

Houston County Planning Commission  
March 24, 2016

**Approved on April 28, 2016 by Jim Wieser and Dana Kjome**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, March 24, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Richard Schild and Jim Wieser. Aaron Lacher, Zoning Administrator/Feedlot Officer and Rick Frank; Environmental Services Director were present for zoning. Dana Kjome, County Commissioner was present. See sign in sheet for others present.

Chairman Griffin introduced new members Jim Wieser and Bob Burns.

Election of Chair and Vice-Chair of 2016 took place.

Larry Hafner nominated Daniel Griffin for Chairman for 2016 and Ed Hammell seconded. Nominations closed. Motion carried.

Larry Hafner nominated Ed Hammell for Vice Chairman for 2016 and Jim Wieser seconded. Nominations closed. Motion carried.

Aaron Lacher reviewed the County Employee Code of Ethics and Conflict of Interest Policies with the members. Each member was given information prior to the meeting to review and sign a statement of acknowledgement of the policies.

**Notice of Public Hearing No. 852** was read. **Daniel Sabatka of CP Rail**, 1010 Shop Road, St. Paul, MN 55106, is seeking a conditional use permit to replace an existing railroad bridge and place fill in a general floodplain, excavate over 50 cubic yards of material in a shoreland area and do substantial land alteration and remove/destroy present ground cover in a floodplain in Section 34 of Hokah 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:

- Canadian Pacific Railway (CPR) is replacing an existing bridge (Bridge #155.88), as part of routine maintenance to sustain safe rail conditions.
- The existing bridge crosses over the Root River floodplain 3 miles northwest of Hokah in Houston County, Minnesota.
- The project area is zoned as a FEMA Special Flood Hazard Zone AE.
- The Army Corp of Engineers will be working with the railway on wetland impacts. Approximately .35 acres of fill will be impacted.
- The proposed bridge is approximately 58 feet longer than the existing bridge and requires excavation to allow for two additional spans outside the existing channel.
- This project, when complete, will essentially be creating more wetlands with the extension of the bridge size.
- The Hokah Township board and adjoining property owners were notified. There was one inquiry to the zoning office on the application.

Chairman Griffin asked Dan Sabatka to add information on the project. Dan said the project is just south of Miller's Pond on State Highway 26 and located across from the intersection of County 7. They will not be raising flood levels with the new structure and they will restore the site to original conditions upon completion. There will be slightly more wetlands than what is there today but no significant impacts. The existing bridge is nearing the end of its useful life.

Larry Hafner asked if the bridge will be replaced in the same location or alongside existing bridge. Dan Sabatka said it would be in same location as the existing bridge. Construction will occur with train traffic. At times trains will not be allowed to pass for 6-8 hours.

Chairman Griffin asked what their timeline looked like. Dan Sabatka said they plan to start in early May and will take about 6 months to complete.

Chairman Griffin asked about forgoing MN regulations. Dan Sabatka said they are only responsible to comply with federal regulations and the FEMA floodplain regulations are required to be followed. They are working with Army Corps of Engineers on the project.

Dana Kjome asked about the average life of the bridge. Dan Sabatka said the existing bridge that is being replaced has had different spans at various ages due to washouts, etc. It's been fixed and repaired at different times. Life span is variable for each bridge. The new bridge will be built with construction technology of today; it should last at least 100 years.

Chairman Griffin asked about the hydraulics study and the impacts on high water levels and increase in wetlands. Dan Sabatka said the high water levels will essentially stay the same and no increases. The hydraulic summary indicates the storm events at 10-year being -0.03 less, 50-year being -0.01 less, and 100-year being -0.02 less. The wetlands will increase due to the bridge being longer.

Jim Wieser indicated on Page 3 of the Hydraulic Date Report, "Although these do not satisfy the CPR design guidelines, the proposed layout does lower the WSE when compared to the existing conditions model." He wondered why they are accepting these levels when flood levels are actually higher than what the bridge is. Dan Sabatka stated they look at their guidelines and attempt to keep them at 100-year levels. Sometimes they cannot meet guidelines. They try to meet existing or improve upon existing. HDR Consultant Nicholas Steder stated they try to achieve CPR's design guidelines but since this bridge is already 58 feet longer than the current span these readings are acceptable for the situation.

Jim Wieser asked if they have flood preparations in place should flooding occur. Dan Sabatka stated they have emergency response plans in place and will do necessary inspections after floods. They will respond to any fixes that are needed.

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

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

The Conditional Use 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?      |     |
|    | <i>(Larry Hafner asked if there would be silt fencing, Dan Sabatka said yes.)</i> | YES |
| 7. | Are adequate utilities, access roads, drainage and other necessary                |     |

- facilities being provided? (*Dan Griffin asked if access roads were needed, Dan Sabatka indicated they would be needed and then removed*). YES
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  
(*An area off the highway will be built for parking.*) 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

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

Larry Hafner made the motion to recommend the Houston County Board approve the conditional use application based on:

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

Bob Burns 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, April 5, 2016.

**Notice of Public Hearing No. 853** was read. **G & K Development LC/Bruening Rock Products, Inc.**, P.O. Box 127, Decorah, IA 52101 is seeking a

conditional use permit to do mineral extraction in an ag district in Spring Grove Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The proposed site was previously operated as a sand pit under a CUP from 1992 until 2007, at which time the owner (Robert Oefstedahl) chose not to extend his CUP (5 year renewals was a specific condition of the 1992 CUP).
- The property was purchased by G & K Development in July of 2015. The site will be operated by Bruening Rock Products / Skyline Materials.
- The applicant is seeking a CUP covering 24.5 acres and proposes to excavate 15 acres. The excavation will be completed in two phases, 7.5 acres each, over an estimated 50 year period.
- An estimated 30,000 tons will be extracted annually, depending on demand, and will be marketed exclusively to local commercial and agriculture customers.
- There will be no frac-sand mining or export from this site.
- County Highway Engineer, Pogodzinski has reviewed the application and has approved it pending an approved driveway access by the Houston County DOT.
- The Spring Grove Township Board was given copies of the Operation and Reclamation Plan.
- The Spring Grove Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application.

Chairman Griffin asked the applicants to add information on the project. Ron Fadness of Bruening Rock, Jeff Broberg of WSB and Associates, Inc. of Rochester, MN who designed the Operation and Reclamation Plan handled the presentation for G & K Development/Bruening Rock. Smokey Doyle and Brian Bakken of Bruening Rock were also present.

Ron Fadness of Bruening Rock talked about the history of site. Ron said this site is different than the Underpass Quarry which is located to the east of this site. This site contains bluff sand which will be used for area dairy farmers. The prior owner of the site had a conditional use permit issued in 1992 and renewed it three times but then let it expire in 2008, so they are seeking to gain another conditional use permit at this time. This site will allow more efficient

delivery service to area farmers in Houston County. The next closest site the company owns is across the border in Iowa.

Jeff Broberg from WSB and Associates spoke. He is a licensed professional geologist and has worked with Bruening Rock for many years. He indicated the site was purchased in 2015 and contains 62.63 acres. They are proposing to mine 15.14 acres on a 24.5 acre piece of land that lies to the north end of the parcel. The existing trees will block the site so you will not be able to see the mining from the road with site access off of County 8. They are more than 1,000 feet from the nearest occupied home located to the southwest.

Only about 4.5 acres have been mined since 1992 and only used for local sand use. The previous conditional use permit owner did not renew the permit and let it expire in 2008. The St. Peter Sandstone exposed in the pit is very fine grained sand making it the preferred bedding for dairy cattle. Dairy farmers love this sand and so do their cows. The typical dairy farmer places an order approximately every 2-4 weeks. The demand they are trying to supply is for local agriculture. Hauling distance is important to keep the costs low, so it is important to have this local sand source available.

Sand does not occur in the adjacent Underpass Quarry since there is a fault that exists. There is no extension of this mine to the east. The sandstone is about 75 feet thick and extends from 1245' at the top to 1170' at the base. The current pit exposes the sandstone to a depth of 1190' at the bottom of the excavation. The existing trees will remain as a natural buffer. The mining will be done in 2 phases, approximately ½ at a time. Once Phase 1 is complete the overburden from Phase 2 stripping will be placed in the base of Phase 1. Two to three acres will be stripped per year.

There will be a single loader on the site. Sand will be loaded and weighed on the site. There are no groundwater impacts as the sand is very porous. No washing will occur on the site. Water tributaries are not an issue, Riceford Creek, the nearest designated trout stream is over 1¼ miles away.

The following post-activity equipment will be used on the site: dozers, excavators, a shot hole rig, loaders and dump trucks. The sand on the site should last for approximately 50 years. The hours of operation will be 7:00 a.m. to 7:00 p.m. Only one access road to County 8 is proposed for the site. The existing trees on the wooded slopes will be retained and not disturbed, creating a natural buffer. Berms on the site will be located around the perimeter of the mining area. The sand has a geologic quality that is stable when kept vertical. Erosion

and dust control will follow required permits. A general permit for storm water pollution control for non-metallic mining is required by the Minnesota Pollution Control Agency (MPCA).

The proposed mine does not meet or exceed the statutory thresholds that would require an Environmental Review. They are not mining over 40 acres (which refers to rock quarries). Regulations require an environmental review for 20 acres for sand; this site is for 15 acres of sand for local use.

Jeff Broberg also touched upon the required conditional use criteria and believes they have addressed all the areas that a C.U.P. requires.

Chairman Griffin asked for clarification of who the proposer of the project is. Jeff Broberg indicated G & K Development.

Chairman Griffin asked for clarification on the existing elevation of the pit and overburden plans. Jeff Broberg said it is at approximately 1190' and they plan on going down to 1170'. The plan is to put overburden back once Phase 1 is complete. Approximately 12-15 feet of fill will be put back.

Dana Kjome asked about digging down 75 feet. Jeff Broberg said the geologic formations are layer cake formations and they know it is 75 thick. They will not go deeper if there happens to be sand limitations.

Chairman Griffin then verified the elevation at the intersection of State 44 and County 8 being 1184' and they would mine approximately 14' lower than intersections. Jeff Broberg said that was correct.

Bob Burns verified the 1184' intersection elevation and that they would be putting back approximately 12' of fill, thus being 2' lower than the road level. Jeff Broberg said they would still have the wooded slope which has a higher elevation and they would be working behind the wooded slope.

Chairman Griffin asked if they would be crushing any limestone. Jeff Broberg said it is not of good quality, it has a lot of clay in it and would be used for berms.

Bob Burns asked if there would be any industrial or construction uses for the sand. Smokey Doyle said some sand may be used for construction, mainly for fill uses.

Jim Wieser asked approximately what percentage would be used for agricultural. Smokey Doyle said approximately 95% would be for ag use. The sand is not very compactable.

Rich Schild asked for clarification in that the sand would not be used as frac sand. Jeff Broberg said it does not meet the use requirements for frac sand. Smokey Doyle said the sand does not contain the right particles to be used as frac sand.

Chairman Griffin asked if the 15 acre proposed excavation area will be surveyed as it is indicated that the area will be marked with steel fence posts prior to excavation. Jeff Broberg said the land will be surveyed (on the ground) with a legal description. A preliminary survey was done by aerial photos.

Larry Hafner asked how many acres will be open at once. Jeff Broberg said 7.5 acres will be open, as this is a phased project. At 10 acres they will start reclaiming.

Larry Hafner asked if they are planning to set aside bonding funds for reclamation as this is something the county is starting to address. Ron Fadness indicated their reclamation bonding is through a licensed bonding company and they pay premiums based on the number of sites. This site would be added to their existing sites and the township is the beneficiary. Smokey Doyle wanted to make sure the board understood that when additional requirements are put upon them, this causes their prices to increase and in the end is passed onto their customers.

Chairman Griffin asked if the overburden and excavating will be confined to the 15 acre area. Jeff Broberg said it will be confined within the 24.5 acres area listed under the permit. The excavation will occur within the 15 acre area but the stockpile overburden may go over some. There is also a need to move around with equipment as well as maintain the buffers and comply with the setbacks. Jeff Broberg indicated it might go over a little but would be along the margins.

Chairman Griffin asked Rick Frank and Aaron Lacher if the application was complete. Aaron Lacher indicated that bonding language should be added and the reclamation plan needs further review. Dan Griffin asked Rick Frank if the storm water permits were in order. Rick Frank said the general permit portion is being applied for from MPCA. Ron Fadness said the general permit would be added under their other existing permits.

Chairman Griffin asked about air quality controls. Jeff Broberg indicated this site would be an easy site to control due to its location. The State of Minnesota has proposed new rules with 3 thresholds for air emissions controls. If there is less than 200 cubic yards used per day this would be covered under a regular permit. Between 200-500 cubic yards per day then conditions are added. Above 500 cubic yards per day there needs to be air monitoring and they will never go over that. They plan to stay below 200 cubic yards per day as a daily maximum. They will only be loading for 2-3 farm deliveries per day.

Larry Hafner asked how they know when they go over certain limits. Jeff Broberg said they have to keep track of it; it's all part of the record keeping they are required to do.

Bob Burns asked for clarification on whether the new proposed rules apply to new mines or existing mines. Jeff Broberg said it applies to all mining activity.

Chairman Griffin questioned if they go over 200 cubic yards per day, in a single day, if they are into the next category. Jeff Broberg said they would be but it is a proposed rule at this time. There are still requirements they need to comply with under storm water and dust control permits.

