

Houston County Planning Commission  
March 26, 2026

**Approved on April 23, 2026 by Josh Gran and Larry Gaustad.**

The Houston County Planning Commission met at 5:20 p.m. on Thursday, March 26, 2026. A summary of the meeting follows.

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

Josh Gran made a motion to approve the minutes of February 26, 2026. Larry Gaustad seconded. All were in favor. Motion carried.

**Notice of Public Hearing No. 1010** was read for applicants, **Scott Standish**, 8201 County 249, Caledonia, MN 55921.

The petitioner is requesting a Conditional Use Permit (CUP) to build a dwelling on less than 40 acres in an agricultural protection district of Mayville Township.

- This is a 2.82-acre parcel off CSAH 249 in Mayville Township about three miles east of Caledonia. The applicant purchased the parcel in 2022 and removed the dwelling and some accessory structures. The original structure predated zoning and was considered a farm dwelling. The ordinance requires that houses be occupied eight out of the last ten years to retain their dwelling status so the time lapse since the house was removed requires that it conform to the ordinance. Since this parcel is under 40 acres that means a conditional use permit is required.

***HOUSTON COUNTY ZONING ORDINANCE (HCZO)***

***SECTION 3.6 DEFINITIONS***

***Subdivision 2. Definitions***

***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.*

- The Houston County Zoning Ordinance (HCZO) 14.3 Subdivision 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 those residential and agricultural 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 users 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 SE1/4 NE1/4 of Section 22 in Mayville Township is an open quarter-quarter. The previous dwelling was removed and the site has been prepared for a new build.
  - A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 388D2, which is considered marginal. There is no wetland or bluff concern with the building site or existing driveway. Crooked Creek is about 650 feet to the south and much of the valley is floodplain. Floodplain will be reviewed in greater detail during the building permit process. The landowner has already had a surveyor onsite to establish the regulatory flood protection elevation.
  - The building site was leveled out and the driveway meets the slope requirement in addition to the buildable lot standard.
  - There is no mine within 1,000 feet or a registered feedlot within a quarter mile. Preliminary septic work has been completed and the design is under review.

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

Scott Standish was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Scott Standish explained the current plan to build a 30-foot by 40-foot dwelling.

Franklin Hahn stated that the property is located on an open quarter-quarter and mentioned the applicant presented a variance request to the Board of Adjustment earlier.

Eric Johnson asked if the new dwelling would be located close to the previous dwelling location. Scott Standish stated the new dwelling will be built on top of where the previous dwelling was located but it will face a different direction.

Franklin Hahn stated the applicant is on the edge of floodplain. Environmental Services Director Amelia Meiners explained that the applicant believes he is located outside of the shaded area but a closer review will be done for the building permit. The applicant will have to meet elevation requirements but there is already a benchmark on the property. Eric Johnson mentioned the floodplain being surveyed. Meiners stated that a lot of the survey work has been completed.

Chairman Hahn asked if there was any public comment. There was none.

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

Josh Gran made a motion to bypass questions 9, 12, and 14 that are not applicable. Richard Schild 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 promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant purchased the property with the intent to rebuild but with time it took to clean up the site the non-conforming rights were lost.

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 removed multiple buildings along with the original dwelling and the clean up of deteriorating or older structures that may have had hazardous materials will help protect groundwater, especially in a potentially vulnerable area such as this. Preliminary septic work has been completed and is under review and an erosion control plan will be approved prior to any construction. Those items should ensure additional securities for protection of 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 stormwater runoff concerns before, during and after construction, but the replacement of a single-family dwelling should not increase impervious surface beyond what existed at this site previously.

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 388D2 soils due to it requiring extensive land shaping but with proper construction it can accommodate this use.

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 must design and install a system meeting minimum state standards. The design has been submitted to the County and is under review.

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 building site so utilities and access roads are present. In addition, drainage work was previously completed and post-construction stormwater management will need to meet the approved erosion control plan.

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 replacement 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 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.

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

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

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 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.

Larry Gaustad 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. 1011** was read for applicants, **Gabriel Howe**, 22887 Bridge Creek Drive, Rushford, MN 55971.

The petitioner is requesting a Conditional Use Permit (CUP) to build a dwelling on less than 40 acres in an agricultural protection district of Yucatan Township.

- This is a 3.35-acre parcel off Bridge Creek Drive in Yucatan Township about six miles southeast of Rushford. The applicant purchased the parcel from his uncle and removed the existing dwelling and some accessory structures. The original structure predated zoning and was originally considered a farm structure. The split to a smaller parcel raised questions about the non-conforming use classification and rather than split hairs the landowner opted to complete the conditional use process to ensure the site is clearly in compliance in the future.
- The Houston County Zoning Ordinance (HCZO) 14.3 Subdivision 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 those residential and agricultural uses.

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

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- (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 SE1/4 NE1/4 of Section 19 is an open quarter-quarter. The original dwelling has been removed to allow for this one.
  - A non-farm dwelling cannot be located on prime agricultural soil unless it's in an area that has not been in production or a government program for a period of ten or more years. The soil in this area is classified as 103B, 580C2, and close to 103C2, all of which are considered prime, but are within the existing farmstead. There is no floodplain, wetland, shoreland, or bluff concern with the building site or existing driveway. The closest intermittent streams are approximately 1,500 feet away, one to the west and one to the southeast. These flow to Girl Scout Camp Creek and then the South Fork of the Root River.
  - Slopes at the building site are under 12% and the location meets the buildable lot standard.
  - There is no mine within 1,000 feet but a variance for a feedlot setback is required and being reviewed by the Board of Adjustment. The septic system was replaced at this site in 2020 and will be reused for the new dwelling.
- Yucatan Township and the ten closest property owners were notified. No comments were received.

Gabriel Howe was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. The applicant described the project in more detail.

Franklin Hahn stated that the property is located on an open quarter-quarter and mentioned the applicant presented a variance request to the Board of Adjustment earlier. Eric Johnson asked about the variance request from the feedlot. Environmental Services Director Amelia Meiners stated the request was for 660 feet. Johnson asked the applicant if he had a problem living next to a feedlot.

Richard Schild asked the applicant if he was going to use the existing septic system. Amelia Meiners stated that the system was installed in 2020.

Chairman Hahn asked if there was any public comment. There was none.

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

Josh Gran made a motion to bypass questions 9, 12, and 14 that are not applicable. Larry Gaustad 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 promotes the rehabilitation of existing older homes. However, sometimes issues exist that cannot be remediated but utilizing an existing building site meets the same intent.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This proposal will allow the applicant to replace the original structure that occupied this property.

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 has been approved and strict adherence is required to mitigate runoff concerns during and post construction. There will be a slight increase in impervious surfaces due to the larger dwelling and slight extension of the driveway (although some accessory buildings have been removed) but overall landscaping will remain consistent with existing conditions and should provide an adequate buffer for any stormwater runoff from the site.

