


TO: Redwood County Planning Commission

FROM: Jeanette Pidde 
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: October 17, 2024

RE: Planning Commission Hearing on October 29, 2024



A meeting of the Redwood County Planning Commission has been scheduled for Tuesday, the 29th day of October, 2024, beginning at 1:00 p.m. in the Board Room of the Redwood County Government Center, 403 South Mill Street, Redwood Falls, MN 56283.

The meeting will involve three (3) public hearings. A brief summary of the subject matter of the hearings is set forth below.

1. Public Hearing on Application for Extraction Interim Use Permit (9-24) submitted by Craig Serbus, on behalf of Gordy Serbus and Sons Gravel LLC and landowner Scott Haas

An Application for Amended Extraction Conditional Use Permit has been filed by Craig Serbus of Gordy Serbus & Sons Gravel, LLC o/b/o Scott Haas for the extraction, processing, and stockpiling of hard rock and gravel material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section 28, Township 113N, Range 35W, Paxton Township. Proposed extraction area will be 30 acres, including equipment storage and overburden stockpiling areas. The extraction area is located primarily in an "A" Agricultural District but also partly in an "FP" Floodplain District. Hard rock and gravel extraction is an Interim Use in both said districts.

The site was originally permitted on March 14th, 1990, and the permit was amended in 2014. The existing permit expired on July 15, 2024.

No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by Gordy Serbus & Sons Gravel, LLC. The life expectancy of the extraction operation is ten (10) years, to be completed ten years from the date on which the permit is approved by the County Board of Commissioners.

Excavation will occur in the southern leg of the L-shaped Haas property. It will be bounded on three sides (west, south, and east) by DNR property. The north and west sides of Ms. Haas' property are enrolled in RIM. Material will be excavated to an average mean depth of 834 feet above mean sea level (A.M.S.L.) which is on level with the floor of the existing excavated area.

The proposed pit property is located on the south side of, and abuts, Front Street. From the site, material must be hauled west into North Redwood to County Hwy 101.

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At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and grading the ground and covering with overburden so as not to exceed a 4:1 slope. The area will be seeded with native prairie grass.



There are no dwelling sites within one-half mile of the extraction area.

The closest residences to the site are those in the Moccasin Springs First Addition, the northern edge of which is 3300 feet from the pit. Similarly, the Timbercrest Addition is located 3500 feet from the pit. These residential neighborhoods are south of the pit adjacent to Hwy 19, on the outskirts of Redwood Falls. The subdivisions face away from the site and all the houses appear to be separated from the site by thick trees and vegetation, as well as distance. The same is true of the Ponderosa Road neighborhood, 4200 feet to the west of the site. The site is located 5300 feet east of the border of Redwood Falls (North Redwood).

There are no county ditches or tile lines located near the site.

The soils of the proposed conditional use site are classified as follows: Rock outcrop – Copaston complex, 2 to 40 percent slopes; and Havelock clay loam.

According to the U.S. Fish and Wildlife Service, National Wetland Inventory, a number of delineated wetlands are located on or near the site. The largest of these is about 100 feet south and west of the site and is part of the DNR Tiger Lake Wildlife Management Area. Said wetland is classified as a PUBFⁱ freshwater pond. Another freshwater pond with designation PABFⁱⁱ is located 30 feet northwest of the currently excavated area and within the area set to be excavated according to the drawings provided by Serbus. Finally, there are two wetland areas classified as PEM1Aⁱⁱⁱ on the southeastern edge of the excavated area.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

2. Public Hearing on Application for Extraction Interim Use Permit (10-24) submitted by Brent Prouty of Prouty Properties LLC

An *Application for Extraction Conditional Use Permit* has been filed by Brent Prouty for the extraction and removal of overburden/fill material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: East Half of the Northwest Fractional Quarter (E1/2 NWFR1/4) lying north of the center of Crow Creek, except tract, Section 3, Township 112N, Range 35W, Paxton Township. Proposed extraction area will be 16 acres, including equipment storage and overburden stockpiling areas. The extraction area is located in an "A" Agricultural District and is within two miles of the City of Redwood Falls. Extraction of earth and fill materials is an Interim Use in the "A" Agricultural District.

Mr. Prouty's application is to continue an existing extraction operation. The existing permit expired on September 30, 2024.

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The site was originally permitted on April 13th, 2004 for a term of 10 years. The site was re-permitted for an additional 10-year term in 2014. The site is the location of a large stockpile of earthen fill material which was removed many years ago from the nearby former kaolin clay pit now owned by Mike Rasmussen. Prouty has been gradually excavating and removing the stockpiled fill material as needed and as opportunity for sale of said material arises.



No structures will be located on site. However, equipment may be temporarily stored on site. The extraction will be completed by various contractors by permission of Mr. Prouty. The life expectancy of the extraction operation is ten (10) years, to be completed by November 5th, 2034.

The material lies on the property in an L shape (see maps attached to permit application) to the west and south of the building site (owned by Robert & Lori Rebstock) surrounded by the Prouty site. Material is hauled out on 340th Street, a Paxton Township road, via an approach on the east side of the property. From 340th, the material is hauled about one third of a mile west to US Hwy 71/MN 19. Schmidts and Mike Rasmussen also use 340th Street as a haul route.

Under this proposed new permit, excavation is proposed to continue to the west and north along the path of the overburden material until all the material is removed and the land returned to the original grade.

No processing of material will occur on the site.

At the end of the ten (10) year period all extraction will cease and the area will be reclaimed by leveling and grading the ground and covering with stockpiled topsoil so as not to exceed a 4:1 slope. The area will be returned to farm use.

