

**Summary of the
MEEKER COUNTY PLANNING COMMISSION
February 8, 2022 – MEETING MINUTES**
Audio Available

The Meeker County Planning Commission held a meeting on **February 8, 2022 at 5:00pm** to consider the following Conditional Use permit applications and other business before the Board. Present was Jans, Hempel, Euerle, Smith, Salzl and Zoning Administrator Schultz.

5:00pm

Schultz calls the meeting to order. There is a quorum.

The Board states their names for voice recognition.

Jans asks the Board if they have any corrections or additions to the January 18, 2022 meeting minutes. One is noted.

Hempel makes a motion for approval.

Euerle seconds the motion.

Motion carried 5-0.

5:02pm

Jans opens the public hearing for NOTICE OF APPLICATION FOR LIVESTOCK FEEDLOT PERMIT

Notice is hereby given per Minnesota Statute 116.07 subd. 7(a) that Rachel & Patrick Rusch, Joseph & Karen Becker (applicants) and RU-BE Dairy, LLC (owner) have made application to the Minnesota Pollution Control Agency and Meeker County for a permit to expand an existing Class B feedlot with a capacity of 500 animal units or more.

The proposed feedlot expansion will be located on the existing feedlot site at That Part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), more fully described in the application. Section Two (2), Township One Hundred Eighteen (118), Range Thirty Two (32), Danielson Township.

The existing facility consists of a 200'x50' calf barn, a 118'x465' free-stall barn, a 160'x245' feed storage area, a 150'x195' waste storage basin, 7,468,671 gallon earthen lined manure basin and various other agricultural out buildings.

The proposal is to construct a 336'x118' free-stall barn, a 65'x50' holding area and a 68'x68' milking parlor, a 68'x20' tanker docking room, 60'x240' west feed pad, 120'x120' east feed pad and a 1,625,524 gallon run-off pond. This expansion will change the class of this feedlot from a Class B to a Class C feedlot and increase the number of animal units on-site from 750 to 1496 AU's (1040 milking cows and 200 calves).

This publication shall constitute as notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot as required by Minnesota State Law.

Joe Becker, Patrick & Rachael Rusch and Ann Steinhaus are present for this hearing.

Schultz: This feedlot is located at 54738 210th Street, Grove City, MN, on the 25-acre parcel 05-0014000 and the 32.78-acre parcel on 05-0014021 located in Section 4, Township 118, Range 32 of Danielson Township.

This property has had cattle on the property for years. The latest CUP's were in March of 2005 when CUP #10665 granted for the site to allow up to 750 animal units. The next was CUP #13730, which granted in 2014 to allow the site to construct an 80'x80' pack barn and a 10' x 16'x10' concrete liquid manure collection pit. The latest CUP #14848 was passed in August of 2018 to allow the site to construct a 7,468,671 gallon earthen lined manure basin. Also, on this property is a 50' x 200' calf barn, 118'x465' free-stall barn, 160'x245' feed storage area.

The owners are proposing to construct a 118'x336' free stall barn, a 50'x65' holding area, a 68'x68' milking parlor, a 20'x68' tanker docking room, a 60 x240' west feed pad, a 120'x120' east feed pad and a 1,625,524-gallon run-off pond. This CUP also proposes to increase the feed lot from 750 animal units to 1496 animal units (1040 milking cows and 200 calves). With the expansion the facility will change from Class B to Class C.

The closest non-owner resident is approximately 2000 feet to the southwest from the proposed feed lot expansion which is beyond the 1320-foot requirement for a waiver or variance. There is a current manure management plan signed November 2021. The site will have sufficient capacity within the manure basin to accommodate the animal units. NPDES was determined complete on January 6, 2021 by MPCA.

Schultz also reads a letter from Ethan Jenzen of the DNR:

Dear Mr. Schultz,

The Minnesota Department of Natural Resources (DNR) received a notice of intent to hold a public hearing to consider an application for a livestock feedlot permit. The applicants and owner, RU-BE Dairy, LLC., located in Section 2, Township 118 North, Range 32 West, seek to expand the existing feedlot and increase the number of animal head. Our interest in this application is with respect to compliance with all federal, state and local laws, rules and regulations that apply to feedlot operations.

The DNR believe the RU-BE Dairy, LLC is using more than 1,000,000 gallons of water per year. As you may be aware, MN Statute §103G.265 requires a permit for appropriation of ground water or surface water in excess of 10,000 gallons per day or 1,000,000 gallons per year. Review of the public notice reveals the dairy has a projected water use that would exceed 1,000,000 gallons per year. If the feedlot permit is issued, the DNR asks you to consider a condition requiring RU-BE Dairy, LLC to obtain a water appropriation permit for livestock watering use. If the board does not want to place such a condition on the permit, if granted, we request that you inform the applicant of the need for a DNR permit.

