • Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39. All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19

14.2 PERMITTED USES

Subdivision 1. Permitted Uses. In the Agricultural Protection District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(5) Single family dwellings that were built on 40 or more contiguous acres, but are now located on less than 40 acres due to a property split. Single family dwellings that were built on 40 or more contiguous acres, but are now located on less than 40 acres due to a property split can continue as a permitted use if they meet the following criteria:

(b) The dwelling was inhabited in 8 of the last 10 years.

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. 75

(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 as 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.

14.7 FRONT YARD SETBACK STANDARDS

Subdivision 3. Other Public and Private Roads. *There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all public rights-of-way and private roads.*

14.9 REAR YARD SETBACK STANDARDS

Subdivision 1. *The minimum rear yard for all buildings shall be fifty (50) feet.*

29.17 BLUFFLAND PROTECTION

Subdivision 2. Setback from the Toe of a Bluff. *Structures shall be setback forty (40) feet from the top of a bluff and twenty-five from the toe of a bluff.*

TOWNSHIP AND NEIGHBORHOOD COMMENTS

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.

SITE CHARACTERISTICS

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

RECOMMENDATION

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

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

Proposed motion: To recommend approval of a conditional use permit for a single family dwelling in the agricultural protection district.

Appendix

4/23/1976 Mobile home permit

Plan view of revised setbacks

Aerial view of revised setbacks

GeoPermits application

Slope Calculations

Jay Squires Correspondence

Revised Septic design based on reduced footprint

\$ 5.00

No. 86

State of Minnesota,

County of Douglas

Town of North
Office of George W. Miller-Davis

Building Permit

IN CONSIDERATION OF The statements and representations made by

in the application therefor duly filed in this office, which application is hereby made a part hereof, PERMISSION IS HEREBY GRANTED To said George W. Miller-Davis as owner to erect, install, add to, alter, repair, move, wreck, as the case may be a building described as follows: kind of construction

front or width in feet 12; side or length in feet 65; height in feet _____; cubic feet _____ square feet, upon that number of stories 1; contents _____; plat or addition _____

Block 3-103-4

which tract is of the size and area specified in said application.

This permit is granted upon the express conditions that said owner and his contractors, agents, workmen and employees, shall comply in all respects with the ordinances of the _____ of _____; that it does not cover the use of public property, such as streets, sidewalks, alleys, etc., for which special permits must be secured; and that it does not cover the following:

(Electrical work, plumbing, heating, painting, etc., if such there be.)

for which special permits must be secured.

Given under the hand of the George W. Miller-Davis of said Douglas County and its corporate seal and attested by its George W. Miller-Davis this 24th day of April 1917

Attest:

George W. Miller-Davis

Miller-Davis

PROPOSED BUILDING LAYOUT

PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 103 NORTH,
RANGE 4 WEST, HOKAH TOWNSHIP, HOUSTON COUNTY, MINNESOTA.

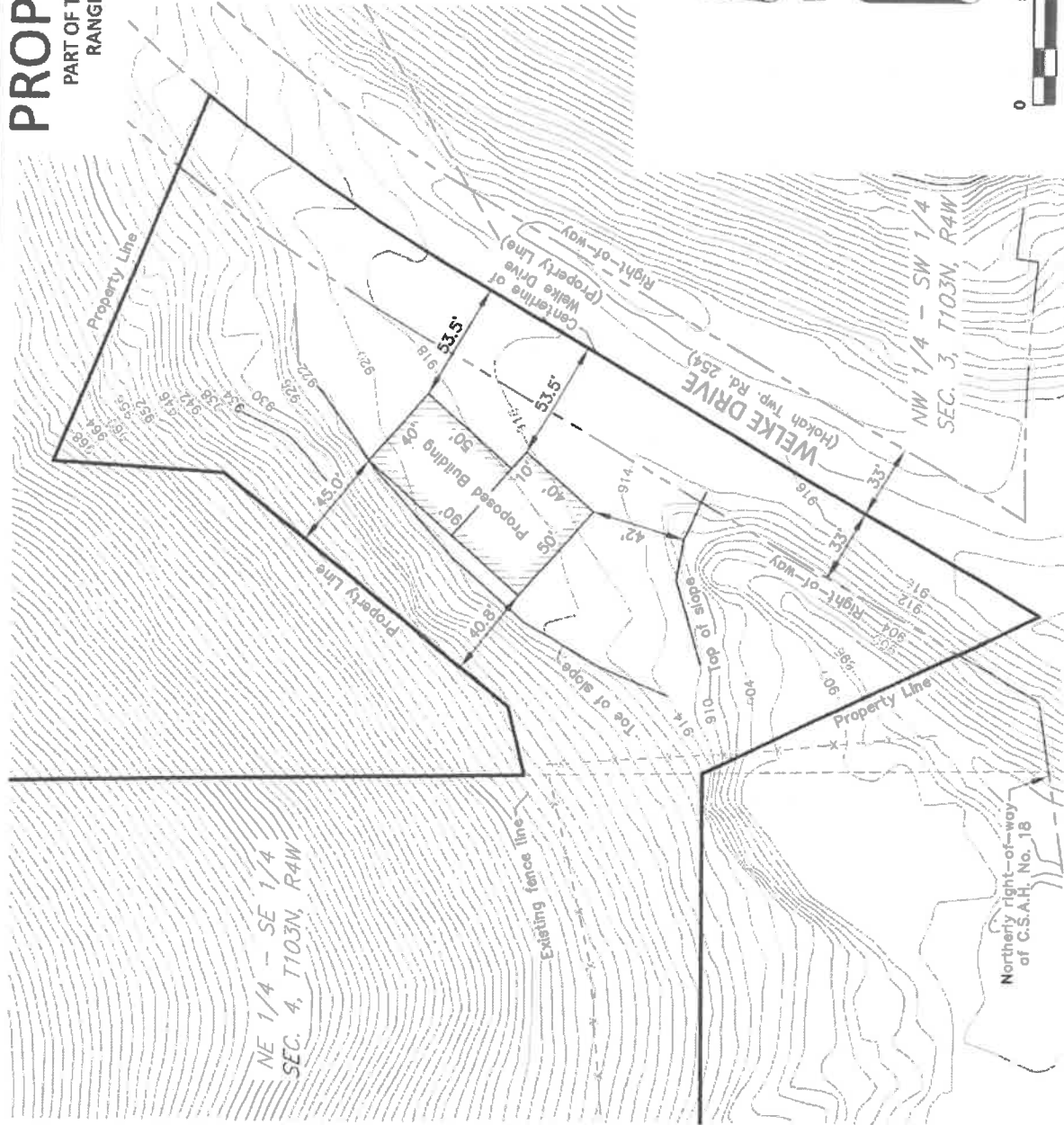
NARRATIVE AND NOTES:

1) The vertical relief shown hereon is LIDAR (Light Detection and Ranging) data obtained from the Minnesota Geospatial Information Office. (<http://www.mngeo.state.mn.us>).

The LIDAR data was collected in November 2008 by AeroMetric, Inc. (now Quantum Spatial).

