

Houston County Planning Commission
May 28, 2026

Approved August 27, 2026 by Josh Gran and Johnathon Glasspoole.

The Houston County Planning Commission met at 5:50 p.m. on Thursday, May 28, 2026. A summary of the meeting follows.

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

Chase Munson made a motion to approve the minutes of April 23, 2026. Johnathon Glasspoole seconded. All were in favor. Motion carried.

Notice of Public Hearing No. 1016 for **Mathy Construction Company**, 9635 County 32, Caledonia, MN 55921 was withdrawn prior to the hearing.

Notice of Public Hearing No. 1017 was read for applicant, **MNRE 1570 61-US 14 LLC**, 1570 US 14/16 E, La Crescent, MN 55947.

The petitioner is requesting an Interim Use Permit (IUP) to operative a cannabis retail business with medical cannabis endorsement in the Highway Business District (Section 16-16.4, Subdivision 1) (Section 3.2.9 of the Cannabis Business Ordinance) in La Crescent Township.

- The State of Minnesota finalized the cannabis rules in April 2025 and moved forward with lotteries and the selection of applicants for certain license types since that time. Cannabis retail is a permitted use in the Highway Business District but a medical cannabis endorsement requires an interim use permit.
- The applicants purchased this parcel last March, which borders the City of La Crescent and the West Channel of the Mississippi River. In fact, this whole property is surrounded by either state or federal land. The applicant recently opened after a total remodel of the building was completed to create a public retail sales area, secure product storage area, and back of house areas. Since this site is La Crescent Township the County was not involved in previous permitting of the structure or prior uses. Based on the permits on record this location was originally allowed as a car dealership but transitioned to an RV dealership for just a couple years prior to this sale. The County has no septic records for this site.
- Minnesota law authorizes the following actions for medical cannabis operations:

§342.51 MEDICAL CANNABIS ENDORSEMENTS.

Subdivision 1. Endorsement; authorized actions.

(a) The office may issue a medical cannabis endorsement to a cannabis business authorizing the business to:

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

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

- (1) is authorized to cultivate cannabis;*

- (2) submits a medical cannabis endorsement application to the office; and
 - (3) otherwise meets all applicable requirements established by the office.
- (c) A medical cannabis cultivation endorsement entitles the license holder to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to cannabis businesses with a medical cannabis endorsement, and perform other actions approved by the office.
- (d) The office must issue a medical cannabis processor endorsement to a cannabis license holder if the license holder:
 - (1) is authorized to manufacture cannabis products;
 - (2) submits a medical cannabis endorsement application to the office; and
 - (3) otherwise meets all applicable requirements established by the office.
- (e) A medical cannabis processor endorsement entitles the license holder to:
 - (1) purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from cannabis businesses with a medical cannabis cultivator endorsement or a medical cannabis processor endorsement;
 - (2) purchase hemp plant parts from industrial hemp growers;
 - (3) make cannabis concentrate from medical cannabis flower;
 - (4) make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
 - (5) manufacture medical cannabinoid products;
 - (6) package and label medical cannabinoid products for sale to cannabis businesses with a medical cannabis processor endorsement or a medical cannabis retailer endorsement; and
 - (7) perform other actions approved by the office.
- (f) The office must issue a medical cannabis retailer endorsement to a cannabis license holder if the license holder:
 - (1) submits a medical cannabis retail endorsement application to the office;
 - (2) has at least one employee who earned a medical cannabis consultant certificate issued by the office and has completed the required training or has at least one employee who is a licensed pharmacist under chapter 151; and
 - (3) otherwise meets all applicable requirements established by the office.
- (g) A medical cannabis retail endorsement entitles the license holder to purchase medical cannabis flower and medical cannabinoid products from cannabis businesses with medical cannabis cultivator endorsements and medical cannabis processor endorsements, and sell or distribute medical cannabis flower, medical cannabinoid products, and associated paraphernalia to any person authorized to receive medical cannabis flower or medical cannabinoid products.
- (h) A medical cannabis business with a medical cannabis retail endorsement must verify that all medical cannabis flower and medical cannabinoid products have passed safety, potency, and consistency testing at a cannabis testing facility approved by the office for the testing of medical cannabis flower and medical cannabinoid products before the cannabis business with a medical cannabis retail endorsement may distribute the medical cannabis flower or medical cannabinoid product to any person enrolled in the registry program.

