

**BROWN COUNTY PLANNING & ZONING COMMISSION**  
**February 17<sup>th</sup>, 2012**

The Brown County Planning & Zoning Commission held their regular meeting open to the public on February 17<sup>th</sup>, 2012 at 9:00 AM in the Commissioners Room 204 of the Brown County Courthouse. Commission members present: Anita Mohr, Leo Wilfahrt, Loren Renberg and Andrew Lochner. Also present: Laine Sletta, Zoning Administrator; Desiree Hohehstein, Assistant Zoning Administrator & Chuck Enter, County Administrator. Members of the public included Josh Jensen on behalf of St. John's Luthran Home and John & Lisa Reiner.

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

A motion was made by Lochner and seconded by Mohr to approve the minutes of the January 10<sup>th</sup>, 2012 meeting as submitted. The motion passed unanimously.

The **first item of business** was the scheduled hearing (9:00 a.m.) for a conditional use permit application by **Norbert Krzmarzick** on property described as SW4 of NE4, Sec 9, T109N, R32W, Stark Township, Brown County for the purpose of renewing CUP # C-00072 and to continue to allow use of the property as a gravel pit for gravel extraction and crushing and for the temporary use of a hot mix and processing plant in the A-1 Agricultural Protection Zoning District.

**Discussion:** Sletta provided background information regarding this application and noted that the mine has been dormant for the past 8 to 9 years without a change in ownership. He also stated that no comments or complaints had been received, that the applicant has been doing the restoration/reclamation of the mine throughout the operation so only a small workface remained.

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

1. Owner / operator is required to provide dust control on the township road when hauling is taking place from this mining operation.
2. CUP is effective for a period of three (3) years from the date of issuance. If there is a change of ownership, at any time, the new owner(s) will need to apply for a new CUP.
3. CUP C-00072 is null & void.

The motion passed unanimously on a 4-0 vote.

The **second item of business** was a **discussion regarding a proposed open burn ordinance** by staff. Sletta noted that the office has been working with DNR Forestry to allow a general/blanket permit for burning organic material (brush piles) and bare wood. It was noted that the only difference from the current procedure is that they will no longer be issued a paper permit, but residents will still be required to contact the County Sheriff's Office and the Fire Chief before burning.

The **third item of business** was the scheduled hearing (9:15 a.m.) for a conditional use permit application by **Verizon Wireless & St. John's Lutheran Home** on property described as part of the NW4, Sec 20, T109N, R34W, Burnstown Township, Brown County for the purpose of renewing CUP #8056 to continue to allow use of a 250' high guyed tower to be used as a communications facility & to maintain, construct, repair & operate said communication facility inclusive of uses incidental there to all in the A-1 Agricultural Protection Zoning District.

**Discussion:** Sletta provided background information regarding this application and noted that this is for the tower furthest to the east as shown in the attachments. He stated the office had not received any comments or complaints regarding this application. Questions were asked regarding the ownership of the tower, if the Lutheran Home owned or leased the land and if there was an issue with proposed condition #2. Mr. Jensen, representing St. John's, said that the tower has changed ownership in the past from Midwest Wireless to Verizon when they were bought out, that condition #2 is not an issue, and that St. John's doesn't own the land (owned by National ELCA Lutheran Church) but is authorized to lease the property.

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

1. Property owner & tower owner/operator must follow the rules & regulations of all regulatory agencies including but not limited to the Federal Communication Commission.
2. Property owner must provide current information on the owner of the communication tower. Updates are to be submitted annually and are due by January 15<sup>th</sup>. Information to include the name of contact responsible for complaints & renewals, their address, phone number & email address.
3. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change in ownership of the property OR tower, at any time, the new owners must apply for a new CUP.
4. CUP #8056 is null & void.

The motion passed unanimously on a 4-0 vote.

The **fourth item of business** was an **update from the Ordinance Subcommittee** by Sletta. He noted that the WECS portion of the ordinance will need more work and that staff will be obtaining a template from another county that is currently in draft form. This template is being developed by CERT, which is a group that deals with energy systems in the SW portion of our state. Enter shared that an RBA will be before the County Board on Tuesday, February 21<sup>st</sup> to consider membership to the SW Energy Board (JPO). Another item shared by Enter was that public drainage systems, township roads, etc should be addressed clearly in the WECS section of the Zoning Ordinance.