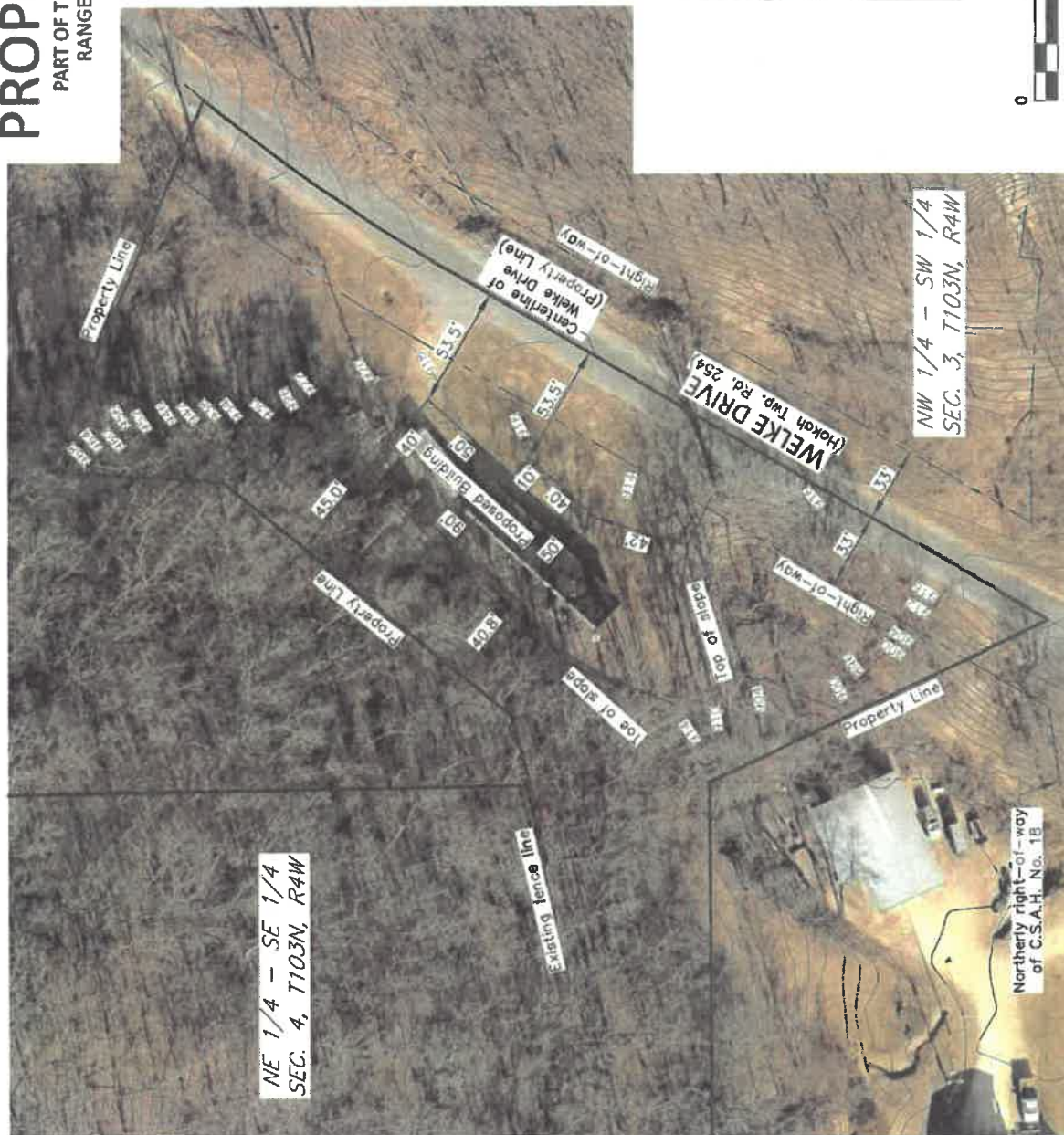
All elevations are referenced to the North American Vertical Datum of 1988 (NAVD 88).

2) The top/toe of slope shown hereon was measured on 3/29/24.



NARRATIVE AND NOTES:

- 1) The vertical relief shown hereon is LIDAR (Light Detection and Ranging) data obtained from the Minnesota Geospatial Information Office. (<http://www.mngeo.state.mn.us>).
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- All elevations are referenced to the North American Vertical Datum of 1988 (NAVD 88).
- 2) The top/toe of slope shown hereon was measured on 3/29/24.



AERIAL PHOTO UNDERLAY: The aerial photo underlay, if shown, is an orthorectified aerial photo taken in the month of April of 2023. Said photo is for visual aid and illustration purposes only and no guarantee is made to its precision and or accuracy.

TRI-STATE
SURVEYING, LLC

21240 STATE 26
CALEDONIA, MN 55921
(507) 542-4673

**SITE MAP PREPARED FOR:
PETER SHUFFLEBOTHAM**

DATE: 4/26/2024	FIELD BOOK NO. N/A	PROJECT NO. 24013-001.100	SHEET 1 OF 1
--------------------	-----------------------	------------------------------	-----------------

SCALE 1" = 50'

Conditional Use Amount Paid
Request \$746.00
2024-CUP-252336
Applicant Created
Martin.Herrick@co.houston.mn.us April 29, 2024

Number
2024-CUP-
252336

SHUFFLEBOTHAM,PETER A |
KATE M WOODWARD |
050031001 | Hokah
Submitted by
Martin.Herrick@co.houston.mn.us
on 4/29/2024



Applicant

Martin.Herrick@co.houston.mn.us

Martin.Herrick@Co.houston.mn.us

Search Parcel Data Completed On Monday, April 29, 2024 at 2:33 PM CDT by Martin.Herrick@co.houston.mn.us

ParcelID	Address	City	OwnerName	Acres
050031001	2928 WELKE DR	HOKAH	SHUFFLEBOTHAM,PETER A KATE M WOODWARD	1.380

CONDITIONAL USE INTRO Completed On Monday, April 29, 2024 at 2:33 PM CDT by Martin.Herrick@co.houston.mn.us

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Monday, April 29, 2024 at 2:35 PM CDT by Martin.Herrick@co.houston.mn.us

Applicant Name

SHUFFLEBOTHAM,PETER A | KATE M WOODWARD

Parcel Tax ID

050031001

Telephone Number

6088605596

Address

2928 WELKE DR

City

HOKAH

Zip

55947

Legal Description

PT NW1/4 NW1/4 DOC#2357261995 HIGHLAND 16'X76'; HJ5427 3/4 INT-SARA & 1/4 INT-TIMOTHY

Section-Township-Range

03-103-004

Do you own additional adjacent parcels

Yes

Township of:

Hokah

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington Melissa Schroeder 608-780-3998
Winnebago Luke King 507-725-8816
Winnebago Joyce Staggenmeyer 507-542-4637
Yucatan Deb Dewey 507-896-3566

Submitted by Applicant

13

CONDITIONAL USE REQUEST Completed On Monday, April 29, 2024 at 2:39 PM CDT by Martin.Herrick@co.houston.mn.us
[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

Placing a single family dwelling

Citation of Ordinance Section from which the Conditional Use is requested:

Placing a single-family dwelling per Section 14.1 Subd 1. (10)

Requested Dimension:

90 X 50

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Monday, April 29, 2024 at 2:55 PM CDT by Martin.Herrick@co.houston.mn.us
[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

Single family dwellings are allowed on less than 40 acres parcel by conditional use permits.

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

Yes

Comments:

Dwelling are needed

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

No

Comments:

A type I Septic system will be installed as a result of this project.

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

Yes

Comments:

There is an existing structure that will be replaced and additional measures will be implemented for surface water management.

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

Yes

Comments:

Measures will be taken to buttress the onsite soils for stability considerations.

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

Yes

Comments:

With a complaint septic system no pollution hazards are anticipated and a substantial amount of debris has been removed from the parcel.

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

Yes

Comments:

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

N/A

Comments:

N/A

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

N/A

Comments:

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.

No

Comments:

This is a continuation of a use and the parcel is being cleaned up.

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.

No

Comments:

As noted above the parcel has had a dwelling previously.

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

N/A

Comments:

N/A

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

No

Comments:

The parcel previously had a dwelling.

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

N/A

Comments:

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.

Yes

Comments:

The septic system and design for stabilizing soils will be protective of the items listed above.

SITE PLAN INFORMATION Completed On Monday, April 29, 2024 at 3:00 PM CDT by Martin.Herrick@co.houston.mn.us

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

[Shufflebotham Layout 1 - Aerial.pdf](#)

[Shufflebotham Layout 1.pdf](#)

[Shufflebotham Layout 2 - Aerial.pdf](#)

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Monday, April 29, 2024 at 3:02 PM CDT by Martin.Herrick@co.houston.mn.us

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature



Date Signed:
4/29/2024

Check this box if Staff Signature on behalf of Applicant.

APP SUBMITTED/PAYMENT SELECTION Completed On Monday, May 6, 2024 at 11:23 AM CDT by DeeDee Vick

Fee Summary

Conditional Use Application Fee	\$700.00
Recording Fee	\$46.00
Total Fees	\$746.00
Total Due	\$0.00

Payments Made

Payment Method	Paid On	Confirmation Number	Amount	
Check	May 6, 2024 11:23 AM	1093	\$746.00	VIEW RECEIPT
Total Paid: \$746.00				

External Notes

Documents

Internal Notes

Documents

Payne, Tim 05.0031.000

Monday, August 27, 2018 3:09 PM

608-397-6627

8/24/18 - phone call from Brian P. CR 18 RW is 33' each way. Culvert appear to be within ROW now

8/23/18 - site visit

8/22/18 phone call. set up site visit

8/15/18 phone call. would like to replace trailer with new house. Property lines are incorrect on Beacon.

