

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: October 29, 2024



A meeting of the Redwood County Planning Commission convened on Tuesday, the 29th day of October, 2024, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, DaVonna Zeug, Mark Madsen, Jeff Huseby, Ed Carter, Mike Scheffler and County Commissioner Dave Forkrud. Also present were the following individuals: Rick Morris, Brent Prouty, Craig G. Serbus, Joyce Anderson, Eric Linsmeier, Heidi Linsmeier, Roger Pabst, Hope Lang, Brent Lang, Duane Paskewitz, Denny Prescott, Land Use and Zoning Supervisor Jeanette Pidde, and Environmental Director Nick Brozek.

At 1:00 p.m. the October 29, 2024, Redwood County Planning Commission meeting was called to order by Chair Madsen.

Chair Madsen read the Planning Commission rules and procedures. Printed copies were available to the public.

At 1:02 p.m. Chair Madsen called to order a public hearing on Application for Extraction Interim Use Permit #9-24, submitted by Craig Serbus of Gordy Serbus & Sons Gravel, LLC, on behalf of landowner Scott Haas.

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 Interim Use Permit has been filed by Craig Serbus of Gordy Serbus & Sons Gravel, LLC o/b/o Scott Haas for the extraction, processing, and stockpiling of hard rock and gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 28, Township 113N, Range 35W, Paxton Township. Proposed extraction area will be 30 acres, including equipment storage and overburden stockpiling areas. The extraction area is located primarily in an "A" Agricultural District but also partly in an "FP" Floodplain District. Hard rock and gravel extraction is an Interim Use in both said districts.
2. The site was originally permitted on March 14th, 1990, and the permit was amended in 2014. The existing permit expired on July 15, 2024.
3. No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by Gordy Serbus & Sons Gravel, LLC. The life expectancy of the extraction operation is ten (10) years, to be completed ten years from the date on which the permit is approved by the County Board of Commissioners.
4. Excavation will occur in the southern leg of the L-shaped Haas property. It will be bounded on three sides (west, south, and east) by DNR property. The north and west sides of Ms. Haas' property are enrolled in RIM. Material will be excavated to an average mean depth of 834 feet above mean sea level (A.M.S.L.) which is on level with the floor of the existing excavated area.
5. The proposed pit property is located on the south side of, and abuts, Front Street. From the site, material must be hauled west into North Redwood to County Hwy 101.

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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 overburden so as not to exceed a 4:1 slope. The area will be seeded with native prairie grass.
7. There are no dwelling sites within one-half mile of the extraction area.
8. The closest residences to the site are those in the Moccasin Springs First Addition, the northern edge of which is 3300 feet from the pit. Similarly, the Timbercrest Addition is located 3500 feet from the pit. These residential neighborhoods are south of the pit adjacent to Hwy 19, on the outskirts of Redwood Falls. The subdivisions face away from the site and all the houses appear to be separated from the site by thick trees and vegetation, as well as distance. The same is true of the Ponderosa Road neighborhood, 4200 feet to the west of the site. The site is located 5300 feet east of the border of Redwood Falls (North Redwood).
9. There are no county ditches or tile lines located near the site.
10. The soils of the proposed conditional use site are classified as follows: Rock outcrop – Copaston complex, 2 to 40 percent slopes; and Havelock clay loam.
11. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, a number of delineated wetlands are located on or near the site. The largest of these is about 100 feet south and west of the site and is part of the DNR Tiger Lake Wildlife Management Area. Said wetland is classified as a PUBF freshwater pond. Another freshwater pond with designation PABF is located 30 feet northwest of the currently excavated area and within the area set to be excavated according to the drawings provided by Serbus. Finally, there are two wetland areas classified as PEM1A on the southeastern edge of the excavated area.
12. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions were enclosed.

Craig Serbus was in attendance to present the project to the Planning Commission. Serbus made the following statements to the Commission:

- He is seeking to re-permit a gravel pit in Paxton Township, formerly Honner Township.
- He had a ten-year permit that has expired.
- The pit was originally permitted in 1990, and he would like to extend the permit.

The Planning Commissioners had the following questions and comments:

- Have the boundaries changed?
- Is 834' a certain depth you can't go below? Is that self-imposed?
- Did he read the conditions?

Serbus responded that:

- The boundaries haven't changed.
- 834' is the depth they want to stay above, because it's a flood-prone area. They want to stay above the water level. Last June and July they couldn't access the pit due to flooded roads.
- He read the conditions and had no questions.

