

BROWN COUNTY PLANNING & ZONING COMMISSION
March 13th, 2012

The Brown County Planning & Zoning Commission held their regular meeting open to the public on March 13th, 2012 at 9:00 AM in the Commissioners Room 204 of the Brown County Courthouse. Commission members present: Anita Mohr, Leo Wilfahrt, Brian Tohal, Loren Renberg and Andrew Lochner. Also present: Laine Sletta, Zoning Administrator; Desiree Hohehstein, Assistant Zoning Administrator, Chuck Enter, County Administrator & Mike Boyle, Assistant County Attorney. Attachment A contains a list of members of the public who were in attendance.

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 February 17th, 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 **Winter Creek Farms** (Gene Brownfield representing) on property described as being in the SE4, Sec 20, T109N, R35W, North Star Township, Brown County for the purpose of renewing existing CUP #4505 and to allow the expansion of an existing feedlot from 666 AU (32,000 head over 5lbs and 18,000 head under 5lbs) to 1106 AU (47,000 head over 5lbs and 52,000 head under 5lbs) and the use of one existing 288'x64' brooder barn and two existing 544'x76' grower barns in a turkey brood grow operation located in the A-1 Agricultural Protection Zoning District. NOTE: The exterior footprint of the barns will not change.

Discussion: Sletta provided background information on the application and that no complaints had been received by the Planning & Zoning Office. He also stated that all manure is transferred at this facility. Mr. Brownfield clarified that the manure is sold to property owners located in Renville County.

Motion was made by Locher and seconded 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. Dead turkeys are to be composted. In the event of an emergency situation the County Feedlot Officer & MN Board of Animal Health must be contacted to discuss options for disposal of the deads.
3. Manure application records and any soil or manure analysis records 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.
4. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change in ownership of this site, at any time, the new owner must apply for a new CUP.
5. CUP #4505 is null & void.

The motion passed unanimously on a 5-0 vote.

The **second item of business** was the scheduled hearing (9:15 a.m.) for a conditional use permit application by **Winter Creek Farms** (Gene Brownfield representing) on property described as part of the NW4 of NW4, Sec 17, T109N, R35W, North Star Township, Brown County for the purpose of renewing existing CUP #4173 and to allow the expansion of an existing feedlot from 666 AU (32,000 head over 5lbs and 18,000 head under 5lbs) to 1106 AU (47,000 head over 5lbs and 52,000 head under 5lbs) and the use of one existing 288'x64' brooder barn and two existing 544'x76' grower barns in a turkey brood grow operation located in the A-1 Agricultural Protection Zoning District. NOTE: The exterior footprint of the barns will not change.

Discussion: Sletta provided background information on the application and noted that the office had not received any complaints. He also stated that all manure is transferred. It was noted by Mr. Brownfield that this site is a "mirror image" of the one in Section 20. Bruce Runck voiced a complaint regarding plastic bags that were blown into the windbreak of his farmsite and that bones from the compost unit (dug up by dogs or coyotes) are left in the field. Mr. Brownfield stated that they had tried to do what they could to prevent the dogs from getting at the deads in the compost unit, which included the installation of fencing but that the animals would dig under and deep into the pile to obtain them. He also said he would work with Mr. Runck to ensure the plastic bags are picked up quickly after use.

Motion was made by Mohr and seconded by Lochner **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. Dead turkeys are to be composted. In the event of an emergency situation the County Feedlot Officer & MN Board of Animal Health must be contacted to discuss options for disposal of the deads.
3. Manure application records and any soil or manure analysis records 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.
4. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change in ownership of this site, at any time, the new owner must apply for a new CUP.
5. CUP #4173 is null & void.

The motion passed unanimously on a 5-0 vote.

The **third item of business** was the scheduled hearing (9:30 a.m.) for a conditional use permit application by **American Tower, Jim Kelly representing** (Donald & Joan Richert owners) on property described as part of the SW4, Sec 31, T110N, R33W, Prairieville Township, Brown County for the purpose of renewing CUP #8219 to continue to allow use of a 300' guyed tower to be used as a communications facility & to maintain, construct, repair & operate said

communication facility inclusive of uses incidental thereto, 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 complaints. Hohenstein stated that the adjacent landowners in Redwood County had been contacted as well. Mr. Kelly shared that American Tower is in the process of obtaining a permanent easement to obtain access to the site with the property owner to the west (plan A) as well as the owner to the north (plan B). He said that normally takes about 2-4 weeks to obtain said easement. Lochner asked Mr. Kelly if American Tower was aware that if an easement for site access is not current, then the CUP is no longer valid. Mr. Kelly agreed and that the proposed conditions were all reasonable and the company would be able to easily comply with them. Representatives from the Prairieville Township board were present and stated that the board was in support of this application. Mr. Hirsch, Twp. Clerk, and Mr. Riebel, Twp. Chair, shared a copy of a resolution passed by the township board to approve a cartway for access to the tower from the north but noted that the applicant had withdrawn their request after it was granted. (Attachment B is a copy of said resolution by the township board.)

