REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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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 that 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

Redwood County Planning Commission Meeting

Date: 2-27-17

NAME (Please PRINT legibly)	MAILING ADDRESS (Street, City, State and ZIP code)
Rick Wenisch	Morgan
Nancy Blick	Morgan
Kurt Bast	Springfield
Alan Madsen	Morgan
Bill Lightfoot	Vesta
Mike Kalthoff	Clements
Bruce Mau	WG
Kevin Sennigs	WG
Pam Coulter	Lamberton
Mark Gilland	Morgan

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