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 replacement of a single-family dwelling should not adversely increase the quantity of water runoff. With the structures that have been removed from the site there is likely only a slight increase in impervious surface with this proposal.

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 both 103B and 580C2 soils as suitable for building site development but recommend that the building be designed to conform to the natural slope of the land. Silt loams are the common soil type in Houston County.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The septic system was replaced at this site in 2020, and the applicant has had it inspected to ensure it is still in compliance with MPCA minimum requirements set forth to protect public health.

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 building site so all utilities and access roads exist on the property but will be extended to the new structure.

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, including a couple farm dwellings, and the replacement of a single-family dwelling will not impact those uses.

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 continues a historical use of the property so will not impact surrounding agricultural fields and recreational land. Orderly development meeting ordinance standards can still take place on surrounding property.

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: The replacement of a dwelling should not negatively affect the public's health, safety, morals and general welfare if constructed in accordance with the approved erosion control plan.

Board agreed to the finding by a unanimous vote.

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

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

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

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 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.
3. The applicant acknowledges there may be discomforts resulting from agricultural uses.

Eric Johnson 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. 1012** was read for applicants, **Thomas & Colleen Niebeling**, 9109 County 21, La Crescent, MN 55947.

The petitioner is requesting a Conditional Use Permit (CUP) for substantial land alteration and excavation in floodplain in Mound Prairie Township.

- The applicant operates a sod farm and lives at this location about four miles northwest of Hokah off CSAH 21. He is requesting to remove topsoil near the south boundary of the property which will be utilized for his landscaping business and the project will create waterfowl habitat. The adjacent landowner most directly impacted is the State of Minnesota and the land is operated as a Wildlife Management Area. The application indicates they intend to remove approximately 25,000 yards of

topsoil. This is an estimate based on working up to the property line and wetland rules that may allow excavation to 8.2-feet but that will vary depending upon what type of soil is encountered. No borings have been completed but the applicant stated the quality varies from heavy clay to sand. The MN DNR has requested a 50-foot setback from the property line which will cut down on that number. Staff estimate that will reduce the area to approximately one acre rather than 1.6 acres as identified in the application.

- The proposal is to excavate material, stockpile it to dry and it will be hauled to landscaping projects as needed. Excavation will commence upon approval and is estimated to last five to six years (will utilize approximately 5,000 yards/year) depending upon demand.
- This proposal is outside of the shoreland impact zone but within the shoreland district because of the landward extent of floodplain. Therefore, it meets the definition of substantial land alteration (HCZO Section 24.1 (1)).

***Shoreland.*** Land located within the following distances from public waters:

- 1,000 feet from the ordinary high water level of a lake, pond or flowage;
- 300 feet from a river or stream, or
- The landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

*The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources.*

- Since the existing ground contours will be altered a conditional use permit is required for land alteration (HCZO Section 24.2. Subd. 1 (1 & 2)).
- The ordinance then sets standards for each project (HCZO 24.4).
- Below are relevant sections of the Houston County Zoning Ordinance:

## **SECTION 24 - LAND ALTERATION**

### **24.1 SUBSTANTIAL LAND ALTERATION**

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

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

### **24.2 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION**

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

- (1) The excavation, grading and/or filling would result in substantial alteration of existing ground contours.
- (2) The excavation, grading and/or filling would change existing drainage.
- (3) The excavation, grading and/or filling would cause flooding or erosion.
- (4) The excavation, grading and/or filling would deprive an adjoining property owner of lateral support.
- (5) The excavation, grading and/or filling would remove or destroy the present ground cover, resulting in less beneficial cover for present and proposed development.
- (6) The excavation, grading and/or filling would adversely affect the use and enjoyment of any property for purposes already permitted.

#### **24.4 STANDARDS**

*The following standards relating to land alteration shall be implemented to the maximum extent possible on each land alteration project.*

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

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

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

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

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

**Subdivision 8. Placement of Riprap.** *Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one (1) foot vertical, the inland extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.*

**Subdivision 9. Preserve Health and Safety.** *If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to immediately correct the dangerous situation created, and fence the area from the general public during the period of danger.*

**Subdivision 10. Wetland Alteration.** *Prior to commencing any land alteration activity that will reasonably result in, partially or wholly, draining, filling, or degrading the water quality of any wetland, Types 1 through 8, the property owner shall contact the Local Government Unit representative responsible for administering the Wetland Conservation Act of 1991 and complete a NA-02620-01, Local-State-Federal Water Resource Project Application Form. Authorization to proceed must be received before beginning the wetland alteration activity.*

**Subdivision 11. Shoreland Excavations.** *Excavations on shoreland, where the intended purpose is connection to a public water, shall not be allowed unless approved by the Department of Natural Resources. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.*

**Subdivision 12. Premises a Public Nuisance.** *The Board of County Commissioners may, in addition to any or all other remedies available for violation of this Ordinance, declare the premises a public nuisance and after a public hearing held after a ten (10) day notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs, and expenses thereof against the property.*

- The other relevant regulations for this proposal are those of the floodplain overlay district. This is a detailed study area, and this location is classified as floodway.
- Section 21.5 Subd. 3 (2) notes extraction and storage of soil as a conditional use in the floodway district and Subd. 4 provides standards that must be met. Those are included as conditions on the permit.

#### **21.5 FLOODWAY DISTRICT (FW)**

**Subdivision 3. Conditional Uses:** *The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 21.11 subd. 4 of this ordinance and further subject to the standards set forth in Section 21.5 subd. 2, if otherwise allowed in the underlying zoning district.*

*(2) Grading, extraction, fill and storage of soil, sand, gravel, and other materials, except work authorized under a valid public waters work permit may be authorized as a permitted use under an administratively issued permit.*

*(4) Storage yards for equipment, machinery, or materials*

**Subdivision 4. Standards for Floodway Conditional Uses:**

*(1) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.*

*(2) Fill; Storage of Materials and Equipment:*

*(a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.*

*(b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if Houston County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.*

- Site Characteristics:
  - This location is low-lying ground in the Root River valley. Wetlands, floodplain, and shoreland are all relevant considerations. Wetlands have been reviewed by the technical panel. This permit does not negate any wetland requirements.
  - This location is approximately 1,400 feet from the Root River and 1,200 feet to Day Creek and is in a detailed flood area where it is mapped as floodway. As discussed under the summary section, excavation and stockpiling of soil within the floodway district is a conditional use. It is classified as shoreland due to the landward extent of floodplain, but agricultural uses are permitted within the shoreland district.
  - Bluff and slopes are not concerns with this proposal. The soils are 576 and 1889 which are Newalbin silt loam and Moundprairie silty clay loam, respectively.
- Mound Prairie Township and the ten closest property owners were notified. Two comments were submitted and there was one additional inquiry.

