

Houston County Planning Commission  
February 24, 2014

**Approved on April 30, 2014 by Richard Schild and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Monday, February 24, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Charlie Wieser. Members present were Charlie Wieser, Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl and Richard Schild. Others present were Ivan McElhiney, Lois McElhiney, Sheldon McElhiney, Teresa McElhiney and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present.

Election of Chairperson and Vice Chairperson for 2014 took place. Glenn Kruse nominated Charlie Wieser, but Charlie declined. Dana Kjome nominated Dan Griffin, Glenn Kruse seconded. Garland Moe moved to end nominations, Terry Rosendahl seconded. Motion carried unanimously. Dan Griffin is the Chairperson for 2014. Rich Schild nominated Glenn Kruse for Vice Chairperson for 2014, Dana Kjome seconded. There were no other nominations. Motion carried unanimously. Glenn Kruse is the Vice Chairperson for 2014.

**Notice of Public Hearing No. 807** was read. **Ivan, Lois and Sheldon McElhiney**, 415 King Street, La Crosse, WI 54601 (and son Sheldon McElhiney of 7474 County 25, La Crescent, MN 55947) are seeking a conditional use permit to construct fifteen greenhouses in an agricultural district in Mound Prairie Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Sheldon is re-applying for a new CUP as the first CUP was denied by the County Board of Commissioners on December 30, 2013.
- Sheldon plans the same use for the property as the previous plan except that the location is now on the north side of County 25.
- Produce and fish will be raised in the greenhouses.
- Buildings will be for commercial use.

- Dave Walter from RRSWCD viewed the new location and he had some good suggestions on excavating the property. Brian Pogodzinski also looked at the location and he had input on road access as well.
- If this CUP is approved, zoning permits will need to be applied for the greenhouses. One greenhouse is planned for 2014.
- The Mound Prairie Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Sheldon McElhiney had anything to add. Sheldon explained he changed the location for the greenhouses to the north side of County 25. The land is flatter and the grade is better. The plans are essentially the same as before. (Prior CUP was #805).

Glenn Kruse thought this was a better location except it slopes to the north and wondered if he would have to use a heating source due to this. Sheldon said he doesn't plan to heat the buildings but he may have a supplemental heating source.

Dan Griffin asked if the road access would be off of County 25. Sheldon stated it would be.

Glenn Kruse asked how large the fish would get. Sheldon said up to 1.5 pounds. They will be shipped whole either on a live truck or on ice.

Dan Griffin asked how often the fish would be harvested. Sheldon stated approximately once every 2 months.

Dana Kjome asked what types of fish would be raised. Sheldon stated he would be starting with tilapia and then moving toward trout.

Glenn Kruse asked what type of plants would be raised. Sheldon stated leafy greens and herbs.

Rich Schild asked if a septic system would be required. Bob Scanlan said if one is needed, it would be part of the building permit process. A compost site is also being proposed to handle process materials.

Ted Von Arx, neighbor, asked if there would be much waste and what would be done with it. Sheldon said there will be very little waste;

approximately 4%. Vegetable spoilage will be composted. Bob Scanlan asked if the composting would be covered. Sheldon said it wouldn't be as of right now.

Ted Von Arx wondered if the snowmobile trail would have to be moved. It was discussed that it may need to be moved but would be up to the local snowmobile club.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

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|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |

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

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl asked on how many greenhouses would be covered under this CUP. Bob Scanlan said all 15 would be permitted under the CUP but all would be required to be covered under a zoning permit as well.

Dan Griffin asked about water usage. Sheldon said he is planning to drill a well in 2016. Water usage is very limited and has not changed from the original plan. Only a small portion of water needs to be replaced from time to time.

Rich Schild asked how the water would be filtered. Sheldon stated the plants will filter most of the water.

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Work with RRSWCD on soil conservation.**

Terry Rosendahl seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, March 11, 2014.

Glenn Kruse made the motion to approve the minutes of December 16, 2013. Dana Kjome seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

4174	Roger and Lynda Meyer – Money Creek Township Build house (60' x 30') garage (30' x 40') porch (20' x 20') storage shed (24' X 10')
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4175            Scott DeWitt – Caledonia Township  
Build house (30' x 58') garage (28' x 36') shed (52' x 80')

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, March 11, 2014.

**OTHER BUSINESS:**

Adam Augedahl - new lodging. Adam lives on the property where the garage will be built. Bob stated the building plan could be considered living quarters. This type of building doesn't work with the current ordinance and was wondering what the other members thought. He would like to know if Adam should hold off until ordinance is updated with Interim Uses. Glenn Kruse asked about floodplain concerns. Bob said it is in a floodplain and would have to be built 1 foot above the 100 year flood elevation. Dan Griffin asked how many could lodge in the building at one time. Bob was unsure on the number of people but with 3 bathrooms, it could be several. Terry Rosendahl suggested it would be good to put this type of use under an Interim Use Permit.

Tom Andrews update. Tom called in and said he plans to have the project done by September of this year.

Reminder on the ordinance study committee meeting on Monday, March 10, 2014 at 7:00 p.m.

Dana Kjome talked about the recent frac sand moratorium extension. The new extension goes until March of 2015. Discussion took place on the importance of having ordinances in place otherwise after March 2015 everything reverts to the current ordinances that have been put together to date.

Charlie Wieser made the motion to adjourn the meeting. Glenn Kruse seconded. Motion carried.

Submitted by Planning Commission Clerk on February 25, 2014.

Houston County Planning Commission  
April 30, 2014

**Approved on May 22, 2014 by Charlie Wieser and Garland Moe**

The Houston County Planning Commission met at 7:00 p.m. on Wednesday, April 30, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl, Richard Schild and Charlie Wieser. Rick Frank, Environmental Service Director; Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

**Notice of Public Hearing No. 808** was read. **AT&T** (Curt Walter, representative) **2897 Lake Vista Drive NW, Rochester, MN 55901 and Ken Ranzenberger, 5154 County 9, Houston, MN 55934** are seeking a conditional use permit to expand an existing Verizon Wireless telecommunications facility in Houston Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Considered an expansion of the existing “Verizon” communications facility.
- Property owned by Ken Ranzenberger.
- New expansion would be leased by AT &T.
- Looking to add an 11’5” x 24’ equipment shelter and will be attaching antennas to the existing tower@ 158’ above ground level.
- Also planning a temporary tower 50’ to the north until federal approvals are given for the permanent locate.
- The Houston Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Curt Walter had anything to add. Curt said they won’t be extending the tower any higher and the public won’t be able to tell there is anything new. They are, however, expanding the existing compound so they need to meet federal requirements. This process will take approximately another 4-6 months. In the meantime, they would like to put up a temporary site to provide coverage for the City of Houston.

Dan Griffin asked if it would take 6 months for the federal permitting process. Curt said it could possibly. After permits are in place they would be able to finish the project in a couple weeks.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) The temporary tower can be up until the end of 2014.**

Garland Moe seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, May 13, 2014.

Rich Schild made the motion to approve the minutes of February 24, 2014. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

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| 4176 | Nick and Robin Thesing – Money Creek Township<br>Build house (48' x 28') and garage (26' x 24')   |
| 4177 | Dylan and Melissa Burrow – Sheldon Township<br>Build calf barn (50' x 100')   |
| 4178 | LeRoy Kohlmeyer – Caledonia Township<br>Build grain bin (55,000 b.u.)   |
| 4179 | Art Doering – Brownsville Township<br>Build pole shed (58' x 72') and calf shed (48' x 64')   |
| 4180 | Peter and Jessica Wiese – Caledonia Township<br>Extension on permit #4064 to build house (44' x 34') garage (44' x 30')<br>deck (20' x 20') |
| 4181 | David and Susan Breyer – Sheldon Township<br>Build dwelling (36' x 32') storage shed (36' x 32')  |
| 4182 | Rick Sime – Houston Township<br>Build decks (4' x 44' and 12' x 26')  |
| 4183 | Duane Peterson – Yucatan Township<br>Build pole building (32' x 48')  |

4184 Jason Melde – Union Township  
Build pole building/garage (30' x 36')

Glenn Kruse asked Bob on the Melde permit. Bob said he bought additional land to build.

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Dana Kjome seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, May 13, 2014.

**OTHER BUSINESS:**

**CUP #187 renewal for Bonanza Grain/David Pieper** for mineral extraction and land alteration in Section 17 of Mayville Township. Charlie Wieser made motion to renew. Terry Rosendahl seconded. Motion carried unanimously.

**CUP #261 renewal for Tracie Erickson** for mining and extraction in Section 30 of Yucatan Township. Bob Scanlan stated the permit dates back to 1992 and had been renewed every 5 years since that time. It was up for renewal in January of 2013 but was put on hold due to a silica sand proposal and the environmental review that was requested at that time. The silica sand proposal has since been dropped and this is a renewal of the original permit. There are no violations on the mine.

Commissioner Dana Kjome commented that he had been working with Bob Scanlan and Rick Frank and has also been in contact with the EQB through letters and emails. He does not believe the county is the RGU. There will be a meeting on May 21 with the EQB to resolve the issue and he would prefer to wait until that is resolved.

Rich Schild wanted to know about Jay Squires comment in a May 14, 2013 letter where he commented that “the most recent CUP had expired”. Bob Scanlan said it had been put on hold due to an environmental review of the property but it has not expired. In talking with Jay Squires earlier today Jay said the commission should review the request and make a recommendation to the county board.

Two minute comment period opened for public comment.

Sue Van Gorp believes the county is not the RGU as the EQB has not released Mr. Erickson. Judge Walters will be holding a June 23<sup>rd</sup> hearing to clarify his earlier ruling. There is DNR letter stating “silica” sand mining has a setback of one mile

from a trout stream. Jay Squires notes the permit has expired in previous letter. Mr. Erickson cannot mine based on a frac sand law suit as well.

Zach Lind has concerns about his trout hatchery on Ferndale Road. He purchased the hatchery from Scott Anderson. Noise, air and water are concerns for his hatchery in regard to industrial sand mining.

Charlie Wieser stated this mine is for construction sand and not industrial sand. Both previous comments were in regard to industrial sand mining. Rich Schild thinks whether its industrial sand or construction sand prevailing winds would blow that direction and would have the same effect on the hatchery. Terry Rosendahl asked if the hatchery was on a gravel road. Zach indicated it was. Terry asked if gravel, dust or dirt from the fields affects the hatchery. Zach said not as of yet.

Rosemary Iverson owns the property next to the Erickson quarry (since 1999). Her concerns are erosion, proximity, loss of property value and loss of privacy. The boundaries changed in 2007 when it was resurveyed. Dan Griffin asked if she was aware there was a mine there before she bought the property. Rosemary said she did but there was more of a buffer at that time. Dan Griffin then explained there is a 50 foot setback from property lines for any mining operations. Rosemary would like to see additional conditions added if mining is allowed to continue or deny it.

Charlie Wieser asked Rosemary what type of dwelling is on her property. She said there are 2 cabins and a shed. Bob Scanlan stated they are unpermitted cabins. Dan Griffin asked if she did a title search before purchasing the property. She said she had the plat done. In 2007 when Steve Thorson sold the property a survey was done. At that time it was discovered the cabin(s) were built in the wrong location.

Terry Rosendahl asked for clarification on the cabins. If they were built on the original mine location. Bob Scanlan indicated they were.

Wayne Feldmeier commented that for the cabins to be legal they should be moveable. Bob Scanlan said they also require a conditional use permit.

Cory Baker believes since the cabins were built without a permit that is the first violation of the mine. He believes since Mr. Erickson's initial permit has expired he should apply for a new permit.

Kelley Stange stated she serves on the joint advisory panel for the EQB, DNR and MPCA and she recently received 4 hours of training on Minnesota environmental rules. There is rule that prohibits county government agencies to take action on this

mine permit. (Referencing from EQB Rule MN 4410.3100). She believes that there are environmental reviews still barring Mr. Erickson from using his sand pit.

Eric Johnson stated that this mine is not a frac sand operation as previously stated. The permit is for construction sand only. He wonders why Mr. Erickson is being treated differently. He also wonders why Commissioner Kjome all of a sudden has a problem with construction sand.

David Williams from Fillmore County stated the EQB informed Houston County they are not the RGU by letter.

Franklin Hahn wanted to know if the Planning Commission makes it a point to discuss whether the sand is just sand or silica sand when renewing permits. Dan Griffin said they will probably be looking at it down the road and it will be volume related. Franklin also believes the fish hatchery will get more dust just being next to a gravel road than anything else. Charlie Wieser stated they have never taken a look at the differences in sand.

Donna Buckbee stated dust is an issue whether on a gravel road or next to a mine. She believes the mine will be huge.

Tracie Erickson, mine owner, stated there have been many misinterpretations on his mine. The County Board unanimously decided to take away any past court orders because it was a temporary order. The most current order on his mine has been dismissed. There is also a condition on his permit for 10,000 yards only and it will not get any bigger. This is for construction sand only and there have been no violations on his mine. The mine has been there for 22 years.

Michelle Erickson, mine owner, stated that in the last 2 years there have been many unfounded stories about their property. She is not sure why they are being targeted and they wish to have their original permit renewed. They are not seeking to allow industrial sand mining on their property. They want their original permit for construction sand. Their mine has never had a single violation in the 20 plus years it has been running.

David Grahek said the trout hatchery has only been there for 1 year and the sand mine has been there for 22 years. There is also not permit for the fish operation from the township as well.

Larry Gaustad, Yucatan Township Chairman, discussed road dust and there is nothing worse than gravel road dust. He has not seen a permit for a trout hatchery

either. The township does not have a problem with the Erickson mine. He urged the commission to use common sense when making a decision on the mine.

Public comment period ceased.

Rich Schild stated it is confusing on the type of sand that is in question for this mine. It went from industrial sand back to construction sand and thinks that's where the confusion lies.

Glenn Kruse suggested that the board take a look at the property, address the facts and come back. Garland Moe agreed. Charlie Wieser wanted to know then the 120 days is up. Bob Scanlan stated around June 26, 2014.

Charlie Wieser thinks Mr. Erickson has been sitting in limbo and has rights too. He then questioned the letter from the EQB stating it was vague and it was a typical bureaucratic letter with no answer.

