

BROWN COUNTY PLANNING & ZONING COMMISSION
February 11th, 2013

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on February 11th, 2013 at 9:00 AM in the Commissioners Room 204 of the Brown County Courthouse. Commission members present: Leo Wilfahrt, Brian Tohal, Loren Renberg and Andrew Lochner. Also present: Charles Enter, County Administrator; Laine Sletta, Zoning Administrator and Desiree Hohenstein, Assistant Zoning Administrator. Members of the public included Richard Maurer (Morgan) and Daniel Schneider (New Ulm).

The meeting was called to order by Chairman Wilfahrt at 9:00 a.m.

A motion was made by Lochner and seconded by Tohal to approve the minutes of the January 15th, 2013 meeting as submitted. The motion passed unanimously.

The **first item of business** was a preliminary plat application P-00153 for a multi (2) lot split by **Jeffrey & Julie Menage** known as **Menage Subdivision** on property described as Lot 4 Block 1 Pleasant View Subdivision, Sec 19, T109N, R34W, Burnstown Township, Brown County. The property being platted is existing homesite being split from one 10 acres lot into 2 lots to accommodate new home construction. NOTE: Variance approved January 16th, 2013 for buildable area with the condition that all covenants relevant to the property shall be followed.

Discussion: Sletta provided background on the application and noted that the variance was approved to accommodate for the buildable area requirement (200'x200' in the zoning ordinance). Hohenstein noted that Mr. Menage intends to combine both lots after the loan has been paid off, which was the reason he is going through the platting process. The lender has required that the new home is built on a lot separate from the one with the garage. Renberg asked about the 200'x200' buildable area requirement. Sletta stated that it was added in the ordinance sometime in the 1990's and was made with the intention that there would be room for a home, septic, well, and garage that met the setbacks of the ordinance.

Motion was made by Lochner and seconded by Renberg **to recommend approval** to the County Board.

The motion passed unanimously on a 4-0 vote.

The **second item of business** was a preliminary plat application P-00151 for a multi (2) lot split by **Heidi Halverson** known as **Himmel Subdivision** on property described as part of the W2, Sec 32, T111N, R31W, Milford Township, Brown County. The property being platted is an existing home site being split from one 10 acre lot into 2 lots to accommodate new home construction. NOTE: plat was tabled in Jan. meeting.

Discussion: Sletta provided background on the application and noted changes had been made to the north property line of Lot 1 to meet the required setbacks for the

existing structure(s). (Originally the line went through the garage and didn't meet setbacks for the shed.)

Motion was made by Tohal and seconded by Renberg **to recommend approval** to the County Board.

The motion passed unanimously on a 4-0 vote.

The **third item of business** was a preliminary plat application P-00152 for a single lot split by **Danny Vogel** known as **Vogel Fifth Subdivision** on property described as part of the SE4 of NE4, Sec 25, T109N, R35W, North Star Township, Brown County. The property being platted is currently farm field & wooded land to be split off creating a 3 acre building site to accommodate new home construction.

Discussion: Sletta provided background on the application and noted that the majority of the lot was un-tilled ground. Renberg asked what the requirements were for the 5 year wait requirement for construction on farm ground. Sletta stated that if the majority of the lot was non-tilled ground then a wait isn't required. It is when the majority of the land is farm field that is most not be planted for 5 years before construction can begin.

Motion was made by Tohal and seconded by Renberg **to recommend approval** to the County Board.

The motion passed unanimously on a 4-0 vote.

The **fourth item of business** was the conditional use permit application #C-00335 by **Izaak Walton League** on property described as part of the SW4, Sec 3, T109N, R31W, Sigel Township, Brown County for the purpose of renewing current CUP #C-00193 and to continue to allow use of existing rifle range, small arms & small bore shooting range and use of archery range located in the A-1 Agriculture Protection Zoning District.

Discussion: Sletta provided background on the application. Dan Schneider, property owner south of the shooting range, voiced his concerns with regard to pellets from the trap range coming onto his property near his deer stand (while someone was out hunting), the noise generated at the site and that there wasn't a time when the range couldn't be open. Mr. Schneider noted that no one has lived at the building site for the past three years, but he and his wife intended to move there this summer and would like to have the hours of operation reduced.

Motion was made by Tohal and seconded by Renberg **to recommend approval** to the County Board with the addition of two more conditions from what was recommended by staff.

The proposed **conditions** are as follows:

1. Liability insurance in the minimum amount of \$500,000 is carried by the applicant for the use of the property as a shooting range and is verified with a current Certificate of Insurance on file in the Brown County Zoning Office.

2. The entrance gate of the property is locked when the shooting range is not in operation.
3. Range hours of operations shall be limited to:
 - A. Without supervision (*)

April-October	8:00 AM to 8:00 PM or sunset (whichever is earlier)
November-March	9:00 AM to 5:00 PM
 - B. With supervision (*)

June-October	6:00 PM to 10:00 PM (extended to April-October if June-October limited period interferes with licensing requirements of law enforcement officers)
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Range operation hours with supervision may extend until 10:59 PM up to ten (10) days per year with three (3) of those days extended until 11:50 PM.

