

**BROWN COUNTY PLANNING & ZONING COMMISSION**  
**August 14<sup>th</sup>, 2012**

The Brown County Planning & Zoning Commission held their regularly scheduled public meeting on Aug. 14<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: Desiree Hohenstein, Assistant Zoning Administrator and Chuck Enter, County Administrator. Members of the public included James Richert and Gary Veenstra and Jesse Zeig, Bolton & Menk.

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

A motion was made by Mohr and seconded by Renberg to approve the minutes of the July 17<sup>th</sup>, 2012 meeting as submitted. The motion passed unanimously.

The **first item of business** was the conditional use permit application C-00326 by **James Richert** on property described as part of the SW4 of SW4, Sec 24, T108N, R35W, Stately Township, Brown County for the purpose of renewing CUP #7731 and to continue to allow up to 600 AU (2,000 head) in a hog finishing operation and 10 AU (10 head) of beef steer finishing operation for a total of 610 AU onsite located in the A-1 Agricultural Protection Zoning District.

**Discussion:** Hohenstein provided background regarding the application and noted that there was a call from a neighbor that was concerned about manure being spread next to their farmsite, but that all manure in the manure management plan was being applied in Redwood County which addresses this issue. Lochner asked about the trees and how they were doing. Mr. Richert stated that they are doing fine and he added even more.

**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 all Minnesota state rules and regulations including Minnesota Pollution Control Agency 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 installed within twenty feet down-gradient of the proposed barns 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 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 liquid manure in an emergency.
5. Manure application records and any soil or manure analysis records shall be retained on file for a period of at least three years and shall be available to the County Planning & Zoning Office upon request.

6. 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 and Zoning Office upon request.
7. Manure from the site cannot be spread on acres in the following areas:
  - 160 acres of NW4, Section 18, Burnstown Township
  - 60 acres of NE4, Section 13, North Star Township
8. The feedlot operator must have 626 acres of croplable land available for manure management on record in the Planning and Zoning Office before the conditional use permit is considered by the Board of Commissioners.
9. On the east property line, the operator will plant one row of evergreens, one row of deciduous trees, and one row of optional trees.
10. 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.
11. CUP #7731 is null and void.

The motion passed unanimously on a 4.0 vote.

The **second item of business** was a preliminary plat application P-00143 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.

Note: Previous submittal was approved, as Krienke Second Subdivision, on 7/24/2012 but it has not been filed or recorded. Owner/applicant requests to have that plat rescinded and to approve this revised plat as Krienke Second Subdivision.

**Discussion:** Hohenstein provided background and noted that there was a change to exclude one of the outbuildings with the plat. Mr. Zeig noted that there was a change of sale for the turkey barns and the buyer wanted to have the other building that was previously included on the final plat.

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

The motion passed unanimously on a 4-0 vote.

The **third item of business** was a final plat application P-00144 for a single lot split by **Tom Anderson** known as **Anderson's Second Subdivision** on property described as part of the NW4, Sec 12, T109N, R34W, Burnstown Township, Brown County. The property being platted is an existing home site being split off from the farm site, to give sole title.

**Discussion:** Hohenstein provided background information on the plat application. It was noted nothing changed from the preliminary and the easement was in the process of being drafted by attorneys.

**Motion** was made by Lochner and seconded by Renberg **to recommend approval** to the County Board with the condition that an easement be added to the plat for access to the livestock facility and other outbuildings.

The motion passed unanimously on a 4-0 vote.

The **fourth item of business** was the conditional use permit application C-00329 by **Jonathan Seifert (Steven & Barbara Seifert current owners)** on property described as part of the NW4 of NE4, Sec 22, T109N, R32W, Stark Township, Brown County for the purpose of amending & expanding CUP #C-00299 to increase from 452 Au to 881 AU (501 mature dairy cattle, 200 dairy heifer, 200 dairy calves) by allowing construction of a new 106'x180' freestall barn and a new 420'x200'x8' deep earthen basin. The operation also includes the following existing barns: one (1) 38'x55' partial confinement barn with a 140'x80' open lot, one (1) 80'x365' freestall barn, one (1) 106'x216' freestall barn, one (1) 42'x90' partial confinement barn with a 200'x3000' open lot, one (1) 40'x145' total confinement barn and one (1) 250'x400' open lot all in the A-1 Agricultural Protection Zoning District.

**Discussion:** Hohenstein provided background regarding the application and noted that the office had not received any comments or complaints regarding the feedlot. It was noted that the earthen basin will be 2 stage, in order to collect the sand bedding prior to it entering the waste storage area. Due to the size of the facility, Hohenstein commented that if they were to expand again an NPDES permit would be required and shared the threshold requirements with the board.

**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 all Minnesota state rules and regulations including Minnesota Pollution Control Agency 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 twelve (12) hours of spreading.
3. 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.
4. 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.
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 and Zoning Office upon request.
6. Concerning the tile line surrounding the earthen animal waste holding basin, the feedlot operator must:

- A. Perform tile water analysis once per year (between May 1-15) and provide a copy of water analysis to Planning & Zoning Office for attachment to CUP 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
    - 4) Chlorides
  - D. Perform background tile water analysis prior to basin being used for waste storage.
  - E. Take tile water sample from the tile line access port between basin and connection to other tile lines.
7. Random onsite inspections will be performed by staff to ensure there is no increase in number of mature cattle or animal units, unless an NPDES permit is obtained.
8. 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 CUP.
9. CUP #C-00299 is null & void.

The motion passed unanimously on a 4-0 vote.

The **fifth item of business** was the conditional use permit application C-00328 by **Gary Nelson (Lois Nelson, current owner)** on property described as the W2 of the NE4 and NE4 of NW4, Sec 20, T110N, R33W, Prairieville Township, Brown County for the purpose of renewing CUP #5536 and to continue to allow use of a 130'x260'x8' deep earthen basin in a beef steer feedlot operation with up to 350 AU (350 head) located in the A-1 Agricultural Protection Zoning District.

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

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

- 1. The feedlot operator must comply with all Minnesota state rules and regulations including Minnesota Pollution Control Agency 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 twelve (12) hours of spreading.
- 3. 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.
- 4. 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.

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 and Zoning Office upon request.
6. Concerning the tile line surrounding the earthen animal waste holding basin, the feedlot operator must:
  - A. Perform tile water analysis once per year (between May 1-15) and provide a copy of water analysis to Planning & Zoning Office for attachment to CUP 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
    - 4) Chlorides
  - D. Perform background tile water analysis prior to basin being used for waste storage.
  - E. Take tile water sample from the tile line access port between basin and connection to other tile lines.
7. 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, other than the immediate family, at any time, the new owner must apply for a new CUP.
8. CUP #5536 is null & void.

The motion passed unanimously on a 4-0 vote.

The **final item of business** was to set **Tuesday, September 11<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