



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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

TO: Redwood County Planning Commission

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

DATE: June 13th, 2018

RE: Planning Commission Hearing on June 25th, 2018

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 25th day of June, 2018, 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 four (4) public hearings. A brief summary of the subject matter of the hearings is set forth below.

1. Public hearing on Application for Conditional Use Permit submitted by Lisa Justin of Scenic Sign Corp. o/b/o Farmward Cooperative.

Farmward proposes to construct a 9'5" wide by 12'2" tall pylon sign with digital display. The sign will be located at the Farmward grain handling facility, near the intersection of US Hwy 71 and County Hwy 70 (235th Street). The site is located in the Agriculture District, in New Avon Township, Section 26.

The sign will be dual faced and consist of a 9'5" by 7'6" painted "cabinet" sign above with a 9'5" by 4'8" EMC (electronic message center) full-color digital display, by Daktronics, below. The sign will be supported on two steel poles with 2' square by 6'5" tall aluminum pole covers. It will sit on a 10' wide by 2' tall stone base. The surface area of the proposed sign will be 114.6 square feet.

Redwood County Ordinance Section 16, Subd. 3, Subp. 7 requires that "[n]o sign located in the... Agriculture District... shall exceed 64 square feet in surface area and the cumulative surface area of all signs on an individual property shall not exceed 70 square feet unless a Conditional Use Permit is first applied for an obtained."

Two 20 square foot signs have been permitted by Scenic Sign/Farmward previously for this site, for an existing permitted total sign surface area of 40 square feet. These signs, permitted under Land Use/Zoning Permits #35-18 and 48-18, both measure 4' by 5'. The proposed 114.6 square foot sign will therefore increase the total sign face surface area to 154.6 square feet. Consequently, Farmward is seeking a Conditional Use Permit both to exceed the 64 square foot maximum for a single sign and to exceed the 70 square foot maximum for total signage of the property.

The proposed sign must be set back at least 30 feet from the right-of-way of US Hwy 71 and County Hwy 70/235th Street. Redwood County Ordinance requires that any sign located within 30 feet of the intersection of two or more public streets, as measured from the right-of-way line, must be elevated so that the bottom of the sign is at least 15 feet above ground level. The proposed sign will be elevated 8 feet, 5 inches above ground level. Therefore, since it will be located at the intersection of US Hwy 71 and County Hwy 70/235th Street, it must meet the required 30 foot setback. According to MNDOT maps, the right-of-way for US Hwy 71 is measured 75 feet from the center line of the roadway. According to Redwood County Highway Dept. maps, the right-of-way for County Hwy 70/235th Street is measured 50 feet from the center line of the roadway. Therefore, the proposed sign will need to be set back at least 105 feet from the center line of US Hwy 71, and 80 feet from the center line of County Hwy 70/235th Street.

The EMC portion of the sign must comply with the requirements of Redwood County Ordinance Section 16, Subd. 3, Subp. 8, regulating “Dynamic Displays.”

A permit from MNDOT is not required for this project because the proposed sign is on the site of the business being advertised on the sign.

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

2. Public hearing on Application for Conditional Use Permit submitted by David Hendrixon of NTP Wireless as agent for Verizon Wireless, o/b/o landowner Tim Christensen.

Verizon is proposing to construct a new 250 foot tall self-supporting telecommunications tower and equipment platform in the NE1/4 of Section 17, Westline Township. The tower will include a lightning rod adding another 9 feet to the total height. The tower will be built on land leased from Tim Christensen, located near the intersection of State Hwy 68 and 260th Street, northwest of the City of Milroy. The tower will include a Verizon antenna to accommodate increased wireless data and streaming usage. The tower will also have the capacity to house antennas from up to two additional providers.

The tower site will include a gravel driveway and parking area and perimeter fence. The fence will enclose a 44’ x 50’ compound within the 100’ x 100’ leased area. The fence will be 6’ tall chain link topped with three strands of barbed wire.

The proposed communications tower is located in the Agricultural District. Section 7, Subd. 3 of the Redwood County Ordinance states that “Cellular Telecommunications Towers” are a conditional use in the Agricultural District.