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

SECTION 16 – HIGHWAY BUSINESS DISTRICT

16.2 PERMITTED USES

Subdivision 1. Permitted Uses

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

16.4 INTERIM USES

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

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

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

3.1.1 Security/Theft Mitigation

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

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

3.2 Zoning and Land Use

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

3.2.5. Cannabis Retail.

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

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

3.2.11. Medical Cannabis.

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

- Prohibited: Residential*

Permitted - with an IUP: Agricultural, Commercial, and Industrial

- Site Characteristics:
 - These parcels are located along US 14/61E, commonly referred to as the pike, just before you cross into the State of Wisconsin. All of the river bottoms and river channel on the west, south, and east side are US Fish and Wildlife property and MnDOT has highway right-of-way to the north. This property is served by a frontage road and the applicant has been working with MnDOT to assess right of way concerns.
 - The city limit boundary is the north line of this parcel, and the closest residential property is 460 feet from the building. This property is zoned Highway Business District and since they are utilizing an existing structure there are no slope, bluff, floodplain, wetland and shoreland concerns. Any future structural expansion may be difficult because of floodplain and shoreland districts in close proximity.
- La Crescent Township and the ten closest property owners were notified. One comment was received.

Dillon Stutter, on behalf of MNRE 1570 61-US 14 LLC, was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Environmental Services Director Amelia Meiners explained that the applicant is currently operating as a retail business which is a permitted use but the medical cannabis would be considered interim. Dillon Stutter stated that the business is currently operating as an adult use cannabis business but they are looking to get an Interim Use Permit issued so they can serve medical cannabis to the local community. Stutter explained that with the way it is currently structured you have to have the Interim Use Permit issued to be able to fulfill medical orders. Stutter further explained that the Office of Cannabis Management (OCM) does not allow for this endorsement to be issued unless the County signs off stating that all building and zoning requirements have been met. Stutter stated that they already sell cannabis they would just like to be able to sell it to medical patients.

Franklin Hahn asked if a prescription from a doctor is required to purchase this product. Dillon Stutter stated that they would have to go through certification from a doctor then there is a pharmacist that would then prescribe, say what amounts, and handles legalities or the types of forms that patient can use, and they have to be consulted by an on-site consultant or pharmacist every three months to make sure they are continuing to have the same pain, if their symptoms have been alleviated, dosage adjustment, etc. Stutter stated that this is a very regulated part of the process.

Amelia Meiners asked the applicant to touch on who has to be on staff or their certification to be able to achieve this. Dillon Stutter explained that currently for this particular location they have a contract with a licensed pharmacist with the State of Minnesota. Stutter further explained that they also have the ability for staff to be trained through a 30-hour training program to get a certification that has annual additional educational requirements to maintain status in order to consult and dispense to a medical patient. Stutter stated that this is on record with the state and they keep a record of all licensed pharmacists and certified cannabis consultants. This states that these people are approved to have these interactions with patients and have gone through the proper training to be able to make informed and educated decisions for those people. Franklin Hahn clarified that this certificate is required to show the appropriate training has been completed. Dillon Stutter confirmed and stated that there is continuing education. Stutter stated that there is currently a licensed pharmacist with the State of Minnesota to dispense a wide variety of medications not just cannabis.

Eric Johnson asked if the applicant was to receive the Interim Use Permit if they would have to go to the state to get the endorsement. Dillon Stutter confirmed and further explained that the OCM would send out a representative to inspect the facility for compliance. Stutter explained the difference in standards for recreational and medical cannabis retail. Stutter stated that once the inspection is complete then the OCM will issue an endorsement.

Eric Johnson stated that there is not a lottery or drawing to get a medical endorsement. Dillon Stutter stated that you just have to be compliant. Stutter stated that you can have a recreational endorsement and the medical would essentially be an attachment.

Chairman Hahn asked if there was any public comment. There were 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 4, 5, and 13 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 an interim use permit unless they find the following:

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

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

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

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

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

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

Notice of Public Hearing No. 1018 was read for applicant, **Beverly Hanson**, 22737 State 16, Rushford, MN 55971

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

- This request was initiated by the landowner and not at the recommendation of staff.
- This site is located off State 16 just over a mile east of the Houston-Fillmore County line. The property is zoned agricultural protection and the dwelling on the parcel was permitted and is therefore in compliance with our current zoning standards.
- The dwelling on this parcel dates to 1978 and was permitted with conditional use permit (CUP) #74 (See Fig. 1). Two dwelling additions were later permitted, one in 1994 and one in 2003. There is another dwelling on the NE ¼ NW ¼ that dates to 1900 and is the original farm dwelling. In the Planning Commission minutes from March 30, 1978 (included in packet), it was noted that “Mr. Hanson sold the rest of his farm and has retained 10 acres for the house”. This was permitted under 324.3(a) of the 1973 Zoning Ordinance, shown below.

