

BROWN COUNTY PLANNING & ZONING COMMISSION
June 12th, 2012

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on June 12th, 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 Hohenstein, Assistant Zoning Administrator and Chuck Enter, County Administrator. Members of the public included Arland & Cheryl Roiger, Corey Huiras, John Nelson, and Candice & Jerry Crowder.

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 9th, 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-00323 by **Arland Roiger** on property described as part of the NE4, Sec 5, T108N, R35W and part of the SW4, Sec 33, T109N, R33W, Stately Township, Brown County for the purpose of amending existing CUP #C-00238 to expand in a separate area west of the previous expansion and to continue to allow use of existing gravel mine all for gravel extraction and processing to include crushing and/or screening in the A-1 Agricultural Zoning District.

Discussion: Sletta provided background on the application and noted that staff had received an email from the Canadian Pacific railroad company with regard to mining of the old railbed and an easement on the property that grants access to a bridge over the Cottonwood River. Mr. Roiger noted that he has been removing gravel from this bed since it was approved on his previous CUP and he wasn't aware of the easement with the railroad. It was noted that it would be advantageous to have the County Attorney give an opinion with regard to the issuance of a CUP and it's effect on the easement for this property (for example, the mineral rights aren't listed as Mr. Roiger stated and it just grants access). Other discussion included the need for haulers to adhere to the hours of operation as stipulated in the Zoning Ordinance (7am to 7pm). Staff said they would make sure that Mr. Roiger had a copy of the requirements for all mining operations listed in the Zoning Ordinance.

Motion was made by Lochner and seconded by Renberg **to recommend approval** to the County Board with the following **conditions provided review from the County Attorney is done prior to presentation to the County Board for a final decision:**

1. The owner/operator must comply with all state rules & regulations obtain & keep in good standing all required permits & shall submit copies of like to the Brown County Planning and Zoning Office.
2. The CUP is effective for a period of three (3) 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 CUP.
3. CUP #C-00238 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 C-00324 by **Corey Huiras** on property described as part of the NW4 of NW4, Sec 8, T109N, R33W, Leavenworth Township, Brown County for the purpose of renewing CUP #C-00009 and to continue to allow up to 600 AU (2000 head) in a hog finishing 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. It was also shared with the commission members that Mr. Huiras transfers all of his manure and is in compliance with his NPDES permit from MPCA for this site. It was noted that this item will be presented at the June 26th, 2012 County Board meeting as Mr. Huiras will be on vacation next week.

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

1. The feedlot owner/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 20 feet down-gradient of the barns in order to allow drawing a tile line water sample for analysis as may be desired in the future.
3. Liquid manure 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. 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 liquids manure in an emergency.
5. 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 and Zoning Office upon request.
6. 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.
7. The CUP is effective for a period of ten (10) years.
8. CUP #C-00009 is null & void.

The motion passed unanimously on a 5-0 vote.

The **third item of business** was the scheduled hearing (9:15 a.m.) for a conditional use permit application C-00325 by **Jerry & Candice Crowder** on property described as part of the S2 of NW4, Sec 35, T108N, R31W, Lake Hanska Township, Brown County for the purpose of amending existing CUP #C-00184 to change location of permitted/unconstructed barns from north of driveway to south of driveway & continue to allow up to 600 AU (2,000 head) in a hog

finishing operation through construction of 2 previously approved but not constructed barns each 51'x164' with 51'x164'x8' deep pits in the A-1 Agricultural Protection Zoning District.

Discussion: Sletta provided background information on the application and noted that an email was received by staff from Mr. Charles Wingert regarding his concerns of the setback from the south side of the property line and the amount of stormwater runoff from the proposed barns. Mr. Nelson was also present to address the same concerns. Mr. Crowder noted that he was in agreement with the requests from both neighbors regarding their 30' setback from the southern property line and control of stormwater runoff. It was decided to add their agreement as conditions to this permit request.

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

1. The feedlot owner/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. The concrete block waste holding pit must be constructed according to NRCS standards; and it also must be inspected by MPCA staff.
3. A perimeter tile line access port must be installed & maintained within 20 feet down-gradient of the proposed barns in order to allow drawing tile line water sample for water analysis.
4. Concerning the tile line surrounding manure pit, the feedlot operator must:
 - a. Perform tile water analysis twice per year (between May 1-15 and October 1-15); Provide copy of water analysis to Planning & Zoning Office for attachment to the conditional use permit record.
 - b. Operator must retain certified lab at his expense to obtain water sample and to perform analysis as required.
 - c. Analyze tile water for 1) Ammonia Nitrogen; 2) TKN Total Kjeldahl Nitrogen; 3) Nitrates; and 4) Chlorides.
 - d. Perform background tile water analysis prior to pit being used for waste storage.
 - e. Take tile water samples from tile line access port between basin and connection to other tile lines.
5. Liquid manure 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.
6. 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 liquids manure in an emergency.
7. The Lake Hanska Lutheran Church congregation shall place the owner of said property on the mailing list of the parish Newsletter Calendar listing the congregation schedule. If the owner does not receive this, it is the owner's responsibility to ask the congregation for a copy. The Pastor or any member of the Church staff of the congregation will inform the owner in the event of a funeral.

8. 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 and Zoning Office upon request.
9. 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.
10. Applicant is required to notify Planning and Zoning Office after building is staked and at least 48 hours prior to commencement of construction for a site review by county staff.
11. The Cup is effective for a period of ten (10) years from the date of issuance.
12. CUP #C-00184 is null & void.

- 13. Barns must be constructed at least thirty (30) feet from the south property line.**
- 14. A runoff collection/retention berm must be constructed to direct stormwater to a tile intake onsite for the purpose of redirecting as much stormwater runoff from the barn; and to prevent it from pooling or washing out the crop field to the south of the property.**

The motion passed unanimously on a 5-0 vote.

The **fourth item of business** was a preliminary plat application P-00141 for a single lot split by **D&M Properties of Southern Minnesota** known as **Helling's Second Addition** on property described as part of the NE4, Sec 31, T108N, R31W and part of NW4, Sec 32, T108N, R31W, Lake Hanska Township, Brown County. The property being platted is an existing building site being split off from the tillable land.

Discussion: Sletta provided background information on the plat application and noted that it is just one building site, although it appears like two lots since it is in two different sections of Lake Hanska Township.

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 **fifth item of business** was a preliminary plat application P-00142 for a single lot split by **Norman Krienke** known as **Krienke Second Subdivision** on property described as part of the S2, Sec 27, T110N, R32W, Home Township, Brown County. The property being platted is an existing building site being split off from the tillable land.

Discussion: Sletta provided background information on this plat application and noted that it isn't square because they are using County Ditch 4 as the northern boundary for the proposed lot.

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.

Under **other business** the Kenneth **Groebner gravel pit** was discussed:

It was noted by staff that several complaints had been received at the Planning & Zoning with regard to this site. They included issues such as dust control, drivers going too fast (only permitted 35 mph max on CUP) and drivers not using the specified route (going both directions on a road which is a safety concern). Sletta stated that staff has been out to the site numerous times; however, they have been unsuccessful in documenting the concerns brought up by the complainant(s). It was noted by Tohal that the next step should be to have the County Attorney's office develop a written notice/letter to Mr. Groebner stating he is in violation of the CUP and that they need to comply with all conditions of the permit issued by the County Board. Lochner suggested that the Board chair also sign the letter. Sletta said staff will work with the County Attorney on this issue.

The **final item of business** was to set **Tuesday, July 17th, 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