

## REDWOOD COUNTY PLANNING COMMISSION

### MINUTES

Meeting Date: August 31, 2015

A meeting of the Redwood County Planning Commission convened on Monday, the 31st day of August, 2015, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mark Madsen, Mike Scheffler, John Rohlik, Jr., Kent Runkel, Dave Mattison and Commissioner Lon Walling. Also present were the following individuals: Land Use & Zoning Supervisor Nick Brozek and Citizens: Joe Seifert, Rick Kramer, Cindi Tisue, Mark Christensen, Bruce Tiffany, Travis Brey and Denny Groebner, Redwood County Commissioner.

At approximately 1:00 p.m., Chairman Madsen called the meeting to order.

The hearing for Travis Brey was tabled for lack of applicant.

At approximately 1:03 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 14-15 submitted by Rick Kramer is seeking a permit to expand his existing trucking business.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional Use Permit Application*, No. 14-15 submitted by Rick Kramer:

1. Rick Kramer is seeking a permit to expand his existing trucking business located on the northwest corner of the intersection of County Hwy 17 and County Hwy 25 in section 23 of Delhi Township. The proposed expansion will occur on the southwest corner of the intersection, in section 26 of Delhi Township. Mr. Kramer proposes to construct an additional gravel yard and cold storage building on the new expansion site. The yard and building will be used to store trailers used in connection with the trucking business and also for storage of Mr. Kramer's farm machinery.
2. Mr. Kramer obtained Conditional Use Permit #5-04 in 2004 for the current business location. At that time the business hauled trailers for Central Bi-Products, with 5 employees and 6 semi-trucks. Repair work is conducted on in the shop on the premises, but only on Kramer's trucks and farm machinery. At the present time, Kramer has 12 trucks and 15 employees. He still hauls mostly for Central Bi-Products, but also does general freight hauling. Additional storage space is needed for the business.
3. Mr. Kramer prefers to construct a new yard on the other side of the road, instead of expanding his existing yard, in order to preserve marketability of the land. Two smaller sites may have better resale value than one large site. In the long term, he hopes one of his children or grandchildren may take over the new site. Additionally, construction of

the new site, and tree planting, will reduce the amount of dust blowing off the field onto the existing business site.

4. The new yard will be 176 feet off the County Hwy 25 right-of-way, and 223 feet off the County Hwy 17 right-of-way. Kramer is planting tree lines around the site. The trees will be at least 67 feet from the right-of-way.
5. There are three dwellings within half of a mile of the proposed conditional use expansion site: 1) Donald & Barbara Nelson, 790' south of the site; 2) Douglas & Aurelia Lechner, 975' southeast of the site; and 3) Charles & Julie Chmelar, 1920' northeast of the of site. Additionally, the conditional use is located about 3000' east of Nelson's salvage yard.
6. County tile is located near County Hwy 25, on the north side of the proposed expansion site. Pursuant to Section 7, Subdivision 5(5)(A), "[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." There is no specific setback between a gravel yard and a County tile line required in the ordinance. However, it appears from the county tile maps that the gravel yard will be over 100' from the tile line. Mr. Kramer proposes to construct a cold-storage shed on the expansion site in the future. The shed will need to be at least 100' from the county tile line.
7. The proposed conditions for the *Application for Conditional Use Permit* submitted by Rick Kramer are attached hereto.

Rick Kramer appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Purchased land near his existing business. This will serve as an expansion yard for the trucks, etc. for his business. Plans to clear it and put in a cement pad.
2. Eventually there may be a shop building, but probably not this year.
3. He already has an existing Conditional Use Permit dated 2004 for his current business, which is across the road from this site.

Commissioner Madsen asked Kramer is he had read and understood the proposed conditions.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

The hearing was closed at 1:09 p.m.

On a motion made by Mattison and seconded by Rohlik it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 14-15 submitted by Rick Kramer be recommended for approval by the Redwood County Board of Commissioners subject to the twelve (12) recommended conditions.

