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: August 28, 2017

A meeting of the Redwood County Planning Commission convened on Monday, the 28th day of August, 2017, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, Mark Madsen, Mike Kaufenberg, and Commissioner Dave Forkrud. John Rohlik, Jr., Dave Mattison, and Commissioner Lon Walling were not present. Also present were the following individuals: Paul Baune (via telephone), Environmental Director Scott Wold, Land Use & Zoning Supervisor Nick Brozek, and Administrative Assistant Lali Ortega.

At 1:00 p.m. the regularly scheduled August 28th, 2017 Redwood County Planning Commission meeting was called to order. It was noted that both the Planning Commission Chair John Rohlik, Jr., and the Planning Commission Vice-Chair, Dave Mattison, were absent. A motion was made by Forkrud, seconded by Kaufenberg, to appoint Mark Madsen temporary Planning Commission Chair for the duration of the meeting. The motion passed unanimously.

At 1:05 p.m. staff used the Redwood County Government Center Board Room telephone to call Paul Baune. Mr. Baune was reached at his office in the Twin Cities, and put on speaker phone. Madsen then called to order a public hearing on a Conditional Use Permit submitted by Nancy Baune. Madsen then read aloud the rules of the meeting.

It was noted that the August 28th meeting was a continuation of the previous regularly scheduled Planning Commission meeting, held on July 31st, 2017. The July meeting was continued by motion due to lack of a quorum.

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

1. 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.

2. 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.

3. 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.

4. 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:
   A. 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.
   B. 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.
   C. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
   D. 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.
   E. Fill or excavated material must not be placed in a manner that creates an unstable slope.
   F. Any alterations below the ordinary high water level of public waters must be first authorized by the commissioner under Minnesota Statutes, section 103G.245
   G. 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.
   H. 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.
   I. Setback for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels and from bluffs.

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

6. Section 4.4 of the Floodplain Ordinance provides the following standards for all Floodplain Conditional Uses:
   A. 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.
   B. 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.

C. 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.
D. 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.
E. 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.

7. Section 10.4.D & F of the Floodplain Ordinance provide the following factors and possible conditions for the decision of the Planning Commission:
   A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
   B. 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.
   C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   D. The importance of the services provided by the proposed facility to the community.
   E. The requirements of the facility for a waterfront location.
   F. The availability of alternative locations not subject to flooding for the proposed use.
   G. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
   H. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
   I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
   K. Such other factors which are relevant to the purposes of this Ordinance.

8. 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:
   A. Limitations on period of use, occupancy, and operation.
   B. Imposition of operational controls, sureties, and deed restrictions.
   C. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

9. 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.

10. 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.

11. 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.

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

13. 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.

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

Paul Baune was present via speaker phone to explain the project. Baune made the following statements to the Planning Commission:

- Paul's wife, Nancy Baune, recently inherited the property on which a gravel pit already exists.
- The existing gravel pit is known as the "Carity pit."
- The pit property is located about 6 miles west of the City of Redwood Falls.
- Paul has been in contact with Nick Brozek regarding whether to reclaim or re-permit the site. The old permit expired.
- A few contractors are interested in excavating the site, but Baune has not worked out a contract with any yet.
- 20 acres of the site were tested via drilling to determine the location and amount of available gravel material.
- Additional drilling was performed on the opposite side of the County drainage ditch, but the gravel is not as good over there.
- Baune wants to get the Conditional Use Permit now while he is still talking to contractors and the township.
- The plan will be to strip off and reserve the topsoil, then mine out the gravel. Afterward the area will be graded to no steeper than a 4:1 slope and topsoil replaced and seeded.
- The excavated area will stop at the 50' RIM easement along the drainage ditches. The 4:1 slope will begin there at the natural existed grade adjacent to the RIM easements and slope down into the pit from there.
- A pond, or ponds, will be left at the bottom of the pit after reclamation. The 4:1 slope will continue into the ponds until the normal water level reaches a depth of 8 feet, at which the grade will begin to taper at a steeper angle. The idea behind this is that no one will be able to walk on the bottom in over 8 feet of water, so there is no reason for the pond bottom to continue at 4:1 slope at that point.
- There is about 16 to 20 feet of gravel available for mining at the site.
- Maximum depth of the excavation will be 30 feet.
- The pit wall will slope down from the township road on the west side, starting at 100 feet from the center line of the township road (Justice Avenue).

The Planning Commissioners had the following questions and comments:

- Will the existing pond be enlarged?
- Will the site be kept at a 4:1 slope during the mining process? Or only returned to that during the reclamation phase?
- Will topsoil be reserved for reclamation? If so, where will it be stored?

Baune provided the following responses to the Commissioners:

- The existing pond will be enlarged. Most of the site may end up as pond, depending on the amount of material eventually removed.
- The site will be mined at a 4:1 slope, in order to make reclamation easier.
- Topsoil may be redeposited on the excavated area as each section of the pit is mined out. Topsoil will be reserved on the site for final reclamation at the end of the project. Topsoil will be reapplied to a depth of 4 to 6 inches.
- An island may be left in the pond, depending on the depth of the gravel there. This will be beneficial to wildlife.

Madsen asked Baune if he is aware that Baune will need to provide the required reclamation security prior to conducting excavation work at the site. Baune responded that he is aware of that requirement. The estimated reclamation cost is $15,000, which amount will be set aside out of the proceeds.

Brozek stated that the required $39,500 reclamation security is based on the proposed acreage of the site.

Madsen asked Baune whether he had read and understood the proposed permit conditions. Baune responded yes, he is fine with the conditions.

Madsen inquired if anyone was present to support the project. No one came forward.

Madsen inquired if anyone was present to oppose the project. No one came forward.

Madsen directed Brozek to lead 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 #15-17, subject to the conditions proposed by staff. Kaufenberg seconded the motion and it passed unanimously.

The Commissioners reviewed and discussed the minutes from the June 26th Planning Commission meeting. On a motion by Kaufenberg seconded by Scheffler the minutes from the June 26th Planning Commission meeting were unanimously approved.

The Commissioners reviewed and discussed the minutes from the July 31st Planning Commission meeting. On a motion by Kaufenberg seconded by Scheffler the minutes from the July 31st Planning Commission meeting were unanimously approved.

Wold updated the Planning Commissioners on upcoming meeting agendas. The regularly scheduled September meeting will be used to discuss proposed ordinance amendments. Open houses on the ordinance amendments will be held later in the fall and winter.

Wold informed the Commissioners that a training session on the Planning process will be available for Planning Commissioners to attend over the winter of 2017/2018.

On a motion by Scheffler, seconded by Kaufenberg, the meeting was adjourned at 1:42 p.m.

Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

Mark Madsen, Chair
Redwood County Planning Commission