Rich Schild thinks there are conflicting legal opinions. Referencing from a letter he received in the mail dated November 27, 2012.

Charlie Wieser asked Rick Frank what Jay Squires' recommendation was. Rick stated the initial permit from 1992 was for 10,000 yards. January 1, 2013 was the renewal date. Traci has agreed to 10,000 yards on the original permit. The application no longer applies to the EAW or the EIS. Charlie then asked if the county has the authority to go ahead, Rick said we did. Dana Kjome doesn't think Rick Frick of MN Sand has released himself from Tracie Erickson. Bob Scanlan said the letter was dated April 5, 2014 from Rick Frick stating the release.

Glenn Kruse made a motion to table the renewal to do additional research. Charlie Wieser questioned if the motion was due to the RGU question. Garland Moe 2<sup>nd</sup> the motion. Motion carried with 6 in favor and 1 opposed. Charlie Wieser was opposed.

**CUP #298 renewal for Milestone Materials** for mineral extraction in an ag district in Section 33 of Jefferson Township.

Traci Erickson stated he wants to be treated the same as the other mines being renewed. Charlie Wieser agreed.

Garland Moe made motion to renew the permit. Glenn Kruse seconded. Motion carried.

**CUP #338 renewal for Leonard Jr. and Holly Wieser** for an exhibition permit in Section 12 of Yucatan Township.

Jon Kulas wanted to know when a violation of the permit occurs what happens then. He is aware of a tribute festival coming up this August and has some concerns. Bob Scanlan stated he should be notified of any complaints.

Wayne Feldmeier wanted to know if neighbors are notified. Neighbors were notified of the Wieser's conditional use permit application hearing last April 2013.

Dana Kjome made motion to renew. Rich Schild seconded. Motion carried. Charlie Wieser abstained in voting.

Terry Rosendahl made the motion to adjourn the meeting. Rich Schild seconded. Motion carried.

Submitted by Planning Commission Clerk on May 1, 2014.

Houston County Planning Commission  
May 22, 2014

**Approved on June 26, 2014 by Dana Kjome and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, May 22, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl, Richard Schild and Charlie Wieser. Rick Frank, Environmental Service Director; Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

**Notice of Public Hearing No. 809** was read. **Adam and Arlene Augedahl, 11244 County 10, Caledonia, MN 55921** are seeking an interim use permit for a non-commercial family cabin in an agricultural protection district in Caledonia Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- The non-commercial family cabin is to be used by the Augedahl family and friends during hunting season.
- It is not to be rented out.
- The size of the cabin is actually smaller than originally planned. It will be reduced by 900 sq. ft.
- A flood plain analysis has been done by Salam Murtada of MN DNR and if built correctly, 1 foot above 1% flood elevation, it will be compliant.
- The Caledonia Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if the Augedahl's had anything to add. Dave Augedahl (contractor) spoke for Adam and Arlene Augedahl. He said the original cabin plan has been reduced by 900 sq. ft. in size and it will be built 2 feet above the 100 year flood plain.

Glenn Kruse asked about the floodplain requirement. Dave said the requirement is 11 inches but they will actually add 2 feet of fill.

Rich Schild asked about cabin requirements being 400 sq. ft. Dan Griffin explained this is under an Interim Use Permit for a non-commercial family cabin. Bob further explained there is no size limit under an Interim Use Permit.

Dave Augedahl further stated the family farm will be sold this year so Adam would like to build a place for family to use and process deer. This will be used for family only and not rented out.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim Use permit unless they find the following:

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|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the   |     |

intensity characteristic of the applicable Zoning District?	N/A
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?	YES

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser made the motion to recommend the Houston County Board approve the Interim Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Terry Rosendahl seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 3, 2014.

**Notice of Public Hearing No. 810** was read. **Joshua and Dayva Goetzinger, 603 East Lincoln Street, Caledonia, MN 55921** are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Jefferson Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- There will be one dwelling in that ¼ ¼ section.
- Site consists of an old building site.
- A septic design has been submitted along with an erosion plan.
- The Jefferson Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if the Goetzinger's had anything to add. Josh did not have anything to add.

Chairperson Griffin asked if anyone else had any comments/questions.

Terry Rosendahl asked about Phase 1 and Phase 2 on the plan. Josh said they will build a shed with temporary living quarters for a few years and then build a house later.

Chairperson Griffin asked whether a well has been dug or septic system installed. Josh said nothing has been started. There is a well there but is hasn't been tested and the septic system will be built large enough for the future house.

Terry Rosendahl asked how the temporary dwelling will be tracked. Bob Scanlan said the living quarters will be taken out of the shed once the house is built. It will be put on the permit as a stipulation.

Chairperson Griffin asked what the septic requirements would be. Josh explained that the septic system will hooked up to the bathroom in the shed and then later connected to the house so only one system is being installed. Bob Scanlan explained it will be sized for a 4 bedroom home.

Glenn Kruse said this is a good thing but he will abstain from voting as they are relation of his.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?                        | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?                    | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted? | NO  |
| 11. | Does the establishment of the Conditional Use impede the   |     |

- |  |     |
|--|-----|
| normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?  | NO  |
| 12. Are adequate measures being 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 |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Rich Schild seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 3, 2014.

**Notice of Public Hearing No. 811** was read. **Darin Meyer of De-Su Holsteins, 1286 Oriole Drive, New Albin, IA 52160** is seeking a conditional use permit to expand a feedlot from 494.5 animal units (a.u.) to 550 a.u. and add 2 manure storage structures in Wilmington Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Meyer's bought what used to be Fred and Barb Arnold's dairy farm.
- Expanding from 494.50 animal units (a.u.) to 550 a.u.
- Two new free stall barns are planned along with 2 basins. It will strictly be a dairy farm.
- Nick Rowe (Registered Engineer) did the soil borings and prepared design.

- The Wilmington Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above. One call in favor of the project.

Chairperson Griffin asked if Darin Meyer had anything to add. Darin said Bob covered most everything. They will be extending the site and changing over to all dairy cattle.

Chairperson Griffin asked Darin if he had a manure plan. Darin said he did and submitted it to Bob Scanlan.

Terry Rosendahl asked if they had enough land to spread manure. Darin said the site has 530 acres and his farm is down the road with 103 acres. There will be 630+ acres to spread. Terry asked if the manure is knifed in. Darin said the liquids are but the solids are not.

Rich Schild asked if the previous statement is part of the manure plan. Darin said it was.

Charlie Wieser asked Darin about the engineering and inspection process on the manure basins. Darin said there are inspection requirements with MPCA and every stage.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |    |   |     |
|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?                                    | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?                                   | YES |
| 3. | Will the proposed use degrade the water quality of the County?                                | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?                        | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?                             | YES |
| 6. | Does the proposed use create a potential pollution hazard?                                    | NO  |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided? | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking                    |     |

- |     |  |     |
|-----|--|-----|
|     | and loading space to serve the proposed use?   | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Garland Moe made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Glenn Kruse seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 3, 2014.

**Notice of Public Hearing No. 812** was read. **SBA/AT&T (Guy Stewart, representative) of 3703 North Point Drive, Stevens Point, WI 54481 and Dylan Becker, 14109 State 76, Caledonia, MN 55921** are seeking a conditional use permit to construct a telecommunications tower in an agricultural district in Caledonia Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Location is the Dylan Becker building site NW of Caledonia. Former owner was Harley Doering.
- Will be a 205' tower – stand alone.
- Equipment shelter will be at least 50' from the property line.
- Proposing a temporary tower adjacent to the described lease area that will remain only until federal permits are obtained for permanent tower.
- The Caledonia Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above. There was one call in favor of the project.

Chairperson Griffin asked if Guy Stewart had anything to add. Guy said he has met with Beckers and they agreed to host the tower. Looking over the site plan he indicated two silos have been removed. The tower is designed to cover Caledonia Township and the City of Caledonia. He has met with the Township several weeks ago and received a favorable response.

Rich Schild asked what the time frame will be on the temporary tower. Guy Stewart anticipated six months or less. Provided everything goes as planned it should be around August.

Chairperson Griffith asked how large the lease area was. Guy said 100' x 100' and the actual tower base area is 16' x 16'. There may be up to 4 shelters in the same compound to be able to provide other carriers to use the same tower. The area will be fenced off.

Gary Lauden spoke. He lives in the area and is all for progress and thinks it's a good thing. He wondered about the location and why the other locations weren't chosen. He wondered if there will be issues with his Verizon service. Guy Stewart said in regard to the other options and the City of Caledonia chose not to host the tower. They didn't think it was the best use of their donated land (Sprague woods). The fairgrounds had an issue with the airport with the height of the tower. There will be no detrimental issues with the Verizon services.

Harley Doering spoke. He is the adjacent landowner and wanted to see where the tower was going to be placed. Guy explained where the tower would be located to Harley. Harley asked if it will be located in the Township. Guy said

it would be. Harley stated he has a 5 year contract with Dylan Becker to run a part time machinery business, so the location is of concern to him.

Dylan Becker spoke and said he has cleared out a lot of real estate so that Harley now has 3 times as much room as used to be there. They will work out the issue.

Chairperson Griffin asked whether the lease agreement could be worked out. Dylan Becker and Harley Doering had a conversation on the lease area. Chairperson Griffin stated he trusted they would work out the issue.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |

- |  |     |
|--|-----|
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?                 | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | NO  |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser asked about the access road. Guy said the existing driveway will be used. There will be an easement.

Glenn Kruse and Rich Schild stated that the lease issue needs to be taken care of.

Guy Stewart stated it is personal matter between the existing and previous landowners. Dylan Becker stated he will work this out with his grandfather, Harley Doering.

Garland Moe said it may adversely affect another landowner.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) The lease agreement needs to be worked out between Becker and Doering.**

Rich Schild seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, June 3, 2014.

Charlie Wieser made the motion to approve the minutes of May 22, 2014. Garland Moe seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4185 Mark Goetzinger – Caledonia Township  
Build storage shed (50' x 90')
- 4186 Kevin and Karen Kruse – Winnebago Township  
Build shop (54' x 60')
- 4187 Richard Amundson – Wilmington Township  
Replace and extend existing deck with cover (10' x 18')
- 4188 Lester and Donna Banse – Caledonia Township  
Build shop (46' x 72')
- 4189 Tim Carpenter – Houston Township  
Build hay shed (48' x 72')
- 4190 Harlan Ingvalson and Mike Ingvalson – Caledonia Township  
Build addition on existing pole shed (60' x 100')
- 4191 Jac Shimshak – Mound Prairie Township  
Build storage building (30' x 40')
- 4192 Herman Gady – Mound Prairie Township  
Replace home destroyed by fire (24' x 56')
- 4193 Matt and Lorrie Weinbender – Brownsville Township  
Build shed (32' x 40')
- 4194 David and Michelle Ellingson – Mound Prairie Township  
Build horse barn (36' x 54')
- 4195 Harold Stoen – Spring Grove Township  
Build shed (40' x 64')
- 4196 Charles Frandsen – Union Township  
Build pole shed (26' x 48') – (location was administratively denied)

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, June 3, 2014.

**OTHER BUSINESS:**

**Continued - CUP #261 renewal for Tracie Erickson** for mining and extraction in Section 30 of Yucatan Township. Permit dates back to 1992 and had been renewed

every 5 years since that time. It was up for renewal in January of 2013 but was put on hold due to a silica sand proposal and the environmental review that was requested at that time. The silica sand proposal has since been dropped and this is a renewal of the original permit. There are no violations on the mine.

Public comment was allowed with new information only.

Michelle Erickson read a list of various mines that are currently listed on the MN Sands EIS including theirs, however, all the mines are permitted and running except for them.

Tracie Erickson gave an overview of his existing permit. He stated he would like to remove construction sand that has been done for 22 years.

Chairperson Griffin asked Tracie if he would be in agreement to limit sand removal to 10,000 yards per year. Tracie agreed to the added requirement.

Rich Schild questioned since the EQB tabled the topic who the RGU in fact is. Chairperson Griffin said the Planning Commission is just making a recommendation at this time.

Mark Merchlewitz, Attorney for Erickson's quoted Jay Squires letter dated March 24, 2014 saying it would be appropriate to allow Mr. Erickson to mine construction sand of 8,000-10,000 yards per year. It has nothing to do with the EQB or the EIS.

Rich Schild noted he sent copies of the letter he received out to the planning commission members of Judge Walters ruling.

Bob Scanlan stated the county board needs to make a decision by June 27, 2014 because of the 60 day rule. If there is no decision made it is an automatic approval.

Charlie Wieser stated that the EQB did not make a decision and they may not make a decision in 6 months. Bob Scanlan noted the scoping document needs to be clarified. Minnesota Sands was given 30 days to submit a list of mines and they have stated there are no mines in Houston County listed on it. Rich Schild questioned why it's taken so long for Minnesota Sands to get that document. Bob stated Minnesota Sands needs to take care of it.

Charlie Wieser believes the county should be acting on this renewal at the county level.

Terry Rosendahl stated there are several mines in Houston County and this one is not any different.

Charlie Wieser said he viewed the Erickson mine. Ms. Iverson knew the mine was there before she bought the property as she had to drive past the mine to access her land. The Bakers built their house knowing the mine was there.

Chairperson Griffin noted the screening for the Iverson property would need to remain. Tracie Erickson noted it was 50 feet.

Glenn Kruse thought the planning commission should act on the renewal. There was general discussion on whether the EQB considers themselves the RGU or not. The EQB has never actually stated they are.

Terry Rosendahl made the motion to renew the commercial sand mine noting that all federal, state and local permits be obtained and followed and sand removal be limited to 10,000 yards per year as a new condition. Charlie Wieser seconded. Rich Schild and Dana Kjome voted against the renewal. Motion carried. This renewal will go to the county board on June 3, 2014.

Terry Rosendahl made the motion to adjourn the meeting. Rich Schild seconded. Motion carried.

Submitted by Planning Commission Clerk on May 27, 2014.

## Houston County Planning Commission June 5, 2014

### **Approved on June 26, 2014 by Terry Rosendahl and Garland Moe**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, June 5, 2014. A summary of the meeting follows.

