

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: May 26, 2015

A meeting of the Redwood County Planning Commission convened on Tuesday, the 26th day of May, 2015, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mark Madsen, Mike Scheffler, John Rohlik, Jr., Kent Runkel and Commissioner Lon Walling. Absent was: David Mattison. Also present were the following individuals: Land Use & Zoning Supervisor Nick Brozek and Citizens: Lee Rohlik, Bill Martinson, Steve Ohlemann, Chad Nelsen, Jim Haler, Tyler Maertens, Brian Maertens, Jeff Bauman, Ashlyn Milbrath, Dennis Tauer, Curtis Tauer, Sylvan Tauer, Mike Boerboom, Greg Boerboom, Sharon Hollatz, and Jim Salfer.

At approximately 1:00 p.m., Chairman Madsen called the meeting to order.

At approximately 1:01 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 6-15 submitted by Lee Rohlik to operate an autobody repair and painting business.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional Use Permit Application*, No. 6-15 submitted by Lee Rohlik:

1. An *Application for Conditional Use Permit* has been filed by Lee Rohlik for the operation of a business engaged in autobody repair and painting on the following described property, situated in the County of Redwood, State of Minnesota, to wit: NE1/4 EX 10.1A TR, 149.9 A, Section 36, T-112-N, R-38-W, Vesta Township. The business is located in the "A" Agricultural District and is also the location of Mr. Rohlik's dwelling, though the business building is across Mr. Rohlik's property line on property owned by The Gerald A Rohlik Testamentary Trust. Ila Mae Rohlik signed off on the CUP application on behalf of the Trust.
2. The business is located in a 60' x 66' farm shop building with a 24' x 24' office attached to the south side. The building was built in 2009 and Mr. Rohlik has used it for his business since that time. The business is his "full time" occupation, except during planting and harvest time. The sign on the front door advertises that the business is open 8-5 on weekdays. Additionally, there is a large sign on the east wall (road side) of the building advertising the business, and a smaller sign at the end of the driveway, by the road right-of-way.

3. All storage for the business is indoors. Paint and other items are stored in the main business building. Old autobody parts are stored in a separate building on the property. Mr. Rohlik does not have any employees.
4. The painting area, where the paint and other chemicals are stored, is contained with a raised concrete threshold, so that if paint or other substances are spilled, they will not flow out into other parts of the building. A painting room with air filter system is placed in the northwest corner of the business building. Three feet of separation is maintained between the painting room walls and the building walls, for fire safety. Half of the air filters are cleaned and reused. The other half are disposed of when they reach the end of the useful life. They go into a Prescott Sanitation dumpster outside the building, along with the other business waste.
5. Used paint is stored on site and goes to Stericycle in Blaine, Minnesota. There is a used oil storage barrel on site, but it is used for Mr. Rohlik's personal and farm use. Oil changes are not performed for customers, and no waste oil is generated by the business.
6. The business does not involve any retail sales.
7. The business building and office will need to be handicapped accessible. Also, there is a bathroom in the building which is held open to the public, which will have to be accessible. There is a large concrete pad on the east side of the building, for parking, and the doors are 36" wide, so hopefully minimal retrofitting will need to be done.
8. Section 7, Subd. 3, Paragraph 9 states that it is a conditional use in the agricultural district to operate any "agricultural related business related to farm tractor, truck, or automobile repair." This language has been present in the County Ordinance since it was originally adopted in 1968, long before Mr. Rohlik constructed his building and opened his business therein. Consequently, Mr. Rohlik was asked to apply for a Conditional Use Permit.
9. The property at issue is located on the west side of and abuts Garden Avenue, about a mile southwest of the built up area of the City of Seaforth, and about ½ of a mile from the city limits. Pursuant to Section 7, Subdivision 5(2)(A)(1) of Redwood County Zoning Ordinance, "[t]here shall be a minimum front yard setback of sixty-seven (67) feet from right-of-way of any public road..." The relevant section of Garden Avenue has a right of way of 33 feet. Therefore, a building cannot be located within 100 feet of Garden Avenue, measured from the center of the road. The building in which the business is located is 600 feet from Garden Avenue, measured from the center of the road. Therefore, the conditional use satisfies the front yard setback requirement. There is no setback requirement for this type of land use from a municipality.
10. No residences, other than that of the applicant, are located within ½ mile of the conditional use. The nearest third-party residence to the business is a residence owned by Paul & Patricia Rohlik, located at 21618 295th Street, about 3300 feet northwest of the conditional use. The next three nearest dwellings are those of Brian & Amy Rohlik (28703 Frontier Avenue), about 3500 feet west; Chris & Michelle Rohlik (21717 295th

Street), about 4000 feet north; and Martin Goche (22327 280th Street), about 4000 feet southeast.

