

Houston County Planning Commission
April 23, 2026

Approved May 28, 2026 by Chase Munson and Johnathon Glasspoole.

The Houston County Planning Commission met at 5:30 p.m. on Thursday, April 23, 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, Johnathon Glasspoole, Josh Gran, Franklin Hahn, Chase Munson, and Richard Schild. Eric Johnson, County Commissioner, was present. Amelia Meiners, Jeremy Burt, and Michelle Burt were present for Environmental Services.

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

Notice of Public Hearing No. 1013 was read for applicants, **Ryan and Stephanie Schuldt**, 803 South Pine Street, 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 Spring Grove Township.

- This is a 17-acre parcel near the end of Truman Drive in Spring Grove Township about two miles southeast of Spring Grove. The applicants plan to purchase a portion of this parcel from her parents to construct a dwelling.
- 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 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 following is an evaluation based on the Ordinance language provided above, Section 14.3 subd. 1 (10).

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

The SE ¼ SE ¼ of Section 24 is an open quarter-quarter.

- 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.*

There are no registered feedlots within a quarter mile.

- 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.*

The soil in this area is classified as 1898F and 476D, both of which are classified as marginal.

- 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.

The applicants plan to create a five-acre parcel which will meet the Buildable Lot standards. There is no floodplain, wetland, or shoreland concern. The land at the building site is estimated at 17-19% slope.

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.

There is existing easement access to the parcel with no restrictions.

- The closest intermittent stream is 550 feet to the south which eventually runs to Bee Creek. There is no mine within 1,000 feet. In addition, the applicant has demonstrated that two Type I septic systems can be located on the proposed parcel.
- Spring Grove Township and the ten nearest property owners were notified. No written comments were received.

Ryan and Stephanie Schuldt were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. Ryan Schuldt stated they hope to section off 5 acres of a 57-acre parcel to build a house.

Franklin Hahn asked if this was an open quarter-quarter. Environmental Services Director Amelia Meiners confirmed.

Eric Johnson asked if there was an old driveway to the property. Ryan Schuldt stated that there is an old field road that they currently use as a side-by-side trail. Johnson asked if this was going to be used for the driveway. Schuldt stated the field road does not meet the 12% or less grade, so they have met with a contractor to make the necessary updates for the driveway.

Eric Johnson asked the applicants if they were familiar with the nuisances that come with living in the agricultural district.

Amelia Meiners stated that Chance Nelson had visited the site for septic and confirmed that the applicants were able to show two type I septic system locations.

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.

Chase Munson made a motion to bypass questions 8, 9, 12, and 14 that are not applicable. Josh Gran seconded. All were in favor. Motion carried.

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

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

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

Staff Analysis: The Land Use Plan promotes the protection of agricultural land and the fact that non-farm dwellings are restricted from being located on prime soils supports the Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicants have been looking for a property in the country for years and now have the ability to purchase some land from her parents that was once part of her grandmother's family farm. In addition, this will allow them to garden more and be better stewards of the land than may be possible when trying to manage from a distance.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: An erosion control plan will be required prior to any excavation and strict adherence is required to mitigate runoff concerns during and post construction. In addition, a septic system will be installed per Minnesota Chapter 7080.

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 ensure adequate treatment of stormwater runoff with best management practices before, during and after construction.

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 and bedrock as concerns for building site development but 1898F also notes slope as 25-50% which is not accurate for the proposed dwelling location. Because of bedrock concerns staff encouraged the applicants to be proactive in understanding whether septic requirements could be met. The site has been preliminarily reviewed by a licensed septic contractor and determined to meet the requirement for two standard system locations. They have also consulted an excavating contractor to confirm that road and site standards can be met.

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 applicant states they will minimize soil disturbances through implementation of best management practices during the construction process as much as possible and a septic system designed to meet minimum state requirements will be installed.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Since this is a brand-new site the applicants are prepared to add any necessary utilities, roads, and drainage. A septic contractor and excavator were consulted to ensure that satisfactory results are achievable prior to making the application.

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 primary use of the surrounding acreage is agricultural in nature. There are a couple farm dwellings in the vicinity but overall, this area is very undeveloped. A cannabis cultivation facility was recently permitted north of this proposal, and the applicants are aware of that permitted facility and there are no required setbacks for single family dwellings.

