



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, April 10th, 2017 – 1:00 p.m.

1. Call to Order
2. Public Hearing on the *Application for Extraction Conditional Use Permit* submitted by Jared Maas.
3. Other Business:
 - a. Review and approve the minutes from the February 27th Planning Commission meeting
 - b. Any other business



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TO: Redwood County Planning Commission

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

DATE: April 3rd, 2017

RE: Planning Commission Hearing on April 10th, 2017

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 10th day of April, 2017, 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 involve one (1) public hearing. A brief summary of the subject matter of the hearing is set forth below.

1. Public hearing on Application for Extraction Conditional Use Permit submitted by Jared Maas.

An *Application for Extraction Conditional Use Permit* has been filed by Jared Maas 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 North Half of the Southeast Quarter (N1/2 SE1/4) AND the Northeast Quarter (NE1/4) of Section 28, Township 110 North, Range 38 West, Johnsonville Township.

This site was originally permitted by Maas in 2014. He now wants to extend the area of excavation to the southeast. Some areas which were permitted in 2014, but were never mined, are being removed from the permitted extraction area so that the total acreage to be mined will not exceed 10 acres. This new permit, if approved, will replace the 2014 permit.

Proposed extraction area will be 10 acres in area, including equipment storage and overburden stockpiling areas. The extraction area lies across three different zoning districts: (1) the "A" Agricultural District; (2) the "FP" Floodplain District; and (3) the Shoreland District.

Gravel mining is a Conditional Use in all three of the above-referenced zoning districts. Specifically, Section 5, Subd. 4.3.B. of the Ordinance states that "[e]xtraction and storage of sand, gravel, and other materials" is a Conditional Use in the Floodway. Section 7, Subd. 3.6. of the Ordinance states that "[e]xtraction, processing or storage of sand, gravel, stone or any other raw materials as regulated in Section 16, Subdivision 5 of this Ordinance" is a Conditional Use in the Agricultural District. Finally, Section 4.2.B.(2.) of the Shoreland Ordinance states that "the extraction, storage, or processing of sand, gravel, stone, clay, or other raw material" is a Conditional Use in the Shoreland District.

It should be noted that processing of material is not listed as a Conditional Use in the Floodway, though it is in the other Districts. Neither is it listed as a Permitted Use in the Floodway. Section 4, Subd.5 of the Ordinance states that "[w]henver in any zoning district a use is neither specifically permitted or denied the use shall be

considered prohibited.” Consequently, processing of material is prohibited in the Floodway and therefore any crushing that is performed on the site must be done outside of the Floodway District.

The Floodplain Ordinance contains specific standards for Floodway Conditional Uses in order to prevent excessive flood damage in connection with the use. Specifically, Subdivision 4.4.F.(2.) states that stored material and equipment must be “readily removable from the area within the time available after a flood warning.” Additionally, the Planning Commission must base its decision to recommend a Permit for approval on the following factors, in addition to the factors required for a CUP outside the Floodplain:

- (1.) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2.) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (3.) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4.) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5.) The importance of the services provided by the proposed facility to the community.
- (6.) The requirements of the facility for a waterfront location.
- (7.) The availability of alternative locations not subject to flooding for the proposed use.
- (8.) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9.) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10.) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11.) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12.) Such other factors which are relevant to the purposes of this Ordinance.

No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by Jared Maas. The life expectancy of the extraction operation is ten (10) years, concluding on April 18th, 2027. April 18th is the date of expiration of Mass’ reclamation surety.

Excavation will extend to a maximum depth of thirty (30) feet. This is an increase over the 2014 permit, which had a maximum depth of fifteen (15) feet. The primary reason for the original 15 foot depth maximum was that excavation to that depth can occur easily without the need to pump water out of the pit. However, the narrowest point of the proposed excavation is 290 feet across, which should easily allow the site to be reclaimed to the required 3:1 slope – 30 feet of rise over 145 feet of run (to the center of the excavation) is about 5:1 slope.

In order to excavate to a depth of 30 feet, pumping out groundwater will probably be necessary. Maas will need to apply for and obtain a dewatering permit from the State of Minnesota before dewatering the pit.

Overburden ranges in depth from 3 to 8 feet. Stockpiling of gravel material will be on the west side of the site in the early stage and will extend into the northwest corner as the project progresses. Overburden will be stockpiled for reclamation of the site when the excavation is completed. A crusher will be located on the site and crushing of material will occur as needed.

In the 2014 permit, the excavation area is limited on the southeast side by a natural waterway flowing down to the Cottonwood River. The current application proposes to put in a crossing over the waterway and excavate additional ground on the opposite side of the waterway. Excavation will begin adjacent to the water, with a 25 foot setback therefrom, and move to the southeast.

The proposed pit property is located on the east side of, and abuts, County Hwy 10. However, Mr. Maas plans to access the pit from 180th Street, to the north of the site, through another property owned by Mr. Vogl. From 180th, the material may be hauled ½ mile east to CSAH 10, 2.5 miles west to CSAH 5, or 1 mile north to CSAH 4.

At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and smoothing the ground to a 3:1 slope. Overburden will be replaced and seeded. A pond will be left in the lower area of the excavation. All other areas will be returned to pasture/grassland. Reclamation of the new excavation area on the southeast side of the waterway may include a pond. As an alternative, Maas will use earthen material from the uphill slope of the land north of the excavation site to fill in the pit and return the entire new excavation to grassed pasture. The potential borrow site from which fill material will be obtained for this is indicated on the maps attached to the permit application.

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. Mr. Maas has provided a Certificate of Liability Insurance for a commercial general liability policy with a \$1,000,000.00 limit per occurrence and a \$2,000,000 general aggregate.

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.” Mr. Maas has provided an Irrevocable Standby Letter of Credit issued by First Independent Bank of Lucan in the amount of \$20,000.00, which expires on April 18th, 2028.

No county tile lines or open ditches are located near the proposed extraction site.

The soils of the proposed conditional use site are classified as follows: *Terril loam, 2 to 6 percent slopes; Ves-Storden loams, 3 to 6 percent slopes, eroded; Ves loam, 3 to 6 percent slopes, eroded; and Delft-Webster complex.*

A copy of Mr. Maas' Extraction Conditional Use Permit Application has been forwarded to the Minnesota Department of Natural Resources for comment in regard to the Cottonwood River floodplain and to the Redwood County Soil and Water Conservation District Office for comment in regard to protected wetlands. As of the date of this memorandum, no comment has been received from the DNR. The SWCD recommends that a 25 foot setback be maintained between the excavation and the waterway, on both sides of the waterway.

The Environmental Office was contacted by telephone by Tyler Erickson of Northwestern Farm Management on behalf of a client who owns land west of Mr. Vogl's property. Erickson expressed concern about the setback between his client's land and the excavation. It was explained to him that the excavation would be extended to

the southeast only. He stated that he has no additional concerns. No other public comment has been received as of the date of this memorandum.

The proposed conditions for the *Application for Extraction Conditional Use Permit* submitted by Jared Maas are attached hereto.



