

Planning Commission Meeting Minutes

February 1st, 2024

Completed by: Sue Bertrand, P&Z Staff

Site visits conducted by Adam Ossefoort and Lloyd Graves on 1/25/2024

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

Staff members: Adam Ossefoort and Sue Bertrand

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

Jim 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 Jim.

Ken motioned to have the January 4, 2024 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

Roger motioned to approve the agenda with the change of Item #4 North Star RNG has a withdrawn, Lloyd 2nd, voice vote, no dissent heard, motion carried.

AGENDA ITEM 1: Todd County Feedlot Ordinance Revisions

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

Correspondence received: None.

Jim asked Commissioner Denny to give a commissioner's point of view.

Tim stated a big question last month was "Why are we here?" we were here because of a complaint. One complaint had a neighboring feedlot up to fifty animal units, and with that complaint, as commissioners, they have to recognize it, and as a board they collectively decided to ask the Planning and Zoning Dept., Adam and Deja to open pandora's box, which is the ordinance, which is a huge ordinance to go over. People see a feedlot ordinance opened up, they get irritated and frustrated and he being in the Ag business himself, he was a little nervous too. You don't know what to expect. Not sure if Adam has a date on the last time it was looked at, but knows it's been a long time. Also, with the review, a lot of good came out of it. He stated we had a lot of people speak and it was an astronomical amount of people, which was very impressive and stated he was very proud of his agricultural community and how they come together in such unison and stand up for one another and what they believe in. Last thing the agricultural community needs is more restrictions and more government in their pocket. The business is hard enough to begin with, he knows that firsthand. That is not their intentions. Their intentions were to review this and potentially find if they were missing anything, and potentially make it better. This is not a "witch hunt" for tourists and city people who are moving up here next

to farms and getting irritated with manure on the road and hearing cattle or seeing machinery. It is not about that. It's to protect the number one industry in Todd County which is agriculture. We are here to protect you, we are here to work with you and this is not ending bad. It's just a good review. Just like it is good to review your insurance policies. It's good to have a review. Cannot tell everyone how proud he is of his County and the support you are showing us and one another. Coming up and speaking takes some courage and it takes some balls, and he stated he really appreciates that. He can't thank you enough. This board does a good job and this was not brought up by the board, it was brought up by the commissioners because of a complaint. Just like they listen to anybody who has a complaint, because that's their job, it just so happened it goes hand in hand that we had not reviewed this in a while, so let's open it up and see how it turns out. It could turn into a good thing. A lot of good talking points are coming out about it and we are all getting educated on it and are getting a little bit more versed in what we have here. He stated he does not want more restrictions, he can't do that, as a beef producer and in agriculture, he doesn't want that and he doesn't want that for you and that's not why he became a commissioner. He became a commissioner of District #2 because we are agriculture and that's his stand, that's what he supports, that's why he encourages more to get into it, even though it's a tough battle from the bottom up. It's a good life style and a good way to raise your kids, so with that being said, he turns it back over to Mr. Pratt.

Public comment:

Roger Zastro, speaking on behalf of Todd County Farm Bureau for this part of it. He has a state statute that he thought should be read mostly for information. State Statute 40A.12 Protection for Agriculture and Protection for Normal Agricultural Practices. Local governments may not enact ordinances or regulations that may restrict or regulate normal agricultural practices within an agricultural preserve, unless the restriction or regulation has a direct relationship to public health and safety. This section applies to the operation of vehicles, farm machinery for maintaining harvesting crops and timber, and for caring and feeding farm animals to the type of farming and to the design of farm structures, except for residences. He stated he wanted to get that on record so people know that and keep that in mind, and as an organization we are not in favor of animal unit caps.

Roger Dukowitz, just wanted to make a couple of comments as far as what has been done, as far as nitrates in the County, and in the water. A few years ago, Todd County or parts of it were in that County well testing program, and in our County by far, the average was in that 5.7% nitrogen in the well water. In that program state wide, the dirty water was 9.1%. The people who inspected, know a lot more than he does, they didn't just go by somebody having somebody test the water, they went out and investigated and found which wells were properly installed or up to date or whatever, they removed 3,000 of those 32,000 tests that were returned. Then they found the dirty water was down to 4.7% state wide. There are areas a heck of a lot worse than Todd County, when it comes to that. He also wanted to clarify, as far as when the nitrates come to the surface of the aquifer, somebody might know a lot more than him, but water is 62.4 lbs. per cubic foot, and nitrate weight is 62.005 per cubic foot, is considerably lighter weight than water and eventually it comes to the surface. The more you stir it up or have issues through a drought, guess where it is at? It comes to the top and if that's where you are sampling, it's not a good sample. Get your well down where it might be adequate. Even though these financing companies only require a 50 foot, 51 feet does not make it a good well. As far as the complaint that the commissioner is referencing, he dug out his old records on this issue, this gentleman had a complaint about mining and extraction in an R-10 because they opened a gravel pit. It's allowed. It doesn't matter what you do, you are going to have people that complain. He has a stack of papers from 2011

