



## REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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### REDWOOD COUNTY BOARD OF ADJUSTMENT

#### *MINUTES*

**Meeting Date: May 24<sup>th</sup>, 2017**

A meeting of the Redwood County Board of Adjustment convened on Wednesday, the 24<sup>th</sup> day of May, 2017. The meeting consisted of two public hearings. The meeting was convened at the Jordan Zuehlsdorf and Taylor Zuehlsdorf property legally described as the West 741 feet of the Southwest Quarter (SW1/4) north of the center line of the Redwood River, containing 15 acres more or less, in Section 14, Township 112 North, Range 38 West, Vesta Township, Redwood County, Minnesota. The following Board of Adjustment members were present: John Rohlik, and John Schueller. Dan Tauer was absent. The following individuals were also present: Jordan Zuehlsdorf, Allan Zuehlsdorf, Dan Henriksen, and Land Use & Zoning Supervisor Nick Brozek.

At 8:40 a.m., the meeting was called to order by Chair John Rohlik.

Chair Rohlik opened a public hearing on an *Application for Variance*, Permit Application No. 1-17v, submitted by Jordan Zuehlsdorf and Taylor Zuehlsdorf. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the *Application for Variance*:

1. A public hearing will be held on May 24<sup>th</sup>, 2017, at 8:30 a.m. regarding an *Application for Variance* filed by Jordan Zuehlsdorf and Taylor Zuehlsdorf, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 700 feet from the required one quarter (1/4) mile setback from a dwelling set forth at Sec. 17, Subd. 4, Paragraph 3, Subp. A(6) of Redwood County Ordinance. The Zuehlsdorfs are proposing to reinstate the use of an abandoned feedlot located on the following described property, situated in the County Redwood, State of Minnesota, to wit: The West 741 feet of the Southwest Quarter (SW1/4) north of the center line of the Redwood River, containing 15 acres more or less, in Section 14, Township 112 North, Range 38 West, Vesta Township.
2. The Zuehlsdorfs currently keep a few head of cattle on their father Alan's farm site on CSAH 7, north of Seaforth. They are looking to expand onto the proposed site in order to ease crowding at Alan's site. The proposed site will consist of an 80' x 107' partial confinement barn (existing) with open lots on the east and south sides of the barn. The open lot on the east side will extend a distance of about 72 feet from the barn and the open lot on the south side will extend a distance of about 40 feet from the barn. The remainder of the 15-acre property will be fenced and used as grass pasture.
3. The maximum number of animals kept on the site will be 20 cow-calf pairs. The calves will be kept on site until they are about 300 lbs. in weight. The total number of county animal units will be 26.
4. The feedlot, including open lots, will be 620 feet away from the nearest residence, owned and occupied by Scott & Susan Huhnerkoch, to the east of the proposed feedlot site. Additionally, the feedlot will be 300 feet from the Redwood River.

5. The nearest County Ditch to the proposed feedlot site is CD 81, 900 feet north of the site. The nearest County Tile is about 2000 feet east of the proposed feedlot site.
6. Section 17, Subdivision 4.3.A.(6.) of the Redwood County Ordinance states that “[a] new feedlot may not be located within 1/4 mile of any dwelling or residential structure other than the land owner’s or operator’s.” A feedlot is defined in Subdivision 2.3.C. of the Ordinance as “the outer perimeter of a building or structure or fenced lot or combination thereof intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or would accumulate unless removed or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.” Since the barn and open lots will not maintain vegetative cover and will need to have the manure removed from time to time, both barn and lots are considered a feedlot per the Ordinance.
7. The proposed site was formerly used as a feedlot, but according to Alan Zuehlsdorf, the site has been abandoned for about 15 years. Subdivision 2.3.E. of the Ordinance defines a “new feedlot” as “a site where (1.) [n]o feedlot existed previously, or (2.) [a] *pre-existing feedlot has been abandoned or unused for a period of five years or more.*” Consequently, the proposed feedlot is considered a “new feedlot” under the ordinance, and it is subject to the currently required setbacks.
8. The Zuehlsdorfs plan to repair the barn building and construct individual cow/calf pens. Part of the barn will be used for hay storage. An existing well on the site is still operational and will be used to supply water. The well is located 250 feet north of the feedlot site. Other buildings on the site will also be repaired or replaced and used for storage relating to the feedlot use or other permitted uses.
9. Pursuant to Redwood County Ordinance, written notice shall be provided to all property owners of record within five hundred (500) feet of the affected property via U.S. Mail as to the time and place of the public hearing. Further, written notice shall also be provided to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the affected property.

