



## REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS  
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Drainage Inspector • Agricultural Inspector*

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### REDWOOD COUNTY PLANNING COMMISSION

#### *MINUTES*

**Meeting Date: July 25, 2016**

A meeting of the Redwood County Planning Commission convened on Monday, the 25<sup>th</sup> day of July, 2016, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, Mark Madsen, John Rohlik, Jr., Kent Runkel, Dave Mattison and Commissioner Lon Walling. Also present were the following individuals: Redwood County Environmental Director Scott Wold, Redwood County Land Use & Zoning Supervisor Nick Brozek, Rae Trapp, Bernie Hillesheim, and Donald Steffen.

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

No one was present on behalf of Lincoln-Pipestone Rural Water in connection with the first item of business on the agenda. The Planning Commissioners decided to move on to the second agenda item, an Extraction Conditional Use Permit submitted by Chair Scheffler on behalf of his family's company, L & S Construction. Brozek attempted to contact Shawn Nelson from Lincoln-Pipestone via email.

Chair Scheffler then handed over control of the meeting to Vice-Chair John Rohlik. Chair Scheffler excused himself from the Commissioners' table and sat in the public audience section.

At 1:05 p.m. Vice-Chair Rohlik called to order a public hearing on an Extraction Conditional Use Permit submitted by Mike Scheffler on behalf of his family's company, L & S Construction.

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

1. L & S is seeking to permit a new gravel pit on property located behind the L & S business site in the SW1/4 of Section 21, Charlestown Township. The property is owned by Herb Scheffler (owner of L & S). The CUP application includes a request to use the proposed gravel pit area to set up a temporary hot mix asphalt plant. The hot mix plant will be operated by Knife River Corporation in conjunction with the planned resurfacing of US Highway 14.
2. The site is located in the Agriculture District. Mining is a Conditional Use in said District. Hot mix asphalt plants are common accessory uses at extraction sites.
3. Approximately 15 acres of the site will be mined and/or used for mining processes and stockpiling. The topsoil will be stripped off and stockpiled for reclamation. The gravel will be mined and crushed as

needed for local projects. This will include crushing, stockpiling, and hauling. L & S is requesting a 10 year permit.

4. The site will be set back about 1600 feet from the center line of Knox Avenue, 700 feet from the north property line, and 150 feet from the west (rear) property line. The south line of the property borders on the Dakota Minnesota & Eastern Railroad right of way. There is a fence running adjacent to the right of way at a distance of about 55' from the tracks. The gravel pit will be located beyond that fence. The railroad right-of-way is 100 feet across, centered on the tracks (50' on each side of the tracks). Environmental Office staff recommend that the gravel pit be set back at least 5' from the railroad right-of-way.
5. The pit will be located about 590' north of the Cottonwood River. Two branches of County tile line CD 70 come together and outlet into the waterway on the northwest end of the proposed extraction area. The easterly of these is a 20" main draining parts of Sections 9, 16, 17, and 21 of Charlestown Township. The westerly is an 18" main draining parts of Sections 17, 18, 20, and 21 of Charlestown Township. There is no County ditch located on or near the pit site, however, the waterway on the west side of the site moves the water from CD70 to the Cottonwood River.
6. L & S completed four test holes on the site, ranging in depth from 10' to 12'. The test holes show 10 to 12 feet of gravel sitting on top of a layer of clay. The plan is to remove the gravel down to the clay without pumping water from the pit.
7. On the extraction site, gravel stockpiles will be located in the northeast part of the site. Overburden stockpiles will be located on the south side of the site.
8. Part of the waterway on the west end of the site is located in the Shoreland and Floodplain Districts. L & S will avoid excavating in the area designated as Shoreland and Floodplain. A 50' setback will be maintained between the pit and the Shoreland and Floodplain Districts.
9. Noise will be produced on the site only during times of crushing. Crushing will only occur during daylight hours. Dust will be controlled by water or treatment. No odors will be produced and no noxious materials will be used on the site.
10. L & S will construct a new access road on the site for gravel hauling. The road will come from Knox Avenue north of the L & S and Straightline business building site access. From there it will head due west on the north side of the Straightline site. Behind the Straightline site the road will cross a piece of grassland that is currently enrolled in CRP (L & S is working with the DNR to purchase back a strip of ground for the road). The road will enter the pit near the north end of the pit. In all, the new access road will travel 1800' in a straight line running east and west between Knox Avenue and the pit.
11. Surface water on the site drains to the south, toward the railroad bed and the Cottonwood River. There is 500+ feet of grassland between the proposed pit site and the Cottonwood. Additionally, the railroad bed and part of 120<sup>th</sup> Street separate the river from the proposed pit. The railroad line crosses the previously described waterway on a bridge near the southwest corner of the proposed pit site. The surface water will flow under the railroad bridge and enter the river via the waterway.
12. After 10 years of operation, the site will be reclaimed. A pond will be created in the NW part of the pit site. The remaining areas will have the reserved topsoil spread and seeded and will be returned to grassland. The banks and sides of the pit will be sloped and graded.

