

Houston County Planning Commission
January 23, 2025

Approved on February 27, 2025 by Wayne Feldmeier and Franklin Hahn

The Houston County Planning Commission met at 5:00 p.m. on Thursday, January 23, 2025. A summary of the meeting follows.

The meeting was called to order by Vice Chairman Josh Gran. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, and Josh Gran. Eric Johnson, County Commissioner, was present. Amelia Meiners was present for Environmental Services. There are two vacancies on the Planning Commission that were not filled prior to this meeting and due to that, voting on chair and vice chair will take place at the next meeting. Chairwoman Cindy Wright began her new role as a Commissioner at the beginning of the year and will no longer be on the Planning Commission in a citizen position so Vice Chairman Gran presided over the meeting.

The **Notice of Public Hearing** was read for updates to the Houston County Zoning Ordinance regarding cannabis businesses.

On December 31, 2024, the Board of Commissioners adopted an ordinance regulating cannabis related business within the County. This ordinance is applicable to all areas of Houston County, including incorporated areas, unless the incorporated area has adopted an ordinance regulating cannabis businesses (Cannabis Business, Section 1.2). Section 3.2 within that ordinance designates which zoning districts the specific types of businesses are allowed to operate within. Note that districts are described generally (ex. commercial, industrial, etc.) since this may apply to municipalities as well.

Based on the designations provided within the Cannabis Business Ordinance, staff proposed the following additions to the Houston County Zoning Ordinance.

SECTION 3 – RULES AND DEFINITIONS

3.6 DEFINITIONS

Cannabis business. *Cannabis business refers to businesses holding any of the following licenses: microbusiness, mezzobusiness, cultivator, manufacturer, retailer, wholesaler, transporter, testing facility, event organizer, delivery service and medical cannabis combination business.*

SECTION 14 – AGRICULTURE PROTECTION DISTRICT

14.4 INTERIM USES

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

*** (15) Cannabis businesses as allowed within the Cannabis Related Business Ordinance*

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

SECTION 16 – HIGHWAY BUSINESS DISTRICT

16.2 PERMITTED USES

Subdivision 1. Permitted Uses

(12) Cannabis businesses as allowed within the Cannabis Related 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 Related Business Ordinance

***Renumbering of existing 16.4 through 16.13 to reflect the addition of interim uses.*

SECTION 17 – GENERAL BUSINESS DISTRICT

17.2 PERMITTED USES

Subdivision 1. Permitted Uses

(13) Cannabis businesses as allowed within the Cannabis Related Business Ordinance

****17.4 INTERIM USES**

Subdivision 1. Interim Uses. In the General 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

***Renumber of existing 17.4 through 17.9 to reflect the addition of interim uses.*

SECTION 18 – LIMITED INDUSTRY DISTRICT

18.2 PERMITTED USES

Subdivision 1. Permitted Uses

(10) Cannabis businesses as allowed within the Cannabis Related Business Ordinance

18.4 INTERIM USES

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

(2) Cannabis businesses as allowed within the Cannabis Related Business Ordinance

SECTION 19 – GENERAL INDUSTRIAL DISTRICT

19.2 PERMITTED USES

Subdivision 1. Permitted Uses

(7) Cannabis businesses as allowed within the Cannabis Related Business Ordinance

19.4 INTERIM USES

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

(2) Cannabis businesses as allowed within the Cannabis Related Business Ordinance

Vice Chairman Gran asked for public comment, but no members of the public were present.

There was general discussion regarding the Cannabis Business Ordinance before reviewing the findings. Findings were read.

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.

1. Minn. Stat. §342.13(c), gives local government units the ability to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business provided that such restriction do not prohibit the establishment or operation of cannabis businesses.

2. The Board of Commissioners adopted an Ordinance to Regulate Cannabis Related Businesses on December 31, 2024, identifying zoning districts in which specific types of businesses are allowed (Cannabis Related Business, Section 3.2).
3. The Cannabis Related Business Ordinance applies to all areas of Houston County, including incorporated areas, unless the incorporated area has adopted an ordinance regulating cannabis businesses.
4. The Houston County Zoning Ordinance should be updated to be compatible with the Cannabis Related Business Ordinance.

Wayne Feldmeier made a motion to approve findings and recommend approval of the proposed text amendments adding cannabis related businesses to the appropriate uses and zoning districts.

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

The amendments will be presented to the Houston County Board of Commissioners for final action.

After the hearing Environmental Services Director Meiners and Commissioner Johnson explained the solar moratorium and the role the Planning Commission will play in upcoming months as an ordinance is drafted and reviewed. Members were encouraged to talk with townships and neighbors to gather input.

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

Submitted by the Planning Commission Clerk on January 24, 2025.

Houston County Planning Commission
February 27, 2025

Approved on March 27, 2025 by Wayne Feldmeier and Johnathon Glasspoole

The Houston County Planning Commission met at 5:00 p.m. on February 27, 2025. A summary of the meeting follows.

The meeting was called to order by Environmental Services Director Amelia Meiners. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, Josh Gran, Franklin Hahn and Chase Munson. Eric Johnson, County Commissioner was absent; Greg Myhre, County Commissioner alternate, was present.

Election of Chairperson for 2025 took place. Greg Myhre nominated Chase Munson for Chairperson. John Glasspoole seconded. With no other nominations, Wayne Feldmeier motioned nominations cease and Greg Myhre seconded. All were in favor. Motion carried.

Election of Vice Chairperson for 2025 took place. Chase Munson nominated John Glasspoole for Vice-Chairperson. Greg Myhre seconded. Josh Gran made a motion to cease nominations and Wayne Feldmeier seconded. All were in favor. Motion carried.

Election for a Board of Adjustment delegate for 2025 took place. Larry Gaustad nominated Franklin Hahn. Josh Gran seconded. All were in favor. Motion carried.

John Glasspoole made a motion to approve the minutes of October 24, 2024. Wayne Feldmeier seconded. Chase Munson and Franklin Hahn abstained. All were in favor. Motion carried.

Wayne Feldmeier made a motion to approve the minutes of January 23, 2025. Franklin Hahn seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 982 was read for applicants, **Chris and Wendy Horn**, 1367 County 25, La Crescent, MN 55947.

The petitioners are requesting a Zoning Amendment to amend the zoning map and change parcel 08.0125.004 and a small portion of 08.0125.002 from the Agricultural Protection District to Residential. in La Crescent Township.

- This site is located immediately west of the City of La Crescent off County 25. The property is currently zoned agricultural and the applicants are requesting the rezone to allow them to build a dwelling in this quarter-quarter since there are dwellings on both PID 08.0125.003 and 08.0125.001 already. PID 08.0125.002 is currently a 19-acre parcel, but the landowners did not wish to rezone the whole parcel and had a surveyor identify a specific area which will limit the actual rezone to just over 2-acres.
- Relevant sections of the Houston County Zoning Ordinance are below:

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

- *Area of a slope of twenty-four (24) percent or greater.*
- *A shoreland impact zone as defined by this Ordinance.*

- *Protected waters as defined in this Ordinance.*
- *Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.*

All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19.

SECTION 15 – RESIDENTIAL DISTRICT

15.9 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. *All new dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:*

- (1) *Lots with Individual Sewage Treatment Systems and Water Wells. Dwelling units with individual sewage treatment systems and water wells shall have a minimum lot area of forty-three thousand five hundred sixty (43,560) square feet. Individual sewage treatment systems and water wells must conform to the standards in this Ordinance.*

15.10 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. *Every lot or plat of land on which a single family dwelling is constructed shall have the minimum standards as set forth below:*

- (1) *Lots with Individual Sewage Treatment Systems and Water Wells. Lots with individual sewage treatment systems and water wells shall have a lot width of not less than one hundred (100) feet and lot depth of not less than one hundred fifty (150) feet.*

- This property is located off County 25 just outside of La Crescent. The east boundary of the property is the center of Pine Creek and most of the rezone area will fall within the shoreland overlay district. This is likely a shoreland bluff and will require a setback from the top of the bluff. The area of the rezone does not contain any wetland or floodplain, but all of the low ground adjacent to Pine Creek (eastern portion of the property) is mapped floodplain and wetland. Slopes will meet the building and driveway standard and the rezone area meets the buildable lot requirements. Note that no building site has been formally reviewed.
- The Briarwood Estates Subdivision (residentially zoned) is approximately 900 feet to the west and land east of Pine Creek is within the city limits of La Crescent. Soils are 1862, a silty clay, considered a prime ag soil if drained, but over the last ten years this land has transitioned out of row crop production and there is no required soil restriction.
- The landowners have spoken with a septic designer to discuss the requirement for locating two type I septic systems and have been told that locating two systems would likely be achievable, but due to winter conditions no onsite work has been completed. They realize that approval of the rezone does not guarantee granting of a building permit if that condition cannot be met.
- The closest feedlot is 6,500 feet to the southwest and there is a mine approximately 3,220 feet to the west.
- La Crescent Township and the City of La Crescent were notified along with the ten nearest property owners. No comments were received.

Chris and Wendy Horn were present to explain the project in further detail.

Chairman Munson asked for public comment. Doug Nelson asked about the setbacks from Pine Creek.

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

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.

1. Goal 1.3 of the Goals and Policies section in the Comprehensive Land Use Plan (CLUP) encourages location of urban development near the major cities where services can easily be provided and extended. There is a subdivision west of the property and the city limit boundary is the east property line.
2. Policy 1 under Agriculture Goals and Policies calls for protection of prime agricultural land by limiting development in agricultural areas. This rezone area has been transitioned out of row crop production over the last ten years and allowing this rezone will keep development closer to existing development and the public road which will minimize impact on the land.
3. The applicants have over 19 acres of land at this location but have chosen to only rezone a couple acres in an effort to restrict future development. If additional lots are desired, another rezone will need to be completed along with a plat approved under Section 36 of the Ordinance.
4. Goal 2.12 of the Comprehensive Land Use Plan provides for planning of orderly development to minimize pollution and conflicts with agriculture uses. Further the urban expansion area policies call for careful regulation of urban expansion in the areas around incorporated cities to minimize scattered development. The tillable area in this location is limited in size due to proximity to bluffs and water features so there will only be limited agricultural uses in this location anyway.
5. Policy 1 of Goal 3.2 of the CLUP discourages development in areas where on-site sewer systems are likely to malfunction due to poor soil characteristics. The applicant has talked with a septic designer who feels confident that septic system requirements can be met.
6. The parcels meet buildable lot and lot area standards identified in the Houston County Zoning Ordinance.

Greg Myhre made a motion to accept the findings as presented. Wayne Feldmeier seconded. All were in favor. Motion carried.

Josh Gran made a motion to recommend the Houston County Board amend the zoning map for PID 08.0125.004 and the area noted as Parcel 2 on PID 08.0125.002 from agricultural protection to residential, contingent upon the condition that the rezoned area shall only contain one buildable lot unless a plat is approved under Section 36 of the Houston County Zoning Ordinance.

Greg Myhre seconded. Roll call vote was taken. All were in favor. Motion carried.

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

Notice of Public Hearing No. 983 was read for applicant, **G-Cubed**.

The petitioner is requesting to modify the following Ordinance sections:

*SECTION 27.3 – Mineral Extraction Definitions
Add definitions of construction minerals and industrial minerals.*

*SECTION 27.8 – Operational Performance Standards
Change mine density standard language from “sand” mine to “industrial” mineral mine (27.8 Subd. 1(5)).*

Geoff Griffin, G-Cubed, presented the proposal and reiterated that they felt there was a need for construction minerals and reminded members that sites would still require a conditional use permit so this proposal is not a blanket approval of all sand mines.

Members asked general questions about industrial sands and discussed the need for construction sand for dairy bedding.

Public comment was requested, but there was none.

Chairman Munson asked that the findings be read.

Section 8.6 of the Houston County Zoning Ordinance requires that the Planning Commission make findings in support of a decision but does not prescribe specific criteria. There are really two requests here, but staff feel the Planning Commission should vote on the proposals as a single request and findings were drafted in that manner. The following findings are proposed for your consideration.

1. One of Houston County's guiding values acknowledges that aggregate materials are important to the economic basis of the community and to use in construction, road maintenance and other uses, and strives to balance access to materials with protection of natural resources.
2. Another value cites the importance of sound environmental practices that promote the efficient use of all natural resources and protection of environmentally sensitive natural resources.
3. Goal 2.2 of the CLUP promotes agriculture as a viable land use and significant contribution to economic activity in the County and access to these construction materials is important for operations.
4. Updating our Zoning Ordinance as proposed keeps it consistent with neighboring Winona and Fillmore Counties.
5. These changes will not impact requirements on silica sand operations.

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

Josh Gran made a motion to recommend the Houston County Board amend the zoning ordinance as follows:

1. Section 27.3 – Mineral Extraction Definitions
 - a. Construction minerals: The term "construction minerals" includes natural common rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding for livestock operations, sewer and septic systems, landfills, and sand blasting. The term "construction minerals" does not include "industrial minerals" as defined below.
 - b. Industrial minerals: The term "industrial minerals" includes naturally existing high quartz level stone, silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications, but excluding construction minerals as defined above. Silica sand is categorized as an industrial mineral by the Minnesota Department of Natural Resources and the North American Industry Classification System under classification no. 212322. "Silica sand" has the meaning given in Minnesota Statutes, Section 116C.99, subd. 1 (d): "'Silica sand' means well-rounded, sand-sized grains of quartz (silicon dioxide), with very little impurities in terms of other minerals. Specifically, the silica sand for the purposes of this section is commercially valuable for use in the hydraulic fracturing of shale to obtain oil and natural gas. Silica sand does not include common rock, stone, aggregate, gravel, sand with low quartz level, or silica compounds recovered as a by-product of metallic mining." Minn. State Section 116C.99, subd. 1 (d) "Silica sand project" has the meaning given in Minnesota Statutes, Section 116C.99, subd. 1 (e): "'Silica Sand project' means the excavation and mining and processing of silica sand; the washing,

cleaning, screening, crushing, filtering, drying, sorting, stockpiling, and storing of silica sand, either at the mining site or at any other site; hauling and transporting of silica sand; or a facility for transporting silica sand to destinations by rail, barge, truck, or other means of transportation.” Minn. State. Section 116C.99, subd. 1 (e).

2. Section 27.8 Subd. 1 (5) – Mine Density Standards

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

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

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

Notice of Public Hearing No. 984 for Chris Priebe of G-Cubed on behalf of **G & K Development L.C.**, 900 Montgomery Street, Decorah, IA 52101 was withdrawn prior to the hearing.

Josh Gran made a motion to adjourn the meeting. Greg Myhre seconded. Motion carried.

Submitted by the Planning Commission Clerk on February 28, 2025.

Houston County Planning Commission
March 27, 2025

Approved April 24, 2025 by Josh Gran and Chase Munson

The Houston County Planning Commission met at 5:00 p.m. on March 27, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Chase Munson. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, Josh Gran, Franklin Hahn and Chase Munson. Eric Johnson, County Commissioner was present. Amelia Meiners was present for Environmental Services.

Wayne Feldmeier made a motion to approve the minutes of February 27, 2025. John Glasspoole seconded. Eric Johnson abstained. All were in favor. Motion carried.

Notice of Public Hearing No. 985 was read for applicant, **Allison Murdoch**, 3430 Pine Creek Road, La Crescent, MN 55947.

The petitioner is requesting an interim use permit for a Level I home-based occupation to operate a cosmetic tattoo salon in the agriculture protection district in La Crescent Township.