Bluff setbacks

Floodplain

Wetlands

Shoreland

Structure Slope

Driveway Slope

Soils

Density

Property line setbacks - Asked Tim to consult with surveyor/attorney to establish property lines.

Feedlot Setback

Mine Setback

Access

Septic - asked Tim to consult with SSTS designer regarding locations.

Buildable lot - .9 acres - estimate only 0.58 acres - this would require a variance.

Accessibility per 326B.16 except on single family homes and ag buildings

Other Nonconformities - two

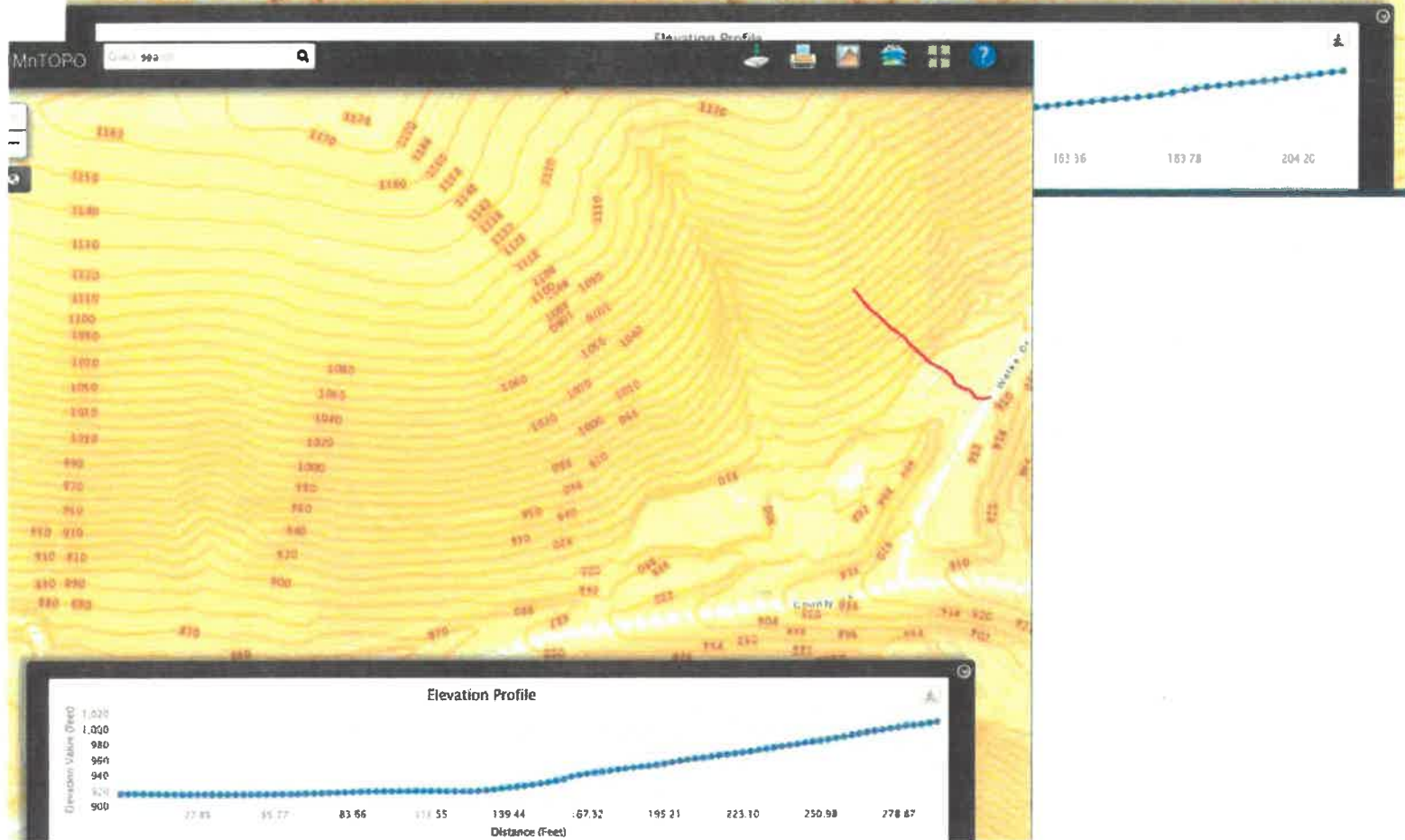
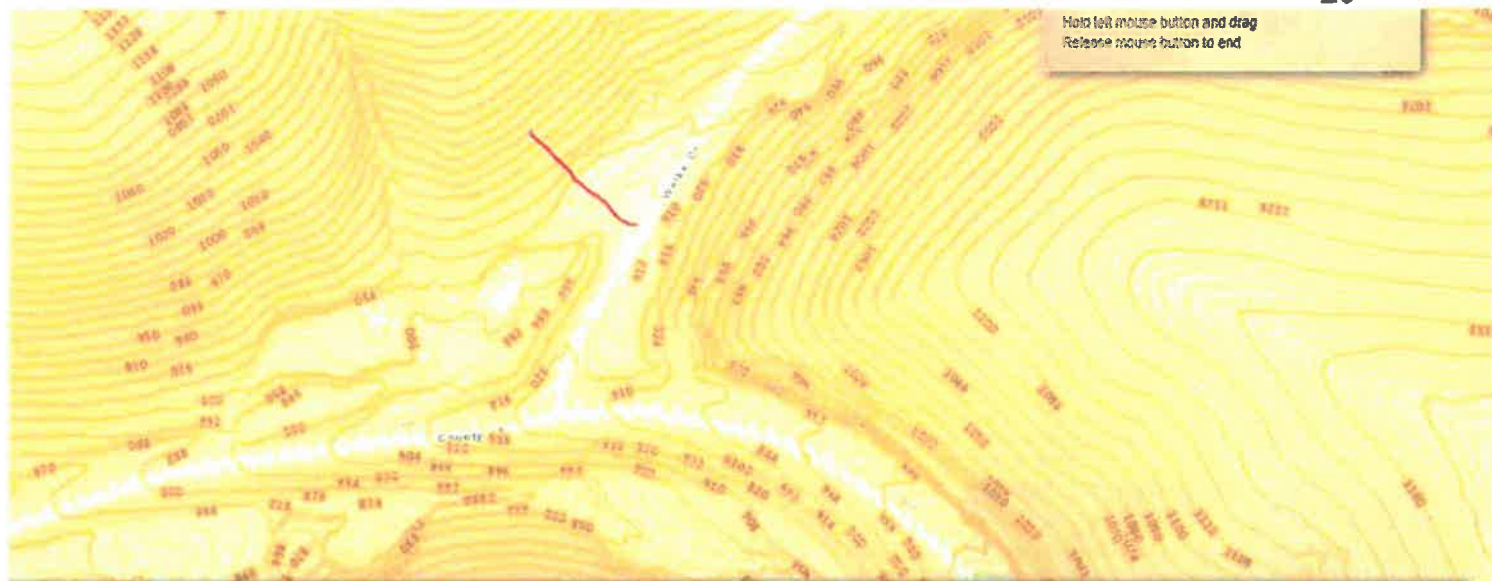


distance at north from TOB to road center line = 114' - 25' TOB SB - 65' Road SB = 24' house width.



