

Planning Commission Meeting Minutes

April 11th, 2024

Completed by: Sue Bertrand, P&Z Staff

Site Visits conducted by Adam Ossefoort and Jim Pratt on April 2nd, 2024.

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves, Roger Hendrickson, alternate George Sutton 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 March 7th, 2024 meeting minutes approved. Roger seconded the motion. Voice vote, no dissent heard. Motion carried.

Jim and Adam stated there were no changes to the agenda.

AGENDA ITEM 1: Proposed Amendment to Todd County Feedlot Ordinance:

Section 9.11: Feedlots

Staff Findings: Adam read the new information for the staff report. This may be viewed in full upon request at the Planning and Zoning office.

Public comment:

Roger Zastrow, commented on the seven-month deal for expansions, especially on these smaller dairy farms, thought that was good. He hasn't heard of anybody that can put in any manure pit now, for less than \$100,000. At the price of milk and stuff now, if you want to add twenty cows, and have to get a permit, there is no way you can do it. He stated on his farm they did a seven to eight- month storage and wanted to haul spring and fall because that's the way the fields worked out and it worked just fine. He stated he thought that was a very good thing to have in there. He also stated we want to keep the historical deal in there so if you've got an established place, the way he understands is you are grandfathered in, basically and wanted to keep that in there.

Roger Dukowitz, a farmer from Todd County, had some comments after discussing this whole thing with a couple of commissioners, and stated their comment was it got blown way out of proportion and how did it do that? He stated some of us and you may have thought the same thing, but, if you look on the first page, of the first publication, back in January, all it addresses is setbacks and feedlot numbers. It doesn't say a word about "word-smithing" or explaining certain things, but if it makes the board and Adam's job easier and better, he's all for it. He is not in favor of pollution. Stated his farm is cleaner than a lot of city lots (stated he doesn't know that for sure) but for those who have been out there, they can see that. Wanted to bring that to the

boards' and the commissioners' attention for people who wonder how it got blown out of proportion. Well, because that is what they wanted and discussed in the December meeting. It didn't say anything about "word-smithing". He is not saying that as a derogatory thing, it might be explaining things in a more simple and easier manner. Just to clarify, regardless of what we've done for the last four months, when this comes in front of the commissioners, they can throw it all out, they can add more, they can still put setbacks in place, and that has always been the concern for the last forty-eight years for us. Hopefully, and we have a commissioner here, hopefully they don't decide all of a sudden that you need 2640 ft. setback from a public road for a feedlot. Which basically, would have outlawed all feedlots in Todd County by definition, because we have a township road every mile. Hopefully Commissioner Denny can relay that information for him.

Correspondence received: None

Board discussion:

George asked if there was a scale, in feedlot category, of how many units for a hobby farm. If it is adopted as part of it, he wondered what that would mean.

Adam stated the ordinance is based on tiers, so, two things:

We break down in the different animal unit segments, that's required different types of: if it's allowed, different types of permits or registration. The other piece of it is the existing setbacks we do have, they are categorized into three tiers. The hobby farm was just a descriptor in our "zoning district description" and that is the only place it is in the ordinance.

George, so it wouldn't describe the number of units at all.

Adam, it would not.

George, the other question he had was about the "Historical category" at what point does that historical category get reviewed? Is it with change of ownership, or some relicensing or how would that get reviewed?

Adam gave the example, it would get reviewed when somebody asks us if they could have a feedlot in shoreland. Then, we look back at aerial imagery, or look for some sort of indication that there was a feedlot on that site at a given time in history, and then they can register for up to 9.9 animal units, but not more. That's where we've struggled, is that we don't have a specific definition that tells us: What do we need to look for to say that it has historical feedlot use? It's kind of been, we look for anything. This would zero it in, and help us to know exactly what to look for, so we could say yes or no. That piece has been missing.

George, got it.

Tim stated he has nothing new to add and happy there are adjustments to the vocabulary, and nothing more than that. That is all that's been taken into consideration and that's good.

Jim stated he agrees with Roger, and thought about the seven-month deal. If somebody wants to add ten cows, do we really want to make them make their pit go from seven months to twelve months? He can see

both sides of it, but it is going to hurt guys who just want to do small expansions, but if they are going to double their herd, then yes, they are going to have to do it anyway. He stated he would be in favor of any expansion they would have to have seven months.

Adam confirmed he supported the second statement (up on the overhead) is what Jim's recommendation would be and clarified if they had 8 months storage right now, their proposed expansion would make them go down to six months storage, then they are going to have to go to twelve months because anytime...he read from the proposed section of the hand out and stated how it is written now is: Part I says: all new liquid manure storage areas and capacity modifications to existing ones, would require twelve months minimum. So, if the expansion brings the site below having seven months storage, it kicks them all the way to twelve. The way it's written. So that's where he is thinking the reverse is where we want to get at, so we want to have that flexibility to allow a dairy site to just be compliant, and that's what we want to have.

Jim, right.

Adam continued he thought the recommendation, with that thought process, would be the top one and just keep that language the same and just work with the feedlot program to make sure the site is compliant, and if they don't have a lot of manure storage, they are going to have to plan on how they are going to manage that to stay in compliance and doesn't require a minimum storage in that case. But as soon as they open that up and do want to add capacity, it kicks them all the way to twelve months.

Roger Hendrickson mentioned he didn't know if there was any government funding for any of these manure pits or whatever, but he knows some years ago, and things could have changed, but one guy had gotten the money from the gov't to help with storage, but they could not go any lower than seven months.

Adam thought fourteen.

Roger Zastrow stated 18 months, he thought.