13. The pit is located on the L & S and Straightline business site. The three closest residential dwellings to the site, other than that of Herb Scheffler, are as follows: Sharon Leopold, 12540 Knox Avenue, about 2050' north of the site; Joseph and Tamara Brown, 31239 120<sup>th</sup> Street, about 3275' southeast of the site; and Donald Steffen, 31382 120<sup>th</sup> Street, about 4040' southeast of the site. The residence of Herb Scheffler is located about 1400' east of the site and the L & S and Straightline business buildings are located about 1200' east of the site.

14. The soils present on the site are as follows:

1. Wilmington variant loam, 2 to 12 percent slopes
2. Linder loam
3. Wilmington variant sandy clay loam

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

Rae Trapp was present to explain the project. Scheffler assisted Trapp in answering the Commissioners questions. Trapp and Scheffler made the following statements to the Planning Commission:

- Knife River will operate a hotmix plant on the site for the upcoming resurfacing US Hwy 14 project.
- When the hotmix plant is removed, L&S will mine the area for gravel.
- A road will be built from Know Avenue on the north side of the L&S/Straightline business site, to access the pit behind.
- The haul road for both the gravel pit and the hotmix plant, both in and out, will be Knox Avenue to US Hwy 14.
- After 10 years, the site will be graded and sloped and returned to grassland and wildlife pond.
- The gravel on the site is class 5 but not bituminous grade, so all material for the hotmix plant will need to be trucked in from elsewhere.
- The new driveway will cut through ground that is currently enrolled in CRP, but L&S is working with the State to buy back the road portion.
- The hours of operation of the pit will be 6 am till 8 pm.

Vice-Chair Rohlik inquired if anyone was present to support or oppose the project.

Don Steffen and Bernal Hillesheim came forward. They stated they represent the Charlestown Township Board of Supervisors. They stated that they are not opposed to the project, but have some concerns. Specifically, they were concerned about the use of the township roads for trucks and hauling on 120<sup>th</sup> Street. They stated that Knox Avenue is a 9-ton road and is already dust controlled, but 120<sup>th</sup> is not. They requested a condition be placed on the permit requiring L&S to repair any damage caused to the roadways by the conditional use.

Scheffler reiterated that Knox Avenue would be the only road used for ingress and egress to the site for the conditional use, both for the hotmix plant and the gravel pit. Scheffler did request that L&S be able to use the other Township roads, including 120<sup>th</sup> Street, in the event that L&S was hired to maintain and gravel Charlestown Township's roads, for the purpose of conducting said work. Steffen and Hillesheim agreed to this.

The Planning Commission discussed adding conditions to those proposed by staff to address the Township's concerns, including designating Knox Avenue as the haul road and requiring that L&S enter into and abide by a written agreement with Charlestown Township regarding road maintenance.

The public hearing was closed at 1:25 p.m.

Vice-Chair Rohlik led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached). Scheffler did not participate in the findings of fact worksheet process.

