

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: June 2, 2026

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present: Cindy Wright, Eric Johnson, Kurt Zehnder, Robert Schuldt, and Greg Myhre

Others Present: Interim Auditor/Treasurer Polly Heberlein, Fillmore County Journal Reporter Wanda Hanson, The Caledonia Argus Associate Editor Katia Gorsuch, Finance Director Carol Lapham, Coordinator Brent Parker, EDA Director & Coordinator Support Allison Wagner, Engineer Brian Pogodzinski, Attorney Suzanne Bublitz, John Haines, Steve Breuer, Tom Ready, Tim Runningen, and Clayton Johnson

Presiding: Chairperson Myhre

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Zehnder, seconded by Commissioner Johnson motion unanimously carried to approve the agenda.

Motion was made by Commissioner Wright, seconded by Commissioner Schuldt, motion unanimously carried to approve the meeting minutes from May 26, 2026.

Public Comment:

Clayton Johnson from Black Hammer Township said he had a question about Ordinance 18 that was recently passed. He said under enforcement the Houston County Sheriff was listed to enforce the ordinance but not the DNR. Johnson said other counties with similar ordinances had followed the same format and had listed the DNR. Johnson said he just wanted to make sure the DNR would enforce Houston County's shotgun only rule for deer hunting. Coordinator Parker said the Sheriff could charge people in violation under the County Ordinance, while the DNR could charge under State statute.

### APPOINTMENTS

Sheriff Swedberg recognized the 47 years Carrie O'Heron had served at the Houston County Sheriff's Office. He said she was very dedicated to her job and came every day with a good attitude. The County was happy for her as she would be retiring, but she would be greatly missed.

Southern Minnesota Initiative Foundation (SMIF), President and CEO, Benya Kraus gave a presentation to the board. Kraus introduced herself to the board saying she had recently become SMIF's President and CEO after Tim Penny retired after many years. She said she knew she had big shoes to fill, but was up for the challenge. SMIF was celebrating their 40 year anniversary in 2026. 40 years prior the organization had been founded in the midst of the farm crisis, and had supported rural communities ever since. SMIF was a regional development and philanthropic organization that fostered economic and community vitality in 20 counties of Southern Minnesota through a culture of collaboration and partnership. Kraus thanked Houston County for their support and said SMIF was supported by each of the 20 counties it served. She said in rural communities it took one in every six residents to wear a community hat. Kraus said SMIF had put 8 million dollars back into the region recently, and almost \$200,000 in Houston County in the last few years. Kraus said SMIF had a focus both on entrepreneurship and childcare in rural communities. She said both Spring Grove and Caledonia had participated in SMIF's REV program. SMIF had an Acres for Good program that was a farmland succession program. The Commissioners thanked Kraus for SMIF's work and for introducing herself to the board. They congratulated and welcomed her on her new position with SMIF.

Commissioner Zehnder moved, Commissioner Schuldt seconded, motion unanimously carried to go into closed session pursuant to Minnesota Statute 13D.05, Subdivision 2 (b), to discuss preliminary allegations and private personnel data related to an employee grievance. The Commissioners, Coordinator Parker, Attorney Bublitz, and LELS 60 Union Business Agent Rick Mathis, attended the closed session.

Commissioner Johnson moved, Commissioner Zehnder seconded, motion unanimously carried to come out of closed session and return to regular session at 10:29 a.m. Coordinator Parker gave a summary of the closed session saying they had discussed preliminary allegations and private personnel data related to an employee grievance.

## CONSENT AGENDA

Commissioner Zehnder moved, Commissioner Wright seconded, motion unanimously carried to approve the consent agenda. Approved items are below.

- 1) Change the employment status of Kelly Zielinski, Collections Officer, from probationary to regular, effective June 1, 2026.
- 2) Hire Arland Sears as a 67-day temporary/casual Drop Site Supervisor, at a pay rate of \$18.11 per hour.
- 3) Accept Resignation of Patricia Goetzinger – Krall effective June 2<sup>nd</sup>, 2026, with thanks for her 1 year and 10 months of service.
- 4) Review and approve payments. Payments are below.

## REVIEW LICENSE CENTER PAYMENTS

**2026/05/15 AUDITOR WARRANTS:**

<b>VENDOR NAME</b>	<b>AMOUNT</b>
HOUSTON COUNTY TREASURER	74,581.58
SCHUMACHER'S NURSERY	2,553.50
VISA	12,176.48
WINONA COUNTY SWCD	25,487.14
	<u>114,798.70</u>
14 VENDORS PAID LESS THAN \$2000.00	4,745.35
	<u><u>119,544.05</u></u>

**REQUEST APPROVAL FOR PAYMENTS****2026/05/26 COMMISSIONER WARRANTS:**

<b>VENDOR NAME</b>	<b>AMOUNT</b>
CLEAN HARBORS ENV SERVICES	4,435.59
CONSOLIDATED ENERGY COMPANY	8,516.40
CRESCENT INVESTIGATIVE SERVICES	3,393.95
FAHRNER ASPHALT SEALERS LLC	6,544.92
GOVERNMENT FORMS & SUPPLIES	2,133.08
WINONA CONTROLS INC	2,079.04
	<u>27,102.98</u>
25 VENDORS PAID LESS THAN \$2000.00	10,237.01
	<u><u>37,339.99</u></u>

**ACTION ITEMS**

File No. 1 – Motion was made by Commissioner Zehnder, seconded by Commissioner Johnson, motion unanimously carried to approve Resolution No. 26-16 for Final Acceptance for CP 2026-04 Crack fill for Fahrner Asphalt Sealer’s LLC. Resolution is below.

**RESOLUTION NO. 26-16**

**FINAL ACCEPTANCE FOR CP 2026-04  
CRACK FILL  
CONTRACT # 086**

**FAHRNER ASPHALT SEALERS, LLC**

**MAY 26, 2026**

WHEREAS, Contract No. 086, CP 2026-04 Crackfill, has in all things been completed, and the County Board being fully advised in the premises,

NOW, THEN BE IT RESOLVED, That we do hereby accept said completed project for and in behalf of the County of Houston and authorize final payment as specified herein.

File No. 2 –Motion was made by Commissioner Johnson, seconded by Commissioner Schuldt, motion unanimously carried to approve the change order for La Crosse Glass and Overhead Door for the west entrance door. Upon further examination of the existing entrance it was discovered that the current system above the entrance was failing and replacement was recommended. Engineer Pogodzinski said Coordinator Parker and Attorney Bublitz had discussed the matter with him and it was recommended to replace the entire system instead of just the doors for liability purposes as there were safety concerns due to potential future failure of the system. Therefore, the change order had been requested. The final amount to be added to the original proposal would be \$33,081 and although this had not been budgeted there was money in the capital improvement fund for the additional work.

**DISCUSSION ITEMS**

Coordinator Parker said there was an upcoming Joint Board of Health meeting that day. He said the County was working on the County Facebook account and would be putting more notices and information on Facebook.

The Commissioners discussed recent and upcoming meetings including an Airport, Finance, ECB, Airport, SMART Trails, and SELCO meeting.

Commissioner Wright said she had met with the new La Crescent City administrator.

Closing Public Comment:

None.

There being no further business, a motion was made by Commissioner Schuldt, seconded by Commissioner Wright, motion unanimously carried to adjourn the meeting at 10:39 a.m. The next meeting would be a regular meeting on June 2, 2026.

**BOARD OF COUNTY COMMISSIONERS**

**HOUSTON COUNTY, MINNESOTA**

By: \_\_\_\_\_  
Greg Myhre, Chairperson

Attest: \_\_\_\_\_  
Brent Parker, Coordinator

## PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: June 9, 2026

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Cindy Wright, Eric Johnson, Kurt Zehnder, and Robert Schuldt

Others Present:

The Caledonia Argus Associate Editor Katia Gorsuch, Finance Director Carol Lapham, Coordinator Brent Parker, EDA Director & Coordinator Support Allison Wagner, Public Health Supervisor Jordan Knoke, Interim Attorney Suzanne Bublitz, Diane Schuldt, Steve Bernhardt, Janene Hosch, Deb Wray, Rich Cordes, Paul Wiste, Cindy Hateli, and Scott Hateli

### Board Workgroup Session

Members from the Friends of the Historic Jail Group discussed with the Commissioners ideas for the future of the historic jail. Both the group and the Commissioners agreed that they did not want to see taxpayer dollars being used to fix up the historic jail, but that they would like to see the building put to good use if funds could be gathered for a project through a combination of donations, grants, and the left over insurance money the County still had from back when the building had flooded years ago. The Historical Society could use their 501c3 status to take donations from the public once a project was decided on. Several members of the Friends of the Jail Group were also a part of the Houston County Historical Society. In addition, the Friends of the Jail Group had representation from throughout the County. The Friends of the Historic Jail Group had goals of preserving the building to pass on to the next generation, collaborating to promote County pride and draw other people and businesses to the area, meet a need in the community/County and design the facility to be easily adaptable for multiple uses, and to create a financially stable business plan that would be an investment for the long-term. The group was open to the idea of leasing the space from the County. Some ideas the group had for future use included a history room featuring military and law enforcement that would tie in nicely with the outdoor monument in the nearby County courtyard, County visitor center, local City library, historic museum, or meeting space for organizations in the community. Commissioner Zehnder said he liked the idea of a room featuring military and law enforcement. Overall, the board was open to the group's ideas. Later in the meeting it was discussed that it might be best to simply lease the building to one entity and not have additional sub leases such as to the City for a library. The Commissioners were open to the idea of saving the insurance money from the historic jail to put towards a future project for the historic property. Commissioner Wright suggested saving some of the insurance money for unknown expenses related to ongoing maintenance. It was decided that the County would look into the legalities of leasing the building, and also work with the County Engineer to determine the current condition of the building's roof. The Historic Jail group would work to narrow down their ideas, and would meet with the Commissioners again in the future. In

the meantime, EDA Director & Coordinator Support Wagner could help work as a liaison between the County board and the group to share information.

Coordinator Parker said the County would be working on a strategic plan for operations. He read an example of the executive summary from a Strategic Plan outline. The summary stated “Houston County faces increasing financial pressures driven by inflation, workforce challenges, aging infrastructure, technology demands, and rising public service expectations. This strategic plan provides a framework to improve long-term financial sustainability, increase operational efficiency, modernize County services, and maintain high-quality public service delivery while protecting taxpayers.” The plan would include a mission, vision, core values, and multiple strategic priorities. Parker said both the Commissioners and County Department Heads would work on the plan together at upcoming Department Head meetings and/or workgroup sessions. It was the general consensus of the Commissioners that they were in favor of working on the strategic plan. Commissioner Wright said she would like to see from County departments what their thoughts were and how each of their areas fit into the County’s overall plan.

Parker discussed with the board a capital equipment / financial planning for the County. He shared with the board an example of what another County had used for their capital equipment plan. The example included a column that listed the fund source for future planning. The Commissioners agreed it would be good for the County to put something similar into place to plan for the future.

Coordinator Parker said a majority of counties had board rules and procedures in place. This had been a topic at a recent AMC District 9 meeting. He said the rules outlined how a Board organizes its work, conducts meetings, handles public participation, and carries out official actions. Board rules and procedures helped ensure consistency, transparency, and smooth operations. Parker shared with the board two examples that had come from AMC for review. The board would discuss this further at a future meeting after reviewing the examples.

The workgroup session ended at 10:30 a.m.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: \_\_\_\_\_  
Greg Myhre, Chairperson

Attest: \_\_\_\_\_  
Brent Parker, Coordinator



# HOUSTON COUNTY

## BOARD OF COMMISSIONER MEETING

### AGENDA REQUEST FORM

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

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**Board Meeting Date:** June 16, 2026  
**Date Request Submitted:** June 9, 2026  
**Submitted By (Name and Title):** Polly Heberlein, Auditor-Treasurer

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

Consent Agenda Request:

- 1) Consider approving a Lower-Potency Hemp Edible Retailer Registration for River Station LLC located in Brownsville MN
- 2) Consider approving a Lower-Potency Hemp Edible Retailer Registration for Kwik Trip located in Hokah MN

Action Item Request:

Discussion Item:

- 1)

Background/additional information can be typed below and/or included with request:

Note: Please submit all agenda request forms and supporting documentation to the BOC email at **BOC@HoCoMN.gov** by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!



**BOARD OF COMMISSIONER MEETING  
AGENDA REQUEST FORM**

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

**Board Meeting Date: June 16, 2026**

**Date Request Submitted: June 1, 2026**

**Submitted By (Name and Title): Polly Heberlein, Auditor/Treasurer**

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

Consent Agenda Request:

Consider approving the following Liquor Licenses from July 1, 2026 – June 30, 2027

LIQUOR LICENCES, WINE AND STRONG BEER

Ferndale Golf, LLC dba Ferndale Golf, LLC (on sale + Sunday)

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

Par 4 Golf, LLC dba Valley High Golf Club (on/off sale + Sunday)

Shellhorn Enterprises, Inc. dba Shellhorn Bar and Grill (on/off sale + Sunday) (contingent upon submission of required paperwork)

Gasthaus, LLC dba Little Miami (on/off sale + Sunday)

Money Creek Haven Inc dba Money Creek Haven Campground (on/off sale + Sunday)

ON SALE BEER LICENSES

Lawrence Lake Marina, LLC dba Lawrence Lake Marina

Gopher State Sportsmans Club dba Gopher State Sportsmans Club

OFF SALE BEER LICENSE

Lawrence Lake Marina, LLC dba Lawrence Lake Marina

Houston Food Mart dba Houston Food Mart

Action Item Request:

Discussion Item:

Background/additional information can be typed below and/or included with request:

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**REQUEST APPROVAL FOR PAYMENTS****2026/06/16 COMMISSIONER WARRANTS:**

<b>VENDOR NAME</b>	<b>AMOUNT</b>
ACEN TEK	5,997.17
ADVANCED CORRECTIONAL HEALTHCAR	8,112.33
BOLTON & MENK INC	6,000.00
BRUENING ROCK PRODUCTS INC	19,057.17
CALEDONIA SNO GOPHERS CLUB	2,269.08
CALEDONIA/CITY OF	15,054.92
ENTERPRISE FM	10,462.64
HILLER COMMERCIAL FLOORS	8,000.00
HOUSTON COUNTY TREASURER	21,309.13
HOUSTON COUNTY TREASURER	61,861.89
JC SMITH INC	5,648.00
KNOW INK	4,125.00
LIBERTY TIRE RECYCLING LLC	3,750.65
MEYERS LAWN SERVICE LLC	2,000.00
MIENERGY COOPERATIVE	4,141.61
MN STATE AUDITOR	16,306.50
MN STATE TREASURER	4,424.00
OVERHEAD DOOR COMPANY	3,935.20
PHILLIPS OUTDOOR SERVICES	29,805.59
QUALITY POWER SOLUTIONS	5,565.00
RICHARD'S SANITATION LLC	26,993.41
TRIMIN SYSTEMS INC	2,250.00
VISA	14,809.49
WEX BANK	2,575.89
WEX BANK	2,617.82
WIEBKE TIRE CO	14,001.55
ZIEGLER INC	49,920.00
	<u>350,994.04</u>
60 VENDORS PAID LESS THAN \$2000.00	<u>29,321.91</u>
	380,315.95
PUBLIC HEALTH & HUMAN SERVICES	<u>203,834.55</u>
	<u><u>584,150.50</u></u>



# HOUSTON COUNTY

## BOARD OF COMMISSIONER MEETING

### AGENDA REQUEST FORM

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

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**Board Meeting Date: 6/16/2026**

**Date Request Submitted: 6/2/2026**

**Submitted By (Name and Title): Polly Heberlein – Auditor-Treasurer**

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

1. Public Hearing – Consider changing the current On-Sale/Off-Sale 3.2 Beer & Wine License to an On-Sale Liquor License/Sunday for Pine Creek Golf Course at 3815 N. Pine Creek Rd in La Crescent MN
2. Public Hearing – Consider an addition of an On-Sale Wine License in conjunction with the current On-Sale/Off-Sale 3.2 Beer License for La Crescent Snowmobile Club at 2485 County 6 in La Crescent MN
3. Public Hearing – Consider amending Peddler Ordinance 13 to reflect fee structure change, new requirement for Peddler/Transient Merchant to give bond to the county along with the change in the license period.

Consent Agenda Request:

- 1)

Action Item Request:

- 1) Consider approving change in Liquor License for Pine Creek Golf Course in La Crescent
- 2) Consider approving change in Liquor License for La Crescent Snowmobile Club
- 3) Consider approving the amendment to Peddler Ordinance #13

Discussion Item:

- 1)

Background/additional information can be typed below and/or included with request:

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NOTICE OF PUBLIC HEARING  
FOR PROPOSAL TO AMEND AN ORDINANCE

PLEASE TAKE NOTICE:

That a public hearing will be held in the Houston County Commissioner's Room, City of Caledonia, Minnesota on Tuesday, June 16, 2026, at 9:05 a.m. to consider amending the current Peddler Ordinance #13.

Copies of the full text of the proposed ordinance are available for viewing on the Houston County website at this link:

<https://www.hocomn.gov/government/ordinances.php>

Hard copies can be requested from the Auditor-Treasurers Office, 304 South Marshall Street – Room 112, Caledonia MN 55921.

The hearing is open to any interested person(s) having an interest in the matter.

HOUSTON COUNTY AUDITOR-TREASURER'S OFFICE

By Polly Heberlein  
Auditor-Treasurer

ADV: June 3, 2026

## HOUSTON COUNTY ORDINANCE #13

AN ORDINANCE FOR THE REGULATING OF PEDDLERS AND  
TRANSIENT MERCHANTS, REQUIRING A LICENSE AND PROVIDING  
PENALTIES FOR VIOLATIONS.

SECTION 1. The Board of Commissioners of Houston County recognizes that the uncontrolled activities of persons, firms, or corporations engaged in the practice of going in and upon private residence in the County of Houston, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling the same is hereby declared to be a nuisance.

SECTION 2. Definitions.

- (a) For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: the word “shall” is mandatory, not permissive; other terms defined in this section shall have the meaning ascribed to them.
- (1) “PEDDLER” means any person with no fixed place of business who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers of the same.
  - (2) “TRANSIENT MERCHANT” means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares, or merchandise within the County and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle, trailer or railroad car.

SECTION 3. Any resident of the County who wishes to exclude peddlers or transient merchants from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: “Peddlers and Transient Merchants Prohibited”. Such placard shall be at least 3 ¾ inches long and 3 ¾ inches wide and the printing thereon shall not be smaller than forty-eight point type. No peddler or transient merchant shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

SECTION 4. License Required.

No peddler or transient merchant shall sell or offer for sale any goods, wares, or merchandise within the County unless a license therefore shall first be secured as provided in this ordinance.

In addition to the specified License Fee, the transient merchant shall give bond to the county in an amount which shall not be less than \$1,000.00 nor more than \$3,000.00.

No license shall be good for more than one person unless such person shall be a member of a co-partnership, nor for more than one place, and shall not be good outside of the county in which it is issued.

SECTION 5. Application and Issuance.

Application for such license shall be made to the Auditor's Office on a form supplied by the County.

Every application shall bear the written approval of the County Sheriff after an investigation of the moral character and criminal history of the applicant. The completed application shall be presented to the County Board of Commissioners for its consideration and if granted, a license shall be issued by the County Auditor's Office upon payment of the required fee.

SECTION 6. License Fee.

The applicant, upon filing of this application, shall pay a fee to the Auditor's Office for deposit with the County Treasurer to be credited to the general revenue fund of Houston County. Such fee shall be determined by the County Board of Commissioners and fall with MN Statute 329.11 guidelines.

SECTION 7. Duration of License

Each license shall be valid for a period of one year from the date of its issuance.

SECTION 8. License

All licenses shall be non-transferable. No refunds shall be made on unused portions of license except by resolution of the County Board of Commissioners. All licenses shall be carried by licensee or conspicuously posted in his/her place of business and the license shall be exhibited to any officer or citizen upon request.

SECTION 9. Practices Prohibited.

No licensee shall call attention to his/her business or to his/her merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

SECTION 10. Municipalities.

This County Ordinance does not supersede the rules, regulations, and licensing requirements within the jurisdiction of any Municipality.

### SECTION 11. Exemptions.

- (a) This ordinance does not apply to sale under court order, to any bona fide auction sale, to a sale at wholesale to a retail dealer, or to any sale requiring a state dealer's license.
- (b) No license shall be required for any persons to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden occupied and cultivated by themselves.
- (c) No license shall be required of any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit and or delivery by said person.
- (d) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
- (e) No license shall be required for children participating in fundraising for any public school, private school, Boy Scouts, Girl Scouts, 4-H, FFA and organizations associated therewith located within Houston County.
- (f) Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.

### SECTION 12. Revocation.

Any license may be revoked by the Board of County Commissioners for a violation of any provision of this ordinance, if the licensee has been given a reasonable notice and an opportunity to be heard.

No licensee whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

### SECTION 13. Penalty

Any person, firm or corporation who shall violate any of the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not to exceed \$1000.00, by imprisonment not to exceed 90 days or both.

### SECTION 14. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

SECTION 15. Renewal/Extension of Licenses

Renewals and extensions are not applicable. All licenses will be valid for one year from the date of issue. At the end of the license period, a new application must be submitted to continue operating. All application requirements must be met in the same manner as the initial application.

Adopted and passed by the Houston County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 2026.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2026

\_\_\_\_\_  
Board Chairperson

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

Updated 6/2/2026

## **NOTICE OF PUBLIC HEARING**

The Houston County Board of Commissioners will conduct a public hearing, according to M.S. 340A.405, sub (d), at 9:05 a.m. or as soon as can be heard thereafter, on June 16, 2026, during the regular County Board Meeting at the Houston County Historic Courthouse, located at 304 South Marshall Street, Caledonia, Minnesota.

The purpose of the hearing is to consider changing the current On-Sale/Off-Sale 3.2 Beer & Wine License to an On-Sale Liquor License/Sunday application for Pine Creek Golf Course.

**Pine Creek Golf Course  
3815 N Pine Creek Rd  
La Crescent, MN 55947**

Also to consider an addition of On-Sale Wine License in conjunction with the current On-Sale/Off-Sale 3.2 Beer License for La Crescent Snowmobile Club.

**La Crescent Snowmobile Club  
2485 County 6  
La Crescent, MN 55947**

The hearing is open to any interested person(s) at which time can appear if desired, either in person or by agency or attorney, in opposition to or support of the request.

Dated at Caledonia, Minnesota this 28<sup>th</sup> day of May, 2026.

Polly Heberlein  
Houston County Auditor-Treasurer

For Publication June 3, 2026



# HOUSTON COUNTY

## BOARD OF COMMISSIONER MEETING

### AGENDA REQUEST FORM

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

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**Board Meeting Date:** June 16, 2026  
**Date Request Submitted:** May 26, 2026  
**Submitted By (Name and Title):** Polly Heberlein, Auditor-Treasurer

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

Consent Agenda Request:

1)

Action Item Request:

Consider approving a renewal of a 5-Year Lease with the Dept. of Public Safety, Driver and Vehicle Services for the rental of approximately 360 sq. feet of space in lower level of Courthouse which is used for a Driver Exam station. The updated rental amount would total \$1,260.00 per year which would be paid quarterly. The lease would commence on October 1, 2026 and continue through September 30, 2031.

Discussion Item:

1)

Background/additional information can be typed below and/or included with request:

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**STATE OF MINNESOTA**  
**AMENDMENT OF LEASE**

Amendment No. 2

Lease No. PS0277

THIS AMENDMENT, made by and between Houston County, County Courthouse, Caledonia, MN 55921, hereinafter referred to as LESSOR, and the State of Minnesota, Department of Administration, hereinafter referred to as LESSEE, acting for the benefit of the Department of Public Safety, Driver and Vehicle Services, shall be an amendment to Lease No. PS0277.

WHEREAS, LESSOR and LESSEE entered into Lease No. PS0277, involving the lease of approximately three hundred sixty (360) square feet of space located on the lower level of the Houston County Courthouse, located at 304 Marshall Street, Caledonia, county of Houston;

WHEREAS, the parties deem certain amendments and additional terms and conditions mutually beneficial for the effective continuation of said Lease;

NOW THEREFORE, LESSOR and LESSEE agree to substitution and/or addition of the following terms and conditions, which shall become a part of Lease No. PS0277 effective as of the date set forth herein.

1. **RENEWAL TERM** This Lease shall be renewed for a period of five (5) years, commencing October 1, 2026 and continuing through September 30, 2031 ("Renewal Term"), at the same terms and conditions and at the rental rate set forth below in Section 2.
2. **RENT** As rent for the Leased Premises and in consideration for all covenants, representations and conditions of this Lease, LESSEE agrees to pay to LESSOR a quarterly rental amount of three hundred fifteen and no/100 dollars (\$315.00) per quarter, resulting in a total rental amount not to exceed one thousand two hundred sixty and no/100 dollars (\$1,260.00) per year due and payable on the last day of each quarter.
3. Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written. All capitalized terms used but not defined herein shall have the meanings assigned to them as set forth in the Lease, unless otherwise stated.
4. **EXECUTION IN COUNTERPARTS; ELECTRONIC SIGNATURES** This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts of this Amendment taken together shall constitute but one and the same Amendment. The partners further agree that the Amendment may be executed by electronic signature and that said electronic signature shall

be binding upon the party providing such signature as if it were the party's original signature. Delivery of an executed counterpart of this Amendment by facsimile or email or a PDF file shall be equally effective as delivered of an original executed counterpart of this Amendment.

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**NO ATTACHMENTS**

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

LESSOR: HOUSTON COUNTY

*LESSOR certifies that the appropriate person(s) have executed the Lease on behalf of LESSOR as required by applicable articles, bylaws, resolutions or ordinances.*

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

LESSEE:  
STATE OF MINNESOTA  
DEPARTMENT OF ADMINISTRATION  
COMMISSIONER  
Delegated To:

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

APPROVED:  
STATE OF MINNESOTA  
DEPARTMENT OF PUBLIC SAFETY

By Jenny Richie Digitally signed by Jenny Richie  
Date: 2026.05.21 10:57:16 -05'00'

Title \_\_\_\_\_

Date \_\_\_\_\_

**STATE ENCUMBRANCE VERIFICATION**

*Individual signing certifies that funds have been encumbered as required by Minn. Stat. §16A.15 and §16C.05.*

By Braden Carpenter Digitally signed by Braden Carpenter

Date Carpenter Date: 2026.05.20 14:07:42 -05'00'

Contract No. 114845

Purchase Order No. Funds will be encumbered by 31 July 2026



# HOUSTON COUNTY

## BOARD OF COMMISSIONER MEETING

### AGENDA REQUEST FORM

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

**Board Meeting Date:** 6/16/2026

**Date Request Submitted:** 6/11/2026

**Submitted By (Name and Title):** Amelia Meiners, Environmental Services Director

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

Consent Agenda Request:

Action Item Request:

- 1) Consider approving or denying an Interim Use Permit (IUP) for MNRE 1570 61-US 14, LLC to operate a cannabis business with a medical cannabis endorsement in the Highway Business District in La Crescent Township.
- 2) Consider approving or denying a Zoning Amendment for Beverly Hanson to rezone an area from Agricultural Protection District to Residential in Yucatan Township.
- 3) Consider Approving or denying a Conditional Use Permit (CUP) for Skyline Materials LTD to expand a quarry for mineral extraction in the Agricultural Protection District in Brownsville Township.

Discussion Item:

Background/additional information can be typed below and/or included with request:

The agenda, hearing notices, findings, and board packets are included with this request.

The Planning Commission meeting was on 5/28/2026. The Planning Commission recommended the BOC approve the IUP and CUP requests. The Planning Commission recommended the BOC deny the Zoning Amendment request.

Note: Please submit all agenda request forms and supporting documentation to the BOC email at [BOC@HoCoMN.gov](mailto:BOC@HoCoMN.gov) by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!

**HOUSTON COUNTY  
BOARD OF ADJUSTMENT AND  
PLANNING COMMISSION  
AGENDA  
Thursday, May 28, 2026**

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

**BOARD OF ADJUSTMENT**

Approve Minutes for April 23, 2026.

**VARIANCE HEARINGS:**

- 5:00 pm        ***H & J Meiners Properties LLC – Caledonia Township***  
Variance to reduce property line setback requirements for an addition to a commercial structure (Section 16-16.7, Subd. 1).
- 5:15 pm        ***Jordan Burfield – Sheldon Township***  
Variance to reduce ordinary high-water level setback requirements for a proposed dwelling (Section 22.6, Subd. 4, Subs. 1 (a)).

**PLANNING COMMISSION**

Approve Minutes for April 23, 2026

**INTERIM USE HEARINGS:**

- 5:30 pm        ***Patrick Paulino on behalf of Mathy Construction Company – Mayville Township -  
Withdrawn***  
Interim Use Permit for a temporary bituminous plant in the Agricultural Protection District (Section 14-14.4, Subd. 1, Subs. 11).
- 5:50 pm        ***Maria Vega on behalf of MNRE 1570 61-US 14, LLC – La Crescent Township***  
Interim Use Permit to operate a cannabis retail business with medical cannabis endorsement in the Highway Business District (Section 16-16.4, Subd 1) (Section 3.2.9 of the Cannabis Ordinance).

**ZONING AMENDMENT HEARINGS:**

- 6:10 pm        ***Beverly Hanson – Yucatan Township***  
Rezone an area from Agricultural Protection District to Residential (Section 8.2, Subd. 2).

**CONDITONAL USE HEARINGS:**

- 6:30 pm        ***Chris Priebe, G-Cubed, on behalf of Skyline Materials, LTD – Brownsville Township***  
Conditional Use Permit to expand a quarry for mineral extraction in the Agricultural Protection District (Section 14-14.3, Subd. 1, Subs. 19) (Section 27-27.6).

## NOTICE OF PUBLIC HEARING

## PLEASE TAKE NOTICE:

That an application has been made by Maria Vega on behalf of MNRE 1570 61-US 14 LLC, 1570 US 14/16 E, La Crescent, MN 55947 for an Interim Use Permit to operate a cannabis retail business with medical cannabis endorsement in the Highway Business District (Section 16 – 16.4 Interim Uses, Subdivision 1, Subsection 1 and Section 3.2.9 of the Cannabis Business Ordinance) in La Crescent Township on the following premises, to-wit:

PT GOV'T LOT 6 in SE1/4 SE1/4, Section 11, Township 104, Range 4, Houston County, Minnesota. (Parcel# 08.0134.000).

Said applicant standing and making application is as fee owner of said described lands.

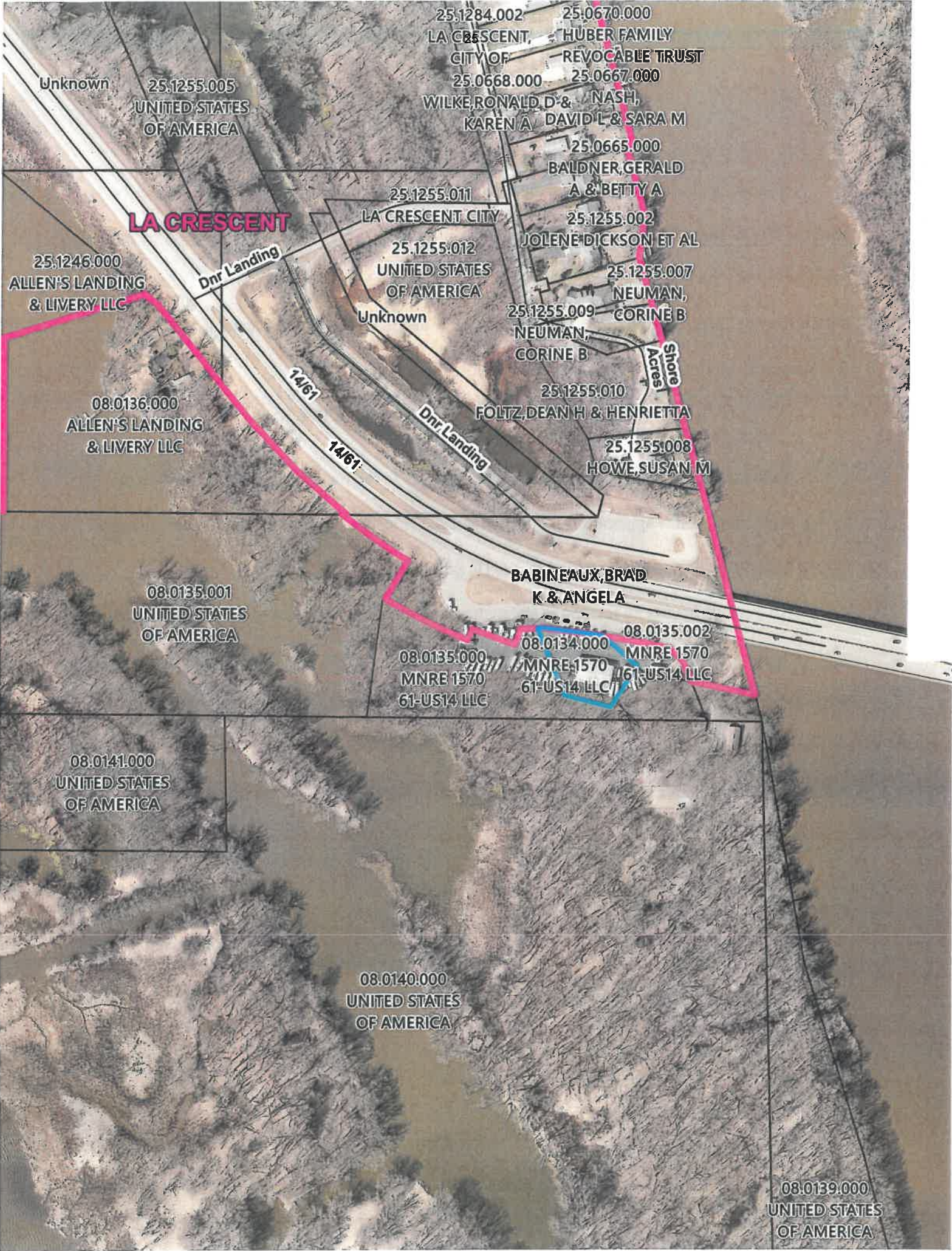
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:50 p.m. on Thursday, May 28, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to [Zoning@HoCoMN.gov](mailto:Zoning@HoCoMN.gov), and must be received by Tuesday, May 19, 2026 to be included for review prior to the hearing. All comments are considered public record.

## HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administrator

ADV: May 13, 2026



25.1284.002 LA CRESCENT, CITY OF  
25.0670.000 HUBER FAMILY REVOCABLE TRUST  
25.0668.000 WILKE, RONALD D & KAREN A  
25.0667.000 NASH, DAVID L & SARA M

25.1255.005 UNITED STATES OF AMERICA

25.0665.000 BALDNER, GERALD A & BETTY A

### LA CRESCENT

25.1255.011 LA CRESCENT CITY

25.1255.002 JOLENE DICKSON ET AL

25.1246.000 ALLEN'S LANDING & LIVERY LLC

Dnr Landing

25.1255.012 UNITED STATES OF AMERICA

25.1255.007 NEUMAN, CORINE B

Unknown

25.1255.009 NEUMAN, CORINE B

Shore Acres

08.0136.000 ALLEN'S LANDING & LIVERY LLC

14/61

Dnr Landing

25.1255.010 FOLTZ, DEAN H & HENRIETTA

25.1255.008 HOWE, SUSAN M

08.0135.001 UNITED STATES OF AMERICA

BABINEAUX, BRAD K & ANGELA

08.0135.000 MNRE 1570 61-US14 LLC

08.0134.000 MNRE 1570 61-US14 LLC

08.0135.002 MNRE 1570 61-US14 LLC

08.0141.000 UNITED STATES OF AMERICA

08.0140.000 UNITED STATES OF AMERICA

08.0139.000 UNITED STATES OF AMERICA

## CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: MNRE 1570 61-US14 LLC DATE: May 28, 2025

I.U.P REQUESTED: Operate a cannabis retail business with medical cannabis endorsement in the Highway Business District.

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

### FINDINGS OF FACT

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

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

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

Staff Analysis: The Land Use Plan has multiple goals and policies regarding diversifying and promoting economic development which all support this proposal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There are currently no licensed medical cannabis dispensaries in Houston County and the applicant identifies that this will improve healthcare accessibility. There are two licensed in Winona County.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site is strictly for indoor retail use and does not include any manufacturing or processing components that would warrant closer review.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: Appropriate disposal of solid waste and management of septage will mitigate pollution concerns.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing facility and all utilities and access roads are present.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The previous application identified there are approximately 130 parking stalls, which exceeds the County requirement. The addition of a medical cannabis service is not expected to significantly increase traffic beyond existing levels and that service was likely considered during the planning stages for this facility.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Medical cannabis was included in the original plan in 2025 so was likely included in planning and therefore, the addition of a medical cannabis service is not expected to significantly increase traffic beyond existing levels.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The previous use of this property was retail and similar to this proposal. The site has been operating as a cannabis retail store for about a month and the addition of a medical cannabis endorsement does not change the nature or intensity of the use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There are likely no development opportunities on surrounding vacant property due to natural limitations so this proposal will have no impact in that respect.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This type of operation will not have fumes, dust, noise and vibrations and since this is retail only there should be no odor. State and local standards closely regulate signs for

cannabis businesses and those standards are more restrictive than what is present from the previous operation.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: This location is adjacent to both the City of La Crescent and La Crosse and a retail operation of this type will be very similar to commercial development in both of those communities. More specifically, there will be at least two similar cannabis businesses within a mile and half of the site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants received approval to open their retail establishment from the Office of Cannabis Management which means they met all state requirements intended to mitigate concerns related to public health, safety, morals and general welfare. The addition of a medical cannabis endorsement will require similar approvals from the state and should not alter the existing conditions.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Johnathon Glasspoole made a motion to accept the findings as presented. Chase Munson seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the conditional use request if there were no additional comments or questions.

Richard Schild made a motion to recommend the Houston County Board approve an Interim Use Permit to operate a cannabis retail business with a medical cannabis endorsement in the Highway Business District with two conditions in La Crescent Township:

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

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

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



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



## STAFF REPORT 5/19/2026

Application Date: 4/10/26  
Hearing Date: 5/28/26  
Petitioner: Maria Vega on behalf of MNRE 1570 US14/61 LLC  
Reviewer: Amelia Meiners  
Zoning: Highway Business  
Address: 1570 US 14/61E  
Township: La Crescent  
Parcel Number: 080134000, 080135000, and 080135002  
Submitted Materials: IUP Application, Retail Registration Packet

## OVERVIEW

### REQUEST

The Petitioner is requesting an interim use permit to operate a cannabis retail business with a medical cannabis endorsement in La Crescent Township. This site is currently operating under a retail license which is a permitted use and the scope of this request is only the addition of a medical cannabis endorsement.

### SUMMARY OF NOTEWORTHY TOPICS

The State of Minnesota finalized the cannabis rules in April 2025 and moved forward with lotteries and the selection of applicants for certain license types since that time. Cannabis retail is a permitted use in the Highway Business District but a medical cannabis endorsement requires an interim use permit.

The applicants purchased this parcel last March, which borders the City of La Crescent and the West Channel of the Mississippi River. In fact, this whole property is surrounded by either state or federal land. The applicant recently opened after a total remodel of the building was completed to create a public retail sales area, secure product storage area, and back of house areas. Since this site is La Crescent Township the County was not involved in previous permitting of the structure or prior uses. Based on the permits on record this location was originally allowed as a car dealership but transitioned to an RV dealership for just a couple years prior to this sale. The County has no septic records for this site.

Minnesota law authorizes the following actions for medical cannabis operations:

#### ***§342.51 MEDICAL CANNABIS ENDORSEMENTS.***

***Subdivision 1. Endorsement; authorized actions. (a) The office may issue a medical cannabis endorsement to a cannabis business authorizing the business to:***

- (1) cultivate medical cannabis;*
- (2) process medical cannabinoid products; or*
- (3) sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.*

*(b) The office must issue a medical cannabis cultivation endorsement to a cannabis license holder if the license holder:*

- (1) is authorized to cultivate cannabis;*
- (2) submits a medical cannabis endorsement application to the office; and*
- (3) otherwise meets all applicable requirements established by the office.*

*(c) A medical cannabis cultivation endorsement entitles the license holder to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to cannabis businesses with a medical cannabis endorsement, and perform other actions approved by the office.*

*(d) The office must issue a medical cannabis processor endorsement to a cannabis license holder if the license holder:*

- (1) is authorized to manufacture cannabis products;*
- (2) submits a medical cannabis endorsement application to the office; and*
- (3) otherwise meets all applicable requirements established by the office.*

*(e) A medical cannabis processor endorsement entitles the license holder to:*

- (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from cannabis businesses with a medical cannabis cultivator endorsement or a medical cannabis processor endorsement;*
- (2) purchase hemp plant parts from industrial hemp growers;*
- (3) make cannabis concentrate from medical cannabis flower;*
- (4) make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;*
- (5) manufacture medical cannabinoid products;*
- (6) package and label medical cannabinoid products for sale to cannabis businesses with a medical cannabis processor endorsement or a medical cannabis retailer endorsement; and*
- (7) perform other actions approved by the office.*

*(f) The office must issue a medical cannabis retailer endorsement to a cannabis license holder if the license holder:*

- (1) submits a medical cannabis retail endorsement application to the office;*
- (2) has at least one employee who earned a medical cannabis consultant certificate issued by the office and has completed the required training or has at least one employee who is a licensed pharmacist under chapter 151; and*
- (3) otherwise meets all applicable requirements established by the office.*

*(g) A medical cannabis retail endorsement entitles the license holder to purchase medical cannabis flower and medical cannabinoid products from cannabis businesses with medical cannabis cultivator endorsements and medical cannabis processor endorsements, and sell or distribute medical cannabis flower, medical cannabinoid products, and associated paraphernalia to any person authorized to receive medical cannabis flower or medical cannabinoid products.*

*(h) A medical cannabis business with a medical cannabis retail endorsement must verify that all medical cannabis flower and medical cannabinoid products have passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for the testing of medical cannabis flower and medical cannabinoid products before the cannabis business with a medical cannabis retail endorsement may distribute the medical cannabis flower or medical cannabinoid product to any person enrolled in the registry program.*

Below is relevant Houston County Zoning Ordinance (HCZO) language:

## **SECTION 16 – HIGHWAY BUSINESS DISTRICT**

### **16.2 PERMITTED USES**

#### **Subdivision 1. Permitted Uses**

- (12) Cannabis businesses as allowed within the Cannabis Business Ordinance*

### **16.4 INTERIM USES**

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

*(1) Cannabis businesses as allowed within the Cannabis Business Ordinance*

In addition to the HCZO, there is an Ordinance Regulating Cannabis Businesses and relevant sections are included below.

### **3.1.1 Security/Theft Mitigation**

*A cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, to deter and prevent theft of cannabis or cannabis products at the cannabis business, and to ensure emergency access in accordance with applicable Fire Code standards. Security measures shall include, but are not limited to the following:*

- (A) A plan to prevent individuals from loitering on the premises of the business if they are not engaging in activity expressly related to the cannabis business.*
- (B) Twenty-four-hour emergency contact information for the owner or an on-site employee which shall be provided to the Houston County Sheriff's Office.*
- (C) A professionally installed, maintained, and monitored alarm system.*
- (D) Except for live cannabis plants being cultivated at a cannabis cultivation facility, and limited amounts of cannabis for display purposes, all cannabis and cannabis products shall be stored in a secured and locked structure, and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft or loss.*
- (E) Twenty-four-hour security cameras to monitor all entrances and exits to the cannabis business, all interior spaces open and accessible to the public, and all interior spaces where cannabis, cash, or currency is being stored for any period on a regular basis. The holder of the cannabis license shall be responsible for ensuring that the security cameras footage is accessible. The footage shall be retained for a minimum of ninety-days and shall be made available to the person(s) responsible for enforcing this ordinance, as well as the Houston County Sheriff's Office upon demand.*
- (F) Panic buttons shall be installed in all cannabis businesses licensed under this ordinance.*
- (G) Sensors shall be installed to detect entry/exit from all secure areas.*
- (H) Any bars installed on the windows/doors of a cannabis business shall be installed only on the interior of the building.*

## **3.2 Zoning and Land Use**

*The following types of Cannabis businesses are allowed to operate in the zoning district applicable to that business.*

### **3.2.5. Cannabis Retail.**

*Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:*

- *Prohibited: Agricultural and Residential*
- *Permitted: Commercial and Industrial*

### **3.2.11. Medical Cannabis.**

*Cannabis businesses licensed or endorsed as a Medical Business are permitted in the following zoning districts:*

- *Prohibited: Residential*
- *Permitted - with an IUP: Agricultural, Commercial, and Industrial*

## **TOWNSHIP AND NEIGHBORHOOD COMMENTS**

La Crescent Township and the ten nearest property owners were notified. One comment was submitted.

#### SITE CHARACTERISTICS

These parcels are located along US 14/61E, commonly referred to as the pike, just before you cross into the State of Wisconsin. All of the river bottoms and river channel on the west, south, and east side are US Fish and Wildlife property and MnDOT has highway right-of-way to the north. This property is served by a frontage road and the applicant has been working with MnDOT to assess right of way concerns.

The city limit boundary is the north line of this parcel, and the closest residential property is 460 feet from the building. This property is zoned Highway Business District and since they are utilizing an existing structure there are no slope, bluff, floodplain, wetland and shoreland concerns. Any future structural expansion may be difficult because of floodplain and shoreland districts in close proximity.

#### EVALUATION

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

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

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

Staff Analysis: The Land Use Plan has multiple goals and policies regarding diversifying and promoting economic development which all support this proposal.

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

Staff Analysis: There are currently no licensed medical cannabis dispensaries in Houston County and the applicant identifies that this will improve healthcare accessibility. There are two licensed in Winona County.

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

Staff Analysis: This site is strictly for indoor retail use and does not include any manufacturing or processing components that would warrant closer review.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: Appropriate disposal of solid waste and management of septage will mitigate pollution concerns.

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

Staff Analysis: This is an existing facility and all utilities and access roads are present.

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

Staff Analysis: The previous application identified there are approximately 130 parking stalls, which exceeds the County requirement. The addition of a medical cannabis service is not expected to significantly increase traffic beyond existing levels and that service was likely considered during the planning stages for this facility.

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

Staff Analysis: Medical cannabis was included in the original plan in 2025 so was likely included in planning and therefore, the addition of a medical cannabis service is not expected to significantly increase traffic beyond existing levels.

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

Staff Analysis: The previous use of this property was retail and similar to this proposal. The site has been operating as a cannabis retail store for about a month and the addition of a medical cannabis endorsement does not change the nature or intensity of the use.

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

Staff Analysis: There are likely no development opportunities on surrounding vacant property due to natural limitations so this proposal will have no impact in that respect.

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

Staff Analysis: This type of operation will not have fumes, dust, noise and vibrations and since this is retail only there should be no odor. State and local standards closely regulate signs for cannabis businesses and those standards are more restrictive than what is present from the previous operation.

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

Staff Analysis: N/A

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

Staff Analysis: This location is adjacent to both the City of La Crescent and La Crosse and a retail operation of this type will be very similar to commercial development in both of those communities. More specifically, there will be at least two similar cannabis businesses within a mile and half of the site.

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

Staff Analysis: The applicants received approval to open their retail establishment from the Office of Cannabis Management which means they met all state requirements intended to mitigate concerns related to public health, safety, morals and general welfare. The addition of a medical cannabis endorsement will require similar approvals from the state and should not alter the existing conditions.

#### RECOMMENDATION

The Planning Commission must consider the criteria above. Staff recommend requiring the following conditions:

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

Proposed motion: To recommend granting an interim use permit for a cannabis retail business with a retail endorsement in the Highway Business District with the two conditions.

Interim Use Request  
2026-IUP-571595

Amount Paid  
\$0.00

Applicant  
Maria Vega

Created  
March 26, 2026

Status  
**In Progress**

Number  
2026-IUP-  
571595

MNRE 1570 61-US14 LLC |  
080134000 | La Crescent |  
Submitted by Maria Vega on  
3/26/2026



## Applicant

Maria Vega

**Search Parcel Data** Completed On Thursday, March 26, 2026 at 1:54 PM CDT by Maria Vega

ParcelID	Address	City	OwnerName	Acres
080134000	1570 US 14/16 E	LA CRESCENT	MNRE 1570 61-US14 LLC	0.670

**INTERIM USE INTRO** Completed On Thursday, March 26, 2026 at 1:55 PM CDT by Maria Vega

### Interim Use Application Fee

\$700.00

### Recording Fee

\$46.00

### Application Type:

Interim Use

**APPLICANT INFORMATION** Completed On Thursday, March 26, 2026 at 1:58 PM CDT by Maria Vega

### Applicant Name

MNRE 1570 61-US14 LLC

### Telephone Number



### Address

1570 US 14/16 E

### City

LA CRESCENT

### Zip

55947

### Parcel Tax ID

080134000

**Legal Description**

S PT LOT 6 200 FT X 180 FT - EX 0.02A DOC 233664; DOC 265120; DOC 1

**Section-Township-Range**

11-104-004

**Do you own additional adjacent parcels**

No

**Township of:**

La Crescent

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

Yes

**INTERIM USE REQUEST** Completed On Friday, March 27, 2026 at 12:40 PM CDT by Maria Vega

**Describe in detail your request.**

We are requesting approval of an Interim Use Permit (IUP) to add a medical cannabis endorsement to our existing retail cannabis dispensary located in Houston County, Minnesota. This request does not introduce a new land use, but rather expands an already established and compliant cannabis retail operation to include the sale of medical cannabis products to qualified patients.

This request is made pursuant to Section 7 – Interim Use Permits, including the standards outlined in Section 7.7 – Standards for Granting Interim Use Permits, and the applicable district provisions under Section 17.4 – Interim Uses (General Business District) of the Houston County Zoning Ordinance. The proposed use is consistent with Section 3.6 – Definitions, which defines "Cannabis business" as a recognized business category.

The addition of a medical endorsement does not alter the fundamental nature of the use, but rather enhances an existing retail operation that is already compliant with local and state regulations. This expansion will improve access to regulated medical cannabis for residents of Houston County, particularly for patients who currently must travel significant distances to obtain medication.

The proposed use meets all required findings outlined in Section 7.7 and will continue to operate in a manner that protects the public health, safety, and general welfare.

**Citation of Ordinance Section from which the Interim Use is requested:**

Section 7 – Interim Use Permits / Section 7.7 – Standards for Granting Interim Use Permits / Section 17.4 – Interim Uses (General Busir

**Requested Dimension:**

**Please upload any supporting documents:**

**INTERIM USE FINDING OF FACTS** Completed On Friday, March 27, 2026 at 12:50 PM CDT by Maria Vega

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

Yes

**Comments:**

The proposed use is consistent with the County Land Use Plan as it maintains an existing commercial retail use within the General Business District. The addition of a medical endorsement does not alter the character or function of the district and supports orderly commercial development.

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

Yes

**Comments:**

There is a demonstrated need for increased access to medical cannabis in Houston County. Many patients currently travel outside the County to obtain medical cannabis products. Expanding an existing dispensary to include medical services directly addresses this need and improves healthcare accessibility.

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

Yes

**Comments:**

The proposed use will not degrade water quality. No cultivation, manufacturing, or chemical processing will occur onsite. All products are pre-packaged and regulated at the state level, eliminating risk to groundwater or surface water.

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

Yes

**Comments:**

The addition of a medical endorsement will not increase impervious surface area or significantly affect stormwater runoff. Existing drainage systems remain adequate and compliant with County standards.

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

Yes

**Comments:**

The site is already developed and currently supports a retail use. Soil conditions are stable and fully adequate to accommodate the continued and expanded use.

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

Yes

**Comments:**

No pollution hazards are associated with the proposed use. Operations are limited to retail sales of sealed products, and all applicable environmental and regulatory standards are met.

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

Yes

**Comments:**

The site is served by adequate utilities, including water, wastewater systems, and road access. No additional infrastructure is required to support the proposed use.

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

Yes

**Comments:**

Parking is sufficient to accommodate both current customers and medical patients. No changes to parking or loading areas are necessary.

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

Yes

**Comments:**

The addition of medical cannabis services is not expected to significantly increase traffic beyond existing retail levels. Traffic generation will remain consistent with standard commercial uses.

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

Yes

**Comments:**

The proposed use is consistent with the existing retail operation and will not negatively impact surrounding properties. The addition of medical services does not change the nature or intensity of the use.

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

Yes

**Comments:**

The proposal supports orderly development by enhancing an existing compliant business. It will not impede future development of surrounding properties and is consistent with planned commercial growth.

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

Yes

**Comments:**

No additional odor, fumes, dust, noise, or vibration will be generated. Lighting and operations will remain controlled and designed to prevent disturbance to neighboring properties.

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

N/A

**Comments:**

Not applicable, as no residential development is proposed.

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

Yes

**Comments:**

The intensity of the use remains consistent with the existing retail operation and aligns with the character and scale of surrounding commercial uses within the General Business District.

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

Yes

Comments:

This request promotes public health by increasing access to safe, regulated medical cannabis for qualified patients. The facility operates under strict state licensing requirements, includes security measures, and ensures controlled distribution in a manner that protects the community.

SITE PLAN INFORMATION Completed On Monday, April 6, 2026 at 2:10 PM CDT by Maria Vega

Upload Site Plan

[Final Site Plan.pdf](#)

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

Sketch Layer

Reference Layer

Mapproxy



Powered by Esri

APPLICATION SUBMITTAL Completed On Monday, April 6, 2026 at 2:14 PM CDT by Maria Vega

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

Yes

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

Yes

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

Yes

Signature

---

Date Signed:

4/6/2026

Check this box if Staff Signature on behalf of Applicant.

Yes

Email APPLICATION SUBMITTAL Completed On Monday, April 6, 2026 at 2:14 PM CDT by Maria Vega

External Notes

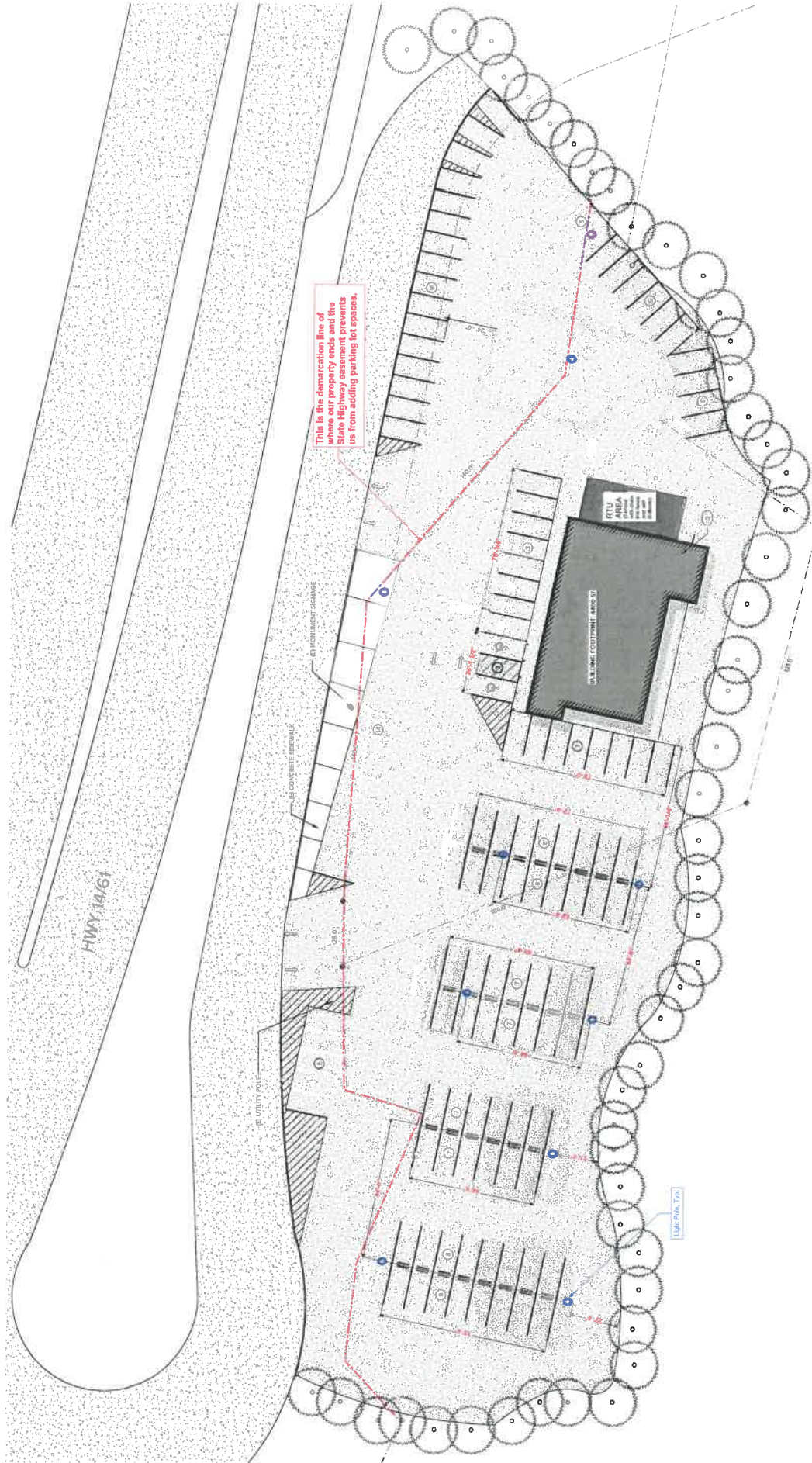
Documents

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Internal Notes

Documents

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**SITE PLAN NOTES**  
 ALL DIMENSIONS ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY. IN NO WAY DOES THIS DRAWING CONSTITUTE A REPRESENTATION OR CONSTITUTE A GUARANTEE.

Note: Parking lot spaces are 12' x 24'. 8' clearance line to center line. The dimensions shown in this plan are actual from where the lighting posts are placed.

**LA CANNA**  
 1570 US Hwy 14/16E  
 LA CRESCENT, MN 55947

# Business Plan for Ouidhaus LLC

## 1. Overview of the Business

**Legal Name and License:** Ouidhaus LLC is a Minnesota-registered limited liability company licensed by the Minnesota Office of Cannabis Management (OCM) as a Cannabis Retailer with **Retail Operations** and is applying for a **Medical Cannabis Retailer** endorsement. This license authorizes the company to operate a retail dispensary serving adult-use customers and registered medical cannabis patients. The dual endorsements allow Ouidhaus LLC to sell state-licensed adult-use cannabis products as well as medical cannabis to eligible patients from the same location, in full compliance with Minnesota's cannabis regulations.

**Location:** Ouidhaus LLC operates its licensed retail dispensary at **1570 US-14, La Crescent, MN 55947**. The site houses the retail storefront and supporting back-of-house operations. A detailed facility diagram and floor plan is included in the supporting documentation (attached separately) to illustrate the layout, security features, and flow of the premises. The facility meets all state and local zoning, building, and safety requirements for a cannabis business.

**Business Operations:** Ouidhaus LLC's mission is to safely and responsibly provide cannabis products to adults over 21 and registered medical patients in Houston County. The company maintains high standards of professionalism, compliance, and community safety. All operations – from inventory management to customer service – follow the guidelines set by the Minnesota Office of Cannabis Management (OCM) for licensed cannabis businesses. As a licensed cannabis retailer, Ouidhaus LLC offers a convenient and well-regulated experience for consumers while supporting Minnesota's legal cannabis market.

## 2. Number of Employees

Ouidhaus LLC operates with a **small team (fewer than 10 employees)**. This includes a **General Manager** who will oversee daily operations, compliance, and community relations. The general manager will be responsible for training staff, managing inventory and cash handling procedures, and ensuring all state regulations are followed. In addition, the business will employ a handful of **trained retail staff** to handle sales transactions, assist customers with product selection, check IDs to verify age and/or patient status, and maintain the storefront. All employees will be at least 21 years of age and will undergo thorough training on security protocols, product knowledge, proper ID verification, and **state compliance requirements**. With under ten total staff members, the team will be close-knit and cross-trained in multiple roles – ensuring there is always adequate coverage for the store's operations, inventory monitoring,

and security even with the small staff size. This lean staffing model will help the business operate efficiently while maintaining strict oversight of all cannabis products and adherence to the law.

### 3. Hours of Operation

The current **hours of operation** for the retail dispensary are **Monday through Saturday, 10:00 AM to 8:00 PM, and Sunday, 12:00 PM to 9:00 PM**. These hours fall well within the operating times allowed by Minnesota law for cannabis sales. Minnesota statute provides that cannabis retailers may operate past normal business hours (state law permits sales as late as 2:00 AM), but it also grants local governments the authority to impose earlier closing times for public safety or community preference. Ouidhaus LLC has set its hours conservatively to align with the surrounding community's expectations and any Houston County or City of La Crescent ordinances, and is prepared to adjust its closing time to comply with any future local requirements.

These hours allow Ouidhaus LLC to serve customers who prefer to shop during traditional retail hours, with extended Sunday evening availability for working adults, while keeping the storefront secured during late-night periods. However, **community safety** and compliance are top priorities – the business strictly adheres to whatever final hours the Houston County Board or City sets. Outside of operating hours, the premises remain secured (alarm systems armed and no public access), and no sales or distribution of cannabis occur. These hours of operation are clearly posted at the storefront and on all customer-facing materials, and the business ensures no loitering or nuisance occurs before opening or after closing each day.

### 4. Compliance with State Requirements

Ouidhaus LLC is fully committed to **complying with all State of Minnesota requirements** for cannabis retailers. Our operations and facility design meet or exceed the standards set forth in Minnesota Statutes (Chapter 342) and the Office of Cannabis Management's administrative rules (Minnesota Rules Chapter 9810). Key areas of compliance include:

- **Lighting:** The facility uses ample interior and exterior lighting to promote safety and security. All lighting are high-efficiency **LED fixtures**, providing clear visibility for both surveillance cameras and individuals on-site. Exterior lights will be positioned to illuminate all entrances, exits, and the surrounding area (at least a 20-foot radius around entry points) to deter loitering or criminal activity . This lighting is be directed downward or inward to the property to avoid disturbing neighboring properties, in accordance with state rules on preventing light pollution. We conduct regular checks to ensure all bulbs and fixtures are functioning. **Any deficient or inoperable lighting will be repaired within 48 hours** of detection to maintain compliance with Minn. R. 9810.1500, subp. 10

. Sufficient indoor lighting is also be maintained in sales and storage areas so that all activities are well-lit and captured clearly on video surveillance.

- **Security: Robust security measures** are in place, following Minn. R. 9810.1500 and Minn. Stat. §342.27 requirements for cannabis businesses. Our security system includes a 24/7 monitored **alarm system** and a digital **video surveillance** network. The alarm covers all doors, windows, and any motion sensors, with automatic alerts to law enforcement or a private security service if a breach occurs. High-definition cameras continuously record all critical areas: entry/exit points, the sales floor, product storage rooms, and exterior perimeters. Recorded surveillance footage is retained for the required duration (at least 90 days, per state guidelines) to assist in any necessary investigations. All exterior doors and any other access points are secured with **commercial-grade locks**. In particular, **each perimeter door has an electronic lock with keypad or keycard access control**, as mandated by state security rules . Only authorized personnel have credentials to unlock these doors. Inside the facility, **restricted areas** (such as the product vault or any cultivation/processing space) are clearly marked “Authorized Employees Only” and secured to prevent public entry. We implemented an employee **ID badge system** and access log to ensure only approved staff enter back-of-house areas, consistent with state security protocols. A written emergency **response plan** is in place (and shared with local law enforcement) so that within minutes of any security alarm or incident, the situation is addressed. In sum, the security plan encompasses the required alarm, surveillance, lighting, locks, and response procedures defined by Minnesota’s cannabis regulations , creating a safe environment for customers and the community.
- **Sanitation: Maintaining a clean, sanitary, and pest-free environment** is essential and required by state law for all cannabis businesses. Ouidhaus LLC’s facility is kept orderly and follows strict sanitation protocols. An enclosed restroom with hand-washing facilities (hot and cold running water, soap, and disposable towels or hand dryers) is available on-site for employees to ensure proper hygiene before handling any cannabis products. The business follows a regular cleaning schedule for all areas of the store, especially any areas where products are handled or stored, to prevent contamination. Floors, counters, and shelving are cleaned and disinfected frequently. All cannabis products are stored in a manner that preserves their quality and prevents any contamination or spoilage – for example, off the floor, in sealed containers or packaging, and in climate-controlled cabinets or a secure vault as appropriate. To keep the premises **free from pests**, the business works with professional pest control services for preventative treatments and conducts routine inspections of the facility (checking for any signs of insects or rodents). Any openings or gaps in walls, doors, or windows are sealed to prevent pest entry. The business maintains **written sanitation procedures and records** as part of our standard operating procedures, documenting cleaning schedules, methods, and any issues noted . These sanitation SOPs include handling of any waste or spoiled product as well, in

compliance with state environmental and health standards. By rigorously following these sanitation and pest control measures, the business ensures a safe environment for both customers and employees, and full compliance with Minn. R. 9810.1100 (which mandates cannabis premises to be clean and free of infestation).