The following information was presented to and considered by the Redwood County Board of Adjustment at the public hearing:

Allan Zuehlsdorf and Jordan Zuehlsdorf were present to explain the project. They made the following statements about the application:

- Jordan and Taylor bought the property in 2016.
- Zuehlsdorfs have been haying the pasture.
- Most of the site will remain pasture. It will be fenced and cows will be kept there. Fenced pasture will extend east to the existing line fence on top of the hill.
- The old feedlot barn will be refurbished and used, and two small open lots will be constructed to provide shelter to the cows on a seasonal basis.
- Gutters will be installed on the south side of the barn roof to prevent runoff in the open lots.
- The barn will be used for calving.
- The grass in the pasture will feed 13 cows (about one cow per acre of grass).
- The cattle kept in the feedlot will be from weaned weight up to 900 lbs.
- Zuehlsdorfs will keep a maximum of up to 35 cows in the feedlot and on the pasture, including calves.

Henriksen asked whether cows were allowed on the site, since the MPCA shut down the previous owner’s feedlot years earlier. Brozek said that he is not aware of any law allowing the state or county to prohibit feedlots which conform to the law.

No members of the public appeared in opposition to the variance.

Schueller made a motion to approve the variance. Rohlik seconded the motion and it was passed unanimously. The public hearing was then closed.

Chair Rohlik adjourned the meeting temporarily and the Board travelled to the site of the next hearing.

At 9:45 a.m., the meeting was called back to order by Chair John Rohlik at the Meadowland Farmers Coop property located at 401 First Avenue in Lamberton. The following Board of Adjustment members were present: John Rohlik, Dan Tauer, and John Schueller. The following individuals were also present: David Friedrich, Robert Peterson, Barbara Peterson, Jim Kretsch, Paul Lagrue, Trudi Juhnke, Jim Simonson, Leon Benedict, Tim Osland, and Land Use & Zoning Supervisor Nick Brozek.

Chair Rohlik opened a public hearing on an *Application for Variance*, Permit Application No. 2-17v, submitted by Jim Simonson of Meadowland Farmers Coop. Prior to the Board of Adjustment meeting, the Board of Adjustment members were provided an informational packet which included the following information regarding the *Application for Variance*:

1. A public hearing will be held on May 24<sup>th</sup>, 2017, at 9:30 a.m. regarding an *Application for Variance* filed by Jim Simonson o/b/o Meadowland Farmers Coop, pursuant to Section 26 of Redwood County Ordinance, requesting a variance of 10 feet from the required 10 foot setback between a structure and a septic tank set forth at Sec. 16, Subd. 11, Subp. 5 of Redwood County Ordinance. The hearing will be held at the Meadowland Farmers Coop site located at 401 First Avenue in Lamberton.
2. Meadowland is proposing install a septic tank next to the existing feed mill office structure on the following described property, situated in the County Redwood, State of Minnesota, to wit: 53090 square feet from the railroad in the Southwest Quarter of the Northwest Quarter of Section 23, Township 109 North, Range 37 West, Lamberton Township.
3. Meadowland plans to construct a restroom in the existing feed mill office. The sewer from this restroom will be connected to the City of Lamberton municipal sewer. However, the elevation of the site cannot tie into the existing city sewer without installing a lift pump. Rather than install a sewage grinder pump to lift the sewage into the city system, Meadowland prefers to install a two-compartment septic tank, with a lift pump in the second compartment. The lift-pump will pump the liquid into the city sewer system. The solids and oils will settle out in the first compartment of the tank, which will need to be pumped periodically and serviced as a septic tank.
4. Redwood County has jurisdiction over this project as the septic authority. Section 16, Subd. 11, Subp. 3.2 of Redwood County Ordinance states that the county's jurisdiction over septic systems includes "all lands of the County except for incorporated areas or townships that administer a [septic] program." The City of Lamberton has not adopted regulatory authority over septic systems and therefore does not administer a septic program. Consequently, septic systems within the City of Lamberton fall under the jurisdiction of Redwood County.
5. Meadowland's project is partly municipal sewer and partly septic system. Minnesota Rules Chapter 7080.1100, subp. 41 defines septic systems as "sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation... include[ing] all holding tanks, sewage collection systems and tanks that discharge into individual sewage treatment systems, and privies." Meadowland's proposed tank is a sewage holding tank, buried under the natural soil elevation, that discharges liquid sewage into the city sewer, but from which solid sewage must be removed and dealt with according to the septic code. Therefore, the installation of the tank, and the maintenance and periodic emptying of the solids from the septic compartment of the tank are governed by the septic code.