Bill Niebeling was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Bill Niebeling stated he would like to excavate a low area at the end of the field that is not used. Niebeling stated he would like to make a pond for wildlife habitat while allowing him to sell the black dirt. Anything that is dug out will not stay on the property as it will get hauled out. Niebeling stated the problem is that the dirt excavated will have to be stockpiled so it can drain which will take a couple years.

Environmental Services Director Amelia Meiners asked the applicant to describe where the dirt would be stockpiled. Bill Niebeling presented a map that displayed where the stockpiling would take place. Bill Niebeling stated that they would work from the south to the north along the line displayed on the map. The ovals represent where the stockpiling would take place. Niebeling stated there is an access road to the end of the field which will be used to haul the material out.

Eric Johnson asked about the goal of the water drainage to create the pond.

Bill Niebeling explained the erosion control measures that will be taken for this project. Niebeling stated that once the stockpiling starts they can throw some oats or rye onto the piles to get vegetation growing. Niebeling stated he also plans to put silt fence along the property line.

Franklin Hahn asked about the shoreland impact zone. Amelia Meiners explained that the shoreland impact zone would be 50% of the structure setback from public water. Meiners stated that this proposal is not necessarily within the shoreland impact zone but it is more in the floodway.

Eric Johnson asked if this type of request has been done in Houston County before. Bill Niebeling stated they aren't adding or drying anything up. They are making the wetland wetter.

Franklin Hahn asked if this request would be similar to raising corn or beans in floodplain with the moving of the dirt. Amelia Meiners stated that the fact this is ag ground is the same for the shoreland rules but because he is moving dirt there are requirements on the floodway side. This is where some of the conditions come in as far as erosion control and ensuring there is not going to be a rise in flood elevations for insurable structures downstream. Meiners further explained that the applicant is removing and stockpiling dirt that was there but the Ordinance does require a professional engineer certify that.

Richard Schild asked if the Wetland Conservation Act (WCA) panel has a final say. Amelia Meiners stated it would be additional approval and we did look at the property a couple times but we wanted to take a further look at it during the growing season. It would possibly be an additional permit needed.

Larry Gaustad asked if the parcel is 1 acre or 1.6 acres. Bill Niebeling stated that it was 1.6 acres but the DNR wants him to be 50 feet off the property line. Niebeling stated it is a maximum dig depth of 9 feet but he doesn't want to go that far. Niebeling stated they did some test pulls to see what was there and it averages 3 to 6 feet, so he would just take the topsoil. Eric Johnson clarified that the applicant wants black soil. Niebeling stated that the way it lays there are layers of silky loam, black sand, and then good black dirt. It is a mixture all the way through, so some of it would be utilized for fill. Niebeling stated this would be at least a 10-year deal with no plan of it being a fast-moving project.

Richard Schild asked if DNR approval would be involved. Amelia Meiners stated that the DNR sits on the WCA panel and in some instances they do have a public waters work permit. The DNR has been involved in the process since the beginning on the wetlands side and she did not include anything about this permit being required. Schild clarified that the DNR is concerned with the 50-foot setback. Meiners confirmed and stated that the DNR has the boundary staked. The DNR will be out to double check on the setback. Josh Gran asked if the DNR was asking for a 50-foot setback or if it was a requirement that the applicant needs to meet. Meiners stated that the DNR would like the applicant to be 50 feet away from the property line. Bill Niebeling stated he would like to talk to the DNR about the setback. Gran asked the applicant if he wanted the setback. Niebeling stated that he does not see a reason for the setback for his own purposes. Niebeling explained that he would like to create this for some wetland habitat, so he was going to leave some islands in the center for the geese. There are three flocks of geese that live down there all summer. Niebeling feels this would be making the wetlands better. Eric Johnson stated that wetlands would be created. Amelia Meiners explained that the Planning Commission is a recommending body, so the applicant would have time to discuss the setback with the DNR before the Board of Commissioners meeting, if he would like. Otherwise, this Board will move forward with the recommendation provided by the DNR. Johnson agreed and further explained. Josh Gran asked if the Board could say the applicant does not have to meet the setback. Meiners stated that they could. Franklin Hahn asked if there would be any repercussions from the DNR. Meiners was not sure. Gran asked if the DNR would be considered as another property owner that wants the setback or if they had a certain standpoint for this request. Meiners stated that there was no reference to a statute or rule requiring this 50-foot setback it was just we would prefer them to have a 50-foot setback. Gran asked if we have a rule requiring a 50-foot setback. Meiners stated there is a 50-foot setback requirement for structures from a property line but she would not consider this request as a structure.

Further discussion was held by the Board and the applicant about the 50-foot setback. The Board decided to move forward with the proposed recommendations allowing the applicant to have a discussion with the DNR about adjusting the requested setback.

Chairman Hahn asked if there was any public comment. There was none.

Amelia Meiners stated, for the record, the Board read the comment provided by Nicole and the DNR prior to this hearing, so we did not read it out loud.

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

Josh Gran made a motion to bypass questions 8, 9, 13, 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 County Land Use Plan promotes sustainable land management practices that protect the natural resources (Natural Resources, Policy 1) and encourages protection of wetlands by prohibiting development and adverse altering of these areas. The project is being reviewed by the Wetland Conservation Act panel which includes members from multiple agencies tasked with protecting natural resources.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant states that removal of material will promote better filtration and create a more diverse wildlife habitat. Creating habitat may help to decrease the impact of wildlife on sod field areas.

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: There will be increased turbidity of surface waters during excavation but practices are required to be implemented that will prevent erosion and trap sediment. Ground cover will need to be maintained and the alterations must not adversely affect nearby properties.

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: Removing topsoil from this semi-permanently flooded area is not anticipated to increase the quantity of water runoff and will result in greater water holding capacity.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant has identified that the soil is of a quality desirable for landscaping.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The largest potential pollution hazard is likely suspending sediment for movement downstream and erosion from temporary stockpiles. The ordinance requires practices such as ground cover be in place that prevent erosion and trap sediment.

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: There are existing access roads and drainage ditches for the harvesting of sod that will need to be extended to accommodate this project.

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: The proposed operation will not differ greatly from the existing use of the property as a sod farm and creating additional habitat enhance the neighboring Wildlife Management Area.

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: Since the area is predominately floodplain, allowable uses are limited and the proposed result will be consistent with neighboring public lands.

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 proposal is not anticipated to have offensive odors, fumes, noise, vibrations, or lighted signs. There is potential for dust during loading but excavated areas will need to establish ground cover within 30 days.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: Public health, safety, morals, and general welfare are not anticipated to be impacted.

Board agreed to the finding by a unanimous vote.

