

Planning Commission Meeting Minutes

April 6, 2023

Completed by: Sue Bertrand, P&Z Staff

Site visits conducted by Adam Ossefoort and Roger Hendrickson on March 29th, 2023 on the Pulkrabek and Dalquist Sites.

Site visit conducted by Adam Ossefoort and Ken Hovet on February 17th, 2023 on the Dukowitz Site.

Meeting attended by board members: Vice Chair Ken Hovet, Lloyd Graves, Arnie Boie, Roger Hendrickson, alternate George Sutton and Commissioner's Liaison alternate, Tim Denny.

Staff members: Adam Ossefoort, Tim Ebnet and Sue Bertrand

Other members of the public: Sign-in Sheet is available for viewing upon request in the Planning and Zoning Office.

Ken called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited as a collective group.

Introduction of the staff and board members by Ken.

Roger motioned to have the March 2nd, 2023 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

Roger approved the agenda and George seconded, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Merritt & Jan Pulkrabek – PID 26-0018002 – Ward Township: Request for a Conditional Use Permit for a Community Solar Energy System in AF1 Zoning. (The solar energy system shall be identified as a community solar energy system due to its connection with the electric grid)

Merritt and Jan were present as the applicants. Merritt stated they are looking to put in a small solar array on their farm, ground mounted.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant must obtain permitting and/or licensing from additional governmental agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provider prior to issuance of a land use permit.

Merritt confirmed the staff report was accurate.

Roger commented on his site visit, and stated he has no problem with this. Roger's full report may be viewed upon request in the Planning and Zoning office.

Correspondence received: None.

Public comment: No one was on zoom and no public comment.

Board discussion:

Roger asked if they were going to hook up to the existing power supply for any extra, to which Merritt replied, “Absolutely”. Roger stated he sees nothing wrong with it and it is a good place for it.

Merritt stated he will get paid for any extra.

Ken asked how visible they will be from the public road and asked for clarification on location.

Merritt stated you can see it from the road just to the left of the barn and about 200 feet long.

George asked if they had multiple contractors look at the site to which Merritt stated he had three and of those, only one would actually come out and look at the site. The other two just viewed on line and would send a bid and he stated he was not too excited about that, as the smaller details may be missed.

Roger motioned to approve, George seconded with the two conditions as presented.

Conditions:

1. Applicant must obtain permitting and/or licensing from additional governmental agencies as necessary.
2. Submission of Interconnection Agreement with the electric service provider prior to issuance of a land use permit.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Arnie Boie	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on April 18th, 2023.

AGENDA ITEM 2: Finally Home Preliminary Plat– PID 22-0010000 – Staples Township

Request for a one lot, 5-acre plat in R-2 Zoning.

Bill Dukowitz was present as the applicant. Bill stated the land has been recently re-zoned to R-2 zoning from commercial and he stated he plans to buy half and to build a home.

Adam clarified that the property was approved to rezone to R-2, however the GIS maps are not reflecting the change, yet.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant must abide by all other applicable federal, state, and local standards.

Bill confirmed the staff report was accurate.

Ken commented he was with for the onsite visit had no concerns. This report may be viewed in full, upon request, at the Planning and Zoning office.

Correspondence received: None.

Public comment: None.

Board discussion:

Roger asked if we could add the condition of designating two sewer sites prior to approval, to which Adam added the condition right away. Roger stated he did not see any foreseeable problems with finding sites to which Adam added there were hundreds of sewerable sites available.

Ken stated the township (local standards) must have been in on the road discussion and Adam confirmed, when this property was rezoned, conditions were put on it, at that time, to meet township approval for all driveway accesses.

Lloyd motioned to approve with the two conditions as presented, Arnie seconded.

Conditions:

1. Two sewer sites shall be identified prior to final platting.
2. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Arnie Boie	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
George Sutton	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on April 18th, 2023.

AGENDA ITEM 3: Kyle & Laura Dalquist– PID 16-0022600 – Little Elk Township Township

Request for a Conditional Use Permit for the establishment of a feedlot site housing 988.8 animal units of swine in AF-1 Zoning.