- Cosmetic tattooing, also known as permanent makeup, involves depositing pigment into the dermal layer to enhance features such as eyebrows, eyes and lips. A business plan is attached to the interim use application, but additional information on her business can be found at: snowdropink.com. The business plan identifies the following as services: microblading, powder brows, combo brows, top and bottom eyeliner, pigment removal, lip blushing, inkless stretch mark revision, facial threading and beauty marks. Appointments range from 20 minutes to four hours with most falling in the two-to-four-hour range. On average there are one to two clients per day and the busiest days may have as many as five.
- This proposal will be similar to other home occupations permitted in the County. Previously permitted home based businesses include a hair salon, beauty shop, massage parlor, bridal accessory sales, craft business, woodworking studio, gun shop, taxidermy, law office and antique business. The ordinance does have a specific set of parameters for home occupations and differentiates between Level I and Level II based on number of employees and square footage of workspace. This proposal is for a Level I business and those requirements are included below.
- Here are relevant sections of the Houston County Zoning Ordinance:
- **Home Occupation.** *Any occupation or profession which is clearly secondary to the main use of the premises as the owner's dwelling place and which meets the standards set forth in ~~Part 2803~~ [Section 29.3].*
- **14.4 INTERIM USES.**
Subdivision 1. Interim Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance. (4) Level I and Level II Home Occupations as regulated in Section 29.
- **29.3 HOME OCCUPATIONS**
- **Subdivision 1. Purpose.** *The purpose of this classification is to prevent competition with business districts, protect the natural resources of the County, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and continuance of home occupations as accessory uses shall be interim permitted if the following requirements and conditions are satisfied.*

- **Subdivision 2. Level I Home Occupations.** *Level I home occupations shall comply with the following:*
 - (1) *Level I home occupations shall be conducted entirely within the dwelling, carried on by the inhabitants thereof with no more than one (1) outside employee.*
 - (2) *Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.*
 - (3) *The Level I home occupations shall not exceed five hundred (500) square feet of floor space.*
 - (4) *Accessory buildings and/or attached garages can be used as part of the home occupation as long as the structure is not specifically dedicated for the occupation and occupies less than thirty (30) per cent of the total structure and is incidental and secondary to the use of the principal residential structure on the property.*
 - (5) *Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.*
 - (6) *There shall be no exterior display storage of equipment and materials.*
 - (7) *Allowable signage shall be limited to one sign, one and one-half (1 ½) square foot, non-illuminated, and attached to the dwelling.*
 - (8) *There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.*
 - (9) *The hours of operation may be determined by the Planning Commission.*
 - (10) *A Level I home occupation shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, ammunition, manufacturing, or any other objectionable uses as determined by the Zoning Administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than one hundred ten (110) volts.*
 - (11) *In the case of a Level I home occupation, only one vehicle shall be allowed which is associated with the home occupation. Such vehicles shall be parked off-street and upon the lot on which the home occupation is operated.*
- This site is actually two parcels for a total of eight acres in the agriculture protection district of La Crescent Township, although the area more resembles a subdivision. All of the surrounding properties within a quarter mile are zoned agriculture protection. The property is approximately 70-feet from the boundary of Pine Creek Golf Course but is closer to a half mile from the club house.
- The site shares a driveway entrance with an adjacent landowner, but the applicant states there is a garage to accommodate seven vehicles and believes there is room for four vehicles to park within their property.
- Parking standards require a minimum of three spaces and staff calculate there are six available based on guidance in the ordinance.

La Crescent Township was notified along with the ten nearest property owners. No comments were received.

Allison Murdoch was present to explain the services in further detail. Director Meiners read an email from the applicant asking to include an additional service to her proposal. She has been approached by parents inquiring about ear piercings and asked if it could be included in the interim permit review. A copy of the email will be included in the record. There was general discussion on the parking spaces and the impact to the neighbor on the shared portion of the driveway.

Chairman Munson asked if there was any public comment. Andrew Nelson, the neighbor that shares a driveway with the property, mentioned there is plenty of room for parking. He stated that he was not concerned about the hours of operation.

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

Wayne Feldmeier made a motion to bypass questions 4, 5, and 13 that are not applicable. Josh Gran seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The intent of a home-based business is to allow work secondary to the use of a residence. This is a single-family dwelling in the agriculture protection district that existed prior to zoning which is in conformance with the County Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant currently operates out of the Village Creek Shopping Center and is looking to purchase this home which has a separate living space that can accommodate the business. The goal has been to find a location that is handicap accessible and that opportunity exists at this location.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that wastewater will not differ from typical single-family residences.

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: This business does not utilize chemicals or products that should be contained separately from other wastes in terms of septic and all biohazardous materials will be collected and disposed of properly.

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 single-family dwelling and the primary use will not be changing. The home occupation will not require additional utilities than what currently exists.

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 applicant feels there is enough area for four customers to park. Since she will be working alone, there will only be one scheduled appointment at a time and therefore there may only ever be two customers overlapping.

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 applicant has identified there are four spaces for customers within the existing driveway and on average there will be one to two customers per day and at any one time.

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: Appointments will primarily be scheduled between 9am and 3pm, Monday through Friday. Neighbors will likely not notice an increase with one to five customers per day in and out of this location when considering the traffic to Pine Creek Golf Course daily.

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: Except for the golf course, which is operated by the City of La Crescent, most adjacent properties are rural residential in nature and have either just a single-family dwelling or a dwelling and small outbuilding. This proposal should not impact these existing uses and will not impact development on surrounding properties more than the primary use. This interim use will be tied to the landowner and permits will be null if that requirement is no longer met.

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: The applicant has identified that this business does not generate offensive odor, fumes, dust, noise or vibrations and therefore there should be no nuisance. Home occupations are prohibited from having lighted signs and are limited to minimal signage.

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: The commercial activity taking place on this property will be less intense than the neighboring golf course. Even if there were five customers each day, which has been identified as the busiest, that would still generate substantially less traffic than the golf course.

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: All biohazard waste will be collected and disposed of properly and beyond that this proposal will not result in any increased risk or impact to public health, safety, morals or general welfare.

Board agreed to the finding by a unanimous vote.

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

Eric Johnson made a motion to recommend the Houston County Board approve an interim use permit for a Level I home-based occupation to operate a cosmetic tattoo salon in the agriculture protection district with the following 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 permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall expire if it is not renewed at or near five-year intervals. The permit shall expire at such time that Allison Murdoch no longer owns AND maintains homestead status on the property described in the application (currently PID 08.0073.000).
4. The maximum number of employees working onsite shall not exceed two at any one time.
5. No customer parking is allowed on shared portions of the driveway.

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

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

Chase Munson made a motion to adjourn the meeting. John Glasspoole seconded. Motion carried.

Submitted by the Planning Commission Clerk on March 28, 2025.

Houston County Planning Commission
April 24, 2025

Approved May 22, 2025 by Wayne Feldmeier and Franklin Hahn.

The Houston County Planning Commission met at 6:30 p.m. on April 24, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Chase Munson. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, Josh Gran, Franklin Hahn, and Chase Munson. Eric Johnson, County Commissioner, was present. Amelia Meiners, Michelle Burt, and Jeremy Burt were present for Environmental Services.

Josh Gran made a motion to approve the minutes of March 27, 2025. Chase Munson seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 986 was read for applicants, **Robert and Lori Ellenz**, 12174 County 10, Caledonia, MN 55921.

The petitioners are requesting a Conditional Use Permit (CUP) for the construction of a manure storage structure with a capacity over 20,000 gallons (14.3 Subd.1 (18)) in Caledonia Township.

- The site is located about 2 miles NW of the City of Caledonia off County Road 10. The farm is operated by Robert and Lori along with their son, Will. There are 2 houses on site, Robert and Lori reside in 1 and Will in the other. They have expanded slightly over the years and have recently constructed a total confinement free stall barn to house their dairy cows. The site is registered with 251 Animal Units, consisting of 122 mature dairy cows (milking and dry), 106 dairy heifers, and 30 dairy calves. There is about 195 acres of connected land to the feedlot that the Ellenz's own that is majority crop land plus they rent additional land. It appears they have more than adequate land for the facilities manure. The proposed Liquid Manure Storage Area (LMSA) will be 195 feet wide by 195 feet long by 8 feet deep with a capacity of just over 1.9 million gallons. This is estimated to be 14 months storage. It's proposed the basin will be regularly emptied on an annual basis, likely in October and November.
- Manure storage is proposed on the northwest corner of the farmstead. Currently manure is scraped and hauled daily. Milk house waste is currently daylighted below the silage bags across the fields. With the new LMSA it will be pumped into the LMSA. Open lot runoff from the open lot by the milking barn will be managed by shortening the lot and with a vegetated filter strip.
- A feedlot inspection was completed by Houston County staff in April and the petitioners have applied for an Interim Feedlot Permit for construction. Review of the feedlot permit materials is still in process, but liquid manure storage areas are required to comply with various location and design standards contained within the state feedlot rules. A manure management plan will be completed and reviewed as well.
- Caledonia Township and the ten nearest property owners were notified. No comments were received.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):
***Animal Feedlot.** "Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.*

Manure Storage Area. "Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MR part 7020.2000, subpart 3, are not manure storage areas.

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.

(18) Manure Storage. New, or the expansion of existing manure storage structures with a capacity over 20,000 gallons.

33.14 FEEDLOT PERMIT APPLICATION

Subdivision 1. Information Required for a Feedlot Permit Application. In general, the following information is required for review prior to the issuance of a 2-year Interim Permit; a Construction Short Form Permit; a State Disposal System Permit, or a National Pollution Discharge Elimination Systems Permit:

(1) A completed State of Minnesota Permit Application as set forth in MR, 7020.0505.

(2) A Good Neighbor Plan as defined in this Ordinance.

(3) In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.

(4) A plan for disposal of dead animals that is consistent with the Minnesota Board of Animal Health regulations.

(5) The Feedlot Advisory Committee may be requested to conduct an on-site review of any new feedlot, or the expansion of an existing feedlot. The committee will provide to the planning commission findings of fact and make recommendations regarding setbacks, location concerns, the need for vegetative screening, or any other technical information deemed necessary.

33.24 LIQUID MANURE STORAGE AREAS

Minnesota Rules part 7020.2100 describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under MR, part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to MR, part 7020.0405.

- Site Characteristics:
 - The site is an existing dairy facility approximately 2 miles northwest of the City of Caledonia. The site consists of confinement buildings, open lots, runoff controls and feed storage.
 - Slopes are under 10% throughout the farmstead. The site is in the Beaver Creek Watershed with the closest intermittent stream being below the facility in the pasture, the unnamed intermediate stream is located just over 550-feet away to the southeast. Beaver Creek is approximately 2 miles via the Intermittent stream in the pasture or 2 miles via intermittent stream located 1800feet northwest of the facility.
 - There are 3 dwellings within a quarter mile of the proposed basin, all 3 are considered farm dwellings, and 2 additional farm dwellings within a half mile. The dwelling to the west is vacant. The property across county road 10 to the north is a large dairy operation.

- The well at this location is approximately 377 feet from the proposed basin and it is not located in a Drinking Water Supply Management Area. There are no indications of karst features in the immediate vicinity of this operation.
- Prevailing winds measured in Preston and Rochester are from the south and northwest, thus winds are not anticipated to substantially increase odor at any of the neighboring properties. An OFFSET (Odors From Feedlots Setback Estimation Tool) was completed during the CNMP process and rates the site at 93% annoyance free. Staff ran an independent OFFSET which rated the site at 89% which included the proposed manure storage to the extent possible.

Robert Ellenz was present to answer questions. Chairman Munson asked if he had anything additional to add. Robert Ellenz stated that he wants to add a manure storage structure. The manure structure will hold manure from the 103'x156' freestall barn, as well as the wastewater from the milk house. By adding this manure pit, they would no longer have to haul manure daily and add nutrients to the soil. The pit would hold 14 months of manure storage.

Chairman Munson asked if there was any public comment. Barb Rollins, a neighboring property owner was concerned about runoff the goes under her driveway to Beaver Creek. She was not for or against the manure storage structure. Mike Ingvalson, neighbor, commended the Ellenz's.

Chairman Munson asked if there was any more public comment.

Chairman Munson asked that the Finding be read if there were no additional questions or concerns.

Josh Gran made a motion to bypass questions 8, 9, 13, and 14 that are not applicable. Johnathon Glasspoole seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The Comprehensive Plan prioritizes support of commercial agriculture. For instance, "Goal 1.1 To preserve commercial agriculture as an essential long-term, permanent land use in the county". For dairy operations to remain viable it often times requires expansion and along with that a manure basin allows them to more responsibly handle manure.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The petitioners currently operate a daily scrape and haul operation and manure storage will allow them to limit land application of manure to the fall as well as the opportunity to be more selective in respect to appropriate weather conditions for land application.

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 project is ultimately to help protect water quality by providing the producer with the ability to handle manure only when conditions are appropriate.

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: All water that falls within the manure basin will be contained and clean water diversions will ensure stormwater is directed around the new project. Runoff controls exist in the open lot area and won't be affected by this construction.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Feedlot permits require soils to meet specific standards for approval as well as minimum bedrock separation requirements.

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: A complete review of the liquid manure storage basin design and plans will be completed along with a manure management plan review before the feedlot permit is granted. This is to ensure that the project will meet specifications in place to minimize any 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 dairy facility, so the necessary public infrastructure and utilities are present at this location. Any rerouting within the site of utilities, access roads, drainage, etc. as part of the project will be the responsibility of the producer.

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: N/A

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

Staff Analysis: N/A

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

Staff Analysis: Manure storage is commonly found in the agricultural district and proper management will reduce any adverse effect on neighboring properties. This area consists of farming operations with farm dwellings and the Ordinance clearly states that neighboring properties in this district may be subjected to inconveniences, including odor, from "normal and accepted agricultural practices".

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The predominant use in this area is agriculture. There is another large dairy facility north of this farm, but the addition of a basin at this location will not impact neighboring agricultural operations.

Board agreed to the finding by 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: Manure handling does create odors, but the addition of the basin is an improvement since they will not be hauling daily. Their Good Neighbor Notice identifies they will manage PH levels, haul on adjacent property.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: This project aims to reduce manure runoff potential, eliminate groundwater pollution hazards, improve soil health, and therefore protect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote.

Josh Gran made a motion to accept the findings as presented. Johnathon Glasspoole seconded. A roll call vote was taken. All were in favor. Motion carried.

Franklin Hahn made a motion to recommend the Houston County Board approve a Conditional Use application for the construction of a manure storage structure with a capacity over 20,000 gallons with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall obtain all permits and approvals required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit.

3. 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.

Josh Gran 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.

Following the public hearing there was general discussion regarding commercial solar and performance standards that should be required.

Josh Gran made a motion to adjourn the meeting. Franklin Hahn seconded. Motion carried.

Submitted by the Planning Commission Clerk on April 25, 2025.

Houston County Planning Commission
May 22, 2025

Approved July 31, 2025 by Johnathon Glasspoole and Wayne Feldmeier.

The Houston County Planning Commission met at 5:40 p.m. on May 22, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Chase Munson. Roll call was taken. Members present were Wayne Feldmeier, Johnathon Glasspoole, Josh Gran, Franklin Hahn, and Chase Munson. Eric Johnson, County Commissioner, was present. Johnathon Glasspoole was absent for roll call but was in attendance prior to Findings being read and motion on first hearing. Larry Gaustad was absent. Amelia Meiners and Michelle Burt were present for Environmental Services.

Wayne Feldmeier made a motion to approve the minutes of April 24, 2025. Franklin Hahn seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 987 was read for applicants, **James and Suzanna Gulbranson**, 106 W Alleyway P.O. Box 144, Spring Grove, MN 55974.

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

- This is a 39-acre parcel off Stratford Drive in Spring Grove Township. The applicants own other property in this area, but it is not considered contiguous thus requiring a conditional use permit. They would like to construct a small dwelling, 25' x 26' in size, for intermittent recreational use. Because the building is over 400 square feet and the applicants would like to connect to power and potentially well and septic in the future they need to permit this as a dwelling rather than a cabin as all of those items are prohibited for cabins under the Zoning Ordinance. The proposed location has not been row cropped in the last ten years and is an open meadow within a small timber stand adjacent to tillable acreage.
- The Houston County Zoning Ordinance (HCZO) 14.3 subd. 1 (10) required the following:
 - (10) *Dwellings. Single-family non-farm dwellings subject to the following:*
 - (a) *No more than one (1) dwelling per quarter-quarter section.*
 - (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
 - (d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified as wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
 - (e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- Further, the applicant should understand the purpose of the agricultural protection district is to retain land for agricultural production and the regulations are intended to minimize incompatibility between these residential and ag uses.

- Below are relevant sections from the Houston County Zoning Ordinance:

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.

- Site Characteristics:
 - The proposed location is just under a mile south of Spring Grove and the SW ¼ NE ¼ of Section 23 is an open quarter-quarter with adequate road frontage. The applicants are proposing a driveway along the east property line. A non-farm dwelling cannot be located on prime agricultural soil unless the area has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production. The soils here are 492C and 500C2, which are IIIe and IVe respectively, however the site appears to have not been in production for at least ten years.
 - The surrounding property is primarily agricultural in nature. There are farm and non-farm dwellings in most of the adjacent quarter-quarters. The property directly south of this site is zoned highway business and operated as a bed and breakfast and retreat center.
 - There is no floodplain, wetland, shoreland, or bluff concern. This property is on the ridge and the closest intermittent stream is approximately 628 feet to the west. Slopes at the building site are 8-12% and it meets the buildable lot standard.
- Spring Grove Township and the ten closest property owners were notified. One comment was received and is included in the packet.

James and Suzanna Gulbranson were present to answer questions. Chairman Munson asked if they had anything additional to add. The applicants described the project in more detail. James Gulbranson stated that the dwelling will be 600 to 700 square feet in size. The proposed driveway will follow the old horse trail that runs along the property to avoid disturbing land. James Gulbranson stated that the purpose of using this parcel was to avoid having to disturb any tillable land. James and Suzanna Gulbranson both stated that, as of right now, there is not a plan to have a septic system or a well installed right away.

Eric Johnson stated that the applicants must go to Spring Grove Township to get approval for driveway location before any work starts.

Chase Munson asked if a septic designer had looked at the property for potential septic system in the future. James Gulbranson stated that he had a septic designer out, as well as an electrician. Environmental Services Director, Amelia Meiners, asked the applicants to identify how they plan to handle septage until a septic system is installed.

Chairman Munson then asked for public comment.