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 Jared Maas o/b/o landowner Robert Vogl 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:

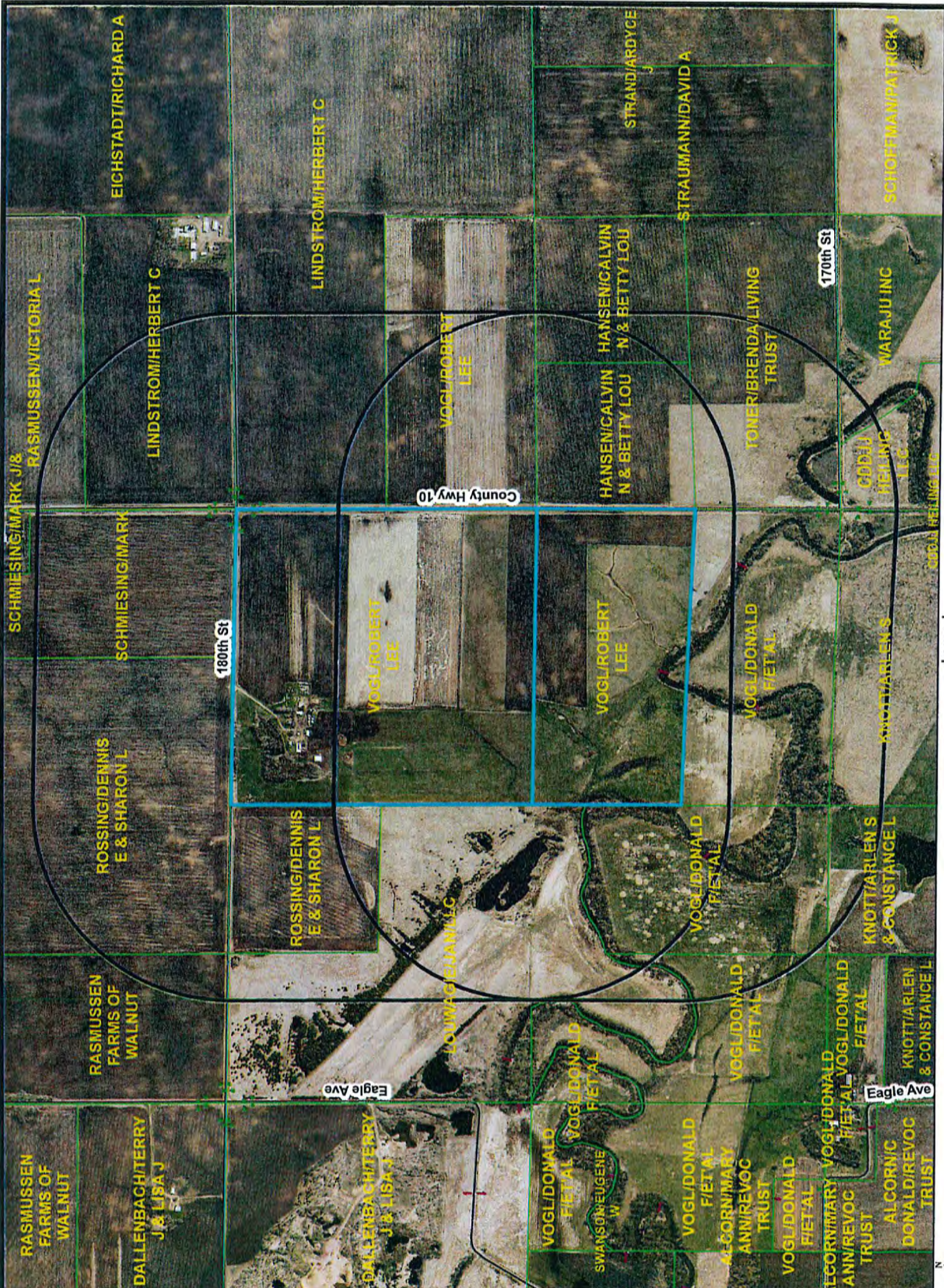
The North Half of the Southeast Quarter (N1/2 SE1/4) AND the Northeast Quarter (NE1/4) of Section 28, Township 110 North, Range 38 West, Johnsonville Township.

A public hearing thereon will be held before the Redwood County Planning Commission at 1:00 o'clock p.m. on Monday, the 10th day of April, 2017, 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 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: March 27th, 2017

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



Legend

- CUP Notification Area
- Parcel
- Section
- Road
- CUP Parcel

1/3 Mile From CUP Parcel

AFFIDAVIT OF SERVICE VIA U.S. MAIL

STATE OF MINNESOTA)
) ss
COUNTY OF REDWOOD)

RE: *Application for Extraction Conditional Use Permit* submitted by Jared Maas of Maas Construction o/b/o land owner Robert Lee Vogl; Permit Application No. 4-17

I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

- 1. Notice of Public Hearing on Application for Extraction Conditional Use Permit; and**
- 2. Notice of Public Hearing**

was duly served upon:

**ROBERT LEE VOGL
25288 COUNTY HIGHWAY 6
WABASSO, MN 56293**

**HERBERT C LINDSTROM TERMINABLE INTEREST TRUST
% MARLYS LINDSTROM ET'AL
9800 SANDRA LANE
MINNETONKA, MN 55305**

**DENNIS E & SHARON L ROSSING REVOCABLE LIVING TRUST
% NORTHWESTERN FARM MGT CO
301 S O'CONNELL ST
MARSHALL, MN 56258**

**BRENDA TONER LIVING TRUST
% BRENDA L TONER
1500 E CEDAR LANE
SIOUX FALLS, SD 57103**

**DONALD F VOGL ET'AL
16871 EAGLE AVE
WALNUT GROVE, MN 56180**

**RASMUSSEN FARMS OF WALNUT GROVE LLC
17698 CO HWY 4
WALNUT GROVE, MN 56180**

**MARK SCHMIESING
18384 CO HWY 10
WALNUT GROVE, MN 56180**

**JAN LOUWAGIE LLC
19193 200 ST
LUCAN, MN 56255**

**WARAJU INC
19317 160 ST
WALNUT GROVE, MN 56180**

**ARLEN S & CONSTANCE L KNOTT
19317 160 ST
WALNUT GROVE, MN 56180**

**ARLEN S KNOTT
19317 160 ST
WALNUT GROVE, MN 56180**

**CDDJJ HEILING LLC
800 E BRIDGE ST
REDWOOD FALLS, MN 56283**

**VICTORIA L RASMUSSEN
901 COUNTRY CIRCLE DR
TRACY, MN 56175**

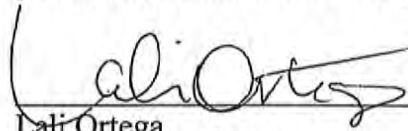
**CALVIN N & BETTY LOU HANSEN ET'AL
% THE INN ON WESTPORT
4000 S WESTPORT AVE
SIOUX FALLS, SD 57106**

**JOHNSONVILLE TOWNSHIP CLERK
% BRUCE W MAAS
16659 200 ST
WALNUT GROVE, MN 56180**

**LUCAS YOUNGSMA MN DNR
1400 E LYON ST
MARSHALL, MN 56258**

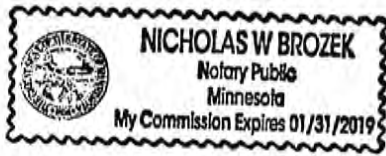
**JARED MAAS
% MAAS CONSTRUCTION CO.
14499 US HWY 14
WALNUT GROVE, MN 5618**

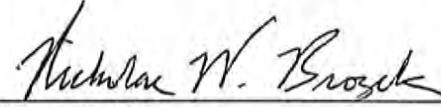
by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota on the 27th day of March, 2017.