At approximately 1:10 p.m., Chairman Madsen called to order a public hearing on an *Animal Confinement Feedlot Conditional Use Permit*, No. 15-15 submitted by Joseph Seifert to move in an existing hog barn from a different site in order to increase the number of swine on the site. He also proposes to increase his capacity to raise chickens.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Animal Confinement Feedlot Conditional Use Permit*, No. 15-15 submitted by Joseph Seifert:

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 on the site. He proposes to move in an existing hog barn from a different site in order to increase the number of swine on the site. He also proposes to increase his capacity to raise chickens. The proposed expansion will raise the animal units on the site to over 100, requiring a conditional use permit. The total animal numbers and animal units (per Redwood County Ordinance) after the proposed expansion will be as follows: 20 beef cattle (20 animal units); 400 finishing pigs (160 animal units); and 2000 laying hens (20 animal units). The total animal units on the site after the proposed expansion will be 200 animal units. The site is located in an "A" Agricultural District.
2. The pigs will be kept in the new 36' x 120' barn being moved onto the property. The chickens will be kept in the existing 30' x 80' barn, previously constructed for that purpose. The chickens (currently about 400) are allowed to range freely on the property. The cattle will be kept in an old existing 34' x 60' barn and 90' x 150' open lot. Manure will be scraped and stockpiled on site, and land applied in surrounding fields farmed by Rory Seifert.
3. According to the records on file at the Environmental Office, a *Conditional Use Permit* has not been previously issued for the feedlot. However, Section 17, Subdivision 3(1)(D) states that a Conditional Use Permit is required "[w]henver the proposed expansion of an existing feedlot would result in the presence of 100 or more animal units on the site." Consequently, Seifert was asked to apply for a Conditional Use Permit. Additionally, the feedlot site is located only 420' feet 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 900' from the required one quarter mile dwelling setback for a feedlot.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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 proposed pig barn.
9. 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.
10. 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.
11. The proposed conditions for the *Animal Confinement Feedlot Conditional Use Permit Application* submitted by Joe Seifert are attached hereto.

Joe Seifert appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Moving in a 36' X 120' hog barn which will hold approx. 400 head of hogs, and will exceed 100 animal units.
2. He already has a CUP for his chicken barn. Currently has about 400 chickens with a capacity of 800 animals and can increase to 2,000 without re-applying for new permit.
3. Does not meet the ¼ mile set-back from the nearest neighbor, so recently was granted a variance.
4. There are no county tiles or drainage ditches nearby.
5. Also has 20 head of cattle on the site.

6. Registered his feedlot with MPCA, but doesn't need a manure management plan because of the small number of animal units.
7. Currently stores manure on the ground near the chicken barn.

Brozek mentioned condition #2 that addresses containing the animals to the feedlot. The main reason for this is that the chickens are allowed to roam. If it should become a problem, the Planning Commission can address it.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

The hearing was closed at 1:15 p.m.

On a motion made by Scheffler and seconded by Runkel it was moved and passed unanimously that the *Animal Confinement Feedlot Conditional Use Permit*, No. 15-15 submitted by Joe Seifert be recommended for approval by the Redwood County Board of Commissioners subject to the twelve (12) recommended conditions.

At approximately 1:18 p.m., Chairman Madsen called to order a public hearing on an *Animal Confinement Feedlot Conditional Use Permit*, No. 16-15 submitted by Mark Christensen to expand his existing cattle feedlot.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Animal Confinement Feedlot Conditional Use Permit*, No. 16-15 submitted by Mark Christensen:

1. Mark Christensen is requesting to expand his existing cattle feedlot at his home site located at 21413 Skyview Avenue, in Section 1 of Brookville Township. He currently has 265 head of beef cattle at the site, in partial confinement and open lots. He is proposing to construct a 75' x 200' confinement barn on the site of his open lots, thereby replacing the open lots, and raising the number of head to 432. The cattle come in to the site at about 300 lbs, on average, and Christensen raises them to 1375 lbs average weight. The site is located in an "A" Agricultural District.
2. The new 75' x 200' barn will be built on concrete, with no pit. Solid manure will be scraped and stored in a covered bunker till field applied. Manure will be applied three times per year, after sweet corn harvest, after soy bean and field corn harvest, and in April or May before planting. In addition to the new 75' x 200' barn, Christensen will continue to use an existing 30' x 104' barn and a 36' x 76' barn for the feedlot. A fifteen foot area will be left between the new barn and the 36' x 76' barn, and will be used as a temporary holding and sorting pen. An alleyway will be left between the new barn and the 30' 104' barn.
3. According to the records on file at the Environmental Office, a *Conditional Use Permit* has not been previously issued for the feedlot, because the site has been used as a feedlot

in more or less the current animal type and numbers since prior to the adoption of the feedlot ordinance. However, Section 17, Subdivision 3(1)(B) states that a Conditional Use Permit is required “[w]henver any existing feedlot of 100 animal units or more not subject to a conditional use permit is expanded.” Consequently, Christensen was asked to apply for a Conditional Use Permit.