-324.3 Conditional Uses

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

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

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

- PID 17.0035.003, the lot to the east, was split from PID 17.0035.001 in 2004 and sold to the applicant’s son. Originally, just a shed constructed in 1980 occupied that parcel but in 1993, the applicant requested a CUP to install a mobile home for her son so he could help her maintain the property and it was requested as a “hardship” situation. Based on aerial imagery that mobile home was present through the late 1990s. Then in 2012 the Planning Commission reviewed an after-the-fact rezone request for that parcel to go from agricultural protection to residential because the shed was being used as a dwelling. Rather than make the applicant remove the unpermitted dwelling, a rezone seems to have been the resolution. The landowner of that parcel was required to plat the single lot at that time, which is known as Hanson’s Subdivision.
- Non-farm dwellings (dwellings located on parcels under 40 acres in size) similar to this, are a common request in the agricultural district and over 250 conditional use permits have been processed since 1969, in addition to those that exist as legal, non-conforming uses throughout the County. While the parcel itself may not be conducive for row crops or traditional agriculture, the uses of the surrounding acreage should be taken into account and there is still a fair amount of tillable acreage in this area. While there is already a subdivision adjacent to this property, keep in mind items such as feedlot setbacks are increased when considering urban development and also what the expectations of future landowners may be if they live in a platted subdivision. Another consideration should be future land use. If the dwelling becomes no longer habitable the residential district would allow multi-family dwelling units or offices with a conditional use permit. In addition, using the term agricultural protection to describe the activity of this district may be confusing since the hardwood forests and other recreational areas in the county are included within this district but provide a distinctly different use and one that has greatly affected property values of the County.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

SECTION 8 - AMENDMENTS

8.1 CRITERIA FOR GRANTING ZONING AMENDMENTS

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

8.2 REQUIRED INFORMATION AND EXHIBITS

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

- (1) The names and addresses of the petitioners, and their signatures to the petition.*
- (2) A specific description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within one quarter (1/4) mile of such area, and a description of the property owned by each.*
- (3) The present district classification of the area and the proposed district classification.*
- (4) Proposed use of the land (a statement of the type, extent, area, etc.).*
- (5) Compatibility with the Land Use Plan of Houston County a statement of conditions warranting the change in zoning district or uses.*
- (6) A legal description of the property to be rezoned or amended.*
- (7) Map, plot plan, or survey plot of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale.*

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

14.1 PURPOSE AND PUBLIC NOTICE

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

- (1) Retain, conserve, and enhance agricultural land in the County for agricultural uses.*
- (2) Protect and preserve natural resources and environmentally sensitive areas.*
- (3) Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.*

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

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

- (1) Noise, odors, dust, and hours of operation.*
- (2) The operation of machinery, including aircraft.*
- (3) The production, storage and land application of animal manure.*
- (4) The application of fertilizers, soil amendments, herbicides, and pesticides.*

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

SECTION 15 - RESIDENTIAL DISTRICT

15.1 PURPOSE

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

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

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

- *Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, or other products suitable for human or animal consumption;*
 - *Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, goats or other animals as determined by the Planning Commission;*
 - *Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.*
 - *The necessary accessory uses and buildings for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses and buildings shall be secondary to that of primary agricultural activities.*
- Site Characteristics:
 - This parcel was split from the original farm in 1978 and the dwelling was permitted and constructed at that time. There is no building project associated with this request and to the knowledge of staff everything exists legally.
 - The Fillmore County line and Village of Rushford is approximately 1.2 miles to the west, and the city limit of Rushford is just over 2 miles (see Fig. 3). The Village of Rushford has seen increased development near the county line but Houston County has not seen that same increase in residential development. A majority of the area adjacent to the Village and City of Rushford in Houston County is zoned agricultural protection. There is some residentially zoned area closer to the county line but that has not yet been platted for development. It is also worth noting that Rushford Village is unique in that it spans 33 square miles and encompasses both the cities of Rushford and Peterson.
 - Ferndale Creek is just 200 feet to the southeast of this dwelling, and the east portion of this parcel would present multiple permitting challenges due to wetland, floodplain, shoreland and slopes. Shoreland and floodplain regulations apply regardless of zoning district classifications but this parcel becoming multiple lots is unlikely.
 - Yucatan Township and the ten nearest property owners were notified. Two comments were received and are included in the board packet.

Beverly Hanson, Larry Hanson, and Cynthia Cresswell-Hatleli were present to answer questions. Chairman Hahn asked the applicants if they had anything to add. Beverly Hanson stated that she lost agriculture when her son, Larry Hanson, bought 2.7 acres, so her property was no longer 10 acres. Hanson stated that she had been thinking about it and figured she should maybe do something now. Hanson stated that she hopes family buys the place when she is gone, so she wanted to make it residential and more uniform with other properties in the area.

Franklin Hahn stated that there are other homes around there that are zoned agricultural. Beverly Hanson agreed but stated that she can't be. Hahn asked why she can't be agricultural. Hanson stated that she has less than 10 acres. Cynthia Cresswell-Hatleli stated that Beverly Hanson is not agricultural because she has no agricultural animals, agricultural buildings, and there is no fencing or room for animals. Cresswell-Hatleli stated that the map shows Beverly Hanson's house and some woods that complete the 8-acre property. Cresswell-Hatleli feels the property was overlooked because it is definitely not agricultural.