changes, if anyone wanted to look at them. Wanted to comment on what Mr. Zastro had to say about granting zoning amendments. Such amendments shall be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the County as reflected in the comprehensive plan or changes in the conditions of the County. So, where's the changes in the Comprehensive Plan to even take this on? That's his question. He didn't know we changed the Comprehensive Plan again, and he has a file on that too. Utilization of acres requirements, as far as manure. You can only put on as much manure as acres that you have, for the manure that's being produced. If it exceeds that, you're in trouble. You just don't do that. A month ago, there was a comment about injecting manure, around lake Latimer. According to Minnesota DNR, Dept. of Ag or you name it, the only time you can inject liquid manure is when the ground temperature is below 50 degrees to keep the liquid inactive. That way, it's there when you are actually planting the crops. Basically, the abilities to inject that manure should be down 12 to 18 inches. That way, the roots of your corn will go down to where the nutrients are, and because of that depth, you are going to decrease the amount of water, whether it be rainfall or irrigation or a combination, you need to create that bumper crop. Like last year we had thirteen bushels to the acre. That was a dandy. There are a lot of standards, as far as promoting business, and in his viewpoint, he doesn't like big farms, but he did not want to go back to digging potatoes either, a lot of work hauling them down to the cellar, when they were a kid. He didn't think anyone else wanted to either. Another thing, on the wells, it's unfortunate we had five or six people with well issues, and high readings. Are they dug wells? Dug wells, basically, have been outlawed for years. You cannot put them in. If you had old wells, you have rusted casings, if they weren't sealed around the casings when they were installed, years ago, if you got water, you were happy. You didn't care about anything else. He would like to see someone identify the sources of nitrates in the wells that are high. It's pretty easy just to blame it on agriculture. One more comment, about what's happening in this state, and hopes it doesn't happen here, and knows we don't have rare minerals, PolyMet Mining (PLM) up on the North border. Everything that's licensed and permitted, and whatever, and our famous governor, Dayton, and his commissioner got on it, and what was the result? It's been tied up for fifteen years. We have a rare earth mine (a lot of it) with Lithium, in upper Aitkin County, waiting on permits and tied up in lawsuits. We have a president and a governor who think electric vehicles are going to save us. Sorry, they are not going save us because we are going to have to get those minerals from China or someplace, you know, that "swear word" across the ocean? But, it's here in Minnesota and because there are complainers "envoro's" he calls them, saying it might pollute the water. He stated well, we'll have to take our chances, but which state in their rules and regulations is safer than Minnesota? Another thing, years ago, remember Skippy Humpfrey? He went to some state agency and stated he found a fifty-five-gallon barrel in Marvin Windows warehouse that was not supposed to be there, it was waiting to get shipped. He Filed a lawsuit and fined that company a million bucks. At that time, they were expanding, and do you know where they expanded? Dakota. He said, "To hell with you, Mr. Dayton," and went elsewhere with their new construction.

Jason Bock, West side of Todd County, for the most part what he read looks good, and he is okay with the vast majority, however, one question, if someone is going to expand, on the liquid manure side, what if their current liquid manure storage isn't at twelve months ready? Do they have to expand for the seven month or are you going make them expand all the way to twelve, for storage?

Adam stated based on the way this is written, if you are expanding and you don't have enough to meet the seventh month storage, you'd have to modify your pit. And then, because it is a modification, you'd have to accomplish the twelve-month storage at that time.

Jason stated, he read it as on the new pit, you need twelve months of storage but on an expansion, you have to get to seven months of storage.

Adam clarified, expansion of your animal units.

Jason asked, if you are expanding your animal units and your pit isn't at twelve months, you are expanding your pit, which means you shouldn't have to go all the way up to twelve, you should only have to go to seven.

Adam asked him to repeat the question.

Jason asked, if he is expanding his animal units, and he doesn't have twelve months storage currently of liquid, his expansion means he has to expand his pit, so he should only have to expand to the seven months, not to the twelve because it's an expansion, it's not a new pit.

Adam repeated what he heard, if he was expanding his animal units, and with those additional units, you are not going to accomplish the seven-month storage, then it is a modification of a pit, then... (paused to find the part in the ordinance).

Jason read out of the ordinance, "all expansion of feedlots with an existing liquid manure storage handling system, must have a liquid storage capacity to accommodate the increased animal units and provide at least, no less than seven months storage." He stated, so an increase must provide at least seven months of storage.

Adam confirmed and added roman numeral I: in all new liquid manure storage areas and capacity modifications to existing liquid manure storage areas, must have a minimal of twelve months storage. The section right above it.

Jason stated okay. So, if you are just expanding, you only have to be at seven months, okay. He stated his other question was on the setbacks; so, the reciprocal; if he has a feedlot, and someone builds a house next to him, is the reciprocal from his border, because his feedlot permit covers his whole farm or is it from his building?

Adam stated, great question, it is measured from the feedlot component. Not your property line.

Jason said, so if I have an existing feedlot and it takes all 160 acres to have that feedlot legally, and he wants to expand, and someone has built next to him, in that time frame, he can't expand, if that expansion puts him closer to their new house?

Adam stated he thought he would have a hard time maintaining compliance on a 160-acre feedlot, so he didn't see that as a realistic scenario, but in your example, if you can't meet the setback distance, yes. Unless there is specific language in there that allows expansions beyond that, if you are an existing non-conforming use, or something, that language could be added. So, it could go either way, to answer his question.

Jason stated that is not very reciprocal then, is it? If he already has a feedlot, and he is not maxed out on his feedlot units, so he has the ability to expand his feedlot and a house is built next to his registered feedlot, they can limit him, and stop him from actually expanding.

Adam stated unless the ordinance specifies that you can expand up to a certain number or it could specify that you are unlimited.

Jason stated that is why he pointed it out, if it's reciprocal, then anybody building next to his permitted feedlot should have to be setback far enough that he could expand his feedlot.

Adam acknowledged what he was saying and added, you can't make ordinances based on some unknown future condition, though.

Jason stated okay, but if he is already permitted for that feedlot size and it's permitted for his 160 acres, he has the right to put that feedlot on that 160 acres. He's already permitted, allowed and approved.

Adam stated that language could be added, yes.

Jason stated if they build they can stop him. If he has houses built on four sides of him, they can stop his expansion, even though he is permitted and legal. Which makes it not very reciprocal; it makes it very one sided.

Adam acknowledged again.

Roger, stated he can see where this does happen. People love to be in the country and they go and build and all of a sudden you are sitting there with a feedlot that you can't expand because it goes both ways. He doesn't know how the setbacks are set up... set back from the property line, their line fence?

Jason clarified. The way it reads now, is if somebody builds a house in the country, they have to have a thirty-foot setback from the property line. As long as his current feedlot is 300 feet away from their thirty-foot setback, they can build it there. They don't have to be 300 feet away from his property line, which stops Jason from building a feedlot, in his farm. He thinks if it's a 300-foot setback, if he has his feedlot permitted already, they should have to be 300 feet back from his property line, so it's reciprocal since he was there first.

Roger stated he can see where it can be a problem.