11. The nearest open ditch to the conditional use is Judicial Ditch 31, about 4800 feet southeast of the conditional use.
12. A 10” County tile main starts in the field 600 feet northeast of the conditional use and outlets into Clear Creek about 8000 feet to the east. An additional 10” branch of the tile line starts 850 feet southeast of the conditional use, eventually joining up with the northerly branch. The tile outlets into Clear Creek 1960 feet downstream from where the Creek turns into Judicial Ditch 31. Pursuant to Section 7, Subdivision 5(5)(A), “[t]here shall be a minimum setback of one hundred (100) feet from any Judicial or County tile lines. The said setback requirement shall apply to erection of and maintenance of all structures, buildings, and the like.” The above described tile is the closest County Tile to the conditional use. Therefore the proposed conditional use satisfies the setback requirement regarding county tile.
13. Mr. Rohlik submitted his permit application on March 6th, 2015. State law requires us to process all permit applications (approve or deny) within 60 days of receipt, a time period which ran out on Mr. Rohlik’s application on May 5th. However, Mr. Rohlik signed a waiver of the 60 day rule, allowing us additional time to process his application.

The proposed conditions for the *Application for Conditional Use Permit* submitted by Lee Rohlik were attached thereto.

Lee Rohlik appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Rohlik built the building and started the business in the fall of 2009
2. The site of the business is also Rohlik’s dwelling site
3. Rohlik farms and operates the business when he is not farming
4. The main part of the building is 60’ x 60’, and it has a 24’ x 24’ office and bathroom
5. He kept 3.5 feet of separation between the painting room and the outside wall of the shop, for fire safety and insurance reasons
6. There is a 4” high concrete containment curb built around the paint mixing room
7. He has constructed signs on the premises advertising that the business is there

Commissioner Runkel asked if Rohlik plans any additional signage, above what is already on the site. Rohlik said no, he does not plan to install additional signs.

Commissioner Scheffler asked Rohlik if he had read and understood the proposed conditions. Rohlik responded that he had not read the conditions. Scheffler provided his copy of the proposed conditions to Rohlik and Rohlik read them. Rohlik stated he understood them and had no issue with them.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

The hearing was closed at 1:07 p.m.

On a motion made by Scheffler and seconded by Madsen it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 6-15 submitted by Lee Rohlik be recommended for approval by the Redwood County Board of Commissioners subject to the thirteen (13) recommended conditions.

At approximately 1:08 p.m., Chairman Madsen called to order a public hearing on an *Animal Confinement Feedlot Conditional Use Permit Application*, No. 7-15 submitted by Tyler Maertens for the construction of a 2400 head swine barn with concrete pit manure storage.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Animal Confinement Feedlot Conditional Use Permit Application*, No. 7-15 submitted by Tyler Maertens:

1. An *Animal Confinement Feedlot Conditional Use Permit Application* has been submitted by Tyler Maertens to construct a new 2400 head total confinement swine wean to finish barn. The barn will be 102' x 200' with 8' deep concrete pit under-floor manure storage area. The proposed barn will be located on the following described property, situated in the County of Redwood, State of Minnesota, to wit: W1/2 NE1/4 EX TR of Section 34, Twp 112N, Range 37W, Sheridan Township. The site will be a new feedlot.
2. The site is located in an "A" Agricultural District. The total animal units (AU) per Redwood County Ordinance will be 960. The total AU per Minnesota Rules will be 720. The proposed feedlot location is on Tyler's parents (Brian & Karen Maertens) dwelling site. Brian Maertens signed off on the conditional use permit application. Notice of the application and public hearing was mailed to the land owners within 1/2 of a mile from the parcel on which the barn will be constructed, in order to net at least 10 neighboring land owners.
3. Upon permit approval, the applicant intends to split the feedlot site off from the dwelling site. A 30' access easement is planned along the east side of the dwelling site and the north side of the barn site to allow street access to the feedlot.
4. The under-floor manure pit has been designed by Alan D. Larsen, P.E., of Anez Consulting. The walls will be 8" thick poured 4,000 psi concrete reinforced with #4 rebar (horizontal and vertical) 12" on center. The floors will be 5" thick poured 4,000 psi concrete with 1.5 lbs of fibermesh per cubic yard. The walls will be supported on 16" x 8" footings with #4 rebar. The slats will be supported on 14" x 14" concrete columns, 12" on center, reinforced with #4 vertical rebar. The columns will be supported on 30" x 30" x 8" footings with #4 rebar each way. The pit is divided into two sections by a 12" dividing wall of poured 4000 psi concrete, reinforced with 1/2" rebar 12" on center, both

vertical and horizontal, on an 8" x 24" footing reinforced with two 1/2" continuous rods. All walls will include a 1" x 2" keyway.