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 of the project. No one came forward.

Rick Morris of Paxton Township was present and raised the following concerns:

- Paxton Township would like to make sure the road is restored if it's damaged.
- He would like Serbus to enter into an agreement with the township.
- He stated that Front Street is a minimum maintenance road, but it is maintained.
- Paxton would like a condition added that Serbus enter into an agreement with the township regarding road maintenance.

The Planning Commission asked if there was an existing agreement with the township. Serbus stated that there was an agreement with Honner Township previously. Morris stated that he couldn't locate the old agreement, and he'd like Serbus to enter into an agreement. He provided a sample form agreement.

Serbus responded that:

- Serbus & Sons would maintain the road except for flood damage.
- The City of Redwood Falls maintains the first quarter-mile, but Serbus & Sons would maintain the township portion.
- Serbus & Sons would enter into an agreement with the township.

Pidde commented that SWCD was not concerned about the wetlands on the property.

Chair Madsen then closed the public hearing at 1:13 p.m.

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

Zeug made a motion to approve Extraction Interim Use Permit Application #9-24, with the additional condition that Serbus enter into an agreement with the township for road maintenance. The motion was seconded by Scheffler and passed unanimously.

At 1:21 p.m. Chair Madsen called to order the public hearing on Application for Extraction Interim Use Permit #10-24, submitted by Brent Prouty of Prouty Properties LLC.

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 Brent Prouty for the extraction and removal of overburden/fill material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: East Half of the Northwest Fractional Quarter (E1/2 NWFR1/4) lying north of the center of Crow Creek, except tract, Section 3, Township 112N, Range 35W, Paxton Township. Proposed extraction area will be 16 acres, including equipment storage and overburden stockpiling areas. The extraction area is located in an "A" Agricultural District and is within two miles of the City of Redwood Falls. Extraction of earth and fill materials is an Interim Use in the "A" Agricultural District.
2. Mr. Prouty's application is to continue an existing extraction operation. The existing permit expired on September 30, 2024.
3. The site was originally permitted on April 13th, 2004 for a term of 10 years. The site was re-permitted for an additional 10-year term in 2014. The site is the location of a large stockpile of earthen fill material which was removed many years ago from the nearby former kaolin clay pit now owned by Mike Rasmussen.

Prouty has been gradually excavating and removing the stockpiled fill material as needed and as opportunity for sale of said material arises.

4. No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by various contractors by permission of Mr. Prouty. The life expectancy of the extraction operation is ten (10) years, to be completed by November 5th, 2034.
5. The material lies on the property in an L shape (see maps attached to permit application) to the west and south of the building site (owned by Robert & Lori Rebstock) surrounded by the Prouty site. Material is hauled out on 340th Street, a Paxton Township road, via an approach on the east side of the property. From 340th, the material is hauled about one third of a mile west to US Hwy 71/MN 19. Schmidts and Mike Rasmussen also use 340th Street as a haul route.
6. Under this proposed new permit, excavation is proposed to continue to the west and north along the path of the overburden material until all the material is removed and the land returned to the original grade.
7. No processing of material will occur on the site.
8. 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 area will be returned to farm use.
9. There are a number of dwelling sites within one-half mile of the extraction area, the closest of which are right next door. A dwelling owned by James and Lori Rebstock (37407 340th Street) is surrounded on two sides by the excavation area and a third side by the access road. The dwelling is about 250' from the excavation area. The site is bordered on the west by the Oakleigh Farms North Subdivision, which includes both vacant and built lots. The closest dwelling in that subdivision is that of Brent and Hope Lang (37219 337th Street), about 300' west of the excavation area. The site is bordered on the south by the Oak Ridge Estates subdivision. The dwellings in that subdivision nearest to the excavation site are located about 950' to the south and include the dwelling of Mr. Prouty. Both subdivisions are zoned "R-1" Rural Residential. Additionally, a rental property owned by Mr. Prouty is located 850' northeast of the site and the dwelling of Mike and Tracy Rasmussen is located about 2050' east of the site. Both of these last two properties use 340th Street for ingress and egress.
10. There are no county ditches or tile lines located near the site. However, Crow Creek flows along the south edge of the Prouty property, on the north side of Oak Ridge Estates, about 300' south of the extraction area.
11. Surface water on the north part of the site drains to the north along and across the access road into the 340th Street right-of-way. Water drains off the south part of the site to the south toward Crow Creek. It is collected in a holding pond about 100' from the bank of Crow Creek. Measures may need to be taken to protect the road and creek from runoff and erosion.
12. The soils being removed from the site were deposited there as part of a mining operation. However, according to the soil maps, the underlying soils of the site are classified as follows: Esterville Sandy loam, 0 to 2 percent slopes; Wadena loam, 0 to 2 percent slopes; and Biscay clay loam.

13. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, there is wetland area classified as PEM1B located on the site, within the area set to be excavated according to the drawings provided by Prouty.

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

Brent Prouty was in attendance to present the project to the Planning Commission. Prouty made the following statements to the Commission:

- It has been 20 years since the pit was first opened.
- There is an old kaolin pit stockpile on the property.
- He's not digging down. He's taking the hill out.

The Planning Commissioners had the following questions and comments:

- It was all hauled in and piled there? He's not touching the original soil?
- Could he keep going to the west?
- Did he read the conditions?

Prouty responded that:

- There's enough above ground. They're not touching the original soil.
- Yes, he will keep going to the west. Dust control is a concern, and he could eventually put in a driveway on the west to avoid driving in front of the neighbor's property.
- He read the conditions and has no questions.

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 of the project. No one came forward.

Rick Morris of Paxton Township was present and raised the following concerns:

- Kaolin will slide and plug up culverts.
- There could be potential problems with dust and erosion control, because kaolin moves easily.
- Paxton wants to protect the road and the culvert. Putting in a new driveway could cause a problem.
- He would like Prouty to enter into an agreement with the township.

Prouty responded that he would enter into an agreement with the township.

Pidde commented that SWCD was not concerned about the wetlands on the property.

Chair Madsen then closed the public hearing at 1:28 p.m.

Chair Madsen directed Pidde 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 #10-24, with the additional condition that Prouty enter into an agreement with the township for road maintenance. The motion was seconded by Scheffler and passed unanimously.

At 1:35 p.m. Chair Madsen called to order the continuation of the public hearing on Application for Conditional Use Permit Application #8-24, submitted by Eric Linsmeier of Eric Linsmeier Trucking LLC and landowner O&E Properties LLC.

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

1. The County Board of Commissioners tabled the application to the November 5th, 2024, board meeting, and asked that the Planning Commission reconsider their recommendation after reviewing the results of a noise study.
2. On October 15, 2024, Stephen Platisha with SBP Associates, Inc., who was hired by Mr. Linsmeier, conducted a sound test on the site. The results are pending. An additional sound test will be conducted by the Environmental Office.
3. History
Eric Linsmeier is seeking to construct a 60' x 104' pole barn, which is 25' high, to store and service his "Ag Hopper trucking business that provides a hauling service of grain, feed, and fertilizers to local farms/farmers/coops in Redwood County and greater Minnesota." He seeks to construct the pole barn on Lot 3, Linsmeier Addition, Paxton Township.
4. The site is located in the "A" Agricultural District. A Rural-Oriented Commercial Use is a conditional use in the Agricultural District. Rural Oriented Commercial Use is defined as, "A business or commercial use directly related to agriculture that either provides an agricultural product or agricultural service to local farmers, or that sells a locally-produced agricultural product to consumers."
5. The nearest county open ditch is 2,800 feet southwest of the site, and there are no nearby county tile lines. Crow Creek is 900 feet south of the site.
6. The adjacent properties consist of residential homes to the south (R-1 district), bare lot and homes to the west (Agricultural district), and agricultural land to the east and across 340th Street to the north. The property is located within 2 miles of the City of Redwood Falls.
7. The three closest residential dwellings to the site, other than the landowner, are as follows:
Brent and Hope Lang, 37219 337th St., about 350' south of the site;
Renee Paskewitz, 37140 337th St., about 580' south of the site;
and Robert and Lori Rebstock, 37407 340th St., about 800' east of the site.
8. The MPCA published "A Guide to Noise Control in Minnesota," in 2015. For residential locations (including farm houses), the daytime (7 a.m.-10 p.m.) noise limits are 65 dBA for not more than six minutes per hour (10% of the time) and 60 dBA for not more than 30 minutes per hour (50% of the time) for non-impulsive noises. The nighttime (10 p.m.-7 a.m.) noise limits in these locations are 55 dBA for not more than six minutes per hour (10% of the time) and 50 dBA for not more than 30 minutes per hour (50% of the time) for non-impulsive noises.
9. Local governments "are required to take reasonable measures to prevent the approval of land use activities that will violate the state noise standard immediately upon establishment of the land use (Minn. R.