The public hearing to review existing regulations and discuss changes and or additions to the Houston County Zoning Ordinance was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl, Richard Schild and Charlie Wieser. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

The meeting was called to order by Chairperson Griffin. Bob Scanlan read the hearing notice. The study committee started meeting in October of 2013. Each section was read and the following are the updates/changes that are proposed:

### **Section 3 - Rules and Definitions**

#### **0110.0303 Interim Uses**

Interim uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Interim Use Permits, in accordance with the provisions of Section 7. Whenever an interim use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

**Campground.** Means any area, whether privately or publicly owned, used on a daily, nightly, or longer basis for the accommodation of five (5) or more tents or recreational camping vehicles free of charge or for compensation. "Campgrounds" do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational vehicles created adjacent to motor sports facilities.

### **Section 5 - Permits**

#### **0110.0502 ZONING PERMITS**

**Subd. 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 fine under this ordinance. The contractor, owner, person, firm or corporation that begins an activity requiring a zoning permit without first securing said zoning permit shall be subject to a fine of \$75 per day until the activity has been restored to its original use, torn down, excavated to original ground elevations, moved to compliant location, or received after the fact zoning permits and remain in compliance. After the fact zoning permit application shall be subject to a fee of double the original fee.~~ 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 ~~double~~ triple the original application fee. Projects of less than \$1000 in value may be exempt in ~~doubling~~ 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.

*(\*Discussion that reminder letters will be sent to contractors to not start a project without the proper permits.)*

**0110.0503 TEMPORARY USE PERMIT**

**Subd. 2. Renewal of a Temporary Use Permit.** The renewal of such a temporary permit or a request for a permit to exceed ninety (90) days in length shall require the submission of a **an Interim Conditional-Use Permit** following the procedures in Section ~~6~~ **7** of this Ordinance.

1. In no event shall the permit exceed twelve (12) months in duration.

**Section 6 - Conditional Use Permits**

**0110.0604 INVALIDATION OF PERMIT**

An approved Conditional Use Permit shall **expire** ~~become invalid unless a Construction Permit is issued within nine (9) months of final approval by the County Board.~~ **if the use approved has not commenced within 9 months.** (*Correction made.*)

**Subdivision 1. Findings Required**

**CRITERIA FOR GRANTING CONDITIONAL USE PERMITS**  
(0110.0605)

NAME OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_  
C.U.P. REQUESTED \_\_\_\_\_

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

**FINDINGS OF FACT**

	YES	NO
1. Does the proposed use conform with the County Land Use Plan?	___	___
2. Does the applicant demonstrate a need for the proposed use?	___	___
3. Will the proposed use degrade the water quality of the County?	___	___
4. Will the proposed use adversely increase the quantity of water runoff?	___	___
5. Are the soil conditions adequate to accommodate the proposed use?	___	___
6. <del>Does the proposed use create a potential pollution hazard?</del> <b>Have potential pollution hazards been addressed and have standards been met?</b>	___	___
7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?	___	___
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?	___	___
9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?	___	___
10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?	___	___
11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?	___	___
12. Are adequate measures being 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. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?	___	___
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District.	___	___
15. Are site specific conditions and such other conditions established as required for the protection of the public’s health, safety, morals, and general welfare?	___	___

**Section 7 - Interim Use Permits**

**0110.0707 STANDARDS FOR GRANTING INTERIM USE PERMITS**

**CRITERIA FOR GRANTING INTERIM USE PERMITS  
(0110.0707)**

NAME OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_  
 I.U.P. REQUESTED \_\_\_\_\_

**The Planning Commission shall not recommend an interim use permit unless they find the following:**

**FINDINGS OF FACT**

	YES	NO
1. Does the proposed use conform with the County Land Use Plan?	___	___
2. Does the applicant demonstrate a need for the proposed use?	___	___
3. Will the proposed use degrade the water quality of the County?	___	___
4. Will the proposed use adversely increase the quantity of water runoff?	___	___
5. Are the soil conditions adequate to accommodate the proposed use?	___	___
6. <del>Does the proposed use create a potential pollution hazard?</del> <b>Have potential pollution hazards been addressed and have standards been met?</b>	___	___
7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?	___	___
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?	___	___
9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?	___	___
10. Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?	___	___
11. Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?	___	___
12. Are adequate measures being 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. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?	___	___
14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District.	___	___
15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare.	___	___

**Section 11 - Planning Commission**

**0110.1102 ORGANIZATION AND MEMBERSHIP**

~~The Planning Commission shall consist of not less than five (5) or more than eleven (11) members appointed by the Board of Commissioners.~~ The Planning Commission shall consist of five (5) to seven (7) members appointed by the Board of Commissioners. Members shall represent different geographical areas of the county and, if possible, represent at least 4 commissioner districts. If townships administer their own Zoning Ordinance, those townships are free to set their own term limits. At least two (2) members shall be residents of the portion of the County outside the corporate limits of municipalities. No more than one (1) voting member of the commission shall be an officer or employee of the County.

**Subdivision 1. Potential Conflict of Interest.** No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County for urban and urban related purposes.

**Subd. 2. Term of Office, the Filling of Vacancies and Removal from Office.** Members of the Planning Commission shall serve at the pleasure of the Board.

The following was approved by the County Board in October 2013 with no mention of where it goes within the Ordinance. It was the best guess of staff and study committee members that the 2013 Ordinance goes here but it was never suggested by the County Board which part of the existing Ordinance should be taken out and replaced by the “new” 2013 Ordinance.

~~**Terms of Office, the Filling of Vacancies and the Board Removal from Office.** Members of the commission shall serve at the pleasure of the County Board of Commissioners.~~

~~Planning commission shall consist of 7 members, one each from the 5 districts, one member at large from any district and one Commissioner. The term of office is three (3) years and maybe continued in three (3) year terms for a maximum of 3 consecutive terms equaling 9 years and are required to sit out one full term before reapplying for position. These limits are at the discretion of the County Board.~~

~~The County Board of Commissioners shall make appointment to fill vacancies on the Planning Commission. Appointment to fill an unexpired term of office shall be for the remaining term of office. All other appointments shall be at the completion of a 3 year term.~~

~~Members may be removed from office prior to the completion of the term of office by a majority vote of the County Board of Commissioners.~~

~~New members may submit an application to the County Board of Commissioners by December 1 for review and consideration.~~

~~Effective December 31, 2013, an current planning commission members that have served more than 9 years will be allowed to finish their current term.~~

1. The term of office is three (3) years and may be continued in three (3) year terms ~~at the discretion of the Board.~~ for a maximum of three (3) consecutive terms equaling nine (9) years. Past members are required to sit out one full term before being reappointed for a position. These limits are at the discretion of the Board. (Addition.)
2. The Board shall make appointments to fill vacancies on the Planning Commission. Appointments to fill an unexpired term of office shall be for the remaining term of the office. All other appointments shall be at the completion of a three (3) year term.
3. Members may be removed from office, prior to the completion of the term of office, by a majority vote of the Board.

### 0110.1105 FINDINGS REQUIRED

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

1. That the proposed use conforms ~~with~~ to the County Land Use Plan.
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 the proposed use does not create a potential pollution hazard.~~ That potential pollution hazards been addressed and that 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 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 neighborhood or not greater than the density indicated by the applicable Zoning District.

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.

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.

***(\*Commissioner Walter stated that Commissioner Kjome addressed the county board and it was agreed that it should be an appointed position and not through an interview process.)***

## **Section 12 – Board of Adjustment**

### **0110.1205 CRITERIA FOR GRANTING VARIANCES**

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the land owner in those cases where the ordinance imposes undue hardship or practical difficulties to the property owner in the use of his/her land. To hear requests for variances from the requirements of the Zoning Ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the “Comprehensive Plan”. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. “Practical difficulties,” as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the Ordinance. The Board of Appeals and Adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person’s land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No use variances may be issued.

#### **~~Subd. 2. Variance Standards — After the fact Factors~~**

1. ~~Did the applicant act in "good faith"? Did the applicant attempt to comply with the zoning ordinance and/or did the applicant already make a substantial investment?~~
2. ~~Is the construction complete?~~
3. ~~Are there similar structures in the area?~~
4. ~~Are the county's benefits outweighed by the applicant's burden if the applicant is required to comply with the ordinance?~~
5. ~~Is there a substantial variation in relation to the requirement?~~
6. ~~Will the variance have a negative effect on governmental services?~~
7. ~~Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties?~~
8. ~~Can the practical difficulty be alleviated by a feasible method other than a variance?~~
9. ~~How did the practical difficulty occur? Did the landowner create a need for the variance?~~
10. ~~In light of all of the above factors, will allowing the variance serve the interests of justice?~~

## **Section 14 - Agricultural Protection District**

### **0110.1403 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. Bituminous Plants.** Bituminous plants and processing and storage of sand, gravel, stone or other minerals as a temporary use.~~

~~**13. Exhibitions.** Exhibitions, which shall be construed to mean any of the functions described in M. S. 375.40, and in addition thereto music festivals or so called "rock" festivals, but shall not include functions which may otherwise fall within the definition of exhibitions but are staged at and sponsored by any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or similar permanently established place of assembly for exhibition which do not exceed by more than two hundred fifty (250) people, the maximum seating capacity of structures proposed to be staged by and at such place of worship, stadium, etc., and excluding also so called fairs, agricultural in nature, and sponsored by governmental units held on regularly established fairgrounds.~~

~~**17. Home Occupations.** Level I and II Home Occupations as regulated in Section 29.~~

~~**27. Temporary Ag Employee Housing**~~

- ~~a. Housing shall meet department of health rules and regulations regarding boarding houses.~~
- ~~b. Housing shall be used for temporary farm employees only at the time that they~~

- ~~are employed at the farm site.~~
- ~~e. Applicant shall draw up a site location plan that entails the following:
 
  - ~~i. Expected duration of annual use on a monthly basis.~~
  - ~~ii. Additional screening if applicable.~~
  - ~~iii. Soil boring for ISTS.~~
  - ~~iv. Soil erosion plan.~~~~
- ~~d. Housing shall be located on same parcel of land as existing building that is used in daily operations.~~
- ~~e. Housing shall not include a basement of any type.~~
- ~~f. Conditional Use Permit shall be reviewed annually by the Zoning Administrator. The Houston County Planning Commission shall review any changes to existing permitted plan.~~

~~28. **Commercial Outdoor Recreation Area.** Any commercial outdoor business that would not conflict with surrounding uses or residences and that would not deter from the surrounding landscape. These uses will include, but are not limited to the following: paint ball ranges, canoe and inner tube rentals, corn mazes, pick your own vegetables and fruits, hunting preserves, motor sports activities including motocross, mud racing, hill climbing, stock car racing, demolition derby, trail riding, tractor pulls, drag racing, etc.~~

#### 0110.1404 INTERIM USES.

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

2. Manufactured home (temporary) for family members based on medical hardship provided:
  - a. The manufactured home is to be located on a parcel of at least 2 acres with one permanent dwelling. The occupant(s) of either the manufactured home or the permanent dwelling must be: 1) the parent(s) or grandparents of the occupant of the other residence or, 2) a child, sister or brother who suffers from a full or total disability as classified by Social Security, Worker's Compensation or a Doctor, and who resides in or will reside in one of the residences.
  - b. The manufactured home shall be removed from the site within 120 days of such time as it or the permanent residence ceases to be occupied by a parent, grandparent, child, sister or brother.
  - c. The manufactured home shall not be made a permanent structure.
  - d. The manufactured home shall not require the creation of a separate well.
  - e. An on-site sewage system to serve the manufactured home can be installed in accordance with Section 29 of this Ordinance.
3. Activities Requiring Rural Isolation, provided:
  - a. The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township.
  - b. A certificate of insurance is submitted to the County. *(Changed to read: A certificate of insurance may be required by the County.)*

- c. The facility shall provide adequate restroom facilities as determined by the IUP.
- d. The IUP may restrict the number of people who may use the property at any given time.

4. Auto Mechanic and/or Body Repair Shops Home Occupations.

5. Level I and Level II Home Occupations as regulated in Section 29.

6. Temporary Ag Employee Housing

- a. Housing shall meet department of health rules and regulations regarding boarding houses.
- b. Housing shall be used for temporary farm employees only at the time that they are employed at the farm site.
- c. Applicant shall draw up a site location plan that entails the following:
  - i. Expected duration of annual use on a monthly basis.
  - ii. Additional screening if applicable.
  - iii. Soil boring for ISTS.
  - iv. Soil erosion plan.
- d. Housing shall be located on same parcel of land as existing building that is used in daily operations.
- e. Housing shall not include a basement of any type.
- f. Conditional Use Permit shall be reviewed annually by the Zoning Administrator. The Houston County Planning Commission shall review any changes to existing permitted plan.

7. Second Farm Dwelling – Manufactured Home

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

8. Occasional Special Use - under the following conditions:

1. An application is submitted with a drawing that includes the following:

- a. Location of any grading, excavation, or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.
- b. Location of any temporary building, stockpiled materials, and/or industrial equipment.
- c. Location of storage area for equipment.

2. A letter giving an in-depth description of the proposed operation. Said letter should contain at a minimum:

- a. The number of employees reporting to the site.
- b. Plans for traffic control.
- c. A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
- d. Plans for provision of sanitary facilities such as portable toilets for workers and attendees.

9. Recreational and Lodging Activities – conducted on a permanent, seasonal or scheduled basis subject to the following criteria:

- a. A certificate of insurance and/or a performance surety may be required.
- b. Sanitary facilities shall be installed as judged necessary by County Staff.
- c. An operational plan approved by the County Staff is established and all activities are conducted in accordance with the operational plan.
- d. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
- e. Any type of special event that will attract or involve more than the number of people stipulated in “D” above shall require approval by the County Board.
- f. The permit shall be subject to annual administrative renewal.
- g. *ADDED: Approval required by MN Department of Health and state fire marshal.*

10. Temporary Solid Waste Collection and/or Recycling Operations, provided:

- a. Adequate parking and restroom facilities shall be provided.
- b. A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.
- c. Events held by governmental entities are exempt from obtaining an IUP.