Lali Ortega
Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 29th day of March, 2017, by Lali Ortega.





Notary Public

MICHAEL W. BAKER
10000
VA Commission Expires 01/01/2012



AFFIDAVIT OF SERVICE VIA U.S. MAIL

STATE OF MINNESOTA)
) ss
COUNTY OF REDWOOD)

RE: *Application for Extraction Conditional Use Permit* submitted by Jared Maas of Maas Construction o/b/o land owner Robert Lee Vogl; Permit Application No. 4-17

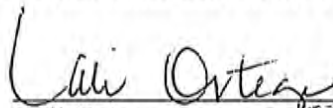
I, Lali Ortega, a person not less than eighteen (18) years of age, being first duly sworn upon oath, hereby state a copy of the following:

- 1. Notice of Public Hearing on Application for Extraction Conditional Use Permit; and**
- 2. Notice of Public Hearing**

was duly served upon:

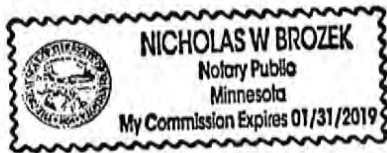
**ROBERT LEE VOGL
18692 180 ST
WALNUT GROVE, MN 56180**

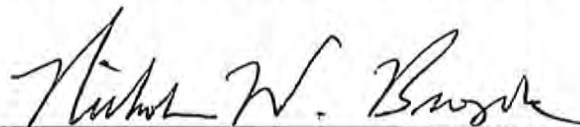
by enclosing a copy of the same in an envelope, with postage prepaid, and depositing said envelope in a United States Postal Service mailbox located at Redwood Falls, Minnesota on the 3rd day of April, 2017.



Lali Ortega
Environmental Administrative Assistant

Subscribed and sworn to before me, a Notary Public, on this 3rd day of April, 2017, by Lali Ortega.





Notary Public

**OFFICIAL PUBLICATION
NOTICE OF PUBLIC HEARING**

An Application for Extraction Conditional Use Permit has been filed by Jared Maas o/b/o landowner Robert Vogl 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 North Half of the Southeast Quarter (N1/2 SE1/4) AND the Northeast Quarter (NE1/4) of Section 28, Township 110 North, Range 38 West, Johnsonville Township.

A public hearing thereon will be held before the Redwood County Planning Commission at 1:00 o'clock p.m. on Monday, the 10th day of April, 2017, 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 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: March 27th, 2017

Nicholas W. Brozek
Land Use and Zoning Supervisor
Redwood County Environmental Office
Published in the Redwood Gazette March 30, 2017.

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:

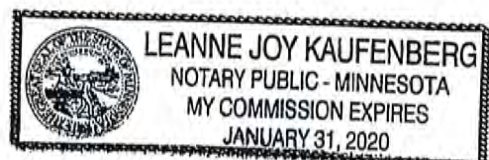
1. I am the general manager of the Redwood Gazette. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those 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 30th day of MARCH, 2017.
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 30th day of MARCH, 2017.

By: Leanne Kaufenberg
Notary Public





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

www.co.redwood.mn.us

Permit #: 4-17 Date: _____

Location of the Extraction:

Address: 18692 180th St. City: Wahnet Grove State: MN Zip: 56180
House # Street Name
Parcel #: 56-28-4029 Township: Johnsonville Section: 28 Twp #: 110-N Range: 38W

Legal Description:

N 1/2 of the SE 1/4 Section 28 - Johnsonville Twp

Information about the Extraction:

Zoning District: Agricultural/Non Homestead
Soil Type 1: _____
Soil Type 2: _____
Type Of Extraction: Gravel Mining If other, please explain: _____

General description of the extraction:

Gravel Extraction for mostly private/youngship purposes.

Total acres in the parcel: 79.99 Number of acres to be extracted 10

Type of Road: Field Road Right-of-Way Footage: 20' from closest property line.

Setbacks: (Please enter in feet)

Setback from the Center of the Road: 180th St. - Greater than 1/2 Mile
Side Yard Setback 30ft Min - Mostly 50ft Direction: W
Side Yard Setback: 1500 ft Direction: E
Rear Yard Setback: 750 ft Direction: S

Starting Date: 2017 Estimated Date of Completion: 2027

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

Drainage Plan:

Disturbed areas landscaped both during & after to drain area as naturally det. Draw to remain w/ 25' buffer on each side.

Landscape and screening plans:

Re-seed & reslope all disturbed areas when complete. Pond to remain.

Water plan (estimated water use):

None

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

Excavation site in a very remote area. Any and all disturbances to be a non-issue. Small, lower volume mining operation.

Reclamation plan:

Excavated Pond (West Pond) to be used as pond for fish, wildlife etc. with banks sloped + seeded accordingly. East Pond will be the same with possible

Estimated Cost of Reclamation: 7,500 Option of full reclamation. Rest of site to return to grass/pastureland after mining.

General Contractor:

Name: Same as Applicant Information City: State: MN

Applicant Information:

First Name: Jared Last Name: Macs

Business: Mac's Construction Co.

Address: 14499 U.S. Hwy 14 City: Wahpet Mn State: MN Zip: 56180

Home Phone: Cell Phone: 507-828-4609

Land Owner Information:

First Name: Robert Last Name: Vogt

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: Robert Vogt Date: 3-16-17

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 #: Date Approved:

Commission Action:

County Board Action:

Approved: Date: Approved: Date:

Disapproved: Date: Disapproved: Date:



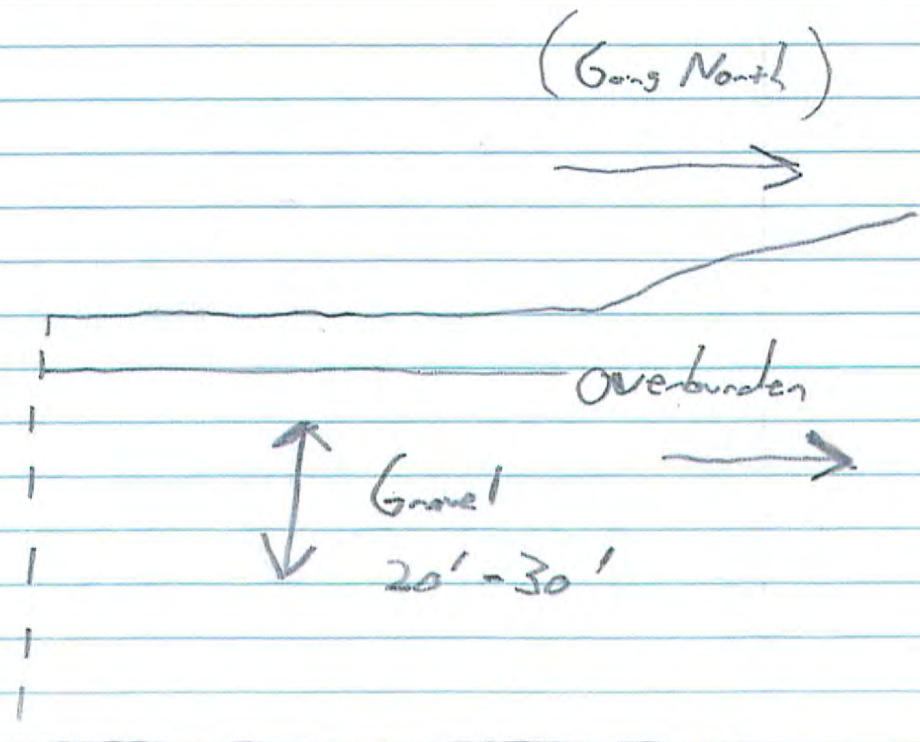
© 2015 Earthstar

05/05/2016

Operation Area

West Pit: Continued operation as present until max depth achieved, then proceeding to finished plan.

East Pit: Mining operations beginning on west end + extending east in mapped area. Overburden moved North until reclamation. All access roads to remain the same. Roadway access west from extraction area, then turning North to access 180th St. (Township Road)





Grassland / Pasture

West Pond

East Pond
(or pasture)

Grass will be removed

Borrow area to return
East Pond to grass pasture

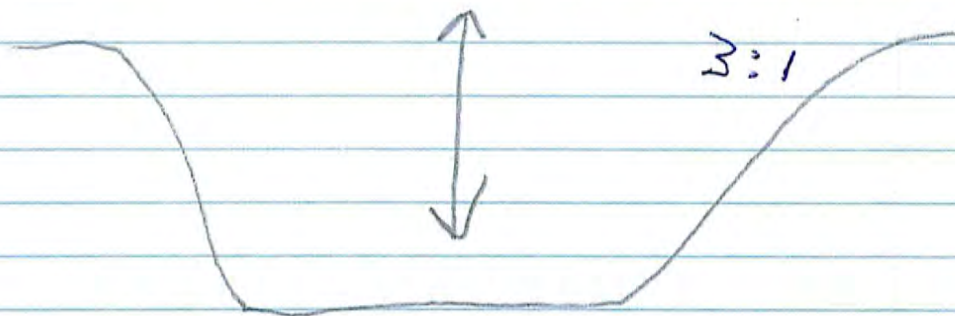
05/05/2016

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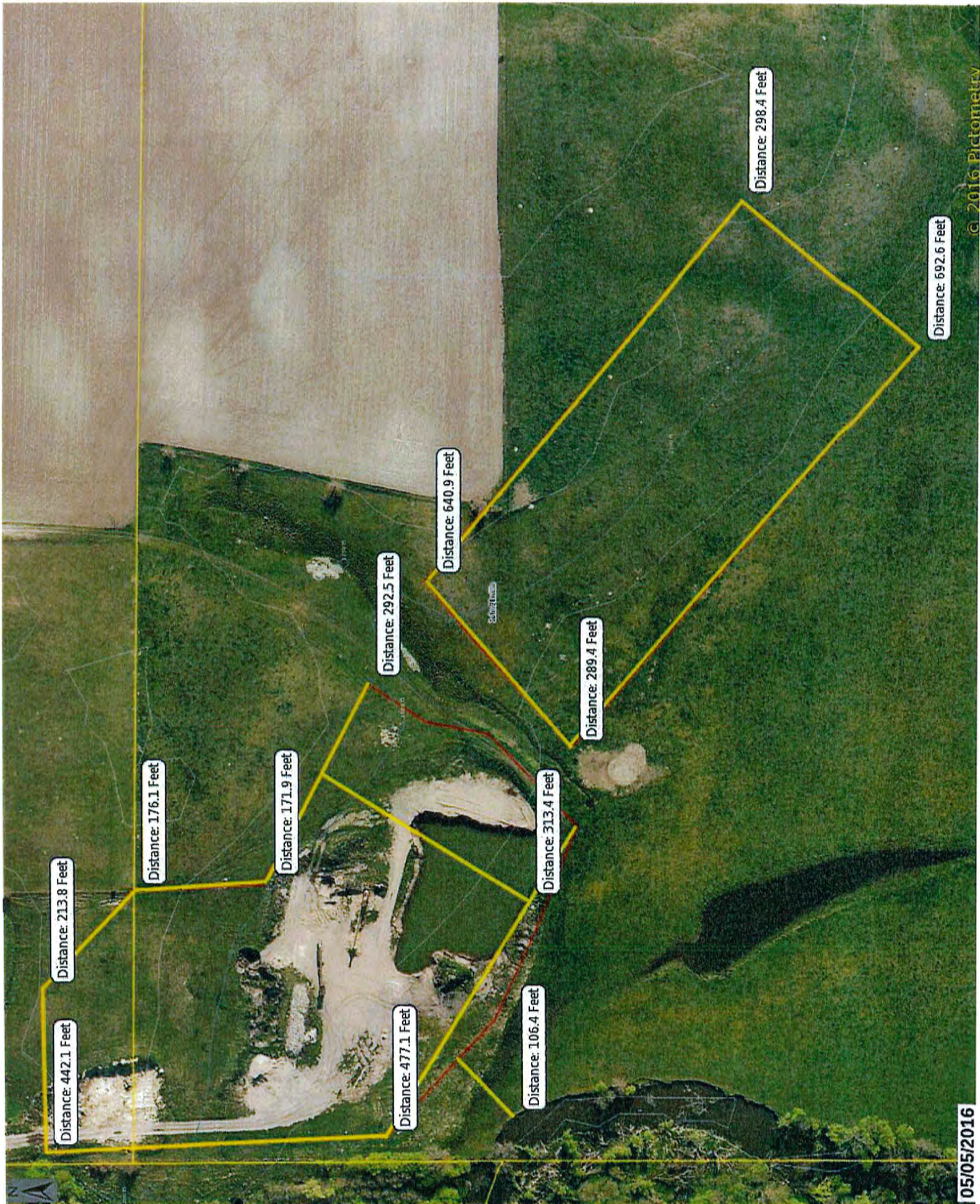
Finished Area

West Pits: Pond to Remain, Sides
← Sloped 3:1, landscaped for
proper drainage & reseeded.
East All other areas to return to
original condition, pasture / grassland.

Depth 20-30'



Note: Possible full reclamation option
on the east pit.