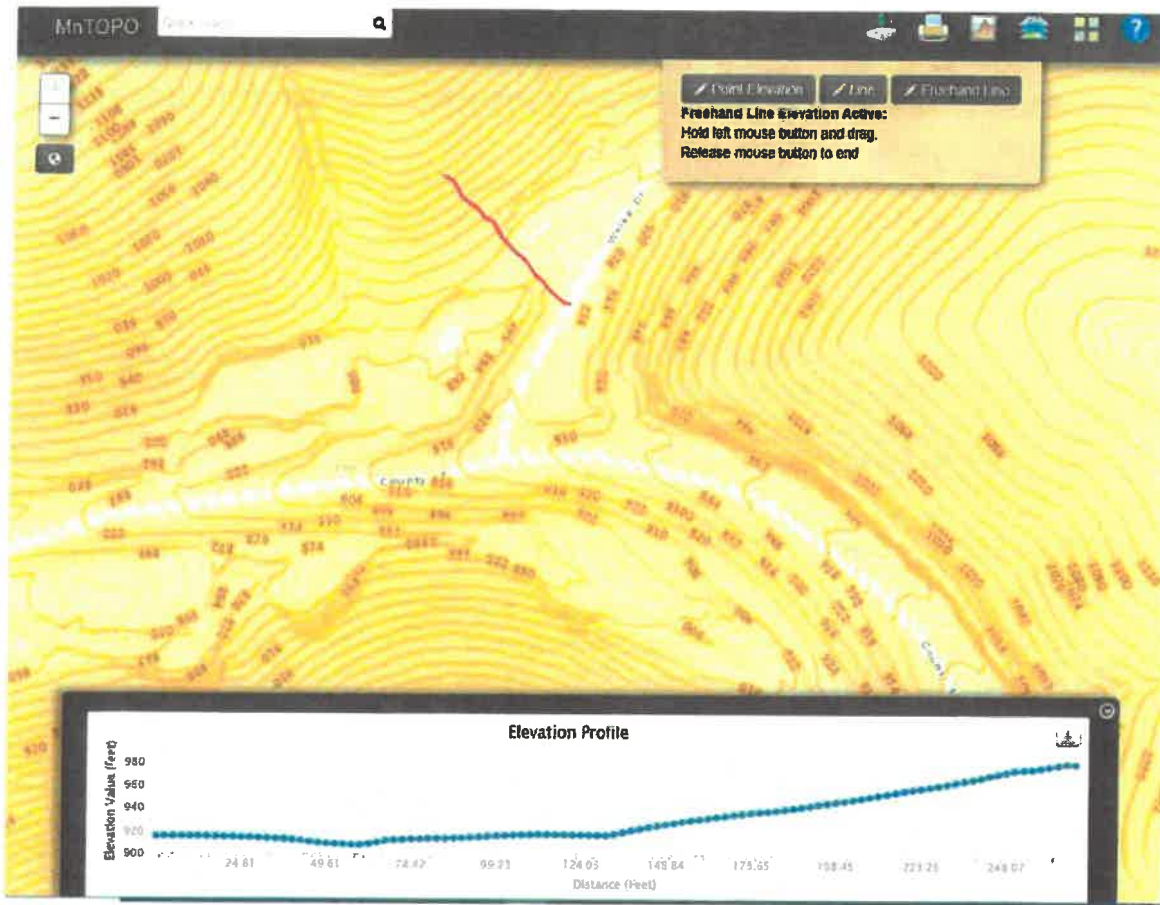
Permit #	Last Name	First Name	Permit For	Name Other	Name S	Parcel ID	Date Issued
1608	Payne	Lois	Install mobile home				9/27/1993

MN TCPO shows the toe of bluff and the impact zone. The bluff has 50 ft of vertical rise exceeding 50 ft and the average slope from the toe to the top is greater than 24 %.



East side of trailer (@98 ft from CI slope is 17.19%) toe of slope.

West side of trailer (@ 92 ft from CI slope is 17.61%) toe of slope



Based on the two sets of interpolating the 18 % slope starting point of the bluff. Also showing the 65 ft road CL setback



DeeDee Valadez-Vick

From: Jay T. Squires <Jay.Squires@raswlaw.com>
Sent: Friday, May 10, 2024 9:34 AM
To: Martin Herrick
Subject: RE: Tabling during a board of adjustment hearing

***** HOUSTON COUNTY SECURITY NOTICE *****

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information, please contact Helpdesk.

Marty, you can always table. Make sure you do not violate 60 day rule. If hearing was closed by BOA, have them move to reopen it to allow for new information.

From: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Sent: Thursday, May 9, 2024 8:53 AM
To: Jay T. Squires <Jay.Squires@raswlaw.com>
Subject: Tabling during a board of adjustment hearing

Jay

Houston County held a Board of Adjustment hearing in April where the 6 findings were voted on with at least one having a majority against it. I told the board they need all six. Then the question arose about tabling. I told them I thought they could. They have not approved the 6 findings yet.

Can that be tabled prior to approving the findings. Correspondingly can new information be presented to change the votes prior to approving the findings?

Thanks,

Marty Herrick
 Environmental Service Director
 Houston County

Phone (507) 725-5800

TO:

Houston County Planning Commission
Houston County Board of Adjustment
TO Martin Herrick: Zoning Administrator

We Glen Baumgartner, Becky Baumgartner
6984 County 18, Hokah, MN, 55941
Owners of this Property - A+T

Grant - Peter Shuffelbotten

• Kate Vroonward

• Can move forward & give our
permission if needed,

We do not object!

05/10/2024

Glen Baumgartner
Becky Baumgartner

Below is language in regard to bluff requirements from the Houston County Zoning Ordinance and Comprehensive Land Use Plan.

HOUSTON COUNTY ZONING ORDINANCE

Bluff. A topographic feature such as a hill or embankment having the following characteristics:

- The slope rises at least 25 feet above the ordinary high water level of the body of water in Shoreland.
- The grade of the slope averages 24 percent or greater.
- An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.

Bluff Impact Zone. Means land located within 20 feet from the top of a bluff.

Toe of the Bluff. The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff. The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Structure. Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

SECTION 24 - LAND ALTERATION

24.1 SUBSTANTIAL LAND ALTERATION

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

- (1) Fifty (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.
- (2) The movement of more than 10 cubic yards of material in steep slopes or within shore or bluff impact zones; and
- (3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 2. Grading and Filling Under Existing Permits. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

24.4 STANDARDS

The following standards relating to land alteration shall be implemented to the maximum extent

possible on each land alteration project.

Subdivision 1. Minimize Bare Ground. The smallest amount of bare ground shall be exposed for as short a time as feasible.

Subdivision 2. Prevent Erosion and Trap Sediment. Methods to prevent erosion and trap sediment before it reaches any surface water feature shall be employed.

Subdivision 3. Stabilize Fill. Fill shall be stabilized to accepted engineering standards and to accepted erosion control standards consistent with the field office technical guide of the Houston Soil and Water Conservation District and the United States Soil Conservation Service.

Subdivision 4. Maintain Ground Cover. The person responsible for the proposed land alteration shall agree to use mulches or similar materials for temporary bare soil coverage and to replace cover that has been removed, with seed or sod, such cover to be replaced within thirty (30) days after completion of grading. Where construction of homes or buildings is being done over an extended period of time, the Zoning Administrator or Board of County Commissioners may require replacement of ground cover on a portion of the area before the entire project is completed.

Subdivision 5. Placement of Fill on Steep Slopes Limited. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.

Subdivision 6. Placement of Fill in Bluff Impact Zone Prohibited. Fill or excavated material must not be placed in bluff impact zones.

Subdivision 7. May Not Adversely Affect Adjacent Property. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

SECTION 25 – SOILS EROSION AND SEDIMENTATION CONTROL

25.2 SLOPES

Development on slopes may not proceed until an Erosion Control Plan has been prepared and any applicable permits have been issued. Plans must meet all requirements specified by the Planning and Zoning Department.

Subdivision 1. Type I Slope Standard Erosion Control Plan. Development (including structures, roads and driveways) on slopes less than twelve (12) percent shall require a Type I Slopes, Standard Erosion Control Plan.

Subdivision 2. Type II Slope Site-Specific Erosion Control Plan. Development on slopes with an average grade between thirteen (13) and nineteen (19) percent, shall require a Type II Slopes, Site-Specific Erosion Control Plan.

Subdivision 3. Type III Slope Site-Specific Erosion Control Plan. Development on slopes with an average grade between twenty (20) and twenty-four (24) percent shall require a Type III Slopes, Site Specific Erosion Control Plan.

Subdivision 4. Type IV Slope Site-Specific Erosion Control Plan. The County has determined that land development activities on slopes 25 percent or greater, Type IV Slopes, create an erosion hazard and that the potential for offsite damage to public and private property warrants protection of these environmentally sensitive areas.

(1) Land development activities on Type IV Slopes, slopes twenty-five (25) percent or greater, shall be limited to access roads for residential and nonresidential

developments and shall require a "Site-Specific Erosion Control Plan." Final access road grades shall be no greater than twelve percent slope, unless the design plan is approved by the County Planning Commission, in which case, the road grade shall not exceed fourteen (14) percent slope.