Chairman Griffin asked for clarification on the elevation at the top of the ridge as referred to in the surface geologic investigation. Jeff Broberg went to the aerial maps to point out 1270' contour and proceeded explain where the boundary lines were, the planned excavation and mining area as well as the reclamation plans. He discussed how the benching process works and where the overburden areas were. Chairman Griffin asked about having permission from adjacent landowner to mine up to the line. Jeff Broberg said Ron Fadness is working on that with the landowner.

Chairman Griffin asked about the blasting procedures. Brian Bakken explained the blasting procedures and how they notify the abutting property owners. Smokey Doyle said that blasting for bedding sand is a softer shot/blast then blasting for limestone, so it is not loud.

Bob Burns asked if rock needed to be removed first in order to access the sand. Brian Bakken said there would be an excavator onsite for removing the rock as it is easy to remove, no blasting is needed to remove the rock.

Chairman Griffin verified that no crushers would be on site after blasting. Brian Bakken said the only equipment that would be onsite would be a screener.

Chairman Griffin reviewed the operation hours and that no legal holidays are allowed. Bob Burns noted that it says Saturdays “as needed” and questioned if that means 7:00 a.m. to 7 p.m. Smokey Doyle said they do not typically work on Saturdays. Ron Fadness said it can be amended to say 7:00 a.m. to Noon, as needed.

Larry Hafner asked for more clarification on the maps as to where the reclamation and overburden areas were planned. Jeff Broberg said they could sketch that in with more detail.

Bob Burns asked about fencing criteria and how they will keep people from wondering into the site. Jeff Broberg said the berm area will cover that as well as MSHA requirements that need to be followed, this includes either boulders of a certain dimension or a fence. Smokey Doyle will have gates at the entrance as well and they will be locked each night. No trespassing signs will be posted.

Jim Wieser referred to the County Engineer’s comments and asked if they were working with him. Smokey Doyle said they have been in contact with the highway engineer and have applied for a permit. They are expanding the driveway to accommodate 2 trucks at the entrance so no trucks will remain on the road. They will also enlarge entrance culvert. Rick Frank verified they have applied for the permit but it will not be issued a permit until the conditional use permit is granted. Ron Fadness reiterated what Rick Frank said in a letter they received from the highway engineer.

Chairman Griffin asked the planning commission members if they wanted to do a site visit.

Aaron Lacher said he would like to see a breakdown in the reclamation plan by labor and units to better determine the necessary bonding. Ron Fadness asked who sets the bonding. Chairman Griffin said the County Board sets the bonding.

Chairman Griffin thought it would be important to consult with the County Attorney as to whether or not an environmental review would be necessary. The County Attorney is out of town, so he recommended having a continuation hearing after consulting with him.

Richard Gulbranson, Spring Grove Township Supervisor and landowner close to proposed site spoke. He is in favor of this application and thinks this will be a good site for a sand mine and will help local feedlots. It will be more cost effective having a site in the area instead of hauling sand from a location farther away.

Gretchen Cook asked it if was a fact that there are fewer cows in county now than in the past. Dan Griffin indicated there are larger dairy operations now and require more sand. Also some of the local sand pits are running out of sand.

Aaron Lacher said there were approximately 16,369 dairy cattle registered during the feedlot registration period. Ed Hammell said he is a dairy farmer and there are probably fewer dairy operations now, but just as many cattle. It's just that there are larger operations now than there used to be.

Darlene Fossum-Martin spoke. She is a property owner to the southwest of the proposed site. She wondered how many feet away from their property line they propose to mine. Jeff Broberg said it is more than 1,000 feet away from the property line.

Yvonne Krogstad read a statement from Bruce Kuehmichel who was not in attendance. (The copy is on file). Mr. Kuehmichel's concern lies with an E.A.W. possibly being needed and that the site was on the registry of 130 mines in the county, thus giving the county the discretion to order an E.A.W, in his opinion. Chairman Griffin indicated the registry of 130 mines in the county is no longer being used and they wish to consult with the county attorney on this topic. The county is well aware of the MN state statutes regarding E.A.W.s.

Ed Hammell indicated he would like to view the site.

Jeff Broberg invited the county board to also attend.

Chairman Griffin asked for a motion to continue this hearing after a site visit has been done. Ed Hammell made the motion and Bob Burns seconded. Motion carried.

Smokey Doyle requested that there be no videoing or cameras allowed on property.

Discussion took place that the hearing will continue at the next monthly meeting on April 28, 2016. (A site visit is tentatively set for Tuesday, April 19 at 1:00 p.m.)

Larry Hafner requested that the applicants sign a 60-day extension.

Larry Hafner made motion to table the hearing after a site visit and Rich seconded. Motion carried.

Dana Kjome made the motion to approve the minutes of December 17, 2015. Ed Hammell seconded. Motion carried.

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

- |      |   |
|------|---|
| 4430 | Ben Lind – Sheldon Township<br>Build lean-to (20' x 72')  |
| 4431 | Gerald Ladsten – Spring Grove Township<br>Build pole shed (36' x 64')                             |
| 4432 | Richard and Jeff Fitting – Money Creek Township<br>Build addition on existing shed (50' x 31')    |
| 4433 | Melvin Davy – Brownsville Township<br>Build pole shed for ag use (30' x 80')                      |
| 4434 | Teri Peters Davy – Union Township<br>Build pole shed for ag use (36' x 72')                       |
| 4435 | Thomas Benedum – Yucatan Township<br>Build garage (36' x 24')                                     |
| 4436 | Dylan Becker – Caledonia Township<br>Build addition on existing shed (50' x 30')                  |
| 4437 | Bob Beutler – Brownsville Township<br>Build house (28' x 59') garage (34' x 26') deck (12' x 16') |

Bob Burns made the motion to recommend the county board approve the zoning permits.

Jim Wieser seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, April 5, 2016.

**OTHER BUSINESS:**

Aaron Lacher reviewed information with the Planning Commission that he presented to the County Board on the prior Tuesday (3-22-16).

- Non-Commercial Family Use Cabins
  - Potential Issues: How to Differentiate between this category of cabin and dwellings
  - Defined as “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.”
  - Modern utilities permitted.
  - 6 cabin sites to date, 352-658 SF
- Non-Conforming Mines
  - More clearly define what should be recognized as a Incm.
- Areas of Study
  - Bluffs
    - Potential Issue: Ambiguity surrounding the required height to constitute a bluff.

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|---------------------------------|
| <b>Houston County Ordinance</b> |
|---------------------------------|

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

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

- Neighboring Counties
  - Winona – 25% slope for 100 feet
  - Fillmore – 30% slope for 50 feet
- Cabins
- Non-Farm Dwellings
  - Soil Classification
    - Potential Issue: Class III land can be forested
    - Is the intent to protect ag production land?
  - Parcel Splits
    - Potential Issue: Resulting in non-conforming non-farm dwellings
      - How to remedy this?
- Storm Water Sewers (MS4)
  - Potential Issue: No regulation in place.
  - Regulates introduction of pollutants into storm sewer system
  - Construction sites – household chemicals
  - Sites in La Crescent City and Township, part of La Crosse Metro area.

- How to coordinate enforcement among levels of govt.
- Shore Land Buffers
  - Potential Issue: Update ordinance to reflect new law
  - New legislation intended to protect clean water
  - Phased
    - Phase I – Public Waters
      - 50' avg / 30' minimum width for public waters
    - DNR producing preliminary maps
  - FEMA flood Maps
    - Adopt and reference in ordinance

Aaron Lacher said he plans to prepare packets to share additional information with the planning commission and townships on the proposals. The decisions made will then go back to the county board with recommendations. Chairman Griffin asked Aaron how he planned to arrange meetings. Aaron said the townships will be notified and any township board members could participate in a group meeting. Rick Frank said he has talked with township board association president and they meet on April 5<sup>th</sup> and they would be attending that meeting as well. Commissioner Dana Kjome indicated that Aaron was at the county board meeting this past Tuesday and his proposal was well received and the county board is behind it. Rick Frank elaborated how meetings were conducted in the past and the plan is to proceed similar to the past.

Bob Burns made the motion to recess the meeting and Larry Hafner seconded. Motion carried.

Submitted by Planning Commission Clerk on March 28, 2016.

Houston County Planning Commission  
April 28, 2016

**Approved on May 26, 2016 by Rich Schild and Jim Wieser**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, April 28, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Richard Schild and Jim Wieser. Aaron Lacher, 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. 854** was read. **Eric Ingvalson/Donald Ingvalson**, 19996 County 28, Caledonia, MN 55921, is seeking an interim use permit for a start-up business in an agricultural district (gunsmith shop) in Wilmington Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Mr. Ingvalson is seeking an interim use permit for a gunsmith shop.
- The applicant is proposing to locate a gunsmith shop in an outbuilding on his father's farm. He plans to offer a variety of services and to gradually grow his business.
- He is in the process of obtaining all necessary state and federal permits.
- The site is located on an 80 acre parcel 4.5 miles south of Caledonia.
- The business will operate out of an existing outbuilding. The business will be accessed via County 28.
- The Wilmington Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairman Griffin asked Eric Ingvalson if he would like to add anything. Eric said he wants to start a gunsmith shop and restore/repair old firearms. He would take orders for firearms. He would like to pursue this as a career. He may eventually move the business to a commercial location in town.

Larry Hafner asked if he would be selling new guns. Eric said he wouldn't have them in stock but could order them. He explained the licenses/permits he would need in order to do this type of ordering.

Dan Griffin asked Eric if he would be doing background checks. Eric said it is mandatory to do background checks.

Larry Hafner asked if he would be testing equipment onsite. Eric said he would build a sand pile against a steep hillside that meets the NRA target regulations.

Dan Griffin questioned if the sand pile would be used for target practice or just for testing. Eric said only for testing, 2 to 3 shots only during business hours.

Larry Hafner asked what the business hours would be. Eric said 9-5 and by appointment.

Dan Griffin asked what type of guns he would be selling. Eric said handguns, shotguns and hunting rifles. Dan asked if he would also be selling ammunition. Eric said he would have some ammunition but since he will mainly be ordering in guns he wouldn't have much. Dan asked if he needed a license to sell ammunition. Eric indicated there isn't a license for it. Dan asked if he went to school for this type of business. Eric indicated it was a hobby.

Jim Wieser asked if Eric spoke with the neighbors and if there would be any noise concerns. Eric said no one has expressed any concerns. Test firing will only be 2 to 3 shots possibly a couple times a day.

Jim Wieser asked how many employees there would be. Eric said it would just be him.

Larry Hafner asked if he would be having any chemicals onsite. Eric said there would be solvent and gun cleaning supplies. Anything hazardous would be taking to the county hazardous waste program.

Rich Schild asked how he would handle complaints if neighbors considered the test firing excessive. It was indicated that adjacent landowners were notified of the proposed business.

Dan Griffin asked what type of security he would have. Eric said there would be a gun safe and deadbolts on all doors. He is looking into a security system that is motion activated and will notify him on his cell phone when he is not there.

Larry Hafner asked if he would have gun powder onsite for muzzle loaders. Eric said he would not be licensed to have black powder onsite.

Rich Schild asked if there would be any business signage. Eric said just on small sign on the door.

Dana Kjome asked if Don Ingvalson would be involved in the business. Eric said it was just himself, his father is the landowner.

Bob Burns asked for clarification on the operating hours. The business plan mentions Tuesday-Saturday 10-5. Eric said that was correct and does not include Sundays.

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

Don Ingvalson, Eric's father and landowner spoke. He said he talked to David Strike and Joe Cody who are the closest neighbors and they are in support of the proposed business. If any issues did arise they would talk directly to their neighbors to work it out.

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

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

Under Minnesota Statutes, Houston County may approve an Interim Use Permit for a property if:

1. The use conforms to the zoning regulations;

The proposal conforms to the HCZO. The following conditions are required for a Start-Up Business:

- a. The business must be located on the homesteaded property of the business owner.

Staff Analysis: The Co-Applicant resides on the property

- b. The business shall be compatible with the neighborhood, and not create a nuisance.

Staff Analysis: Surrounding land is agricultural with farms scattered sparsely about. Potentials areas of concern include noise, safety, and chemical disposal. The applicant addresses these issues in his application package.

- 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.

Staff Analysis: The business will be located on approximately 80 acres, with an additional 100 acres being utilized as well.

- g. Days and hours of operation shall be determined by the County Board.

Staff Analysis: The Planning Commission should make recommendations to the County Board for hours of operation and hours permitted for firearm testing.

- h. The maximum number of employees (FTE) working on-site shall be determined by the County Board.

Staff Analysis: The Planning Commission should make recommendations to the County Board for FTE. The applicant is not anticipating a need to hire staff.

- i. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.

Staff Analysis: The applicant is proposing a four foot non-illuminated sign that conforms to this standard.

- 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.

Staff Analysis: Areas of concern include noise, safety when test-firing firearms, and security.

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

2. The date or event that will terminate the use can be identified with certainty;  
Staff Analysis: Start-Up Business permits require renewal at five year intervals per HCZO.
3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;  
Staff Analysis: No substantial land alterations or buildings are being proposed.
4. The user agrees to any conditions that Houston County deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

Staff also recommends 2 additional conditions:

1. The test-firing backstop will be constructed out of compacted soil, rock or crushed cement, covered by rock-free earthen material, up to a recommended height of twenty (20) feet at a 1:1 slope (soil type dependent), with a 4 foot-wide flat top. An alternative backstop may be approved by the County.
2. The Applicant shall fully comply with all State and Federal Laws.