4. The property at issue is located on the west side of and abuts Skyview Avenue. Pursuant to Sec. 7, Subd. 5(2)(A)(1) of Redwood County Zoning Ordinance, “[i]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 Skyview Avenue has a right-of-way of 33 feet. Therefore, a building cannot be located within 100 feet of Skyview Avenue, measured from the center of the road. Even after the proposed expansion, the feedlot will be located no closer than 750 feet from Skyview Avenue, measured from the center of the road. Therefore, the conditional use satisfies the front yard setback requirement.
5. The closest neighboring dwellings to the feedlot are about ½ of a mile from the feedlot site: a dwelling owned by Kurt Aarons, 2500 feet west of the feedlot; and Michael & Shari Christensen, about 2500 feet southeast of the feedlot site. Mike Christensen maintains a turkey feedlot on his site. He is currently registered with the MPCA for 29,200 turkeys over 5 lbs, and 14,600 turkeys under 5 lbs (788.4 Redwood County animal units, or 598.6 State animal units).
6. Pursuant to Sec. 7, Subd. 5(5)(A) of Redwood County Zoning Ordinance, “[i]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 feedlot structures will be located over 1500 feet from the closest county tile. Therefore, the proposed conditional use satisfies the setback requirement regarding county tile.
7. The closest County or Judicial Ditch to the feedlot is Judicial Ditch 29, located, at the closest point, 1500’ north of the feedlot. A branch of JD 29 is located 4,000 feet west of the feedlot site. 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.
8. 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 Christensen’s well, located 175 feet southwest of the existing and proposed feedlot structures.
9. 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.
10. The soils upon which the feedlot is located are classified as Webster clay loam, 0 to 2 percent slopes, Canisteo clay loam, and Normania loam, 0 to 3 percent slopes.

11. The proposed conditions for the *Animal Confinement Feedlot Conditional Use Permit Application* submitted by Mark Christensen are attached hereto.

Mark Christensen appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Moving in a 75' X 200' mono-slope cattle. Current barns are almost 100 years old and are falling apart.
2. Plans to do a better job containing his run-off and managing the manure. The barns are engineered to prevent "manure water" run-off.
3. Required to have an MPCA manure management plan, which will most likely be approved after they receive notice of CUP approval.
4. Due to the size of the barn, it is fairly close to the 10' set-back from the property line. Brozek advised him to pay attention to where the property line is during construction.

Brozek mentioned that due to the timing of application date and board meeting date, he would like to have Christensen sign a 60-day waiver.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

The hearing was closed at 1:28 p.m.

On a motion made by Scheffler and seconded by Mattison it was moved and passed unanimously that the *Animal Confinement Feedlot Conditional Use Permit*, No. 16-15 submitted by Mark Christensen be recommended for approval by the Redwood County Board of Commissioners subject to the twelve (12) recommended conditions.

Madsen inquired about the Bruce Tiffany subdivision application. The Planning Commission took a break to give Brozek time to call both Bruce Tiffany and Travis Brey.

There was a correction to the July 27 minutes: Bob Christensen's site is located in Granite Rock Township, not Underwood Township as stated in the minutes. Brozek stated that he will add a footnote to the minutes explaining the error.

On a motion by Scheffler seconded by Rohlik, the Commission unanimously approved the July 27<sup>th</sup>, 2015 Planning Commission minutes with corrections.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the Preliminary Plat submitted by Bruce Tiffany:

1. Bruce Tiffany is requesting to subdivide a parcel of land he owns in the southwest quarter of the southwest quarter of section 1, Redwood Falls Township. The parcel is located on the west side of South Ramsey Street, just south and west of the city limits of the City of

Redwood Falls. The parcel is within the Shoreland District surrounding Lake Redwood, though the parcel does not border on the lake itself. Land owned by the City of Redwood Falls lies between Tiffany's parcel and the lake, though part of Tiffany's parcel reaches the top of the bluff overlooking the lake. The Shoreland District, per Ordinance, stretches for 1000 feet back from the ordinary high water level of Lake Redwood.