The **fifth item of business** was the scheduled hearing (9:30 a.m.) for a conditional use permit application by **Duane Roiger** on property described as E2 of NW4 & SW4 of NW4, Sec 31, T109N, R34W, Burnstown Township, Brown County for the purpose of renewing CUP #6931 and to continue to allow up to 300 AU (1000 head) hogs in a wean to finish operation in the A-1 Agricultural Protection Zoning District.

**Discussion:** Sletta provided background information on the application and noted that the office had not received any comments or complaints regarding this feedlot.

**Motion** was made by Lochner with the language modified in conditions #2 and 3 with a second by Renberg **to recommend approval** to the County Board with the following conditions:

1. The feedlot operator must comply with MPCA standards and regulations regarding feedlot facility construction and operation, including application of manure generated at the facility to cropland at rates which do not exceed the recommended crop nutrient requirements.
2. A perimeter tile line access port must be maintained within twenty (20) feet down-gradient of the barn in order to allow drawing a tile line water sample for water analysis as may be desired in the future.
3. Liquid manure applied to farm fields must be injected into soil, or may be spread on fields with incorporation into the soil, when feasible, within twelve (12) hours of spreading.
4. Field application of liquid manure from barns with twelve (12) months storage capacity shall not exceed two (2) times per year. The County Planning & Zoning Office shall be informed prior to any field application of liquid manure in an emergency which would require application in excess of two (2) times per year.
5. manure application records, soil 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.
6. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change of ownership, at any time, the new owner must apply for a new CUP.
7. CUP #6931 is null & void.

The motion passed unanimously on a 4-0 vote.

The **sixth item of business** was the scheduled hearing (9:45 a.m.) for a conditional use permit application by **John & Lisa Reiner** on property described as NW4 of NW4 of SW4, Sec 10, T108N, R34W, Bashaw Township, Brown County for the purpose of renewing existing CUP #8831 and to continue to allow the use of an existing earthen basin approximately 90'x180'x8' deep for the purpose of storing dairy manure and to allow up to 304.5 AU (210 head mature dairy cattle and 75 head dairy heifer) in a dairy operation all in the A-1 Agricultural Protection Zoning District.

**Discussion:** Sletta provided background information on the application and noted that the office had not received any comments or complaints regarding this feedlot. Renberg stated that he had received a call asking about a stockpile location on the Nelson Farm and asked if that was manure from Mr. Reiner's barn and if there were any setback requirements. Mr. Reiner stated that it was. Sletta informed the commission that the setback requirement is 300' from the road.

**Motion** was made by Lochner with the language modified in condition #3 with a second by Renberg **to recommend approval** to the County Board with the following conditions:

1. The feedlot operator must comply with MPCA standards and regulations regarding feedlot facility construction and operation, including application of manure generated at the facility to cropland at rates which do not exceed the recommended crop nutrient requirements.
2. Concerning the tile line surrounding the earthen animal waste holding basin, the feedlot operator must:
  - a. Perform tile water analysis twice per year (between May 1-15, and between October 1-15); provide copy of water analysis to Planning & Zoning Office for attachment to CUP record.
  - b. Operator must retain certified lab at their expense to obtain water sample and perform analysis as required.
  - c. Analyze tile water for: 1) Ammonia Nitrogen; 2) TKN Total Kjeldahl Nitrogen; 3) Nitrates; 4) Chlorides
  - d. Perform background tile water analysis prior to basin being used for waste storage.
  - e. Take tile water samples from tile line access port between basin and connection to other tile lines.
3. Liquid manure (from earthen basin) applied to farm fields must be injected into the soil or may be spread on fields with incorporation into the soil when feasible within twelve (12) hours of spreading.
4. Hauling of liquid manure from the earthen basin for field application shall not exceed two (2) times per year. The County Planning & Zoning Office shall be informed prior to any hauling of a liquid manure in an emergency situation which would require hauling in excess of two (2) times per year.
5. Manure application records, soil analysis, and manure analysis records shall be retained on file for a period of at least three (3) years & shall be made available to the County Planning & Zoning Office upon request.
6. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change in ownership, at any time, the new owner(s) must apply for a new CUP.
7. CUP #8831 is null & void.

The motion passed unanimously on a 4-0 vote.

The **final item of business** was to set **Tuesday, March 13<sup>th</sup>, 2012 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