In accordance with the application requirements stipulated in Section 20, Subd. 2 of the Ordinance, David Hendrixon of NTP Wireless, acting on behalf of Verizon, submitted the following documents and information:

1. CUP application, project summary, and evidence of compliance with ordinance requirements
2. Site plan and construction drawings
3. Review of alternative structures
4. Engineer’s statement
5. FCC licensure
6. Colocation agreement

7. Certificate of liability insurance

In addition to the above requirements, Section 20, Subd. 7 of the Ordinance lists the following performance standards for telecommunications towers:

1. A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impact of the tower shall be confined as much as possible to the property on which the tower is located.
2. Generally, only one communication tower is permitted on a parcel of land. If, in the opinion of the Redwood County Planning Commission, a particular parcel is well suited for more than one communications tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.
3. Towers are prohibited on any property whose principle use includes the storage, distribution, or sale of volatile, flammable, or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.
4. Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.
5. In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means) are preferred.
6. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
7. Permanent platforms or structures, exclusive of antennas, other than that necessary for safety purposes or tower maintenance are prohibited.
8. All Communications towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower. A "certificate of insurance" shall be filed with the Redwood County Environmental Office prior to commencing operation of the facility.
9. No temporary mobile sites are permitted except in the case of equipment failure, equipment testing, or in case of emergency situation as authorized by the County Zoning Administrator. Use of temporary mobile cell sites for testing purpose shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. The Redwood County Zoning Administrator can extend these limits.
10. Construction of an approved tower, including all accessory structures, including footings and foundation, must be completed within one (1) year following the date of the permit.
11. The tower will need to be lighted as required by the FAA. If no light is required, the tower will be lit with a red strobe light.
12. Colored guide guard sleeves will be placed on the anchors to make them visible or each wire guide shall be surrounded by at least a six (6) foot high fence.

In addition to the performance standards, Section 20, Subd. 9 contains the following aesthetic requirements:

1. Metal towers shall be constructed of, or treated with, corrosive resistant material.
2. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA/FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.

Furthermore, Section 20, Subd. 12 requires ongoing maintenance as follows:

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners shall install and maintain towers, telecommunication facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunication facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
4. Licensed maintenance and construction personnel shall perform all maintenance or construction on a tower, telecommunication facilities or antenna support structure.
5. All towers shall maintain compliance with current radio frequency emissions standards of the FCC.
6. Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.

The driveway for the tower site will come from 260th Street, about 400 feet west of the intersection of Hwy 68 and 260th.

There is no county tile or county ditch on the property.

The closest residence to the tower site is that of landowner Tim Christensen, located about 1600 feet southwest of the site. The three closest third-party residences to the proposed site are as follows: Patricia K Christensen, 11804 Hwy 68, about 1800 feet southwest of the site; John Christensen, 11769 Hwy 68, about 1900 feet east of the site; and Dustin Stolp, 605 Euclid Avenue, about 2000 feet south of the site.

Section 20, Subd. 5 of the Ordinance requires that communications towers be set back at least the height of the tower plus 100 feet from the following structures and features:

1. Neighboring residences
2. Property lines and public street right-of-way lines
3. All structures not belonging to the applicant

Subd. 5.2. states that tower height shall include "all antennae or other attachments." Consequently, the 9 foot lightning rod will be included in the tower height, requiring a setback of 359 feet, which is the proposed setback from the right-of-way of Hwy 68 and 260th Street.

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

3. Public hearing on Application for Conditional Use Permit submitted by David Hendrixon of NTP Wireless as agent for Verizon Wireless, o/b/o landowner Nancy Baker.

Verizon is proposing to construct a new 250 foot tall self-supporting telecommunications tower and equipment platform in the SE1/4 of the SW1/4 of Section 30, North Hero Township. The tower will

include a lightning rod adding another 9 feet to the total height. The tower will be built on land leased from Nancy Baker, located north of 110th Street about one quarter of a mile east of CSAH 5, south of the City of Walnut Grove. The tower will include a Verizon antenna to accommodate increased wireless data and streaming usage. The tower will also have the capacity to house antennas from up to two additional providers.

The tower site will include a gravel driveway and parking area and perimeter fence. The fence will enclose a 48' x 54' compound within the 100' x 100' leased area. The fence will be 6' tall chain link topped with three strands of barbed wire.

The proposed communications tower is located in the Agricultural District. Section 7, Subd. 3 of the Redwood County Ordinance states that "Cellular Telecommunications Towers" are a conditional use in the Agricultural District.