Beverly Hanson explained the original plans for the property when the house was built. Larry Hanson stated that the property was used for agriculture for two years until the house was built. Since then, there has been no agriculture. Eric Johnson confirmed that the property has been agricultural since the house was built in 1978.

Franklin Hahn asked if you had to have livestock to be agricultural. Cynthia Cresswell-Hatleli stated that Larry Hanson's property is directly behind Beverly Hanson and it is zoned residential. Franklin Hahn stated there is a reason he is residential. Chase Munson asked how many acres were required to be agricultural. Environmental Services Amelia Meiners thought that for tax purposes the threshold was 10 acres. Meiners felt there was some confusion with tax classification and zoning. Eric Johnson stated that to get agricultural classification for taxes you must have 10 acres or more.

Eric Johnson confirmed that, since 1978, the applicant has been in compliance. Amelia Meiners stated that she looked up all the building permits and the house was permitted in the agricultural district as a Conditional Use Permit. Cynthia Cresswell-Hatleli asked, "So you look at her house and consider it agricultural?" Beverly Hanson explained the change in taxes from agriculture to residential. Cresswell-Hatleli asked how the property can still be called agricultural. Eric Johnson stated that there are a lot of parcels throughout the County that are probably considered residential but are still in the agricultural district. Johnson stated that we do not rezone everything because of their tax classification. Cresswell-Hatleli asked, "Even if they request it?" Johnson stated that they have never had a request to do that. Cresswell-Hatleli stated that there is no precedent saying you can't. Johnson stated that this would be setting a precedent. Franklin Hahn stated that if there could be a number of people that want to go to residential and then there would be no farming in Houston County. Hahn stated that farming is the main source of income in Houston County.

Richard Schild stated that the Comprehensive Land Use Plan protects farmland which was seen with solar arrays. Schild stated that just because someone moves out to the country and decides they want to switch they couldn't anyway. Amelia Meiners stated that when you get away from the cities she would not recommend that at all. Meiners clarified that in the agricultural district the minimum you need to build on is one acre. Anything between the 1 acre to 39.99 acres requires a Conditional Use Permit. Once you are over 40 acres it is a farm and you can build a dwelling as a permitted use. Meiners stated that the fact that this is a small parcel doesn't necessarily mean that the property is existing out of non-compliance. Meiners reiterated that the dwelling was permitted as a Conditional Use in 1978, so it is a permitted structure as a nonfarm dwelling. Eric Johnson stated there are a lot of these parcels throughout the agricultural district that do not look like farms but it is there. Amelia Meiners stated that the title of agricultural district is probably a little misleading because a lot of it encompasses recreational. When you get into Yucatan there is a lot of hardwood forest, state land, and land adjacent to creeks which is similar to what is on Beverly Hanson's property.

Richard Schild asked what the downside for Houston County would be if this gets changed. Amelia Meiners stated her concern is that when these have been reviewed, recently in the La Crescent area, it has been "I want to rezone to build a house". Meiners further stated that in that situation we are looking at a land use that is being proposed for 50 to 100 years. In this situation we are looking at a house that has been there for 50 years. Meiners stated that once it becomes residential there are certain things that are permitted or Conditional Uses in that district that are not in the agricultural district, such as an apartment building. Meiners stated that this really doesn't change anything and is concerned of people thinking this was done for of a noncompliant property. We have had 250 Conditional Use Permits that have been issued for similar situations since 1969. Amelia Meiners stated that she does not want to be doing a number of these that are somewhat unnecessary. Cynthia Cresswell-Hatleli asked about the 250 Conditional Use Permits since 1969 and stated that it is not that many per year. Meiners stated that there are also a number that exist as legal nonconforming uses because they were in place when zoning went into effect.

Cynthia Cresswell-Hatleli stated that she is confused on how Larry Hanson's property can be residential and it butts up to Beverly Hanson's property. Cresswell-Hatleli feels that both of the properties are the same. Amelia Meiners stated, based on the research she did, Larry Hanson's property was rezoned to resolve a problem as he was living in an agricultural building which is not allowed. Meiners feels that looking at this as pure justification for Beverly Hanson's property is not a reason to rezone.