Distance: 442.1 Feet

Distance: 213.8 Feet

Distance: 176.1 Feet

Distance: 171.9 Feet

Distance: 292.5 Feet

Distance: 640.9 Feet

Distance: 298.4 Feet

Distance: 692.6 Feet

Distance: 289.4 Feet

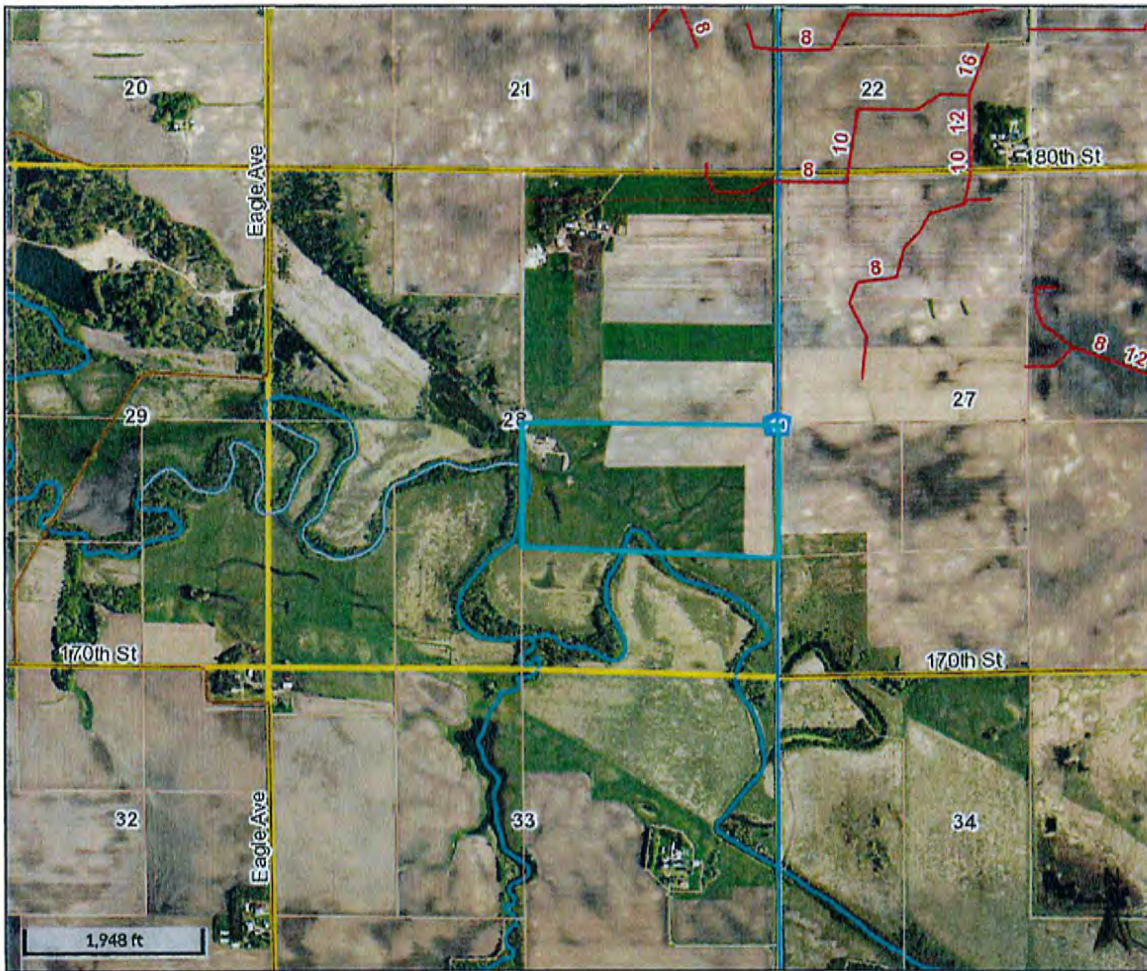
Distance: 313.4 Feet

Distance: 106.4 Feet

Distance: 477.1 Feet

05/05/2016

© 2016 Pictometry



Overview



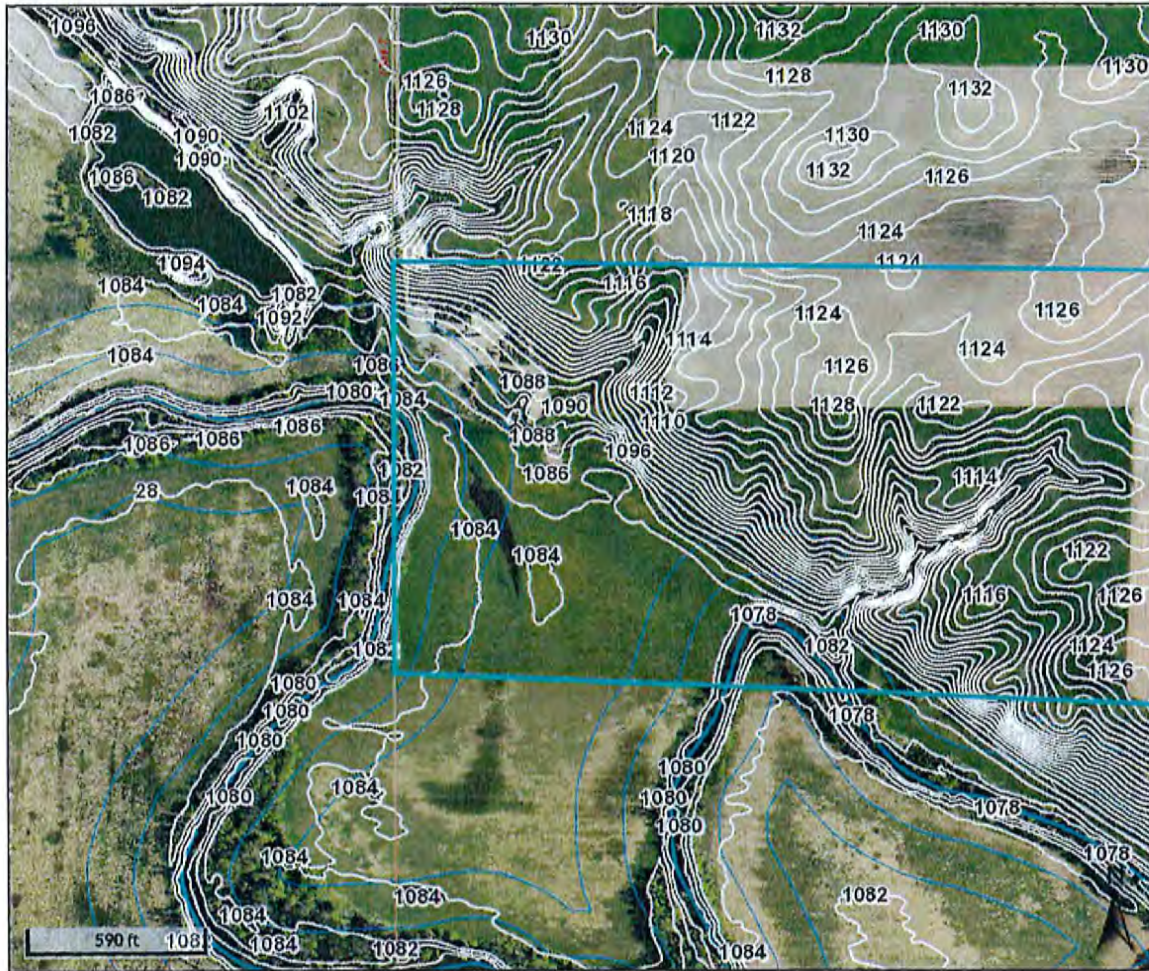
Legend

- Sections
- Drain Tile
- Rivers
- Parcels
- Major Roads**
- County/Twp/City
- State/Federal
- County
- Minor Roads

