

REDWOOD COUNTY ENVIRONMENTAL OFFICE

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*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: January 30, 2017

A meeting of the Redwood County Planning Commission convened on Monday, the 30th day of January, 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: Curt Walter, Lester Schultz, Joe Seifert, Commissioner Dave Forkrud, Environmental Director Scott Wold, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

At approximately 1:00 p.m., Chair Scheffler called the meeting to order. Chair Scheffler read aloud the rules of the meeting.

Scheffler noted that next agenda item was election of officers for the 2017 calendar year. Brozek informed that Commissioners that Kent Runkel intended to leave the commission during 2017 and that this should be considered when choosing officers.

John Rohlik was nominated for Chair and Dave Mattison for Vice-chair.

On a motion by Madsen, seconded by Mattison, and approved unanimously, John Rohlik was appointed Planning Commission Chair for 2017.

On a motion by Madsen, seconded by Rohlik, and approved unanimously, Dave Mattison was appointed Planning Commission Vice-chair for 2017.

Scheffler then handed the meeting over to Chair Rohlik.

At 1:05 p.m. Chair Rohlik called to order a public hearing on an Animal Confinement Feedlot Conditional Use Permit submitted by Joe Seifert.

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

1. Joe Seifert is requesting to expand his existing small feedlot at his home site located at 22450 County Hwy 13, in Section 36 of Three Lakes Township. He currently has a mixture of chickens, swine, and cattle in six different barns on the site. Specifically, he is currently permitted for 20 beef cattle, 400 finishing hogs, and 2000 chickens. The cattle are held in an old 30' x 60' barn with 26 foot leans on three sides. The chickens are held in a 30' x 80' barn. The hogs are held in four different barns, measuring 120' x 36', 68' x 36', 70' x 38', and 72' x 40' respectively. Seifert proposes to enlarge the

chicken barn and the 68' x 36' hog barn by moving in and placing existing barns from a different site. The hog barn will get a 52' x 36' addition and the chicken barn will get a 114' x 40' addition, both additions being on the west end of the existing buildings. The total animal numbers and animal units (per Redwood County Ordinance) after the proposed expansion will be as follows: 100 beef cattle (100 animal units); 1000 finishing pigs (400 animal units); and 4000 laying hens (40 animal units). The total animal units on the site after the proposed expansion will be 540 animal units. The site is located in an "A" Agricultural District.

2. There will be six livestock barns total. The cattle barn (82' x 86', including leans) is located closest to the road, near Seifert's house. The other five barns are lined up north to south on the southwest corner of the building site, as follows:
 1. 30' x 80' chicken barn with proposed 40' x 114' addition
 2. 36' x 120' swine finishing barn
 3. 36' x 68' swine finishing barn with proposed 52' x 36' addition
 4. 38' x 70' swine finishing/nursery barn
 5. 40' x 72' swine finishing barn
3. The chicken barn will include a fenced pasture to contain the additional chickens while still allowing then access to the outside.
4. There are no manure pits or constructed manure storage areas on the site. Manure will be scraped and stockpiled on site, and land applied in surrounding fields farmed by Rory Seifert.
5. Section 17, Subdivision 3(1)(C) of Redwood County Ordinance states that a Conditional Use Permit is required "[w]henver any existing feedlot subject to the Conditional Use Permit is expanded to more than 200 animal units over the Conditional Use Permit level." Consequently, Seifert was asked to apply for a Conditional Use Permit. Additionally, the feedlot site is located less than one quarter of a mile from the nearest neighboring residence, owned by Rory and Susan Seifert (Joe's parents). Pursuant to this, Seifert applied for and obtained variance #4-15v on August 11, 2015, for a variance of 670' from the required one quarter mile dwelling setback for a feedlot. This increase also triggered the need for a new variance. Consequently, Mr. Seifert applied for and obtained a variance for the proposed expansion on January 4th, 2017.
6. The property at issue is located on the west side of and abuts County Hwy 13. Pursuant to Sec. 7, Subd. 5(2)(A)(1) of Redwood County Zoning Ordinance, "[t]here shall be a minimum front yard setback of sixty-seven (67) feet from (sic) right-of-way of any public road..." The relevant section of County Hwy 13 has a right-of-way of 50 feet. Therefore, a building cannot be located within 117 feet of County Hwy 13, measured from the center of the road. The closest structure used by the conditional use (the existing open cattle lot) is located 150 feet from County Hwy 13, measured from the center of the road. The other structures and barns, including the proposed new hog barn, are, or will be, located farther back from the road, behind the open lot. Therefore, the conditional use satisfies the front yard setback requirement.
7. Only one neighboring dwelling is located within ½ of a mile of the feedlot site. This is the dwelling of Rory and Susan Seifert, referenced above. No other dwelling is located within 3000' of the feedlot.
8. Pursuant to Sec. 7, Subd. 5(5)(A) of Redwood County Zoning Ordinance, "[t]here shall be a minimum setback of one hundred (100) feet from any Judicial or County tile lines. The said setback requirement shall apply to erection of and maintenance of all structures, buildings, and the like." The structures used for the conditional use will be located over 1400 feet from the closest county tile. Therefore, the proposed conditional use satisfies the setback requirement regarding county tile.