Chairman Hahn asked for the minutes from the rezone for Larry Hanson to be read. Amelia Meiners stated it is from public hearing no. 781 which states: Larry Hanson *"is seeking to re-zone from an Agricultural Protection District to Residential (after-the-fact) in Yucatan Township."* Meiners read the first item from the bullet list of the above-mentioned minutes which states, *"The aerial shows that the house sits in the middle of the lot. Larry had an application several years ago (2004) and it was denied and was to revert back to a shed. The zoning office was unaware of it being a dwelling until Larry brought it up at a Houston County Board meeting in July 2012."* Amelia Meiners stated that it was the resolution that they came up with at the time and the whole parcel could have been rezoned at that time. Meiners continued reading from the bullet list:

- *"The flood plan issue was the main concern years back. Since then Larry took it upon himself to do some work on this. He has worked with the DNR in removing the dwelling from the flood plain."*
- *"The other issue was the proximity of the dwelling to city limits. It is over 2 miles from the City of Rushford but it is within 2 miles of the City of Rushford Village. Bob spoke with Joyce Iverson, City Clerk about this. She said south of Highway 16 there is some rural residential zoning up to the county line. North of Highway 16 is protected Ag."*
- *"The Yucatan Township board and joining property owners were notified. There were no inquiries to the Zoning Office in regard to the application."*

Franklin Hahn further answered the question by Cynthia Cresswell-Hatleli on why Larry Hanson's property is zoned residential. Hahn stated that this is no reason to allow the property of Beverly Hanson to be zoned residential. Larry Hanson commented on the rezone and floodplain evaluation that took place for his property.

Cynthia Cresswell-Hatleli stated that when you look at the characteristics of the area there are many houses and it is so close to the golf course, the City of Rushford, the City of Rushford Village, and the area is becoming more populated. Cresswell-Hatleli stated that she cannot see any other reason for the property to be residential beside the County not wanting to be overflowed with more people requesting to rezone. Eric Johnson stated that the property is compliant as is. Cresswell-Hatleli argued that the property can still be changed to residential. Johnson asked "Why?" Cresswell-Hatleli stated because it is being requested and Beverly Hanson is a taxpayer. Beverly Hanson stated that she thought it would be better when the time comes to sell. Cresswell-Hatleli stated that she has not heard an answer that tells her this is not a good idea. Eric Johnson stated that some people may view this as spot zoning with people wanting to be residential throughout the whole County.

Richard Schild asked what the costs are and who is responsible for these costs. Amelia Meiners stated that there is the cost of the hearing but moving forward nothing changes. There is no change in taxes. Meiners stated that the thing it would impact the most would be feedlots as there is a half mile setback for feedlots from residential dwellings. Meiners asked, "If status quo is compliant, then why do we have to change it?" Richard Schild explained that the applicant wants to change it and is willing to pay for it. Cynthia Cresswell-Hatleli stated that the cost for the hearing was paid for and that it was not a County cost. Richard Schild does not feel that this will create more rezone requests based on the cost of the hearing. Eric Johnson clarified that when people pay for hearings there is no guarantee what the outcome will be. Schild stated that right now the applicants paid the application fee and she doesn't know what is going to happen. Schild feels that most people won't want to spend the money to make the change but the people that do and are willing to pay the money should be able to.

Beverly Hanson explained that she would like her property residential for resale purposes. Cynthia Cresswell-Hatleli included for peace of mind. Hanson feels the property is supposed to and should be residential.

Further discussion was held by the Board and applicants regarding the cost of the public hearing.

Eric Johnson asked, “Why now?”, when the property has been this way since 1978.

Cynthia Cresswell-Hatleli asked if the only reason the Board was saying no is because other people may want to do this. Eric Johnson stated if the same logic was used, other people could do this as well which would set precedent creating spot zoning all around the County of residential districts. Beverly Hanson asked what’s wrong with that. Johnson explained that it is in the agricultural district, so people that are using it for agricultural purposes are going to be squeezed and pushed out by the residential districts.

Larry Hanson asked if there was something to do with the 2-mile radius of a city. Amelia Meiners clarified that the Village of Rushford is considered a city. Meiners stated that the concern with this is that the Village of Rushford is 33 square miles which brings in a lot of acreage of Houston County that could be within the 2-miles but probably should not be rezoned to residential. Meiners further stated that rezoning to residential could be seen as a work-around from the one per quarter-quarter rule because it would allow an additional house in that quarter-quarter with one being in the residential district and the other in the agricultural district.

Cynthia Cresswell-Hatleli restated her question about the reason the Board is against request. Eric Johnson stated that several reasons have been presented.

Chase Munson asked if the Board chose to allow this, potentially having spot zoning all around the County, would put a lot of pressure on feedlots. Munson stated that there may not be any feedlots near the present parcel but there are a lot of feedlots in the County. Cynthia Cresswell-Hatleli asked if this request was granted and set a precedent, would others have to come forward to become residential. Amelia Meiners stated that it would be a rezone. Cresswell-Hatleli stated that at that point the Board can look at what is around it. If there is a feedlot around it then it can be discussed at that point. Cresswell-Hatleli stated that Beverly Hanson should not be punished for something that may happen in the future. Cresswell-Hatleli feels the only way to resolve this is for the Board to say yes.

Beverly Hanson further explained her reason for wanting to rezone the property to residential.

