REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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

AGENDA

REDWOOD COUNTY PLANNING COMMISSION

Monday, July 31st, 2017 – 1:00 p.m.

1. Call to Order
2. Public Hearing on the *Application for Extraction Conditional Use Permit* submitted by Nancy Baune
3. Other Business:
    a. Review and approve the minutes from the June 26th Planning Commission meeting
    b. Any other business

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TO: **Redwood County Planning Commission**

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

DATE: **July 24th, 2017**

RE: **Planning Commission Hearing on July 31st, 2017**

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 31st day of July, 2017, beginning at 1:00 o'clock p.m. at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

The meeting will involve one (1) public hearing. A brief summary of the subject matter of the hearing is set forth below.

1. Public hearing on Application for Extraction Conditional Use Permit submitted by Nancy Baune.

Ms. Baune is seeking to re-permit an existing gravel pit. The previous permit was issued in 2004 and expired in 2014. The site is located in the Northwest Fraction Quarter of Section 5, Redwood Falls Township.

The site is located in the Agriculture District. The site is also partly located in the Shoreland District and the Floodplain District. Mining is a Conditional Use in all three said Districts.

The proposed permitted area comprises 19.79 acres, including stockpiling areas, equipment storage and parking, and areas to be excavated. The topsoil will be stripped off and stockpiled for reclamation. The gravel material will be mined as needed for regional projects. Ms. Baune is seeking a 10 year permit.

Sections 5.3.B. and 5.6.C. of the Shoreland Ordinance specify the following applicable requirements for topographical alteration and extraction in the Shoreland District:

1. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare land is exposed for the shortest time possible.
2. Mulches or other similar materials must be used, where necessary, for temporary bare soil coverage, and permanent vegetative cover must be established as soon as possible.
3. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
4. Altered areas must be stabilized to acceptable erosion control standards consistent with field office technical guides of the Redwood County Soil and Water Conservation District and the United States Soil Conservation Service.
5. Fill or excavated material must not be placed in a manner that creates an unstable slope.
6. Any alterations below the ordinary high water level of public waters must be first authorized by the commissioner under Minnesota Statutes, section 103G.245
7. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

8. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
9. Setback for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels and from bluffs.

Section 5.7. of the Shoreland Ordinance provides the following criteria to be evaluated for all Conditional Use Permits:

1. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic vegetation, and soils conditions on the site must be made to ensure:
    a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
    b. The visibility of structures and other facilities as viewed from public waters is limited;
2. Conditions Attached to Conditional Use Permits. The Redwood County Board of Commissioners, upon consideration of the criteria listed above and the purposes of this ordinance, may attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
    a. Increased setbacks from ordinary high water level.
    b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
    c. Special provisions for the location, design, and use of structures and vehicle parking areas.

Section 4.4 of the Floodplain Ordinance provides the following standards for all Floodplain Conditional Uses:

1. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
2. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, rip-rap or other acceptable method.
3. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
4. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
5. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

Section 10.4.D & F of the Floodplain Ordinance provide the following factors and possible conditisions for the decision of the Planning Commission:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that material may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The requirements of the facility for a waterfront location.
6. The availability of alternative locations not subject to flooding for the proposed use.
7. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
11. Such other factors which are relevant to the purposes of this Ordinance.

Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning and Zoning Commission shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Limitations on period of use, occupancy, and operation.
2. Imposition of operational controls, sureties, and deed restrictions.
3. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

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.*" At 19.79 acres, this site requires a $39,500.00 surety.

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.

The site is bordered on the east and north sides by JD 33, Lat J and JD 33, respectively. Both JD 33 and JD 33, Lat J have RIM easements along both ditch banks. The extraction site will stay outside of the RIM easements.

The closest county tile main to the site is about ½ of a mile to the north.

The four closest residential dwellings to the site are as follows: Dean Huhnerkoch, 28851 State Hwy 19, about 1450' northwest of the site; a site owned by Thomas & Gale Morely, 29533 330th Street, about 3000' southeast of the site; Richard Hahn, 29821 State Hwy 19, about 3500' east of the site; and Larry & Vicki Mertens, 28384 State Hwy 19, about 3500' west of the site. Additionally, the former Gary Kremin salvage yard, now owned by Shane Kramer, is located about 1800' northeast of the site, and a vacant grove site owned by Steven & Owen Norcutt is located about 2300' southwest of the site.

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