- **Inventory Control:** Ouidhaus LLC utilizes the **Metrc** statewide tracking system and an integrated **point-of-sale (POS)** solution (such as Dutchie) to manage all inventory from seed to sale. **Metrc** is Minnesota’s mandated seed-to-sale traceability platform, and we use a Metrc account to tag and track every cannabis plant and product in our possession . Every item in our inventory is assigned a unique **identification tag** (with RFID/barcode) and recorded in Metrc. As products move through our business – from receiving inventory, to storage, to sale – these actions are logged in real time in the Metrc system . Our POS system is connected directly to Metrc so that each sales transaction automatically updates the state’s database, ensuring **real-time data entry** and visibility to regulators. Inventory counts are reconciled daily between our records and Metrc to immediately flag any discrepancies. We follow the state’s requirements to **segregate product batches** and maintain lot information for all cannabis products. This means products from different suppliers or harvest batches are not be commingled; they are stored in clearly labeled bins or areas indicating their batch number or Metrc ID. Such segregation and labeling allow us to quickly identify and isolate any product batch if a quality issue or recall arises. In addition, the business has implement internal controls like double-verification when receiving or transporting inventory and routine inventory audits. These steps meet the **Minnesota state regulations for comprehensive inventory tracking** – from the moment a product enters our supply chain to the final sale, everything is documented and traceable in the state’s monitoring system. By using Metrc in tandem with a modern POS, Ouidhaus LLC prevents diversion, ensures accurate tax reporting, and maintains up-to-date records of all cannabis products as required.
- **Recordkeeping and Data Privacy:** Ouidhaus LLC treats all **business records and customer data** with the highest level of security and confidentiality. Both electronic records (such as transaction databases, customer profiles for medical patients, inventory logs, and compliance reports) and any physical paperwork is stored securely to prevent unauthorized access. Digital records are kept on secure, password-protected systems with encryption and regular backups. We restrict access to sensitive data such that only management or necessary authorized personnel can view or modify critical records (for instance, patient information will only be accessed by the pharmacist or trained medical cannabis staff if applicable). Any **paper records** (e.g., purchase receipts, signed acknowledgments, employee files) are kept in locked file cabinets in a back-office area not accessible to the public. This approach is in line with Minn. R. 9810.1500 subp. 7(C)–(D), which requires cannabis businesses to guard against **unauthorized access to electronic business records and paper records** . We do and will adhere to all data

privacy laws, ensuring that customer personal information (IDs, contact info, etc.) is not shared or misused. Records will be retained for the duration required by state law and OCM rules (for example, transaction records and surveillance footage will be kept for the minimum timeframes specified, or longer if needed, to satisfy any regulatory inquiry). Furthermore, the business has clear policies for handling **data requests** or inspections by regulators – any requested records are provided to the Minnesota OCM or law enforcement promptly and securely, as required. By maintaining organized, secure recordkeeping and limiting access, Ouidhaus LLC protects customer privacy and confidential business information while satisfying all state compliance obligations for records retention and availability.

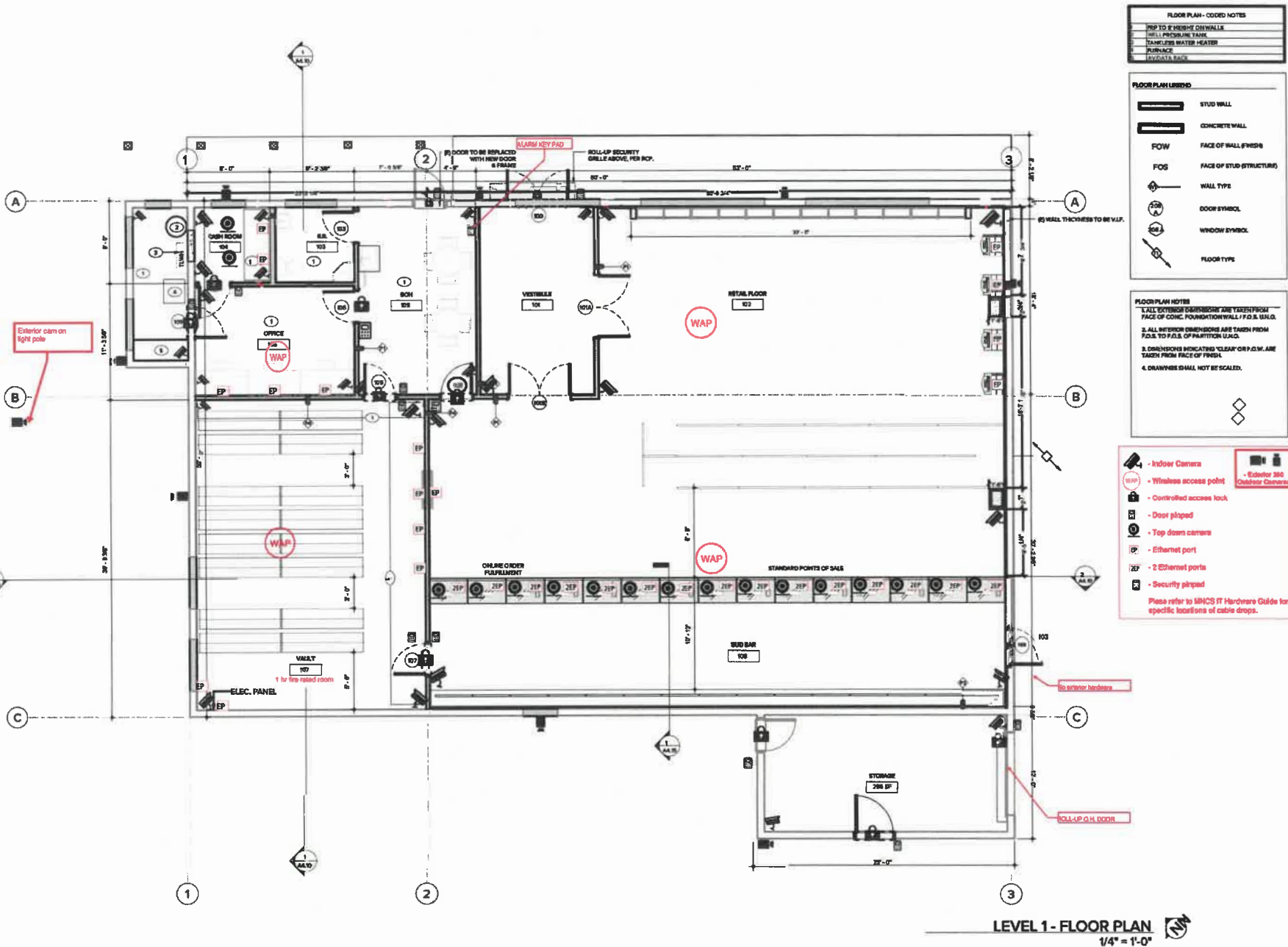
**Conclusion:** In summary, Ouidhaus LLC has prepared this business plan to demonstrate a clear, compliant, and community-conscious approach to operating its licensed retail cannabis business in Houston County. We have outlined the business overview, staffing, hours, and detailed our compliance strategy in key areas (lighting, security, sanitation, inventory, and recordkeeping). All the measures described above are designed to **meet or exceed Minnesota’s legal requirements**, ensuring that our business operates safely, responsibly, and with respect for the community and regulators. We appreciate the Houston County Board of Commissioners’ consideration of our plan, and we continue to work closely with local officials to address any additional conditions or concerns. Ouidhaus LLC is committed to being a model operator, one that Houston County can feel confident will uphold public safety and contribute positively to the local economy under Minnesota’s cannabis law. Our comprehensive adherence to state guidelines ensures the continued successful and compliant operation of this enterprise. Thank you for reviewing our business plan.

**Sources:**

- Minnesota Office of Cannabis Management – **Cannabis Microbusiness License Details**
- Minnesota Statutes, Chapter 342 – **Cannabis Regulations** (hours of operation authority)
- Minnesota Administrative Rules, Chapter 9810 – **Security and Operations Requirements** (lighting, security, sanitation, recordkeeping)
- Minnesota Public Health Law Center – **Summary of Legal Cannabis Requirements** (clean and sanitary premises)
- Dutchie Business Guide – **Minnesota Compliance (Metrac seed-to-sale tracking)**

- Minnesota OCM Website – **Inventory Management with Metrc**

# 1570 US HWY 14/16E, La Crescent, MN 55947 - Floor Plan & Security Layout



**FLOOR PLAN - CODED NOTES**

POP TO 8' HEIGHT OVERWALL
WELL PRESSURE TANK
TANKLESS WATER HEATER
PURINACE
EVAPORATOR

**FLOOR PLAN LEGEND**

- STUD WALL
- CONCRETE WALL
- FWW FACE OF WALL FINISH
- FOS FACE OF STUD STRUCTURE
- WALL TYPE
- DOOR SYMBOL
- WINDOW SYMBOL
- FLOOR TYPE

**FLOOR PLAN NOTES**

1. ALL EXTERIOR DIMENSIONS ARE TAKEN FROM FACE OF CONCRETE FOUNDATION WALL F.O.S. UNLESS NOTED OTHERWISE.
2. ALL INTERIOR DIMENSIONS ARE TAKEN FROM F.O.S. TO F.O.S. OF PARTITION UNLESS NOTED OTHERWISE.
3. DIMENSIONS INDICATED 'CLEAR' OR F.O.W. ARE TAKEN FROM FACE OF FINISH.
4. DRAWINGS SHALL NOT BE SCALED.

- Indoor Camera
- Wireless access point
- Controlled access lock
- Door plipad
- Top down camera
- Ethernet port
- 2 Ethernet ports
- Security plipad
- Exterior 360 Outdoor Camera

Please refer to SMCSS IT Hardware Guide for specific locations of cable drops.

**LEVEL 1 - FLOOR PLAN**  
1/4" = 1'-0"

**[us]**  
architecture + design

uptic studios, inc.  
509.850.3698  
www.upticstudios.com

DATE: 11.06.2025

NO.	REVISIONS	DATE
1	REVISION 01	11.06.2025

**HYWAY MOTORS T.I.**  
1570 US HWY 14/16E  
LA CRESCENT, MN 55947  
PID#: 080134000

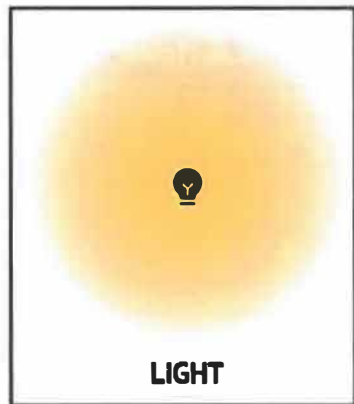
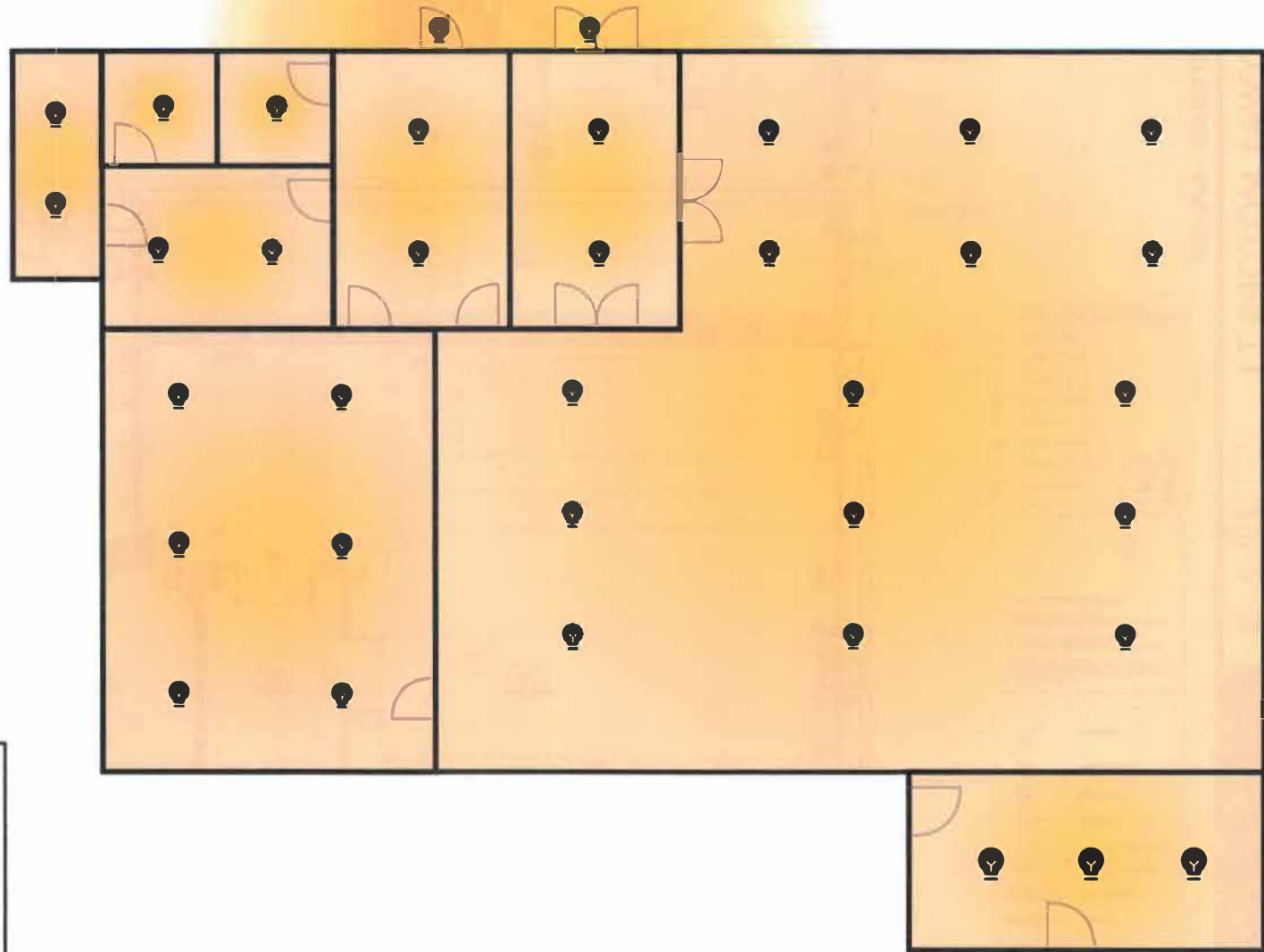
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PROJECT NO. 1503  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
DATE: 11.06.2025

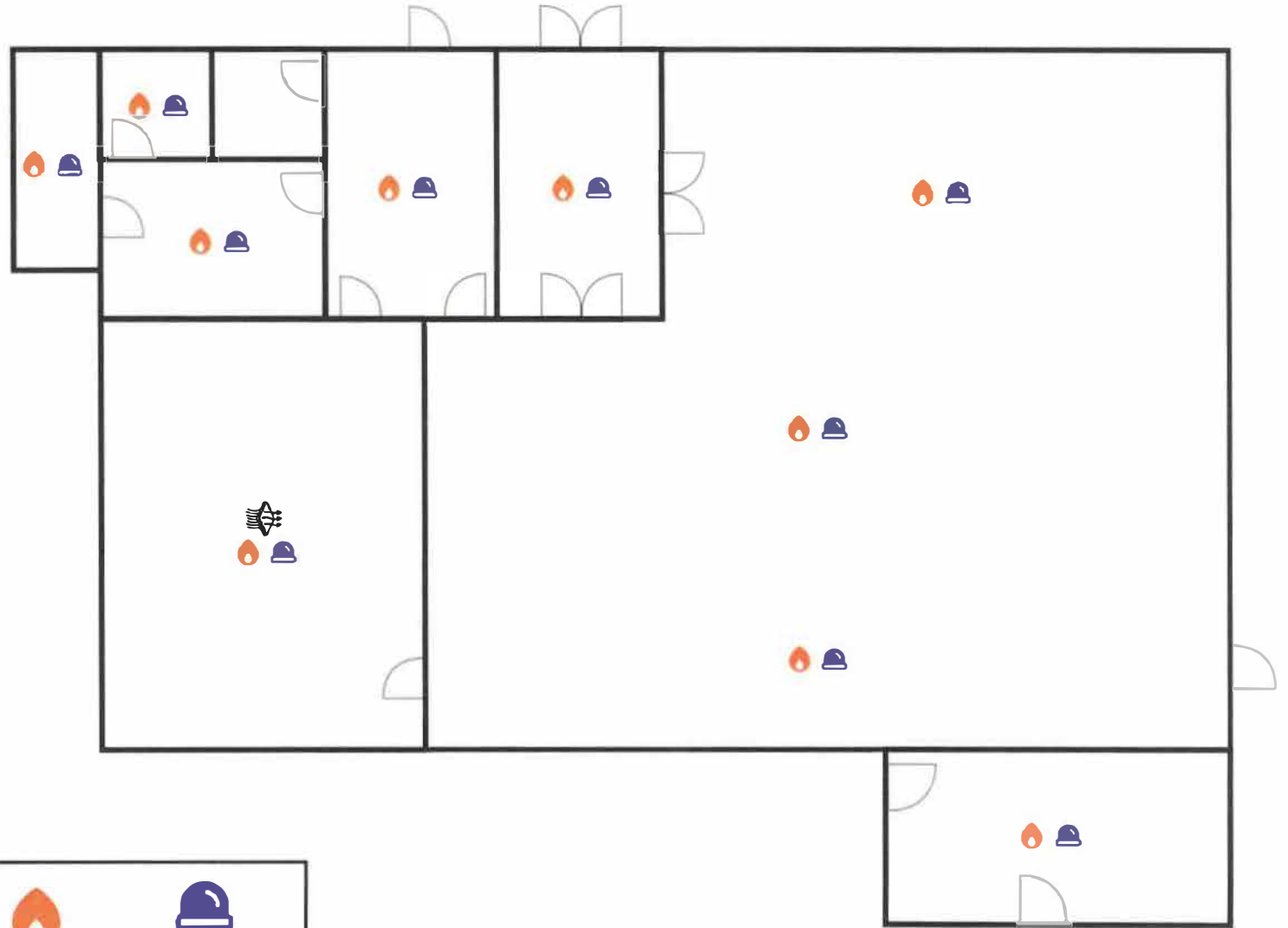
**A3.01**  
LEVEL 1 - FLOOR PLAN

NOT INCLUDED IN PACKET

# 1570 US HWY 14/16E, La Crescent, MN 55947 - Lighting

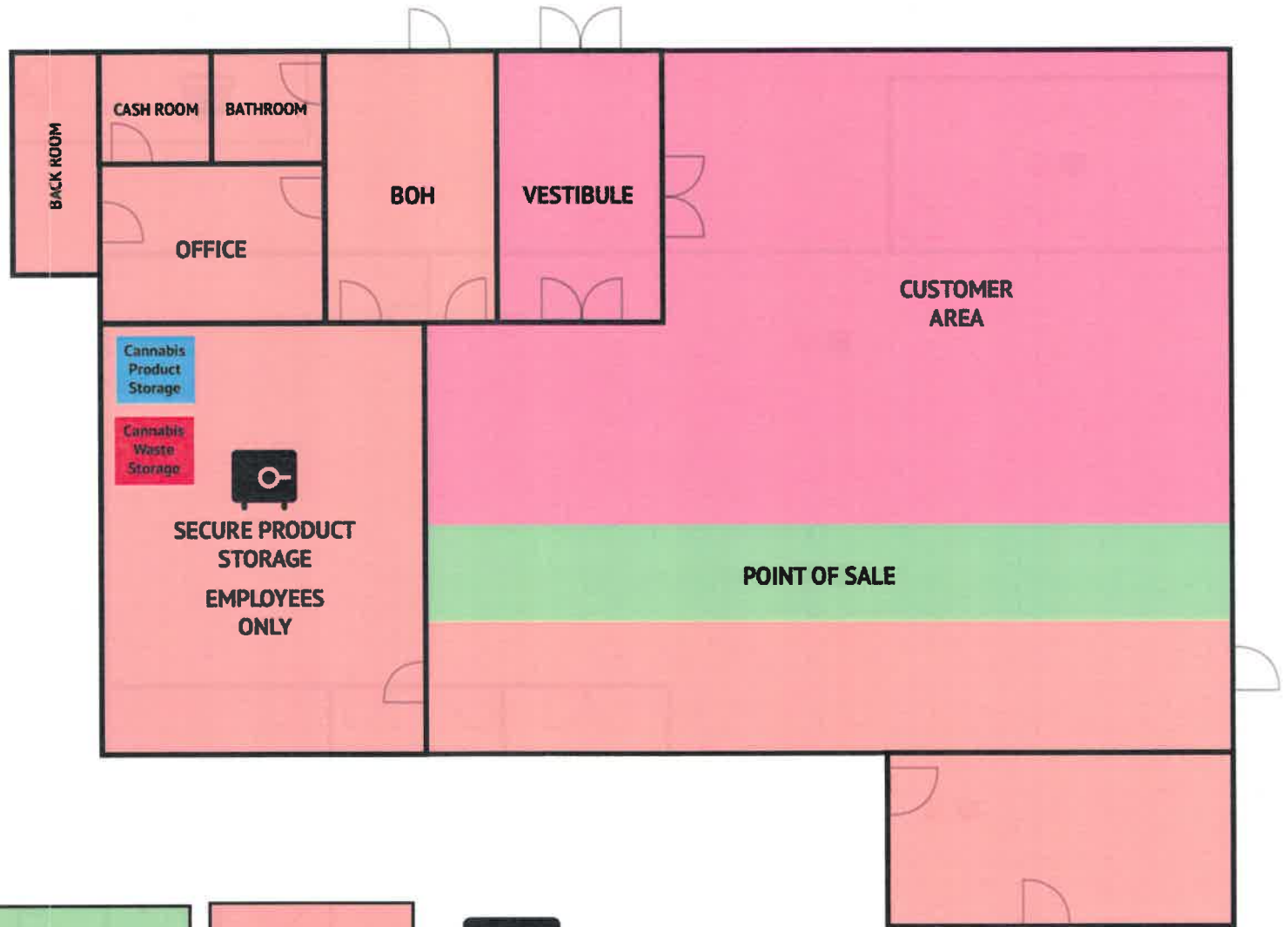


1570 US HWY 14/16E, La Crescent, MN 55947 - <sup>52</sup>Fire & Carbon Monoxide



		
<b>FILTRATION &amp; VENTILATION</b>	<b>SMOKE DETECTOR</b>	<b>CARBON MONOXIDE DETECTOR</b>

# 1570 US HWY 14/16E, La Crescent, MN 55947 - Room Layout



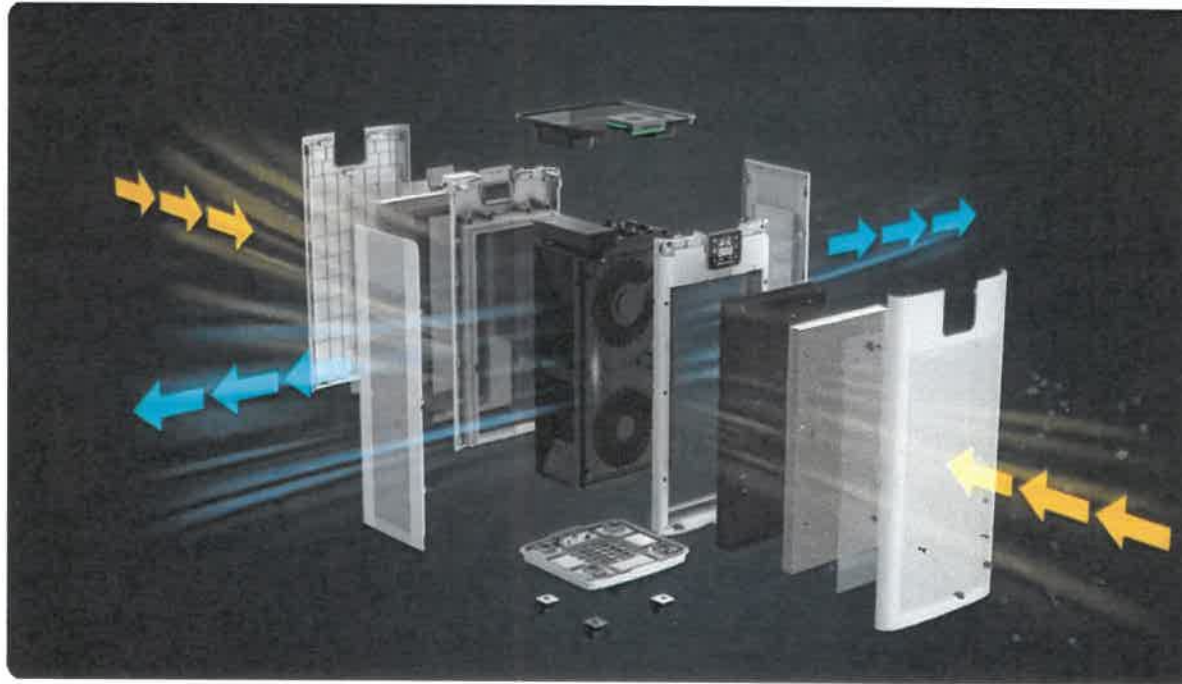
**CUSTOMER AREA**

**POINT OF SALE**

**EMPLOYEES ONLY**



**SAFE**



### **Jafanda® JF888 Large Room Air Purifier**

**The Jafanda JF888 boasts a powerful dual True HEPA and activated carbon filtration system.**

**Pre-Filter: Traps larger particles like pet hair and dust.**

**True HEPA Filter: Eliminates microscopic allergens, viruses, and bacteria.**

**Activated Carbon Filter: Absorbs odors, smoke, and harmful VOCs with its 3.38 lb capacity.**

**3-stage filtration system effectively removes 99.97% of pollutants as small as 0.3 microns and even smaller down to 0.015 microns.**

<https://www.jafanda.com/products/jafanda-jf888-air-purifier>

## NOTICE OF PUBLIC HEARING

### PLEASE TAKE NOTICE:

That an application has been made by Beverly Hanson, 22737 State 16, Rushford, MN 55971, to rezone (Section 8.2, Subdivision 2) an area from the Agricultural Protection District to the Residential District in Yucatan Township on the following premises, to-wit:

PT NW1/4, Section 29, Township 104, Range 7, Houston County, Minnesota.  
(Parcel # 17.0035.001).

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

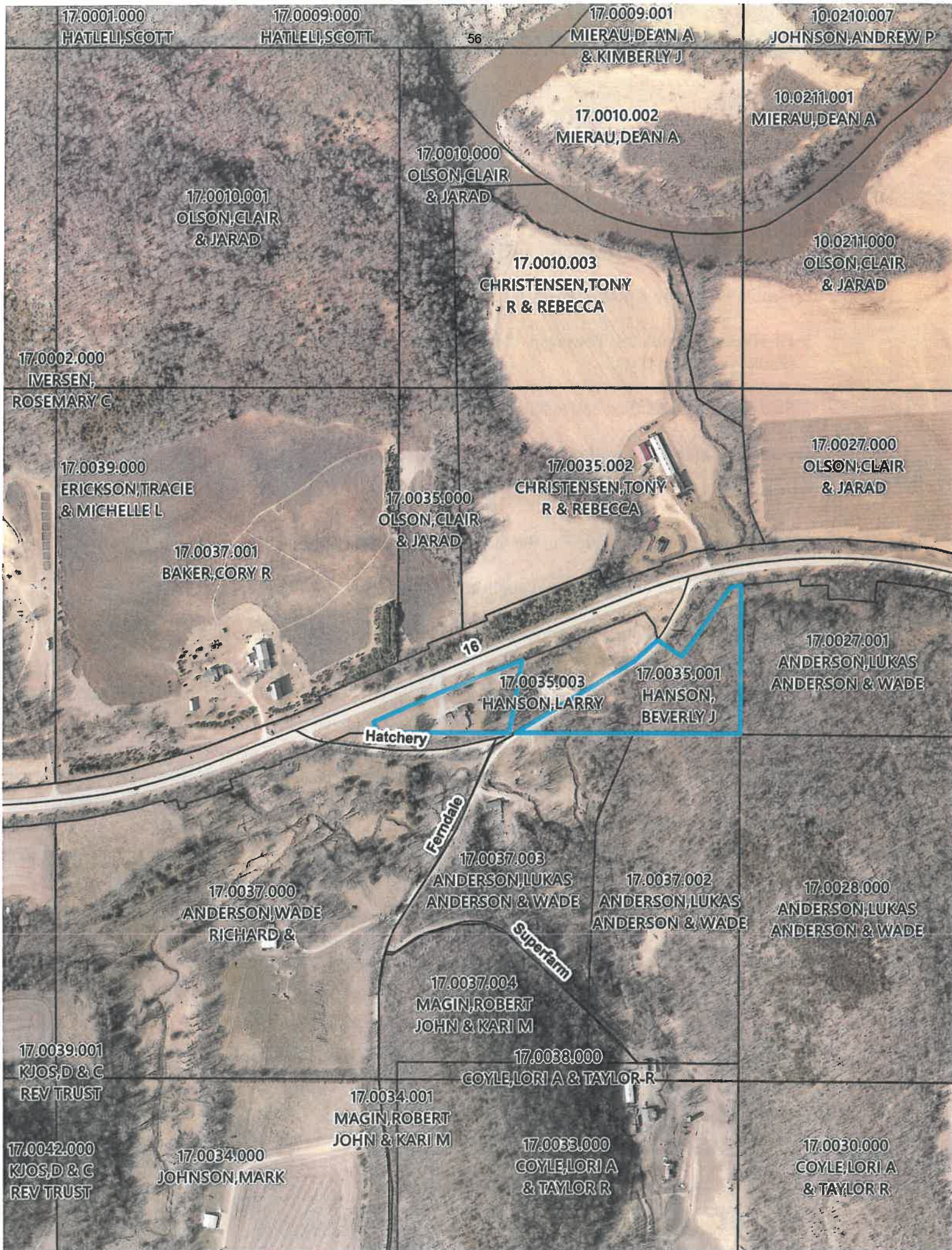
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:10 p.m. on Thursday, May 28, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to [Zoning@HoCoMN.gov](mailto:Zoning@HoCoMN.gov), and must be received by Tuesday, May 19, 2026 to be included for review prior to the hearing. All comments are considered part of the public record.

HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administrator

ADV: May 13, 2026



## HOUSTON COUNTY PLANNING COMMISSION

### Beverly Hanson – Yucatan Township

Section 8.6 of the Houston County Zoning Ordinance requires that the Board make findings in support of a decision but does not prescribe specific criteria. The following findings are proposed by staff for your consideration. As each application is unique, the standards cited below have been interpreted to find reasonable connections. Section 8.1 states that amendments shall not be issued indiscriminately but shall only be used to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County. Further, the Comprehensive Land Use Plan provides the following criteria on page 29 for reviewing a request to amend the map.

- *The proposed amendment would permit a use or uses that are compatible with adjacent uses.*
  - *The proposed amendment would permit a use or uses that are compatible with and will not adversely impact natural resources (such as wetlands, waterbodies, bluffs) on, or adjacent or adjoining to, the subject property.*
  - *The proposed amendment would permit a use or uses that do not require an expansion of county facilities, infrastructure or services to the extent that an unreasonable financial burden would be placed on the County.*
  - *The proposed amendment would be consistent with and help the County meet the goals and policies of this Comprehensive Plan.*
1. Dwellings are allowed as either a permitted or conditional use in the agricultural protection district based on associated acreage and use, provided the quarter-quarter requirement can be met. That is how Houston County chose to conduct orderly rural residential development.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		
Richard Schild	X		

2. The existing dwelling was permitted as a conditional use in the agricultural protection district and that rule has not changed since it was permitted.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		
Richard Schild	X		

3. An adjacent property was rezoned to residential after-the-fact, it seems as a mechanism to solve a problem.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		That's true.
Chase Munson	X		
Richard Schild	X		It was.

4. Surrounding property use is agricultural or recreational in nature which meets the purpose of the agricultural protection district.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		Surrounding property is agricultural and recreational which meets the purpose of the agricultural district.
Chase Munson	X		
Richard Schild		X	Does not think it is accurate because adjacent properties are also residential.

5. This parcel is not used for agricultural production but does have recreational value along Ferndale Creek.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		
Richard Schild		X	Feels it is not applicable.

6. The Comprehensive Land Use Plan did not consider the City of Rushford or Rushford Village in its Future Land Use Map and this location does fall within two miles of Rushford Village.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		Also in the Comprehensive Land Use Plan, we do not allow cluster housing.
Chase Munson	X		
Richard Schild	X		It used to be called cluster housing but it (Comprehensive Land Use Plan) took cities and unincorporated towns to draw concentric circles to try and keep as much residential building within those circles. Feels this is the appropriate thing for the applicants and sees it as a reason for the property to be residential.

7. The Urban Expansion Area section of the Comprehensive Land Use Plan states “areas adjacent to incorporated communities are most susceptible to urban growth pressures; therefore, distinct policies should be adopted to ensure orderly and timely growth, and to retain the land for agriculture purposes until such time as conversion to another use is appropriate”.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		Feels we have to protect agricultural land.
Eric Johnson	X		
Chase Munson	X		

Richard Schild	X		Feels this is what keeps houses out of the country and off of agricultural land.
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Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Johnathon Glasspoole made a motion to accept the findings as presented. Chase Munson seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the rezone request if there were no additional comments or questions.

Richard Schild made a motion to recommend the Houston County Board approve an amendment to the zoning map from Agricultural Protection to Residential with one condition in Yucatan Township:

1. The rezoned area shall be platted consistent with the adjacent residentially zoned property.

There was not a second. Motion failed due to lack of a second.

Chairman Hahn asked if there was a different motion on the rezone request.

Franklin Hahn made a motion to recommend the Houston County Board deny an amendment to the zoning map from Agricultural Protection to Residential in Yucatan Township.

Eric Johnson seconded. A roll call vote was taken. Motion carried four to one.