In accordance with the application requirements stipulated in Section 20, Subd. 2 of the Ordinance, David Hendrixon of NTP Wireless, acting on behalf of Verizon, submitted the following documents and information:

1. CUP application, project summary, and evidence of compliance with ordinance requirements
2. Site plan and construction drawings
3. Review of alternative structures
4. Engineer's statement
5. FCC licensure
6. Colocation agreement
7. Certificate of liability insurance

In addition to the above requirements, Section 20, Subd. 7 of the Ordinance lists the following performance standards for telecommunications towers:

1. A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impact of the tower shall be confined as much as possible to the property on which the tower is located.
2. Generally, only one communication tower is permitted on a parcel of land. If, in the opinion of the Redwood County Planning Commission, a particular parcel is well suited for more than one communications tower, the additional tower may be allowed following the issuance of a conditional use permit. All other standards contained in the Ordinance must be met.
3. Towers are prohibited on any property whose principle use includes the storage, distribution, or sale of volatile, flammable, or hazardous materials such as LP gas, propane, gasoline, natural gas, and corrosive or dangerous chemicals.
4. Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturer specifications. The plan shall be approved and certified by a registered professional engineer.
5. In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means) are preferred.
6. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six-foot high chain link fence with a locked gate.
7. Permanent platforms or structures, exclusive of antennas, other than that necessary for safety purposes or tower maintenance are prohibited.

8. All Communications towers and their antennas shall be adequately insured for injury and property damage caused by collapse of the tower. A “certificate of insurance” shall be filed with the Redwood County Environmental Office prior to commencing operation of the facility.
9. No temporary mobile sites are permitted except in the case of equipment failure, equipment testing, or in case of emergency situation as authorized by the County Zoning Administrator. Use of temporary mobile cell sites for testing purpose shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. The Redwood County Zoning Administrator can extend these limits.
10. Construction of an approved tower, including all accessory structures, including footings and foundation, must be completed within one (1) year following the date of the permit.
11. The tower will need to be lighted as required by the FAA. If no light is required, the tower will be lit with a red strobe light.
12. Colored guide guard sleeves will be placed on the anchors to make them visible or each wire guide shall be surrounded by at least a six (6) foot high fence.

In addition to the performance standards, Section 20, Subd. 9 contains the following aesthetic requirements:

1. Metal towers shall be constructed of, or treated with, corrosive resistant material.
2. Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA/FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.

Furthermore, Section 20, Subd. 12 requires ongoing maintenance as follows:

1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain and use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners shall install and maintain towers, telecommunication facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
3. All towers, telecommunication facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
4. Licensed maintenance and construction personnel shall perform all maintenance or construction on a tower, telecommunication facilities or antenna support structure.
5. All towers shall maintain compliance with current radio frequency emissions standards of the FCC.
6. Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the zoning administrator.

The closest county tile line to the proposed tower site is located about 200 feet south of the site, on the opposite side of 110th Street.

There is no county ditch on the property.

The closest residence to the tower site is that of landowner Nancy Baker, located about 700 feet east of the site. The four closest third-party residences to the proposed site are as follows: Paul & Jean Desmith, 16700 110th Street, about 1900 feet east of the site; a residence owned by Venla Vang, 10994 Co. Hwy 5, about 1900 feet west of the site; Joseph Hanson, 10914 Co. Hwy 5, about 2000 feet west of the site, and Khoua & Ko Her Vang, 11100 Co. Hwy 5, about 2200 feet northwest of the site.

Section 20, Subd. 5 of the Ordinance requires that communications towers be set back at least the height of the tower plus 100 feet from the following structures and features:

1. Neighboring residences
2. Property lines and public street right-of-way lines
3. All structures not belonging to the applicant

However, paragraph 3 of Subd. 5 allows the set back from a property line to be reduced if the tower is “designed and engineered to collapse progressively within the distance between the tower and the property line.” The proposed tower is designed to collapse within a radius of 125 feet, as described in an engineer’s statement provided by the tower manufacturer (Exhibit C – Engineer’s statement).

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

4. Mike Rasmussen – Extraction Conditional Use Permit #17-17.

After conclusion of regular business, the Planning Commission will temporarily adjourn and reconvene on Mike Rasmussen’s pit reclamation site, located on the property legally described as follows, two wit:

Lots “A” and “W” of Sodergren’s Subdivision of Section 35, Township 113 North, Range 35 West, Except 3.21 acre tract to MN DOT (right-of-way), Paxton Township.