(2) An access road on a Type IV Slope, twenty-five (25) percent or greater, which serves a development on land flat enough to not require an Erosion Control Plan for the development shall require a Site Specific Erosion Control Plan for the access road.

29.17 BLUFF LAND PROTECTION

Standards within Shoreland Districts may be more restrictive than the following standards. The stricter requirements will prevail within the Shoreland Districts.

Subdivision 1. Prohibited in the Bluff Impact Zone. Structures and accessory facilities must not be placed within bluff impact zones.

Subdivision 2. Setback from the Toe of a Bluff. Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.

Subdivision 3. Roads, Driveways, and Parking Areas. Roads, driveways, and parking areas must not be placed within bluff impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed in these areas, and must follow an approved Erosion Control Plan as described in Section 25 of this Ordinance.

Subdivision 4. Vegetation Alterations. The removal of natural vegetation within bluff impact zones shall be restricted to prevent soil erosion and to preserve bluff land aesthetics. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Ordinance are exempt from the vegetation alteration standards that follow. Removal or alteration of vegetation in bluff impact zones, except for agricultural and forest management uses as regulated in Sections 22 and 24, respectively, is allowed subject to the following standards:

- (1) Intensive vegetation clearing within bluff impact zones is not allowed.
- (2) In bluff impact zones limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view. Removal of more than thirty (30) percent of Existing trees greater than six (6) inches DBH (Diameter at Breast Height) is prohibited.

COMPREHENSIVE LAND USE PLAN

Natural Resources Goals & Policies

Goal

Goal 2.3: Protect and enhance air, water, and land resources in the County as a vital part of the quality of life.

Policies

Policy 1. Promote sustainable land management practices that protect the natural resources in the County, including wetlands and sloughs, bluffs, woodlands, and prime agricultural areas.

Policy 2. Protect the woodlands and hardwood forests in the County by carefully regulating the location and density of development and by prohibiting the clear-cutting of the woodlands. Woodlands need to be protected for the following reasons:

1. To absorb stormwater in order to minimize stormwater runoff and the consequent soil erosion.
2. To serve as a continuous source of lumber and firewood.
3. To serve as vegetation in order to retain a proper balance of nature.

Policy 3. Protect existing wetlands and sloughs in the County by prohibiting development and adverse altering of these areas.

Policy 4. Promote the preservation and improvement of all rivers and trout streams in an unpolluted state.

Policy 5. Promote soils conservation and erosion control practices in the County.

Policy 6. Encourage development to conform to the natural limitations presented by topography and soils, so as to create the least potential for soil erosion.

Policy 7. Control the location of feedlots and other animal confinement areas in the County to minimize pollution and nuisance problems.

Policy 8. Regulate the location of waste management activities to minimize pollution and nuisance problems.

6.5 STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT

Subdivision 1. Findings Required.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

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

FINDINGS OF FACT

1. That the proposed use conforms to the [REDACTED].
2. That the applicant demonstrates a need for the proposed use.
3. That the proposed use will not degrade the water quality of the County.
4. That the proposed use will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That potential pollution hazards have been addressed and standards have been met.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
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.
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.
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.
13. That the density of any proposed residential development is not greater than the density of the surrounding uses or not greater than the density characteristic of the applicable zoning district
14. That the intensity of any proposed commercial or industrial development is not greater than
48
the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.
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.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Zenke Inc. on behalf of Spiker Family Revocable Trust 1320 Urbana Ave S, Tulsa, OK 74112, for a Conditional Use Permit (Section 24.2, Subdivision 1, Subsection 1) in La Crescent Township on following premises, to-wit:

PT NW1/4 W1/2 NE1/4, Section 12, Township 104, Range 5, Houston County, Minnesota.
(Parcel 08.0325.000)

Said applicants standing and making application are as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:20 p.m. on Thursday, May 23, 2024.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Tuesday, May 14, 2024. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 8, 2024

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Spiker Family Trust*** DATE: ***May 23, 2024***

C.U.P. REQUESTED: ***Land alteration of 5,000 or more cubic yards to install a driveway.***

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

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires 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. Motion carried.



HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



STAFF REPORT

5/14/2024

Application Date: 4/04/2024
Hearing Date: 5/23/2024
Petitioner: Spiker Family Trust
Reviewer: Martin Herrick
Zoning: Residential
Address: County Highway 6
Township: La Crescent
Parcel Number: 08.0325.000 & 08.0283.000
Submitted Materials: CUP Application

OVERVIEW

REQUEST

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



Figure 1. PID 08.0325.000 & 08.0283.000



Figure 2. Completed Roadway

SUMMARY OF NOTEWORTHY TOPICS

SECTION 24 - LAND ALTERATION

24.1 SUBSTANTIAL LAND ALTERATION

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

- (1) Fifty (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.
- (2) The movement of more than 10 cubic yards of material in steep slopes or within shore or bluff impact zones; and
- (3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

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

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

Section 5.2 Zoning Permits

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

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.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

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.

SITE CHARACTERISTICS

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.

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.

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.

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.

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.

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

Staff Analysis: The soil is adequate to support vegetation.

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

Staff Analysis: Soil erosion measures will decrease runoff.

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.

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.

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.

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.

RECOMMENDATION

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

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

Proposed motion: To recommend approval of a conditional use permit for substantial land alteration in a residential district.

Appendix

- Spiker Family letter
- Jim Klock Correspondence

Houston County

Phone (507) 725-5800

From: Denise Spiker <denise@nicocello.com>
Sent: Monday, May 13, 2024 11:59 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Cc: travis.zenke@zenkeinc.com
Subject: 4319 County Rd 6, La Crescent

*** HUNTON COUNTY SECURITY NOTICE ***
This email originated from an external sender. Exercise caution before
clicking on any links or attachments and consider whether you know the
sender. For more information please contact Helpdesk

Dear Mr. Herrick

Please find our comments regarding the public hearing scheduled in your office on May 23, 2024 considering a conditional use permit.

Feel free to contact us if you have any questions.

Kind regards,

Keith and Denise Spiker

918-688-9304

Houston County, Minnesota
Environmental Services Department
304 S. Marshall St.
Caledonia, MN 55921

Dear Mr. Herrick

Thank you for the notice of hearing scheduled for Thursday, May 23, 2024.
We'd like to explain our intentions for the parcel located at 4319 County 6, La Crescent.

In late 2019, around the time of closing on this property, we met with a member of the Houston County Planning and Zoning staff, and were made aware of a requirement in this zoning class of no more than one residence within a 40-acre plot. As there is already one residence on the front 40 acres, we understand that construction of a single-family residence would be on the back 40 acres— if at all.

As Denise was raised in La Crescent, our plan after retirement has always been to reside near family and friends in the La Crescent area.

We do not desire to ever divide or substantially alter this parcel. Our desire would be to make application for permits to construct a single-family home and one equipment barn within three to five years of this date.

Our plan for the construction of the driveway has been to allow for long-term stabilization and establishment of vegetation in anticipation of a longer-term residential construction project. It is also our long-term and short-term plan to continue to farm, primarily hay, through local farmers.

Denise and Keith Spiker
Spiker Family Revocable Trust
May 13th, 2024

cc: Zenke Inc.

From: [Martin Herrick](#)
To: [DeeDee Valadez-Vick](#)
Subject: RE: Matter re Zenke on behalf of Spiker Family
Date: Wednesday, May 15, 2024 10:16:49 AM

Hi Jim

The situation is that a conditional use permit is required if you exceed the following volumes of earth work in the respective zoning district and within the slope requirements:

SECTION 24 - LAND ALTERATION

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

(3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

Marty Herrick
Environmental Service Director
Houston County

Phone (507) 725-5800

-----Original Message-----

From: Jim Klock <jhklock1@gmail.com>
Sent: Sunday, May 12, 2024 7:04 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Matter re Zenke on behalf of Spiker Family

*** HOUSTON COUNTY SECURITY NOTICE ***

This email originated from an external sender. Exercise caution before clicking on any links or attachments and consider whether you know the sender. For more information please contact HelpDesk.

Mr. Herrick:

Is there any additional information available on the purpose of this application? I understand where the parcel of land is located but I am unfamiliar with a Conditional Use Permit.

Any information you can provide will be appreciated!

Thank you.