Runkel made a motion to recommend approval of Extraction Conditional Use Permit application #9-16, subject to the conditions proposed by staff, plus the following additional conditions: Condition #16 – Knox Avenue will be used as the haul route into and out of the site at all times, except that in the event that the permit holder is hired to place gravel on Charlestown Township roads the most convenient available route may be used to perform work for Charlestown Township; and Condition #17 - The permit holder shall enter into and abide by a written agreement with the Charlestown Township Board regarding repair and maintenance of township roads damaged by hauling to and from the permitted site. Mattison seconded the motion and it passed by a 5-0 vote (Runkel, Rohlik, Madsen, Mattison, and Walling), with Scheffler abstaining from the vote and recusing himself from the Planning Commission's discussion taking place after the closure of the public meeting.

Vice-Chair Rohlik then handed control of the meeting back to Chair Scheffler.

At 1:35 p.m. Chair Scheffler called to order a public hearing on an application for Conditional Use Permit submitted by Shawn Nelson of Lincoln-Pipestone Rural Water for construction of an underground water main.

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

1. Lincoln Pipestone Rural Water is proposing to construct a 4" water main to service the recently permitted Boerboom Ag Resources swine feedlot in Section 21 of Underwood Township. The 4" line will start at an existing Lincoln Pipestone 8" water main running along the north side of State Highway 19. It will follow Balsa Avenue north for 2.5 miles and then will turn and follow 305<sup>th</sup> Street for ½ of a mile, terminating at the Boerboom site. The main will be buried about 6' underground.
2. The proposed water main is located in the Agricultural District (with part located also in the Floodplain District). Section 7, Subd. 3.4 of Redwood County Ordinance states that in the Agricultural District "any essential service line as regulated in Section 18 of this Ordinance" is a conditional use. Section 18 of the Ordinance makes the distinction that "Major" essential service lines are a Conditional Use and that "Minor" essential service lines are a permitted use. Section 22, Subd. 2.49 of the Ordinance defines a minor essential service as "any essential service line or structure located within any county easement of [sic] county right-of-way and providing single service distribution lines." Since the proposed main is not located entirely within the county right-of-way or a county easement, and since it is a main line and not a single service line, a Conditional Use Permit is required.
3. Easements have been obtained by Lincoln Pipestone from all the affected landowners along Balsa Avenue between Highway 19 and 300<sup>th</sup> Street. The easements are described in the CUP application as follows:
  1. The West 100' of the west 260' of the east 660' of the south 230' of the S1/2 of the SW1/4 of Section 33, Underwood Township (owner – John Welu)
  2. The West 100' of the S1/2 of the NW1/4 and the N1/2 of the SW1/1 of Section 33, Underwood Township (owner – Kreft Family Trust - John Rohlik, Trustee)
  3. The West 100' of the N1/2 of the NW1/4 of Section 33, Underwood Township (owner – Michael Coudron)
  4. The West 100' of the W1/2 of the SW1/4 of Section 28, Underwood Township (owner – Daniel Coudron)
  5. The West 100' of the South 2000' and the West 300' of the North 700', all in the W1/2 of the NW1/4 of Section 28, Underwood Township (owner – Ron Coudron)