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 orderly development meeting ordinance standards can still take place on surrounding vacant 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 addition of a dwelling adhering to local requirements should not negatively affect the public's health, safety, morals and general welfare.

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.

Chase Munson made a motion to accept the findings as presented. Johnathon Glasspoole 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 Spring Grove Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The new parcel boundary must be substantially similar to the proposed property boundary provided in the application.

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

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

Notice of Public Hearing No. 1014 was read for applicants, **Douglas and Julie Heintz Trust**, 8903 State 76, Caledonia, MN 55921.

The petitioner is requesting a Conditional Use Permit (CUP) to build a manure storage structure with a capacity over 20,000 gallons.

- The site is an existing farmstead in Sheldon Township consisting of the following components:
 - 1) Existing 68' x 225' free stall barn;
 - 2) Existing 76' x 70' partial confinement barn;
 - 3) Existing 80' x 72' cattle shed with open lot 12' x 80';
 - 4) Existing 12' x 72' free stall barn;
 - 5) Existing 28' x 40' cattle shed with open lot 20' x 40';
 - 6) Existing 36' x 100' total confinement barn;
 - 7) Existing 32' x 80' total confinement barn;
 - 8) Existing calf huts (x20);
 - 9) Existing 46' x 205' feed storage area;
 - 10) Existing 43' x 205' feed storage area;
 - 11) Existing 40' x 40' x 8' concrete manure basin with ramp 40' x 80' (208,000 gallons);
 - 12) Existing 160' diameter x 12' deep concrete manure basin (1.8 million gallons);

13) Proposed 40' x 60' x 8' manure basin with 60' x 80' ramp (300,000 gallons)

- There are no mapped karst features on the property near the proposed construction site.
- **State Feedlot Permit:** In addition to a CUP, a Feedlot Construction Short Form Permit or Interim Feedlot permit is also needed before construction can begin. Which feedlot permit needed will depend on the results of a feedlot inspection that will be conducted prior to permitting. A Manure Management Plan (MMP) will also need to be reviewed for the operation.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

Animal Feedlot. *"Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.*

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

14.3 CONDITIONAL USES

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

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

33.14 FEEDLOT PERMIT APPLICATION

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

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

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

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

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

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

33.24 LIQUID MANURE STORAGE AREAS

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

wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to MR, part 7020.0405.

- Site Characteristics:
 - The farm is located on six contiguous acres totaling approximately 300 acres, with an additional 45 acres ¼ mile to the south. Additional acreage is leased from neighboring property owners. The subject parcel contains an operating dairy. The site's current feedlot registration includes 444 animal units (au), consisting of 120 dairy heifers (84 au), 120 dairy calves (24 au), and 240 mature dairy cattle > 1,000 lbs. (336 au). There is no planned animal unit expansion with this request. Variance permit #282 was granted June 17, 2015, for feedlot expansion and this proposal will not be encroaching within the variance setback.
 - There is an existing LMSA on the site that is used to hold the manure from the free stall barn holding the milking herd. The additional LMSA will allow the producer to store the manure from the other lots to allow for better management of the manure from these lots.
 - There is a detached parcel that contains the original farm dwelling and is owned by the petitioner's son who is also involved in the operation and is the next generation to take over the operation.
- Sheldon Township and the ten closest property owners were notified. Once comment was received.

Douglas and Dayne Heintz were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. Douglas Heintz stated this manure pit will be for the dry cow manure and refuse feed from both heifers and dry cows. Heintz stated that they currently have to haul whenever weather permits, so this will allow storage of manure in pit to later inject into the ground in a timely manner.

Franklin Hahn asked if this would be a new pit or an addition. Douglas Heintz clarified that it will be a new manure pit.

Eric Johnson mentioned that the manure pit will take up some field. Douglas Heintz confirmed and explained that the pit will hold 9 months of storage. Franklin Hahn asked who is responsible for designing the manure pit. Feedlot Officer Jeremy Burt explained that the LMSA was designed through a cost-share with the Soil and Water Conservation District. Burt further explained that the designs were submitted to the County then sent to the Minnesota Pollution Control Agency (MPCA) engineer for approval.

Franklin Hahn asked if the applicants plan to build with the intent of the manure pit holding 6 months' worth of storage. Douglas Heintz stated they would like to utilize the pit to allow hauling every 6 months. Heintz feels hauling manure will get more difficult for farmers. Eric Johnson clarified that the applicants were thinking ahead by allowing themselves more storage in case regulations change.