Adam agreed that was Federal equipped funding, they cost share, not sure of the policy, and a lot of times they work together. Yes, they have a minimum standard.

Roger Hendrickson stated he remembered the guy had to put small drains in, so he could get that off, so he could clean his pit out, before his normal time. But, again, that was quite a few years ago.

Roger Zastro stated they do have a pretty high minimum, since 1980.

Jim asked about the "historic feedlot" if the board thinks it should be in there?

Lloyd asked if there would still be a limit on the amounts?

Adam, yes, nine point nine.

Jim explained if somebody wanted to have a half a dozen horses in shoreland, they'd be alright.

Adam explained, this just really puts into a definition what we have kind of done all along. We look for any sort of indication, over the course of history that livestock existed on that sight, but also, some component of that still has to exist on the site today, to show us that livestock had been there. Otherwise we listen to people say, "Well, they were here at one time" but nothing tells us otherwise and the whole intention with these legal non-conformities is to phase them out over the course of time and that we have nothing there to tell us there was truly livestock there at any time, this definition is going to help to capture that.

Jim gave the example when the barn is gone and the fences are gone, there is no proof there was...

Adam, right.

George asked if there is a non-conforming condition, grandfathered in, at what point does that grandfathering cease to exist? Is it with that operator, or is it just a constancy of operation of that kind of business on the property?

Adam stated the analysis looks at the property, not who the owner is.

George stated he understands that but just say if, historically it has been something and is no longer technically compliant, because the regulations have changed, but we want to continue to support businesses that have been there, at what point does that historical "bar" go away, whereby it must now meet the current regulations?

Adam stated it goes away as soon as the barn or silo or some kind of indication that the livestock were there, if it is eliminated from the sight, you've lost that legal-nonconforming status. So as long as that is maintained, there is potential you could have livestock at that particular site at some point in time.

George stated so you could end up with a highly non-compliant situation relative to current regulations, but because it has always been there, it can continue to be there?

Adam clarified we have to be careful with terms here: the non-conforming is one thing and non-compliant should never exist. So even if they have the con-conforming status, they are legally established, they are registered for 9.9 animal units, they still must remain compliant with MN 7020 Rules and the sections of the ordinance. They can't have any discharge issues or anything like that, they still have to be environmentally compliant.

Jim stated he thought they should put the historical definition in there, also.

Adam asked about Section 6.04. This was really just modifying it to match Section 11.
Roger Dukowitz asked what RP stands for?

Adam clarified, the P is crossed out and the R means you must just "Register" your feedlot.

Jim asked about the Rural Township section.

Adam explained that was changed because in Section 9.11, Part N, our newest version: because it used to allow properties in shoreland and R2 that are at least one acre to have up to 25 chickens or 20 rabbits. The thought here is, arguably, that shoreland is our most sensitive areas, and why are we then not allowing 20 chickens or 20 rabbits to people who live in RT scenarios, as long as they still have an acre. So, we just added that in there so they can at least have some chickens, so that is reflected in the use tables.

Jim stated let's go back to the storage one so we make sure everybody agrees on that. Page 11. So, we are going with the first one. Correct?

Adam confirmed.

Jim asked about the Hobby farm definition? That was something you added, correct?

Adam, yes.

Ken stated as far as the storage part, the first option is should cover everything we need covered.

Jim, right.

Ken stated he would certainly opt for that one, himself. Then asked what they decided on the Hobby farm, are we going to include it?

Jim stated yes, he would include it.

Ken agreed since the Hobby farm term is used in other parts of the ordinance.

Adam suggested, for the Hobby farm, there are three definitions and personally did not like any of them because the Hobby farm is most referred to a financial basis, like a secondary income to the farm. For us to go out there, you would almost have to request some sort of documentation proving that you are a Hobby farm, and he didn't think that is anything we want to get involved in. The best definition he found was number two. Talks about more "uses" how it is more of a secondary use on the property. So, if you want to add a Hobby farm definition, number two would be his recommendation. But, that little piece of Hobby farm in that zoning district description, has never once been an issue. So, he doesn't know that it is completely necessary for it to include it, but wanted to have the conversation about it.

Jim stated number two may not be the best one either, because that could be the main use of that property but wouldn't be their main income.

George stated it says it does not change the main character or use of the main use.

Jim stated a twenty-acre Hobby farm, the main use of farm is the Hobby farm.

George pointed out it says clearly, secondary to the main use, so it would not qualify as that, if it became larger than the main use.

Lloyd stated number one sounds good to him.

Adam stated he would like to stay away from anything income derived so we don't have to ask those questions in #1. From a staff perspective.

Jim agreed, and stated if staff doesn't need it in there, so why not leave it out? They are the ones dealing with it.

George stated #3 least intrusive and it also creates a true meaning. He thought it would be valuable to staff if they had to respond to something, or respond to a complaint from someone else or something, it's rural, it's principally residential, it's secondary or non-commercial and small scale, and opens up all those kinds of possibilities and yet, gives it a definition. He liked that.

Ken stated since we use that term, it would be better than nothing, and he would go along with #3. Even though we haven't had any challenges on it, doesn't mean we won't.

Jim stated you guys are thinking #3.

George suggested to go with: principal residential land use and secondary non-commercial farming, and get rid of: or small commercial. It's defining it as a non-commercial operation. It's principally residential but it allows people to do something. It's a Hobby farm as something where you take care of yourselves, your neighbors where you give away eggs or whatever. He likes that definition, but he wouldn't say or small scale commercial because what's that?

Ken stated non-commercial means it's not the primary income.

Roger Zastro offered to eliminate most of the second sentence in #3.