11. Start-up Business, provided:

- a. The business must be located on the homesteaded property of the business owner.
- b. The business shall be compatible with the neighborhood, and not create a nuisance.
- c. The business may be permitted through an IUP and shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Commission and County Board of Commissioners. However, upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the IUP or other County Ordinances, a hearing may be held to review the existence of any alleged violations.
- d. At the time of expiration of permit, all business activities must end, and business related vehicles, equipment, and materials must have been removed from the property.
- e. The permit is not transferable.
- f. The business is located on a minimum of 1 acre.
- g. Days and hours of operation shall be determined by the County Board.
- h. The maximum number of employees (FTE) working on-site shall be determined by the County Board.
- i. There may be no more than one non-illuminated business sign

totaling not more than 12 square feet on the premises.

j. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County Board to revoke or modify the terms of the Interim Use Permit.

k. The applicant and/or property owner shall permit the County to inspect the property at any time.

12. Bituminous Plants – Bituminous Plants and processing and storage of sand, gravel, stone or other mineral as a temporary use not to exceed 12 months.

13. Exhibitions. Exhibitions, which shall be construed to mean any of the functions described in M.S. 375.40 and occasionally updated, and in addition thereto music festivals or so called “rock” festivals, but shall not include functions which may otherwise fall within the definition of exhibitions but are staged at and sponsored by any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or similar permanently established place of assembly for exhibition which do not exceed by more than two hundred fifty (250) people, the maximum seating, capacity of structures proposed to be staged by and at such place of worship, stadium, etc., and excluding also so called fairs, agricultural in nature, and sponsored by governmental units held on regularly established fairgrounds.

14. Commercial Outdoor Recreational Area. Any commercial outdoor business that would not conflict with surrounding uses or residences and that would not deter from the surrounding landscape. These uses will include, but are not limited to the following: paint ball ranges, canoe and inner tube rentals, corn mazes, pick-your-own vegetables and fruits, hunting preserves, motor sports activities: including motocross, mud racing, hill climbing, stock car racing, demolition derby, trail riding, tractor pulls, drag racing, etc. *ADDED: A certificate of insurance may be required by the County.*

15. Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible with other uses already permitted in the district.

## **Section 18 - Limited Industry District**

### **0110.1804 INTERIM USES.**

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

#### **1. Adult Uses as defined in Section 35 of this Ordinance.**

**0110.1805 PROHIBITED USES**

**0110.1806 ACCESSORY USES**

**0110.1807 HEIGHT STANDARDS**

**0110.1808 FRONT YARD SETBACK STANDARDS**

**0110.1809 SIDE YARD SETBACK STANDARDS**

**0110.1810 REAR YARD STANDARDS**

0110.1811 LOT WIDTH STANDARDS  
 0110.1812 LOT COVERAGE  
 0110.1813 SCREENING AND FENCING  
 0110.1814 GENERAL STANDARDS

## **Section 19 – General Industrial District**

### **0110.1904 INTERIM USES.**

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

#### **1. Adult Uses as defined in Section 35 of this Ordinance.**

0110.1905 ACCESSORY USES  
 0110.1906 HEIGHT STANDARDS  
 0110.1907 FRONT YARD SETBACK STANDARDS  
 0110.1908 SIDE YARD SETBACK STANDARDS  
 0110.1909 REAR YARD STANDARDS  
 0110.1910 LOT WIDTH STANDARDS  
 0110.1911 LOT COVERAGE  
 0110.1912 SCREENING AND FENCING  
 0110.1913 GENERAL STANDARDS

## **Section 29 – General Provisions**

### **0110.2916 RELOCATING STRUCTURES**

**Subd. 2. Application.** An application for a Moving Zoning Permit shall include the following:

1. The origin of the structure.
2. The legal description of the property on which the structure to be located.
3. The route over which it is to be moved.
4. The time at which the moving of the structure will occur.

### **0110.2920 TEMPORARY FARM DWELLING**

**b.** Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.; and who ~~earn fifty (50) percent or more of their annual gross income for federal income tax purposes from such farming on the premises.~~

## **Section 35 - Adult Use**

(Remove Table of Contents)

### **0110.3505 ADMINISTRATION**

#### **Subd. 1. INTERIM USE PERMIT REQUIRED**

No person shall own or operate an adult use establishment without first having secured an Interim Use Permit from Houston County.

Any IUP issued under this Ordinance is granted solely to the application and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. Said permit is required to meet all standards set forth in Section 7 of this Ordinance.

## **Section 37 - Subdivision Ordinance**

### **0110.03705 RULES AND DEFINITIONS. WORD USAGE AND RULES**

~~**Hardshell.** Refers to the white mat card stock on which a final plat is prepared and when appropriate signatures are affixed, is presented to the County Recorder for official recording.~~

**Plat Format.** A plat shall be prepared on four mil transparent reproducible film or the equivalent, and shall be prepared by a photographic process.

### **0110.03706 PLATTING PROCEDURE**

**Subdivision 1. General.** The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of State Statutes and this Ordinance

#### **Subd. 8. FINAL PLAT PROCEDURE**

~~**6. Copies of Plat and Evidence of Recording.** The subdivider shall, within thirty (30) days of recording, furnish the Zoning Administrator with three black line prints and a reproducible print or mylar of the final plat showing evidence of the recording.~~

#### **Subd. 3. EXISTING INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT**

**11. Riparian Survey Line.** When the subdivision borders a lake, river or stream, a survey line shall be established and **monumented.** ~~shown at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.~~

#### **Subd. 5. ADDITIONAL PLANS AND INFORMATION**

7. **Percolation Soil Test and Soils Verification.** Minimum of ~~two percolation~~ **three soil** tests per lot, or additional tests as required by the Planning Agency and/or Zoning Administrator to address specific geological **subsurface sewage treatment system (SSTS)** conditions per MN Rule 7080.

**8. County Recorder:**

Document Number \_\_\_\_\_.

I hereby certify this instrument was filed in the office of the County Recorder for record on this \_\_\_ day of \_\_\_\_\_ 20\_\_\_ at \_\_\_ o'clock \_\_.M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on \_\_\_\_\_ page. **Plat Cabinet Envelope** \_\_\_\_\_.

**Subd. 8. ACREAGE BY QUARTER/QUARTER SECTION SHOWN ON FINAL PLAT**

1. **Acreage by Quarter/Quarter Section.** The total acreage contained in each quarter/quarter section of the plat shall be shown on the plat at the end of the legal description **or said acreage submitted to the County Auditor.** If the entire plat is located in a single quarter/ quarter section, then the acreage of the plat in that quarter/quarter section shall be shown.

**0110.3708 SUBDIVISION DESIGN STANDARDS**

**Subd. 2 STREETS AND HIGHWAYS**

1. **Right of Way Widths.** The following minimum right of way widths shall be followed on all streets and highways.

Arterial Highway	100 feet
Collector Highway	66 feet
Local Streets and Roads	<del>60</del> <b>66</b> feet
Service Access Roads	50 feet
Alley	30 feet
Pedestrian Way	10 feet

**Exceptions.** Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of rights of way, they shall be required. Right of way, widths for major inter-city highways shall meet standards established by the Minnesota ~~State Highway Department~~ **of Transportation.**

3. **Road and Highway Alignments.** The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

**a. Horizontal.** Radii of curves from the center line must comply with **“MNDOT Road Design Manual”** section 3-2.04.

Arterial Highways \_\_\_\_\_ 500 feet

\_\_\_\_\_ Collector Highways \_\_\_\_\_ 300 feet

~~Local Streets and Roads~~ ————— ~~100 feet~~

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

**b. Vertical.** Changes in street grades shall be connected by vertical parabolic curves of such lengths as follows: **determined in “MNDOT Road Design Manual” section 3-4.03.**

~~Arterial Highways~~ ————— ~~150 minimum~~

~~Local Streets and Roads~~ ————— ~~50 minimum~~

**4. Street Intersections.** Insofar as practical, streets and highways shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than ~~60~~ **70** degrees.

**6. Deflections.** When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance ~~of not less than:~~ **that meets the requirements of “MNDOT Road Design Manual” sections 3-2.05 and 3-4.04.**

~~Arterials~~ ————— ~~500 feet~~

~~Collectors~~ ————— ~~300 feet~~

~~All Other Streets~~ ————— ~~100 feet~~

## SECTION 8 ~ IMPROVEMENTS REQUIRED

### 0110.3709 IMPROVEMENTS REQUIRED

#### Subd. 2. MONUMENTS

Monuments of permanent character, as required by Section 505.02 **and/or 505.01, subd. 3 (g),** M.S.A., shall be placed in each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.

**4. Road Ditch Construction.** Ditch slope from the shoulder to the ditch shall be a ~~minimum~~ **maximum** of 3-to-1 slope and the back slope from the ditch toward the right of way shall be a ~~minimum~~ **maximum** of 2-to-1.

**3. Individual Sewage Treatment Systems.** In areas being platted for rural estate development with large lots, individual on-site sewage treatment facilities shall be provided for each lot and includes the following:

b. Where Individual Sewage Treatment Systems are to be installed, the standards in Part **0110.2922** of the Zoning Ordinance shall be applicable

## Subd. 8. DRAINAGE

A system that will adequately take care of the surface water runoff within the subdivision shall be provided.

**1. Storm Sewers and Culverts.** Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Such culverts shall be sized by type of road in the “MN Drainage Manual” section 5.2.4.

## Subd. 2. SUBDIVIDER’S AGREEMENT

**1. Subdivider’s Agreement Required.** Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct the improvements at his his/her sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board. A sample of the “Houston County Subdivider’s Agreement” is found under “Exhibit A” at the end of this Ordinance.

**2. Authority Granted to the County Engineer.** The agreement shall include provisions for supervision of details of construction by the County Engineer and grant to the Engineer the authority to correlate the inspection of work to be done under the contract by a subcontractor authorized to proceed thereunder and with any other work being done or contracted by the County in the vicinity the agreement-set forth in the “Subdivider’s Agreement”.

**3. Financial Assurance.** The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in Part 0903 of this Ordinance.

- a. The amount of the deposit and the penal amount of the bond shall equal to one hundred twenty-five (125) percent of the Houston County Highway Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County.

## Subd. 4. CONSTRUCTION PLANS

**1. Construction Plans Prepared by a Registered Engineer.** Construction plans for the required improvements, conforming in all respects to the standards of the County and the applicable ordinances—shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of \_\_\_\_\_ and Minnesota; and the plans shall contain his his/her seal.

## 0110.3712 DIVISION OF LAND

### Subd. 1. GENERAL

In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the County Zoning Administrator who shall submit copies of such division to the County Surveyor Engineer. A

Building Location Permit shall not be issued until the description has been received by the Zoning Administrator.

### **Subd. 3. CERTIFICATE OF SURVEY**

**1. Certificate of Survey Required.** All divisions and conveyance of land by a metes and bounds description shall be accompanied by a Certificate of Survey signed by a MN Licensed Land Surveyor when recording the document with the County Recorder.

**2. Information to Be Included on a Certificate of Survey.** All Certificates of Survey shall include the following:

- a. All mathematical closures shall be shown on the Certificate of Survey.
- b. All overlaps or gaps shall be shown on the Certificate of Survey.
- c. All encroachments shall be shown on the Certificate of Survey.
- d. All bearing references shall be shown on the Certificate of Survey.
- e. Show the total area in square feet, or acreage, on both the Certificate of Survey and deed.
- a. All Certificates of Survey shall be tied to a minimum of two (2) Government corners, either section or quarter section corners.
- b. All Certificates of Survey shall be tied to the any NAD 83 (1996 adj.) County Coordinates System that exist within one (1) mile of the project.

### **0110.3716 REPEAL, ADOPTION AND EFFECTIVE DATE**

#### **Subd. 2. PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION**

The Houston County Planning Commission, after proper notice and publication, held a public hearing on the adoption the this Ordinance on \_\_\_\_\_, 2014, at the Houston County Courthouse. After hearing public testimony and with due deliberation, the planning commission voted \_\_\_ Ayes and \_\_\_ Nays to recommend adoption of this Ordinance to the Houston County Board of Commissioners.

#### **Subd. 3. ADOPTION**

The Houston County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption this Ordinance on \_\_\_\_\_, 2014, at the Houston County Courthouse and with due deliberation, the Houston County Board of Commissioners voted \_\_\_ Ayes and \_\_\_ Nay to adopt this Ordinance.

#### **Subd. 4. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after \_\_\_\_\_, 2014.

Adopted: \_\_\_\_\_, 2014.

Published: \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chairperson, Houston County  
Board of Commissioners

Attest: \_\_\_\_\_  
County Auditor

Exhibit A

(space left for recording document)

(sample)

**HOUSTON COUNTY SUBDIVIDER’S AGREEMENT**

Date \_\_\_\_\_

THIS AGREEMENT, made and entered into this \_\_\_\_\_ da of \_\_\_\_\_, 20\_\_ by and between Houston County, hereinafter called “County” and \_\_\_\_\_ hereinafter called “Owner”.

WHEREAS, the Owner has made application to the County for approval of a plat of land within \_\_\_\_\_ Township. The legal description of the land is attached as Exhibit A, hereinafter called the “Subdivision”, and

WHEREAS, the County Board granted approval of a plat of land within \_\_\_\_\_ Township on the condition as described herein. This agreement is inclusive of the entire plat of land and does not separate the project into phases. If the development is to occur in phases, it still must meet the conditions and timelines set forth under this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

**I. IMPROVEMENTS:** In accordance with the policies and ordinances of the County, the following described improvements (hereinafter collectively called “Improvements”)

shall be constructed and installed on the terms and conditions set forth in all parts of Section 37- Houston County Subdivision Regulations subd. 0110.3708 “Improvements Required” and 0110.3709 “Payment For Installation Of Improvement”.

II. The Owner shall reimburse the County any costs related to required wetland mitigation and replacement that is incurred by the County related to the Development.

III. Engineering, Recording and Legal Fees: The Owner agrees to pay the County the actual administrative and inspection cost of the project. The County or the Engineer shall bill the Owner on a periodic basis for these costs:

1. The County and County Engineer will review and approve the construction plans and specification, at Owner’s expense.
2. The County will provide inspection of all Public Improvements at Owner’s expense.
3. A final plat will be submitted to the County Recorder and recording costs will be at Owner’s expense.
4. There will be no assessments or deferred assessments.