9. The closest County or Judicial Ditch to the feedlot is Judicial Ditch 30, located 1700' east of the feedlot. Additionally, County Ditch 24 is located 2200' southwest of the feedlot. Pursuant to Section 17, Subdivision 4(3)(A)(5) of Redwood County Zoning Ordinance, "[a] new feedlot may not be located within 300 feet of a County, Judicial, or private open drainage ditch." Therefore, the proposed conditional use satisfies the setback requirement regarding open ditches.
10. Pursuant to Sec. 17, Subd. 4(3)(A)(12) of Redwood County Zoning Ordinance, "[a] new feedlot may not be located within 100 feet of any private well or within 1,000 feet of any municipal well." The nearest private well to the feedlot is Seifert's well, located 100 feet northeast of the existing cattle lot, and about 300' east of the other barns.
11. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, there are no wetlands located on or around the site of the proposed conditional use.
12. The soils upon which the feedlot is located are classified as Webster clay loam, 0 to 2 percent slopes, and Normania loam, 0 to 3 percent slopes.
13. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

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

- Will expand feedlot to include a total of 1000 head of finishing hogs in barns, on concrete slab floors with bedding. The buildings are already in place.
- Expanding because additional pigs became available from his supplier (Justin Kieper).
- Also expanding from 20 head of beef cattle to 100 head of beef cattle, and from 2000 laying hens to 4000 laying hens.
- Will construct a composting facility for dead animals. Can't build it right now during the winter. In the meantime he will transport dead hogs to Kieper's farm for disposal.

Chair Rohlik informed the Planning Commission that Seifert had also applied for a variance for his feedlot expansion, which was approved on January 4th, 2017. The reason for the variance is that the feedlot does not meet the required ¼ mile setback from the nearest neighbor.

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

- Seifert stated he has read the proposed conditions and has no problem with them.
- The variance requires that Seifert construct, per his plan, a fenced pasture area for the additional chickens. This will confine the additional chickens and keep them away from the road.
- Manure runoff from the planned stockpile will be contained to the site.
- The site is supplied with all the necessary utilities to support the proposed expansion.

Brozek informed the Commission that Seifert will have one year from permit approval to begin construction on the pasture.

Chair Rohlik inquired if anyone was present to support the project. No one came forward.

Chair Rohlik inquired if anyone was present to oppose the project. No one came forward.

Chair Rohlik closed the public meeting at 1:13 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 #17-16, subject to the conditions proposed by staff. Madsen seconded the motion and it passed unanimously.

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

At 1:18 p.m. Chair Rohlik called to order a public hearing on a Conditional Use Permit submitted by Curt Walter o/b/o Verizon and landowner Lester Schultz.

