



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

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### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

June 9th, 2020 @ 7:00 P.M.

**\*\* 3<sup>RD</sup> FLOOR JURY ASSEMBLY ROOM – BECKER COUNTY COURTHOUSE OR  
JOIN VIA MICROSOFT TEAMS MEETING\*\***

APPLICANT: Jane L Eklund TTEE  
PO Box 702  
Hawley, MN 56549

Project Location: 12146 Tanglewood Rd  
Audubon, MN 56511

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit to replace an existing retaining wall with a partial retaining wall and riprap. Application was tabled from May 12<sup>th</sup>, 2020 hearing.

LEGAL LAND DESCRIPTION: Tax ID number: 17.0684.000

Gilbertson Beach 1<sup>st</sup>, Lot 7; Section 19 Township 138 Range 042; Lake Eunice Township.

#### REFER TO BECKER COUNTY ZONING ORDINANCE

**\*\* In response to the COVID-19 public health emergency declared by Governor Walz, the June Planning Commission Hearing will be conducted via Microsoft Teams Meeting as allowed under Minnesota Statutes, Section 13D.021. To join the Microsoft Teams Meeting by phone please dial +1 763-496-5929 and use conference ID: 564 635 109# or to access the meeting virtually please follow the link provided on the Becker County website under News & Announcements, "Planning Commission Public Hearing Link".**

#### Replies/Comments:

Public testimony regarding this application will only be received by email, in writing, or by participating in the remote public hearing. Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable.

Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [zoning@co.becker.mn.us](mailto:zoning@co.becker.mn.us)**

To view all application information on this project please visit:

[http://www.co.becker.mn.us/government/meetings/planning\\_zoning/planning\\_commission/](http://www.co.becker.mn.us/government/meetings/planning_zoning/planning_commission/)

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

# Conditional Use Application Review

Permit # CUP2020-11

## Property and Owner Review

Owner: JANE L EKLUND REVOCABLE LIVING TRUST	Parcel Number(s): 170684000
Mailing Address: JANE L EKLUND REVOCABLE LIVING TRUST PO BOX 702 HAWLEY MN 56549	Site Address: 12146 TANGLEWOOD RD
	Township-S/T/R: LAKE EUNICE-19/138/042
	Shoreland? Yes Name: Little Cormorant (Lake Eunice & Audubon) [RD]
Legal Descr: GILBERTSON BEACH 1ST LOT 7	

## Conditional Use Details Review

Description of Conditional Use Request: **Replacing Timber wall with Belgard Retaining wall block to help with future erosion problems.**

1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

**All work will be done during business hours Monday thru Friday 7am-5:30pm.**

2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

**Replace current landscaping with a more effected erosion control plan and to increase height of size of existing landscaping to prevent views of neighboring lots.**

3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

**use of silt fence along the top of Rip Rap and any disturbed soil areas**

4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

**All parking and materials will be staged within the property lines**

5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

**All equipment will follow OSHA and current industry standards and safety program in place.**

Additional shoreland questions below (if applicable)

6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.

**Silt fence will be place along the top Rip Rap and along the property lines for erosion and will be placed until any disturbed soil area have established.**

6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.

**Not changing what is already existing and keeping the same height and size with different material to help with erosion issues in the future.**

6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.

**All public and private Utilities will mark before project begins.**

6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accomodated.

**N/A**

## Business Plan Review

Name of Business:

Business Owners:

Business Type: If 'Other', explain:

Type of Merchandise:
Type of Service:
Hours and Days of Operation:
Number of Employees:
Off-Street Parking Plan:
Size of structure to be used for Business: New or Existing:
Signage Plan:
Exterior Lighting Plan:
Known Environmental Hazards:
Additional Business Plan Information:

**Field Review Form****Permit # LALT2020-48****Property and Owner**

Parcel Number: 170684000	Site Address: 12146 TANGLEWOOD RD
Owner: JANE L EKLUND REVOCABLE LIVING TRUST	Township-S/T/R: LAKE EUNICE-19/138/042

**Project Details**

Project Start & End Date: 5/4/2020-5/22/2020	Distance from OHW: 40ft
Proj 1 Type: Retaining Wall (Requires an Approved Conditional Use Permit - Must submit CUP application along with land alteration application)	Proj 1 Purpose: Other (Please specify next)
Proj 1 Type Descr: Will be replacing rotting Timber wall with Belgard Retaining wall block, and taking out one existing stair system, and replacing one stair system with Belgard Landscape landing units.	Proj 1 Purpose Descr: Purpose of this replacement is to remove all failing timber wall.

Inspector Notes (Project 1):

Proj 2 Type:	Proj 2 Purpose: Other (Please explain next)
Proj 2 Type Descr: Paver Area on top of Retaining wall (260s.f.)	Proj 2 Purpose Descr: Allow for property owner to have a better view of the lake without blocking the view with trees.100ft x

Inspector Notes (Project 2):

**Additional Details/Erosion Control**

Area to be Cut/Excavated: 100ft x 2ft x 4ft	Area to be Filled/Leveled: 100ft x 2ft x 4ft
Total Cubic Yards of Earthmoving: 29	Fill Type/Material: Black dirt

Project Summary and/or Additional Projects &amp; Information: Replacing failing/rotting timber wall with Belgard Retaining wall block, and Belgard landscape landing units for steps, and adding a 260 sq. ft. paver patio area on top of Retaining wall.

Erosion Control Method (1): Other (Please specify next)	Erosion Control Method (2):
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Additional Erosion Control Information: Replacing failing/rotting timber wall with Belgard Retaining wall block, and Belgard landscape landing units for steps, and adding a 260 sq. ft. paver patio area on top of Retaining wall.

Inspector Notes (Earthmoving and Erosion Control):



**BECKER COUNTY PLANNING & ZONING  
ENVIRONMENTAL REVIEW TECHNICAL PANEL  
(ERTP) APPLICATION FOR RETAINING WALLS**

915 LAKE AVE, DETROIT LAKES, MN 56502-0787  
PHONE (218) 846-7314 - FAX (218) 846-7266

PARCEL	
APP	ERTP
YEAR	

The Planning & Zoning Department and the Environmental Review Panel will hold a pre-application meeting with Applicants regarding conceptual plans submitted for retaining wall requests. The request should include any proposed projects that will be located within the shore impact zone of any Lake, River or Stream. The process is to review the project plans and conduct a site visit prior to submittal of a formal application to the Planning & Zoning Department. If the ERTTP recommends approval to proceed, the Applicant may proceed with the public hearing process.

*Prior to the pre-application meeting, an applicant should provide the following information about the project:*

1. Contact Name and Phone Number: Brian Cooksey 218.850.3874
2. Property Owners Name: Jane Eklund
3. Parcel Number: 170684000
4. Legal Description: Section 19 township 138 Range 042 Gilbertson beach 1st lot 7
5. Section 19 Township 138 Range 042
6. Lake Name: Cormorant lake Lake Classification \_\_\_\_\_
7. Length of shoreline in Project: 65ft
8. Is the proposal to replace an existing retaining wall? Yes  No \_\_\_\_\_
9. Length and Height of existing retaining wall: 100ft length by 4ft height
10. To construct a new retaining wall or expand an existing? New  Expand \_\_\_\_\_
11. Length and Height of new or expansion requested: 100ft length by 4ft height
12. Is there any existing rip rap along the shoreline? Yes  No \_\_\_\_\_
13. Distance work will be from the Ordinary High Water Mark 30ft
14. Amount of cubic yards of earth movement requested: 10 cubic yards
15. Are emergent aquatic plants found along shoreline? NO
16. Does the site have any wetlands and/or low areas? Yes \_\_\_\_\_ No
17. Are any springs or seeps present? no
18. Does the site contain any steep slopes? no Are there any bluffs present? no
19. Do any parties involved in this application have any ownership interest in, or options on, other properties in the vicinity of the project? NO

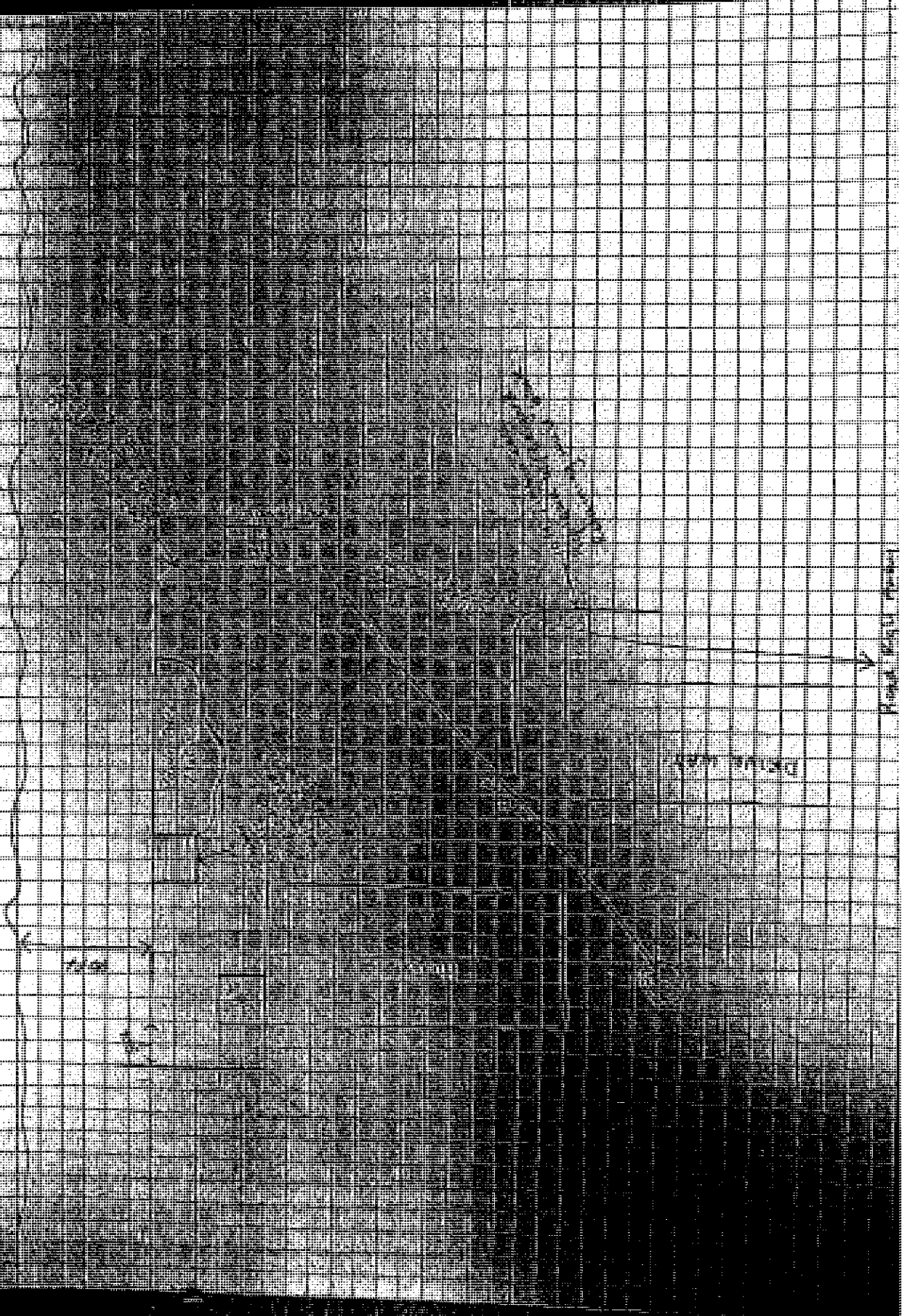
**Brief description of request:**

Replace existing Timber wall with Belgard Retaining Wall block to help with future erosion problem that is currently happening with rotting timber wall.

*(more information on back)*

James Edward Frawley  
17111 Fawcett Rd  
Houston, TX

10/1/88



17111 Fawcett Rd

10/1/88

















E-51

# GILBERTSON BEACH FIRST ADDITION

70° 30' West 100.0 feet thence North 02° 11' West 300.0 feet to the Northeast corner of the subdivision platted and known as "Gilbertson Beach", thence running South 23° 15' West 167.3 feet on and along the southeasterly line of said Gilbertson Beach to a point on the above line of Government Lake; thence running along the shore line of Government Lake by the following five (5) courses, viz: North 88° 21' West 289.0 feet South 76° 17' West 60.0 feet South 58° 30' East 60.0 feet, South 37° 59' East 305.65 feet and South 50° 29' East 260.0 feet thence running North 31° 24' East 112.4 feet; thence North 10° 39' West 20.0 feet to the point of beginning and there terminating.

have caused the said land to be surveyed and platted into fifteen (15) lake-shore lots with Riparian Rights to be known as GILBERTSON BEACH FIRST ADDITION. It is hereby stipulated that the stream or water course shown on the hereto plat may be straightened and bank improvements made thereon, but not in such manner as to impede, hinder or stop the flow of water therein.

IN WITNESS WHEREOF, we have caused this plat to be signed this 2nd day of April, A. D. 1956.

BE IT REMEMBERED THAT Edgar Gilbertson, also known as Edgar E. Gilbertson, and Florence Gilbertson, husband and wife, and Gilbert Gilbertson, also known as Gilbert L. Gilbertson, and Viola Gilbertson, husband and wife, owners and proprietors of that certain land in Government Lots Five (5) and Six (6) of Section Nineteen (19), Township One Hundred Thirty-eight (138) North, Range Forty-two (42) West of the Fifth (5th) Principal Meridian in Becker County, Minnesota, were particularly described as follows:

Beginning at a point which bears North 80° 18' East 62.4 feet and North 10° 39' West 200.0 feet from Marker Corner numbered 13 (Corner on South line of Tract 1, 524 2nd of said Section 19) thence running North 28° 29' West 300.0 feet; thence North 10° 39' West 300.0 feet; thence North

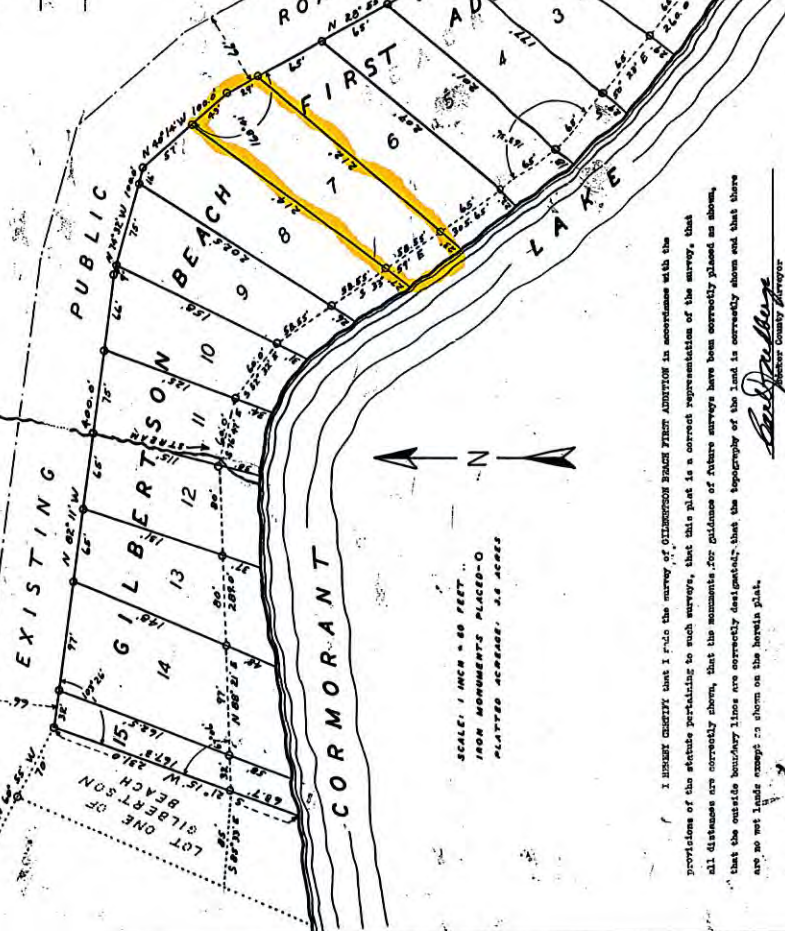
Edgar Gilbertson  
Florence Gilbertson  
Edgar E. Gilbertson  
Viola Gilbertson  
Gilbert L. Gilbertson

On this 2nd day of April, A. D. 1956, before me, Deputy County Auditor, County of Becker, Minnesota, personally appeared Edgar Gilbertson, also known as Edgar E. Gilbertson, and Florence Gilbertson, husband and wife, and Gilbert Gilbertson, also known as Gilbert L. Gilbertson, and Viola Gilbertson, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Deputy County Auditor  
Becker County, Minnesota  
A. D. 1956

Edgar Gilbertson  
Florence Gilbertson  
Edgar E. Gilbertson  
Viola Gilbertson  
Gilbert L. Gilbertson

Edgar Gilbertson  
Florence Gilbertson  
Edgar E. Gilbertson  
Viola Gilbertson  
Gilbert L. Gilbertson



I HEREBY CERTIFY that I find the survey of GILBERTSON BEACH FIRST ADDITION in accordance with the provisions of the statute pertaining to such surveys, that this plat is a correct representation of the survey, that all distances are correctly shown, that the monuments for guidance of future surveys have been correctly placed as shown, that the outside boundary lines are correctly designated, that the topography of the land is correctly shown and that there are no wet lands except as shown on the hereto plat.