Jim offered for Adam to take out the commercial between small scale and farming, leave the small-scale farming, now take out everything from livestock to the end.

Jim stated we are going with the #3 definition for Hobby Farm with the new wording.

The board agreed.

Adam walked through what he believed the motion to be as:

To adopt Section 9.11 as presented here, but with Part M, Performance Standards, with that top language, being Part M, Section 2, adopt Hobby farm definition, stating, meaning rural parcel(s) with a principal residential land use and secondary noncommercial or small-scale farming. Adopt the definition of Historic Feedlot Use which states, as a parcel of land within Shoreland Zoning where livestock animals had once been present and that existing structures on the site indicate the presence of livestock animals. To adopt Section 6.4A as presented.

Motion by George seconded by Lloyd to forward this on to the commissioners.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 7th, 2024.

Adam added for those of you who are interested in kind of seeing a finished product, he will try get this wrapped up and post it our website in the same spot as version #3 or Final Version or something if you want to grab it, or call our office and we will get a copy to you via e-mail or something.

AGENDA ITEM 2: Proposed Language Amendments to Todd County Ordinance:

Proposed Language

Prior to submittal of an application for CUP/Variance/Zoning Amendment, the applicant and/or land owner shall meet with the Township Board in which the application is located during a regularly schedule Township meeting. Commentary on the application shall be provided to the County prior to the final decision of the governing body.

Governing Body – Todd County Board (Existing definition in the P&Z Ordinance)

Sections to amend include –

Section 5.03: - Variances

Section 5.05: -Conditional Use Permits

Section 5.06: -Zoning Amendments

Staff Findings: Adam explained why these proposed changes are suggested and reviewed:

The staff report may be viewed in full upon request in the Planning and Zoning office. He offered the proposed language if the Board would like to adopt.

Correspondence received: None.

Public comment:

Roger Dukowitz stated the problem forever with these amendments is by the time the township gets the notification and their meeting isn't for three weeks, after they get the notification, your time lapse with these applications expires. What his township is considering getting a text message system to where those people that care when the chairman and the clerk get notifications of these things, that they can text the public or whoever signed up to be notified of it. He is not sure if he knows what we are trying to do is correct. The time

frame between the time of the application and by the time you get it to the town board, and the time the County has to act on it, is not enough. His opinion, if all of a sudden, his wife decides she has to go to an outdoor toilet, he comes down here, has to go to the town board meeting, which isn't for another three and a half weeks, to apply for a permit, and then come down to the County and apply, by that time, she's got to go to the bathroom. He understood what we were trying to do but thought we were addressing it from the wrong end of the horse.

Wally Zastro Long Prairie twp. What you are asking, is an applicant, before he applies to the County, they come to the town board. Brings his proposal to the town board, we give a yay or nay as a township before he comes to the County. That's what we are asking?

Adam stated great question and he should have said this before, the whole intention of this is not get township approval on anything, it's to get township input, or concerns and addressing anything of important to your neighborhood, your township roads, things like that. None of the burden of decision-making weighs on the township.

Wally stated so, when he comes and applies for something at the County, you are going to send them to the township. Does his timeline start then?

Adam explained, no. The timeline for decision starts when he submits his application to the County. We are not going to accept that application unless he has been to the town board.

Wally, so he's going to come to the town board and say, I want to put in an outhouse, and we haven't started a timeline yet, then the town board says "We don't care if you put it in or not. We can't make a judgment and say you are putting it in a lowland or on top of the hill, until we know more information on what the rules are. The township does not know what those zoning rules are. They have an opinion, "It can't go in the swamp, or here or there" we can't just say, "We don't care if he puts it in or not, or no we don't want it", and that gets referred to the County

Adam, right.

Wally, so, we are making no decision or anything, we are just being made aware that someone is putting an outhouse in our township.

Adam, right, and if you have concerns or you think there is something this board or the commissioners need to know, that can be implemented as a condition of the approval of a conditional use permit, we can get that to help with the concerns of the township.

Wally stated he thought that would be good idea, and added an example of how things have happened in Long Prairie township and they, as a town board, don't know a thing about it until they start to get back wash on it. Will that change? He didn't think we were going to gain anything. Maybe. He stated it is more about before you apply for this, let your neighbors know what you're thinking. That's more what it is about. Just get the information out, so the they don't get hit over the head when you start digging the hole for the outhouse, with the back hoe.

Ken, stated more so for CUP applications for a business that will have a lot of traffic on township roads. So, they have a chance to respond, "We can't take that much traffic on our road, etc."

Wally agreed, let the township know what is going on.

Barb James asked if there was already something in place that you are supposed to notify your township?

Adam, yes. Then explained, the issue with it is the timing of when our notices go out. It's impossible for it to work for every single township across the County. We get into situations where they get the notice the day of their meeting or don't even have time to have a meeting before we have this meeting here tonight. So, they don't even have an opportunity to comment on these applications. The only possible way to mitigate for that is to just require the applicant to notify the township before they even submit it to the County.

Barb stated Deja had her notify everyone before she even applied for the permit to build the barn.

Adam explained may have been the type of permit, such as a feedlot permit, because they are required to be notified. A regular land use permit to build the shed does not require notification because that is an administrative permit. It may have been the type of permit that required it. He assumed it was a feedlot permit, being Deja was involved.

Board discussion:

Roger stated he thought it was a good idea. It would be nice for the township to know ahead of time, before people come in and start complaining.

George stated he was a little concerned that this is going to create busy bodies who will have opinions but no authority. What are we asking for? Input? Approval? Just to be informed?