Jason stated he didn't think he would have a problem with it until he has noticed within the last five years, there has been a house built on his East and North property lines. Now, he has to worry about it.

Roger stated that is one thing he has a problem with is when you are limiting where you can put your feedlot because of where somebody built a house. If the house was there before you had the feedlot, that's a different story. But if they move out in the country and put their house in there, he has a little problem with that.

Jason agreed, if the house was there first, they have first rights.

Jennifer Pachan, regarding last month, some of the people were not at the board meeting and she and her daughter watched parts of it and it was brought to the attention there were high nitrates in a lot of the farms surrounding the Dairy Ridge Farm and asked if there was anything being done about it.

Adam pointed out Dairy Ridge is not on the agenda tonight, so that cannot be discussed. The discussion tonight has to relate to the ordinance itself.

Jennifer asked in reference to the ordinance, if we add or subtract anything, do we have any legal people instructing us or helping us?

Adam stated we certainly have resources. We have the County attorney's office and outside legal counsel.

Jennifer asked, if we change anything, are we going to compensate any of the farmers for their time and materials and the land lost?

Adam stated if things were amended, he didn't think the County would be in a position to do that sort of thing, but added that may be out of his realm to even answer that officially.

Chairman Jim stated that doesn't happen with any of the ordinances. Jim added, we have the County attorney and a land use attorney.

Adam also explained we have the delegated program here in the County, which in turn delegates to the Soil and Water, which includes feedlot officers Deja, Dylan, Tim and Sarah helps with some of the clerical stuff. We have a number staff that work the feedlot program here in Todd County.

Jennifer asked if there is a possibility we could just leave what is there in place? Say, you take into consideration the people who complained about it, because it looks to her like there are more people here than the people who complained about it.

Adam stated the decision could be made to change nothing, absolutely.

Jim added other than some wording that needs to be cleaned up.

Adam agreed there are contradictory things that need cleaning up, and yes, the reality is the commissioners may choose to change nothing.

Russ Kleinschmidt grew up on a small farm up near Staples, grew up on a dairy farm South of Long Prairie and lived in Todd County pretty much his whole life, except for his college years. He stated the example that was brought up was very real. He bought the state senator's farm, Dallas Sam's farm, twelve acres, and farms at his parents, too. They only had one neighbor near them, it was an old school house, and in less than ten years, they've had two new residential houses built on two other sides of them already. Russ stated he is against any kind of setbacks. The way he looks at it is if he would go to the city and say hey, I'd like to put a farm in the city

limits and they would say, this is not zoned agricultural. So, on the flip side, if somebody wants to build in a rural area, just to have a residential house, our reply should be it's not residential, it's agriculture. So, if you are going to do that, and he is not saying people can't, they would have to follow that provision that states you are going to have to deal with the normal sights, sounds of agricultural activities in the County. He would say there should be not setbacks, should be considered an ag-forestry zone, and that's what zoning is for. Why are we even having this discussion when we think of it in that perspective, in his opinion?

Dave Harren, farms up there by Eagle Bend. He has been farming for 40 years, and we have the tools in place already. Deja comes out and inspects his farm and we deal with this stuff every day. This discussion shouldn't even be here. The next thing he worries about is the aquifer. He is in the city limits of Eagle Bend and his ground gets tested all of the time. Pretty soon that aquifer goes for three or four miles out, so, we are not going to have farms for three or four miles? He asked if that was what we were after? He stated think about it. Every rule and regulation we (the board) make, is another hinderance on a farm, is all that happens. Deja does a good job, you have the tools, he stated. He goes to the feedlot manure every year, keeps his license up, sits there and listens to the people every day, down there from the University, and again, stated the board has the tools and we don't need more.

Jim stated this will be discussed at meetings until a final draft gets drafted and there will be another chance for public comment at all of the meetings, before any decisions are made.

Public: How will the public and everybody stay informed? Is there a place they can go to read any of this before it is finalized?

Adam stated great questions. Jim brought that up yesterday, and they had a talk about that and addressed Lisa with MIS dept. that we hope to get a spot on our County website so as things are being amended or updated, we'll just post that stuff to our website. Also, this will be month to month, likely, until we get something finalized. We will have drafts printed for review at every meeting. He invited people to call our office, get copies from us too, of things going on. Can't guarantee he will have things amended right away, as we go along, but before the next meeting, he'd have something ready. We will try to get something set up on our planning and zoning page, so if you can't be here one night and wondering what it is looking like for that meeting, you can go pick that off our website. We will be working on making sure the word gets out as best as possible.

Member of the public asked if there was going to be any outside input other than the PC board members? Like the Farm Bureau or Beef Association or Poultry Association? To sit down with you six guys and hash this out?

Jim stated that is the purpose of the public comment period. It's to get anybody who wants to speak for, against or irrelevant about the ordinance. That's what this process is for. So, if they want to come to the meeting and talk, they have the option. Like Roger did for the Farm Bureau. That's the purpose of the public hearing.

Sean Holm, if we back up to the graph with the complaints where there were fines, those would be considered legitimate complaints, that there was a fine submitted, correct?

Deja – those are validated.

Sean asked if there is a spot we can put language in there for non-legitimate complaints? So, Deja, we all know spends a lot of time at his place, a lot of non-legitimate complaints takes up a lot of his time. There should be some type of a cost to the person if they are non-legitimate complaints. We are using our public services and we are wasting a lot of people's time, on a lot of non-legitimate complaints that doesn't need to happen and these people just need to be told "no" sometimes.

Adam stated he didn't think we can create ordinances that prevent the people from submitting complaints. The public has the right to do that. He stated he hears what he is saying, and thinks a lot of people share that same opinion of things, but he would be willing to ask the question, probably to the County Attorney, to see what type of opportunities exist, but he suspects we would not be able to create rules and ordinances that prevent our citizens from expressing their concerns to the County.

Sean, stated there has been times it is legitimate but nine, ten times it has been complete bull. Somewhere along the line we are wasting her time, from being spent doing things that actually need to be done. We need to utilize her time better, and the rest of ours, from people who have nothing better to do.

