

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: January 30, 2024



A meeting of the Redwood County Planning Commission convened on Tuesday, the 30th day of January, 2024, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, Mark Madsen, DeVonna Zeug, Jeff Huseby, Ed Carter, Mike Scheffler, and County Commissioner Dave Forkrud. Also present were the following individuals: Robert Pagel, Lois Pagel, Land Use and Zoning Supervisor Jeanette Pidde, and Environmental Director Nick Brozek.

At 1:00 p.m. the January 30, 2024, Redwood County Planning Commission meeting was called to order by Chair Kaufenberg.

Zeug added "Nominate and elect Planning Commission officers for the 2024 calendar year" to the Agenda.

Chair Kaufenberg called for nomination for Chair and Vice-chair for the 2024 calendar year.

Zeug nominated Mark Madsen to be Chair. The nomination was seconded by Huseby. There were no further nominations. Madsen was elected 2024 Planning Commission Chair by unanimous vote.

Zeug nominated Ed Carter to be Vice-chair. The nomination was seconded by Scheffler. There were no further nominations. Carter was elected 2024 Planning Commission Vice-chair by unanimous vote.

At the request of Chair Madsen, Brozek read the Planning Commission rules and procedures. Printed copies were available to the public.

At 1:06 p.m. Chair Madsen called to order a public hearing on Application for Extraction Interim Use Permit #1-24, submitted by Robert Pagel.

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

1. An Application for Extraction Conditional Use Permit has been filed by Robert Pagel for the extraction, processing, and stockpiling of gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota:
2. Southeast quarter, Section 18, Township 112, Range 39, Underwood Township. Proposed extraction area will be 35 acres, including equipment storage and overburden stockpiling areas.
3. The extraction area is located in the "A" Agricultural District and the "FP" Floodplain District. Extraction of gravel is a Conditional Use in both the "A" Agricultural District and the "FP" Floodplain District.
4. Mr. Pagel's application is to extend an existing gravel extraction operation. The current site is operating under a permit issued in 2014.
5. No structures will be located on site. However, equipment may be temporarily stored on site. The life expectancy of the extraction operation is ten (10) years, to be completed on February 9th, 2034.

Redwood County Government Center - Environmental Department

P.O Box 130 Redwood Falls, MN 56283

(507) 637-4023 redwoodcounty-mn.us Environmental@co.redwood.mn.us

6. At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and grading the ground and covering with stockpiled topsoil so as not to exceed a 4:1 slope. The main part of the pit will be reclaimed as a pond and the flat areas will be returned to farm use.
7. The applicant is required to provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,500,000.00 per occurrence. Mr. Pagel provided proof of insurance for the 2014 permit. He intends to provide a current version in connection with this application. 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 Redwood County Zoning Ordinance, "[s]ureties shall be for a minimum of one year beyond the ending date of Conditional Use Permit." A surety bond in the amount of \$70,000, which expires in 2026, was provided in connection with the 2014 permit. Mr. Pagel is proposing to extend the letter of credit in the amount of \$70,000.
8. There are no dwelling sites within one quarter of a mile of the site. The nearest dwelling to the site is that of the applicant which is located 1650' north of the site. There are three other dwellings within one half of a mile. These are as follows: Gary and Kathy Johnson about 2070' south of the site; Richard Pagel (Robert's brother) about 2100' north of the site; and Patricia Rosa about 2340' southeast of the site.
9. Judicial Ditch 3 runs along the eastern edge of the proposed site. A 150 foot setback will be observed between the excavation and the ditch bank. A 100 foot strip of land on the top of the west side of the ditch bank is enrolled in RIM. The excavation will be kept 50 feet west of the RIM land, thus the proposed 150' setback from the ditch bank. Ditch Inspector Brent Lang says a 150' setback will be satisfactory.
10. Additionally, Judicial Ditch 37/Redwood River runs to the south of the site. However, at its closest point to the site, JD 37 is 350 away from the site. Furthermore, JD 37 bends sharply to the south, away from the site, and reaches a distance of 1900 feet from the site. The land between the excavation site and JD 37 is also enrolled in RIM.
11. Surface water on the site will drain into the pit and be captured there.
12. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, no delineated wetlands are located on the site, though there are some near the site, on the other side of the township road and JD 3 and on the banks of JD 37.
13. A copy of the Extraction Interim Use Permit application, maps, plans, and proposed permit conditions were enclosed.

Robert Pagel was in attendance to present the project to the Planning Commission. He made the following statements to the Commission:

- He is seeking to renew his existing permit. He is not changing anything.

The Planning Commissioners made the following comments:

- How long does he expect this gravel pit to be open?

Pagel responded that:

- The operation will go on for some time, possibly as long as ten years after this permit expires.

Pidde read a letter from the Minnesota DNR raising concerns about the area of the project in the floodway and restrictions relating to floodway use. The letter also referenced possible wetland concerns and Pagel's water appropriation permit.

The Planning Commissioners made the following comments:

- Does Mr. Pagel have any concerns about the requirements to keep stockpiles out of the floodway?

Pagel responded that:

- It will increase cost to stockpile further away from the mining, and he will need to find somewhere to stockpile the topsoil.
- The floodwaters don't come as high as the floodway map indicates.

The Planning Commissioners discussed that stockpiling and other earthen encroachments would not be allowed in the floodway, but they would leave the option open for Pagel to obtain a "no-rise" analysis by an engineer if he wanted to pursue stockpiling in the floodway. They also discussed that Redwood County Ordinance allows for temporary stockpiling in the floodway, provided that it can be moved at the time of a flood warning in accordance with a plan approved by the governing body.

Chair Madsen asked if anyone was present to speak in support of the project. No one came forward.

Chair Madsen asked if anyone was present to speak in opposition to the project. No one came forward.

Chair Madsen then closed the public meeting at 1:25 p.m.

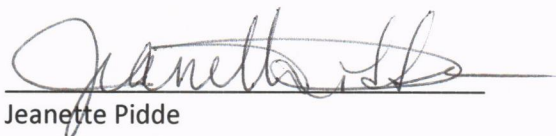
Chair Madsen directed Brozek to lead the Commissioners through the Findings of Fact Worksheet. The Planning Commissioners discussed the factors.

Carter made a motion to approve Application for Extraction Interim Use Permit #1-24 subject to the conditions proposed by staff, with the addition of a condition addressing no stockpiling in floodway without a "no-rise" analysis by an engineer. The motion was seconded by Zeug and passed unanimously.

The Commissioners reviewed and discussed the minutes from the November 28, 2023, Planning Commission meeting.

Kaufenberg made a motion to approve the November 28, 2023, Planning Commission minutes. Huseby seconded the motion, and it passed unanimously.

Following a motion and second, the meeting was adjourned at 1:47 p.m.



Jeanette Pidde
Land Use and Zoning Supervisor
Redwood County Environmental Office



Mark Madsen, Chair
Redwood County Planning Commission