Environmental Services Director Amelia Meiners stated that 9 months' storage is standard with cost-share grants. Jeremy Burt agreed.

Chase Munson asked how many gallons the manure pit would hold. Douglas Heintz stated 300,000 gallons.

Franklin Hahn asked if the manure pit would be all cement.

Chase Munson asked about the ramp.

Franklin Hahn requested the comment that was included in the board packet be read. The comment was submitted by a neighboring property owner stating, "I have no issues with the Conditional Use Permit as applied for Douglas and Julie Heintz Trust. I would encourage you to approve this permit. Thank you."

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 8, 9, 13, and 14 that are not applicable. Chase Munson seconded. All were in favor. Motion carried.

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

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

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The proposed construction of an LMSA with capacity over 20,000 gallons requires the requested CUP.

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: Provided proper manure management and application rates, no water quality degradation is anticipated. This project is ultimately to help protect water quality by providing the producer with the ability to handle manure when conditions are appropriate.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: Feedlot permits require soils to meet specific standards for approval as well as minimum bedrock separation requirements. Soil is a silt loam suitable for the construction of an LMSA.

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: Proper manure management mitigates potential hazards. A Manure Management Plan will be required and reviewed as part of the necessary feedlot permitting.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is an existing dairy facility, so the necessary public infrastructure and utilities are present at this location. Any rerouting within the site of utilities, access roads, drainage, etc. as part of the project will be the responsibility of the producer.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

Staff Analysis: Manure storage is commonly found in the agricultural district and proper management will reduce any adverse effect on neighboring properties.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The predominant use in this area is agriculture. The proposed use is consistent with typical agricultural uses in the district.

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

Chase Munson made a motion to accept the findings as presented. Johnathon Glasspoole 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 the construction of a manure storage structure with a capacity over 20,000 gallons with three conditions in Sheldon Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permitholder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The Permittee shall obtain all permits required under Minnesota Animal Feedlot Rules prior to commencing construction.

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

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

Notice of Public Hearing No. 1015 was read for applicants, **Buell Consulting, Inc. on behalf of The Tower, LLC** and **Jacqueline Horton-Kronebusch**, 15403 Hillside Road, Brownsville, MN 55919.

The petitioner is requesting a Conditional Use Permit (CUP) to build a telecommunication tower in the Agricultural Protection District (Section 14-14.3, Subd. 1, Subs. 11) in Crooked Creek Township. Any reference to applicant in this report is to the leaseholder rather than the landowner. The Tower, LLC is the leaseholder but has retained Buell Consulting, Inc. to provide site acquisition services related to construction of the tower and installation of equipment, which includes permitting.

- The leaseholder and Verizon Wireless are working to improve coverage and capacity in this area with the added benefit of improving public safety since removing gaps in coverage will allow for more effective response to emergencies.
- Towers require both a use and structural permit. The Houston County Zoning Ordinance (HCZO) identifies them as a conditional use in the agricultural protection district. Beyond that the ordinance has limited requirements for this type of proposal.
- This request in Crooked Creek Township is for a 250-foot self-supported telecommunications tower along the Mississippi River. This structure can handle three carriers and Verizon Wireless will be the anchor tenant. The main leased space is 100-foot by 100-foot plus easements for access and utilities. In addition to the tower, this proposal includes auxiliary cabinets and generators.
- The Federal Communications Commission (FCC) is the regulatory authority on these projects and they ensure that projects meet standards of the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), as well as the Endangered Species Act (ESA), Antenna Structure Registration (ASR) and Federal Aviation Administration (FAA), if applicable.
- The FCC website states the following about local authority's role, "Section 332(c)(7) of the Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities but sets forth specific limitations on that authority. Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with the Commission's RF rules."
- Below are relevant sections of the Houston County Zoning Ordinance:

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

SECTION 14 – AGRICULTURAL PROTECTION DISTRICT

14.3 CONDITIONAL USES

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

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

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

SECTION 32 - ESSENTIAL SERVICE UTILITY PERMITS

32.1 ESSENTIAL SERVICES

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

- Site Characteristics:

- The proposed location is approximately two miles north of the unincorporated community of Reno and approximately four miles south of Brownsville on Hillside Road. It will be located approximately 250 feet off Hillside Road in an area historically used as tillable acreage. The landowner's dwelling is 500 feet southeast and there is a neighboring dwelling 300 feet west. There is one additional neighbor just over 900 feet to the northwest. There are no bluff or slope concerns and there is no mapped floodplain, wetland or shoreland in the vicinity of this proposal. There is one intermittent stream 950 feet to the southeast and one 700 feet to the northwest and the Mississippi River is half a mile to the east.
- There are two radio towers within a half mile of this proposal (see Fig. 2). The one to the south is operated by Burlington Northern Santa Fe and the tower to the north is operated by Family Radio Inc.
- A fall zone certificate was provided within the application that identifies if a failure was to occur the pole would fall within a radius of 134 feet from the base of the structure. The plan set identifies the structure will be 124 feet off the closest property line to the west and there is a dwelling 300 feet in that direction. If this was to fall it could fall onto the neighboring property which has historically been managed as pasture or hay ground.
- Crooked Creek Township and the ten nearest property owners were notified. One comment was submitted which includes a response from another agency that was copied.

Justin Gartner, Buell Consulting, Inc., on behalf of The Towers, LLC was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. The applicant described the project in more detail.

Environmental Services Director Amelia Meiners mentioned an error in the fall zone letter and asked if the applicant wanted to explain the error. Justin Gartner stated while reviewing the board packet he noticed an error on the setback to the east property that the fall zone letter is 10 feet shy of what it needs to be in order to be within the property line. Gartner stated the fall zone letter is being revised and can be provided to the County next week but if necessary it could be included as a condition.

Franklin Hahn stated there are several towers in close vicinity. Amelia Meiners stated there are two other towers. There is a tower to the north which is a radio tower for La Crosse Family Radio and a Burlington Northern tower to the south. Hahn asked if the other towers were unable to provide the same service as the proposed tower. Justin Gartner confirmed and stated they briefly looked at the Family Radio tower that was constructed in 1985 and located roughly a quarter mile north from the proposed site. Gartner further explained that the radio tower was built for AM and FM radio antennas, so it is not structurally sufficient to hold telecommunication antennas of today's weight. Gartner stated the cost would be prohibitive there. Josh Gran asked where the nearest tower that Verizon would utilize is located in comparison to the proposed site. Justin Gartner stated that he does not have the exact location but he guessed it would be 8 to 12 miles away. Gartner stated this is a limited-service area and he knows the tower would serve both coverage and capacity.

Franklin Hahn asked if the tower would be strictly for cell phones or if there were other uses for the tower. Justin Gartner stated that The Towers, LLC constructs the tower with a seed company with a carrier in mind that helps with the cost and is a guaranteed leaser on the tower to make it financially affordable to construct the tower. There are two or three other additional locations on the tower to be able to garner the other three main carriers. Gartner stated that it is primarily all telecommunications use such as cell phones and internet.

Franklin Hahn asked about the range. Justin Gartner stated there are so many variables involved but generally it reaches 12 miles. Gartner stated it would improve coverage in the area. Josh Gran stated the location is between New Albin and La Crosse since it is right in the middle. Justin Gartner stated it is the center point of adjacent towers. Gartner stated the tower would fill the gap and offloads the adjacent towers.

Josh Gran asked what has been seen in terms of environmental impact from towers on wildlife. Justin Gartner stated that he has seen none. Gartner explained that the company goes through rigorous federal regulations regarding the natural environment to ensure they are not affecting the habitat. Franklin Hahn asked about the federal regulations. Justin Gartner stated the FCC limits what local jurisdictions can rule on in regards to radiofrequency for human health. Gartner stated there are a lot of requirements when it comes to natural environment and protection.

Josh Gran asked if the tower was self-support. Justin Gartner confirmed.

Eric Johnson asked if the tower was going to be in a field. Justin Gartner stated that it is on the edge of a building site where it will take up about 10,000 square feet of tillable land.