Adam stated the goal is to inform the townships and hopefully in return, we get some sort of feedback on what may be their concerns with whatever particular land use request that is. Again, no decision-making authority lies with the townships, as it is strictly input requested. The main concern with the commissioners is that they were not getting any sort of feedback from the townships.

Jim stated you can't force the township.

Tim Denny stated the problem is the townships are showing up at the commissioners' meeting saying they were never informed of this and if we were, we were going to put some conditions on this that would have protected a road, or a street, or signage or what not. Again, Adam noted the time of the meetings, where, if we send out the notice of the meeting, it went to the township the day after their twp. meeting and all of a sudden it is coming to the Planning Commission within the next week and we're voting on it a week later and the township had no idea that was happening. It's happened before with rezoning, too. He stated he didn't know how many of the last applicants we added conditions, because we took into consideration the townships input. Last month in particular, we had a business that went into Ken's point, the township was here and

spoke on the township's behalf and we added conditions to reroute the traffic and put up the proper signage along with a larger approach to accommodate that business, along with not beating that township road to death. Again, we are trying to mitigate all of the problems and keep everybody as informed and educated as possible. We are not telling them to go to the township to get batted around and hear "you can't do this and you can't do that", we are just telling them to go to the township to let them know "I am proposing to build a house or do this". It's not really even a discussion, it's just an informed statement and the township has to respond to the County and state the applicant came through, we have a concern for this road or we have a concern for that, etc. It's not meant to be as in depth a discussion as this or at a Board level, it is more or less to get the concerns of what the township has, for the County to take that into consideration.

George stated he agrees with all of that, he just doesn't know what commentary on the application shall be provided to the County prior to the final decision of the governing body. That's a responsibility of the township to provide that commentary.

Tim stated it's as simple as an e-mail on applicant on 104, no comment. Or as in-depth as an essay on what you want done. He gets what George is saying.

George stated he knows in his township, there are people who don't even use e-mail.

Tim, stated he understands that, and well, let's write a letter then.

George stated staff is going to need evidence that the applicant went to the twp. meeting. Not just settle for, "Oh yeah, I went there." This creates an onus on the township to say, "Yes, we are aware of that." So, is that going to work for all of the townships?

Tim stated it would work better than what we are currently doing right now. Right now, we are missing a lot of information from townships.

George agreed. Are all of those townships willing to take on that responsibility of "I'm bonding with you,"?

Jim agreed with George and stated a lot of them will, but some of them probably won't. He had a question on #5 on the proposed process, reads: Commissioner's will not be able to make a decision without written correspondence from the Township or input at the public hearing. If the township doesn't send anything or come to the public hearing, how can that hold up the process?

Adam stated that's one of his fears as staff is that we will be chasing down townships begging for comments when they don't have any concerns, so they just don't anything.

Jim brought up the same way we sent to the DNR, if they don't have an issue with anything, they just don't respond and waste their time on it.

Adam stated hearing the conversation here, he thought the recommendation is to add it in that the applicant should go to the township, and we have it on our Platting Applications already, we just note that you were at the township board at the time, this day and the township chair just has the opportunity to sign and say "yes"

they were here. Then we know at least they were there, and if we receive nothing from the township, well then that's on the township for not responding. Because if they have concerns, they should tell us. So, it would be removing this last sentence in each of these sections, just saying the applicant needs to go to the township, and that's that.

Ken agreed stating what Adam just described is the best way to to it. Give them a sign-off-sheet that they just have to sign off. That's a small ask.

George, a new checkbox on the application where there's a signature of your local township board chair, or somebody that accompanies the application.

Jim asked, what if they refuse to sign it?

Ken stated they can write that in there. "I refuse to sign" and they can bring it back.

Adam stated our platting application says write the day you attended a township meeting, and it says optional township signature. We didn't want the township to feel like they were signing it, agreeing with what was happening. The intent of signing is to say, yes, they were here. But if they didn't feel comfortable with that and at least we would be able to go to the township and get a copy of the minutes, and it would meet the goal of "yes I told them". So, he just deleted that last sentence out of each example. Of the three sections, still amended, but as presented.

George, as of the date of the meeting, in case you were in doubt of it or if there is blowback, there's a way to go back and check.

Jim stated, so, then they wouldn't be actually presenting it at the township prior to their application, correct?

Adam, no, they would be.

George, not presenting their application, just saying here is what I'm thinking.

Jim, right.

Adam added hopefully they would have a copy of our application at that time, to put a date and if the township chair is willing to sign it, saying yes, he was here on that date, I am verifying that, it's on the application. But, it will still say optional just in case the township doesn't feel like they are backed into a corner signing something saying we agree with this, but we can verify that in other methods.

Roger had a question for the board, how many people actually know their town board members and how many people know when their meeting is? Most people have no clue, other than election day that their town board exists.

Adam stated that is where we can help them.

Jim, Ken and George, it's a good time to learn.

Ken stated it is on them to figure that out and it is not a big ask.

Jim confirmed with Adam he had removed the last sentence in each of those three.

Roger Hendrickson stated generally speaking if they don't get the roads graded or snow plowed in the winter, they sure as heck get to know who the town board is.

Jim asked the board if everybody understands what they are recommending to the County Board.

Jim clarified the proposed process is just informational.

Section 5.03 – Variances

Recommended as part iii - Proposed Language

Prior to submittal of an application for Variance, the applicant and/or land owner shall meet with the Township Board in which the application is located during a regularly scheduled Township meeting.

Section 5.05 – Conditional Use Permits

Recommended as part B

Prior to submittal of an application for Conditional Use Permit, the applicant and/or land owner shall meet with the Township Board in which the application is located during a regularly scheduled Township meeting.