Member of the public stated he had a comment on the numbers. He stated statistics always lie, if you weigh it out, the complaints on small farms, less on the bigger farms. If you did a weighted average, you'd find it was probably an equal process, because you have a lot more "small farms" and a lot less "big farms". If you weighted it, it would probably be a similar amount of complaints across the board.

Deja, stated first of all, if you start with the unsubstantiated complaints off to the right-hand side, those are the complaints that have been responded to and come up unsubstantiated in those areas. If you look at the amount of under fifty animal units, it's about 1,400 to 1,500 feedlot registrations in the County, half of those, half of those are under fifty animal units. The other 706 are divided up between those others. So, it is not exactly like Russell said. Of the ones that are over 300 we are down to 55. You can look at it that way. 300 to 999 there's 55, so subtract that from 706, but, under 50 is around 750.

Public's question for Tim was what size was the operation that the complaint was on who called him?

Deja and Tim responded with under 50.

Roger Dukowitz asked if we are going change the whole ordinance for one whiner? This needs to be asked.

Tim stated we are not going to change it, this is just a review.

Virgil Schmidt, on Tim's last comment, said we are not going to change it for one complaint, what are we doing?

Tim stated the complaint issue was the setback. We are looking at our setbacks but we are not necessarily going to change the setbacks. The review is, to see what else, or if we are missing something, because, like everything else, whether County, State, Federal, over time, things evolve and change, so we have to adapt a

little bit, so whether we have to change some language or we are making things more presentable for people with the smaller farms. We have small animal units for smaller farms, we can raise those too during these changes, as well. Under this review, because it is coming from a complaint, it may seem like a negative thing. He gets that. Regardless of the complaint or not, this review has been forthcoming. The complaint expedited it. He gets that, he understands, he felt the public should know that, and to keep in mind this is not the first complaint ever.

Virgil had another question, at this point in time, does Todd County enforce a setback or are we using the stipulations and terms of the MPCA?

Adam explained as he pointed to the overhead, those are the only setbacks Todd County has; to City boundaries, to a public ditch, or to a school, church or public airport, nothing else. No other setbacks exist for feedlots. The MPCA rules do not address feedlots either. That is the list of setbacks that exist.

Virgil asked so, the possibility is here for some changes to the list and possibly to add to it?

Adam stated the possibility does exist, if the Planning Commission makes a recommendation to the County Board to add setbacks, yes.

Virgil referred to the question of hearing the outside input from other agricultural associations and stated he understands it is difficult position for the board to sit here and have to say who and where and when, and that's what this board is for. At some point in time, we need to hear from other people who are in this business. He stated our PC board's hands are tied to a degree. There are some people out here that like to use a little tougher language than what we prefer to use here today, on things that we need to happen, to make these changes accommodating not only to the public, but, we the farmers, that provide the food and the stuff that they need to stay alive.

Question from the audience was what is a plan of enforcement when people have animal units where they are not supposed to?

Adam answered if people have animals as in a feedlot scenario, where they are not supposed to, it can be enforced just like any other ordinance violation. We can enforce by sending a notice that there is a violation. Then there is a period of time to come into compliance with those regulations. We have property tax assessments that the commissioners can place, after a series of letters (there is a whole process to it). We also have enforcement through the County attorney's office, that can be criminal or civil penalties, where the land owner would get their day in court to fight it, just like any other fine that would exist out there.

Roger Hendrickson stated the MPCA should be one agency if it is a nasty problem, but like Deja and he both know, we tell them to come out and look and they will look and look and look and tell them you have to do this and this and this. Come back a week later and nothing is done and they never show up again. He has about as much faith in them as a rattle snake. His opinion, the little guy could get by with something that Mr. Harren or Mr. Thomsche would not get by with the MPCA.

Public asked if he complains that there were too many rules and regulations, are you going to have a meeting or public hearing again?

Jim stated it depends on what commissioner you complain to.

Roger Dukowitz wanted to answer the question about the participation of the public, and stated he has been around here awhile. 1999 was the first Todd County Feedlot Ordinance. That was a year before 7020 rules of the State were adopted, the original Zoning Ordinance was passed in 1973. In 2011, we talked about committees and participation, communication (that was a stack of papers if you want to look at them) and we had meeting after meeting after meeting. Had to be over to City Hall to get everybody in and still standing out the door, and let's face it, people involved in agriculture, and who are employed in business, don't have the time to "take on" the Chairman of all of the Home Owner's associations on the lakes in this County. So, there were a lot of opportunities and then again in 2017, but doesn't know if there was a committee, but there was a huge committee in 2011. We had meetings from January to September, often every week. So, there was participation. There was opportunity. So, the existing Ordinance that you are looking at, not just the Feedlot was thoroughly explored and discussed by a lot of people involved. So, it's not like it was just an all of a sudden happening. If that helps anybody, there have been a lot of opportunities in the past for participation in this.

Darren Heldman stated we have heard from enough farmers from the last two meetings now. You guys thoroughly understand because you are all farmers too, but, we might be able to get through this with not so much agitation, with the one complaint that you are speaking of is why this whole this started. Maybe just focus on what were the concerns. If they already own property and someone wants to buy the property right next to them, there are concerns that they may not be able to expand, and maybe we just address the issues that cause this one, instead of completely throw a grenade into it, and worry about everything. Maybe there is just one or two points that we can all agree on and whatever this may cause and if we can't then that could maybe become a legal issue more than anything, because, if we can't make the one person happy, there is less and less farmers and there are more and more people coming out. You're never going to be perfect with anything that's made by human beings, so, there's going to be more and more people complaining because they don't understand what it takes to be a farmer. So, he stated, he thinks if we could address those issues pertaining to the complaint. Maybe three quarters of the stuff we are questioning on, you don't have to get everybody riled up. Maybe you could help us stream line this.