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		
Richard Schild		X	

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



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



**STAFF REPORT**  
5/20/2026

Application Date: 4/17/26  
Hearing Date: 5/28/26  
Petitioner: Beverly Hanson  
Reviewer: Amelia Meiners  
Zoning: Ag Protection to Residential  
Address: 22737 State 16  
Township: Yucatan  
Parcel Number: 170035001  
Submitted Materials: Zoning Amendment Packet

## OVERVIEW

### REQUEST

The applicant is requesting to amend the zoning map to change this parcel from the Agricultural Protection District to the Residential District.

### SUMMARY OF NOTEWORTHY TOPICS

This request was initiated by the landowner and not at the recommendation of staff.

This site is located off State 16 just over a mile east of the Houston-Fillmore County line. The property is zoned agricultural protection and the dwelling on the parcel was permitted and is therefore in compliance with our current zoning standards.

The dwelling on this parcel dates to 1978 and was permitted with conditional use permit (CUP) #74 (See Fig. 1). Two dwelling additions were later permitted, one in 1994 and one in 2003. There is another dwelling on the NE ¼ NW ¼ that dates to 1900 and is the original farm dwelling. In the Planning Commission minutes from March 30, 1978 (included in packet), it was noted that "Mr. Hanson sold the rest of his farm and has retained 10 acres for the house". This was permitted under 324.3(a) of the 1973 Zoning Ordinance, shown below.

#### **-324.3 Conditional Uses**

The following uses may be allowed in the A-1 AGRICULTURE DISTRICT, subject to the provisions of -232.

(a) One family dwelling, modular dwelling cabins and cottages, but not including residential subdivisions.

No. 294 Miller-Davis Co., Minnesota

\$10<sup>00</sup>

State of Minnesota, }  
County of HENNING }  
No. 74  
Town of Junction  
Office of zoning adm  
conditional use Permit  
IN CONSIDERATION OF The statements made by Orvin A. Hanson  
in an application therefor duly filed in this office, which application is hereby made a part hereof,  
PERMISSION IS HEREBY GRANTED To said Orvin A. Hanson as owner  
to build a mobile home on 10 acres  
(324.3(2))  
upon that tract of land described as follows: Lot 29 Block 104-7; plat or addition  
Address 29-104-7  
which tract is of the size and area specified in said application.  
This permit is granted upon the express conditions that said owner and his contractors, agents,  
workmen and employees, shall comply in all respects with the ordinances of the  
County of Hennepin of said County and its corporate  
Given under the hand of the zoning adm of said County and its corporate  
seal and attested by its this 6th day of April 19 10  
Attest: Rick Frank  
zoning adm.

Figure 1. CUP No. 74 from 1978.

Permit #	Name	Permit For	Parcel	Date Issued
2633	Hanson, Beverly	Build an addition	170035001	5/13/2003
1674	Hanson, Beverly	Build an addition, decks	170035001	6/1/1994
74 CUP - 1978	Hanson, Orvin	Build a house	170035001	4/6/1978

PID 17.0035.003, the lot to the east, was split from PID 17.0035.001 in 2004 and sold to the applicant's son. Originally, just a shed constructed in 1980 occupied that parcel but in 1993, the applicant requested a CUP to install a mobile home for her son so he could help her maintain the property and it was requested as a "hardship" situation. Based on aerial imagery that mobile home was present through the late 1990s. Then in 2012 the Planning Commission reviewed an after-the-fact rezone request for that parcel to go from agricultural protection to residential because the shed was being used as a dwelling. Rather than make the applicant remove the unpermitted dwelling, a rezone seems to have been the resolution. The landowner of that parcel was required to plat the single lot at that time, which is known as Hanson's Subdivision.

Non-farm dwellings (dwellings located on parcels under 40 acres in size) similar to this, are a common request in the agricultural district and over 250 conditional use permits have been processed since 1969, in addition to those that exist as legal, non-conforming uses throughout the County. While the parcel itself may not be conducive for row crops or traditional agriculture, the uses of the surrounding acreage should be taken into account and there is still a fair amount of tillable acreage in this area. While there is already a subdivision adjacent to this property, keep in mind items such as feedlot setbacks are increased when

considering urban development and also what the expectations of future landowners may be if they live in a platted subdivision. Another consideration should be future land use. If the dwelling becomes no longer habitable the residential district would allow multi-family dwelling units or offices with a conditional use permit. In addition, using the term agricultural protection to describe the activity of this district may be confusing since the hardwood forests and other recreational areas in the county are included within this district but provide a distinctly different use and one that has greatly affected property values of the County.

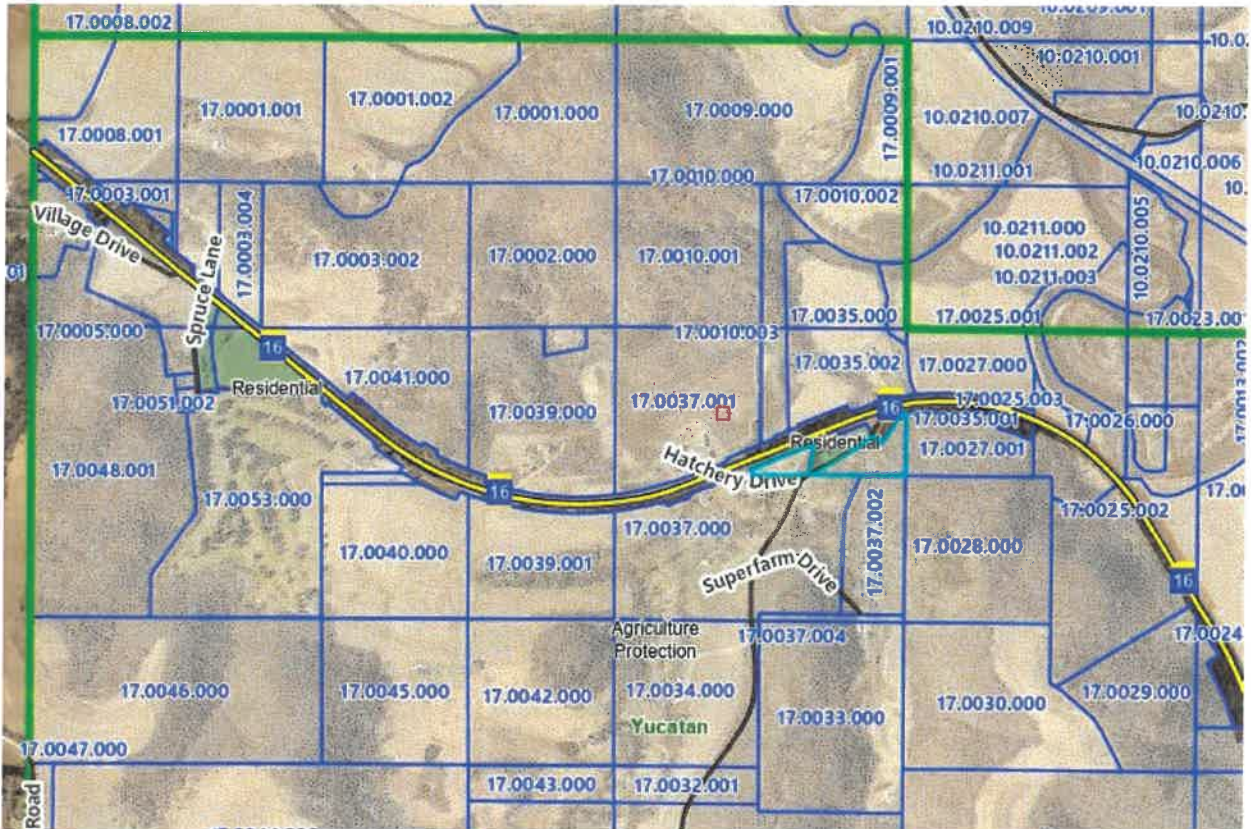


Figure 2. Zoning of parcels in proximity to the proposed rezone.

Relevant sections of the Houston County Zoning Ordinance are below:

## **SECTION 8 - AMENDMENTS**

### **8.1 CRITERIA FOR GRANTING ZONING AMENDMENTS**

*The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.*

### **8.2 REQUIRED INFORMATION AND EXHIBITS**

#### **Subdivision 2. Applications to Change District Boundaries or Land Use.**

- (1) *The names and addresses of the petitioners, and their signatures to the petition.*
- (2) *A specific description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within one quarter (1/4) mile of such area, and a description of the property owned by each.*
- (3) *The present district classification of the area and the proposed district classification.*
- (4) *Proposed use of the land (a statement of the type, extent, area, etc.).*

(5) *Compatibility with the Land Use Plan of Houston County a statement of conditions warranting the change in zoning district or uses.*

(6) *A legal description of the property to be rezoned or amended.*

(7) *Map, plot plan, or survey plot of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale.*

## **SECTION 14 - AGRICULTURAL PROTECTION DISTRICT**

### **14.1 PURPOSE AND PUBLIC NOTICE**

**Subdivision 1. Purpose.** *The purpose of the Agricultural Protection District is to provide a district that will:*

(1) *Retain, conserve, and enhance agricultural land in the County for agricultural uses.*

(2) *Protect and preserve natural resources and environmentally sensitive areas.*

(3) *Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.*

**Subdivision 2. Public Notice.** *Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.*

**Subdivision 3. Discomfort Resulting From Agricultural Uses.** *Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:*

(1) *Noise, odors, dust, and hours of operation.*

(2) *The operation of machinery, including aircraft.*

(3) *The production, storage and land application of animal manure.*

(4) *The application of fertilizers, soil amendments, herbicides, and pesticides.*

*Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as they occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.*

## **SECTION 15 - RESIDENTIAL DISTRICT**

### **15.1 PURPOSE**

*The purpose of the Residential District is to allow a continuation and limited expansion of existing residential development in the small unincorporated urban communities of the County as well as areas adjacent to existing cities where services can be easily extended in the future.*

**Agricultural Use.** *The use of land and buildings for the growing or production of field crops or other cash crops, orchards, the raising of livestock, and livestock products for the production of income.*

*For purpose of this definition the following terms are defined as:*

- *Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, or other products suitable for human or animal consumption;*
- *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;*
- *Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.*
- *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.*

## TOWNSHIP AND NEIGHBORHOOD COMMENTS

Yucatan Township was notified along with the ten nearest property owners. Two comments were received and are included in the packet.

## SITE CHARACTERISTICS

This parcel was split from the original farm in 1978 and the dwelling was permitted and constructed at that time. There is no building project associated with this request and to the knowledge of staff everything exists legally.

The Fillmore County line and Village of Rushford is approximately 1.2 miles to the west, and the city limit of Rushford is just over 2 miles (see Fig. 3). The Village of Rushford has seen increased development near the county line but Houston County has not seen that same increase in residential development. A majority of the area adjacent to the Village and City of Rushford in Houston County is zoned agricultural protection. There is some residentially zoned area closer to the county line but that has not yet been platted for development. It's also worth noting that Rushford Village is unique in that it spans 33 square miles and encompasses both the cities of Rushford and Peterson.

Ferndale Creek is just 200 feet to the southeast of this dwelling, and the east portion of this parcel would present multiple permitting challenges due to wetland, floodplain, shoreland and slopes. Shoreland and floodplain regulations apply regardless of zoning district classifications but this parcel becoming multiple lots is unlikely.



Figure 3. Distances to the Village of Rushford and City of Rushford.

**Houston County**  
Future County Land Use

Houston County Comprehensive Plan  
Houston County, MN

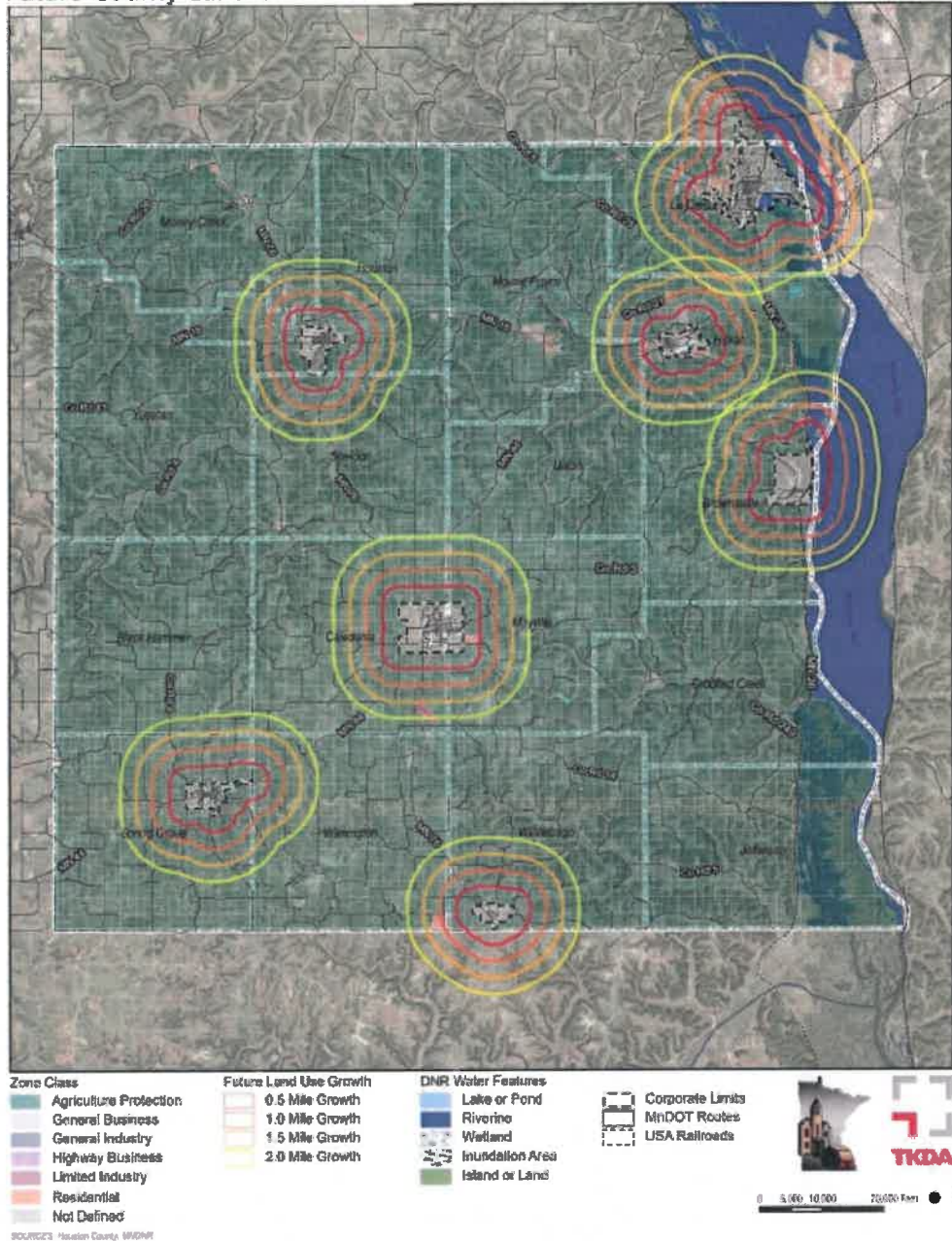


Figure 2.9 Houston County Future Land Use Map

Figure 4. Fig. 2.9 from Comprehensive Land Use Plan (page 30).

EVALUATION

Section 8.6 of the Houston County Zoning Ordinance requires that the Board make findings in support of a decision but does not prescribe specific criteria. The following findings are proposed by staff for your consideration. As each application is unique, the standards cited below have been interpreted to find reasonable connections. Section 8.1 states that amendments shall not be issued indiscriminately but shall only be used to reflect changes in the goals and policies of the community as reflected in the Policies Plan or

changes in conditions in the County. Further, the Comprehensive Land Use Plan provides the following criteria on page 29 for reviewing a request to amend the map.

- *The proposed amendment would permit a use or uses that are compatible with adjacent uses.*
- *The proposed amendment would permit a use or uses that are compatible with and will not adversely impact natural resources (such as wetlands, waterbodies, bluffs) on, or adjacent or adjoining to, the subject property.*
- *The proposed amendment would permit a use or uses that do not require an expansion of county facilities, infrastructure or services to the extent that an unreasonable financial burden would be placed on the County.*
- *The proposed amendment would be consistent with and help the County meet the goals and policies of this Comprehensive Plan.*

**PROPOSED FINDINGS:**

1. Dwellings are allowed as either a permitted or conditional use in the agricultural protection district based on associated acreage and use, provided the quarter-quarter requirement can be met. That is how Houston County chose to conduct orderly rural residential development.
2. The existing dwelling was permitted as a conditional use in the agricultural protection district and that rule has not changed since it was permitted.
3. An adjacent property was rezoned to residential after-the-fact, it seems as a mechanism to solve a problem.
4. Surrounding property use is agricultural or recreational in nature which meets the purpose of the agricultural protection district.
5. This parcel is not used for agricultural production but does have recreational value along Ferndale Creek.
6. The Comprehensive Land Use Plan did not consider the City of Rushford or Rushford Village in its Future Land Use Map and this location does fall within two miles of Rushford Village.
7. The Urban Expansion Area section of the Comprehensive Land Use Plan states “areas adjacent to incorporated communities are most susceptible to urban growth pressures; therefore, distinct policies should be adopted to ensure orderly and timely growth, and to retain the land for agriculture purposes until such time as conversion to another use is appropriate”.

**The Planning Commission may add additional findings as they see fit.**

RECOMMENDATION

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

1. The rezoned area shall be platted consistent with the adjacent residentially zoned property.

Proposed motion if recommending approval: Motion to recommend amending the zoning map from agricultural protection to residential with the one condition above.

## HOUSTON COUNTY PLANNING COMMISSION

July 22, 1993

The Houston County Planning Commission met at 8:00 p.m. on Thursday, July 22, 1993. The meeting was called to order by Charles Wieser, Chairman. Members present were Dave Corcoran, Duane Frauenkron, Donald Kruse, Bruce Lee, Garland Moe and Charles Wieser. David Alstad was absent. Others present were Rick Frank, Zoning Administrator; R. Sally Kinneberg, Assistant Zoning Administrator; Vince Poppe, Cary Koel and Larry Hanson.

Public Hearing No. 345, Kerry Snyder application to rezone A-1 to B-2 was withdrawn.

Notice of Public Hearing No. 346 was read. Beverly Hanson, Yucatan Township, is seeking a Conditional Use Permit to install a mobile home on her 11 acre parcel. The parcel was pointed out on the aerial photo. Mrs. Hanson, who is a widow, would like to be able to install a mobile home on her property for her son who helps her maintain the property. Mrs. Hanson was present at the June 24th meeting and explained her situation. It was the consensus at that time that she should make application for a Conditional Use Permit, which would be treated as a "hardship case". If approved it should be stipulated that the trailer be for her son only.

The Township Board and adjoining landowners were notified and no comments or concerns were received. This will not be considered as a second farmhome.

Her son, Larry, was present and stated that he had been checking on moving permits. He may not be able to use highway 76 or 44. He will need to run a perc test to size the septic system which must be installed according to code and inspected before closing.

Chairman Wieser asked that the Findings be read and if there was no conflict with them that a motion be made. Donald Kruse made the motion to recommend that the County Board approve the Conditional Use Permit as submitted with the stipulation that the mobile home is not to be rented out and is to be removed from the property if the son should vacate the premises. Bruce Lee seconded. Motion carried. The application will be presented to the County Commissioners on Tuesday, July 27, 1993.

Notice of Public Hearing No. 347 was read. Cary and Katherine Koel are seeking a Conditional Use Permit to install a mobile home (16' x 80') and build a pole style shed on the 25 acres they own in Brownsville Township.

Sally pointed out the site on the aerial photo. She checked the site and had no problems with it. She commented that Mrs. Koel had said that eventually they would like to build a three story house on piers into the hillside on the site. Sally noted that the site had a 21% slope and asked that this be addressed in terms of allowing this type of house to be built once the new zoning ordinance changes go into effect. Discussion was held as to whether or not this site would be grandfathered-in. It was the

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Notice of **Public Hearing No. 781** was read. **Larry Hanson**, 4212 Ferndale Road, Rushford, MN 55971, is seeking to re-zone from an Agricultural Protection District to Residential (after-the-fact) in Yucatan Township.

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

- The aerial shows that the house sits in the middle of the lot. Larry had an application several years ago (2004) and it was denied and was to revert back to a shed. The zoning office was unaware of it being a dwelling until Larry brought it up at a Houston County Board meeting in July 2012.
- The flood plain issue was the main concern years back. Since then Larry took it upon himself to do some work on this. He has worked with the DNR in removing the dwelling from the flood plain.
- The other issue was the proximity of the dwelling to city limits. It is over 2 miles from the City of Rushford but it is within 2 miles of the City of Rushford Village. Bob spoke with Joyce Iverson, City Clerk about this. She said south of Highway 16 there is some rural residential zoning up to the county line. North of Highway 16 is protected Ag.
- The Yucatan Township board and adjoining property owners were notified. There were no inquiries to the Zoning Office in regard to the application.

Chairman Wieser asked if anyone had anything to add. Larry said he went to Yucatan Township back in 2004 and they said to go ahead. Bob explained that zoning for the townships is done by the county.

Dan Griffin asked if he was living there. Larry said on and off. He keeps it heated in the winter. Dan asked if it was completed. Larry said no.

Chairperson Wieser asked if there were any other questions. Bob explained this is the 1<sup>st</sup> step in the process. A survey is required and a plat of a residential lot.

Terry Rosendahl asked if there was an issue with the township road right-of-way. Bob said no.

Dan Griffin asked how many acres were there. Larry said 2 acres.

Chairperson Wieser asked that the Findings be read if there were no additional questions or concerns. The Findings were read and comments made as follows. The Planning Commission shall not recommend a Zoning Amendment permit unless they find the following:

*The County Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Land Use Plan or changes in conditions in the County.*

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

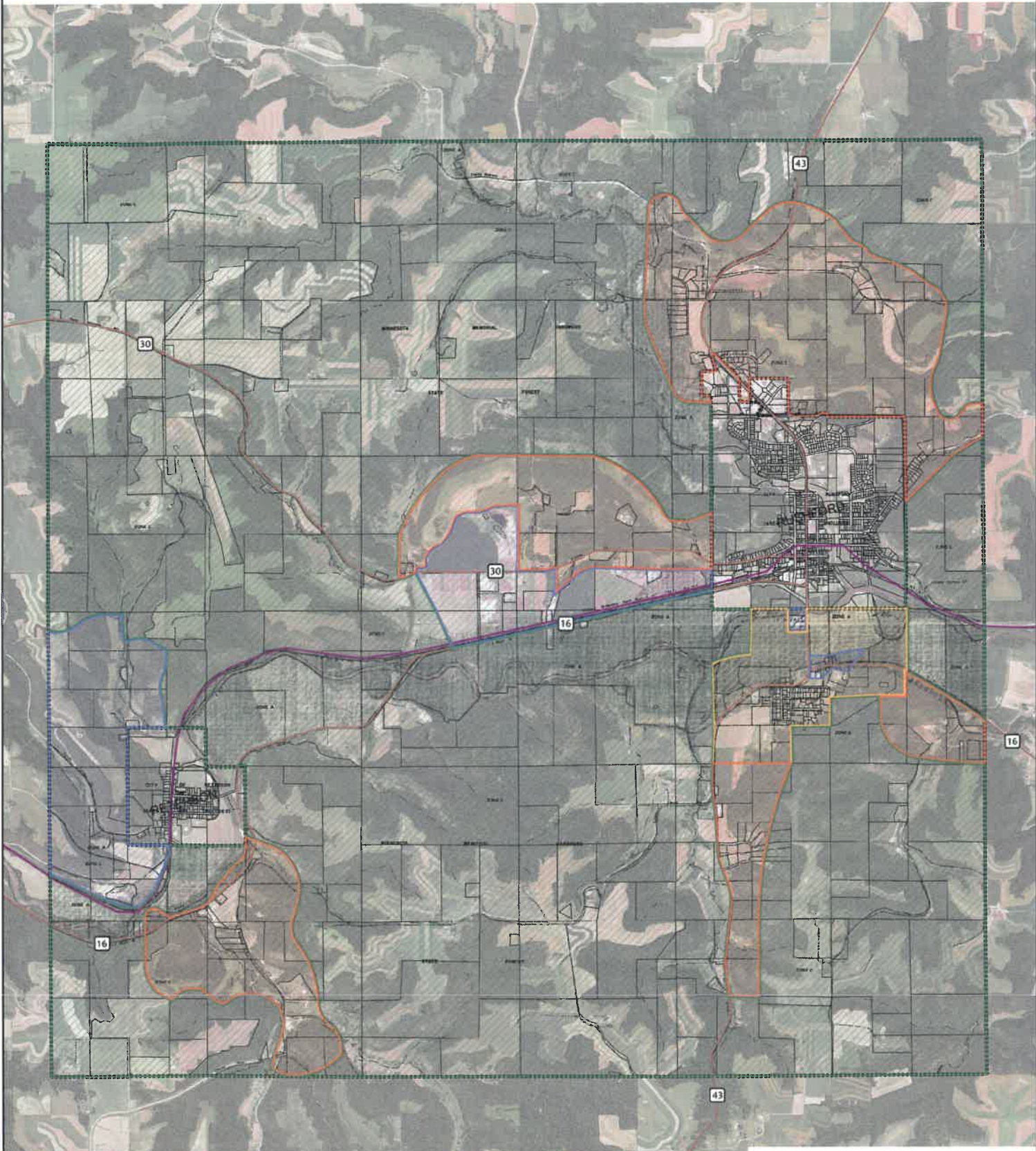
Chairman Wieser asked if anyone on the board had questions and entertained a motion on the application.

Glenn Kruse made the motion to recommend the Houston County Board approve the Zoning Amendment application with the stipulation that:

*The Houston County Board accept the Zoning Amendment with these stipulations:*

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

Bruce Lee seconded. Motion carried unanimously. The application, with these stipulations, will be presented to the Houston County Board of Commissioners for final action on Tuesday, October 9, 2012.



LEGEND

- PA PROTECTED AGRICULTURE
- RA RURAL RESIDENTIAL
- B-1 ONE & TWO FAMILY RESIDENTIAL
- B-2 MULTIFAMILY RESIDENTIAL
- B-1 GENERAL BUSINESS
- CI COMMERCIAL/INDUSTRIAL
- CITY HALL
- CITY LIMITS
- STATE TRAIL



**From:** [REDACTED]  
**To:** [Amelia Meiners](#)  
**Subject:** Public Comment for Hanson Request  
**Date:** Monday, May 18, 2026 8:22:23 PM

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Houston County Commissioners:

I respectfully request that you allow Bev Hanson's land to be zoned as residential according to it's use.

I believe that at one time it was part of a larger farm however that land was sold off many years ago. I can see where this may have been an oversight and should have been made residential at that time. More recently, when Bev sold some acres to her son, Larry, it probably should have been zoned residential at that time since it is too small to be considered a farm. If this parcel would ever sell, it would be listed as a residential property. The entire parcel that Bev owns is only 8.47 acres.

I respectfully request that you place Bev Hanson's parcel into compliance by rezoning it to residential from agricultural.

Cindy Cresswell Hatleli

**From:** [Jackie Baker](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Public Comment - Bev Hanson  
**Date:** Monday, May 18, 2026 10:59:46 PM

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

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

Dear Planning Commission,

We recently received notice of Bev Hanson's request to bring her property into compliance and rezone it to residential. It appears this was missed when the split to Larry occurred or perhaps even sooner.

After researching, she is 100% correct that her property does not meet the requirements in Houston County to be zoned Agricultural Protection District. Her property should have been rezoned to residential when her son's property was zoned residential - right next to her. There is no prime ag land or outbuildings on her property and it is a very small parcel. The primary use (highest and best use) is residential just like Larry's.

We own property just down the road that is zoned residential. This is a unique area that has a golf course, multiple homes nearby and very close to Rushford (about 3 miles).

I really appreciate Bev's desire to bring her property into compliance with the Houston County Zoning Ordinance and you, as a Planning Commission, probably feel the same way.

As neighbors, we support her request.

Sincerely,  
Cory and Jackie Baker

Beverly J Hanson  
22737 State 16  
Rushford, MN 55971  
Beverly, [REDACTED] Daughter Lori, [REDACTED]

April 16, 2026

Amelia Meiners  
Houston County Planning and Zoning  
304 South Marshall Street  
Caledonia, MN 55921

**RE: Rezone property to bring it into compliance**

Dear Ms. Meiners,

Enclosed please find my application to bring my property into compliance with the Houston County Zoning Ordinance.

The primary use of my property is residential and the adjoining parcel is already zoned Residential. My property is not used for agricultural production. The requested rezoning will align the zoning designation with the highest and best use of the property. This request represents a logical extension of an existing Residential zoning district and is not spot zoning. Rather, it is a map correction that brings my parcel into compliance.

The enclosed materials include a narrative, supporting justification and findings of fact for your review. Please contact me if you have questions. Thank you for your time and consideration.

Sincerely, )



Bev Hanson

**ReZone application to bring property into compliance  
Request to rezone from Agricultural Protection District to Residential District**

**Applicant:** Beverly J Hanson  
22737 State 16  
Rushford MN 55971

**Description of the Property:** Parcel size: 8.46 acres  
Existing use: Single family residence

The parcel functions as a rural residential homesite and no longer meets the intent of the Agricultural Protection District.

The subject parcel:

- Is 8.46 acres in size
- Contains an existing single-family home
- Is not used for agricultural production
- Is not part of an active farm operation
- Is adjacent to property already zoned residential
- Is located within an area containing several nearby homes
- Parcel #170035001
- Sect-29 Twp-104 Range-007 8.46 AC PT NW1/4 LY BETW PRESENT HWY#16 AND ABANDONED HWY #16
- Maps (Exhibit B)

Area:

- This is a unique rural residential area in close proximity to the incorporated areas of Fillmore County.
- Adjoining property zoned Residential and another Residential zone ¾ mile to the West
- Roughly eight new homes have been constructed within 1 mile from the subject parcel in the last 20 years due to close proximity to City of Rushford Village and City of Rushford.
- The subject Parcel is on the far west side of the county - roughly 1 mile to the City of Rushford Village and 2 miles to the City of Rushford.
- Public Golf course less than a ½ mile to the west.
- Multiple small acreages zoned Agricultural in the area. (Exhibit A)

**The property does not meet the purpose of the Agricultural Protection District therefore needs to be brought into compliance**

The Agricultural Protection District exists to preserve land for long-term agricultural production, prevent fragmentation of productive farmland, limit scattered rural residential development, and maintain large farm parcels suitable for commercial agriculture.

This parcel does not meet those criteria. The 8.46 acre parcel configuration is too small to support commercial agriculture. The existing use is single family residence and that is its best and highest use. This homesite is not viable farmland and cannot realistically function as part of a commercial agricultural operation. Because the land is no longer used or suitable for agricultural production, continuing to zone it Agricultural Protection is inconsistent with the intent of the district.

The adjacent parcel is zoned Residential and is located in an area characterized by multiple existing homes and rural residential development. This is a unique area of Houston County as the subject property is just over 1 mile from the incorporated City of Rushford Village. The parcel is surrounded by several single family homes on small acreage parcels used primarily for rural residences. A rural residential pattern has been established here. The public golf course is less than ½ of a mile away.

**The parcel already functions as rural residential land**

The property has already been permanently converted to residential use and cannot reasonably be reassembled into a viable agricultural tract. Rezoning does not create new development pressure or change land use. It simply aligns zoning with the existing, long-standing use.

This request is not to convert farmland to housing — the land is already residential in character and use. Because the parcel is no longer agricultural in size or use, logical zoning practices include bringing this parcel into compliance with the Residential district classification.

**The parcel cannot meet the Agricultural District density standard**

Houston County's Agricultural Protection District relies heavily on the 40-acre standard for non-farm homes. That standard exists to prevent fragmentation of farmland. The subject parcel is only 8.46 acres, already fragmented, and permanently separated from agricultural use.

Because the parcel is far below the 40-acre agricultural density threshold, it cannot function as an Agricultural Protection parcel now or in the future. Rezoning and bringing it into compliance corrects this mismatch.

**Rezoning the parcel to Residential supports the Houston County Comprehensive Plan**

The Houston County Comprehensive Plan directs the County to prevent land use conflicts, encourage orderly and compatible development, protect property values and rural character, protect commercial agricultural land, and direct rural housing to existing homesites and non-farm parcels. Rezoning this parcel to Residential directly supports these goals. The subject parcel is already a residential homesite, smaller than surrounding farm parcels, functionally separate from agriculture,

**Preventing Land Use Conflicts**

Houston County uses zoning to prevent conflicts between incompatible land uses and to guide development to appropriate locations. This rezoning request directly supports that goal because the adjoining parcel is already zoned Residential, the surrounding area contains multiple homes and is in a unique area of the county because it is only 1 mile from the incorporated city of Rushford Village and 2 miles from Rushford. The parcel functions as part of an existing residential neighborhood.

Rezoning the property to Residential eliminates inconsistency, ensures the zoning map reflects the existing land use pattern, and brings this parcel into compliance.