Section 5.06 – Zoning Amendments

Recommended as part V

Proposed Language

Prior to submittal of an application for Zoning Amendment, the applicant and/or land owner shall meet with the Township Board in which the application is located during a regularly scheduled Township meeting.

Ken motioned to approve the proposed revisions and forward it on to the commissioners. Roger seconded.

Roll call vote commenced as follows:

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

Motion carried. Jim noted it will be presented to the County Board of Commissioners on May 7th, 2024.

AGENDA ITEM 3: North Start RNG, LLC – PID 18-0032600, 18-0033000, 18-0040800, 18-0040700, 18-0032300 – Long Prairie Township

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

Mark Hill, Co-CEO of Novilla RNG, a parent company of Northstar RNG, LLC was present as the applicant and Jon Duran was on the zoom.

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 shall obtain all necessary permitting from other governmental agencies prior to issuance of land use permits including but not limited to the Minnesota Pollution Control Agency.
2. Applicant must abide by Construction Stormwater requirements identified in MN Rule 7090.
3. Proposed facility shall be constructed and installed in accordance with engineered plans.
4. Applicant shall host a meeting onsite with all local public safety personnel to review the emergency response plan prior to issuance of land use permits.
5. Proposed digester is restricted to the digestion of manure. Conversion to other feedstocks shall require the review of the Planning Commission.
6. Applicant shall abide by all other applicable Federal, State, and Local Standards.
7. Failure to meet any of the identified conditions above may result in revocation of this permit following procedures established by and listed in the Todd County Planning and Zoning Ordinance.
8. Upon abandonment of one year, termination or non-renewal of any permit or certificate necessary to operate the facility, or failure to operate the facility in any manner consistent with this Ordinance or with State and Federal regulations, the landowner, and the owner and operator shall remain responsible for all costs of closure, cleanup or other costs necessary to bring the property into compliance with all Federal, State and County regulations, and to restore the property to a suitable use.

Correspondence received: None.

Mark Hill went through his presentation, this may be viewed in full upon request in the Planning and Zoning office and is part of the application that can be viewed on our County Website labelled North Star RNG, LLC CUP Application Narrative. At the end he asked if anyone had any questions.

Roger Hendrickson stated Long Prairie Packing built a digester several years ago, doesn't know this for sure, but his understanding is there has never been any gas sold out of there. They said it was not financially feasible. With that in mind, why is this going to be more financially feasible? What they have out there, he does not know.

Mark stated he does not know what they have out there either. He stated he could just speak to the financial success of the projects that his Co-CEO and he have done. The eight projects they have done, with their former employer are all up and running and are very successful. He stated their two projects are beating their production forecast by 15%, and have been injecting gas for the past six-seven months, since October. For the last four months they have been averaging 95% up-time on the plant. We are exceeding the pipeline quality by quite a bit. It's actually putting out a better gas than what they would sell to us. So far, their financial model is working for them.

Roger Hendrickson stated he had read where some of these dairies are 300 or over, and are doing this kind of deal and they are using that to power the engines to generate electricity. The one article he read said they had to have at least 300 to justify it.

Mark stated that was probably the big push around from 2005 to 2010-time frame. There was a lot of Grant money being put out there to put those in, and at the time solar and wind really hadn't taken off so there were really good tariff rates for that electricity. What's happened is you just had this huge boom in Solar and Wind and that's where the big effort was, to decarbonize electricity. Coming into your house it has lower and lower carbon emissions because of solar and wind or nuclear or hydro or whatever you want to put in, even conversion from coal to natural gas. What hasn't happened is there hasn't been a push of the other source of energy coming into your house, natural gas. The push now is, there are many ways to make low carbon electricity but very few ways to make low carbon natural gas. The conventional natural gas going into your house has a carbon density score of positive 67. Very complicated, but it means metric tons of carbon emissions per megadrile of energy produced. To give you an idea, diesel fuel is a positive 94. Mark stated theirs is a negative 220. Which means they are preventing green house gasses going into the atmosphere. Using this gas is actually a negative score. That is why there is such a demand for this and there has been a big switch away from producing electricity, now producing natural gas because this is one of the few ways they can get natural gas more carbon neutral. Mark stated he would like to address Adam's questions in his staff report:

1. What is the annual water usage of the digester? Nothing, zero. We are just taking the manure out of the barns and if we need to thin it up, they would just take parlor water that is already on its way out to the lagoon and already being used. They will install a bathroom for their employees, so ten gallons a day if they eat a lot of cheese curds, maybe twenty gallons.
2. What happens to the pipe that is within the road right of way if were ever abandoned? He stated if it is their pipe that is going over to the interstate pipeline anything in the public right of way they would have to be made inert and safe before it was abandoned. In terms if it were a CenterPoint line, they would probably keep it in place and use it for a utility. But that would be CenterPoint's decision, not theirs.

3. Will additional feedlots sites be contributing manure to the digester? We talked about Timmer, Hollerman and Ward Springs also coming into there. I'd imagine that's about a quarter of the manure going into the digester as a ballpark.
4. Talked about how the methane gas will be sold? The digester can process up to 150,000 gallons a day, and we will not be close to that, and it is a 2.5-million-gallon digester.
5. What are the hours of operation? It's 24-7 for 365.

Correspondence received: None.

Public comment:

Cary Hudalla the only thing it takes eight pounds to put it into the gas line, is that incorrect? Evidently your procedure must have it but all they could produce is five pounds. They couldn't inject it into the gas line so they just burn it.

Mark responded with the Northern Natural Gas line, the interstate line he thought is north of 700 psi. So, if they go in there they would have to put in a compressor.