Deputy County Auditor  
Becker County, Minnesota  
A. D. 1956

Edgar Gilbertson  
Florence Gilbertson  
Edgar E. Gilbertson  
Viola Gilbertson  
Gilbert L. Gilbertson

Edgar Gilbertson  
Florence Gilbertson  
Edgar E. Gilbertson  
Viola Gilbertson  
Gilbert L. Gilbertson

SECTION 19 T 138 N R 42 W  
SECTION 30 T 138 N R 42 W

Becker County Auditor  
Becker County, Minnesota  
A. D. 1956

# Authorized Agent Form

(If you are the owner completing & signing the site application no need to complete this form)

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), Jane Eklund hereby authorize Brian Cooksey to act  
(landowner-print name) (agent-print name)  
as my (our) agent on the following item(s): appropriate box(es)

- permit application (write in permit "type" - e.g. site, septic, etc.): Land Alteration Permit, Conditional Use Permit
- plat application: \_\_\_\_\_
- conditional use application: \_\_\_\_\_
- variance application: \_\_\_\_\_
- other: \_\_\_\_\_

On my (our) property located at:  
Tax Parcel Number(s): 170168460 Physical Site Address: 12416 Tanglewood Rd Audubon, MN 56511  
Legal Description: Section 19 Township 133 Range 042 Gilberton Beach 1st Lot 7  
Section: 19 Township: 133 Range: 042 Lot: 7 Block: \_\_\_\_\_ Plat Name: \_\_\_\_\_

### Agent Contact Information

Agent address: 49026 215th Ave Pelican Rapids MN 56572  
Street City State Zip Code  
Agent phone: (t) 218-863-7625 Agent fax #: cell: 218-850-3874  
Agent email address: Brian.Cooksey@LakeSawlandscaping.com

Jane Eklund Property Owner(s) Signature(s) 3/4/2020 Date

I, the undersigned, on this day of March, 2020 before me personally appeared Jane L. Eklund  
to me known to be the person(s) described in and who executed the foregoing instrument; and acknowledged  
that s/he executed the same as her/his free act and deed.

Notary Public:  Brenda J. Haskins  
Notary Public

Notary Authority: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

646741

BECKER COUNTY RECORDER  
STATE OF MINNESOTA

Document No. 646741

November 9, 2017 at 2:07 PM

I hereby certify that the within instrument was recorded in this office.

Patricia Swenson, County Recorder

By MN Deputy

2

No delinquent taxes and transfer entered  
this 9th day of NOV, 2017

Mary Erickson  
Becker County Auditor/Treasurer

By [Signature] Deputy

17.0684.000

QUIT CLAIM DEED  
Individual(s) to Individual(s)

Minnesota Uniform Conveyancing Blanks  
Form 10.3.1 (2016)

eCRV number: \_\_\_\_\_

DEED TAX DUE: \$ 1.65

DATE: November 2, 2017  
(month/day/year)

FOR VALUABLE CONSIDERATION, Jane L. Eklund, a single person, whose post office address is 1042 Hartford Street,  
(insert name and marital status of each Grantor)

PO Box 702, Hawley, MN 56549 ("Grantor"),

hereby conveys and quitclaims to Jane L. Eklund Revocable Living Trust, whose post office address is 1042 Hartford Street,  
(insert name of each Grantee)

PO Box 702, Hawley, MN 56549 ("Grantee"), as

(Check only one box.)

- tenants in common,
- joint tenants,

(If more than one Grantee is named above and either no box is checked or both boxes are checked, this conveyance is made to the named Grantees as tenants in common.)

real property in Becker County, Minnesota, legally described as follows:

LOT NUMBERED SEVEN (7), . . . . . GILBERTSON BEACH FIRST ADDITION, according to the Certified Plat thereof on file and of record in the office of the County Recorder in and for Becker County, Minnesota.

AND

A PERPETUAL AND PERMANENT EASEMENT for roadway purposes over and across the following described tract:  
A 20.00 foot wide easement for ingress and egress purposes over, under and across part of Government Lot 5 of Section 19, Township 138 North, Range 42 West of the 5th P.M. in Becker County, Minnesota, and over, under and across part of a Dedicated Public Road as dedicated in the plat of GILBERTSON BEACH, said plat is on file and of record in the office of the Recorder of said County. The Northwestern line of said 20.00 foot wide ingress and egress easement is described as follows: Beginning at an iron monument which designates the most northerly corner of Lot 7 of GILBERTSON BEACH FIRST ADDITION, said plat is on file and of record in the office of the Recorder of said County; thence northeasterly on an extension of the lot line common of Lots 7 and 8 of said GILBERTSON BEACH FIRST ADDITION to the centerline of an existing public road known as Tanglewood Road and said line there terminates. The southeasterly line of said 20.00 foot wide ingress and egress easement shall be prolonged or shortened to terminate on the northeasterly line of said Lot 7 and on the centerline of said Tanglewood Road.

BECKER COUNTY DEED TAX

AMT. PD. \$ 1.65

Check here if all or part of the described real property is Registered (Torrens)

Receipt # 1667573  
Becker County Auditor/Treasurer

together with all hereditaments and appurtenances belonging thereto.

Total consideration for this transfer is \$500.00 or less.

chg  
paid  
well



Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: \_\_\_\_\_.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

State of North Dakota, County of Cass

Grantor

Jane L. Eklund  
(signature) Jane L. Eklund

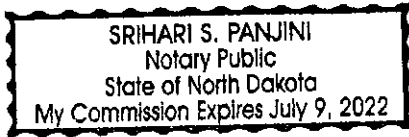
\_\_\_\_\_  
(signature)

This instrument was acknowledged before me on November 2, 2017, by Jane L. Eklund, a single person

(month/day/year)

(insert name and marital status of each Grantor)

(Stamp)



[Signature]  
(signature of notarial officer)

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_  
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:  
(insert name and address)

To: Panjini Law Offices, PLLC  
 300 Main Avenue  
 Suite 100  
 Fargo, ND 58103

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:  
(insert legal name and residential or business address of Grantee)

Jane L. Eklund Revocable Living Trust  
 PO Box 702  
 Hawley MN 56549



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:1,128

Date: 4/15/2020

Becker County



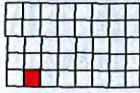
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



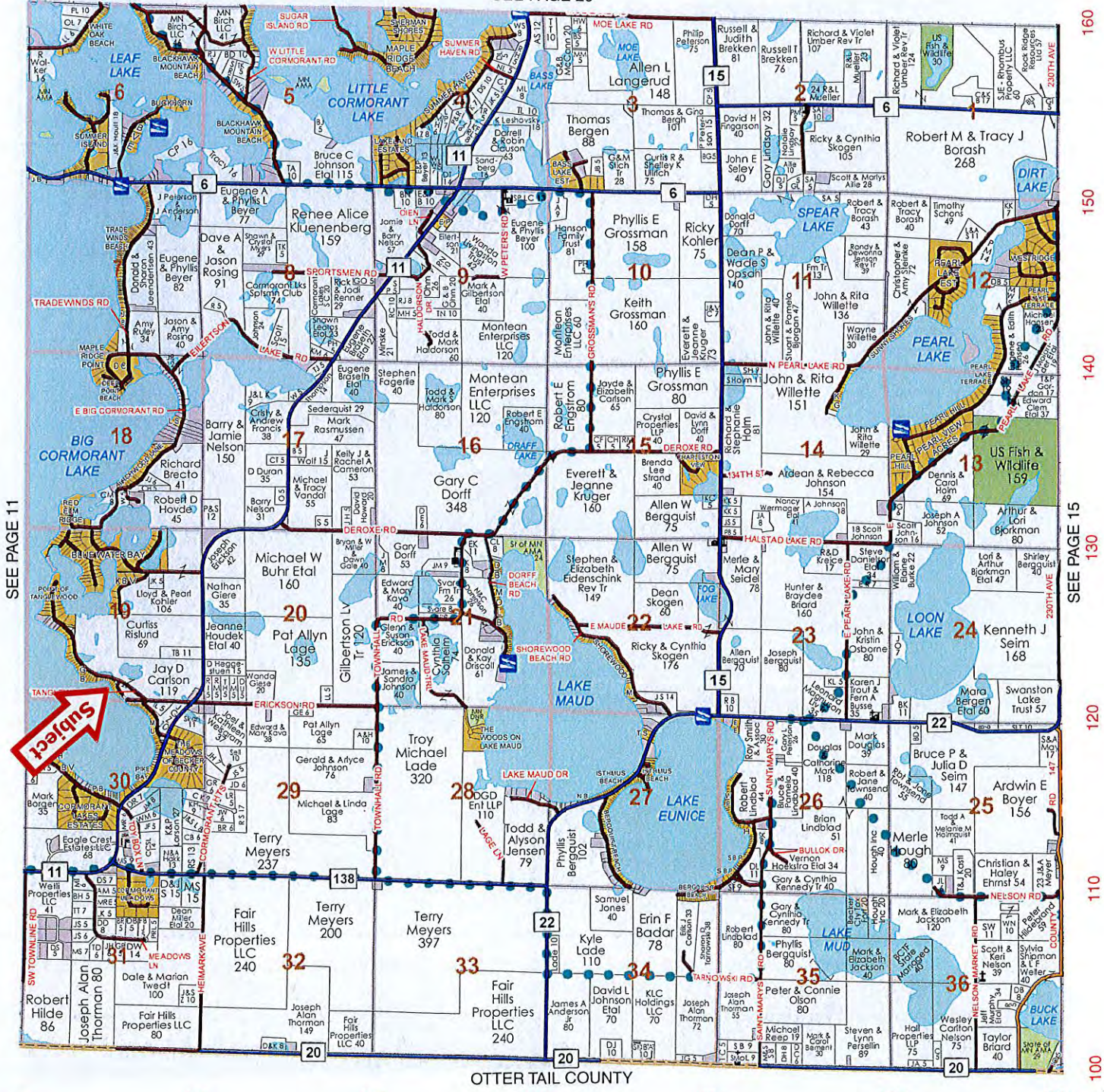
Lake Eunice

Township 138N - Range 42W

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SEE PAGE 29



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170 180 190 200 210 220 230 13

OTTER TAIL COUNTY



# COUNTY OF BECKER

## *Planning and Zoning*

915 Lake Ave, Detroit Lakes, MN 56501

Phone: 218-846-7314 ~ Fax: 218-846-7266

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### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

June 9th, 2020 @ 7:00 P.M.

**\*\* 3<sup>RD</sup> FLOOR JURY ASSEMBLY ROOM – BECKER COUNTY COURTHOUSE OR  
JOIN VIA MICROSOFT TEAMS MEETING\*\***

APPLICANT: Wesley Jorgenson & Shantel Jorgenson  
39600 160<sup>th</sup> St  
Frazee, MN 56544

Project Location: 39600 160<sup>th</sup> St  
Frazee, MN 56544

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request a Conditional Use Permit to operate a repair and vehicle maintenance business.

LEGAL LAND DESCRIPTION: Tax ID number: 29.0005.002

2-138-39 Govt Lot 2 N & W of Rd; Section 02 Township 138 Range 039; Silver Leaf Township.

#### REFER TO BECKER COUNTY ZONING ORDINANCE

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Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [zoning@co.becker.mn.us](mailto:zoning@co.becker.mn.us)**

To view all application information on this project please visit:

[http://www.co.becker.mn.us/government/meetings/planning\\_zoning/planning\\_commission/](http://www.co.becker.mn.us/government/meetings/planning_zoning/planning_commission/)

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

# Conditional Use Application Review

Permit # CUP2020-15

## Property and Owner Review

Owner: <b>WESLEY JORGENSON</b>	Parcel Number(s): <b>290005002</b>
Mailing Address: <b>WESLEY JORGENSON</b> <b>39600 160TH ST</b> <b>FRAZEE MN 56544</b>	Site Address: <b>39600 160TH ST</b>
	Township-S/T/R: <b>SILVER LEAF-02/138/039</b>
	Shoreland? <b>No</b> Name:
Legal Descr: <b>2-138-39 GOVT LOT 2 N &amp; W OF RD.</b>	

## Conditional Use Details Review

Description of Conditional Use Request: **Use for a repair shop**

1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

**It will not harm any use and enjoyment of other properties. I park all of the customer vehicles in a nice row on my parking surface. My neighbor has over 25 junk vehicles parked all over the place and also has a big shop. The vehicles i work on are all licensed and insured unlike his.**

2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

**My work will not affect surrounding properties because currently my neighbor has a junk yard and the rest of the land around me is all farm land. Its down a dead end road with two houses. The houses on the main road all have farm equipment and old worn out cars and trucks parked in there fields.**

3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

**The road is maintained by the township. My neighbor has double the traffic to his house then I have at my shop.**

4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

**I have a big parking area that is class 5 gravel / crushed asphalt.**

5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

**I don't work on anything that produces an abnormal amount of fumes or anything else. I work on tractor trailers, cars and light duty on highway vehicles. I don't work late at night or make noise late at night or early in the morning.**

Additional shoreland questions below (if applicable)

6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.

6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.

6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.

6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accomodated.

## Business Plan Review

Name of Business: **Jorgenson Repair LLC**

Business Owners: **Wesley Jorgenson**

Business Type: **Service** If 'Other', explain:

Type of Merchandise: **None**

Type of Service: **Repair and Vehicle maintenance**

Hours and Days of Operation: **Monday - Friday 9am to 5pm**

Number of Employees: **1 - Self**

Off-Street Parking Plan: **None - parking area on the property**

Size of structure to be used for Business: **Repair shop to be located in our shop/garage, which is 40ft x 40ft**  
New or Existing: **Existing Structure**

Signage Plan: **None**

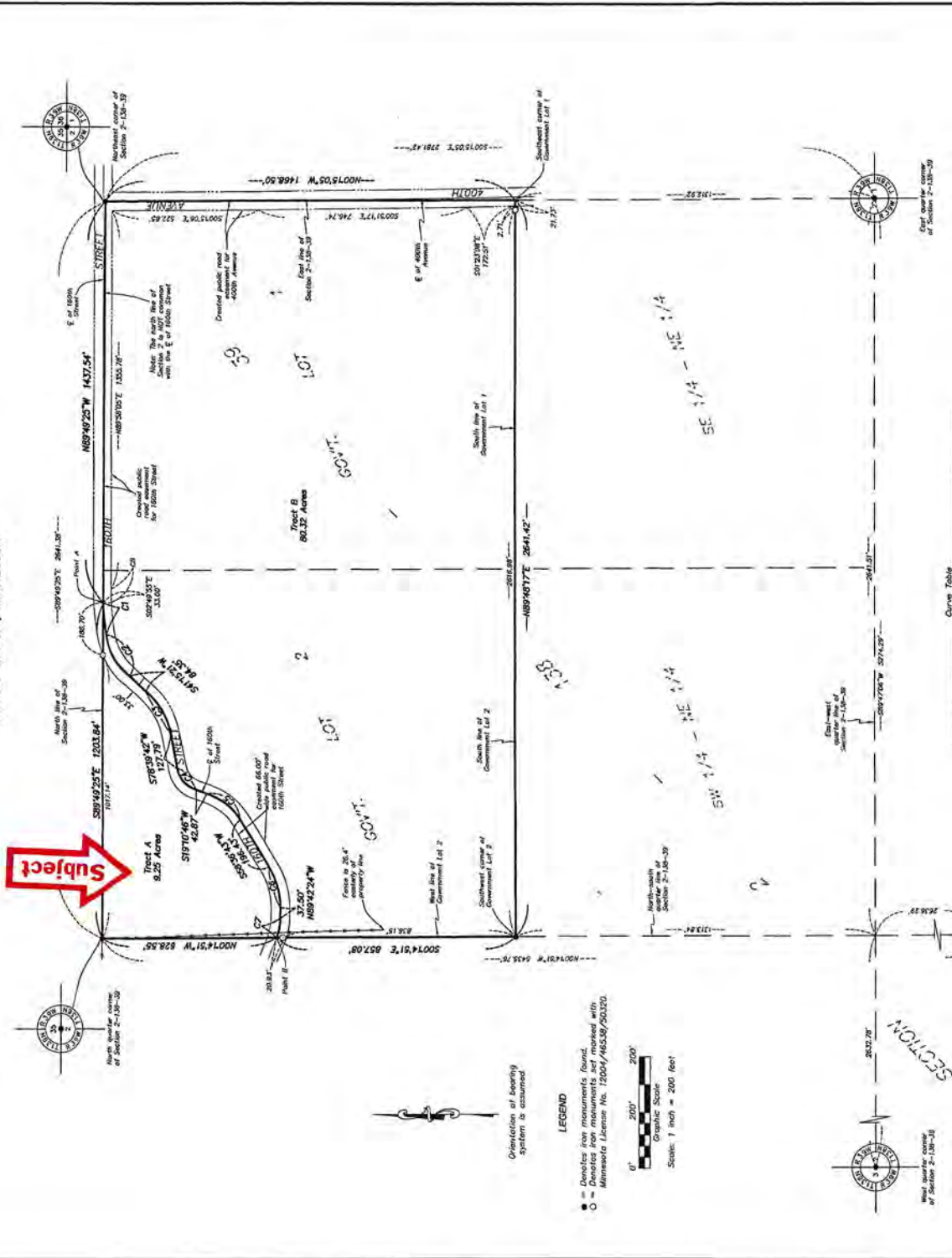
Exterior Lighting Plan: **A light on the power pole that I pay for every month. A big security light on the shop.**

Known Environmental Hazards: **None, I recycle used oil and anti-freeze.**

Additional Business Plan Information: **None**

# CERTIFICATE OF SURVEY

IN GOVERNMENT LOTS 1 AND 2  
SECTION 2-138-39  
BECKER COUNTY, MINNESOTA



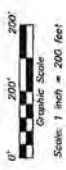
Subject

Curve Table

Curve	CHORD	ARC	ANGLE	AREA	PERCENT	PERCENT
C1	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C2	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C3	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C4	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C5	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C6	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C7	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C8	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C9	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%
C10	100.00'	100.00'	144.00°	114.79'	14.40%	14.40%

**LEGEND**

- - Double line measurements from
- - Double line measurements from Minnesota License No. 12004/16538/20120.



