




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

TO: Redwood County Planning Commission

FROM: Nick Brozek 
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: August 23rd, 2016

RE: Planning Commission Hearing on August 29th, 2016

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 29th day of August, 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 one (1) public hearing. 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/Kerkhoff Construction o/b/o David Kerkhoff, landowner.

TNT is seeking to permit a new gravel pit on property owned by David Kerkhoff located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 29, Sherman Township. The land is currently a tilled agricultural field, on the west side of Ranch Avenue, a mile west of County Hwy 2. The site is located in the Agriculture District. Mining is a Conditional Use in said District.

Approximately 2 acres of the 40-acre site will be mined and/or used for mining processes and stockpiling. The topsoil will be stripped off and stockpiled for reclamation. The gravel material will be mined as needed for local projects. This will include stockpiling, and hauling. TNT is requesting a 3 year permit.

The site will be set back about 1000 feet from the center line of Ranch Avenue, in the southwest corner of the parcel. A field road runs along the south edge of the David Kerkhoff property. This will be used to access the pit and will be the south edge of the pit. On the west side the pit will butt up against the fence line between David Kerkhoff's property and a field owned by Steven & Karen Whitcomb.

The southwest corner of the David Kerkhoff property includes part of a hill or ridge that runs generally east and west on Kerkhoff's and Whitcomb's properties. This project is intended to flatten the portion of the ridge on the David Kerkhoff property to make it more farmable (see diagrams attached to the permit application). The topsoil will be scraped off and reserved, material will be removed to flatten the grade of the hill, and after three years the site will be sloped and graded, the topsoil replaced, and the land returned to agricultural use.

The hill or ridge slopes down to the northeast. However, another hill northeast of the hill to be excavated diverts surface water flow to the northwest toward a low area in the northeast corner of the Whitcomb field. This low area is drained by the same county tile main running on the north side of the David Kerkhoff property, which outlets into CD 104.

A county tile main is located on the north side of David Kerkhoff's property, but it is about 800 feet from the proposed excavation site and therefore is not likely to be impacted by the pit. The closest public ditch is CD 104, about 1700 east of the proposed pit, on the opposite side of Ranch Avenue.

The three closest residential dwellings to the site are as follows: Wallace Kirschstein, 29218 Ranch Avenue, about 800' east of the site; Leroy & Susan Orvis, 29347 Ranch Avenue, about 1700' northeast of the site; and Larry & Denise Kirschstein, 28752 Ranch Avenue, about 2500' south of the site. The next nearest building sites are located well over ½ of a mile away from the proposed pit site.

The soils present on the site are as follows:

1. Storden-Estherville-Ves loams, 6 to 12 percent slopes, eroded
2. Webster clay loam, 0 to 2 percent slopes

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



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

NOTICE OF PUBLIC HEARING

An *Application for Extraction Conditional Use Permit* has been filed by Tim Kerkhoff of TNT Construction/Kerkhoff Inc. o/b/o David Kerkhoff pursuant to Sec. 16, Subd. 5 and Sec. 25 of Redwood County Zoning Ordinance for: the extraction, processing, and stockpiling of gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 29, Township 112 North, Range 34 West, Sherman Township.

A public hearing thereon will be held before the Redwood County Planning Commission at 1:00 o'clock p.m. on Monday, the 29th day of August, 2016, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

If you have any comments or questions regarding this matter, please attend the hearing or contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283*.

DATED: August 16th, 2016

Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office



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

TO: Whom It May Concern

FROM: Nick Brozek *NB*
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: August 17th, 2016

RE: *Written Notice of Public Hearing on Application for Extraction Conditional Use Permit*

An *Application for Extraction Conditional Use Permit* has been filed by Tim Kerkhoff of TNT Construction/Kerkhoff Inc. o/b/o David Kerkhoff pursuant to Sec. 16, Subd. 5 and Sec. 25 of Redwood County Zoning Ordinance for: the extraction, processing, and stockpiling of gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 29, Township 112 North, Range 34 West, Sherman Township.