IV. SAFETY: Owner agrees to take all precautions necessary to protect the public against injuries, and keep danger signals at all places and at such times as public safety may require.

V. INDEMNITY: The Owner shall save and hold harmless the County, it’s officers, agents, employees, County Engineer and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the Owner or it’s contractor, subcontractors, agents or employees under this agreement. The Owner agrees to defend, indemnify, and hold harmless the County and it’s officials, officers, agents, employees and County Engineer from all claims brought by the employees or agents of the Owner, or its subcontractors, arising out of or as a result of any act, or failure to act, whether or not negligent, in connection with the performance of the work to be performed pursuant to this contract by the Owner, it’s employees, agents, contractors and subcontractors. The Owner agrees to defend and pay all costs in defending these claims, including reasonable attorney fees.

VI. COMPLIANCES: In connection with the administration and performance of the work authorized by this contract, the Owner shall comply and cause its agents and employees to comply with all Federal, State and local laws together with all ordinances and regulations applicable to this agreement and the work to be performed hereunder. All required permits shall be obtained by the Owner. Work on the development shall not commence until all necessary permits have been obtained by the Owner.

VII. COMPLETION DATE: Owner intends to complete all work which is subject to this agreement on or before \_\_\_\_\_ through the bituminous base course and by \_\_\_\_\_ of the year following the completion of the bituminous base with the wear course.

VIII. MERGER CLAUSE: This agreement constitutes the final expression of the party’s agreement, and the complete and exclusive statement of the terms agreed upon. This agreement supersedes all prior negotiations, understandings, agreements, or

representations not specified herein. Furthermore, no waiver, consent modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change shall be effective only in the specific instance and for the specific purpose given.

IX. WAIVER: The failure of the County to enforce any provisions of this contract shall not constitute a waiver by the County of that or any other provision.

IN WITNESS WHEREOF, the County has caused this Agreement to be duly executed in its name and on its behalf and its seal to be hereunto duly affixed and the Owner has caused this Agreement to be duly executed in its name and on its behalf, on or as of the date first above written.

HOUSTON COUNTY

DATED \_\_\_\_\_ BY \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF HOUSTON

The foregoing was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_,  
By \_\_\_\_\_, the Chairman of the Houston County Commissioners under the laws of Minnesota, on behalf of the Houston County Commissioners.

\_\_\_\_\_  
Notary Public My Commission expires \_\_\_\_\_

SEAL

Dated: \_\_\_\_\_ BY: \_\_\_\_\_  
BY: \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF HOUSTON

The forgoing was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_,

by \_\_\_\_\_ and \_\_\_\_\_  
(name) (name)

the \_\_\_\_\_ and \_\_\_\_\_  
(title of above name) (title of above name)

of \_\_\_\_\_, a \_\_\_\_\_  
(company name) (corporation, partnership, etc.)

Under the laws of Minnesota, on behalf of the \_\_\_\_\_  
(corporation, partnership, etc.)

Notary Public

My Commission expires

(note: if husband and wife it must be written following their names).

SEAL

This is a signature page to the Development Agreement by and between Dodge County and

Houston County  
Subdividers Agreement

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

Charlie Wieser made the motion to approve the proposed changes/additions to the Houston County Ordinance. Glenn Kruse seconded. Motion carried.

Dana Kjome made the motion to adjourn the meeting. Terry Rosendahl seconded. Motion carried.

Submitted by Planning Commission Clerk on June 9, 2014.

Houston County Planning Commission  
June 26, 2014

**Approved on July 25, 2014 by Dana Kjome and Terry Rosendahl**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, June 26, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl and Charlie Wieser. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. (*Richard Schild was absent.*) See sign in sheet for others present.

Chairperson Griffin noted the Koch hearing was postponed. He asked for approval of previous minutes and zoning permits.

Dana Kjome made the motion to approve the minutes of May 22, 2014. Glenn Kruse seconded. Motion carried.

Terry Rosendahl made the motion to approve the minutes of June 5, 2014. Garland Moe seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |   |
|------|---|
| 4197 | Jeff Ross – Mayville Township<br>Build shed (40' x 72')   |
| 4198 | Craig and Nancy Welsh – Caledonia Township<br>Build house (40' x 48') garage (26' x 30')                              |
| 4199 | AT&T (Curt Walter, Rep) and Ken Ranzenberger – Houston Township<br>Build prefabricated concrete shelter (11'5" x 24') |
| 4200 | Thomas and Janene Deters – Hokah Township<br>Build house (74' x 28') garage (26' x 26')                               |
| 4201 | Karl and Matt Hendel – Caledonia Township<br>Build addition on barn (60' x 93') (no expansion)                        |
| 4202 | Mathy Construction Company – Spring Grove Township<br>Install temporary asphalt plant (90 days beginning 8/1/14)      |

- 4203 Stephen and Julie Schulte – Caledonia Township  
Build family room addition (20' x 25') garage (26' x 30')
- 4204 Tim Kruse – Wilmington Township  
Build grain bin (24' x 25'8")
- 4205 Charles Smith – Brownsville Township  
Build storage shed/garage (30' x 64')
- 4206 Scott and Judy Johnson – Brownsville Township  
Build pole shed (40' x 64') with 10' lean-to
- 4207 Chris Hartley – Hokah Township  
Build garage (36' x 36')
- 4208 SBA/AT&T and Dylan Becker – Caledonia Township  
Build telecommunications tower (207')
- 4209 Bob Koch – Wilmington Township  
Build addition on free stall barn (124' x 180') no expansion
- 4210 Adam and Arlene Augedahl – Caledonia Township  
Build non-commercial family cabin/shop/lodge (45' x 76')
- 4211 Jon Kulas – Houston Township  
Build mudroom addition (8' x 14') and (2) lean-to additions on hay shed (14' x 40')
- 4212 Maynard, Richard and Edward Rain – Yucatan Township  
Build open-ended pole shed (20' x 24')
- 4213 Farmer's Co-Op Elevator – Spring Grove Township  
Build grain bin (60' – 228,000 bushels)
- 4214 Anthony and Lisa Reinhart – Mound Prairie Township  
Build lean-to addition on existing garage (8' x 18') and shed (20' x 30')
- 4215 Traci and Michelle Erickson – Yucatan Township  
After-the-fact shed (20' x 24') storage/studio (22' x 20')
- 4216 Joe Burg – Caledonia Township  
Build house (30' x 40') porch (30' x 8') garage (32' x 42')

Glenn Kruse noted there has been a lot of activity with permitting.

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, July 8, 2014.

**Notice of Public Hearing No. 813** was read. **Arlin (Pete) and Susan Peterson, 7779 State 76, Houston, MN 55943** are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Sheldon Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- The Peterson's wish to replace the existing house on their property.
- There was a land split in 1991 from farm dwelling to non-farm dwelling thus requiring the conditional use application.
- The new home will sit approximately in the same location as the existing house.
- Jake Wieser, septic contractor, has done soil borings at the location and a trench system will be installed.
- The application meets setbacks from feedlots and highway.
- The Sheldon Township board and adjoining property owners were notified. There were no concerns expressed to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if the Peterson's had anything to add. Arlin said he will now be helping the county due to having higher taxes with his new home.

Glenn Kruse asked if the existing house will be taken down. Arlin indicated it would be removed.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Interim Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Glenn Kruse seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, July 8, 2014.

**Notice of Public Hearing No. 814** was read. **Verizon Wireless (Curt Walter, representative) and Paul Solum of 18466 Dairy Road, Spring Grove, MN 55974** are seeking a conditional use permit to construct a telecommunications tower in an agricultural district in Spring Grove Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Site location is the Paul Solum property just north of Spring Grove city limits.
- There has been a survey done to pinpoint the location.
- The site will have a 75' x 75' leased area.
- The Spring Grove Township board and adjoining property owners were notified. There was one call to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Curt Walter (Rep) had anything to add. Curt stated Verizon is looking to upgrade their system in Spring Grove area. The current facility is on the Spring Grove water tower. The water tower cannot handle the extra weight for the new equipment, so they needed to find a new location. They need to be as close to the water tower as possible to provide the best coverage. The parcels just to the south of the site location are platted and there are current right-of-ways; that is how they hope to access the site. There is no road right now but they hope to use existing right-of-way for access.

Dana Kjome questioned if the access was coming from the south. Curt indicated it would. It is an existing snowmobile trail.

Dan Griffin asked what the coverage area would include. Curt said it covers the city of Spring Grove, all the way to Mabel and to Caledonia. Dan then asked if what will happen to the existing equipment on water tower. Curt it will be removed.

Dan Griffin asked what the time table is for the project. Curt Walter said they are still waiting on some federal approvals but hopefully by the end of the year.

Arlene Van Minsel wanted to know specifically where the tower location would be. She was wondering what the height of the tower was going to be and if they plan to get rid of the snowmobile trail. Curt said the tower would be 259

feet and there are no plans to remove the snowmobile trail. She also wanted to know if their TV reception would have interference. Curt explained the location and that there would be no interference.

Dan Griffin asked Curt Walter what he thought the construction phase would be. Curt said approximately 4-6 weeks if everything goes as planned.

Dana Kjome asked Curt Walter if there will be a light on the tower. Curt indicated there would be.

Howard Van Minsel wanted to know how the tower would be supported. Curt said it is self-supporting and no wires..

Douglas Remme owns property south to the proposed site. He wanted to know about the right-of-way. Curt explained the location and said they wouldn't be using his land. Douglas said he is okay with it as it is to the east of where he thought.

Larry Johnson is concerned because it's close to his property. Curt explained the distance that the tower would be from his property. It is about 125 feet from property line and about 200 feet to his nearest building. Larry had concerns if the tower collapsed. Curt said the tower will not fall like a tree it is designed to bend like a straw. Larry was wondering about other locations but Curt said the places Larry is referencing have title issues going on.

Dana Kjome wanted to know what would happen if the tower collapsed. Curt said it would never tip over; it would break and then dangle.

Douglas Remme asked Curt Walter why the tower wasn't going to be in the city limits of Spring Grove. Curt explained what happened at the Spring Grove city council meeting. Curt said they give no written reasons, which is a violation of federal law, but it would have been a much better option to have the tower in city limits.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend a Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Does the proposed use create a potential pollution hazard?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Dan Griffin asked about the 75'x75' leased area and how it will be protected. Curt explained it would be 50'x50' fenced area around the tower. Dan then asked if their proposed road would affect the snowmobile trail. Curt said they will be able to drive right over it.

Dana Kjome made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Glenn Kruse seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, July 8, 2014.

**OTHER BUSINESS:** There was no other business.

Charlie Wieser made the motion to adjourn the meeting and Terry Rosendahl seconded it. Motion carried.

Submitted by Planning Commission Clerk on June 27, 2014.

Houston County Planning Commission  
July 24, 2014

**Approved on August 28, 2014 by Terry Rosendahl and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, July 24, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl and Richard Schild. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present. (*Charlie Wieser was absent.*)

**Notice of Public Hearing No. 815** was read. **Bob Koch**, 20411 Camp Winnebago Road, Caledonia, MN 55921 is seeking a conditional use permit to expand a feedlot from 274 animal units (a.u.) to 482 a.u. in Winnebago Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- The facility will consist of the following confinement buildings:
  - 1) A proposed 126' x 176' barn with 240 free stalls for heifers.
  - 2) A proposed 180' x 70' loose housing barn to house 200 calves up to 500#.
  - 3) An existing 100' x 65' barn with 90 free stalls for the dry cows.
  - 4) An existing 60' x 45' barn with loose housing for special needs/calving for 30 cows.
  - 5) An existing 100' x 30' barn with loose housing /pens for 50 calves.
  - 6) An existing 82' x 40' barn with loose housing/pens for 30 calves.
  - 7) 2 existing open lots of 200' x 10' and 120' x 100' with runoff controls.
  - 8) 130 calf hutches.
- Bob is planning to bring cattle from other nearby rented sites and moving them closer to the home dairy for better efficiency.
- Manure plan was put together by Dereck Buddenberg of Waukon, IA.
- The manure will be hauled down to Jim Burg's farm in Winnebago valley, approximately a 600 acre farm so there is sufficient acres to spread.
- The Winnebago Township board and adjoining property owners were notified. There was one inquiry to the Zoning Office in regard to the application as stated above. The individual was confused about a building project already started at the other farm up the road.

Chairperson Griffin asked if Bob Koch had anything to add. Bob did not.

Glenn Kruse asked what kind of bedding will be used. Bob said the pens will be corn stacks and free stall barn will be sand.

Daniel Griffin asked how much hauling Bob will be doing. Bob said they will not have to be hauling daily, there is enough storage.

Richard Schild asked if the manure plan was complete. Bob said two drafts have been submitted and there are just a few things to finish on the checklist he uses.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | NO  |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |

- |  |     |
|--|-----|
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?                 | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Manure management plan to be completed.**

Richard Schild seconded. Motion carried. (*Glenn Kruse abstained from voting as relatives live close to the Koch farm.*) The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, August 5, 2014.

Dana Kjome made the motion to approve the minutes of June 26, 2014. Terry Rosendahl seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |   |
|------|---|
| 4217 | Anthony Bourgoïn – Mayville Township<br>Build shed/garage (40' x 55')                                     |
| 4218 | Eugene Tessmer – Mayville Township<br>Build grain dryer (12' x 45') and utility shed (12' x 12')          |
| 4219 | Gary Tweito – Spring Grove Township<br>Build lean-to off shop (18' x 40') and (2) calf condos (12' x 18') |
| 4220 | Ken Stemper – Mayville Township<br>Build shop (30' x 44')   |

- 4221 Craig and Karla Helke – Hokah Township  
Build house (50' x 77') garage (35' x 30')
- 4222 Paul Bauer – Jefferson Township  
Build shop/machine shed (40' x 40')
- 4223 Mike and Harlan Ingvalson – Caledonia Township  
Build (2) silage bunkers (200' x 90')
- 4224 Joshua and Dayva Goetzinger – Jefferson Township  
Build dwelling/shed (42' x 72')
- 4225 Allen Eglinton – Union Township  
Build storage shed (30' x 30')
- 4226 John Shimshak – Mound Prairie Township  
Replace pole shed due to wind loss (50' x 72')

Glenn Kruse asked where the Paul Bauer building site was located, Bob said east of Jefferson Road in Jefferson Township. Terry Rosendahl asked where Helke's were building, Bob said on the old Fred Tschumper old farm. Daniel Griffin asked on the Mike Ingvalson permits, Bob indicated where the location of the bunkers will be.