Cary stated if you are putting that much out, obviously it's been working for whatever plants you have going. This one here was one of the failures that didn't produce enough pounds to put it in the gas lines.

Mark stated that would be a bad day and you wouldn't see his smiling face back here if that happened.

Don Wienhold, neighbor to Dairy Ridge, stated he knows Mark stated this digester will take no water, but studies have shown where digesters are installed, herd size increases. Now we are right back to the issue of the severely declining B-1 aquifer. That is his major concern for whatever Dairy Ridge does. Is that aquifer going to be able to handle increase cow numbers? Which he is sure we will be dealing with that. Digesters are not emission free. They are known to emit sulfur oxide, particulate matter, carbon monoxide and the worst is ammonia, which can travel long distances and contaminate water and soil. There's been satellite imagery shown over digesters that show huge fumes of air pollution emitting from them. Digesters are only marginally effective at reducing odors. Manure digesters are an extremely inefficient method for energy production and would not likely exist in the United States if it wasn't for taxpayer subsidies. California calls it green energy and is pushing subsidies in Minnesota, but they don't count emissions from cows, feed production, digestate or fossil fuels from trucking and hauling manure. Many digesters that were put in service years ago are no longer in service because of constant upkeep, including the packing plant digester that is no longer in service which was also put in with green money. A digester proposal was recently voted down in Lynn, WI on behalf of their environment. He stated he was hopeful we could do the same thing here, for our environment and citizens.

Roger Dukowitz, as far as the general public is concerned, all of the garbage we in agriculture endure as far as having manure on the road, or something, hauled out, or pollution, with this Dairy Ridge thing a neighbor lady was complaining that the manure was running over onto her property, and to put it bluntly, not knowing any statistics about either one of these. He knows there was a natural gas pipe-line put in through the farm he lived on when he was a kid in the 1950's. Never an issue with it, just pumped gas to Staples and all the other

little towns, wherever. In general, what he gathered here, he thinks it's a hell of a good plan compared to installing cow-fart meters on all of our cows. How's that? People have proposed that in the past.

Roger Zastro, Long Prairie, he lives about a mile and $\frac{3}{4}$ from that dairy barn. If something could be done, if these things work there's about 700 of them running in WI, it's about the 500 range in California, but a lot of theirs' are bigger. These have a proven track record. Germany has them and that's around 10,000 of them running. This isn't new technology or fly by the night stuff, like some of the others have been. If that works to reduce odor, we get a SW wind, that's the direction it comes from and the only time we notice that farm is in the summer time with 90% humidity and 95-degree temperatures. If that would help to reduce odor from that farm, that's one of the big benefits. He thinks even in town if you get a South wind, that would definitely be a big benefit.

Ray Becker, he lives right next to Dairy Ridge on that six acres and he is as close as anyone can get to that outfit. If you want stink, that is stink. If the wind is perfectly out of the NW they get blasted. It has not been so bad the last three or four years. They've cleaned up a lot with the compressing of the manure and they haul away the solids. He sees the presentation and it is picture perfect. What concerns him is the flip side of it. What about the methane escaping, what is the explosive nature of it? It would blow him right off the map if that thing ignites. If that is that volatile he is fearful of it. When we have neighbors so close in the proximity. If you can better something, why not do it? There is nothing written in stone here that that's going to be. We live on that six acres and we can't get any closer to it, they watch what we do and we watch what they do. Manure is a big issue here, there is no doubt about it.

Chris Westberg, stated he had just gotten back from Germany, and he will say the digesters are common on just about every farm. They are absolutely scattered everywhere and they are a dime a dozen. They are trying to utilize the smell and make it into money. They are not just letting their fumes just go up into the air. I would challenge people to go out to Central-Bi, as they plow snow out there and they have a cover over one of their lagoons and just burning the gas off into the air. Yes, when that flame goes out, there is a terrible rotten odor smell. But, as soon as they know they have a problem, they have to relight it to keep burning these gasses off. The same with the packing plant. They are taking basically rumen manure, green sawdust out of the barn and they are working with a very less than ideal product. When that digester went in, the person that just takes green sawdust they used for bedding, should have known what that ties up into your program. So, he would challenge when looking at the satellites, look at the packing plant digester there that has been operating there for how long or been there putting whatever into the atmosphere. Look at Central-Bi's lagoon up there that is just burning off gas for how many years and see. They are burning off all of the gas and not capturing any of it, and look at all of the trees still green, green grass and everything growing in the area. He thinks this here is a way for the manure that is already being produced be made into something other than waste.

Paul Seigle, Long Prairie Township. Ray kind of talked about it being an explosive type thing. His question is what kind of safety is there, say this thing gets a glitch, he understands it's a dirty gas and has to be cleaned up before it gets to the pipeline. There are slam valves to shut the gas off if there is a glitch. There are monitors that can read how dirty the gas is. What happens: the slam valve shuts, you have dirty gas that isn't going to make the gas. How do you get rid of that if the digester is producing methane and how do you safely do that? Do you burn it off? How often would something like that happen? Ray mentioned explosion and Paul assumes

there is pressure relief built into the system for that. Where would this flame be burning off if the gas isn't clean enough? Up by the pipeline itself or up by the Dairy?