4. Lincoln Pipestone was not able to obtain an easement from the owner of the property in the SW1/4 of Section 21 of Underwood Township. Consequently, the water main in that section will run in the township road right-of-way. Lincoln Pipestone contacted the Underwood Township Board of Supervisors and was advised that no permit is necessary to construct the water main in the township's right-of-way, but that the disturbed areas must be returned to their original condition, including seeding. This requirement was confirmed by county staff in a phone call to Bill Lightfoot, Underwood Township Board Chair.
5. Lightfoot expressed concern regarding repairing the damage to the township roads caused during construction of the pipeline. A condition is recommended by staff requiring Lincoln Pipestone to enter into an agreement with the Township regarding repair and maintenance of the roadway during the construction process.
6. Before intersecting with 300<sup>th</sup> Street, Balsa Avenue curves to the west to go around the dwelling and building site of Robert and Suzanne Kirsch. In this spot, the water main will cease to follow Balsa Avenue. It will veer to the east and go around the Kirsch property, staying on property owned by Ron Coudron. The main will then be bored under 300<sup>th</sup> Street and will head west back to Balsa on the north side of 300<sup>th</sup> Street, in the road right-of-way. It will stay within the Balsa Avenue right-of-way until Balsa intersects with 305<sup>th</sup> Street. There the main will turn east and, using the 305<sup>th</sup> Street right-of-way, continue to the Boerboom site.
7. The water main will be directional bored under all road and county ditch crossings. The main will intersect 290<sup>th</sup> Street and 300<sup>th</sup> Street. About 1750 feet north of State Highway 19 the main will cross Judicial Ditch 33. Approximately 1000 feet east of Balsa Avenue, in the 305<sup>th</sup> Street right-of-way, the main will cross the western branch of County Ditch 93. After an additional 2000 feet, the main will cross the southern branch of County Ditch 93. The main will be placed at least 6 feet below the existing bottom of the ditch channel.
8. Approximately 580 feet south of 305<sup>th</sup> Street, the main will cross just above the point at which County Ditch 93 starts as an open ditch. The main will cross the 15" county tile main that crosses under Balsa Avenue to empty into CD 93.
9. From about 735 feet south of 305<sup>th</sup> Street (just before the point at which the main intersects the 15" county tile main) to about 1420 feet east of Balsa Avenue (about 300 feet east of the point at which it intersects CD 93) the main will be located in the Flood Fringe District of the Floodplain.
10. Subdivision 5, paragraph 1 of the Floodplain Ordinance states that Permitted uses therein "shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s)." The Agricultural District lists Major Essential Services as a Conditional Use. Subdivision 5.5.D requires, when undertaking Conditional Uses in the Floodplain, that "[f]ill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method." This means that Lincoln Pipestone will need to present a plan to ensure that surface water runoff is dealt with and that sedimentation will be avoided and contained.
11. Additionally, Subdivision 8.1 of the Ordinance requires that "[a]ll public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation." Lincoln Pipestone will need to engage the services of a state-licensed building inspector with the authority and expertise to certify compliance with the state flood proofing requirements.

12. In addition to the easements described above, Lincoln Pipestone has obtained an easement along the south line of Section 28 of Underwood Township, on the north side of 290<sup>th</sup> Street, in order to provide, in the future, a single service line to the dwelling site of Ron Coudron. Additional single service lines may be installed along the 4" main line in the future, to serve adjacent properties as requested by the owners.

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

Representatives from Lincoln-Pipestone Rural Water were unable to attend the meeting, so Brozek presented the application to the Planning Commission.

No one was present to support or oppose the project.

Chair Scheffler closed the public meeting at 1:45 p.m.

Chair Scheffler led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached). Rohlik did not participate in the findings of fact worksheet process.

Madsen made a motion to recommend approval of Conditional Use Permit application #8-16, subject to the conditions proposed by staff. Walling seconded the motion and it passed 5-0 (Runkel, Scheffler, Madsen, Mattison, and Walling), with Rohlik abstaining from the vote and recusing himself from the Planning Commission's discussion of the application.

The Commissioners reviewed and discussed the minutes from the June 27<sup>th</sup> Planning Commission meeting. On a motion by Madsen seconded by Rohlik the minutes from the June 27<sup>th</sup> Planning Commission meeting were unanimously approved.

Brozek discussed updating the rules of procedure used for conducting the meetings. The Commissioners reviewed a proposed draft. A copy will be made available to the public and will include a copy of the findings of fact worksheet on the reverse side, so the audience can follow along with the process. Brozek also discussed using a chair agenda, providing additional procedural information to the Chair.

On a motion by Mattison, seconded by Madsen, and passed unanimously, the meeting was adjourned at 2:02 p.m.

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Nick Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office

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Mike Scheffler, Chair  
Redwood County Planning Commission

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John Rohlik, Vice-Chair  
Redwood County Planning Commission