Jim Klock

From: [Martin Herrick](#)
To: ["Jim Klock"](#)
Subject: FW: Zenke/ Spiker Family
Date: Monday, May 13, 2024 12:04:00 PM
Attachments: [4319 County Rd 6 La Crescent.msg](#)

Jim

The hearing is for the permit.

Thanks,

Marty Herrick
 Environmental Service Director
 Houston County

Phone (507) 725-5800

From: Martin Herrick
Sent: Monday, May 13, 2024 12:02 PM
To: 'Jim Klock' <jhklock1@gmail.com>
Subject: RE: Zenke/ Spiker Family

Jim

Here is what I just got from the family.

Thanks,

Marty Herrick
 Environmental Service Director
 Houston County

Phone (507) 725-5800

From: Jim Klock <jhklock1@gmail.com>
Sent: Monday, May 13, 2024 11:39 AM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Re: Zenke/ Spiker Family

*** HOUSTON COUNTY SECURITY NOTICE ***
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Marty:

Thanks for the explanation. There is a rumor that they want to create a housing development in this property. Having a road built all the way to the back seems to support this. Is that the plan and, if so, is it allowable to contest the building of a development? Is the public hearing to discuss the lack of a permit or the overall intentions of the contractor?

Jim

On Mon, May 13, 2024 at 11:31 AM Martin Herrick <Martin.Herrick@co.houston.mn.us> wrote:

Hi Jim

In response to your question. The situation is that a conditional use permit is required when the volume of earth work exceeds the land alteration standard. For the Ag Protection District, which the parcel is located in, the volume is 5000 cubic yards.

SECTION 24 - LAND ALTERATION

24.1 SUBSTANTIAL LAND ALTERATION

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

(3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

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

1. The excavation, grading and/or filling would result in substantial alteration of existing ground contours.

Additionally the earthwork was done before obtaining a permit. The applicant notes that they misunderstood how to calculate the volume of material as they did not include the part of the materials in the calculation.

SECTION 5 – PERMITS

5.2 ZONING PERMITS

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

Thanks,

Marty Herrick,
Environmental Services Director
Houston County, Mn
[304 S. Marshall St., Room 209](#)
[Caledonia, Mn 55921](#)

Conditional Use
Request
2024-CUP-241183

Amount Paid
\$0.00

Applicant
Zenke

Created
April 4, 2024

Number
2024-CUP-
241183

Zenke Inc | 080325000 | La
Crescent
Submitted by Zenke on
4/4/2024



Applicant

Zenke

terrie.haefs@zenkeinc.com

Search Parcel Data Completed On Thursday, April 4, 2024 at 10:23 AM CDT by Zenke

ParcelID	Address	City	OwnerName	Acres
080325000			SPIKER FAMILY REV TRUST	30.520

CONDITIONAL USE INTRO Completed On Thursday, April 4, 2024 at 10:23 AM CDT by Zenke

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Thursday, April 4, 2024 at 10:24 AM CDT by Zenke

Applicant Name

Zenke Inc

Parcel Tax ID

080325000

Telephone Number

507-895-7191

Address

87 Main Street

City

La Crescent

Zip

55947

Legal Description

PT NW1/4 W1/2 NE1/4 DOC 239575; DOC 296564

1

Section-Township-Range

12-104-005

Do you own additional adjacent parcels

Yes

Township of:

La Crescent

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runnigen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541
Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816

CONDITIONAL USE REQUEST Completed On Thursday, April 4, 2024 at 10:40 AM CDT by Zenke

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

Condition Use Permit for land alteration of 5000 or more cubic yards to install driveway. A misunderstanding occurred on this project due to black dirt being stockpiled. When driveway was complete, the stockpiled material was put back to finish landscaping. The stockpiled material was not used in the calculation because we were placing it back down.

Citation of Ordinance Section from which the Conditional Use is requested:

24.1 Substantial Land Alteration (3)

Requested Dimension:

approximately 1800 lineal feet 14' wide

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Thursday, April 4, 2024 at 11:15 AM CDT by Zenke

[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

Future residential driveway

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

Yes

Comments:

Owner had to build in back section to comply with County. Front section needs a variance to rebuild in previous site.

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

Yes

Comments:

New driveway will not be near a stream or wetland.

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

Yes

Comments:

Driveway has no major grade changes. Possibly 3%

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

Yes

Comments:

Soil was virgin ground so there should be no issues with a driveway.

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

Yes

Comments:

Site is relatively flat so no concerns with run off

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

Yes

Comments:

Driveway comes off County 6 and everything is accessible.

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

Yes

Comments:

We are able to get off road to load/unload.

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

N/A

Comments:

Should be no traffic issues on County 6

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.

Yes

Comments:

This driveway should be of no issue to anyone and the home will be set way back on 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.

N/A

Comments:

The driveway goes through their property so it should be of no issue to other vsurrounding owners.

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.

Comments:

The driveway should be of no issue or nuisance to neighboring properties.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

The driveway should be of no issue or nuisance to neighboring properties.

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

N/A

Comments:

The driveway should be of no issue or nuisance to neighboring properties.

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.

Yes

Comments:

The driveway should be of no issue or nuisance to neighboring properties.

SITE PLAN INFORMATION

Completed On Thursday, April 4, 2024 at 11:16 AM CDT by Zenke

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☒ Reference Layer

☒ Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Thursday, April 4, 2024 at 11:18 AM CDT by Zenke

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

Travis Zenke

Date Signed:

4/4/2024

Check this box if Staff Signature on behalf of Applicant.

From: [Martin Herrick](#)
To: ["Critters Count"](#)
Subject: RE: Notice of Planning Commission Hearing
Date: Thursday, May 9, 2024 4:02:00 PM
Attachments: [~WRD0001.jpg](#)

Cindy

We are putting the board packets together and I will respond with them shortly.

Thanks,

Marty Herrick
 Environmental Service Director
 Houston County

Phone (507) 725-5800

From: Critters Count <careforallcritters@gmail.com>
Sent: Wednesday, May 8, 2024 12:15 PM
To: Martin Herrick <Martin.Herrick@co.houston.mn.us>
Subject: Fwd: Notice of Planning Commission Hearing



I have comments and questions about the Zenke application prior to it being reviewed.

The application does not indicate this request is for approval of work already completed and for a future development of which there are no details. Since the driveway was already constructed without prior approval and the comments state that the owner needs to build in the back parcel to comply with the county rather than in front parcel where a variance would be needed, I will need to see and discuss their future plans for this residential development on these parcels of ag land before considering action on just a portion of a plan. For example, we would not approve installation of a septic system in the middle of a field without knowing what it was for, correct?

1. Is Travis Zenke representing the property owner? Application does not mention that he is representing the owner.
2. Neither he nor property owner own the adjacent properties, so that information is stated incorrectly.
3. Two parcels are affected, not just the one listed. 0802383000 and 080325000

4. The stockpiling of black dirt is not the major issue with this application
5. The driveway project is completed, so why does the application not state that?
6. The applicant states that the request for future residential driveway on this parcel of ag land conforms to the County Land Use Plan, but no details are provided on the proposed building structures or development of the land that may not conform to CLUP
7. Application states the residential driveway is access to a permanent residential structure. Is there a current or previous request for building a structure on file for this property? A small storage building is currently in that location.

Thanks in advance for your comments regarding my questions.

Cindy

Begin forwarded message:

From: noreply@schneidergis.com

Date: May 8, 2024 at 10:46:26 AM CDT

To: holly.felten@co.houston.mn.us, amelia.meiners@co.houston.mn.us, martin.herrick@co.houston.mn.us, deedee.vick@co.houston.mn.us, wright@acegroup.cc, jjwieserfarm@yahoo.com, waf@acegroup.cc

Subject: Notice of Planning Commission Hearing

Planning Commission Members,

A Conditional Use hearing has been scheduled at 6:20 pm on 05/23/2024 at the Houston County Courthouse. If you are unable to attend, please notify the zoning office as soon as possible. You will receive a board packet with information on the hearing approximately one week prior to the hearing.

Number: 2024-CUP-241183

Workflow: Conditional Use Request

Description: Zenke Inc | 080325000 | La Crescent

Created On: 4/4/2024

From: [Martin Herrick](#)
To: ["Critters Count"](#)
Subject: Zenke/Spiker
Date: Monday, May 13, 2024 12:28:00 PM
Attachments: [Houston Cnty.pdf](#)

Cindy

Here is the family's response to what their long term goal is. As for the fine it is the code that requires the triple fee.