Kyle and Laura Dalquist were present as the applicants. Laura stated they are looking to build a sow farm on their property.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. All traffic to and from the site shall be traveled along 335th Ave to County 31.
2. Applicant must obtain all permitting in accordance with MN 7020 Rules prior to start of construction.
3. All manure management requirements must be followed in accordance with MN 7020 rules including, but not limited to, manure application rates, setbacks, and record keeping.
4. Manure application records shall be supplied to the County Feedlot Officer annually.
5. Prior to manure application event, an air quality exemption shall be called in to the County Feedlot Program.
6. Manure nutrient testing shall be conducted annually prior to manure application.
7. Two rows of trees shall be planted on the north and east sides of the proposed building location for the purposes of screening.
8. Applicant must abide by all other applicable federal, state and local standards.

Tim Ebnet read through his Feedlot Review findings. These may be reviewed in full at the Planning and Zoning office, upon request.

Kyle confirmed the staff report and Tim's findings were accurate.

Ken asked for review of the onsite report from Roger. This report is available in full in the Planning and Zoning office, upon request.

Public comment: Little Elk Township was present and stated there is a low area and they would like it if the road could be built up.

Roger stated he would like dust control put down to preserve the binder in the gravel for the manure hauling traffic, a cost saver in the long run, so they don't have to replace so much more gravel.

Kyle stated it was not their intent to truck it out, only as a last course of action. They will use a drag line.

Roger clarified he understood that it will be direct injection.

Ken addressed Little Elk Township in the audience asking if it would be acceptable to them for the board to put a condition on this, that requires the Dalquists to negotiate an agreement with the township in reference to the road, whatever they feel is necessary, to just sit down and talk about it, to which the township agreed.

Correspondence received: Yes.

Adam read a letter from Little Elk Township. This may be viewed, in full, at the Planning and Zoning Office upon request.

Ken addressed the “road authority” township, stating it would be best if they worked with the Dalquists, adding the township knows the roads better than the County.

Ken opened it to the public, reminding them to state their name for the record, and one at a time.

Robert Kretsch stated he and his wife Lisa own the property a quarter mile north and oppose the building of this facility. Robert bought his property in 2000 and planned to build, working this property for the last twenty-three years to make it his ideal retirement location. Putting in driveway, clearing a spot for the house, putting in a temporary mobile home, putting in a septic system, working with the DNR many many years to improve the forested area, and working with the Soil and Water to restore a wetland, planting over fourteen thousand trees and many other projects to improve the land for wildlife. He stated he grew up in a small-town farming community and he supports agricultural/farming. He rents fifty acres of his own tillable land out to a local farmer. He does not support a very large commercial hog facility, in a location that will adversely effect Multiple neighbors. This will be the third largest hog facility in all of Todd County. With over 2500 animals, 988 A.U. with his primary objection, the smell, which is going to negatively affect the surrounding area and neighbors. Pointing out page three question on the CUP permit application: Will the requested use create an adverse effect on the nearby properties due to noise, odor, hours of operation or general unsightliness? The applicant’s answer: Will not and the sight will not create excess noise, dust or glare. Robert stated we all know that a hog farm with over 2500 animals on it, in an enclosed barn, with a ten-foot-deep manure pit with millions of gallons of manure is going to smell 24 hours a day seven days a week. He questioned why the answer on the application says “No” because it will. He stated he talked to a neighbor who lives .38 miles NW of the CC Morgan facility, western Todd County, has an AU of 1,412 of and there is a very bad smell three days a week, can’t leave the windows open during the summer most of the time, and also his mother, who lives .45 miles North of the facility, said the smell at her house was exactly the same as his. He stated he could not find contact information for the residents near the Gurley (largest at 1,875 AU) or the Wygert (third largest) facility in Todd County. He stated it would be a good idea to check with some of the people who live near these facilities. He stated he noticed the applicant has multiple land parcels in Todd County, and stated maybe one of those others would be a better fit for this project with no residences in close proximity, as they *will* be adversely affected by the smell and a decrease in residential property value.