Board discussion:

Tim stated the public is bringing up more excellent points, the more times we meet, it gets better and better for this whole thing to go smoother and hopefully in your favor and our favor. You guys are talking about getting these other agencies involved but they are not attached to your individual farms like Deja is. Deja and Adam's input is what we rely on heavily and you guys, who are on your farms, whether they are large or small, they know what is realistic and what's practical and also what is enforceable. They don't have time and don't have the man power to enforce 10,000 different conditions on your land and be out there enforcing them. You see this piece of paper and think we are going to make all of these amendments, changes and adjustments and you guys are going to say, "Oh my God, I am not going to be able to farm anymore, ". That's not the goal of this. We are taking our most reliable resources, which is our field rep, managers and supervisors who talk

with you on a daily basis. You know them on a human level, not a corporate or an agency level. That's our resource, who we rely on heavily. What they are is an extension of your voice. Mr. Hollermann talked about Deja being out there. She relays that information. She doesn't relay Dave's because he will call us and tell us what he thinks all of the time. What he is getting at is the fact that, it's going to be realistic, we're not going to go through and change everything, he's said it one-hundred times, it's a review, to look at it, whether changes need to be adjusted or not, what's practical, what's enforcement. If it's not practical it is more than likely not going to happen. What we are doing is not working against you. He understands it was a complaint. What we are dealing with, like he said earlier, it was going to be under review whether it is this year or next, whatever. That's how these ordinance policies eventually come to life. He is glad hear you are so damn agitated you want to stick up for your farms and your families and your futures. He appreciates you all coming out and speaking and hopes to see you again next month. It would be great.

Jim Pratt raised beef cattle, he and his wife own a business, and he doesn't like people sticking their nose in his business any more than any of you do. He hasn't heard one person come up here, come and speak at any one of these meetings, about why you need setbacks or more setbacks or capping animal numbers. If somebody wants to complain, they better have the balls to come up here and stand in front of everybody and say what their problem is. So, it's going to be real tough for him, as a commission member, to go along with making changes when nobody wants to come up here and tell him why he needs to. That's what he has to say.

Arnie asked if there have been any specifics suggestions on changes, or is this just a fear?

Adam referred to the hand out, stating what we have here is some amendments now, there are three different components. They consist of the things that we as staff wanted to address when it comes to something as simple as a typo, or an inconsistency, or maybe there is a new technology or an old technology that needs to be removed. A number of different things like that. Those are most of what you see here, in this amendment. It does not include any proposed additional setbacks or proposed animal cap at this time, so that is there for review and where it goes, is up to the planning commission. He is under the direction of the Planning Commission on any amendments or anything they feel needs to be changed from there.

Roger stated what you have there, is not cast in stone.

Jim and Adam confirmed. Adam added he assumed they would like the opportunity to look that over, and think about it, since he wasn't sure if they had a chance to read it in the three minutes before the meeting started.

Jim agreed, and added he didn't see making any decision tonight.

Motion by Ken to table for a month, seconded by Roger, voice vote, no dissent heard, motion carried.

Adam stated March 7th, it is always the first Thursday of the month, at 6:00 pm in this room. He stated he would assume we would try to keep this topic at the top on the agenda, so if you are able to attend but unable to stick around, you can leave. Again, March 7th, 6:00 pm in this room.

Jim announced the meeting notice does go out in the paper so, if you look at the notice for the Planning and Zoning Commission, the agenda items are listed on there.

Adam added we are required to notice it ten days so, by the time the newspaper comes out it's about two weeks. All the papers; Long Prairie Leader, Staples World, The Independent, the News Harold and thinks the Osakis paper has them posted also. If you did not grab one of the hand-outs, grab one on the way out. There is a bunch left so, you can take two for your house if you need to.

Jim announced a ten-minute recess.

AGENDA ITEM 2: Moses Rodriguez – PID 14-0009600 – Kandota Township

Request for an Event Center in AF-1 Zoning. Proposed hours of operation of 8 AM to 8 PM on Thursday – Sunday.

Moses and his wife were present as the applicants.

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. Adequate off-street parking shall be provided for all guests.
2. Hours of operation shall be limited to 8 AM to 8 PM, Thursday through Sunday.
3. Applicant must obtain all other permits and/or licensing from other government agencies as applicable.

Adam stated although it may fall under the #3 condition, he would like to add one more condition about a building inspection completed by the Department of Labor and Industry. There are standards based on occupancy that require different handicapped exits, sprinkler systems when you get to larger sizes, different things like that so he would recommend that as an additional condition, too.

Correspondence received: Yes, and Adam read them aloud. These letters may be viewed in full, upon request, at the Planning and Zoning Office.

Public comment:

Scott Dushane lives at 20406 Balsam Drive, just west of this property. Wondering what an event center really constitutes? What exactly is it going to be happening during these events? Traffic on that road, in the past, they've had auctions at that residence, where there are cars up and down that street. You can't get to and from his home during that time. He realized we sent a notice to the DOT for review, but he takes that left hand turn off of Hwy 71 every day and it can get to be pretty scary at that location. Something that needs to be considered. Also, what Jan talked about, there is that curve, a little further to the north, that there is not a lot of time to make that corner. His concern is if it is truly 8am to 8pm, what if it goes longer than 8:00 pm and what is the noise level going to be? Not knowing the events that are going to happen there. Those are his concerns.

Jim stated Scott's concern is addressed about parking along the road, as it is covered under the first condition that they have, to have adequate off-street parking. That is why that condition is in there. As far as what kind of events they going to have there, he asked Moses to tell us what he is planning.

Moses stated the reason he wants to open an event center is he moved to Minnesota fifteen years ago, and he has never seen a... we all have parties, adult parties, with alcohol, and he wanted to make something for the kids and bring back old school mechanical bulls, bouncy houses, arcades, hockey tables, toddler area. It's going to be like a personal party. You will rent it from us, and it would be just you and your people coming. It's not "open" to the public. Nobody could just show up. There will be minimal traffic. Your party will get there, we will close the gate, that you have seen in the picture. Your party will be over. You guys will leave and we will do the cleaning up afterward. He put 8am to 8pm (usually) nobody does a party at 8 o'clock in the morning until 8 o'clock at night, wanted to just keep it open, as the parties usually start at 1pm and should be finishing at 7 or 8 o'clock at night. His wife and his other kids would be doing the cleaning up afterwards.

