



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

PO BOX 130
REDWOOD FALLS
MINNESOTA 56283
PH: 507-637-4023

AGENDA

REDWOOD COUNTY PLANNING COMMISSION

Monday, November 28th, 2016 – 1:00 p.m.

1. Call to Order
2. Public Hearing on the *Application for Extraction Conditional Use Permit #17-16* filed by Tim Kerkhoff
3. Public Hearing on the *Application for Conditional Use Permit #18-16* filed by Alex Madsen
4. Other Business:
 - a. Review and approve the minutes from the September 26th Planning Commission meeting
 - b. Set dates for 2017 regular Planning Commission meeting schedule
 - c. Any other business



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TO: Redwood County Planning Commission

FROM: Nick Brozek ^{AB}
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: November 18th, 2016

RE: Planning Commission Hearing on November 28th, 2016

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 28th day of November, 2016, beginning at 1:00 o'clock p.m. at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

The meeting will include two (2) public hearings. A brief summary of the subject matter of the agenda items are set forth below.

1. Public hearing on an *Application for Extraction Conditional Use Permit* submitted by Tim Kerkhoff of TNT Construction Kerkhoff Inc.

An Application for Extraction Conditional Use Permit has been filed by Tim Kerkhoff for the mining, processing, and stockpiling of granite material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: that part of the South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Southeast Quarter (N1/2 SE1/4) lying North and East of 305th Street, in Section 24, Township 112N, Range 34W, Sherman Township. Proposed extraction site comprises five (5) acres thereof. The site is located in an "A" Agricultural District. According to Section 16, Subd. 5 of Redwood County Ordinance, "[a]ll excavations, extractions of materials and minerals, open pits and impounding of waters" must have a Conditional Use Permit, except for temporary borrow sites under 10,000 cubic yards. The CUP was advertised in the paper as a seven (7) acre site, but the Environmental Office has worked with TNT to reduce the acreage to five (5) acres in order to leave out areas which will not be mined and to reduce the necessary reclamation bond amount to the \$10,000 minimum.

The site is an existing crushed granite quarry operated by TNT. The quarry lies on two different properties which are under different ownership. The west side of the quarry site is owned by Central Lakes Cooperative and was permitted most recently in 2012. That permit is still active. The east side of the quarry is owned by Morgan Sportsmen Club Inc. However, William & Donna Munsell own the mining rights. The east side of the quarry was most recently permitted in 2006. That permit expired at the end of September of this year.

William & Donna Munsell sold the site property to Morgan Sportsmen Club Inc. in 2007. However, in 2009 the Munsells and the Club entered into an Amendment Agreement under which they agreed that the Munsells retained the mineral rights to the property. The Agreement further states that the "Staging Area" may remain in place so long as there is a Conditional Use Permit either in place on the Staging Area or an Application for a

Conditional Use Permit on the Staging Area is pending.” If no CUP is existing or pending, then “the Staging Area shall be remediated within 120 days.” The Agreement includes provisions requiring reclamation of the site when the project is complete that are consistent with the reclamation plan referenced in the CUP application. The Club also grants an easement to the Munsells for mining and reclamation purposes and promised to execute any documents required in the permitting process.

After entering into the Amended Agreement, the Munsells executed a Quit Claim Deed to the Club subject to the terms of the Agreement. The Agreement was recorded with the Redwood County Recorder as Document number A333912 and the Quit Claim Deed as Document number A334971.

The site (hereinafter referring to the east side of the quarry only) will be permitted for mining, processing, and stockpiling on five acres of the property. However, the site will be used primarily for stockpiling and processing and no new areas of the site will be mined. A limited amount of mining may occur in the previously mined areas. TNT is seeking to re-permit the site in order to avoid immediate reclamation of the site and to continue using it for stockpiling.

The life expectancy of the extraction operation is ten (10) years, beginning on October 1st, 2016 and concluding on September 30th, 2026. The hours of operation will be 7:00 o’clock a.m. to 7:00 o’clock p.m. All work, including blasting, will be restricted to those times. When possible, TNT Construction Kerkhoff, Inc. will halt work during normal operating hours when the wind is sufficiently strong and from such a direction as to unduly carry the sound of the work to neighboring dwellings.

At the end of the ten (10) year period, all extraction will cease and the area will be reclaimed as a prairie grass surrounding a pond. The reclamation plan will primarily consist of the following: 1) the land will be sloped to a maximum of 3:1; and 2) topsoil/overburden will be replaced/placed back on top of the excavated areas. Topsoil for reclamation has been reserved and stockpiled on the east end of the site.

The 2006 permit referenced two phases of excavation to be performed on the property. Phase 1 included the existing excavation and stockpile site from the property line on the west to a waterway running approximately north and south on the east. For Phase II, the excavation would move to an area on the east side of the waterway. However, for the purpose of the current CUP application, TNT is seeking to permit the area west of the waterway only (the existing excavation and stockpile area). The area designated for Phase II will not be permitted at this time.

Pursuant to Sec. 16, Subd. 5, Subp. G of Redwood County Zoning Ordinance, the applicant is required to provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000.00 per occurrence.