Chairman Griffin asked Eric how that varied with what he planned to do. Eric said an alternative he considered is a bullet box that collects the bullets. He said the sizes vary but a 2 x 2 or 3 x 3 size would be appropriate for his needs.

Ed Hammell commented that having a bullet box with the sand pile behind it would work well.

Larry Hafner stated licensing should remain current as well. Eric indicated he needs to submit fingerprints and photos along with his interim permit from the county in order to get the necessary state and federal licensing.

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

Rich Schild made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 3. The Applicant shall utilize a bullet box ranging in size from 2' x 2' to 3' x 3' in combination with a sand backstop when test firing arms.**
- 4. The Applicant shall fully comply with all State and Federal Laws.**

**5. *The Applicant shall maintain the appropriate Federal license.***

Bob Burns seconded. (Dana Kjome abstained due to relation to applicant). 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 10, 2016.

**Notice of Public Hearing No. 855** was read. **Fred Sandvik**, 7442 County 25, La Crescent, MN 55947, is seeking an interim use permit for a start-up business in an agricultural district (multi-use agri-tourism) in Mound Prairie Township and La Crescent Townships.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Mr. Sandvik is seeking an interim use permit for an agri-tourism business.
- The applicant is proposing an agri-tourism that will host events.
- The applicant's property is atop a bluff and has scenic views. The setting is fitting for weddings, birthdays, etc.
- The applicant will not be preparing food or beverage on site.
- The applicant may host school field trips, business meetings and similar functions, either outdoors or within a renovated barn.
- On-site septic will not be utilized.
- If structure (remodeled barn) is utilized, applicant will comply with all applicable state and federal laws.
- This proposal also includes a u-pick apple component. Orchards are located on an adjacent parcel and a nearby parcel.
- The Mound Prairie Township board and La Crescent Township and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairman Griffin asked Fred Sandvik if he would like to add anything. Fred said they recently renovated their barn and have had a few family/friend events. Since having these events he has been encouraged to rent it out. Fred presented photos of the building for the board to review. They have done a lot of work on the site and would like to host events for the community.

Bob Burns asked about parking accommodations since it mentions there could be up to 600 cars. Fred said for larger events they plan to shuttle people in. Bob asked if people did park there if it would be onsite. Fred said it would be onsite and not alongside the road. Aaron Lacher clarified that Fred did not indicate how many cars could be parked there; it is a figure he derived since Fred indicated he has 4 acres available for onsite parking.

Bob Burns asked what type of septic facilities will be available. Fred indicated they will use port-o-potties. They don't plan to use the building for weddings. A tent will be used on the north side of the site. The building will mainly be used for graduations, birthdays and anniversaries. Business meetings are also a possibility.

Dan Griffin asked what was available for kitchen facilities. Fred said there is a sink and running water and a stove in the kitchen.

Jim Wieser asked if this operation would mainly be seasonal. Fred indicated it would be mainly seasonal, but they may have small events all year in the building since its heated.

Larry Hafner asked if they were looking into wine tasting events. Fred said it's a possibility like with hard cider but they don't really anticipate getting into beverage sales. They may have cider available for kid's events, such as field trips.

Larry Hafner asked about the U-pick (apple) option. Fred said he's not sure how much they will utilize or advertise this but wanted to have it listed in his business plan in case it was needed.

Jim Wieser asked if a fire marshal had inspected the building yet. Fred indicated they haven't gotten that far yet, but they will look into what is required with the fire department. The capacity of the building could hold around 185-200 people.

Dan Griffin asked what would be the maximum number of people at an event. Fred thought there could be up to 600-700 people.

Dan Griffin asked if there were plans for any amplified music. Fred said generally it will be a DJ and the music would end by midnight. They've had music there before and his closest neighbors were ok with the noise level. They don't plan on doing much of this and it would be on weekends.

Larry Hafner asked if he planned to have any rock concerts. Fred indicated he would not.

Dan Griffin talked about the importance of addressing complaints if there ever were any to be addressed.

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

David Winsky spoke. He owns property in La Crescent Township that adjoins the area where the proposed U-Pick option is located. He has concerns on how much traffic there may be with the orchard picking. Fred stated they won't be doing too much of the apple picking option. The events they are proposing will be at their place of residence in Mound Prairie Township. Fred has an easement across David's property to access the orchard. Both David and Fred maintain the road. It was agreed that they will work out any concerns that may arise due to traffic.

Sheldon McElhiney spoke. He is the closest neighbor to the Sandvik's. His property is located directly west. He and his wife are favor of the proposed business.

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

Under Minnesota Statutes, Houston County may approve an Interim Use Permit for a property if:

1. The use conforms to the zoning regulations;  
The proposal conforms to the HCZO. The following conditions are required for a Start-Up Business:
  - a. The business must be located on the homesteaded property of the business owner.  
Staff Analysis: The Applicant resides on the primary parcel included in this application.
  - b. The business shall be compatible with the neighborhood, and not create a nuisance.  
Staff Analysis: Surrounding land is agricultural and forest with homes scattered sparsely about. Potential areas of concern include traffic congestion, noise, litter, and trespassing. The applicant has provided information to mitigate traffic congestion. A 12:00 PM end time is proposed for events that include music.
  - 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.  
Staff Analysis: The business will be located on approximately 100 acres, with an additional 100 acres being utilized as well.
- g. Days and hours of operation shall be determined by the County Board.  
Staff Analysis: The Planning Commission should make recommendations to the County Board for the frequency and hours of events.
- h. The maximum number of employees (FTE) working on-site shall be determined by the County Board.  
Staff Analysis: The Planning Commission should make recommendations to the County Board for FTE. The applicant is not anticipating a need to hire staff.
- i. There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.  
Staff Analysis: There are no plans for signage.
- 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.  
Staff Analysis: Potentials areas of concern include traffic congestion, noise, litter, and trespassing. The applicant has identified areas (4 acres) for onsite parking to accommodate up to 600 cars. However, for larger events, such as weddings, busing from locations in La Crescent will be in place and onsite parking will be strictly limited. A 12:00 PM end time is proposed for events that include music.
- k. The applicant and/or property owner shall permit the County to inspect the property at any time.

- 2. The date or event that will terminate the use can be identified with certainty;  
Staff Analysis: Start-Up Business permits require renewal at five year intervals per HCZO.
- 3. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;  
Staff Analysis: No substantial land alterations or buildings are being proposed.
- 4. The user agrees to any conditions that Houston County deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

#### Staff also recommends 2 additional conditions:

- 1. The applicant shall provide verification of the maximum occupancy for any buildings to be utilized under this permit based on State Fire Code standards.
- 2. In applicant shall fully comply with all State and Federal Laws.

Chairman Griffin added that music should end at the following times:  
Sundays – Thursdays – 10:00 PM, Fridays & Saturdays – 12:00 AM, Nights  
before Holidays – 12:00 AM.

Bob Burns questioned whether the insurance coverage for renters would also cover the county since the county issued the permit. The example given was if someone was to get hurt and a lawsuit resulted. Attorney Jandt said it's always possible the county could be named in a lawsuit but this would be a case by case situation depending on what occurred. Fred Sandvik said the county could be named as a party on the insurance rider.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1. *The applicant shall provide verification of the maximum occupancy for any buildings to be utilized under this permit based on State Fire Code standards.***
- 2. *In applicant shall fully comply with all State and Federal Laws.***
- 3. *Outdoor music will end at the following times:***  
*Sundays – Thursdays – 10:00 PM*  
*Fridays & Saturdays – 12:00 AM*  
*Nights before Holidays – 12:00 AM*

Jim 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, May 10, 2016.

Larry Hafner made a motion to adjourn the April 28, 2016 meeting and reconvene the March 24, 2016 meeting. Ed Hammell seconded. Motion carried.

**Continuation of Public Hearing No. 853. G & K Development LC/Bruening Rock Products, Inc., P.O. Box 127, Decorah, IA 52101 is seeking a conditional use permit to do mineral extraction in an ag district in Spring Grove Township.**

- An onsite visit took place on April 18, 2016. (All Planning Commission members were in attendance. Commissioner Dana Kjome was absent.)
- The proposed site was previously operated as a sand pit under a CUP from 1992 until 2007, at which time the owner (Robert Oefstedahl) chose not to extend his CUP (5 year renewals was a specific condition of the 1992 CUP). The property was purchased by G & K Development in July of 2015. The site will be operated by Bruening Rock Products / Skyline Materials.
- The applicant is seeking a CUP covering 24.5 acres and proposes to excavate 14.84 acres. The excavation will be completed in two phases, 7 acres each, over an estimated 50 year period. An estimated 30,000 tons will be extracted annually, depending on demand, and will be marketed exclusively to local commercial and agriculture customers. There will be no frac-sand mining or export from this site.
- The site is accessed via County 8. The County Engineer has reviewed the proposal, and has determined that project impacts on County 8 will be minimal. The County Engineer has recommended modification to the current access and is prepared to issue a Driveway/Access permit.
- The property was purchased by G & K Development in July of 2015. The site will be operated by Bruening Rock Products / Skyline Materials.
- The applicant is seeking a CUP covering 24.5 acres and proposes to excavate 15 acres. The excavation will be completed in two phases, 7.5 acres each, over an estimated 50 year period.
- County Highway Engineer, Pogodzinski has reviewed the application and has approved it pending an approved driveway access by the Houston County DOT.
- The Spring Grove Township Board was given copies of the Operation and Reclamation Plan.
- The Spring Grove Township board and adjoining property owners were notified. There was 1 inquiry to the Zoning Office on the application.

Chairman Griffin reviewed why the meeting was tabled from the March 24, 2016 meeting. 1) a site visit was needed 2) the reclamation plan needed additional work 3) Minnesota state statues needed to be reviewed regarding EAW requirements and 4) ground water concerns brought forward by local property owners.

Chairman Griffin reviewed that the proposed site had some mining done in the past. The applicants propose to mine to an elevation of 1,170 feet. The static water level is at approximately 1,045 feet. (The static water level would then be 70 to 100 feet below where they are proposing to stop.)

Dan Griffin proceeded to review the elevation levels in the area. The intersection of County 8 and Hwy 44 is at 1,184 feet. The intersection of County 8 and Mapleleaf Drive is at 1,190 feet. The valley to the south by the Justin Landsom site is at 1,146 feet. The valley to the east by the Jerry Ladsten site is at 1,130 feet. The limestone quarry directly west approximately 1.6 miles is at 1,068 feet.

Richard Storlie spoke. He is a landowner to the south of the proposed mining site. He has concerns about groundwater as do several other neighbors. They have no objection to mining sand there, but they are concerned about the depth they are proposing to mine and what could happen to their water quality. The more disturbances that occur can reduce the filtration of water. They would like some consideration on the mining depths that are proposed and leave some filtration for water.

Dan Griffin stated that at the proposed mining elevation of 1,170 feet there will be sand left. He asked what types of contamination they were concerned with. Richard stated he has read articles on what can happen to water quality if filtration is lacking. Dan Griffin stated that nitrates and manure are the biggest concerns for water quality. MN DNR and MPCA are also very concerned with water quality.

Ron Fadness of G & K Development spoke. He passed out maps of the reclamation plan. He stated the proposal is to mine to 1,170 feet and there is no threat to water quality. Dan Griffin asked how much sand would be left after mining to 1,170 feet. There would be 5 feet of sand left.

Ron Fadness stated the lack of filtration concerns really are irrelevant. The rain that falls within the footprint of the mine is what will drain; no water will be flowing into the site in regard to nitrates, etc.

Dan Griffin asked Luke Lunde of G & K Development to confirm that 1,170 was not the bedrock. Luke confirmed it was not the bedrock and it was 92 feet above the water level.

Larry Hafner asked if samples could be taken of the concerned citizens wells. Luke Lunde questioned what they would be testing for. Nitrates are not a concern at this location and any spills on the site have to be cleaned up according to MPCA and EPA regulations. Dan Griffin indicated there could possibly be well testing from a program available through the DNR.

Ron Fadness understood the concerns are with the water level and not so much on contamination. Richard Storlie said it is both contamination and disrupting the water quality. Dan Griffin said they need to determine what contaminants may be. It would not be nitrates or bacteria.

Larry Hafner stated the neighbors wouldn't know what the possible contaminants would be. Luke Lunde said the highest contaminate risk would be nitrates according to DNR data.

Ed Hammell suggested it would be useful to test the wells before starting so a base set.

Ron Fadness stated they may be at blame for any of the local contaminants. It is more scientifically productive to determine source points of where contaminants may be rather than end results.

Dan Griffin stated good housekeeping at the site is a must.

Aaron Lacher stated he talked with local DNR hydrologists (Jeff Green, Scott Johnson and John Berry) and asked if there were any standards for separation for mine floors and water tables and the answer was no. They all stress that housekeeping at the mine site is very important as well as spill prevention controls.

Dan Griffin asked how much would need to be spilled before cleanup is required. Luke Lunde indicated 5 gallons. Ron Fadness elaborated on the measures that need to be taken on spill prevention, containment and the recovery process. The goal is to make sure no spills happen. Brian Bakken indicated there will be no storage on site.