Darin Warling stated that he had fundamental concerns for this proposal. He stated that he is worried that the proposed dwelling will become a rental location. General discussion was held by the Planning Commission about what is allowed.

Alvin Moen mentioned a lot of record for his property that is located within the same quarter-quarter as the proposed dwelling location.

Dean Ellingson stated that he is worried about power lines going across his property. He also stated that the proposed location for the driveway is no longer a horse trail and is partially on his property.

James Gulbranson stated that the power lines would be underground.

Gary Tweito, Spring Grove Township Supervisor, stated that the proposed dwelling location consists of a heavy wildlife population and is concerned that the dwelling may cause a disruption to wildlife.

Eric Johnson asked Environmental Services Director, Amelia Meiners, to explain why the applicants needed a Conditional Use Permit.

Franklin Hahn stated that this Board cannot make final decisions for disputes.

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

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

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes this goal.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: The applicants would like to build a place outside of city limits for recreational use.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: The largest pollution potential with single family dwellings is adequate treatment of seepage. The applicants identified that they do not intend to initially have running water within the structure, but once that happens then a septic system is required. If that is not done during the initial construction phase it is incumbent on the applicants to address that need when the time comes. In the interim, the applicants need to have an approved method of treatment (i.e. portable toilet) to handle any waste while on site.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: A small dwelling should not adversely increase the quantity of water runoff.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: The Soil Survey – Houston County identifies the main concern for these soil types as structural damage caused by the shrinking and swelling of the soil, but buildings can be constructed provided they use adequate backfill with suitable coarse material around foundations and footings.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		

Chase Munson	X
Eric Johnson	X

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

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard and a method of treatment meeting minimum state requirements is required. Additionally, careful adherence to the erosion control plan during and after construction will also mitigate any runoff concerns.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: The erosion control plan approved driveway construction and any new utility installations and costs are the responsibility of the applicant. The driveway access must be approved by Spring Grove Township.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: N/A

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

Staff Analysis: The surrounding uses are agricultural fields, farm and non-farm dwellings, and a bed and breakfast. This dwelling location is on the northern end of the parcel which is setback from developed areas of other properties and should help to keep the existing feel of the vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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 primary uses of the surrounding acreages are agricultural, residential, and commercial. This dwelling meets the density standard and most surrounding property has already been developed per the agricultural protection districts density requirements.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: N/A

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

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

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

Staff Analysis: N/A

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

Staff Analysis: A non-farm dwelling with proper treatment of septage should have no impact on the public's health safety, morals, and general welfare.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Chase Munson	X		
Eric Johnson	X		

Josh Gran made a motion to accept the findings as presented. Franklin Hahn seconded. Motion carried.

Josh Gran made a motion to recommend the Houston County Board approve a conditional use permit for a single-family dwelling under 40 acres with four conditions in Spring Grove Township:

1. The permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is complying with the conditions and all other applicable statutes, rules, and ordinances.
3. The Permittee shall use an approved method of treatment for the handling of septage that meets minimum state requirements.
4. Structure can only be used as a single-family dwelling.

Johnathon Glasspoole seconded. Roll call vote was taken. Motion passed 5 to 1.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	Neighbor moved in next to him and filled 40 acres to stay 2-3 weeks out of the year.
Johnathon Glasspoole	X		
Josh Gran	X		Agreed with statement by Franklin Hahn.
Franklin Hahn	X		We do not go into legality of situation. Decision is based on Zoning Ordinance.
Chase Munson	X		Agreed with statement by Franklin Hahn.
Eric Johnson	X		Agreed with statement by Franklin Hahn.

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

Notice of Public Hearing No. 988 was read for applicants, **Luke Schuttenhelm and Miranda Johnston**, 1425 Redfield St, La Crosse, WI 54601.

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

- This is a ten-acre parcel off Doblal Road in Money Creek Township. The applicants are looking to construct a single-family dwelling on this parcel and have easement access to Doblal Road through the adjacent acreage belonging to William and Lisa Johnston. This parcel is within an open quarter-

quarter and while the proposed location appears to be CRP or cropped, it is an area classified as marginal soils which meets the requirement for non-farm dwellings.

- The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following:
 - (10) Dwellings. *Single-family non-farm dwellings subject to the following:*
 - (a) *No more than one (1) dwelling per quarter-quarter section.*
 - (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
 - (d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
 - (e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- Further, the applicant should know the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and ag uses.

- Below are relevant sections from the Houston County Zoning Ordinance:

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.

- Site Characteristics:

- The SW ¼ NW ¼ of Section 17 is an open quarter-quarter and a driveway easement exists that meets requirements. A non-farm dwelling cannot be located on prime agricultural soil, but the soils here are 599E2, which is VIe and not considered prime. There is no floodplain, wetland, shoreland, or bluff concern. The closest stream is Money Creek, approximately 1,400 feet to the southwest and the closest intermittent stream is approximately 900 feet to the south. Slopes at the building site are 10-16% and it meets the buildable lot standard. The surrounding property is still owned by Miranda's parents, William and Lisa Johnston.
- Money Creek Township and the ten closest property owners were notified. No comments were received.

Luke Schuttenhelm was present to answer questions. Chairman Munson asked if he had anything additional to add. The applicant described the project in more detail.

Chairman Munson asked for public comment. There was none.

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

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

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes this goal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants are looking to construct a dwelling on the family farm.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest pollution potential with single family dwellings is adequate treatment of septage, but a septic system will be permitted and installed according to code. A septic designer has been on site and located two type I locations.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during, and after construction, but the addition of a single-family dwelling should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Soil Survey – Houston County identifies slope as the main limitation for building sites on 599E2 soils due to it requiring extensive land shaping and recommends that the building be designed to conform to the natural slope of the land.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic designer has determined that a system meeting state standards can be installed.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is a new building site so new utility installations are necessary and all costs are the responsibility of the applicant. Access roads and drainage modifications will need to meet erosion control plan requirements.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The primary use of the surrounding acreage is agricultural and the addition of a single-family dwelling will not impact that use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The surrounding predominant use is agricultural fields. This dwelling meets the density standard and will not impact surrounding agriculture. Orderly development meeting standards can still take place.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare if constructed according to the approved erosion control plan and septic design requirements.

Board agreed to the finding by a unanimous vote.

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

Josh Gran made a motion to recommend the Houston County Board approve a conditional use permit for a single-family dwelling under 40 acres with two conditions in Money Creek Township:

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

Wayne Feldmeier seconded. 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.

Notice of Public Hearing No. 989 was read for applicants, **Brooke Johnston**, 17175 County 26, Houston, MN 55943.

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

- This is a ten-acre parcel off County 26 in Money Creek Township that was created in 2022. The dwelling was permitted as a farm dwelling (dwelling on more than 40 acres) in July 2022 and land

records show that the property was split in September 2022. A ten-acre parcel would have required a conditional use permit had this been done prior to the building permit issuance. The ordinance requires that at least ten years must pass before farm dwellings can be split into parcels under 40-acres in size and permitting actions are what bring this to the attention of the Zoning Office. In this instance, the applicant recently submitted an application for an attached garage. This area appears to have been pasture prior to the site development and meets the standards for a non-farm dwelling.

- The Houston County Zoning Ordinance (HCZO) 14.3 subd.1 (10) requires the following:
 - (10) *Dwellings. Single-family non-farm dwellings subject to the following:*
 - (a) *No more than one (1) dwelling per quarter-quarter section.*
 - (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
 - (d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified as wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
 - (e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- Further, the applicant should understand the purpose of the agricultural protection district is to retain land for agricultural production and the regulations are intended to minimize incompatibility between these residential and ag uses.
- Below are relevant sections from the Houston County Zoning Ordinance:
- **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 uses, 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.

- Site Characteristics:
 - The SE ¼ SW ¼ of Section 8 is an open quarter-quarter with adequate road frontage and an existing driveway easement that meets requirements. A non-farm dwelling cannot be located on prime agricultural soil, but the soils here are 143E2 and a small portion of 388D2, which are VIe and IVe respectively. The septic system was permitted that same year. There is no floodplain, wetland, shoreland, or bluff concern. The closest stream is Campbell Creek, approximately 1,450 feet to the west and the closest intermittent stream is approximately 1,400 feet to the south. Slopes at the building site are 15-23% and it meets the buildable lot standard. The surrounding property is still owned by her parents, William and Lisa Johnston.
- Money Creek Township and the ten closest property owners were notified. No comments were received.

Brooke Johnston, Jackson Perry, and Bill Johnston were present to answer questions. Chairman Munson asked if they had anything additional to add. The applicant described the project in more detail.

Chairman Munson asked for public comment. There was none.

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

Josh Gran made a motion to bypass questions 9, 12, and 14 that are not applicable. Eric Johnson seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes this goal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant initially permitted this as a farm dwelling which met the requirement at that time, but a property split now requires this to be a conditional use. To permit an attached garage the property needs to be brought into compliance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest pollution potential with single family dwellings is adequate treatment of seepage, but a septic system has been installed and inspected.

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 addition of an attached garage to the existing dwelling should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Soil Survey – Houston County identifies slope as the main limitation for building sites on 143E2 soils due to it requiring extensive land shaping and recommends that the building be designed to conform to the natural slope of the land.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing developed site, so utilities are present. If any new installations are necessary, all costs are the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The dwelling is existing at this point so there should be no additional impact to surrounding property owners. the primary use of the surrounding acreage is agricultural and currently belongs to family.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: the surrounding predominant use is agricultural fields. This dwelling meets the density standards and will not impact surrounding agriculture. Orderly development meeting standards can still take place.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals, and general welfare if constructed according to the approved erosion control plan and septic design requirements.

Board agreed to the finding by a unanimous vote.

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

Franklin Hahn made a motion to recommend the Houston County Board approve a conditional use permit for a single-family dwelling under 40 acres with two conditions in Money Creek Township:

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

Josh Gran seconded. 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.

Notice of Public Hearing and Intent to Adopt an Ordinance for the ordinance to regulate commercial solar and related comprehensive land use plan amendments in Houston County and possible extension to the interim ordinance was read.

Staff was looking for guidance on determining the appropriate zoning districts and performance standards for commercial solar systems. This was an input session rather than formal decision-making meeting.

Chairman Munson asked for public comment.

Clint Von Arx stated that he has nothing against solar. He then stated that he feels Houston County has a good plan in place for ag land and does not want to see solar panels occupy prime ag land.

Doug Heintz stated that he wants to see Houston County keep their Land Use Plan in place, as he does not feel amendments are needed. He stated that there are young farmers coming in and they need land to operate.

John Beckman agreed with the statements made by Clint Von Arx and Doug Heintz. He stated that prime farmland is not being created anymore and the Land Use Plan addresses this and feels that if this is granted there could be other requests made for structures on 20-acre quarter-quarters. Beckman also stated that land with class 3 or 4 soil should be used but he understands why flat land is preferred.

Nathan Dull, representative of Minnesota Land and Liberty Coalition, described what this company does and its purpose. He also stated that he would like to see a bit of a change in the proposed setback requirements, as there are only so many buildable lots for solar structures.

Dennis Myhre stated that he is concerned about liability for surrounding farmers, as well as runoff. He also stated that he does not want to see prime ag land be used to house solar.

Beth Esser, a representative for OneEnergy, described current and previous solar projects that have been done in other Counties. She stated that she supports the changes that are being made to the Ordinance and Land Use Plan as it seems to be in between ag benefits and solar benefits. Esser stated that she would also like to see a change in the proposed setback requirements and that she would like solar to be allowed on prime ag land as long as dual use can be implemented. Esser also described how leasing with landowners works.

Josh Gran asked how many acres are required per project. Beth Esser stated that it is based on rural electrical cooperatives with the largest being 30 to 35 acres and the smallest being 10 to 12 acres.

Eric Johnson asked if the company would work with Soil and Water Conservation District on runoff.

Eric Johnson asked for clarification on the company being responsible for decommissioning, not the landowner or lease.

Kent Whitcomb, a representative for Mi-Energy, stated that their primary concern is the site and being close to a substation decreases the number of power lines and other issues. He described the advantages and disadvantages with Large Solar Energy Systems. Witcomb explained the requirements that have been set in place by the State of Minnesota.

Sheri and Andy Allen explained their reasoning for supporting solar in general and why they think it should be allowed on prime ag land.

General discussion was held by the Planning Commission.

Franklin Hahn made a motion to recommend the Houston County Board approve an extension to the solar moratorium of 6 months. Josh Gran seconded. Roll call vote was taken. All were in favor. Motion carried.

Johnathon Glasspoole made a motion to adjourn the meeting. Josh Gran seconded. Motion carried.

Submitted by the Planning Commission Clerk on May 23, 2025.

Houston County Planning Commission
August 28, 2025

Approved September 24, 2025 by Franklin Hahn and Wayne Feldmeier.

The Houston County Planning Commission met at 5:20 p.m. on August 28, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Munson. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Franklin Hahn, and Chase Munson. Eric Johnson, County Commissioner, was present. Johnathon Glasspoole and Josh Gran were absent. Amelia Meiners and Michelle Burt were present for Environmental Services.

Franklin Hahn made a motion to approve the minutes of July 31, 2025. Eric Johnson seconded. All were in favor. Motion carried.

Environmental Services Director Amelia Meiners announced the change in agenda.

Notice of Public Hearing No. 994 was read for applicants, **Cloud 1 Services LLC. & Alan and Barbara Schmitz**, 12079 State 44, Caledonia, MN 55921.

The petitioners are requesting a Conditional Use Permit (CUP) to build a telecommunication tower in the Agricultural Protection District (Section 14-14.3 Subd. 1 Subs. 11) in Mayville Township.

- The applicant is requesting a conditional use permit to construct a telecommunications tower in Mayville Township. Any reference to applicant in this report is to the leaseholder rather than the landowner.
- Cloud 1 Services LLC is the leaseholder but has retained GSS Inc. to provide acquisition services related to construction of the tower and installation of equipment, which includes permitting.
- The last time telecommunication towers were permitted in Houston County was in 2014 and there were three completed that year. The leaseholder and AT&T are working to improve coverage and capacity in this area with the added benefit of improving public safety. Removing gaps in coverage will allow for more effective response to emergencies. This is the first of what will likely be several requests.
- Towers require both a use and structural permit. The Houston County Zoning Ordinance (HCZO) identifies them as a conditional use in the agricultural protection district. Beyond that the ordinance has limited requirements for this type of proposal.
- This request in Mayville Township is for a 300-foot guyed telecommunication tower. The structure is capable of handling four carriers and AT&T will be the anchor tenant. The main leased space is an area 75 feet by 75 feet but includes easements for access, utilities, and guy wires. The tower has a 40% engineered fall-zone radius which equates to 120 feet. It has been located so that in the event of a collapse, no portion would fall onto adjacent properties, public road, or on any existing structures.
- Preservation Act (NHPA), as well as the Endangered Species Act (ESA), Antenna Structure Registration (ASR), and Federal Aviation Administration (FAA), if applicable.
- The FCC website states the following about local authority's role, "Section 332(C)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitation on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental

effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules.”

- Below are relevant sections of the Houston County Zoning Ordinance (HCZO).

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.3 CONDITIONAL USES

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

(9) Communication Services. Commercial radio and television towers and transmitters.

(11) Essential Services. Essential Services, including, regional pipelines, transmission cables, microwave and communication towers.

SECTION 32 - ESSENTIAL SERVICE UTILITY PERMITS

32.1 ESSENTIAL SERVICES

Subdivision 1. General. *Essential services have an effect upon urbanizing areas of the County, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The plans for the construction or modification of essential services shall be filed with the County, and a permit obtained, prior to beginning any condemnation action or construction.*

- Site Characteristics:

- The proposed location is approximately 385 feet from the TH 44 easterly right-of-way line and 1,500 feet from the outside limits of the City of Caledonia. There is a 200-foot tower approximately a half mile southwest of this proposal. Outside of the landowners, the closest dwelling is just under a half mile (2,640 feet) to the north. The Sunset Drive Estates, Sunset Drive Estates Second Addition, and Frank Addition are about 3,000 feet to the west as are residential areas within the City of Caledonia. There are no bluff or slope concerns and there is no mapped floodplain, wetland, or shoreland in the vicinity of this proposal. An intermittent stream runs easterly about a quarter mile south of this location and another flows southeasterly about 1,500-2,000 feet east of this parcel. Both flow to Crooked Creek.

- Mayville Township and the ten closest property owners were notified. No comments were received.

Mike Huizenga, GSS, on behalf of Cloud 1 Services LLC., was present to answer questions. Chairman Munson asked if he had anything to add. The applicant described the project in more detail.

Franklin Hahn asked if a light would be required due to the height of the proposed tower.

Eric Johson asked if there would be a fence around the tower.

Chase Munson asked about the applicants sharing driveway access with the property owners.

Eric Johnson asked if there was another telecommunications tower near the proposed tower.

Environmental Services Director Amelia Meiners read a comment that was submitted by SBA Communications Corporations.

Mike Huizenga described the decision process behind Cloud 1 Services LLC choosing the location for the tower. He also mentioned that, if requested, Cloud 1 Services LLC could provide more maps and supplemental information.