Garland Moe made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, August 5, 2014.

### **OTHER BUSINESS:**

**CUP #233** yearly renewal for Jim and Tom Welscher for substantial land alteration and mineral extraction in an ag district, Section 30 of Caledonia Township. Dana Kjome asked what type of minerals are extracted and Richard Schild asked if there were ever any complaints. Bob said they are permitted for removal of black dirt and there have never been any complaints. Terry Rosendahl made the motion to renew the permit and Glenn Kruse seconded. Motion carried.

**NOTE** - Some of the EQB staff will be meeting with the county board and study committee on Thursday, July 31, 2014 at 10:30 a.m. in the Commissioner's Room.

Daniel Griffin, Planning Commission Chairperson, had a statement to share in regard to Brian Van Gorp's claims in recent media publications.

*It is unfortunate that Mr. Van Gorp feels that justice was not served in Houston County, regarding the Erickson mine case.*

*His concerns were aired at two county public hearings on the issue and at several county commissioner meetings. Houston County Zoning staff and several Planning and Zoning commission members visited the mine site to follow up on the issues raised by Mr. Van Gorp. In addition, his concerns were reviewed by the Environmental Quality Review Board in St. Paul and finally his concerns were addressed in two separate court cases. In both court cases, the judges ruled in favor of the county.*

*Those of us who work on behalf of the county have to follow the ordinances as written and interpreted by judges and legal counsel. Unfortunately, not every decision results in a win-win situation for all parties involved.*

*Dan Griffin  
Planning and Zoning Chair*

Richard Schild commented that Bryan Van Gorp wished to address his questions in an appeal to the Board of Adjustment. Bob Scanlan explained if he wanted to appeal it, it would have to go to District Court in order to follow due process, as it was a county board decision. The Zoning office could not process Mr. Van Gorp's request as the Houston County Board made the final decision on the Erickson Mine.

Terry Rosendahl made the motion to adjourn the meeting and Dana Kjome seconded it. Motion carried.

Submitted by Planning Commission Clerk on June 25, 2014.

Houston County Planning Commission  
August 28, 2014

**Approved on September 25, 2014 by Garland Moe and Richard Schild**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, August 28, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl, Richard Schild and Charles Wieser. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

**Notice of Public Hearing No. 816** was read. **Michael Smith**, 8770 Fitzpatrick Lane NW, Rochester, MN 55901 is seeking an interim use permit for a non-commercial family cabin in an agricultural protection district in Brownsville Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Cabin will have electricity and will be placed on a permanent foundation.
- The proposed size of the cabin is 16' x 22' and not to be rented out.
- The Houston County Ordinance does not allow for use as a permanent dwelling.
- The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Michael Smith had anything to add. (Mr. Smith was not present at this time.)

Rich Schild asked if there was good driveway access. Bob said there was good access. There is a road already there from former owner for pasture.

Terry Rosendahl asked which road the driveway access is off of. Bob said Hillside Road is road. Terry then asked about an outhouse or port-a-potty. Bob indicated that Mike doesn't plan on having a well or septic. Charlie Wieser said an outhouse or port-a-potty does not require a permit.

Dan Griffin indicated that a condition could be put on the permit that if a well was drilled that a septic would be required.

Dana Kjome asked what would happen to the cabin once Mr. Smith no longer owns it. Bob said the new owner would need to reapply for it since it is an Interim Use and does not go with the land. (Bob read from the Ordinance: *If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:*

*1. Execution of a management agreement.*

*The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the County Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating the use was inactive.)*

Rich Schild asked if the cabin would be on a slab. Bob indicated it would be.

Glenn Kruse questioned whether there should be a stipulation on the permit that it would not be rentable, even under new ownership. (Bob read the definition of a Non-Commercial Family Cabin: *Non-commercial Family Cabins. These cabins are designed and constructed as short term living quarters for one or more persons and are not to be used as a permanent dwelling. Such cabins shall not be leased, rented, bartered or sold to a third party and shall only be used by the persons or entity listed on the interim use permit and their family*)

Glenn then thought it would not be necessary as the Ordinance states that the permit would need to start over if ever under new ownership.

Rich Schild questioned that if a well would be drilled then a septic permit would also be needed.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Dana Kjome questioned if there would be enough room for emergency access. Bob indicated that there was good access, only 80 feet from the township road.

Glenn Kruse stated that a stipulation should be put on the permit that if a well is drilled then a septic permit be required.

(At 7:15 p.m. Michael Smith arrived.) He indicated he was building a hunting cabin and there would be no plumbing or septic installed. Dan Griffin

explained the concern if a well would be drilled. Mr. Smith indicated he would not be drilling a well. It would not be a permanent residence.

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Interim Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) If a well is drilled, a septic permit is required.**
- 3) Township approval is needed for driveway access.**

Charlie Wieser seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 9, 2014.

**Notice of Public Hearing No. 817** was read. **Stanley Grams**, 1935 Perlich Avenue #305, Redwing, MN 55419 is seeking a conditional use permit to build a cabin in an agricultural district in Brownsville Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Will be less than 400 square feet in size. No utilities.
- Is not to be used as a permanent dwelling, only temporary.
- Cabin to be used mainly on weekends while at the farm.
- The Brownsville Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Stanley Grams had anything to add. Stanley said Bob covered it. When he comes down from Redwing he would like to stay instead of driving back. It will be on skids.

Dan Griffin asked if there was a house on the property. Stanley said the house was removed but there is still a well. Dan then commented that a cabin permit does not allow for running water. Stanley said maybe someday a house will be put back on the land.

Stanley asked what the definition of a Conditional Use Permit (CUP) was versus an Interim Use Permit (IUP). Bob explained the difference between CUP and IUP. The CUP stays with the property and the IUP terminates when the property is sold.

Rich Schild asked if there was a driveway. Stanley indicated there was, approximately 10 feet from the proposed cabin.

Glenn Kruse mentioned a tower permit in the vicinity. It is located close but is on a different parcel.

Chairperson Griffin asked if anyone else had any comments/questions.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

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| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the  |     |

- |     |  |     |
|-----|--|-----|
|     | density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Terry Rosendahl seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 9, 2014.

**Notice of Public Hearing No. 818** was read. **Michael and Rosanna Peterson**, P.O. Box 803, Rushford, MN 55971 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Money Creek Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Will be the only house in the ¼ ¼ section.
- Will replaced existing house.
- Septic design has been submitted along with erosion control plan.
- The Money Creek Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Michael and Rosanna Peterson had anything to add. Mike said he is building on less than 40 acres but his mother owns additional acreage. He would like to get started before winter.

Rich Schild commented that Mike has done a lot of work cleaning up site and that it looked good.

Terry Rosendahl asked about the old house demolition. Mike said it was removed and hauled away in 3 dumpsters.

Dan Griffin asked what the plans were for the well and septic. Mike said GGG did the blueprint on septic and Byron Frauenkron (licensed installer) will be installing the septic.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

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|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density  |     |

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| indicated by the applicable Zoning District?   | NO  |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Rich Schild seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, September 9, 2014.

Terry Rosendahl made the motion to approve the minutes of July 24, 2014. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |  |
|------|--|
| 4227 | Kevin McCormick – Mayville Township<br>Build storage/cattle shed (44' x 96') with room (10' x 20') no expansion                                |
| 4228 | Jay Solum – Spring Grove Township<br>Build grain bin (48' diameter)  |
| 4229 | Elton Krueger – Mayville Township<br>Build machine shed/shop (40' x 60')   |
| 4230 | Verizon Wireless/Paul Solum – Spring Grove Township<br>Construct a telecommunications tower (259') shelter (12' x 30') and fencing (75' x 75') |
| 4231 | Kevin Nelson – Black Hammer Township<br>Build addition on existing shed (30' x 22')  |
| 4232 | Lois Davy/Tim Crane – Crooked Creek Township<br>Replace shed destroyed by fire (24' x 48')   |

- 4233 Cory Baker – Yucatan Township  
Build rec room addition (32' x 16') porch (16' x 16')
- 4234 Richard Thesing – Brownsville Township  
Build storage/work shop (24' x 48') after-the-fact
- 4235 Fred Von Arx – Mound Prairie Township  
Build wood shed (30' x 40') after-the-fact
- 4236 John Felten – Mayville Township  
Build attached garage (28' x 32')
- 4237 Darin Meyer – De Su Holsteins LLC – Wilmington Township  
Build (3) calf barns (34' x 100') no increase in a.u.
- 4238 Darin Meyer – De Su Holsteins LLC – Wilmington Township  
Build (2) free stall barns (232' x 108') (240' x 113') and (3) silage bunkers (36' x 150') (36' x 150') and (45' x 150')
- 4239 Don Ingvalson – Wilmington Township  
Build calf barn (46' x 60') no expansion
- 4240 Mark and Joyce Knutson – Mayville Township  
Build milking parlor (48' x 58')
- 4241 Darin Meyer – De Su Holsteins LLC – Wilmington Township  
Install modular home (30' x 50')
- 4242 Mike Banse – Winnebago Township  
Build parlor/holding pen (36' x 92')
- 4243 Wayne and Kris Houdek – Mayville Township  
Build wood shed (30' x 32')
- 4244 Wayne and Kris Houdek – Mayville Township  
Build pole shed (50' x 120')
- 4245 Richard Leary – Mayville Township  
Build machine shed (24' x 40')
- 4246 Jeff and Tom Gerard – Wilmington Township  
Build shed (26' x 80')
- 4247 Tom Andrews – Black Hammer Township  
Build pole shed (60' x 108')
- 4248 Joe Becker – Brownsville Township  
Build dwelling (24' x 24') garage (26' x 26')
- 4249 Harold Naber – Money Creek Township  
Build pole shed (34' x 64')

- 4250 Kenneth and Jean Tasler – Union Township  
Build shed (16' x 20')
- 4251 Bob Scanlan – Brownsville Township  
Build porch (8' x 25')
- 4252 Alan Sheehan – Caledonia Township  
Build shop (36' x 40')

Garland Moe made the motion to recommend the county board approve the zoning permits as submitted.

Rich Schild seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, September 9, 2014.

**OTHER BUSINESS:**

Matt Klug and Pat Jilek were in attendance to discuss a possible Green Acres map amendment/re-plat. Pat owns 2 lots, lives on 1 and 1 is vacant. Matt would like to purchase some land to build a house. Matt Klug explained what their plan was. Bob said he would have to go through the normal hearing process and submit a preliminary plat and final plat. Bob checked with DNR on waterway, he is out of the floodplain. Glenn Kruse asked if the township was aware; Matt said this is just the first step and they will go forward with the plans but wanted to check with the Planning Commission as their first step.

Glenn Kruse wanted to give the other Planning Commission members an update on the mining ordinances that are being drafted to keep everyone in the loop. He gave a background on what has taken place with the Commercial and Industrial Ordinance drafts. Bluff definitions are something they are working on. Density limits are concerns also. Dan Griffin then commented that sand mines under 60,000 tons per year would be considered Commercial; over 60,000 tons would be considered Industrial. Rock quarries are 175,000 tons. Dan Griffin then commented on the upcoming EQB meeting and the DNR issue with Erickson mine ruling. Dan also commented that the Letters to the Editor in the papers are one-sided and not all the correct information is being projected to the public. Glenn then indicated that the public hearings will be up to Planning Commission and the Houston County Board of Commissioners. (Find Board Minutes on EQB visit for members). Charlie Wieser commented that he would like to see the continuation of meeting on Urban Expansion. Glenn Kruse said he received a call from a lawyer in Cities to ask him some questions on the current

investigation going on in the County. He wanted to know when it will end and when the meter stops running on the cost. Dana Kjome said he did not know.

Terry Rosendahl made the motion to adjourn the meeting and Charlie Wieser seconded it. Motion carried.

Submitted by Planning Commission Clerk on September 2, 2014.

Houston County Planning Commission  
September 25, 2014

**Approved on October 23, 2014 by Terry Rosendahl and Richard Schild**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, September 25, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Richard Schild and Charles Wieser. Rick Frank; Environmental Services Director was present for zoning as Bob Scanlan, Zoning Administrator, was at a Zoning conference. Dana Kjome, County Commissioner was present. Terry Rosendahl was absent. See sign in sheet for others present.

**Notice of Public Hearing No. 819** was read. **Joel and Tricia Betcher**, P.O. Box 191, Spring Grove, MN 55974 are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural protection district in Black Hammer Township.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- The parcel contains 10 acres.
- This will be the first house in the  $\frac{1}{4}$   $\frac{1}{4}$  section.
- A soil erosion control plan has been submitted.
- Soil verifications have been done and there is a septic design on file.
- Location is on a dead end township road.
- The Black Hammer Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if the Betcher's had anything to add. They did not.

Glenn Kruse asked when they purchased the land. Tricia Betcher said last year from Fordyce Brevig.

Dan Griffin asked when they plan to start. Tricia said this October.

Wayne Hood is a neighbor and said he is in favor of the Betcher's building. He feels it will be the best use of that piece property.

Dave Galloway also is a neighbor and has concerns because of additional traffic and all the hunting that takes place out that way. Dan Griffin explained the 40 acre rule that allows the Bether's to build on their land.

Rick Frank said he was on the site for soil verifications and the location is buildable and suitable for a septic system.

Glenn Kruse asked if it is mainly wooded and not crop land. It was indicated it is wooded.

Dan Griffin questioned how many hunting parcels there are. Dave Galloway indicated there were several private property parcels.

Dave Galloway then asked how many more houses could be built. Dan Griffin said it's limited on how many houses can be built because the ordinance allows one house per  $\frac{1}{4}$   $\frac{1}{4}$  section.

Rick then explained soils requirements for building. This location has Class IV soils, which is permitted for building. There is also a road frontage requirement of 150 feet for building.