Franklin Hahn further explained the concern for feedlots with spot zoning. Hahn stated that the Board can’t pick and choose who can and can’t be residential.

Chairman Hahn requested the comments submitted prior to the public hearing be read. Amelia Meiners read three public comments submitted prior to the start of hearing. The first comment from Jana Boyum states,

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

The second comment from Jarad Olson states,

“I would like to see this piece of property owned by Beverly Hanson, Parcel # 17.0035.001, to remain in the Agricultural District. My concern is that this sets a bad example. This application was not delivered by Beverly Hanson, herself, but was delivered by Mrs. Scott Hatleli.”

The third comment from Clair and Patty Olson states,

“To whom it may concern, I am writing to urge you to recommend DENIAL of the rezoning request by the Beverly Hanson, 22737 State 16, Rushford, MN 55971 property. (Parcel # 17.0035.001). This land is agricultural and not residential. There is no need for change. We all know what she is trying to do here.”

Chairman Hahn asked if there was any public comment.

Jackie Baker, neighboring property owner, stated that she fully supports Beverly Hanson's request. Baker stated that if the property is no longer being actively used for agricultural production then agricultural zoning may no longer match the actual use or the intended future use of the land. Baker stated that Minnesota agriculture preservation laws are generally aimed at protecting larger, viable farming parcels. Minnesota law defines agricultural preserves as land intended to remain in agricultural production but if a property functions primarily as a homestead rather than productive farmland that can support a finding that residential zoning is more appropriate. Baker stated that one major important piece of documentation that the Board should be aware of is in the Comprehensive Land Use Plan for future County land use. Baker stated that it is talked about this request setting precedent but there are very few places where residential properties can be zoned as residential. Baker described a map that is within the Comprehensive Land Use Plan containing circles representing a perimeter around incorporated cities. Baker stated that the applicants are within a half mile from the City of Rushford Village, there is a public golf course, and there is a residentially zoned property owned by Jackie Baker in the area. Baker feels that this is a unique area of Houston County. Baker stated that she admires the applicants for having an interest in their property and wanting it to be zoned residential. Baker stated that she has heard that there really is no harm in it as it will not change anything aside from the feedlot issue. Baker stated that she is surprised of the pushback. Baker feels the request fits the Comprehensive Land Use Plan perfectly. Baker further explained the property she owns that is zoned residential. Baker stated that Beverly Hanson is not asking for much as she is not asking to take any prime agricultural land out of production, she isn't asking to build a new house but she is asking to get her property rezoned to residential because it will never be good agricultural land.

Wayne Runnigen, Sheldon Township Supervisor, stated that he is in attendance to talk to the Board about one house per quarter-quarter. Runnigen asked what will happen to the farms in Houston County if this happens. Runnigen also asked if there would be more than one house per quarter-quarter. Runnigen stated that in the County laws that is the way it is. Runnigen asked why this was even being argued unless it was a subdivision. Runnigen stated that he is worried about the farms in Houston County if this happens and feels the Board should not let it happen.

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

EVALUATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		Feels we have to protect agricultural land.
Eric Johnson	X		
Chase Munson	X		
Richard Schild	X		Feels this is what keeps houses out of the country and off of agricultural land.

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

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

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

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

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

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

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

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

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

Board Member	Yes	No	Comment
Johnathon Glasspoole	X		
Franklin Hahn	X		

Eric Johnson	X		
Chase Munson	X		
Richard Schild		X	

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

Notice of Public Hearing No. 1019 was read for applicants, **G-Cubed, on behalf of Skyline Materials, Ltd**, 9468 County 18, Hokah, MN 55941.

The petitioners are requesting a Conditional Use Permit (CUP) to expand a quarry for mineral extraction in the Agricultural Protection District (Section 14-14.3, Sub. 1, Subs. 19) (Section 27-27.6) in Brownsville Township.

- The existing quarry on the south side of CSAH 18 west of Brownsville was present at the time zoning went into effect in 1967 as evidenced in the 1967 aerial image. The quarry appeared to be active until the early 2000s but has not changed significantly since that time, which is consistent with a change in ownership. Skyline Materials LTD acquired the property (originally just PID 02.0089.000) with a larger acquisition in 2008 and just purchased an additional 8.5 acres, PID 02.0089.003, in 2025. The land for the current request has historically been timber, and proposed reclamation will be grassland habitat. The quarry is estimated to have a life span of up to 30 years.
- The quarry does have legal access to CSAH 18 through Bonanza Grain property. The existing quarry is 10.3 acres with a proposed expansion of 26 acres. Rock will be from the Oneota Dolomite formation with final rock faces between 50 and 150 feet in height. Material will be crushed and screened onsite before stockpiling until its ready to go to the end user.
- Below are relevant sections of the Houston County Zoning Ordinance (HCZO). These are just key sections that may answer the most anticipated questions but please reference Section 27 for all requirements. The supplemental information submitted by the applicant provides responses to each ordinance item as well.