5. Test pits were dug at the northwest, southwest and northeast corners, and east side of the proposed barn location. According to the Engineer's drawings, the soil at pit bottom elevation is sandy lean yellow clay with red mottles below four feet.
6. A 5" perimeter drain tile will be installed to dewater the ground around the barn and reduce hydrostatic pressure. A 10" inspection pipe will be installed on the tile at the northeast corner of the barn so the water running in the tile can be inspected and tested, if needed.
7. An estimated 1,022,400 gallons of manure will be produced on the feedlot annually. No manure management was submitted. The manure will all be transferred to other landowners. Maertens provided land application agreements allowing application of the manure on 320 acres in Section 34, Sheridan Township, owned by Brian Maertens, and onto 320 acres in Section 3 of Vail Township, owned by Wayne Bennett. Pursuant to this proposal, Mr. Maertens has submitted a Construction Short-Form and Interim Permit Application to the Minnesota Pollution Control Agency. Mr. Maertens also provided a signed contract between himself and Brian Maertens for the transfer of the manure.
8. The property at issue is located on the south side of 290th Street, between Ideal and Hunter Avenue. Pursuant to Sec. 7, Subd. 5(2)(A)(1) of Redwood County Zoning Ordinance, "[t]here shall be a minimum front yard setback of sixty-seven (67) feet from (sic) right-of-way of any public road..." The relevant section of 290th Street has a right-of-way of 33 feet, measured from the center line of the road. Therefore, a building cannot be located within 100 feet of 290th Street, measured from the center of the road. The structure proposed by the conditional use permit will be located approximately 720 feet from the center line of 290th Street. Therefore, the conditional use satisfies the front yard setback requirement.
9. The applicant plans to split off a 327' by 400' (3 acre) parcel for the feedlot. The parcel lines will have to be at least 10' from the building on all sides.
10. Pursuant to Sec. 17, Subd. 4, Subp. 3A(6) of Redwood County Zoning Ordinance, a feedlot may not be located within one quarter (1/4) of a mile of any dwelling or residential structure other than a dwelling or residential structure owned by the landowner and/or feedlot operator. No dwelling or residential structure, other than that of Brian & Karen Maertens (450 feet to the north), is located within one quarter (1/4) of a mile of the feedlot site. The three nearest third party dwellings to the feedlot are as follows: David Fuhr (25338 290th Street), 1647 feet west of the site; Delbert & Sharrol Kuehn (26074 290th Street), 2488 feet east of the site; and Aaron & Robyn Struntz (25697 295th Street), about 3125 feet north of the proposed site.
11. Pursuant to Sec. 7, Subd. 5.5.A., "[t]here shall be a minimum setback of one hundred (100) feet from any Judicial or County tile lines." According to the Redwood County

ditch and tile maps, there are no Judicial or County tile lines within 100 feet of the proposed barn location. The nearest Judicial and County tile line to the proposed barn location is the CD 66 main branch (24" tile), about 575 feet east of the proposed feedlot. Therefore, the conditional use satisfies the County and Judicial tile line setback requirement.

12. Pursuant to Sec. 7, Subd. 5.4.A. "[t]here shall be a minimum setback of three hundred (300) feet from the top edge of any Judicial or County drainage ditch" which shall apply to the "erection of and maintenance of all feedlot structures, buildings, and the like." The closest Judicial or County ditch to the proposed barn location is over two miles away. Therefore, the proposed conditional use satisfies the County and Judicial ditch setback requirement.
13. Pursuant to Sec. 17, Subd. 4(3)(A)(12) of Redwood County Zoning Ordinance, "[a] new feedlot may not be located within 100 feet of any private well or within 1,000 feet of any municipal well." The nearest private well to the proposed feedlot is the Maertens' private well. It is located 360 feet north of the proposed barn. There are no municipal wells within 1000' of the proposed barn. Therefore, the conditional use satisfies the setback requirement regarding private and municipal wells.
14. As set forth in the Section 4.2.C.(1.) of the Redwood County Shoreland Ordinance, new animal feedlots are not permitted in the Shoreland District, which is defined as that area within 300 feet of the ordinary high water mark of certain rivers and streams, including the Redwood River. The proposed feedlot will be located about 3250 feet south of the bank of the Redwood River. Consequently, the proposed feedlot is not located in the Shoreland District.
15. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, no known wetlands are present on the parcel where the barn is to be built. The nearest delineated wetland is over a half mile to the south.
16. According to the soil maps maintained by the Redwood County Environmental Office, the soils upon which the feedlot is located are classified as Ves loam, 1 to 4 percent slopes.