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Surveyor: Ray A. Smith  
Date: March 21, 2018  
License No: 16004

COMP. FILE	BOUNDARIES
GRID FILE	BOUNDARIES
DWG. FILE	BOUNDARY_200
COMP. DTG.	4P
DATA DTG.	4D

**CLIENT:**  
THOMAS KIMBY  
6307 64 AVE S  
ROSELIE, MN 56447

**MEADOWLAND SURVEYING, INC.**  
1118 HWY 59 SOUTH, DETROIT LAKES, MN 56501  
OFFICE: 218-447-4289 FAX: 218-846-1945  
EMAIL: [info@meadowlandsurveying.com](mailto:info@meadowlandsurveying.com)  
[www.mnlandsurveying.com](http://www.mnlandsurveying.com)

651204

SURVEYORS SKETCH ( ) NOT REQUIRED  
(✓) FILED SURVEY BOOK 21 PAGE 56

BECKER COUNTY RECORDER  
STATE OF MINNESOTA  
Document No. 651204

June 13, 2018 at 10:17 AM  
I hereby certify that the within  
instrument was recorded in this office.  
Patricia Swenson, County Recorder  
By          MN          Deputy

CERTIFICATE OF REAL  
ESTATE VALUE FILED # 015697

No delinquent taxes and transfer entered  
this 13<sup>th</sup> day of June, 2018  
Mary E Hendrickson  
Becker County Auditor/Treasurer  
By          Deputy

I certify the taxes due in the current  
tax year for the whole parcel are paid.  
Mary E Hendrickson  
Becker County Auditor/Treasurer  
By          Deputy

chg  
paid  
well

BECKER COUNTY DEED TAX  
AMT. PD. \$ 89.10  
Receipt # 084421  
Becker County Auditor/Treasurer

29,000.00 - split (Top 3 inches reserved for recording data)

WARRANTY DEED  
Individual(s) to Joint Tenants

Minnesota Uniform Conveyancing Blanks  
Form 10.1.5 (2013)

ECRV# 822161  
DEED TAX DUE: \$89.10

DATE: 6-8-18 \*

FOR VALUABLE CONSIDERATION, **Thomas L. Kemper and Kathy J. Kemper**, married to each other ("Grantor"), hereby conveys and warrants to **Wesley Jorgenson and Shantel Jorgenson**, ("Grantee"), as joint tenants, real property in Becker County, Minnesota, legally described as follows:

That part of Government Lot 2 in Section 2, Township 138 North, Range 39 West of the Fifth Principal Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 2; thence North 89 degrees 49 minutes 25 seconds West 1437.54 feet on an assumed bearing along the north line of said Section 2 to the centerline of 160<sup>th</sup> Street, said point is the point of beginning; thence westerly along the centerline of said 160<sup>th</sup> Street on a curve concave to the south, having a central angle of 06 degrees 34 minutes 41 seconds and a radius of 1000.00 feet, for a distance of 114.81 feet (chord bearing South 83 degrees 52 minutes 45 seconds West) to a point of compound curvature; thence southwesterly along the centerline of said 160<sup>th</sup> Street on a curve concave to the southeast, having a central angle of 39 degrees 20 minutes 03 seconds and a radius of 250.00 feet, for a distance of 171.63 feet (chord bearing South 60 degrees 55 minutes 23 seconds West); thence South 41 degrees 15 minutes 21 seconds West 84.35 feet continuing along the centerline of said 160<sup>th</sup> Street; thence southwesterly continuing along the centerline of said 160<sup>th</sup> Street on a curve concave to the northwest, having a central angle of 37 degrees 24 minutes 21 seconds and a radius of 275.00 feet, for a distance of 179.54 feet (chord bearing South 59 degrees 57 minutes 32 seconds West); thence South 78 degrees 39 minutes 42 seconds West 127.79 feet continuing along the centerline of said 160<sup>th</sup> Street; thence southwesterly continuing along the centerline of said 160<sup>th</sup> Street on a curve concave to the southeast, having a central angle of 59 degrees 28 minutes 56 seconds and a radius of 100.00 feet, for a distance of 103.82 feet (chord bearing South 48 degrees 55 minutes 14 seconds West); thence South 19 degrees 10 minutes 46 seconds West 42.87 feet continuing along the centerline of said 160<sup>th</sup> Street; thence southwesterly continuing along the centerline of said 160<sup>th</sup> Street on a curve concave to the northwest, having a central angle of 39 degrees 25 minutes 57 seconds and a radius of 225.00 feet, for a distance of 154.85 feet (chord bearing South 38 degrees 53 minutes 44 seconds West); thence South 58 degrees 36 minutes 43 seconds West 196.43 feet continuing along the centerline of said 160<sup>th</sup> Street; thence westerly continuing along the centerline of said 160<sup>th</sup> Street on a curve concave to the north, having a central angle of 31 degrees 40 minutes 53 seconds and a radius of 280.00 feet, for a distance of 154.82 feet (chord bearing South 74 degrees 27 minutes 10 seconds West); thence North 89 degrees 42 minutes 24 seconds West 37.50 feet continuing along the centerline of said 160<sup>th</sup> Street; thence westerly continuing along the centerline of said 160<sup>th</sup> Street on a curve concave to the north, having a central angle of 20 degrees 25 minutes

CTS 180890 (1)



21 seconds and a radius of 200.00 feet, for a distance of 71.29 feet (chord bearing North 79 degrees 29 minutes 43 seconds West) to the west line of said Government Lot 2; thence North 00 degrees 14 minutes 51 seconds West 628.55 feet along the west line of said Government Lot 2 to a found iron monument at the north quarter corner of said Section 2; thence South 89 degrees 49 minutes 25 seconds East 1017.14 feet along the north line of said Section 2 to an iron monument; thence continuing South 89 degrees 49 minutes 25 seconds East 186.70 feet along the north line of said Section 2 to the point of beginning.

SUBJECT TO an easement for public road purposes for 160<sup>th</sup> Street over, under and across that part of the above tract which lies within 33.00 feet of the centerline of said 160<sup>th</sup> Street.

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:

**Covenants, Easements and Restrictions of Record, if any**

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: \_\_\_\_\_).
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

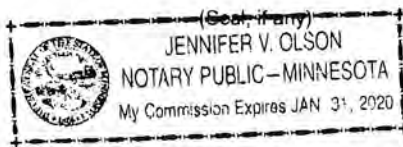
Grantor

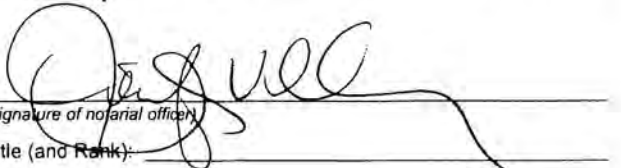
  
Thomas L. Kemper

  
Kathy J. Kemper

State of Minnesota  
County of Becker

This instrument was acknowledged before me on 8 day of June, 2018, by Thomas L. Kemper and Kathy J. Kemper, married to each other.



  
(signature of notarial officer)  
Title (and Rank): \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:  
Consolidated Title Services  
828 Minnesota Avenue  
Detroit Lakes, MN 56501  
CL# 180890 rmr/

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:  
Wesley Jorgenson and Shantel Jorgenson  
36519 Perring Dr  
Rockport MN 56578



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:4,514

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Date: 5/18/2020

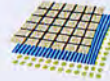
Becker County



# IMAGINE YOUR AD HERE

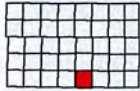
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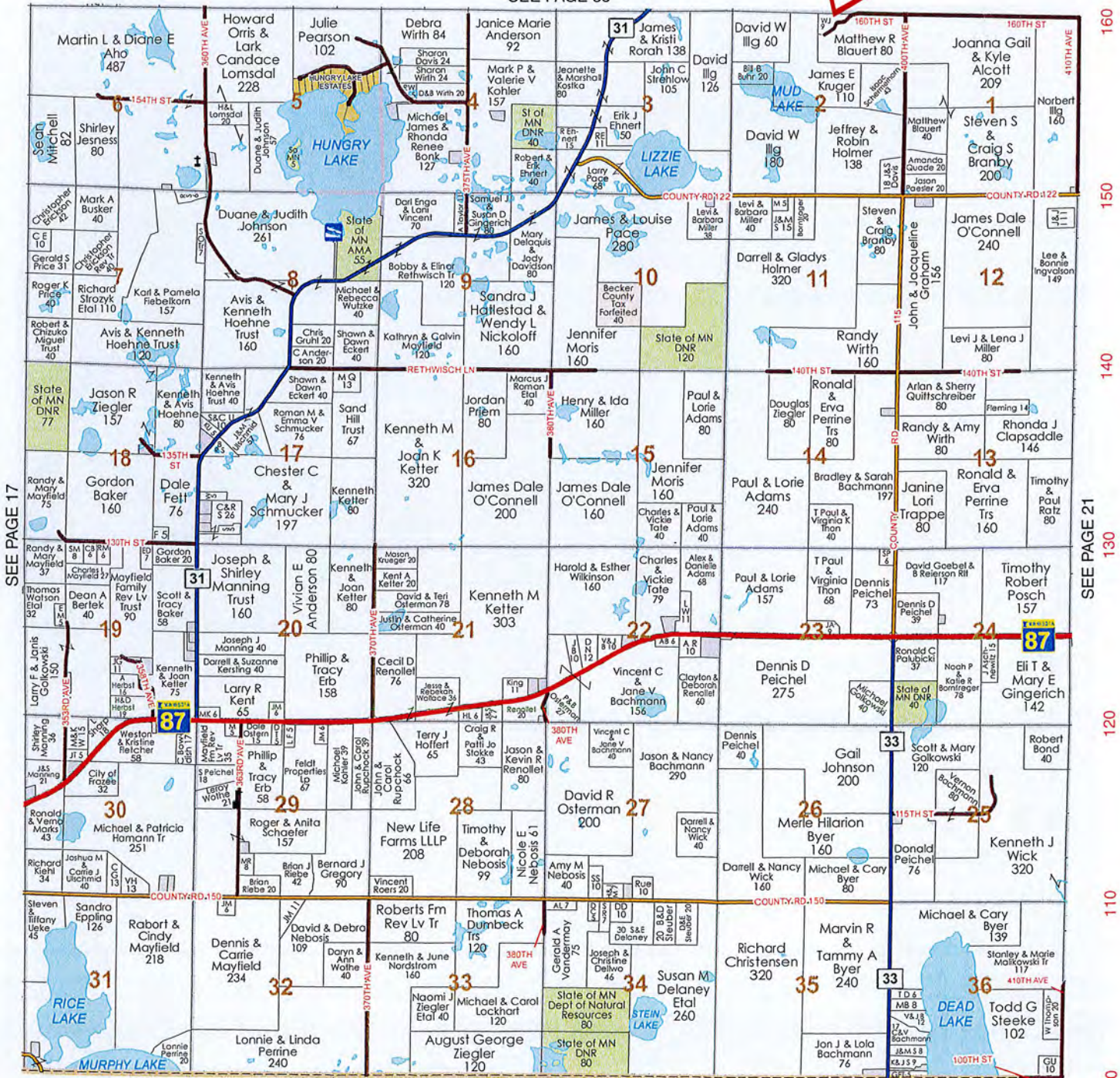


Silver Leaf

Township 138 - Range 39W

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SEE PAGE 35



OTTER TAIL COUNTY



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

---

### PLANNING COMMISSION NOTICE OF PUBLIC HEARING

**\*\*HEARING DATE AND LOCATION\*\***

June 9th, 2020 @ 7:00 P.M.

**\*\* 3<sup>RD</sup> FLOOR JURY ASSEMBLY ROOM – BECKER COUNTY COURTHOUSE OR JOIN VIA  
MICROSOFT TEAMS MEETING\*\***

APPLICANT: Greiner, Balsiger & Rohweder  
Dairy LLP  
27998 Co Hwy 9  
Lake Park, MN 56554

Project Location: 27998 Co Hwy 9  
Lake Park, MN 56554

#### APPLICATION AND DESCRIPTION OF PROJECT:

Request an amendment to an existing conditional use permit to expand to 3214 mature cows and 200 calves (4539.6 animal units) on agricultural zoned property. The request also includes manure pit modifications.

LEGAL LAND DESCRIPTION: Tax ID number: 07.0008.001

Lot 1 & SE1/4 of NE1/4 Less S 3 Rods; Section 02 Township 140 Range 043; Cuba Township.

#### REFER TO BECKER COUNTY ZONING ORDINANCE

\*\* In response to the COVID-19 public health emergency declared by Governor Walz, the June Planning Commission Hearing will be conducted with the option of joining in-person or via Microsoft Teams Meeting as allowed under Minnesota Statutes, Section 13D.021. To join the Microsoft Teams Meeting by phone please dial +1 763-496-5929 and use conference ID: 564 635 109# or to access the meeting virtually please follow the link provided on the Becker County website under News & Announcements, "Planning Commission Public Hearing Link".

#### Replies/Comments:

Public testimony regarding this application will only be received by email, in writing, in-person or by participating in the remote public hearing. Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments, or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable.

Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [zoning@co.becker.mn.us](mailto:zoning@co.becker.mn.us)**

To view all application information on this project please visit:

**[http://www.co.becker.mn.us/government/meetings/planning\\_zoning/planning\\_commission/](http://www.co.becker.mn.us/government/meetings/planning_zoning/planning_commission/)**

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

# Conditional Use Application Review

Permit # CUP2020-16

## Property and Owner Review

Owner: <b>GREINER, BALSIGER &amp; ROHWEDER DAIRY LLP</b>	Parcel Number(s): <b>070008001</b>
Mailing Address: <b>GREINER, BALSIGER &amp; ROHWEDER DAIRY LLP 27998 CO HWY 9 LAKE PARK MN 56554</b>	Site Address: <b>27998 CO HWY 9</b>
	Township-S/T/R: <b>CUBA-02/140/043</b>
	Shoreland? <b>No</b> Name:
Legal Descr: <b>LOT 1 &amp; SE1/4 OF NE1/4 LESS S 3 RODS</b>	

## Conditional Use Details Review

Description of Conditional Use Request: <b>Feedlot Expansion over 500 Head</b>
<p>1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity. <b>BGR Dairy will comply with Minnesota Pollution Control, Becker County, and state of Minnesota regulations. BGR Dairy will be adding another animal confinement barn.</b></p>
<p>2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area. <b>The predominant use of of land in our area is agriculture. BGR Dairy will sell organic fertilizer to area farmers.</b></p>
<p>3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. <b>Minnesota Pollution Control requires BGR Dairy to have engineered plans for roads, drainage, buildings, and run off.</b></p>
<p>4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. <b>BGR Dairy has on on site parking lot.</b></p>
<p>5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result. <b>BGR Dairy houses animals in confined barns. Manure ans feed storage run off will be contained in earthen clay lined ponds.</b></p>
Additional shoreland questions below (if applicable)
<p>6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.</p>
<p>6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.</p>
<p>6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.</p>
<p>6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accomodated.</p>

## Business Plan Review

Name of Business: <b>BGR DAIRY LLP</b>
Business Owners: <b>Fritz Balsiger</b>
Business Type: <b>Other - Please describe below</b> If 'Other', explain: <b>Dairy Farm</b>
Type of Merchandise: <b>Selling raw milk</b>
Type of Service: <b>Dairy Farm</b>
Hours and Days of Operation: <b>24 Hrs a day, 7 days a week</b>

Number of Employees: <b>24</b>
Off-Street Parking Plan: <b>BGR Dairy Has an parking lot on site</b>
Size of structure to be used for Business: <b>BGR Dairy has 7 buildings on site and planning to add 1 more building.</b> New or Existing: <b>New Structure</b>
Signage Plan: <b>none</b>
Exterior Lighting Plan: <b>All exterior doors have lights</b>
Known Environmental Hazards: <b>None</b>
Additional Business Plan Information:



**K<sub>2</sub>S ENGINEERING INC.**  
 4209 94TH AVE SE  
 YPSILANTI, ND 58497  
 Phone 701-489-3322

**BGR Dairy LLP**  
 Becker County MN  
 AWS  
 Main Plan View

Date Surveyed  
 Date Drawn 11-15  
 Designed by SKK  
 Drawn By SKK  
 Date Checked  
 Checked by  
 File: prelim2015.dwg

Date  
 Approved By .....  
 Title .....

Sheet No.  
 1 of 1





# Animal feedlot or manure storage area permit application

## NPDES and SDS Permit Program

Doc Type: Permit Application

**Applicability:** You must submit this form to the Minnesota Pollution Control Agency (MPCA) for issuance, reissuance, and major modification of National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) feedlot permit coverage. A separate application form exists for minor modification requests. *The Feedlot permit modifications fact sheet that explains major and minor permit modifications is available on the MPCA website at <https://www.pca.state.mn.us/feedlots> Keep a copy of this application form and all submittals for your records.*

Submit this form and any required enclosures to the MPCA as follows:

- After signing this form, scan and email it along with any required enclosures to [FeedlotSubmittal.pca@state.mn.us](mailto:FeedlotSubmittal.pca@state.mn.us).
  - To submit the application fee – mail the check with a copy of the first page of this form to the address listed below.
- If submission via email is not possible, you can mail this form, the required enclosures, and check for the application fee to:
 

Attn: Feedlot Master File Staff  
Minnesota Pollution Control Agency  
18 Wood Lake Drive SE  
Rochester, MN 55904

### I. Permit type and reason for application

Feedlot Registration number: 005-50017

Please indicate which type of feedlot permit coverage you are applying for (*choose only one*)

- NPDES (Federal Permit) with State requirements included     SDS (State Permit)

Please indicate the reason for the permit application (*choose only one*)

- General permit coverage issuance  
(No existing general permit coverage or coverage under a new general permit due to pending expiration of current coverage)
- General permit coverage major modification  
(Changes to sites with existing general permit coverage, including construction or expansion)
- Individual permit issuance  
(No existing individual permit)
- Individual permit reissuance  
(Existing Individual permit due to expire and no desire to make any changes)
- Individual permit major modification  
(Changes to a site with an existing Individual permit, including construction or expansion)

### II. Owner's name(s) and address(es) - (All partners of a Limited Liability Partnership (LLP) must be listed.)

**Primary owner** – Will be used as the mailing address

**Additional owner** – attach additional sheets as necessary

Name: Fritz Balsiger

Name: Curtis Roweder

Address: 27998 County HWY 9

Address: 4075 HWY 13

City: Lake Park State: MN

City: Wishek State: ND

Phone: 218-238-5942 Zip: 56554

Phone: \_\_\_\_\_ Zip: 58495

Email: bgrdairy@bgrdairy.com

Email: \_\_\_\_\_

**Note:** The term owner includes all persons having possession, control, or title to an animal feedlot or manure storage area (including lessees or renters). All owners must be listed. Attach to this application the names, addresses, and phone numbers of all additional owners.

### III. Facility name and site address

### Contact person for day-to-day activities

Site Name: BGR Dairy LLP

Name: Fritz Balsiger

Facility is a MN Ag Water Quality Certified Farm (MAWQCF)

Street: 27998 County HWY 9

Complete if facility address is different than the primary owner address:

City: Lake Park State: MN

Street: \_\_\_\_\_

Phone: 218-238-5942 Zip: 56554

City: \_\_\_\_\_ State: MN

Cell phone: 218-849-9332

Phone: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: bgrdairy@bgrdairy.com

(General letters/notices may be sent by email where one is indicated.)