Environmental Services Director, Amelia Meiners stated that the Ordinance has limited requirements for telecommunication towers.

Eric Johnson asked if there would be more applications like this.

Larry Gaustad asked if the lease would continue if the property was to be sold.

Eric Johnson asked if the property owners were present.

Chairman Munson asked if there was any public comment.

Trevor Oliver, a representative of SBA Communications Corporation, stated that the Ordinance requires a need for a conditional use permit request and that the application did not state a need. Oliver stated that SBA Communications Corporation believes that the existing cell tower located about half a mile away would be able to handle co-locating with Cloud 1 Services LLC. Oliver stated that most companies looking to co-locate reach out to existing cell tower operators, but SBA Communications Corporation had received no requests.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

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 with the County Land Use Plan.

Staff Analysis: Houston County’s vision statement is to “provide quality, essential and affordable public services to the community” and the effect of having improved communication services is interwoven in reaching many of the supporting policies and goals outlined in the Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is not a comparable co-locatable structure available in this vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson		X	
Chase Munson	X		

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

Staff Analysis: The applicant has identified that there are no long-term uses associated with this proposal that have the potential to degrade water quality. All topsoil removed during construction will be regraded and seeded upon completion to minimize erosion.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that standard design for tower projects includes leveling of tower compounds and access drives. There will be a 2,500 square foot gravel compound in

what is currently a grassy strip between ag fields but the tower and ground components should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Geotechnical reviews will be conducted before the foundation is designed, but the applicant does not believe soils will be prohibitive. NRCS has the soil classified as a silt loam which is the predominant soil in the County and there is nothing within the description to indicate there may be issues sitting a structure.

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: Pollution hazards should be limited. Waste generation from construction and maintenance of items such as batteries, diesel fuel or propane for generators and electronic waste will need to be disposed of properly.

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 proposal will utilize existing driveway access. An easement including both road access and utilities is part of the scope of this project along with the extension of both underground electric and fiber optic lines.

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: Outside of the initial construction there will only be periodic check-ins at this location. There will be space within the leased area for parking for maintenance employees.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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: This proposal will be most intrusive to the landowner, but they made the decision to lease out the site. Cell towers do create a visual impact, but the Planning Commission may feel the benefit outweighs that cost. In addition, there is another tower in close proximity so the visual plight is not out of character for this neighborhood.

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: This is a transition area on the outskirts of the City of Caledonia. Closer to the City is residentially zoned and heavily populated further from town it changes to farm and non-farm dwellings and predominantly tillable land. This proposal will remove minimal land from production and will not impact adjacent landowners' ability to construct dwellings.

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 proposal will not include any offensive odor, fumes, dust, noise or vibration. Tower lighting will be in accordance with FAA regulations.

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is considered a commercial use but there are no density requirements for these proposals. There are towers throughout the County in areas of higher population concentration and that makes this a reasonable location to site another telecommunications tower.

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 FCC is responsible for setting and monitoring parameters on health and safety standards related to cellular phone towers. Issuance of permits indicates that they believe those standards have been or will be met. In addition, the proposer has sited the tower in a location that should have minimal impact to structures, public roads and neighboring properties in the event of a collapse.

Board agreed to the finding by a unanimous vote.

There was not a motion to accept the findings as presented.

General discussion was held by the board on whether the request should be tabled for more information regarding the need for the telecommunication tower.

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

Eric Johnson made a motion to table the Conditional Use Permit to build a telecommunication tower in Mayville Township for one month.

Franklin Hahn seconded. A roll call vote was taken. All were in favor. Motion carried.

Notice of Public Hearing No. 995 for Bruening Rock Products & Jarad and Clair Olson, 900 Montgomery St, Decorah, IA 52101 was withdrawn prior to the hearing.

Notice of Public Hearing No. 996 was read for **Canna Lead MN LLC. and MNRE 1570 61-US14 LLC, 1570 US 14/16, La Crescent, MN 55947.**

The petitioners are requesting an Interim Use Permit (IUP) to operate a cannabis microbusiness in the Highway Business District (Section 16-16.4, Subd. 1) (Section 3.2.9 of the Cannabis Ordinance) in La Crescent Township.

- The State of Minnesota finalized the cannabis rules in April 2025 and has moved forward with lotteries and the selection of applicants for certain license types since that time. The next step for the applicants after preapproval is to seek local government approval prior to submitting their final application to the Office of Cannabis Management. They are allowed 18 months to complete the licensing process.
- The landowner has received preliminary approval as a social equity applicant for a microbusiness with a retail endorsement. A retail license or endorsement is a permitted use, but since this operation has a microbusiness license an interim use permit is required per our Cannabis Business Ordinance.
- The applicants purchased this parcel in 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 contacted the Zoning Office prior to that point to discuss the feasibility of this site and plans to utilize the existing structure. A remodel will be necessary 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. Based on the permits on record this location was originally allowed as a car dealership but transitions 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 microbusiness operations:
§342.28 CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.
Subdivision 1. Authorized actions.
A cannabis microbusiness license, consistent with the specific license endorsement or endorsements, entitles the license holder to perform any or all of the following within the limits established by this section:
 - 1) *grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant;*
 - 2) *make cannabis concentrate;*
 - 3) *make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;*
 - 4) *manufacture artificially derived cannabinoids;*
 - 5) *manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;*

- 6) purchase immature cannabis plants and seedlings and cannabis flower from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;
- 7) purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;
- 8) purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;
- 9) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
- 10) package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- 11) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;
- 12) operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles; and
- 13) perform other actions approved by the office.

- Below are relevant sections from the Houston County Zoning Ordinance (HCZO):

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 along with staff comments.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

1. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 1,000 feet of a school.*
2. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a day care.*
3. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.*
4. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.*
5. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis retail business within 500 feet from the main point of entry of the cannabis business to the main point of entry to another cannabis business.*

Distances shall be computed by direct measurement from the nearest property line of the land use listed above to the nearest portion of the building being used for the cannabis business. Distances shall be verified by the applicant and confirmed by the person(s) responsible for enforcing this ordinance, via a method deemed acceptable by Houston County.

Pursuant to Minn. Stat. §462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

- There are no schools, daycares, residential treatment facilities, public parks or other cannabis businesses in the vicinity of this proposal. Staff is aware there is a boat landing north of US 14/61E but this is not considered a public park regularly used by minors.

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*

3.2.9. Microbusiness.

Cannabis businesses licensed or endorsed as a Microbusiness are permitted in the following zoning districts:

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

- **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 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 staff have been working with MnDOT to assess traffic concerns. MnDOT has requested a traffic impact study.
- 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, or shoreland

concerns. Any future structural expansion may be difficult because of floodplain and shoreland districts in close proximity.

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

Aaron Boshart of Canna Lead MN LLC., on behalf of Tate Kapple, was present to answer questions. Chairman Munson asked he had anything to add. The applicant described the project in more detail. Aaron Boshart stated that the cannabis operation would be for retail use only. Boshart stated that the owner of the company has been working in the cannabis industry for ten plus years.

Eric Johnson asked if the owner of the property was present.

Chase Munson stated his concern about traffic.

Environmental Services Director Amelia Meiners mentioned the meeting with MnDOT.

Eric Johnson asked if issuing the interim use permit should be tabled until the traffic study is finalized by MnDOT.

Franklin Hahn asked if anyone knew the time frame for the traffic study to be finalized.

Environmental Services Director Amelia Meiners asked the board if they would like to add a stipulation stating that the traffic study needs to be completed before the business can be operational.

Aaron Boshart explained the process of the traffic study for the MnDOT.

Eric Johnson asked Aaron Boshart if he would be involved in the operation and stated that he had some concerns with the application.

Franklin Hahn asked Environmental Services Director Amelia Meiners if the Ordinance had any requirements regarding septic systems requiring an inspection.

Eric Johnson asked if there were any parks within 500 feet of the site.

Eric Johnson asked about the security system. Aaron Boshart described the type of security system that will be used for the operation.

Larry Gaustad asked about hours of operation.

Environmental Services Director Amelia Meiners presented a business plan that was submitted by the applicant.

Chase Munson stated that he would be abstaining from voting on this request.

General discussion was held by the board about whether the application should be tabled.

Wayne Feldmeier made a motion to table the Interim Use Permit to operate a cannabis microbusiness in the Highway Business District in La Crescent Township to review traffic safety concerns.

Larry Gaustad seconded. A roll call vote was taken. Motion failed by a two-to-two vote.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		

Larry Gaustad	X	
Franklin Hahn		X
Eric Johnson		X
Chase Munson - abstained		

Based on MnDOT and we have no say.

Chairman Munson asked if there was any public comment.

Shawn Allen stated that the City of La Crescent has approved three cannabis businesses. Allen does not believe another is needed. Allen stated that his business does kayak launches and other events. Shawn Allen also stated that there are bike paths and a boat ramp in close proximity.

George Johnston stated his concerns with the outcome and consequences of cannabis business’.

Wayne Runnigen asked if there would be an issue with customers’ possibly having to go into Wisconsin after making purchases in Minnesota.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

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 with the County Land Use Plan.

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	Not safe.
Larry Gaustad		X	Agreed with statement made by Wayne Feldmeier.
Franklin Hahn	X		
Eric Johnson	X		Complies with the intent of the Highway Business zoning district.
Chase Munson – abstained			

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

Staff Analysis: The applicant has received preapproval from OCM and now needs to secure local government approval before completing the licensure process with the State.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson		X	Does not feel there is a need due to there being three businesses in the City and the applicant represents more than one client.
Chase Munson – abstained			

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 will not differ greatly from the previous operation so should have no impact on water quality.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

Staff Analysis: This proposed use is strictly retail and there will be no increase in impervious surfaces or change to the exterior of the structure that would increase quantity of water runoff.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

Staff Analysis: N/A

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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. An operating permit will be required for the holding tanks and the landowner is encouraged to install automated alarms if not already equipped.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		Has not seen plans.
Chase Munson – abstained			

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.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		

Larry Gaustad	X
Franklin Hahn	X
Eric Johnson	X
Chase Munson – abstained	

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 application identifies there are currently approximately 130 parking stalls, which exceeds the County requirement.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

Staff Analysis: MnDOT has been consulted and requested the applicant complete a traffic impact study to determine the safest method to eliminate congestion or hazards as a result of heavy use. It’s anticipated there will be heavy traffic from Wisconsin, requiring a left hand turn to the site, and the concern is that turn coupled with left hand turns back towards La Crescent could create a hazard.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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 existing use was retail similar to this proposal. However, this proposal will likely see more traffic. While there is some residential property in the vicinity this location is separated from all neighbors. US 14/61E is four-lane road that creates a natural barrier and the Mississippi River bottoms provide the same protection in other directions.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	Decreases value.
Larry Gaustad	X		
Franklin Hahn		X	It could lower value of houses because of cannabis sales.
Eric Johnson		X	Decreases value of neighboring houses.
Chase Munson – abstained			

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.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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 two similar cannabis businesses within a mile and a half of the site.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	Too close.
Larry Gaustad		X	
Franklin Hahn	X		

Eric Johnson X There will be other businesses in close proximity.
 Chase Munson – abstained

- 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: In order to operate the applicants will have to receive final approval from the Office of Cannabis Management and that approval will confirm they have met all state requirements intended to mitigate concerns related to public health, safety, and morals and general welfare.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson – abstained			

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

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

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

Eric Johnson made a motion to recommend the Houston County Board deny an Interim Use Permit to operate a cannabis microbusiness in the Highway Business District in La Crescent Township.

Larry Gaustad seconded. A roll call vote was taken. Motion carried three to one.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Larry Gaustad	X		Because of so many businesses in area and traffic.
Franklin Hahn	X		Self-explanatory. The findings show reasons.
Eric Johnson	X		Findings voted against explain the reasons.
Chase Munson – abstained			

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

Notice for Public Hearing No. 997 was read for **Chase Johnson**, 9018 State 76, Caledonia, MN 55921.

The petitioner is requesting an Interim Use Permit (IUP) to operate a cannabis microbusiness in the Agricultural Protection District (Section 14-14.4 Subd. 1 Subs. 15) (Section 3.2.9 of the Cannabis Ordinance) in Sheldon Township.

- The State of Minnesota finalized the cannabis rules in April 2025 and has moved forward with lotteries and the selection of applicants for certain license types since that time. The next step for the applicants after preapproval is to seek local government approval prior to submitting their final application to the Office of Cannabis Management (OCM). They are allowed 18 months to complete the licensing process.
- The applicant has received preliminary approval for a microbusiness with a cultivation endorsement. He has been operating a licensed hemp company at this location since 2019 but will eliminate the hemp operation once licensed in cannabis. The operation will consist of an outdoor grow facility and the existing accessory structure will be used for drying, curing, processing and packaging the plants.
- Minnesota law authorizes the following actions for microbusiness operations:
§342.25 CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.

Subdivision 1. Applicability.

Every cannabis business with a license or endorsement authorizing the cultivation of cannabis must comply with the requirements of this section.

Subd. 2. Cultivation records.

A business licensed or authorized to cultivate cannabis must prepare a cultivation record for each batch of cannabis plants and cannabis flower in the form required by the office and must maintain each record for at least five years. The cultivation record must include the quantity and timing, where applicable, of each pesticide, fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any other information required by the office in rule. The cannabis business must present cultivation records to the office, the commissioner of agriculture, or the commissioner of health upon request.

Subd. 3. Agricultural chemicals and other inputs.

A business licensed or authorized to cultivate cannabis is subject to rules promulgated by the office in consultation with the commissioner of agriculture, subject to subdivision 5, governing the use of pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate cannabis.

Subd. 4. Cultivation plan.

A business licensed or authorized to cultivate cannabis must prepare, maintain, and execute an operating plan and a cultivation plan as directed by the office in rule, which must include but is not limited to:

- 1) *water usage;*
- 2) *recycling;*
- 3) *solid waste disposal; and*
- 4) *a pest management protocol that incorporates integrated pest management principles to control or prevent the introduction of pests to the cultivation site.*

Subd. 5. Agricultural chemicals and other inputs; pollinator protection.

- a) *A business licensed or authorized to cultivate cannabis must comply with chapters 18B, 18C, 18D, and any other pesticide, fertilizer, soil amendment, and plant amendment laws and rules enforced by the commissioner of agriculture.*
- b) *A business licensed or authorized to cultivate cannabis must not apply pesticides when pollinators are present or allow pesticides to drift to flowering plants that are attractive to pollinators.*

Subd. 6. Adulteration prohibited.

A business licensed or authorized to cultivate cannabis must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance or compound that has the effect or intent of altering the color, appearance, weight, potency, or odor of the cannabis.

Subd. 7. Indoor or outdoor cultivation authorized; security.

A business licensed or authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject to the security, fencing, lighting, and any other requirements imposed by the office in rule.

Subd. 8. Exception.

Nothing in this section applies to the cultivation of hemp plants.

§342.28 CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.

Subdivision 1. Authorized actions.

A cannabis microbusiness license, consistent with the specific license endorsement or endorsements, entitles the license holder to perform any or all of the following within the limits established by this section:

- 1) *grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant;*
 - 2) *make cannabis concentrate;*
 - 3) *make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;*
 - 4) *manufacture artificially derived cannabinoids;*
 - 5) *manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;*
 - 6) *purchase immature cannabis plants and seedlings and cannabis flower from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;*
 - 7) *purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;*
 - 8) *purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;*
 - 9) *purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;*
 - 10) *package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;*
 - 11) *sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;*
 - 12) *operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles; and*
 - 13) *perform other actions approved by the office.*
- The applicant does not have an endorsement for retail and retail is prohibited within the ag protection district. The limit to four registered businesses in the County applies to retail ONLY and as a result this business will not count against that limit.
 - Below are relevant sections from the Houston County Zoning Ordinance (HCZO):

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT**14.4 INTERIM USES.**

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

(15) 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 along with staff comments.

Section 3. Requirements for Cannabis Businesses**3.1 Minimum Buffer Requirements**

1. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 1,000 feet of a school.*
2. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a day care.*
3. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.*
4. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.*

5. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis retail business within 500 feet from the main point of entry of the cannabis business to the main point of entry to another cannabis business.*

Distances shall be computed by direct measurement from the nearest property line of the land use listed above to the nearest portion of the building being used for the cannabis business. Distances shall be verified by the applicant and confirmed by the person(s) responsible for enforcing this ordinance, via a method deemed acceptable by Houston County.

Pursuant to Minn. Stat. §462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

- There are no schools, daycares, residential treatment facilities, public parks or other cannabis businesses in the vicinity of this proposal.

3.1.1 Odor Mitigation

All cannabis cultivation operations, production and processing facilities, including but not limited to any: drying, aging, trimming and packing facilities shall be equipped with the following odor mitigation measures:

- (A) *Installation and maintenance of activated carbon filters on all exhaust outlets to the building exteriors.*
- (B) *Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade.*
- (C) *Maintenance of negative air pressure within the facility, or an alternative odor control system approved by the person(s) responsible for enforcing this ordinance, based upon a mechanical engineer licensed in the State of Minnesota, demonstrating the alternative system will control odor equally or better than the required activated carbon filtration system.*
- (D) *All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.*

3.1.2 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.