2. The parcel is approximately 12 acres in area. Mr. Tiffany proposes to subdivide the parcel into two non-farm residential lots, approximately 6 acres in area each, for resale. The lots will be reached from South Ramsey Street. The lots meet the Shoreland District lot size requirements, being over 5 acres in area and over 250 wide both at the right-of-way setback line and at the ordinary high water level setback line. Subd.2.2.A.1. of the Subdivision Ordinance requires a formal plat application and hearings for "*[a]ny division of a parcel of land involving the establishment of two or more non-farm residences.*" Consequently, Mr. Tiffany was asked to submit a plat application.
3. The southern of the two proposed lots includes buildings that were part of the original farm building site on the property. However, the residence and most of the outbuildings from that site have been removed and disposed of. The existing driveway will be used to access the southern lot (lot 1). An additional driveway will need to be built to access the northern lot (lot 2).
4. The lots include 20' utility and drainage easements along the front (street side) and side lot lines. A utility easement was not included along the rear lot lines due to the proximity of the bluff making easements in that location impractical to use.
5. The public right-of-way of South Ramsey Street is shown on the plat and will be dedicated on the final plat.
6. The Subdivision Ordinance specifies that the following factors be considered in determining whether to approve a plat:
  - a. Practicality of the plat
  - b. Best use of the land to be subdivided
  - c. Water supply and sewage disposal
  - d. Drainage
  - e. Lot size and arrangement
  - f. Future development of adjoining, undeveloped lands
  - g. Comprehensive Land Use Plan
7. The addition of two non-farm dwellings will fit in with the existing uses in the area. Immediately to the north of the proposed subdivision, the City owns undeveloped property along the lake shore. This property was formerly the site of the City's municipal water collection facilities. On the east side, along Ramsey Street, the City property is a narrow strip, across from the intersection of Ramsey Street and West 11<sup>th</sup> Street, allowing the City access down to the lake. North of the City property, along the east shore of the lake, the land has all been divided and turned into single family residential dwellings,



though it does include one business site owned by the Redwood Area Alano Club, Inc., a charitable organization devoted to mental health, crisis intervention, and alcohol and drug abuse prevention. The properties east of Ramsey Street and north of 11<sup>th</sup> Street are also single family residences.

8. South of 11<sup>th</sup> Street and east of Ramsey Street, there are several businesses, but these business sites are primarily for storage use (Thielen Bus Company), or face 11<sup>th</sup> Street or US Hwy 71 (Klabunde Electric, Meadowland Co-op, Redwood Falls Nursery, and Northwest Drywall). There are also existing residences mixed in with the business.
9. The proposed subdivision is bordered on the south by Matt Tiffany's driveway and an easement for a City of Redwood Falls electric utility line. Beyond that, to the south, the land consists of tilled fields.
10. The subdivision property is located both in the Shoreland District, and in the Urban Expansion District. The purpose of the Urban Expansion District is to:
  - a. Contain and manage urban development within planned urban areas where basic services such as sewers, water facilities, and police and fire protection can be provided efficiently and economically.
  - b. Conserve resources by encouraging orderly development of land.
  - c. Preserve farmland and open space.
  - d. Make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area.
  - e. Provide property owners greater security in long-range planning and investments.
  - f. Make it possible for utility extensions, transportation facilities and schools to be designed and located so as to match population growth more closely.
  - g. Preserve and enhance the livability of the area.
11. To the northwest, on the lake side, the subdivision parcel butts up against the Lake Redwood bluff, which is elevated approximately 65 to 70 feet above the water level. On the north side, along the access to the City lake shore property, the land is cut by a ravine that runs more or less east and west along the northern edge of the north lot. However, on the east end of the ravine, the ravine makes a sharp turn and runs northeast to southwest for a distance of about 200 feet. According to the topographical maps, most of the subdivision property, with the exception of the area right up against the bluff, drains down toward said ravine. The drainage goes across the lot 2, but is partially cut off by the existing driveway. However, Environmental Office staff went out to the site and found a culvert under the driveway, about halfway between the road and the existing buildings. The culvert had water in it. Additionally, a tile intake was found about 20 feet east of the culvert, on the south side of the driveway (on lot 1). Furthermore, a tile outlet was discovered at the head of the ravine (on lot 2), and a wooden structure was set up to prevent erosion of the ravine by said outlet. Consequently, in order to preserve the existing natural surface water drainage of the site, a drainage easement should be created, and memorialized on the plat, to allow the drainage of water through the culvert and across proposed lot 2 to the ravine, and also through the tile line.