*Supervision is defined as:

- A. Izaak Walton League Board of Director approval.
- B. At least two (2) law enforcement personnel present at range.
4. Daytime public use of shooting range is allowed in Izaak Walton League sponsored and organized events.
5. Range operation events are limited to six (6) annually sponsored events that include non-members and one (1) annual Minnesota State University (Mankato) event. Club sponsored or law enforcement fire arms training are not included in these six (6) events.
6. Contact information updates are due by January 15th and are to be submitted to the Planning & Zoning Office annually. Information to include name of contact responsible for adherence to CUP conditions, their mailing address, phone number(s) and email address.
7. **No rounds or ammunition shall go beyond the property line(s).**
8. **Hours of operation are limited such that the range shall be closed on the 1st and 3rd Sunday of each month from May – Aug. and in the hours between 12:00 PM and 5:00 PM. These hours may be modified if the applicant and adjacent property owner to the south agree.**
9. CUP #C-00193 is Null & Void.

The motion passed unanimously on a 4-0 vote.

The **fifth item of business** was the conditional use permit application #C-00333 by **Duane Roiger** on property described as Outlot A of the NE4 of NE4, Sec 36, T109N, R35W, North Star Township, Brown County for the purpose of renewing CUP #5781 and to continue to allow up to 500 AU (500 head) in a beef finishing operation located in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background on the application and noted that the office hasn't received any comments or complaints regarding this facility.

Motion was made by Renbger and seconded by Tohal **to recommend approval** to the County Board with the following **conditions:**

1. The feedlot operator must comply with all required State standards and regulations including but not limited to those regulated by MPCA. Manure generated at the facility shall be applied to cropland at agronomic rates consistent with the manure management plan.
2. Manure application records, soil analysis and manure analysis shall be retained on file for a period of at least three (3) years and shall be available to the County Planning & Zoning Office upon request.
3. Manure management plan shall be updated annually, be retained on file for a period of at least three (3) years and shall be available to the County Planning and Zoning Office upon request.
4. Onsite feedlot inspections shall be done once every four (4) years to ensure compliance with all State & County standards & requirements.
5. If there is a change of ownership of this site, at any time, the new owner must contact the County Feedlot Officer and provide all necessary information to update the CUP file. CFO contact must be made within 30 days of official property transfer.
6. CUP #5781 is Null & Void.

The motion passed unanimously on a 4-0 vote.

The **sixth item of business** was the conditional use permit application #C-00334 by **Richard Maurer** on property described as N2 of NW4 of NW4, Sec 21, T111N, R33W, Eden Township, Brown County for the purpose of amending existing CUP #C-00191 to allow the expansion of an existing feedlot from 2400 head (720 AU) to 4800 head (1440 AU), the construction of a new 102'x192' confinement barn with a 102'x192'x8' deep manure storage area and the continued use of an existing 102'x192' confinement barn with a 102'x192'x8' deep manure storage area in a hog wean to finish operation located in the A-1 Agriculture Protection Zoning District.

Discussion: Sletta provided background on the application and stated that the farm site shown in the air photo to the north of this facility has been removed. He also noted that no comments or complaints have been received regarding this facility. Hohenstein noted that the MPCA has placed his feedlot permit application on public notice and the NPDES permit should be finalized in a few more weeks. Lochner asked about manure application, if the majority was in Brown or Redwood County. Mr. Maurer shared that it was equal parts for both counties and signed agreements are on file with the county to ensure the same spreading acres aren't being used for other barns owned by his family in Redwood County.

Motion was made by Renberg and seconded by Lochner **to recommend approval** to the County Board with the following **conditions**:

1. The feedlot owner/operator must obtain all required state permits, including but not limited to the State NPDES/SDS permit.
2. The feedlot operator must comply with all required State standards and regulations including but not limited to those regulated by MPCA. Manure generated at the facility shall be applied to cropland at agronomic rates consistent with the manure management plan.

3. A perimeter tile line access port must be constructed & maintained within 20 feet down-gradient of the barns in order to allow drawing a tile line water sample for water analysis as may be desired in the future.
4. Liquid manure applied to farm fields must be injected into the soil or may be spread on fields with incorporation, when feasible, within twelve (12) hours of spreading.
5. Field application of liquid manure shall not exceed two (2) times per year. The County Planning and Zoning Office shall be informed prior to any field application of liquid manure in an emergency.
6. Manure application records, soil analysis and manure analysis shall be retained on file for a period of at least three (3) years and shall be available to the County Planning & Zoning Office upon request.
7. Manure management plan shall be updated annually, be retained on file for a period of at least three (3) years and shall be available to the County Planning and Zoning Office upon request.
8. Onsite feedlot inspections shall be done once every four (4) years to ensure compliance with all State & County standards & requirements.
9. If there is a change of ownership of this site, at any time, the new owner must contact the County Feedlot Officer and provide all necessary information to update the CUP file. CFO contact must be made within 30 days of official property transfer.
10. CUP #C-00191 is Null & Void.

The **final item of business** was to set **Tuesday, March 12th, 2013 as the next meeting** of the Planning Commission.

There being no further business, a motion was made and seconded to adjourn the meeting.

Respectfully submitted

Desiree Hohenstein
Asst. Zoning Administrator