Ken asked if they will do wedding receptions?

Moses said if he does open it for weddings, there is no alcohol and there is no food. There will be two or three vending machines, but will not be operating any food or alcohol. There will be no alcohol on the premises.

Ken, graduation parties?

Moses stated he just wanted to keep it to birthday parties for kids, otherwise that allows people bringing in alcohol. There will be cameras everywhere, just because he wants to keep it safe.

Ken added family oriented.

Moses confirmed yes. Bouncy houses, mechanical bulls, it's for kids. The mechanical bull is for adults, too, so you guys could jump on it if you want, but mostly for kids.

Roger stated the sewer probably has to be inspected and updated.

Adam stated we require a sewer inspection as part of the CUP application, but because it is winter, it is difficult to inspect it so, we have a winter agreement, where the applicant pays for the inspection now, but inspects it in the Spring. If it passes inspection, great. If it doesn't pass inspection then it would have to be updated.

Lloyd asked if much work has to be done inside?

Moses answered yes, now he doesn't have enough income to make his own building, otherwise he would have it on his own property. He stated he drives through there every day. He is production manager at Bayer Built Wood, been driving through there for ten years now, and the only spot that was available to rent is that from Bill, which they are renting the building, as of now. So, yes, there is much work to do.

Roger asked if the building was insulated and sheeted out inside.

Moses stated yes, it is insulated and heated but doesn't have AC. There are big fans up top. Minnesota Fresh was renting it before he was.

Lloyd asked if there were coolers in there too?

Moses stated no coolers. Looks like a big insulated warehouse. There's a lounge, an office, and bathroom. Tables and everything on the inside and the bouncy house on the outside where the shop was.

Ken made a motion to approve with the four conditions as amended, Roger seconded.

Conditions:

1. Adequate off-street parking shall be provided for all guests.
2. Hours of operation shall be limited to 8 AM to 8 PM, Thursday through Sunday.
3. Applicant shall obtain an inspection from the Department of Labor and Industry to verify compliance with State requirements.
4. Applicant must obtain all other permits and/or licensing from other government agencies as applicable.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on February 20, 2024.

AGENDA ITEM 3: William Hartsock – PID 16-0010300 – Little Elk Township

Review of Conditional Use Permit #CUP-2020-027 for a 60-site campground in AF1 and Shoreland Zoning.

William and Jeremiah Reed, contractor, were present as the applicant.

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 was granted a CUP for a 60-site campground in AF1 and Shoreland Zoning on December 15th, 2020.
2. Section 5.05N of the Todd County Planning and Zoning Ordinance states that activities granted by a CUP expire and are considered invalid unless they are substantially completed within thirty-six months of the date the CUP is granted by the Board of Commissioners.
3. Substantially completed means that all the necessary permits have been obtained and acted upon with the period that the permit is valid. If a permit is not required, substantially completed means that the activities necessary to act on the CUP have been completed.

4. At the current time, condition #3 has not been completed and therefore the CUP has not met the definition of substantially completed.
5. At the current time, other campground components such as roadways, campsite pads, electrical and water hook ups have not been completed.

Options:

1. Allow a continuation of the CUP.
2. Allow for a continuation of the CUP with an expected completion date for all remaining components.
3. Revoke the CUP based on the findings.

Correspondence received: None.

Public comment:

Scott Vedbraaten lives immediately South of Mr. Hartsock. Three years ago, he was granted a CUP. For two years this sat with nothing going on. Suddenly a sign came up, and he called and said there is a sign and they came out and checked. Scott stated basically that nothing was going to be happening, because #3 was never met. A visual barrier takes a long time to plant and grow. A visual barrier between Mr. Ebsen's and his property would take a considerable long time to construct and grow or plant. That has never been done, so, we naturally thought this is never going to happen. Then, this fall, a lot of work has been done to show something is being done within that thirty-six months. So, he wanted the board to take into consideration how long it will take to construct a visual barrier along County 14. Mr. Ebsen would have been present this evening but he has been shipped to the Middle East. He asked again, how long will it take for #3 condition to happen so they will not have to see that campground? He read his correspondence from three years ago stating the same concerns: Loss of privacy at our homes, loss of fiscal value of our homes, noise pollution, added traffic, damage to the road and noise from ATV possibilities, hazards turning onto County 14 because it is a visual barrier from the East. The fact this will probably be an eye sore, debris blowing in from the campground, runoff from the South Branch of the Little Elk River, odors associated with dumpsters, restrooms and fires, distance from law enforcement possibilities, and the loss of wildlife potential and the increase of nuisance to animals. He just asked they take these into consideration when making your decisions.

Board discussion:

Jim asked about the placement of the natural screened barriers, and according to the pictures, none of that has been done?

Adam stated the only thing that exists is what has already been established on the site. There has been nothing new planted in addition to create that barrier in condition #3.

Arnie asked if this is a renewal of a CUP or a new CUP?

Jim answered we are reviewing the old CUP.

Arnie asked if it is expired.

Adam explained in thirty-six months this is supposed to be substantially complete, and in this case, there were no other permits needed, such as a land use permit from the County so substantially completed would mean that you have met all of the conditions in the CUP within that thirty-six-month period. Condition #3 we know has not been met, #1 septic has been installed, #2 you would meet as you are operating, #3 has not been met and he stated he didn't know if there were any other permits required for this type of land use from any other agencies and cannot confirm if #6 or #7 have been met. Our Health and Human Services licenses camp grounds on behalf of the MN Dept. of Health. So, there are other standards such as storm shelters that would definitely be required. He apologized as he mis-spoke, Mr. Hartsock would have to answer whether those have been obtained.

William stated the reason he didn't have any work done was because he had no show contractors through covid. He couldn't get any body to do the work. He trusted local companies to do the work for him and can't get the containers, can't get the dump stations, can't do this. Then he goes outside the area and now he is getting it done. I waited for the people who put the bids in and then no shows, with promises. Now, he is not dealing with covid anymore and not dealing with local contractors and things are getting done.

Jim asked about the vegetative barrier, and why it is not done.