There are a number of dwelling sites within one-half mile of the extraction area, the closest of which are right next door. A dwelling owned by James and Lori Rebstock (37407 340th Street) is surrounded on two sides by the excavation area and a third side by the access road. The dwelling is about 250' from the excavation area. The site is bordered on the west by the Oakleigh Farms North Subdivision, which includes both vacant and built lots. The closest dwelling in that subdivision is that of Brent and Hope Lang (37219 337th Street), about 300' west of the excavation area. The site is bordered on the south by the Oak Ridge Estates subdivision. The dwellings in that subdivision nearest to the excavation site are located about 950' to the south and include the dwelling of Mr. Prouty. Both subdivisions are zoned "R-1" Rural Residential. Additionally, a rental property owned by Mr. Prouty is located 850' northeast of the site and the dwelling of Mike and Tracy Rasmussen is located about 2050' east of the site. Both of these last two properties use 340th Street for ingress and egress.

There are no county ditches or tile lines located near the site. However, Crow Creek flows along the south edge of the Prouty property, on the north side of Oak Ridge Estates, about 300' south of the extraction area.

Surface water on the north part of the site drains to the north along and across the access road into the 340th Street right-of-way. Water drains off the south part of the site to the south toward Crow Creek. It is collected in a holding pond about 100' from the bank of Crow Creek. Measures may need to be taken to protect the road and creek from runoff and erosion.



The soils being removed from the site were deposited there as part of a mining operation. However, according to the soil maps, the underlying soils of the site are classified as follows: Estherville Sandy loam, 0 to 2 percent slopes; Wadena loam, 0 to 2 percent slopes; and Biscay clay loam.

According to the U.S. Fish and Wildlife Service, National Wetland Inventory, there is wetland area classified as PEM1B^{iv} located on the site, within the area set to be excavated according to the drawings provided by Prouty.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

3. Continuation of Public Hearing on Conditional Use Permit Application (8-24) submitted by Eric Linsmeier, on behalf of Eric Linsmeier Trucking LLC and landowner O&E Properties LLC

The County Board of Commissioners tabled the application to the November 5th, 2024, board meeting, and asked that the Planning Commission reconsider their recommendation after reviewing the results of a noise study.

On October 15, 2024, Stephen Platisha with SBP Associates, Inc., who was hired by Mr. Linsmeier, conducted a sound test on the site. The results are pending. An additional sound test will be conducted by the Environmental Office.

History

Eric Linsmeier is seeking to construct a 60' x 104' pole barn, which is 25' high, to store and service his "Ag Hopper trucking business that provides a hauling service of grain, feed, and fertilizers to local farms/farmers/coops in Redwood County and greater Minnesota." He seeks to construct the pole barn on Lot 3, Linsmeier Addition, Paxton Township.

The site is located in the "A" Agricultural District. A Rural-Oriented Commercial Use is a conditional use in the Agricultural District. Rural Oriented Commercial Use is defined as, "A business or commercial use directly related to agriculture that either provides an agricultural product or agricultural service to local farmers, or that sells a locally-produced agricultural product to consumers."

The nearest county open ditch is 2,800 feet southwest of the site, and there are no nearby county tile lines. Crow Creek is 900 feet south of the site.

The adjacent properties consist of residential homes to the south (R-1 district), bare lot and homes to the west (Agricultural district), and agricultural land to the east and across 340th Street to the north. The property is located within 2 miles of the City of Redwood Falls.

The three closest residential dwellings to the site, other than the landowner, are as follows:

Brent and Hope Lang, 37219 337th St., about 350' south of the site;

Renee Paskewitz, 37140 337th St., about 580' south of the site;

and Robert and Lori Rebstock, 37407 340th St., about 800' east of the site.



The MPCA published “A Guide to Noise Control in Minnesota,” in 2015. For residential locations (including farm houses), the daytime (7 a.m.-10 p.m.) noise limits are 65 dBA for not more than six minutes per hour (10% of the time) and 60 dBA for not more than 30 minutes per hour (50% of the time) for non-impulsive noises. The nighttime (10 p.m.-7 a.m.) noise limits in these locations are 55 dBA for not more than six minutes per hour (10% of the time) and 50 dBA for not more than 30 minutes per hour (50% of the time) for non-impulsive noises.

Local governments “are required to take reasonable measures to prevent the approval of land use activities that will violate the state noise standard immediately upon establishment of the land use (Minn. R. 7030.0030).” Generally, doubling the distance from a noise source reduces the sound level by 6 decibels. Doubling the source of the sound increases the measured sound by 3 decibels.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

ⁱ Classification code: PUBF

System Palustrine (P) : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Unconsolidated Bottom (UB) : Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

Water Regime Semipermanently Flooded (F) : Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.

ⁱⁱ Classification code: PABF

System Palustrine (P) : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Aquatic Bed (AB) : Includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.

Water Regime Semipermanently Flooded (F) : Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land surface.

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iii **Classification code: PEM1A**

System Palustrine (P) : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics:

(1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Emergent (EM) : Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass Persistent (1) : Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.

Water Regime Temporary Flooded (A) : Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for the most of the season.

iv **Classification code: PEM1B**

System Palustrine (P) : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Emergent (EM) : Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass Persistent (1) : Dominated by species that normally remain standing at least until the beginning of the next growing season. This subclass is found only in the Estuarine and Palustrine systems.

Water Regime Seasonally Saturated (B) : The substrate is saturated at or near the surface for extended periods during the growing season, but unsaturated conditions prevail by the end of the season in most years. Surface water is typically absent, but may occur for a few days after heavy rain and upland runoff.

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