Josh Gran asked how far the concrete would go into the ground with the tower being self-support. Justin Gartner stated there aren't tower foundation drawings for the Conditional Use Permit but they will have them for the building permit application. Gartner guessed it would be 20 to 25 feet deep. Gran asked who is responsible for removing the tower and what happens with the 30 feet of concrete in the ground. Gartner stated the lease between the landowner and the tower company states that if the tower is not in use within 6 months or a year the tower be removed to the point of below grade to a certain depth. Gartner was not sure of the depth but stated they would not remove all 30 feet but they would dig below 2 to 3 feet. Gran referenced a previous application for a telecommunications tower and stated that it would probably cause more damage by removing all the concrete.

Chase Munson asked about the timeline if the tower was no longer in use. Amelia Meiners stated that we do not have anything but it is included as a proposed condition.

Franklin Hahn asked about radiation from telecommunications towers. Justin Gartner stated it is radio frequencies that have existed for 40 years now. Gartner stated the FCC regulates this heavily and it is what the carriers abide by. Josh Gran stated that this tower would not be any different than any other tower in the area.

Eric Johnson asked about the tower being 260 feet tall. Justin Gartner stated that this height includes the light rod. Johnson confirmed there would be a flashing light on the tower. Gartner stated the light would be in accordance with the FAA requirements.

Chase Munson asked about the tower affecting bats. Justin Gartner stated that he has never heard of any impact on bats with other towers that he has permitted. Gartner reiterated that they go through rigorous natural environmental protections and federal restrictions.

Franklin Hahn requested the comment that was included in the board packet be read. The comment was submitted by a neighboring property owner stating, "To whom it may concern, I have grave concerns over the proposed telecommunications tower and wish to voice my strong wish that this application be denied. As a property owner directly east of this proposed tower I am very concerned about the lowered value of my property as well as aesthetic concerns. I also have grave concerns over bats which have been observed avoiding areas with high electromagnetic radiation from radio frequencies and microwaves. A reduction in bat foraging activity near towers emitting strong electromagnetic radiation would directly affect my aesthetic enjoyment of my property, as would the unsettling and certain knowledge that I, too, would be exposed to continuous electromagnetic radiation as well spring, summer, fall, and winter."

Chairman Hahn asked if there was any public comment.

Brian Brickman, neighboring property owner, feels the tower is close to his line fence which is 52-acres directly north of the proposed site. Eric Johnson and Franklin Hahn asked if his concern was with the tower tipping over. Brian Brickman stated that was a concern of his but he also doesn't want the tower there

if he wanted to build in the future. Brickman stated he already has one tower with a flashing light to look at and now there could be another. Brickman feels there are a lot of other areas the tower could go rather than on the corner of his property line. Brickman stated his coverage is fine. Eric Johnson asked if the property line setbacks were being met. Amelia Meiners stated we have the 50-foot structure setback and explained the reason for mentioning the error in the fall zone letter. Brian Brickman stated that he is strongly against it. Brickman feels 300 feet is not that far. Brickman stated that he would like to build on his property eventually and he is unable to build close to the existing tower. Brickman stated that he does not want another flashing light or 275-foot tower when he is deer hunting.

Imbert Huus, neighboring property owner, asked if this was a 5G tower. Huus stated that based on his research the tower should be 1,500 feet from his property line. Huus stated that he is down below the ridge, so the blinking lights don't affect him but there are bald eagles and other bird species nesting in the area. Huus stated that these towers cause a lot of issues for migratory birds. Huus feels there are a lot of other places that can be used for the tower. Huus mentioned the two existing towers in the area and feels the company has the resources to find a location that is a little less intrusive. Huus stated he has been living in the area for 40 years and he would prefer not to have the tower above him generating whatever it is doing while also interfering with the natural habitat. Huus stated that he is against the tower and feels there are other options. Huus encouraged the Board to investigate 5G and feels there are things we do not know yet.

Ariane Lydon, neighboring property owner, stated she submitted the comment that was included in the board packet but felt she did not have enough time to research what she wanted to when she received the notice and had to come up with a comment. Lydon stated she came up with a comment but has since then discovered a lot of environmental evidence to suggest that birds are dying at the foot of these towers. Lydon stated the birds are found there and nobody quite knows why. Lydon stated that she is very emotional because the quality of her life is being narrowed down by so many things such as technology, cell phones, computers, people driving fast killing birds, and all kinds of other factors that are affecting wildlife, not just towers. Lydon stated that this is just one more thing that is not enhancing anyone's life at all. Lydon stated that she lives in Brownsville and has made phone calls from her property. Lydon feels there is not an issue with cell phone reception in the area and does not know who this will benefit in an 8-to-12-mile radius of a sparsely populated area. Lydon stated that she is really concerned that everyone seems to be brushing over the fact that it does affect wildlife and definitely affects bats. Lydon stated that we are already at a 90% loss of bats and birds are on a huge decline. Lydon stated that finding birds dead at the foot of towers is a significant and concerning fact. Lydon urged the Board to look into these facts and weigh what is being benefited of the neighborhood compared to what is being robbed from the neighborhood.