Chairman Hahn 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. Larry Gaustad seconded. All were in favor. Motion carried.

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

Amelia Meiners explained the change in the conditions included with the proposed motion.

Josh Gran made a motion to recommend the Houston County Board approve a Conditional Use Permit for substantial land alteration and excavation in floodplain with seven conditions in Mound Prairie 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. Applicant must complete all Wetland Conservation Act requirements that are determined to be necessary.
4. Must maintain a 50-foot setback to the Wildlife Management Area boundary.
5. Prior to excavation, documentation certified by a professional engineer must be provided to the Zoning Office showing that this proposal will not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established.
6. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable methods. A Plan for erosion control, noting where any spoil material or stockpiles will be located, must be submitted to the Zoning Office prior to any excavation work.

7. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if Houston County has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

Richard Schild 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. 1009** was read for applicants, **Burns & Hansen, P.A. on behalf of Cory & Jackie Baker**, 22848 State 16, Rushford, MN 55971, **Scott Hatleli & Cynthia Cresswell-Hatleli**, 23263 Hatleli Drive, Rushford, MN 55971, and **Rosemary Iversen**, 2835 Casco Point Road, Wayzata, MN 55391.

The petitioners are requesting to repeal part of the March 2025 decision to modify the density requirement for mines in the Houston County Zoning Ordinance. This was originally on the February agenda but was tabled at the request of the applicants.

- The applicants feel that there was not adequate public notice prior to the Planning Commission and Board of Commissioner decision on the following language amended in the Houston County Zoning Ordinance (HCZO) in March 2025.
- That 2025 proposal added definitions of construction minerals and industrial minerals under Section 27.3 to mirror those in neighboring Fillmore and Winona Counties.

## **SECTION 27 – MINERAL EXTRACTION**

### **27.3 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).*

- At the same time, the applicant requested to modify the density standard for sand mines by making it specific to industrial minerals only, thus opening opportunities for construction mineral mines in areas that were previously inaccessible. The intent was not to modify any regulation in regard to silica sand/frac sand and the 20-acre size limit was maintained. All mineral extraction still requires a conditional use permit which will review site specific impacts and set regulations accordingly. See language below:

**27.8 OPERATIONAL PERFORMANCE STANDARDS**

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

**Subdivision 1. General Requirements.**

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

- The application was handled consistent with other public hearing requests. It was reviewed by the Planning Commission on February 27, 2025 and those two changes were approved by the Board of Commissioners on March 18, 2025.
- The current proposal upholds the definitions as adopted but proposes to modify language as shown below:

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

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

- The end use of construction sand is for agriculture, septic systems, building sites, and transportation projects, all of which are essential activities that take place in Houston County. The Comprehensive Land Use Plan identifies multiple goals that both protect natural resources and promote agriculture, economic development, and responsible rural housing development. The Planning Commission’s initial decision considered that balance of protecting both our natural resources and residents as well as providing material that is necessary for development to continue in Houston County. It is unfair to place the burden of supplying that raw material on neighboring counties that likely have similar values for protecting air, water, and land resources for their citizens. Further, when sites are restricted you create a monopoly on products and increase transportation requirements that may result in increased emissions.
- It is understood that numerous discussions took place regarding frac sand operations about a decade ago and the March 2025 amendment did not change regulations for those operations. Maintaining the setback for industrial mineral sites that are much more operationally intensive ensures additional protection to neighboring properties and infrastructure. The current ordinance does not require a setback for other aggregate resources falling under the definition of construction minerals (i.e. road gravel) and the mining and handling of construction sand would be more similar in operation to rock than industrial sand. The ordinance currently requires new dwellings meet a 1,000-foot setback from the boundary of an existing mine and that language did not change with the 2025 amendment. In addition, there is not and has not been a setback requirement to agricultural lands and implying the density standard is necessary to maintain that is misleading. If there is concern about concentrated operations that will be reviewed as part of the site-specific conditional use permit hearing, since applicants of any conditional use proposal must demonstrate there is a need for their good or service. When reviewing a specific location, neighboring property owners will be notified per HCZO Section 6.2 Subd. 2.

- Included in the packet is the surficial geology plate from the County Geologic Atlas. The sand resources in question is classified as *Qat* and is shown in light yellow. This exists heavily in the Root River corridor and along its tributaries. While this shows you how that resource is dispersed throughout the County it does not depict the depth of material which is considered when reviewing whether a location is economical for mining operation.
- The ordinance does not provide the Planning Commission with specific findings from which to make a decision but perhaps the framework set up in the Comprehensive Land Use Plan may be helpful.
- The following language is found under *Amending the Comprehensive Plan* on page 64:

*Criteria to consider when reviewing an amendment:*

- *The change is consistent with the overall vision of the County*
  - *The change does not create an adverse impact on public facilities and services that cannot be mitigated*
  - *The change results in development that is inconsistent with or negatively impacts surrounding properties*
  - *The change results in consistency between city, township, county, and/or other regional plans*
  - *The change is necessary due to an identified or demonstrated need not identified at the time of the Plan being adopted*
- Since this application was not tied to a specific location it was published in the Caledonia Argus, which is the legal newspaper, in addition to being sent to those agencies and municipalities regularly notified. Multiple comments were received and are included in the packet.

Cory and Jackie Baker and Scott Hatleli and Cynthia Cresswell-Hatleli were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. Jackie Baker presented findings to the Board in support of passing the proposed amendment. Baker stated their application can be summarized in two main points. The first point is that the process used last year to change the mine density standards lacked proper public awareness and input. The second point is that the half mile is critically important to residents, property owners, the environment, and alignment with the Houston County Comprehensive Land Use Plan. Baker stated they are here to respectfully ask the Board to reestablish the half mile spacing between all sand mines. Baker stated that when the density standards were first adopted in 2016 the community was heavily involved. There were hours and hours of meetings, most of the Board members were probably part of the discussions, and extensive public comment. The half mile standard was created to prevent overconcentration of mines, protect rural character, and balance economic activity and quality of life. Baker stated her family, her husband Cory, herself, and their two young kids currently live next to a sand mine. Jackie Baker stated they depended on the half mile spacing so they would not end up surrounded by loud noise, dust, backup beepers, heavy equipment, and the transformation of hardwood forests into open sand mines. Baker stated the impact of removing this protection is very real for families like theirs. What happened last year, Baker stated, they had a neighbor who wanted to mine sand but the mine density standards stood in his way. The standard approach would have been to apply for a variance with that approach the neighbors would have been notified appropriately, but instead they opted to file an amendment to the entire Houston County Ordinance to remove the density standards which would ultimately allow them to mine on that property. Baker stated that they did not find out about this process until after the fact. Baker stated that the only public notice, as Amelia said, was put in the Caledonia Argus, which was the County newspaper at the time. Baker stated the problem with the Caledonia Argus is that it is subscription based and they do not pay for it. They rely on the Fillmore County Journal to get their news. The Fillmore County Journal is a free paper. Baker stated that if there is a free section of the Caledonia Argus that is sent out it does not cover the far west side of the County, so they would not have gotten it. Baker stated that the lack of public comment at the meeting last year was not due to lack of interest, it was due to lack of awareness. Baker stated this is very different from the extensive public involvement that shaped the original density standards. Baker feels that by reinstating the half mile standard directly supports the County land use goals.