5.2 ZONING PERMITS

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

We have included that in the review fee. But there have been situations where the Planning Commission has revised the fee. And Zenke's are saying that it was a misunderstanding on how they calculated material exhumed and put back down.

As for moving on the application I really have to look at it in the sense of is a road allowed. If we don't move on violations, post notification, to correct them we get into the territory of being arbitrary.

Thanks,

Marty Herrick
 Environmental Service Director

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Wayne Feldmeier 5940 Little Valley Rd, Houston, MN 55943, for a Conditional Use Permit (Section 14.3, Subdivision 1, Subsection 5) in Houston Township on following premises, to-wit:

W1/2 W1/2 SW1/4, Section 35, Township 104, Range 7, Houston County, Minnesota. (Parcel 06.0371.000)

Said applicants standing and making application are as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:40 p.m. on Thursday, May 23, 2024.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Tuesday, May 14, 2024. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 8, 2024

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Wayne Feldmeier DATE: May 23, 2024

C.U.P. REQUESTED: Build a cabin in an agricultural district.

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

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires 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			



HOUSTON COUNTY ENVIRONMENTAL SERVICES

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STAFF REPORT

5/13/2024

Application Date: 4/12/2024
Hearing Date: 5/23/2024
Petitioner: Wayne Feldmeier
Reviewer: Martin Herrick
Zoning: Ag Protection
Address: TBD Mn Hwy 16
Township: Houston
Parcel Number: 06.0371.000
Submitted Materials: CUP Application

OVERVIEW

REQUEST

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



Figure 1. Parcel 06.0371.000 and Road Access



Figure 2. Location of the cabin on PID 06.0371.000



Figure 3. Cabin Dimensions

SUMMARY OF NOTEWORTHY TOPICS

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

14.3 CONDITIONAL USES

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

(5) Cabins. Cabins, subject to the following:

- (a) Not more than one (1) cabin per quarter of a quarter section shall be allowed.*
- (b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.*
 - (c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.*
 - (d) No cabin shall have a gross floor area exceeding 400 square feet.*
 - (e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.*

TOWNSHIP AND NEIGHBORHOOD COMMENTS

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.

SITE CHARACTERISTICS

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.

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.

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.

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.

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.

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.

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

Staff Analysis: There are no anticipated pollution hazards.

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.

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.

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.

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.

RECOMMENDATION

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

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

Proposed motion: To recommend approval of a conditional use permit for a cabin in the agricultural protection district.

Conditional Use Amount Paid
Request \$0.00
2024-CUP-244471

Applicant Created
Martin.Herrick@co.houston.mn.us April 12, 2024

Number
2024-CUP-
244471

FELDMEIER,WAYNE |
060371000 | Houston
Submitted by
Martin.Herrick@co.houston.mn.us
on 4/12/2024



Applicant

Martin.Herrick@co.houston.mn.us

Martin.Herrick@Co.houston.mn.us

Search Parcel Data Completed On Friday, April 12, 2024 at 9:07 AM CDT by Martin.Herrick@co.houston.mn.us

ParcelID	Address	City	OwnerName	Acres
060371000			FELDMEIER,WAYNE	16.010

CONDITIONAL USE INTRO Completed On Friday, April 12, 2024 at 9:07 AM CDT by Martin.Herrick@co.houston.mn.us

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Friday, April 12, 2024 at 9:09 AM CDT by Martin.Herrick@co.houston.mn.us

Applicant Name

FELDMEIER,WAYNE

Parcel Tax ID

060371000

Telephone Number

Address

59540 Little Valley Road

City

Houston

Zip

55943

Legal Description

W1/2 W1/2 SW1/4 (EX PT TO HWY)DOC #220042

1

Section-Township-Range

35-104-007

Do you own additional adjacent parcels

Yes

Township of:

Houston

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington Melissa Schroeder 608-780-3998
Winnebago Luke King 507-725-8816
Winnebago Joyce Staggemeyer 507-542-4637
Yucatan Deb Dewey 507-896-3566

Submitted by Applicant

8

CONDITIONAL USE REQUEST Completed On Friday, April 12, 2024 at 9:12 AM CDT by Martin.Herrick@co.houston.mn.us

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

CUP for a cabin in the ag protection district

Citation of Ordinance Section from which the Conditional Use is requested:

section 14.3 Subd 1. (5)

Requested Dimension:

20ft X 20 ft

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On Friday, April 12, 2024 at 9:36 AM CDT by Martin.Herrick@co.houston.mn.us

[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

Recreational uses are allowed in the ag protection district

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

Yes

Comments:

Yes the recreational use of properties is allowed

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

Yes

Comments:

the impact of the structure is minimal

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

Yes

Comments:

The footprint of the structure is very limited and will not cause problems

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

Yes

Comments:

the soils are adequate to support the structure

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

Yes

Comments:

the structure will not cause any exceedances.

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

Yes

Comments:

there will be no utilities for this project

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

N/A

Comments:

that is not applicable

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

N/A

Comments:

No facilities are needed for this projects

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.

Yes

Comments:

The cabin will not impact other neighbors

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.

Yes

Comments:

the cabin use will not interfere with other activities

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

N/A

Comments:

There will be minimal odors and fugitive dusts.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

Yes

Comments:

The density impact of this project is minimal

14. That the density 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.

Yes

Comments:

The intensity of the project is minimal

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.

Yes

Comments:

The cabin will meet all the requirements

SITE PLAN INFORMATION Completed On Friday, April 12, 2024 at 9:38 AM CDT by Martin.Herrick@co.houston.mn.us

A site plan **MUST** accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

Reference Layer

Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Friday, April 12, 2024 at 9:39 AM CDT by Martin.Herrick@co.houston.mn.us

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

[Handwritten signature in red ink]

Date Signed:

4/12/2024

Check this box if Staff Signature on behalf of Applicant.

Documents

Internal Notes

Documents

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Affordable Investments, LLC/Kenneth Johnston 17186 County 26, Houston MN 55943, for a Conditional Use Permit (Section 14.3, Subdivision 25) in Money Creek Township on following premises, to-wit:

PT S1/2 SE1/4, Section 7, Township 104, Range 6, Houston County, Minnesota. (Parcel 10.0303.001)

Said applicants standing and making application are as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 7:00 p.m. on Thursday, May 23, 2024.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Tuesday, May 14, 2024. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 8, 2024

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: Kenneth Johnston DATE: May 23, 2024

C.U.P. REQUESTED: Create a multi-use event space.

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

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires 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			



HOUSTON COUNTY ENVIRONMENTAL SERVICES

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Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

5/13/2024

Application Date: 4/18/24
Hearing Date: 5/23/2024
Petitioner: Ken Johnston
Reviewer: Martin Herrick
Zoning: Agriculture Protection
Address: 17365 County 26
Township: Money Creek
Parcel Number: 10.0303.001
Submitted Materials: CUP Application

OVERVIEW

REQUEST

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



Figure 1. Parcel 10.0303.001



Figure 2. Proposed area for the wedding venue



Figure 3. Proposed view shed for the wedding venue

SUMMARY OF NOTEWORTHY TOPICS

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.

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.3 CONDITIONAL USES

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

(25) Other

TOWNSHIP AND NEIGHBORHOOD COMMENTS

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.

SITE CHARACTERISTICS

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

RECOMMENDATION

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

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Applicable measures outlined in the business plan shall be followed.