14.3 CONDITIONAL USES

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

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

SECTION 27 - MINERAL EXTRACTION

27.1 PURPOSE

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

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

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

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

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

27.6 CONDITIONAL USE PERMIT REQUIRED

Except as allowed under Sections 27.4 or 27.5, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

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

- (1) Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.*
- (2) An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.*
- (3) An existing conditions map as described in Section 27.7 below.*
- (4) An operation plan and map, as described in Sections 27.8 and 27.9 below.*
- (5) A Reclamation plan and map as described in Section 27.10 below.*
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.*
- (7) An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.*
- (8) Any other information requested by the Planning Commission or governing body.*

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

- (1) **Prohibited in District.** One hundred (100) feet to the boundary of any district where mining operations are not permitted.*
- (2) **Residentially Zoned.** Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.*
- (3) **Adjoining Property Line.** Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.*
- (7) **Dwellings.** New dwellings shall not be constructed within 1,000 feet of an existing mine boundary, unless the new dwelling replaces an existing dwelling that has been occupied for eight of the last ten years, or if the new dwelling replaces a dwelling destroyed by natural disaster.*

- Site Characteristics:
 - This parcel is in Brownsville Township, immediately west of the incorporated limits of the City of Brownsville. This adjacent land within the city is zoned agricultural.
 - The existing quarry floor is at elevations 974-978 feet with proposed reclamation to 980 feet. The closest DNR mapped intermittent stream is 500 feet to the north-northeast of the existing boundary.
 - There is no floodplain or shoreland in the vicinity so those overlay district requirements are not applicable.
 - Even with the quarry's proximity to city limits, the three closest dwellings are approximately a half mile away to the west and north and the Timber Springs Addition within the city is 0.6-miles from the proposed boundary.
- Notice was sent to Brownsville Township, the City of Brownsville, and the ten closest property owners. One comment was received.

Chris Priebe of G-Cubed, on behalf of Skyline Materials Ltd, was present to answer questions. Chairman Hahn asked the applicant if he had anything to add. Chris Priebe explained that this quarry was purchased in 2012 and it is a historic quarry. Priebe further explained the rock face is reaching the west boundary, so 8.5 acres was purchased that was too steep to farm. Priebe stated that there is not a Conditional Use Permit on the historic quarry. Currently it is a 40-acre parcel but the Houston County Zoning Ordinance does not allow a quarry to be 48 acres. Priebe stated that they picked the elevation where the rock is not valuable and that is where the end of the quarry starts. Ultimately it is a 35-acre limestone rock quarry.

Eric Johnson clarified that this was considered a legal nonconforming quarry and the location of the 8 acres that was purchased. Chris Priebe confirmed and stated that the property purchased was 8.5 acres total but they kept a 50-foot buffer around the property. Priebe stated that the previous owner was aware of the intentions to mine when the property was purchased by the applicant. Priebe stated that the quarry is standard limestone rock and the floor is currently at a level where the rock is too soft to sell for road rock, which is the reason why the quarry won't get deeper than it already is.

Franklin Hahn asked if zoning standards are met.

Eric Johnson asked if there was an easement. Chris Priebe mentioned that the Highway Department had a question about making access a bit wider. Priebe stated that they would do anything that needed to be done to satisfy the Highway Department. Franklin Hahn asked if this would be part of the permit, if approved. Environmental Services Director Amelia Meiners stated that it is not included as a condition at the moment but it could be added.

Richard Schild pointed out finding #6 and #11 regarding slopes and runoff. Chris Priebe explained that Bruening Rock Products has a general stormwater permit for industrial mining. Priebe stated that if this quarry gets out of compliance then all their quarries are at risk.

Chairman Hahn requested the comment included in the board packet be read. Amelia Meiners read the comment, by Dan Buzicky, that was included in the packet, which states,

"Dear Commissioners, I am a neighboring landowner in Brownsville Township writing to respectfully oppose the requested Conditional Use Permit of the quarry operation. My property is located next to the subject site and is currently used recreationally, with plans for a future cabin, and potential residential use. Importantly, the quarry has not been in operation for many years and was inactive at the time I purchased my property. The site appeared largely reclaimed by natural vegetation and regrowth, and it has not functioned as an active industrial use in the current landscape. As such, this proposal is not simply an expansion of an ongoing use, but effectively the reintroduction of an intensive industrial activity into an area that has since transitioned toward recreational and residential use. Based on that context, I do not believe the proposal meets key considerations for approval of a conditional use permit. First, the proposed use is not compatible with the surrounding area. Properties in this location, particularly those near city limits, are increasingly used for residential and recreational purposes. Reintroducing and expanding an industrial quarry operation, in close proximity to these properties, conflicts with that pattern and creates long-term land use incompatibility. Second, the expansion raises concerns related to health, safety, and general welfare. Increased dust, noise from operations and blasting, and a higher volume of heavy truck traffic will directly impact the livability, safety, and usability of nearby properties. Third, the proposal will negatively affect adjacent properties, including mine. The reactivation and expansion of a quarry operation reduces residential development potential, impacts property values, and interferes with the reasonable use and enjoyment of neighboring land. Finally, the scale of the proposed activity introduces concerns related to stormwater runoff and erosion, which have the potential to affect surrounding properties and the broader landscape. Based on these factors, I respectfully request that the Planning Commission deny the application. If the Commission determines that approval is appropriate, I request that any approval include strict and enforceable conditions, including substantial setbacks and buffering, limitations on hours of operation, and effective controls on dust, noise, and truck traffic. However, these measures do not fully resolve the