Additional Owner:

Ken Greiner

1210 US HWY 79 E

Elbow Lake MN 56531

#### IV. Billing address

Indicate where the Permit fee invoice(s) should be mailed (check only one):

- Primary owner address in Section II     Contact person in Section III

#### V. Facility location

County: Becker

Township name: Cuba

Township (26 – 71 or 101 – 168)	Range (1 – 51)	Section (1 – 36)	¼ Section (160 acre) (NW, NE, SW, SE)	¼ of ¼ Section (40 acre) (NW, NE, SW, SE)
T 140 N	R 43 W	2	SE	NE

#### VI. Sensitive features

1. Is any part of the facility within 1,000 feet of any type of surface waters or tile intake?  Yes  No  
If Yes, select all types below  
 Lake     River     Stream (Perennial or Intermittent)     Tile Intake  
 Pond     Creek     Ditch     Wetland     Calcareous Fen     Unknown
2. Is any part of the facility located within 300 feet of a river/stream?  Yes  No
3. Is any part of the facility located within a delineated flood plain (100 year flood)?  Yes  No
4. Is any part of the facility located within designated shoreland?  Yes  No
5. Is any part of the facility located within 1,000 feet of a karst feature? (sinkholes, caves, disappearing springs, resurgent springs, karst windows, dry valleys, or blind valleys)  Yes  No  
If Yes, complete a. and b. below:  
a. Are there 4 or more sinkholes within 1,000 feet?  Yes  No  
b. Is any part of the facility within 300 feet of a known sinkhole?  Yes  No
6. Is any part of the facility located within 1,000 feet of the following types of wells?  Yes  No  
If Yes, select the applicable well type below:  
 a community water supply well  
 a well serving a public school as defined under Minn. Stat. § 120A.05  
 a well serving a private school excluding home school sites  
 a well serving a licensed child care center where the well is vulnerable (Minn. R. 4720.5550, subp. 2)

#### VII. Environmental Review (complete when construction or expansion is proposed)

Mandatory environmental review is required when the addition of 1,000 or more animal units (AU) is proposed as part of the construction/expansion at any facility. The threshold when environmental review is mandatory is reduced to 500 AU when any part of the facility is located within a "sensitive area". The facility is within a sensitive area when any of the following apply.

- Any part of the facility is within a delineated floodplain (yes to question 3 above)
- Any part of the facility is within designated shoreland (yes to question 4 above)
- Any part of the facility is within 1,000 feet of a karst feature (yes to question 5 above)
- Any part of the facility is within a vulnerable drinking water supply management area
- Any part of the facility is within a federal, state, or local wild and scenic river district
- Any part of the facility is located within the Minnesota River Project Riverbend area or the Mississippi headwaters area

Additionally mandatory environmental review is required for "Phased actions". Phased actions are defined under Minnesota law (Minn. R. ch. 4410) as two or more projects located in the same geographic area and constructed sequentially within three years of each other by the same proposer. When this is the case, the animal units from all projects are combined to determine if environmental review is required. The following will assist the MPCA to evaluate if your project qualifies as a "phased action".

Do you have ownership interest in another livestock operation that was constructed/expanded within the past three years or are you substantially certain you will be constructing/expanding another livestock operation within the next three years?

- Yes     No

If Yes, how far away (straight-line distance) is it located from the project proposed in this application? \_\_\_\_\_ miles

There are also rule provisions to require completion of the environmental review process in the event of a citizen petition or upon the discretion of the MPCA. Please see the MPCA fact sheet entitled "[When is Environmental Review Required for Feedlots](#)" (available on the MPCA website at <https://www.pca.state.mn.us/quick-links/environmental-review>) and/or Minn. R. 4410 for further details.

### VIII. Animal numbers and animal unit (AU) calculation

Complete the table below to identify the **maximum** number of animals housed at the facility. All animal numbers and animal sizes used to complete this table should reflect the animal holding **capacity** of the facility even if the facility does not currently house or propose to house that number of animals. At no time is the number of animals at the facility allowed to exceed the capacity provided below without first obtaining a permit or permit modification.

**Current capacity** - List the current head count **capacity** for each animal type in column 3 below. For sites with a permit, this should match the currently permitted number of animals. Next, multiply the AU Factor in column 2 by the number of animals listed in column 3 to get the **Current AU Capacity** for each animal type (column 4). Finally, add together all AU's in column 4 to get a total at the bottom of the chart. *If this application is for a brand-new feedlot site leave columns 3 and 4 blank. (i.e., bare piece of ground)*

**Final capacity** - List the final head count **capacity** for each animal type in column 5 below. This number should include current animals plus or minus any expansion or reduction in each animal type. This should reflect the maximum AU capacity requested with this permit application. Next, multiply the AU Factor in column 2 by the number of animals listed in column 5 to get the **Final AU Capacity** for each animal type (column 6). Finally, add together all AU's in column 6 to get a total at the bottom of the chart.

1. Animal type	2. Animal unit factor	Current AU capacity		Final AU capacity (Current +/- Changes)	
		3. Head count	4. Animal units = column 2 x column 3	5. Head count	6. Animal units = column 2 x column 5
<b>A. Dairy cattle</b>					
Mature cow (milked or dry) over 1,000 lbs.	1.4	2500	3500	3214	4499.6
Mature cow (milked or dry) under 1,000 lbs.	1.0				
Heifer	0.7				
Calf	0.2	200	40	200	40
<b>B. Veal</b>					
Veal	0.2				
<b>C. Beef cattle</b>					
Slaughter steer/heifer, stock cow, or bull	1.0				
Feeder cattle (stocker or backgrounding), heifer	0.7				
Cow and calf pair	1.2				
Calf (weaned)	0.2				
<b>D. Swine</b>					
Over 300 lbs.	0.4				
Between 55 and 300 lbs.	0.3				
Under 55 lbs.	0.05				
<b>E. Horses</b>					
Horse	1.0				
<b>F. Sheep</b>					
Sheep or Lamb	0.1				
<b>G. Chickens with a liquid manure system</b>					
Layer Hens or Broilers	0.033				
<b>H. Chickens with a dry manure system</b>					
Broilers over 5 lbs.	0.005				
Broilers under 5 lbs.	0.003				
Layer Hens over 5 lbs.	0.005				
Layer Hens under 5 lbs.	0.003				
<b>I. Turkeys</b>					
Over 5 lbs.	0.018				
Under 5 lbs.	0.005				
<b>J. Ducks</b>					
Duck (with a liquid manure handling system)	0.01				
Duck (with a dry manure handling system)	0.01				
<b>K. Animals not listed in A to J (AU factor in column 2 = average weight of the animal type divided by 1,000 lbs.)</b>					
Animal type:					
<b>Total animal unit capacity</b>			<b>Current AU Capacity Total</b>		<b>Final AU Capacity Total</b>
Add all numbers in column 4 for Current AU total			3540		4539.6
Add all numbers in column 6 for Final AU total					

**Pasture access:** Do any animals at the facility have access to pasture?  Yes  No

## IX. Animal holding areas

Complete the table below for all your animal holding areas. If needed, continue your list on an additional copy of this page.

### Animal holding area ID

List each animal holding area in a separate column

Facility Site Sketch ID (i.e., #1, A, Barn 1)	1	2	3	4	5		
<b>Status:</b> (check one box only) <i>Proposed</i> - not permitted previously <i>Approved</i> - permitted but not yet operational <i>Existing</i> - current operational component* <i>Modifying</i> - change to a permitted component	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Approved <input type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating
Distance to nearest well (ft.)	280	165	254	410	590		

\* for facilities without current NPDES or SDS permit coverage, this would include all current components of your registered feedlot

### Type of animal holding areas

(indicate dimensions and floor type)

Write approximate dimensions in feet in the space below

(width x length or area with units for irregular shapes)

Total confinement barn (slatted floor)						~230x80
Total confinement barn (solid floor)						
Partial confinement barn						
Open lot with runoff controls						
Open lot without runoff controls						
Animal Holding Area Floor Type (check all that apply)	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other

Indicate the maximum capacity (number of animals) of each animal holding area

The total number of all animals listed should match the final animal numbers listed on page 3.

Animal numbers	1	2	3	4	5	
Mature dairy cows (over 1,000 lbs.)	700	700	1000	814		
Mature dairy cows (under 1,000 lbs.)						
Dairy heifers						
Dairy calves					200	
Veal						
Slaughter steer/heifer, stock cow or bull						
Feeder cattle-stocker/background/heifer						
Cow and calf pair						
Beef calves (weaned)						
Swine over 300 lbs.						
Swine between 55 and 300 lbs.						
Swine under 55 lbs.						
Horses						
Sheep or lamb						
All chickens with liquid manure system						
Broiler chickens over 5 lbs. - dry system						
Broiler chickens under 5 lbs. - dry system						
Laying hens over 5 lbs. - dry system						
Laying hens under 5 lbs. - dry system						
Turkeys - over 5 lbs.						
Turkeys - under 5 lbs.						
Ducks						
Other:						

### Air emissions plan for animal holding areas\*

Indicate from the list below the letter(s) of the applicable air emission control strategy(s)

(choose at least one strategy for each category below for each animal holding area)

Odor control strategies currently employed	A,C,D,E,G,H	A,C,D,E,G,H	A,C,D,E,G,H	A,C,D,E,G,H	A,C,D,E,G,H	
Possible additional odor control strategies** (must indicate at least one practice)					i	

### Potential practices employed to minimize emissions/odors from animal holding areas

- |   |   |
|---|---|
| A. Disperse/mix air with tree plantings                   | F. Higher oil and fat content in feed to reduce dust                            |
| B. Treatment of escaping air with control technologies    | G. Eliminate manure buildup under gates, feeders, etc..                         |
| C. Maintain clean, dry floors to eliminate manure buildup | H. Maintain exhaust fans and avoid manure and dust accumulation                 |
| D. Promptly clean up any spilled feed                     | I. Use spray oil to reduce dust   |
| E. Regular removal of manure                              | J. I will consult the MPCA to identify changes that can be made to reduce odors |
| K. Other: _____   |   |

\* This satisfies Minn. R. 7020.0505, subp. 4 item B (1). The response to documented exceedances is satisfied by the application certification text.

\*\* In the event that odor complaints are validated, the practices identified will be implemented pursuant to MPCA request/approval.

## X. Manure handling, feed storage, and dead animal areas

Complete the table below for your manure storage, feed/silage storage areas and dead animal disposal areas on your site. If needed, continue your list on an additional copy of this page.

Manure, feed, or dead animal areas	List each manure handling, feed storage, and dead animal area in a separate column						
Facility Site Sketch ID (i.e., #1, A, Basin 1)	6	7	8	9	5	10	
<b>Status:</b> (check one box only) <i>Proposed</i> - not permitted previously <i>Approved</i> - permitted but not yet operational <i>Existing</i> - current operational component* <i>Modifying</i> - change to a permitted component	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Approved <input type="checkbox"/> Existing <input type="checkbox"/> Modifying <input type="checkbox"/> Eliminating
Distance to nearest well (ft.)	490	840	960	960	590	395	

\* for facilities without current NPDES or SDS permit coverage, this would include all current components of your registered feedlot

### Type of liquid manure or process wastewater storage/treatment areas (indicate dimensions)

Write approximate top dimensions in feet in the space below (width x length x depth or volume with units for irregular shapes)

Earthen or GCL lined basin		490x150x8.5	600x300x19.5	600x300x19.5		
Below barn concrete tank						
In-ground concrete tank/basin (outdoor)						
Above-ground concrete tank						
Synthetic lined (HDPE, EPDM, etc.) basin						
Steel tank (i.e., slurry-store)						
Composite lined (2 liner types) basin/tank						
Vegetated Infiltration Area						
Other (describe): sand separation bldg						~300x60

### Type of solid manure, feed storage, and dead animal areas (indicate dimensions and floor type)

Write approximate dimensions in feet in the space below (width x length or area with units for irregular shapes)

Permanent stockpile						
Dead animal management area						
Covered feed storage area						
Uncovered feed storage area	630X300					
Sweet corn silage storage storage pad area						
Tonnage on site at any one time						~230x80
Other (describe): BEDDED PACK						
Stockpile, feed storage, or mortality area floor/liner type (check all that apply)	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Soil <input type="checkbox"/> Asphalt <input type="checkbox"/> Other

### Air emissions plan for liquid and solid manure storage areas\*

Indicate from the list below the letter(s) of the applicable air emission control strategy(s) (choose at least one strategy for each category below for each manure storage area) (this is not required for feed storage areas, vegetative infiltration areas, or dead animal management areas)

Odor control strategies currently employed		E	A	A	P	
Possible additional odor control strategies** (must indicate at least one practice)		B,K,L,M,O	B,K,L,M,O	B,K,L,M,O	K,L,M,N,O	

### Potential practices employed to minimize emissions/odors from manure storage areas

(no practices required for feed storage areas, vegetative infiltration areas, or dead animal management areas)

#### Liquid storage area specific (basins, pits, etc.)

- A. Maintain crust on basin by using organic bedding
- B. Cover liquid manure storage area with straw
- C. Cover liquid manure storage area with synthetic cover
- D. Anaerobic digestion
- E. Separate solids with settling basin or liquid/solid separator
- F. Utilize a pit additive to break down solids

#### Solid storage area specific (stockpiles)

- G. Reduce length of time stockpile is maintained
- H. Solid manure composting
- I. Cover the solid manure stockpile
- J. Incinerate solid manure at approved/permitted facility

#### Practices applicable to solid or liquid storage areas

- K. Notify neighbors of manure application periods and avoid holidays
- L. Disperse/mix air with tree plantings
- M. Add straw or other bedding material to reduce odor/ emissions
- N. Treatment of escaping air with control technologies
- O. I will consult the MPCA to identify changes that can be made to reduce odors

P. Other: MAINTAIN BEDDED PACK IN BLDG

Q. Other: \_\_\_\_\_

R. Other: \_\_\_\_\_

\* This satisfies Minn. R.7020.0505 subp. 4 item B (1). The response to documented exceedances is satisfied by the application certification text.

\*\* In the event that odor complaints are validated, the practices identified will be implemented pursuant to MPCA request/approval.

## XI. Changes to groundwater monitoring plan (complete only if applicable)

If groundwater monitoring is required at the facility, this application can request changes to the MPCA-approved groundwater monitoring plan. In order to request changes to the groundwater monitoring plan, please indicate the type of change requested.

- Elimination of monitoring                       Change to sampling frequency  
 Change to sample testing protocol             Other

When a change is requested, please include with this permit application documentation from a qualified professional that provides a technical analysis and justification for the requested changes.

## XII. Notifications and public meetings

The notifications identified in items A and B are required to be done **before** permit issuance.

### A. 500 or more AU: Notice to residents and property owners within 5,000 feet of a proposed project

**When required.** A notice is required in *either* of the following situations:

- **Construction of a new** feedlot, or manure storage area, which will have a capacity of 500 AU or more.
- **Expansion of an existing** feedlot, or manure storage area, which currently has, or will have upon completion of the expansion, a capacity of 500 AU or more.

**Notice methods.** The owner shall not less than 20 business days before the anticipated issuance date of the permit, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed facility. This notice *must* include, at a minimum, the information provided in Minn. R. 7020.2000, subp.4.

An example notice can be found in the factsheet [Public Notification Requirements – Feedlots with more than 500 Animal Units](https://www.pca.state.mn.us/feedlots) available on the MPCA website at <https://www.pca.state.mn.us/feedlots>.

#### Verification of notice.

The MPCA must verify that this notice has been completed prior to permit issuance. Documentation that this notice has been completed can be provided with the permit application (preferred) or submitted at a later date, prior to permit issuance.

#### When the notice has been completed prior to this application

Please include with this permit application one of the following options that provides verification that the required notice has been completed:

- An affidavit of publication from a newspaper of general circulation used to provide this notification.
- A list of all parties, with their location, that were notified by certified mail and copies of all signed mail return receipts.
- A list of all parties, with their location, that were personally visited with a date and signature from each party and certification signed by a notary public indicating in detail what was discussed.

#### When the notice has not been completed prior to this application

Please include with this permit application the following:

- A copy of the content of the notification
- Date notification is scheduled to occur: 2/26/20

Note: The permit cannot be issued prior to receiving verification that the notice has actually taken place. This verification must be one of the three items listed above.

### B. Non-delegated county public meeting minutes (Minn. Stat. § 116.07, subd. 7(l))

A county which has not accepted delegation of the feedlot program must hold a public meeting prior to issuance of a feedlot permit by the MPCA for an animal feedlot with a capacity of 300 or more animal units.

Date meeting has occurred or is scheduled to occur: CUP has been submitted to county

#### Verification of public meeting.

A copy of the meeting minutes must be provided to the MPCA for verification of completion of this requirement prior to permit issuance.

### XIII. Certification and signature

#### General permit

The Applicant certifies that, if this is an application is for a general permit, they are familiar with the requirements of the general permit. The Applicant understands that if the MPCA determines the facility does not meet the criteria for coverage under the general permit; this application will be used as an application for an individual Permit.

#### Notification to local officials

The Applicant certifies that, if the application includes construction of a new facility or expansion of an existing facility, all local zoning authorities have been notified in accordance with Minn. R. 7020.2000 subp. 5.

#### Operation and Maintenance Plan

The Applicant certifies that the following operation and maintenance measures will be employed:

- Operate and maintain manure storage areas according to the approved design plans including:
  - Repair of damage
  - Maintenance of freeboard
  - No discharge (unless approved)
  - Control vegetation and tree growth with frequent mowing
  - Access only at designated points (i.e. concrete ramps)
- Divert surface water flow away from and prevent pooling near manure storage areas
- Operate manure storage area capacity to be consistent with the approved manure management plan
- Perform routine maintenance of manure handling/transfer equipment
- Minimize erosion and sediment transport with vegetative buffers and/or gravel/rock energy dissipation
- Minimize stormwater contact with sources of pollution
- Operate animal mortality management areas according to MN Board of Animal Health and other applicable requirements
- Dispose of solid and hazardous waste according to applicable regulations
- Perform groundwater monitoring according to the MPCA approved plan

#### Air Emissions Plan – response to documented exceedances (Minn. R. 7020.0505 subp. 4, item B (1)(b))

The Applicant certifies that, if ambient air quality monitoring indicates an exceedance of the Hydrogen Sulfide Standard, they will submit a report, at the MPCA's request, that provides documentation that one of the following will control the emissions.