Conditional Use
Request
2024-CUP-240757

Amount Paid
\$746.00

Applicant
Affordable Siding
& Roofing

Created
April 3, 2024

Number
2024-CUP-
240757

AFFORDABLE INVESTMENTS,
LLC | KENNETH L. JOHNSTON |
100303001 | Money Creek
Submitted by Affordable Siding
& Roofing on 4/3/2024



Applicant

Affordable Siding & Roofing

houstonmnjr@live.com

Search Parcel Data Completed On Wednesday, April 3, 2024 at 1:23 PM CDT by Affordable Siding & Roofing

ParcelID	Address	City	OwnerName	Acres
100303001	17365 COUNTY 26	HOUSTON	AFFORDABLE INVESTMENTS, LLC KENNETH L. JOHNSTON	11.000

CONDITIONAL USE INTRO Completed On Wednesday, April 3, 2024 at 1:26 PM CDT by Affordable Siding & Roofing

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On Wednesday, April 3, 2024 at 1:27 PM CDT by Affordable Siding & Roofing

Applicant Name

AFFORDABLE INVESTMENTS, LLC | KENNETH L. JOHNSTON

Parcel Tax ID

100303001

Telephone Number

Address

17365 COUNTY 26

City

HOUSTON

Zip

55943

Legal Description

PT S1/2 SE1/4; DOC 251969

Section-Township-Range

07-104-006

Do you own additional adjacent parcels

Yes

Township of:

Money Creek

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Judith Massman	507-458-3294
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

Submitted by Applicant

8

CONDITIONAL USE REQUEST Completed On Wednesday, April 3, 2024 at 3:09 PM CDT by Affordable Siding & Roofing

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

My family and I would like to create a multi-use event space at our farm in Money Creek. With few reasonably priced venues for weddings, banquets, family gatherings, meeting place etc, we know that an event space will be beneficial to the area. We plan to retrofit the existing 40x80 pole shed previously used as a machine shed/milking barn to accommodate less than 100 people.

Citation of Ordinance Section from which the Conditional Use is requested:

14.3

Requested Dimension:

2.4 acres

Please upload any supporting documents:

[47D135A8-4897-4D56-BA7E-B5AADCCC3FFD.jpeg](#)

CONDITIONAL USE FINDING OF FACTS Completed On Wednesday, April 3, 2024 at 7:29 PM CDT by Affordable Siding & Roofing

[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

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

Yes

Comments:

This land use conforms to the new land use plan, because it will increase the tax base while only disturbing a small amount of agricultural land. Also, local businesses such as food vendors, motels, and campgrounds will benefit from increased customer volume.

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

Yes

Comments:

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

Yes

Comments:

This venue will have no adverse effect on water quality, sewer plan attached

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

Yes

Comments:

This venue will not increase quantity of runoff

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

Yes

Comments:

Silt loam soil in this area offers good drainage with a solid base

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

Yes

Comments:

Proposed sewer plan attached to application

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

Yes

Comments:

Electric service upgraded to 400 Amp
Restrooms will be available in the venue

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

Yes

Comments:

1.5 acre field adjacent to venue will provide more than enough parking, handicapped parking spaces will be available

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

Yes

Comments:

County road 26 runs East/West on North end of property
Non- obstructed view of oncoming traffic both East and West out of driveway

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.

Yes

Comments:

All rural property surrounds the venue site, with the two nearest residences being 1000' and 1800' away.
Trees will be planted on West and North boundaries of property to act as a visual screen

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.

Yes

Comments:

Property line setbacks are sufficient

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.

Yes

Comments:

Care will be taken to avoid light and noise pollution

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

No proposed residential development

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

N/A

Comments:

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.

Yes

Comments:

Venue will be ADA compliant, single story, heated and cooled and aesthetically pleasing

SITE PLAN INFORMATION Completed On Tuesday, April 16, 2024 at 12:22 PM CDT by Affordable Siding & Roofing

A site plan **MUST** accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

[Affordable Investments LLC Business Plan.pdf](#)

[Junior Johnston Holding Scan copy.pdf](#)

50D28508-CC11-4D42-B716-1C208BFEA2F4_1_201_a.jpeg

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☐ Reference Layer

☒ Mapproxy


Powered by Esri

Use the space below to include site plan comments, if necessary

APPLICATION SUBMITTAL Completed On Tuesday, April 16, 2024 at 12:22 PM CDT by Affordable Siding & Roofing

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature


Date Signed:
4/16/2024

Check this box if Staff Signature on behalf of Applicant.

APP SUBMITTED/PAYMENT SELECTION Completed On Thursday, April 18, 2024 at 2:52 PM CDT by DeeDee Vick

Fee Summary

Recording Fee	\$46.00
Conditional Use Application Fee	\$700.00
Total Fees	\$746.00
Total Due	\$0.00

Payments Made

Payment Method	Paid On	Confirmation Number	Amount
Check	April 18, 2024 2:52 PM	2093	\$746.00
			Total Paid: \$746.00

External Notes

Documents

Internal Notes

Documents





Affordable Investments LLC.
Ken Johnston
17186 County 26
Houston, MN 55943
507-459-7375
houstonmnjr@live.com

Future Plans

Our plan for the property located at 17365 County 26 in Money Creek Township, is to book small family friendly Indoor/outdoor gatherings for weddings, family reunions, birthdays and other events at a reasonable price with a well-kept facility. Accommodations will include 40X80 heated and cooled indoor space, with bathrooms and a food prep area for caterers.

Procedures

- **Volume**
 - We would like to host 1-3 events per month during warmer months, and less engagement is expected during cooler months
- **Parking**
 - 1.5 acres available as designated parking area to North and West of venue
 - Parking area will be clearly marked with temporary signage and stakes prior to event, and will be managed by a parking attendant
 - Parking space will be designated for emergency vehicles directly outside of venue
- **Events**
 - Event policies and expectations will be clearly articulated to those who wish to book, and we reserve the right to deny service to anyone we feel is not a good fit for our venue
 - Event policies and expectations will be clearly posted for those in attendance, and anyone who chooses to not follow the rules will be asked to leave
- **Event hours of operation**
 - Monday-Thursday 10am-10pm
 - Friday and Saturday- maximum music volume 110 DB outside of venue, reducing to 80 DB at 12PM with music ending no later than 1AM
 - Sunday- Music will end no later than 10pm

Policies and Expectations

- 1. Our staff has absolute authority and we reserve the right to deny service to anyone we deem unfit, or unsafe, or does not align with our family-friendly atmosphere**
- 2. Dangerous behavior will not be tolerated, including but not limited to:**
 - a. Intoxicated behavior**
 - b. Showboating, squealing tires etc.**
 - c. Fighting**
 - d. Threatening of staff or other guests**
- 3. Event areas are non-smoking**
- 4. No pets allowed in event areas**
- 5. Restrooms provided, USE THEM**
- 6. No unauthorized vendors**
- 7. The following items are prohibited:**
 - a. Guns**
 - b. Fireworks**
 - c. Illegal drugs**
 - d. Anything deemed to be unsafe**
 - e. NO EXCEPTIONS**
- 8. Anyone under the influence of alcohol must have a designated driver**

From: [Martin Herrick](#)
To: [Martin Herrick](#)
Subject: Phil Niesen/Ken Johnston
Date: Monday, May 13, 2024 1:06:40 PM

Phil contacted office to inquire about the Wedding venue and was ok with it on 5/10/24.

Marty Herrick
Environmental Service Director
Houston County

Phone (507) 725-5800

Commissioner Warrants 2024/06/04-updated

Lynn Colsch

Thu 5/30/2024 12:28 PM

To: Houston County BOC <BOC@co.houston.mn.us>;

Cc: Carol Lapham <Carol.Lapham@co.houston.mn.us>; Susan Tostenson <Susan.Tostenson@co.houston.mn.us>;

Sorry Allison-

Had to updated numbers.

REQUEST APPROVAL FOR PAYMENT

2024/06/04 COMMISSIONER'S WARRANTS:

VENDOR NAME	AMOUNT
CEDA	7,107.69
DELTA DENTAL	6,277.60
IUOE LOCAL 49 FRINGE BENEFIT FUNDS	23,600.00
MEDICA	186,167.52
MN LIFE INSURANCE COMPANY	2,436.28
SIR LINES-A-LOT LLC	57,979.45
TSG	3,260.79
VERIZON WIRELESS	3,393.68
	<u>290,223.01</u>
18 VENDORS PAID LESS THAN \$2000.00	<u>5,252.04</u>
	<u>295,475.05</u>
PUBLIC HEALTH & HUMAN SERVICES	<u>6,502.86</u>
	<u><u>301,977.91</u></u>

Lynn Colsch
Finance Clerk
Houston County
304 South Marshall Street
Caledonia MN 55921

Phone 507-725-5825

From: Houston County BOC <BOC@co.houston.mn.us>

Sent: Thursday, May 30, 2024 11:26 AM

To: Lynn Colsch <Lynn.Colsch@co.houston.mn.us>

Subject: Re: Commissioner Warrants 2024/06/04