Parcel ID	56-028-4020	Alternate ID	n/a	Owner Address	VOGL/ROBERT LEE
Sec/Twp/Rng	28-110-38	Class	AGRICULTURE		18692 180 ST
Property Address		Acreeage	75		WALNUT GROVE MN 56180
District	n/a				
Brief Tax Description	N1/2SE1/4, 80.A				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/4/2017
 Last Data Uploaded: 4/4/2017 10:05:36 AM

Developed by
 The Schneider Corporation



Overview



Legend

- Sections
- Contours
- Rivers
- Parcels
- Shoreland**
- <all other values>
- 150 ft
- 300 ft
- 300 ft LW
- 1000 ft
- FloodPlain
- Major Roads**
- County/Twp/City
- State/Federal
- County
- Minor Roads

Parcel ID	56-028-4020	Alternate ID	n/a	Owner Address	VOGL/ROBERT LEE
Sec/Twp/Rng	28-110-38	Class	AGRICULTURE		18692 180 ST
Property Address		Acreage	75		WALNUT GROVE MN 56180
District	n/a				
Brief Tax Description	N1/2 SE1/4, 80.A				
	(Note: Not to be used on legal documents)				

Date created: 4/4/2017
 Last Data Uploaded: 4/4/2017 10:05:36 AM



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/14/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Knakmuhs Agency - Walnut Grove P O Box 248 690 Main St Walnut Grove MN 56180-0248	CONTACT NAME:	
	PHONE (A/C, No, Ext): 507-859-2154	FAX (A/C, No): 507-859-2461
	E-MAIL ADDRESS: wgagency@redred.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Grinnell Mutual	14117
INSURED Jared Maas 14499 US Hwy 14 Walnut Grove MN 56180	INSURER B : Northfield Insurance Company	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES CERTIFICATE NUMBER: 20170314152249070 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	WS225970-2	03/09/2017	03/09/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Fire Legal Liability \$ COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	0000413548	05/18/2017	05/18/2018	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Redwood County
PO Box 130
Redwood Falls MN 56283

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Kristi Butler

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Conditions Permit No. 4-17 (Robert Vogl/Jared Maas)

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.
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 Township/County roads used to transport material from the mining operation. 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. A 20 foot setback from the mining sites to adjacent properties is required.
7. Hours of operation shall be 7 am to 7 pm.
8. 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.
9. The permit holder shall not exceed the boundary limits described and set forth in the *Application for Extraction Conditional Use Permit*. The maximum average depth of excavation will not exceed thirty (30) feet within the gravel layer indicated on the diagrams provided by the applicant attached to the permit. The permit holder shall keep any pit, excavation, or impounded waters within the limits for which the particular permit is granted.
10. A setback of 100 feet must be maintained between the permitted area (including excavation, driveways, and storage areas) and the bank of the Cottonwood River. The ground within 100 feet of the bank of the Cottonwood River shall not be disturbed, stripped, cleared of vegetation, or changed in any way by the mining operation authorized by this permit.
11. Gravel and other materials shall not be crushed, processed, stockpiled, or stored in the Floodplain District, as indicated on the Redwood County Zoning Map.

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. 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 to a 3:1 slope according to the reclamation plan included in the *Extraction Conditional Use Permit*, reserved topsoil spread on the site and thereafter seeded with approved seed where required to avoid erosion and an unsightly mar on the landscape. The waterway crossing shall be removed and the waterway restored to its natural state. The site shall be clean and free of all debris, including stockpiles, when the *Extraction Conditional Use Permit* reaches its completion date.
14. Conditional Use Permit #4-17 replaces previous Conditional Use Permit #4-14.
15. In the event that the excavation of the site causes the pit to fill with water so that it is in danger of overflowing, the permit holder shall construct an outlet to maintain the water level at a point below the top edge of the pit. The Zoning Administrator shall, at the Zoning Administrator's sole discretion, determine whether the pit is in danger of overflowing. The permit holder shall work with state agencies to ensure that this outlet is constructed according to applicable legal standards. 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.
16. The permit holder shall post a bond, cash deposit, irrevocable letter of credit, or other security in the amount of \$20,000.00. 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

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

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

REDWOOD COUNTY PLANNING COMMISSION

**Jared Maas/Robert Vogl
Conditional Use Permit Application #4-17
April 10, 2017**

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

Yes _____ No _____

Why?: _____

2) Has evidence been presented that shows the proposed use will cause material injury to the use and enjoyment of other property in the surrounding neighborhood for land uses that are already permitted?

Yes _____ No _____

Why?: _____

3) Will the proposed use have a substantial adverse effect on property values or future development of land in the surrounding neighborhood for uses common to the area?

Yes _____ No _____

Why?: _____

4) Are there, or will there be provided, adequate utilities, access roads, drainage, off-street parking and loading areas, and other necessary facilities to support the proposed use of the property?

Yes _____ No _____

Why?: _____

5) Have adequate measures been taken, or will adequate measures be taken, to prevent or control offensive odor, fumes, dust, noise, lights, and vibration, so that no disturbance to neighboring properties will result?

Yes _____ No _____

Why?: _____

6) Is the proposed use of the property consistent with the general purpose and intent of the Zoning Ordinance and the goals and policies adopted in the Comprehensive Plan?

Yes _____ No _____

Why?: _____

NAME: _____

DATE: _____



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MINNESOTA 56283
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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: February 27, 2017

A meeting of the Redwood County Planning Commission convened on Monday, the 27th day of February, 2017, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, John Rohlik, Jr., Dave Mattison, Mark Madsen, and Commissioner Lon Walling. Kent Runkel was absent. Also present were the following individuals: Risk Wenisch, Nancy Blick, Kurt Bast, Alan Madsen, Bill Lightfoot, Mike Kalkhoff, Bruce Maas, Kevin Jenniges, Dan Coulter, Mark Gilland, Environmental Director Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

At approximately 1:00 p.m., Planning Commission Chair John Rohlik called the meeting to order. Chair Rohlik read aloud the rules of the meeting.