The goal of protecting natural resources and safeguarding air, water, land, and quality of life. Baker feels that without a density standard mines could possibly cluster together increasing truck traffic in the area, road wear, dust, noise, the added pressure on ground water and natural resources while lowering property values on lifetime investments. Baker explained that their request does not ban sand mining, they are not opposed to sand mining as they understand there is a need in the County. The request simply restores reasonable spacing so mining can occur responsibly and without overconcentration. Baker feels that a case-by-case approach is not a substitute for clear regulation. The half mile density standard for all sand mining maintains the balance the Board is looking for in the County Land Use Plan that balances access to minerals and protection of natural resources. This is a guiding value of the County Land Use Plan. Jackie Baker stated that they are respectfully asking the Planning Commission to recommend approval of this amendment to the Board of Commissioner and restore the half mile density standard.

Franklin Hahn commented on a statement made by Jackie Baker about nobody being notified. Hahn stated that each township in the County was notified. It is up to the Township Official, whoever receives the notification, if they want to notify their constituents. Cynthia Cresswell-Hatleli stated that they requested this information but when it was not provided as no proof could be found, they talked to Townships and none of them received a notice. Hahn asked who would have sent notices at that time. Environmental Services Director Amelia Meiners stated that she was sending notices at that time because we did not have a Tech Clerk. Meiners stated that she personally sent the email containing the notice. Hahn stated that the County relies on the Townships if they think a notice is of any importance. Cresswell-Hatleli stated that she understands this and feels it is a good policy but none of the Townships that were contacted said they did not have any recollection of receiving this notice. Cresswell-Hatleli feels at least one would have acknowledged receiving a notice. Richard Schild asked how many Townships were contacted. Cynthia Cresswell-Hatleli stated Steve Hartwick contacted them but she thought he reached out to four or five.

Cory Baker asked how the text in the Ordinance gets changes so quickly when you would think there would have been a buildup so everyone in the County would be aware especially if there was such a demand for materials, such as sand, in the County. Baker feels that an applicant strolled in and got approved to change the wording of the Ordinance. Eric Johnson stated that it was not quite that simple as it was applied for by G-Cubed. Baker feels that this should have raised a red flag since the applicant was not a County resident. Baker stated that you take notice when your neighbor's name appears in the minutes and mentioned G-Cubed working in multiple counties. Eric Johnson stated the County deals with G-Cubed a lot because they work for a lot of different entities such as sewer systems, quarries, sand mines, etc. Cory Baker asked if G-Cubed is interested in changing the text of Ordinances. Johnson stated he did not want to get into a debate but he wanted to explain what transpired. Johnson explained that G-Cubed came to the County, requested an amendment to the Ordinance with a reason being the demand for more sand locally in certain areas of the County and they wanted to see the Ordinance changed from what we had in 2016 to match what Winona County and Fillmore County had. Johnson stated it is basically the same Ordinance that is utilized in Winona and Fillmore Counties. They do not have a half mile density rule on their mines. Johnson stated he was on the Township when the original decision was made in 2016. Johnson stated back then it was all about frac sand mining which was a big topic. At that time, the decision was made to prevent large scale industrial frac sand mining to reduce the mining size to 20 acres and added the half mile setback but we did not define what the sand would be used for as they did not feel they could do that at the time. Since then, Johnson stated, Fillmore County and Winona County defined construction and industrial sand, so when the proposal was presented in 2025 Johnson felt it made sense because it was never defined and the two uses are totally different. If it is industrial it is going to be heavy usage with a lot of tonnage even though it is 20 acres. With construction it could be regulated in the application process with the amount of tonnage. Johnson feels a lot of the concerns being presented or the comments included in the Board Packet can be addressed in the application process. Johnson further stated that at the time when this was proposed he felt it was reasonable and could understand the need for the sand for agricultural use, dairy bedding, and sewers.

Cynthia Cresswell-Hatleli responded to a comment made by Eric Johnson about the definitions of construction and industrial sand mines. Cresswell-Hatleli asked why a cap was not placed on industrial

mines. Eric Johnson stated that if an industrial use application was presented a limit could be discussed. Cresswell-Hatleli asked the same for construction mines and feels a limit should be placed on these mines before the permit is issued.

Jackie Baker read #6 of the proposed findings presented by the applicants. The finding states *“While there are end-use differences between the mining of “industrial” sand and “construction” sand, the differences in production are not significant, and does not justify removing the density restriction on “construction” sand mining. A 20 acre “construction” sand mine has the same negative impacts as a 20 acre “industrial” sand mine when considering the environment, natural resources, property value, and residents.”*

Jackie Baker understands what is being said about end use but it is not a solution. Eric Johnson stated that this has been working in both Fillmore and Winona Counties. Baker stated that these Counties have other ways of regulating their sand mining. Baker stated that G-Cubed cherry-picked both Ordinances. Cynthia Cresswell-Hatleli stated that if the whole Ordinance was taken from Fillmore and Winona Counties it would be different. Baker explained that Winona County’s mining ordinance references a state statute identifying the unique driftless region and how Winona County protects that region. This was not mentioned or brought into our ordinance.

Cory Baker stated that he would sympathize with the demand but is there proof of demand. Baker asked how many septic applications there are a year in Houston County. Baker asked if this number would amount to 50,000 yards or 500,000 yards. Baker feels there are ways to mitigate having to mine and destroy bluff country.

Jackie Baker stated they are here to present the facts. Baker feels the public did not have a voice in the decision that was made last year. Baker mentioned the recording from last year’s public hearing and Franklin Hahn asking for public comment. Franklin Hahn stated this is standard for every application that is presented. Cynthia Cresswell-Hatleli felt that Franklin Hahn was asking why there wasn’t any public comment.

Jackie Baker commented on the 20-acre maximum. Baker stated that applicants can come in and ask for an expansion without having to go through another approval process. Eric Johnson asked if this was true. Amelia Meiners stated it would be an amendment to the Conditional Use Permit so a public hearing would be required. Johnson stated the process would be started over again. Cory Baker feels there is a lot of gray area and asked why move a boundary.