12. The proposed subdivision does not include all of Mr. Tiffany's property in Section 1 of Redwood Falls. A small piece, one third of an acre in area, will be left over after the land is subdivided on the west end of lot 1. Tiffany owns additional property to the west of the one third-acre parcel, in Section 2. However, this small piece will be a separate tax parcel, due to it being divided from Tiffany's other property by the section line, and not being part of the Subdivision. Normally, the Ordinance would require that such a small piece of ground (under 2.5 acres) be dealt with, either by including it in the subdivision, or combining it with another parcel. However, The Environmental Office, after consulting with the Assessor's Office, has determined not to recommend combination or inclusion in the subdivision, due to the fact that Tiffany will continue to own contiguous property. The one third-acre remainder of Tiffany's property left over in section 1 will, in the future need to be sold along with his property in section 2, since the parcel is not useable by itself (too small and consists entirely of steep lake bluff).
13. Bruce previously sold property south of the proposed subdivision to Matt Tiffany, his son. The Matt Tiffany property consists of a long driveway, bordering the south edge of the subdivision, leading to a building site west of the subdivision, partly in section 2 and partly in section 11. Matt is building a house on said property. The Matt Tiffany property, being in three sections, therefore consists of three separate tax parcels. When Environmental staff discussed the proposed new subdivision with the Redwood County Assessor, the Assessor recommended that, if the Tiffany's want to combine Matt's parcel into a single tax parcel and receive a single tax statement, they should add the Matt Tiffany property to this proposed subdivision.

Although Bruce Tiffany has withdrawn his application, Brozek invited him to come and explain the circumstances to the Planning Commission:

1. Withdrawing the subdivision application.
2. A party that was going to buy a portion of the property chose to buy the entire thing.
3. No longer involved in the process
4. Appreciates the commission making room for his original application on the agenda.

Brozek attempted to contact the purchaser to invite him to the meeting, but was unable to reach him. He could have just assumed the subdivision application, but may have other plans.

At approximately 1:45 p.m., Chairman Madsen called to order a public hearing on an *Extraction Conditional Use Permit*, No. 13-15 submitted by Travis Brey to mine gravel and fill material from an existing pit on Cauwels' property.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Extraction Conditional Use Permit*, No. 13-15 submitted by Travis Brey:

1. Brey is seeking a 10 year permit to mine gravel and fill material from an existing pit on Cauwels' property. Until recently, the pit was utilized, under Conditional Use Permit #5-

14, as a construction staging area for the CapX2020 power line project. Earthen material will be stockpiled on the site and Brey may do some gravel crushing on the site.

