


TO: Redwood County Planning Commission

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

DATE: March 27, 2019

RE: Planning Commission Hearing on April 8, 2019



A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 8th day of April, 2019, 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 three (3) public hearings. A brief summary of the subject matter of the hearings is set forth below.

1. Public hearing on Application for Extraction Conditional Use Permit submitted by Joseph Schueller.

Mr. Schueller's permit was originally scheduled for review at the February 25, 2019, Planning Commission meeting. However, said meeting was cancelled due to weather, and Mr. Schueller agreed to postpone his application until the April 8th meeting.

Mr. Schueller began a small excavation on a hill on his agricultural land along 250th Street, in Section 24, Granite Rock Township. He now wants to enlarge the excavation and allow local contractors to use the site as a gravel pit, for up to ten years.

The site is located on the south side of 250th street, about 2 miles east of the City of Lucan. The site is located in the Agriculture District. Mining is a Conditional Use in the Agricultural District. The pit will be accessed from 250th Street.

The topsoil will be scraped off and reserved for reclamation. Gravel and fill material will be removed as needed for projects. Schueller plans to work with Johanneck or Travis Brey, or both. At the end of the permit term, the stockpiled topsoil will be replaced and the site will be reclaimed to farm land. The requested permit term is 10 years.

The pit will be 5 acres in size, as shown on maps attached to the permit application. It will sit on a hill, or ridge, running more or less north to south in the northeast corner of the quarter section owned by Schueller. The ridge currently rises about 30 feet above the surrounding ground. The goal of the excavation project is to lower the elevation of the hill to match the surrounding flat ground. The ridge may not be entirely removed as part of the project. Whether totally removed, or only partly removed, the site will be reclaimed and graded so that it generally slopes to the east. There is currently a berm along the edge of the road right-of-way, where the road was cut through the ridge. If the Township Board agrees, this berm will be removed as part of the ridge-lowering project.

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The closest County Ditch to the site is CD 21, an open ditch running south to north, about 1100 feet east of the site.

The closest County Tile to the site is a 10-inch branch of CD 21, located on the opposite side of 250th Street, about 600 feet north of the site.

According to the soil maps for the site, the soil types present are Storden-Estherville-Ves complex, 2 to 12 percent slopes; and Storden-Estherville-Ves complex, 12 to 18 percent slopes.

The four nearest dwellings to the proposed site are as follows: a farm site owned by Lloyd & Linda Turbes, about 1600 feet north of the site; Kris & Barbara Rogotzke, about 1800 feet east of the site; Joseph & Marie Schueller (the applicant), about 2600 feet southwest of the site, and Adam Welu, about 3700 feet east of the site.

Material may be hauled from the site east on 250th Street, about 1 ½ miles, to CSAH 7, or west on 250th and south on Frontier, about 1 ½ miles, to State Hwy 68. The CSAH 7 route goes past the Turbes, Rogotzke, and Welu residences. The Turbes residence is set back over 1400 feet from the road, so dust from hauling shouldn't be an issue there. The Welu residence is set back 475 feet from the road, and faces the cross street – Garden Avenue. The Rogotzke residence is only set back 130 feet from the road. Schueller has indicated that he is willing to undertake dust control measures on 250th if dust becomes a problem. Or, as an alternative, Schueller will use the State Hwy 68 route, the only residence along which is that of Schueller himself.

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.” This site requires a \$10,000.00 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.

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



2. Public hearing on Application for Animal Confinement Feedlot Conditional Use Permit submitted by Scott Mattison.



Mr. Mattison owns and operates a feedlot on his home farm site. Mattison is currently permitted for 1100 ewes and 170 sows, pursuant to Redwood County Conditional Use Permit #6-05, issued in 2005. He is proposing to convert the feedlot into a cattle feedlot, and will no longer keep ewes or sows on the site.

CUP #6-05 lists the animal unit number as 562. However, the current rules only value 1100 ewes and 170 sows at 178 animal units. Instead of ewes and sows, Mr. Mattison is proposing to keep 720 slaughter cattle, 120 feeder cattle, and 80 cow/calf pairs on the site, for a total of 900 animal units. This represents both a change of animal type and an increase of more than 200 animal units over the permitted number, both of which require Mr. Mattison to apply for and obtain a new Conditional Use Permit, per the Feedlot Ordinance (Redwood County Code of Ordinances, Title XV, Section 153.290).