The proposed conditions for the *Animal Confinement Feedlot Conditional Use Permit Application* submitted by Tyler Maertens were attached thereto.

Tyler Maertens and Jeff Bauman appeared before the Commission to explain the project. They presented the following information and it was discussed by the Planning Commission:

1. Maertens wants to build a 102' x 200' hog barn, with under floor poured concrete manure pit
2. Barn will be just south of his parents farm site
3. The reason for building the barn is to expand the farming operation so that Maertens can start farming with his dad (Brian)

4. Bauman calculated the U of M Extension Odor Offset model showing that the Maertens residence (by far the closest to the barn) will have a 99% annoyance free rating
5. The barn will be a wean to finish tunnel ventilated barn, with curtains on the west side and fans on the east side
6. Barn will be built on the southeast side of the Maertens existing farm site
7. Barn will use existing well on the farm site

The Planning Commissioners asked the following questions:

1. Is the site currently a feedlot? Maertens answered “no.”
2. Will Maertens own the hogs or is he custom feeding for someone else? Maertens is custom feeding for Boerboom.
3. The commissioners drew Maertens attention to the site maps prepared by Maertens and the Environmental Office staff and asked if they accurately depict the barn location. Maertens answered that they do.
4. The commissioners asked what is meant by the statement on Maertens MPCA manure spread agreements that they will be in effect “till termination of the land contract.” Maertens explained that the agreements to apply the manure on the neighbors property would continue for as long as the Maertens rent said property. In the event that the Maertens no longer rent said property, then the agreement will become void. If that happens, Maertens stated that they have enough land owned by Brian to take all the manure. Maertens said that because he and Brian have no formal agreement regarding ownership shares in the farm business, it is administratively easier to transfer the manure to Brian.

Discussion was held regarding the lack of a long-form manure management plan as part of the MPCA application, a copy of which was submitted to the County. It was explained by Bauman that the MPCA does not require a long form manure management plan when the manure is transferred. However, they still submitted a short form version as part of the MPCA construction permit. Also, Maertens still has to follow all the same application rules and keep all the same records as someone who does not transfer the manure. Brozek stated that the MPCA requires Tyler to provide the manure spread agreements, and that the County CUP requires him to report any changes in said agreements within 30 days.

It was noted that, according to Maertens’ CUP application, he will be using over 1,000,000 gallons of water per year, prompting discussion of the need for a DNR water appropriations permit. Brozek asked how the application was coming along. Bauman said they had applied for the water permit, but that it was being held up due to pending changes in the law. It is not known for certain at this time whether Maertens will use more than 1,000,000 gallons of water per year, but he is applying for the permit as a precaution.

Members of the public speaking in favor of the project:

- a. Tom Daub: Daub stated that he lives about 1 mile southeast of the proposed barn site. He has no objections to the project. He thinks it is a good way to promote young people in agriculture. He is in favor of the barn.

- b. Brian Maertens spoke up simply to announce that he was present at the meeting.

Members of the public speaking in opposition to the project: None

The commissioners asked Tyler if he had read and understood the proposed conditions. He stated he had read the conditions at home prior to the meeting. He and Bauman then read them over again at the meeting and stated that they have no objections.

The hearing was closed at 1:25 p.m.

On a motion made by Rohlik and seconded by Runkel it was moved and passed unanimously that the *Animal Confinement Feedlot Conditional Use Permit Application*, No. 7-15 submitted by Tyler Maertens be recommended for approval by the Redwood County Board of Commissioners subject to the eighteen (18) recommended conditions.