William drew attention to the pictures and stated on the Eastern part of the property there is a tree line there, he has ordered from the County and apologized for his memory (stated he had a brain injury) then stated he has ordered 100 lilac flower bushes to run the perimeter for a barricade. He stated he didn't want to plant any of the trees until he was done digging, as he didn't want to disturb the root system once they are planted.

Jim drew attention he had going on three years now, and nothing has been planted and you could have done a fair amount of planting.

William stated just on the perimeter. Everything next to the neighbor across the street is covered in that far corner by existing trees already. Now he is dealing with what wasn't there, what was just crop and hayfield and pasture before. So, until all his traffic is done, everything is in, then he will plant and it has a good chance to take hold and he won't have to worry about kill off and run back.

Ken asked for his best estimate on how long will it take him to get it substantially complete to be compliant with the CUP? Two years, three months, what?

William stated he wanted to have everything except for the lilacs to their 100% expectancy of fifteen feet, hoping to have everything done by this coming spring, but can't make the licensed electricians come in and do their job, he can't make the plumbers come in and do his job. If he could do it, he has everything there he has power, he has electrical, he has everything there. He had to go out and find the CT boxes and find all the boxes and all the wire. Everything is there, all the water line is there.

Ken stated you have been talking to these contractors, assuming, periodically, so you must have a good feeling of how long it's going to take to get done. They must have told you something as to when they can be there.

William stated he has started to build a cabin up North to try and bring some extra money in, as he is on a military fixed budget. He met an electrician up there and he is doing the electrical part of it. He is having a hard time getting a plumber in because they are not making a profit off the product, just the labor and finally Mid-MN got him a plumber to come in and do it and that was just after the dump station got installed and by then, it was freeze up.

Ken stated the question before the board is do we want to continue your CUP, basically give you more time? What he needs to know is how much more time are you going to need. He didn't think they were inclined to give them another three years.

Jeremiah Reed stated he has been working with Bill on this stuff, kind of overseeing all of this stuff, it's not just covid, it's the material shortages and everything that went with and everything that's happened for the last three years. Everything that's been stalled up, if you give him another year and a half to two years, he should have it completely complete, 100%, everything is done. He just needs a little more time because he has been having trouble getting the actual materials, and now that he has the materials, he is trying to get the laborers to come in and actually finish it, which he finally got some and that's the reason the trenching got done, so, the water lines and electrical lines can be laid in. If he would have put the barrier on 14, that would have been half way destroyed when they were pumping through with the electrical stuff. It was kind of a "catch-22" either wait until all of the dirt work is done and then worry about that, or you plant it right away and just to make everybody happy there is a barrier and be tearing up half of it, just to get all that stuff routed through.

Ken asked so in the end run, how more time do we need?

William stated just give him two years. He stated Michelle, with Morrison County, was working on the rest rooms, because he and Adam have been keeping in contact and are good. She said she would open him up if he gets five campers plumbed in and done. She would license and open me up and run. She would waive the wash and bath house until a later date. As long as I could run campers in there and make money off of the completed camper sites, he'd have water and electricity to them, before the actual bathrooms are in. He could make money to do that.

Lloyd stated you would have to build a building for bathrooms?

William stated yes, he has the site for it and the plans and stuff ordered for it, and that's already been discussed with Michelle in her office.

Jim asked about #6, he has to obtain all State, Federal and local permits, so is he going to be considered permitted if he doesn't have the facilities that are required?

Adam stated he didn't think it was Planning and Zoning's duty to determine what is going to be permitted by those other agencies, so as long as they have it, he thought that would "be in compliance" and as long as they are abiding by what is in that license. If you are licensed for five and not going up to ten without the license, then you are in compliance.

William stated she would only license for the camping spots that were 100% completed with water and electric.

Scott asked what the commission considers a visual barrier? He would think a visual barrier would be that he could not see the campground from his property.

Ken stated the original CUP requires one needs to be put there. It doesn't say when it needs to be effective. Now, if he is going to plant Lilac trees, he knows from experience they are not fast growing but are very effective once they get up there.

Scott stated to him, that campground can't open until he can't see it.

Ken stated they deal with visual barriers often, in instances like this, and what they have done in the past "to establish a visual barrier" is that you plant trees, knowing that it is going to be years before they become effective. So, it is not immediate. We know they are not effective right away.

Scott stated so, thirty years.

Ken added if you plant a very slow growing tree, that is very possible.

William stated he is going to do something that is a little faster than an Oak tree.

Roger mentioned the Hybrid Poplar, they grow fast.

William said they have only a 5-10-year life expectancy and become dangerous. When the wind picks up they become spears.

Ken repeated we are not expecting immediate effectiveness.

Lloyd mentioned although this could not be a part of the conditions but, campers like to have trees in the campground.

William explained his plan of once the campers are in, he will strategically plant trees hopefully for each camp spot. He is a 100% disabled veteran. He understands not being able to get around. He gets permits to be able to hunt from a standing vehicle, and his plan is to have handicap camping spots where you can get out of your camper if you need to. This isn't going to be all the sites, some sites down the road. Once it is all taken care of, then it will be wheel chair accessible to the campfire or picnic table, so it's accessible for everybody. He's managed Cedar Lake Campground for five years.

Lloyd stated it looks to him, he has a long way to go before he has a real nice campground.

William stated it will get there.

Arnie made a motion to approve and let the board decide.

Jim reminded all of the options:

1. Allow a continuation of the CUP.
2. Allow for a continuation of the CUP with an expected completion date for all remaining components.
3. Revoke the CUP based on the findings.

Ken asked how we view option #1. There is no time limit.

Adam clarified option #1 that everything has been met and everything is good to go at it.

Jim stated #1 is not an option.

William stated with #2 getting someone in there to do the work and can't force them to do it. He would do the work, because he can do the electrical and plumbing but they won't let him because he is not licensed.

Lloyd mentioned he could do it himself if he had it inspected.

William and Jim corrected, not for commercial work.

Arnie withdrew his motion.

Ken made a motion to continue but only for the two years.

Adam questioned two years from today?