Pursuant to Sec. 25, Subd. 3, Subp. 3 of Redwood County Zoning Ordinance, “[a]ll property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. The township in which the affected property is located as well as all municipalities within two (2) miles of the proposed conditional use shall be given proper notice.”

If you have any comments or questions regarding this matter, please contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at *Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283*, and/or attend the Public Hearing at the time and date set forth in the *Notice of Public Hearing* enclosed herein.

Cc: Tim Kerkhoff
David Kerkhoff

SHERMAN TWP

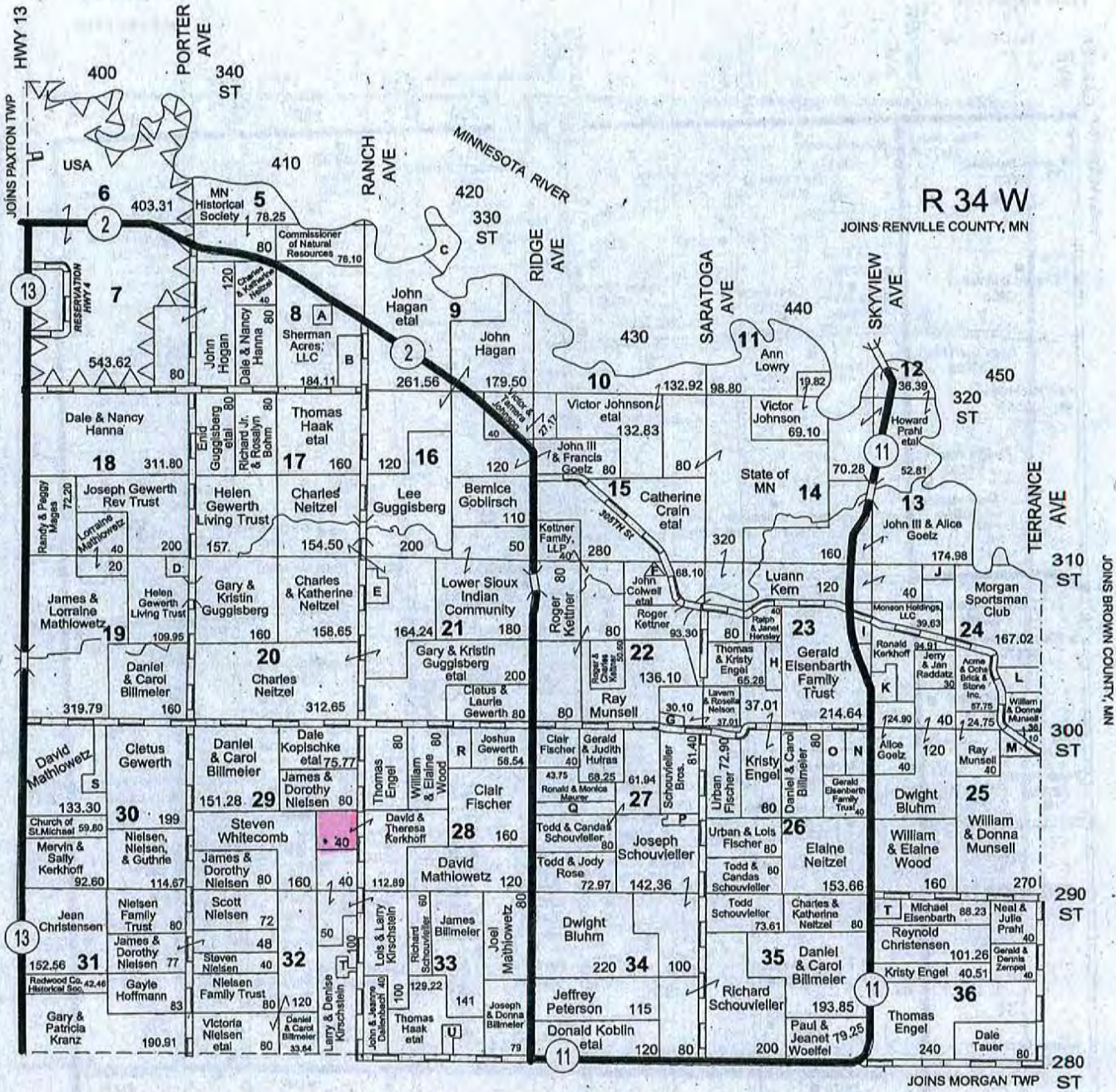
LAND OWNER

T 112 N

R 34 W

JOINS RENVILLE COUNTY, MN

LAND OWNER & RURAL RESIDENT MAPS



Small Tracts

- Section 8 A Henry & Judith O'Neill - 11.93
- B Kenneth & Barbara Larsen - 30.92
- Section 9 C State of MN DNR - 17.21
- Section 19 D David Gewerth - 10.05
- Section 21 E Willmar Poultry Farms - 15.76
- Section 22 F Thomas & Mary Colwell - 11.90
- G Dan & Wanda Fahey - 9.90
- Section 23 H Jon & Pamela Plotz - 17
- I Ronald Kerkhoff - 19.96
- Section 24 J Gary & Deborah Kerkhoff - 15.20

- Section 24 K Rodney & Sharia Sander - 35.10
- L William Munsell - 20.48
- Section 25 M William & Elaine Wood - 10
- Section 26 N John Goetz Living Trust - 20
- O Dwight Bluhm - 20
- Section 27 P Todd Schouvieller et al - 11.64
- Q Richard Maurer - 26.06
- Section 28 R Ronald Raddatz - 24.21
- Section 30 S Duane Menz - 19.10
- Section 32 T Jeff & Michelle Stelzer - 10
- Section 33 U James Billmeyer Jr. - 10.78
- Section 36 V David & Michael Eisenbarth - 10





CUP Notification Area = 1/3 Mile From CUP Parcel

0 0.05 0.1 0.2 0.3 Miles