Aaron Lacher talked about a study Jeff Green did on a glacial sand deposit. The issue was not so much contamination but ground water flow instead. Luke Lunde discussed the ground water flow lines on the DNR mapping. The flow is moving to the north and northeast. There is no current water table in St. Peter sandstone. The County Well Index was reviewed. There are no wells listed in the St. Peter level.

Dan Griffin asked how many wells are present on the Prairie du Chien level. Luke Lunde said there were 18 wells listed.

Richard Storlie asked if the demand for the sand is that great that they have to mine as deep as they are proposing. Dan Griffin stated there is a high demand for sand for area dairy farmers and one local mine is shutting down. The area farmers want this type of sand.

Ron Fadness said they will go through the 15 acre parcel quicker if they don't go down as deep as they propose. The question is how many years will this site be available then.

Gary Buxengard asked if they had to go any deeper than the hole that is there right now. Dan Griffin said if they don't they are leaving 25%-30% of their reserve there and it's a big investment to get the site up and running. The county has to separate facts from opinions. There is no evidence that mining to 1,170 feet will affect groundwater. Conditions can be put on the permit to make sure that this is a good operation.

Todd Bornholdt, neighbor, had questions on his well. He got the well tested for nitrates when he bought the site and it tested at less than 1/2 of tolerable level. He is wondering if the DNR would test his well. Dan Griffin said he would give interested parties the information and they could contact the DNR. Todd Bornholdt also wondered how long the reclamation process would take. Dan Griffin said the site would have approximately a 50 year life, reclamation will occur after they are half way through.

Rich Schild stated since there is no fuel storage on the site are they prepared in case a mishap happens and there is leakage. Luke Lunde said if a spill occurs what is used to clean it up and the affected soil will be removed.

Bob Burns asked about the process of notifying MPCA if a spill happens and when they come to check it out. Luke Lunde said it has to sit for a time before MPCA comes. They will continually sample until affected soils no longer exist.

At this time the Minnesota State Statutes were reviewed:

**116C.991 ENVIRONMENTAL REVIEW; SILICA SAND PROJECTS.**

(a) Until a final rule is adopted pursuant to Laws 2013, chapter 114, article 4, section 105, paragraph (d), an environmental assessment worksheet must be prepared for any silica sand project that meets or exceeds the following thresholds, unless the project meets or exceeds the thresholds for an environmental impact statement under rules of the Environmental Quality Board and an environmental impact statement must be prepared:

(1) excavates 20 or more acres of land to a mean depth of ten feet or more during its existence. The local government is the responsible governmental unit; or

*(It was determined by the Planning Commission that this statute does not apply to this site. The site will be permitted for less than 20 acres.)*

#### **4410.4300 MANDATORY EAW CATEGORIES.**

Subpart 1. **Threshold test.** An EAW must be prepared for projects that meet or exceed the threshold of any of subparts 2 to 37, unless the project meets or exceeds any thresholds of part [4410.4400](#), in which case an EIS must be prepared.

If the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project must be included when determining if a threshold is met or exceeded if construction was begun within three years before the date of application for a permit or approval from a governmental unit for the expansion or additional stage but after April 21, 1997, except that any existing stage or component that was reviewed under a previously completed EAW or EIS need not be included.

Subp. 12. **Nonmetallic mineral mining.** Items A to C designate the RGU for the type of project listed:

B. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, the local government unit shall be the RGU.

*(It was determined by the Planning Commission that this statute does not apply to this site.)*

#### **4410.0200 DEFINITIONS AND ABBREVIATIONS.**

Subp. 9c. **Connected actions.** Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

- A. one project would directly induce the other;
- B. one project is a prerequisite for the other and the prerequisite project is not justified by itself; or
- C. neither project is justified by itself.

*(It was determined by the Planning Commission this is not a connected action.)*

Subp. 60. **Phased action.** "Phased action" means two or more projects to be undertaken by the same proposer that a RGU determines:

- A. will have environmental effects on the same geographic area; and
- B. are substantially certain to be undertaken sequentially over a limited period of time.

Subp. 68. **Proposer.** "Proposer" means the person or governmental unit that proposes to undertake or to direct others to undertake a project.

*(It was determined by the Planning Commission this is not a phased action.)*

**4410.1000 PROJECTS REQUIRING AN EAW.**

Subpart 1. **Purpose of an EAW.** The EAW is a brief document prepared in worksheet format which is designed to rapidly assess the environmental effects which may be associated with a proposed project. The EAW serves primarily to:

- A. aid in the determination of whether an EIS is needed for a proposed project; and
- B. serve as a basis to begin the scoping process for an EIS.

Subp. 2. **Mandatory EAW categories.** An EAW shall be prepared for any project that meets or exceeds the thresholds of any of the EAW categories listed in part [4410.4300](#) or any of the EIS categories listed in part [4410.4400](#).

Subp. 4. **Connected actions and phased actions.** Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when determining the need for an EAW, preparing the EAW, and determining the need for an EIS.

*(It was determined by the Planning Commission this site does not require an EAW.)*

The Conditional Use 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 |

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

RECOMMENDED CONDITIONS ARE AS FOLLOWS:

1. All applicable Federal & State Laws shall be fully complied with.
2. All applicable Federal & State Permits shall be placed on file with the County prior to the commencement of mining operations.
3. If the Mine Operator decides to wash material or to use flocculants in the future, they must first apply to the County Board to amend their Conditional Use Permit to allow this activity.
4. The Mine Operators shall notify the occupants of dwellings located within 3000' of the mine site at least 24 hours in advance of any blasting activity. This requirement can be waived by said occupants in writing, and such a waiver may be rescinded at any time by current or future occupants.
5. Prior to commencing mining operations, the Mine Operator shall provide a reclamation cost estimate which includes the cost per acre for any materials and labor required by the reclamation plan.
6. Houston County reserves the right to require a performance bond or other form of surety at a later date. The Mine Operator recognizes this right and agrees to provide the requested surety within thirty (30) calendar days of the date of receipt of a request.
7. The Owner/Applicant shall at all times have an agent whose name, telephone number, cellular number, and email address are on file with the County Zoning Administrator in order to respond promptly to concerns.
8. Prior to the removal of any material from the site, the site entrance from County 8 shall be widened to 32'-36' according to Houston County Highway Department specifications.
9. No fuel shall be stored onsite.
10. Onsite Equipment storage shall not occur within the open mine pit area. Equipment storage shall be located outside the pit area, downslope from the pit opening. The screening plant is exempt from this requirement.
11. The entrance to the site shall be properly secured to prevent public entry.
12. The Mine Operator shall develop and maintain a Spill Prevention Control Countermeasure (SPCC) plan.
13. All excavation shall be contained in less than 20 acres.

14. Seismograph(s) shall be used to monitor the effects of blasting at neighboring homes. The mine operator shall notify the occupants of dwellings located within 3000' of the mine site of the option of having a seismograph located on their property; seismograph(s) shall be rotated amongst the neighboring homes.
15. Hours of operation shall be limited to the following:  
 Weekdays: 7:00 AM – 7:00 PM  
 Saturdays: 7:00 AM – 12:00 PM  
 Sundays: Closed  
 Holidays\*: Closed  
 \*Holidays shall mean holidays observed by Houston County

Larry Hafner made the motion to recommend the Houston County Board approve the conditional use application based on the above recommended conditions. Jim 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, May 10, 2016.

Jim Wieser made the motion to approve the minutes of March 24, 2016. Dana Kjome seconded. Motion carried.

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

- |      |  |
|------|--|
| 4438 | John and Shawn Heimer – Mayville Township<br>Build garage (30' x 40')                          |
| 4439 | Gary Van Minsel – Spring Grove Township<br>Build garage (28' x 26') concrete patio (12' x 16') |
| 4440 | Tyler Lee – Houston Township<br>Build house with attached shop (44' x 56')                     |
| 4441 | Charles Little – Houston Township<br>Build pole barn (32' x 48')                               |
| 4442 | Bob Koch – Winnebago Township<br>Build garage (24' x 28')                                      |
| 4443 | Ronald Klinski – Caledonia Township<br>Build 4-stall garage (24' x 48')                        |
| 4444 | Matt Schwanbeck – Houston Township<br>Build pole shed (50' x 80')                              |

- 4445 MD Tewes Family Trust – Caledonia Township  
Replace pole shed (54' x 40')
- 4446 Jeff Shimshak/Shimshak Trust – Mound Prairie Township  
Build storage building (36' x 54')
- 4447 Darin Ideker – Brownsville Township  
Build garage (40' x 50')

Bob Burns made the motion to recommend the county board approve the zoning permits.

Rich Schild seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, May 10, 2016.

**OTHER BUSINESS:**

Bob Burns made the motion to adjourn the meeting. Dana Kjome seconded. Motion carried.

Submitted by Planning Commission Clerk on May 2, 2016.

Houston County Planning Commission  
May 26, 2016

**Approved on June 16, 2016 by Dana Kjome and Bob Burns**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, May 26, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Richard Schild and Jim Wieser. Aaron Lacher, 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. 856** was read. **Travis and Naaren Kingsley**, 9016 State 76, Caledonia, MN 55921, are seeking a conditional use permit for an existing dwelling on less than 40 acres in an agricultural district in Section 21 of Sheldon Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The Petitioners are seeking to replace the existing home on the same site. To obtain the necessary permit, they must first bring their existing site into compliance.
- This parcel was created by a parcel split in 2007 that split a 40 acre parcel into two 20 acre parcels. The Petitioners purchased the 20 acre parcel containing the original home farm, which post-split is considered a Non-Farm Dwelling because it is located on a parcel of less than 40 acres. Non-Farm Dwellings require a CUP.
- The Petitioners were granted a variance earlier this evening to reduce the required road frontage for a Non-Farm Dwelling; the site meets all additional requirements.
- The site is an existing farmyard upon a narrow, flat bench. Soils present are class two, which would preclude new Non-Farm Dwelling construction on virgin land, but is permissible on existing sites.
- The Sheldon Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairman Griffin asked the Kingsley's if they had anything to add. Naaren Kingsley's indicated she did not.

Dan Griffin asked if the driveway was shared. Naaren Kingsley indicated it was but then it branches off.

Jim Wieser asked if the original parcel had contained 45 acres and it was split with the home remaining on 5 acres and the second parcel had 40 acres remaining; could someone still build on the remaining 40 acres. Chairman Griffin said it could only be buildable if it was the only home in the  $\frac{1}{4}$   $\frac{1}{4}$  section.

Chairman Griffin asked if anyone else had any comments/questions. There were not.

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

The Conditional Use 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?   | N/A |
| 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?   | N/A |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | N/A |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | N/A |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | N/A |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?   | N/A |
| 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?   | N/A |
| 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? | N/A |
| 13. | Is the density of the proposed residential development greater than the  |     |

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| 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 |

Bob Burns asked about #7 and if the access road meets the requirements. Aaron Lacher said we are just making compliant the existing site and once they submit their new application that will be addressed.

Larry Hafner said they wouldn't be required to change the driveway, it is what it is.

Dan Griffin asked if the septic system would need to be updated. Aaron Lacher said that would be looked into once they apply for building permits.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Conditional Use application based on:

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

Bob Burns 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 7, 2016.

**Notice of Public Hearing No. 857** was read. **Margaret Erkel-Thorson**, 8404 County 4, Houston, MN 55943, is seeking a conditional use permit for an existing dwelling on less than 40 acres on a parcel to be created by a parcel split in an agricultural district in Section 18 of Sheldon Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The Petitioner intends to split the existing parcel, leaving the existing house on a 20 acre parcel. The existing house will be considered a Non-Farm Dwelling after the split due to its location on a parcel of less than 40 acres. Non-Farm Dwellings require a CUP; this application is purely to maintain compliance with the HCZO, presumably for the benefit of future owners. No construction or physical changes requiring a permit are planned at this time.
- The current house has been its present location since 1901. The house site is flat on class II soils.
- The house is located within the Flood Fringe zone. An addition constructed above the base flood elevation was done in 1999.
- The Sheldon Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairman Griffin asked if the applicant had anything else to add. The applicant was not present.

Bob Burns asked if they know how the parcel will be split. It was indicated there will be a survey done. Bob then asked if the intent of the split was to possibility have another buildable site. Aaron Lacher said the 1 per 40 rule is in effect and they would need to apply for a permit accordingly. Bob Burns asked if they have more than 40 acres but is in a different  $\frac{1}{4}$   $\frac{1}{4}$ . Dan Griffin said if they own 40 contiguous acres, it only buildable, if it is the only house in the  $\frac{1}{4}$   $\frac{1}{4}$ . Theoretically, 4 homes could be built close together if they are all in separate 40s.

Larry Hafner asked what this hearing does for the applicant, if they aren't rebuilding, why they need to go through this process.

Pete Peterson, realtor, arrived. Dan Griffin asked what the intent of the split was. Pete said Ms. Erkel- Thorson is selling off the existing home with 25 acres. Dan said she is preparing the property for sale then, Pete said that was correct.

Dan Griffin asked if the site would have sufficient road frontage. Pete indicated it would.

Pete Peterson said Mr. Erkel-Thorson is retaining approximately 202 acres, but this land is not likely buildable.