At approximately 1:26 p.m., Chairman Madsen called to order a public hearing on an *Animal Confinement Feedlot Conditional Use Permit Application*, No. 8-15 submitted by Dennis Tauer for the construction of a 2400 head swine barn with concrete pit manure storage.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Animal Confinement Feedlot Conditional Use Permit Application*, No. 8-15 submitted by Dennis Tauer:

1. An *Animal Confinement Feedlot Conditional Use Permit Application* has been submitted by Dennis Tauer to construct a new 2400 head total confinement swine wean to finish barn. The barn will be 102' x 196' with 8' deep concrete pit under-floor manure storage area. The proposed barn will be located on the following described property, situated in the County of Redwood, State of Minnesota, to wit: NW1/4 EX TR of Section 20, Twp 110N, Range 34W, Brookville Township. The proposed barn location will be a new feedlot.
2. The site is located in an "A" Agricultural District. The total animal units (AU) per Redwood County Ordinance will be 960. The total AU per Minnesota Rules will be 720. The proposed feedlot location is about ½ of a mile north of Mr. Tauer's dwelling site. Notice of the application and public hearing was mailed to the land owners within ¼ of a mile from the parcel on which the barn will be constructed.
3. The under-floor manure pit has been designed by Jason E. Hoehn, P.E., of ISG. The walls will be 8" thick poured 4,000 psi concrete reinforced with #4 rebar (horizontal) and #5 rebar (vertical) 12" on center. The floors will be 5" thick poured 4,000 psi concrete with 2 lbs of fibermesh per cubic yard. The walls will be supported by 24" x 10" footings with #4 rebar. The columns will be 12" x 12" poured 4000 psi concrete reinforced with #4 rebar and supported by 36" x 36" footings with #4 rebar. The pit will be divided into two compartments by a 12" concrete dividing wall with two layers of #4 rebar 12" on center, vertical and horizontal.

4. Soil borings were performed at the northwest and southeast corners of the proposed barn location. According to the Engineer's drawings, the soil at pit bottom elevation is silty clay with mottling. The seasonal high water table is present 24 inches above the pit floor elevation at the northwest corner and 41 inches above the pit floor elevation at the southeast corner.
5. A 4" perimeter drain tile will be installed to dewater the ground around the barn and reduce hydrostatic pressure. A 12" inspection riser will be installed on the tile at the northeast corner of the barn so the water running in the tile can be inspected and tested, if needed.
6. The manure management plan shows the manure will mostly be applied onto land owned by Mr. Tauer, with some going to a 160 acres owned by Eugene Tauer, in Brookville Townships. Eugene signed a manure spread agreement in connection with said acreage. Tauer's manure management plan and MPCA construction short form application represent that 810 acres (310 owned, and 500 rented) are available to receive the manure from the feedlot. Mr. Tauer has submitted a Construction Short-Form and Interim Permit Application, including a Manure Management Plan, to the Minnesota Pollution Control Agency.
7. The property on which the feedlot is to be built is located on the southeast corner of Porter Avenue and 190th Street. Pursuant to Sec. 7, Subd. 5(2)(A)(1) of Redwood County Zoning Ordinance, "[t]here shall be a minimum front yard setback of sixty-seven (67) feet from (sic) right-of-way of any public road..." The relevant section of both Porter Avenue and 190th Street have a right-of-way of 33 feet, measured from the center line of the road. Therefore, a building cannot be located within 100 feet of Porter Avenue or 190th Street, measured from the center of the road. The structure proposed by the conditional use permit will be located approximately 125 feet from the center line of Porter Avenue and about 183 feet from the center line of 190th Street. Therefore, the conditional use satisfies the front yard setback requirement. Furthermore, the structure will be located about 700 feet from the nearest property line and therefore satisfies the 10' side and rear yard requirements.
8. Pursuant to Sec. 17, Subd. 4, Subp. 3A(6) of Redwood County Zoning Ordinance, a feedlot may not be located within one quarter (1/4) of a mile of any dwelling or residential structure other than a dwelling or residential structure owned by Allan Wendt and Jason Wendt and resided in by Allan Wendt. The Wendt dwelling is located about 1035 feet east of the proposed barn location. Mr. Tauer applied for an received a variance of 285 feet from the ¼ mile setback from Wendt's dwelling, which was granted by the Board of Adjustment on Monday, May 20th, 2015. Allan Wendt was present at the meeting but left before the start of the hearing, due to the cold windy weather. He stated to the Board that he had no objection to the variance, which was noted on the record at the hearing.