##### Liquid manure storage areas

- Chemical additions
- Natural crusting
- Straw cover
- Synthetic cover (i.e., HDPE)
- Treatment of escaping air

##### Solid manure storage areas

- Synthetic cover
- Frequent manure removal
- Frequent land application
- Incineration
- Composting

The report will provide evidence that the technology will control the emissions, indicate when the technology will be installed and fully operational, and indicate what temporary measures will be taken to minimize emissions prior to installation. Alternatives may be approved at the discretion of the MPCA. The report will be immediately implemented upon MPCA approval.

#### Construction Stormwater (CSW) Permit

The Applicant certifies that, if this application is for a NPDES permit where construction activities will disturb one or more acres of land, it will also serve as an application for the general CSW NPDES permit, as referenced in the feedlot NPDES permit, unless a separate application for CSW NPDES permit coverage has been made. The Applicant agrees to comply with the requirements of the CSW NPDES permit.

#### Applicant signature

I hereby certify that the design, construction, and operation of the facility will be in accordance with this application and plans, specifications, reports, and related communications approved by the MPCA, and in accordance with applicable permit conditions or regulations/standards of the MPCA.

I also certify under penalty of law that this document and all attachments were prepared under my direction or supervision and the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The person that signs this application must be one of the following:

- A. For a corporation, a principal executive officer of at least the level of vice president
- B. For a partnership, a general partner
- C. For a sole proprietorship, the proprietor

Print name: Fritz Balsiger Print official title: Co-owner  
Office phone: --- Cell phone: 218-849-9332  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To sign up for electronic communications including reminders for annual reports as well as MPCA feedlot newsletters and other MPCA communications, please go to the MPCA website at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.



**Required enclosures** (Permit applications submitted without all required enclosures are incomplete.)

All forms are available on the [NPDES and SDS permits](https://www.pca.state.mn.us/feedlots) page of the MPCA feedlot program website at: <https://www.pca.state.mn.us/feedlots>

- A. A site sketch/aerial photograph indicating the location of the existing and proposed facility components.
- B. A Manure/Nutrient Management Plan (MMP) **submitted on the MPCA's standardized form**.

When **all** manure is transferred to another entity for utilization, complete a MMP using the form:

[MMP requirements when ownership of manure is transferred](#).

When **any** portion of manure is applied to land owned, rented, or leased by the applicant(s), or applied to other land where nutrient application decisions are made by the applicant(s), complete a MMP using the spreadsheet form:

[MPCA Manure Management Planner](#).

*Notes: The MMP requirements when ownership of manure is transferred form is incorporated into the spreadsheet to account for instances when only some of the manure is transferred.*

*A hand-entry version of the [MPCA Manure Management Planner](#).*

- C. Plans and Specifications for construction, modification, or expansion of any liquid manure storage area.
- D. [Emergency Response Plan](#) for response to manure spills and catastrophic animal mortality events. The plan must be completed using the MPCA's form.
- E. Permit application fee: **(Check payable to: Minnesota Pollution Control Agency)**

Permitting action	Application fee	Application fee when Environmental Review (EAW) is required*
General permit coverage issuance	\$620	\$5,270
<b>General permit coverage major modification</b>	<b>\$620</b>	\$5,270
Individual permit issuance	\$1,860	\$6,510
Individual permit reissuance	\$620	\$5,270
Individual permit major modification	\$1,860	\$6,510

\*See Part VII of this application for more information regarding the need for preparation of an EAW.

- F. **Conditional** – Stormwater Pollution Prevention Plan (SWPPP). Development of a SWPPP is required when construction disturbs one or more acres at any feedlot site. The SWPPP must be available at the construction site but does **not** need to be submitted with this application unless the construction disturbs 50 acres or more of land and this application is for an NPDES permit.  
  
The MPCA has developed the [SWPPP template for feedlot construction activities](#) to assist in development of a SWPPP.
- G. **Optional** – Verification of the notifications required in part XII of this application. If not submitted with the application, the MPCA must receive the verification prior to permit issuance. It is strongly recommended that the applicable verifications be included with the permit application.



# Manure Management Plan (MMP) Requirements when Ownership of Manure is Transferred

## Feedlot Program

Doc Type: Permit Information Form

### Are you transferring ownership of manure?

MMP and record keeping requirements for feedlot owners are different when manure ownership is transferred. Manure ownership is not considered to be transferred (i.e., feedlot owner/operator retains ownership) when you answer "yes" to either question:

1.  Yes  No Is manure from the feedlot facility applied onto land that is owned, leased, or rented by the feedlot owner/operator?
2.  Yes  No For manure application sites not owned, leased, or rented by the feedlot owner/operator, have you as the feedlot owner/operator or employees working under your direction been given control of the crop and nutrient planning decisions, including planning for manure application rates, timing, and methods?

If you answered "Yes" to either question, you are retaining ownership of manure, and you should see the Minnesota Pollution Control Agency (MPCA) guidelines "Manure Management Plan Requirements" which describe requirements when manure ownership is not transferred (found on the MPCA website at <http://www.pca.state.mn.us/index.php/view-document.html?qid=3537>). If you answered "No" to both questions, then you are transferring ownership of your manure and the feedlot operator may use these guidelines to complete a MMP.

If only a portion of your manure is considered to have transferred ownership, then use these guidelines for the manure which has transferred ownership, and develop the more comprehensive MMP for the manure which does not have transferred ownership.

### MMP development

The MMP can be developed by answering the questions below or by using other formats that include all required information in Minn. R. ch. 7020.

Name of feedlot facility or operator: BGR Dairy LLP Registration No.: 005-50017

**1. Describe the manure storage and handling system and the expected amount of manure and nutrients that will need to be land applied.**

- a) How is the manure stored and handled? What happens to the manure from the time it is generated to the time it is either sold or land applied? Where is it kept? For how long?

*Manure and wastewater is being stored in three earthen holding basins for approximated 12 months.*

- b) How many months can manure be stored before the storage capacity is exceeded?

*~12*

- c) When will manure be provided to the recipient? Which months do you expect that manure will be applied?

*October & November, October & November*

- d) How much manure is removed from barns or storage areas per year? How much manure will eventually need to be land-applied?

Amount removed from barns or storage: ~30.5 million  Tons  Gallons

Amount land applied: ~30.5 million  Tons  Gallons

- e) How much of this manure will be transferred ownership: All

- f) How many pounds of nitrogen (N) and phosphorus (P<sub>2</sub>O<sub>5</sub>) will need to be land applied per year? (Multiply the expected nutrient content from Part 3.c) by the amount of manure land applied from Part 1.d) to get your answer.) (e.g., 77 pounds N ÷ 1,000 gallons x 1,300,000 gallons = 100,100 pounds of N or **alternatively** 45 pounds per ton x 3,000 tons = 135,000 pounds of N) (figure P<sub>2</sub>O<sub>5</sub> using the same calculations)

N: ~671,000 pounds P<sub>2</sub>O<sub>5</sub>: 183,000 pounds

- g) For new or expanding feedlot facilities, is there enough land potentially available for spreading manure in accordance with allowable rates?  Yes  No

How will you ensure that enough land owners in the area are willing to purchase your manure or otherwise receive your manure? (e.g., enough land to allow spreading in accordance with state nutrient rate limits)

*The history, through several years of agreements/partnerships and spreading.*

**2. Describe the manure application methods and equipment.**

- a) How will the manure be applied? What method(s) and type(s) of equipment do you expect will be used for manure application by the recipient of your manure, if known?

*Direct injection with drag hose*

**3. Describe your nutrient testing methods, the frequency of testing, and the expected nutrient content of the manure to be applied.**

- a) How often will manure be sampled and sent to a laboratory for nutrient analysis? (Minimum state requirements are: annual sampling at NPDES-permitted facilities; annual sampling for the first three years and once every four years for other feedlots.)

*Sampled every 2,000,000 Gallons*

- b) How will the manure samples be collected to ensure that representative samples are obtained for nutrient analysis? (e.g., How many subsamples? When collected? Where collected? University of Minnesota Extension Service publications may be referenced.)

*At application site. 15-16 samples. During injection process.*

- c) What is the expected nutrient content of manure to be collected? (e.g., What is the nitrogen and phosphorus content expected from each major type of manure storage area?)

N: 14-22  Pounds per Ton  Pounds per 1,000 Gallons

P<sub>2</sub>O<sub>5</sub>: 5-6  Pounds per Ton  Pounds per 1,000 Gallons

**4. Describe how Minnesota's manure application requirements will be provided to manure recipients.**

- a) Attach a copy of the state manure application requirements that you will provide to all recipients of your transferred manure. Will you be using Attachment A or another list of state requirements?

*Previous samples*

- b) How will you, as a feedlot owner/operator, maintain records associated with the manure transfer and land application sites/rates? Will you use MPCA recordkeeping forms for transferred ownership (Attachment B) or will you use a different form? **Note:** Attachments A and B can be obtained from MPCA offices or on the MPCA website at <http://www.pca.state.mn.us/hot/feedlot-management.html>.

*Attachment B*

- c) How will you provide the manure recipient with manure nutrient test results and expected manure nutrient content? You may use Attachment B or other forms which include test results.

*Attachment B*

## Animal mortality management (NPDES and SDS permitted sites only)

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Indicate with a check mark the anticipated method(s) of dead animal disposal.

**Rendering**

*Carcasses at the pick-up point will comply with the following:*

- Kept in an animal-proof, enclosed area.
- At least 200 yards from a neighbor's buildings.
- Picked up within 72 hours (7 days if refrigerated to less than 45 degrees).
- Other: \_\_\_\_\_

**Composting**

*The composting area will comply with the following:*

- Built on an impervious, weight-bearing pad that is large enough to allow equipment to maneuver.  
*Note: Class V gravel material is not considered to be impervious.*
- Covered with a roof to prevent excessive moisture on the composting material, but if sawdust or other water-repelling material is used as the bulking agent, a roof may not be necessary.
- Built of rot-resistant material that is strong enough to withstand the force exerted by equipment.
- Large enough to handle each day's normal mortality through the endpoint of the composting which consists of a minimum of two (2) heat cycles.
- Other: \_\_\_\_\_

**Burial**

*The following operational practices will be implemented:*

- Stay 5 feet above seasonal high water table.
- Stay 1000 feet away from lakes and 300 feet away from rivers, streams, ditches, etc.
- Be covered immediately with enough soil to keep scavengers out (three feet is sufficient).
- Not be placed in sandy or gravelly soil types.
- Maintain at least 10 feet vertical separation between dead animals and bedrock.
- Other: \_\_\_\_\_

**Incineration**

*The incinerator will meet the following:*

- Capable of producing emissions not to exceed 20 percent opacity.
- Fitted with an afterburner that maintains flue gases at 1,200 degrees Fahrenheit for at least 0.3 seconds.
- Ash from the incinerator must be handled in such a manner as to prevent particulate matter from becoming airborne.

**Other Method**

*The following operational practices will be implemented (describe the alternative method below):*

# Attachment A – Summary of state requirements for recipients of transferred manure and table for rate calculation

## I. Rate limits

**Match N needs** - Limit rates so that estimated plant-available N from all manure and fertilizer sources combined does not exceed expected crop N needs for the upcoming crop unless rates are limited by P (see section II)

**Legumes** - Crop-available manure N applied to legumes can not exceed 3.5 lbs N per bushel of soybeans; 50 lbs N per ton of alfalfa; 27 lbs N per ton grass hay or pasture; 43 lbs N per ton grass/legume; 45 lbs N per ton red clover.

**Base on Univ. of Minn. recommendations** – Determine crop nitrogen needs and the amount of nitrogen available from manure or legumes from most recent published recommendations of the University of Minnesota Extension Service or another land grant college in a contiguous state. Contact MPCA staff if you need the most recent Univ. of Minn. recommendations.

**Base rates on:** crop sequence, expected yields and soil organic matter category when applicable, previous year manure credits, method of application, and manure analysis nutrient levels.

**Calibrate equipment** – Calibrate equipment regularly and apply evenly to ensure that the intended rates of application are consistent with actual rates of application.

**Summer applications** – Plant a cover crop where manure is applied in June, July or August to harvested fields that would otherwise remain without crop cover for the rest of the growing season. Use a soil nitrate test during the following spring to credit remaining nutrients.

## II. Soil Phosphorus (P) management

**Soil P testing** – Test soils for P at least once every four years.

**Avoid P build-up along waters** – Manage manure additions (crop P removal can be used as a guide, don't exceed removal over time) so that soil P levels do not show increase within 300 feet of certain waters\*, except where soil P is insufficient for crop growth (less than 21 Bray P-1 or 16 Olsen), or where a 50-100' vegetative buffer is established along waters.

**Avoid extremely high P soils** – Avoid manure application onto fields where soils exceed P levels in the table below, unless a plan is submitted to the MPCA or County Feedlot Officer that describes how water pollution will be prevented when applying manure to these soils.

Soil Test Method	Outside of 300 ft from waters*	Within 300 ft from waters* and open tile intakes
Bray P1	150 ppm	75 ppm
Olsen	120 ppm	60 ppm

\* "waters" refers to lakes, streams, intermittent streams, wetlands over 10 acres, and drainage ditches without protective berms.

## III. Setbacks when applying manure in sensitive areas

Feature	Surface Application	Incorporation Within 24 hrs
Lakes, Streams	300**	25'
Wetlands (10+ ac)	300**	25'
Ditches w/o Berms	300**	25'
Open Tile Intakes	300'	0'
Sinkholes w/o Berms		
Downslope	50'	50'
Upslope	300'	50'
Wells and Quarries	50'	50'

\*\* 100' vegetated buffer can be used instead of 300' setback for non-winter applications (50' buffer for wetlands/ditches)

## IV. Keeping records

The cropland manager where manure is applied must keep records for at least three years (six years if applying manure near waters):

- Manure nutrient test results (provided by feedlot owner), Field locations and acreage, Dates of application and timing of incorporation, Amount of manure applied per acre, Total N and P applied on each field, and Soil nutrient test results.
- If manure is applied in during the winter, record the land slopes, distance to nearest water, and field conservation practices in place.

## V. Short-term stockpiling practices

Follow all stockpiling setbacks for waters and conduits to waters (ranging from 50 to 300 feet); avoid sandy soils and high water table soils (<2'); avoid slopes over 6%; use diversions if slopes exceed 2%; and keep records as required in Minn. R. ch. 7020.2125. The stockpile size must not exceed the amount of manure needed to supply nutrient needs to the tract of land where applied.

## VI. Spills

If manure spills occur that have the potential to pollute waters, immediately contact the state duty officer at 1-800-422-0798.

## VII. Manure rate calculator

If the P management requirements (see Section II) are being met, the calculator can be used at the time of application to determine the manure rate to apply at N-based rates.

Field location: Twnbsp \_\_\_\_\_ Sec \_\_\_ 1/4 \_\_\_\_\_

	N	Example
<b>Step 1. N needs of crop</b> (lb/acre) (base the N needs as described in Sec I)		130 lb/a
<b>Step 2. Total N in manure</b> (lb/ton or lb/1000 gallons)		50 lb/1000 gal
<b>Step 3. Take step 2 value &amp; multiply by applicable % factor from table 2 below.</b> (% ranges from .20 to .80)		50 X .80 = 40
<b>Step 4: Divide the number from step 1 by the number in Step 3.</b>		130/40 = 3.25
<i>Step 4 is in tons/acre or 1000 gal/acre</i>		3,250 gal/a

Table 2. Manure nitrogen availability and loss as affected by method of application and animal species.

	Surface broadcast - incorporation <sup>1</sup>			Injection	
	None	< 4 days	< 12 hours	Sweep	Kulfe
	% Total N				
<b>Beef</b>					
Year 1	25	45	60	60	50
Year 2	25	25	25	25	25
Lost <sup>2</sup>	40	20	5	5	10
<b>Dairy</b>					
Year 1	20	40	55	55	50
Year 2	25	25	25	25	25
Lost <sup>2</sup>	40	20	10	5	10
<b>Swine</b>					
Year 1	35	55	75	80	70
Year 2	15	15	15	15	15
Lost <sup>2</sup>	50	30	10	5	15
<b>Poultry</b>					
Year 1	45	55	70	NA	NA
Year 2	25	25	25	NA	NA
Lost <sup>2</sup>	30	20	5	NA	NA

For more detailed information on these specific requirements contact MPCA or go to the link:

<http://www.pca.state.mn.us/index.php/topics/feedlots/fee-clot-nutrient-and-manure-management.html?menuid=&redirect=1>

**Attachment B - Records when manure ownership is transferred - 300 or more animal units**  
**Records for feedlot owners (manure generator) and commercial applicators**

*Pads of triplicate carbon copies of this form, along with instructions, are available from the MPCA.*

- Copy 1: Kept by feedlot owner where manure is generated after completion of step #1.*
- Copy 2: Kept by applicator after completion of step #3.*
- Copy 3: Returned to feedlot owner where manure was generated after completion of step #3.*

**Step 1: Manure generation.** Completed by feedlot owner where manure is generated.

Name of facility where manure generated: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Date(s) of transfer (mm/dd/yyyy): \_\_\_\_\_ Total quantity transferred: \_\_\_\_\_  tons  gallons

**Manure analysis results (must be representative of manure transferred):**

Manure source: \_\_\_\_\_ Date analyzed (mm/dd/yyyy): \_\_\_\_\_

N: \_\_\_\_\_ P<sub>2</sub>O<sub>5</sub>: \_\_\_\_\_ K<sub>2</sub>O: \_\_\_\_\_ Units:  lb/ton  lb/1000 gallons

Name of company or individual taking manure from feedlot: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Step 2: Short-term stockpiling.** Completed by owner of the stockpile – Provide form to person applying manure.  
*If no stockpile, go to step 3.*

Stockpile location(s)				Quantity stockpiled (tons)	Date stockpile established	Date land applied
County	Township	Section	Quarter			

**Step 3: Manure Application.** Completed by individual applying the manure at the time of application. Return a copy to the feedlot owner where manure was generated within 60 days after applying manure. See the back of this form for manure spreading requirements when manure is from a facility with 300 or more animal units.