**OFFICIAL PUBLICATION
NOTICE OF PUBLIC HEARING**

An Application for Extraction Conditional Use Permit has been filed by Tim Kerkhoff of TNT Construction/Kerkhoff Inc. o/b/o David Kerkhoff pursuant to Sec. 16, Subd. 5 and Sec. 25 of Redwood County Zoning Ordinance for: the extraction, processing, and stockpiling of gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 29, Township 112 North, Range 34 West, Sherman Township.

A public hearing thereon will be held before the Redwood County Planning Commission at 1:00 o'clock p.m. on Monday, the 29th day of August, 2016, at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

If you have any comments or questions regarding this matter, please attend the hearing or contact the Redwood County Environmental Office by telephone at (507) 637-4023 or in writing at Redwood County Environmental Office, P.O. Box 130, Redwood Falls, MN 56283.

DATED: August 16th, 2016
Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office
Published in the Redwood Gazette August 18, 2016.

AFFIDAVIT OF PUBLICATION


Redwood Gazette

Redwood Falls, Minnesota
State of Minnesota
County of Redwood

Lisa Drafall, being first duly sworn, on oath states as follows:

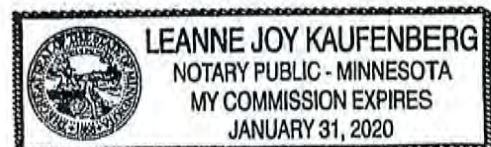
1. I am the general manager of the Redwood Gazette. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows: -THURSDAY-, the 18th day of AUGUST, 2016
4. The general manager's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06 and §331A.07.
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Redwood County. The newspaper complies with the conditions in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

By: 
General Manager

Subscribed and sworn before me
on the 18th day of AUGUST, 2016.