2. Redwood County issued an administrative Temporary Grading and Filling (TGF) Permit for this same site earlier this summer, to enable Brey to remove fill for a grain bin project in Yellow Medicine County. The TGF was issued conditional on Brey filing an application for Conditional Use Permit, which Brey did. The TGF Permit was conditional on Brey filing this CUP and providing a reclamation plan and surety, to ensure that the site is reclaimed.
3. The site is located on the north side of County Hwy 30 in section 14 of Underwood Township.
4. The permit will cover seven (7) acres, for extraction, stockpiling, equipment storage, and crushing. This includes the east half of the existing pit and part of the tilled field to the east of the pit. The permitted area of the existing pit may be mined and reclaimed as a pond. Black dirt stockpiles exist from previous extractions on the north side of the pit. These may be sold by Cauwels, or will be retained for reclamation if the landowner decides to reclaim the old pit as grassland or other approved perennial vegetation. Topsoil from the newly excavated areas (of the tilled field) will be stockpiled for reclamation.
5. No structures will be located on site. However, equipment may be temporarily stored on site. The duration of the extraction operation is ten (10) years, to be completed on July 10<sup>th</sup>, 2025.
6. At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and grading the ground and covering with stockpiled topsoil so as not to exceed a 3:1 slope. The excavated areas will be turned into a pond and/or spread with topsoil and seeded. All stockpiles, including several small stockpiles in the existing pit, will be removed or levelled.
7. 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. Brey Tiling & Excavation LLC provided a certificate of insurance in connection with the project with a \$1,000,000.00 per occurrence limit, \$1,000,000.00 personal injury limit, and \$2,000,000.00 general aggregate.
8. Pursuant to Sec. 16, Subd. 5, Subp. H of Redwood County Zoning Ordinance, the applicant is required to post a bond, cash deposit, irrevocable letter of credit, or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated/bid value to reclaim the property, whichever is greater. The Redwood County Board of Commissioners may require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project require more substantial restoration or reclamation. Further, pursuant to

Sec. 16, Subd. 5, Subp. I of Redwood County Zoning Ordinance, “[s]ureties shall be for a minimum of one year beyond the ending date of Conditional Use Permit.” The required reclamation surety amount for this project, involving the excavation of seven (7) acres, is \$14,000. To satisfy said requirement, Brey provided an Irrevocable Standby Letter of Credit, in the amount of \$14,000.00. The Irrevocable Standby Letter of Credit was issued by First Independent Bank of Lucan and expires on July 10, 2026.

9. There are two dwellings within half of a mile of the extraction area: 1) Dale Rust, 2000’ west of the site; and 2) Burton Mock, 2600’ northeast of the site.
10. Judicial Ditch 40 runs along the north edge of the site. The excavation will be kept back 70 feet from the top of the ditch bank. There is no county tile located on the proposed site.
11. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, no delineated wetlands are located on the site.
12. There is some Flood Fringe, of the Floodplain District, located around JD 40. However, the proposed 7-acre permitted area will be entirely outside of the Floodplain.
13. The proposed conditions for the *Application for Amended Extraction Conditional Use Permit* submitted by Travis Brey are attached hereto.

Travis Brey appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Re-opening a pit to excavate sand for various jobs.
2. A temporary grading and filling permit was issued because they needed material immediately.
3. JD 40 runs along the north edge of the property, but the excavation will take place no closer than 70’ from the bank of the ditch.
4. What is newly excavated will be reclaimed after the extraction is complete.
5. There are some old gravel stockpiles that will need to be cleaned up during reclamation.

There was discussion regarding existing black dirt stockpiles and newly excavated black dirt. The landowners had originally wanted to reserve that black dirt for sale, but the new stuff has been placed on top. Since the site will be required to be reclaimed at the end of the excavation period, and black dirt will be needed, the commission decided it would be best to preserve the dirt for reclamation instead of trying to purchase it later on. The other option would be to create a pond and in that case, not as much black dirt would be needed.

Brozek mentioned that due to the timing of application date and board meeting date, he would like to have Brey sign a 60-day waiver.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

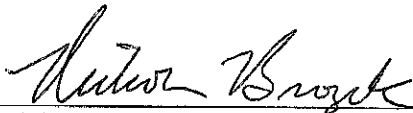
The hearing was closed at 1:56 p.m.

On a motion made by Scheffler and seconded by Runkel it was moved and passed unanimously that the *Extraction Conditional Use Permit*, No. 13-15 submitted by Travis Brey be recommended for approval by the Redwood County Board of Commissioners subject to the sixteen (16) recommended conditions.

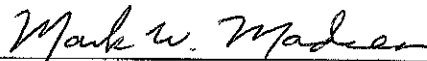
Brozek raised the issue of passing a solar ordinance due to increased interest in solar gardens, etc. The ordinance would set set-backs for solar arrays, define size classification regarding permitted use vs. Conditional Use. Size would be in reference to the amount of energy produced.

He will work on writing the ordinance and the normal course of public meetings, etc. will be taken.

On a motion by Rohlik seconded by Mattison, the meeting was adjourned at 2:10 p.m.



Nicholas Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office



Mark Madsen, Chairman  
Redwood County Planning Commission