At 1:03 p.m. Chair Rohlik called to order a public hearing on an Animal Confinement Feedlot Conditional Use Permit submitted by Alan Madsen.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the application:

1. Madsen is proposing to expand his existing swine feedlot. Currently, the feedlot consists of one 102' 4" x 192 deep-pitted 2400-head wean to finish barn, which was constructed in 2012 under Conditional Use Permit #1-12. Madsen intends to construct an additional 102' x 192' deep-pitted barn to house 4500 head of swine between 13 lbs. and 55 lbs. in weight. This will add 225 animal units to the site. The barn could be used to house wean to finish pigs, just like the existing barn, but such use would require Madsen to apply for and obtain a new Conditional Use Permit due to the increase in animal units. For the foreseeable future, the barn will be used as a nursery barn.
2. Redwood County Feedlot Ordinance requires that a new Conditional Use Permit be obtained for a feedlot expansion adding 200 animal units above the currently permitted number (see Section 17, Subd. 3.C of the Ordinance). Additionally, the Feedlot Ordinance requires a new Conditional Use Permit whenever an existing feedlot proposes construction of a new manure storage structure (see Section 17, Subd. 3.F).
3. The feedlot is located in Section 4 of Brookville Township, on Ranch Avenue about three miles south of the City of Morgan. The proposed new barn site is on land currently owned by the Janet K Kragh Revocable Trust, which owns the tillable land around Madsen's dwelling/feedlot site. Madsen has verbal consent from the Trustee to purchase property for the new barn and is working on preparing a signed purchase agreement.

4. An existing on-site well will be used as a water source. Annual water usage is estimated to be 2,047,500 gallons after the expansion. Use in excess of 1,000,000 gallons per year necessitates a DNR water appropriations permit.
5. Construction of the barn is anticipated to begin in the spring of 2017 and be completed by August 2017.
6. The facility is located with 1000 feet of an open tile intake.
7. The new barn will be oriented on a north to south axis, whereas the existing barn is oriented east to west. Two soil test pits were excavated on the barn site, one on the southeast corner of the barn and the other on the northwest corner. The northwest soil test pit shows clay loam subsoil with mottling (seasonal high water table) at 25 inches above the proposed pit floor level. Standing water was found at the time of excavation at 11 inches above the proposed pit floor level. The southeast soil test pit shows a clay loam subsoil with mottling at 36 inches above the proposed pit floor level and standing water at time of excavation at 12 inches above the proposed pit floor level. Slat elevation is proposed to be 24 inches above the existing grade.
8. Perforated heavy-duty polyethylene 4" drain tile will be installed around the perimeter of the footing of the pit wall. The tile will be covered with washed aggregate up to the top of the footing. The tile will outlet to existing farm drain tile.
9. The pit will consist of two compartments separated by a poured concrete divider wall. There will be eight pump-outs – four on each long side.
10. 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
11. The floor will be 5" thick poured 4000 psi concrete with 2 lbs. of fiber mesh per cubic yard.
12. 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.
13. 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 in a 30" x 30" grid.
14. The feedlot will be set back over 200 feet from the right of way line of Ranch Avenue and about 1300 feet from Judicial Ditch 30, R & B. Additionally, the barn will be set back approximately 400 feet from the nearest county tile line, a 6" main (Branch 1 of Branch W, JD 30, R & B) runs north/south in the road ditch on the east side of Ranch Avenue, commencing about 400 feet southwest of the proposed barn location. It runs south for about 700 feet where it intersects with Branch W on the northwest corner of a farm building site owned by Nancy Blick et'al, where it crosses underneath Ranch Avenue and continues to the southwest for a distance of about 2000 feet, where it outlets into the JD 30, R & B open ditch.
15. The four nearest dwellings to the proposed site, other than that of the applicant (300 feet northeast of the barn), are as follows: Nancy Blick, 21159 Ranch Avenue, about 1470 feet south of the site; a dwelling owned by Evergreen Acres Dairy LLC and occupied by its feedlot employees, 41762 215th Street, about

1770 feet west of the site; Mark Gilland, 20902 Ranch Avenue, about 2820 feet southwest of the site; and Richard Wenisch, 21192 CSAH 2, about 2830 feet southeast of the site. All other building sites in the surrounding area are well over ½ of a mile from the proposed barn.

16. Staff used the University of Minnesota OFFSET odor from feedlots setback estimation tool to calculate the Annoyance-free frequency for the following dwellings:
 1. Nancy Blick – 93% annoyance free
 2. Evergreen Acres – 94% annoyance free
 3. Mark Gilland – 97% annoyance free
 4. Richard Wenisch – 97% annoyance free
 5. At a one-mile radius – 98% annoyance free
17. Mr. Madsen has 1440.5 acres under agreement available for spreading the manure. These fields are located in Three Lakes Township Sections 21 and 26, Morgan Township Sections 30 and 33, and Brookville Township Sections 4, 5, 6, 9, and 16.
18. Dead animals will be stored to be picked up and rendered. Madsen will construct an 8' x 8' concrete "box" structure, with a gate, for temporary dead storage.
19. The pit will hold one year's worth of manure (1,000,000 gallons). Manure will be pumped and applied in the fall after crops are harvested.
20. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Mark Madsen stated that he has an interest in the project. Commissioner Madsen then recused himself from voting on the application and removed himself from the Commissioner's table, joining the audience.

Alan Madsen was present to explain the project. Seifert made the following statements to the Planning Commission:

- There is one double-wide pitted hog barn on the site already.
- He wants to build a second double-wide (2400 head) swine barn on the site.
- He will keep 4500 head of nursery pigs (225 animal units) in the old barn and 2400 head of finishing swine (960 animal units) in the new barn.
- The new barn will have trees planted on the three sides that the fans exhaust on. The trees will screen the barn from the public road.
- Madsen doesn't own the land on which he proposes to build the barn, but the owner has signed a letter of intent to sell him several acres for the barn upon approval of the permit.
- The site is currently permitted for the single existing hog barn and 2400 finishing swine.

The Planning Commissioners had questions and Mr. Madsen provided the following responses:

- The manure pit has been designed by a licensed engineer and the design has been submitted to the county.
- The additional pigs will be watered using the existing drilled well on the site.
- Madsen has contacted the DNR regarding a water appropriations permit for the site and has a permit in process.
- Madsen stated that he read the proposed permit conditions and that he does not object to them.

In response to commissioner questions, Brozek informed the commission that the proposed project invokes two of the triggering factors in the Feedlot Ordinance which each require a renewed CUP:

1. The animal units will be increased by more than 200 AUs over the currently permitted animal unit number.
2. A new manure storage pit will be constructed.

Chair Rohlik inquired if anyone was present to support the project. Several individuals came forward:

Mark Madsen spoke in support of his project, saying that Al is a good farmer, trying to get started in out. Al is a 4th generation pig farmer. Confinement barns are the way the industry currently works. The site currently abides by all the conditions set by the county.

Kurt Bast spoke in favor of the project. Bast works at the feed plant in Clements and has known Madsen since 2002. Bast does Madsen's soil testing and knows that they are good stewards of the land regarding nutrient management.

Mark Gilland spoke in favor of the project. Gilland is a neighbor and hauls pigs for Madsen. He informed the commissioners that Madsen's barn looks good "inside and out."