Mark stated It goes to a candle stick flare. There are two destruction devices that they have. Normal operations, they are running the plant and the gas we want goes into the pipeline, and the gas they don't want goes into a big oven called a thermal oxidizer, heats up to 1,400 degrees, it takes the toxic gas, the gas we are more concerned about is the methane gas they talked about, because it is toxic. The methane and hydrogen dioxide are already there, as they are coming out of the lagoon. The lagoon is doing the same thing as the digester does. It basically destroys the hydrogen sulfide and converts it to sulfur dioxide. When the plant shuts down, and it will shut down, they have a contract for the next twenty years, with the dairy for this, the pipeline will shut them down, they have their own instrumentation to shut down before it gets to the pipe-line and they will do maintenance on the plant. Stated Paul is right, they can't just shut the digester down. There is two and a half million gallons of liquid that is being heated up. It is kind of like turning a battle ship. It takes days to turn off a digester. So, that gas goes to a candle stick flare and we have two ignition sources on that, a pilot on that, the gas goes right up, this is commonplace in the oil and gas industry for the past 100 years, the flame goes up and the flame comes out. For the projects they have been running since October, other than the first month when they start up as the flame runs more often than not, but since January, they are running at 94-95%, so the plant fire is only on 5% of the time. They have a back up generator system if they have a power outage, and the flare is one of the key things they keep running to destroy it. Let's say the flare fails to light. Well, you could be venting gas up the flare. If there is a blockage somewhere, on each one of the places where we have gas, we have emergency pressure relief valves. In their plant all they have is clean gas and all you have to worry about is methane, and they design them for air dispersion that is high enough so you don't have worry about risk. As a matter of fact, they have their own employees there and they don't want to have explosion risk. Frankly, that explosion area is very small, and they have limited it to a class-1 div-two area. Which means the equipment they put in cannot be spark producing. It has to be specialized equipment. Let's say it comes out of the top of the digester. We do have a massive pressure release valve at the top of the digester, and it is 92 feet in the air. Methane is not what he is worried about, because as soon as you drop below 12%, it is not flammable any more. We do worry about hydrogen sulfide, we do air modeling, using computer programs, if he were a person standing 100 feet away from the digester, on the ground, would he be okay? Yes, on the air modeling. The gas coming out could be up to about 6 or 7 thousand PPMH₂S. OSHA immediate health risk is 100. But by the time it gets to you at 100 feet away on the ground it is about 8 PPM, well below the OSHA immediate.

Paul, will it smell?

Mark, yes, it will smell just like the lagoon out there. Is it something they want to do? NO. That's why it is an emergency. Even in an emergency, people around that digester will still be safe. Certainly, neighbors who are several feet and even half a mile away will be safe. It may smell a little more, but, it will get fixed, but It's not a toxic risk and not an explosion risk. In terms of pipe lines, it goes in the 811 system. They are all properly marked and frankly hitting a pressurized gas pipeline by an excavator is a bad day, so be sure to call 811 before you dig.

Paul asked about placement of the pipeline if it will be going through the state right of way or through the fields?

Mark stated it crosses a road but not a ditch, and stays on Dairy's property the entire time. Handed Paul the map for the route it would take if they go through CenterPoint. He stated he does not have influence with CenterPoint on what route to take.

Jody Bebault stated she has an emotional statement of fact. Today, as they returned to their home in Long Prairie, we reached the outskirts of town by the hospital and her husband said, "Oh, we're coming home to the smell." So, the smell is there. They have also lived at their current address, on the Long Prairie River, for 45 years, directly South of Central-Bi and for 45 years they have smelt. It still smells today.

Kali Greenwaldt, with the smell thing is what she is most concerned about, realizes our ordinance protects farming and the association with smells. She can handle manure smell, but smells like Central-Bi and Arendtson's two and a half miles away, are something worse and why are they not being regulated? Is this operation going to be the same thing? Also concerned about the water consumption with the digester and the neighbors' having to drill new wells. She can't believe it is not going to affect the water, and are they only going to use ten gallons?

Mark stated they are only putting in the bathroom. He explained his digester process, and that it is not going to use any more water than what the Dairy is already using.

Kali ended with her biggest question was over the smell.

Alisha Dorman, stated it sounded like there were several farms other than Dairy Ridge involved, like four. Is this project still feasible if Dairy Ridge does not get approved for their increase in cow units?

Mark stated this project is separate from the Dairy's expansion.

Jim confirmed this is completely different.

Kris Larson, Long Prairie township, asked for clarification as we look at the area of impact of Dairy Ridge, what's actually, if anything, going across the other black outlined areas? What is the impact of the digester to those other areas?

Adam explained the reason we asked them to include those other areas in the application, is because those are the parcels involved with the pipe-line.

Veronica Baas, lives right next to Dairy Ridge, asked questions about the electric and the pipeline routes if they are through property or at the end.

Mark explained the electrical and pipe-line route all on Dairy Ridge property meeting all setbacks.

Veronica also asked the board why they did not get notices of this? They got one in November, but not for this one.

Adam stated she should have, and he will look into it.

William Dorman, asked how this will affect peoples' property value? Asked if they had information on that?

Mark explained their projects have seen no reduction of property values. He stated they were hoping, not promising, with less odors coming out it will help things.

William asked what the lifespan of this complex.

Mark stated they had a twenty-year contract with the Dairy, with potential renewals after that. Digesters have been around and functioning for over 30 years. He doesn't have an exact lifespan on them. Obviously, they are going to have to do maintenance and replacement over time.

William asked if he had been involved in any projects where after that thirty-year lifespan they have re-upped and re-equipped, or after that they just shut down and clear out?

Mark stated he was involved with a digester project from the 2005-2006-time frame where they converted it over from electricity to natural gas, and then they did a lot of maintenance and reverb on the digester itself. He just knows there are digesters of this style, by this manufacture that have been up and running for the last thirty years.