underlying land use conflict. If possible, I respectfully request that this comment be included in the record for the hearing. Thank you for your time and consideration.”

Chris Priebe responded to the comment and stated that they are combining with the boundary of the existing quarry. Priebe stated that he could not build within 1,000 feet of the existing quarry boundary, as is now so the property is not being limited any more than it already is. Priebe stated that the boundary is moving west not east.

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

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

Johnathon Glasspoole made a motion to bypass questions 13 that is 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 importance of aggregate to the community for use in construction, road maintenance and other uses is recognized in the County’s values which guide the Comprehensive Land Use Plan. Further, the transportation goal is to maintain a transportation system which compliments land use development and policies throughout the County. The materials produced by the quarry contribute to the achievement of these goals.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: The quarry is the high point of the area which will limit offsite water from entering the site and screening berms will aid with diversion as well. Stormwater will be contained and treated within the quarry floor. The applicant identifies that the current floor elevation is a soft aggregate material that will allow for infiltration. A vegetated buffer will be added down the middle

of the quarry to an infiltration basin to accommodate larger rainfall events. The applicant will need to secure and maintain a construction stormwater permit from the MPCA prior to operation.

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

Staff Analysis: N/A

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

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

Board agreed to the finding by a unanimous vote.

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

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

Board agreed to the finding by a unanimous vote.

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

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

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

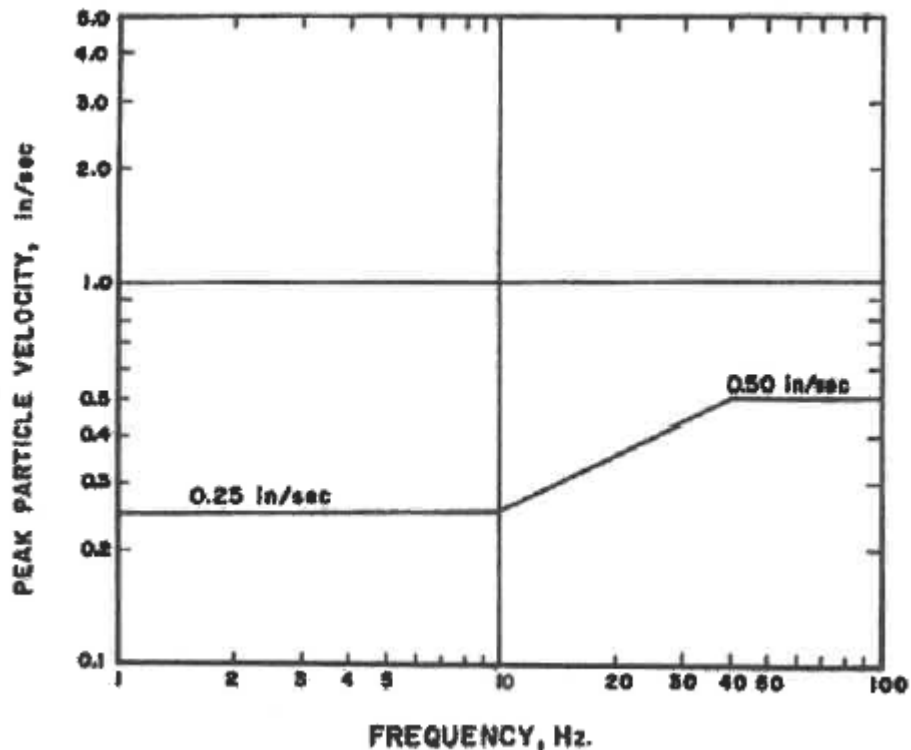
The Board reviewed the ten conditions prior to the hearing, so we did not read them out loud.

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

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

posts such that each post is visible from each adjacent post. Property line setbacks shall be 50 feet.

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



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

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.

Eric Johnson made a motion to adjourn the meeting. Johnathon Glasspoole seconded. Motion carried.

Submitted by the Planning Commission Clerk on May 29, 2026.