7030.0030).” Generally, doubling the distance from a noise source reduces the sound level by 6 decibels. Doubling the source of the sound increases the measured sound by 3 decibels.

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

Eric Linsmeier was in attendance to present the project to the Planning Commission. Linsmeier made the following statements to the Commission:

- At the prior meeting, the permit was recommended for denial, because he didn't know if he could meet the statutory noise standards.
- He asked MPCA how to have a noise study done, and they said the county could use their equipment.
- He also hired a 3rd party to conduct a noise study on October 15th.
- There was a second test performed by the county with the MPCA equipment on October 22nd.
- There are some questions on the conditions, with some things being left blank.

Pidde went over the noise studies, including how the studies were conducted and the results of both studies.

The Planning Commissioners had the following questions and comments:

- Could he explain his project?
- Does he have “T” plates or is he a commercial trucker?
- Don't believe the property is zoned for his business. Is it really a commercial ag-related business? It sounds like it is just commercial.

Linsmeier responded that:

- He would like to construct a 60'x104' pole barn to house his trucks.
- He hauls ag commodities and is registered with DOT to haul grain, feed, and dry bulk commodities. General freight was added, as fertilizer is not considered an ag commodity by DOT.
- Just because he's a commercial trucker, does that mean he can't haul fertilizer to a coop or grain for a farmer? It depends on how you read it.
- He originally applied for rezoning and was denied. Then he applied for a PUD and was denied. His only avenue left is to come under a commercial ag-related business.

Chair Madsen asked if everyone received the letter from Langs' attorney. The Planning Commission and Mr. Linsmeier acknowledged receipt of the letter.

Chair Madsen asked if anyone was present to speak in support of the project.

Joyce Anderson made the following statements:

- She is a neighbor to the north.
- She believes that as a business owner, Linsmeier should be able to expand his business on his property because it falls under the guidelines.

Chair Madsen asked if anyone was present to speak in opposition to the project.

Brent Lang made the following statements:

- He might meet the MPCA noise standards with the idling truck, but there's a video of the truck from Lang's house from last October. It wakes Lang up out of bed.
- A couple of weeks ago, he heard the truck even though he was doing dishes and the TV was on. In the real world, you can hear the truck.

- The lot is 4' higher than our patio. If it was farther away and I couldn't see if from my backyard, I wouldn't be against it either.
- It was zoned ag when I bought the land in 2007.
- There are other places for truck shops.
- When trucks pull heavy trailers out, it will be louder than just idling.
- Shop noises will also be loud. We don't want it behind our house.

Hope Lang made the following statements:

- Will all of the conditions be met at all times?
- We didn't build our house to be in an industrial park.
- It takes away from the aesthetic of the backyard.
- It will be noisy and be an eyesore.

Commissioner Kaufenberg asked if the use Linsmeier was proposing really fits in the Ag zone. Madsen commented that this could be an issue. Pidde read the definition of "Rural Oriented Commercial Use" from the ordinance language. Brozek explained that it is up to the Planning Commission to decide if the proposed use fits the definition.

Brent Lang commented that the fill shouldn't have been brought in to begin with.

Linsmeier responded that he didn't know that you needed a stormwater permit if he disturbed more than an acre of land. Artex did the same thing, and they're a big corporation.

Chair Madsen then closed the public hearing at 2:04 p.m.

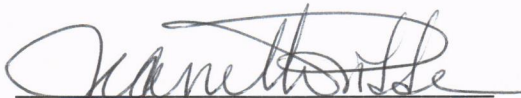
Chair Madsen directed Pidde to lead the Commissioners through the Findings of Fact Worksheet. The Planning Commissioners discussed the factors. The Planning Commission discussed the proposed conditions and suggested changes.

Forkrud made a motion to deny Conditional Use Permit Application #8-24. The motion was seconded by Scheffler. The motion passed 6-1, with Kaufenberg voting in opposition.

The Commissioners reviewed and discussed the minutes from the September 24, 2024, Planning Commission meeting.

Forkrud made a motion to approve the September 24, 2024, Planning Commission minutes. Carter seconded the motion, and it passed unanimously.

Following a motion by Zeug and second by Huseby, with all in favor, the meeting was adjourned at 2:55 p.m.



Jeanette Pidde
Land Use and Zoning Supervisor
Redwood County Environmental Office



Mark Madsen, Chair
Redwood County Planning Commission