As I will not be present for the pubic hearing, I would ask that this letter be read at the meeting and made a part of the formal record. I would also request a copy of the permit decision in this matter. If you have questions, please feel free to contact me by phone at 320-409-2042 or by email at ethan.jenzen@state.mn.us.

Sincerely,

*Ethan Jenzen
DNR Area Hydrologist*

Becker states that he has the water permits on his irrigators.

Jans says that he recently found out about this permit. If you use over 1,000,000 gallons of water a year, you have to file a water report with the state and pay the fee.

Becker says that it would be a good idea to put this on as a condition.

Steinhaus states that this site has always been well maintained, so she doesn't have any concerns.

Euerle says everything looked neat and nothing out of line.

Becker states that he removed all the old buildings including a house and horseshoe roof barn. The yard has been cleaned up.

Hempel says that she has been out there and it always seems clean.

Schultz reads the proposed conditions:

1. The Meeker County Zoning Administrator, or his/her designee(s) and at least one member of the Planning Commission shall inspect the premise at least once in 2023. Thereafter an inspection shall be completed every third (3rd) year. If at any inspection a feedlot violation is noted an inspection shall there forth occur yearly until three (3) consecutive inspections have occurred with no violations. Operator shall pay all costs associated with the inspections in accordance with the fee schedule of the Zoning Administrator or One Hundred Fifty Dollars (\$150.00), whichever is greater.
2. The applicant shall comply with all federal, state and local laws and regulations including permits issued by federal, state and local agencies.
3. The applicant shall file annually with the Zoning Administrator and/or his/her designee all records regarding manure nutrient analysis; soil tests for fields receiving manure, manure transfer, stockpiling sites, application rates, and application sites. M.P.C.A. rules shall be followed for crop nutrient requirements.
4. The applicant, owner, operator or commercial spreader shall spread manure on fields in accordance with the recommended crop nutrient requirements as promulgated or used by the Minnesota Pollution Control Agency (MPCA) for the next crop type to be planted on any field. Applicant shall test both manure and soil to determine the proper rate before spreading the manure.
5. The owner/operator shall immediately clean up any manure spills on public roads or right of ways.
6. Dead animals shall be disposed of according to MPCA and Department of Animal Health rules and regulations. Options including rendering, composting, burial, and other technologies. The Planning Commission along with other regulatory agencies having jurisdiction over such must approve any and all options.
7. The applicant shall be permitted to do dirt work that is required for the expansion.
8. The applicant shall have twenty-four (24) months from the date of final approval of this application by the Meeker County Board of Commissioners to commence the expansion of the facilities and the animal unit capacity of the facility as permitted by this conditional use permit.
9. A DNR water appropriation permit will need to be granted for livestock watering use.
10. This Conditional Use Permit and conditions replaces and supersedes all other previously approved Conditional Use Permits and conditions.

Becker is in approval of the conditions.

Smith makes a motion to close the public hearing.

Euerle seconds the motion.

Motion carried 5-0.

Euerle makes a motion for approval with the conditions.

Salzl seconds the motion.

Motion carried 5-0.

5:20pm

Jans opens the public hearing for David Eckhoff, PO Box 32, Dassel, MN 55325. Property located at 26451 733rd Ave, Dassel, MN 55325. That Part of Government Lot Four (4), more fully described in the application. Section Eleven (11), Township One Hundred Nineteen (119), Range Twenty Nine (29), Little Swan Lake, Dassel Township. An application for a Conditional Use Permit to move more than ten (10) cubic yards of material in the Shore Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District in the R-1 Suburban Residential District and within the Shoreland District.

Jason Wendroth, Kathy & Rich Berscheid, Karen Weiss and Dave Eckhoff are present for this hearing.

Schultz: This property is a 23,653 square foot riparian R-1 zoned metes and bounds lot with a property address 26451 733rd Ave, Dassel MN located in Section 11, Township 119, Range 29 in Dassel Township. Little Swan Lake is considered a Recreational Development Lake.

Currently there is a cabin on the property built in 1931. The property owners are requesting to install 228 square feet of boulder retaining wall, 115 feet of riprap and move 860 cubic yards of soil for the construction on a new home and driveway on the site. Septic system was compliant December 2019. Pervious pavers will be used for the patio on the lakeside and in front of the garage entrance.

The majority of material will be from the existing site and moved and sloped all around the new house with the majority of it being moved towards the lake. Total material proposed to be moved or brought onto the shore impact zone will be approximately 884.4 cubic yards of rock and soil. Erosion control during construction will be placed between the construction and water.