Cynthia Cresswell-Hatleli reached out to the County for the number of sand mines that are permitted. Cresswell-Hatleli stated there are eight permitted but when asked the number of nonconforming sand mines in Houston County an answer could not be provided. Cresswell-Hatleli asked how you can decide you need more when you don’t know how many you have. Cresswell-Hatleli feels sand should be pulled out of the mines that already exist but are not currently being used instead of creating one next to a family’s home.

Cynthia Cresswell-Hatleli referenced a comment that was made about silica sand and frac sand. Cresswell-Hatleli stated that frac sand is silica and silica sand is about 90-95% pure, rounded sand. This sand is used for fracking, bedding, sewers, and more. Cresswell-Hatleli asked if Houston County thinks the half mile density standard change that took place is good for the residents such as the Baker Family.

Cynthia Cresswell-Hatleli read a few comments that were submitted by the public.

Josh Gran stated that he feels for the applicants that are living next to multiple sand mines. Gran stated that if you think about a city that is developing they build an industrial park. Gran explained that it keeps it all in one area to avoid those effects spreading to other parts of the city. Gran asked the applicants to exclude the fact that it is a neighboring property and further asked if we would be better off putting them all

in one area of the County so then we are not affecting the environment across the whole County and not risk devaluating multiple properties. Cynthia Cresswell-Hatleli feels that if you had a spot where there were no homes it would be a good idea. Gran stated that it is something to think about because the inverse of this is to spread mines all around the County. Gran stated if a mine doesn't go here it will be somewhere else if there is a demand for it. Jackie Baker feels that an industrial park could be accomplished and still have the half mile density standard. Baker further stated that a large piece of land would be required. Richard Schild stated that he understands the logicality of sand mines being located in one area but it would not be helpful to someone in the eastern part of the County if the mines are in the west part of the County. Schild stated that logically you would want them to be spread out. Schild feels it would be odd to have a second mine within a half mile. Josh Gran stated that a lot of this product is probably geologically in the same location, which is one of the struggles. Cynthia Cresswell-Hatleli stated that this stretches from Lanesboro to nearly the Mississippi, so it is not just the west side of Houston County.

Cynthia Cresswell-Hatleli asked Eric Johnson if there was a sand mine by his home. Eric Johnson clarified that there is a quarry by his home. Cresswell-Hatleli asked Eric Johnson if he would want a sand mine there. Johnson stated it has been a quarry for a long time.

Eric Johnson asked if there is a half mile density rule between rock quarries. Amelia Meiners responded to the question saying no. Cynthia Cresswell-Hatleli stated that the half-mile density is not required for rock quarries. Johnson asked why not. Cresswell-Hatleli responded by stating it is not silica sand or unhealthy to the people. Johnson asked if the applicants had made the determination that silica sand is in the area. Cresswell-Hatleli stated that she agrees she can't say 100% but if one side is silica sand at the Erickson Mine then the other side is as well. Johnson asked if the sand at the Erickson Mine has been tested and confirmed as silica sand.

Cory Baker asked about exhausting material with multiple sand mines in operation in an area. Baker also asked where the demand is coming from for a second mine.

Eric Johnson mentioned the original application that was submitted for the February hearing. The applicants clarified that there was an error in the original application hence the reason for presenting now. Cynthia Cresswell-Hatleli stated that they never intended to apply to gravel or rock as it does not impose the same health issues. Johnson stated he would understand if they were to ask for this since there is a high usage of rock in the County, more truck traffic, and the demand is high. Cresswell-Hatleli explained that rock and gravel is not an issue because we all need gravel roads and it is not silica or concerning for health. Johnson stated that we need sand too.

Jackie Baker read #7 of the proposed findings presented by the applicants. The finding states "*The health risk from airborne silica particles created by sand mining is substantially different from the risks posed by rock and aggregate production, and require a different regulatory approach.*" Baker stated this is why they were only concerned with the density for all sand mines.

Josh Gran stated that if he were to move a sand mine half a mile away would he not just be imposing health risks on that property owner. Cynthia Cresswell-Hatleli stated it depends if there is a house nearby. If it was out in the middle of a 40-acre parcel it would not be as critical as being next to a home. Jackie Baker stated that ideally the farmer that wants to mine sand would have a large enough parcel that it would not impose on neighbors. Gran confirmed the 1,000-foot setback for a new house from a mine. Gran stated that if this setback does not change it doesn't really solve the health problem as you are moving the health risk to someone else. Cynthia Cresswell-Hatleli stated this is a hypothetical question that would have to be looked at individually but it is a possibility. Josh Gran stated that if the main concern is health the 1,000 feet would be a bigger problem. Gran feels that if we move the health concern to the next property owner we are not accomplishing what we are discussing.

Cynthia Cresswell-Hatleli mentioned the eight permitted mines that the County is aware of and the however many nonconforming mines and further stated that when these mines are exhausted then maybe we can move on. Cresswell-Hatleli stated that there needs to be something saying the whole thing cannot be cleared without reclaiming the rest. Cresswell-Hatleli feels there needs to be a set limit of the number of acres to be exposed at one time. Cresswell-Hatleli stated there is one rule in geology that needs to be understood and further stated that either you are depositing soil or eroding soil. Cresswell-Hatleli further stated that in this karst area you do not want to be eroding soil constantly, we need to have reclamation, small areas that are being developed at a time, and a clear cut of how many years this will go on. Eric Johnson stated that all of this would be addressed in the Conditional Use Application. Johnson explained this would be addressed as far as how many acres they are applying for, how many startup acres they are talking about, a reclamation plan would have to be provided, and other conditions such as setback rules, cubic yards, and hours of operation.

Jackie Baker stated that one of the major issues with density standards is that it creates a negative impact on environment and natural resources in the County, and you're allowing mine to pile up on top of each other. Baker stated the County Land Use Plan values all of these. Baker stated the density standard provides this balance.

Cynthia Cresswell-Hatleli asked how many mines have been reclaimed in Houston County to date, Cresswell-Hatleli stated one mine has been reclaimed. Cresswell-Hatleli stated that we do not know how many mines are out there. Cresswell-Hatleli stated there needs to be a handle put on the reclamation and feels the land should be reclaimed as they go otherwise there will be problems with erosion and pollution.

Cynthia Cresswell-Hatleli responded to the limitations set on the amount of yardage. Cresswell-Hatleli further stated that her husband, Scott Hatleli, was told that Bruening Rock Products would not accept having a limit on the amount of yardage being removed. Eric Johnson asked if this was true.

Jackie Baker responded to each Conditional Use Permit being reviewed individually and stated this puts a burden on the Zoning Staff. Baker stated this is one more layer of protection that has to be deciphered.

Franklin Hahn stated the written public comments that were submitted and included in the board packet have been studied by the Board. Hahn stated if there are people who have not submitted a public comment in writing are welcome to a 3-minute comment tonight.