9. Aside from Mr. Wendt's dwelling, the three nearest third party dwellings to the feedlot are as follows: Eugene Tauer (19233 Porter Avenue), 1400 feet north of the site; Fred & Karen Dauer (41600 190th Street), 2500 feet east of the site; and David Klabunde (19816 Co Hwy 13), about 3300 feet northwest of the proposed site. Additionally, Mr. Tauer's dwelling is located approximately 2700 feet south of the proposed barn site.
10. Pursuant to Sec. 7, Subd. 5.5.A., "[t]here shall be a minimum setback of one hundred (100) feet from any Judicial or County tile lines." According to the Redwood County ditch and tile maps, there are no Judicial or County tile lines within 100 feet of the proposed barn location. The nearest Judicial and County tile lines to the proposed barn location is CD 105, about 1400 feet to the south. Therefore, the conditional use satisfies the County and Judicial tile line setback requirement.
11. Pursuant to Sec. 7, Subd. 5.4.A. "[t]here shall be a minimum setback of three hundred (300) feet from the top edge of any Judicial or County drainage ditch" which shall apply to the "erection of and maintenance of all feedlot structures, buildings, and the like." The closest Judicial or County ditch to the proposed barn location is Judicial Ditch 30, R & B, located 4800 feet northeast of the proposed feedlot. Therefore, the proposed conditional use satisfies the County and Judicial ditch setback requirement.
12. Pursuant to Sec. 17, Subd. 4(3)(A)(12) of Redwood County Zoning Ordinance, "[a] new feedlot may not be located within 100 feet of any private well or within 1,000 feet of any municipal well." There are no private wells within 100' and there are no municipal wells within 1000' of the proposed barn. Therefore, the conditional use satisfies the setback requirement regarding private and municipal wells.
13. According to the U.S. Fish and Wildlife Service, National Wetland Inventory, no known wetlands are present on the Madsen [sic] property. The nearest delineated wetland is over a half mile to the northwest, on the opposite side of Porter Avenue and 190th Street.
14. According to the soil maps maintained by the Redwood County Environmental Office, the soils upon which the feedlot is located are classified as Seaforth loam; and Canisteo clay loam.

The proposed conditions for the *Animal Confinement Feedlot Conditional Use Permit Application* submitted by Dennis Tauer were attached thereto.

Dennis Tauer appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. Tauer wants to build a 102' x 296' hog barn, with under floor poured concrete manure pit
2. will have fiber mesh in the poured concrete pit floor
3. Tauer completed the MPCA application, in addition to the County CUP application, including the long form manure management plan.
4. Most of the manure will be applied to land owned by Tauer, with some going to land owned by Tauer's father, Eugene. Eugene signed a manure spread agreement.

5. The barn will be a tunnel ventilated barn and it will be oriented north and south with the curtain on the north end and fans on the south.
6. Tauer's dwelling site is about ½ mile south of the proposed barn site.
7. Tauer will use anaerobic additives in the pit
8. Tauer used ISG to help with the design and planning of the feedlot.

Commissioner Runkel asked about the Variance that Tauer previously obtained for the barn. Tauer explained that the proposed location was a few hundred feet short of the Allan Wendt residence and so he had obtained a variance from that setback. Tauer pointed out that Wendt was in favor of the project and was sitting in the audience at the hearing.

The commissioners asked Brozek if he had run the Odor Offset model for the proposed barn. Brozek replied that he had done so. He asked Tauer if he was familiar with the model. Tauer said that he was. Brozek then explained that he ran the model for three residences, with the following results: David Klabunde – 98% annoyance free; Fred & Karen Dauer – 97% annoyance free; and Eugene Tauer – 96% annoyance free.

Members of the public speaking in favor of the project: None

Members of the public speaking in opposition to the project: None

The commissioners asked Tauer if he had read and understood the proposed conditions. He stated he had read the conditions and had no objections.

The hearing was closed at 1:32 p.m.

On a motion made by Rohlik and seconded by Scheffler it was moved and passed unanimously that the *Animal Confinement Feedlot Conditional Use Permit Application*, No. 8-15 submitted by Dennis Tauer be recommended for approval by the Redwood County Board of Commissioners subject to the eighteen (18) recommended conditions.

At approximately 1:33 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 9-15 submitted by Chad Nelsen o/b/o Redwood Electric Cooperative to construct and operate a community solar project.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional Use Permit Application*, No. 9-15 submitted by Chad Nelsen o/b/o Redwood Electric Cooperative:

1. Chad Nelsen o/b/o Redwood Electric Cooperative submitted an Application for Conditional Use Permit to construct a 179.2kWdc/134kWac solar power installation (ground mounted photovoltaic system) and associated power line required to connect it to the electrical grid. Redwood Electric Cooperative (REC) is proposing to construct the solar installation in Section 21 of Lamberton Township, on the Highwater Ethanol site, just east of REC's existing substation at that location.