Larry Hafner asked if this is the only residence in the ¼ ¼ section, why this hearing is necessary, it's already built. Aaron Lacher stated this is assurance to the buyer in that they don't have to straighten out the parcel, should they want to build something later. Pete Peterson said the concern was if the new owner wanted to build an addition or a building in the future, they didn't want to make this an obstacle for them. Dan Griffin said this site will be a conforming site after they get this CUP. The new owner couldn't build or expand in the future without it. Rich Schild elaborated that once they get a CUP they can build a shed, etc., just can apply for a permit just like normal building permits.

Pete Peterson talked about flood insurance concerns with certain locations in the county. There was general discussion on possible ordinance updates/changes to help accommodate the residents of the county.

Bob Burns asked for clarification whether hearing notices are sent to the closest neighbors or property owners. It was indicated the notices go to the property owners.

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

The Conditional Use 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?  | N/A |
| 3.  | Will the proposed use degrade the water quality of the County?   | N/A |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | N/A |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | N/A |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | N/A |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | N/A |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | N/A |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | N/A |
| 10. | Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?                           | N/A |
| 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? | N/A |

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| 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? | N/A |
| 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 |

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

There was further general discussion on floodplain concerns and concerns at this location. If this home would ever be rebuilt, it may be difficult to prove it's not in a floodplain without certification. Pete Peterson said when they built the house addition in 2003, if they would have gotten rid of the old basement, they would be out of the floodplain.

Ed Hammell made the motion to recommend the Houston County Board approve the Conditional Use application based on:

***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 7, 2016.

Rich Schild made the motion to approve the minutes of April 28, 2016. Jim Wieser 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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|------|--|
| 4448 | Lori Bresnahan – Hokah Township<br>Rebuild deck (24' x 15') and (5' x 17') |
|------|--|

- 4449 Chase Johnson – Sheldon Township  
Build pole building (100' x 60')
- 4450 RB Roth Inc. – Mound Prairie Township  
Build open ended structure (24' x 32') and (16' x 36')
- 4451 Dustin Sayles – Yucatan Township  
Build pole shed/horse barn (36' x 88')
- 4452 Michael Wiste – Spring Grove Township  
Build bedroom addition (16' x 26') attached garage (16' x 26') covered porch (8' x 60')
- 4453 Houston County/Crest Precast, Inc. – Brownsville Township  
Build restroom/shower building (23' x 30' 6") (Wildcat Park)
- 4454 Chad Rosendahl – Mound Prairie Township  
Build shed (40' x 50')
- 4455 Peter Wiese – Caledonia Township  
Build shed/shop (26' x 40')
- 4456 Bill Oertel – Spring Grove Township  
Build pole building (26' x 28')
- 4457 Brian Parent – Sheldon Township  
Build dwelling (28' x 82')
- 4458 Arlyn Pohlman – Mayville Township  
Build hay shed (39' x 96')
- 4459 Ryan Feller – Sheldon Township  
Build house (30' x 40') garage (30' x 30') breezeway (10' x 15')
- 4460 Dean Frank – Union Township  
Build pole shed (30' x 40')
- 4461 Robert Kuecker – Mayville Township  
Replace shed (32' x 52')

Bob Burns made the motion to recommend the county board approve the zoning permits.

Ed Hammell seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, June 7, 2016.

**OTHER BUSINESS:**

Public hearings for June will take place June 16<sup>th</sup> as staff will be out of the office on June 23<sup>rd</sup>.

Larry Hafner made the motion to adjourn the meeting. Ed Hammell seconded. Motion carried.

Submitted by Planning Commission Clerk on May 27, 2016.

Houston County Planning Commission  
June 16, 2016

**Approved on July 28, 2016 by Jim Wieser and Ed Hammell**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, June 16, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Richard Schild and Jim Wieser. Aaron Lacher, 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. 858** was read. **Mathy Construction Company**, 920 10<sup>th</sup> Avenue North, Onalaska, WI 54650, is seeking an interim use permit for a temporary bituminous plant in an agricultural district in Section 16 of Mayville Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The Petitioner requests an Interim Use Permit to set up and operate a bituminous plant in an existing quarry (Gengler Quarry CUP #314) in Mayville Township.
- The plant will be producing 42,000 tons of asphalt for the CSAH 14 project.
- The plant will be located in an existing quarry (Gengler) approximately 55 acres in size. The site is accessed via County Road 32. Floor elevation will be 926 feet. The nearest well records indicate a static water level elevation of 770 feet.
- Recommended permit expiration shall be November 17, 2016 (90 day estimate + 20% contingency).
- The Mayville Township board and adjoining property owners were notified. There were no inquiries to the zoning office on the application.

Chairman Griffin asked if Mathy Construction had anything to add. Chad Kelley was present for Mathy Construction Company. Chad said the start date is early to mid-August and will be set up there for about a month.

Larry Hafner asked if this was a pretty standard procedure for the company. Chad Kelley indicated it was.

Jim Wieser indicated the application lists using Plant 52 but the diagram shows specifications for Plant 66. Chad Kelley said there was a change in the plant they will be using, but the configurations are the same. They will be using Plant 66 for the project.

Jim Wieser mentioned there are alternate routes from Highway 14 back to the quarry site and there are several township roads that connect to 249 which are narrow. He recommended truck traffic be restricted to the Highway 14 project. Chad indicated the haul routes have been established on the aerial photo that is provided.

Jim Wieser asked if the hours of operation were for the plant or for laying asphalt too. Chad Kelley said the operation hours are from 5 a.m. to 9 p.m. which includes both.

Chairman Griffin asked if anyone else had any comments/questions. There were not.

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

The Interim Use 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?  | N/A |
| 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?                    | N/A |
| 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  |

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|--|-----|
| 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?   | 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 |

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

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1. All federal, state and local permits be obtained and followed.**
- 2. Permit expiration shall be November 17, 2016.**

Rich Schild seconded. (Bob Burns abstained from the vote.) 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 28, 2016.

Dana Kjome made the motion to approve the minutes of May 26, 2016. Bob Burns 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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|------|--|
| 4462 | Justin Zmyewski/Anderson Family Trust – Houston Township<br>Build ag shop/storage building (54' x 56') |
| 4463 | Phil Costigan – Jefferson Township<br>Build shed (40' x 100')  |

- 4464 John Sharpless – Black Hammer Township  
Build deck (8' x 55') and (10' x 55')
- 4465 Joshua Dahl – Yucatan Township  
Build calf building (34' x 100')
- 4466 Kyle and Elinor Hutchinson – Black Hammer Township  
Build shed (60' x 110')
- 4467 Eric Jr. and Tammy Nelson – Caledonia Township  
Build house (28' x 62') garage (28' x 28')
- 4468 Julie Chapman and David Gardner – Black Hammer Township  
Build house (48' x 22') attached garage (41' x 34')
- 4469 Myron Sylling – Wilmington Township  
Build grain bin (72,000 b.u.)
- 4470 Shooting Star Native Seeds, Inc. – Spring Grove Township  
Build addition on existing building (80' x 120')
- 4471 Jason Schroeder – Winnebago Township  
Build dwelling (30' x 40')

Jim Wieser made the motion to recommend the county board approve the zoning permits.

Larry Hafner seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, June 28, 2016.

### **OTHER BUSINESS:**

The Planning Commission discussed proposed enhancements to the Houston County Zoning Ordinance. The following sections with proposed changes are as follows:

### **SECTION 3 – RULES AND DEFINITIONS**

1. Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, ~~foresters~~, or other products suitable for human or animal consumption;
2. Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, goats or other animals as determined by the Planning Commission;
3. Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.

~~4. Temporary or permanent single family dwellings occupied by the owners of the farm and/or persons primarily engaged in the production of field crops or the raising of livestock on the farm on which the dwelling is located.~~

**54.** The necessary accessory uses and buildings for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses and buildings shall be secondary to that of primary agricultural activities.

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

1. The slope rises at least 25 feet above the ordinary high water level of the waterbody ~~body of water in Shoreland; and.~~

2. The grade of the slope averages 24 percent or greater from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 24 percent or greater.

~~3. An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.~~

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

1. The total vertical rise between the toe and top of the topographic feature is 50 feet or more.

2. The grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.

~~An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.~~

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

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

**Buildable Lot.** A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance ~~and which has 150 foot frontage on an improved and maintained public road.~~ Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

1. Area of a slope ~~in excess~~ of twenty-four (24) percent or greater.
2. A shoreland impact zone as defined by this Ordinance.
3. Protected waters as defined in this Ordinance.
4. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.  
~~In addition, all~~ All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with section 0110.2919.

~~Non-farm dwellings shall not be located on Class I-III soils as rated in the Soil Survey, Houston County, Minnesota, Soil Conservation Service U.S.D.A., 1984.~~

**Dwelling.** A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older greater, to be considered a dwelling, a building must have been residentially occupied for eight of the last ten years.

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

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

## **SECTION 6 – CONDITIONAL USE PERMITS**

### **0110.0608 COMPLIANCE**

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. If the permit holder does not abide by violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. ~~Failure to comply with the terms of the permit shall cause automatic termination of the permit and the use may not be continued or re-started without County Board approval.~~

## **SECTION 7 – INTERIM USE PERMITS**

### **0110.0705 COMPLIANCE**

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the permit holder does not abide by violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the

~~permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.~~

## **SECTION 10 ~ VIOLATIONS, PENALTIES AND ENFORCEMENT**

### **0110.1001 VIOLATIONS, PENALTIES AND ENFORCEMENT**

Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be ~~guilty of~~ subject to misdemeanor punishment. Each day that a violation continues shall constitute a separate offense.

## **SECTION 14 – AGRICULTURAL PROTECTION DISTRICT**

### **0110.1402 PERMITTED USES**

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

**1. Agricultural Uses.** Agricultural Uses, but excluding greenhouses and animal feedlots producing three hundred (300) animal units or more of manure.

**2. Flood Control, Watershed and Erosion Control Structures.** Flood control watershed and erosion control structures provided they conform to standards established by the Natural Resources Conservation Service.

**3. Parks and Recreational Areas.** Parks, recreational areas, wildlife management areas, game refuges, forest preserves, hiking and/or biking trails, boat liveries and boat repair owned and operated by governmental agencies.

**4. Single Family Dwellings.** Single family dwellings located on 40 or more contiguous acres subject to one dwelling per quarter-quarter section and having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway, on sites considered Buildable Lots as defined by this Ordinance. An erosion control plan, as set forth by Section 24, shall be submitted with all applications for new single family dwellings, unless it meets the requirements of an Ag Use residential dwelling as defined by this ordinance.

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

a. The dwelling was in existence at least 10 years prior to the date of the property split; or, if the dwelling is less than 10 years old, it must have replaced a dwelling that was in existence at least 10

years prior to the property split that was inhabited as a permanent residence in 8 of the last 10 years prior to the time the new dwelling was built.

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

c. The dwelling site meets all applicable lot area and lot width and depth standards.

d. The dwelling and all accessory buildings meet all applicable setback standards.

e. The dwelling site has ownership of at least 33 feet of frontage on an existing public roadway, or has a legally recorded perpetual access at least 33 feet wide from an existing public roadway.

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

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

**b.** Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.

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

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

**e.** Non-farm dwelling units shall be required to be located on lots having a legally recorded perpetual access at least 33 feet wide from an existing public roadway at least one hundred fifty (150) feet of frontage on an existing public road, and a minimum lot area of one (1) acre.

#### **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.

~~**1. 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.~~

**2.1. 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.

**Add:**

**14. Mineral Extraction.** Short-term quarrying operations, sand and gravel extraction, and other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

**SECTION 27 ~ MINERAL EXTRACTION**

**0110.2701 PURPOSE**

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

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

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

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

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

**0110.2702 JURISDICTION**

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

**Subdivision 1. Exceptions.** Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

**0110.2703 DEFINITIONS**

For the purpose of this Section certain terms and words are defined as follows:

**Subdivision 1. Excavation.** Any artificial alteration of the earth excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

**Subd. 2. Operator.** Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

**Subd. 3. Reclamation Plan.** A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

**Subd. 4. Quarry.** Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

### **0110.27043 NON-CONFORMING MINES**

**From the date of the adoption of this Ordinance legal non-conforming status will only be recognized on mine sites exceeding the following area thresholds:**

- a. Sites excavating or mining gravel, stone, or other nonmetallic minerals on forty (40) acres or more.
- b. Site excavating or mining sand on 20 acres or more.

### **0110.2705 INTERIM USE PERMIT REQUIRED**

**Interim Use Permits.** Except as allowed under 0110.2704, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston as a short-term mining operation without first applying for and obtaining from the County an Interim Use Permit-pursuant to Section 7 of the Houston County Zoning Ordinance. Interim Use Permits shall be limited by the following performance standards:

1. The maximum duration of Interim Use Permit shall not exceed 3 years.
2. The maximum volume of material mined shall not exceed 10,000 cubic yards per year.

A complete application for an Interim Use Permit shall include the following:

1. An “existing conditions map” that shows conditions 200 feet beyond the mine boundary.
2. A reclamation plan.
3. A description of mining activities and estimated volumes.
4. A land description of the area to be mined.

### **0110.27046 CONDITIONAL USE PERMIT REQUIRED**

**Except as allowed under 0110.2704 or 0110.2705, no ~~No~~ person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.**

**Subdivision 1. Application for Permit.** Any person, firm, or corporation desiring to commence or

expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

1. Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.
2. An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.
3. An existing conditions map as described in Part 0110.270~~75~~ below.
4. An operation plan and map, as described in Parts 0110.270~~86~~-0110.270~~97~~ below.
5. A Reclamation plan and map as described in Part 0110.270~~108~~ below.
6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
7. Any other information requested by the Planning Commission or governing body.