Ethan Jenzen, DNR Area Hydrologist, has not yet commented at the time of this meeting.

There was a comment from neighbor Steven Renquist stating that he has no issues with this request.

Eckhoff states that he intends to build a walk-out into the hillside. Currently there is heavy erosion on the hillside and on the lakeshore, so he would like to fix that while putting in a new house.

Jans believes this is a good idea. It will be quite an undertaking.

Hempel asks if that is the reason for the 860 yards of material being moved – to dig out the walk-out and then pushing it and reclaiming it towards the shore. *Yes.*

Schultz says that it is steep, but it's not considered a bluff.

Kathy Berscheid says she lives on the north side of this lot. Her only concern is that she doesn't get the erosion or runoff from all the land movement into her lot.

Jans says when the Board looked at it, it seems like it will be a benefit to her. Less will be going off to her side.

Eckhoff stated that he created a place to send the water and it will have vegetation.

Karen Weiss says that she is a property owner on the southwest corner of the lake. She also has shoreland that needs improvement, so she came to educate herself.

Schultz reads proposed conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 900 cubic yards of material.
2. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are four feet or taller.
3. The project shall be completed as per the plans submitted with this application.
4. All required additional permits shall be obtained if needed prior to commencing the project or project extends beyond scope submitted.
5. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.
6. The applicant and/or property owner shall notify Meeker County Planning & Zoning within seven days of completion of this project.

Euerle asks if the DNR could stop this if they have an issue.

Schultz states that it would probably only be the riprap part of it. Could make them get a water appropriation permit for the riprap that goes into the water. They usually don't rule on anything outside of the water.

Eckhoff is okay with the conditions.

Hempel makes a motion to close the hearing.

Smith seconds the motion.

Motion carried 5-0.

Smith makes a motion for approval with the conditions.

Hempel seconds the motion.

Motion carried 5-0.

5:30pm

Jans opens the public hearing for Paul & Marcia Burke, 7600 W 100th St, Bloomington, MN 55438. Property located at 22443 670th Ave, Darwin, MN 55324. All that part of Government Lot (6) and Government Lot (8), more fully described in the application. Section Thirty Five (35), Township One Hundred Nineteen (119), Range Thirty (30), Lake Stella, Darwin Township. A Conditional Use application to move more than ten (10) cubic yards of material in the Shore Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District in the R-1 Suburban Residential District and within the Shoreland District.

Justin Wendroth, Blaine Josephson and Paul & Marcia Burke are present for this hearing.

Schultz: This property is a 1.15 acre riparian R-1 zoned metes and bound lot with a property address 22443 670th Ave, Dassel Mn, located in Section 35, Township 119, Range 30 in Darwin Township. Lake Stella is considered a Recreational Development Lake.

Currently there is a cabin on the property built in 1918 then added on to in 1960, a septic system installed sometime in the 1970's, 461 square feet of patio pavers installed in 1990 and a 14'x27' deck installed sometime before 2013. From the ordinary high-water level, the property appears to be a bluff to approximately 175 feet.

The property owners are requesting to install 128 feet of boulder retaining wall, 107 feet of riprap and replace 450 square feet of pavers with new for a total of approximately 66 cubic yards new material into the shore and bluff impact zone. A new septic plan has been submitted for the site to be installed with the remodel. Total impervious for the site after the project will be approximately 4900 square feet or approximately 10.3%. Erosion control during construction will be placed between the construction and water.

Ethan Jenzen, DNR Area Hydrologist, has not yet commented at the time of this meeting.

Hempel states that she's pleased to see the low impervious.

Smith says the he didn't even know there was a cabin there, it is very hidden.

Burke states the they are going to remodel the cabin and go up. It is 105 years old and has been in the family for 5 generations.

Hempel doesn't see any issues.

Schultz reads the proposed conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 80 cubic yards of material.
2. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are four feet or taller.
3. The project shall be completed as per the plans submitted with this application.
4. All required additional permits shall be obtained if needed prior to commencing the project or if project extends beyond scope submitted.
5. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.
6. The applicant and/or property owner shall notify Meeker County Planning & Zoning within seven days of completion of this project.

Hempel makes a motion to close the public hearing.

Salzl seconds the motion.

Motion carried 5-0.

Hempel makes a motion for approval with the conditions.

Euerle seconds the motion.

Motion carried 5-0.

5:39pm

Jans opens the public hearing for John & Gail Gillard, 19997 612th Ave, Litchfield, MN 55325. Lot Six (6), Block One (1), Minnie Belle Heights 1st Addition, Lake Minnie Belle, Greenleaf Township. A Conditional Use application to move more than ten (10) cubic yards of material in the Shore Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District in the R-1 Suburban Residential District and within the Shoreland District.