6. Due to the layout of the Meadowland site, the tank cannot meet the required 10' setback from the feed mill office building. The Meadowland property around the building consists entirely of a gravel driving and parking area. In order to avoid accidents and damage to the tank, it is necessary to tuck the tank in close to the building.
7. Pursuant to Redwood County Ordinance, written notice shall be provided to all property owners of record within five hundred (500) feet of the affected property via U.S. Mail as to the time and place of the public hearing. Further, written notice shall also be provided to the affected board of township supervisors and the municipal council of any municipality within two (2) miles of the affected property.

The following information was presented to and considered by the Redwood County Board of Adjustment at the public hearing:

Tim Osland and Jim Simonson were present to explain the project. Simonson made the following statements about the application:

- Meadowland is asking to install a septic tank next to their feed mill building.
- They want to put the tank as close to the building as possible to keep it out of the way of truck traffic.
- They never had a restroom in this building before, but now are installing one for employees
- A sewer line will run from the tank to the municipal sewer.
- There is no city sewer in the street in front of the Meadowland building. The city sewer main is located in the alley behind the properties that are across the street from Meadowland.

Several citizens - David Friedrich, Robert Peterson, and Jim Kretsch - voiced concerns about the project. Their concerns were as follows:

- Contamination of the well on the Meadowland property
  - o There was a concern that the well casing is rusted out. However no evidence was given indicating that this was the case.
  - o Meadowland reported that the well functions fine.
- Sewage leaking from the tank and sewer pipe into their basements
  - o In recent years the neighborhood has been wet during heavy rains and some homeowners have had water in their basements.
  - o Osland pointed out that there are already sewer lines under all the streets except the one in front of Meadowland.

Osland explained that the purpose of the septic tank is to avoid the need for a grinder pump in the feed mill building. Due to the distance to the city sewer main and the many other utilities in the way, it is not possible to hook a gravity pipe from the Meadowland building to the city sewer. Instead, the line will need to be pressurized. The septic tank/pump tank combo allows Meadowland to pump just the liquid effluent, instead of grinding up all the solids. The solids will instead be collected in the septic side of the tank and periodically pumped out and disposed of, just like any other septic tank.

Paul Lagrue stated that his understanding of the hearing is that Meadowland needs a variance for the distance between the tank and their building, and that otherwise installing a septic tank and hooking into the municipal sewer is not at issue. Brozek agreed that Meadowland has the right to install a septic tank and hook into the sewer just like any other landowner.

Osland made the following statements about the application:

- Osland is the licensed septic designer and installer who will be installing the tank.
- The tank will be brand new and wont leak.
- The tank will be by the back (NW) corner of the building, in a corner made by the building wall and an existing concrete slab.
- The tank will be covered with 3 feet of earth.
- The tank to be used will be the same type used in septic systems at area farms.


- The sewer line will be bored under the road and neighboring property to the city sewer main in the alley. The sewer line will be bored underneath the existing utilities under the street.
- The sewage effluent will be pumped from the pump tank side of the septic tank, into the sewer.
- Meadowland is paying the entire bill for the project, no tax dollars will be spent.

Friedrich asked Peterson and Kretsch if they thought the project sounded reasonable. All three agreed that it seemed reasonable.

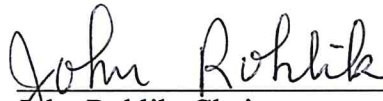
Schueller made a motion to approve the variance. Tauer seconded the motion and it was passed unanimously. The public hearing was then closed.

Discussion was held regarding the Minutes of the Board of Adjustment meeting held on the 4<sup>th</sup> day of January, 2017. On a motion made by Schueller and seconded by Rohlik, it was moved and passed unanimously that said minutes be approved as presented.

The meeting was then adjourned.



Nick Brozek, Land Use and Zoning Supervisor  
Redwood County Environmental Office



John Rohlik, Chair  
Redwood County Board of Adjustment