Robert stated, secondly, residential properties within 1.5 miles of the facility, according to the most extensive study in the entire country, performed at the Center for Agricultural and Rural Development at Ohio State University, included the sales of 1,145 properties, covering five counties, over a ten-year period, showing a decrease in residential property values. Robert went over extensive details to support his claims and quoted percentages and figures from the study that showed, on average:

Residential properties NW of facility

- 1.5 miles reduced by 6%
- .5 miles reduced by 18%
- .25 miles reduced by 26%

South of the facility:

- 1.5 miles reduced by 6%
- .5 miles reduced by 15%
- .25 miles reduced by 22%.

A decrease in residential property values, depending on the distance and direction from the facility, similar in size to the applicant.

Robert stated he respectfully asked the board members if they would like this facility to be built next to their house, and would they vote to allow it knowing you would not enjoy being outdoors at your own house, not invite friends or family over and have to keep your windows shut during the summer because of the smell?

Roger Salber stated he lives in section 23, about a half a mile from the facility, a neighbor to Bob, agreed and does not support it.

Steve Thieschafer, stated his kids own the land down the road, asked the board if they were contracted to own the animals.

Laura Dalquist stated they were not planning to own the animals themselves.

Lincoln Langhorst stated he represents the owner of the animals, and grew up five miles from Laura. He stated they have a facility, just like this, directly behind their house, and enjoy a pretty good quality of life. He offered to answer any questions from anyone.

Steve Thieschafer asked who decides when to spread manure and had concerns during hunting.

Kyle said they were more than willing to work with everyone around on this.

There was a question as to where the Dalquists will be living.

Kyle stated they live South of Todd County, and they would vacation in the area of Todd -Morrison County.

Laura stated they would offer the house on the property for living quarters for the ten employees.

Lori Pekula, from Little Falls, wondered where are the 320 acres are located that will be spread with manure?

Ken and others had discussion on manure application and confirmed the manure will be injected.

Ken asked if there were any other public comments, with none, closed public comment.

Roger reviewed his notes from the site visit. This report may be viewed in full, upon request in the planning and zoning office.

Board discussion:

George inquired as to who the nearest full-time neighbor was.

There was discussion on who the neighbors were to the proposed facility.

Adam stated he uses the GIS tools and current tax statements to determine who the nearest full-time residents are and how far away they are.

Arnie said the general public has objection to the smell and that is a real issue.

Jeff Bauman, Anez Consulting from Wilmar, ran the odor offset: at 2700 feet, annoyance free is 93%, providing the wind was blowing from the SW, for two days a month blowing to the NE, it would be offensive. He entered three facilities of similar size to the proposed, and the neighboring information and ran the test according to the University of MN.

Ken questioned Dalquists as to what provisions of odor control will they be using in the proposed facility.

Laura stated their intention is not to be a bad neighbor and will do what they need to do to control the odor. Kyle stated they will utilize cover crops, trees and shrubs and injecting it to do what they possibly can to provide the natural filters.

Laura stated it helps the facility itself to have the deep-seated manure pit as the manure will be contained under the animals.

Lloyd asked if there are other filters other than trees to help filter the odor.

Todd Marotz with Wakefield Pork, stated there are a couple of things: stated they want to protect the road, egress the sites, have pit additives to help break up solids. There is a limited number of days, and the window is short during application and can work with the neighbors (around holidays and hunting). There is other technology with utilizing pit fans. They are working with the U of M engineers on some of these facilities, trying bio filters with wood chips to help minimize odors. Not saying there are zero odors.

Arnie wanted to know if this was a good idea to have this feedlot there, or are we going to have trouble later with the odors.

Adam stated he would caution the board on this: he stated feedlots of this size are allowed in AF-1 zoning by conditional use, so if there are adverse effects as the result of this, you must consider conditions for those, but if there is a way to approve this application, you have to do that.

Ken stated he must hear, from the applicants, they will have active odor controls in the plans for the barns, not what could be put in or what might work or what the University says, it must state, in the conditions, "active controls required". Ken stated he has experience with injected manure right around the house and he said it smells to high heaven for two to four days and understands that is all a part of farming. It is the ongoing odor from the facility that is concerning, and asked to hear wording that includes "active odor control for the facility" as it could make a big difference.