**Orderly and Compatible Development**

The Future Land Use Map in the County Land Use Plan identifies a 2 mile radius from incorporated areas. The subject parcel falls within 2 miles of the City of Rushford and the City of Rushford Village. Homes already exist nearby, adjacent parcel is already Residential. Rezoning the subject property supports the Comprehensive Plan goal of encouraging orderly and efficient development and consistent with the Future Land Use Map. The parcel is surrounded by existing residential development and adjacent residential zoning, and this request aligns zoning with the established land use pattern.

**Protecting Property Values and Rural Character**

Houston County values protecting property values and rural character, and supports stable residential neighborhoods. Rezoning this parcel to Residential helps preserve the existing rural residential character of this particular area and supports stable property values for neighboring homeowners.

**Protect Commercial Agricultural Land**

Rezoning actually strengthens agricultural protection by clarifying that this parcel is not part of the agricultural land base. Keeping a non-farm home in the Agricultural Protection District creates land use conflicts, complaints about normal farm practices and fragmentation of agricultural areas.

**Rezoning will not harm agriculture**

Bringing this parcel into compliance will not remove active farmland from production, reduce farm viability, interfere with agricultural operations, or set precedent for rezoning large farm parcels. Instead, the rezoning will strengthen agricultural production by removing a parcel that no longer serves an agricultural purpose and bring the subject parcel into compliance.

**The request is consistent with sound planning and zoning practice**

Good zoning practice requires that zoning reflect actual land use and zones according to best and highest use of the land, parcel size and configuration, long-term planning goals. Keeping an 8.46 acre homesite in the Agricultural Protection District does not preserve farmland, does not support agricultural production, does not serve the purpose of the district. Bringing this property into compliance corrects this inconsistency.

**Conclusion**

Rezoning this parcel from Agricultural Protection to Residential and bringing it into compliance aligns zoning with the existing residential use, supports the Houston County Comprehensive Plan, strengthens protection of true agricultural land, promotes orderly and consistent land use, and creates no negative impact on agriculture.. Attached are Findings that support approval of this application (Exhibit C).

**Exhibit A:** The names of all owners of property lying within one half (1/2) mile of such area, and a description of the property owned by each.

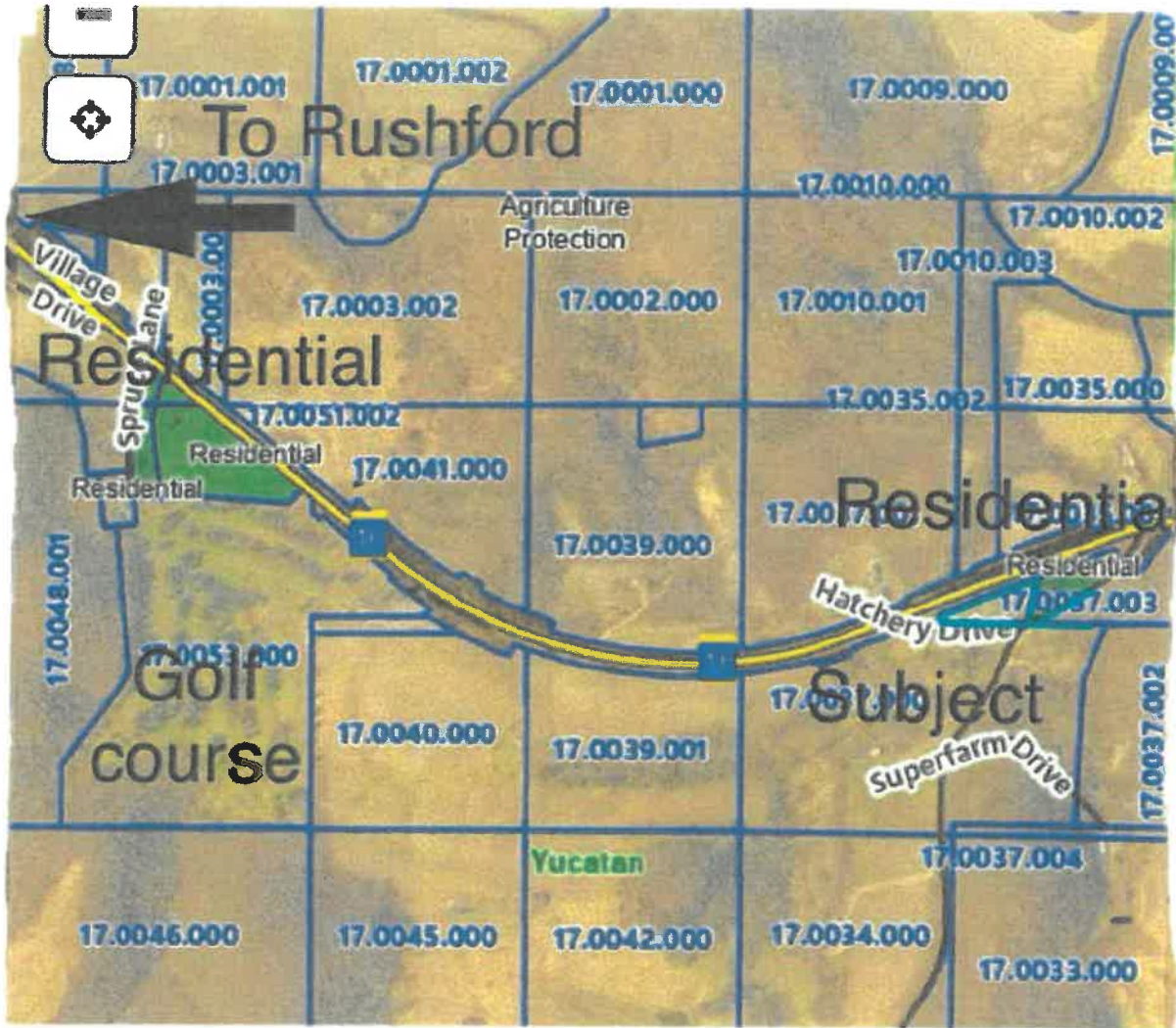
Parcel #	Owner	Description	Acreage
100210003	Darrin and Leah Dessner	Woods and water, Vacant land	3.06
100210005	Jerry and Theresa Hanson	Woods and water, Vacant land	12.16
100210006	Daniel Hershberger and Alisha Jassen	Woods and water, Vacant land	11.6
100210007	Andrew Johnson and Chelsea Grambo	Agricultural	28.08
100211000	Clair and Jarad Olson	Agricultural	40.49
100211001	State of Minnesota DNR	State Acquired, Woods, Vacant	5
100211002	Adam and Laura Van Gundy	Woods and water, Vacant land	5.49
100211003	Darrin and Leah Dessner	Woods and water, Vacant land	5.17
170002000	Rosemary Iversen	Woodland	40
170009000	Scott and Cynthia Hatleli	Woods and Agricultural	65.51
170009001	Dean and Kimberly Mierau	Woods and water, Vacant land	13.3
170010000	Clair and Jarad Olson	Woodland	10.41
170010001	Clair and Jarad Olson	Woodland	40
170010002	Dean and Kimberly Mierau	Woods and water, Vacant land	9
170010003	Tony and Rebecca Christensen	Agricultural	14.46
170023000	Scott and Darla Wallace	Woodland	4.58
170023001	Darrin and Leah Dessner	Woodland	5.35
170024000	David and Marilyn Anderson	House and buildings	32.96
170025000	Clair and Patricia Olson	Agricultural	6.58
170025001	Adam and Laura Van Gundy	Vacant land and water	6.95
170025002	Scott and Darla Wallace	Woods and water, Vacant land	7.23
170025003	Darrin and Leah Dessner	Woods and water, Vacant land	9.3
170025004	Darrin and Leah Dessner	Woods and water, Vacant land	4.03
170026000	Brian and Danielle Swedberg	Woods and Outbuildings	6.3
170027000	Clair and Patricia Olson	Agricultural	15.4
170028000	Lucas and Wade Anderson	Woodland	40
170029000	Cory Baker	Woods and Outbuilding	27.59
170030000	Lori and Taylor Coyle	Woodland	47.29
170033000	Lori and Taylor Coyle	House and buildings	52.12
170034000	Mark Johnson	House and buildings	36.41
170034001	Robert and Kari Magin	Woodland	3.3
170035000	Clair and Patricia Olson	Woodland	5.77

170035001	Beverly Hanson	House and Woods	8.46
170035002	Tony and Rebecca Christensen	House and Agland	21.51
170037000	Wade and Lindsey Anderson	House and Agland	37.67
170037001	Cory and Jacqueline Baker	House and Agland	39.2
170037002	Lucas and Wade Anderson	Woodland	16.37
170037003	Lucas and Wade Anderson	Woods and Hatchery	11.45
170037004	Robert and Kari Magin	Woodland	8.39
170038000	Lori and Taylor Coyle	Woodland	2
170039000	Tracy Erickson	House, Woodland and Quarry	38
170039002	Rosemary Iversen	Woodland and cabin	1.9
170041000	Jason and Michelle Peteson	House and buildings	29.5
170042000	Donny Kjos	Agricultural	10

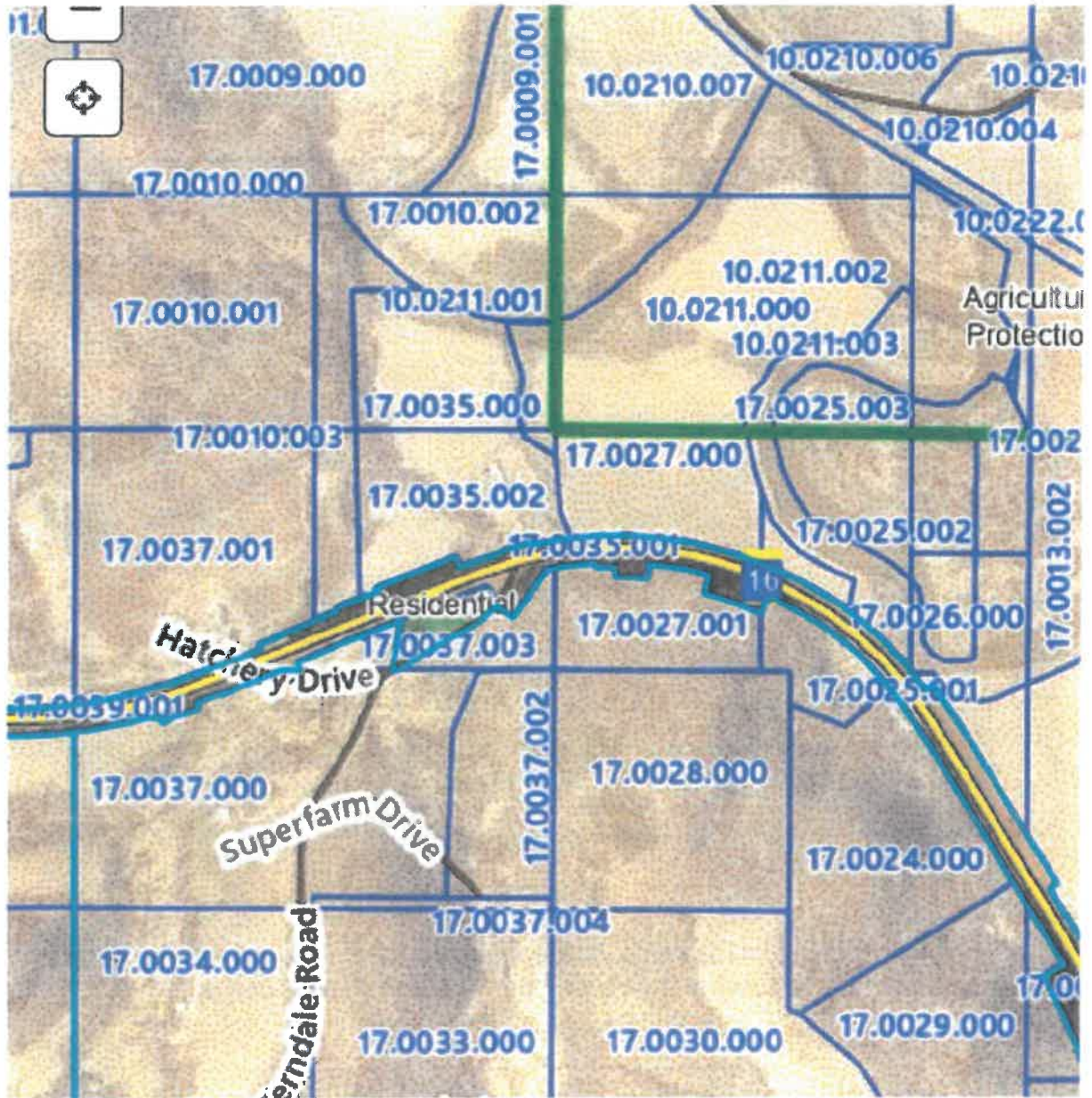
**Exhibit B:** Maps of property to be rezoned and also zoning of adjacent properties within one-half (1/2) mile.



Adjoining parcel is zoned Residential



City of Rushford and City of Rushford Village located 2 miles from the subject parcel.  
Additional nearby parcels zoned Residential by the Ferndale Golf Course.



Surrounding parcels zoned Residential and Agricultural Protection District

**Houston County**  
 Future County Land Use

Houston County Comprehensive Plan  
 Houston County, MN

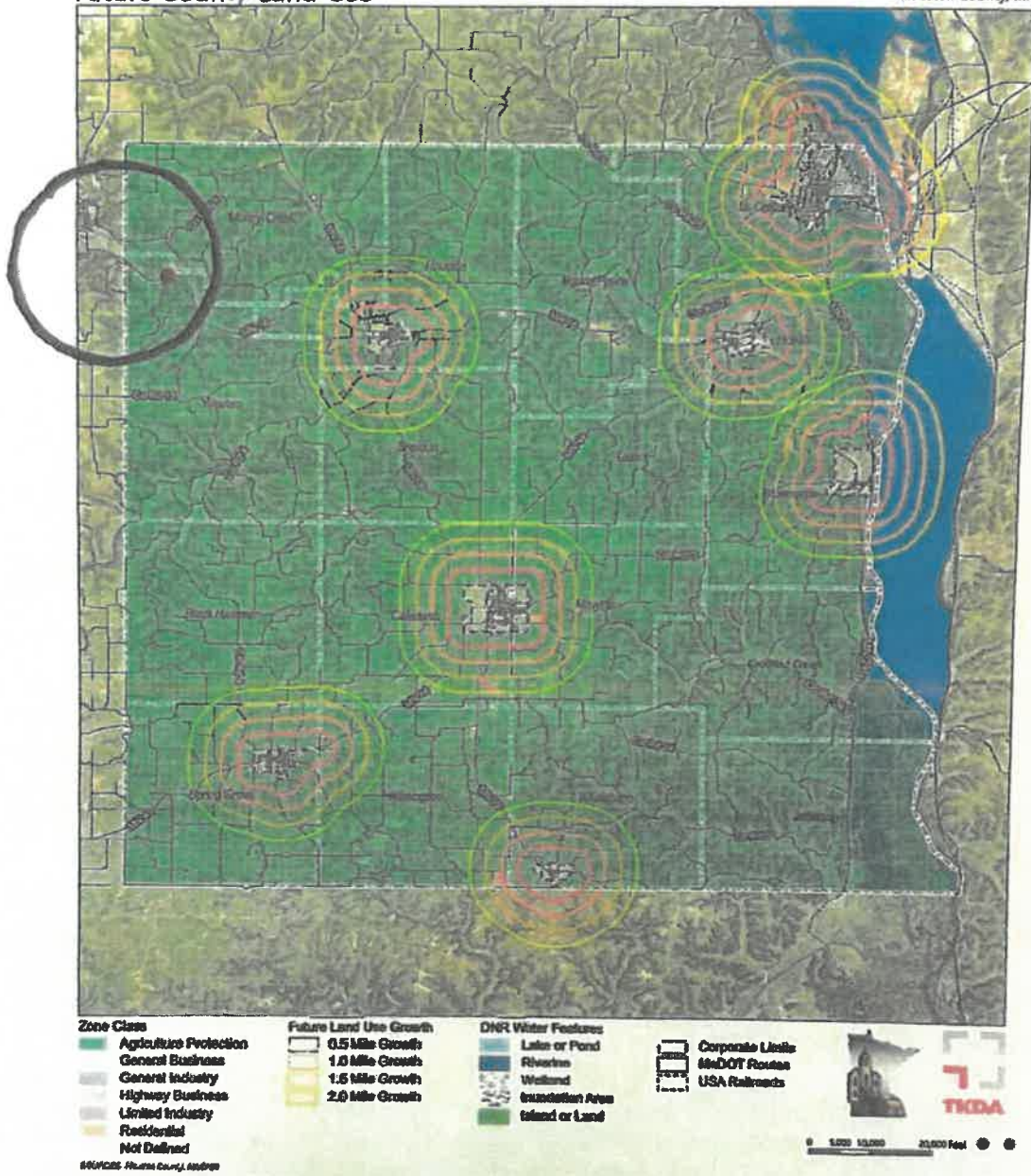


Figure 2.9 Houston County Future Land Use Map

Future Land Use Growth within 2 miles of the City of Rushford Village and the City of Rushford.

**Exhibit C:**

**FINDINGS SUPPORTING APPROVAL**

1. The subject property is an 8.46 acre parcel developed with a single-family residence.
2. The parcel is not used for agricultural production and is not part of an active farming operation.
3. The parcel is too small to support commercial agricultural use.
4. The parcel does not meet the large-parcel intent of the Agricultural Protection District.
5. The Comprehensive Plan encourages directing rural housing to existing homesites and protecting productive farmland.
6. Rezoning aligns the property's zoning with its existing residential use. Residential is its highest and best use of the land.
7. The surrounding area contains residential properties, including an adjoining residentially zoned parcel.
8. Rezoning will not negatively affect agricultural operations or remove productive farmland.
9. Rezoning promotes orderly land-use patterns and reduces land-use conflicts.
10. The rezoning request is consistent with the public health, safety, and general welfare of Houston County.

Not included in packet.

86

**From:** [Clair and Patty Olson](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Public comment opposing the rezoning of the Hanson property on state highway 16  
**Date:** Thursday, May 28, 2026 4:23:51 PM

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

To whom it might concern,

I am writing to urge you to recommend DENIAL of the rezoning request by the Beverly Hanson, 22737 State 16, Rushford, MN 55971 property. ( Parcel # 17.0035.001.

This land is agricultural and not residential. There is no need for change.

We all know what she is trying to do here.

Thanks,  
Patty and Clair Olson

Not included in packet.

87

**From:** [Clair and Patty Olson](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Beverly Hanson  
**Date:** Thursday, May 28, 2026 4:34:56 PM

\*\*\* HOUSTON COUNTY SECURITY NOTICE \*\*\*  
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I would like to see this piece of property owned by Beverly Hanson, Parcel # 17.0035.001, to remain in the Agricultural District.

My concern is that this sets a bad example.

This application was not delivered by Beverly, herself , but was delivered by Mrs. Scott Hatleli.

Jarad Olson  
Rushford, MN

Not included in packet.

88

**From:** [Clair and Patty Olson](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Ag Land  
**Date:** Thursday, May 28, 2026 4:42:09 PM

**\*\*\* HOUSTON COUNTY SECURITY NOTICE \*\*\***  
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I am concerned about the application Beverly Hanson has submitted through the hands of Mrs. Hatleli for the rezoning from ag land to residential land. This is not the correct procedure and should not be allowed.

I am asking you to DENY this application! There is no reason for this change.

Sincerely,  
Jana Boyum  
Rushford, MN

Was not submitted in time for the Planning Commission to review.

89

**From:** [Clair and Patty Olson](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Zoning of Ag lands  
**Date:** Thursday, May 28, 2026 4:48:09 PM

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

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

I am strongly requesting a DENIAL of the rezoning of Agricultural District to Residential District for Beverly Hanson. 22737 State 16, Rushford, MN 55971.

Darryl Lea  
Peterson, MN 55962

## NOTICE OF PUBLIC HEARING

## PLEASE TAKE NOTICE:

That an application has been made by G-Cubed, on behalf of Skyline Materials Ltd., 9468 County 18, Hokah, MN 55941, for a Conditional Use Permit to expand a quarry for mineral extraction in the Agricultural Protection District (Section 14 – 14.3 Conditional Uses, Subdivision 1, Subsection 19 and Section 27 – 27.6) in Brownsville Township on the following premises, to wit:

NE1/4 SE1/4 & PT NW1/4 SE1/4 of Section 22, Township 103, Range 4,  
Houston County, Minnesota. (Parcels #02.0089.000 & 02.0089.003)

Said applicant standing and making application is as fee owner of said described lands.

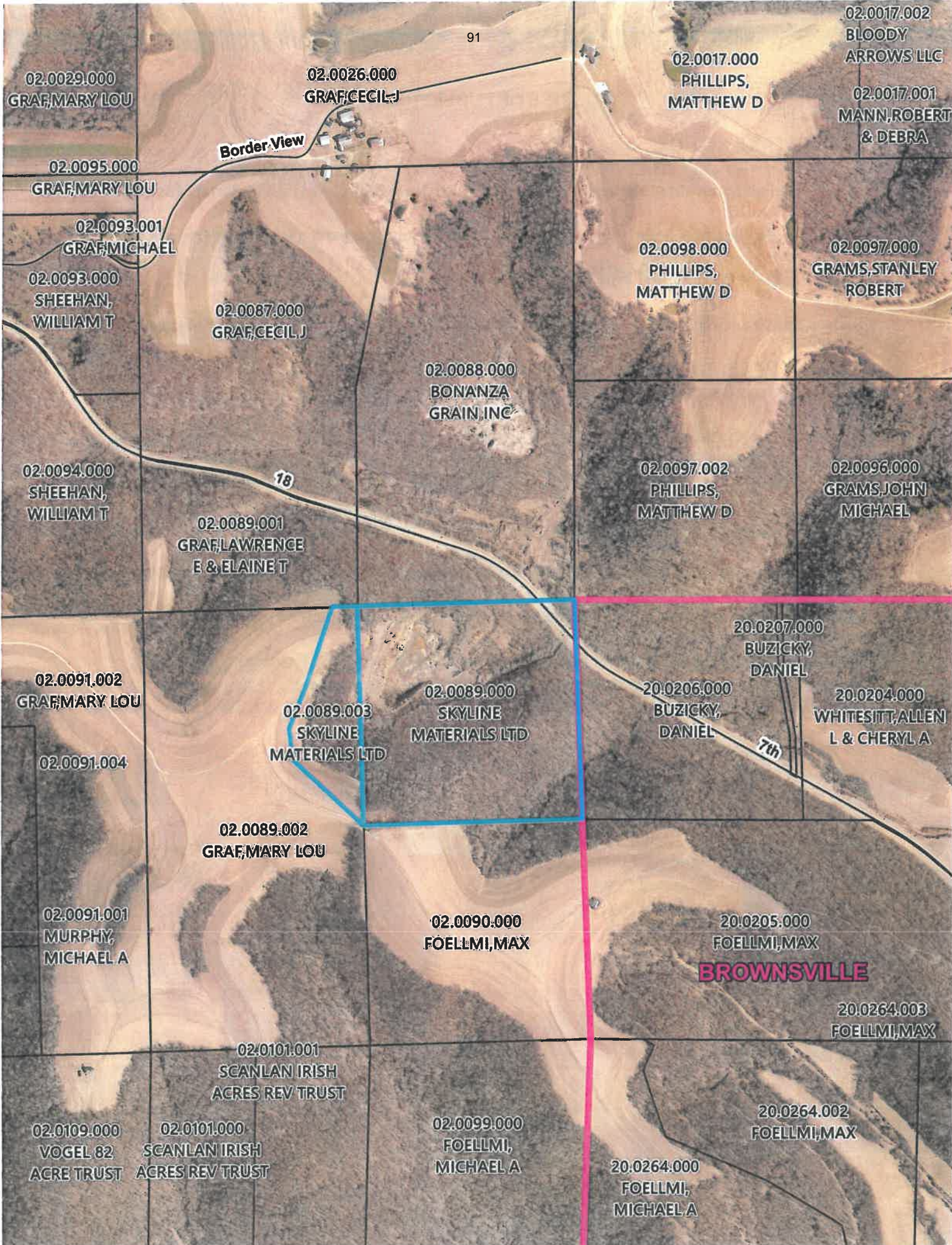
A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 6:30 p.m. on Thursday, May 28, 2026.

All persons having an interest in the matter may attend the hearing or submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to [Zoning@HoCoMN.gov](mailto:Zoning@HoCoMN.gov), and must be received by Tuesday, May 19, 2026 to be included for review prior to the hearing. All comments are considered public record.

## HOUSTON COUNTY PLANNING COMMISSION

By Amelia Meiners  
Zoning Administrator

ADV: May 13, 2026



## CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: ***Skyline Materials, LTD*** DATE: ***May 28, 2026***

C.U.P. REQUESTED: ***To expand a quarry for mineral extraction in the Agricultural Protection District.***

### FINDINGS OF FACT

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

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

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

Staff Analysis: The importance of aggregate to the community for use in construction, road maintenance and other uses is recognized in the County's values which guide the Comprehensive Land Use Plan. Further, the transportation goal is to maintain a transportation system which compliments land use development and policies throughout the County. The materials produced by the quarry contribute to the achievement of these goals.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that aggregate is a mineral source used in many local public and private projects.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Excavations are proposed above the water table and there are no water features located within the area covered by this request. Stormwater will be contained within the quarry floor and runoff from adjacent properties will not be permitted to flow into the quarry. No chemical storage is proposed beyond gasoline/diesel fuel.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The quarry is the high point of the area which will limit offsite water from entering the site and screening berms will aid with diversion as well. Stormwater will be contained and treated within the quarry floor. The applicant identifies that the current floor elevation is a soft aggregate material that will allow for infiltration. A vegetated buffer will be added down the middle of the quarry to an infiltration basin to accommodate larger rainfall events. The applicant will need to secure and maintain a construction stormwater permit from the MPCA prior to operation.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The overburden will be stripped and stockpiled for reclamation but the site is an existing rock quarry so has known quality aggregate resources.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: No hazardous materials except gasoline and diesel fuel will be stored onsite. Portable toilets will be utilized and serviced by licensed companies. Licensed blasting contractors will be utilized and will follow standard operating procedures to reduce dust control. An NPDES permit will be required from the MPCA prior to any activity onsite.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This site is accessed from an existing access point along CSAH 18 and will contain necessary utilities and facilities for operation.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is adequate parking for all employees, equipment and truck loading within the quarry.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Highway Engineer expressed concern about trucks turning east having to cross the centerline and the applicant is agreeable to mitigating that concern by widening the access.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The quarry's location will have minimal impact on neighboring properties and be largely hidden from the public.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The surrounding property is a mixture of tillable and timber but most of the timber has limited development opportunity due to slopes. The vacant ground exists on the ridge top and will likely see limited development due to lack of access and this proposal will not impact any agricultural use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Operators will follow noise and dust mitigation methods as identified for the operation to minimize nuisances. The quarry's location should minimize impacts to surrounding properties and aside from those on the opposing ridgetop the operation will be protected from view of the public.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: This proposal is a request to expand the physical boundary and location of the operation but is not increasing the intensity of the current operation.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The area has been used for mineral extraction historically, but the general public's health, safety, morals and general welfare should be minimally impacted provided all minimum performance requirements set forth in permits are met.

Board agreed to the finding by a unanimous vote.

Chairman Hahn asked for a motion on the findings if there were no additional comments or questions.

Johnathon Glasspoole made a motion to accept the findings as presented. Eric Johnson seconded. All were in favor. Motion carried.

Chairman Hahn asked for a motion on the Conditional Use request if there were no additional comments or questions.

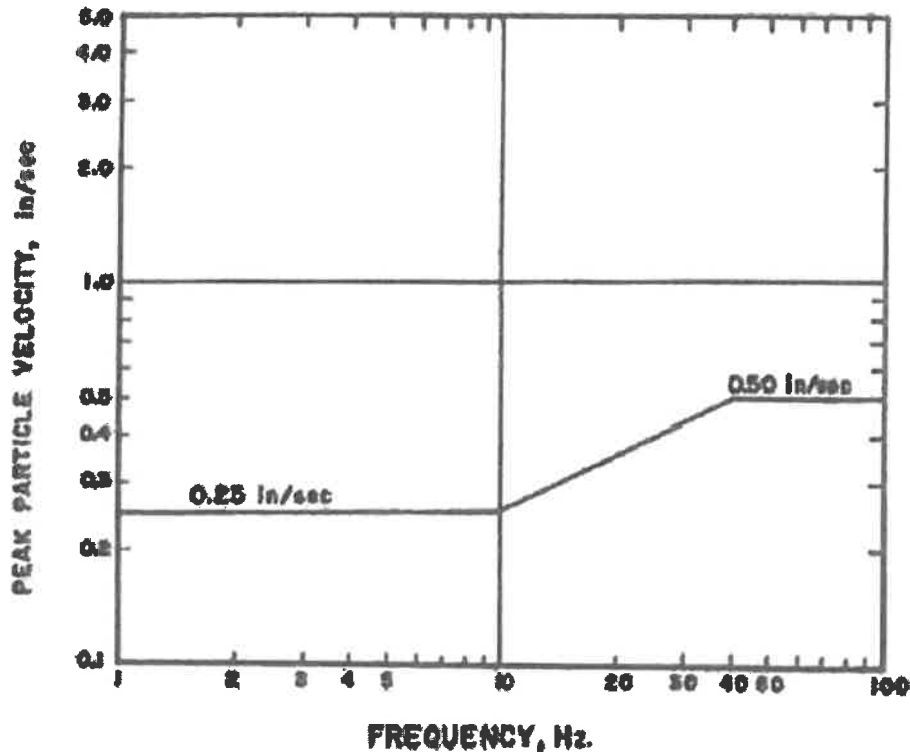
The Board reviewed the ten conditions prior to the hearing, so we did not read them out loud.

Richard Schild made a motion to recommend the Houston County Board approve a Conditional Use Permit to expand a quarry for mineral extraction with ten conditions in Brownsville Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations;
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permitholder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
  - a. Name and mailing address of operator;
  - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
  - c. A map or maps that accurately show and label:
    - i. Total acreage of the mine area;
    - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
    - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
    - iv. The total acreage of reclaimed land;
  - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
  - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
  - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
  - a. Financial Assurance Requirements.
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
    - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
    - iv. The bond shall be payable to "Houston County, Minnesota".
    - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall

the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.

6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 feet.
7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting. The City of Brownsville shall also be notified of blasting at least 24 hours in advance.
8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, on a location to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM - 8:00 PM  
Saturdays: 8:00 AM- 3:00 PM  
Sundays: Closed  
Holidays\*: Closed. \*Holidays shall mean federally observed holidays. Limits to hours of operation may be suspended by

Houston County.

10. Excavation shall not occur below a depth of 970 feet, except as part of an approved reclamation plan.

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

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



## HOUSTON COUNTY ENVIRONMENTAL SERVICES

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



### STAFF REPORT 5/20/2026

Application Date: 4/13/26  
Hearing Date: 5/28/26  
Petitioner: Skyline Materials LTD  
Reviewer: Amelia Meiners  
Zoning: Ag Protection  
Address: 9468 County 18  
Township: Brownsville  
Parcel Number: 020089000 & 020089003  
Submitted Materials: CUP Application, Supplemental Information

### OVERVIEW

#### REQUEST

The petitioners are requesting a conditional use permit (CUP) to expand the boundary of an existing legal, non-conforming rock quarry in Brownsville Township to a total of 36.3 acres.

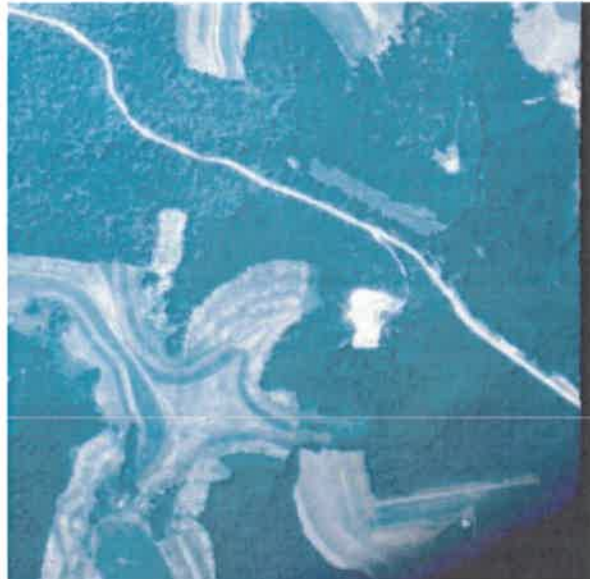
#### SUMMARY OF NOTEWORTHY TOPICS

The existing quarry on the south side of CSAH 18 west of Brownsville was present at the time zoning went into effect in 1967 as evidenced in the 1967 aerial image (Fig. 1). The quarry appeared to be active until the early 2000s but has not changed significantly since that time, which is consistent with a change in ownership. Skyline Materials LTD acquired the property (originally just PID 02.0089.000) with a larger acquisition in 2008 and just purchased an additional 8.5 acres, PID 02.0089.003, in 2025. The land for the current request has historically been timber, and proposed reclamation will be grassland habitat. The quarry is estimated to have a life span of up to 30 years.