Name of company or individual that applied manure: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Minnesota Department of Agriculture license number of commercial applicator: \_\_\_\_\_

Field ID	County	Township	Section	Application rate (tons or gallons/ac)



**Minnesota Pollution Control Agency**  
 520 Lafayette Road North  
 St. Paul, MN 55155-4194

# Emergency Response Plan

## NPDES and SDS Permit Program

### Feedlot Program

Doc Type: Permit Application

**Applicability:** This *Emergency Response Plan* is to be used in case of an emergency spill, leak, or failure at the production facility or land application area and to assist with response to catastrophic animal mortality events (barn fires, tornadoes, etc.). You must submit this form as part of an application for National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) feedlot permit coverage.

Facility name: BGR Dairy LLC Feedlot registration no.: 005-50017  
 Owner/Operator name: Fritz Balsiger Feedlot permit no.: MN0070041

### List of critical phone numbers and contacts

	Contact person (or Company)	Phone number		
<b>Emergency contacts</b>				
• Fire/Ambulance	-----	911		
• County Sheriff	Becker County Sheriff	218-847-2661		
<b>Agency contacts</b>				
• <b>Minnesota Duty Officer</b>	-----	1-800-422-0798	<b>Provide the Minnesota Duty Officer:</b>	
• Minnesota Pollution Control Agency (MPCA) Field Office	Detroit Lakes MN	218-847-1519		
• County Feedlot Officer (CFO)	non-delegated county			
• Board of Animal Health Contact				
<b>Other contacts</b>				
• Insurance company			<ul style="list-style-type: none"> <li>• Your contact information</li> <li>• Incident location, date, and time</li> <li>• For spills               <ul style="list-style-type: none"> <li>- spill type</li> <li>- spill amount</li> <li>- surface water or field tile impacted</li> </ul> </li> <li>• Progress made in response to the spill or catastrophic mortality event</li> </ul>	
• Gopher State One Call	-----	1-800-252-1166		
•				
<b>Local vendors for spill and/or catastrophic mortality response assistance</b>				
• Manure pumper	Jerry Loxtercamp	320-298-0036		
• Manure loading equipment				
• Earth moving equipment	Olson Construction	218-238-5202		
• Tiling equipment				
• Containment/Absorption materials (hay, straw, cornstalks, sawdust)	BGR Dairy			
•				

### Manure Spill Emergency Response Procedures\*

- Immediately stop the source of a liquid manure leak or spill:
  - Turn off pumps or valves
  - Clamp hoses or park tractor on hoses
- Contain spilled manure:
  - Use skid loader or tractor with blade to make berms
  - Install bale checks and block downstream culverts
  - Insert sleeves around tile intakes (or plug/cap)
  - Use tillage equipment to work ground ahead of spill
  - Use absorptive materials
- Make necessary phone calls as listed in the chart above:
  - Notify Minnesota Duty Officer at 1-800-422-0798
  - Notify sheriff's office if spilled on public roads or right-of-ways
- Cleanup:
  - Clean up spill immediately from road and roadside
  - Clean up all material, including the contaminated soil, as soon as possible by scraping, or by other means
  - Land apply manure at agronomic rates or place manure back in the manure storage area/ solid manure stockpile
  - Follow recommendations of MPCA staff and/or CFO
  - Restore site to its original conditions
  - If rain is expected prior to completion of cleanup; actions need to be taken to contain manure contaminated runoff from solid manure spills
- Document your actions:
  - Keep records of all actions related to the spill and follow up activities

\*A detailed site map should be displayed on site to assist employees identify sensitive receptors near the facility (surface water, wells, tile intakes, etc.).

### Catastrophic Animal Mortality Response

- Make necessary phone calls as listed in the chart above:
  - Notify Minnesota Duty Officer at 1-800-422-0798
  - Notify Minnesota Board of Animal Health
  - Notify MPCA and CFO
- Cleanup
  - Dispose of mortalities according to recommendations of MN Board of Animal Health Representative
  - Locate disposal area for mortalities to prevent impacts to surface and/or groundwater (consult MPCA/CFO)
- Document your actions
  - Keep records of all actions related to the animal mortality disposal activities

If burial of animal mortalities is necessary, the burial site must meet the following:

- Located 1000 feet from lakes and 300 feet from rivers and streams
- Mortalities are not buried within 5 feet of the seasonal water table
- Mortalities are not buried within 10 feet of karst susceptible bedrock
- Soils are not sandy or gravelly

Describe approximate location(s) of potential burial site(s) below:

west of manure pit



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

1:9,028

Date: 5/18/2020

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Becker County







Cuba

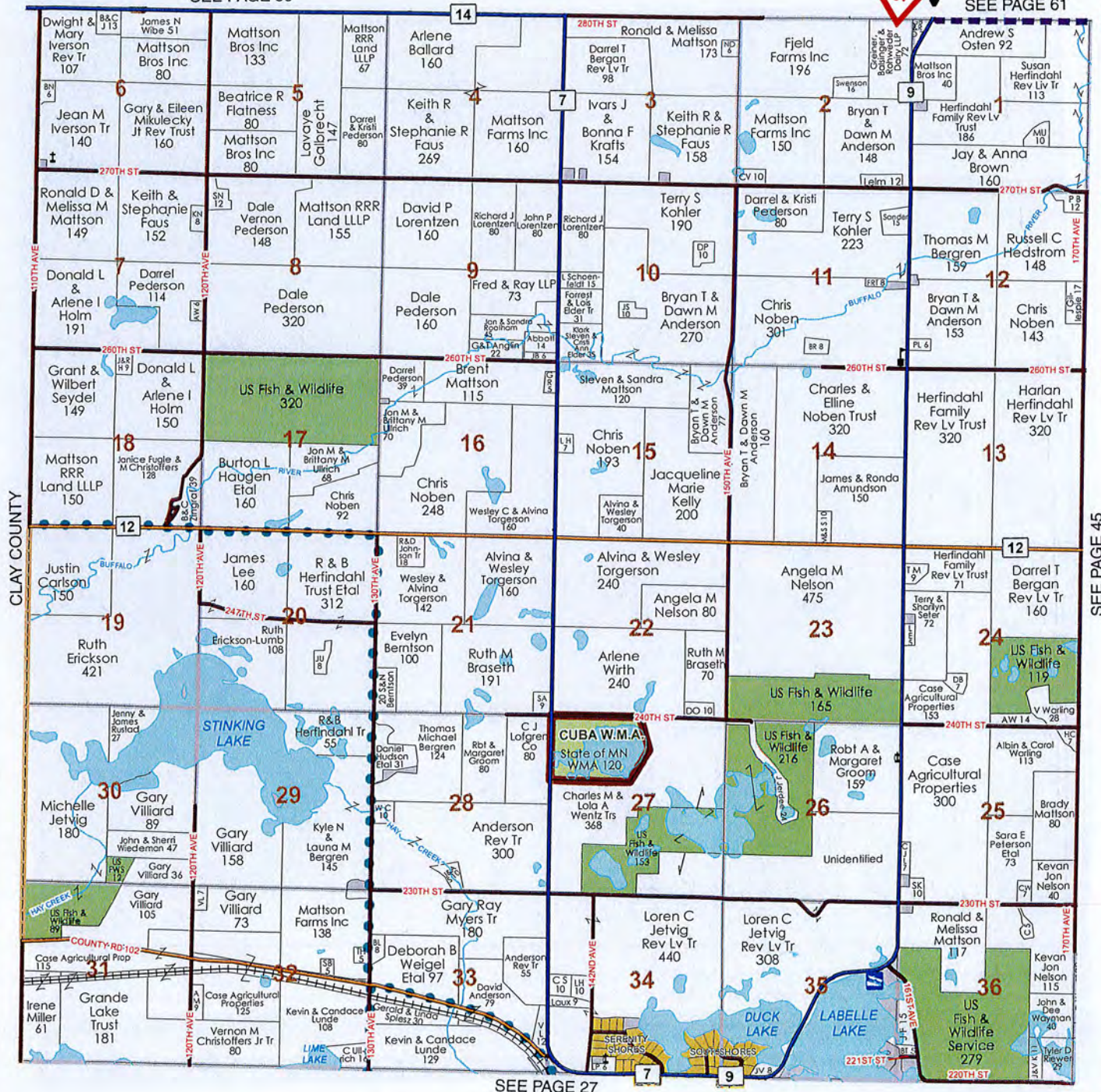
Township 140N Range 43W



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SEE PAGE 61



SEE PAGE 27



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

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**PLANNING COMMISSION  
NOTICE OF PUBLIC HEARING  
\*\*HEARING DATE AND LOCATION\*\***

June 9th, 2020 @ 7:00 P.M.

**\*\* 3<sup>RD</sup> FLOOR JURY ASSEMBLY ROOM – BECKER COUNTY COURTHOUSE OR JOIN VIA  
MICROSOFT TEAMS MEETING\*\***

APPLICANT: Harold Duane Hickel  
18347 335<sup>th</sup> Ave  
Detroit Lakes, MN 56501

Project Location: 18347 335<sup>th</sup> Ave  
Detroit Lakes, MN 56501

**APPLICATION AND DESCRIPTION OF PROJECT:**

Request a Conditional Use Permit for mining, rock crushing, and to operate an asphalt plant.

LEGAL LAND DESCRIPTION: Tax ID number: 10.0362.000

23-139-040 N1/2 of SW1/4; Part of NW1/4 of SE1/4 W of Otter Tail River; & SW1/4 of NW1/4 Less 10AC in NW Cor.; Section 23 Township 139 Range 040; Erie Township.

**REFER TO BECKER COUNTY ZONING ORDINANCE**

\*\* In response to the COVID-19 public health emergency declared by Governor Walz, the June Planning Commission Hearing will be conducted with the option of joining in-person or via Microsoft Teams Meeting as allowed under Minnesota Statutes, Section 13D.021. To join the Microsoft Teams Meeting by phone please dial +1 763-496-5929 and use conference ID: 564 635 109# or to access the meeting virtually please follow the link provided on the Becker County website under News & Announcements, "Planning Commission Public Hearing Link".

**Replies/Comments:**

Public testimony regarding this application will only be received by email, in writing, in-person or by participating in the remote public hearing. Interested parties are invited to submit to the Becker County Department of Planning, Zoning, and Land Use, written facts, arguments, or objectives before the scheduled date of the Hearing. These statements should bear upon the suitability of the location and the adequacy of the Project and should suggest any appropriate changes believed to be desirable.

Replies may be addressed to:

**PLANNING AND ZONING DEPARTMENT**  
915 Lake Avenue  
Detroit Lakes, MN. 56501

**EMAIL: [zoning@co.becker.mn.us](mailto:zoning@co.becker.mn.us)**

To view all application information on this project please visit:

[http://www.co.becker.mn.us/government/meetings/planning\\_zoning/planning\\_commission/](http://www.co.becker.mn.us/government/meetings/planning_zoning/planning_commission/)

If you have questions about the Project, feel free to call 218-846-7314.

**Jurisdiction:** This Project comes under the Regulatory Jurisdiction of the Becker County Zoning Laws.

**Regulatory Authority:** This Application will be reviewed according to the provisions of the Becker County Zoning Ordinance. The decision whether to issue a Permit will be based on an evaluation of the probable impact including cumulative impacts, of the proposed activity. That decision will reflect the concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, will be considered including the cumulative effects: Land Use, Shoreline Protection, Water Supply and Conservation, Safety, Economics, in General, the Needs and Welfare of the People.

# Conditional Use Application Review

Permit # CUP2020-17

## Property and Owner Review

Owner: <b>Harold Duane Hickel</b>	Parcel Number(s): <b>100362000</b>
Mailing Address: <b>18347 335th Ave Detroit Lakes, MN 56501</b>	Site Address: <b>18347 335th Ave</b>
	Township-S/T/R: <b>ERIE-23/139/040</b>
	Shoreland? <b>No</b> Name:
Legal Descr: <b>23-139-043 N1/2 OF SW1/4; PART OF NW1/4 OF SE1/4 W OF OTTERTAIL RIVER; &amp; SW1/4 OF NW1/4 LESS 10 AC IN NW COR</b>	

## Conditional Use Details Review

Description of Conditional Use Request: **To operate a temporary portable crushing plant and a portable temporary portable asphalt plant for the Detroit Lakes, Becker County Airport Project Phase 3 SP A0301-77**

1. Describe how the conditional use permit, if granted, will not harm the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.

**The conditional use is a temporary intermittent use. The area has been a source of aggregate material since the 1970's. The use is regulated by the MPCA and NPDES permits to protect the public and environment. The use has been proven to not diminished property values.**

2. Describe how establishing the conditional use will not impede the normal, orderly development and improvement of surrounding vacant property for uses predominant in the area.

**The use is consistent with the surrounding area .**

3. Describe how adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

**330th Ave has been proven to provide adequate access for this use. MPCA SWPPP plans have been in place at this site to manage drainage and storm water control.**

4. Describe how adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

**Areas exist on site to provide adequate parking and staging.**

5. Describe how adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance, and to control lighted signs and other lights so that no disturbance to neighboring properties will result.

**The use is regulated by State of MN MPCA Non-metallic air permits and State of MN Option D air permits for fumes, dust noise and vibration. under these permit regulations the use will not constitute a nuisance.**

Additional shoreland questions below (if applicable)

6a. Describe how adequate measures have been or will be taken to assure that soil erosion or other possible pollution of public waters will be prevented, both during and after construction.

6b. What measures have been taken to assure that the visibility of structures and other facilities as viewed from public waters will be limited.

6c. What measures have been taken to assure that the site is adequate for water supply and on-site sewage treatment.

6d. Describe how the types, uses and number of watercrafts that the project will generate can be safely accomodated.

## Business Plan Review

Name of Business: **Anderson Brothers Construction**

Business Owners: **Anderson Brothers Contruction of Brainerd LLC**

Business Type: **Other - Please describe below** If 'Other', explain: **Road Contruction and Asphalt paving Business**

Type of Merchandise: **Bituminous Asphalt pavement**

Type of Service: <b>Bituminous Asphalt paving and Aggregate production</b>
Hours and Days of Operation: <b>Proposed Hours of Operation 6am - 9pm Monday - Saturday</b>
Number of Employees: <b>Approx. 4 employees on site</b>
Off-Street Parking Plan: <b>N/A</b>
Size of structure to be used for Business: <b>No permanent structures - Equipment is temporary and portable</b> New or Existing: <b>New Structure</b>
Signage Plan: <b>Truck Hauling signs will be in place when hauling.</b>
Exterior Lighting Plan: <b>N/A</b>
Known Environmental Hazards: <b>Use is regulated under MPCA Permits</b>
Additional Business Plan Information:

**Field Review Form****Permit # LALT2020-67****Property and Owner**Parcel Number: **100362000**Site Address: **18347 335TH AVE**Owner: **HAROLD HICKEL**Township-S/T/R: **ERIE-23/139/040****Project Details**Project Start & End Date: **6/25/2020-9/1/2020**Distance from OHW: **N/A**Proj 1 Type: **Other (Please explain next)**Proj 1 Purpose: **Other (Please specify next)**Proj 1 Type Descr:  
**To operate a temporary portable crushing plant and a portable temporary portable asphalt plant**Proj 1 Purpose Descr: **To provide Bituminous Asphalt**

Inspector Notes (Project 1):

Proj 2 Type:

Proj 2 Purpose:

Proj 2 Type Descr:

Proj 2 Purpose Descr:

Inspector Notes (Project 2):

**Additional Details/Erosion Control**Area to be Cut/Excavated: **1.5 Acres @ 20'**Area to be Filled/Leveled: **N/A**Total Cubic Yards of Earthmoving: **48,000**Fill Type/Material: **N/A**Project Summary and/or Additional Projects & Information: **To operate a temporary portable crushing plant and a portable temporary portable asphalt plant for the Detroit Lakes, Becker County Airport Project Phase 3 SP A0301-77**Erosion Control Method (1): **Sod**

Erosion Control Method (2):

Additional Erosion Control Information: **To operate a temporary portable crushing plant and a portable temporary portable asphalt plant for the Detroit Lakes, Becker County Airport Project Phase 3 SP A0301-77**

Inspector Notes (Earthmoving and Erosion Control):



Anderson Brothers Construction Company of Brainerd, LLC  
11325 State Highway 210  
Brainerd, MN 56401  
218-829-1768 • Fax 218-829-7607

*Building Our Communities Since 1940*  
An Equal Opportunity Employer

Becker County planning & Zoning  
915 Lake Ave  
Detroit Lakes, MN 56501

RE: Hickel Site Mining Plan

**1. Applicant Information.**

Anderson Brothers Construction 11325 State Highway 210 of Brainerd, MN 56401 (operator) along with Harold Hickel (Owner) 18347 335<sup>th</sup> Ave Detroit Lakes MN 56501.

**2. Property Description.**

Parcel # 100362000 in section 23, NE ½ of SW ¼, and SW ¼, NW ¼ Erie Township, T.139.-R.40. W.

**3. Mining Plan.**

**a. Map.**

See attached map

**b. Operation Plan.**

- 1. Land use:** The current land use/classification is Comm/Ind, Rural vacant land. This site has been a gravel source since the early 70's providing material for local projects.
- 2. Material:** Approximately 48,400 yards of pit run material is planned to be excavated and then crushed into 4 separate piles of rock for the 10,700 tons of asphalt mix for the project.
- 3. Ground Water:** Ground water was detected 11feet below the planned excavation elevation.

- 4. Method of Extraction:** The preparation for mining will consist of removing the topsoil and overburden from the 1.5-acre excavation area and strategically placing the material in a berm surrounding the area. The berm will provide for erosion control and mitigate noise. The berm material will be used later for restoration of the excavation area. Mining and processing of aggregate includes the use of the following portable aggregate crushing equipment: screens, feeder, stack conveyors and portable temporary storage tank that contain diesel fuel for the loaders and generator. A loader will feed material to the crushing equipment and the processed material will be conveyed into stockpiles. The stockpiling of processed material will be strategically placed in the stockpile/processing area and later used in the asphalt plant.