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

1. Verizon is proposing to construct a new 250 foot tall self-supporting telecommunications tower and equipment platform in the SE1/4 of Section 5, Three Lakes Township. The tower will include a lightning rod adding another 9 feet to the total height. The tower will be built on land leased from Lester Schultz, located at 27246 County Hwy 1. The tower will include a Verizon antenna to accommodate increased wireless data and streaming usage. The tower will also have the capacity to house antennas from up to two additional providers. The tower site will include a gravel driveway and parking area and perimeter fence.
2. The proposed communications tower is located in the Agricultural District. Section 7, Subd. 3.14. of the Redwood County Ordinance states that "Cellular Telecommunications Towers" are a conditional use in the Agricultural District.
3. In accordance with the application requirements stipulated in Section 20, Subd. 2 of the Ordinance, Curt Walter of Buell Consulting, Inc., acting on behalf of Verizon, submitted the following documents and information:
 1. CUP application
 2. Site plan
 3. Landowner information
 4. Narrative description of all airports and/or telecommunications towers in the area
 5. Architectural drawings
 6. Letter regarding collocation
 7. List of FCC licenses held by Verizon
4. Verizon must still provide the following as a condition of permit approval:
 1. Consent to the construction of the tower by the landowner via sworn affidavit (see Section 20, Subd. 2.2.)
 2. A sworn and certified statement by an engineer certifying that the tower is structurally sound and conforms to the requirements of the MN Building Code and all other construction standards set forth by law (see Section 20, Subd 2.9.)
 3. Certificate of insurance (see Section 20, Subd. 7.8.)
5. In addition to the above requirements, Section 20, Subd. 7 of the Ordinance lists the following performance standards for telecommunications towers:

1. A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impact of the tower shall be confined as much as possible to the property on which the tower is located.
 2. Generally, only one communication tower is permitted on a parcel of land. If, in the opinion of the Redwood County Planning Commission, a particular parcel is well suited for more than one communications tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.
 3. Towers are prohibited on any property whose principle use includes the storage, distribution, or sale of volatile, flammable, or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.
 4. Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.
 5. In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means) are preferred.
 6. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
 7. Permanent platforms or structures, exclusive of antennas, other than that necessary for safety purposes or tower maintenance are prohibited.
 8. All Communications towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower. A "certificate of insurance" shall be filed with the Redwood County Environmental Office prior to commencing operation of the facility.
 9. No temporary mobile sites are permitted except in the case of equipment failure, equipment testing, or in case of emergency situation as authorized by the County Zoning Administrator. Use of temporary mobile cell sites for testing purpose shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. The Redwood County Zoning Administrator can extend these limits.
 10. Construction of an approved tower, including all accessory structures, including footings and foundation, must be completed within one (1) year following the date of the permit.
 11. The tower will need to be lighted as required by the FAA. If no light is required, the tower will be lit with a red strobe light.
 12. Colored guide guard sleeves will be placed on the anchors to make them visible or each wire guide shall be surrounded by at least a six (6) foot high fence.
6. In addition to the performance standards, Section 20, Subd. 9 contains the following aesthetic requirements:
1. Metal towers shall be constructed of, or treated with, corrosive resistant material.
 2. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA/FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.
7. Furthermore, Section 20, Subd. 12 requires ongoing maintenance as follows:
1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

2. Tower owners shall install and maintain towers, telecommunication facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
 3. All towers, telecommunication facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
 4. Licensed maintenance and construction personnel shall perform all maintenance or construction on a tower, telecommunication facilities or antenna support structure.
 5. All towers shall maintain compliance with current radio frequency emissions standards of the FCC.
 6. Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.
8. The driveway for the tower site will use an existing approach off of CSAH 1 about 500 feet north of the curve where the road crosses over County Ditch 64. The site itself will be part of the existing farm building site, lying between farm buildings lying to the east and the grove to the west.
 9. There is a County tile main on the tower site property. However, it is located about 1,000 feet north of the site.
 10. County Ditch 64 is the closest County ditch to the project and is located about 2500 feet southeast of the site.
 11. The closest residence to the tower site is that of landowner Lester Schultz, located 300 feet northwest of the site. The three closest third-party residences to the proposed site are as follows: Albert & Colleen Marcus, 27245 CSAH 1, about 650 feet northwest of the site; Sean Sinnott, 27624 CSAH 1, about 2200 feet north of the site; and Constance Kiser, 36464 280th Street, about 5000 feet northwest of the site.
 12. Section 20, Subd. 5 of the Ordinance requires that communications towers be set back at least the height of the tower plus 100 feet from the following structures and features:
 1. Neighboring residences
 2. Property lines and public street right-of-way lines
 3. All structures not belonging to the applicant
 13. Subd. 5.2. states that tower height shall include “all antennae or other attachments.” Consequently, the 9 foot lightning rod will be included in the tower height, requiring a setback of 359 feet.
 14. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Curt Walter was present to explain the project. Walter made the following statements to the Planning Commission:

- Verizon’s cellular system is “full” in Redwood County. They need more coverage and more capacity. This antenna will provide that.
- With smartphones, customers are using more data. The proposed tower will allow Verizon to offload some of the existing wireless traffic onto other neighboring towers.
- Will provide additional coverage within a range of about 5 or 6 miles. At that distance, phones will begin to switch over to neighboring towers.