Mattison will keep the cattle in existing barns. No new barns or other feedlot structures are planned. The barns to be used are as follows:

- Building 1: One 100' x 240' barn, with open lots to the south
- Building 2: Two 36' x 100' hoop barns
- Building 3: One 60' x 80' barn, with open lots to the east and south
- Building 4: One 40' x 96' barn, with open lot to the south

There is an old dairy barn and slurry tank in the northwest corner of the building site, which will not be used for the feedlot.

Feed will be stored in a commodity shed in the northeast corner of the site.

Manure will be stored on site in the barns. Barn 1, above, will utilize deep pack manure storage. It will be scraped weekly and totally emptied once each year in the fall. Barn 2 will also use deep pack manure storage and will be totally emptied twice per year, in the spring and fall. Barns 3 and 4 will also use bedding and will be emptied as needed and as conditions allow. Manure will be applied to local fields upon agreement with the landowners.

The feedlot is located in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 33 of Waterbury Township, on Harvest Avenue, two miles west of CSAH 6 and two miles east of CSAH 7. The nearest town is the City of Lamberton, over 3 miles away.

The closest county ditch to the feedlot is about half a mile northeast of the site. The closest county tile main is about 185 feet west of barn 3.

The three nearest dwellings to the proposed site are as follows: Eric & Julia Kronback, 23745 160th Street, about 1560 feet west of the site; Brad Senst, 15698 Harvest Avenue, about 2000 feet

southwest of the site; and a dwelling owned by Vernon & Joann Jaeger, 23394 160th Street, about 3600 feet southwest of the site.



Staff used the University of Minnesota OFFSET odor from feedlots setback estimation tool to calculate the Annoyance-free frequency for the following dwellings:

1. Kronback – 97% annoyance free
2. Senst – 98% annoyance free
3. Jaeger – 99% annoyance free
4. Mattison (applicant) – 89% annoyance free

Mr. Mattison sells the manure from his feedlot to a local farmer.

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 Donovan McCain o/b/o Verizon Wireless.

This same project came before the Planning Commission previously in January of 2017, and was approved and issued by the County Board of Commissioners as CUP #2-17. However, County Ordinance regulations in place at that time stated that if a conditional use permit was not “used” within one year of issuance, it was then void. Environmental Office policy held that in order to be considered in use, substantial construction had to have been started on the project. However, no construction was ever undertaken on the project. Verizon, Lester Schultz, and the original applicant (Curt Walter) were informed that the permit had become void by letter dated August 3, 2018. Verizon now wishes to revive the project and is seeking a new permit.

Verizon is proposing to construct a new 250 foot tall self-supporting telecommunications tower and equipment platform in the SE1/4 of Section 5, Three Lakes 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 Lester Schultz, located at 27246 County Hwy 1. 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 proposed communications tower is located in the Agricultural District. Redwood County Code of Ordinance, Title XV, Section 153.142(14) states that “Cellular Telecommunications Towers” are a conditional use in the Agricultural District.

In accordance with the application requirements stipulated in Section 153.381 of the Code, Donovan McCain of Buell Consulting, Inc., acting on behalf of Verizon, re-submitted the following documents and information:

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1. CUP application
2. Site plan
3. Landowner information
4. Narrative description of all airports and/or telecommunications towers in the area
5. Architectural drawings
6. Letter regarding collocation
7. List of FCC licenses held by Verizon



Verizon must still provide the following as a condition of permit approval:

1. Consent to the construction of the tower by the landowner via sworn affidavit (see Section 153.381(B)(2))
2. A sworn and certified statement by an engineer certifying that the tower is structurally sound and conforms to the requirements of the MN Building Code and all other construction standards set forth by law (see Section 153.381(B)(9))
3. Certificate of insurance (see Section 153.386(H)(2))

In addition to the above requirements, Section 153.386 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 153.388 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 153.390 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.

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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 use an existing approach off of CSAH 1 about 500 feet north of the curve where the road crosses over County Ditch 64. The site itself will be part of the existing farm building site, lying between farm buildings lying to the east and the grove to the west.

There is a County tile main on the tower site property. However, it is located about 1,000 feet north of the site.

County Ditch 64 is the closest County ditch to the project and is located about 2500 feet southeast of the site.

The closest residence to the tower site is that of landowner Lester Schultz, located 300 feet northwest of the site. The three closest third-party residences to the proposed site are as follows: Albert & Colleen Marcus, 27245 CSAH 1, about 650 feet northwest of the site; Daniel Kowalski, 27624 CSAH 1, about 2200 feet north of the site; and Constance Kiser, 36464 280th Street, about 5000 feet northwest of the site.

Section 153.384 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

Paragraph (B) 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.

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