The quarry does have legal access to CSAH 18 through Bonanza Grain property. The existing quarry is 10.3 acres with a proposed expansion of 26 acres. Rock will be from the Oneota Dolomite formation with final rock faces between 50 and 150 feet in height. Material will be crushed and screened onsite before stockpiling until its ready to go to the end user.

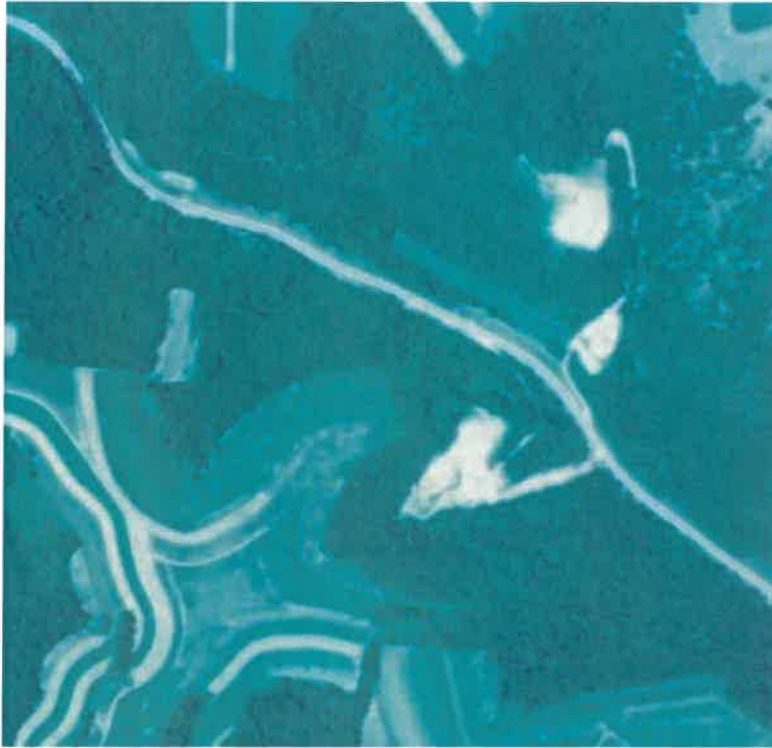


**Figure 1. 1967 County imagery.**



**Figure 2. 1980 imagery.**

**Source: <https://geo.lib.umn.edu/AerialSlides2/Houston/>**



**Figure 3. 1990 imagery.**

Source: <https://geo.lib.umn.edu/AerialSlides2/Houston/>



**Figure 4. 2000 imagery.**

Source: <https://geo.lib.umn.edu/AerialSlides2/Houston/>



Figure 5. 2008 County imagery.



Figure 6. 2017 County imagery. Parcel lines are reflective of current ownership.



Figure 7. 2023 County imagery. Parcel lines are reflective of current ownership.

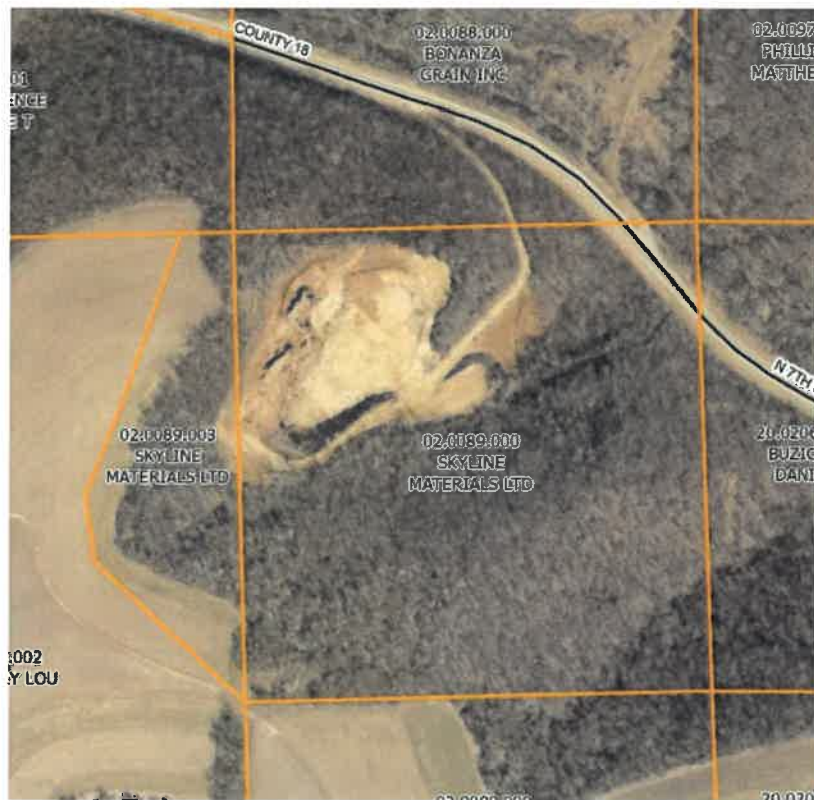


Figure 8. 2026 County imagery. Parcel lines are reflective of current ownership.

Below are relevant sections of the Houston County Zoning Ordinance (HCZO). These are just key sections that may answer the most anticipated questions but please reference Section 27 for all requirements. The supplemental information submitted by the applicant provides responses to each ordinance item as well.

### **14.3 CONDITIONAL USES**

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

*(19) Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.*

## **SECTION 27 - MINERAL EXTRACTION**

### **27.1 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.*

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

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

**Subdivision 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.*

### **27.6 CONDITIONAL USE PERMIT REQUIRED**

*Except as allowed under Sections 27.4 or 27.5, 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 Section 27.7 below.*

*(4) An operation plan and map, as described in Sections 27.8 and 27.9 below.*

*(5) A Reclamation plan and map as described in Section 27.10 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) Any other information requested by the Planning Commission or governing body.*

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

*(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.*

*(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.*

#### TOWNSHIP AND NEIGHBORHOOD COMMENTS

Notice was sent to Brownsville Township, the City of Brownsville, and the ten closest property owners. One comment was received.

#### SITE CHARACTERISTICS

This parcel is in Brownsville Township, immediately west of the incorporated limits of the City of Brownsville. This adjacent land within the city is zoned agricultural.

The existing quarry floor is at elevations 974-978 feet with proposed reclamation to 980 feet. The closest DNR mapped intermittent stream is 500 feet to the north-northeast of the existing boundary.

There is no floodplain or shoreland in the vicinity so those overlay district requirements are not applicable.

Even with the quarry's proximity to city limits, the three closest dwellings are approximately a half mile away to the west and north and the Timber Springs Addition within the city is 0.6-miles from the proposed boundary.

#### EVALUATION

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

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

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

Staff Analysis: The importance of aggregate to the community for use in construction, road maintenance and other uses is recognized in the County's values which guide the Comprehensive Land Use Plan. Further, the transportation goal is to maintain a transportation system which compliments land use development and policies throughout the County. The materials produced by the quarry contribute to the achievement of these goals.

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

Staff Analysis: The applicant identifies that aggregate is a mineral source used in many local public and private projects.

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

Staff Analysis: Excavations are proposed above the water table and there are no water features located within the area covered by this request. Stormwater will be contained within the quarry floor and runoff from adjacent properties will not be permitted to flow into the quarry. No chemical storage is proposed beyond gasoline/diesel fuel.

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

Staff Analysis: The quarry is the high point of the area which will limit offsite water from entering the site and screening berms will aid with diversion as well. Stormwater will be contained and treated within the quarry floor. The applicant identifies that the current floor elevation is a soft aggregate material that will allow for infiltration. A vegetated buffer will be added down the middle of the quarry to an infiltration basin to accommodate larger rainfall events. The applicant will need to secure and maintain a construction stormwater permit from the MPCA prior to operation.

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

Staff Analysis: The overburden will be stripped and stockpiled for reclamation but the site is an existing rock quarry so has known quality aggregate resources.

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

Staff Analysis: No hazardous materials except gasoline and diesel fuel will be stored onsite. Portable toilets will be utilized and serviced by licensed companies. Licensed blasting contractors will be utilized and will follow standard operating procedures to reduce dust control. An NPDES permit will be required from the MPCA prior to any activity onsite.

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

Staff Analysis: This site is accessed from an existing access point along CSAH 18 and will contain necessary utilities and facilities for operation.

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

Staff Analysis: There is adequate parking for all employees, equipment and truck loading within the quarry.

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

Staff Analysis: The Highway Engineer expressed concern about trucks turning east having to cross the centerline and the applicant is agreeable to mitigating that concern by widening the access.

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

Staff Analysis: The quarry's location will have minimal impact on neighboring properties and be largely hidden from the public.

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

Staff Analysis: The surrounding property is a mixture of tillable and timber but most of the timber has limited development opportunity due to slopes. The vacant ground exists on the ridge top and will likely see limited development due to lack of access and this proposal will not impact any agricultural use.

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

Staff Analysis: Operators will follow noise and dust mitigation methods as identified for the operation to minimize nuisances. The quarry's location should minimize impacts to surrounding properties and aside from those on the opposing ridgetop the operation will be protected from view of the public.

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

Staff Analysis: N/A

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

Staff Analysis: This proposal is a request to expand the physical boundary and location of the operation but is not increasing the intensity of the current operation.

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

Staff Analysis: The area has been used for mineral extraction historically, but the general public's health, safety, morals and general welfare should be minimally impacted provided all minimum performance requirements set forth in permits are met.

## RECOMMENDATION

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

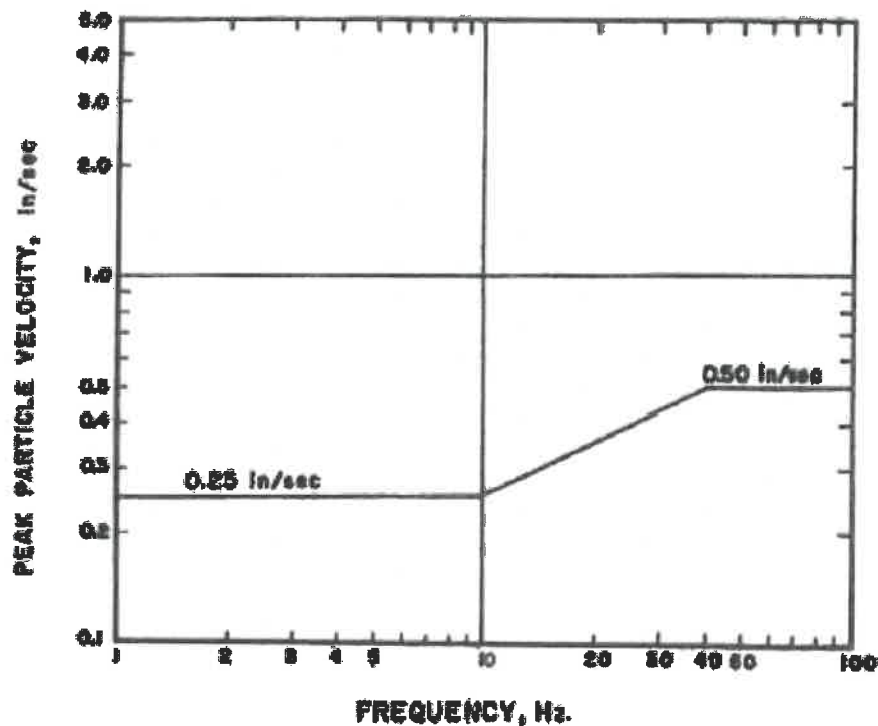
To recommend approval of the conditional use permit with the following conditions.

1. The Permittee shall comply with all federal, state, and local laws and regulations;

2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. When requested by the County, but not more than once in any year, the Permittee shall submit a reclamation report which includes the following information:
  - a. Name and mailing address of operator;
  - b. The name, telephone number, cellular number, and email address of the person to be contacted regarding mine operation;
  - c. A map or maps that accurately show and label:
    - i. Total acreage of the mine area;
    - ii. The acreage of the mine area currently disturbed by mining operations and not yet reclaimed;
    - iii. The acreage of any portion of the mine area presently undergoing the process of reclamation;
    - iv. The total acreage of reclaimed land;
  - d. A statement of progress of mining operations since the County approved the reclamation plan or since the last submitted report, whichever is later.
  - e. A statement of mining operations and reclamation activities expected to occur in the next 12 months, including updated cost estimates for the cost of reclamation of currently disturbed areas and areas anticipated to be disturbed in the next 12 months.
  - f. A certification signed by the operator that information provided is true and accurate.
4. Final reclamation shall meet the County zoning ordinance standards after mining operation cease.
5. A financial assurance shall be filed with the County Treasurer in an amount not less than \$15,000.
  - a. Financial Assurance Requirements.
    - i. Financial Assurance shall be in the form of bond, cash deposits, irrevocable letters of credit or other security, in such form and sum as the County Board may require covering the cost of reclamation of the property.
    - ii. Bonds shall be issued by a surety company licensed to do business in the State of Minnesota.
    - iii. Each bond shall provide that the bond shall not be canceled by the surety, except after not less than 90 days' notice to the Zoning Office, in writing, by registered or certified mail. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver a replacement bond or approved alternate financial assurance in absence of which all nonmetallic mining shall cease, and the county will begin actions to call in the bond.
    - iv. The bond shall be payable to "Houston County, Minnesota".
    - v. Bonds must be for all areas that have been disturbed or are proposed to be disturbed within 12 months where reclamation has not been certified by the County. Bonds may be for stages of phases of a site, but in no instance shall the bond be for an area less than 4 acres. Disturbances related to nonmetallic mining shall be limited to the areas which have bonds approved for them.
6. The mine perimeter shall be surveyed and applicable setbacks shall be marked on the ground with posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 feet.
7. The Permittee shall maintain a list of owners of property within 3000' of the site, as measured from the approved mine boundaries, who wish to be notified in advance of

blasting. The Permittee shall contact all owners of property within 3000' of the mine site and inquire whether they wish to be included on the list; notice will be provided to those who do 24 hours in advance of blasting. **The City of Brownsville shall also be notified of blasting at least 24 hours in advance.**

8. Seismograph(s) shall be used to monitor the effects of blasting on neighboring properties. The Permittee shall notify the owners of buildings located within one half mile of the mine site of the option of having a seismograph periodically located on their property; the Permittee shall hire a third party to place and monitor seismographs, and make the information collected available to said property owners and the County. At least two seismograph measurements shall be recorded for each blast at two of the participating properties, or, if permission from neighboring property owners is not granted, on a location to be determined by the blasting contractor. Measurements shall be taken using industry standard practices, and shall not exceed the curve shown on the following chart:



9. Hours of operation shall be limited to the following: Weekdays: 6:00 AM - 8:00 PM  
Saturdays: 8:00 AM- 3:00 PM  
Sundays: Closed  
Holidays\*: Closed. \*Holidays shall mean federally observed holidays. Limits to hours of operation may be suspended by Houston County.
10. Excavation shall not occur below a depth of 970 feet, except as part of an approved reclamation plan.

**From:** [Buzicky Dan](#)  
**To:** [HoCo Zoning](#)  
**Subject:** Public Comment – Conditional Use Permit (Quarry Expansion, Brownsville Township)  
**Date:** Sunday, May 17, 2026 9:41:50 PM  
**Attachments:** [Letter to Commission on Brownsville Quarry Expansion - 2026-05-17.pdf](#)

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

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

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Dear Commissioners and Zoning Staff,

I received via mail on May 15, 2026 a notice dated May 13, 2026 regarding the application for a Conditional Use Permit to expand the quarry bordering the Brownsville city limits.

I am a neighboring landowner directly adjacent to the subject properties, with property located within the City of Brownsville.

While I am unable to attend the Planning Commission meeting on May 28 in person, I am submitting the attached letter to formally state my opposition to the proposed Conditional Use Permit. I respectfully request that this correspondence be included in the record and considered as part of the Commission's review, and, if possible, read into the record during the hearing.

If there are any questions or if additional information would be helpful, please feel free to contact me.

I have attached a PDF of my letter. Please confirm receipt of this email and my letter.

Thank you for your time and consideration.  
Dan Buzicky

Parcel ID: 20.0206.000 & 20.0207.000

Houston County Planning Commission

Re: Conditional Use Permit – Quarry Expansion (Brownsville Township)

Dear Commissioners,

I am a neighboring landowner in Brownsville Township writing to respectfully oppose the requested Conditional Use Permit for expansion of the quarry operation.

My property is located next to the subject site and is currently used recreationally, with plans for a future cabin, and potential residential use. Importantly, the quarry has not been in operation for many years and was inactive at the time I purchased my property. The site appeared largely reclaimed by natural vegetation and regrowth, and it has not functioned as an active industrial use in the current landscape.

As such, this proposal is not simply an expansion of an ongoing use, but effectively the reintroduction of an intensive industrial activity into an area that has since transitioned toward recreational and residential use.

Based on that context, I do not believe the proposal meets key considerations for approval of a conditional use permit.

First, the proposed use is not compatible with the surrounding area. Properties in this location, particularly those near city limits, are increasingly used for residential and recreational purposes. Reintroducing and expanding an industrial quarry operation, in close proximity to these properties, conflicts with that pattern and creates long-term land use incompatibility.

Second, the expansion raises concerns related to health, safety, and general welfare. Increased dust, noise from operations and blasting, and a higher volume of heavy truck traffic will directly impact the livability, safety, and usability of nearby properties.

Third, the proposal will negatively affect adjacent properties, including mine. The reactivation and expansion of a quarry operation reduces residential development potential, impacts property values, and interferes with the reasonable use and enjoyment of neighboring land.

Finally, the scale of the proposed activity introduces concerns related to stormwater runoff and erosion, which have the potential to affect surrounding properties and the broader landscape.

Based on these factors, I respectfully request that the Planning Commission deny the application.

If the Commission determines that approval is appropriate, I request that any approval include strict and enforceable conditions, including substantial setbacks and buffering, limitations on hours of operation, and effective controls on dust, noise, and truck traffic. However, these measures do not fully resolve the underlying land use conflict.

If possible, I respectfully request that this comment be included in the record for the hearing.

Thank you for your time and consideration.

Sincerely,

Dan Buzicky

Parcel ID – 20.0206.000 & 20.0207.000

Conditional Use Request  
2026-CUP-580896  
Applicant  
Chris Priebe  
Amount Paid  
\$0.00  
Created  
April 10, 2026

Status  
**In Progress**

Number  
2026-CUP-580896

**SKYLINE MATERIALS LTD |**  
**020089000 | Brownsville**  
Submitted by [REDACTED] on  
**4/10/2026**



**Applicant**

Chris Priebe

[REDACTED]  
[REDACTED]

**Search Parcel Data** Completed On Friday, April 10, 2026 at 10:47 AM CDT by [REDACTED]

ParcelID	Address	City	OwnerName	Acres
020089000	9468 COUNTY 18	HOKAH	SKYLINE MATERIALS LTD	40.000

**CONDITIONAL USE INTRO** Completed On Friday, April 10, 2026 at 10:47 AM CDT by [REDACTED]

**Conditional Use Application Fee**  
\$700.00

**Recording Fee**  
\$46.00

**Application Type:**  
Conditional Use

**APPLICANT INFORMATION** Completed On Friday, April 10, 2026 at 10:48 AM CDT by [REDACTED]

**Applicant Name**  
SKYLINE MATERIALS LTD

**Parcel Tax ID**  
020089000

**Telephone Number**  
[REDACTED]

**Address**  
900 Montgomery Street - [REDACTED]

**City**  
Decorah

**Zip**

52101

Legal Description

NE1/4 SE1/4 DOC 254942 2

Section-Township-Range

22-103-004

Do you own additional adjacent parcels

Yes

Township of:

Brownsville

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

Yes

CONDITIONAL USE REQUEST Completed On Friday, April 10, 2026 at 10:50 AM CDT by [REDACTED]

Describe in detail your request.

CUP Application for a expansion to 36 acres on an existing historic Limestone Rock Quarry

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

Section 27 - Mineral Extraction

Requested Dimension:

36.3 Acres

Please upload any supporting documents:

01 Application Supplemental Narrative.pdf

02 QUARRY MAPS.pdf

03 Quarry Boundary Exhibit-4-10-2026.pdf

04 Houston County G-Cubed Authorization.pdf

CONDITIONAL USE FINDING OF FACTS Completed On Friday, April 10, 2026 at 10:54 AM CDT by [REDACTED]

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

Yes

**Comments:**

The proposed quarry is located in an agricultural protection district. Mineral extraction is a conditional use allowed in the district. Mineral extraction is a temporary use, as the limestone aggregate is removed the quarry will be reclaimed to grassland. This can be utilized as agricultural pasture or open green space. Both uses conform to the Counties Land Use Plan.

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

Yes

**Comments:**

Quality limestone aggregate is in high demand for use in public and private infrastructure projects.

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

Yes

**Comments:**

Excavations are proposed to be above the water table. This will limit potential to degrade the water quality of the county.

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

Yes

**Comments:**

The quarry is generally the high point of the area which limits off-site stormwater entering this site. The screening berms will divert off-site stormwater around the mining area as to not co-mingle with on-site stormwater. There is a 5 acre watershed that will enter the operation from the west. This stormwater is accounted for and a infiltration area is proposed for any stormwater that doesn't infiltrate the quarry floor.

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

Yes

**Comments:**

On-site soils/overburden will be stripped, stockpiled, and utilized for reclamation once quarry operations are complete.

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

Yes

Comments:

The site will have a NPDES permit active prior to any land disturbing activities.

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

Yes

Comments:

The utilities, access roads, drainage areas are available to the site.

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

Yes

Comments:

All parking will be within the quarry.

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

Yes

Comments:

Traffic will be entering and exiting throughout the working day. This will aid in multiple vehicles entering or exiting at the same time. This should limit congestion on the county highway access point.

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

Yes

Comments:

The quarry proposes to meet all setbacks within the agricultural protection district. Hours of operation will minimize conflicts with any adjacent properties.

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

Yes

**Comments:**

Adjacent properties are agricultural in nature. The proposed quarry will not impede the development and/or improvement of surrounding properties.

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

Yes

**Comments:**

The quarry itself will be shielded from dust and noise pollution with the quarry face being 50 to 150 feet in height. Hours of operation will minimize noise issues. Wet suppression may also be utilized for dust control.

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

N/A

**Comments:**

Residential development density standards would not be applicable to this development.

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

Yes

**Comments:**

The development of the limestone aggregate quarry is in line with the area in which it is proposed.

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

Yes

Comments:

The quarry site was chosen due to its access to paved roads, the limestone aggregate deposit, and the zoning district in which it lays. The quarry will have minimal impacts on the public's health, safety, morals, and general welfare.

SITE PLAN INFORMATION Completed On Friday, April 10, 2026 at 10:55 AM CDT by [REDACTED]

Upload Site Plan

02 QUARRY MAPS.pdf

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

Sketch Layer

Reference Layer

Mapproxy



Powered by Esri

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

APPLICATION SUBMITTAL Completed On Friday, April 10, 2026 at 10:55 AM CDT by [REDACTED]

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

Yes

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

Yes

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

Yes

Signature



---

Date Signed:

4/10/2026

Check this box if Staff Signature on behalf of Applicant.

Yes

Email APPLICATION SUBMITTAL Completed On Friday, April 10, 2026 at 10:55 AM CDT by [REDACTED]

External Notes

Documents

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Internal Notes

Documents

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ENGINEERING  
SURVEYING  
PLANNING

## Zeiger Quarry – Bruening Rock Products Application Supplemental

### Criteria for Granting Conditional Use Permits

1. The proposed quarry is located in an agricultural protection district. Mineral extraction is a conditional use allowed in the district. Mineral extraction is a temporary use, as the limestone aggregate is removed the quarry will be reclaimed to grassland. This can be utilized as agricultural pasture or open green space. Both uses conform to the Counties Land Use Plan.
2. Quality limestone aggregate is in high demand for use in public and private infrastructure projects.
3. Excavations are proposed to be above the water table. This will limit potential to degrade the water quality of the county.
4. The quarry is generally the high point of the area which limits off-site stormwater entering this site. The screening berms will divert off-site stormwater around the mining area as to not commingle with on-site stormwater. There is a 5 acre watershed that will enter the operation from the west. This stormwater is accounted for and an infiltration area is proposed for any stormwater that doesn't infiltrate the quarry floor.
5. On-site soils/overburden will be stripped, stockpiled, and utilized for reclamation once quarry operations are complete.
6. The site will have a NPDES permit active prior to any land disturbing activities.
7. The utilities, access roads, drainage areas are available to the site.
8. All parking will be within the quarry.
9. Traffic will be entering and exiting throughout the working day. This will aid in multiple vehicles entering or exiting at the same time. This should limit congestion on the county highway access point.
10. The quarry proposes to meet all setbacks within the agricultural protection district. Hours of operation will minimize conflicts with any adjacent properties.
11. Adjacent properties are agricultural in nature. The proposed quarry will not impede the development and/or improvement of surrounding properties.
12. The quarry itself will be shielded from dust and noise pollution with the quarry face being 50 to 150 feet in height. Hours of operation will minimize noise issues. Wet suppression may also be utilized for dust control.
13. Residential development density standards would not be applicable to this development.
14. The development of the limestone aggregate quarry is in line with the area in which it is proposed.
15. The quarry site was chosen due to its access to paved roads, the limestone aggregate deposit, and the zoning district in which it lays. The quarry will have minimal impacts on the public's health, safety, morals, and general welfare.

**Houston County Zoning Ordinance Section 27 – Mineral Extraction.****Section 27.6 Conditional Use Permit Required****Subd. 1. Application for Permit is the fee owner of the property proposed to be mined.**

1. The applicant and operator contact shall be:  
 Bruening Rock Products, Inc  
 Attn: Ronald Fadness (General Counsel)  
 900 Montgomery Street  
 P.O. Box 127  
 Decorah, IA 52101  
 (563) 682-2933
2. A Quarry Boundary Exhibit with the boundary description is attached.
3. An Existing Conditions Map is attached
4. An Operation Plan and Map are attached.
5. A Reclamation Plan and Map are attached.
6. Proposed material to be excavated is overburden material, road rock, and construction rip rap. Material will be excavated using common construction equipment. It will be run through a crusher and a screener for size. Material will be stored in stockpiles on-site. Blasting is proposed and depending on demand for material is proposed 1 to 3 times a year. This will be contracted to a licensed blasting contractor. The quarry is proposed to operate up to 30 years.
7. Overburden on-site averages 15' in depth.

**Section 27.7 Existing Conditions Map****Subd. 1. Information Required on the Existing Conditions Map.**

All information required is depicted and outlined on the attached Existing Conditions Map.

**Section 27.8 Operations Performance Standards****Subd. 1 General Requirements**

1. **Compliance.** The mining Operation shall follow all Federal, State, and local laws and ordinances.
2. **Operation of Equipment.** All equipment shall be constructed and maintained to minimize, as far as practicable, noises and vibrations.
3. **Explosives.** No explosives shall be stored on-site. The operator is proposing to utilize a licensed blasting contractor. The contractor shall follow all federal, state, and local laws and regulations.
4. **Mine Area Standards.** The quarry proposed will be a maximum of 36.3 acres under this CUP. The existing quarry is 10.3 acres and the proposed expansion is 26.0 acres.
5. **Mine Density Standards.** The quarry proposed is a limestone aggregate quarry.

**Subd. 2. Vegetation.**

1. **Removal of Trees and Shrubs.** All existing vegetation shall remain in place until the area is to be mined. Vegetation removal and stripping will be completed in phases as the quarry operation move from east to west then north to south.
2. **Weeds and Noxious Vegetation.** The quarry site will be maintained for noxious vegetation.
3. **Preservation of Existing Trees and Ground Cover.** The quarry does not have any road frontage. The closest point to County Highway 18 is approximately 300' and is vegetated with heavy tree cover. The portion of the land adjacent to the road owned by the application is proposed to remain as is.

**Subd. 3. Access**

1. **Jurisdiction.** The existing quarry access is from County Highway 18. There are no new access points proposed.
2. **Avoid Residential Streets.** Access is not proposed on any residential streets.
3. **Access Signage.** Quarry signage will be constructed at the entrance.
4. **Spillage on Roadways.** All trucks will be loaded in accordance with their specific specifications. Any road spillage will be cleaned from the roadways.
5. **Dust.** County Highway 18 is a paved road.

**Subd. 4. Water Resources.**

1. **Drainage Interference Prohibited.** All quarry drainage will be contained on-site. The quarry will not impound waters on adjacent properties.
2. **Surface and Subsurface Water Quality.** The mining operation shall be above the water table and all surface water will be collected in the low points of the quarry to allow settling of solids on-site.
3. **Non-degradation of Surface Water.** The mining site is generally the high point of the area which limits off-site stormwater entering this site. The screening berms will divert the majority of the off-site stormwater around the mining area as to not co-mingle with on-site stormwater.

**Subd. 5. Safety Fencing**

The proposed quarry is not adjacent to a residential zone and is not within 300 feet of two or more residential structures.

**Subd. 6. Screening**

1. **Residential and Commercial Properties.** The proposed quarry and adjacent properties within the county jurisdiction are all zoned Agricultural Protection. The property to the east is within the incorporated area of Brownsville. This property is heavily wooded and undeveloped.
2. **Dwellings in Agricultural Protection Districts.** There are no dwellings within 1000 feet of the proposed quarry.
3. **Public Roads.** The quarry will maintain a minimum of 50' vegetated buffer along County Highway 18 on property controlled by the applicant.

**Subd. 7. Setback Requirements**

1. **Prohibited in District.** NA
2. **Residentially Zoned.** NA
3. **Adjoining Property Line.** The quarry proposes a min. of a 50' setback for excavations to all property lines.

4. **Excavating or Stockpiling.** The quarry proposes to maintain a min. 100' excavation and stockpiling setback to County Highway 18.
5. **Public Waters.** NA
6. **Dust and Noise.** All applicable dwellings are greater than 1000' to any proposed mining expansion where processing and loading will take place.
7. **Dwellings.** NA

#### **Subd. 8 Appearance**

All buildings and structures will be maintained.

#### **Subd. 9 Days of Operation**

All mining operations will be conducted Monday – Saturday except for legal holidays.

#### **Subd. 10 Dust.**

All equipment used for mining operations will be constructed, maintained and operated in such a manner as to minimize dust conditions as far as practicable.

### **27.9 Operation Plan**

#### **Subd. 1 Operation Plan Requirements.**

1. **Estimated Life Expectancy.** The life expectancy of the proposed quarry is expected to be 30+ years.
2. **Material to be mined.** Limestone aggregate
3. **On-Site Processing.** Material will be excavated using common construction equipment. It will be run through a crusher and a screener for size. Material will be stored in stockpiles on-site. If washing takes place. On-site water will be utilized. If the threshold for an appropriations permit is to be met a DNR water appropriation permit will be acquired.
4. **Days and hours of operations.** Quarry operations may be conducted Monday through Saturday, except for legal holidays. Hours of operation are 6:00 am and 8:00 pm.
5. **Haul routes.** Trucks will head east or west on County Highway 18 depending on the end user.
6. **Soil erosion and sediment control plan.** This quarry will have a NPDES permit active prior to mining activities. All existing vegetation will remain in place until quarry operations reach the area. All contact stormwater will be contained on-site. Overburden stockpiles shall be seeded when not in use to prevent erosion.
7. **A dust and noise control plan.** The quarry itself will be shielded from dust and noise pollution with the quarry face being 50 to 150 feet in height. Hours of operation will minimize noise issues. Wet suppression may also be utilized for dust control.

#### **Subd. 2 Operations Map**

All information required is depicted and outlined on the attached proposed operations map.

### **27.10 Reclamation Plan**

#### **Subd. 1 Reclamation Plan Required**

The reclamation plan is outlined below and on the attached Reclamation Plan Maps.

**Subd. 2. Reclamation Plan Commencement Requirement**

Reclamation shall commence within 3 months of one of the following happenings:

- a) Termination of the mining operation
- b) After the mining operation has been abandoned for 6 months.
- c) After the mining permit has been expired.

**Subd. 3. Reclamation Plan Standards.**

1. **Removal of Buildings and Structures.** All building, structures and plants incidental to the mining operation shall be dismantled and removed by, and at the expense of the mining operator.
2. **Grading and Filling.** The quarry shall be graded and back filled to create gently rolling topography which will minimize erosion. With exception to the exposed face of the quarry all slopes shall be less than 18%.
3. **Soil Quality.** On-site salvaged topsoil shall be spread across the quarry floor at a minimum thickness of 3”.
4. **Ground Cover.** All disturbed areas are to be coved in salvaged topsoil and seeded with MnDOT mixture 330 at 84.5 lbs./acre or an approved equivalent.
5. **Ponds.** Any areas excavated to a water producing depth shall be less than 10 feet in depth and a maximum slope of 3:1.
6. **Finish Grades.** The reclaimed quarry grade is to be a gradual grade greater than elevation 978.0. The quarry floor shall be a green space that creates grassland habitat.

**Subd. 4. Reclamation Plan.**

The end use of the proposed quarry will be grassland to be used as animal habitat. Outlined above are the standards in accordance to the Houston County zoning ordinance.