- The Operations Plan identifies that the facility will include secure storage rooms, 24/7 professionally monitored surveillance coverage on all operations areas and coded access control. There is a locked access gate on the driveway and the grow area will be fenced to meet OCM standards.

3.1.3 Light Pollution Mitigation

All cannabis cultivation operations, production and processing facilities, including but not limited to any: drying, aging, trimming and packing facilities shall be equipped with the following light pollution mitigation measures:

(A) Any security lighting for a cannabis business shall be shielded and angled in such a way as to prevent light from spilling outside the boundaries of the parcel(s) or premises or directly focusing on any surrounding areas.

(B) Houston County shall provide notice to the cannabis business licensee upon receiving any light pollution complaint. Upon receiving notice, the licensee shall correct the violation as soon as possible and submit written documentation within 10 calendar days, demonstrating that all shielding has been repaired, inspected and corrected as necessary. Failure to correct a violation shall be grounds for penalties as outlined in the Houston County Zoning Ordinance.

- The outdoor grow operation will utilize natural sunlight and the barn will have exterior motion lights.

3.2 Zoning and Land Use

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

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted in the following zoning districts:

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

3.2.9. Microbusiness.

Cannabis businesses licensed or endorsed as a Microbusiness are permitted in the following zoning districts:

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

- Site Characteristics:

- The parcel is located approximately two miles south of the City of Houston. The closest dwelling is 2,000 feet to the east and there are five additional dwellings within a mile. This location is tucked along a ridge top and properties on the back side should have minimal impact from the operation.
- There is an intermittent stream that runs through this site and flows to Badger Creek, approximately 6,500 feet away.
- Since this facility is existing there are no concerns with meeting building standards.

- Sheldon Township and the ten closest property owners were notified. One comment was received.

Chase Johnson was present to answer questions. Chairman Munson asked he had anything to add. The applicant described the project in more detail. Chase Johnson has operated the facility for growing hemp for seven years. Johnson showed the products that are currently made from the hemp he grows. He described the current and proposed use and goals of the facility. Johnson stated that the State of Minnesota will not allow growth or cultivation of hemp and cannabis.

Franklin Hahn asked if they would be growing outside.

Eric Johnson asked about the grow area for the operation.

Franklin Hahn asked if the processing is or will be done on site.

Eric Johnson asked about the security measures and if the grow area would be fenced in. Chase Johnson described the type of security system that will be used for the operation. Johnson stated that the State of Minnesota requires a six-foot chain link fence around the grow area.

Chairman Munson asked if there was any public comment.

Wayne Runningen, Sheldon township supervisor, stated that he is okay with the proposal.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

Eric Johnson made a motion to bypass questions 5, 9, 13 and 14 that are not applicable. Franklin Hahn seconded. All were in favor.

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 with the County Land Use Plan.

Staff Analysis: The goals of the Land Use Plan balance economic development and agriculture. This particular proposal will retain the agricultural use of the property and also promote diversified economic development as encouraged in the Plan.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: The applicant has received preliminary approval from OCM and now needs to secure local government approval before he can proceed with OCM.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: Wastewater should be minimal since it will rely on natural precipitation and minimal water is used for processing.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		

Larry Gaustad	X
Franklin Hahn	X
Eric Johnson	X
Chase Munson	X

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

Staff Analysis: This proposal will not alter the existing site conditions and should result in no change to the quantity of water runoff.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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: The operation will be organic in nature. Solid waste will be disposed of following local regulations and green waste will be mulched or rendered unusable in a manner to meet the state regulations. There will be no wastewater from the processing and packaging component of the operation, and any future septic system will need to meet MPCA standards.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: All utilities, access roads and facilities are existing.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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 applicant identifies he will be the only employee and since this is his home as well there is sufficient parking on site.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: N/A

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

Staff Analysis: Since this facility has been raising hemp since 2019 this change of use will only alter the operation in terms of crop so should not be injurious to properties in the immediate vicinity.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: The predominant use in the area is agricultural and this use is consistent with those operations, nor will it impede other development.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: The primary concern for this proposal is odor and the applicant states the prevailing wind will take odor away from the neighbors.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: In order to operate the applicant will have to receive final approval from the Office of Cannabis Management and that approval will confirm they have met all state requirements intended to mitigate concerns related to public health, safety, morals and general welfare.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier	X		
Larry Gaustad	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		

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

Franklin Hahn made a motion to accept the findings as presented. Wayne Feldmeier seconded. All were in favor. Motion carried.

General discussion was held by the board about a fence condition.

Chairman Munson asked for a motion on the interim use request with the additional comment.

Franklin Hahn made a motion to recommend the Houston County Board approve an Interim Use Permit to operate a cannabis microbusiness in the Agricultural Protection District with three conditions in Sheldon 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. Perimeter fence around the grow area shall be eight feet high.

Larry Gaustad seconded. A roll call vote was taken. Motion carried three to two.

	<u>YES</u>	<u>NO</u>	<u>COMMENTS</u>
Wayne Feldmeier		X	
Larry Gaustad	X		
Franklin Hahn	X		

Eric Johnson	X	Agree with 3 conditions.
Chase Munson	X	

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

Eric Johnson made a motion to adjourn the meeting. Franklin Hahn seconded. Motion carried.

Submitted by the Planning Commission Clerk on August 29, 2025.

Houston County Planning Commission
September 24, 2025

Approved October 23, 2025 by Franklin Hahn and Wayne Feldmeier.

The Houston County Planning Commission met at 5:20 p.m. on Wednesday, September 24, 2025. A summary of the meeting follows.

The meeting was called to order by Vice Chairman Glasspoole. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, Josh Gran, and Franklin Hahn. Eric Johnson, County Commissioner, was present. Chase Munson was absent. Amelia Meiners and Michelle Burt were present for Environmental Services.

Franklin Hahn made a motion to approve the minutes of August 28, 2025. Wayne Feldmeier seconded. Josh Gran abstained. All were in favor. Motion carried.

Notice of Public Hearing No. 994 was read for applicants, **Cloud 1 Services LLC. & Alan and Barbara Schmitz**, 12079 State 44, Caledonia, MN 55921.

The petitioners are requesting a Conditional Use Permit (CUP) to build a telecommunication tower in the Agricultural Protection District (Section 14-14.3 Subd. 1 Subs. 11) in Mayville Township.

- Cloud 1 Services LLC., is the leaseholder but has retained GSS Inc. to provide acquisition services related to construction of the tower and installation of equipment, which includes permitting.
- The last time telecommunication towers were permitted in Houston County was in 2014 and there were three completed that year. The leaseholder and AT&T are working to improve coverage and capacity in this area with the added benefit of improving public safety. Removing gaps in coverage will allow for more effective response to emergencies. This is the first of what will likely be several requests.
- Towers require both a use and structural permit. The Houston County Zoning Ordinance (HCZO) identifies them as a conditional use in the agricultural protection district. Beyond that the ordinance has limited requirements for this type of proposal.
- This request in Mayville Township is for a 300-foot guyed telecommunication tower. The structure is capable of handling four carriers and AT&T will be the anchor tenant. The main leased space is an area 75 feet by 75 feet but includes easements for access, utilities, and guy wires. The tower has a 40% engineered fall-zone radius which equates to 120 feet. It has been located so that in the event of a collapse, no portion would fall onto adjacent properties, public road, or on any existing structures.
- Preservation Act (NHPA), as well as the Endangered Species Act (ESA), Antenna Structure Registration (ASR), and Federal Aviation Administration (FAA), if applicable.
- The FCC website states the following about local authority's role, "Section 332(C)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitation on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules."
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO).
SECTION 14 – AGRICULTURAL PROTECTION DISTRICT
14.3 CONDITIONAL USES

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

(9) Communication Services. Commercial radio and television towers and transmitters.

(11) Essential Services. Essential Services, including, regional pipelines, transmission cables, microwave and communication towers.

SECTION 32 - ESSENTIAL SERVICE UTILITY PERMITS

32.1 ESSENTIAL SERVICES

Subdivision 1. General. *Essential services have an effect upon urbanizing areas of the County, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The plans for the construction or modification of essential services shall be filed with the County, and a permit obtained, prior to beginning any condemnation action or construction.*

- Site Characteristics:
 - The proposed location is approximately 385 feet from the TH 44 easterly right-of-way line and 1,500 feet from the outside limits of the City of Caledonia. There is a 200-foot tower approximately a half mile southwest of this proposal. Outside of the landowners, the closest dwelling is just under a half mile (2,640 feet) to the north. The Sunset Drive Estates, Sunset Drive Estates Second Addition, and Frank Addition are about 3,000 feet to the west as are residential areas within the City of Caledonia. There are no bluff or slope concerns and there is no mapped floodplain, wetland, or shoreland in the vicinity of this proposal. An intermittent stream runs easterly about a quarter mile south of this location and another flows southeasterly about 1,500-2,000 feet east of this parcel. Both flow to Crooked Creek.
- Mayville Township and the ten closest property owners were notified. One comment was submitted after the board packets were published last month and prior to the hearing. It is included, as is the applicant's response.

Mike Huizenga, GSS, on behalf of Cloud 1 Services LLC., was present to answer questions. Vice Chairman Glasspoole asked if he had anything to add. Mike Huizenga reviewed the response submitted by Cloud 1 Services to a comment made by SBA Communications on August 28th. Huizenga stated that the tower owned by SBA is 200 feet tall compared to a proposed 300-foot tall, guyed tower. Cloud 1 Services does not believe it would be beneficial to co-locate on the existing tower. Mike Huizenga stated that FAA approval has not yet been received, so the height of the proposed tower may change depending on what the FAA allows.

Johnathon Glasspoole asked if the property would be taxed commercial. Mike Huizenga stated that there is some language that protects property owners against an increase in property taxes if it were to arise. Any increase in property taxes would be the responsibility of Cloud 1 Services.

Josh Gran asked why Cloud 1 Services chose this location with it being close to an existing tower. Mike Huizenga stated that this is one of nine towers that Cloud 1 Services intends to propose in Houston County. Huizenga stated that AT&T's focus is to provide coverage to more rural areas. Cloud 1 Services works with AT&T to meet the coverage objectives they have for specific areas and the region at large. Mike Huizenga explained that the purpose is to help with local coverage and that all locations are determined by Cloud 1 Services and AT&T. Huizenga also stated that AT&T does not want to co-locate on the existing tower located on State 44 due to lease rates and the wanted coverage will not be gained.

Josh Gran asked why the proposal had been tabled in August. Eric Johnson stated that the board wanted to see further information to determine if the applicants could use the existing tower instead of building a new tower.

Vice Chairman Glasspoole asked if there was any public comment.

Jeff Domingus of Burns and Hansen law firm, a representative of SBA Communications, stated that at the previous public hearing in August the board had requested that Cloud 1 Services submit coverage maps for the proposed tower. Domingus stated that from his standpoint it did not seem that these maps had been submitted and suggested the request be tabled to receive these maps and allow the board time to review. Jeff Domingus stated that the time frame to apply modifications or potentially rebuild the existing telecommunications tower owned by SBA Communications would take 30 days to construct and an additional 90 to 100 days to obtain zoning, FAA, and FCC approval before construction begins. The proposed tower for Cloud 1 Services does not have FAA clearance, so the construction of the proposed tower would not take place any quicker than the rebuilding of the SBA tower. Domingus stated that the cost of a new SBA tower would be covered by the major carriers on the tower that has been agreed upon in the lease. SBA Communications believes that their tower is fully sufficient to meet the cell phone coverage needs in the region and if there are greater coverage needs SBA Communications can make accommodations to satisfy these needs. Jeff Domingus stated that AT&T is an existing customer of SBA Communications and AT&T has indicated that they have no issues with the existing tower which fully satisfies their needs.

Vice Chairman Glasspoole asked that the Findings be read if there were no additional comments or questions.

Franklin Hahn made a motion to bypass questions 9 and 13 that are not applicable. Josh Gran seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: Houston County's vision statement is to "provide quality, essential and affordable public services to the community" and the effect of having improved communication services is interwoven in reaching many of the supporting policies and goals outlined in the Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is not a comparable co-locatable structure available in this vicinity.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has identified that there are no long-term uses associated with this proposal that have the potential to degrade water quality. All topsoil removed during construction will be regraded and seeded upon completion to minimize erosion.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that standard design for tower projects includes leveling of tower compounds and access drives. There will be a 2,500 square foot gravel compound in

what is currently a grassy strip between ag fields but the tower and ground components should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Geotechnical reviews will be conducted before the foundation is designed, but the applicant does not believe soils will be prohibitive. NRCS has the soil classified as a silt loam which is the predominant soil in the County and there is nothing within the description to indicate there may be issues siting a structure.

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: Pollution hazards should be limited. Waste generation from construction and maintenance of items such as batteries, diesel fuel or propane for generators and electronic waste will need to be disposed of properly.

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 proposal will utilize existing driveway access. An easement including both road access and utilities is part of the scope of this project along with the extension of both underground electric and fiber optic lines.

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: Outside of the initial construction there will only be periodic check-ins at this location. There will be space within the leased area for parking for maintenance employees.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: This proposal will be most intrusive to the landowner, but they made the decision to lease out the site. Cell towers do create a visual impact, but the Planning Commission may feel the benefit outweighs that cost. In addition, there is another tower in close proximity so the visual plight is not out of character for this neighborhood.

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: This is a transition area on the outskirts of the City of Caledonia. Closer to the City is residentially zoned and heavily populated further from town it changes to farm and non-farm dwellings and predominantly tillable land. This proposal will remove minimal land from production and will not impact adjacent landowners' ability to construct dwellings.

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 proposal will not include any offensive odor, fumes, dust, noise or vibration. Tower lighting will be in accordance with FAA regulations.

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 is considered a commercial use but there are no density requirements for these proposals. There are towers throughout the County in areas of higher population concentration and that makes this a reasonable location to site another telecommunications tower.

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 FCC is responsible for setting and monitoring parameters on health and safety standards related to cellular phone towers. Issuance of permits indicates that they believe those standards have been or will be met. In addition, the proposer has sited the tower in a location that should have minimal impact to structures, public roads and neighboring properties in the event of a collapse.

Board agreed to the finding by a unanimous vote.

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

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

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

Franklin Hahn made a motion to recommend the Houston County Board approve a Conditional Use Permit to build a telecommunication tower with two conditions in Mayville 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.

Josh Gran 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.

Notice of Public Hearing No. 998 for Cloud 1 Services LLC & Christopher and Ann Myhre in care of Gregory and Elizabeth Myhre, 20456 Old 76 Rd, Caledonia, MN 55921.

The petitioners are requesting a Conditional Use Permit (CUP) to build a telecommunication tower in the Agricultural Protection District (Section 14-14.3 Subd. 1 Subs. 11) in Wilmington Township.

- Cloud 1 Services LLC., is the leaseholder but has retained GSS Inc. to provide site acquisition services related to construction of the tower and installation of equipment, which includes permitting.
- The last time telecommunication towers were permitted in Houston County was in 2014 and there were three completed that year. The leaseholder and AT&T are working to improve coverage and capacity in this area with the added benefit of improving public safety. Removing gaps in coverage will allow for more effective response to emergencies.
- Towers require both a use and structural permit. The Houston County Zoning Ordinance (HCZO) identifies them as a conditional use in the agricultural protection district. Beyond that the ordinance has limited requirements for this type of proposal.
- This request in Wilmington Township is for a 300-foot guyed telecommunications tower. Guyed towers have wires anchoring the structures to the ground. This structure is capable of handling four carriers and AT&T will be the anchor tenant. The main leased space is an area 100 foot by 100 foot plus easements for access, utilities and guy wires. In addition to the tower, these proposals include auxiliary cabinets and generators. The letter from GSS states that the tower has a 40% engineered fall-zone radius which equates to 120 feet. It has been located so that in the event of a collapse, no portion would fall onto adjacent properties, public road or on any existing structures including the Myhre's home although it is right at 120 feet off the north property line.
- The Federal Communications Commission (FCC) is the regulatory authority on these projects and they ensure that projects meet standards of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), as well as the Endangered Species Act (ESA), Antenna Structure Registration (ASR) and Federal Aviation Administration (FAA), if applicable.
- The FCC website states the following about local authority's role, "Section 332 (C)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects

of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules".

- Below are relevant sections of the Houston County Zoning Ordinance (HCZO).
***Essential Services.** Overhead or underground electric, gas, communication, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.*

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.3 CONDITIONAL USES

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

(9) Communication Services. Commercial radio and television towers and transmitters.

(11) Essential Services. Essential Services, including, regional pipelines, transmission cables, micro-wave and communication towers.