Blaine Josephson (contractor) is present for this hearing.

Schultz: This property is a 1.1 acre riparian R-1 zoned Lot 6 Block 1 of Minnie Belle Heights 1st Addition formed September 1971. The property address 19997 612th Ave, Litchfield Mn, located in Section 14, Township 118, Range 31 in Greenleaf Township. Lake Minnie Belle is considered a General Development Lake.

Currently there is a house on the property built in 1973, a garage built in 1968, a 340 square foot deck built in 2007, a house addition with deck, and a 4 bedroom septic system was installed in 2021. There was 708 square feet of patio pavers installed in the 1960's.

The property owners are requesting to install 138 feet of boulder retaining wall, 190 feet of riprap and replace the 708 square feet of pavers with 1871 square feet of pavers with new for a total of approximately 153 cubic yards new material to be brought into the shore land. Total impervious for the site after the project will be approximately 18%. Erosion control during construction will be placed between the construction and water.

Ethan Jenzen, DNR Area Hydrologist, has not yet commented at the time of this meeting.

Hempel asks about the firepit and patio.

Josephson says the patio is around the firepit, but there are patios under the existing deck and the new deck.

Schultz says that only 200 square feet of pavers are allowed in the shore impact zone without a variance or they can use permeable pavers.

Josephson says that he'll do permeable pavers.

Schultz reads proposed conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 175 cubic yards of material.
2. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are four feet or taller.
3. Fire pit paver area within shore impact zone will be allowed a maximum of 200 square feet of impervious pavers without variance.
4. The project shall be completed as per the plans submitted with this application.
5. All required additional permits shall be obtained if needed prior to commencing the project or project extends beyond scope submitted.
6. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.

7. The applicant and/or property owner shall notify Meeker County Planning & Zoning within seven days of completion of this project.

Hempel makes a motion to close the public hearing.

Smith seconds the motion.

Motion carried 5-0.

Hempel makes a motion for approval with the conditions.

Euerle seconds the motion.

Motion carried 5-0.

5:50pm

Jans opens the public hearing for Jeff & Amy Blake (owners), 5933 N Cavell Ave, New Hope, MN 55428 and Jerry Konz (applicant), 19512 Hubble Rd, Clearwater, MN 55320. Property located at 67815 233rd St, Dassel, MN 55325. Lot Three (3), Dahlgren's Trails End, Darwin Township, Lake Washington, more fully described in the application. A Conditional Use application to move more than ten (10) cubic yards of material in the Shore Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District in the R-1 Suburban Residential District and within the Shoreland District.

Jerry Konz and Jeff & Amy Blake are present for this hearing.

Schultz: This property is approximately .26-acre R-1 Suburban Residential, riparian lot 3 of Dahlgren's Trail's End formed September 1961. Located in Section 25, Township 119, Range 30 of Darwin Township. Lake Washington is a General Development Lake. Dahlgren's Trail End lot was formed before the shore land ordinance of 1972 and the lot is small in depth, width and area.

Currently on this property is a house built in 1995 and a garage built in 1997. Driveway, patio, steps and other impervious were installed previous to the buyers purchase in 2008. Septic system was made compliant in December 2021. Variance 15786 was granted in January 2022 to allow 36.8% of the property to remain impervious.

The property owners are requesting to replace existing patio, landing, walkways, steps and redo the existing riprap. The existing boat house is to be repaired or replaced. Total materials to be brought or moved on-site according to the plan are 30.5 cubic yards of rock/steps, 241 square feet or 3 cubic yards of permeable pavers and 110 cubic yards of dirt for a total of 143.5 cubic yards.

Ethan Jenzen, DNR Area Hydrologist, has not yet commented at the time of this meeting.

Smith says this looks like a good plan.

Schultz reads proposed conditions:

1. The total cubic yardage moved and/or brought onto this site shall be a maximum of 165 cubic yards of material.
2. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are four feet or taller.
3. The project shall be completed as per the plans submitted with this application.
4. All required additional permits shall be obtained if needed prior to commencing the project or project extends beyond scope submitted.

5. Erosion control shall be implemented and maintained on-site until permanent vegetative cover is established to prevent erosion of material into sensitive areas.
6. The applicant and/or property owner shall notify Meeker County Planning & Zoning within seven days of completion of this project.

Smith makes a motion to close the public hearing.

Euerle seconds the motion.

Motion carried 5-0.

Salzl makes a motion for approval with the conditions.

Hempel seconds the motion.

Motion carried 5-0.

5:56pm

Other business: Possible plat for Rod Lund.

The Board looks over his plans and maps and believes he should move forward.

6:02pm

Smith makes a motion to adjourn.

Hempel seconds the motion.

Motion carried 5-0.