Charlie Wieser asked Dave Galloway how many acres he owned. Dave said he had 20 acres. Charlie Wieser stated the Betcher's have a right to enjoy their land too.

Martha Mathison spoke that she is in favor of the Betcher's building.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

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|--|-----|
| 1. Does the proposed use conform to the County Land Use Plan?  | YES |
| 2. Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. Will the proposed use degrade the water quality of the County?  | NO  |
| 4. Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. Have potential pollution hazards been addressed and have standards been met?  | YES |
| 7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?   | YES |
| 8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?   | YES |
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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 |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Richard Schild seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, October 7, 2014.

**Notice of Public Hearing No. 820** was read. **Hidden Bluffs Inc.**, 23645 Clubhouse Drive, Rapid City, SD 57702 is seeking a conditional use permit to expand a campground Black Hammer Township. Sam Otterness, campground manager was in attendance.

Rick Frank, Environmental Services Director, pointed out the site on the Arc Map Photo. Mr. Frank made the following comments in regard to the application:

- There is already an existing maintenance shed at the location and they plan to add 5 additional camp sites on the north side of County 19.
- A 2,000 gallon septic tank will be installed.
- The Black Hammer Township board and adjoining property owners were notified. There was one inquiry to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Sam Otterness had anything to add. Sam said the 5 new sites will be for camp workers, so they don't have to take away from the rental sites. The workers bring in their own campers for the camping season and then pull out and head back south when the season is over. There will be gravel pads for the campers. There will be a holding tank installed and they have a pumping agreement with Mauss Pumping.

Rick Frank indicated that the location is out of the floodplain according to the MN DNR maps.

Glenn Kruse asked if they were flooded out last year. Sam indicated they were and he had to totally rebuild. Work needs to be done in the fall because it's not always possible in the spring.

Rick asked if Sam needed health department approval. Sam indicated he did not for the campsites but they come every year to inspect the cabins.

Dan Griffin asked when the sites are used. Sam indicated Memorial Day to Labor Day.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

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|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | NO  |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Dana Kjome questioned whether this application should fall under an Interim Use Permit (IUP) versus a Conditional Use Permit (CUP). Charlie Wieser explained that commercial campgrounds falls under a CUP.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Charlie Wieser seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, October 7, 2014.

Garland Moe made the motion to approve the minutes of August 28, 2014. Richard Schild seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4253            Curt Wiebke and Warren Wiebke – Mayville Township  
Build grain bin (17,000 bushels)
- 4254            Bob Koch/Koch Dairy – Winnebago Township  
Build calf barn (70' x 180') free stall barn (126' x 176')
- 4255            Matt Tewes – Caledonia Township  
Build shed (66' x 116')
- 4256            Paul Feldmeier – Money Creek Township  
Build addition on house (8' x 10')
- 4257            Paul Olson – Mound Prairie Township  
Build garage (28' x 28') afer-the-fact
- 4258            Sheldon McElhiney – Mound Prairie Township  
Build moveable greenhouse/hoophouse (30' x 48')
- 4259            Bernard Windschitl – Mound Prairie Township  
Build gazebo – octagon (16' x 16')
- 4260            Kermit Meyer – Wilmington Township  
Build grain bin (28,000 bushels)
- 4261            Porteous Olson – Houston Township  
Build pole shed (50' x 160') after-the-fact

- 4262 Michael Smith – Brownsville Township  
Build non-commercial family cabin (16' x 22')
- 4263 Josh Ross – Union Township  
Build garage (36' x 40') and change use of church into dwelling
- 4264 Nathan and Jennifer Wurm – Caledonia Township  
Build house (34' x 64') garage (50' x 28') porch (25' x 9')
- 4265 Craig Olson – Union Township  
Build pole shed (30' x 64') – administratively denied
- 4266 Brad King – Caledonia Township  
Build attached garage (46' x 44')
- 4267 Michael and Rosanna Peterson – Money Creek Township  
Build house and garage (83' x 42')
- 4268 Gary Wilson – Houston Township  
Build screen porch on house (12' x 14')

Craig Olson administrative denial permit application was discussed. The location he wanted to build on was a pond dike and was not recommended by RRSWCD as buildable.

Rich Schild asked about after-the-fact fees on permit. It was indicated the after-the-fact permit fees are triple the normal fee.

Charlie Wieser made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, October 7, 2014.

**OTHER BUSINESS:**

Dan and Roxanne Schleich were in attendance and would like the Planning Commission to consider their request. Roxanne Schleich said they purchased 79 acres from her Aunt Joyce Betz and Joyce kept 1 acre and built a house on it. Joyce was aware the old house had to be removed when she owned all 80 acres but the Schleich's were unaware when they purchased it. The Schleich's would like their son to live in the house as he helps with the farm. It was discussed that they could apply for an Interim Use Permit specific to their needs.

A letter from Jay Squires was passed out to the members. The letter discusses whether Houston County may unilaterally amend the terms of conditional use permit or interim use permits that have already been issued. This question has come up in the sand mining study committee and they wanted Jay's opinion on the matter. The letter clarifies that CUPs cannot be modified. The only way they could modify a CUP is if there were prior violations. There was further discussion on how this will apply to the mining ordinance. Existing permits will be administratively renewed in the future. Rick Frank gave a brief summary of the meeting they had with EQB, MPCA, DNR and Department of Ag staff last week. Also in attendance were three sand mine owners, end users of sand and a couple area dairy farmers that use construction sand for livestock bedding. They had a round table discussion that went very well.

Richard Schild made the motion to adjourn the meeting and Glenn Kruse seconded it. Motion carried.

Submitted by Planning Commission Clerk on September 29, 2014

Houston County Planning Commission  
October 23, 2014

**Approved on November 20, 2014 by Terry Rosendahl and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, October 23, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Garland Moe, Terry Rosendahl, Richard Schild and Charles Wieser. Dan Schleich, Roxane Schleich and Craig Moorhead. Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

**Notice of Public Hearing No. 821** was read. **Daniel and Roxane Schleich**, 18333 Simmental Road, Caledonia, MN 55921 is seeking an interim use permit for a temporary farm dwelling in an agricultural protection district in Sheldon Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Joyce Betz built a new house in 2012 and was to tear down the old house within 6 months of completion of the new house.
- She then sold 79 acres to the Schleich's and kept a 1 acre parcel with the new home.
- Schleich's farm is a separate parcel from the Joyce Betz residence; however, Joyce still owns the cattle on Schleich's parcel.
- Schleich's son Brad would like to live in the old house while working on the farm to assist Joyce with the cattle. Brad has been working on the farm since he was 15 years old.
- The ordinance specifies that a temporary farm dwelling be on the same parcel as the main dwelling. The minimum income requirement is no longer in the ordinance.
- The Sheldon Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if the Schleich's had anything to add. They indicated they submitted a plan for the Planning Commission to review.

Dan Griffin asked if they knew the house had to be torn down. They indicated they did.

Roxane Schleich stated they had a purchase agreement in early 2013 with Joyce Betz before she started her house.

Dan Griffin indicated that the situation doesn't fit the ordinance. He asked when they knew they wanted their son to live there. Roxane said Brad was helping out when Joyce had knee surgery and that's how they came upon the idea of him living there.

Dan Griffin asked if he could reside on Joyce's land across the road because it would then fit the ordinance. The Schleich's weren't sure she will want to do that. Bob Scanlan indicated it would be in a separate 40 and would work.

Dan Griffin then asked if there was a timeline in mind. Schleich's indicated whenever the cattle are gone, then the house would come down. They would be looking at approximately 5 years.

Terry Rosendahl stated that others in the same situation have not had the ability to do this and the old house should have been removed.

Glenn Kruse stated it doesn't fit the ordinance.

Richard Schild questioned whether they could buy additional land from Joyce.

Bob Scanlan indicated that a short time frame with limits could be put on the permit. Make it a condition to remove house when the cattle are gone.

Terry Rosendahl again stated the house should have been removed. Bob said the problem is Joyce doesn't own the old house anymore.

Dana Kjome questioned the piping in the old the house. Dan Schleich said it feeds all the yards.

Richard Schild wondered if it would be cheaper to remove the house now.

Glenn Kruse questioned Joyce's surgeries and if their son did most of the chores. They indicated he did.

There was discussion on whether Other Uses could apply. (Page 68 under **Other Uses** – *Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible with other uses already permitted in the district.*)

Glenn Kruse asked if Joyce was "on board" with this option. Bob Scanlan said he called Joyce and she indicated she would like Brad there to help her.

Bob Scanlan indicated that the Planning Commission could put conditions on permit.

Charlie Wieser stated although it's not spelled out in the ordinance, using common sense and if something good could be accomplished with it, it's hard not to let them do it.

Terry Rosendahl commented that other people have had to remove old homes within 6 months and not having the opportunity to use it.

Glenn Kruse stated that conditions could be put on the permit as in temporary housing for the orchard renewals coming up.

Richard Schild stated that they knew the house had to come down but empathizes with them.

Dana Kjome said it's a tough decision and wanted to know how the permit terminates so that it will not continue when Joyce doesn't live in the house any longer. Glenn Kruse indicated stipulations would be put on the permit.

Dan Griffin indicated that they knew the house had to come down and it's difficult situation.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim Use permit unless they find the following:

- |  |     |
|--|-----|
| 1. Does the proposed use conform to the County Land Use Plan?  | NO  |
| 2. Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. Will the proposed use degrade the water quality of the County?  | NO  |
| 4. Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. Have potential pollution hazards been addressed and have standards been met?  | YES |
| 7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?   | YES |
| 8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?   | YES |
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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 |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Dana Kjome questioned if answer to #1 was no? Bob said that is what you have to decide.

Dan Griffin asked if a timeframe of 3 years would be an option. Dan Schleich would rather see 5 years.

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Terry Rosendahl made the motion to deny the application based on #1 of the Findings. Garland Moe seconded. Motion carried.

The Findings will be submitted to the Houston County Board of Commissioners for their review on Monday, November 10, 2014.

Terry Rosendahl made the motion to approve the minutes of September 25, 2014. Richard Schild seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- 4269            Laverne and Pamela Jenkinson – Money Creek Township  
Build addition on house (20' x 46')
- 4270            Orion Deters – Spring Grove Township  
Build greenhouse (20' x 24')
- 4271            John Dvorak – Money Creek Township  
Build open pole shed (32' x 40')
- 4272            James Chapel – Houston Township  
Build pole shed (60' x 112')
- 4273            Darin Bratland – Caledonia Township  
Build shed (12' x 20')
- 4274            Nathan Morken – Black Hammer Township  
Build pole building (28' x 40')
- 4275            Mark Nissalke – Hokah Township  
Build garage (32' x 28') – Administratively denied (setbacks)
- 4276            Arlin and Susan Peterson – Sheldon Township  
Build house (32' x 62') garage (30' x 30')
- 4277            Duron and Darin Bratland – Caledonia Township  
Replace calf barn (28' x 72')
- 4278            Robert and Diana Klankowski – Spring Grove Township  
Build pole building (40' x 100')

- 4279 Tony Hammell – Mayville Township  
Build replacement calf barn (26' x 60')
- 4280 Joel and Tricia Betcher – Black Hammer Township  
Build house (44' x 88')
- 4281 Brian and Melissa Mlsna – Brownsville Township  
Build house (36' x 82')

Dana Kjome questioned #4275. Bob said he wanted to build a garage but wasn't sure where his property line was and if he had built it, it may have been on his neighbor's property. He is looking at buying some land from his neighbor.

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Glenn Kruse seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Monday, November 10, 2014.

**OTHER BUSINESS:**

CUP #146 yearly renewal for Fred Sandvik of Old Hickory Orchards, LLC to operate a temporary Ag employee housing unit in Mound Prairie Township. Bob stated that Fred Sandvik indicated there were no changes in operations. Terry Rosendahl asked if there were any complaints. Bob said there were none. Terry Rosendahl made a motion to renew the permit. Garland Moe seconded. Motion carried.

CUP #216 yearly renewal for Van Lin Orchards to operate a temporary Ag employee housing unit in Hokah Township. Terry Rosendahl made a motion to renew the permit. Richard Schild seconded. Motion carried.

David and Sandy Lehmann – Rezone. Sandy Lehmann was present. Bob explained that the Lehmann's bought the farm from Ruth Horihan. Ruth kept approximately a 2 acre parcel and built a house. The Lehmann's would also like to build a house in the same 40 and their only option would be to rezone. The location is within 2 miles of Hokah. Bob doesn't think it meets residential zoning but wanted to bring it before the Planning Commission for an opinion/options. Sandy Lehmann indicated they would like to bring in a doublewide trailer house. They had rented the farm from Ruth Horihan for 12 years before they bought it and would like to live there. Terry Rosendahl indicated that with the feedlot there it is almost impossible to put another house there. Rezoning to residential doesn't work next to a feedlot. The house has to be at least ½ mile from a feedlot. It is not recommended that they pursue building in

the location they were considering. There are several other options, as they have several available acres.

Matt Klug/Pat Jilek – Wondering about narrowing up the road frontage in a residential lot – 100 feet frontage to the street is required but Matt would like to have 70 feet for frontage. Charlie Wieser stated a distance variance from the Board of Adjustment under a practical difficulty would be his first step.

Terry Rosendahl made the motion to adjourn the meeting and Rich Schild seconded it. Motion carried.

Submitted by Planning Commission Clerk on October 24, 2014

Houston County Planning Commission  
November 20, 2014

**Approved on January 22, 2015 by Terry Rosendahl and Glenn Kruse**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, November 20, 2014. A summary of the meeting follows.

The meeting was called to order by Chairperson Daniel Griffin. Members present were Daniel Griffin, Glenn Kruse, Terry Rosendahl, Richard Schild and Charles Wieser. (Garland Moe was absent). Bob Scanlan; Zoning Administrator/Feedlot Officer was present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

**Notice of Public Hearing No. 822** was read. **Bob Koch**, 20290 Camp Winnebago Road, Caledonia, MN 55921 is seeking a conditional use permit to expand a feedlot from 482 animal units (a.u.) to 700 animal units (a.u.) in Winnebago Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- First CUP to expand to 482 a.u. was in July of this year and approved by the County Board.
- Koch's are proposing another heifer barn and increase from 482 to 700 a.u. An addition of 218 a.u. or 311 heifers.
- An updated MMP plan will need to be submitted to account for additional heifers but existing MMP shows 683 acres separate from 1,283 acres dedicated to the dairy site.
- The Winnebago Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Bob Koch had anything to add. He did not.