#### **0110.270~~75~~-EXISTING CONDITIONS MAP**

**Subdivision 1. Information Required on the Existing Conditions Map.** The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show an outline of the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Existing topographical features at ten (10) foot contour intervals.
2. Location of wetlands, water courses, drainage systems and impounded waters.
3. Location of existing wooded areas and cultivated fields.
4. Location of existing structures and water wells.
5. Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

#### **0110.270~~86~~ OPERATIONAL PERFORMANCE STANDARDS**

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

##### **Subdivision 1. General Requirements.**

1. **Sites shall require the disturbance of no more than XXXX cubic yards of overburden.**

**2. Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

**32. Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

**43. Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

**54-Mine Area Standards.** The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:

1. Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.

2. Permits for the excavation or mining of sand shall be on sites of less than 20 acres.

**Subd. 6. Screening.** To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

**1. Residential and Commercial Properties.** The mining site and adjacent residentially and commercially zoned properties.

**2. Dwellings in Agricultural Protection Districts.** For all mining sites permitted after the adoption of this ordinance, a screening barrier or natural topographic feature shall be maintained between the mining site and existing dwellings located within one thousand (1000) feet.

**32. Public Roads.** For all mining sites permitted after the adoption of this ordinance a screening barrier of natural topographic feature shall be maintained ~~A screening barrier shall also be maintained~~ between the mining site and any public road within five hundred (500) feet of mining or processing operations.

**Subd. 7. Setback Requirements.** When more than one (1) setback standard applies, the most restrictive standard shall apply. Setback requirements in Subp. 1 & 2, 2 & 6 are reciprocal. Mining operations shall not be conducted closer than:

**1. Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.

**2. Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

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

**4. Excavating or Stockpiling.** Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create traffic or line of site problem.

**5. Public Waters.** Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

**6. Dust and Noise.** Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to ~~the boundary of any dwellings residential structures~~ existing prior to the ~~implementation of the reclamation plan issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling.~~

**7. Dwellings – New dwellings shall not be constructed within 1,000 feet of an existing mine.**

**Subd. 8. Appearance.** All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Subd 9. Days of Operation.** Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

**Subd. 10. Dust and Dirt.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize dust conditions, as far as practicable, ~~dust conditions which are injurious or substantially annoying to persons living within thirteen hundred and twentyone thousand, three hundred twenty (1320) feet of the mining operation.~~

**1. Exception.** These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

## **0110.270~~97~~ OPERATION PLAN**

**Subdivision 1. Operation Plan Requirements.** The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

1. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date and if within five (5) years, the completion date.
2. Material to be mined.
3. On site processing including crushing and washing operations.
4. Days and hours of operations.

5. Haul routes.
6. Soil erosion and sediment control plan.
7. A dust and noise control plan.

#### **0110.270~~108~~ RECLAMATION PLAN**

#### **0110.27~~109~~ PERFORMANCE BOND REQUIRED**

#### **~~0110.2710 TERM OF PERMIT~~**

~~Each Conditional Use Permit approved for mineral extraction shall be valid for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, comply with the conditions of the permit.~~

~~1. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.~~

#### **0110.27~~21~~ RENEWAL AND REVIEW**

Each Conditional Permit shall be ~~renewable for a period of five (5) years upon written application to periodically reviewed by~~ the Zoning Administrator ~~and with the concurrence of the Planning Agency. However, upon Upon~~ determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the ~~Conditional Use applicable~~ Permit or other County Ordinances, a hearing may be held to review the existence of any alleged violations. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.

#### **0110.27~~32~~ REVOCATION OF PERMIT**

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the County Board of Commissioners.

**Subdivision 1. Notice of Violation.** The Board of Commissioners shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

**Subd. 2. Hearing.** The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

**Subd. 3. Suspension or Termination of Permit.** If said Board of Commissioners shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Board of Commissioners.

### **SECTION 29 – GENERAL PROVISIONS**

#### **0110.2903 HOME OCCUPATIONS**

**Subdivision 1. Purpose.** The purpose of this classification is to prevent competition with business districts, protect the natural resources of the County, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and

continuance of home occupations as accessory uses shall be ~~conditionally~~ **interim** permitted if the following requirements and conditions are satisfied.

Bob Burns made the motion to adjourn the meeting. Jim Wieser seconded. Motion carried.

Submitted by Planning Commission Clerk on June 20, 2016.

Houston County Planning Commission  
July 28, 2016

**Approved on August 25, 216 by Ed Hammell and Larry Hafner**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, July 28, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell, Richard Schild and Jim Wieser. Aaron Lacher, 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. 859** was read. **Steve Harrison**, 1827 Jourdan Court, Eagan, MN 55122, is seeking are seeking a conditional use permit to build a cabin in an agricultural district in Section 14 of Crooked Creek Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner requests a Conditional Use Permit (CUP) to locate a cabin in an Ag Protection District.
- Petitioner recently acquired this property with the intent of siting a cabin. He was in contact with staff prior to the purchase. Houston County Zoning Ordinance (HCZO) 0110.1403 limits cabins to one per quarter quarter. There are currently no other cabins in this quarter quarter.
- The site is accessed via Hillside Road. Slopes range from 4%-12%. Primary soils are class III and IV. There are no slope or soil requirements for cabins. A shed that is slated for removal currently sits in the southeast corner. The current location of the shed does not meet setback requirements and is planning to remove it.
- The Crooked Creek Township board and adjoining property owners were notified. There were 2 inquiries to the zoning office on the application.

Chairman Griffin asked Steve Harrison if he had anything to add. Steve said he made sure he met all the requirements for building this cabin.

Dan Griffin asked how many acres Steve owned. Steve said 1.33 acres. Dan Griffin asked if there was an easement on the property. Steve said it is a shared easement with Brian Brickman.

Bob Burns questioned if the hearing notice indicates to the other property owners that this would be the only cabin allowed to be built within the quarter quarter. Aaron Lacher indicated they do not.

David Brickman questioned if he would be able to put a cabin on his land. Dan Griffin said not if it is in the same quarter quarter as this cabin. David Brickman asked if they could put a house in the same quarter quarter. It was explained if it were the only home in the quarter quarter, he could. David and Brian Brickman reviewed the mapping and they were satisfied that their land is not affected by this cabin.

Larry Hafner asked if Steve needed an easement to access his property. Steve said he does not.

Chairman Griffin asked if anyone else had any comments/questions. There were not.

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

The Conditional Use 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?   | N/A |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | N/A |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | N/A |
| 7.  | Are adequate utilities, access roads, drainage and other necessary facilities being provided?  | N/A |
| 8.  | Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?  | N/A |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | N/A |
| 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? | YES |
| 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                       |     |

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|--|-----|
| nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result?  | N/A |
| 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 |

Rich Schild noted that this cabin could not be rented. Steve Harrison said he will not, it's for his own hunting purposes.

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

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application based on:

- 1. All federal, state and local permits be obtained and followed.**
- 2. The existing shed be removed prior to the issuance of a zoning permit for a cabin.**

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, August 16, 2016.

**Notice of Public Hearing No. 860** was read. **Sarah Wexler-Mann**, 21215 State 16, Houston, MN 55943, is seeking an interim use permit for a start-up business (multi-use agri-tourism) in an agricultural district in Section 33 of Yucatan Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- The petitioner is seeking an Interim Use Permit to operate a Start-Up Business in an Ag Protection District.

- The business will consist of two primary operations: a farm store (roadside stand) and a recreational disc golf course. Operation will be seasonal in nature. A variety of items will be offered for sale —many being agricultural products produced onsite. Recreational disc golf will also be offered on an established course.
- The operation is proposed on a 65 acre parcel off of State 16. The site is partially included in the FEMA Floodplain, including the farm stand and the parking area. The stand is mobile, and thus is not considered a structure, however, staff recommends that a condition be added requiring a plan for moving the farm stand in the event of an imminent flood. Parking areas are a permitted use in a floodplain. The disc golf course may also overlap slightly with the floodplain, but it is also a permitted use.
- The site is access via an established farm entrance off State 16. MnDOT have indicated that no improvements or additional permits would be required for the proposed use for up to 100 trips per day.
- The majority of the disc golf course is located on irregular shaped terraces, narrow gullies, valley foot slopes, and side slopes of terraces. A buffer separates the course from adjacent properties, with the nearest component being approximately 50' from the parcel line in the northwest corner.
- The Yucatan Township board and adjoining property owners were notified. There were no inquired to the zoning office on the application.

Chairman Griffin asked if Sarah Wexler-Mann had anything to add. Sarah said she put everything in the packet that she provided.

Dan Griffin asked how much parking she anticipates needing. Sarah said with a recent plant sale she had about 25 to 30 vehicles in a flat mowed area. She doesn't anticipate much more than that.

Rich Schild asked how big of a shed is needed. Sarah said they are using a moveable structure right now. Depending on how the business does they may expand into an existing structure on the property. She would come back for further permits if needed.

Dan Griffin asked if the area has ever flooded. Sarah said it has not in the 6 years they have been there. The previous owners did not experience flooding either. Sarah said the plant building is moveable in case of flooding.

Larry Hafner asked how many people she anticipates having at the disc golf course. Sarah said she talked to the Hokah golf course and they have maybe 40 to 50 people on a busy weekend. She doesn't anticipate a lot.

Larry Hafner asked about sanitary facilities. Sarah said there is a flushing toilet and sink in the old milk house they plan to use.

Larry Hafner asked if they had done any advertising. Sarah said they will once they receive a recommendation by the planning commission and have county board approval.

Jim Wieser asked if the milk house toilet was hooked up to a septic system. Sarah indicated it was.

Larry Hafner asked if the dairy operation was still running. Sarah indicated it was no longer in operation.

Dan Griffin asked if the septic system in the milk house was separate from the house. Sarah believed it was. Dan asked what the septic requirements would be for a business such as this. Aaron Lacher said they weren't building any structures, so he didn't think this would trigger a septic review.

Bob Burns asked if they would expand the recreation business if they needed to come back for additional permits. Aaron Lacher said if it is substantially different than what is approved on this permit they would.

Rich Schild asked if they moved the business from the stand to a building on the property if they needed to get additional permits. Aaron Lacher indicated they would need to review the permit if this happens and would discuss with the county attorney.

Dan Griffin questioned whether the restroom facilities in the milk house were sufficient for the public if 40 to 50 people are using the facilities. Rick Frank said Sarah would have to work with the state health department on what is required for her business. If the system is non-conforming, then it would need to be brought up to code.

Jim Wieser asked if a portable septic system would be allowable. Rick Frank said it could be sufficient. Rick asked if Sarah checked into this. Sarah indicated she had not at this point because they aren't serving food or beverages; the facilities are to be used on an as needed basis for the recreational business. Sarah will check into this.

Larry Hafner asked how many holes the golf course had. Sarah said 19.

Jim Wieser asked how many access trips per day Sarah anticipates. He is wondering if she may be reaching her MnDOT limit of 100 trips (In/Out=2). If it is more than 100 trips it would require improvement of access off of State 16.

Sarah thought MnDOT wanted to know if there were more than 100 trips per day. She doesn't anticipate going over the 100 trip limit at this point. At the most she's had 25 to 30 cars there per day, thus 50 to 60 access trips.

Sarah questioned the restroom facilities situation and what is required of her. Dan Griffin said it should be a condition on her permit that the septic facilities be checked and approved. She should contact the state department of public health to find out, since it is for public use.

Chairman Griffin asked if anyone else had any comments/questions. There were not.

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

The Interim Use 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?   | N/A |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | N/A |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | N/A |
| 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?  | N/A |
| 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?   | N/A |
| 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? | N/A |
| 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 |

Aaron Lacher read conditions the planning commission may want to consider.

Dan Griffin questioned why a \$2,000,000 liability limit is listed as a condition. He wonders if it is necessary.

Rich Schild indicated the gun range permit didn't have a dollar amount listed as a condition. He thinks it should be removed. Jim Wieser agreed. There was a consensus to remove that suggested condition.

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

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application based on:

- 1. All federal, state and local permits be obtained and followed.**
- 2. The permit holder shall submit a written flood plan outlining the actions necessary for the removal of the farm stand from the Flood Hazard Area should flooding conditions threaten.**
- 3. Permit valid for 5 years and renewed administratively by zoning office.**
- 4. Portable restrooms be used until septic system is up to code.**

Bob Burns 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, August 16, 2016.

Jim Wieser made the motion to approve the minutes of June 16, 2016. Ed Hammell seconded. Motion carried.

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

4472                      Larry and Patty Van Gundy – Money Creek Township  
Build deck (20' x 20')

|      |  |
|------|--|
| 4473 | Jeremy and Danielle Myhre – Wilmington Township<br>Build house and garage (44' x 85')    |
| 4474 | Howard Deters – Spring Grove Township<br>Replace garage (36' x 64')                      |
| 4475 | Timothy DeWall – Caledonia Township<br>Build pole building (36' x 32')                   |
| 4476 | Tim Schieber – Caledonia Township<br>Move 24' grain bin and install new 54' grain bin    |
| 4477 | Anthony Miller – Mound Prairie Township<br>Build pole building (24' x 36')               |
| 4478 | Bob Scanlan – Brownsville Township<br>Build pole shed (30' x 72')                        |
| 4479 | Daniel and Imelda Cuhel – Mound Prairie Township<br>Build deck (12' x 30')               |
| 4480 | Lyle Konkel – Caledonia Township<br>Build shop (40' x 50')                               |
| 4481 | John Dewey – Yucatan Township<br>Build workshop (20' x 24')                              |
| 4482 | Benjamin and Levenda Ranney – Union Township<br>Build house and garage (54' x 90')       |
| 4483 | Brian and Ruth Lavelle – Black Hammer Township<br>Build sewing room addition (19' x 18') |

Bob Burns made the motion to recommend the county board approve the zoning permits.