2. According to Section 22, Subdivision 2.49 of Redwood County Ordinance a ground mounted photovoltaic system which generates electrical power begin transferred into the power grid for consumption of premises is an “essential service,” which is defined as “[a]ny surface, overhead or underground electric, gas transportation, hydro-carbon, steam, water, or refuse transmission, distribution or collection system.” Since the solar panels will collect the power of the sun and convert it to electricity, the proposed installation will be a surface electric collection system.
3. The Ordinance differentiates between “major” and “minor” essential service structures. Major essential service facilities are defined in Section 22, Subdivision 2.49.B. as “[a]ny essential service line or structure providing transmission services, i.e., utility service such as high voltage (greater than thirty-five (35 KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for end route consumption.” REC customers will purchase subscriptions to (will buy into) the facility and the cost savings associated with the power produced will be applied to their utility bills. However, the actual electrical power produced will not go directly to the subscribing customers. Instead it will be fed into the electrical grid along with the other electrical power produced or purchased by REC. Consequently, the power produced by the proposed installation is not intended for end route consumption, and a Conditional Use Permit is required.
4. The proposed solar installation will be 182’ 5” x 122’ 4” (about half an acre) in area and will be enclosed by a 6 foot tall chain link perimeter fence. The fence will not have barbed wire. The fence will enclose an area 210’ x 145’ (about two thirds of an acre). The fenced area containing the solar panels will be surfaced with rock and kept free of weeds. The panels will be 400 watt panels manufactured by tenKsolar. They will be oriented to the south. An electrical line will be installed from the installation to an existing box along the US Hwy 14 right of way to transmit the power from the site into the grid.
5. According to Redwood County Ordinance Section 11, Subdivision 5.4.A., it is required in the “I-1” Industry District that “[a]ll buildings shall not exceed thirty-five (35) feet in height.” However, Section 16, Subdivision 10.2. states that “[h]eight limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to ... Essential service structures.” Therefore, the proposed electrical substation complies with the Industry District building height requirement.
6. The property at issue is located on the south side of and abuts US Hwy 14. Pursuant to Sec. 11, Subd. 5.2.A.(1.) of Redwood County Zoning Ordinance, “[t]here shall be a minimum front yard setback of sixty-seven (67) [feet] from the right-of-way of any public road.” The relevant section of US Hwy 14 has a right-of-way of 50 feet. Therefore, a building cannot be located within 117 feet of US Hwy 14, measured from the center of the road. The structure proposed by the conditional use permit will be located approximately 180 feet from the center line of US Hwy 14. Therefore, the conditional use satisfies the front yard setback requirement.

7. Pursuant to Redwood County Ordinance Section 11, Subd. 5.2.B., “[e]very building shall have two (2) side yards. Each side yard shall have a width of not less than fifteen (15) feet; except that no building shall be located within thirty (30) feet of any Residential or Agricultural District.” Additionally, Subd. 5.2.C. states that “[t]here shall be a minimum rear yard of forty (40) feet.” The fenced solar installation compound will be located 50 feet from the closest property line of the Highwater property (that being the east lot line of the REC substation, located west of the proposed solar installation). Therefore, the 15 foot side yard, 40 foot rear yard, and 30 foot from the agricultural district requirements are all met.
8. According to the Redwood County tile map there is no county tile or county ditch within 2 miles of the location where the proposed solar installation will be constructed, though there is a private open ditch located about ½ mile to the north.
9. According to the National Wetlands Inventory maps, there are no delineated wetlands in the area where the solar installation will be constructed. The closest delineated wetlands are about one half mile away to the north and east.
10. The soils in the area of the proposed solar installation are classified as Ves-Storden loams, 3 to 6 percent slopes, eroded; and Ves loam, 1 to 4 percent slopes.

The proposed conditions for the *Application for Conditional Use Permit* submitted by Chad Nelsen o/b/o Redwood Electric Cooperative were attached thereto.

Chad Nelsen and Jim Haler appeared before the Commission to explain the project. They presented the following information and it was discussed by the Planning Commission:

1. Redwood Electric Cooperative is proposing to build a community solar project. Members will have the opportunity to buy in to the project and receive benefits.
2. The purpose is to provide a green energy option to Redwood Electric's customers
3. The project will be located just west of the City of Lamberton on US Hwy 14, near Redwood Electric's existing substation, near the Highwater Ethanol facility.
4. The solar project will be built on land leased from Highwater
5. The site was chosen for proximity to the substation and highway visibility, it will look good for the county and the community to have a project like this
6. The solar project facility (fenced area) will measure 145' x 210' and it will produce up to 135kW
7. Power will be transferred from the site via underground cable to an existing electrical box on the US Hwy 14 right-of-way
8. Within the 145' x 210' fenced area, the solar panels will take up a space measuring 122' 4" x 182' 5" (about half an acre)
9. The solar panels will come from a company called tenK Solar
10. The solar project will be fenced with a 6' chain link fence, but it will not pose and danger, such as a substation does. The wire will all be underground, its low voltage, there will be no moving parts, no glare, and no noise.