- The proposed location is on Lester Schultz's homestead. No farmland will be taken out of production to build the tower. The tower will be in the southwest corner of the building site.

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

- A chain link perimeter fence will be constructed around the tower to keep people away from it. It will be topped with barbed wire.
- Verizon has existing antenna sites in Redwood Falls and Morgan. The new tower's range will extend about halfway to each of these existing sites.
- Verizon is responsible for maintenance of the site, maintaining insurance on the site, and decommissioning.
- There is no definitive engineering on the expected lifespan of the tower, but Verizon plans to use it for at least 50 years. There are towers built 50 years ago that were rated for 50 years but are still going strong. This new tower is better constructed than those.
- Verizon's lease agreement with Schultz includes responsibility for Verizon to take the tower down when necessary. A memorandum of the lease will be recorded in the property records.
- The lease will go with the land.
- The construction timeline is not set yet, but Verizon has the project budgeted for 2017. Bids will go out in March of 2017 and construction should start about 4 to 5 weeks after that.
- Walter has read the condition and has no problem with them. They are very standard for such projects.
- The tower enclosure will be about 360 feet from the road right-of-way and the tower itself will be about 10 to 15 feet further back yet.
- Verizon will provide an affidavit from the landowner consenting to the project, a sworn statement from the engineer that the tower meets all construction codes, and a statement from the engineer regarding the capacity and structural integrity of the tower.

Chair Rohlik inquired if anyone was present to support the project. No one came forward.

Chair Rohlik inquired if anyone was present to oppose the project. No one came forward.

Chair Rohlik closed the public hearing at 1:35 pm.

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

Brozek presented to the Commission that the landowner's affidavit and engineer's statements mentioned by Mr. Walter were required in Section 20, Subd. 2 of the Zoning Ordinance (paragraphs 2, 8 and 9).

Mattison made a motion to recommend approval of Conditional Use Permit application #2-17, subject to the conditions proposed by staff and the additional condition that Verizon supply the documents required in Redwood County Ordinance Section 20, Subd. 2, paragraphs 2, 8 and 9, as follows:

1. The consent of the owner shall be obtained by sworn affidavit.
2. A report from a licensed engineer that describes the telecommunication tower's capacity, including the number and type of antenna that it can accommodate.
3. A sworn and certified statement by an engineer certifying that the tower is structurally sound and conforms to the requirements of the Minnesota Building Code and all other construction standards set forth by the County, Federal, and State law.

Scheffler seconded the motion and it passed unanimously.

The Commissioners reviewed and discussed the minutes from the November 28th Planning Commission meeting. On a motion by Scheffler seconded by Mattison the minutes from the November 28th Planning Commission meeting were unanimously approved.

Brozek updated the Commission regarding a complaint received from Jerry and Ron Raddatz during the November 28th, 2016 Planning Commission meeting.

Wold updated the Commission on the status of the Ordinance update and codification project.

The Commission discussed the issue of adopting an ordinance to enforce the State buffer law.

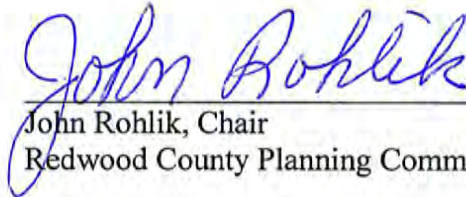
Brozek informed the Commission that one application for Feedlot Conditional Use Permit had been received for the February 27th Planning Commission meeting, from Alan Madsen.

Brozek provided information to the Commission regarding conflicts of interest.

On a motion by Madsen, seconded by Mattison, and passed unanimously, the meeting was adjourned at 2:29 p.m.



Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



John Rohlik, Chair
Redwood County Planning Commission

Redwood County Planning Commission Meeting

Date: 1-30-17

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