Chairman Hahn asked if there was any public comment.

Wayne Feldmeier stated this whole issue started because a lot of people did not get notice on the change. Feldmeier stated that he mentioned this a few times while on the Board but they have to get newspapers that get everyone involved. Richard Schild clarified that Wayne Feldmeier felt that the public did not know enough about this.

Before any additional comments were made, Environmental Services Director Amelia Meiners reminded the public that we are reviewing the text amendment tonight not a specific site.

John Griggs stated that about 10 years or so ago we spent a full year with meetings where common sense regulations were decided. Griggs stated that he cannot believe that out of nowhere this all got swept away last spring. Griggs presented a petition with 267 signatures that represent all Townships in Houston County. Griggs stated the people want a comprehensive review of the Ordinance to restore and strengthen all mine density limits, clearly define restrictions on the number and proximity of sand mines, stronger health and safety protections for residents and environment, and public hearings for community input for any new permits for mines approved.

Duane Teschler, Fillmore County resident, stated that the fact that there is a concentration of frac sand or silica sand in one spot will not only will it affect the people living around the area but also the people travelling through and to the area. Teschler stated this is a beautiful area and a lot is based on tourism. Teschler stated that no one wants to be a tourist in an area where they will be breathing silica sand. Teschler stated the silica sand is very abrasive so it will cause havoc on houses, paint jobs, and vehicles.

Dean Mierau, owner of the creamery and bowling alley in Rushford, Minnesota, thanked the Board for all the work and effort they put in. Mierau stated he is coming from a different perspective. Mierau shared symmetries from the establishment by stating that the point-of-sale systems can track individual credit card sales that come to the establishment. Mierau stated that in one month, in July, they had 1,100 unique credit card people come through their organization. This does not count cash, ATMs, or debit cards. Mierau stated he went around to each table and asked why they were here, each person said they love this place and the area. Mierau stated this cannot be given up and feels it is overlooked. Mierau stated that if we continue with this path of frac sand at every street corner it will not be appeasable to people that are traveling to Houston County. Mierau stated that his business would not survive without tourism and wants it to be taken into account.

Linda Griggs stated for years Houston County has followed a clear pattern. When land use issues affect public safety, environmental quality, or rural neighborhoods the County provides multiple hearings, months of discussions, and real opportunities for residents to participate. Griggs stated this was done for rifle hunting, feedlots, and the solar ordinance but when it came to the G-Cubed mining amendment, an amendment that reroute County wide mining definitions and weakened long standing protections, the County gave the public one opportunity for public comment, a regular planning and zoning meeting, and rushed the amendment though in a matter of weeks. Griggs stated this is not normal, consistent, or fair. Griggs stated the original sand mining ordinance was created through a full robust public process. In 2015, the County held many meetings and public hearings on silica sand mining. Griggs stated that residents showed up, testified, they shaped the ordinance, and the result was a set of protections that applied to all sand mines without loopholes. Griggs stated the original ordinance included a clear definition, sand mines as a regulated category, a county wide mine density limit, protections designed to protect cumulative groundwater and traffic impacts, and clustering of mines in rural neighborhoods. Griggs stated a record built through months of public engagement. These protections were not accidental they were a product of a community that showed up and a County that listened. Griggs stated in January of 2025, Bruening Rock signed a lease giving them full control over mining operation on the very property most affected by the G-Cubed amendment. Some have suggested the landowner simply wanted sand for cattle bedding but the lease tells a different story it grants Bruening Rock exclusive authority to operate the mine and only allows the landowner to purchase bedding and sand from Bruening. Griggs stated this raised an obvious question, if this were truly just about bedding sand why would a commercial mining company need full operational control of the site. Griggs stated that it is important to know that everyone involved knew this proposed mine did not meet the zoning requirement in place at the time. The lease shows the plans for mining were already underway before the ordinance was changed which simply makes the timing of the amendment and the removal of mine density protection all the more concerning. Normally a variance would have been sought. With a variance everyone would have gotten adequate notification that this lease was executed before a public hearing, before the Planning Commission deliberation, and before the County Board voted to approve the amendment. Griggs stated this means private agreements were already in motion while the public was still in the dark.

Mary Denzer stated she has been using sand for 51 years, always uses a respirator, and can still breathe. Denzer stated that sand in our karst area you go through the topsoil hit some mud, rock, and a little bit of sand. Denzer stated that she has watched the Erickson Mine hillside and you come to this brown sand. This is sand with iron dioxide and manganese oxide. Denzer stated a little bit further you get sand that is white and transparent, this is the sand used for fracking. Denzer stated this can be seen in the Erickson Mine, so on the next hill they know it is there. Denzer feels there is no such thing as industrial or agricultural because sand is sand. Denzer asked what would happen if they find frac sand which the price you get is much higher. Denzer stated they could take the whole hill off which will affect the river, bike trail, and tourists.

Denzer stated her sand comes from far away and comes from big industrial mines which is appropriate for mining, not all in the driftless area.

Environmental Services clarified that the Board has had a chance to review the written comments ahead of time, so we would like to prioritize those that did not have that opportunity or keep comments to new items.

Steve Hartwick stated that the notice in the argus met the legal requirement but was essentially hiding under a bushel basket because it did not go County wide. Hartwick compared this notice to the notice for the Rifle and Shotgun notices that were printed three times in the Fillmore County Journal. Hartwick stated if you contact them by Monday or Tuesday they will have the notice printed the following week, which would only be two weeks to meet any kind of deadline. Hartwick referenced Minnesota Statute 394.26 Public Hearings stating the adoption by ordinance of any comprehensive land use plan or amendments thereto written notice of public hearings on all official controls thereto shall be sent to the governing bodies of all towns and all municipalities located within the county. Hartwick stated he wrote to Amelia on November 25<sup>th</sup> asking what the message she would have sent County wide to the Townships and Municipalities. Hartwick stated he contact between six and eight Townships and Municipalities and none of them had a record of it. Hartwick read a letter response from Amelia stating email notices were sent that day as well as mailed notices are typically sent on the Monday of that week but there are no records to confirm that. Hartwick reiterated that we have no records for who sent it, who received it, or records of this notification in general. Hartwick feels this is a violation of state statutes. Hartwick stated that the half mile is the only regulation that was applied for mining and it was removed. Hartwick feels a Conditional Use Permit is not a formal regulation that is arbitrary and not a case-by-case basis. It is a permit. Hartwick stated they are trying to reestablish a regulation in regard to this kind of mining. Hartwick stated that houses are regulated by quarter on a quarter and that there is no quarter regulation on mining. Hartwick feels that anybody who has a mine operation or relatives mining or quarrying should have to recuse themselves from voting. Hartwick told the Board they have a chance to change their mind and asked them to do so.