Larry Hafner seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, August 16, 2016.

Public Meeting on proposed amendments to the Houston County Zoning Ordinance. The following sections with proposed changes are as follows:

1. Section 3 – Rules and Definitions
  - a. Amends definitions of: agricultural use, bluff, buildable lot, dwelling
2. Section 6 – Conditional Use Permits
  - a. Establishes due process for violations consistent with Section 10.
3. Section 7 – Interim Use Permit

- a. Establishes due process for violations consistent with Section 10
- 4. Section 10 – Violations, Penalties and Enforcement
  - a. Clarifies consequences of violation
- 5. Section 14—Agricultural Protection District
  - a. Modifies requirements for farm dwellings
  - b. Modifies requirements for non-farm dwellings
  - c. Eliminates non-commercial family cabins
  - d. Adds mineral extraction as an interim use
- 6. Section 27 – Mineral Extraction
  - a. Clarifies purpose
  - b. Establishes area limitations
  - c. Clarifies permit requirements
  - d. Clarifies screening & setback requirements
  - e. Eliminates term language and renewal requirements
  - f. Clarifies review
- 7. Section 29 – General Provisions
  - a. Clarifies permit requirement

Dan Griffin read the meeting guidelines. A summary of the changes and discussions follows:

### **SECTION 3 – RULES AND DEFINITIONS**

1. Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, ~~foresters~~, or other products suitable for human or animal consumption;
2. Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, goats or other animals as determined by the Planning Commission;
3. Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.
- ~~4. Temporary or permanent single family dwellings occupied by the owners of the farm and/or persons primarily engaged in the production of field crops or the raising of livestock on the farm on which the dwelling is located.~~

**54.** The necessary accessory uses and buildings for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses and buildings shall be secondary to that of primary agricultural activities.

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

1. The slope rises at least 25 feet above the ordinary high water level of the waterbody ~~body of water in Shoreland;~~ and.

~~2. The grade of the slope averages 24 percent or greater from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 24 percent or greater.~~

~~3. An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.~~

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

1. The total vertical rise between the toe and top of the topographic feature is 50 feet or more; and

2. The grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.

~~An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.~~

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

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

**Buildable Lot.** A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance ~~and which has 150 foot frontage on an improved and maintained public road.~~ Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

1. Area of a slope ~~in excess~~ of twenty-four (24) percent or greater.
2. A shoreland impact zone as defined by this Ordinance.
3. Protected waters as defined in this Ordinance.
4. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

~~In addition, all~~ All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with section 0110.2919.

~~Non-farm dwellings shall not be located on Class I-III soils as rated in the Soil Survey, Houston County, Minnesota, Soil Conservation Service U.S.D.A., 1984.~~

**Dwelling.** A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older to be considered a dwelling, a building must have been residentially occupied for eight of the last ten years.

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

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

*Yvonne Krogstad questioned why #4 under Agricultural Use is being removed. Aaron Lacher indicated in 2014 temporary farm housing was added as an Interim Use. It is covered in that section and doesn't need to be listed here. There has to be an end date of use on an Interim Use permit and it is not transferrable. Under Dwellings, Yvonne asked how residency is proven. Dan Griffin stated they want to make sure it is not an abandoned dwelling that hasn't been lived in. Utility bills could be checked.*

This section was approved by the Planning Commission by unanimous consent.

## **SECTION 14 – AGRICULTURAL PROTECTION DISTRICT**

### **0110.1402 PERMITTED USES**

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

**1. Agricultural Uses.** Agricultural Uses, but excluding greenhouses and animal feedlots producing three hundred (300) animal units or more of manure.

**2. Flood Control, Watershed and Erosion Control Structures.** Flood control watershed and erosion control structures provided they conform to standards established by the Natural Resources Conservation Service.

**3. Parks and Recreational Areas.** Parks, recreational areas, wildlife management areas, game refuges, forest preserves, hiking and/or biking trails, boat liveries and boat repair owned and operated by governmental agencies.

**4. Single Family Dwellings.** Single family dwellings located on 40 or more contiguous acres subject to one dwelling per quarter-quarter section and having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway, on sites considered Buildable Lots as defined by this Ordinance. An

erosion control plan, as set forth by Section 24, shall be submitted with all applications for new single family dwellings. unless it meets the requirements of an Ag Use residential dwelling as defined by this ordinance.

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

a. The dwelling was in existence at least 10 years prior to the date of the property split; or, if the dwelling is less than 10 years old, it must have replaced a dwelling that was in existence at least 10 years prior to the property split that was inhabited as a permanent residence in 8 of the last 10 years prior to the time the new dwelling was built.

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

c. The dwelling site meets all applicable lot area and lot width and depth standards.

d. The dwelling and all accessory buildings meet all applicable setback standards.

e. The dwelling site has ownership of at least 33 feet of frontage on an existing public roadway extending the entire distance between the public road and the dwelling, or has a legally recorded perpetual access at least 33 feet wide from an existing public roadway. Single family dwellings located on less than 40 acres that were not issued Conditional Use Permits and do not meet the above criteria are considered non-conforming.

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

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

**b. Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.**

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

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

**e. Non-farm dwelling units shall be required to be located on lots having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway at least one hundred fifty (150) feet of frontage on an existing public road,** and a minimum lot area of one (1) acre.

**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.

~~**1. 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.~~

**2.1. 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.

**14. Mineral Extraction.** Short-term quarrying operations, sand and gravel extraction, and other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

*Yvonne Krogstad asked when a house is split off from a 40, who keeps track. Dan Griffin said there will be a checklist given to bankers, realtors and lawyers on the rules. If a transaction happens and they do not comply, then a hearing will result.*

*Ken Tschumper asked what is trying to be accomplished, it seems complicated. Dan Griffin said there would be no public hearing needed if the requirements are met.*

This section was approved by the Planning Commission by unanimous consent.

## **SECTION 6 – CONDITIONAL USE PERMITS**

### **0110.0608 COMPLIANCE**

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. If the permit holder violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. ~~Failure to comply with the terms of the permit shall cause automatic termination of the permit and the use may not be continued or re-started without County Board approval.~~

## **SECTION 7 – INTERIM USE PERMITS**

### **0110.0705 COMPLIANCE**

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection

therewith. If the permit holder violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. ~~If the applicant does not abide by the conditions set forth in the permit, the County has the right to either revoke the permit or hold another hearing to investigate and set additional conditions.~~

## **SECTION 10 ~ VIOLATIONS, PENALTIES AND ENFORCEMENT**

### **0110.1001 VIOLATIONS, PENALTIES AND ENFORCEMENT**

Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be ~~guilty of~~ subject to misdemeanor punishment. Each day that a violation continues shall constitute a separate offense.

*Rich Schild is of the opinion that “shall” should remain and the permit holder should have a hearing. He wonders why a permit holder wouldn’t want to have hearing. Aaron Lacher indicated that Section 10 requires an investigation; he supports this change because the Zoning Administrator could remedy the problem without a public hearing. The Zoning Administrator would work with the permit holder to come into compliance.*

*Ken Tschumper asked if it was up to the Zoning Administrator to determine misdemeanor punishment as it seems undefined. Aaron Lacher said if a permit holder is not complying the Zoning Administrator would work with them to come into compliance and allows for flexibility.*

*Michael Kruckow said he agrees with the language changes. The Zoning Administrator should have the ability to deal with minor infractions. Not everything requires a public hearing or to go to the county board. Most issues can easily be resolved without a hearing.*

*Donna Buckbee is of the opinion that “mays” should be changed to “shalls”. Aaron Lacher said Section 10 covers “shalls” and requires enforcement and debates whether a public hearing is needed or not.*

*Gretchen Cook is of the opinion that “mays” should be erased to read “shalls”.*

*Wayne Feldmeier is of the opinion that the same people who keep calling in complaints should be held accountable. The complainant should be able to meet the accuser.*

*Rich Schild made a motion under the Compliance area to say “The County shall hold a hearing to investigate”. Aaron Lacher said in most cases the situation can be remedied without involvement of a public hearing. Larry Hafner questions whether it is necessary for every little issue to have a public hearing. Motion was withdrawn after further discussion.*

These sections were approved by the Planning Commission by unanimous consent.

## **SECTION 27 ~ MINERAL EXTRACTION**

### **0110.2701 PURPOSE**

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

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

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

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

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

### **0110.2702 JURISDICTION**

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

**Subdivision 1. Exceptions.** Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

### **0110.2703 DEFINITIONS**

For the purpose of this Section certain terms and words are defined as follows:

**Subdivision 1. Excavation.** Any artificial alteration of the earth excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

**Subd. 2. Operator.** Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

**Subd. 3. Reclamation Plan.** A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

**Subd. 4. Quarry.** Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

### **0110.27043 NON-CONFORMING MINES**

From the date of the adoption of this Ordinance legal non-conforming status will not be recognized on mine sites exceeding the following area thresholds:

a. Sites excavating or mining gravel, stone, or other nonmetallic minerals on 40 acres or more.

b. Site excavating or mining sand on 20 acres or more.

### **0110.2705 INTERIM USE PERMIT REQUIRED**

**Interim Use Permits.** Except as allowed under 0110.2704 or 0110.2706, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston as a short-term mining operation without first applying for and obtaining from the County an Interim Use Permit-pursuant to Section 7 of the Houston County Zoning Ordinance.

**Subdivision 1. Limited to Public Works.** Interim Use Permits shall be limited to the temporary use of a property for a use customarily incidental to the construction of public roads, buildings, utilities or projects. In addition to the standards required under 0110.2708, Interim Use Permits shall be limited by the following performance standards:

1. The maximum duration of Interim Use Permit shall not exceed 3 years.

2. The maximum volume of material mined shall ~~not exceed 10,000 cubic yards per year.~~ be set by the Planning Commission at a public hearing when the application is being considered.

3. The County may adjust performance standards as necessary when issuing Interim Use Permits.

**Subd. 2. Application for Permit.** A complete application for an Interim Use Permit shall include the following:

1. An “existing conditions map” that shows conditions 200 feet beyond the mine boundary.

2. A reclamation plan and a map as described in Part 0110.2710 below.

3. A description of mining activities and estimated volumes.

4. A land description of the area to be mined.

5. Any other information requested by the Planning Commission or governing body.

*Aaron Lacher commented that after discussion with the County Engineer there had been some additions in the Interim Use area. Subdivision 1. Limited to Public Works was added as well as #3. Dan Griffin stated that the volume limit and time limit could be set at a public hearing. The time limit would not exceed 3 years. Larry Hafner stated it could be worded that the Planning Commission would determine the limit if it's greater than 10,000 yards. Bob Burns asked if the applicant only needs 4,000 cubic yards but then discovers they need more, do they have to wait for another public hearing. Dan Griffin stated the applicant should do good planning and allow for a 20%-25% overage. Aaron Lacher stated the IUP option is for a project that does not go on and on.*

*Wording was changed in #2 - not exceed 10,000 cubic yards per year, was removed and "be set by the Planning Commission at a public hearing when the application is being considered" is added.*

## **0110.2704~~6~~ CONDITIONAL USE PERMIT REQUIRED**

Except as allowed under 0110.2704 or 0110.2705, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

**Subdivision 1. Application for Permit.** Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

1. Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.
2. An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.
3. An existing conditions map as described in Part 0110.270~~7~~5 below.
4. An operation plan and map, as described in Parts 0110.270~~8~~6-0110.270~~9~~7 below.
5. A Reclamation plan and map as described in Part 0110.271~~0~~8 below.
6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
7. An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.

8~~7~~. Any other information requested by the Planning Commission or governing body.

## **0110.270~~7~~5-EXISTING CONDITIONS MAP**

**Subdivision 1. Information Required on the Existing Conditions Map.** The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show an outline of the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Existing topographical features at ten (10) foot contour intervals.
2. Location of wetlands, water courses, drainage systems and impounded waters.
3. Location of existing wooded areas and cultivated fields.
4. Location of existing structures and water wells.
5. Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

## 0110.270~~86~~ OPERATIONAL PERFORMANCE STANDARDS

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

### Subdivision 1. General Requirements.

*After discussion, the proposed wording: "Sites shall require the disturbance of no more than XXXX cubic yards of overburden." will be removed.*

**1. Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

**2. Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

**3. Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

**4. Mine Area Standards.** The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:

1. Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.

2. Permits for the excavation or mining of sand shall be on sites of less than 20 acres.

*(#5 was added)*

**5. Mine Density Standards.** New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

*Dan Griffin stated this limits mines to a ½ mile apart. Bob Burns questioned why gravel would be exempt. There was discussion on the density standard being for sand only with a consensus that it should not be on gravel as there is not a market for the export of gravel mined locally for uses elsewhere.*

**Subd. 6. Screening.** To minimize problems of dust and noise and to shield mining operations from public view, a natural topographic feature shall be maintained or a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

**1. Residential and Commercial Properties.** The mining site and adjacent residentially and

commercially zoned properties.