SECTION 32 - ESSENTIAL SERVICE UTILITY PERMITS

32.1 ESSENTIAL SERVICES

***Subdivision 1. General.** Essential services have an effect upon urbanizing areas of the County, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The plans for the construction or modification of essential services shall be filed with the County, and a permit obtained, prior to beginning any condemnation action or construction.*

- Site Characteristics:
 - The proposed location is approximately three and half miles northwest of city limits of Eitzen and five miles south of Caledonia. It is located 200 feet off Old 76 Road and 2,000 feet from State 76. Outside of the landowner, there are five dwellings within a half mile (2,640 feet) of the site. There are no bluff or slope concerns and there is no mapped floodplain, wetland, or shoreland in the vicinity of this proposal. An intermittent stream runs northeasterly about 400 feet north of this location and ultimately flows to Winnebago Creek.
- Wilmington Township and the ten closest property owners were notified. No comments were received.

Mike Huizenga, GSS, on behalf of Cloud 1 Services LLC., was present to answer questions. Vice Chairman Glasspoole asked if he had anything to add. The applicant described the project in more detail.

Josh Gran asked if the tower would be considered co-locatable. Mike Huizenga stated that the tower would be structurally capable of handling four carriers.

Franklin Hahn asked if there are any limitations on guyed towers in Houston County. Environmental Services Director Amelia Meiners stated that the Ordinance has very limited requirements for telecommunication towers.

Johnathon Glasspoole asked if FAA approval had been received.

Josh Gran asked what happens to the telecommunication tower if it is no longer in use. Amelia Meiners stated that Houston County does not have a decommissioning plan but it could be something we could require as a condition. Mike Huizenga stated that Cloud 1 Services has a removal of improvements requirement in the lease with the property owners.

Vice Chairman Glasspoole asked if there was any public comment. There was none.

Vice Chairman Glasspoole asked that the Findings be read if there were no additional comments or questions.

Franklin Hahn made a motion to bypass questions 9 and 13 that are not applicable. Josh Gran seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: Houston County's vision statement is to "provide quality, essential and affordable public services to the community" and the effect of having improved communication services is interwoven in reaching many of the supporting policies and goals outlined in the Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is not a comparable co-locatable structure available in this vicinity and the tenant is looking to improve cellular services in this rural underserved area.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has identified that there are no long-term uses associated with this proposal that have the potential to degrade water quality. All topsoil removed during construction will be regraded and seeded upon completion to minimize erosion.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that standard design for tower projects includes leveling of tower compounds and access drives. There will be a 2,500 square foot gravel compound within the old feedlot area but the tower and ground components should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Geotechnical reviews will be conducted before the foundation is designed, but the applicant does not believe soils will be prohibitive. NRCS has the soil classified as a silt loam which is the predominant soil in the County and there is nothing within the description to indicate there may be issues siting a structure.

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: Pollution hazards should be limited. Waste generation from construction and maintenance of items such as batteries, diesel fuel or propane for generators and electronic waste will need to be disposed of properly.

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 proposal will utilize existing driveway access. An easement including both road access and utilities is part of the scope of this project along with the extension of both underground electric and fiber optic lines.

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: Outside of the initial construction there will only be periodic check-ins at this location by maintenance staff and there is space within the leased area for parking of maintenance employees.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: This proposal will be most intrusive to the landowner, but they made the decision to lease out the site. Cell towers do create visual impact, but the Planning Commission may feel the benefit outweighs that cost.

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: This is a rural area of predominately tillable land and associated farm dwellings. This proposal will remove no land from production and should not impact adjacent landowners' ability to construct dwellings or otherwise develop and improve their land.

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 proposal will not include any offensive odor, fumes, dust, noise or vibration. Tower lighting will be in accordance with FAA regulations.

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 is considered a commercial use but there are no density requirements for these proposals. The goal is to eliminate dead spots for cell service within the County which requires them in proximity to those underserved areas. This tower will be within an existing building site and while overall it's not a common proposal it matches the characteristics of other telecommunication towers here.

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 FCC is responsible for setting and monitoring parameters on health and safety standards related to cellular telephone towers. Issuance of permits indicated that they believe those standards have been or will be met. In addition, the proposer has sited the tower in a location that should have minimal or no impact on structures, public roads and neighboring properties in the event of a collapse.

Board agreed to the finding by a unanimous vote.

Vice Chairman Glasspoole 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.

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

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit to build a telecommunication tower with two conditions in Wilmington Township:

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

Notice for Public Hearing No. 999 was read for **Tim and Gwen Nelson**, 20693 County 13, Houston, MN 55943.

The petitioners are requesting a Conditional Use Permit (CUP) for a single-family non-farm dwelling in the Agricultural Protection District in Yucatan Township.

- This is a six-acre parcel off County 13 in Yucatan Township about four and half miles west of Houston. The applicants are looking to move a single-family dwelling onto this parcel.
- The Houston County Zoning Ordinance (HCZO) 14.3 subd. 1 (10) requires the following:
 - (10) *Dwellings. Single-family non-farm dwellings subject to the following:*
 - (a) *No more than one (1) dwelling per quarter-quarter section.*
 - (b) *Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) *Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
 - (d) *Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
 - (e) *Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*
- Further, the applicant should know the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and ag uses.
- Below are relevant sections from the Houston County Zoning Ordinance (HCZO):
 - 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.

- Site Characteristics:
 - The NW1/4 SW1/4 of Section 10 is an open quarter-quarter. A non-farm dwelling cannot be located on prime agricultural soil except when the land has not been used for production and this whole parcel is timber. There is no floodplain, wetland, shoreland, or bluff concern. The closest stream is Daley Creek, just over a mile to the northwest and the closest intermittent stream is approximately 300 feet to the north. Slopes at the building site are 13-15% and it meets the buildable lot standard. The applicant's own property on the opposite side of County 13 but since this is separated by the highway and intended for different ownership in the future, a CUP is required.
 - In addition, the applicant is working with the Highway Department on a driveway application.
- Yucatan Township and the ten closest property owners were notified. No comments were received.

Tim and Gwen Nelson were present to answer questions. Vice Chairman Glasspoole asked the applicants if they had anything to add. The applicants described the project in more detail. Tim Nelson stated that they will be moving a house from a property located about 5 miles from the proposed building site. Gwen Nelson stated that they have already spoken with the township about trimming trees along the road. They stated that a septic contractor has looked at the site and soils have been completed. Tim Nelson stated that he talked to the Highway Department about the driveway location and it has been approved.

Franklin Hahn asked if the location was in an open quarter-quarter.

Eric Johnson stated that the applicants will have to get a permit from Houston County for a driveway. Tim Nelson stated that he had talked to the Highway Department about the proposed driveway.

Josh Gran asked if the house would have a basement. Tim Nelson stated the basement would be 28 feet by 28 feet in order to get all necessary utilities installed.

Larry Gaustad stated that he visited the site and talked to Tim Nelson prior to the hearing. Gaustad also talked to Brian Pogodzinski at the Highway Department about a second driveway and was told that a second driveway could be installed to get the house to the property and unloaded but will need to be removed once relocation of the house has been completed.

Vice Chairman Glasspoole asked if there was any public comment. There was none.

Vice Chairman Glasspoole asked that the Findings be read if there were no additional comments or questions.

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

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes this goal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants intend to move the dwelling onto this property for their daughter so she can be closer.

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: A septic designer has been on site and located two Type I septic system locations which will mitigate water quality concerns and an erosion control plan has been approved by the SWCD.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during, and after construction, but the addition of a single-family dwelling should not adversely increase the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Soil Survey – Houston County identifies slope as the main limitation for building sites on 586D2 soils due to it requiring extensive land shaping. This site is also partially located on soils classified as 103C2 which identifies hazard of erosion as the main limitation. Both recommend that the building be designed to conform to the natural slope of the land.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic designer has determined that a system meeting state standards can be installed.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is a new building site so new utility installations are necessary and all costs are the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The primary use of the surrounding acreage is agricultural or recreational in nature and the addition of a single-family dwelling will not impact that use.

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: This dwelling meets the density standard in the ag protection district and will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can take place.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed according to the approved erosion control plan and septic design requirements.

Board agreed to the finding by a unanimous vote.

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

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

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

Larry Gaustad made a motion to recommend the Houston County Board approve a Conditional Use Permit for a single-family dwelling under 40 acres with two conditions in Yucatan Township:

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

Johnathon Glasspoole made a motion to adjourn the meeting. Josh Gran seconded. Motion carried.

Submitted by the Planning Commission Clerk on September 25, 2025.

Houston County Planning Commission
October 23, 2025

Approved November 20, 2025 by Wayne Feldmeier and Larry Gaustad.

The Houston County Planning Commission met at 5:50 p.m. on Thursday, October 23, 2025. A summary of the meeting follows.

The meeting was called to order by Chairman Munson. Roll call was taken. Members present were Wayne Feldmeier, Larry Gaustad, Johnathon Glasspoole, Josh Gran, Franklin Hahn, and Chase Munson. Eric Johnson, County Commissioner, was present. Amelia Meiners, Jeremy Burt, and Michelle Burt were present for Environmental Services.

Franklin Hahn made a motion to approve the minutes of September 24, 2025. Wayne Feldmeier seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 1000 was read for applicants, **Gerald Ladsten**, 12267 County 27, Caledonia, MN 55921.

The petitioner is requesting a Conditional Use Permit (CUP) to build a dwelling in the Agricultural Protection District (Section 14-14.3 Subd. 1 Subs. 10) in Wilmington Township.

- This is a ten-acre parcel off County 27 in Wilmington Township about one mile west of Eitzen. There was an old dwelling along with multiple outbuildings on the parcel that previous landowners removed, but no one had resided at this location for several years. Since the dwelling had not been occupied for a period of time it lost any non-conforming rights and now needs to meet current standards, one of which is the conditional use permit.
- The Houston County Zoning Ordinance (HCZO) 14.3 subd. 1 (10) requires the following:
 - Dwelling.*** *A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older, to be considered a dwelling, a building must have been residentially occupied for eight of the last ten years.*
 - (10) Dwellings. Single-family non-farm dwellings subject to the following:*
 - (a) No more than one (1) dwelling per quarter-quarter section.*
 - (b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.*
 - (c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.*
 - (d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance, and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.*
 - (e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty-three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.*

- Further, the applicant should know the purpose of the agricultural protection district is to retain land for agricultural production and these regulations are intended to minimize incompatibility between these residential and ag uses.

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.

- Site Characteristics:
 - The NW1/4 NE1/4 of Section 36 is an open quarter-quarter. A non-farm dwelling cannot be located on prime agricultural soil except when the land has not been used for production and the portion where the applicant intends to build is within an old farmstead. There is no floodplain, wetland, shoreland, or bluff concern. There is an intermittent stream approximately 1,750 feet to the southeast and intermittent streams approximately 1,800 feet to the west and north with primarily tillable acreage in between. Slopes at the building site are 4-6% and it meets the buildable lot standard.
 - No preliminary paperwork was received from the septic designer; however, staff has been onsite to complete soils work for previous landowners and can attest to the fact that soils can accommodate a septic system. In addition, since this is not a new lot there is not a requirement for the landowner to show two Type I locations.
 - During the review process it was discovered that there is a feedlot registered at 12044 County 27 which is within a quarter mile. A feedlot variance is required unless the applicant can modify the proposal to meet that setback, but due to the prime ag soil requirement the applicant is limited in how far the dwelling can be set back to the south and west.
- Wilmington Township and the ten closest property owners were notified. No comments were received.

Gerald Ladsten was present to answer questions. Chairman Munson asked the applicant if he had anything to add. The applicant described the project in more detail.

Environmental Services Director, Amelia Meiners explained the Conditional Use Permit request and history of the property. Meiners mentioned the need for a variance from an existing feedlot.

Chairman Munson asked if there was any public comment. There were none.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

Eric Johnson made a motion to bypass questions 9, 12, and 14 that are not applicable. Josh Gran seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The Land Use Plan makes numerous references to preserving prime agricultural land and the fact that non-farm dwellings are only allowed on marginal ground promotes this goal.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that he recently sold his acreage and he needs a new dwelling.

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: An erosion control plan will be approved by the SWCD and a licensed septic contractor will design the septic system to meet all minimum state requirements established to protect water quality.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant will need to meet all requirements of their erosion control plan to address any runoff concerns before, during and after construction, but the addition of a single-family dwelling should not adversely increase the quantity of water runoff. A new dwelling will create less impervious surface than what likely existed with the prior development at this site.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The Soil Survey – Houston County identifies the soil as suitable for building site development and septic tank absorption fields.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Adequate treatment of septage is likely the biggest potential pollution hazard, but a septic contractor will design a system meeting state standards.

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: Many utilities are currently on site, but all costs associated with new utilities or upgrades are the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: There is sufficient off-street parking to accommodate typical residential use.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: The primary use of the surrounding acreage is agricultural in nature and the addition of a single-family dwelling will not impact that use.

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: This dwelling meets the density standard in the ag protection district and will not impact surrounding agricultural fields and activities. Orderly development meeting ordinance standards can still take place and this request puts landowners on notice that this is an agricultural area that may have discomforts resulting from those types of uses. This landowner previously owned land in the ag district so should understand those discomforts.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: A non-farm dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed according to the approved erosion control plan and septic design requirements.

Board agreed to the finding by a unanimous vote.

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

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

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

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit for a single-family non-farm dwelling on less than 40 acres in the Agricultural Protection District with three conditions in Wilmington 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. The Applicant needs to have an approved feedlot variance in order to move forward.

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.

Notice of Public Hearing No. 1001 for Ronald McKelvey Credit Trust & Christine Saudek, 1200 Selke Rd, La Crescent, MN 55947.

The petitioner is requesting to rezone an area from Agricultural Protection District to Residential (Section 8.2, Subd. 2) in La Crescent Township.

- This site is located a mile and a half southwest of the City of La Crescent off Selke Road. The property is currently zoned agricultural protection but the applicant is requesting to rezone to build an additional dwelling in this quarter-quarter. She would like to downsize and allow her daughter's

family to move into the existing dwelling. She considered the quarter-quarter to the south, but she would prefer to keep development closer to Selke Road.

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

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

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

All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with Section 29.19.

SECTION 15 – RESIDENTIAL DISTRICT

15.9 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. *All new dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:*

- (1) *Lots with Individual Sewage Treatment Systems and Water Wells. Dwelling units with individual sewage treatment systems and water wells shall have a minimum lot area of forty-three thousand five hundred sixty (43,560) square feet. Individual sewage treatment systems and water wells must conform to the standards in this Ordinance.*

15.10 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. *Every lot or plat of land on which a single family dwelling is constructed shall have the minimum standards as set forth below:*

- (1) *Lots with Individual Sewage Treatment Systems and Water Wells. Lots with individual sewage treatment systems and water wells shall have a lot width of not less than one hundred (100) feet and lot depth of not less than one hundred fifty (150) feet.*

- Site Characteristics:
 - This property is located at the end of Selke Road southwest of La Crescent. The area of the rezone does not contain any wetland, floodplain, or shoreland. Slopes will meet the building and driveway standards and the rezone area meets the buildable lot requirements. New lots are required to show two Type I or standard septic system locations and this site did not meet that requirement, but the Board of Adjustment granted a variance from that requirement in August.
 - There are no other residentially zoned areas in the immediate vicinity. Briarwood Estates is approximately one mile north of this proposal. Soils are 580C2 and 580D2, both silt loams. 580C2 is a IIIe soil so it's considered prime while 580D2 is IVe and classified as marginal by our ordinance.
 - This area was formerly agricultural fields that have since been put into CRP. Slopes range from 11-15%. A specific dwelling location has not been reviewed but there should be adequate area to accommodate a dwelling that meets all setback requirements at this location, pending changes in zoning districts.
 - There is no floodplain or wetland, and the closest intermittent streams are off the east and west side at 1,636 feet and 2,227 feet, respectively.
- La Crescent Township, the City of La Crescent, and the ten closest property owners were notified. No comments were received.

Christine Saudek was present to answer questions. Chairman Munson asked the applicant if she had anything to add. Christine Saudek stated that she has owned the property since 1993 and the house that is on the property is large. Saudek also stated that her daughter and her family have moved back into the area and the idea was to build a smaller house on the property. The smaller house would be for Christine Saudek and

her daughter and her family would move into the house that is currently on the property. Saudek mentioned that there is another location back in the trees but she would like to remain close to Selke Road.

Environmental Services Director Amelia Meiners stated that Christine Saudek received approval from the Board of Adjustment to have two Type III septic system locations instead of two Type I septic system locations. Christine Saudek then completed a survey so that she could move forward with the rezone request.

Eric Johnson asked about the proposed building site.

Franklin Hahn asked if the request was within the required distance from the City of La Crescent. Amelia Meiners stated that the site is within the 2-mile requirement.

Chairman Munson asked if there was any public comment. There were none.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

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.