Ken, yes.

Adam and Ken, two years from today to be substantially completed and "be in compliance" with original CUP.

William stated his plan is to have all sixty sites hooked up to power and water before he has any campers in there. In the spring, he has the lilacs ordered through the County and the lilacs will be put in the ground.

So, Jim stated he has a motion by Ken for a continuation of the CUP with the completion date of February 1st, 2026.

Ken reminded William if you don't make it in those two years, you might lose your CUP, and you have to understand that.

Roger seconded.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes

Roger Hendrickson	Yes
Lloyd Graves	Yes
Arnie Boie	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on February 20, 2024.

AGENDA ITEM 4: Northstar RNG, LLC – PID 18-0040700,18-0040800, 18-0032600, 18-0032300, 18-0033000 Long Prairie Township.

Request for Conditional Use Permit for construction and operation of an anaerobic digester to renewable natural gas project in AF-1 Zoning.

Application has been withdrawn.

Wally Zastro asked if he could speak and Jim granted. He stated this is an example of why we were here for the feedlot permits, you had somebody come in, apply for a conditional use, didn't follow through on the CUP and had the same thing with the Hwy 27 Salvage the last two meetings, and then you come here and you give them an extension of it, similar to Hwy 27 Salvage, and where is the enforcement of the conditional use? You let him go another two years and say that's okay, we'll give him another two years, he had three years already. Where's your enforcement of your conditional use. Wally stated he comes in here and wants to get a feedlot and says he's going to put in 500 cows there, and the board says I have to put in screening for it, and I have to do this and I don't do it. Well, you better give me another two years to do it. Where's your enforcement? You let it go another two years. That's his comment.

AGENDA ITEM 5: Daniel Swartzentruber – PID 23-0018700 and 23-0018701 – Stowe Prairie Township

Request for rezoning from AF1 to AF2 Zoning.

Daniel was present as the applicant.

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 future land uses shall abide by Todd County Planning and Zoning Ordinances.
2. Land owner shall abide by all other applicable federal, state, and local standards.

Correspondence received: None.

Public comment: None.

Board discussion:

Roger asked if the rezoning was for the small parcel or the forty-acre parcel?

Adam stated the whole forty acres which includes the smaller parcel.

Jim asked Adam to show the zoning map again.

Adam pointed out it is R-10 to the North and AF-2 to the East.

Jim stated there is AF-2 right next to it, so he doesn't have a problem with it.

Adam added a high-density zoning district to the North with increased density.

Roger asked if the reason for rezoning was to add another dwelling.

Daniel answered yes, for the in-laws, as they are elderly and they would like to put a second home there to help care for them.

Lloyd what happens when you don't need it for that anymore?

Jim reminded him this is just for a re-zone.

Adam added, they had discussed temporary family housing and this is the better option for Daniel.

Ken stated he didn't see any reason to question this any further and made the motion to approve with the stated conditions and Arnie seconded.

Conditions:

1. All future land uses shall abide by Todd County Planning and Zoning Ordinances.
2. Land owner shall abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on February 20, 2024.

AGENDA ITEM 6: Enos J. Borntreger – PID 07-0002200 – Eagle Valley Township

Request to construct and operate a greenhouse with advertising sign in AF1 Zoning.

Enos was not present as the applicant.

Ken moved to table until next month, Lloyd seconded, voice vote, no dissent heard, motion carried.

Jim noted the application is tabled until next month.

Adam offered to get in touch with Enos in the meantime.

AGENDA ITEM 7: Todd County Septic Ordinance Revisions

Adam stated we have looked at this for a couple of months now, didn't get to it last month because of how late it was getting, so, with everything said and if you are comfortable with it, he just wanted to say he made one change since we last looked at this, it is on page listed as 121, part XX, the last part before "C", says top of sewage tanks must not be buried deeper than four feet from finished grade, unless the tank manufacturer has identified a greater maximum burial depth. No tank shall be buried deeper than the manufacturer's maximum designed depth of cover. The septic rule says that the maximum burial depth is four feet unless the local ordinances allows something greater. So, he feels it's important that we have that in there, because we have tons of old houses where the plumbing comes out under the basement floor. You can't make gravity work then. We need to have flexibility to make tanks work by gravity. If you have to put a pump in the basement, it requires one and a half times capacity so it increases cost and these tanks are designed to go deeper. So, that is the only piece he has added since last time.

Ken asked if we should allow them to be buried deeper than four feet?

Adam stated we should allow them deeper. Sometimes they get quite deep.

Jim stated the way this reads is; they can't be.

Adam stated right, seven, eight feet isn't uncommon. Offered any other questions, concerns, things you guys saw that didn't make sense. We have had this reviewed by MPCA a number of times, and he's talked with Aaron, he was comfortable with everything we had going and said to just inform him if any major changes happened. We have checked all our boxes on our end and if you are comfortable, Adam stated he was comfortable and he is ready for the commissioner to see it.

Jim agreed, we have looked at this several times and said he does not have any problems with it.

Ken stated he was good with everything.

Arnie made a motion to forward this on to the commissioners, seconded by Roger.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on February 20, 2024.

Jim reminded Adam of the annual training.

Adam stated Feb 27th, annual training with Jason, for the Planning Commission and BOA. He asked if that works for everybody? He'd have to check with our alternate, George, separately, but does that work for everybody else? It is a Tuesday, and what he would like to do is allow them to attend both, if they want to and start at 2:00 pm until 4:30 pm instead of going into the evening.

Ken, will include both?

Adam, yes, take an hour for one, take a little break and take an hour for the other, then we're done.

Adam stated he will lock that in, and invited Tim if he wanted to be there, we'll probably post it so all commissioners may attend and learn some stuff. He addressed Tim and said it would be awesome if he could to attend. Adam recapped for February 27, plan on it being at 2:00 pm, in this room, and he will absolutely confirm with Jason and then with everybody else.

Roger stated Sue will call everyone and remind them.

Motion to adjourn by Ken, Lloyd seconded, voice vote, no dissent heard, motion carried. Meeting adjourned 8:28 pm.