11. Redwood Electric has a 50 year lease with Highwater and they are hoping to get at least 25 years of production out of the panels. Haler explained that the panels may function for up to 40 years or more.
12. The solar panels will be oriented to the south and will lay relatively flat. They will be only a little higher than the fence. To capture the seasonal sunlight, reflector panels will be installed in front of the solar panels. These are designed to reflect only the sun rays which are used to produce the electricity, which are not visible to the eye, like ultraviolet rays. Consequently, they should produce no glare.

Brozek asked about the decommissioning plan. Haler responded that at the end of the lease, the equipment will all be removed and that this is stipulated in the lease agreement.

Members of the public speaking in favor of the project:

- a. Brian Kletscher: Kletscher spoke on behalf of Highwater Ethanol. He stated that they are in favor of the project and that it is a good project for the community.

Members of the public speaking in opposition to the project:

- a. Steve Ohlemann: Ohlemann asked various questions about how the solar operation was going to work, which were answered by Jim Haler. Ohlemann asked where the exact location of the solar panels would be, and if there was any other locations. Redwood Electric replied that the solar project will be just to the east of the existing substation, setback the same distance from the highway as the substation. There are no other locations. Ohlemann asked what the member buy-in payback time is. Haler responded that its more appropriate to think of buying a share as locking in electric power for 20 years at 13 cents per kilowatt hour. A penal will cost about \$1300. Ohlemann said that he had heard that companies are getting out of the solar industry and asked by Redwood Electric is proposing a solar project if everyone else is getting out. Haler responded that he does not think everyone else is getting out of solar, that some companies had gone out of business due to fluctuations in the cost of solar panels, but that actually community solar projects are currently on the rise nationally.

Ohlemann then asked is Redwood County has any setbacks or guidelines for where solar projects can be built. Brozek responded that they have no setbacks specific to solar projects, but that the building setbacks apply. Commissioner Runkel pointed out that since the building setbacks apply, that there are setbacks for solar projects. Ohlemann asked how the Planning Commission can approve the proposed project if there are no setbacks in the ordinance. Brozek stated that there are many types of building and project which do not have setbacks specifically for them. Brozek asked Ohlemann if Ohlemann had any information about what appropriate setbacks for solar projects would look like. Ohlemann said that he did have some information that he found on the internet. Brozek asked Ohlemann if he would share his information with the Planning Commission. Ohlemann said no, he would not share his information with the Planning

Commission. Ohlemann told the Commission that they should look up information about solar setbacks online. Brozek stated that the Planning Commission is not an investigative body that goes out and discovers information. Rather, the purpose of the public hearings held by the Commission is to allow members of the public to bring information to the attention of the Commission. If Ohlemann refuses to divulge information in his possession, then the Planning Commissioners will not be able to consider that information when making their decision. Ohlemann stated that lots of cities require setbacks between solar installations and homes. Brozek asked him for examples of what setbacks are used. Ohlemann would not say.

- b. Bill Martinson: Martinson asked if Redwood Electric has other substations where they could build the solar project instead of the Highwater substation. Martinson said he doesn't want to have to look at it.

Brozek asked Nelsen if the location of the existing electrical box on Hwy 14 had any bearing on the proposed location of the solar project. Nelsen replied that the specific stretch of US Hwy 14 chosen for the solar project was determined based on the location of the existing box, making it convenient to feed the power into the grid. Additionally, Nelsen stated that the proposed location fits with the substation. The main entrance to the substation is on the west side, so putting the solar project on the west side would interfere with the substation entrance, posing a safety/emergency response issue. The substation and solar facilities will be designed so Redwood Electric can go through the substation to get to the solar project, utilizing the same existing driveway.

The hearing was closed at 2:05 p.m.

On a motion made by Runkel and seconded by Rohlik it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 9-15 submitted by Chad Nelsen o/b/o Redwood Electric Cooperative be recommended for approval by the Redwood County Board of Commissioners subject to the ten (10) recommended conditions.

On a motion by Scheffler seconded by Rohlik, the Commission unanimously approved the March 30th, 2015 Planning Commission minutes.

There followed discussion of the upcoming June meeting. The commissioners reviewed and discussed a pamphlet advertising Planning and Zoning classes available around the state.

On a motion by Scheffler seconded by Rohlik, the meeting was adjourned at 3:35 p.m.

Nicholas Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

Mark Madsen, Chairman
Redwood County Planning Commission