Roger Zastrow, Long Prairie Township, stated he has been to several of these meetings and as far as being notified of the event, it is in public record. If people would get the Leader or other publications and take interest in what's going on in the County, there is public announcements out, it comes out normally the first week of the month and the third week of the month to publicize the Zoning meetings and it is somewhat up to the people to start taking interest in local events. You talked about attending township meetings, there's public notices of that put out.

Roger Hendrickson and Roger Zastrow both stated it has been on the Long Prairie radio station.

Board discussion:

Ken asked the digesting process produces carbon dioxide too, right? And happens to that?

Mark, right, and it goes to the thermal oxidizer and stays as CO₂. Even when natural gas is burned through an engine, you produce CO₂ in the process. What the environmental benefit is of this is methane is way worse than CO₂ is, and the fact that we are reducing methane and even if we convert that methane through a flare or something, or stripping it out into carbon dioxide it's better.

Ken asked if the digesting process is a continuous process or do they run batches.

Mark explained how it is continuous. You put a gallon in and there is a little weir box in the top of the digester and when the level of the digester goes up slightly, it spills over the top of this box and goes off to the screw presses.

George stated he would speak in support of this. Farming has all kinds of environmental issues associated with it, but they are not going to be made worse than what is already there, with new technology like this that is entering the playing field. It both reduces emissions and odors and there is no evidence this makes it worse. He had a question on the local returns, not just the jobs, but there must be more money coming into the County, because this is profit sharing with the farmers, right?

Mark, right, the farmers get a percent (proprietary) of the revenue coming in.

George stated he does know when the Russian gas was cut off from Europe, the people who were happiest were the farmers who had this technology locally, in Germany and the Netherlands in particular. Where the Agricultural Industries live near a lot more people. This technology is coming and it is going to be terrific in a whole lot of ways. He repeated he was in support of this.

Ken motioned to approve with the eight conditions as presented, George seconded.

Conditions:

1. Applicant shall obtain all necessary permitting from other governmental agencies prior to issuance of land use permits including but not limited to the Minnesota Pollution Control Agency.
2. Applicant must abide by Construction Stormwater requirements identified in MN Rule 7090.
3. Proposed facility shall be constructed and installed in accordance with engineered plans.
4. Applicant shall host a meeting onsite with all local public safety personnel to review the emergency response plan prior to issuance of land use permits.
5. Proposed digester is restricted to the digestion of manure. Conversion to other feedstocks shall require the review of the Planning Commission.
6. Applicant shall abide by all other applicable Federal, State, and Local Standards.
7. Failure to meet any of the identified conditions above may result in revocation of this permit following procedures established by and listed in the Todd County Planning and Zoning Ordinance.
8. Upon abandonment of one year, termination or non-renewal of any permit or certificate necessary to operate the facility, or failure to operate the facility in any manner consistent with this Ordinance or with State and Federal regulations, the landowner, and the owner and operator shall remain responsible for all costs of closure, cleanup or other costs necessary to bring the property into compliance with all Federal, State and County regulations, and to restore the property to a suitable use.

Roll call vote commenced as follows:

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

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 7th, 2024.

Jim called for a five-minute recess.

AGENDA ITEM 4: Sunset Point Preliminary Plat – PID 14-0017202 – Kandota Township, Long Lake

Request to plat one 3.2 – acre lot in Natural Environment Shoreland Zoning.

Mark Jahner, surveyor, 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. Applicant must abide by all other applicable federal, state, and local standards.

Correspondence received: None.

Public comment: None.

Board discussion:

George asked why does he have to apply to do this.

Adam, because this is in shoreland zoning and the existing parcel they are splitting from is less than forty acres, so any additional subdivision requires platting.

Jim stated he was out on the site visit and it is pretty straight forward and he had no concerns.

George motioned to approve as presented, Ken seconded with the one condition.

Conditions:

- 1. Applicant must 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
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 7th, 2024.

AGENDA ITEM 5: Paul A. Hershberger: – PID 20-0017300 – Reynolds Township

- 1. Request for Wood Processing-windows, doors, post or metal, with signage and building addition in AF-2 Zoning.

Paul 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. Outdoor storage of products shall be allowed, but shall be conducted in compliance with Section 9.01B of the Todd County Planning and Zoning Ordinance.
2. There shall be no loading or unloading of materials within the road right of way.
3. Applicant must abide by all applicable federal, state, and local standards.

Paul confirmed the staff report was accurate.

Correspondence received: None

Public comment: None.

Board discussion:

Jim stated he was on the site visit and he has room for parking and unloading and customers to park, so none of that should be an issue.

Roger noise not an issue as most engines are inside, with neighbors not that close.

Lloyd asked if he manufactured them.

Paul stated he is just a dealer, but he would like to build the laminated posts where he takes 2 x 6's or 2 x 8's whatever the order is for, and they are finger jointed together, glued and nailed together, in a three-ply post or four-ply post.

Ken stated if you wanted to build a post building, these are the posts. They are super strong.

Paul, or pole shed.

George, asked if it was for both manufacturing and sale?

Jim and Paul, both.

George asked who the buyers are? Will he try to sell to lumber yards too?

Paul, yes, to anybody, lumber yards, contractors and walk ins.

Roger motioned to approve as written. Lloyd seconded with the three conditions as presented.

Conditions:

1. Outdoor storage of products shall be allowed, but shall be conducted in compliance with Section 9.01B of the Todd County Planning and Zoning Ordinance.
2. There shall be no loading or unloading of materials within the road right of way.
3. Applicant must abide by all 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
George Sutton	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on May 7th, 2024.

Adam announced Arnie Boie has officially resigned from the Planning Commission. George will be filling in until we find someone from that district.

Ken motioned to adjourn and Roger seconded. Voice vote to adjourn the April Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourned at 8:43 pm.