Chairperson Griffin asked if anyone else had any comments/questions.

Glenn Kruse asked if there were any comments from the neighbors. Bob said there was one call from a neighbor, Thor Kolle who did not have a problem with the application.

Dan Griffin asked Bob Koch on his expansion intentions. Bob explained his plans and that his goal is to have a permanent place for all the cattle, to spend less time on the road hauling and his daughter will be joining the operation as well.

Bob Scanlan said the idea is to make things more efficient for the entire operation and less traffic on the roads.

Terry Rosendahl asked if he needed an updated manure management plan. Bob Scanlan said Koch Dairy has a current plan for the CUP approved in July of 2014 but with planned additional barn he will need it updated.

Rich Schild asked if the updated manure plans would be ready at the time of County Board approval. Bob Scanlan said they are working on it and it's based on whether he will even build the additional building. The plans will be separate (heifer site versus dairy site).

Bob Koch said they have soil samples from all the fields according to the sites. Bob Scanlan said they were e-mailed to him yesterday.

Glenn Kruse asked if they are starting to get the cattle moved back from the other locations. Bob said he had 8 farms yet and wants to get back home. They just acquired the Privet farm too.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

- |    |   |     |
|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?                                    | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?                                   | YES |
| 3. | Will the proposed use degrade the water quality of the County?                                | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?                        | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?                             | YES |
| 6. | Have potential pollution hazards been addressed and have standards been met?                  | YES |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided? | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking                    |     |

- |  |     |
|--|-----|
| and loading space to serve the proposed use?   | YES |
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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 |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Charlie Wieser made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

- 1) All federal, state and local permits be obtained and followed.**
- 2) Manure management plan to be completed.**

Richard Schild seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, December 2, 2014.

**Notice of Public Hearing No. 823** was read. **Mark and Dianne Gerard**, 16757 County 27, Spring Grove, MN 55974 are seeking a conditional use to build a concrete manure storage structure in Wilmington Township. (Dan Griffin stated he will not vote on the application as he worked with Gerard's on a manure plan.)

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Gerard's are planning a 1.4 million gallon concrete basin for 9 months of storage - 132' x 184' x 8'.
- There are no sink holes within 1,000 feet.
- The location is handy to scrape out of the free stall barns.
- Design by Jason Rochester and Engineer Pete Fryer from SE SWCD Technical Support JPB. It meets all NRCS and State Feedlot rules.
- The Wilmington Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Mark Gerard had anything to add. Mark said the pit will be banked with dirt on the outside of the walls and it will have a 9 month storage capacity.

Glenn Kruse asked on the number of animal units. Bob Scanlan said he just has under 300 animal units but there is no expansion on the number of a.u. Glenn thinks the storage is a good idea so there isn't so much hauling.

Chairperson Griffin asked if anyone else had any comments/questions. There were none.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Conditional Use permit unless they find the following:

- |    |   |     |
|----|---|-----|
| 1. | Does the proposed use conform to the County Land Use Plan?  | YES |
| 2. | Does the applicant demonstrate a need for the proposed use?   | YES |
| 3. | Will the proposed use degrade the water quality of the County?  | NO  |
| 4. | Will the proposed use adversely increase the quantity of water runoff?  | NO  |
| 5. | Are the soil conditions adequate to accommodate the proposed use?   | YES |
| 6. | Have potential pollution hazards been addressed and have standards been met?  | YES |
| 7. | Are adequate utilities, access roads, drainage and other necessary facilities being provided?                           | YES |
| 8. | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? | YES |

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|--|-----|
| 9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?   | YES |
| 10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. Are adequate measures being 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 |
| 13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | N/A |
| 14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District?   | N/A |
| 15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Glenn Kruse made the motion to recommend the Houston County Board approve the Conditional Use application with the stipulations that:

**1) All federal, state and local permits be obtained and followed.**

Terry Rosendahl seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, December 2, 2014.

**Notice of Public Hearing No. 824** was read. **Randy Klinski**, 12906 Prairie Ridge Road, Caledonia, MN 55921 is seeking a conditional use to leave fill in a floodplain in Caledonia Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Former owner deposited fill material on the lot over several years.

- Former owner rezoned site from R-1 to B-1.
- Original plat that was approved by the County Board displayed the 100 year floodplain elevation on original plat.
- Mr. Klinski would like to build another shed on the site and this is the first step.
- The fill was known to have been deposited there but there was never a complaint on it.
- Information from DNR depicts new 100 year flood plain elevations based on fill.
- The Caledonia Township board and adjoining property owners were notified. There were several inquiries to the Zoning Office in regard to the application as stated above. Letters were submitted from Caledonia Township, Root River Soil and Water Conservation District, Houston County Highway Engineer and Randy Klinski.

Chairperson Griffin asked Randy Klinski if he knew how much fill had been deposited on the site. Randy said he did not know how much fill had been put in. He knows where the old floodplain line was and the elevation that is there now. He does not know what the original elevation was. Bob said it ran approximately through the middle of the lot.

Dan Griffin asked what the new floodplain reading showed. Bob said it now runs onto Green Acres Road. Randy Klinski also presented a past flood plain map for viewing.

Randy Klinski indicated that in a 100 year flood the Highway 44 culvert will not be able to tolerate it. We have had (3) 6 inch rains within in a 24 hour period.

Charlie Wieser questioned whether the fill affected the floodway or the flood fringe referencing the letter from RRSWCD. Bob Scanlan indicated the floodplain was partially filled, he is unsure of the floodway.

Randy Klinski said the waterway north of his lot is approximately 70 foot wide and slowly tapers toward the top.

Richard Schild asked about Caledonia Township needing to discuss the application. Bob Scanlan said they wouldn't be meeting as a board until November 26, 2014 and wanted to have the opportunity to discuss and respond on the application as a board.

Dan Griffin questioned the need to table the application in order to study the impact on neighboring properties. Once individuals start filling in their properties if affects others. A site visit was recommended.

Site visit will take place as soon as possible and the 60 day ruling will be extended as Mr. Klinski is unavailable to meet on the next scheduled meeting date of December 18, 2014. The site visit will take place on Thursday, January 22, 2014 at 3:00 p.m. A continuation hearing will take place in the evening at the Historic Courthouse.

**Notice of Public Hearing No. 825** was read. **Herman Gady**, 7474 County 21, La Crescent, MN 55947 is seeking an interim use permit for a temporary farm dwelling – manufactured home in an agricultural protection district in Mound Prairie Township.

Bob Scanlan, Zoning Administrator, pointed out the site on the Arc Map Photo. Mr. Scanlan made the following comments in regard to the application:

- Gady's would like to provide a "temporary farm dwelling" for their daughter as she is helping out on the farm.
- The Ordinance states the home must be manufactured and located on the same premises.
- The mobile home would be located on the same premises as the farm owned by the Gady's.
- The Mound Prairie Township board and adjoining property owners were notified. There were 3 inquiries to the Zoning Office in regard to the application as stated above.

Chairperson Griffin asked if Herman Gady had anything to add. He said Bob covered it well.

Dan Griffin asked who would be moving in. Herman stated his daughter and her fiancé. Herman said their home burned last winter and they have been helping them rebuild ever since.

Dan Griffin asked about the well and septic options. Herman said Byron Frauenkron has been on the site for soil verifications and has designed a trench system. A holding tank will be installed until the system can be installed in the spring. He has also gotten quotes on a well.

Dan Griffin questioned Mr. Gady in that he knew this was a temporary situation and whether it was cost effective for him. Herman indicated he knew it was temporary.

Richard Schild clarified on using the septic tank as a holding tank until spring. Herman said that was recommended to do that since it is late in the season and then the drain field will be installed in the spring. Bob Scanlan said he met for soils verification with Byron Frauenkron. The soils are sandy and a trench system has been designed.

Terry Rosendahl asked if there was enough room at the location for a septic and a well. Bob indicated there was.

Dan Griffin questioned the type of dwelling being installed. Herman said it would be doublewide trailer home. Herman said he has also contacted Tri-County Electric on electrical hook-up.

Chairperson Griffin asked if anyone else had any comments/questions.

Brad Oesterle indicated he has a shared interest on land and opposes the application because it is sandy soil and the elevation of where the home will sit. Herman said the site is level. Bob Scanlan said the slope is 10-12% and you can go up to 24% slope to build.

Terry Rosendahl asked if the dwelling would have a temporary foundation. Herman Gady said it would be. Terry said there shouldn't be any disturbance then.

Richard Schild asked if there was an existing driveway. Bob Scanlan said there is one.

Heidi Jambois, a neighbor, indicated there is a problem with road maintenance. They are concerned with erosion and water runoff.

Dan Griffin asked if there were any other locations for the temporary dwelling. Herman said the location is a nice open spot and they would have liked to put a home there.

Richard Schild questioned whether the temporary dwelling could be moved closer to the existing home to share a well. Herman said it is possible and may look into that option.

LaVern Oesterle, brother-in-law to Herman, stated there is a living will in effect and that Herman can live there until he passes and then it reverts to his son, Brad Oesterle.

Larry Burroughs questioned the separate building site on an undivided property and one narrow driveway for three homes. Bob replied that the E911 addressing ordinance applies and if there are 3 or more residences, it would be called a "Lane" and will have its own address. The ordinance does allow for a temporary farm dwelling. Once the land changes hands the home will be removed within 6 months.

Dan Griffin asked about Herman's farming operation. Herman said he has cattle and machinery and does his own farming.

Tony Miller indicated he is a neighbor and has no problem with the Gady's but does not want to see trailers on the hillside. He would rather see Mr. Gady sell some land and have them build a permanent home.

Steve Mickschl wanted to know what qualifies as a farming operation and that he is opposed to the idea. Dan Griffin said it has to be strictly agricultural and with an Interim Use permit in Herman's name and the house will have to be removed once Herman no longer lives there.

Clair Welch is opposed to the idea and thinks it will cause a mess.

Dan Griffin stated they have heard the comments but the planning commission has to stick to the facts and make a decision based on facts.

Dan Strong said he has helped the Gady's rebuild. Driveway issues can be addressed and he can help with that. They aren't making this location a trailer park, it is a temporary setting.

Richard Schild asked if the easement stated any responsibility on the road. Herman said the farm was there since the 1850's so he is unsure. He indicated Heidi Jambois received the land from her grandfather and put her house between the main road and the homestead. Richard wondered if a stipulation could be put on it as to who takes care of what. Terry Rosendahl said it couldn't be done because it's a private drive.

Bobbie Oesterle (Herman's sister) explained the driveway responsibilities for the home farm and for Heidi Jambois per her grandfather's instructions.

Larry Burroughs questioned if the location is temporary why is the proposed home not located closer to the main home for the septic and well. Glenn Kruse said the dwelling would have its own septic system no matter where it is located.

Steve Mickschl wanted to know if there could be a compromise on where the proposed home closer to the existing home to share the septic and well. Terry Rosendahl asked why there was an issue of drilling a well. When the home is gone the well is not going to hurt anything.

Tony Miller asked what constitutes a farm. Bob explained that a farm contains 40 acres or more and for federal tax purposes they need to produce an ag commodity.

Chairperson Griffin asked that the Findings be read if there were no additional questions or concerns.

The Findings were read and comments made as follows. The Planning Commission shall not recommend an Interim Use permit unless they find the following:

- |     |  |     |
|-----|--|-----|
| 1.  | Does the proposed use conform to the County Land Use Plan?   | YES |
| 2.  | Does the applicant demonstrate a need for the proposed use?  | YES |
| 3.  | Will the proposed use degrade the water quality of the County?   | NO  |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | NO  |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | YES |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | YES |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | YES |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | YES |
| 10. | Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | NO  |
| 11. | Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?   | NO  |
| 12. | Are adequate measures being 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 |
| 13. | Is the density of the proposed residential development greater than the  |     |

- |     |  |     |
|-----|--|-----|
|     | density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District?   | NO  |
| 14. | Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District? | N/A |
| 15. | Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare?   | YES |

Chairperson Griffin asked for a motion to grant or deny the application if there were no other comments.

Dana Kjome questioned whether Finding #7 was an issue. Bob Scanlan said Herman will be required to submit a soil erosion control plan.

Glenn Kruse made the motion to recommend the Houston County Board approve the Interim Use application with the stipulations that:

***1) All federal, state and local permits be obtained and followed.***

Terry Rosendahl seconded. Motion carried. The Findings will be submitted to the Houston County Board of Commissioners for their review.

The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, December 2, 2014.

Terry Rosendahl made the motion to approve the minutes of October 23, 2014. Glenn Kruse seconded. Motion carried.

The following Zoning Permits, which meet all requirements of the Houston County Zoning Ordinance, were submitted for approval:

- |      |   |
|------|---|
| 4282 | Karla and Hein Bloem – Money Creek Township<br>Build garage/aviaries (24' x 32')                  |
| 4283 | Kirby and Nancy Rahn – Mound Prairie Township<br>Build house/garage (26'8" x 56')                 |
| 4284 | Kent and Jackie Kronebusch – Crooked Creek Township<br>Build house (46' x 59') garage (24' x 42') |
| 4285 | Doug Sparks – Mound Prairie Township<br>Build pole barn (36' x 48')                               |

Dan Griffin asked about the locations of the two homes. Bob said Rahn's are replacing a house that burned down and Kronebusch's is the old Richard's farm on Hillside Road.

Terry Rosendahl made the motion to recommend the county board approve the zoning permits as submitted.

Richard Schild seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, December 2, 2014.

**OTHER BUSINESS:**

CUP #262 yearly renewal for Travis Zenke for substantial land alteration in a Shoreland district in Mound Prairie Township. Terry Rosendahl made a motion to renew the permit. Charlie Wieser seconded. Motion carried.

December meeting will be December 18, 2014 due to the Christmas holiday.

Richard Schild made the motion to adjourn the meeting and Terry Rosendahl seconded it. Motion carried.

Submitted by Planning Commission Clerk on November 24, 2014