George stated if we could get the language correct with the help of the consultants, on bio filters, noting there are added operating and development expenses, we could require that to the fullest extent possible including

available science to help mitigate the objection, and if the applicants agree to oblige, it is in everyone's interest.

Adam added, he did draft #9 condition to use pit additives and establishment of biofilters on pit fans.

There was general discussion about the Gurley operation and how three neighbors were bought out and one of the neighbors, fairly quickly due to an asthma condition.

Robert added, once this is approved and once the smell is bad, there is nothing they can do. He added all they can do is sell their property at reduced cost, and move away. He stated having maintenance concerns with failing measures and equipment, and asked who is going to be out regulating?

Arnie stated, as a board, if approved or not, it must be according to existing statutes, and if the applicant conforms to the written requirements for the use of that property, we really don't have much option, other than mitigating controls. We cannot legally deny it, and asked for confirmation on that point.

Adam confirmed, as an allowed use, when it goes through this process to get input, you consider all limiting factors to address any adverse effects and approve it based on those conditions.

Jeff Baumann commented he lived a mile and half from one of these facilities, three or four times larger than this one, and his son was three time all state wrestling, three time all state in football and two time all state in track, and the facility did not hinder his progress at all. He stated he was aware the site used pit additives but not bio-filters.

Roger asked what happens if the proposed conditions are not met? Could the CUP be rejected?

Adam stated in order to operate, they must abide by the conditions the Commissioners end up adopting and approve. If the conditions are not met, it is like an Ordinance violation. It would be an opportunity to take corrective actions on that or else it goes through the process to utilize the County attorney's office. In order to operate as requested, you must continue to meet the conditions of the Conditional Use Permit.

Roger said you have a narrow window for application and asked what happens then. He has witnessed others spreading on the frozen ground on the hills.

Adam said this is not an NPDES permit, so they will not be restricted from winter application. He explained if there is surface application, there are increased setbacks to help mitigate and prevent any run-off or environmental conditions.

Ken asked the applicants, directly, if active odor control works for them and they said yes. He also stated he wanted to see them keep the odor down if the board approves this.

Roger asked the Dalquists if they are actively into an operation like this now, to which Laura answered yes. She said she is a swine veterinarian and spends her time in sow barns like this one, and they have land application around their house where they live, as well. Kyle said they live in the center of four facilities like this and are in the vicinity of just over a mile.

George said he would like an added pro-active approach on odor control for a condition to which Ken confirmed Adam's number nine will cover it.

Roger stated he thought this is the best they could do.

Arnie asked for as much odor control as allowed, yet still be compliant with the law. He stated as much as people didn't want it there, as a board, if this project meets all of the specifications and requirements it is ready to approve.

Arnie moved to approve this application with the ten conditions, and Roger seconded.

Ken asked for number nine to be reworded and state active odor control before taking a vote.

George asked that it include any and all existing developed future technologies, to create this condition to make it mandatory use, as a condition, so if down the road, if somebody objects, they would have a case to make to the County and the people responsible for seeing that these conditions are met, that the applicant is not using those conditions which we are making mandatory.

Adam adjusted condition #9 again and explained from a Planning and Zoning prospective, we will keep the use of the additives and establishment of biofilters or you can replace your biofilters with something that is new or advanced or does a better job, you need to have one or the other, in hopes you guys will take advantage of new advanced technology.

Arnie made a motion to approve with the updated 10 conditions and Roger seconded.

1. All traffic to and from the site shall be traveled along 335th Ave to County 31.
2. Applicant must obtain all permitting in accordance with MN 7020 Rules prior to start of construction.
3. All manure management requirements must be followed in accordance with MN 7020 rules including, but not limited to, manure application rates, setbacks, and record keeping.
4. Manure application records shall be supplied to the County Feedlot Officer annually.
5. Prior to manure application event, an air quality exemption shall be called in to the County Feedlot Program.
6. Manure nutrient testing shall be conducted annually prior to manure application.
7. Two rows of trees shall be planted on the north and east sides of the proposed building location for the purposes of screening.
8. Establishment of a road maintenance agreement with Little Elk Township to address road damage both during and after construction.
9. Mandatory use of pit additives for odor control and establishment of biofilters or advanced technology on pit fans for additional active odor control.
10. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Roger Hendrickson	Yes
Arnie Boie	Yes
Lloyd Graves	Yes

George Sutton	Yes
Ken Hovet	Yes

Motion carried. Ken noted the application will be presented to the County Board of Commissioners on April 18th, 2023.