The preparation for asphalt operations will consist of grading and leveling an area approximately 200ft x 200ft in size in the stockpile area. Operations for an asphalt plant include the use of a temporary portable equipment which enter and leaves the site on wheels. An asphalt plant can have a variety of parts and accessories, including aggregate bins, recycle bin, conveyors, HMA drum for heating/drying of aggregate and mixing aggregate with asphalt cement (AC), bag house used for dust collection purpose, silo for dumping asphalt into trucks and a control trailer. Portable temporary storage tanks are placed at the time of operations that contain fuels for loaders and generator, fuel for the HMA plant burner (used oil) and AC

- 5. Timetable:** The crushing plant would start operations in late June depending on project timelines and weather conditions. It will operate for approximately 2 weeks with proposed hours of operations from 6am – 9pm Monday thru Saturday. Asphalt plant would start operations in Mid-July and operate for 2 weeks with proposed hours of operation of 6am -9pm Monday thru Saturday.
- 6. Topsoil Management:** The preparation for mining will consist of removing the topsoil from the 1.5-acre excavation area and strategically placing the material in a berm surrounding the area. The berm will provide for erosion control and mitigate noise. The topsoil berm material will be used later for restoration.
- 7. Erosion Control Plan:** Anderson Brothers operates under current MPCA storm water permits. This NPDES permit (National Pollution Discharge Elimination System) covers the control of runoff to affected water bodies and is held by the proposer. A site specific SWPPP (Storm Water Pollution Prevention Plan) will be developed for the Mining and asphalt production activities and are in compliance with MPCA General Permit MNG490001.
- 8. Screening Plan:** The site is surrounded on the West, North and East sides by forested vegetation that will provide natural screening. The mining operation will be placed on the old existing pit floor – so elevation will further help with the screening. The stockpiles will be placed to help with screening to the south side of the site.

**9. Noise Control:** Anderson Brothers will meet all MPCA noise level requirements during the time we are operating. Noise tests performed in accordance with MPCA Rule Chapter 7030 at similar Anderson Brothers locations have shown complete compliance with noise standards.

**10. Dust Control:** Anderson Brothers will operate equipment in accordance with the MPCA air quality requirements. The access roads and operation area will be controlled by water trucks to keep dust at a minimum. Equipment used for the operations will be maintained and operated as to minimize dust.

**11. Pollution Control:** Anderson Brothers' equipment has been tested and passes air emission standards that pertain to its locations and its operations. Nonmetallic mineral mining is conducted in accordance with State General Air Permit 03500058-002. Anderson Brothers Asphalt plants operate under MPCA State Option D air permits NO. 00001955-001.

**12. Haul Routes:** Material will be hauled out the existing haul road 330<sup>th</sup> Ave onto TH 34 and then to its intended destination.

**c. Site Plan and Staging Plan**

See attached Site and staging map.

**d. Reclamation Plan.**

Interim- Aggregate mining at this site anticipates periods of inactivity during the mining operations. During these inactivity periods, interim reclamation measures will be initiated. The general approach is to stabilize and secure the site. Typical activities involve inhibiting erosion of exposed soils, re-grading of slopes to create stabilize soils. Procedures that control water runoff where appropriate, re-vegetation of areas if needed and the control of noxious weeds.

Final - The final restoration will be implemented once extractive activities have ceased on the property. Final restoration will start by pushing all non-useable materials including overburden, screenings, oversized rocks into the lowest spot of the excavation area. The banks will be sloped to ratio no greater than 3:1 and the peaks and depressions will be graded to a gently rolling topography. The final topography will be shaped in such a way as to reduce soil erosion. The stored topsoil will then be spread back over the entire area at a depth sufficient to support vegetation.

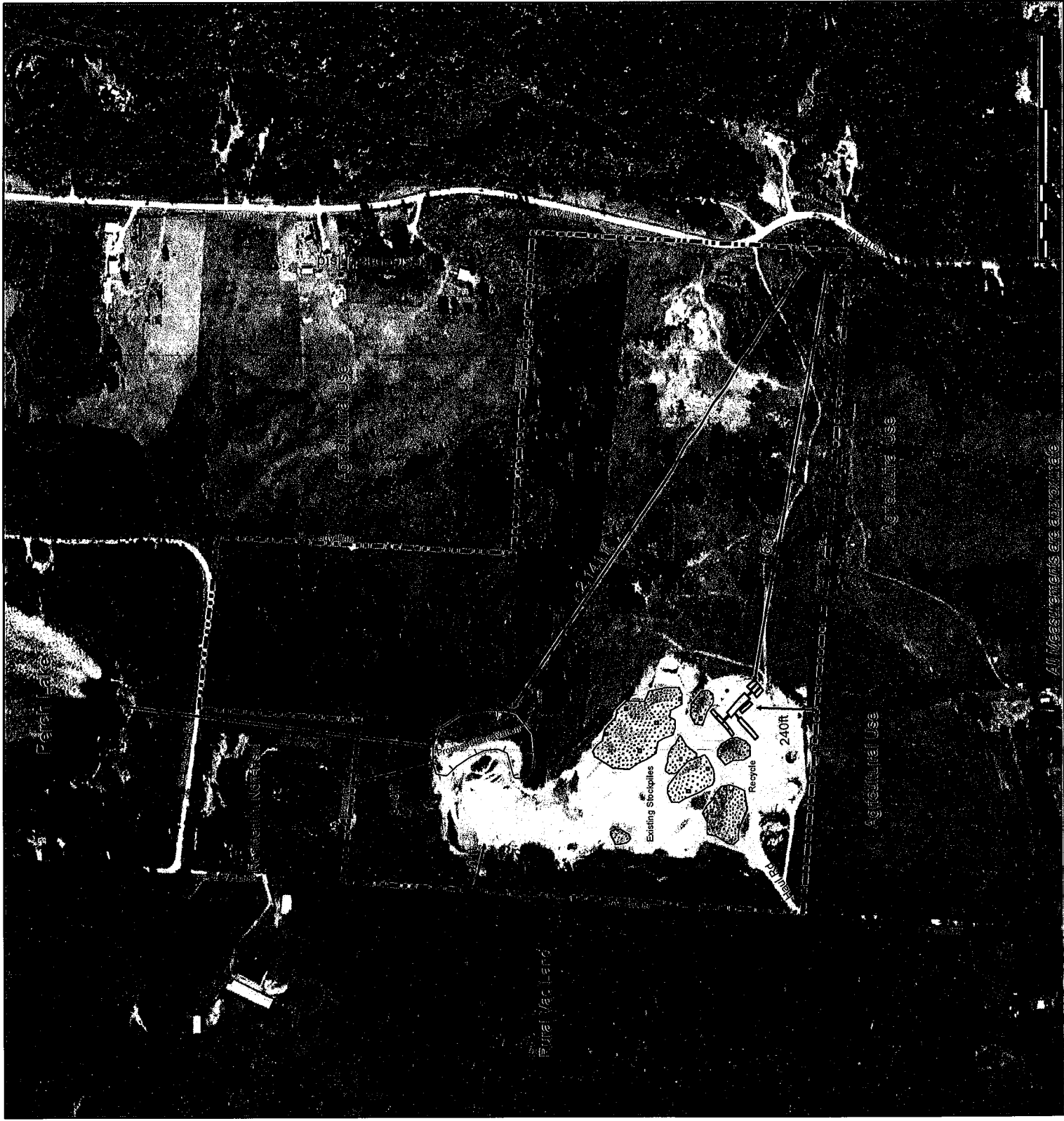
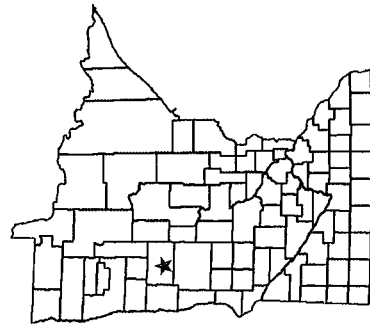
Please accept the following application, if you have any further questions or concerns, please contact me.

Sincerely,






Brad Busbey  
Environmental Resource Manager  
Anderson Brothers



**HICKEL SITE**  
Existing Conditions  
Aerial



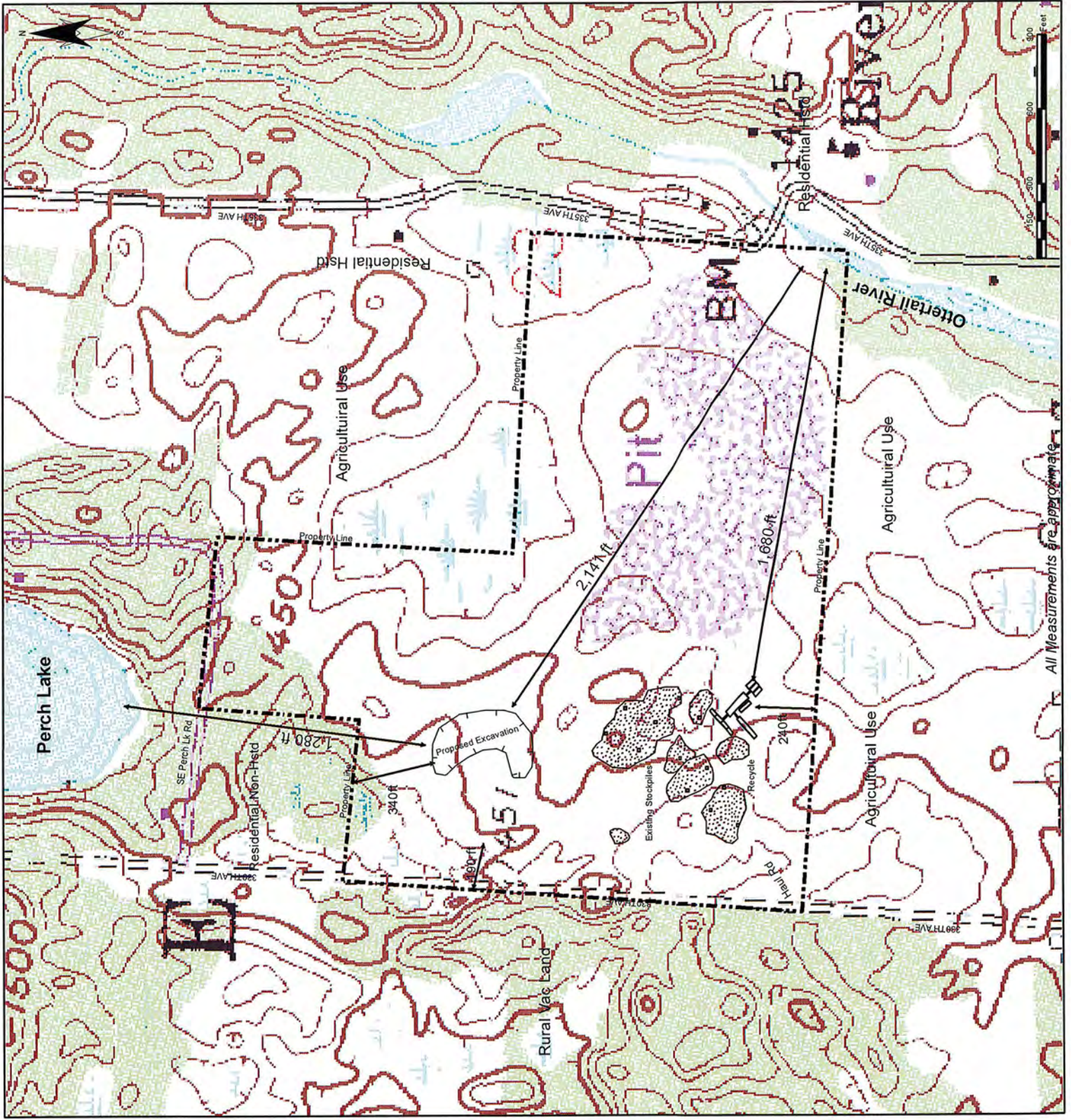
**Legend**

-  Excavation\_Area
-  Asphalt\_Plant
-  Existing\_Stockpiles
-  Setbacks
-  property\_line






All Measurements are approximate

# HICKEL SITE

Existing Conditions  
Topo



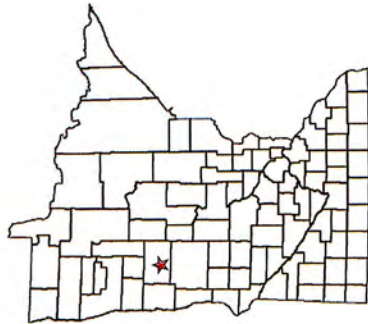
## Legend

-  Excavation\_Area
-  Asphalt\_Plant
-  Existing\_Stockpiles
-  Setbacks
-  property\_line







All Measurements are approximate

# HICKEL SITE

## Site Plan



### Legend

-  Excavation\_Area
-  Crushing\_Plant
-  Stockpiles
-  Asphalt\_Plant
-  Existing\_Stockpiles
-  property\_line



585069

BECKER COUNTY RECORDER  
STATE OF MINNESOTA  
**Document No. 585069**

December 30, 2010 at 12:06 PM  
I hereby certify that the within  
instrument was recorded in this office.  
Darlene Maneval, County Recorder  
By \_SKS\_ Deputy

No delinquent taxes and transfer entered  
this 30th day of Dec, 2010

Ryan Tungen  
Becker County Auditor/Treasurer

By [Signature] Deputy

10-0362-000 split ✓

CERTIFICATE OF REAL  
ESTATE VALUE FILED. #6983

SURVEYORS SKETCH ( ) NOT REQUIRED  
(✓) FILED SURVEY BOOK 22 PAGE 5

**CONTRACT FOR DEED**  
Individual(s) to Joint Tenants

Date: December 20, 2010

**THIS CONTRACT FOR DEED** is made on the above date by Harold Duane Hickel, a single person, Seller, (whether one or more) and Steve Seaberg and Wania Seaberg, Purchaser, (whether one or more) as joint tenants.

Seller and Purchaser agree to the following terms:

1. **PROPERTY DESCRIPTION.** Seller hereby sells, and Purchaser hereby buys, real property in Becker County, Minnesota, described as follows:

SEE ATTACHED LEGAL DESCRIPTION

together with all hereditaments and appurtenances belonging thereto (the Property).

2. **TITLE.** Seller warrants that title to the Property is, on the date of this contract, subject only to the following exceptions:
  - (a) Covenants, conditions, restrictions, declarations and easements of record, if any;
  - (b) Reservations of minerals or mineral rights by the State of Minnesota, if any;
  - (c) Building, zoning and subdivision laws and regulations;
  - (d) The lien of real estate taxes and installments of special assessments which are payable by Purchaser pursuant to paragraph 6 of this contract; and
  - (e) The following liens or encumbrances: NONE.

3. **DELIVERY OF DEED AND EVIDENCE OF TITLE.** Upon Purchaser's prompt and full performance of this contract, Seller shall:

- (a) Execute, acknowledge and deliver to Purchaser a Warranty Deed, in recordable form, conveying marketable title to the Property to Purchaser, subject only to the following exceptions:
  - (i) Those exceptions referred to in paragraph 2(a), (b), (c) and (d) of this contract;
  - (ii) Liens, encumbrances, adverse claims or other matters which Purchaser has created, suffered or permitted to accrue after the date of this contract; and
  - (iii) The following liens or encumbrances: NONE

chg  
paid  
well  
non/std

applied first to unpaid interest and then in reduction of principal, and unless sooner paid, the entire balance shall be due and payable December 19, 2011.

Notwithstanding the foregoing, the interest rate hereunder shall at no time exceed the maximum interest rate allowed by law in Minnesota for contracts for deed.

5. **PREPAYMENT.** Unless otherwise provided in this contract, Purchaser shall have the right to fully or partially prepay this contract at any time without penalty. Any partial prepayment shall be applied first to payment of amounts then due under this contract, including unpaid accrued interest, and the balance shall be applied to the principal installments to be paid in the inverse order of their maturity. Partial prepayment shall not postpone the due date of the installments to be paid pursuant to this contract or change the amount of such installments.
6. **REAL ESTATE TAXES AND ASSESSMENTS.** Purchaser shall pay, before penalty accrues, all real estate taxes and installments of special assessments assessed against the Property which are due and payable in the year 2010 and in all subsequent years. Real estate taxes and installments of special assessments which are due and payable in the year in which this contract is dated shall be paid as follows:

Buyer and Seller agree to prorate the 2010 real estate taxes as of date of closing

Seller warrants that the real estate taxes which are due and payable in the years preceding the year in which this contract is dated are paid in full.

7. **PROPERTY INSURANCE.**
  - (a) **INSURED RISKS AND AMOUNT.** Purchaser shall keep all buildings, improvements and fixtures now or later located on or a part of the Property insured against loss by fire, extended coverage perils, vandalism, malicious mischief and, if applicable, steam boiler explosion for at least the amount of 25,000.00. If any of the buildings, improvements or fixtures are located in a federally designated flood prone area, and if flood insurance is available for that area, Purchaser shall procure and maintain flood insurance in amounts reasonably satisfactory to Seller.
  - (b) **OTHER TERMS.** The insurance policy shall contain a loss payable clause in favor of Seller which provides that Seller's right to recover under the insurance shall not be impaired by any acts or omissions of Purchaser or Seller, and that Seller shall otherwise be afforded all rights and privileges customarily provided a mortgagee under the so-called standard mortgage clause.
  - (c) **NOTICE OF DAMAGE.** In the event of damage to the Property by fire or other casualty, Purchaser shall promptly give notice of such damage to Seller and the insurance company.
8. **DAMAGE TO THE PROPERTY.**
  - (a) **APPLICATION OF INSURANCE PROCEEDS.** If the Property is damaged by fire or other casualty, the insurance proceeds paid on account of such damage shall be applied to payment of the amounts payable by Purchaser under this contract, even if such amounts are not then due to be paid, unless Purchaser makes a permitted election described in the next paragraph. Such amounts shall be first applied to unpaid accrued interest and next to the installments to be paid as provided in this contract in the inverse order of their maturity. Such payment shall not postpone the due date of the installments to be paid pursuant to this contract or change the amount of such installments. The balance of insurance proceeds, if any, shall be the property of Purchaser.
  - (b) **PURCHASER'S ELECTION TO REBUILD.** If Purchaser is not in default under this

insurance proceeds into such escrow. If such insurance proceeds are insufficient for the repair work, Purchaser shall, before the commencement of the repair work, deposit into such escrow sufficient additional money to insure the full payment for the repair work. Even if the insurance proceeds are unavailable or are insufficient to pay the cost of repair work, Purchaser shall at all times be responsible to pay the full cost of the repair work. All escrowed funds shall be disbursed by the escrowee in accordance with generally accepted sound construction disbursement procedures. The costs incurred or to be incurred on account of such escrow shall be deposited by Purchaser into such escrow before the commencement of the repair work. Purchaser shall complete the repair work as soon as reasonably possible and in a good and workmanlike manner, and in any event the repair work shall be completed by Purchaser within one year after the damage occurs. If, following the completion of and payment for the repair work, there remain any undisbursed escrow funds, such funds shall be applied to payment of the amounts payable by Purchaser under this contract in accordance with paragraph 8 (a) above.