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

1. Property owner & tower owner/operator must secure a proper easement for access, repairs & general maintenance through the life of the tower. A copy of this recorded easement is to be submitted to the Brown County Planning and Zoning Office prior to the 2013 end date of the current easement. Any changes in the easement **MUST** be approved by the Planning and Zoning Office and a copy of the recorded document submitted for inclusion in the CUP file. There must be **NO LAPSES** in easement agreements.
2. Property owner & tower owner/operator must follow the rules & regulations of all regulator agencies including but not limited to the Federal Communication Commission.
3. Property owner must provide current information on the owner of the communication tower. Updates are to be submitted annually and are due by January 15th. Information to include the name of contact responsible for complaints & renewals, their address, phone number & email address.
4. 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** the tower, at any time, the new owners must apply for a new CUP.
5. CUP #8219 is null and void.

The motion passed unanimously on a 5-0 vote.

The **fourth item of business** was the scheduled hearing (9:53 a.m.) for a conditional use permit application by **American Tower, Jim Kelly representing** (Harlyn Hanson owner) on property described as part of the SW4 of NW4, Sec 21, T108N, R30W, Linden Township, Brown County for the purpose of renewing CUP #8208 to continue to allow use of a 320' guyed tower to be used as a communications facility and to maintain, construct, repair and operate said

communication facility inclusive of uses incidental thereto, in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background information on the application and that the office had not received any complaints for this site. It was noted by Sletta that the site has direct access off of 135th Ave.

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

1. Property owner & tower owner/operator must follow the rules & regulations of all regulator 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 15th. 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 the tower, at any time, the new owners must apply for a new CUP.
4. CUP #8208 is null and void.

The motion passed unanimously on a 5-0 vote.

The **fifth item of business** was the scheduled hearing (9:56 a.m.) for a conditional use permit application by **American Tower, Jim Kelly representing** (Russel & Lois Stueber owners) on property described as part of the NE4, Sec 20, T110N, R31W, Milford Township, Brown County for the purpose of of renewing CUP #8209 to continue to allow use of a 200' guyed tower to be used as a communications facility & to maintain, construct, repair & operate said communication facility inclusive of uses incidental thereto, in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background information on the application and that the office had not received any complaints for this site. It was noted by Sletta that the site has direct access off of 200th Ave. Leon Haubrich, Milford Twp. Chair, noted that there used to be problems with weed control at this site but isn't much of an issue anymore. Mr. Kelly said that the site is now under a regular maintenance schedule to prevent weeds from becoming an issue again.

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 regulator 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 15th. 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 the tower, at any time, the new owners must apply for a new CUP.
4. CUP #8208 is null and void.

The motion passed unanimously on a 5-0 vote.

The **sixth item of business** was the scheduled hearing (10:15 a.m.) for a conditional use permit application by **Essig Baseball Club, Terry Helget representing** (Milford Township owner) on property described as Lot 1 Block 1 Essig Community Ballpark Second Subdivision, Sec 19, T110N, R31W, Milford Township, Brown County for the purpose of installing lights for the baseball park, in the A-1 Agricultural Protection Zoning District.

Discussion: The meeting was moved to the secondary location (LEC basement) due to the number of people in attendance (this portion of the meeting was not recorded). Sletta provided background information on the application and asked that members in the audience speak loudly & clearly when addressing the commission. Mr. Helget, representing the Essig ballclub light committee, highlighted reasoning for the request before the commission stating that in the past approximately half of the playoff games had to be moved to other fields (loosing home field advantage), that the process of placing lights at the ballpark has been going on since June of 1999 with the most recent meeting being held in April of 2011 with the neighbors. It was noted that there would be up to 25 nights during the summer/year that the lights would be used for night games. Fred Junni, Milford Twp. Supervisor, noted that the township voted to approve and support this project during their March meeting.

Mr. D. Madsen (lives in #2 on the map included in the packet) stated he was opposed to the installation of lights at the ballpark. His concerns included: shutting his windows for 20 nights of the summer months, people cutting through his yard, kids chasing after foul balls in the dark (safety issue), and that his property value would decrease with the installation of the lights. Ms. Carda (lives in #4 on the map) was also opposed with similar concerns to Mr. Madsen as well as the noise that is generated during game day. Mr. Hauser (lives in #1 on the map) was also concerned about noise and the amount of time the lights would be on. He stated that many retired folks live adjacent to the ballpark and 10pm should be a "quiet time" for people to sleep.

Representatives of the baseball association informed the planning commission that night games wouldn't be scheduled to start after 8pm on game day(s) and that they have tried to address the parking issue(s)/congestion by installing temporary fencing and using signage. Mr. Juni, Milford Twp., noted that E. Ballpark Rd is closed by the township on game days to help alleviate this issue. Craig Gallop, Musco Lighting, noted that the lights that will be installed at the ballpark (provided the CUP is approved by the County Board) reduce glare and spill light by 90% when compared to conventional lighting techniques.

It was noted by staff that violations of the CUP or concerns regarding the operation of the lights at the ballpark should be brought to the attention of the Planning & Zoning Office and enforcement would take place. They also shared with members of the public

in attendance that if trespassing was an issue, it should be brought to the attention of the County Sheriff's Office for enforcement. Mr. S. Madsen requested that an additional condition be added to state that games shall not start after 8:30 pm.

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

1. CUP is effective for as long as property is used as a community ball field. If ownership changes, at any time, new owners must apply for a new CUP.
2. Lights must be shut off within 45 minutes of the end of the scheduled game. Post game partying shall not be allowed past this time.
3. All games must start no later than 8:30pm, unless weather conditions cause a scheduled game to be delayed or postponed.

The motion passed unanimously on a 5-0 vote.

The **final item of business** was to set **Monday, April 9th, 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