Once quarry operations have been completed the operator will be responsible for the removal of all internal roads, scale, and machinery (miscellaneous removals). The site shall then be graded per the reclamation map (common excavation). Once mass grading is complete a minimum of 3” salvaged topsoil shall be spread across all disturbed areas (salvaged topsoil respread). Upon completion of topsoil spreading the entire site shall be seeded, mulched, and fertilized in accordance with the latest Minnesota Manual for Erosion Control and MnDOT Regulations. Vegetation shall be inspected at 6 months and 12 months, noxious weeds shall be removed and non-vegetated areas reseeded as needed (seed, fertilize and mulch).

The reclamation estimate is included on the reclamation plan map.

**Subd. 5. Reclamation Plan Map.**

All information required is depicted and outlined on the attached proposed reclamation map

**Subd. 6. Changes in the Reclamation Plan.**

All changes in the approved reclamation plan shall be approved by the operator and the County Planning Agency.

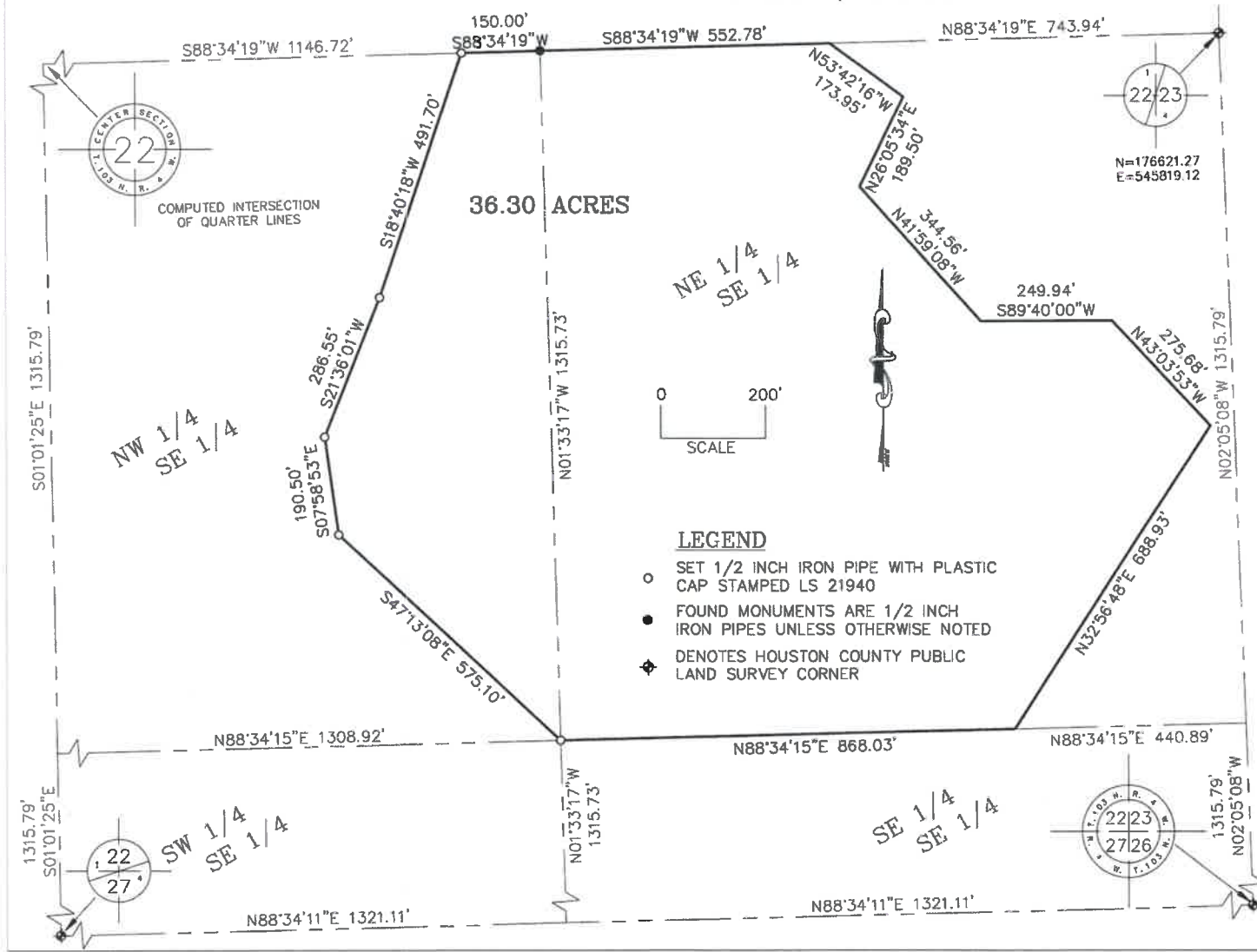
**27.11 Performance Bond Required.**

The operator agrees to a performance bond for reclamation based on the estimated reclamation cost.

# CERTIFICATE OF SURVEY

## SECTION 22

### T. 103 N., R. 4 W.




**LAND DESCRIPTION:**

That part of the Northeast Quarter of the Southeast Quarter and that part of the Northwest Quarter of the Southeast Quarter, all in Section 22, Township 103 North, Range 4 West, Houston County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Southeast Quarter; thence on an assumed bearing of South 88°34'19" West, along the north line of said Northeast Quarter of the Southeast Quarter, 743.94 feet to the point of beginning; thence continuing South 88°34'19" West, along said north line, 552.78 feet to the northeast corner of said Northwest Quarter of the Southeast Quarter; thence continuing South 88°34'19" West, along the north line of said Northwest Quarter of the Southeast Quarter, 150.00 feet; thence South 18°40'18" West 491.70 feet; thence South 21°36'01" West 286.55 feet; thence South 07°58'53" East 190.50 feet; thence South 47°13'08" East 575.10 feet to the southwest corner of said Northeast Quarter of the Southeast Quarter; thence North 88°34'15" East, along the south line of said Northeast Quarter of the Southeast Quarter, 868.03 feet; thence North 32°56'48" East 688.93 feet; thence North 43°03'53" West 275.68 feet; thence South 89°40'00" West 249.94 feet; thence North 41°59'08" West 344.56 feet; thence North 26°05'34" East 189.50 feet; thence North 53°42'16" West 173.95 feet to the point of beginning.

The above described parcel contains 36.30 acres, more or less, and is subject to any easements, covenants and restrictions of record.

**BASIS OF BEARINGS:**  
ALL BEARINGS ARE IN RELATIONSHIP WITH THE HOUSTON COUNTY COORDINATE SYSTEM NAD '83, 1996 ADJUSTMENT.

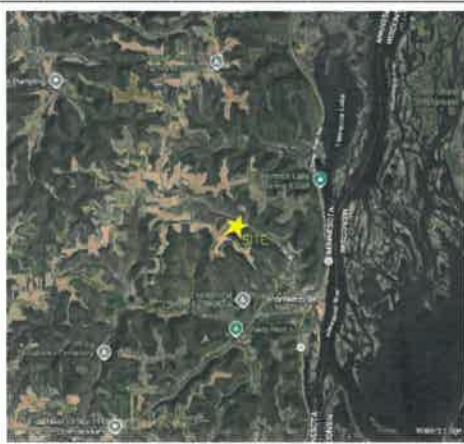
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A ONLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA		DATE OF SURVEY: 11/3/2025
 Geoffrey C Griffin DATE: 4/10/2026 REG. NO. 21940		Prepared For: Bruening Rock Products 900 Montgomery St. Decorah, IA 52101
SHEET 1 OF 1		FILE NO: 25-325

**G-Cubed** ENGINEERING SURVEYING PLANNING

14070 Hwy 52 S.E.  
Chatfield, MN 55923

SUBMITTED BY APPLICANT

26



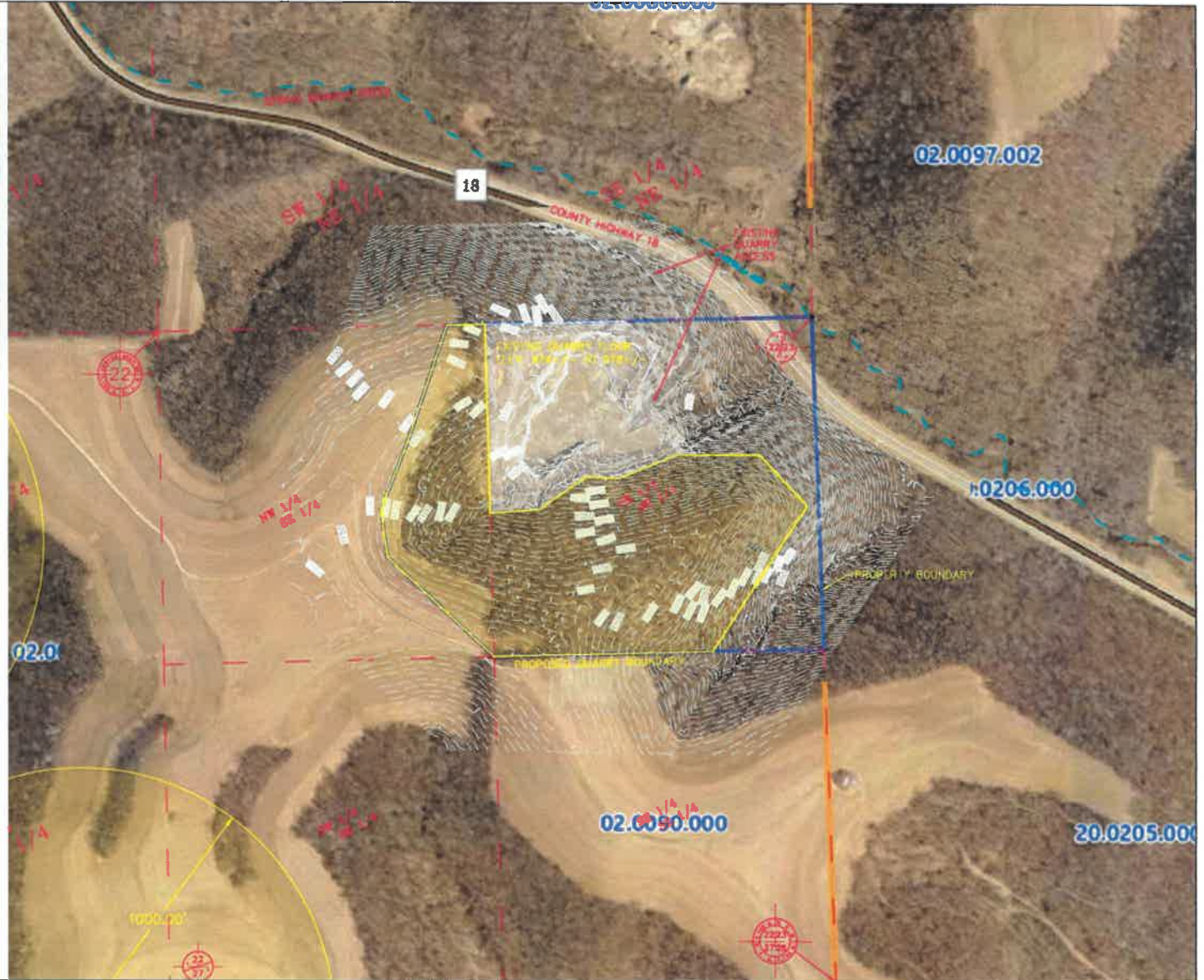
**VICINITY MAP  
NOT TO SCALE**

**PROPOSED AREA SUMMARY:**

- EXISTING HISTORIC QUARRY 10.3 ACRES
- QUARRY FLOOR 974 +/- TO 978 +/-
- PROPOSED QUARRY EXPANSION 26.0 ACRES
- PROPOSED QUARRY FLOOR 978+
- TOTAL CUP PROPOSED OPERATION 36.3 ACRES

**EXISTING CONDITIONS MAP SUMMARY:**

1. EXISTING CONTOURS ARE SHOWN AT 5' INTERVALS.
2. THERE ARE NO WETLANDS ON-SITE.
3. THE UNDERLYING AERIAL PHOTO DEPICTS THE EXISTING WOODED AREAS AND CULTIVATED FIELDS.
4. THERE ARE NO STRUCTURES OR WATER WELLS ON THE SITE OR WITHIN 500' OF THE PROPOSED QUARRY.
5. THE EXISTING ACCESS IS OFF OF COUNTY HIGHWAY 18 AS SHOWN.



SUBMITTED BY APPLICANT

27

DATE: 12/10/2015  
 Prepared For:  
**SKYLINE MATERIALS, LTD.**  
 900 Montgomery St. Box 127  
 Decatur, IA 52101  
 25-225 Quarry Plan

**G-Cubed**  
 14070 Hwy 52 S.E.  
 Chefield, MN 55923

**ENGINEERING SURVEYING PLANNING**

DESIGNED	CMP
DRAWN	CMP
CHECKED	GGC

REVISED	BY	DATE
CUP SUBMITTAL	CMP	04/09/26
REVISED	CMP	05/12/26

**BROWNSVILLE TWP.  
HOUSTON COUNTY**

**ZEIGER QUARRY  
EXISTING CONDITIONS ADJACENT AREA MAP**



SUBMITTED BY APPLICANT

28



DATE 12/10/2025  
 Prepared For:  
**SKYLINE MATERIALS, LTD**  
 900 Montgomery St. Box 127  
 Decorah, IA 52101  
 25-375 Quarry Plan

**G-Cubed**  
 14070 Hwy 52 S.E.  
 Chetfield, MN 55923

**ENGINEERING SURVEYING PLANNING**

DESIGNED	CMP
DRAWN	CMP
CHECKED	DDG

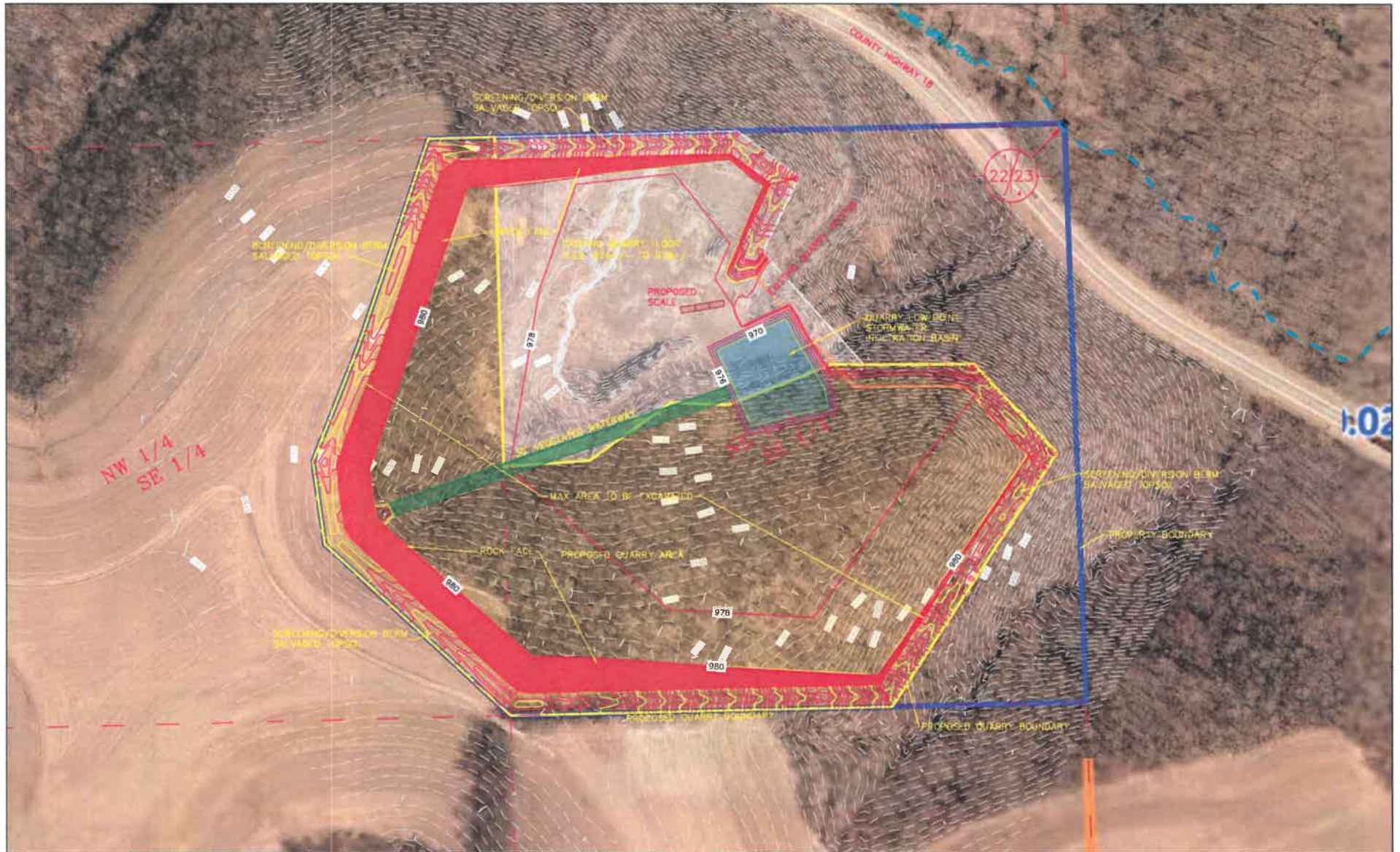
REVISED	BY	DATE
CUP SUBMITTAL	CMP	04/09/26
REVISED	CMP	05/12/26

**BROWNSVILLE TWP.  
 HOUSTON COUNTY**

**ZEIGER QUARRY  
 EX. CONDITIONS QUARRY MAP**

**SHEET 2  
 OF 6 SHEETS**

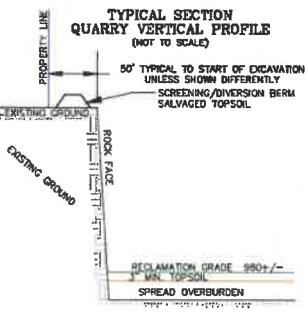




SUBMITTED BY APPLICANT

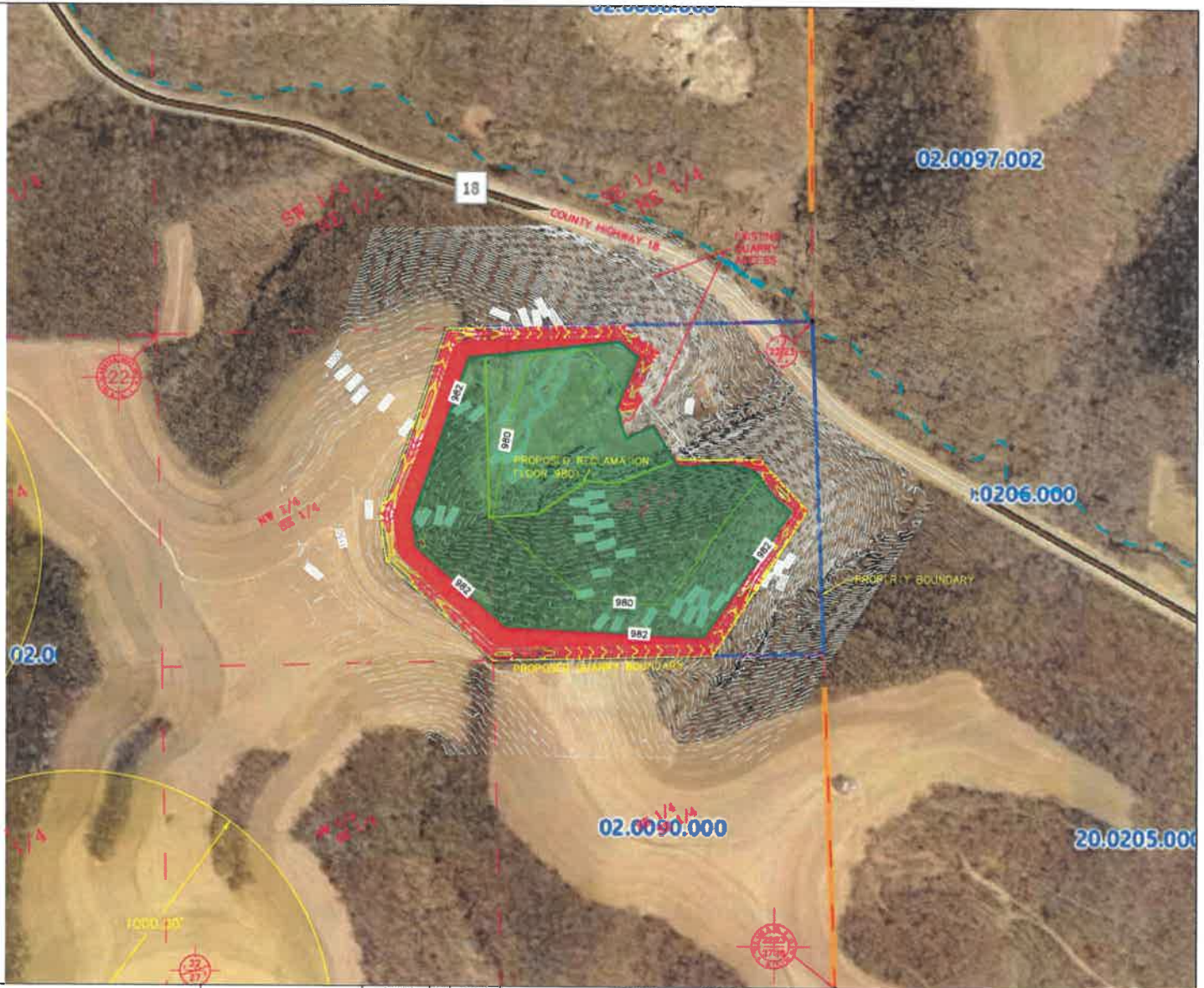
30

	DATE: 12/10/2025 Prepared For: <b>SKYLINE MATERIALS, LTD.</b> 900 Montgomery St. Box 127 Decorah, IA 52101 25-323 Quarry Plan	<b>G-Cubed</b> 14070 Hwy 52 S.E. Chatfield, MN 56003	<b>ENGINEERING SURVEYING PLANNING</b>	DESIGNED: <u>        </u> CMP DRAWN: <u>        </u> CMP CHECKED: <u>        </u> OGG	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISED</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>CUP SUBMITTAL</td> <td>CMP</td> <td>04/09/26</td> </tr> <tr> <td>REVISED</td> <td>CMP</td> <td>05/12/26</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISED	BY	DATE	CUP SUBMITTAL	CMP	04/09/26	REVISED	CMP	05/12/26							<b>BROWNSVILLE TWP. HOUSTON COUNTY</b>	<b>ZEIGER QUARRY PROPOSED OPERATIONS QUARRY MAP</b>	<b>SHEET 4 OF 6 SHEETS</b>
REVISED	BY	DATE																					
CUP SUBMITTAL	CMP	04/09/26																					
REVISED	CMP	05/12/26																					



- RECLAMATION MAP SUMMARY:**
1. FINAL GRADES ARE SHOWN IN 5 FOOT INTERVALS. FINAL FLOOR ELEVATION IS 980+/- EXACT ELEVATION WILL VARY BASED ON VOLUME OF OVERBURDEN REMAINING.
  2. THE SITE SHALL BE SEEDED WITH MNDOT SEED MIXTURE 330 AT 84.5 LBS/ACRE OR APPROVED EQUIVALENT TO CREATE A GRASSY HABITAT.
  3. NO STRUCTURES SHALL BE CONSTRUCTED AS PART OF THE RECLAMATION PLAN.

Zeiger Quarry Reclamation Estimate				4/8/2025
ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1 Common Excavation (calculated on volume material to be excavated and stockpiled on site to meet reclamation goals)	42700	CY	\$5.00	\$213,500.00
2 Salvaged Topsoil Replaced (@ average areas)	71300	CY	\$5.00	\$356,500.00
3 Sand Refill and -10's	10.5	cu. yd.	\$5,200.00	\$54,600.00
4 Miscellaneous Materials & Supplies (material roads, scale)	1	LS	\$5,500.00	\$5,500.00
<b>Total =</b>				<b>\$630,100.00</b>



SUBMITTED BY APPLICANT

31

DATE 12/10/2025  
Prepared For:  
**SKYLINE MATERIALS, LTD**  
900 Montgomery St. Box 127  
Decorah, IA 52101  
25-325 Quarry Plan

**G-Cubed** ENGINEERING SURVEYING PLANNING  
14070 Hwy E2 S.E.  
Chetfield, MN 56023

DESIGNED	CMP	REVISION	BY	DATE
DRAWN	CMP	CLIP SUBMITTAL	CMP	04/09/26
CHECKED	GGG	REVISED	CMP	05/12/26

**BROWNSVILLE TWP.  
HOUSTON COUNTY**

**ZEIGER QUARRY  
RECLAMATION ADJACENT AREA MAP**



SUBMITTED BY APPLICANT

32

	DATE: 12/10/2025 Prepared For: <b>SKYLINE MATERIALS, LTD</b> 900 Montgomery St. Box 127 Decorah, IA 52101 25-325 Quarry, P31H	<b>G-Cubed</b> ENGINEERING SURVEYING PLANNING 14070 Hwy 62 S.E. Chetfield, MN 55923	DESIGNED: <u>          </u> CMP DRAWN: <u>          </u> Cmp CHECKED: <u>          </u> OSG	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISED</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>CUP SUBMITTAL</td> <td>CMP</td> <td>04/09/28</td> </tr> <tr> <td>REVISED</td> <td>CMP</td> <td>05/12/26</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISED	BY	DATE	CUP SUBMITTAL	CMP	04/09/28	REVISED	CMP	05/12/26							BROWNSVILLE TWP. HOUSTON COUNTY	ZEIGER QUARRY PROPOSED RECLAMATION QUARRY MAP	SHEET 6 OF 6 SHEETS
REVISED	BY	DATE																				
CUP SUBMITTAL	CMP	04/09/28																				
REVISED	CMP	05/12/26																				

**BRUENING ROCK PRODUCTS, INC.**

900 MONTGOMERY STREET, [REDACTED]  
DECORAH, IOWA 52101  
(563) 382-2933

November 3, 2023

Houston County Planning and Zoning  
Attn: Martin Herrick  
304 S. Marshall St.  
Caledonia, MN 55921

Re: Representation by G-Cubed Engineering

Please be advised that G-Cubed Engineering has been retained to represent Bruening Rock Products, Inc. for purposes of zoning and development matters before Houston County. This includes affiliated entities Skyline Materials, Ltd. and G & K Development, L.C.

Please contact me with any questions.

BRUENING ROCK PRODUCTS, INC.

A handwritten signature in black ink that reads 'Ronald D. Fadness'. The signature is written in a cursive style with some capital letters.

Ronald D. Fadness  
General Counsel



# HOUSTON COUNTY

## BOARD OF COMMISSIONER MEETING

### AGENDA REQUEST FORM

Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921

**Board Meeting Date:** 6/16/2026

**Date Request Submitted:** 6/11/2026

**Submitted By (Name and Title):** Amelia Meiners, Environmental Services Director & Brian Pogodzinski, County Engineer

**Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**

Appointment Request:

Consent Agenda Request:

Action Item Request:

- 1) Consider adopting an MS4 (Municipal Separate Storm Sewer System) ordinance regulating illicit discharge, pet waste, and construction stormwater within the MS4 boundary that consists of County right of way within the City of La Crescent and a small portion of La Crescent Township.

Discussion Item:

Background/additional information can be typed below and/or included with request:

The notice, proposed ordinance, and appendix (map) are included with the request.

No written public comments were received.

The proposed MS4 ordinance was presented to the BOC on 6/2/2026 as a public hearing for review and discussion.

Note: Please submit all agenda request forms and supporting documentation to the BOC email at [BOC@HoCoMN.gov](mailto:BOC@HoCoMN.gov) by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!

NOTICE OF PUBLIC HEARING  
AND INTENT TO ENACT AN ORDINANCE

PLEASE TAKE NOTICE:

That a public hearing, pursuant to Minnesota Statutes 396.26, will be held in the Houston County Commissioner's Room, City of Caledonia, Minnesota on Tuesday, June 2, 2026, at 9:05 a.m. to consider adopting an MS4 (Municipal Separate Storm Sewer System) Ordinance regulating illicit discharge, pet waste and construction stormwater within the MS4 system boundary that consists of County right of way within the City of La Crescent and a small portion of La Crescent Township.

Copies of the full text of the proposed MS4 Ordinance are available for viewing on the Houston County website under the Ordinances tab at this link: [hocomn.gov/departments/zoning-planning](http://hocomn.gov/departments/zoning-planning). Hard copies can be requested from the Environmental Services Department, 304 South Marshall Street – Room 209, Caledonia, MN 55921.

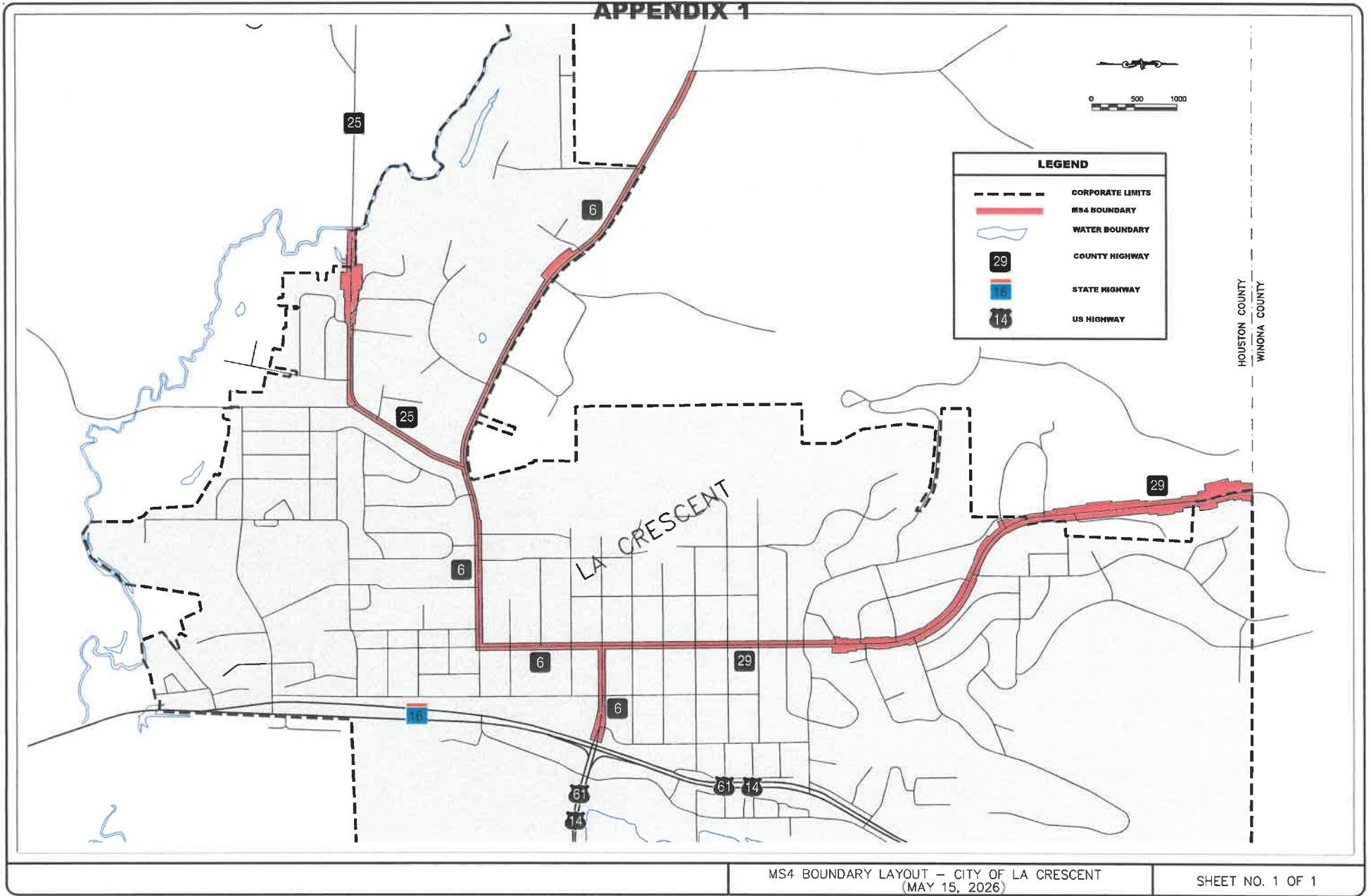
All persons having an interest in the matter are invited to attend the hearing or submit comments. Comments should be mailed to the Environmental Services Department, 304 South Marshall Street – Room 209, Caledonia, MN 55921, or emailed to [Zoning@HoCoMN.gov](mailto:Zoning@HoCoMN.gov), and must be received by Wednesday, May 27, 2026 to be included for review prior to the hearing. All comments are considered part of the public record.