**2. Dwellings in Agricultural Protection Districts.** For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and existing dwellings located within one thousand (1000) feet.

**32. Public Roads.** For all mining sites permitted after the adoption of this ordinance a screening barrier or a natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

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

**1. Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.

**2. Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

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

**4. Excavating or Stockpiling.** Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create traffic or line of site problem.

**5. Public Waters.** Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

**6. Dust and Noise.** Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to ~~the boundary of any dwelling residential structures~~ existing prior to the ~~implementation of the reclamation plan~~ issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling within 1,000 feet.

**7. Dwellings.** New dwellings shall not be constructed within 1,000 feet of an existing mine boundary, unless the new dwelling replaces an existing dwelling that has been occupied for eight of the last ten years, or if the new dwelling replaces a dwelling destroyed by natural disaster. (Wording was added).

**Subd. 8. Appearance.** All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

**Subd 9. Days of Operation.** Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

**Subd. 10. Dust and Dirt.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize dust conditions, as far as practicable, ~~dust conditions which are injurious or substantially annoying to persons living within thirteen hundred and twentyone thousand, three hundred twenty (1320) feet of the mining operation.~~

**1. Exception.** These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

### **0110.270~~97~~ OPERATION PLAN**

**Subdivision 1. Operation Plan Requirements.** The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

1. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date and if within five (5) years, the completion date.
2. Material to be mined.
3. On site processing including crushing and washing operations.
4. Days and hours of operations.
5. Haul routes.
6. Soil erosion and sediment control plan.
7. A dust and noise control plan.

### **0110.27~~108~~ RECLAMATION PLAN**

#### **0110.27~~1109~~ PERFORMANCE BOND REQUIRED**

A performance bond for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

**0110.2710 TERM OF PERMIT**

~~Each Conditional Use Permit approved for mineral extraction shall be valid for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, comply with the conditions of the permit.~~

~~1. An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.~~

**0110.2712~~1~~ RENEWAL AND REVIEW**

Each Conditional Permit shall be ~~renewable for a period of five (5) years upon written application to periodically reviewed by~~ the Zoning Administrator ~~and with the concurrence of the Planning Agency. However, upon~~ Upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the ~~Conditional Use applicable~~ Permit or other County Ordinances, a hearing may be held to review the existence of any alleged violations in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. ~~An examination of the premises can be made by the Zoning Administrator at any time. during the term of the operation.~~ (Reference to Section 10 was added by Bob Burns). Discussion took place on review periods. It was determined that the Zoning Administrator will periodically review the permits.

**0110.2713~~2~~ REVOCATION OF PERMIT**

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the County Board of Commissioners.

**Subdivision 1. Notice of Violation.** The Board of Commissioners shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

**Subd. 2. Hearing.** The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

**Subd. 3. Suspension or Termination of Permit.** If said Board of Commissioners shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Board of Commissioners.

*Bruce Kuehmichel questioned in 0110.2705 Interim Use #2, it should specify when the reclamation commences. Aaron Lacher stated 0110.2710 Reclamation Plan covers that, however, wording was added to say "and map as described in Part 0110.2710 below".*

*Michael Kruckow stated that arbitrary numbers (10,000 cubic yard limit and cubic yards for overburden) should be removed and should be site specific. Every site is different and should be determined at the time of the permitting. He doesn't think acreage limits are beneficial. The more costs associated in getting CUPs are passed onto the taxpayers with higher priced sand and rock.*

*Yvonne Krogstad wanted clarification on what is meant by short-term in 0110.2705. Aaron Lacher stated short term is not to exceed 3 years. She also would like to see "not exceed 10,000 cubic yards permit year" remain and add "unless a project requires more and is set by the planning commission at a public hearing". Aaron Lacher said this only applies to public works projects – roads, bridges, etc.*

*Larry Ledebuhr asked if there were any provisions for a natural disaster like the 2007 floods. It was determined the Zoning Administrator has the authority to work with townships on what needs to be done.*

*Gretchen Cook asked why the times of operation are not listed with the days and hours of operations. Aaron Lacher indicated the operations plan requires times.*

This section was approved by the Planning Commission by unanimous consent.

## **SECTION 29 – GENERAL PROVISIONS**

### **0110.2903 HOME OCCUPATIONS**

**Subdivision 1. Purpose.** The purpose of this classification is to prevent competition with business districts, protect the natural resources of the County, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and continuance of home occupations as accessory uses shall be **conditionally interim** permitted if the following requirements and conditions are satisfied.

This section was approved by the Planning Commission by unanimous consent.

Larry Hafner made the motion to adjourn the meeting. Jim Wieser seconded. Motion carried.

Submitted by Planning Commission Clerk on August 1, 2016.

Houston County Planning Commission  
August 25, 2016

**Approved on September 29, 2016 by Larry Hafner and Bob Burns**

The Houston County Planning Commission met at 7:00 p.m. on Thursday, August 25, 2016. A summary of the meeting follows.

The meeting was called to order by Chairman Daniel Griffin. Members present were Bob Burns, Daniel Griffin, Larry Hafner, Ed Hammell and Jim Wieser. *Rich Schild was absent.* Aaron Lacher, Zoning Administrator/Feedlot Officer was present for zoning. *Dana Kjome, County Commissioner was absent.* See sign in sheet for others present.

**Notice of Public Hearing No. 861** was read. **Matthew and Catherine Minor**, 209 North Sherman Street, Apt 202, Houston, MN 55943, are seeking a conditional use permit to build a dwelling on less than 40 acres in an agricultural district in Section 8 of Yucatan Township.

Aaron Lacher, Zoning Administrator/Feedlot Officer, pointed out the site on the Arc Map Photo. Mr. Lacher made the following comments in regard to the application:

- Petitioner has an option to purchase 13.96 acres transcending Sections 5 & 8 in Yucatan Township. Petitioner has consulted with the Zoning Department, and the preliminary assessment is that the site is buildable.
- The majority of the 13.96 acres is forested bluff land. There are currently no dwellings located with the proposed quarter-quarter section (NW NE of Section 8).
- The proposed building site consists of 1.25 acres of the 13.96 acres in a small draw at the southern end of the proposed parcel. Slopes range from 1%-12% on this site. Soils are class VI & VII. A large drainage way is present near the southern property line, with the slight potential for residual flowage occurring along the rear of the proposed building site; the SWDC has recommended that this area remain unimproved or be remedied with site work to direct drainage to the south; the Petitioner is in agreement.
- The area is outside of the Flood Plain. The nearest feedlot is located more than ½ mile to the southwest.

- The site is accessed off of Chisholm Rd, and proposed parcel has approximately ½ mile of frontage on Chisholm Rd. The Town Board has signed the application and is aware that access will be necessary.
- The Yucatan Township board and adjoining property owners were notified. One comment was received from the public expressing concern about drainage and potential flooding. The Township also contacted the zoning office regarding flooding. The Township supports granting the CUP with the understanding that the applicant will subsequently seek a zoning permit that will be issued only if a suitable site is identified in respect to drainage and flooding. The Township would like to be actively involved in the approval process.

Dan Griffin asked what the triangle area represented on the aerial photo. Aaron Lacher said it is the buildable site area, approximately 1 acre that is 90% buildable. The exact location has not been determined but would have to meet all criteria when applying for a zoning permit.

Aaron Lacher presented photos of the culvert and the water flow.

Jim Wieser asked how high the building site would be above the ditch. Aaron Lacher said approximately in the 4 foot range.

Dan Griffin asked for clarification on where the drainage ditch was and how many acres drain into it. Aaron Lacher said it's less than 2 square miles but was not certain. Aaron pulled up flood mapping and said the general area is being taken out of floodplain.

Bob Burns asked for clarification on what area was currently in the floodplain and is being taken out. Aaron indicated it was the area across the road from the proposed site. This area also contains a very large drainage area.

Chairman Griffin asked the Minor's if they had anything to add. Matt Minor said they hadn't determined a specific building site. After the CUP was approved, he would pursue the location. Matt said he has been working with SWCD on erosion options for potential locations.

Dan Griffin asked if Matt was comfortable building there with the drainage ditch being close. Matt indicated he was.

Larry Hafner confirmed the location is not in floodplain. Aaron said Matt would not be here if it were in floodplain.

Dan Griffin asked if Matt had an option to buy the property. Matt indicated he did. Dan asked what his time line would be for building. Matt said it depends on the timing. If it worked he may get the foundation poured before winter.

Bob Burns asked if there was a potential of flooding even though the site is not in floodplain. Matt said he wouldn't want to build there if it were.

Bob Burns asked if any of the neighbors had made remarks. Aaron indicated 1 neighbor did and this was on drainage and culverts plugging up, etc.

Ed Hammell asked if Chisholm Road was a dead end road. Matt indicated it was not.

Dan Griffin asked if the culvert floods where the water then flows. Matt thought it would continue over the road and on down.

Bob Burns asked if there were other possible locations to build on the other acreage. Aaron said it would be more challenging to find a better site.

Dan Griffin asked if there were any other spots in the other  $\frac{1}{4}$   $\frac{1}{4}$ . Aaron said there is not, there is already a home there.

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

Mary Denzer, neighbor, spoke. She has concerns since she has lived there 30 years. She said the valley has changed in the last 6 to 8 years and there is more water that comes through the area and more force with it. She explained various flooding events and that it happens more frequently. She felt she needed to share this before someone spends a lot of money to build a house.

Dan Griffin asked what the Yucatan Township comments were. Aaron Lacher said they want to be involved in approving the building location and erosion control features.

Dan Griffin asked Matt if he was working with Yucatan Township on his site. Matt said he has been in contact and plans to continue working with them.

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

The Conditional Use 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?   | N/A |
| 4.  | Will the proposed use adversely increase the quantity of water runoff?   | N/A |
| 5.  | Are the soil conditions adequate to accommodate the proposed use?  | YES |
| 6.  | Have potential pollution hazards been addressed and have standards been met?   | N/A |
| 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?  | N/A |
| 9.  | Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?  | N/A |
| 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? | N/A |
| 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 |

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

Bob Burns made the motion to recommend the Houston County Board approve the Conditional Use application based on:

- 1. All federal, state and local permits be obtained and followed.**
- 2. Prior to the issuance of a zoning permit, Yucatan Township must approve of the site plan, erosion control plan, and driveway access.**

Jim 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 6, 2016.

Ed Hammell indicated there should be a correction on page 19 on Public Roads, “of” should be “or”.

Ed Hamell made the motion to approve the minutes of July 28, 2016. Larry Hafner seconded. Motion carried.

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

- 4484 Kenneth and Terry Visger – Hokah Township  
Build deck (6' x 38')
- 4485 Douglas Jore – Sheldon Township  
Build lean-to (20' x 81')
- 4486 Elizabeth Reedy and Diane Crane – Money Creek Township  
Build deck (8' x 14')
- 4487 Lisa Brown and Mitch Brown – Yucatan Township  
Build earthen garage (50' x 60')
- 4488 John and Barbara Haverty – Crooked Creek Township  
Build house (28' x 53') decks (10' x 28') (8' x 26')
- 4489 Susan Huber – Mound Prairie Township  
Build addition on existing house (33' x 37'8")
- 4490 Matt and Carlie Gullickson – Mound Prairie Township  
Build house (30' x 60') garage (30' x 36')
- 4491 Mitch Bublitz – Houston Township  
Build house (40' x 70') and (30' x 40')
- 4492 Troy Winjum – Mayville Township  
Build shed/shop (40' x 60')
- 4493 Matt and Emily Goetzinger – Caledonia Township  
Build house (32' x 54') garage (26' x 24')
- 4494 Matt and Brooke Klug – Caledonia Township  
Build house, garage, porch (50' x 82')
- 4495 Wayne Houdek – Mayville Township  
Build freestall barn (94' x 160')

- 4496 Don Petersen – Brownsville Township  
Build lean-to on existing barn (20' x 32' and 16' x 36')
- 4497 Steve Harrison – Crooked Creek Township  
Build cabin (20' x 20')
- 4498 Farmer's Co-Op Elevator – Houston Township  
Build feed mixing tower and ingredient tower (32' x 24')

Bob Burns made the motion to recommend the county board approve the zoning permits.

Ed Hammell seconded. Motion carried unanimously. The zoning permits will be presented to the Houston County Board for final approval on Tuesday, September 6, 2016.

### **OTHER BUSINESS:**

Aaron Lacher wanted input/clarification from the board members on the Temporary Farm Dwelling wording/meaning. Numbers 1, 2, 4 and 5 are not actually conditions. Number 3 is really the only one with conditions.

### **0110.2920 TEMPORARY FARM DWELLING**

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

1. The manufactured home will be an accessory dwelling unit located on a farm.
2. The manufactured home will be occupied by persons who are:
  - a. Members of the family of the persons occupying the principal dwelling house on the premises.
  - b. Engaged in the occupation of farming on the premises as partners of other business associates or employees of the persons living in the principal dwelling house on the premises.
3. The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2.b. above.
4. At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.
5. The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

There were various opinions on this and the consensus was they need to amend this in the future.

Larry Hafner made the motion to adjourn the meeting. Bob Burns seconded. Motion carried.

Submitted by Planning Commission Clerk on August 26, 2016.