Mike Kalkhoff spoke in favor of the project. Kalkhoff works for Watje Feeds and has known Madsen his entire life. He likes to work with smaller operations and it's good to see young farmers come back to farming. Owner-operators help the local economy and community more than a big integrated corporate operation moving in. Madsen is a good operator and takes good care of his pigs.

Chair Rohlik inquired if anyone was present to oppose the project. Several individuals came forward:

Nancy Blick made a statement. Blick said she is not opposed to Madsen improving his operation, but wants to see some conditions attached to the permit:

1. The feedlot will not be expanded any further to the south.
2. Trees will be planted on the south edge of the feedlot, including south of the existing barn.
3. Monitor the water table to make sure the feedlot is not draining the aquifer.

Blick stated that she is the closest neighbor to the feedlot. The feedlot is at a higher elevation than her house and she is concerned about contaminated drainage from the feedlot.

She is also concerned about water usage. Water has become more difficult to find in the area. They drilled seven holes at the former Gilland feedlot site west of Madsen's before they found water, and she believes that Madsen had to drill four or five holes. Blick stated her well is 157 feet deep.

Blick stated that she has post-polio syndrome and it is beginning to affect her lungs.

She is also concerned about the effect of the feedlot on the value of her property.

Rick Wenisch made a statement. Wenisch stated that he is not opposed to the new barn, but that the old barn stinks. Wenisch has two daughters with asthma. He is also concerned that it is a conflict of interest for Madsen's permit to be approved when his father is on the Planning Commission.

The applicant provided the following responses to the comments and concerns raised:

- Madsen doesn't have room to plant trees on his property south of the existing barn due to the slope of the ground, in order to access the pit pump-outs on the barn. The ground slopes away from the barn, but the manure hauling equipment must be parked on level ground when it is filled. This means any trees would need to be planted on the neighbor's property, and the owner has indicated that she doesn't wish to sell any additional property.

Walling pointed out that Mark Madsen had recused himself and would not be voting on the application. Walling further stated that the Planning Commission is only an advisory body and that the final decision on whether to approve the permit or not will be made by the County Board, which is a separate entity from the Planning Commission.

Wold informed the commission that United States Geological Survey soil data is available and water monitoring data should become available in the next 2 to 3 years, though none is available now.

Scheffler stated that drought conditions will also affect water availability.

Walling stated that a condition preventing expansion southward would apply only to Madsen, and not to the landowner between Madsen and Blick, and therefore would not guarantee that no barn would be built closer to Blick's property than the one currently proposed by Madsen. Brozek stated that there is only about 150 feet between the existing and proposed barns and the ¼ mile setback line from Blick's house, which in all likelihood does not leave enough room for any additional barns.

Mark Gilland suggested planting a new row of trees on the field edge north of Blick's house. There is an existing partial row of trees there already, and a tree planting there wouldn't take any additional crop land out of production. Mark Madsen stated that he did not think that a tree planting that far from the barn would help prevent odor at Blick's residence.

Chair Rohlik closed the public meeting at 1:27 pm.

Chair Rohlik led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Scheffler made a motion to recommend approval of Conditional Use Permit application #3-17, subject to the conditions proposed by staff. Mattison seconded the motion and it passed by 5 votes to 0, with Madsen abstaining.

Brozek informed the audience that the permit would be recommended for approval by the Redwood County Board of Commissioners at the March 7th Commissioner meeting.

At 1:37 p.m. Chair Rohlik opened a public hearing to discuss enacting an ordinance enforcing the state laws requiring vegetated buffers on public waters and drainage ditches.

Wold presented the draft ordinance to the Commission:

- The intent of the ordinance is for Redwood County to assume jurisdiction over enforcement of the buffers.
- The buffer law is not a county law, it is a state law and the county has to meet the minimum standards thereof.
- If the county does not enforce the law, then the State will step in and do so. Additionally, the county will be subject to loss of state funding.
- The draft ordinance is a modified version of the model ordinance created by the MN Board of Water and Soil Resources (BWSR).
- The draft ordinance includes both the criminal penalties and administrative penalty orders (APO) as in the model ordinance. However, the draft ordinance reduces the APO penalties by half compared to the model.
- After the draft ordinance is enacted by the County Board, it will need to be approved by the State.

- The buffer requirements are 50 foot average width with 30 foot minimum width for public waters, and 16.5 foot width for public drainage ditches.
- The state law requires the DNR to map all the waters that need a buffer. Then the County Soil and Water Districts must determine whether each landowner along said waters are in compliance. The SWCD must send notification of any noncompliant properties either to the State or the County, depending on whether the County has adopted enforcement jurisdiction. Consequently, regardless of whether Redwood County elects to enforce the law, Soil and Water will still have to determine compliance, which is most of the work.
- The law has been passed by the State legislature and signed by the Governor and it is not likely to be repealed in the near future.
- If Redwood County takes on enforcement authority and later determines this was a bad idea, the County may rescind enforcement authority with 30-days' notice to the State.
- The county's goal is to work with landowners to help them be compliant with the law without excessive penalties.

Madsen stated that local enforcement is better than state enforcement because it takes advantage of the more detailed local knowledge of county staff.

Walling stated that local enforcement is preferable to state level enforcement for County landowners.

Chair Rohlik asked what the timetable is for adopting enforcement authority. Wold stated that the state's deadline is March 31st, but that the state has indicated this is a soft deadline.

Scheffler asked whether the state will be involved in enforcement even if the county adopts enforcement authority. Wold replied that they will not, unless the county neglects to actually enforce its ordinance.

Chair Rohlik asked the audience if anyone present wished to speak about the proposed ordinance.

Several Township representatives present at the hearing asked what impact the proposed ordinance would have on the Townships. Wold explained that the Townships will not have any enforcement or other obligations under the ordinance. He asked the township officials to inform their constituents of the county's position to work with landowners to help them be compliant with the law without excessive penalties.

Blick stated that one small corner of her property borders on a county ditch. She asked what the effect of the buffer law will be on her property. Wold asked her to talk to him at the Environmental Office counter after the meeting to look at a map of the property.

Chair Rohlik closed the public meeting at 1:49 pm.

Scheffler made a motion to support the adoption of buffer law enforcement authority by Redwood County by adopting the draft ordinance as presented. The motion was seconded by Madsen and passed by unanimous vote.

The Commissioners reviewed and discussed the minutes from the January 30th Planning Commission meeting. On a motion by Madsen seconded by Mattison the minutes from the January 30th Planning Commission meeting were unanimously approved.

Madsen brought up the possibility of revising the finding of facts worksheets to remove redundancies. After discussion, the Commissioners generally agreed that the findings worksheets are awkwardly phrased. Brozek stated that staff had considered revising them, but instead had chosen to use the current language because that is the language that is in the Zoning Ordinance.

The Planning Commission discussed Commissioner Kent Runkel's intent to resign from the Planning Commission and possible replacements for him.

On a motion by Madsen, seconded by Scheffler, and passed unanimously, the meeting was adjourned at 2:05 p.m.

Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

John Rohlik, Chair
Redwood County Planning Commission