1. Policy 2 of the Goals and Policies section in the Comprehensive Land Use Plan (CLUP) encourages rural housing development away from recognized commercial agricultural areas and into areas with marginal agricultural soil.
2. Policy 9 of the Goals and Policies section and Policy 3.2 encourage rural housing where soils, topography, and water table are such that the individual sewage disposal systems can properly function. This location has been reviewed by a licensed contractor and preliminary paperwork submitted.
3. Policy 1 under Agriculture Goals and Policies calls for protection of prime agricultural land by limiting development in agricultural areas. This rezone area has been transitioned out of row crop production and allowing this rezone will keep development closer to existing development and the public road which will minimize impact on the land.
4. The applicant has almost 70 acres of land at this location but has chosen to only rezone a couple acres in an effort to restrict future development. If additional lots are desired, another rezone will need to be completed along with a plat approved under Section 36 of the Ordinance.
5. The Future Land Use Map identifies areas within close proximity to incorporated cities and property owners within two miles of a city who have prime agricultural land are encouraged to continue to use their land for agricultural purposes. This location is primarily classified as marginal ground.
6. The proposed parcel meets buildable lot and lot area standards identified in the Houston County Zoning Ordinance.

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

Larry Gaustad made a motion to accept the findings as presented. Franklin Hahn seconded. All were in favor. Motion carried.

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

Josh Gran made a motion to recommend the Houston County Board approve an amendment to the zoning map for the portion of PID 08.0245.000 identified in this report from Agricultural Protection to Residential with one condition in La Crescent Township:

1. The rezoned area shall only contain one buildable lot unless a plat is approved under Section 36 of the Houston County Zoning Ordinance.

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.

Notice for Public Hearing No. 1002 was read for **Benjy & Martha Borotrager**, 16011 Guberud Hill Dr, Spring Grove, MN 55974.

The petitioners are requesting an Interim Use Permit (IUP) to run a Type II Home Occupation consisting of the manufacturing and selling of windows (Section 14-14.4, Subd. 1, Subs. 4) (Section 29.3, Subd. 3) in Wilmington Township.

- Limited business information was provided within this application. The applicants recently purchased the old Sanness swine facility on Guberud Hill Drive with the intent of building a dwelling and an additional accessory structure for their business. All of the portable swine buildings will be removed and the accessory structure intended for the home-based business will be constructed over the existing rectangular liquid manure storage basin. The Ordinance limits floor use area to 5,000 square feet. They anticipate two to four customers onsite at a time.
- Previously permitted home-based business include a winery, art studio, welding shop, fiber mill, mini storage, quilting service, green house, car repair, and woodworking shop. The Ordinance does have a specific set of parameters for home occupations and differentiates between Level I and Level II based on number of employees and square footage of workspace. This proposal is for a Level II business and those requirements are included below.
- Below is relevant Houston County Zoning Ordinance (HCZO) language:

Home Occupation. *Any occupation or profession which is clearly secondary to the main use of the premises as the owner's dwelling place and which meets the standards set forth in ~~Part 2803~~ [Section 29.3].*

14.4 INTERIM USES.

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

(4) Level I and Level II Home Occupations as regulated in Section 29.

29.3 HOME OCCUPATIONS

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

Subdivision 3. Level II Home Occupation. *Level II home occupations shall comply with the following:*

- (1) All Level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six (6) employees are allowed other than the inhabitants.*
- (2) Such use shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be five thousand (5,000) square feet.*

- (3) *Junk and scrap yards are prohibited.*
- (4) *Home occupation signs shall be limited to a thirty-two (32) square feet of nonilluminated signage and must be located on the same property.*
- (5) *There shall be no undue indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line as determined by the Planning Commission.*
- (6) *The Planning Commission may require materials and equipment to be stored in an enclosed building or screened area.*
- (7) *In case of a home occupation which requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as a "Y" type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard surfaced road shall be bituminous or concrete.*

Subdivision 4. Waste Disposal. *All home occupations not serviced by an approved community water and sewage system must comply with County, State, and Federal waste disposal requirements.*

- Site Characteristics:
 - This site is located off Guberud Hill Drive but includes road frontage on TH 44. It's been operated as a feedlot in the past and the applicants will have animals onsite but the operation will likely be less intensive than the past one. There is an existing access road, well, and permanent accessory building. The proposed dwelling and accessory structure will be located on existing developed areas but since this is a parcel greater than 40 acres in size the dwelling is exempt from soil requirements. There are no bluff, shoreland, floodplain, or wetland concerns with locating structures and it is an open quarter-quarter for a dwelling. There are multiple dwellings in the vicinity with the closest around 1,000 feet to the southeast and two others just over a quarter mile away. Otherwise, the remaining five are around a half mile from where the construction operation will take place. The closest intermittent stream is approximately 700 feet to the southeast.
- Wilmington Township and the ten closest property owners were notified. One comment was received.

Benjy and Martha Borntrager were present to answer questions. Chairman Munson asked the applicants if they had anything to add. Benjy Borntrager stated that they currently operate this business in Winona County where they assemble windows. For the business they buy vinyl and glass to assemble custom windows for contractors or homeowners.

Eric Johnson asked if the hog buildings would be removed. Benjy Borntrager stated that the hog buildings will be removed. Johnson mentioned the proposed location for the proposed building would be over the existing manure pit. Borntrager stated that they plan to use the existing foundation from the pit for the new building. Johnson asked if the hog buildings had pits underneath. Benjy Borntrager stated that the hog buildings are all portable buildings sitting on steel beams.

Environmental Services Director Amelia Meiners stated that there is not a house on the property currently but a dwelling application has been submitted and we are waiting on a septic review.

Eric Johnson asked if the property is considered a feedlot right now. Amelia Meiners stated that the property meets the standard to keep the current registration and not be considered a new feedlot. Johnson asked if the feedlot registration would be revised. Benjy Borntrager stated that they would most likely not have as many animals as what is listed on the registration. Johnson mentioned a comment that was submitted regarding the amount of noise created by the window business and asked if any noise would be created while assembling the windows. Borntrager stated that there is some noise when vinyl is cut about twice a week but it is minimal and all work will be done indoors.

Johnathon Glasspoole asked the applicants how many windows they make a year. Benjy Bortrager stated that they make just under 2,000 windows per year. Glasspoole pointed out that there are two manure pits located on the property. Bortrager stated that there are two pits, one is a round pit that Jeremy Burt will come and close out the manure storage system with the State.

Chairman Munson asked if there was any public comment.

Lois Fruechte, neighboring property owner, asked about the number of employees that are allowed for a home-based business. Amelia Meiners stated that for a Level II Home Occupation there can be no more than six employees. Meiners also stated that Benjy and Martha Bortrager have identified that they may have one part-time employee. Fruechte also asked if the ruling would be one residence and one building for construction purposes. Meiners stated that there would be one residence but that does not guarantee other structures or permits in the future. The property is in the ag district so it falls within the one dwelling per quarter-quarter. Eric Johnson stated that this is an Interim Use Permit for the business it is not for a new home or anything else.

Darin Meyer, neighboring property owner, believes this request goes against the Comprehensive Land Use Plan and there will be an impact on ag producers. Meyer stated that agriculture should stay agriculture and commercial should stay commercial.

Eric Johnson asked Benjy and Martha Bortrager how many employees they plan to have. Benjy Bortrager stated that as of right now they plan to have no additional employees aside from himself and his wife. If they need another employee they would hire one part-time employee. Bortrager also stated that they are not looking to expand the business and that they do not have computers, so it is hard to expand the business.

Eric Johnson clarified that it is in the Houston County Zoning to allow small home-based businesses.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

Josh Gran made a motion to bypass questions 5, 9, and 13 that are not applicable. Franklin Hahn seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: Goal 2.8 of the County Land Use Plan promotes expansion of trade and service industries in the County.

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 they have been operating this business for the last four years and that it's the main source of income for their family. They will be relocating to the County which requires them to secure a new location for their business.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The proposed business should have no impact on water quality and will have less risk of impact than the previous operation.

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: Even with the addition of a building at this site, removal of the existing portable structures will result in a decrease in impervious surfaces which should decrease existing runoff.

Board agreed to the finding by a unanimous vote.

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: This business does not utilize chemicals or products that should be contained separately from other wastes (i.e. hazardous). The applicant identified that vinyl is a recyclable material and solid waste will need to be managed following local and state requirements.

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 site with access and parking available. The home occupation should not require additional utilities than what currently exists.

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 existing road was meant to handle semi traffic and loading/unloading of hogs so it should more than accommodate the proposed use as well.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

10. That the 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 surrounding properties are agricultural and residential in nature. This proposal will not impact existing uses and will likely be a less intense use than the previous operation.

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: The establishment of a home-based business should not impede orderly development in the agricultural district. There are no setback requirements for businesses to feedlots, etc. rather those are for the associated dwelling.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has identified that there will be minimal noise and no exterior lights. Home occupations are limited to minimal signage and are prohibited from having lighted signs.

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: A small-scale window making operation is similar to other home based businesses previously permitted within the agricultural protection district and will likely have less impact on infrastructure than the larger farming operations in this vicinity.

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: This proposal should have minimal impact on public health, safety, morals or general welfare and will only generate solid waste and have minimal risk to air or water quality.

Board agreed to the finding by a unanimous vote.

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

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

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

Josh Gran made a motion to recommend the Houston County Board approve an Interim Use Permit for a Level II Home Occupation consisting of the construction of vinyl windows with seven conditions in Wilmington 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. This interim use permit is only valid if a dwelling is established onsite.
4. The permit shall expire if it is not renewed at or near five-year intervals. The permit shall expire at such time that Benjy or Martha Borotrager no longer own AND maintain homestead status on the property described in the application (currently PID 15.0048.004).
5. The maximum number of employees working onsite shall not exceed six at any one time.
6. Only 5,000 square feet of the proposed structure may be used for the home-based business.
7. The Applicant acknowledges that this is an agricultural district and discomforts that may be experienced in the agricultural district may apply at this location.

Wayne Feldmeier 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.

Notice for Public Hearing No. 1003 was read for **Richfield Acres LLC**, 18020 Truman Dr, Spring Grove, MN 55974.

The petitioners are requesting an Interim Use Permit (IUP) to operate a cannabis microbusiness in the Agricultural Protection District (Section 14-14.4, Subd. 1, Subs. 15) (Section 3.2.9 of Cannabis Ordinance) in Spring Grove Township.

- The State of Minnesota finalized the cannabis rules in April 2025 and has moved forward with lotteries and the selection of applicants for certain license types since that time. The next step for the applicants after preapproval is to seek local government approval prior to submitting their final application to the Office of Cannabis Management (OCM). They are allowed 18 months to complete the licensing process.
- **The applicant does not have an endorsement for retail and retail is prohibited within the ag protection district. The limit to four registered businesses in the County applies to retail ONLY and as a result this business will not count against that limit.**
- Minnesota law authorizes the following actions for microbusiness operations:
§342.25 CULTIVATION OF CANNABIS; GENERAL REQUIREMENTS.
Subdivision 1. Applicability.
Every cannabis business with a license or endorsement authorizing the cultivation of cannabis must comply with the requirements of this section.
Subd. 2. Cultivation records.
A business licensed or authorized to cultivate cannabis must prepare a cultivation record for each batch of cannabis plants and cannabis flower in the form required by the office and must maintain each record for at least five years. The cultivation record must include the quantity and timing, where applicable, of each pesticide, fertilizer, soil amendment, or plant amendment used to cultivate the batch, as well as any other information required by the office in rule. The cannabis business must present cultivation records to the office, the commissioner of agriculture, or the commissioner of health upon request.
Subd. 3. Agricultural chemicals and other inputs.

A business licensed or authorized to cultivate cannabis is subject to rules promulgated by the office in consultation with the commissioner of agriculture, subject to subdivision 5, governing the use of pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate cannabis.

Subd. 4. Cultivation plan.

A business licensed or authorized to cultivate cannabis must prepare, maintain, and execute an operating plan and a cultivation plan as directed by the office in rule, which must include but is not limited to:

- (1) water usage;*
- (2) recycling;*
- (3) solid waste disposal; and*
- (4) a pest management protocol that incorporates integrated pest management principles to control or prevent the introduction of pests to the cultivation site.*

Subd. 5. Agricultural chemicals and other inputs; pollinator protection.

- (a) A business licensed or authorized to cultivate cannabis must comply with chapters 18B, 18C, 18D, and any other pesticide, fertilizer, soil amendment, and plant amendment laws and rules enforced by the commissioner of agriculture.*
- (b) A business licensed or authorized to cultivate cannabis must not apply pesticides when pollinators are present or allow pesticides to drift to flowering plants that are attractive to pollinators.*

Subd. 6. Adulteration prohibited.

A business licensed or authorized to cultivate cannabis must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance or compound that has the effect or intent of altering the color, appearance, weight, potency, or odor of the cannabis.

Subd. 7. Indoor or outdoor cultivation authorized; security.

A business licensed or authorized to cultivate cannabis may cultivate cannabis plants indoors or outdoors, subject to the security, fencing, lighting, and any other requirements imposed by the office in rule.

Subd. 8. Exception.

Nothing in this section applies to the cultivation of hemp plants.

§342.28 CANNABIS MICROBUSINESS LICENSING AND OPERATIONS.

Subdivision 1. Authorized actions.

A cannabis microbusiness license, consistent with the specific license endorsement or endorsements, entitles the license holder to perform any or all of the following within the limits established by this section:

- (1) grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant;*
- (2) make cannabis concentrate;*
- (3) make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;*
- (4) manufacture artificially derived cannabinoids;*
- (5) manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;*
- (6) purchase immature cannabis plants and seedlings and cannabis flower from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;*
- (7) purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;*
- (8) purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;*
- (9) purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;*

- (10) package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- (11) sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;
- (12) operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles; and
- (13) perform other actions approved by the office.

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

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.4 INTERIM USES.

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

(15) 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 along with staff comments.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

1. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 1,000 feet of a school.*
2. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a day care.*
3. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.*
4. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.*
5. *The Office of Houston County Auditor/Treasurer shall prohibit the operation of a cannabis retail business within 500 feet from the main point of entry of the cannabis business to the main point of entry to another cannabis business.*

Distances shall be computed by direct measurement from the nearest property line of the land use listed above to the nearest portion of the building being used for the cannabis business. Distances shall be verified by the applicant and confirmed by the person(s) responsible for enforcing this ordinance, via a method deemed acceptable by Houston County.

Pursuant to Minn. Stat. §462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

- There are no schools, daycares, residential treatment facilities, public parks, or other cannabis businesses in the vicinity of this proposal.

3.1.1 Odor Mitigation

All cannabis cultivation operations, production and processing facilities, including but not limited to any: drying, aging, trimming and packing facilities shall be equipped with the following odor mitigation measures:

- (A) *Installation and maintenance of activated carbon filters on all exhaust outlets to the building exteriors.*
- (B) *Location of exhaust outlets a minimum of 10 feet from the property line and 10 feet above finished grade.*
- (C) *Maintenance of negative air pressure within the facility, or an alternative odor control system approved by the person(s) responsible for enforcing this ordinance, based upon a mechanical engineer licensed in the State of Minnesota, demonstrating the alternative*

system will control odor equally or better than the required activated carbon filtration system.

(D) All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.

- The application identifies that the operation will be fully contained indoors utilizing carbon filters and negative air pressure. The equipment will be monitored to ensure consistent performance.

3.1.2 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.*
- The application discusses the 24/7 monitoring, alarm systems, and access restrictions that will be employed to meet state requirements and protect public interest.

3.1.3 Light Pollution Mitigation

All cannabis cultivation operations, production and processing facilities, including but not limited to any: drying, aging, trimming and packing facilities shall be equipped with the following light pollution mitigation measures:

- (A) Any security lighting for a cannabis business shall be shielded and angled in such a way as to prevent light from spilling outside the boundaries of the parcel(s) or premises or directly focusing on any surrounding areas.*
 - (B) Houston County shall provide notice to the cannabis business licensee upon receiving any light pollution complaint. Upon receiving notice, the licensee shall correct the violation as soon as possible and submit written documentation within 10 calendar days, demonstrating that all shielding has been repaired, inspected and corrected as necessary. Failure to correct a violation shall be grounds for penalties as outlined in the Houston County Zoning Ordinance.*
- This operation will be fully contained within a building resulting in minimal light and noise impacts on neighboring properties.

3.2 Zoning and Land Use

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

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted in the following zoning districts:

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

3.2.9. Microbusiness.

Cannabis businesses licensed or endorsed as a Microbusiness are permitted in the following zoning districts:

- *Prohibited: Residential*
- *Permitted - with an IUP: Agricultural, Commercial, and Industrial*
- Site Characteristics:
 - The parcel is located approximately a mile and a half south of the City of Spring Grove. The closest dwelling is approximately 900 feet to the southeast otherwise there are six others around a half mile from this site. This location is approximately 1,500 feet of Truman Drive, a dead-end township road.
 - There are intermittent streams to the east, west, and south at 2,200 feet, 940 feet, and 1,300 feet respectively. There are no floodplain, shoreland, or wetland concerns.
- Spring Grove Township and the ten closest property owners were notified. No comments were received.