The purpose of the site visit is to inspect the area where Rasmussen infringed on the neighboring property line and to discuss timelines and benchmarks to bring Rasmussen into compliance with his permit conditions.

Mike Rasmussen’s Conditional Use Permit included, among others, the following conditions:

- The permit holder shall enter into and abide by an agreement with the owner of the property to the south of the reclamation site (the North Fractional Half of the Northeast Quarter (NFR1/2 NE1/4) of Section 3, Paxton Township). Said agreement shall detail the manner and timing in which the permit holder shall repair damages to the neighbor’s property caused by a trespass by the permit holder onto the neighbor’s land.
- The permit holder shall post a bond, cash deposit, irrevocable letter of credit, or other security in the amount of \$30,000.00. Further, the bond, cash deposit, irrevocable letter of credit, or other security shall remain in full force and effect for a minimum of one year beyond the completion date of *Extraction Conditional Use Permit*.
- The permit holder shall not exceed the boundary limits described and set forth in the Application for Extraction Conditional Use Permit. The permit holder shall not perform grading or filling or operate a borrow pit outside the permitted area without obtaining the proper permit, or permission

from the Zoning Administrator. The permit holder shall keep any pit, excavation, or impounded waters within the limits for which the particular permit is granted.

- No excavation, filling, grading, or other disturbance to the soil shall be made within any public road right-of-way.

Six months after the issuance of Rasmussen's permit, he has not complied with the above conditions.

The nature of Rasmussen's permit violations are as follows:

1. Rasmussen has not entered into an agreement with Schmidt to repair the damage caused by Rasmussen's trespass onto Schmidt's property. Furthermore, Rasmussen has not repaired said damage.
2. Rasmussen has not provided the required \$30,000.00 security.
3. Rasmussen has not cleaned up earth and concrete debris that was dumped along his driveway on US Hwy 71, possibly in the Hwy 71 right-of-way. This area is outside of the area permitted by Conditional Use Permit #17-17.

Redwood County has had the following contacts with Mr. Rasmussen regarding the above violations of his permit:

- 12-14-17 – emailed Rasmussen regarding proposed agreement from Jeff Schmidt
- 12-14-17 – letter to Rasmussen regarding proposed agreement from Jeff Schmidt
- 12-15-17 – emailed Rasmussen regarding proposed agreement from Jeff Schmidt
- 2-12-18 – emailed Rasmussen's banker regarding the \$30,000.00 security
- 2-14-18 - emailed Rasmussen's banker regarding the \$30,000.00 security
- 5-2-18 - emailed Rasmussen's banker regarding the \$30,000.00 security
- 5-4-18 – emailed Rasmussen regarding proposed agreement from Jeff Schmidt and repair of the trespass
- 5-29-18 – letter to Rasmussen regarding agreement with Schmidt, repair of trespass, clean-up along Hwy 71, \$30,000.00 security, certificate of insurance
- 6-8-18 – letter to Rasmussen regarding agreement with Schmidt, repair of trespass, clean-up along Hwy 71, \$30,000.00 security, certificate of insurance
- 6-13-18 - letter to Rasmussen regarding agreement with Schmidt, repair of trespass, clean-up along Hwy 71, \$30,000.00 security, and Planning Commission site visit on June 25, 2018.

During the past 6 months, staff also contacted Rasmussen by telephone four separate times to follow up on the emails and letters. Each time, Rasmussen informed staff that he would provide the required documents and perform the required work within one or two weeks. However, aside from providing the required certificate of insurance (which was obtained only after county staff contacted Rasmussen's insurer directly), Rasmussen has not taken the steps he needs to take pursuant to his permit conditions.

During the final telephone call, on June 12, 2018, Rasmussen stated that he had written up a proposed agreement with Schmidt and a written description of his plan to repair his trespass onto Schmidt's property. He further stated that his wife would type up the agreement and repair plan that evening and provide it to the Environmental Office on Wednesday, June 13. However, as of the close of business on Wednesday, the Environmental Office has not received anything from Rasmussen.

A copy of the proposed agreement from Schmidt is enclosed for your review.