By: 
Notary Public



CHARLES R & ELAINE L NEITZEL LIVING TRUSTS
1119 SOUTHRIDGE RD
NEW ULM, MN 56083

DANIEL F & CAROL A BILLMEIER LIVING TRUSTS
30262 PORTER AVE
MORTON, MN 56270

KIMBERLY FRANKS ET'AL
6381 SHETLAND NW
ROCHESTER, MN 55901

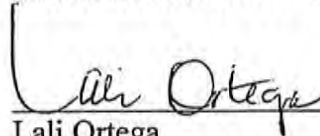
DAVID L & BONNIE L MATHIOWETZ
PO BOX 53
MORGAN, MN 56266

SHERMAN TOWNSHIP CLERK
%DENISE KIRSCHSTEIN
38752 RANCH AVE
MORGAN, MN 56266

TNT CONSTRUCTION
% TIM KERKHOFF
912 FRONT STREET
MORGAN, MN 56266

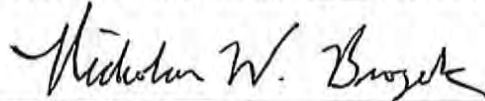
LOWER SIOUX COMMUNITY
% DEB DIRLAM
39527 RES HWY 1
MORTON, MN 56270

by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota on the 17th day of August, 2016.

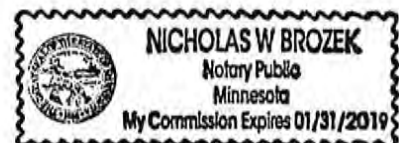


Lali Ortega
Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 17th day of August, 2016, by Lali Ortega.



Notary Public





Application for Extraction Conditional Use Permit /
Temporary Grading and Filling Permit

www.co.redwood.mn.us

Permit #: 10-16 Date: 8-16-16

Location of the Extraction:

Address: Ranch Ave City: Morgan State: MN Zip: 56266
House # Street Name
Parcel #: 65-029-4020 Township: Sherman Section: 29 Twp #: T112N Range: R34W

Legal Description:

Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4)

Information about the Extraction:

Zoning District: Agricultural
Soil Type 1: Storden - Estherville - Ves Loamy, 6-12% slopes eroded
Soil Type 2: Wadena Loam, 2 to 6 percent slopes
Type Of Extraction: Sand If other, please explain: _____

General description of the extraction:

Remove sand/gravel material. Scrape off and stockpile topsoil for reclamation.
Slope and grade to no more than 3:1 slope and replace topsoil to return to farmland. Use existing field road as pit road.

Total acres in the parcel: 40 Number of acres to be extracted 2

Type of Road: Township Right-of-Way Footage: 33

Setbacks: (Please enter in feet)

Setback from the Center of the Road: 1000 slope back from field road
Side Yard Setback 0 Direction: South make level with other side
Side Yard Setback: 1000 Direction: North
Rear Yard Setback: 0 Direction: West ←

Starting Date: 8-29-2016 Estimated Date of Completion: 8-29-2019

Life Expectancy of Operation: 3 years (maximum 10 years)

Drainage Plan:

None - natural drainage

Landscape and screening plans:

Replace dirt/overburden and farm

Water plan (estimated water use):

None - No water use

Statement addressing noise, vibration, glare, heat, smoke, particle matter, odors, exterior lighting, toxic or noxious matter, dust, etc:

work from 6:30 to 7:30 and put up truck hauling signs

Reclamation plan:

slope for farming and put top soil back

Estimated Cost of Reclamation: \$ 2500

General Contractor:

Name: TNT construction/Kerkhoff Inc. City: morgan State: MN

Applicant Information:

First Name: Tim Last Name: Kerkhoff

Business: TNT construction/Kerkhoff Inc.

Address: 912 Front st City: morgan State: MN Zip: 56266

Home Phone: 507-249-3182 Cell Phone: 507-829-8017

Land Owner Information:

First Name: Dave & Theresa Last Name: Kerkhoff

I affirm that the forgoing information is true and accurate. I understand that if any portion of this information is false or materially misleading, any conditional use permit issued in reliance upon this information is voidable at the election of Redwood County.

Land Owner Signature: David Kerkhoff Date: 7-26-16

Please attach the following information:

1. A detailed site map. This must include: soil types, topography (10 foot contour intervals), location of watercourses, outline of maximum area to be excavated, setbacks from property lines, vertical profile of area to be excavated including overburden, proposed and existing locations of any structures, stockpiles or operation areas, location and names of roads, railroads, known tile lines, proposed fences, utility rights-of-way, planned entrances and exits for operation area, road routes for heavy equipment, any signs being posted, and public areas next to the extraction.