9. **INJURY OR DAMAGE OCCURRING ON THE PROPERTY.**

- (a) **LIABILITY.** Seller shall be free from liability and claims for damages by reason of injuries occurring on or after the date of this contract to any person or persons or property while on or about the Property. Purchaser shall defend and indemnify Seller from all liability, loss, costs and obligations, including reasonable attorneys' fees, on account of or arising out of any such injuries. However, Purchaser shall have no liability or obligation to Seller for such injuries which are caused by the negligence or intentional wrongful acts or omissions of Seller.
- (b) **LIABILITY INSURANCE.** Purchaser shall, at Purchaser's own expense, procure and maintain liability insurance against claims for bodily injury, death and property damage occurring on or about the Property in amounts reasonably satisfactory to Seller and naming Seller as an additional insured.

10. **INSURANCE, GENERALLY.** The insurance which Purchaser is required to procure and maintain pursuant to paragraphs 7 and 9 of this contract shall be issued by an insurance company or companies licensed to do business in the State of Minnesota and acceptable to Seller. The insurance shall be maintained by Purchaser at all times while any amount remains unpaid under this contract. The insurance policies shall provide for not less than ten days written notice to Seller before cancellation, non-renewal, termination or change in coverage, and Purchaser shall deliver to Seller a duplicate original or certificate of such insurance policy or policies.

11. **CONDEMNATION.** If all or any part of the Property is taken in condemnation proceedings instituted under power of eminent domain or is conveyed in lieu thereof under threat of condemnation, the money paid pursuant to such condemnation or conveyance in lieu thereof shall be applied to payment of the amounts payable by Purchaser at all times while any amount remains unpaid under this contract.

12. **WASTE, REPAIR AND LIENS.** Purchaser shall not remove or demolish any buildings, improvements or fixtures now or later located on or a part of the Property, nor shall Purchaser commit or allow waste of the Property. Purchaser shall maintain the Property in good condition and repair. Purchaser shall not create or permit to accrue liens or adverse claims against the Property which constitute a lien or claim against Seller's interest in the Property. Purchaser shall pay to Seller all amounts, costs and expenses, including reasonable attorneys' fees, incurred by Seller to remove any such liens or adverse claims.

13. **DEED AND MORTGAGE REGISTRY TAXES.** Seller shall, upon Purchaser's full performance of this contract, pay the deed tax due upon the recording or filing of the deed to be delivered by

amounts so paid by Seller and the cost of such performance shall be payable at once, with interest at the rate stated in paragraph 4 of this contract, as an additional amount due Seller under this contract.

If there now exists, or if Seller hereafter creates, suffers or permits to accrue, any mortgage, contract for deed, lien or encumbrance against the Property which is not herein expressly assumed by Purchaser, and provided Purchaser is not in default under this contract, Seller shall timely pay all amounts due thereon, and if Seller fails to do so, Purchaser may, at Purchaser's option, pay any such delinquent amounts and deduct the amounts paid from the installment(s) next coming due under this contract.

16. **DEFAULT.** The time of performance by purchaser of the terms of this contract is an essential part of this contract. Should Purchaser fail to timely perform any of the terms of this contract, Seller may, at Seller's option, elect to declare this contract canceled and terminated by notice to Purchaser in accordance with applicable law. All right, title and interest acquired under this contract by Purchaser shall then cease and terminate, and all improvements made upon the Property and all payments made by Purchaser pursuant to this contract shall belong to Seller as liquidated damages for breach of this contract. Neither the extension of the time for payment of any sum of money to be paid hereunder nor any waiver by Seller of Seller's rights to declare this contract forfeited by reason of any breach shall in any manner affect Seller's right to cancel this contract because of defaults subsequently occurring, and no extension of time shall be valid unless agreed to in writing. After service of notice of default and failure to cure such default within the period allowed by law, Purchaser shall, upon demand, surrender possession of the Property to Seller, but Purchaser shall be entitled to possession of the Property until the expiration of such period.
17. **BINDING EFFECT.** The terms of this contract shall run with the land and bind the parties hereto and their successors in interest.
18. **HEADINGS.** Headings of the paragraphs of this contract are for convenience only and do not define, limit or construe the contents of such paragraphs.
19. **ASSESSMENTS BY OWNER'S ASSOCIATION.** If the Property is subject to a recorded declaration providing for assessments to be levied against the Property by any owners' association, which assessments may become a lien against the Property if not paid, then:
  - (a) Purchaser shall promptly pay, when due, all assessments imposed by the owners' association or other governing body as required by the provisions of the declaration or other related documents;  
and
  - (b) So long as the owner's association maintains a master or blanket policy of insurance against fire, extended coverage perils and such other hazards and in such amounts as are required by this contract, then:
    - (i) Purchaser's obligation in this contract to maintain hazard insurance coverage on the Property is satisfied; and
    - (ii) The provisions in paragraph 8 of this contract regarding application of insurance proceeds shall be superseded by the provisions of the declaration or other related documents; and
    - (iii) In the event of a distribution of insurance proceeds in lieu of restoration or repair following an insured casualty loss to the Property, any such proceeds payable to Purchaser here hereby assigned and shall be paid to Seller for application to the sum secured by this contract, with the excess, if any, paid to Purchaser.

portion of the premises or their interest in this contract without the written permission of the Seller. If the Purchaser sells, assigns, conveys, mortgages or in any way encumbers all or any portion of the premises or their interest in this contract without written permission, then this contract for deed shall be in default, the total balance owing under this contract for deed shall be due and payable and the Seller shall have the right to terminate this contract according to statute. This provision does not apply to leases for less than three years or to transfers on death or divorce.

Purchaser shall not hire or perform any repairs, replacements or modifications having a cost in excess of \$10,000.00 without securing the prior written consent of Seller. If consent is given Purchaser shall deliver to Seller lien waivers signed by any person or firm that contributes to the improvement of the premises by performing labor or furnishing skill or materials. The Purchaser further agrees to post notice in a conspicuous place on the property that the Seller is not responsible for payment to the contractors and that the property and interest of the Seller shall not be subject to mechanic's liens.

Purchaser will not cause or permit any mechanic's liens to attach to the property. If any such liens shall attach, Purchaser shall have ninety (90) days to remove or satisfy said lien. If Purchaser fails to do so, Seller shall have the option of (a) taking such steps or paying such amounts as it deems reasonable to satisfy or discharge said lien, or (b) declaring this contract for deed to be in default, in which event Seller shall have the right to exercise any remedy it may have in the event of any other default hereunder. Purchaser agrees to defend, indemnify and hold Seller harmless from any loss, damage or expense incurred by Seller with respect to any party asserting a mechanic's lien claim, it being understood and agreed that this undertaking shall survive the final payment or a cancellation of this Contract for Deed.

The Purchaser must obtain the proper permits for all improvements made to the property. If such permits are not obtained, this shall be considered a default on this contract for deed.

If the Purchaser defaults on this contract for deed, all improvements made shall remain with the property.

The use of this property shall be restricted to residential uses and no commercial activity shall take place on the property. This provision shall survive the delivery of a warranty deed and shall be binding on the Purchaser and Purchaser's heirs and assigns.

Seller reserves the right to refinance at any time at Seller's sole expense which shall not by its terms exceed the contract balance at any time and Purchaser agrees to sign the necessary papers.

Seller and Buyer acknowledge that the Buyer will have Right of First Refusal for the remaining property adjoining this parcel.

Seller and Buyer have no recourse upon All American Title Company, Inc. for any and all exercise or non-exercise regarding the Buyer's Right of First Refusal option. Seller and Buyer were advised by All American Title Co. that both parties should contact an Attorney regarding the preparation of an actual Right of First Refusal document which would normally be signed, notarized and recorded.



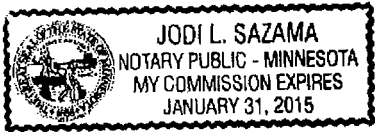
BUYERS:

S+S  
Steve Seaberg

[Signature]  
Wania Seaberg

STATE OF MINNESOTA )  
 )ss  
COUNTY OF Ottawa )

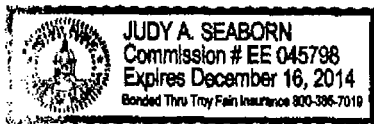
The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of December, 2010, by Harold Duane Hickel, a single person, Seller.



[Signature]  
NOTARY PUBLIC  
My Commission Expires: 1-31-15

STATE OF FLORIDA )  
 )ss  
COUNTY OF St. Louis )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of December, 2010, by Steve Seaberg and Wania Seaberg, husband and wife as Joint Tenants, Purchaser.



[Signature]  
NOTARY PUBLIC  
My Commission Expires: 12-16-14

This instrument was drafted by:

To All American Title Co.  
650 3<sup>rd</sup> Ave SE Ste 4  
Perham, MN 56573

Tax Statements for the real property described in this instrument should be sent to:  
Steve Seaberg  
12557 Carow Circle  
Frazee, MN 56544

**MINNESOTA LAW REQUIRES THAT THE PURCHASER(S) RECORD THIS CONTRACT FOR DEED WITH THE COUNTY RECORDER OR REGISTRAR OF TITLES WITHIN FOUR (4) MONTHS OF THE DATE OF EXECUTION. FAILURE TO SO RECORD THE CONTRACT FOR DEED WILL SUBJECT THE PURCHASER(S) TO A CIVIL PENALTY EQUAL TO TWO PERCENT (2%) OF THE**

That part of the Southwest Quarter of the Northwest Quarter in Section 23, Township 139 North, Range 40 West of the Fifth Principle Meridian in Becker County, Minnesota, described as follows:

Commencing at a found iron monument which designates the Northwest corner of said Section 23; thence South 01 degrees 55 minutes 15 seconds West on an assumed bearing along the West line of said Section for a distance of 1415.40 feet to the Southwesterly corner of a dedicated public road as per Golden Fawn Estates, said plat is of record and on file in said county, said point is the point of beginning; thence continuing South 01 degrees 55 minutes 15 seconds West along the West line of said Section for a distance of 682.00 feet; thence South 88 degrees 34 minutes 47 seconds East for a distance of 660.00 feet; thence North 01 degrees 55 minutes 15 seconds East for a distance of 639.08 feet to the Southerly line of a dedicated public road as per Golden Fawn Estates; thence North 84 degrees 51 minutes 03 seconds West along the Southerly line of a dedicated public road as per Golden Fawn Estates for a distance of 661.02 feet to the point of beginning.

Subject to a 33.00 foot wide easement for public road purposes over, under and across the Westerly 33.00 feet of the above described tract.



Anderson Brothers Construction Company  
P.O. Box 668  
Brainerd, MN 56401  
218-829-1768 • Fax 218-829-7607

*Building Our Communities Since 1940*  
An Equal Opportunity Employer

Becker County planning & Zoning  
915 Lake Ave  
Detroit Lakes, MN 56501

Hickel Site:

Anderson Brothers Construction Operator and Harold Hickel landowner are proposing to operate a temporary, portable asphalt plant and a Temporary Portable Crushing plant on property located on parcel # 100362000 in section 23, NE ½ of SW ¼, and SW ¼, NW ¼ Erie Township, T.139.-R.40. W. The material produced will be used for the Detroit Lakes Becker County Airport Phase 3 SP A0301-77.

The project will utilize existing stockpiled material left over from the 2019 project and excavate approximately 1.5 new acres. The amount of material for the project will be approximately 10,700 tons. The crushing will operate for approximately 3 weeks in mid-July and the Asphalt plant will operate for approximately 2 weeks in early August depending on weather conditions and project timelines.

The following operations will be conducted to provide materials for the construction project.

### **Mining/Pit Operations:**

Mining/extraction activities include extraction, crushing, screening, and storage of aggregate materials.

The preparation for mining will consist of removing the topsoil and overburden from the 1.5-acre excavation area and stockpile/processing area and strategically placing the material in a berm surrounding these areas. The berm will provide for erosion control and mitigate noise. The berm material will be used later for restoration of the excavation and stockpile/processing area.

Mining and processing of aggregate includes the use of the following portable aggregate crushing equipment: screens, feeder, stack conveyors and portable temporary storage tank that contain diesel fuel for the loaders and generator.

A loader will feed material to the crushing equipment and the processed material will be conveyed into stockpiles. The stockpiling of processed material will be strategically placed in the stockpile/processing area. The stockpiles will additionally provide screening barriers to the adjacent properties and the public road.

During mining/extraction and processing activities, processing equipment will be located consistent with setback standards and requirements, from property lines, right of ways, and residents.

Excavation activity will be done in a way to minimize erosion. The equipment used for mining will be maintained and operated as to eliminate any escape of fluids. The processing equipment will operate in accordance with Federal and State air, water, and noise quality standards.

### **Asphalt Plant Operations:**

The preparation for asphalt operations will consist of grading and leveling an area approximately 200ft x 200ft in size in the stockpile area. There will be no excavation of materials. Material used for the project will be from existing stockpiled material.

Operations for an asphalt plant include the use of a temporary portable equipment which enter and leaves the site on wheels. An asphalt plant can have a variety of parts and accessories, including: aggregate bins, recycle bin, conveyors, HMA drum for heating/drying of aggregate and mixing aggregate with asphalt cement(AC), bag house used for dust collection purpose, silo for dumping asphalt into trucks and a control trailer. Portable temporary storage tanks are placed at the time of operations that contain fuels for loaders and generator, fuel for the HMA plant burner (used oil) and AC.

The equipment used in asphalt production will be maintained and operated as to minimize any escape of fluids. The processing equipment will operate in accordance with Federal and State air, water, and noise quality standards. Above ground storage tanks (AST) will meet MPCA and Federal Spill Prevention Control and Countermeasure (SPCC) requirements. Anderson Brothers operates under Non-Metallic mineral mining Air permit and will operate in accordance with MPCA air quality permits.

### **Erosion Control:**

Anderson Brothers operates under current MPCA storm water permits. This NPDES permit (National Pollution Discharge Elimination System) covers the control of runoff to affected water bodies and is held by the proposer. A site specific SWPPP (Storm Water Pollution Prevention Plan) will be developed for the Mining and asphalt production activities and are in compliance with MPCA General Permit MNG490001.

### **Noise Control:**

Anderson Brothers will meet all MPCA noise level requirements during the time we are operating. Noise tests performed in accordance with MPCA Rule Chapter 7030 at similar Anderson Brothers locations have shown complete compliance with noise standards.

### **Dust Control:**

Anderson Brothers will operate equipment in accordance with the MPCA air quality requirements. The access roads and operation area will be controlled by water trucks to keep dust at a minimum. Equipment used for the operations will be maintained and operated as to minimize dust.

### **Pollution Control:**

Anderson Brothers' equipment has been tested and passes air emission standards that pertain to its locations and its operations. Nonmetallic mineral mining is conducted in accordance with State General Air Permit 03500058-002. Above ground storage tanks (AST) will meet MPCA or federal Spill Prevention Control and Countermeasure (SPCC) requirements.

### **Haul Routes:**

Material will be hauled out the existing haul road 330<sup>th</sup> Ave onto TH 34 and then to its intended destination Detroit Lakes Airport.

Thank you for your cooperation on our request, if you have any further questions or Concerns, please contact me.

Sincerely,

Brad Busbey  
Environmental Resource Manager  
Anderson Brothers



# COUNTY OF BECKER

## Planning and Zoning

915 Lake Ave, Detroit Lakes, MN 56501  
Phone: 218-846-7314 ~ Fax: 218-846-7266

### Authorized Agent Form

1. Form must be legible and completed in ink.
2. Check appropriate box(es). Write any specific restrictions on the checked item in the space provided (e.g. "garage site permit" or "valid only on permit applications submitted between 06/01/20XX and 08/01/20XX"). If you want your agent to represent you on a conditional use or variance application and also be authorized to obtain the related permit(s), be sure to check and complete the "permit application" item as well. If an item's box is checked and the accompanying space is left blank, the authorization granted on that item is valid for a period of one year from the date of signature on this form until Becker County Planning and Zoning receives signed, written notification from the property owner(s) stating otherwise or the property's ownership changes.

I (we), \_\_\_\_\_ hereby authorize Anderson Brothers Const. to act  
 (landowner-print name) (agent-print name)  
 as my (our) agent on the following item(s): appropriate box(es)

- permit application (write in permit "type" – e.g. site, septic, etc.): Land Alteration Permit
- plat application: \_\_\_\_\_
- conditional use application: \_\_\_\_\_
- variance application: \_\_\_\_\_
- other: Land Alteration Permit

on my (our) property located at:  
 Tax Parcel Number(s): 100362000 Physical Site Address: 330<sup>th</sup> Ave Detroit Lakes  
 Legal Description: NE 1/4, SW 1/4 and SW 1/4, NW 1/4 sections 23  
 Section: 23 Township: 139 Range: 40 Lot: - Block: - Plat Name: ERIC

#### Agent Contact Information

Agent address: 1325 Hwy 210 E Bainert MN 56401  
 Street City State Zip Code  
 Agent phone #(s): 218-829-1768 Agent fax #: 218-829-7407  
 Agent email address: bbusby@andersonbrothers.com

\_\_\_\_\_  
 Property Owner(s) Signature(s) Date  
 State of Minnesota  
 County of Becker

On this \_\_\_\_\_ day of \_\_\_\_\_ before me personally appeared \_\_\_\_\_ to me  
 known to be the person(s) described in and who executed the foregoing instrument; and acknowledged that  
 \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

(Notary Stamp)

\_\_\_\_\_  
Notary Public

Office Use Only:

Date received: \_\_\_\_\_ Expiration Date: \_\_\_\_\_



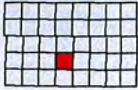




Erie

Township 139N - Range 40W

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SEE PAGE 49