Pursuant to Sec. 16, Subd. 5, Subp. H of Redwood County Zoning Ordinance, the applicant is required to post a bond, cash deposit, irrevocable letter of credit, or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated/bid value to reclaim the property, whichever is greater. The Redwood County Board of Commissioners may require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project require more substantial restoration or reclamation. Further, pursuant to Sec. 16, Subd. 5, Subp. I of Redwood County Zoning Ordinance, “[s]ureties shall be for a minimum of one year beyond the ending date of Conditional Use Permit.” The amount of the bond, cash deposit, irrevocable letter of credit, or other security has been left to the discretion of the Redwood County Planning Commission and Redwood County Board of Commissioners. The minimum amount of security required to be posted in the present matter is \$10,000.00.

The three closest residential dwellings to the site are as follows: Gary & Deborah Kerkhoff, 30815 CSAH 11, about 1100 feet northwest of the site; Ronald Kerkhoff, 30463 CSAH 11, about 2500 feet west of the site; and

Sharla Sander, 30153 CSAH 11, about 2500 feet southwest of the site. Additionally, a site owned, but not occupied, by Ray Munsell (William & Donna's son), 45806 305th Street, is located about 2100' south of the site.

In 2012 TNT and Sherman Township entered into an agreement regarding maintenance of 305th Street. Under the agreement, dust control treatment will be applied to 305th Street starting at County Road 11 and continuing east for a distance of one mile. The cost of the dust control is to be divided between TNT (45%), Acme Ochs Brick and Stone Inc. (45%), and Sherman Twp (10%). The agreement does not address repair or grading of the roadway.

The nearest county ditch or tile is located approximately one mile from the proposed extraction site.

The soils of the proposed conditional use site are classified as follows: Rock outcrop - Copastion complex, 2 to 4 percent slopes and Wadena Variant Loam 2 to 6 percent slopes.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

2. Public hearing on an *Application for Animal Confinement Feedlot Conditional Use Permit* submitted by Alex Madsen.

Madsen is proposing to construct and operate a 2400 head wean to finish swine confinement barn in Section 22 of Three Lakes Township, on Ocean Avenue about one and one half miles northeast of the City of Clements. The feedlot will consist of one 102' x 200' confinement barn with 8' deep poured concrete underfloor manure storage pit. The County animal unit total will be 960. The state animal unit total will be 720. Average animal weight will be 140 lbs.

The site will include a 10' x 10' structure for the holding of dead swine for pick up by the rendering truck.

The pit will consist of two compartments separated by a poured concrete divider wall. There will be eight pump-outs – four on each side. A 4" perimeter tile will be installed to alleviate hydrostatic pressure on the outside walls.

The side walls will be 8" thick poured 4000 psi concrete with #4 horizontal and vertical rebar, 12" on center. A 1" x 2" keyway and waterstop will be installed at the base of the walls. The walls will be supported on a 8" x 16" concrete footing with two #4 rebar

The floor will be 5" thick poured 4000 psi concrete with 2 lbs of fibermesh per cubic yard.

The divider wall will be 12" thick with 2 layers of #4 rebar 12" on center both vertical and horizontal. A 1" x 2" keyway will be installed at the base of the divider wall. The divider wall will be supported on a 10" x 36" concrete footing with two #4 rebar.

The slats will be supported on 12" by 12" poured 4000 psi concrete columns. Each column will contain four #4 vertical rebar with three #3 rebar ties and will be supported on a 36" x 36" by 8" deep concrete footing with four #4 rebar each way.

The feedlot will be set back approximately 240' from the right of way line of Ocean Avenue and about 1000 feet from County Ditch No. 24. The barn, including feed bins, will be set back at least 50 feet from the nearest county tile line. A 12" main (Branch 25/Branch G) runs north/south across the site between the barn and the road, then turns east and outlets in CD 24. Normally a 100 foot setback is required between a structure and a

county tile line (Redwood County Ordinance Section 7, Subd. 5.5.A). However, Ditch Inspector Brent Lang has agreed to reduce the setback to 50 feet pursuant to Subd. 5.5.C, due to the shallow depth of the line and the strong soil structure.

The site is currently an abandoned farm site, with a house and barn in a state of disrepair.

The three nearest dwellings to the proposed site are as follows: Jeff & Lisa Madsen, 24331 Ocean Avenue, about 900 feet southeast of the site; Robert & Patricia Steffl, 24961 Ocean Avenue, about 2200 feet northeast of the site; and Dennis Sell, 37347 240th Street, about 3100 feet south of the site. All other building sites in the surrounding area are well over ½ of a mile from the proposed barn. The usual ¼ of a mile (1320') setback for a barn doesn't apply to the Jeff & Lisa Madsen residence because they are the owner of the land on which the barn is to be built.

The manure pit will have a storage capacity of 990,000 gallons, or about 12 months of storage capacity. Mr. Madsen has 377 acres under agreement available for spreading the manure pursuant to his Manure Management Plan. He has an additional 140 acres under agreement which is not included on the MMP, but which is also available to receive manure if needed. These fields are located in Three Lakes Township Sections 17 and 19, Morgan Township Section 30 and 33, and Brookville Township Section 16. Manure will be pumped and spread once per year in the fall.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.