Ken stated we will take a five-minute recess.

Ken called the meeting back to order.

AGENDA ITEM 4: Proposed Amendment to Todd County Planning & Zoning Ordinance:

1. Section 9.08: Sewage Treatment Standards

Ken turned it over to Adam.

Adam stated he printed three things: the original existing ordinance, the draft ordinance and one with all of the mark ups, so you can see what has been deleted and changed.

Copies of these were given to the board members.

George asked what was driving this change and Adam explained we were three or four versions behind septic changes.

Adam stated the main reason for the changes is we have operated under the old septic rules for Todd County for many years now. When they updated to the red book, purple and now a blue book version. We have adopted alternative local standards to continue to operate under the old septic rule. We had discussions, and went to a work session with the commissioners had conversations about updating to match the current rule, which is really what drove it. There were also the conversations with some of our designers on some of the additional requirements of our ordinance that don't fit our modern times.

Ken and Adam clarified "they" meaning State updates to the Chapter 7080 Septic Rules.

Adam read through the noted changes and walked through each of the sections, to explain what all the markings mean and what they are there for. Copies of these proposed changes are on file and may be reviewed upon request in the Planning and Zoning Office.

Adam addressed the board and said he did not expect any action on this tonight, but is open to questions.

Public comment: Tad Berg questioned why we are eliminating perc tests. He asked Adam if they had any new systems installed under the old rules and in a short time, run into system failure problems.

Adam said he didn't think so, and could not think of any, off-hand.

Tad stated, the state has run into new system failures in Counties that have adopted the new rules. He mentioned the perc test gives us 95% accuracy to how well the soil will take on water based on the soil type in that area. He stated if we adopt this, as a designer, he will continue to conduct perc tests, as he stated soil types take on water differently in different areas, even though they are the same type.

Ken stated it is more than a judgment call, as the new rules says they have an identified the soil type and there are measurement records on how much each soil type takes on water to be accurate, and questioned why Tad is saying it isn't accurate.

Tad stated he is a certified designer, and is wondering if we knew how soon any adopted changes will be put into effect.

Adam stated he had reached out to our attorney as to when the changes could be enforced, and if we could adopt certain changes first, then add an effective date for down the road. He is still waiting for an answer to that.

Adam addressed the tank capacity change; the current tank size for a four-bedroom house is 1,000-gallon, and the proposed adopted standard requires a 1,500-gallon tank for a four bedroom.

More discussion on tank capacity.

Tad is in 100% support of the tank increase size.

Ken stated, as far as new design quotes and systems submitted and paid for already this year, we are not expecting them to meet the adopted rules as we will try to avoid backtracking at all costs.

Mike Rohe, from Grey Eagle township, asked about inspections.

Adam stated on existing systems, they are inspected when triggered (change of ownership, adding bedrooms etc.). You are not required to conduct regular inspections. Tanks now days are good quality tanks and must be pressure tested and certified by the state to be used as a septic system in Minnesota.

Tad asked whether pumpers are required to inspect?

Adam said they are not required to report any cracks or failures to the County.

Ken stated he would like to take time to review the proposed changes before making any decisions and hoped to table.

Adam agreed with Ken and said we could put it on next month's agenda.

Arnie made a motion to table, seconded by Roger.

Roll call vote as follows:

Board member	Vote (yes or no)
Lloyd Graves	Yes
Arnie Boie	Yes
George Sutton	Yes
Ken Hovet	Yes
Roger Hendrickson	Yes

Motion carried.

Roger made the motion to adjourn, Ken seconded, voice vote, no dissent heard, motion carried. Meeting adjourned at 8:03 pm.