Donna Buckbee clarified whether the Board had turned down an application to put solar panels on a sheep farm with one of the reasons being it would have been sightly or that people did not want to look at solar panels. Buckbee asked how much uglier would a sand mine be in the scenic treasure of the Root River Valley. Buckbee grew up in the Twin Cities and stated she fell in love with the Root River Valley when she first laid eyes on it and wanted to protect it. Buckbee stated that a lot of our ancestors loved the beauty of the Root River Valley because you can drive from the Mississippi just about to the borderline of Houston County and you don't see sand mines or mines. Otherwise, you would see the Root River Valley pockmarked with these mines. Buckbee stated there are mines on the backside facing away from the river or bluffs and are on side roads. Buckbee stated that you don't destroy the most beautiful place on earth when you can get sand from other areas.

John Haines stated the reason for the half mile density is because air sheds are measured with parts per million (PPM). Haines stated that when you start concentrating sand mines without the half mile density you are risking concentration in one grid of air shed that is why you spread them out. Haines stated that it has been admitted in front of everybody that there are flaws in the way the Ordinance was changed. Haines explained that in engineering sand is not a material it is a size. Haines further stated with admission that the Ordinance is flawed and he feels we should change it back to the way it was; if we have to start over we start over.

Rebecca Christensen commented on public notification with the original change of the Ordinance by stating she was told last month that we notify by mail only for any official County business, so she does not know where the missing emails belong in the picture. Christensen stated she does not know if she should be getting a subscription to a newspaper, waiting for a letter to arrive at her door, or if she should be getting an email. Franklin Hahn asked if notifications are provided by email or letters. Environmental Services Director Amelia Meiners explained applications like Variance, Interim Use, or Conditional Use the Ordinance

requires that we send written notification, which is via mail, to the ten closest property owners. Meiners clarified that this is when an application is tied to a specific parcel. Eric Johnson clarified that an amendment to an ordinance is not for a specific project and asked for an explanation. Meiners responded stating the notice for tonight's hearing was published in the paper because there was no specific parcel it was tied to. Meiners stated that tonight's notice was done the same way as the February 2025 hearing.

Ann Yakle feels there are a lot of communication issues that have happened with this. Yakle stated that she is trying to read the County minutes more since this has happened but she also receives the Argus. Yakle stated that she knew about the Rifle Ordinance which was very well advertised everywhere. Eric Johnson stated this was different because it was a state law that was passed providing the County with an option to opt out of this law. Yakle stated that a change like this can really affect a landowner and it may need to be advertised more while also asking for more public comments.

Luke Hatleli stated he is extremely disappointed with the Board's tone tonight as it does not seem they want to listen to their County constituents have to say. Hatleli stated his dad bought property two years ago. Hatleli stated this is a big deal to his family because he expected to move onto the property and further stated you are going to ruin my life because you are just going to slip an ordinance in. Hatleli is originally from Rushford and has two daughters and they would like to move back. Hatleli stated his dad had a place in Florida that they decided to sell to buy this property making their dreams come true. Hatleli had planned to purchase this property with plans to build a house. Hatleli stated now if he has a mine in his backyard and now has to worry about accidents waiting to happen. Hatleli couldn't believe the process that has been done and feels it is asinine that an ordinance can be changed without notifying the public.

Trevor Oliver, representative of Burns & Hansen, P.A., stated that the process needs to be looked at but sometimes public notice misses. Oliver further stated that the public engagement process isn't always what it should be. Oliver stated that the Board has an opportunity to go back and fix this. Oliver mentioned his history while on St. Paul's Planning Commission. Oliver reiterated that the Board has an opportunity to do this differently whether it is passing the recommendation onto the County Board or table the proposal to discuss potential policy issues, if that is the case. Oliver stated that he would not recommend dismiss this offhand because it was a delicate settlement 10 years ago and changing that has obviously kicked a hornet's nest.

Tracy Heim stated she was not planning on speaking tonight but wanted to make two points. Heim stated that if your public notice is in the Argus that is not free to the public, which is about \$57 per year. Heim stated she does not subscribe to the Argus and would not be notified this way. Heim feels this is a problem that needs to be fixed. Heim stated that we are talking about a half mile, from here to the Wired Rooster is a quarter mile, which seems like a bare minimum between herself and a sand mine.

Environmental Services Director Amelia Meiners stated, for the record, the Board read the comment provided by Joyce Roffler prior to this hearing, so we did not read it out loud.

General discussion was held by the Board to discuss concerns and comments presented by the public.

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

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. 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 in the Comprehensive Land Use Plan (CLUP) cites the importance of sound environmental practices that promote the efficient use of all natural resources and protection of environmentally sensitive natural resources. While it has been stated that this ordinance change creates unregulated mining, it is not unregulated. There are still County and State permitting requirements.
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. In addition, the Plan recognizes the cultural and economic importance of agriculture to the community. Local decisions should support maintaining and sustaining the vitality of family farms and locally owned agricultural operations and support practices that balance the conservation of soil, water quality, and economic viability.
4. Tourists travel our roads and bike trails and utilize our establishments and these all require construction minerals to build and/or maintain.
5. Rock quarries, which are classified as construction minerals, exist in greater frequency in the County than sand mines and there is no density limitation required for those operations.
6. The amendments adopted in March 2025 did not change requirements for frac or industrial sand operations.
7. Raw materials are a necessary component of maintaining our infrastructure and keeping those small and local should be prioritized. It's not economical to transport materials long distances and you experience an environmental tradeoff by doing so with increased emissions, demand for fuels, etc.
8. Neighboring counties likely hold the same values for protection of natural resources and their citizens and it is unfair to place the additional burden of asking them to support our County as well.

General discussion was held by the Board regarding a density standard for sand mines but not for rock quarries, as well as the difference between the two.

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

Eric Johnson made a motion to accept the findings as presented. Josh Gran seconded. A roll call vote was taken. Motion carried four to one.

<b>Board Member</b>	<b>Yes</b>	<b>No</b>	<b>Comment</b>
Larry Gaustad	X		Approved of the findings as written.
Josh Gran	X		Does not see anything to disagree with for what was detailed out specifically in the findings.
Franklin Hahn	X		
Eric Johnson	X		Agreed with Finding #2 that it sites our Comprehensive Land Use Plan where we protect our natural resources but also allow mining within the County. Also agreed with Finding #5; the rock quarries are classified as construction materials require no density limitation for those operations. Johnson also stated that the amendments adopted did not change the requirements for frac or industrial sand operations.
Richard Schild		X	Had trouble with some of the language.

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

Richard Schild made a motion to recommend the Houston County Board adopt the change to Section 27.8 Subd. 1 (5) as proposed:

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

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

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

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. Josh Gran seconded. Motion carried.

Submitted by the Planning Commission Clerk on March 27, 2026.