2. An estimated bid of the reclamation along with a detailed map 1" = 100' or larger.

Office Use Only * The section below is to be filled out by the Environmental Office Staff

Extraction Fee: \$700.00 Receipt #: 951442 Date Approved:

Commission Action:

County Board Action:

Approved: Date: Approved: Date:

Disapproved: Date: Disapproved: Date:

field Road

Excavation Areas

fence line

Ranch Ave

North

Title	Excavation Areas
Date	7-15-18
Drawn by	Tim Kuchel

field Road

Overburden

19"

19"
Gravel

8"
Gravel

8" overburden

6"
Gravel

West

Fence line

Existing

North

North

Ranch AVE

Title
Vertical Proj: 1

Date
7-15-16

Drawn by
Tim Kerkhoff

17

Field Road

Fence line
Reclaimed

Sloped to Farmable grade
18" top soil

North

Ranch Ave

File	Reclaimed
Date	7-15-14
Draw by	Jim Kerkhoff

field Road

Fence line

Reclamation

Farm land

Row 1, 11/2

Resloped for Farm...



7/11

Reclamation
Date 7-15-16
Tim Leckwith



Overview



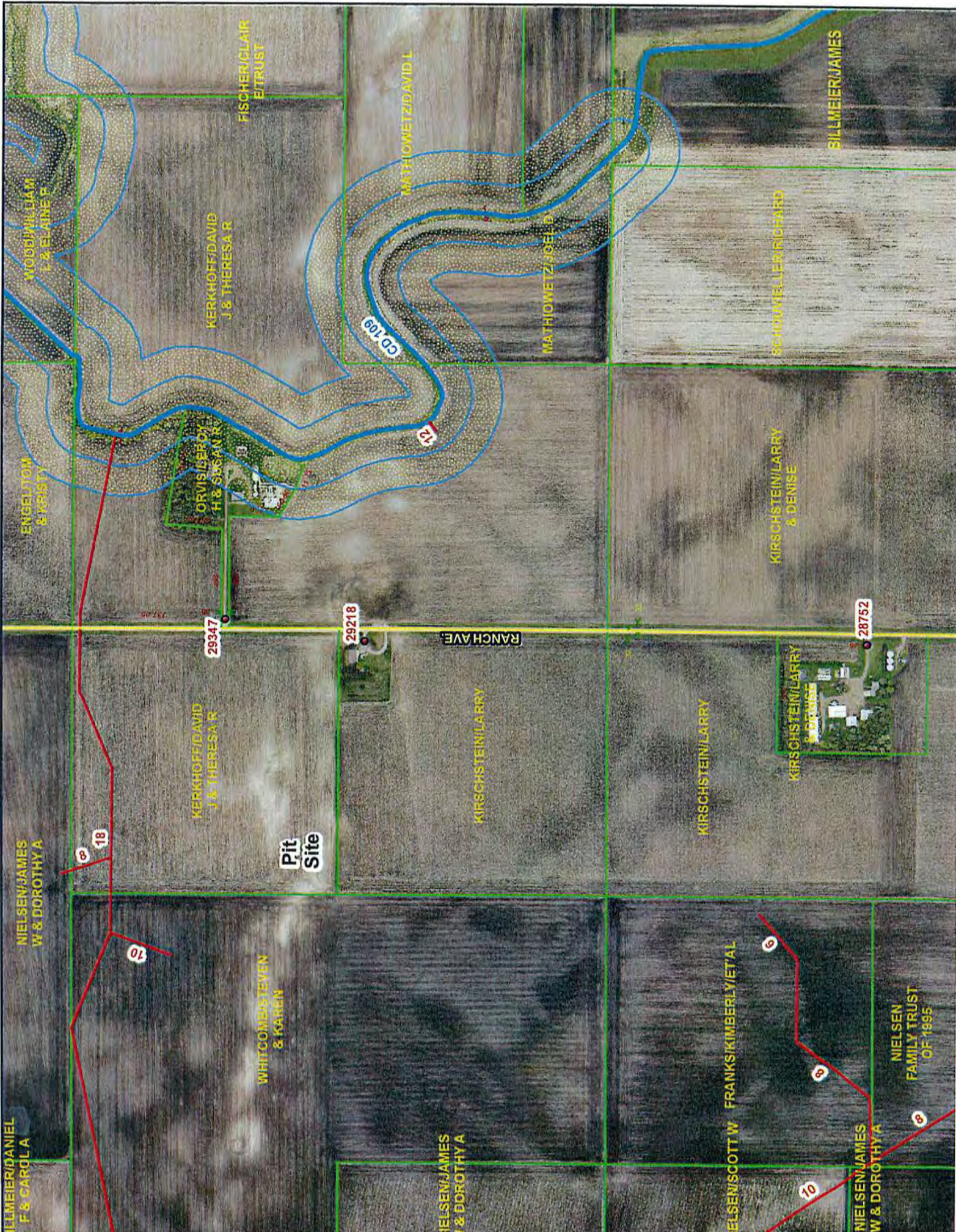
Legend

- Municipal Boundaries
- Sections
- Surrounding Counties
- Townships
- County Open Ditch
- County Tile
- Address points
- Parcels
- Major Roads**
- <all other values>
- 1
- 2
- Minor Roads

Parcel ID	65-029-4020	Alternate ID	n/a	Owner Address	KERKHOFF/DAVID J & THERESA R
Sec/Twp/Rng	29-112-34	Class	AGRICULTURE		406 ASPENWOOD DR
Property Address		Acreage	40		REDWOOD FALLS MN 56283
District	n/a				
Brief Tax Description	NE1/4 SE1/4, 40A (Note: Not to be used on legal documents)				

Date created: 8/22/2016
 Last Data Uploaded: 8/22/2016 10:12:32 AM

Developed by
 The Schneider Corporation





Conditions Permit No. 10-16 (TNT Construction/David Kerkhoff)

1. The permit holder shall comply with all applicable laws, rules, and regulations, including but not limited to Redwood County Zoning Ordinance, as hereafter amended from time to time. The permit holder shall abide by all MSHA requirements. The permit holder shall comply with all federal, state and local laws.
2. The permit holder shall allow the Redwood County Environmental Office to inspect the site for all purposes permitted by law whenever deemed necessary by the Redwood County Environmental Office.