Brian Blair, resident of La Crescent, stated that he has a few future concerns that may not be looked at today. Blair mentioned comments on the structure of the Family Radio Tower and not being able to add more equipment. Blair feels we should look into the future and instead of saying we should build another tower that is structurally sound for narrow future needs, a partnership could be made with the existing tower operators. Blair stated that technology changes. Blair feels that towers are living beyond their use and bigger towers are being built. Blair stated that with the 8-to-12-mile range specifically based on our technology says that in another 8 to 12 miles we need another tower and so on. Blair feels if an impact on the environment is not being looked at an answer will not be provided.

Chairman Hahn closed public comment. The Board and applicant held a discussion on potential environmental impacts, regulatory authorities, and locating sites for telecommunications towers.

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 and 13 that are not applicable. Chase Munson 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: Houston County's vision statement is to "provide quality, essential and affordable public services to the community" and the effect of having improved communication services is interwoven in reaching many of the supporting policies and goals outlined in the Land Use Plan.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The applicant identifies that the tower will increase telecommunication coverage and capacity which will benefit the community and emergency services.

Board Member	Yes	No	Comment
Larry Gaustad	X		
Johnathon Glasspoole	X		
Josh Gran	X		
Franklin Hahn	X		
Eric Johnson	X		
Chase Munson	X		
Richard Schild		X	Feels the company wants the tower but does not know if they need it.

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

Staff Analysis: The applicant has identified that there are no long-term uses associated with this proposal that have the potential to degrade water quality.

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 lease area which will amount to less than a quarter acre will consist of a gravel pad and is located at the crest of the hill. This is minimal impervious surface that should not create an adverse increase in the quantity of water runoff.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

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

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

Staff Analysis: An easement including both road access and utilities is part of the scope of this project along with both extensions of fiber and electric lines.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: Cell towers do create a visual impact, but the Planning Commission may feel the benefit of improved and cost-effective communication outweighs that cost. In fact, the applicant states that most property buyers feel a strong wireless network is an important and attractive element in a home search.

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: This is a rural area of predominately tillable land and farm/non-farm dwellings. This proposal will remove minimal land from production and should not impact adjacent landowners' ability to construct dwellings or otherwise develop and improve their land.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: This is considered a commercial use but there are no density requirements for these proposals.

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

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

Staff Analysis: The FCC is responsible for setting and monitoring parameters on health and safety standards related to cellular telephone towers. Issuance of permits indicates that they believe those standards have been or will be met. In addition, the proposer has sited the tower in a location that should have minimal or no impact on structures, public roads and neighboring properties in the event of a collapse. The applicant also stated the FAA has identified it will not be a hazard to air traffic.

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

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

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

General discussion was held by the Board to determine if a condition should be included for the updated fall zone certificate.

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 to build a telecommunication tower in the Agricultural Protection District with four conditions in Crooked Creek Township:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permitholder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. Tower shall be decommissioned if inactive for a period of 12 months.
4. Fall zone certificate shall be corrected to accurately reflect fall zone.

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

Board Member	Yes	No	Comment
Larry Gaustad	X		
Johnathon Glasspoole	X		
Josh Gran	X		Agreed that it is not the greatest visual but stated that based on past experiences we have granted right next to residential and it is hard to say we deny this one.
Franklin Hahn	X		Feels we could be land blasted with towers all over if we don't renew our ordinance. Stated that we are a recommending board to the County Board
Eric Johnson	X		
Chase Munson	X		Feels that we have to follow suit with what has been done. Stated that he does not agree with more towers more infrastructure and thinks we need to look at this.
Richard Schild	X		Stated only because we have approved others in the past and does not think we can single this particular tower out. Stated that he would like to look at things a bit more and feels there will be more towers.

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 April 24, 2026.