HOUSTON COUNTY ENVIRONMENTAL SERVICES

By Amelia Meiners  
Zoning Administrator

ADV: May 20, 2026

### APPENDIX 1



**THE ORDINANCE OF HOUSTON COUNTY TO REGULATE ILLICIT DISCHARGE, PET WASTE, AND CONSTRUCTION STORMWATER WITHIN THE MS4 SYSTEM**

Ordinance No. 19

**SECTION 1. JURISDICTION**

The boundary of this Ordinance shall be **an area within** the designated La Crosse Area Planning Committee's Urbanized Area under authority of Houston County's Small Municipal Separate Storm Sewer System (MS4) General Permit with the Minnesota Pollution Control Agency, as amended from time to time. **Houston County's jurisdiction is limited to right-of-way for county roads within the City of La Crescent. See Appendix 1.**

**SECTION 2. ILLICIT DISCHARGE**

**2.1 PURPOSE/INTENT.**

The boundary of this Ordinance shall be the designated La Crosse Area Planning Committee's Urbanized Area under authority of Houston County's Small Municipal Separate Storm Sewer System (MS4) General Permit with the Minnesota Pollution Control Agency, as amended from time to time.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Houston County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

**2.2 DEFINITIONS.**

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 2.7 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **2.3 APPLICABILITY.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **2.4 RESPONSIBILITY FOR ADMINISTRATION.**

The Houston County Environmental Services and Highway Department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

### **2.5 SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

### **2.6 ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

### **2.7 DISCHARGE PROHIBITIONS.**

**2.7.1 Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but

not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), street wash water, irrigation water, fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

### **2.7.2 Prohibition of Illicit Connections.**

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

## **2.8 SUSPENSION OF MS4 ACCESS.**

**2.8.1 Suspension due to Illicit Discharges in Emergency Situations.** Houston County may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

**2.8.2 Suspension due to the Detection of Illicit Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

## **2.9 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Houston County prior to the allowing of discharges to the MS4.

## **2.10 MONITORING OF DISCHARGES.**

**2.10.1 Applicability.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

### **2.10.2 Access to Facilities.**

(a) Houston County shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow Houston County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(c) Houston County shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(d) Houston County has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Houston County and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing Houston County access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to

the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If Houston County has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

## **2.11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.**

Houston County will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

## **2.12 WATERCOURSE PROTECTION.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **2.13 NOTIFICATION OF SPILLS.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business

day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Houston County within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **2.14 ENFORCEMENT.**

**2.14.1 Notice of Violation.** Whenever Houston County finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

## **2.15 APPEAL OF NOTICE OF VIOLATION.**

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 35 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

## **2.16 ENFORCEMENT MEASURES AFTER APPEAL.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 60 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

## **2.17 COST OF ABATEMENT OF THE VIOLATION.**

Within 60 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 35 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the county by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the judgement rate per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

### **2.18 INJUNCTIVE RELIEF.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

### **2.19 COMPENSATORY ACTION.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

### **2.20 VIOLATIONS DEEMED A PUBLIC NUISANCE.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

### **2.21 CRIMINAL PROSECUTION.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. ~~The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.~~

### **2.22 REMEDIES NOT EXCLUSIVE.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

### SECTION 3. ANIMAL WASTE

**3.1 Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Animal: A dog, cat, or other animal kept for amusement or companionship

Owner/Custodian: Any person who harbors, feeds, boards, possesses, keeps, or has custody of an animal

Immediately: at once, without delay

Soil/defile: to make unclean from excrement

Waste: solid matter expelled from the bowels of the pet; excrement

### 3.2 DISPOSAL OF ANIMAL WASTE.

- (a) No owner or custodian of any animal shall cause or allow such animal to soil, defile, or defecate on any public property or upon any street, sidewalk, public way, or play area, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.
- (b) It is unlawful for any person owning, keeping, or harboring an animal to cause or permit said animal to be on any public property, without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.
- (c) It is unlawful for any person in control of, causing, or permitting any animal to be on any public property to fail to remove feces left by such animal and dispose of it properly as described in section (d).
- (d) Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or keeper's waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.
- (e) Disposal of animal waste in storm drains is prohibited.
- (f) Disposal of animal waste in public compost is prohibited.
- (g) The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

### SECTION 4. CONSTRUCTION AND POST-CONSTRUCTION STORMWATER MANAGEMENT

Houston County hereby adopts and incorporates by reference the erosion, sediment, and waste control standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (Construction Stormwater Permit) as now constituted and from time to time amended.

## 4.1 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL.

### 4.1.1 Site Plan Review

- a. The owner or operator of construction activity shall submit a copy of the site plan as part of the permit application for review and confirmation that ordinance requirements have been met.
- b. If the permit application is denied, and the permittee would like to proceed with the project, the permittee must revise the permit application, including the site plan, and resubmit.
- c. Once a permit has been issued/approved, the site plan becomes an enforceable document and the permittee must comply with all requirements identified in the site plan. The permittee is also responsible for keeping the stormwater runoff control requirements identified in the site plan up to date.

### 4.1.2 Site Plan Requirements

- a. The site plan must include the following project information.
  - (1) Project name
  - (2) Location of the project
  - (3) Total acreage to be disturbed
  - (4) Names of the person responsible for the proposed construction activity
- b. The site plan must include the location, type, and narrative of the following best management practices (BMPs) consistent with standards identified in Part 4.1.3.
  - (1) Down gradient sediment controls;
  - (2) Soil stabilization (temporary and permanent);
  - (3) Vehicle tracking;
  - (4) Inspection and maintenance schedules; and
  - (5) Other BMPs as applicable:
    - a) Areas that are not to be disturbed;
    - b) Phasing and stabilization BMPs for steep slopes;
    - c) Temporary or permanent ditches or swales being used as sediment containment systems;
    - d) Pipe outlet energy dissipation
    - e) Buffer Zones including but not limited to:
      - i. A minimum of a 50-foot natural buffer;

- ii. A minimum of a 100-foot buffer zone from “other special waters”, “prohibited waters”, and “restricted waters” as defined;
- f) Inlet protection BMPs;
- g) Stockpile BMPs;
- h) Dewatering and basin draining;
- i) Temporary Sedimentation Basins consistent with standards identified in Part 4.1.4.
- j) Pollution Prevention Management BMPs
- k) Permanent Stormwater Management BMPs

#### **4.1.3 Best Management Practices (BMPs) Requirements**

##### **a. Erosion Prevention Practices**

- (1) All areas not to be disturbed must be delineated before work begins;
- (2) All steep slopes must be identified in the site plan and disturbance of those steep slopes should be minimized. If steep slopes must be disturbed, techniques such as phasing and stabilization practices designed for steep slopes (e.g., slope draining and terracing) must be implemented;
- (3) All exposed soil areas, including stockpiles must be stabilized;
  - i. Stabilization must be initiated immediately to limit soil erosion when construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined);
  - ii. Stabilization must be completed no later than 14 calendar days after the construction activity has ceased (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: “impaired waters”, “other special waters”, “prohibited waters”, and/or “restricted waters” as defined);
  - iii. Stabilization is not required on constructed base components of roads, parking lots and similar surfaces;
  - iv. Stabilization is not required on temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles) but permittees must provide sediment controls at the base of the stockpile.

(4) All exposed soil areas within 200 feet of the water's edge, and that drain to Public Waters that the Minnesota DNR has promulgated "work in water restrictions" during specified fish spawning time frames, must be stabilized within 24 hours during the restriction period;

(5) The normal wetted perimeter of the last 200 linear feet of temporary or permanent drainage ditches or swales that drain water from the site must be stabilized within 24 hours after connecting to a surface water or property edge;

(6) Stabilization of remaining portions of temporary or permanent ditches or swales must be completed within 14 calendar days (or seven (7) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to, one or more of the following: "impaired waters", "other special waters", "prohibited waters", and/or "restricted waters" as defined) after connecting to a surface water or property edge and after construction in that portion of the ditch temporarily or permanently ceases;

(7) Temporary or permanent ditches or swales being used as a sediment containment system during construction (with properly designed rock-ditch checks, bio rolls, silt dikes, etc.) do not need to be stabilized. Stabilization of these areas must be completed within 24 hours after their use as a sediment containment system ceases;

(8) Mulch, hydro mulch, tackifier, polyacrylamide or similar erosion prevention practices must not be used within any portion of the normal wetted perimeter of a temporary or permanent drainage ditch or swale section with a continuous slope of greater than two (2) percent. Examples of acceptable erosion prevention practices include blankets, poly, riprap, etc.;

(9) Temporary or permanent energy dissipation must be provided at all pipe outlets within 24 hours after connection to a surface water or permanent stormwater treatment system; and

(10) No more land can be disturbed (i.e., phasing) than can be effectively inspected and maintained in accordance with inspection and maintenance requirements.

#### b. Sediment Control Practices

(1) Sediment control BMPs must be established on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems;

(2) Sediment control practices must be located upgradient of any buffer zones;

(3) Sediment control practices must be installed before any upgradient land-disturbing activities begin and must be kept in place until permanent

cover is established. Any sediment control made of soil must be temporarily or permanently stabilized within 24 hrs.

(4) If downgradient sediment controls are overloaded, based on frequent failure or excessive maintenance requirements, additional upgradient sediment control practices or redundant BMPs must be installed to eliminate the overloading. The site plan must be amended to identify these additional practices;

(5) Temporary or permanent drainage ditches and sediment basins designed as part of a sediment containment system (e.g., ditches with rock-check dams) require sediment control practices only as appropriate for site conditions;

(6) A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control in this part except when working on a shoreline or below the waterline. When applicable, after the construction activity (e.g., installation of rip rap along the shoreline) in that area is complete, upland perimeter control practices must immediately be installed if exposed soils still drain to a surface water;

(7) All sediment control practices adjusted or removed to accommodate short-term activities such as clearing or grubbing, or passage of vehicles, must be re-installed immediately after the short-term activity is completed. All sediment control practices must be re-installed before the next precipitation event even if the short-term activity is not complete;

(8) All storm drain inlets must be protected using appropriate BMPs during construction until permanent cover has been established on all areas with potential for discharging to the inlet;

(9) Inlet protection for a particular inlet may be removed if a specific safety concern (e.g. street flooding/freezing) is identified. The need for removal must be documented in the site plan;

(10) Silt fence or other effective sediment controls must be provided at the base of stockpiles on the downgradient perimeter prior to the initiation of stockpiling;

(11) All stockpiles must be located outside of natural buffers or surface waters, including stormwater conveyances such as curb and gutter systems unless there is a bypass in place for the stormwater;

(12) Vehicle tracking BMPs must be located to minimize the track out of sediment from the construction site or onto paved roads within the site;

(13) Street sweeping must be used in addition to vehicle tracking BMPs if vehicle tracking BMPs are not adequate to prevent sediment tracking onto the street;

(14) Temporary sediment basins must be installed consistent with standards identified in Part 4.1.4.

i. In any areas of the site where final vegetative stabilization will occur, vehicle and equipment use must be restricted to minimize soil compaction;

(15) Topsoil must be preserved on the site;

(16) Discharges from BMPs must be directed to vegetated areas unless infeasible;

(17) A 50-foot natural buffer must be preserved or, if a buffer is infeasible on the site, redundant (double) perimeter sediment controls must be provided when a surface water is located within 50 feet of the project's earth disturbances and stormwater flows to the surface water;

i. Permittees must install perimeter sediment controls at least 5 feet apart unless limited by lack of available space;

ii. Natural buffers are not required adjacent to road ditches, judicial ditches, county ditches, stormwater conveyance channels, storm drain inlets, and sediment basins;

iii. If preserving the buffer is infeasible, the reasons must be documented in the site plan;

iv. Sheet piling and other impermeable barriers installed in a manner that retains all Stormwater are considered redundant perimeter control.

(18) An undisturbed buffer zone of not less than 100 linear feet must be included on a project that is within one mile (aerial radius measurement) of, and flows to "other special waters", "prohibited waters", and/or "restricted waters" as defined;

i. The buffer zone must be maintained at all times, both during construction and as a permanent feature post construction, except where a water crossing or other encroachment is necessary to complete the project;

ii. If buffer encroachment is necessary, the circumstance, reasons, and restoration activities must be fully documented in the site plan;

iii. All potential water quality, scenic and other environmental impacts of the encroachments must be minimized by the use of additional or redundant (double) BMPs. Additional or redundant BMPs must be documented in the site plan.

(19) Polymers, flocculants, or other sedimentation treatment chemicals must be used in accordance with accepted engineering practices, dosing

specifications and sediment removal design specifications provided by the manufacturer or supplier;

(20) Conventional erosion and sediment controls must be used prior to chemical addition and must direct treated stormwater to a sediment control system for filtration or settlement of the floc prior to discharge.

#### c. Dewatering and Basin Draining

(1) Turbid or sediment-laden waters related to dewatering or basin draining (e.g., pumped discharges, trench/ditch cuts for drainage) must be discharged to a sediment control (e.g. sediment trap or basin, filter bag) designed to prevent discharges with visual turbidity. To the extent feasible, use well-vegetated (e.g. grassy or wooded) upland area of the site to infiltrate dewatering water before discharge;

(2) Receiving waters cannot be used as part of a treatment area;

(3) Discharges from dewatering activities must be visually checked and photographed at the beginning and at least once every 24 hours of operation to ensure treatment has been obtained and nuisance conditions will not result from the discharge. Dewatering activities that only last for minutes, as opposed to hours and do not reach a surface water, do not require photographs or documentation;

(4) If nuisance conditions result from the discharge, dewatering activities must immediately cease and corrective actions must occur before dewatering is resumed. Nuisance conditions include, but is not limited to, a sediment plume in the receiving water or the discharge appears cloudy, or opaque, or has a visible contrast, or has a visible oil film, or causes aquatic habitat degradation that can be identified by an observer;

(5) An oil-water separator or suitable filtration device (e.g., cartridge filters, absorbents pads) must be used prior to discharge of water containing oil or grease;

(6) Water from dewatering or basin-draining activities must be discharged in a manner that does not cause erosion or scour in the immediate vicinity of discharge points;

(7) Dewatering or basin-draining activities cannot cause inundation of wetlands that causes significant adverse impact to the wetland in the immediate vicinity of discharge points.

(8) If filters with backwash water are used, all backwash must be hauled away for disposal, returned to the beginning of the treatment process, or incorporated into the site in a manner that does not cause erosion.

#### d. Inspection and Maintenance

(1) A trained person must inspect the entire construction site and areas adjacent to the site at least once every seven (7) days during active

construction, or every three (3) calendar days on a project that is within one mile (aerial radius measurement) of, and flows to a “prohibited waters” as defined, and within 24 hours after a rainfall event greater than ½ inch in 24 hours;

(2) All permanent stormwater treatment BMPs must be inspected and maintained;

(3) All erosion prevention and sediment control BMPs and Pollution Prevention Management Measures must be inspected to ensure integrity and effectiveness.

(4) All nonfunctional BMPs must be repaired, replaced, or supplemented with functional BMPs by the end of the next business day after discovery unless another time frame is specified below. Additional time, if field conditions prevent access to the area, may be taken;

(5) Surface waters, including drainage ditches and conveyance systems, but not curb and gutter systems, must be inspected for evidence of erosion and sediment deposition.

a) All deltas and sediment deposited in areas adjacent to the site and in surface waters, including drainage ways, catch basins, and other drainage systems must be removed;

b) All areas where sediment removal resulted in exposed soils must be restabilized. Removal and stabilization must be completed within seven (7) calendar days of discovery unless precluded by legal, regulatory, or physical access constraints;

c) All reasonable efforts to obtain access must be used;

d) If precluded, removal and stabilization must take place within seven (7) days of obtaining access; and

e) Contact all local, regional, state and federal authorities and receive any applicable permits, prior to conducting any work in surface waters;

(6) Construction site vehicle exit locations, streets and curb and gutter systems within and adjacent to the project must be inspected for sedimentation from erosion or tracked sediment from vehicles.

a) Sediment must be removed from all paved surfaces within one (1) calendar day of discovery or, if applicable, within a shorter time to avoid a safety hazard to users of public streets;

(7) Perimeter control devices must be repaired, replaced, or supplemented when they become nonfunctional or the sediment reaches ½ of the height of the device;

(8) When the depth of sediment collected in temporary and permanent sedimentation basins reaches  $\frac{1}{2}$  the storage volume, the basins must be drained and sediment removed. This must occur within 72 hours of discovery;

(9) At least one individual present on the site (or available to the project site in three (3) calendar days) must be trained in the job duties of overseeing the implementation of, revising and/or amending the site plans and performing inspections for the project;

(10) Inspection schedules may be adjusted as follows:

a) Inspections of areas with permanent cover can be reduced to once per month, even if construction activity continues on other portions of the site; or

b) Where sites have permanent cover on all exposed soil and no construction activity is occurring anywhere on the site, inspections can be reduced to once per month and, after 12 months, may be suspended completely until construction activity resumes. Houston County may require inspections to resume if conditions warrant;

c) where construction activity has been suspended due to frozen ground conditions, inspections may be suspended. Inspections must resume within 24 hours of runoff occurring, or upon resuming construction, whichever comes first; or

d) projects where a pollinator habitat or native prairie type vegetative cover are being established, inspections may be reduced to once per month if the site has temporary vegetation with a density of 70% uniform cover. If after 24 months no significant erosion problems are observed, inspections may be suspended completely until the termination requirements identified in Part 4.1.3(f) below are met.

(11) Inspections and maintenance activities must be recorded within 24 hours of being conducted and these records must be retained with the site plan. These records must include:

a) Date and time of inspections;

b) Name of person(s) conducting inspections;

c) Accurate findings of inspections, including the specific location where corrective actions are needed;

d) Corrective actions taken (including dates, times, and party completing maintenance activities);

e) Date of all rainfall events greater than  $\frac{1}{2}$  inches in 24 hours, and the amount of rainfall for each event. Rainfall amounts must be obtained by either a properly maintained rain gauge installed onsite, a weather station that is within one (1) mile of the site's location, or a

weather reporting system that provides site specific rainfall data from radar summaries;

f) Photographs of dewatering activities;

g) Observed discharges must be recorded, discharges should be photographed and the location of the discharge described (i.e., color, odor, settled or suspended solids, oil sheen, and other obvious indicators of pollutants); and

h) Any amendments to the site plan proposed as a result of the inspection must be documented within seven (7) calendar days.

e. Pollution Prevention Management Measures

(1) Construction and landscape materials must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means as designed to minimize contact with Stormwater;

(2) Products which are either not a source of contamination to Stormwater or designed to be exposed to Stormwater are not required to be covered or protected;

(3) Pesticides, herbicides, fertilizers and treatment chemicals must be placed under cover (e.g., plastic sheeting or temporary roofs) or protected by similarly effective means designed to minimize contact with Stormwater;

(4) Hazardous materials and toxic waste (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) must be stored in sealed containers to prevent spills, leaks or other discharge;

(5) Hazardous materials must be stored and disposed of in accordance with Minn. R. ch. 7045;

(6) Solid waste must be stored, collected, and disposed of in accordance with Minn. R. ch. 7035;

(7) Portable toilets must be positioned so that they are secure and will not tip or be knocked over.

(8) Sanitary waste from the portable toilets must be properly disposed in accordance with Minn. R. ch. 7041;

(9) Reasonable steps must be taken to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible;

a) Adequate supplies must be available at all times to clean up discharged materials and an appropriate disposal method must be available for recovered spilled materials;

b) Spills must be immediately reported and cleaned up as required by Minn. Stat. Sect. 115.061, using dry clean up measures where possible.

(10) Limit vehicle exterior washing and equipment to a defined area of the site.

a) Runoff from the washing area must be contained in a sediment basin or other similarly effective controls;

b) Waste from the washing activity must be disposed of properly;

c) Soaps, detergents, and solvents must be properly used and stored.

(11) Liquid and solid wastes generated by washout operations (e.g. concrete, stucco, paint, form release oils, curing compounds and other construction materials) related to the construction activity must be contained and not contact the ground. A sign, indicating the location of a washout facility, must be installed.

#### f. Termination Conditions

(1) All construction activity must be completed and permanent cover must be installed over all areas;

a) Permanent cover must consist of a uniform perennial vegetation with a density of 70 percent of its expected final growth;

b) Vegetation is not required where the function of a specific area dictates no vegetation, such as impervious surfaces or the base of a sand filter.

(2) Permanent stormwater treatment system must be cleaned of any accumulated sediment;

a) The system must meet all applicable requirements and operate as designed.

(3) Sediment must be removed from conveyance system(s);

(4) Temporary synthetic erosion prevention and sediment control BMPs must be removed. BMPs designed to decompose on-site may be left in place;

(5) For residential construction only, permit coverage may be terminated on individual lots if:

a) The structure(s) are finished, permanent cover has been established, and the lot is sold to the homeowner; or

b) The structure(s) are finished, the lot is sold to the homeowner, temporary erosion prevention perimeter controls are properly installed downgradient of any soils where permanent cover has not been established, and the homeowner is provided the MPCA's "Homeowner Fact Sheet".

(6) For construction projects on agricultural land (e.g., pipelines across cropland), the disturbed land must be returned to its preconstruction agricultural use.

#### 4.1.4 Design Criteria for Temporary Sediment Basins

a. Where 10 or more acres of disturbed soil drain to a common location or where 5 or more acres of undisturbed soil drain to a common location on the project that is within one mile (aerial radius measurement) of an "impaired waters", "other special waters", "prohibited waters", and/or "restricted waters" as defined, the applicant must provide a basin to provide treatment of the runoff before it leaves the construction site or enters surface waters.

b. Temporary sediment basins may be converted to a permanent basin after construction is complete.

c. Temporary basins may be removed when permanent cover has reduced the acreage of disturbed soils to less than 10 (or 5 when applicable) acres draining to a common location.

d. Must provide live storage for a calculated volume of runoff from a two (2) year, 24-hour storm from each acre drained to the basin, except that in no case shall the basin provide less than 1,800 cubic feet of live storage per acre drained to the basin.

e. Where the two (2)-year, 24-hour storm runoff amount is not calculated, the temporary sediment basin must provide 3,600 cubic feet of live storage per acre of the basins' drainage area.

f. Outlets must be designed to prevent short-circuiting and the discharge of floating debris.

g. The outlet structure must be designed to withdraw water from the surface to minimize the discharge of pollutants. The use of a surface withdrawal mechanism may be temporarily suspended during frozen conditions. The basin must include a stabilized emergency overflow to prevent failure of pond integrity.

h. Energy dissipation must be provided for the basin outlet within 24 hours after connection to a surface water.

i. Temporary sediment basins must be situated outside of surface waters and include a buffer zone not less than 100 linear feet from special waters.

j. The temporary basins must be constructed and made operational prior to disturbing 10 or more acres of soil draining to a common location.

k. Where a temporary sediment basin meeting the above requirements is infeasible, effective sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures must be installed as dictated by individual site conditions, including all down-slope boundaries and side-slope boundaries. In determining whether installing a sediment basin is infeasible, the owner/operator(s) must consider public safety and may consider factors such as site, soils, slope, and available area on site. The determination of infeasibility must be documented in the site plan.

## **4.2 POST-CONSTRUCTION STORMWATER MANAGEMENT.**

### **4.2.1 Submittal of Site Plans consisting of Post-Construction Plans**

- a. Site plans must be submitted for review and confirmation that ordinance requirements have been met, prior to start of construction activity.
- b. Site plans must consist of, at a minimum, the following items:
  - (1) All calculations for the permanent stormwater treatment system;
  - (2) The water quality volume that will be treated through volume reduction practices;
  - (3) Rationale and documentation supporting the location of any off-site permanent stormwater treatment projects;
  - (4) All legal mechanisms related to Section 4.2.3.

### **4.2.2 Post-Construction Stormwater Management BMPs must meet the following criteria:**

- a. Designed with accepted engineering practices and in accordance with Section 4.2.4.
- b. Designed so that discharges from the project during and after construction activities do not cause a violation of state water quality standards, including nuisance conditions, erosion in receiving channels or on downslope properties, or a significant adverse impact to wetlands caused by inundation or decrease of flow.
- c. Treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.
- d. For construction activity (excluding linear projects), water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.
- e. For linear projects, water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in Section 4.2.2(f). Volume reduction practices are not required if the

practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, the owner/operator of construction activity must maximize the treatment of the water quality volume prior to discharge from Houston County's MS4.

f. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited, as described in Section 4.2.4a(14), other volume reduction practices, a wet sedimentation basin, or a filtration basin may be considered.

g. For discharges to a trout stream, the system must be designed so the discharge from the project minimizes any increase in the temperature of trout streams resulting from the one (1) or two (2) year 24-hour precipitation events. This includes all tributaries of designated trout streams located within the same Public Land Survey System (PLSS) Section. The design must incorporate one or more of the following measures, in order of preference:

(1) Provide stormwater infiltration or other volume reduction practices as described in Part 4.2.2c-e above, to reduce runoff. Infiltration systems must discharge all stormwater routed to the system within 24 hours;

(2) Provide stormwater filtration as described in Part 4.2.4b. Filtration systems must discharge all stormwater routed to the system within 24 hours;

(3) Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls;

(4) If ponding is used, the design must include an appropriate combination of measures such as shading, vegetated swale discharges or constructed wetland treatment cells that limit temperature increases. The pond must be designed as a dry pond and should draw down in 24 hours or less; and

(5) Other methods that minimize any increase in the temperature of the trout stream.

#### h. Off-site Treatment

(1) For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and meet the following requirements (must be selected in the following order of preference):

a) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

b) Locations within the same DNR catchment area as the original construction activity.

c) Locations in the next adjacent DNR catchment area up-stream.

d) Locations anywhere within the Houston County's jurisdiction.

(2) Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs owned or operated by Houston County cannot be used to meet this requirement.

(3) Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.

#### **4.2.3 Long-term Maintenance**

a. The permittee must enter into a long-term maintenance agreement with Houston County that documents all responsibilities for long-term operation and maintenance of stormwater treatment practices that are not owned or operated by Houston County. At a minimum, the long-term maintenance agreement must include provisions that:

(1) Allow Houston County to conduct inspections of structural stormwater BMPs not owned or operated by Houston County, perform necessary maintenance, and assess costs for those structural stormwater BMPs when Houston County determines the owner of that structural stormwater BMP has not ensured proper function;

(2) Are designed to preserve Houston County's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by Houston County, when those responsibilities are legally transferred to another party; and

(3) Are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

#### **4.2.4 Permanent Stormwater Management System Design Criteria**

a. Infiltration System

(1) Infiltration options include, but are not limited to: infiltration basins, infiltration trenches, rainwater gardens, bioretention areas without underdrains, swales with impermeable check dams, and natural depressions;

(2) To determine if an infiltration system is suitable, either the MPCA's contamination screening checklist must be completed or an assessment must be conducted. The checklist or assessment must be documented in the site plan. For more information and to access the MPCA's "contamination screening checklist" see the Minnesota Stormwater Manual;

(3) Must be designed such that pre-existing hydrologic conditions of wetlands in the vicinity are not impacted (e.g., inundation or breaching a perched water table supporting a wetland);

(4) Must not be excavated to final grade, or within three (3) feet of final grade, until the contributing drainage area has been constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the infiltration area.

(5) When excavating to within three (3) feet of final grade, the permittee must stake off and mark the area so heavy construction vehicles or equipment do not compact the soil in the infiltration area;

6) A pretreatment device such as a vegetated filter strip, forebay, or water quality inlet (e.g., grit chamber) to remove solids, floating materials, and oil and grease from the runoff, to the maximum extent practicable, must be used before the system routes stormwater to the infiltration system;

7) Designed to provide a water quality volume as described in Part 4.2.2c-e;

8) Designed to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that cannot infiltrate within 48 hours must bypass the system through a stabilized discharge point;

9) Must provide a means to visually verify the infiltration system is discharging through the soil surface or filter media surface within 48 hours or less;

10) Must provide at least one soil boring, test pit or infiltrometer test in the location of the infiltration practice for determining infiltration rates;

11) For design purposes, divide field measured infiltration rates by 2 as a safety factor or use soil-boring results with the infiltration rate chart in the Minnesota Stormwater Manual to determine design infiltration rates. When soil borings indicate type A soils, field measurements should be performed to verify the rate is not above 8.3 inches per hour.

12) Must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation from the seasonally saturated soils (or from bedrock) and the bottom of the proposed infiltration system;

13) Must design a maintenance access, typically eight (8) feet wide;

14) Infiltration Systems are prohibited in the following areas (See "higher level of engineering review" in the Minnesota Stormwater Manual for more information):

a) Areas that that receive runoff from vehicle fueling and maintenance areas;

b) Areas where infiltrating stormwater may mobilize high levels of contaminants in soil or groundwater;

c) Areas where soil infiltration rates are field measured at more than 8.3 inches per hour unless the soils are amended to slow the infiltration rate below 8.3 inches per hour;

- d) Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;
- e) Areas of predominately Hydrologic Soil Group type D soils (clay);
- f) The following areas within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13:
  - i. In an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health; or
  - ii. In an ERA within a DWSMA classified as moderate vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by Houston County; or
  - iii. Outside of an ERA within a DWSMA classified as having high or very high vulnerability unless a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater has been approved by Houston County.
- g. Areas within 1,000 feet upgradient or 100 feet downgradient of active karst features; and
- h. Areas that receive runoff from the following industrial facilities not authorized to infiltrate stormwater under the NPDES stormwater permit for industrial activities:
  - 1) Automobile salvage yards;
  - 2) Scrap recycling and waste recycling facilities;
  - 3) Hazardous waste treatment, storage, or disposal facilities;
  - 4) Wood preserving facilities; or
  - 5) Air transportation facilities that conduct deicing activities.

#### b. Filtration System

- 1) Filtration options include, but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters;
- 2) Must not install filter media until the contributing drainage area is constructed and fully stabilized unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area;
- 3) Designed to remove at least 80 percent of TSS;

- 4) Must use a pretreatment device such as a vegetated filter strip, small sedimentation basin, water quality inlet, forebay or hydrodynamic separator to remove settleable solids, floating materials, and oils and grease from the runoff to the maximum extent practicable, before runoff enters the filtration system;
- 5) Designed to provide a water quality volume as described in Part 4.2.2c-e;
- 6) Designed to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow;
- 7) Designed to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours;
- 8) Employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system;
- 9) Construct with an impermeable liner when the system has less than three (3) feet of separation between seasonally saturated soils or bedrock;
- 10) Designed with a maintenance access, typically eight (8) feet wide.

#### c. Wet Sedimentation Basin

- 1) Permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin;
- 2) Permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet;
- 3) Must be configured to minimize scour or resuspension of solids;
- 4) In addition to the permanent volume, the basin must provide the water quality volume as live storage. Water quality volume is described in Part 4.2.2c-e;
- 5) Water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin;
- 6) Designed to prevent short-circuiting and the discharge of floating debris;
- 7) Basin outlets must have energy dissipation;
- 8) Must include a stabilized emergency overflow to accommodate storm events in excess of the basin's hydraulic design;
- 9) Must have a maintenance access, typically eight (8) feet wide, for the basin;
- 10) Must be located outside of surface waters and any buffer zones identified in Part 4.1.3b.
- 11) Permittees must design basins using an impermeable liner if located within active karst terrain.

d. Regional Wet Sedimentation Basins

- 1) When the entire water quality volume cannot be treated by volume reduction practices onsite, regional wet sedimentation basins can be used or created, provided they are constructed basins, not a natural wetland or water body.
- 2) The regional basin conforms to all requirements for a wet sedimentation basin as described in Part 4.2.4c.
- 3) Must be large enough to account for the entire area that drains to the basin.
- 4) Waterways between the project and the regional basin must not be significantly degraded.
- 5) Written authorization from Houston County or private entity that owns and maintains the regional basin.

**SECTION 5. ADOPTION OF ORDINANCE**

The Houston County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on June 2<sup>nd</sup>, 2026, at the Houston County Courthouse.

This ordinance is hereby adopted by the Houston County Board of Commissioners, voting  ayes and  nay, and is effective this 16<sup>th</sup> day of June, 2026.

**HOUSTON COUNTY**

By \_\_\_\_\_  
Greg Myhre, Chair  
Houston County Board of Commissioners

Date: \_\_\_\_\_

Attested to by:

\_\_\_\_\_  
Brent Parker  
Houston County Coordinator

Date: \_\_\_\_\_

**BOARD OF COMMISSIONER MEETING  
AGENDA REQUEST FORM**Historic Courthouse  
304 S Marshall Street  
Caledonia, MN 55921**Board Meeting Date: June 16, 2026****Date Request Submitted: June 2, 2026****Submitted By (Name and Title): Brent Parker, County Coordinator****Please fill in item(s) requested for agenda in correct category below. Add numbers as needed.**Appointment Request:Consent Agenda Request:Action Item Request:

- 1) Consideration and Action on Grievance Submitted by Patrick Molling / Law Enforcement Labor Services, Inc.  
Local #237

Discussion Item:Background/additional information can be typed below and/or included with request:

Note: Please submit all agenda request forms and supporting documentation to the BOC email at **BOC@HoCoMN.gov** by noon the Thursday before each BOC meeting to be included on the agenda. If your department needs a resolution number, please ask for the number ahead of time via the BOC email. Resolutions should be emailed in word format so they can be easily copied and pasted into the meeting minutes. Departments are responsible for scheduling their own public hearings, but please email the BOC to verify a date and time is available prior to advertising the hearing to ensure we do not double book times. Questions regarding agenda requests and board meetings can be sent to the BOC email. Thank you!