3. The permit holder shall have proper warning signs posted along Ranch Avenue during times that material is being hauled into or out of the site. The warning signs shall conform to the requirements and guidelines as provided in the Minnesota Manual on Uniform Traffic Control Devices.
4. All waste and refuse generated by or from the conditional use must be disposed of in the manner provided by the applicable local, state, and federal statutes, rules, and regulations. A copy of all disposal records and receipts must be kept on file for no less than five (5) years and provided to the Redwood County Environmental Office upon request.
5. The permit holder shall contact all relevant local, state, and federal authorities/entities and inquire as to whether a permit and/or license is required. If a permit and/or license is required, the permit holder shall apply for and obtain any and all required permits and/or licenses. A copy of all such permits and/or licenses shall be provided to the Redwood County Environmental Office upon request.
6. The permit holder shall not allow the conditional use to be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The permit holder shall not allow the conditional use to impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area. Adequate measures shall be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of the foregoing will constitute a nuisance now or in the future.
7. Hours of operation shall be 6:30 am to 7:30 pm.
8. The permit holder shall take appropriate and reasonable measures to assure that all surface water runoff satisfies all applicable local, state, and federal discharge standards. The permit holder shall not allow the conditional use to cause increased surface water runoff onto neighboring properties.
9. The permit holder shall not exceed the boundary limits described and set forth in the *Application for Extraction Conditional Use Permit*, including the maximum depth of the gravel vein as identified on the cross section diagram attached to the permit application (12 feet). The permit holder shall keep any pit, excavation, or impounded waters within the limits for which the particular permit is granted. The permit holder shall not allow the conditional use to cause any sloughing or erosion on neighboring properties. The permit holder shall conduct the conditional use in such a way that the neighboring properties are not in any manner undermined or destabilized.