Dustin Hinz and Clemon Dabney were present to answer questions. Chairman Munson asked the applicants if they had anything to add. Dustin Hinz stated that he is a co-owner of an experimental seed network known as the Experimental Farm Network, which was started about ten years ago. Hinz is also a co-owner of a small garden center. Hinz stated that his business partner, Clemon Dabney has a PhD in plant biology from the University of Minnesota where he studied cannabis genetics. Dabney was the Director of Medical Cannabis for the Red Lake Reservation in northern Minnesota; the growing facility he developed is now used by the reservation's recreational cannabis company. Dabney now writes a monthly opinion column in the Minnesota Star Tribune on the States role in cannabis legalization. Dustin Hinz stated that three years ago Clemon Dabney started his business, Doctor Dabs, which is a low potency hemp edibles manufacturing company which has maintained a clean compliance record and is an expanding business. Dustin Hinz and Clemon Dabney are proposing a small, indoor cannabis farm in Spring Grove, MN. The farm will have indoor cannabis cultivation and packaging of dried flowers, while operating a dispensary in Minneapolis, MN. Hinz stated that there is a new 40' by 80', fully insulated with the necessary utilities and a concrete floor on the property for Richfield Acres. The product will be transported to the dispensary in Minneapolis, as well as licensed buyers including local partners such as Tree Huggers in Caledonia, MN. Clemon Dabney stated that the cultivation will take place in sealed, negative pressure rooms with activated carbon filtration on every exhaust. They have committed to a non-detectable cannabis odor at the property line. Stormwater is managed outside, so runoff stays clean and onsite. There will be no retail traffic, just a few employee vehicles that will be onsite daily, and scheduled freight pick-ups. Dabney stated that the required lighting will be dark sky compliant and non-intrusive to the neighboring properties.

Wayne Feldmeier asked if the product would be shipped to Minneapolis. Clemon Dabney stated that they will send the product to Minneapolis, as well as to Tree Huggers located in Caledonia. They hope to have as many local partners as possible.

Eric asked if all cultivation would be kept indoors. Clemon Dabney stated that everything will be kept indoors with nothing outdoors.

Larry Gaustad asked if a secure vehicle would be used to transport the product to Minneapolis. Clemon Dabney said a secure vehicle would be used otherwise a personal vehicle can be used with a microcannabis license, the vehicle would just have to be registered. Gaustad also asked if the applicants lived onsite. Dabney stated that he does not live onsite but will be at the location three to four days per week. Dustin Hinz stated that he is generally on the farm three to four days per week but they plan to train the current employees to be there majority of the week. There will be times when no one is onsite. Gaustad asked

about the proposed security system. Dabney stated that there will be indoor cameras, outdoor cameras, and cameras on every exit/entrance area that will view the whole area.

Larry Gaustad asked if there were any future plans to expand the grow area to be outdoors. Clemon Dabney stated that in Minnesota the square footage of a business cannot be split, so you can either choose to be indoors or outdoors, not both.

Chairman Munson asked if there was any public comment. There were none.

Chairman Munson asked that the Findings be read if there were no additional comments or questions.

Josh Gran made a motion to bypass questions 5, 9, 13, and 14 that are not applicable. Johnathon Glasspoole seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The goals of the Land Use Plan balance economic development and agriculture. This particular proposal will retain the agricultural use of the property and also promote diversified economic development as encouraged in the Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has received preliminary approval from OCM and now needs to secure local government approval before he can proceed with OCM.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The indoor operation will utilize a closed-loop system to minimize water needs and allow for treatment per MPCA requirements.

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: This application states that a recently constructed structure will be utilized but also discusses construction and adherence to proper erosion control and stormwater management best practices. Overall, regardless of any future construction this type of proposal should not adversely increase water runoff.

Board agreed to the finding by a unanimous vote.

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: The applicant identifies that all nutrients, fertilizers and chemicals will be stored with secondary containment, that odor mitigation practices will be in place and waste materials will be managed in compliance with state cannabis regulations which should all help to mitigate potential pollution hazards.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: All utilities, access roads and facilities are existing. Any extensions or upgrades will be the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The location will have more than enough space to accommodate parking for employees, inspectors or service vehicles. In addition, there will be a dedicated loading zone onsite.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

10. That the 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: Since this operation will be fully contained indoors and meet standards set forth by the Office Cannabis Management it should not be injurious to properties in the immediate vicinity. Careful management of odor control mitigation will be important since predominant winds are from the northwest and the closest dwelling will be a direct recipient of those predominant winds.

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: The predominant use in the area is agricultural and this use is consistent with those operations, nor will it impede other development.

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: The primary concern for this proposal is odor and the applicant identifies multiple measures will be taken to mitigate odor concerns. In addition, noise is limited to typical building operations and there will be no dust or vibrations as a result of the operation. Exterior lighting will be downward facing and limited to security lighting to reduce visibility from neighboring properties.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: In order to operate the applicant will have to receive final approval from the Office of Cannabis Management and that approval will confirm they have met all state requirements intended to mitigate concerns related to public health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

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

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

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

Johnathon Glasspoole made a motion to recommend the Houston County Board approve an Interim Use Permit for a cannabis microbusiness with a cultivation and manufacturing endorsement in the Agricultural Protection District with three conditions in Spring Grove Township:

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

Wayne Feldmeier 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.

Notice of Public Hearing and Intent to Adopt an Ordinance for the ordinance to regulate commercial solar and related comprehensive land use plan amendments in Houston County.

Staff was looking for guidance on determining the appropriate zoning districts and performance standards for commercial solar systems. This was an input session rather than a formal decision-making meeting.

Environmental Services Director, Amelia Meiners informed the board that the Solar Moratorium will be ending in December. Meiners gave a brief description of the previous input session in May 2025 and the updated draft of the Ordinance which was presented to the Board. Meiners stated that her goal is to get input on the proposed Solar Ordinance from the board and hear public comments to put together a final draft to present at the November public hearing, so it can be presented to the Board of Commissioners for final approval in December.

Franklin Hahn asked for clarification on what Amelia Meiners was looking for regarding the proposed Solar Ordinance. Amelia Meiners stated that she would like to make some Ordinance amendments. As originally presented to the Board in May was to leave the Comprehensive Land Use Plan as it is and update the Zoning Ordinance to strictly clarify inconsistent items, being applicable to accessory use solar. The second option, which is the current draft being presented, is to allow commercial solar, limit the size of the system, and the Comprehensive Land Use Plan would be amended. Hahn asked if we would have to update the Comprehensive Land Use Plan. Meiners stated that minor updates would have to be made by incorporating the alternative energies for commercial use. The Comprehensive Land Use Plan is meant to be an evolving document. Hahn asked how the Comprehensive Land Use Plan reads now. Meiners read page 32 of the Comprehensive Land Use Plan for the Alternative Energy Goal 2.13 which states *“Encourage options for alternative energy systems in the County”* and the Policy 1 which states *“Review and explore standards and permitting requirements for alternative energy systems used for personal use, or by individual residences or businesses.”* Meiners stated that these statements are limiting and if the County is looking at a commercial project she does not know if the Comprehensive Land Use Plan is supportive.

Franklin Hahn stated that he has an issue with building on prime ag land. Wayne Feldmeier agreed. Hahn stated that we cannot build a house on prime land since we are supposed to protect prime land.

Eric Johnson mentioned the agrivoltaics that is mentioned in the proposed Solar Ordinance draft and wanted verification on if prime soils would matter if the system is considered agrivoltaics. Amelia Meiners stated that this was a recommendation from the Great Plains Institute for people going the dual-use route and keeping agriculture in the proposal.

Wayne Feldmeier stated that incorporating small farm animals with solar farms would be great.

Eric Johnson referred to the summary of results from the University of Minnesota. Johnson stated that it confirmed what was done with the Comprehensive Land Use Plan. Johnson also stated that the biggest concern is the prime farmland use for solar and it is something that people don't want to see. The goal of the Comprehensive Land Use Plan is to preserve prime farmland in Houston County and keep Houston County a rural agriculturally based county. Johnson stated that he agrees with Frankling Hahn and could live with allowing solar on marginal land. Franklin Hahn believes that solar should not be allowed on 20 acres of marginal land either but allow a max of 10 acres on marginal land.

Larry Gaustad asked if there were only two comments submitted.

Josh Gran asked what structures can be placed on prime soil today. Amelia Meiners stated that the one thing you cannot do on prime ag soils is build a dwelling unless you have 40 acres. Gran asked if the County allowed solar on prime ag land, would it say the County values building solar more than building

homes? Gran stated that he believes that it is your land so you should be able to operate it as you see fit but feels that most residents would struggle to say that solar should be a higher priority than a dwelling.

Larry Gaustad mentioned that he is the President of the Houston County Township Association, the first time solar was brought up in the meetings the answer was a no to solar being placed on prime ag land and the second time it was brought up a six-month moratorium was set in place for further review. Gaustad stated that the Houston County Township Association does not want to see solar on prime ag land. Amelia Meiners clarified if the township association was against solar or just the use of prime ag land. Gaustad stated that he wants to keep the Ordinance the same and save prime ag land for agriculture.

Amelia Meiners stated that there are decommissioning requirements included in the proposed Solar Ordinance. Chase Munson asked if a bond would be required for decommissioning. Eric Johnson stated that bonds are normally required. Meiners stated that the Ordinance draft states an escrow bond or irrevocable letter of credit may be required.

Chairman Munson asked for public comment.

Sheri Allen, landowner near substation, clarified that they own more than 20 acres, so if they wanted to they could build a dwelling on the land. She does not feel that this request is placing solar above dwellings. Allen believes that dual-use solar is better for the soil than row crops.

Ryan Herman, sheep grazer in Houston County, mentioned a comment that was made by the Board in May. Herman stated that he converted his farmland to grass 20 years ago and has not looked back. Herman believes that grazing sheep under solar panels benefits the soil and water quality. Herman stated that he looks at it as there is solar but underneath the land is still agriculture or being used for agriculture. Herman stated that solar companies seek out sheep grazers for dual-use purposes to benefit the land and have agriculture continue under the solar panels.

Andy Allen, landowner near substation, stated that he loves farming and was not always on board with the idea of placing solar on prime ag land. Allen believes that solar would help the farm grow outside of row crops. Allen stated that the reason he is for placing solar on prime land is to benefit future farming generations. Allen also stated that solar farming is still farming and it can be an opportunity for agritourism. Josh Gran asked Andy Allen for his opinion on residents having the passion to build a home or live in the country which is not always allowed due to rules set forth by the County but we would potentially allow solar panels. Andy Allen stated that the investments should be justified and supported. Allen stated that farming is a way of life but it is also a business, a commercial business. Allen believes that the person that wants to build on 40 acres, have out buildings, and have a few animals is different from a farmer. Allen mentions that society demands certain things and this is part of society. Sheri Allen stated that she views this solar as a piece of infrastructure for their farm to help them get their farm to the next stage; it is part of a bigger picture.

Kent Whitcomb, MiEnergy Cooperative representative, stated that MiEnergy is looking into doing solar on prime land for a few reasons other than green energy, one reason is financials. Whitcomb stated that there is a proposed increase in energy rates. Eric Johnson asked why this increase is happening. Whitcomb stated that these solar arrays have a life span of 25-30 years and once they reach that time they must be decommissioned, so it is not like a dwelling that could be on the property for 100 years. Once decommissioning is complete the land will be returned to the use it was before the solar arrays were installed. Whitcomb commented on a section in the proposed Ordinance that mentions distribution level, which he thinks is a good item to include compared to transmission which is thousand-acre projects. Whitcomb stated that the cap they would be able to do for a solar system would be 25 acres. Josh Gran asked if location mattered. Whitcomb stated that they try to locate properties near a substation. The farther out they are from the substation the more expensive it gets. Gran asked if there was a general radius from a substation for MiEnergy to pursue a location. Whitcomb stated that they generally would not go farther than a mile but it

depends on the size of the system to determine how far it can be from the substation. Gran asked if prime ag land is not an option, would it limit the ability of MiEnergy to do any solar in the County? Whitcomb stated there are two substations that would have the capacity but it depends on what is around the substation. The substation in Spring Grove, MN is almost within city limits. Eric Johnson stated that it seemed like a limited opportunity for landowners. Josh Gran stated that it does not seem like this would be widespread or consume a lot of prime ag land in the future. Gran stated that it is a targeted approach and a narrow area will be consumed around a substation. Whitcomb stated that there is the potential for the Ordinance to state there should not be over so many acres total of solar in the County.

Arlo Hark, shepherd and farmer from Rice County, MN, stated that he and his wife have operated a sheep grazing business to expand how livestock can be used with a vision of improving soil, stewarding landscapes, improving biodiversity, and improving water quality. Hark was contacted by OneEnergy Renewables about possibly grazing his sheep on solar projects. Hark mentioned agrivoltaics and believes that it is innovative moment in the world of land management on solar sites. Hark stated that in the U.S. there are 180,000 sheep grazing on solar projects nationally, which is double from two years ago. Hark believes this is the right thing to do when we face the decision on what to do with land, how we use and steward land for future generations, and meet the needs of current energy demands.

Beth Esser, OneEnergy Renewables representative, stated that they have been working on solar projects with individuals like Ryan Herman and Arlo Hark for the last seven years. OneEnergy Renewables tries to partner with farmers that want to keep farming the land around and within the project. They do not see this as a conversion of prime farmland; they see it as a way to keep the farm in the family for generations. Esser stated that energy is an essential part of our society and the changing view of how energy is provided in communities is part of the transition period that we are in right now. Current technology does not support solar on marginal land nearly as well as it does on flat land. The tracking technology can only accommodate so much change in topography which really makes an impact on where substations and solar panels are located. Esser requested that the Board consider increasing the size from 20 acres to 25 acres. Amelia Meiners asked what the minimum acreage needed. Esser stated 12 to 15 acres would be the minimum. Josh Gran asked Beth Esser if she could explain the difference between 20 acres and 25 acres. Beth Esser stated that they have been working with members of Dairyland Power Cooperative for the last few years on products and 5 MW is the max size and the most cost-effective size, which would be 25 acres. In general, projects range from 2.5 to 5 MW size, which would be 12-15 acres to 25 acres. Josh Gran asked if Beth Esser could talk about the visibility or the eye sore of the project with customers using screening. Beth Esser stated that they work with screening options all the time and sometimes screening is not needed. Esser stated that they will put screening up along a fence line or work with the neighbor regarding screening options. They take a lot of pride in the projects looking good and becoming part of the landscape.

Amelia Meiners asked if each Board member would state their opinion on whether solar should be permitted on prime agricultural land, as well as the number of acres allowed for a system.

Josh Gran stated that it should be allowed as it is the farmer's decision if they believe it will be the best use of their land. Gran stated that there should be a restriction that the land has to continue to be farmed. Row crops would be turned into land that can be grazed, which is allowed in the County, and then place a removable structure. Gran also stated that if we are going to do it we should do it for what MiEnergy and OneEnergy Renewables recommend making it economically viable, so 25 acres.

Johnathon Glasspoole stated that he has a hard time seeing structures built on prime farmland since he knows how hard it is to get farmland. He does not want to see houses built all over the County and solar falls into the same category. Glasspoole stated that he does not want to put an acreage number as he does not feel he has the right to say it should be 25 acres because it is more economical. Glasspoole also stated that he wants to do whatever he wants with his land but he knows he can't because someone will say something. A building permit is a building permit, either we allow it or we don't allow it. Glasspoole stated that this is a tough decision for him to make because it impacts someone's livelihood.

Franklin Hahn stated that he has nothing against solar but he has a problem with it on prime ag land. Hahn stated that it would be different if they wanted to put solar on 10 acres of marginal land. Hahn stated that if you want to put up solar you do not have to graze sheep underneath, so we should not be tying solar with sheep.

Chase Munson stated that it is hard to see this happen to prime ag land. Believes solar should be located on marginal land rather than prime ag land. Munson also stated that solar on prime ag land goes against the Comprehensive Land Use Plan and the Comprehensive Land Use Plan would have to be amended to allow solar on prime land.

Larry Gaustad believes solar would take beauty away from the County and he wants to see prime agricultural land protected. Gaustad stated that marginal land should be used.

Wayne Feldmeier agreed with statement made by Larry Gaustad. Using marginal land would make more sense.

Eric Johnson stated that he appreciates everyone's comments as they were all very good and spoken from the heart. Johnson stated that it is in our Comprehensive Land Use Plan to preserve prime farmland, it is our number one goal and policy. Johnson stated that he is a landowner's rights believer, so he understands when an individual comes across an opportunity to be involved with solar but a lot of times you are not allowed to pursue the opportunity. Those days of being able to do what you want with your land are no longer here, we have limits on housing and we do that to protect the agricultural district from development. Houston County gets a lot of pressure from La Crosse, Winona, Rochester, and demand for land is increasing. Johnson stated that he would like to stick with the Comprehensive Land Use Plan and protect prime farmland. Johnson also stated he is for using marginal land for solar.

Amelia Meiners stated that she will take a closer look at the current draft of the Solar Ordinance and consider the comments to make a few changes for the November public hearing.

Josh Gran made a motion to adjourn the meeting. Johnathon Glasspoole seconded. Motion carried.

Submitted by the Planning Commission Clerk on October 24, 2025.