

**BROWN COUNTY PLANNING & ZONING COMMISSION**  
**May 8<sup>th</sup>, 2012**

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on May 8<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, Brian Tohal, Loren Renberg and Andrew Lochner. Also present: Laine Sletta, Zoning Administrator; Desiree Hohehstein, Assistant Zoning Administrator and Chuck Enter, County Administrator. Members of the public included Randy Lax.

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 April 9<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 C-00320 by **Lax Brothers Partnership, Randy & Diane Lax owners** on property described as part of the SW4 of SE4, Sec 15, T109N, R33W, Leavenworth Township, Brown County for the purpose of allowing the expansion of an existing feedlot from 257.6 AU to 588 AU (570 head beef steer and 90 head dairy calves) and construction of a 65'x192' monoslope barn in a beef steer operation located in the A-1 Agricultural Protection Zoning District.

**Discussion:** Sletta provided background on the application and noted that there were no comments or complaints received by the Planning and Zoning Office with regard to this application. Mohr asked if there would be manure stockpiles associated with this feedlot operation. Mr. Lax stated that he has approximately 6 months of storage (under roofs) and plans for application during the late winter/early spring and fall months, there will be no manure stockpiles for this site. Lochner asked if they would stop milking cattle. Mr. Lax noted that they plan to leave the dairy industry & cease milking within 12-14 months of the CUP being approved (it will be a phased approach).

**Motion** was made by Lochner 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. 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 must be updated annually, 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. Applicant is required to notify Planning & Zoning Office after the building is staked for a site review by county staff before commencement of construction.

5. The CUP is effective for a period of ten (10) years from the date of issuance. If there is a change of ownership of this site, at any time, the new owner must apply for a new conditional use permit.

The motion passed unanimously on a 5-0 vote.

The **second item of business** was a final plat application P-00138 for a single lot split by **Greg Kuehn (Raymond Kuehn current owner)** known as **Kuehn's Third Subdivision** on property described as part of the Gov't lot 3, Sec 3, T109N, R30W, Cottonwood Township, Brown County. The property being platted is currently pasture land that is being split off to create a buffer and additional land for the son's homesite on the south. No construction is planned at this time.

**Discussion:** Sletta provided background information on the plat application and noted that the mylars haven't been sent by Bolton & Menk but since they submitted the electronic version of the final it was decided to proceed with the item. The planning & zoning office will contact Wilfahrt and Mohr to sign the plat once the mylars are received by the office. No changes from the preliminary plat.

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

The motion passed unanimously on a 5-0 vote.

The **third item of business** was a final plat application P-00139 for a single lot split by **Mike Prah (Dennis & Karen and Joseph & Mavis Lamecker current owners)** known as **Prah's First Addition** on property described as part of the NE4 of SE4, Sec 21, T109N, R30W, Cottonwood Township, Brown County. The property being platted is currently farm field that is being split off for future construction. The Applicant is aware that once the parcel is taken out of farm production there is a five (5) year wait period before any construction can begin.

**Discussion:** Sletta provided background information on the plat application and noted that the mylars haven't been sent by Bolton & Menk but since they submitted the electronic version of the final it was decided to proceed with the item. The planning & zoning office will contact Wilfahrt and Mohr to sign the plat once the mylars are received by the office. No changes from the preliminary plat.

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

The motion passed unanimously on a 5-0 vote.

The **fourth item of business** was the scheduled hearing (9:15 a.m.) for a conditional use permit application C-00321 by **Dean Bernloehr** on property described as E2 of SW4 Sec 16, T108N, R32W, Albin Township, Brown County for the purpose of allowing continued use of an existing 999 AU (990 head) maximum capacity beef steer feedlot operation. Site contains one 58'x34' barn with an attached open lot approx 155'x180', one 56'x75' barn with attached open lot approx 195'x365', one open lot approx 185'x305', one open lot approx 245'x185' and an existing earthen basin that is 460'x245' used to collect open lot runoff, all in the A-1 Agricultural Protection Zoning District. Note: Feedlot is perviously non-permitted site being brought into compliance with MN Rule 7020.

**Discussion:** Sletta provided background information on the application and noted that this site was previously not permitted, but is now being brought into compliance due to a violation that has since been addressed. There were no comments or complaints received at the time of notification. It was noted that Mr. Bernloehr transfers the manure from this facility; therefore a manure application map was not created. Lochner requested that Mr. Larson (who receives the manure from the Bernloehr feedlot) be notified of the requirements for manure application & record keeping with the manure. Hohenstein stated that she will add him to the mailing list for the feedlot newsletter and make sure he is informed regarding what the state rule requires for record keeping.

**Motion** was made by Renberg and seconded by Mohr **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. 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 12 hours of spreading.
3. Field application of liquid manure 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.
4. 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.
5. Manure management plan must be updated annually, 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 in ownership of this site, at any time, the new owner must apply for a new CUP.

The motion passed unanimously on a 5-0 vote.

The **final item of business** was to set **Tuesday, June 12<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