10. The use of any other equipment (i.e. hotmix plant, bag house, etc.) at the site shall require a new conditional use permit. The excavation site shall not be used for a demolition site unless the permit holder obtains the proper permits from the State of Minnesota and Redwood County.
11. The completion date of this *Extraction Conditional Use Permit* will be August 25th, 2019.
12. Adequate access roads, drainage, and other necessary facilities shall be provided at all times and shall continue to be provided by the permit holder now and in the future.
13. No crushing of material shall occur on the site.
14. The permit holder shall at all times properly guard and keep any pit or excavation in such condition so as not be dangerous from caving or sliding banks. The permit holder shall properly drain, fill, or level any pit or excavation after created so as to make the same safe and healthful which shall be determined by the Board of Commissioners. The permit holder shall grade the site after the excavation and extraction has been completed so as to render it usable. The site shall be reclaimed and sloped to a 3:1 or flatter slope so that it can be returned to crop farming use and to avoid erosion and an unsightly mar on the landscape. The site shall be clean and free of all debris, including stockpiles, when the *Extraction Conditional Use Permit* reaches its completion date.
15. The permit holder shall enter into and abide by a written agreement with the Sherman Township Board regarding repair and maintenance of township roads damaged by hauling to and from the permitted site.
16. The permit holder shall post a bond, cash deposit, irrevocable letter of credit, or other security in the amount of \$10,000.00. Further, the bond, cash deposit, irrevocable letter of credit, or other security shall remain in full force and effect for a minimum of one year beyond the ending date of *Extraction Conditional Use Permit*.
17. The permit holder shall maintain bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000 per occurrence during the life of the extraction operation and shall provide proof of the same to the Redwood County Environmental Office.
18. The Redwood County Planning Commission shall review the conditional use permit and shall be authorized to take any and all necessary action(s), including but not limited to revoking the conditional use permit and/or requiring the permit holder to reapply for a conditional use permit, if: 1) The Redwood County Environmental Office acquires information previously unavailable that indicates the terms and conditions of the permit do not accurately represent the actual circumstances of the permitted facility or the conditional use; 2) It is discovered subsequent to the issuance of the permit the permit holder failed to disclose all facts relevant to the issuance of the permit or submitted false or misleading information to the Redwood County Environmental Office, the Redwood County Planning Commission, or the Redwood County Board of Commissioners; 3) The Redwood County Environmental Office determines the permitted facility or conditional use endangers human health or the environment; and/or (4) The permit holder violates any of the herein described conditions, the Redwood County Ordinances, State statutes, or Federal laws.



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

REDWOOD COUNTY PLANNING COMMISSION TNT/Kerkhoff Construction – David Kerkhoff site Conditional Use Permit Application #10-16 August 29th, 2016

FINDINGS OF FACT

ORDINANCE CRITERIA – The Planning Commission may recommend the granting of a Conditional Use Permit in any district provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Ordinance and the Comprehensive Plan.

In determining whether the proposed use is in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, the Planning Commission shall consider and make findings on the following questions:

- 1) Will the conditional use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the immediate vicinity?

Yes _____ No _____

Supporting Facts:

- 2) Will the establishment of the conditional use impede on the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area?

Yes _____ No _____

Supporting Facts:

3) Are there, or will there be provided, adequate utilities, access roads, drainage, and other necessary facilities?

Yes _____ No _____

Supporting Facts:

4) Have adequate measures been taken, or will adequate measures be taken, to provide sufficient off-street parking and loading space to serve the proposed use of the property?

Yes _____ No _____

Supporting Facts:

5) Have adequate measures been taken, or will adequate measures 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?

Yes _____ No _____

Supporting Facts:

6) Will the proposed use have an impact (adverse) on the health, safety, and general welfare of the residents in the surrounding neighborhood?

Yes _____ No _____

Supporting Facts:

NAME: _____

DATE: _____